

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Original Application No. 64 of 2020 (SZ)  
(Through Video Conference)

IN THE MATTER OF

V. Rajesh  
Representative of Residents of Rama Reddy Palayam  
Minjur Selection Grade Town Panchayat.  
Thiruvallur District.

...Applicant (s)

Versus

Union Of India,  
Rep. by its Secretary,  
The Ministry of Environment, Forests and  
Climate change, New Delhi and Ors.

...Respondent (s)

**STATUS REPORT FILED BY THE 8<sup>TH</sup> RESPONDENT**

I, Dr.Alby John Varghese, S/o. John Varghese, aged about 33 years, working as District Collector, Thiruvallur do hereby solemnly affirm and sincerely state as follows:

1. I am the 8<sup>th</sup> Respondent herein and as such I am well acquainted with the facts and circumstances of the case from the records available with this office. I am filing this status report pursuant to this Hon'ble Tribunal direction dated 13.04.2022.
2. The Hon'ble National Green Tribunal in its orders dated 13.04.2022 has directed that,

*"The Executive Officer of the Minjur Selection Grade Town Panchayat, states that the orders for "Enter upon Permission" is lying with the District Collector, Thiruvallur District. After getting the orders, the Incinerator may be established by securing funds from M/s. Adani Corporation under their Corporate Social Responsibility Fund ( The funds sanctioned by them earlier could not be utilized), after getting the Environmental Clearance (EC) from the appropriate authorities, and the concerned authorities should clear the pending proposals and complete the formalities at the earliest.*

3. It is submitted that the Land Transfer Proposal for Formation of Resource Recovery Park in survey No 185,186 and 187 of Kalpakkam Village, Classified as Meikkal Poramboke has been sent to the Government for approval vide Rc.No.8371/2021/B3 Dated.27.06.2021. Subsequently, the Commissioner of Land Administration, Chepauk, Chennai-5, has requested an additional details for completing the land transfer proposal vide Rc.No.V1/1355718/2021, Dated:08.10.2021.
4. It is submitted that meanwhile the Hon'ble High Court of Madras in its order dated 02.02.2022 made in WP.No. 19286 of 2021 has given following direction regarding the Meikkal and Mandaiveli Poramboke lands:-
5. Admittedly, Meikkal poramboke and Mandaiveli lands are earmarked for the purpose of grazing cattles and therefore, whenever it is to be converted, equivalent land has to be allocated for the said purpose. The provision regarding conversion at times is being misused and therefore, the Apex Court in the case of Rameshbhai Virabhai Chaudhari.V. The State of Gujarat, [Civil Appeal No.5135 of 2021, dated 6.9.2021], which dealt with unauthorised encroachment on gauchar land, i.e., grazing land, held that the grazing land should be used only for the purpose for which it is permitted and no encroachment on such land is permissible. The relevant paragraphs of the said judgment are quoted hereunder:

*"It is trite to say that gouchar land can be used only for purposes for which it is permitted to be used. If there is a user contrary to the permissible user, whether by the State or by any third party, the same cannot go on. Rehabilitation of persons is really not required in the present case as only three persons are entitled to an alternative site as per rules. There is of course some dispute whether the encroachers have made permanent structures or kuchha construction for keeping cattle but be that as it may, the user cannot be contrary to what is being permitted for gouchar land, which is a grazing land."*

In view of the aforesaid, a direction is issued to bring the land in conformity with its use by the State Government taking appropriate action within a maximum period of three months from today”.

6. Taking into consideration the aforesaid direction read with the Rules permitting conversion of Meikaal Poramboke and Mandaiveli lands in the State of Tamil Nadu, we find it to be appropriate to direct the respondents not to convert those lands for regularization of encroachment. For other purposes also, conversion of land cannot be permitted unless equivalent area is identified and earmarked for such purpose. Any order to be passed for it shall be only after the prior approval of this Court. It would be by filing a separate application in the disposed of petition, justifying the conversion of lands and the purpose sought to be achieved, so that the judgment of the Apex Court referred to above is taken to its logical conclusion.”

5 it is submitted that the in order to complete the Land transfer proposal and issuance of Enter upon Permission, the necessary action is taking for getting prior approval from the Hon’ble Court, since the subject land is classified as Meikkal Poramboke Land.

Therefore, I pray that the Hon’ble National Green Tribunal, Southern Zone, Chennai may be pleased to accept my Status report and thus render justice.

  
District Collector,  
Thiruvallur

#### Verification

I, Dr.Alby John Varghese, S/o. John Varghese, District Collector, Thiruvallur District, the Eight respondent herein declare that what was stated in the above paragraph are true and correct to the best of my knowledge and belief.

Verified at Chennai on the 4th day of May, 2022

  
District Collector,  
Thiruvallur