

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI

ORIGINAL APPLICATION NO. 91 OF 2021 (SZ)

G.Devarajan,
S/o Govindappa Naidu,
15, Gandhi Nagar, 2nd Street,
Reliance Backside,
Arumbakkam.
Chennai- 600 106
E-mail: manuraj.office@gmail.com
Contact-No: 99621 98210

... Applicant

VERSUS

1. The State of Tamil Nadu,
Rep. by the Chief Secretary to Government,
Secretariat, Fort St.George,
Chennai – 600 009.
2. State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Public Works Department,
Secretariat, Fort St.George
Chennai – 600 009.
3. Tamil Nadu Housing Board
Rep. by the Principal Secretary to Government,
Housing and Urban Development Department
493, Anna Salai, Nandanam,
Chennai – 600 035
4. State Level Environment Impact Assessment Authority
Rep. by the Member Secretary,
SEIAA, 3rd Floor, PanagalMaaligai
No.1 Jessy Road, Saidapet, Chennai – 600 015

... Respondents

Additional Reply Statement filed by the Third Respondent

I, Shunchonngam Jatak Chiru, Son of Mr.R.Daneiwan aged 48 years having address at A-6/3, TAISHA, Nerkundram, Chennai do hereby solemnly affirm and sincerely state as follows:



1. I state that I am the Managing Director, Tamil Nadu Housing Board, representing the 3rd Respondent herein and as such I am well acquainted with the facts of the case from the available records and I am authorized to file this additional Reply Statement on behalf of the third Respondent.
2. I submit that Tamil Nadu Housing Board is a Statutory Board set up under the Tamil Nadu Housing Board Act, 1961 for the purpose of execution of housing and improvement schemes and is controlled by Board of Directors consisting of Senior Government officers. All its projects are for public purpose and are implemented following rules and procedure laid down. It is committed to taking up environmentally sustainable projects not only in adherence to environmental laws but also in proactively promoting eco-friendly technology in its projects.
3. I humbly submit that Tamil Nadu Housing Board provides affordable housing to various sections of the society in Tamil Nadu, particularly the Economically Weaker Sections which accounts for more than 50% of the dwelling units constructed by TNHB. Since its inception, Tamil Nadu Housing Board has developed 4,35,065 housing units (plots, flats and individual houses) including 1,31,557 units for Economically Weaker Sections (EWS) and 1,03,226 units for Low Income Group (LIG), 82,801 units for Middle Income Group (MIG) and 58,367 units for Higher Income Group (HIG) categories, and thereby making lakhs of people realized their dream of becoming house owners. Besides, TNHB has also constructed 20,060 dwelling units for slum rehabilitation. It also provides housing to Government employees, having constructed 32,044 rental quarters. On account of its various schemes, TNHB has played a major role in ushering an orderly growth of urban centers by creating satellite townships across the State. Many of the prominent localities of Chennai such as Anna Nagar, Besant Nagar, K.K.Nagar, etc., were developed by TNHB through its neighbourhood schemes. Likewise, in cities such as

Madurai, Trichy, Coimbatore and Hosur, TNHB has been responsible for developing the planned localities in these cities. Tamil Nadu Housing Board continues to evolve as a premier institution in providing environment friendly and sustainable housing solutions in the State. TNHB is currently implementing various projects which include residential, commercial and office spaces, community amenities, etc.

4. I humbly submit that Tamil Nadu Housing Board has been executing the schemes by acquiring huge extent of lands over 16500 acres following the procedures as laid down under The Land Acquisition Act, 1894. The subject land in TS No. 2 was originally comprised in Survey Nos. 249/1, 249/2, 249/3, 249/5, 250/1-8, 251 and 252/2A to an extent of 8.49 acres.
5. I humbly submit that in G.O.Ms. No. 728 (Housing) Industries, Labour and Cooperation Department dated 13-2-60 orders were issued for the formation of West Madras Neighborhood Schemes. The lands bearing S.Nos. 249/1,3,4,5, 250/1,2,3,4,5,6,7,8, 251 and 252/2A measuring Acre 7.29 Cents were acquired in Award No: 14/1966 dated: 28-03-1966 and the lands bearing S.Nos. 249/2 and 249/6 measuring Acre 2.12 Cents of Arumbakkam village, Madras central Taluk, Madras District were acquired in Award No.15/1966 dated 28/03/1966 under ordinary provision of the Land Acquisition Act. The Notification under Section 4(1) of the Land Acquisition Act was published at pages 179 and 180 of part II Section I of the Fort St. George Gazette, dated 10.08.60 as Notification II-I No. 538 of 1960. In that Notification, the Special Deputy Collector for Land Acquisition, West Madras Neighborhood, was appointed to perform the functions of a Collector under Section 5-A of the Act. The enquiry under the Section 5-A of the Act was held on 4-10-60. The Draft Declaration under Section 6 of the Act was published at page 1658 of Part II Section I of the Fort St. George Gazette, dated 1-11-1961. Award enquiry was conducted on 26-9-1962 by the Special Deputy Collector for Land Acquisition, West Madras

Neighborhood Schemes. Further, proceedings could not be taken in view of the general stay granted by the High Court, Madras while admitting Writ Petition filed by some of the land owners. On the judgment of the High Court, the Government ordered that in cases where there are Residential buildings, fresh 5-A enquiry should be conducted. At this stage, this scheme was transferred to the Special Deputy Collector for Land Acquisition, State Housing Board Schemes, Madras. The Notification under section 3(o) of the Act appointing the Special Deputy Collector for Land Acquisition, State Housing Board Schemes, Madras, to perform the functions of Collector was published at pages 363 - 364 of Part II Section I of the Fort St.George Gazette, dated 4-3-64 and the 5-A enquiry was held on 16-4-64. The Draft Declaration under section 6 of The Land Acquisition Act was published at page 409 of part II section I as Notification II-I No.988 of 1965 dated 10-3-65. The Award enquiry was held on 8-4-65.

6. I humbly submit that the survey No.249/4 for an extent of 0.20 Acres and survey No.249/6 for and extent of 0.72 Acres, totally 0.92 acres of land was excluded and the possession of 8.49 Acres is vested with Tamil Nadu Housing Board from the year 1966.
7. I humbly submit that from 1966 to till date, the above said lands have been in the custody of TNHB. And TNHB is the ultimate owner of the 8.49 acres extent of the land.
8. I humbly submit that the encroachments made by the anti-social elements to an extent of 7.14 acres were removed during the year 2010. Subsequently the encroachments made in an extent of 1.23 Acres by the anti-social elements were removed during December 2020 by making alternate arrangements by paying rehabilitation charges of Rs.45,90,000 to Tamil Nadu Slum Clearance Board and resettlement of the slum people at Athipattu Tamil Nadu Slum Clearance Board tenements.



Managing Director
TNHB, CHENNAI

9. I humbly submit that the TNHB has been implementing the project for the Construction of 304 HIG Multistoried Residential flats (2B+G+19 Floors) and Proposed construction of multistoried commercial cum office complex (2B+G+19 Floors) at survey No 2, Block No 4 of Arumbakkam village, Egmore, Nungambakkam Taluk, Chennai District based on the guidelines and norms issued by the Government from the enactment of TNHB Act 1961 and latest Government orders issued then and there.
10. I humbly submit that the land in T.S. No. 2, Block No. 4, Arumbakkam Village belongs to TNHB. The Original Application and Appeal arises out of the NOC issued by the PWD-WRO vide Letter No. DB/T5(3)/F-NOC-Arumbakkam/2020 dated: 3.10.2020. It is humbly stated that the PWD issued NOC from inundation point of view for obtaining planning permission.
11. I humbly submit that by the order dated 20.09.2021, vide paragraph 15, the PWD was directed to file an independent report as to whether the boundary was fixed by the Survey Department and if they got any objection to the fixation of boundary, what is the nature of action taken in this regard especially when the joint committee report shows that there was serious encroachment.
12. I humbly submit that an Inter Departmental Coordination meeting under the chairmanship of Chief Secretary to Government was held on 30.10.21 to sort out the boundary issue and it was decided that the Revenue Department may sort out this issue by conducting a joint inspection with officials of Commissioner of Land Administration, Water Resource Department/Public works Department, TNHB ^{and} file a joint report to Government.
13. I humbly submit that the revenue authorities surveyed the impugned site on 16.11.21 and demarcation of the limits of the PWD and TNHB site has been completed in the stretch. The plan prepared after measuring the area by the revenue



authorities are filed in the Annexure-II in Common 2nd Additional typed set. It is ensured from the plan that TNHB has not encroached any part and piece of land of the River and all constructions of the TNHB were confined to the TNHB limits and none of the S.Nos. are forming part of the river as alleged.

14. I humbly submit that due to formation of the earthen bund in the TNHB land by the TNHB, the water flow during the monsoon period were recorded and found that the maximum flood level was approximately 8 m above MSL (depth of flow-3.5 m) and 0.9 m below the bund top on 29.11.2021 which shows that the TNHB land does not act a flood plains during the North East Monsoon period even during heavy rainfall from 7.11.21 to 4.12.21. I submit that in the other side of the Coovum river (at Naduvankarai side), the maximum flood level was approximately 9.6 m above MSL which is 1.9 m below the bund top level on 29.11.21.
15. I humbly submit that an Inter Departmental Coordination meeting under the chairmanship of Chief Secretary to Government was again held on 03.12.21 to discuss the inspection report and it was decided that the team should again inspect the site on 04.12.21 at 12:00 noon to fix the stones on the boundary and document it visually and thereafter, a common counter affidavit may be filed immediately incorporating all the facts.
16. I humbly submit that the team again inspected the site on 04.12.21 and 05.12.21 and fixed poles on the boundary points in the part of TNHB land where Coovum river is flowing and stones in other points on the TNHB land boundary. I submit that TNHB as a responsible organization abides by the Environment Protection Act, 1986 and takes up environmentally sustainable project not only in adherence to environmental laws but also in proactively promoting eco-friendly technology in its projects.As such, TNHB has set apart 4150 sq m as waterway where the portion of Coovum

river flows in the total extent of 33000 sq mts. I submit that revised boundary has been fixed by the team leaving the portion of the Coovum River flowing in the TNHB land.

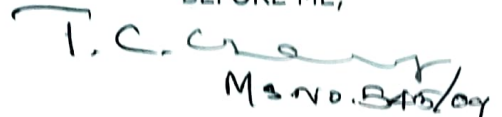
17. I humbly submit that there is a clear distance between 21.2 m to 36m from the construction work and the revised boundary fixed on 04.12.21.

For the reasons stated above, it is therefore humbly prayed that this Hon'ble Tribunal may pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Solemnly affirmed at Chennai
on this 8th day of December 2021
and the deponent put his signature
in my presence:-


Managing Director
TNHB, CHENNAI 107.

BEFORE ME,


M s No. 545/09
Advocate Chennai
9840611143



arun kumar 8:48 am

to manuraj.office, ssjtnpcb, Shan... ^



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Date 9 Dec 2021, 8:48 am

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Reg:- serving of addl reply and reply statement in O.A. No.91 of 2021 and App No. 10 of 2021, NGT (SZ)

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