

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI

APPEAL NO 10 of 2021 (SZ) &
ORIGINAL APPLICATION NO. 91 OF 2021 (SZ).

G.DEVARAJAN, S/o Govindappa Naidu,
15, Gandhi Nagar, 2nd Street,
Reliance Backside,
Arumbakkam Chennai- 600 106

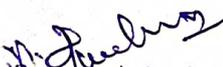
VERSUS

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, 3d Floor, Panagal Maaligai
No.1 Jessy Road, Saidapet,
Chennai 600 015

Respondents

INDEPENDENT REPORT FILED BY THE DISTRICT COLLECTOR,
CHENNAI

I, Vijaya Rani, I.A.S., wife of Thiru Roshan, Hindu, aged about 47
years, discharging the duties as the District Collector, Chennai District,
having office at Chennai Collectorate, Singaravelar Maligai, Rajaji Salai,


Additional Personal Assistant
to the Collector of Chennai,
Chennai - 1.


10/21
COLLECTOR OF CHENNAI
CHENNAI-600 001.

Chennai -600 001, do hereby solemnly affirm and sincerely states as follows:

1) I respectfully submit that I file this Independent status report as follows: I humbly submit that the applicant has filed this application under Section 14(1) read with Section 18(1) of the National Green Tribunal, Act, 2010, for the following relief:

"A. Declare the actions of the State of Tamil Nadu in implementing the proposed project, in contravention of the applicable laws and being devoid of merits, as illegal and violative of the Environment (Protection) Act, 1986.

B. Direct Respondent Nos 1 & 3 to not undertake any construction activities until this Application is disposed

C. Direct the Respondents herein to restore the area where there has been any illegal construction work.

D. Direct the Respondents to assess the damage caused due to the illegal construction and use the same to restore the area;

E. Impose exemplary costs as environmental compensation charge for the damages done to the land in question;

F. Direct Respondents No.1 to initiate prosecution under the Environment Protection Act, 1986 against Respondent Nos. 2 &3 and the respective officials, for permitting and commencing the project activities in violation of the law; and

G. Pass such further order or orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case"

M. Jeyaraj
Additional Personal Assistant
to the Collector of Chennai,
Chennai - 1.

[Signature]
COLLECTOR OF CHENNAI
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2) I respectfully submit that, a scheme of construction of a multi-storied building with 304 HIG Residential flats and commercial complex at Arumbakkam is being implemented by the 3rd Respondent Tamil Nadu Housing Board and that a boundary issue has arisen between the 2nd Respondent, Public Works Department and the 3rd Respondent Tamil Nadu Housing Board in the project land. In this regard, An inter-departmental co-ordination meeting to discuss the construction of the said building under the Chairmanship of Chief Secretary to Government was held at 11.00 a.m. on 30.10.2021.

3) I respectfully submit that in the said meeting the following decisions were made:

a) *Whenever there are inter-departmental disputes, it has to be resolved by way of inter-departmental talks/meetings and sorted out within the Government;*

b) *The Revenue Department may sort out this issue by conducting joint inspection with officials of Commissioner of Land Administration, Water Resources Department/Public Works Department, Tamil Nadu Housing Board and file a joint report to the Government;*

c) *Thereafter a common counter affidavit may be filed before the National Green Tribunal by the Government:*

4) I respectfully submit that in this connection, a Joint Inspection of the subject field was held at 12.00 p.m on 04.12.2021 by the

1. District Revenue Officer, Chennai District, Chennai,
2. District Revenue Officer (Land Acquisition), TNHB , Chennai-600035,

M. Paulraj
Additional Personal Assistant
to the Collector of Chennai,
Chennai - 1.

[Signature]
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3. Assistant Engineer, PWD on behalf of the Superintending Engineer, Water Resources Department, Public Works Department, Chennai,
4. Personal Assistant (Survey) to the District Collector, Chennai,
5. Revenue Divisional Officer, Revenue Division Central, Chennai-600101,
6. Tahsildar, Aminjikarai, Chennai-30,
7. Inspector of Survey, Chennai,
8. Deputy Inspector of Survey, Aminjikarai,
9. Field Surveyor, Aminjikarai Taluk,

5) I respectfully submit that the subject dispute land involved in this case is measuring 3.3000 Hectares, comprised in T.S.No.2 Block No. 4 of Arumbakkam Town. The said dispute land stands registered in the Computerized Town Survey Land Register Records as follows:

Town	Arumbakkam
Block No.	4
T.S.No.	2
Old S.No.	249/1, 2, 3, 5, 250/1, 2, 3, 4, 5, 6, 251, 253/2A
Classification	Ryotwari Manai
Extent	Hec.Ares.Sq.metres 03 30 00.0
Adangal	State Housing Board
How the holding is utilised ?	Vacant
Remarks	-

6) I respectfully submit that the said dispute land is in an irregular shape abutting Poonamallee High Road on its southern side, Sketch Enclosed, herewith The said land is situated on the Northern side of Poonamallee High Road and southern side of Block No.6 of Naduvakkarai village meant for Cooum River. The Tamil Nadu Housing Board has

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proposed to construct a multi-storied building on this portion of land in T.S.No.2, Block No.4 of Arumbakkam Town.

The four side boundaries of the said land are as follows: (Sketch Enclosed)

North by	Block No.6 of Naduvakkarai Village meant for Cooum River
South by	Poonamallee High Road
East by	T.S.Nos. 1./1, .1/2 and 1/3 of Block No.5 of Arumbakkam Town
West by	T.S.No.1 of Block No.4 of Arumbakkam Town

7) However, in the order dated 03.01.2022, the National Green Tribunal (South Zone) has passed an order directing the respondents as follows:

"8. It is not clear from the report submitted that whether the boundary of the river has been traced on the basis of the original records pre-independent era. The direction given by us was to ascertain the boundary on that basis and also to ascertain as to whether any river poromboke as per the original revenue records have been converted into a patta land on or later occasion. But, that direction has not been complied with.

*9. The plan produced along with the status report does not show the buffer zone fixed by the department where construction should not be made as per the directions given by the Hon'ble Supreme Court in **Mantri Techzone Private Limited vs. Forward Foundation (2019) 18 SCC 494** and also other similar matters.*

10. The Joint Committee has also not filed the report as directed so far. We do not understand as the Joint Commissioner has not filed the report, though independent reports are coming up from the members of the committee, we have appointed the Joint Committee to ascertain the real status on the basis of the original revenue records of pre-independence era, whether any exemption will have to be granted or not has to be considered by the Tribunal after ascertaining the original boundary of the river. If the Joint Committee did not file the report before the next hearing date, then the

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members of the committee are directed to appear before this Tribunal to show cause as to why action should not be taken against them for non-compliance of the direction issued by this Tribunal as contemplated under Sections 25, 26, 28 of the National Green Tribunal Act, 2010.

11. Further, it is seen from the report that there is a Baby Canal of 14 metre width has been reduced to 4 metres due to dumping of debris and other garbage. They have not located the baby canal in the plan as well and they are directed to show the location of the baby canal in the plan and also show the encroachment if any, the reason for reduction, how far it has been reduced and it is on that basis that the Tribunal has to consider as to whether any further direction will have to be given to restore the baby Canal.

12. The Joint Committee as well as the Water Resources Department (WRD) including the Principal Secretary to Government for Revenue and Disaster Management Department are directed to file their reports as directed by this Tribunal on or before 02.02.2022 by e-filing in the form of searchable PDF/OCR support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules. If any plan will have to be obtained from the Archive Department, then they are directed to collect the same for the purpose of identifying the original flow of the river as per the original records, so that, that can give the clear picture of boundary of the Cooum river which will be helpful for the Tribunal to decide the issue in an effective manner.

13. The Registry is directed to communicate this order to the members of the committee and also to the official respondents immediately through e-mail for their information and also for compliance of the direction to avoid “.

8) In pursuance of the said order, the Assistant Director of Survey and Land Records had addressed the Principal Secretary/Commissioner of Archives and Historical Research with a request to send the Field Measurement Book (FMB) in respect of Survey. Nos. 249, 250 and 251 of Naduvakkarai village pertaining to the year 1905. In response to this, along with the Letter No.N/4076/S9/2021 dated 07.10.2021, the Principal Secretary, Archives has sent Field Measurement Book for S.Nos. 249, 250

M. J. Subramanian
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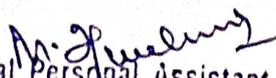
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and 251 of Naduvakkarai village pertaining to the year 1905, S.Nos. 95, 96, 98, and 99 of Naduvakkarai village pertaining to the year 1906. The Principal Secretary/Commissioner of Archives and Historical Research has Letter stated that the Field Measurement Book for S.Nos. 252 and 253 were not traceable in his office. (Copy of letter enclosed).

9) It is respectfully submitted further that the District Revenue Officer, Chennai District, has instructed the Assistant Director of Survey and Land Records to prepare a combined sketch showing the boundary of the river has been traced on the basis of the original records pre-independence era. It was also stated that the direction was given by the National Green Tribunal to ascertain the boundary on that basis and also to ascertain as to whether any river poromboke as per the original revenue records have been converted into a patta land on or later occasion. Besides this, instructions were also issued to the Assistant Director of Survey and Land Records to furnish the location of the Baby Canal which was originally having a width of 14 metres and subsequently reduced to 4 metres due to dumping of debris.

10) It is respectfully submitted that in response to this, the Assistant Director of Survey and Land Records in his report in Rc.No.E1/2623/2021 dated 29.01.2022 has submitted that the said Village, Arumbakkam was originally attached with Saidapet Taluk of composite Chengalpattu District. Thereafter, the said village was attached with erstwhile Egmore-Nungambakkam Taluk till 11.02.2014. Consequent on the bifurcation/trifurcation of taluk offices in Chennai District, the said village was attached with the newly formed Aminjikarai Taluk with effect from


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12.02.2014. AS the Field measurement book for S.No.97 of Naduvakkarai village could not be traced at this distance of time, the Joint Inspection was carried out by the officials of Revenue Department, Tamil Nadu Housing Board and the Public Works Department and that the Buffer zone details available on the Southern side of T.S.No.1 of Block No.6 of Naduvakkarai Town of the year 1966 have been detailed in the combined sketch enclosed. The Assistant Director of Survey and Land Records has further submitted that the details of Baby Canal could not be traced since original records are with PWD (WRD) and hence the same could not be marked in the sketch prepared in this regard. The boundary have been clearly demarked in the prepared sketch submitted along with this report. The sketch may be treated as part and parcel of this report.

11) I respectfully submit this Independent status report is filed as per the directions of this Hon'ble Tribunal dated 09.12.2021. This Hon'ble Tribunal may be pleased to accept this status report filed by me and pass appropriate orders that may deem fit and proper in the circumstance of the case and thus render justice.

Solemnly affirmed at Chennai on

This the 31 st day of January 2022

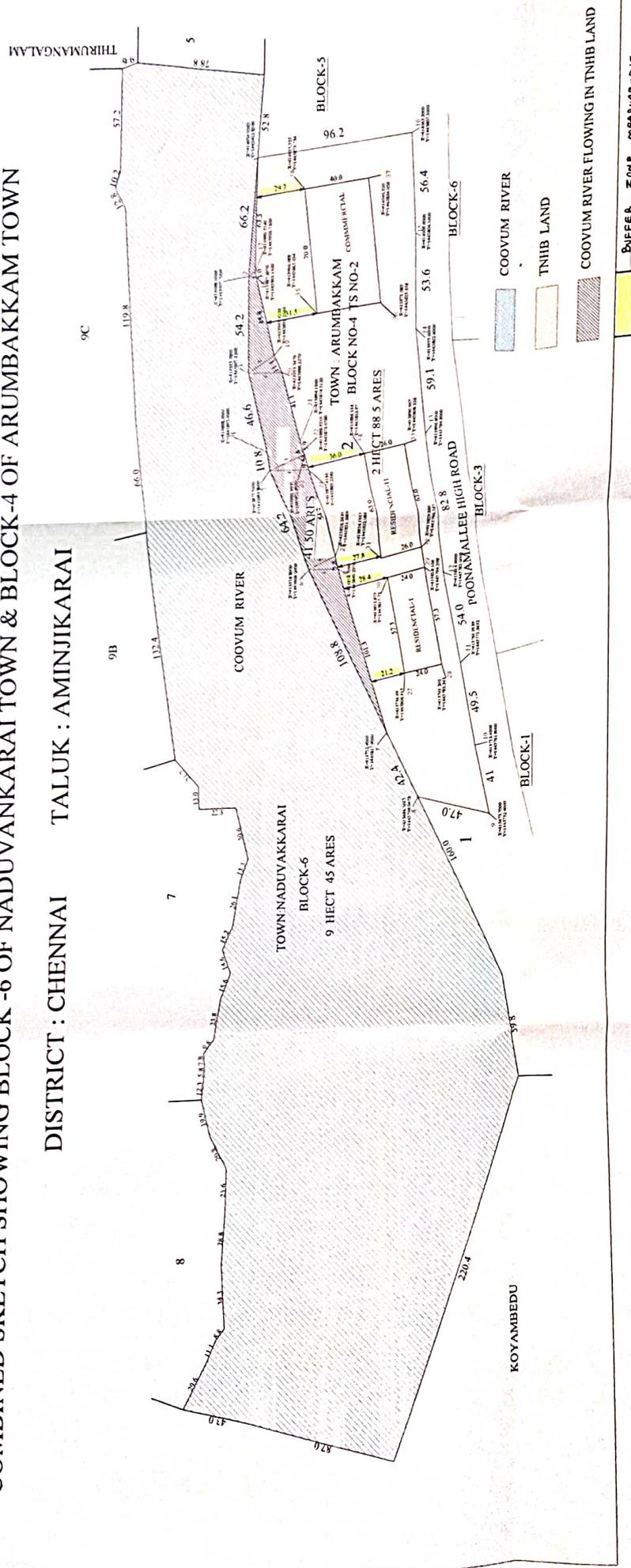
And signed her name in the presence of


Additional Personal Assistant
to the Collector of Chennai,
Chennai - 1.


COLLECTOR OF CHENNAI,
District Collector,
Chennai

COMBINED SKETCH SHOWING BLOCK -6 OF NADUVANKARAI TOWN & BLOCK-4 OF ARUMBAKKAM TOWN

DISTRICT : CHENNAI TALUK : AMINJIKARAI



TARSHILDAR
Aminjikarai Taluk Office
Chennai-600030.

DEPUTY INSPECTOR OF SURVEY
AMINJIKARAI TALUK
CHENNAI-600 030

M.A.N.
MAINTENANCE FIRKA SURVEYOR
Aminjikarai Taluk, Chennai-600 030