

sBEFORE THE NATIONAL GREEN TRIBUNAL (SZ) AT CHENNAI

Original Application No. 91 of 2023 (SZ)

Tribunal on its own motion SUO MOTU based on the news item published in 'The News Indian Express', Chennai E- edition dated 30.06.2023, Road being laid inside marshland in Perumbakkam.

...Applicant

-Vs-

1. The Member Secretary,
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building,
No. 1, Gandhi Irwin Road,
Egmore, Chennai – 600008.
2. District Collector,
Chengalpattu,
Collectorate, GST Road,
Chengalpattu, Tamil Nadu.
3. Additional Chief Secretary,
Department of Environment, Forest & Climate Change,
No.1, Jeenis Road, Panagal Building, Ground Floor,
Saidapet, Chennai, Tamil Nadu.
4. Member Secretary,
Tamil Nadu State Wetland Authority,
Panagal Maligai,
Saidapet, Chennai, Tamil Nadu.

...Respondents

Member Secretary
Chennai Metropolitan
Development Authority
Chennai- 600 008

Member Secretary 1
Chennai Metropolitan
Development Authority
Chennai- 600 008.

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ADDITIONAL STATUS REPORT FILED BY THE 1st RESPONDENT (CMDA)

I, Anshul Mishra, I.A.S. son of (Late) Thiru Harishchandra Mishra, Hindu, aged about 45 years, having office at No.1, Gandhi-Irwin Road, Egmore, Chennai-600 008, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Member Secretary of Chennai Metropolitan Development Authority (CMDA) and the 1st Respondent herein. As such, I am well acquainted with the facts of the case from the available records.

2. I submit that the present Original Application pertains to Suo Motu matter taken up by this Hon'ble Tribunal based on the news item published in "The New Indian Express" Chennai Edition, dated.30.06.2023 under the caption "Road being laid inside marshal in Perumbakkam"

3. I submit that while the Hon'ble Tribunal heard the matter on 24.01.2024, the below order came to be passed:-

"...3. "A look at the photograph published in the newspaper also shows that even the said road is not in a straight line but in a zigzag manner, though that is not relevant to consider this. If there is no access, the CMDA ought not to have granted the building permit.

4.If the II Master Plan had declared the Perumbakkam Village as a "primary residential zone" when the site was declared as a Ramsar wetland in July 2022, whether the CMDA has taken cognizance of the fact and made any change in the master plan that is with regard to the wetlands in and around the city of Chennai.

5.So, in this regard, we direct the CMDA to verify the facts and consider the building permits granted with due diligence since the area was declared as

Member Secretary
Chennai Metropolitan
Development Authority
Chennai-600 008


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a Ramsar in July 2022. If they have not made any changes in the master plan, let them also furnish the plan of action for the future.

6. Post the matter on 04.03.2024."

4. I submit that the CMDA in the Second Master Plan(SMP) 2026 for Chennai Metropolitan Area (CMA) has demarcated the Pallikaranai swamp area in the land use map. I further submit that no Planning Permission Application for development is entertained by CMDA in the land demarcated for Pallikaranai Swamp Area. I further submit that Planning Permission issued to M/s. Casa Grand Private Limited by CMDA does not come within the swamp area/subject area, as notified in the 2nd Master Plan but in the patta lands of the individuals, located in the primary residential use zone of the II Master Plan.

5. I submit that the Tamil Nadu State Wetland Authority has declared the Pallikaranai Swamp Area as a Ramsar site in July 2022. CMDA is the process of preparing third Master Plan. The exact details of Ramsar site will be collected from the respective department to include it in the 3rd Master Plan.

6. I submit that in the absence of the details of the survey numbers covered under the Ramsar site and the width of the influence zone around the Pallikaranai swamp along with the guidelines for permitting developments, CMDA will not be in a position to effect any changes in the Master Plan. Any modification or alteration to the Master Plan can be made as per section 32 of the Tamil Nadu Town & Country Planning Act, after the approval from the Government.

7. I submit that however, as CMDA is in the process of preparation of Third Master Plan (TMP) for Chennai Metropolitan Area (2027-2046) action will be taken


**Member Secretary
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Development Authority
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to incorporate appropriate guidelines and influence zone around Pallikaranai Swamp Area in consultation with the Tamil Nadu State Wetland Authority.

8. I submit that in case any communication was already sent to CMDA by the Tamil Nadu State Wetland Authority requesting to incorporate the influence zone and the guidelines for development, a copy of the same may be produced by the Tamil Nadu State Wetland Authority for taking necessary action by CMDA.

9. CMDA is the process of preparing Third Master Plan. The exact details of Ramsar site will be collected from the respective department to include it in the 3rd Master Plan.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to consider the submissions of this Respondent and thus, render justice.

Solemnly affirmed at Chennai on

this the 6th day of May 2024

and signed in my presence.

Member Secretary
Chennai Metropolitan
Development Authority
Chennai-600 008. 9/8

ADVOCATE: CHENNAI
A.S. MANISHA
MS/2415/17
No.5 Law Chambers
High Court
Chennai

**BEFORE THE NATIONAL GREEN
TRIBUNAL (SZ) AT CHENNAI**

O.A. No. 91 of 2023

ADDITIONAL STATUS REPORT FILED BY THE
1ST RESPONDENT CMDA

P. VEENA SURESH

STANDING COUNSEL
Chennai Metropolitan Development Authority

Counsel for 1st Respondent
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