

**IN THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 125 OF 2021**

A.M.Vinodh

... Applicant

-Versus-

1. State of Tamil Nadu,  
Through Chief Secretary,  
Secretariat, Chennai 600 009

2. The District Magistrate,  
First Floor, Collectorate,  
Madurai 625 020

... Respondents

**COUNTER AFFIDAVIT OF THE SECOND RESPONDENT**

I, Aneesh Sekhar.S, S/o. Soma Sekharan Nair, Hindu, aged about 35 years, working as the District Collector, Madurai District, Madurai do hereby solemnly affirm and sincerely state as follows

1. I respectfully submit that, I am the District Collector, Madurai District, the 2<sup>nd</sup> respondent herein, and as such I am well acquainted with the facts and circumstances of the case from the records available. I have carefully perused the contents of the affidavit and I deny all the allegations contained therein except those that are specifically admitted hereunder and the Petitioner herein is put to strict proof thereto. I am filing this counter affidavit on behalf of First Respondent also.

  
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2. I respectfully submit that, I am filing this counter affidavit in response to the notice dated 10.06.2021 of the Hon'ble National Green Tribunal in this case. I have gone through the entire records that pertains to this O.A.No.125 of 2021 and filing the present counter affidavit.
3. I respectfully submit that the petitioner herein filed the above application by challenging the order of the Tamil Nadu Government in G.O.(Ms) No.329, dated. 02.07.2020, G.O.(Ms) No. 76, dated.28.02.2019 and G.O. (Ms) No. 77, dated:28.02.2019, Revenue and Disaster Management (LD1(2)) Department, alleging that a water body namely "Pudukkulam Kanmoi" is being allotted to certain journalists as house sites.
4. I respectfully submit that the Government of Tamil Nadu have issued three different G.O.s to give house sites to journalists and of the above three G.O.s, the land mentioned in G.O.(Ms) No.329, dated.02.07.2020 only pertains to kanmoi poramboke and the land mentioned in the remaining two G.O.s do not pertains to kanmoi poramboke.
5. It is respectfully submitted that the Government of Tamil Nadu have issued orders vide G.O.(Ms)No. 76, Revenue and Disaster Management (LD1(2)) Department, dated.

  
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28.02.2019 to issue house site pattas to 86 journalists by converting the classification of the land in T.S.No.5, Block No.4, Ward No.5 of Tallakulam Village, Madurai North Taluk, Madurai district, to an extent of 3.10 Acres from "Assessed Wet Waste" into "Natham (Residential Site)" and it is not a "kanmoi poramboke as alleged by the petitioner.

6. It is respectfully submitted that the Government of Tamil Nadu have issued another order vide G.O.(Ms) No. 77, Revenue and Disaster Management (LD1(2)) Department, dated. 28.02.2019 to issue house site pattas to 74 journalists by converting the classification of the land in Survey No. 43/2 of Sakkimangalam Bit II village, Madurai East Taluk, Madurai District, to an extent of 3.72 Acres (1.50.71 Hec) from "Assessed Waste Dry" into "Natham" and this land is also not a "kanmoi poramboke as alleged by the petitioner.

7. It is respectfully submitted that the Government of Tamil Nadu have issued another order vide G.O.(Ms) No.329, Revenue and Disaster Management (LD1(2)) Department, dated.02.07.2020 to issue house site pattas to 25 journalists by converting the classification of a part of the land in Survey No.134/4 of Tallakulam Village, Madurai North Taluk, Madurai district, to an extent of 0.76.5 Hec

  
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from "Pudukkulam Kanmoi" into "Natham (Residential Site)". It is also submitted that this is the only land that has been classified as water course poramboke as per Revenue records.

8. It is respectfully submitted that originally, the land in S.No. 134/2, classified as Pudukkulam Kanmoi, is a water storage tank, spread to an extent of 47.32 Acres and the members of Madurai Press Club Association had made a request prior to the year 1997, for allotment of house sites for its members. It is also submitted that, based on their request, the Government vide G.O. Ms. No. 573, Revenue [LD-I(2)] Department, dated 18.06.1997, have issued orders to sub divide only a portion of land in S.No.134/2 to an extent of 3.70 acres and change its classification from "Kanmoi poramboke" to "Natham poramboke" and give house site assignment to 61 persons (each 4 cents) of Madurai Press Club Association at the cost of Rs.25 per sq.ft.
9. It is humbly submitted that, after the assignment of house sites to 61 persons based on the order of the Government dated 18.06.1997, the Madurai Press Club has made a request for assignment of house site to another 25 members of their association in the same area who were left

  
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out in the allotment list. It is also submitted that, after considering the same, the Government vide G.O.(Ms) No.369, Revenue [LD1(2)] Department, dated 24.06.2008, have issued orders to sub divide a meager portion to an extent of 0.76.5 hectare of land in S.No.134/4 of Pudukkulam Kanmoi and the Government have accepted in principle to give house site assignment to 25 members of the said association with some conditions.

10. It is pertinent to mention that, though the Government have accepted in principle to give house site patta to 25 members of the said association with some conditions and issued G.O.Ms.No.369 dated 24.06.2008, house site was not given to them due to some Court Orders and Government orders prevailing at that time to restore water bodies. It is submitted that, the then District Collector, Madurai district vide his letter in Na.Ka.No. 72822/2003/J4 dated 01.07.2014, sent a proposal stating that, though orders were issued to assign 0.76.5 hectare land to the members of Madurai Press Club Association, the said land was originally a Kanmoi Poramboke land i.e., water course land and on that ground, the request of the association has to be rejected in view of various government orders and court orders restricting the assignment,

  
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encroachment of water course channels and converting the same for other purposes.

11. It is respectfully submitted that, in the meanwhile, Thiru R.Panneerselvam, Secretary, Madurai Press Club had filed a Writ Petition before the Madurai Bench of Madras High Court to assign 0.76.5 hectares land to the 25 members of the Press Club based on the order of the Government dated.24.06.2008. It is also submitted that, the Madurai Bench of Madurai High Court vide its order in W.P.No.15221/2016, dated.18.08.2016 has directed the first respondent, the Secretary to Government, Revenue Department to pass a reasoned, speaking orders on merits in a fair, free unbiased and dispassionate manner, after providing necessary opportunities to the petitioner and others concerned.

12. It is humbly submitted that, based on the direction of the Hon'ble High Court of Madras, the petitioner was given a personal hearing by the Secretary to Government, Revenue Department on 16.02.2017, and at the time of personal hearing the petitioner had requested to assign the lands in Pudukulam kanmoi of Tallakulam village, Madurai North Taluk, Madurai District, to the members of the Madurai Press Club based on the grounds that, the above

  
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said land is surrounded by various Central and State Government offices, another vacant portion of the land in the same area was allotted for the purpose of Staff Quarters to the staff of Madurai High Court, no water flow is there for several years, though the land in question has been classified as Kanmoi poramboke in revenue records. It is also submitted that the petitioner had also agreed to fulfill all conditions laid down in G.O.(Ms) No.369, Revenue [LD1(2)] Department, dated 24.06.2008.

13. It is respectfully submitted that, it was brought to the notice of the Government that, the above said land is surrounded by offices related to various departments viz., Regional Transport Office, Telecom Department, Audit Department, State Transport Corporation, Tamil Nadu Water Supply and Drainage Board, Reporters Nagar, Forest Department, High Court Officer's Quarters, Law College Hostel, Christian Burial Ground, Muslim Burial Ground and Hindu Burial Ground, etc., No water is now flowing in the Kanmoi and there is no possibility of flow of water, since the land is already developed by buildings. It is also submitted that, the Advocate General's opinion was sought for in this issue vide Government Letter No. 29239/LD-1(2)/15-10, dated 02.03.2019 and the Advocate General of

  
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Tamil Nadu has given his opinion vide OPN No.32/AGVN/2019, dated 07.03.2019,

*“..... that in view of the large scale development that has taken place by the Government, Corporations and Boards, there cannot be any legal impediment for the Government to assign the land after reclassification of the land from Kanmoi to Natham land and allot it to the members of Madurai Press Club in Tallakulam Village, Madurai North Taluk, Madurai District.”*

14. It is humbly submitted that the Additional Chief Secretary/ Commissioner of Land Administration in his letter sent to Government vide F2/6857/2019 dated 27.06.2019 has stated that the Government have already issued orders in principle, for approval for the change of classification of proposed land and to grant house site assignment to 25 members of Madurai Press Club. It is also submitted that the Additional Chief Secretary/ Commissioner of Land Administration has recommended the Government for issue of House site patta of 4 cents each for 25 members of Madurai Press Club based on G.O.(Ms).No.369, Revenue [LD-I(2)] Department dated 24.06.2008 at the then price of approximately Rs.121 per sq.ft. that prevailed in the year 2010.

15. It is respectfully submitted that the Government, after careful examination has decided to accept the proposal of the Additional Chief Secretary/Commissioner of Land

  
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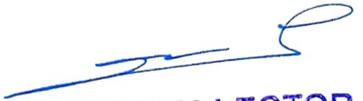
  
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Administration and accordingly ordered vide G.O.(Ms) No. 329, Revenue and Disaster Management (LD1(2)) Department, dated:02.07.2020, for issue of House Site Patta to 25 members of Madurai Press Club Association for an extent of 0.76.5 hectares of land in the subject land, i.e., S.No. 134/4, Pudukkulam Kanmoi, Tallakulam Village, Madurai North Taluk, Madurai District subject to the terms and conditions under Revenue Standing Order 21. Challenging the said assignment, the petitioner herein filed this present Original Application.

16. It is humbly submitted that the Superintending Engineer, Public Works Department, Periyar Vaigai River Basin, Madurai has reported vide his letter No. 240M/D-1/C-/2020, dated.03.08.2020, that there is already a rain water drainage system in place constructed under JNNURM scheme, at the western and southern sides of the subject land to be assigned as house sites to journalists and it is enough to connect a rain water drainage from the subject site to the existing drainage system for the flow of rain water to Vandiyur Kanmoi (another water tank situated 1Km away from the subject site).

17. It is humbly submitted that the original extent of the subject site, i.e., Pudukkulam Kanmoi, was 47.32 Acres

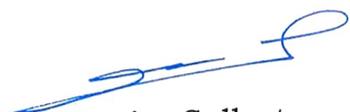
  
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and due to the large scale development that happened in the District and due to scarcity of the land in the city limit, the subject land was subdivided and transferred to various Government Departments on their requests even before a couple of decades. It is also submitted that, out of total extent of 47.32 Acres, only an extent of 5.58.0 Hec. (13.78 Acres) was left, that too in pieces at T.S. Nos. 75, 90(P), 91, 92 and 103. It is further submitted that, out of the available extent of 5.58.0 Hec. (13.78 Acres), only 0.76.5 Hectares (1.89 Acres) of land has been assigned to 25 members of Madurai Press Club and remaining extent of 4.81.5 Hec. (11.89 Acres) of land has been retained as "Kanmoi poramboke" only.

Therefore, for the foregoing reasons, it is prayed that this Hon'ble Court may be pleased to dismiss the above application in O.A.125 of 2021 as devoid of merits and pass such other orders as this Hon'ble Court deems it fit, proper and appropriate in the circumstances and thus render justice.

Solemnly affirmed at Madurai  
on this the        day of  
July 2021, and signed  
his name in my presence.

  
District Collector  
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