

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

**Original Application No. 13 of 2024**

**Between:**

S. Sivadas  
Son of Siva Kumar Kulasekar,

... APPLICANT

- AND -

The Ministry of Environment,  
& 15 others

...Respondents

**INDEX**

<b>S. No.</b>	<b>Date</b>	<b>Description</b>	<b>Page No.</b>
1.	21.10.2024	Representation with enclosures to the Respondent Authorities	1-50
2.	2024	Reply statement filed by the 11 <sup>th</sup> Respondent in C. No. 01/2024	51
3.	24.01.2025	Statement of the 16 <sup>th</sup> Respondent before the District Registrar seeking modification of guideline value from Housing sites to Agricultural lands	63
4.	2025	Document Encumbrance Certificate pertaining to Document No. 2682/2024	71
5.	30.01.2025	Objections filed by the Respondents 15-16 to the report of the 4 <sup>th</sup> Respondent	73

**VERIFICATION**

Verified that the above are the true copies of their respective documents.



COUNSEL FOR THE APPLICANT

From

P. Nagarajan,  
S/o. Late Ponnuranga Gounder,  
at, No.2/387, SIngaravelan Street,  
Opposite Community Hall,  
ChinnaNeelangarai, Chennai-115.

Date: - 21.10.2024

BY SPEED POST

To,

1. The Revenue Divisional Officer,  
O/o. The Revenue Divisional Office  
Villupuram.

Sir(s),

Ref1: Orders of the Hon'ble National Green Tribunal (Southern Bench) in I.A. No. 013/2024 directing site inspection of BlueSpot Marakkanam, Bhinaya Beach, Bhavishya Beach and others.

Ref2: My letter dated 03.10.2024 erroneously addressed to DRO, Villupuram instead of issuing to you .

Sub: Request for intimation of joint inspection and request for grant of opportunity to attend the inspection and point out the violations by the 11<sup>th</sup> Respondent.

With reference to the above, it is submitted as follows;

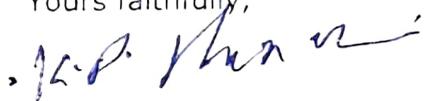
1. Myself and my brother Nagarajan are the 14<sup>th</sup> and the 15<sup>th</sup> Respondents in the afore stated O.A. No. 13/2024.
2. On 06.09.2024, the Hon'ble Tribunal was pleased to direct joint inspection of the entire impugned site by the DTCP, TNSCZMA, TNPCB and DRO, Villupuram District and has appointed the District Collector as Nodal officer for coordination to file the joint inspection report.
3. I received a common communication dated 24.09.2024 from the Applicant Mr. S. Sivadas in O.A. No. 13/2024. The Applicant addressed his letter to DRO, Villupuram, instead of RDO Villupuram. Hence, I addressed the same addressee(s) while drafting my representation. The error was pointed out



by my counsel on record at NGT, Mr. Hari. Hence this representation, with enclosure of the letter dated 03.10.2024 is herewith issued.

4. It is requested that while inspecting the site, as per the orders of the Hon'ble NGT in O.A. No. 13/2024, kindly inform me so that I can be present to establish the violations caused over my lands and the surrounding lands.

Yours faithfully,



P. Nagarajan

Copy to:- Sivadas. S (for intimation of above mistake).

Enclosed as above

From

P. Nagarajan,  
S/o. Late Ponnuranga Gounder,  
at, No.2/387, Singaravelan Street,  
Opposite Community Hall,  
ChinnaNeelangarai, Chennai-115.

Date: - 30.10.2024

BY SPEED POST

To,

1. The District Revenue Officer,  
O/o. The District Collector,  
Villupuram.
2. The Member Secretary,  
Tamil Nadu Coastal Zone  
Management Authority,  
Panagal Building, Saidapet,  
Chennai. 2
3. The District Collector cum Chairman,  
District Coastal Zone Management Authority,  
Villupuram, Collector Office Rd,  
Moovendar Nagar,  
Viluppuram, Tamil Nadu 605602
4. The Deputy Director,  
Directorate of Town and Country Planning,  
Villupuram Region,  
GH Road, TADCO Building,  
Villupuram- 605 602.
5. Tamil Nadu Pollution Control Board,  
Rep. by its District Environmental Engineer,  
District Collector Master Plan Complex,  
Back Side of Taluk Office.  
Villupuram - 605 602.

Sir(s),

Ref: Orders of the Hon'ble National Green Tribunal (Southern Bench) in I.A. No. 013/2024 directing site inspection of BlueSpot Marakkanam, Bhinaya Beach, Bhavishya Beach and others.

Sub: Request for intimation of joint inspection and request for grant of opportunity to attend the inspection and point out the violations by the 11<sup>th</sup> Respondent.

With reference to the above, it is submitted as follows;

*K. P. Nagarajan*

1. Myself and my brother Nagarajan are the 14<sup>th</sup> and the 15<sup>th</sup> Respondents in the afore stated O.A. No. 13/2024.
2. On 06.09.2024, the Hon'ble Tribunal was pleased to direct joint inspection of the entire impugned site by the DTCP, TNSCZMA, TNPCB and DRO, Villupuram District and has appointed the District Collector as Nodal officer for coordination to file the joint inspection report.
3. Till date all the reports and counters filed in the above application by the authorities have all been acts of deliberate misrepresentation.
4. There is already a contempt petition filed by me in C. No. 1184/2024 against the officials namely Dr. D.C. Palani, Mr. Murugan and Mr. Balamurugan being the District Collector, Executive Officer and the Thasildar before the Hon'ble Madras High Court for non-compliance of the undertaking given to the Hon'ble Court in W.P. No. 13662/20023 and for deliberately not removing the illegal entrance arch and gates installed in the public road in S. No. 181/5b3(Part) despite issuance of contempt notice and other correspondences.

Taking this assistance, illegal developments are being done by the 11<sup>th</sup> Respondent in the restricted zone by portraying the entire extent as a gated community under its control and by not providing access to neither us nor General public through the common public road. Hence it is for the authorities to explain in their report the reasons for allowing the same till date.

5. Already vide order in W.P. No. 20713 of 2013, the encroachment made by the 11<sup>th</sup> Respondent (Manju Groups) over lands in S. No. 192 were removed by removal of 60 feet tar road formed over part of the said government communal land. Thus, the layouts named Bhinaya Beach and others do not have a road to sea access as claimed by them in their master plan/ layout sketch. In fact, part of this land has been transacted by predecessors of 11<sup>th</sup> Respondent BY Doc No. 362/1996 and subsequently it was put in

K.P. R. 2024

possession of the same under an unregistered document, for development of the layout through the government land in S. No. 192(Part) for access.

6. It is based on our strong position taken on 06.09.2024 and considering the photographs filed by us, in I.A. No. 104/2024, the Hon'ble Tribunal passed the order of joint inspection dated 06.09.2024 as can be seen from the order, a copy of which is enclosed to the 1<sup>st</sup> of you.
7. In view of the false reports filed by the authorities, it is extremely pertinent to highlight that in the Complaint No. 1/2024 filed by us before TNRERA, Manju Foundations has filed a counter annexing the order of the Regulatory authority in C. NO. 87/2020 between Dinesh N Surana and Manju Foundations Private Limited. (The complaint pertains to development and promotion of layouts without DTCP approval and RERA registration).

A copy of the order relied by it, is enclosed herewith.

It can be seen from the finding in the said order that it has admitted developing 1500 residential plots under four different categories namely

- 1. Barisha Beach Residential plots – 980 plots**
- 2. Bhinaya Beach Residential Plots – 228 Plots**
- 3. Bhavishya Beach Residential Plots- 493 Plots**
- 4. Bhavitha Classic Residential Plots- 513 Plots**

**and has sold 980 residential plots.**

In view of the above, the false reports and false counters filed till date and non-filing of report by the State coastal Zone Management Authority shows all the present authorities in bad light.

Under the circumstances, it is also not clear why the DTCP has preferred to mention and seek recall of order passed by the Hon'ble Tribunal dated 05.07.2024 to benefit the fraudulent developer.

8. It is pertinent to submit that in the very same matter, the 11<sup>th</sup> Respondent, Manju Foundations has clearly admitted that it has entered into an agreement with its Vendors Respondents 12 to 15 **to purchase and**

*J. P. Ramesh*

(b)

**develop 156 Acres of lands**, therefore the non-disclosure of understanding and non-filing of agreement entered between them is an attempt to play fraud on truth and divert the matter.

9. Further **as a sample proof of illegal developments on my lands** by an act of land grabbing by Manju Foundations, I am here with enclosing **photos of my site** which has been grabbed to annex and form the layouts named Bhinaya Beach, Bhavishya Beach and others in S. No. 195/4 and 211/1B1A.

Therefore, now, yourselves, the Authorities are bound to explain, why these developments have not been showcased in the counter and reply filed till date.

10. The guideline values for Bhinaya Beach and others have also been fixed from agricultural to residential by the Registrar, **without our consent and application**, hence fraud and forgery has also occasioned.

11. **To protect our interest and investment and to abide by the CRZ laws and establish illegal developments by Manju Foundations, we request you to inform us the date and time of inspection to allow us to join for the same and assist you in identifying our lands and other lands that have been illegally developed and marketed by violation of CRZ laws by Manju Foundations, in connivance with its Vendors cum Partner namely Pedro Developers Private Limited and 2 others (R12 to R14 in O.A. No. 13/2024).**

Awaiting your reply and cooperation to assist the Hon'ble Tribunal in understanding the true nature of facts after submitting to law.

Yours faithfully

*P. Nagarajan*

P. Nagarajan

Enclosed by way of abundant caution: -

1. Copy of order dated 06.09.2024 to the District Collector and the DRO, Villupuram.
2. Copy of the Photos of our site are enclosed to all the authorities herein to prove formation of illegal layouts on our lands by land grabbing.
3. Copy of Reply filed in 87/2020 before TNRERA by Manju Foundations.
4. Copy of Order in C. No. 87/2020.
5. Encumbrance certificate for the government land in S. No. 192.





Thazhankadu, Tamil Nadu, India  
East Coast Rd, Thazhankadu, Tamil Nadu 604303, India  
Lat 12.223471°  
Long 79.977493°  
16/03/24 01:54 PM GMT +05:30



GPS Map Camera





**Kaipenikuppam, Tamil Nadu, India**  
**6X8J+27V, Kaipenikuppam, Tamil Nadu 604303, India**  
**Lat 12.214946°**  
**Long 79.979789°**  
**16/03/24 01:40 PM GMT +05:30**



**GPS Map Camera**



(12)

**Item No.11:-**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

**Original Application No.13 of 2024 (SZ)**

IN THE MATTER OF:

S. Sivadas  
Chennai.

...Applicant(s)

*Versus*

MoEF&CC,  
Rep. by its Secretary,  
New Delhi and Ors.

...Respondent(s)

**Date of hearing: 06.09.2024.**



**CORAM:**

**HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s): Mr. Mohammed Arshadullah Sheriff represented  
Ms. S. Gayathri Devi.

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff for R2.  
Dr. D. Shanmuganathan for R3 to R6, R9 & R10.  
Ms. Hima Rithika represented  
Mrs. Shanmugavalli Sekar for R7 & R8.  
Mr. Mukunth, Mr. R. Krishna Prasad &  
Mr. H. Shabeer Ali  
For M/s. Sarvabhauman Associates for R11.  
Mr. Ramesh and Mr. G. Harimahesh for R15 & 16.

14

### ORDER

1. Today, a joint inspection report by the Assistant Executive Engineer - Department of Environment & Climate Change, Assistant Director - DTCP, Viluppuram and Tahsildar - Marakkanam is filed.

2. The dispute in the Original Application relates to the impugned project of the 11<sup>th</sup> Respondent viz., Manju Foundation Private Limited, who was developing projects in the name of Bhinaya Beach, Bhavishya Beach, Barsha Beach, Bhavita Beach and Blue Spot Marakkanam and Blue Spot Bungalow Plots as illegal and also to assess the environmental damages.

3. Excepting the joint inspection report filed, as referred to above, we have not received any other reports from any other authority, including the Tamil Nadu SCZMA (Respondent No.3).

4. Respondents No.15 and 16 are individuals, who are supporting the cause of the applicant.

5. The joint inspection report has given the list of survey numbers which are purchased by the 11<sup>th</sup> Respondent. The portion of the said survey numbers are falling within the 500 Meters from the High Tide Line (HTL). The report goes on to say that a small shed roofed with asbestos sheet in R.S. No.212/3 and abandoned bathrooms and water tank in dilapidated condition in R.S. No.210/4 are falling within the 500 Meters from the HTL covering an extent of 72.23 Acres. There are also dripping water pipes for watering green trees in Sy. Nos.189/3A, 189/3B, 213/1

(Part), 213/2, 213/3. Further, the description of the land falling under 500 Meters is also given in the report. The details of the lands purchased by the 11<sup>th</sup> Respondent lie beyond the 500 Meters from the HTL are mentioned in the report.

6. It is also stated that the Manju Foundation got appropriate permission from the authorities concerned viz., Assistant Director - DTCP, Viluppuram and Executive Officer - Town Panchayat, Marakkanam for residential developmental activities. The details of the layout and the approval number of Blue Spot 1 and Blue Spot 2 along with survey numbers are also mentioned in the joint inspection report.

7. Respondents No.15 and 16 have filed an interlocutory application [I.A. No.104 of 2024 (SZ)] seeking for injunction restraining the 11<sup>th</sup> Respondent from promoting the lands and creating third-party interest. Along with the said injunction application, certain photographs are furnished, which show that the land belongs to the 11<sup>th</sup> Respondent. For the Blue Spot Beach 2.0, for which the DTCP approval is granted, photographs are furnished with latitude and longitude details.

8. From the photographs, it appears that the road goes even into the 500 Meters of the HTL. In this regard, we direct the 11<sup>th</sup> Respondent to file every particular with details of the purchase of lands. Let the entire extent of land purchased by them in the area and the extent on which layouts are being developed and also state whether they fall within or outside the prohibited CRZ areas.

(16)

9. Similarly, we direct the DTCP, Tamil Nadu SCZMA along with the TNPCB to make a joint inspection once again along with the revenue officer not less than the rank of Revenue Divisional Officer to inspect the property and report whether the layout developed by the 11<sup>th</sup> Respondent are in violation of the CRZ Notification. Let the report also specifically state whether the 11<sup>th</sup> Respondent is doing any activities/developments outside the scope of the approval while annexing the lands within 500 Meters HTL.

10. It has also come to our knowledge that similar layouts/developments are being made on the coast of Viluppuram district. If that is so, let the authorities also take appropriate action in that regard and report to us.

11. The District Collector will be the nodal officer for coordination and to file a report.

12. Post the matter on 18.10.2024.

Sd/-  
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-  
Dr. Satyagopal Korlapati, EM

O.A. No.13/2024 (SZ),  
06<sup>th</sup> September, 2024. Mn.

**BEFORE THE HON'BLE ADJUDICATING  
AUTHORITY, TNRERA, CHENNAI  
Complaint No.87 of 2020**

**In the matter between**

Dinesh N Surana,  
S/o. N K Surana,  
No. 72, Harleys Road,  
Chennai - 600 010.

....Complainant

**AND**

Manju Foundations Private Limited,  
Rep. by K.M.Vithyasagar,  
No. 8, Sapthaswara Apartments, 2<sup>nd</sup> Floor,  
1<sup>st</sup> Avenue, Ashok Nagar, Chennai - 83.

....Respondent

**REPLY STATEMENT FILED BY THE RESPONDENT**

1. The address for service of all notices and processes on the Respondent is that of her Counsels M/s. SARVABHAUMAN ASSOCIATES, R. KRISHNA PRASAD, SAM JAYARAJ HOUSTON AND H. SHABEER ALI; ADVOCATES at No.39, Law Chambers, High Court Buildings, Chennai-60010.

2. At the outset, this Respondent denies the entire allegations contained in the Complaint as false, baseless and misleading in material particulars except that are specifically admitted herein and put the Complainant to strict proof of the same. The Complainant has suppressed the material facts and approached this Hon'ble Authority with unclean hands and on the said aspect itself the complaint is liable to be dismissed. As such the complaint itself has been filed with an intention to harass and

For MANJU FOUNDATIONS (P) LTD

(Signature)

tarnish the reputation of the Respondent Company and as such clearly abusing the process of the law to achieve such an objective.

3. This Respondent raise the preliminary objection of maintainability of the present complaint for the fact that the complainant does not have any locus standi to prefer the above complaint against the Respondent. The entire reading of the complaint would prove the fact that complainant is in no way affected by the project undertaken by the Respondent Company and therefore the complaint is filed with vested interest to gain unjust enrichment and therefore the present complaint is liable to be dismissed at threshold. This Respondent submits that Petitioner herein had already filed a suit in O.S.No.29 of 2018, on the file of District Munsif Court, Thindivanam against this Respondent seeking easementary right of pathway over the schedule mentioned property itself had also filed W.P.No.12675 of on the file of Hon'ble High Court of Madras with respect to very same property and therefore the present complaint before this Hon'ble Authority is nothing but an abuse of process of law. Further the Petitioner had not mentioned the section under which he had filed this complaint and therefore this Petitioner has first to prove his locus standi to file this complaint and until he proves his locus standi to file this complaint against this Respondent, this complaint is liable to be dismissed at threshold. This Respondent reserves his right to file additional reply statement as and when he receives any further information about the above case. The brief facts of the case is as follows :

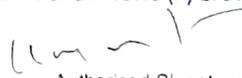
4. The Respondent submits that they had had initially entered into a memorandum of agreement of sale dated 22.04.2015 with Metis Pvt. Ltd., Kaleema Pvt. Ltd., Pedro Pvt. Ltd., for purchasing a plot of 157,005 sq. ft. area bounded by the following

agreement, the Respondent herein had initially purchased an extent of 34.49 acres of land from Metis Pvt. Ltd., Kaleema Pvt. Ltd., Pedro Pvt. Ltd., Metis Pvt. Ltd. vide two Sale Deeds dated 16.10.2015, registered as Doc.No.3603/2015, on the file of SRO, Marakkanam and vide document dated 04.11.2015, registered as Doc. No. 3972/2015, on the file of SRO Marakkanam. After purchasing the said 34.49 acres of land, the Respondent had developed the same into 1500 residential Plots under four different category namely

1. Barisha Beach Residential Plots- 266
2. Bhinaya Beach Residential Plots- 228
3. Bhavishya Beach Residential Plots - 493
4. Bhavitha Classic Residential Plots - 513

After developing the purchased land into plots, we have promoted the same and called for prospective purchasers for the said plots. Meanwhile, we have also obtained Patta with respect to the property purchased by us. Out of the 1500 plots developed by us we have sold 980 plots to various persons through registered sale deed. It is pertinent here to mention, that the entire sale deeds executed by us with respect to the above projects was executed during the year 2015 and 2016 which is prior to the commencement of Tamil Nadu RERA Act. After 2016 we have decided to shelve off the project and we have stopped selling any plots after 2016 nor issued any advertisements with the said project after the year 2016. We have decided to sell to develop the remaining 520 plots as a new venture under new name after getting requisite approvals from all authorities including from this Hon'ble Authority and therefore was no ongoing projects with respect to the schedule mentioned property as on date of the commencement of the Act and therefore the this Hon'ble Authority does not have any jurisdiction to try the present complaint.

For MANJU FOUNDATIONS (P) LTD.

  
Authorised Signatory

5. The Respondents submits that thereafter they had again purchased a total extend of 14.15 acres of land in schedule hereunder vide registered sale deeds dated 12.12.2019, registered as document No.3060 and 3061 of 2019, on the file SRO Marakanam from M/s.Pedro Developers Pvt Ltd, Metis Developers Pvt. Ltd., and M/s.Kaleena Developers Pvt Limited and in total the Respondent had only purchased an extent of 48.64 acres of land in the schedule hereunder. After purchasing the said extent of 14.15 acres of land the Respondent had taken steps to get necessary approval from all authorities including this Hon'ble authority to develop the property into plots and the Respondent is awaiting the approvals. The Respondent had decided to issue advertisements only after getting requisite permissions. It is pertinent here to mention that the Respondent had not issued any advertisements after 2016 with respect to the above projects and the Respondent is put to strict proof of the advertisements mentioned in the list of documents.

6. The Respondent submits that they came to know that the Complainant herein had also purchased certain extent of 6.10 acres of land adjacent to the Respondent's land and he was in occupation of the said land. The Respondent submit that, they further came to know that the Complainant had purchased land without having proper pathway and therefore Complainant could not develop the property nor sell it to any third party and therefore the Complainant had approached the respondent in the year 2016 with a request to buy his property. Though the Respondent was ready to purchase the property, they could not finalize the same since the Complainant had quoted exorbitant price. The Respondent submits that since they have dropped their intention to purchase their land, the Complainant started giving trouble to the Respondent in one way or the other by lodging several frivolous complaints against them before various fora. Infact, the complainant had also preferred a W.P. No.9904 of 2016, on the file

of Hon'ble High Court of Madras for MANDAMUS and the same is still pending. The Complainant had also filed a suit in O.S. No.29 of 2018, on the file of District Munsif Court, Tindivanam seeking declaration of their easementary right of pathway and to declare the Patta issued to Respondent as null and void and for injunction and the same is also still pending. Not stopping with that, the Complainant had lodged frivolous petitions before District Collector, Villupuram regarding the violation of CRZ Rules and a complaint before the concerned Panchayat for not obtaining Planning permission for developing the property and complaint before various authorities.

7. The Respondent submits that, after receiving the notices from the concerned authorities they have given proper reply for those notices. Suppressing the Civil Suit in O.S. No.29 of 2018 on the file of District Munsif Court, Tindivanam and the W.P. No.9904 of 2016, on the file of Hon'ble High Court of Madras regarding the very same property and project, the Complainant had filed the above complaint which is nothing but an act of Forum Shopping and clear abuse of process of law. It is pertinent here to mention that the schedule mentioned in the complaint is not proper and the survey number of the Respondent is not properly mentioned in the schedule and on the other hand the Complainant had included the survey numbers of adjacent land owners without impleading them and therefore the Complainant can not claim relief over the entire survey numbers mentioned in schedule of property without impleading those persons whose land is also included in the schedule.

8. The Respondent submits that, as far as paragraph No. 2 and 3 of the complaint is concerned, this Respondent denies the averments except that are admitted herein. This Respondent admits the averments that it has entered into agreement of sale with the Companies, namely M/s. Pedro Developers Private

For MANJU FOUNDATIONS (P) LTD.

  
 Authorised Signatory

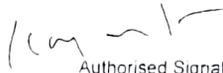
Limited, M/s. Metis Developers Private Limited and M/s. Kaleena Developers Private Limited to build a housing project for an extent of 157.905 acres alone. The Respondent denies the averments that it has brought for sale of the entire 34 acres beach township out of the total 160 acres and in parallel puts the complainant to strict proof of the same. This Respondent submits that, the allegations put forth by the Complainant in Paragraph No. 3 is denied at its entirety and in parallel puts the complainant to strict proof of the same. The Respondent had developed the plots in 34.49 acres of land after laying roads for approaching the said plots and the plots were sold in during the year 2015 and 2016 itself and therefore the Respondent had stopped the project in the year 2016 and therefore the allegation that it is an ongoing project is totally false and baseless and therefore the complaint is not maintainable before this authority since the project was completed in the year 2016 itself and no plots were registered after 2016.

9. This Respondent also highlights the fact that, this Complaint is lodged solely because of the enmity and grudge of the Complainant towards the Respondent Company. This Respondent submits that, the mere allegations that this Respondent has violated the provisions of the Environmental Protection Act, 1986 without supporting evidences is highly opposed and erroneous. The activities carried out on their own patta lands did not cause any environmental damage or impact so as to initiate any action under the Environmental Protection Act, 1986. The Respondent denies the allegations put forth by the Complainant in Paragraph No. 4, and puts the Complainant to strict proof of the same. It is pertinent to note that, the respondent Company has sold any plot after 2016 since Respondent had stopped the project in the year 2016 itself nor the Respondent had issued any advertisement with respect to the project after 2016 the therefore Respondent Company has not violated any provisions under the TN RERA Act. This Respondent submits that, as far as paragraph No. 5 and 6 is concerned, this Respondent strongly opposes the allegations and

puts the Complainant to strict proof of the same. The Respondent company having an established name among its valuable customers. The bare allegations that the housing projects of the Respondent are unauthorized without any substantial evidences is highly condemnable and is solely done to bring down the reputation of the Respondent Company among its valuable customers. The bare allegations that one M/s. Aravika Holdings, an affected party has initiated proceedings against the respondent Company without any evidences is fallacious and the same is bad in law.

10. The Respondent submits that, the allegations put forth by the Complainant in paragraph No. 7 and 8 of the complaint is erroneous at its entirety and in parallel this Respondent puts the Complainant on strict proof of the same. The District Environmental Engineer, Villupuram has issued a show cause notice dated 11.06.2016 against this Respondent based on the false and unfounded complaint given by this Complainant and other parties. This Respondent has categorically issued a reply letter to the District Environmental Engineer, Villupuram dated 11.07.2016 by giving a proper reasoning to the said allegations. The Respondent denies the allegations with regard to paragraphs No. 9 and 10 of the complaint at its entirety, and in parallel puts the Complainant to strict proof of the same. This Respondent submits that, it has stalled its construction and development work way back in 2016 and it was also specifically reiterated the reply notice given by this Respondent to the Executive officer, Marakkanam Municipality, Villupuram vide letter dated 28.07.2016. The false claim that this Respondent has sold plots against the norms, specifically against the G.O.M.S. No. 78 dated 04.05.2017 is erroneous and thus puts the Complainant to strict proof of the same. This Respondent submits that, the COMMON LIST prepared by the Complainant in the Complaint is false at its entirety.

For MANJU FOUNDATIONS (P) LTD.

  
Authorized Signatory

11. The Respondent submits that, as far as paragraph No. 11 and the subsequent COMMON LIST is concerned; this Respondent denies the entire list and in parallel puts the Complainant to strict proof of the same. The Respondent respectfully submits that the sale deed mentioned in the column in Serial No.20 to 41 are all subsequent transfers. A perusal of these deeds would prove the fact that the schedule mentioned plots mentioned in Serial No.20 to 41 have been initially sold by the Respondent in the year 2015 and 2016 and these sale deeds mentioned in SI.Nos.20 to 41 are re-transfer or subsequent sale deeds and therefore subsequent sale will not come under the purview of ongoing projects. The Respondent submits that, with respect to paragraph No. 12 of the complaint; this Respondent reiterates the same as stated supra whereby this Respondent has categorically given adequate reply dated 11.08.2016 in relation to the show cause notice issued by the District Environment Engineer/ District Collector, Villupuram Distirct dated 11.06.2016. This Respondent has categorically given suitable reply to the show cause notices itself proves that the Complainant has filed this complaint only with a sole motive to harass this Respondent and bring down its reputation among its valuable customers. The Respondent submits that, as far as paragraph No. 13 and 14 is concerned, this Respondent denies the allegations in entirety and put the Complainant to strict proof of the same. However, in the present scenario, this Respondent has not violated any provisions or laws as falsely alleged by the Complainant herein.

12. The Respondent denies the allegations pertaining to paragraph No. 15 and puts to the Complainant to strict proof of the same. The Respondent had already obtained an order of interim stay of the order passed by the authority striking off the name of the company from Register of companies and list of disqualified directors vide order dated 26.04.2018 in W.P.Nos. 10501 to 10504 of 2018, on the file of the Hon'ble High Court. The contents in regard to paragraph No. 16 and 17 is denied at its entirety. No

show cause notice has been received by this Respondent from the Officer of Accountant General, TamilNadu regarding illegal and undervalued purchase and sale transactions by Manju and Vatika Groups as alleged by the Complainant herein, and thereby this Respondent puts the Complainant to strict proof of the same. The Complainant herein is solely relying on cook up facts and bare allegations without any evidences and thus is strongly opposed.

It is therefore humbly prayed that for the afore said reasons, this Hon'ble Authority maybe pleased to dismiss the above complaint with cost and pass such other or further orders as this Hon'ble Authority may deem fit and proper in the circumstances above and thus render justice.

**DATED AT CHENNAI ON THIS THE DAY OF SEPTEMBER 2020**



**COUNSEL FOR RESPONDENT**

**RESPONDENT**

**LIST OF DOCUMENTS**

SI.Nos.	DATE	DESCRIPTION	PAGE Nos.
1.	16.10.2015	Sale deed in document No.3603 of 2015, on the file of SRO Marakanam executed in favour of the Respondent	1
2.	04.11.2015	Sale deed in document No.3972 of 2015, on the file of SRO Marakanam executed in favour of the Respondent	

For MANJU FOUNDATIONS (P) LTD.



Authorised Signatory

3	30.01.2018	Plaint in O.S.No.29 of 2018, on the file of DMC, Thidivanam filed by the Respondent
4.	2016	Affidavit in W.P.No.12675/2016
5.	26.04.2018	Order in W.P.No.10501 to 10504 of 2018, on the file of Hon'ble High Court of Madras
6.	12.12.2019	Sale deed in document No.3060 of 2019, on the file of SRO, Marakanam executed in favour of the Respondent
7	12.12.2019	Sale deed in document No.3061 of 2019, on the file of SRO Marakanam executed in favour of the Respondent

**VERIFICATION**

I,K.M.Vithyasagar, Son of Mathivathanan, Managing Director, aged about 42 years, do hereby verify on behalf of the Respondent that the contents of the above paragraphs No.1 to 12 are true to the best of my knowledge and that I have not suppressed any material facts.

DATED AT CHENNAI ON THIS THE 30<sup>th</sup> DAY OF SEPTEMBER 2020

DEPONENT

COUNSEL FOR DEPONENT

MANJU FOUNDATIONS (P) LTD

Authorized Signatory

**BEFORE THE HON'BLE ADJUDICATING  
AUTHORITY, TNRERA, CHENNAI**

**Complaint No.87 of 2020**

In the matter between

Dinesh N Surana  
S/o of N K Surana.  
NO. 72 harleys road kilpauk  
Chennai - 600010

.....Complainant

AND

Manju Foundations Private Limited  
Rep. by. K. M. Vithyasagar,  
No. 8, Sapthaswara Apartment, 2<sup>nd</sup> Floor,  
1<sup>st</sup> Avenue, Ashok Nagar, Chennai - 600083.

..... Respondent

**REPLY STATEMENT FILED BY THE RESPONDENT**

1. The address for service of all notices and processes on the Respondent is that of her Counsels M/s. SARVABHAUMAN ASSOCIATES, R. KRISHNA PRASAD, SAM JAYARAJ HOUSTON AND H. SHABEER ALI; ADVOCATES at No.39, Law Chambers, High Court Buildings, Chennai-600104.
2. At the outset, this Respondent denies the entire allegations contained in the Complaint as false, baseless and misleading in material particulars except that are specifically admitted herein and put the Complainant to strict proof of the same. The Complainant has suppressed the material facts and approached this Hon'ble Authority with unclean hands and on the said aspect itself the Complaint is liable to be dismissed. As such the complaint itself been filed with an intention to harass and tarnish the reputation of the Respondent Company and as such clearly abusing the process of the law to achieve such an objective.
3. This Respondent raise the preliminary objection of maintainability of the present complaint for the fact that the complainant does not have any locus standi to prefer the above complaint against the Respondent. The entire reading of the complaint would prove the fact that complainant is in no way affected by the project under took by the Respondent Company and therefore the complaint is filed with vested interest to gain unjust enrichment and therefore the present complaint is liable to dismissed at threshold, This Respondent submits that Petitioner herein had already

filed a suit in O.S.No.29 of 2018, on the file of District Munsif Court, Thindivanam against this Respondent seeking casementary right of pathway over the schedule mentioned property itself had also filed W.P.No.12675 of on the file of Hon'ble High Court of Madras With respect to very same property and therefore the present complaint before this Hon'ble Authority is nothing but an abuse of process of law. Further the Petitioner had not mentioned the section under which he had filed this complaint and therefore this Petitioner has first to prove his locus standi to file this complaint and until he proves his locus standi to file his complaint against this Respondent, complaint this is liable to be dismissed at threshold. This Respondent reserves his right to file additional reply statement as and when he receives any further information about the above case, The brief facts of the case is as follows:

4. The Respondent submits that they had initially entered into a memorandum of agreement of sale dated 22.04.2015 with Metis Pvt. Ltd., Kaleema Put. Ltd., Pedro Pvt. Ltd., for purchasing an extent of 157.905 acres of land from them as per the said agreement, the Respondent herein had initially purchased an extent of 34.49 acres of land from Metis Pvt. Ltd., Kaleema Pvt. Ltd., Pedro Pvt. Ltd., Metis Pvt. Ltd. Vide two Sale Deeds dated 16.10.2015, registered as Doc.No.3603/2015, on the file of SRO, Marakkanam and vide document dated 04.11.2015, registered as Doc. No. 3972/2015, on the file of SRO Marakkanam. After purchasing the said 34.49 acres of land, the Respondent had developed the same into 1500 residential Plots under four different category namely

1. Barisha Beach Residential Plots- 266
2. Bhinaya Beach Residential Plots- 228
3. Bhavishya Beach Residential Plots - 493
4. Bhavitha Classic Residential Plots - 513

After developing the purchased land into plots, we have promoted the same and called for prospective purchasers for the said plots. Meanwhile, we have also obtained Patta with respect to the property purchased by us. Out of the 1500 plots developed by us we have sold 980plots to various persons through registered sale deed. It is pertinent here to mention, that the entire sale deeds executed by us with respect to the above projects was executed during the year 2015 and 2016 which is prior to the commencement of Tamil Nadu RERA Act. After 2016 we have decided to shelve off the project and we have stopped selling any plots after 2016 nor issued any advertisements with the said project after the year 2016. We have decided to sell to develop the remaining 520 plots as a new venture under new name after getting requisite approvals from all

authorities including from this Hon'ble Authority and therefore was no ongoing projects with respect to the schedule mentioned property as on date of the commencement of the Act and therefore the this Hon'ble Authority does not have any jurisdiction to try the present complaint.

5. The Respondents submits that thereafter they had again purchased a total extent of 14.15 acres of land in schedule hereunder vide registered sale deeds dated 12.12.2019, registered as document No.3060 and 3061 of 2019, on the file SRO Marakkanam from M/s. Pedro Developers Pvt Ltd, Metis Developers Pvt. Ltd., and M/s. Kaleena Developers Pvt Limited and in total the Respondent had only purchased an extent of 48.64 acres of land in the schedule hereunder. After purchasing the said extent of 14.15 acres of land the Respondent had taken steps to get necessary approval from all authorities including this Hon'ble authority to develop the property into plots and the Respondent is awaiting the approvals. The Respondent had decided to issue advertisements only after getting requisite permissions. It is pertinent here to mention that the Respondent had not issued any advertisements after 2016 with respect to the above projects and the Respondent is put to strict proof of the advertisements mentioned in the list of documents.

6. The Respondent submits that they came to know that the Complainant herein had also purchased certain extent of 6,10 acres of land adjacent to the Respondent's land and he was in occupation of the said land. The Respondent submit that, they further came to know that the Complainant had purchased land without having proper pathway and therefore Complainant could not develop the property nor sell it to any third party and therefore the Complainant had approached the respondent in the year 2016 with a request to buy his property. Though the Respondent was ready to purchase the property, they could not finalize the same since the Complainant had quoted exorbitant price. The Respondent submits that since they have dropped their intention to purchase their land, the Complainant started giving trouble to the Respondent in one way or the other by lodging several frivolous complaints against them before various fora. In fact, the complainant had also preferred a W.P. No.9904 of 2016, On the file of Hon'ble High Court of Madras for MANDAMUS and the same is still pending, The Complainant had also filed a suit in O.S. No.29 of 2018, on the file of District Munsif Court, right of Thindivanam seeking declaration of their easementary right of pathway and to declare the Patta issued to Respondent as null and void and for injunction and the same is also still pending. Not stopping with that, the Complainant had lodged frivolous petitions before District Collector, Villupuram regarding the violation of CRZ Rules and a complaint

before the concerned Panchayat for not obtaining Planning permission for developing the property and complaint before various authorities.

7. The Respondent submits that, after receiving the notices from the concerned authorities they have given proper reply for those notices. Suppressing the Civil Suit in O.S. No.29 of 2018 on the file of District Munsif Court, Tindivanam and the W.P. No.9904 of 2016, on the file of Hon'ble High Court of Madras regarding the very same property and project, the Complainant had filed the above complaint which is nothing but an act of Forum Shopping and clear abuse of process of law. It is pertinent here to mention that the schedule mentioned in the complaint is not proper and the survey number of the Respondent is not properly mentioned in the schedule and on the other hand the Complainant had included the survey numbers of adjacent land owners without impleading them and therefore the Complainant can not claim relief over the entire survey numbers mentioned in schedule of property without impleading those persons whose land is also included in the schedule.

8. The Respondent submits that, as far as paragraph No. 2 and 3 of the complaint is concerned, this Respondent denies the averments except that are admitted herein. This Respondent admits the averments that it has entered into agreement of sale with the Companies, namely M/s. Pedro Developers Private Limited, M/s. Metis Developers Private Limited and M/s Kaleena Developers Private Limited to build a housing project on an extent of 157.905 acres alone. The Respondent denies the averments that it has brought for sale of the entire 34 acres beach township out of the total 160 acres and in parallel puts the complainant to strict proof of the same. This Respondent submits that, the allegations put forth by the Complainant in Paragraph No.3 is denied at its entirety and in parallel puts the complainant to strict proof of the same. The Respondent had developed the plots in 34.49 acres of land after laying roads for Approaching the said plots and the plots were sold in during the year 2015 and 2016 itself and therefore the Respondent had stopped the project in the year 2016 and therefore the allegation that it is an ongoing project is totally false and baseless and therefore the complaint is not maintainable before this authority since the Project was completed in the year 2016 itself and no plots were registered after 2016.

9. This Respondent also highlights the fact that, this Complaint is lodged solely because of the enmity and grudge of the Complainant towards the Respondent Company. This Respondent submits that, the mere allegations that this Respondent has violated the Provisions of the Environmental Protection Act, 1986 without supporting evidences

is highly opposed and erroneous. The activities carried out on their own Patta lands did not cause any environmental damage or impact so as to initiate any action under the Environmental Protection Act, 1986. The Respondent denies the allegations put forth by the Complainant in Paragraph No. 4, and puts the Complainant to strict proof of the same. It is pertinent to note that, the respondent Company has sold any plot after 2016 since Respondent had stoooped the project in the year 2016 itself nor the Respondent had issued any advertisement with respect to the project after 2016 the therefore Respondent Company has not violated any provisions under the TN RERA Act. This Respondent submits that, as far as paragraph No. 5 and 6 is concerned, this Respondent strongly opposes the allegations and puts the Complainant to strict proof of the same. The Respondent company having an established name among its valuable customers. The bare allegations that the housing projects of the Respondent are unauthorized without any substantial evidences is highly condemnable and is solely done to bring down the reputation of the Respondent Company among its valuable customers. The bare allegations that one M/s. Aravika Holdings, an affected party has initiated proceedings against the respondent Company without any evidences is fallacious and the same is bad in law.

10. The Respondent submits that, the allegations put forth by the Complainant in paragraph No. 7 and 8 of the complaint is erroneous at its entirety and in parallel this Respondent puts the Complainant on strict proof of the same. The District Environmental Engineer, Villupuram has issued a show cause notice dated 11.06.2016 against this Respondent based on the false and unfounded complaint given by this Complainant and other parties. This Respondent has categorically issued a reply letter to the District Environmental Engineer, Villupuram dated 11.07.2016 by giving a proper reasoning to the said allegations. The Respondent denies the allegations with regard to paragraphs No. 9 and 10 of the complaint at its entirety, and in parallel puts the Complainant to strict proof of the same. This Respondent submits that, it has stalled its construction and development work way back in 2016 and it was also specifically reiterated the reply notice given by this Respondent to the Executive officer, Marakkanam Municipality, Villupuram vide letter dated 28.07.2016. The false claim that this Respondent has sold plots against the norms, specifically against the G.O.M.S. No. 78 dated 04.05.2017 is erroneous and thus puts the Complainant to strict proof of the same. This Respondent submits that, the COMMON LIST prepared by the Complainant in the Complaint is false at its entirety.

11. The Respondent submits that, as far as paragraph No. 11 and the subsequent COMMON LIST is concerned; this Respondent

denies the entire list and in parallel puts the Complainant to strict proof of the same. The Respondent respectfully submit that the sale deed mentioned in the column in Serial No.20 to 41 are all subsequent transfers. A perusal of these deeds would prove the fact that the schedule mentioned plots mentioned in Serial No.20 to 41 have been initially sold by the Respondent in the year 2015 and 2016 and these sale deeds mentioned in SI.Nos.20 to 41 are re-transfer or subsequent sale deeds and therefore subsequent sale will not come under the purview of ongoing projects. The Respondent submits that, with respect to paragraph No. 12 of the complaint; this Respondent reiterates the same as stated supra whereby this Respondent has categorically given adequate reply dated 11.08.2016 in relation to the show cause notice issued by District Environment Engineer/ District Collector, Villupuram District dated 11.06.2016. This Respondent has categorically given suitable reply to the show cause notices itself proves that the Complainant has filed this complaint only with the sole motive to harass this Respondent and bring down its reputation among its valuable customers. The Respondent submits that, as far as paragraph No. 13 and 14 is concerned, this Respondent denies the allegations in entirety and put the Complainant to strict proof of the same. However, in the present scenario, this Respondent has not violated any provisions or laws as falsely alleged by the Complainant herein.

12. The Respondent denies the allegation; pertaining to paragraph No. 15 and puts to the Complainant to strict proof of the same. The Respondent had already obtained an order of interim stay of the order passed by the authority striking off the name of the company from Register of companies and list of disqualified directors vide order dated 26.04.2018 in W.P. Nos. 10501 to 10504 of 2018 on the file of the Hon'ble High Court. The contents in regard to paragraph No. 16 and 17 is denied at its entirety. No show cause notice has been received by this Respondent from the Officer of Accountant General, Tamil Nadu regarding illegal and undervalued purchase and sale transactions by Manju and Vatika Groups as alleged by the Complainant herein, and thereby this Respondent puts the Complainant to strict proof of the same. The Complainant herein is solely relying on cook up facts and bare allegations without any evidences and thus is strongly opposed.

It is therefore humbly prayed that for the afore said reasons, this Hon'ble Authority maybe pleased to dismiss the above complaint with cost and pass such other or further orders as this Hon'ble Authority may deem fit and proper in the circumstances above and thus render justice.

DATED AT CHENNAI ON THIS THE                      DAY OF SEPTEMBER 2020

COUNSEL FOR RESPONDENT

RESPONDENT

LIST OF DOCUMENTS

SI.Nos.	DATE	DISCRIPTION	PAGE Nos.
1.	16.10.2015	Sale deed in document No.3603 of 2015, on the file of SRO Marakanam executed in favour of the Respondent	1
2.	04.11.2015	Sale deed in document No.3972 of 2015, on the file of SRO Marakanam executed in favour of the Respondent	
3.	30.01.2016	Plaint in o.s.No.29 of 2018, on the file of DMC, Thidivanam filed by the Respondent	
4.	2016	Affidavit in W.P.No. 12675/2016	
5.	26.04.2018	Order in W.P.NO.10501 to 10504 of 2018, on the file of Hon'ble High" Court of Madras	
6.	12.12.2019	Sale deed in document No.3060 of 2019, on the file of SRO, Marakanam executed in favour of the Respondent	
7.	12.12.2019	Sale deed in document No.3061 of 2019, on the fie of SRO Marakkanam executed in favour of the Respondent	

**VERIFICATION**

I, K.M. Vithyasagar, Son of Kashinathan, Managing Director, aged about 42 years, do hereby verify on behalf of the Respondent that the contents of the above paragraphs No.1 to 12 are true to the best of my knowledge and that I have not suppressed any material facts.

DATED AT CHENNAI ON THIS THE 30<sup>TH</sup> DAY OF SEPTEMBER 2020

DEPONENT

COUNSEL FOR DEPONENT





**BEFORE THE TAMIL NADU REAL ESTATE  
REGULATORY AUTHORITY (TNRERA)  
(Tamil Nadu, Andaman & Nicobar Islands)  
at Egmore, Chennai – 600 008  
[Under the Real Estate (Regulation and Development) Act, 2016]**

**C.No.087/2020**

**22<sup>nd</sup> day of August, 2022**

**Coram : Thiru K. Gnanadesikan, I.A.S. (Retired), Chairperson  
Er. S. Manohar, Member  
Adv. V. Jeyakumar, Member**

Thiru Dinesh N. Surana

... Complainant

Versus

M/s. Manju Foundations Private Limited,  
Rep. by Vidhya

] Respondent  
]

\*\*\*\*\*

This Complaint came up for final hearing before this Authority in the presence of the Complainant appeared as party in person and of M/s. Sarvabhauman Associates, Krishna Prasad R, Shabeer Ali H – Counsel for the Respondent and upon hearing the arguments of both the parties, this Authority passes the following order:

## FINAL ORDER

The Complainant Thiru Dinesh N. Surana has submitted in the Complaint that the Respondent Promoter & real estate agent M/s. Manju Foundations Private Limited had proposed to develop a 160 acre beach front township in Marakkanam North village, Marakkanam Taluk and have developed and brought for sale 34 acres beach township out of the total 160 acres proposed and had prepared the rest of the land for development.

2. The Complainant has further submitted that the developments made therein are in violation under the Town and Country Planning Act as well as the Environment Protection Act and the CRZ III rules. As these projects are not complete i.e. the roads and open spaces are not gifted to the local body and therefore, the projects at sea side in Marakkanam North Village, Villupuram District namely "Bhavishya Beach, Baruna Beach, Bharitha Beach, Barsha Beach" come under the purview of the this Authority. Particularly, these projects were launched on 26.09.2015 and were not completed on the date of the introduction of the TNRERA and remain incomplete. Therefore, the registration of these projects under the TNRERA is mandatory to proceed with marketing and sale of plots, failing which the same is not possible in law and is construed as violation of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017.

3. The Complainant has furnished in the Complaint a common list of 41 sale transactions and has also submitted the following.

- A. Illegal Housing plots bought and sold after receipt & response of show cause notice issued by the District Coastal Zone Management Authority.
- B. Illegal plots registered in violation of G.O.Ms.No.78 dated 4.5.2017 issued by the Housing and Urban Development Department.
- C. Illegal plots registered without obtaining registration and sanction of TNRERA in regard to ongoing project and without prior DTCP approval/Regularization.

4. The Complainant has sought for the following relief (s):

- a) Issue a show cause notice to M/s. Manju Foundations Private Limited as per the provisions of the TNRERA for non-registration of the layout projects and
- b) Initiate proceedings against the Respondents for sale and purchase of plots without regularization and without registration of the aforesaid ongoing layout project before this Authority.

5. In the Counter Affidavit, the Respondent has submitted that the Respondent denies the entire allegations contained in the Complaint as false, baseless and misleading in material particulars except that are specifically admitted herein and put the Complainant to strict proof of the same. The Respondent raises the preliminary objection of maintainability of the present complaint for the fact that the complainant does not have any

locus standi to prefer the above complaint against the Respondent. The entire reading of the complaint would prove the fact that the Complainant is in no way affected by the project undertaken by the Respondent Company and therefore the complaint is filed with vested interest to gain unjust enrichment and therefore the present complaint is liable to be dismissed at threshold.

6. The Respondent has further submitted that the Complainant has first to prove his locus standi to file this complaint and until he proves his locus standi to file this complaint against this Respondent, this complaint is liable to be dismissed at threshold. The Respondent has also stated that they had initially entered into a memorandum of Agreement of Sale dated 22.04.2015 with Metis Pvt. Ltd., Kaleema Pvt. Ltd., Pedro Pvt. Ltd., for purchasing an extent of 157.905 acres of land from them. As per the said agreement, the Respondent herein had initially purchased an extent of 34.49 acres of land from Metis Pvt. Ltd., Kaleema Pvt. Ltd., Pedro Pvt. Ltd., Metis Pvt. Ltd. vide two Sale Deeds dated 16.10.2015, registered as Doc.No.3603/2015, on the file of SRO, Marakkanam and vide document dated 04.11.2015, registered as Doc.No.3972/2015, on the file of SRO Marakkanam. After purchasing the said 34.49 acres of land, the Respondent had developed the same into 1500 residential Plots under four different categories namely.

1. Barisha Beach Residential Plots – 266
2. Bhinaya Beach Residential Plots – 228
3. Bhavishya Beach Residential Plots – 493
4. Bhavitha Classic Residential Plots – 513

7. The Respondent has also submitted that after developing the purchased land into plots, the Respondent has promoted the same and called for prospective purchasers for the said plots. The Respondent has also stated that the patta has also been obtained with respect to the property purchased by them. Out of 1500 plots developed by the Respondent, they have sold 980 plots to various persons through registered sale deeds. The entire sale deeds executed by the Respondent with respect to the above projects were executed during the year 2015 and 2016 which is prior to the commencement of Tamil Nadu RERA Act. After 2016 the Respondent has decided to shelve the project and the Respondent has stopped selling any plots after 2016 nor issued any advertisement with the said project after the year 2016. The Respondent has also stated that they have decided to sell to develop the remaining 520 plots as a new venture under new name after getting requisite approvals from all the authorities including from this Authority and therefore there were no ongoing projects with respect to the schedule mentioned property as on date of the commencement of the Act and therefore this Authority does not have any jurisdiction to entertain the present complaint.

8. The Respondent has further submitted that they had again purchased a total extent of 14.15 acres of land in schedule hereunder vide registered sale deeds dated 12.12.2019, registered as document No.3060 and 3061 of 2019, on the file of SRO Marakanam from M/s.Pedro Developers Pvt. Ltd., Metis Developers Pvt. Ltd., and M/s.Kaleena Developers Pvt. Ltd and in total the Respondent had purchased only an extent of 48.64 acres of land in the schedule hereunder. After purchasing

the said extent of 14.15 acres of land the Respondent had taken steps to get necessary approval from all the authorities including this Authority to develop the property into plots and the Respondent is awaiting the approvals. The Respondent had decided to issue advertisements only after getting requisite permissions. The Respondent has also stated that the Respondent had not issued any advertisement after 2016 with respect to the above projects.

9. The Respondent has further submitted that they came to know that the Complainant herein had also purchased certain extent of 6.10 acres of land adjacent to the Respondent's land and he was in occupation of the said land. Also the Respondent came to know that the Complainant had purchased land without having proper pathway and therefore, Complainant could not develop the property nor sell it to any third party. Therefore the Complainant had approached the Respondent in the year 2016 with a request to buy his property. Though the Respondent was ready to purchase the property, they could not finalise the same since the Complainant had quoted exorbitant price. The Respondent further submitted that since they have dropped their intention to purchase the Complainant's land, the Complainant started giving trouble to the Respondent in one way or the other by lodging several frivolous complaints against the Respondent before various Fora.

10. The Respondent has further stated that suppressing the Civil Suit in O.S.No.29 of 2018 on the file of District Munsif Court, Tindivanam and the W.P.No.9904 of 2016, on the file of Hon'ble High Court of Madras regarding the very same property and project, the Complainant had filed

the above complaint which is nothing but an act of Forum Shopping and clear abuse of process of law.

11. The Respondent has also submitted that they had developed the plots in 34.49 acres of land after laying roads for approaching the said plots and the plots were sold in during the year 2015 and 2016 itself and therefore the Respondent had stopped the project in the year 2016 and therefore the allegation that it is an ongoing project is totally false and baseless and the Complaint is not maintainable before this Authority since the project was completed in the year 2016 itself and no plots were registered after 2016. As far as paragraph 11 and the subsequent Common List of the Complaint is concerned, the Respondent denies the entire list and in parallel puts the Complainant to strict proof of the same. The sale deeds mentioned in the column in Serial No.20 to 41 are all subsequent transfers. A perusal of these deeds would prove the fact that the schedule mentioned plots mentioned in Serial No.20 to 41 have been initially sold by the Respondent in the year 2015 and 2016 and these sale deeds mentioned in Sl.Nos.20 to 41 are re-transfer or subsequent sale deeds and therefore the subsequent sale will not come under the purview of ongoing projects.

12. In the Rejoinder-cum-Additional grounds filed by the Complainant, the Complainant has stated that in view of the Respondent not obtaining prior Environmental Clearance, there is a continuous breach of the Environment Protection Act and also the projects being incomplete project and the roads and parks are not gifted and the swimming pool, club house have not been developed after obtaining permissions, thus the ill-fated projects are not just unapproved, illegal and incomplete on the

date of the introduction of the TNRERA. Therefore the projects fall within the jurisdiction of this Authority. The Complainant has also submitted that as per Section 9(1) of the Act, "any aggrieved person" may file a complaint with the Authority...".

13. In reply to the Rejoinder, the Respondent has stated that the Complainant has only produced documents pertaining until the year 2016, which ultimately will prove that the cause of action occurred prior to the commencement of TNRERA and hence this Forum lacks sufficient jurisdiction to entertain the present complaint.

14. This Authority, after careful examination of the Complaint, the Counter Affidavit filed by the Respondent Promoter, the Rejoinder filed by the Complainant, the Reply to the Rejoinder filed by the Respondent and the written submissions of arguments filed by both sides with reference to the maintainability of the Complaint challenged by the Respondent, has held in its order dated 27.09.2021 that the Complaint is maintainable.

15. In the written submission of arguments, the Complainant has submitted in a nutshell that:

- a. The layouts have been promoted by grabbing the lands of the complainant and the communal poramboke lands. The layout framework is not sustainable and fixation of guideline value is an act of fraud.
- b. The layout drawings produced by the Complainant proves that no documents have been filed to prove title of the Respondent to the lands in new survey numbers 192, 174/2,

10, 11, 12, 13, 9, 14, 194/2, 194/1, 211/1a, 210/5 without title to the entire extent of these lands, the layouts formed are only an act of land grabbing, encroachment and criminal misrepresentation.

- c. The layout framework/the master plan annexed to the respective sale deeds registered by the Respondent promoter being a legal document is an unsustainable document and proves land grabbing of communal poramboke in S.No.192.
- d. The layouts have been promoted in violation of the Environment Act, CRZ laws and Town and Country Planning Act.
- e. The Club house cannot be constructed in the no development zone, hence the layout framework is not sustainable.
- f. The projects are in continuous violation of the environment act and CRZ laws.
- g. Plots are being sold after the advent of TNRERA and also pending the subject proceedings and the W.P. No.12675/2016 and the Civil Suit in O.S.No.3/2021 and also in violation of the protest petition filed before SRO Marakkanam.
- h. Communal lands have been grabbed pending the PIL proceedings in W.P.No.20713 of 2013 to lay 60' road and make it part of the layout framework/master plan.

- i. The documents and clarifications sought in the letter dated 26.11.2020 sent by RPAD and common e-mail (to TNRERA and to counsel of Respondent and the Respondent on 3/12/2020) have deliberately not been produced, hence an adverse inference has to be drawn as per the settled principles of law.
- j. The affidavit of the Respondent in W.P.No.9904/2016 proves the Complainant has not filed the same and if there was any merit in the claims of the Respondent in the above writ petition it would have produced a copy of the same before this Authority and would not have made patently false allegations which are contrary to its claims.
- k. The Respondent has purchased and sold plots pending disposal of this complaint and thus has shown no regard and has confirmed lands grabbing of communal poramboke and the Complainant's lands.
- l. The scope of the complaint has enlarged in view of the fact that the Respondent has failed to establish marketable title and has developed and sold layouts pending disputes and by land grabbing. This Authority is vested with suo motu powers.

16. In the written submission of arguments filed on behalf of the Respondent, the Respondent has submitted that the Complainant had made an offer to the Respondent to settle issue vide his letter dated 09.05.2015 (the Letter has been annexed in his 1<sup>st</sup> typed set of documents

at Page No.41) and since the Respondent had not heeded to the said request the Complainant had filed several complaints against the Respondent and this Complaint is sequel to the said complaints.

17. The Respondent has further submitted that the Complainant had filed W.P.No.12675/2016, on the file of the Hon'ble Madras High Court as the Managing partner of M/s.Aaravika Holdings which is a real estate company against this Respondent which would itself establish the fact that this complaint is a sequel to the said Writ Petition to settle their personal scores. The Respondent has also submitted that the Complainant had also filed the following Civil suits against this Respondent and others with respect to the very same property which would clearly prove the fact that the present complaint is nothing but an attempt to arm twist the Respondent to settle their private dispute.

- i. O.S.No.29 of 2018, on the file of District Munsif Court,  
Tindivanam
- ii. O.S.No.03 of 2021, on the file of Principal District Court,  
Tindivanam
- iii. O.S.No.272 of 2021, on the file of Principal District Court,  
Tindivanam

18. The Respondent has further stated that it had filed the suits seeking declaration of their easementary right of pathway and to declare the Patta issued to this Respondent as null and void and for injunction in the above suits and the same is also still pending. The Respondent has also submitted further that the Complainant had categorically stated in their Additional Grounds Statement at Paragraph No.14 that the Complainant could not develop and sell his land since they do not have pathway and a

46

reading of the said statement would establish the intention of the Complainant in filing the above Complaint.

19. The Respondent has further submitted that the Complainant had also filed a Writ Petition before the Hon'ble High Court in W.P.No.23032/2021 against this Respondent seeking for a direction to remove the alleged encroached land in S.No.192, Marakkanam Village made by this Respondent and the same is pending. The Respondent has also stated that the S.No.192 is also the subject matter of the present Complaint and therefore the Complainant had approached various forums with respect to the same property which is nothing but a forum shopping and parallel adjudication would only do injustice to this Respondent.

20. The Respondent has submitted that they have executed sale deeds with respect to the above projects in the year 2015 and 2016 alone which is prior to the commencement of the RERA Act. After 2016, the Respondent had decided to shelve the project and stopped selling any plots after 2016 or issued any advertisement for the said project after the year 2016. The Respondent has further submitted that they had decided to sell to develop the remaining 520 plots as a new venture under new name after getting requisite approvals from all the authorities including from this Authority and therefore there was no ongoing project with respect to the schedule mentioned property as on date of the commencement of the Act.

21. This Authority has examined the Complaint, the Counter Affidavit filed by the Respondent Promoter, the Rejoinder filed by the Complainant, the Reply to the Rejoinder filed by the Respondent Promoter and the written submission of arguments filed by both sides carefully.

47

22. This Authority in its order dated 27.09.2021 has held that this Complaint is maintainable.

23. The main prayer of the Complainant is regarding non registration of this real estate layout project in Marakkanam North village, Villupuram District.

24. It is ascertained from the Registration wing of this Authority that the Respondent Promoter has registered this real estate layout project name "Blue Spot – Marakkanam" with 188 regular plots, 49 EWS Plots and 2 shop sites in Marakkanam North village, Villupuram District with this Authority vide Registration No.TN/04/Layout/0311/2021 dated 03.09.2021.

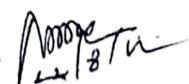
25. In view of the registration of this real estate layout project with this Authority, this Complaint is disposed of without any further need for issue of any direction to the Respondent Promoter.

Sd/-...22.08.2022  
MEMBER (M), TNRERA

Sd/-...22.08.2022  
MEMBER (J), TNRERA

Sd/-...22.08.2022  
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N.   
ADMINISTRATIVE OFFICER  
22-08-2022

48

GOVERNMENT OF TAMILNADU  
REGISTRATION DEPARTMENT

தமிழ்நாடு அரசு  
பதிவுத்துறை



Certificate of Encumbrance on Property  
சொத்து தொடர்பான வில்லங்கச் சான்று

S.R.O /சா.ப.அ: Marakkanam	Date / நாள்: 03-Oct-2024
Village /கிராமம்: Marakkanam North	Survey Details /சர்வே விவரம்: 192

Search Period /தேடுதல் காலம்: 01-Jan-1990 - 02-Oct-2024

Sr. No./வ. எண்	Document No. & Year/ ஆவண எண் மற்றும் ஆண்டு	Date of Execution & Date of Presentation & Date of Registration/எழுதிக் கொடுத்த நாள் & தாக்கல் நாள் & பதிவு நாள்	Nature/தன்மை	Name of Executant(s)/ எழுதிக்கொடுத்தவர்(கள்)	Name of Claimant(s)/ எழுதி வாங்கியவர் பெயர்(கள்)	Vol.No & Page. No/ தொகுதி எண் மற்றும் பக்க எண்
1	1741/1991	13-Nov-1991 13-Nov-1991 15-Nov-1991	Sale deed	1. கண்ணன் 2. கௌசல்யா அம்மாள் 3. ராஜலக்ஷ்மி அம்மாள்	1. P. பொன் ராம	-
Consideration Value/கைமாற்றத் தொகை: ரூ. 72,000/-		Market Value/சந்தை மதிப்பு: ரூ. 72,000/-		PR Number/முந்தைய ஆவண எண்.		
Document Remarks/ ஆவணக் குறிப்புகள் : கிரையம் ரூபாய் 72000/-		Property Extent/சொத்தின் விஸ்தீர்ணம்: 4.25செண்ட்				
<b>Schedule 1 Details:</b>		Survey No./புல எண் : 191, 192/2, 196, 271/1, 272, 275/2				
Property Type/சொத்தின் வகைப்பாடு: Agricultural Land		Schedule Remarks/சொத்து விவரம் தொடர்பான குறிப்புகள்: அபச 191/- 569, 192/2 4 50, 196/- 5 97 ஆக 16.16ல் மத்தியில் 4.25செண்ட் ரீ சர்வே 272/- 275/2 271/1ல் சம்மந்தம்				
Village & Street/கிராமம் மற்றும் தெரு: Marakkanam North		1. ... மோகன் (தக்ரா)				
Marakkanam (V)						
எல்லை விபரங்கள்: எ வர கிரைய பஞ்சைக்கு கிழக்கு, எ வர கிரைய பஞ்சைக்கு மேற்கு, எ வர கிரைய பஞ்சைக்கு தெற்கு, தீர்த்த வாரி ரோட்டுக்கு வடக்கு						

362/1996	13-Mar-1996 13-Mar-1996 14-Mar-1996	Sale deed	<p>2. .. ரமேஷ்(முதல்வர்)</p> <p>3. பா. நேதா (மைனர்)</p> <p>4. மோ. கீதா(மைனர்)</p> <p>5. பா. பிரியா(மைனர்)</p> <p>6. .. முருகையா (ஏஜெண்ட்)</p> <p>7. பா. இந்துயராஜ்(மைனர்)</p> <p>8. மோ. வெங்கடேசன்(மைனர்)</p> <p>9. .. வெங்கடேசன் (முதல்வர்)</p> <p>10. .. சாந்தி (முதல்வர்)</p> <p>11. மோ. மகேந்திரன்(மைனர்)</p> <p>12. .. சாந்தகுமார்(முதல்வர்)</p> <p>13. மோ. செல்வம்(மைனர்)</p> <p>14. .. பாஸ்கரன்(தகன)</p> <p>15. .. ராதா அம்மாள்</p>	1. B.S.. ஆதித்தியன்
Consideration Value/கைமாற்றுத் தொகை: ரூ. 23,100/-		Market Value/சந்தை மதிப்பு: ரூ. 69,300/-		
Document Remarks/ ஆவணக் குறிப்புகள் :		வி ரூ.23100		
<b>Schedule 2 Details:</b>				
Property Type/சொத்தின் வகைப்பாடு: Agricultural Land				
Village & Street/கிராமம் மற்றும் தெரு: Marakkanam North , Marakanam (V)				
Old Door No./பழைய கதவு எண்: .				
<p><b>எல்லை விபரங்கள்</b></p> <p>எட்கா சர்வே 174 க்கு தெற்கு, சாமிக்கண்ணு திருவேங்கிடம் நிலத்துக்கு வடக்கு, மாதவராம் நிலத்துக்கு மேற்கு, கிழக்கு கடற்கரை சாலைக்கு கிழக்கு</p>				
<b>Schedule 3 Details:</b>				
Property Type/சொத்தின் வகைப்பாடு: Agricultural Land				
Village & Street/கிராமம் மற்றும் தெரு: Marakkanam North , Marakanam (V)				
Old Door No./பழைய கதவு எண்: .				
<p><b>எல்லை விபரங்கள்</b></p> <p>சர்வே 196 க்கு புறம்போக்கு நிலத்துக்கு தெற்கு, மாதவராம் சர்வே 150 க்கு</p>				
PR Number/முந்தைய ஆவண எண்:		-		

**BEFORE THE HON'BLE ADJUDICATING AUTHORITY, TNRERA  
CHENNAI.**

**C.No. 1 of 2024**

In the matter between :

P. Nagarajan

K.P. Loganathan

Both sons of Ponnuranga Gounder

2/387, Singaravelan Street,

Opposite community Hall,

Chinna Neelangarai, Chennai - 115.

**...Complainant**

**Vs.**

1. Manju Foundations Pvt. Ltd.

Rep. by Vidhya Sagar,

Having its office at No. 8,

Sapthaswara Apartments,

2<sup>nd</sup> Floor, 1<sup>st</sup> Avenue, Ashok Nagar,

Chennai - 600 083.

**...Respondents**

**REPLY STATEMENT FILED BY THE 1<sup>st</sup> RESPONDENT**

1. The address for service of all notices and processes on the Respondent is that of their Counsels R.KRISHNA PRASAD, H.SHABEER ALI & R. SURYANARAYANAN ADVOCATES at No.47, 3<sup>rd</sup> Floor, Oriental Building, Armenian Street, Chennai - 600 001

2. The Complainant herein has not approached this Hon'ble Forum with clean hands and with sufficient Locus Standi. Many of the facts have been pleaded in a twisted manner. As such, the Complaint itself has been filed with an intention to harass and tarnish the reputation

of the Respondent Company and clear abuse of process of law. A perusal of the entire complaint would prove the fact that the above complaint is filed to settle his Civil dispute which is pending on the file of District Munsif Court Thindivanam in O.S.No.345 of 2022.

3. This Respondent submits that they had initially purchased an extent of 34.49 acres of land from Metis Pvt. Ltd., Kaleema Pvt. Ltd., Pedro Pvt. Ltd., Metis Pvt. Ltd. vide two Sale Deeds dated 16.10.2015, registered as Doc.No.3603/2015, on the file of SRO, Marakkanam and vide document dated 04.11.2015, registered as Doc. No. 3972/2015, on the file of SRO Marakkanam. After purchasing the said 34.49 acres of land, the Respondent had developed the same into 1500 as farm lands and beach resorts under four different category namely

- Residential*
1. Barisha Beach Plots - 266
  2. Bhinaya Beach Plots - 228
  3. Bhavishya Beach Plots - 493
  4. Bhavitha Classic Plots - 513

After developing the purchased land into plots, we have promoted the same and called for prospective purchasers for the said plots. Meanwhile, we have also obtained Patta with respect to the property purchased by us. Out of the 1500 plots developed by us we have sold 980 plots to various persons through registered sale deed. It is pertinent here to mention, that the entire sale deeds executed by us with respect to the above projects was executed during the year 2015 and 2016 which is prior to the commencement of Tamil Nadu RERA Act which can be evinced through sale deeds dated 13.11.2015, 05.11.2015, 13.11.2015 and 26.10.2015 registered as Document

Nos. 4094/2015, 3993/2015, 4118/2015 and 3787/2015 on the file of SRO, Marakkannam. After 2016 we have decided to shelve off the project and we have stopped selling any plots after 2016 nor issued any advertisements with the said project after the year 2016. We have decided to sell to develop the remaining 520 plots as a new venture under new name after getting requisite approvals from all authorities including from this Hon'ble Authority and therefore was no ongoing projects with respect to the schedule mentioned property as on date of the commencement of the Act and therefore the allegations raised by the Complainant that there is still on going project is totally false and therefore the this Hon'ble Authority does not have any jurisdiction to try the present complaint. It is pertinent here to mention that our vendors had earlier got approvals from concern authorities for the sale of lands as farm and beach resorts from the Ministry of Environment and Forests vide Letter of clearance dated 08.06.2009.

4. This Respondent submits that they have again purchased an extent of 12.29 Acres of land from our vendors namely M/s.Kaleena Developers Pvt. Ltd. and M/s. Pedro Developers Pvt. Ltd. and M/s. Metis Developers Pvt. Ltd. through Sale Deeds dated 12.12.2019 registered as Document Nos. 3060/2019 and 3061/2019 on the file of SRO, Marakkanam. It is pertinent to note that, we had intended to sell the lands as farm-lands and for other eco-friendly development. I submit that, we had also obtained layout approval from the Deputy Director, DTCP vide Letter No. 118/2021/A1 dated 07.07.2021 and also from TNRERA vide approval dated 03.09.2021 in TN/Layout/0311/2021 for the project named "BLUE SPOT". I submit that, we had also executed Gift Deeds dated 01.03.2021

registered as Document Nos. 653/2021, 652/2021 on the file of SRO, Marakkanam. It is germane to state that, all the above layout approvals are for the lands situated beyond 500mts above the High Tide Line alone and the same is obtained after verifying the parameters laid down under law. I submit that, to further prove the case and to show that our developments will not fall under the CRZ areas, we had obtained a clarification letter from the Director of Department of Environment, Chennai vide Letter dated 12.07.2016 in R.C. No. P1/1233/2016 wherein the authority has categorically affirmed that the lands purchased by the Respondent Company are falling beyond 500 mts from the HTL of sea and that the lands are falling outside CRZ areas and in the present case, the Complainant without knowing the entire gamut of the issue at hand, has filed the present application in-order to cause disturbances and to spoil our reputation among our customers.

5. This Respondent submit that they have also obtained layout approvals from Town and Country Planning Department in Layout Approval No.109 of 2023 for developing remaining plots in lands beyond CRZ zone and further the same was approved by Tamil Nadu Real Estate Regulatory authority vide order dated 08.04.2024 under our project name Blue Spot II. I submit that we have obtained requisite permission from the concerned authorities and selling lands beyond CRZ zone. It may not be out of place here to mention that we have not made any developments nor put up any construction within the CRZ zone. It is pertinent to note that we have not destroyed any Sand Dunes. It is our contention that, we have not made any developments below the 500 mts. coming under the purview of CRZ zone. I submit that, we had only sold the lands as farm lands without

any developments and thus being so, there arise no question of destroying the sand dunes as alleged by the complainant. A perusal of the approvals from the DTCP and TNRERA would show that we have only developed the lands lying beyond 500 mts which does not come under the purview of CRZ zone.

6. This Respondent submits that this complaint is instigated one filed with an intention to tarnish the reputation of this Respondent and to cause financial loss and with an intention to settle his civil suit. The Respondent further states that the complainant is neither an allottee or purchasers under the Respondent herein and the complainant is put to strict proof of same. The Respondent submit that they had entered agreement with the complainants herein dated 16.04.2015 for purchase of lands in survey no. 211/1 measuring 0.53 cents and survey no. 195/4 measuring 1.17 acres totally measuring 1.70 acres for a consideration of sum of Rs.95,20,000/-. It is herein we had paid Rs. 50,000/- towards advance for the same. Though we had entered agreement the Complainant had failed to come forward for executing the sale deed and in spite of several intimation the Complainant was not ready and will perform their part of the contract. It is not out of place here to mention that the Complainant herein had admitted to demark the subject property in the survey no as stated supra.

7. The Respondent further states that they had also on various dates paid a sum of Rs. 20,000/- on 15.08.2015, 02.08.2018 had paid a sum of Rs. 1,00,000/- and on 26.08.2020 have paid a sum of Rs. 2,00,000/- on 26.08.2020 for all the transactions the complainant had made an endorsement in the agreement dated 16.04.2015, the complainant on each and every time during obtaining the advance

amount had promised to demark and land and execute the sale deed in favour of the Respondent. The Respondent further states that since the complainant failed to provide proper replies in execution of sale the Respondent had filed a suit in O.S.No. 345of 2022 on the file of District Court, Thidivanam seeking specific performance of agreement dated 16.04.2015. The complainant as a counter blast to the above suit filed by us had filed the present complaint to harass us before every forum.

8. The Respondent denies sub para 2, 3, 4, 5, 6 in para 4 and the Complainants are put to strict proof of the same. The Respondent humbly states that the complainant is not a victim infact the Respondent herein are the victim of breach of contract committed by the complainant. Further we are not developing any projects in Eco Sensitive and No development zone, CRZ zone and the allegation put forth by the complainant is hereby denied as false and baseless. The Respondent also admits that the Complainant are the land owners of the survey numbers as stated above and have cheated us after obtaining advance sum towards the sale agreement dated 16.04.2015 and failed to execute sale deed in favour of the Respondent.

9. The Respondent denies sub para 7,8,9 in para 4 and the Complainants are put to strict proof of the same. The Respondent humbly states that they admits that they have entered into agreement of sale dated 16.04.2015 however the Complainant had failed to come forward to execute the sale deed and the complainant is trying the shift the burden upon the Respondent for non completion of his part of the contract. The Complainant though taken advance at several instances towards demarking the boundaries have

failed to do to so with an intention to defraud this Respondent. The Respondent further states that the entire project was developed in the name of "Bhavishya Beach, Baruna Beach, Bharitha Beach and Barsha Beach" which is prior to commencement of the Act the project was stopped in the year 2016 itself. The Respondent is now selling lands after obtaining requisite approvals. A bare perusal of order in C.No. 87 of 2020 dated 22.08.2022 would prove the fact that the project was registered before this Hon'ble Forum in TN/04/Layout/0311/2021 dated 03.09.2021. Therefore, the allegation of non registration of project is not maintainable further the Respondent had also obtained DTCP approval in Approval 109 of 2023. The complainant stating that we have promoted project in the survey numbers is false and is put to strict proof of the same. Further if the complainant is aggrieved against the possession they ought to have approached civil court for recovery of the possession and not before this Hon'ble Tribunal as the dispute is in respect to breach committed by the Complainant.

10. The Respondent denies sub para 10,11,12 and 13 in para 4 and the Complainants are put to strict proof of the same. The complainant submits that the allegations that notice dated 29.10.2015 and 04.07.2016 issued and no action taken by the Town Panchayat department is denied wherein this Respondent had given reply to the notice since officials department finding the same convincing had not taken any further action therefore the complainant being not aware of any further proceedings and creating speculative conclusion.

10. The Respondent denies allegations sub para 14,15,16, an 17 in para 4 as false and baseless, further the Respondent submits that

the Respondent allegation that we are in collusion with Executive officer is hereby denied as mere speculation as stated above since we have given a proper reply as the same was considered by the department they have not taken any further action, also though the Respondent states some imaginary letter dated 20.09.2023 the same is not produced along with the complaint and therefore it is very clear that the complainant for the purpose of the present case has created the imaginary letter dated 20.09.2023 and therefore the same has to disbelieved at threshold.

11. The Respondent denies allegations sub para 18,19,20 and 21 in para 4 as false and baseless except admitted herein. The allegation that the signature in the agreement of sale dated 16.04.2015 is fabricated is totally false and baseless and the complainant is put to strict proof of the same. The allegation that our statement that lands are vacant lands in the civil suit and that now we are claiming it as road is erroneous. The Complainant without getting any injunction order before the civil court seeking direction from this Hon'ble Forum is not maintainable. Further the officer bearer as stated by the complainant in para 21 is denied since there have been changes in management.

12. The Respondent denies allegations in sub para 22,23,24,25,26 and 27 in para 4 is denied and the complainant is put to strict proof of the same. The Respondent once again reiterates that there is a civil suit pending in O.S.No. 345of 2022 on the file of District Court, Thidivanam seeking specific performance of agreement dated 16.04.2015 and therefore the Complainant remedy lies before the civil court. Further the Respondent states that as per the order dated

05.07.2024 Hon'ble Green Tribunal that there is no promotion activity going in the CRZ zone and therefore the allegation is denied at instance. The Respondent further states that he is just an promoter in the REAL ESTATE SECTOR since 2002 with an experience of 22 years and the complainant making such false allegations shows the mala fide intentions of the complainant to tarnish the reputations of the Respondents good will which he has gained over period of 22 years. Further the Respondent denies that para 5 and 6 and humbly states that the present complainant is not maintainable for the fact that the Project Bhavishya Beach, Baruna Beach, Bharitha Beach and Barsha Beach" have not been promoted after 2016. The Respondent submits that since the project has been seized the complainant is non est in eyes of law and therefore the same is liable to be dismissed at threshold. Further as bare perusal of order in C.No. 87 of 2020 dated 22.08.2022 filed by one Mr. Dinesh N surana would enlighten the fact that the present dispute is already been discussed and after severe agitation the Hon'ble Tribunal had considered all the fact and circumstances had dismissed of the complaint without any direction and therefore present complaint is hit be the principle of resjudicata. The Respondent submits that he had purchased the land and had invested huge amount in promoting the project, and obtain necessary approvals if the project is not allowed to proceed it would put the Respondent to loss and hardships.

}

It is therefore humbly prayed that for the afore said reasons, this Hon'ble Authority may be pleased to

1. reject the interim relief as prayed for by the Complainant and

2. to dismiss the complaint with cost and pass such other or further orders as this Hon'ble Authority may deem fit and proper in the circumstances above and thus render justice.

**VERIFICATION**

I, K. Kumar, Director, aged about \_\_\_\_\_ years, do hereby verify on behalf of the Respondent that the contents of the above paragraphs No.1 to 12 are true to the best of my knowledge and that I have not suppressed any material facts.

DATED AT CHENNAI ON THIS THE 06<sup>th</sup> DAY OF AUGUST 2024

RESPONDENT

COUNSEL FOR RESPONDENT

**LIST OF DOCUMENTS**

S.NO	DATE	PARTICULARS
1.	08.06.2009	CRZ Clearance obtained by M/s. Span Motels Pvt. Ltd.
2.	16.10.2015	Sale Deed registered as Document No. 3603/2015 on the file of SRO, Marakkanam
3.	26.10.2015	Sale Deed registered as Document No. 3787/2015 on the file of SRO, Marakkanam
4.	04.11.2015	Sale Deed registered as Document No. 3972/2015 on the file of SRO, Marakkanam
5.	05.11.2015	Sale Deed registered as Document No. 3993/2015 on the file of SRO, Marakkanam
6.	13.11.2015	Sale Deed registered as Document No. 4118/2015 on the file of SRO, Marakkanam
7.		Reply affidavit filed by TN state Coastal department in 12675/2016



(61)

8.	12.07.2016	Letter communication to the 1 <sup>st</sup> Respondent by Environment department	✓
9.	12.12.2019	Sale Deed registered as Document No. 3060/2019 on the file of SRO, Marakkanam	
10.	12.12.2019	Sale Deed registered as Document No. 3061/2019 on the file of SRO, Marakkanam	
11.	17.03.2021	DTCP approval issued for the project "Blue spot Marakkanam"	3-
12.	03.09.2021	TNRERA approval issued for the project "Blue spot Marakkanam"	
13.	22.08.2022	Order in C.No. 87 of 2020 on the file of This Hon'ble tribunal.	✓
14.	12.02.2023	DTCP Approval in 109/2023	✓

### VERIFICATION

I, K. Kumar , Director, aged about        years, do hereby verify on behalf of the Respondent that the contents of the above documents are true to the best of my knowledge and that I have not suppressed any material facts.

DATED AT CHENNAI ON THIS THE 06<sup>th</sup> DAY OF AUGUST 2024

DEPONENT

COUNSEL FOR DEPONENT

(62)

**BEFORE THE HON'BLE  
ADJUDICATING AUTHORITY,  
TNRERA**

**CHENNAI.**

**C.No. 1 of 2024**

P. Nagarajan  
K.P. Loganathan

**...Applicant**

**Vs.**

1. Manju Foundations Pvt. Ltd.  
and another.

**...Respondents**

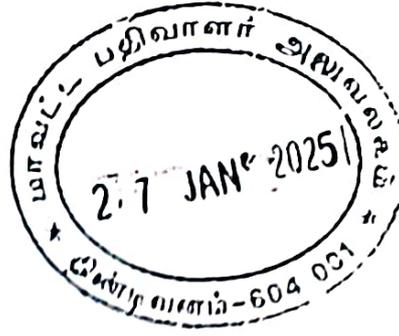
**REPLY STATEMENT OF THE  
1<sup>ST</sup> RESPONDENTS**



**R.KRISHNAPRASAD, SHABEER ALI &  
R.SURYA NARAYANAN  
COUNSEL FOR THE 1<sup>st</sup> RESPONDENTS  
Ph: 98840 81954**

From  
P. Nagarajan,  
S/o. Late Ponnurangan,  
at, 2/387, Singaravelan Street,  
Opposite Community Hall,  
Chinna Neelangarai, Ch-115.

Dt. 27.10.25  
Thindivanam



To,  
The District Registrar,  
Thindivanam.

Sir,

Ref1: Hearing notice dated 22.01.2025 in Na.Ka.No. 219/E2/2024 issued by you.

Sub: Interim written submission with enclosures filed herewith.

With reference to the above, it is submitted as follows;

1. That myself and my brother K.P. Loganathan are the joint owners of the agricultural lands in Survey No. 195/4A(Part), 4B(Part), 4C(Part), 4D(Part) admeasuring about 1.17 Acres & also the owner of the lands in S. No. 211/1B1A measuring about 0.53 Acres in Marakkanam North Village, Marakkanam Taluk, Villupuram District. The total extent owned by us is 1.70 Acres, having acquired the same vide document numbers 1190 and 43/1990, both duly registered before SRO Marakkanam.
2. With the intention to make an outright sale of our lands, we entered an agreement for outright sale of our lands to the Counter Party namely M/s. Manju Foundations Private Limited on 16.04.2015, for a total consideration of Rs. 95,20,000/-, for which an advance of R. 50,000/- was also received by the us, subsequently an additional advance of a sum of Rs. 5,00,000/- was paid by the Company. However, the said agreement was not completed as the Respondent builder preferred to trespass and grab our lands in S. No.s 195/4a, 4b, 4c, 4d (Parts) and in S. No.

*(Signature)*  
K.P. Loganathan

211/1b1a admeasuring 1.70 Acres, thus forcibly under an act of fraud and rowdyism made it a part and parcel of the layout named "BHINAYA BEACH AND BHAVISHYA BEACH". Therefore, the subject agreement was cancelled by its own acts and also our specific notice issued through our Counsel Mr. Kalaiselvan.

3. Apart from the above, by flattening sand dunes, the Respondent have promoted layout named Barsha Beach and Bhavitha Beach in the adjoining site. All these sites were promoted in the year 2015 and remain unapproved by DTCP and unregistered before TNRERA and incomplete, ongoing projects. The layout Master plan is enclosed to this Statement.
4. The formation of layouts and plots on our private lands by an act of encroachment and trespass and without any lawful authority over the lands belonging to us will not bind us and it is settled law that an agreement for sale does not create any right, therefore there is no question of filing an application for converting the guideline values into residential from agricultural.
5. Therefore, without regard to the illegal land grabbing, our lands are treated as vacant agricultural lands by us are we are entitled to deal with it in a manner preferred by us, but our right to deal with our property is violated in view of the acts of the Counter party of fixing residential value for our lands. Hence, we preferred Petition dated 25.10.2023 and 19.12.2023 and another representation dated 30.04.2024.
6. Myself and my brother have preferred a Complaint against Manju Foundations Private Limited in C. No. 001/2024 before the Regulatory



Authority, TNRERA, a copy of the Complaint and the Counter Is filed with this Statement.

7. In its reply In C. No. 01/2024, the Counter Party has accepted that we own 1.70 Acres of lands, Hence our title is accepted by them. It has also stated in its own counter that it has not formed any layout by annexing our lands as part of its Project referred hereto and it is therefore bound by its statements based on which it is contesting the disputes.

This position aside, since our lands in Survey No. 195/4A(Part), 4B(Part), 4C(Part), 4D(Part) admeasuring about 1.17 Acres are shown as part of the layout named BHINAYA BEACH in its masterplan and without our lands being part of the layout, the lands would not be contiguous and layout cannot be formed, we have arrayed these survey numbers also in our petition. It is for the counter party, M/s. Manju Foundations to establish as to how it has obtained fixation for the layouts when

- (a) We have not made any joint application before the District Registrar for modification of guideline values from agricultural to residential;
- (b) We have not given any authority to Manju Foundations to seek fixation of guideline values from agricultural to Residential before the District Registrar, by showing our lands as part of its unapproved layouts.
- (c) the entire layouts are in restricted CRZ and no development zone, hence when development itself is not allowed, how the District Registrar as fixed the guideline values as residential is a mystery.

It is pertinent to note that in the absence of legitimate authority and title, the act of fixation of guideline value by annexing our lands in Survey No. 195/4A(Part), 4B(Part), 4C(Part), 4D(Part) admeasuring about 1.17 Acres and in S. No. 211/1b1a measuring

① K.P. Arjun

66

about 53 Cents as a part of its layout would be and act of cheating, criminal misrepresentation and fraud on us and this office which fixed the guideline values from agricultural to residential as can be seen from the letter issued by Sub-Registrar Marakkanam, a copy of which is annexed to this representation.

8. Vis-à-vis the fraudulent acts of Manju Foundations, we have also filed FIR against Manju Foundations Private Limited and 12 others in FIR No. 561/2023 before Inspector of Police, Marakkanam, who played fraud on us by creating our false statement and closed the FIR as a Mistake of Fact. Against the same we preferred a Protest Petition before Hon'ble Magistrate in CrI.O.P. No. 542/2024 which was dismissed, by stating that we had filed the Protest Petition contradicting the statement given by us to the Inspector Marakkanam and we did not understand the contents of the Protest Petition filed by us, which is an erroneous conclusion by the Hon'ble Magistrate. Hence, we are in the process of Filing a revision before the Hon'ble Madras High Court and we have also given criminal complaint against Marakkanam Inspector namely, Babu and filed petition seeking departmental proceedings as against him for victimizing him and have also issued a contempt notice to him and are preferring a complaint against him.

9. Finally, we jointly rely on the following documents to establish our case;

<b>It. No.</b>	<b>Date</b>	<b>Particulars</b>
1	23.01.1990	The Doc No. 43/1990 in favour of Loganathan and Nagarajan about Lands in S. No. 211/1 (Part) (R.S. No. 211/1B1A Part) measuring 53 Cents proves our title.

② L.P. Narayana



(68)

6

Since our private lands are shown as part of the layouts named Bhnaya beach and others, we have preferred this application for modification of guideline value from Housing sites to Agricultural lands as we intended and intend to own the same as Agricultural lands alone.

Hence the guideline value shall be modified from residential to Agricultural for our lands in S. No. 211/1B1A situated in Marakkanam North Village, Marakkanam Taluk.

Yours faithfully,



P. Nagarajan

Enclosed copies of documents mentioned in the Index.

#### INDEX

It. No.	Date	Particulars	Page No.
1	23.01.1990	Doc No. 43/1990 in favour of Loganathan and Nagarajan about Lands in S. No. 211/1 (Part) (R.S. No. 211/1B1A Part) measuring 53 Cents.	1
2	19.07.1990	Doc No. 1193/1990 in favour of Loganathan and Nagarajan about Lands in Survey No. 195/4(Part), R.S. No. 195/4A(Part), 4B(Part), 4C(Part), 4D(Part) admeasuring about 1.17 Acres.	7
3	11.01.2016	Letter of the Executive Officer, Marakkanam in Na.Ka. No.A1/159/2015 Issued to SRO Marakkanam.	17
4	19.02.2016	Letter issued by SRO Marakkanam stating fixation of Guideline Value by District Registrar, Thindivanam.	19
5	10.03.2024	Adanagal for Lands in S. No. 211/1B1A issued by VAO, noting formation of layouts.	21
6	-	FMB Sketch showing lands of the Petitioner brothers in S. No. 211/1B1A.	23
7	-	Zoomed Plan showing formation of layout road and plot in S. No. 211/1B1A and 195/4A, 4B, 4D.	25



8	14.11.2022	Order of Thasildar in Na.Ka.A2/2142/2022	29
9	26.01.2025	Document EC showing Sale and Registration of Plot in S. No. 189/4B1AA in layout named Bhavitha Beach-Classic, without CRZ Clearance, DTCP Approval, RERA Registration.	39
10	2024	Complaint No.001/2024 filed by us before TNRERA	41
11	2024	Counter filed by Manju Foundations before TNRERA,	57

**Verification**

The above are the true copies of its originals

① H. P. Nagarajan

Dated 27.01.2025

P. Nagarajan

Place Thindivanam

11



GOVERNMENT OF TAMILNADU  
REGISTRATION DEPARTMENT  
தமிழ்நாடு அரசு  
பதிவுத்துறை

Certificate of Encumbrance on Property  
சொத்து தொடர்பான விலங்கச் சான்று

S.R.O /சா.ப.அ: Marakkanam Date / நாள்: 26-Jan-2025

Document No.& Year/ஆவண எண் மற்றும் ஆண்டு: 2682/2024

Sr. No./வ. எண்	Document No.& Year/ஆவண எண் மற்றும் ஆண்டு	Date of Execution & Date of Registration/எழுதிக் கொடுத்த நாள் & பதிவு நாள்	Nature/தன்மை	Name of Executant(s)/எழுதிக் கொடுத்தவர்(கள்)	Name of Claimant(s)/எழுதி வாரங்கியவர்(கள்)	Vol.No & Page. No/தொகுதி எண் மற்றும் பக்க எண்
1	2682/2024	19-Jun-2024 19-Jun-2024 19-Jun-2024	Sale deed	1. மஞ்சு பெண்டேஷன்ஸ் பிரைவேட் லிமிடெட்(முத.கணைசன்(முத.க))	1. ஜிசித் ஜெய சூர்யா	-
Consideration Value/கைமாற்றுத் தொகை: Rs. 2,40,000/-		Market Value/சந்தை மதிப்பு: Rs. 2,40,000/-		PR Number/முந்தைய ஆவண எண்: 1942/2019		
<b>Schedule 1 Details:</b>						
Property Type/சொத்தின் வகைப்பாடு: Plot						
Village & Street/கிராமம் மற்றும் தெரு: Marakkanam North , BHAVITHA BEACH CLASSIC						
<b>Boundary Details:</b>						
கிழக்கு - மனை எண்.54, மேற்கு - மனை எண்.56, வடக்கு - மனை எண்.34, தெற்கு - 30 அடி சாலை						
Plot No./மனை எண் : 55						
Survey No-Extent/புல எண்-விஸ்தீர்ணம்: 189/4B1AA1 - 800.0 SQUARE FEET						

Number of Entries/பதிவுகளின் எண்ணிக்கை: 1

11

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

**Original Application No. 13 of 2024**

**Between:**

S. Sivadas  
Son of SilvaKumar Kulasekar,

**... APPLICANT**

**- AND -**

1. The Ministry of Environment,  
& others

**...Respondents**

**AFFIDAVIT OF OBJECTION PREFERRED BY THE RESPONDENTS 15 AND 16  
TO THE REPORT OF THE 4<sup>TH</sup> RESPONDENT AND THE 11<sup>TH</sup> RESPONDENT**

1. We have perused the report of the Respondents and that the Reports of the 4<sup>th</sup> and the 11<sup>th</sup> Respondent are incomplete and do not give clear picture of the existing facts.
2. It is germane to point that our representation dated 3.10.2024 and 21.10.2024 have not been considered and neither stated before this Tribunal.
3. We have already submitted to the Jurisdiction of this Hon'ble Tribunal and filed all relevant records to prove violation by 11<sup>th</sup> to the 14<sup>th</sup> Respondents but the 4<sup>th</sup> Respondent failed to take note of them and has compromised on the interest of the environment.
4. Although we are not environmentalists nor sailing with the Applicant, we have preferred our counter and this objection to distance ourselves from the layout scam of the 11<sup>th</sup> to the 14<sup>th</sup> Respondents and save ourselves from any liability.
5. At the outset, in view of the 14<sup>th</sup> Respondent annexing and selling vacant plots as agricultural lands by annexing approved layouts, unapproved layouts and vacant plots layouts, we preferred application No. 104/2024 before this Hon'ble Tribunal, after consideration of the photographs filed by





us and arguments by our counsel, this Hon'ble Tribunal had passed an order directing filing of reports by 4<sup>th</sup> and the 11<sup>th</sup> Respondent.

While so, the 11<sup>th</sup> Respondent continues to portray our lands as part of its illegal layout and has now conveniently fooled and sold 39.68 Cents lands to one Mr. Karunakaran, Mrs. Lakshmi and Mr. Kumar as vacant agricultural land after plotting and converting the agricultural lands into several vacant plots by showing motorable mud road access from the tar roads formed by it while in the sale deed registered as Document number 4134/2024 in the favor of the Purchasers there is no whisper of any road formed/ road access to these lands.

It is safe to say that no person would purchase a land, if there were no access and approach road provided, but the parties are purchasing the lands, not knowing that they are being duped and not knowing that we are not a party to this layout scam as land owners.

6. Further, about the illegal development, it is derived that a **Show cause notice has been issued to the 11<sup>th</sup> Respondent by The District Collector** as early as on 11.06.2016 in Proc. No. F.NA/CRZ/DLCZMA/VPM/2016-1 Dated 11.06.2016.
7. Despite illegalities the 11<sup>th</sup> Respondent is continuing to sell plots in the illegal layout, pending this Application vide document number 2682/2024, Plot No. 55, measuring 800 square feet in S. No. 189/4B1AA1, in the layout named "**Bhavitha Beach- Classic**". Hence it the 11<sup>th</sup> and the 4<sup>th</sup> Respondent have given false statement in their report that the project has been stopped/ shelved.
8. It can be seen from the enclosures attached to this objection that we have relied on the candid admission of the 11<sup>th</sup> Respondent in its private matter in C. No. 87/2020 before Regulatory Authority, TNRERA, where the 11<sup>th</sup> Respondent has clarified that it has already sold **980 Residential plots** in restricted CRZ zone have all been clearly stated by us, but suppressed by the 11<sup>th</sup> and the 4<sup>th</sup> Respondent also and the 4<sup>th</sup> Respondent has preferred

⊙ K.P. Loganathan

⊙ K.P. Aravindan

no action against the 11<sup>th</sup> Respondent and has preferred to not even file a proper report since more than last one year for reasons known only to him.

9. We have also filed the layout map of 1500 residential plots (measuring 600 square feet to 3000 square feet in CRZ) in Bhlnaya beach and others in our typed set, nothing preferred the authorities to consider the while inspecting and preparing their report.

10. We had requested to be part of the inspection team to identify all the violations in our lands and the violations surrounding our lands by 11<sup>th</sup> to the 14<sup>th</sup> Respondents but we were not given any opportunity and a diversionary and incomplete report has been filed by both the Respondents. Hence, we have preferred this objection and request that the Hon'ble Tribunal may direct joint inspection in the presence of these Respondents, the Applicant, and the 11<sup>th</sup> to the 15<sup>th</sup> Respondents or direct formation of an appropriate committee to enlighten this Hon'ble Tribunal through a transparent by fair-ground truthing exercise and filing of report with Photographs and video recording of the site amongst other exercise. Hence this Hon'ble Tribunal shall be pleased to note down our objections and pass orders as per law and thus render justice.

Ⓢ K.P. Loganathan

Ⓢ K.P. Nagarajan

RESPONDENTS 15 AND 16

#### VERIFICATION

We, K.P. Loganathan and P. Nagarajan, Sons of Late Ponnuranga Gounder, being the Respondents 15 and 16 herein, do hereby state that the contents of the above counter in the above paragraphs 1 to 54 are true and correct to the best of our knowledge and that no material has been concealed there from, we confirm that the contents have been read over and explained to us in Tamil.

Dated on this the 30 Day of January 2025

Ⓢ K.P. Loganathan

Ⓢ K.P. Nagarajan

Before Me,

Advocate  
24/06/2018  
No. 7, Law Chambers,  
High Court Building, Chennai.

Solemnly affirmed at Chennai,  
On this the 30 day of January, 2025  
and put their Signature in my presence  
after being read over and explained the  
contents in Tamil.

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

**O. A. No. 13 of 2024**

**Between:**

S. Sivasdas  
Son of SivaKumar Kulasekar,

**... APPLICANT**

**- AND -**

1. The Ministry of Environment,  
& others  
**...Respondents**

**AFFIDAVIT OF OBJECTION  
PREFERRED BY THE R. 15  
AND 16 TO THE REPORT  
OF THE 4<sup>TH</sup> RESPONDENT  
AND THE 11<sup>TH</sup>  
RESPONDENT**

**COUNSEL FOR  
THE 15<sup>TH</sup> AND 16<sup>TH</sup>  
RESPONDENT**