

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT
CHENNAI

Original Application No.163 of 2024 (SZ)

R.Jayakumar

... Applicant

-Vs-

1. M/s.APA Hotels Pvt. Ltd.
Door No.115, Sri Thyagaraya Road,
T.Nagar, Chennai - 600 017

2. Tamil Nadu Pollution Control Board
No.76, Mount Salai,
Guindy, Chennai - 600 032

3. The Commissioner of Police,
Greater Chennai Police
E VK Sampath Road,
Vepery, Chennai - 600 007.

4. The Commissioner,
Greater Chennai Corporation
Ripon Buildings,
Chennai - 600 003.

5. Chennai Metropolitan Development Authority
'Thalamuthu-Natarajan Maaligai',
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

... Respondents

STATUS REPORT FIELD ON BEHALF OF
GREATER CHENNAI CORPORATION - 4TH RESPONDENT

I, T.Enian, Son of Mr.V.Tamizhmani, Hindu, aged about 50 years, the Executive Engineer, Zone - X, Greater Chennai Corporation, having office at No.117, N.S.K. Salai, Kodambakkam, Chennai - 600 024, do hereby solemnly affirm and sincerely state as follows:-

EXECUTIVE ENGINEER - Z-X
GREATER CHENNAI CORPORATION


EXECUTIVE ENGINEER - Z-X
GREATER CHENNAI CORPORATION

1. I am the Executive Engineer, Zone - X, Greater Chennai Corporation, and as such I am well acquainted with the facts of the case through available records. I am filing this status report on behalf of Greater Chennai Corporation.
2. I respectfully submit that when the above case came up for hearing on 22.05.2024 this Hon'ble Tribunal has passed an order as follows:-

"...4. Let the TNPCB file its report and conditions agreed by the parties and the other conditions that may be imposed on the Project Proponent for carrying on their project in a smooth manner.

5. Let the reports be circulated to the learned counsels before the date of next hearing enabling them to point out any objections or alterations in the terms.

6. It is stated by the learned counsel for the applicant that the unloading of the building materials in the night hours and consequential lighting arrangements is a nuisance factor for the residents.

7. In this regard, Mr. Satish Parasaran, the learned Senior Advocate, appearing for the Project Proponent has stated that the vehicles will be allowed to get into the premises only during the permitted hours and they would not unload the materials at night hours and they will do only during the day time and the return of vehicles also will not be in the night hours. These arrangements are

acceptable to the applicants also. Let this factor also be taken note of by the TNPCB in their report.

8. Post the matter on 25.07.2024.....”

3. I respectfully submit that in the City of Chennai, planning permission for ordinary buildings i.e., Stilt + 2 floors/Ground + First floor (not exceeding 6 dwelling units in the case of residential buildings, not more than 300 Sq.mts in case of commercial building), are sanctioned by the Executive Engineers of Chennai Corporation as per the delegation of powers given by Member – Secretary Chennai Metropolitan Development Authority. Besides this a few categories of institutional and industrial building, sub-division and layout of land up to certain extent are also sanctioned by Executive Engineers. For other categories of the buildings like Special buildings and Multi-storied buildings the Chennai Metropolitan Development Authority will directly issue the planning permission and forward *the approved plan* to the Chennai Corporation to consider for issuing Building Permit as per Chennai Municipal Corporation Act, 1919.

4. I respectfully submit that further the Chennai Metropolitan Development Authority (CMDA) vide Proceedings No: 16127/2019-1 dated 24.09.2019 has further delegated powers to the Greater Chennai Corporation and by which the Greater Chennai Corporation is empowered to sanction planning

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permission either Stilt +3 floors (or) Ground + 2 floors as against the existing norms of Stilt + 2 floors (or) Ground + 1 floor.

5. I respectfully submit that on receipt of the complaint from the applicant herein the ongoing construction site at Door No.115, Sri Thyagaraya Road, T.Nagar, Chennai - 600 017, was inspected by the officials of Greater Chennai Corporation and found that the 1st respondent herein is carrying on with the construction of the building. Further, on inspection it was informed by the authorized representative of the 1st respondent herein has stated that the building is being put up by obtaining planning permission from the Chennai Metropolitan Development Authority vide Planning Permit No.C3(N)13358/2016 , Dated 03.03.2020 and Building permit No. CEBA/WDCN10/00189/2020, dated 29.06.2020.

6. I respectfully submit that the Member Secretary, Chennai Metropolitan Development Department viz., the 5th respondent herein has issued a circular vide Proc.No.RT/19948/2011 dated 02.12.2016 stating that the Chennai Metropolitan Development Authority will take enforcement action against the building for which the Chennai Metropolitan Development Authority has accorded planning permission. The operative portion of the said circular is extracted below for sake of convenience:-

“... vi) Chennai Metropolitan Development Authority shall take enforcement action under section 56 & 57 of


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[Signature]
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T&CP Act, 1971 on those cases for which CMDA has issued planning permission..."

7. I further respectfully submit that the Chennai Metropolitan Development Authority is the competent authority to take action against the ongoing construction at Door No.115, Sri Thyagaraya Road, T.Nagar, Chennai – 600 017.


Hence it is prayed that this Hon'ble Tribunal may be pleased to pass suitable orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.


COUNSEL FOR 4TH RESPONDENT

Solemnly affirmed at Chennai ()
On this the 30th day of August 2024 ()
And signed his name in my presence ()


EXECUTIVE ENGINEER - Z-2
GREATER CHENNAI CORPORATION

Before Me


Advocate : Chennai
E.No. 340/19

BEFORE THE NATIONAL GREEN
TRIBUNAL SOUTHERN ZONE AT CHENNAI

Original Application No.163 of 2024 (SZ)

STATUS REPORT FIELD
ON BEHALF OF
GREATER CHENNAI CORPORATION

Mr.N.R.RAMESH KANNA
COUNSEL FOR CHENNAI CORPORATION