

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

**Application No. 44 of 2023 (SZ)**

Thiru. Rajesh Khanna (27 years)  
S/o. Chandrababu,  
No.1/65, South Street,  
Kaverirajapuram,  
Thiruvallur - 631 210

...Petitioner

-Vs-

1. The District Collector,  
Thiruvallur District,  
Thiruvallur - 602 001.
2. Tamil Nadu Pollution Control Board  
Represented by its Chairman,  
No.76, Mount Salai Guindy, Chennai - 600032
3. The District Environment Engineer, Tiruvallur District,  
Rep. by its District Environment Engineer  
Tamil Nadu Pollution Control Board,  
Master Plan Complex, Adjacent to Sub-Treasury near  
Tollgate,  
Tiruvallur - 602001.
4. The Member Secretary,  
Chennai Metropolitan Development Authority  
Thalamuthu Natarajan Building,  
No. 1, Gandhi Irwin Road,  
Egmore, Chennai - 600 008

  
**Member-Secretary  
Chennai Metro Politan  
Development Authority  
Chennai-600008.**

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5. The Block Development Officer,  
Rep. by its Panchayat Officer,  
Thiruvallangadu Panchayat Union,  
Thiruthani Taluk,  
Thiruvallur - 631210

6. D. Murugavel.  
S/o. Dhanapal,  
Proprietor J.M. Construction and Contractors,  
Kavaeryrajapuram Village,  
Thirutani Taluk,  
Tiruvallur District - 631 209.

...Respondents

**COUNTER FILED BY THE FOURTH RESPONDENT (CMDA)**

I, Anshul Mishra, I.A.S. son of (Late) Thiru. Harishchandra, Hindu, aged about 44 years, having office at No.1, Gandhi-Irwin Road, Egmore, Chennai-600 008, do hereby solemnly and sincerely affirm as follows:

1. I am the Member Secretary of Chennai Metropolitan Development Authority (CMDA) and the Fourth Respondent herein. As such, I know the facts of the case as borne out from records.

2. I have read the affidavit in the above Application and deny the same as false except those that are specifically admitted herein as true and correct. Before adverting to para-wise reply as against

  
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Chennai Metro Politan  
Development Authority  
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the various allegations contained in the affidavit filed by the Petitioner, it is necessary to place on record the following facts:

3. I submit that the above Application has been filed by the Applicant, praying for issuance of direction to the Respondents (i) to declare the industrial activities carried out by 6<sup>th</sup> Respondent at Survey Nos. 377/1B, 378/2, 378/3A and 378/3B in Kaveryrajapuram Village, Thirutani Taluk, Tiruvallur District as illegal and unsustainable to environment; (ii) to grant Permanent Injunction and restrain the 6<sup>th</sup> Respondent from operating the industry at Survey Nos. 377/1B, 378/2, 378/3A and 378/3B in Kaveryrajapuram Village, Thirutani Taluk, Tiruvallur District; (iii) to direct the Respondent authorities (1) to (4) to monitor the area and ensure there are no actions by any person which will cause any damage to the environment; (iv) to direct the 6<sup>th</sup> Respondent to pay environmental compensation as may be determined by this Hon'ble Tribunal for their actions of deploying heavy machinery in clearing and altering the lands till date and to re-lay the public roads accessed by the 6<sup>th</sup> Respondent for plying of heavy vehicles used for transporting the raw materials and end products; (v) to direct the Respondents (1) to (4) to initiate criminal prosecution under Section 15 of the Environment Protection Act, 1986 against

  
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Chennai Metro Politan  
Development Authority  
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the 6<sup>th</sup> Respondent for their actions of deploying heavy machinery in clearing and altering the lands till date and thus render justice.

4. I submit that the Applicant Mr. Rajesh Khanna in the above Application has mentioned that he is a resident of Kaveryrajapuram Village, Tiruvallur District and has agricultural lands in the same village. He has further stated in the application that the Respondents 7<sup>th</sup> and 8<sup>th</sup> cited M/s. Sabari Crop Care Sciences Pvt. Ltd. Kaveryrajapuram and M/s. Sabari Crop Care Sciences Pvt. Ltd., Virugambakkam respectively has established and commenced operations of manufacturing/storing and vending pesticide/insecticide/ agricultural fertilizer/ fungicide without any statutory clearances as mandated by the relevant statutes and rules and regulations. Further, he has stated that the unit operates on open air surfaces, thereby affecting the environment.

5. I submit that in para 10 and 11 of the Original Application, it is mentioned as herein below:

*"10....Moreover, the impugned land (extract the setback) in Survey Nos. 355/1, 355/2 & 355/3 even though classified as agricultural lands in the revenue records, the 7<sup>th</sup> Respondent has not even attempted to re-classify and convert the same*

  
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*for non- agricultural purpose (namely industrial purpose). Thus, the 7<sup>th</sup> Respondent has committed illegality in all aspects.*

*11. This applicant further humbly submits that the said villages fall under the purview of the 4<sup>th</sup> Respondent namely the Chennai Metropolitan Development Authority vide G.O. (Ms). No. 184 dated 21.10.2022 in S. No. 525 of the 4<sup>th</sup> Respondent herein and the permissions mandated under law have not been accorded till date."*

6. I submit that the Government in the Housing and Urban Development Department has accorded sanction for the expansion of the Chennai Metropolitan Area vide G.O.(Ms). No. 184, dated 21.10.2022 to include additional contiguous area under clause (23-a) of Section 2 of the Tamil Nadu Town and Country Planning Act, 1971. I further submit that the proposal for the merger of the Single Local Planning Authorities, Composite Local Planning Authorities and New Town Development Authority functioning within the expanded Chennai Metropolitan Planning Area (CMPA) was submitted to the Government for approval and the orders and Notification from the Government are awaited. I further submit that currently, CMDA does not carry out reclassification and approval process for the expanded area till it is officially notified in


  
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the Government Gazette. I therefore submit that CMDA has no role in the present matter and it is still under the purview of the Directorate of Town and Country Planning.

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

Solemnly affirmed at Chennai  
on this the <sup>4<sup>th</sup></sup> day of ~~June~~<sup>July</sup>,  
2023 and signed his name in  
my presence.

  
Member-Secretary  
Chennai Metro Police  
Development Authority  
Chennai-600001  
**BEFORE ME**

**ADVOCATE: CHENNAI**

A.S. Mani  
MS/2415/17  
Na5, Law Chambers  
High Court  
Chennai-1

MEMBER SECRETARY  
CHENNAI METRO POLICE  
DEVELOPMENT AUTHORITY  
CHENNAI-600001

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Building,  
No. 1, Gandhi Irwin Road,  
Egmore, Chennai - 600 008  
& others

...Respondents

**STATUS REPORT FILED  
BY  
Respondent Chennai  
Metropolitan  
Development Authority**

**Veena Suresh  
Standing Counsel for CMDA  
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