

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 06 of 2021 (SZ)

IN THE MATTER OF:

Tribunal on its own motion – Suo Motu

Based on The News item in the Hindu Newspaper Edition Dated: 21.02.2020,

“Vilinjambakkam Lake Shrunk due to Encroachment” ...Applicant(s)

Versus

The Principal Secretary,

Govt. of Tamil Nadu and Others

...Respondent(s)

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Through
Dr. D. Shanmuganathan
Standing Counsel of Tamil Nadu
National Green Tribunal,
Southern Zone

Date: 14.08.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
Original Application No. 06 of 2021 (SZ)**

IN THE MATTER OF

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Based on The News Item In the Hindu
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"Vilinjambakkam Lake shrunk due to
Encroachment.

...Applicant(s)

Versus

1. The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St.George.
Chennai, Tamil Nadu 600009.
2. The Secretary to Govt. of Tamil Nadu,
Department of Environment & Forests,
Govt. Secretariat, Fort St.George.
Chennai, Tamil Nadu - 600009.
3. The Additional Chief Secretary to Govt. of Tamil Nadu,
Revenue and Disaster Management Department,
Govt. Secretariat, Fort St.George.
Chennai, Tamil Nadu - 600009.
4. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu 600032.
5. The District Collector,
Thiruvallur District,
First Floor, Collectorate,
Thiruvallur 602001.
6. The Corporation Commissioner,
Avadi Municipal Corporation Office,
391, New Military Rd. ThirumalaiRajapuram,
NHB Mig V Block, Avadi, Tamil Nadu - 600071. ...Respondents.


**DISTRICT COLLECTOR
TIRUVALLUR**

STATUS REPORT FILED BY THE DISTRICT COLLECTOR
TIRUVALLUR

I, Dr.T.Prabhu Shankar, I.A.S, S/o. Thiru.Thangaraj Gunalan, aged about 40 years, residing at District Collector's Camp Office at Master Plan Complex in Tiruvallur Town, Taluk and District and presently holding the post of the District Collector, Tiruvallur do hereby solemnly affirm and sincerely state as follows:

1. I am the 5th Respondent herein and as such I am well acquainted with the facts and circumstances of the case from the records available with this office.

2. The Hon'ble National Green Tribunal in its orders dated 06.08.2024 had directed as follows.

"1. The District Collector – Tiruvallur, earlier in his report, had stated that a list of 350 encroachers was enumerated and Form-I and Form-II particulars under provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 have been communicated to the Water Resources Department (WRD). Thereafter, Form - III notices were issued by the WRD officials to all the 350 encroachers on 12.01.2024.

2. Let the report be filed as to what happened after the Form – III notices were issued, whether the encroachers have been removed from the water body and the action taken so far."

3. At the request of the learned counsel appearing for the State of Tamil Nadu, post the matter on 14.08.2024."

3. As per the above directions of the Hon'ble Tribunal, the Status report is submitted as follows:

The Hon'ble Madras High Court in their Orders, dt:02.01.2024 in W.P.No.36193/2023 filed by Thiru.Murugesan & 22 others residents of Bharadhidasan Nagar, Vilinjiambakkam Village have ordered as follows:



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"8. It appears that the petitioners were not heard by the National Green Tribunal. The petitioners can make an application before the National Green Tribunal and put-forth their case, as contended by them, of the land being assigned to them, construction permission being granted; and taxes being paid. It is for the National Green Tribunal to consider the case put-forth by the petitioners.

9. State authorities to issue notice under Form III to the petitioners and that unless notice under Form III is issued, demolition would not take place, petitioners have ample time to move the National Green Tribunal to make an application.

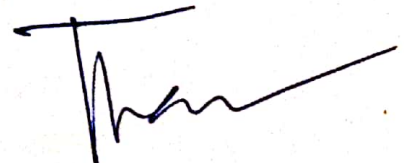
10. The petitioners may make an application before the National Green Tribunal to put-forth their case. In that event, all contentions raised in the present writ petition are kept open."

4. In pursuant to the orders, dt:02.01.2024 of the Hon'ble Madras High Court in W.P.No.36193/2023, field survey and enumeration work were made and a list of 350 encroachers were enumerated and subsequently fresh Form III notices have been issued by WRD officials to all 350 encroachers on 12.01.2024. Further the Tribunal has been requested to grant 2 months of time to evict the encroachments.

5. The Hon'ble National Green Tribunal in its orders dated 23.01.2024 had observed and ordered as follows.

"3. The Hon'ble High Court of Madras has directed the petitioners therein to approach the National Green Tribunal, National Green Tribunal and establish their case whether they are assignees or pattadars or otherwise owners of the land.

4. We make it clear that such exercise cannot be done by this Tribunal as this is beyond our domain. If any of these applicants have received the eviction notice from the appropriate authorities, it is open for them to challenge in the manner known to law.



**DISTRICT COLLECTOR
TIRUVALLUR**



5. However, the learned counsel who represented the applicants in I.A. Nos. 3, 4 and 5 of 2024(SZ) seeks short accommodation for furnishing further documents in support of their case.”

6. In the meantime, Thiru.Durai and 19 others have also filed Writ Petition in W.P.No.2199/2024 before the Hon'ble Madras High Court with a prayer to quash the Form III notice issued by WRD on 12.01.2024.

“2. Learned counsel for the petitioners on instructions submits that the petitioners would approach the National Green Tribunal (NGT).

3. In the light of the said statement, the petitioners may avail the remedy as permissible under law. The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.Nos.2390 and 2391 of 2024 are closed.”

7. It is further submitted that since Model Code of Conduct (MCC) in respect of General Elections to Lok Sabha 2024 was in force from 16.03.2024 till 06.06.2024, the eviction process has been temporarily withheld for the maintenance of law and order.

8. It is submitted that Tiruvallur District Administration is taking consistent serious efforts to evict all types of encroachments from Vilinjiyambakkam lake including other lakes in the light of legal procedures framed for eviction of encroachments under section 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. Till date, 17 commercial structures/encroachments measuring to a total extent of 0.17.0 Ares have been evicted in compliance to the orders, dated:06.12.2023 of the Hon'ble Tribunal in O.A.No.06/2021.


9. It is submitted that all of sudden 02 Writ Petitions W.P.No.36193/2023 filed by Thiru.Murugesan & 22 others residents of Bharadhidasan Nagar, Vilinjiambakkam Village and 2) W.P.No.2199/2024 by Thiru.Durai and 19 others have been filed by the residents of


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Bharadhidasan Nagar in which Form III notices issued by WRD have been challenged. The reason for the delay caused in the eviction of remaining residential encroachments is due to the litigations filed by the persons aggrieved after Form III Notices were issued to them.

10. It is submitted that all necessary steps are being taken by WRD in coordination with concerned line departments to restore the water body in its original nature. It is also submitted that, since almost all the remaining encroachments are residential in nature, necessary preparatory measures are being taken in discussion with concerned line department towards fixing a feasible date for carrying out eviction.

Therefore, I pray that the Hon'ble National Green Tribunal, Southern Zone, Chennai may be pleased to accept my Status report and may be pleased to grant 3 months' time to complete the eviction work and pass orders as this Hon'ble National Green Tribunal may deem fit and proper in the circumstances of the case and thus render justice.



DISTRICT COLLECTOR
TIRUVALLUR
5th Respondent
District Collector
Tiruvallur

VERIFICATION

I, Dr.T.Prabhu Shankar, I.A.S, S/o. Thiru.Thangaraj Gunalan, aged about 40 years, working as District Collector, Tiruvallur, do verify that the submissions in Paragraphs 1 to 10 are true and correct to the best of my knowledge as per records and I verify the same at Chennai on this 13th day of August, 2024.



DISTRICT COLLECTOR
TIRUVALLUR