

BEFORE THE NATIONAL GREEN TRIBUNAL, (SZ) AT CHENNAI

Original Application No. 91 of 2023 (SZ)

BETWEEN

Tribunal on its own motion SUO MOTO
Based on the news item published in 'The
New Indian Express', Chennai E-edition
Dated 30.06.2023, "Road being laid inside
Marshland in Perumbakkam"

Vs

The Member Secretary,

Chennai Metropolitan Development Authority & Ors.

....Respondents

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Dated at Chennai on this the 20th day of August, 2024.


Counsel for Respondent No. 5

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Vs

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No. 1, Gandhi Irwin Road,
Egmore, Chennai 600008.
 2. District Collector,
Chengalpattu,
Collectorate, GST Road,
Chengalpattu, Tamil Nadu.
 3. Additional Chief Secretary,
Department of Environment, Forest & Climate Change,
No. 1, Jeenis Road, Panagal Building, Ground Floor,
Saidapet, Chennai, Tamil Nadu.
 4. Member Secretary,
Tamil Nadu State Wetland Authority,
Panagal Maligai,
Saidapet, Chennai, Tamil Nadu.
 5. Casagrand Premier Builder Limited,
5th Floor, NPL Devi, No. 111, LB Road,
Thiruvanmiyur, Chennai-600041.
- ... Respondents

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5

I, Mr. Bhavani Gopalan, aged 31 years, having office at 5th Floor, NPL Devi, No. 111, LB Road, Thiruvanmiyur, Chennai - 600041, the authorised signatory of Casagrand Premier Builder Limited, Respondent No. 5, do hereby solemnly affirm and state as follows:

1. The present reply affidavit is being filed by the Respondent No. 5 as per the directions of this Hon'ble Tribunal vide order dated 31.07.2024. The Respondent No. 5 has been suo-moto implicated in the present case vide order dated 12.07.2024 of this Hon'ble Tribunal.

For CASAGRAN PREMIER BUILDER LIMITED

K. B. S. L.

Authorised Signatory

2. The Respondent No. 5 understands that the present case, has been taken up *suo-moto* by this Hon'ble Tribunal, basis a news item published in 'The New Indian Express' Chennai e-edition dated 30.06.2023 titled 'Road being laid inside marshland in Perumbakkam'.
3. The Respondent No. 5 has perused the various reports filed by the Respondents and understands as follows:
- (i) The Respondent No. 4 *vide* Affidavit dated 28.07.2023, has stated that the subject area (*without reference to any survey numbers*) in the present case is a "marshland" and the said road lies within the "zone of influence" and adjoining to the boundary of the Ramsar site i.e. Pallikaranai Marshland Reserve Forest (approximately 150 m away from the Ramsar site boundary). It has further been stated that the said area is a patta land belonging to Casagrand Builders as per the claim made by the site engineer and that the pathway has been developed by the builders through mobilizing the construction materials within the marshland ecosystem. It has further been stated that the waste materials are being dumped into the Pallikaranai marshland ecosystem.
 - (ii) The Respondent No. 1 *vide* Status Report dated 29.12.2023, has stated that the subject area is classified as a 'Primary Residential Use Zone' under the Second Master Plan for Chennai Metropolitan Area (CMA) approved by the Government of Tamil Nadu in G.O. (Ms). No. 190, H&UD Department, dated 02.09.2008 and notified in Tamil Nadu Government Gazette Extraordinary No. 266, Part-II, Section 2.
 - (iii) The Respondent No. 1 *vide* Affidavit dated 06.05.2024, has stated that the planning permission issued to Casagrand does not come within the swamp area/subject area, as notified in the Second Master Plan but is the patta land of the individuals, located in the Primary Residential Use Zone of the Second Master Plan. It has further been stated that the details of the survey numbers of the Pallikaranai Marshland Reserve Forest have not been provided by the Respondent No. 4 Tamil Nadu State Wetland Authority to the Respondent No. 1 and that once the details are received, changes will be made in the upcoming Third Master Plan of the Respondent No. 1.
4. The Respondent No. 5 understands that this Hon'ble Tribunal is concerned with the alleged "access road" being laid by the Respondent No. 5, which is allegedly on a "marshland" area in the Perumbakkam Village.

Proposed development of the Respondent No. 5 in Perumbakkam Village:

5. The Respondent No. 5 has considered the development of the property situated to the land extent of 970.72 cents situated at Survey No.283/1A, 283/1B, 283/2A, 284/1, 284/3, 286/2A, 286/2B, 286/2C Part, 285/1A, 285/1B2, 285/1B3, 285/2B2, 285/2B3, 286/1B2 Part, 285/1B1, 285/2B1, 286/1B4 Part, 286/1B3 Part, 473/1A2 Part, 473/1AD, at Perumbakkam Village ("Proposed Project") and has entered into General Power of Attorney dated 01.06.2023 registered as

For CASAGRAN PREMIER BUILDER LIMITED

K. B. S. L.

Authorised Signatory

Document No. 9042 of 2023 and Agreement of Sale dated 01.06.2023 between Grande City Development Co. LLP and the Respondent No. 5 in this regard.

Subject Land before this Hon'ble Tribunal (Survey No. 286)

6. Survey No. 286 at Perumbakkam Village ("Subject Land" before this Hon'ble Tribunal), forming part of the Proposed Project, is a patta land and has been classified as a Primary Residential Use Zone by the Respondent No. 1 in its Second Master Plan and therefore, Respondent No. 5 has undertaken due diligence and considered the Proposed Project for development. The land use map (2026) as provided by Respondent is annexed herewith as Annexure - A.
7. The patta with respect to the Subject Land in Survey No. 286, is in the name of 'Grande City Development Co. LLP' with patta number: 5201. The patta in relation to the Proposed Project is annexed herewith as Annexure - B. Pursuant to acquisition of the Subject Land and mutation of the patta, Grande City Development Co. LLP had applied for a land survey of the Subject Land vide application dated 30.06.2023 in relation to the Survey No. 286/2A, before the Department of Commissionerate of Survey and Settlement, District Survey Office, Chengelpet. For the purpose of this survey and at the request of the authorities to do an effective survey, the Subject Land in Survey No. 286 had to be levelled. To facilitate the same, the Respondent No. 5 carried out the levelling activities with respect to the Subject Land in Survey No. 286 using certain scrap construction materials and had levelled the ground.
8. It is submitted that the Respondent No. 5 has not laid any access road on the Subject Land in Survey No. 286 and it is only these construction materials as stated herein above, which were used to level the ground in the Subject Land.
9. Moreover, the Subject Land in Survey No. 286 has not been notified as a "wetland" or "marshland" or a "zone of influence" under the Wetlands (Conservation and Management) Rules, 2017.
10. It is submitted that the activities undertaken by the Respondent No. 5 in the Subject Land are only towards the proposed development of the Proposed Project and the Respondent No. 5 has only levelled the Subject Land which was a vacant site.
11. It is re-iterated that the Subject Land is a "Primary Residential Use Zone" as under Second Master Plan of the Respondent No. 1 and was therefore considered by the Respondent No. 5 for development and the Respondent No. 5 has not violated any applicable laws or regulations.

In view of the above facts and circumstances, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the present case and pass any other order(s) as this Hon'ble Tribunal may deem fit in the interest of justice.

Dated at Chennai on this the 20th day of August 2024.

For CASAGRAND PREMIER BUILDER LIMITED

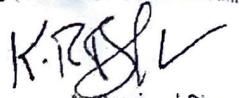
 Authorised Signatory
 Respondent No. 5

VERIFICATION

I, the above named deponent do hereby verify that the contents of the above affidavit are true and correct on the basis of official records maintained by the Respondent No. 5 and nothing has been concealed or is false as placed before this Hon'ble Tribunal.

Verified at Chennai on this the 20th day of August, 2024.

For CASAGRAND PREMIER BUILDER LIMITED

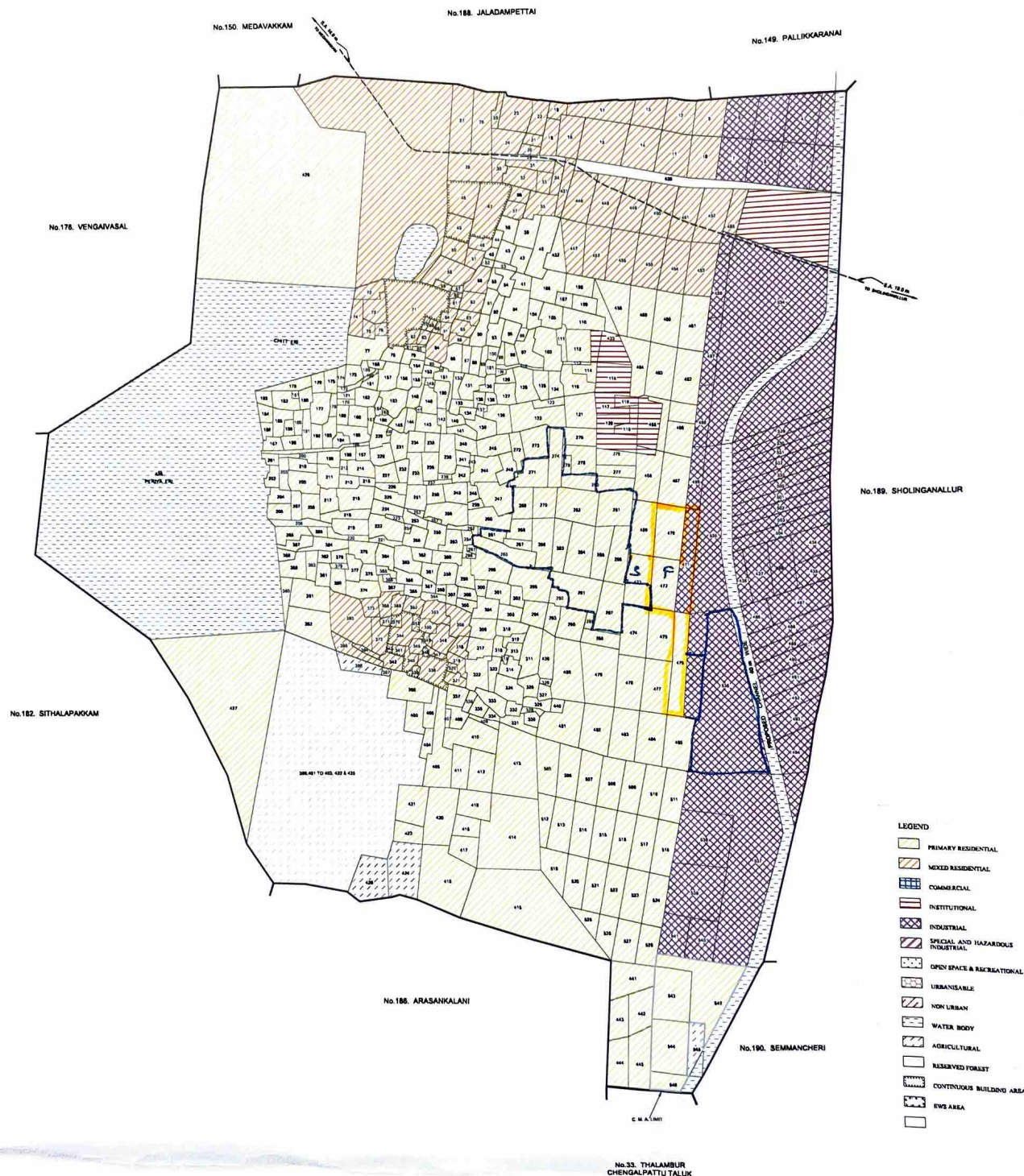


Authorised Signatory

DEPONENT

PERUMBAKKAM
VILLAGE No. 187
TAMBARAM TALUK
KANCHIPURAM DISTRICT
ST. THOMAS MOUNT P.U.

Sl. No.	Block No.	Block Name	Area (Ha)	AP	DP	SP
1	187	PERUMBAKKAM	11.82.18	500	500	500



MASTER PLAN FOR CMA - 2026

SCALE
Sheet No. 14.0 m for Distribution - Single/Double Plot

MAP No.	MP-II / CMA (VP)	241 / 2008
DRAWN BY	S. S. SIVARAJ	DATE
CHECKED BY	[Signature]	DATE
APPROVED BY	[Signature]	DATE

MEMBER SECRETARY
CENTRAL METROPOLITAN DEVELOPMENT AUTHORITY

1:10000
100 200 300
0 10 20
NO. 14.0

3/25/23, 12:14 PM

வட்டாட்சியர் அலுவலக இணைய சேவை - நில உரிமை விபரங்கள்



தமிழக அரசு

வருவாய்த் துறை

நில உரிமை விபரங்கள் : இ. எண் 10(1) பிரிவு

மாவட்டம் : செங்கல்பட்டு

வட்டம் : தாம்பரம்

வருவாய் கிராமம் : பெரும்பாக்கம்

பட்டா எண் : 5201

உரிமையாளர்கள் பெயர்

1. எம்.எஸ். கிராண்டிசித்திவெலம்பெண்டகம்பெனி எல்எல்பி



புல எண்	உட்பிரிவு	புன்செய்		நன்செய்		மற்றவை		குறிப்புகள்
		பரப்பு	தீர்வை	பரப்பு	தீர்வை	பரப்பு	தீர்வை	
		ஹெக் - ஏர்	ரூ - பை	ஹெக் - ஏர்	ரூ - பை	ஹெக் - ஏர்	ரூ - பை	
121	1B1	--	--	0 - 6.50	0.36	--	--	4546/15--- -- 05-02-2016
121	1B2	--	--	0 - 12.00	0.68	--	--	4546/15--- -- 05-02-2016
121	1B3	--	--	0 - 16.00	0.90	--	--	4546/15--- -- 13-07-2002
275	1A	--	--	0 - 32.50	1.80	--	--	4546/15--- -- 10-02-2016
278	1A	--	--	0 - 13.00	0.72	--	--	4546/15--- -- 18-09-2008
278	1B	--	--	0 - 12.00	0.68	--	--	4546/15--- -- 18-09-2008
278	1E	--	--	0 - 18.00	1.01	--	--	4546/15--- -- 19-06-2002
278	1F	--	--	0 - 15.50	0.88	--	--	4546/15--- -- 29-04-2008
281	1A	--	--	0 - 40.50	2.26	--	--	4546/15--- -- 10-02-2016
281	3B	--	--	0 - 28.30	1.60	--	--	---- -- 26-02- 2016
282	2	--	--	0 - 53.00	2.95	--	--	4546/15--- -- 05-03-2009
285	1A	--	--	0 - 26.50	1.49	--	--	4546/15--- -- 18-09-2008
285	1B2	--	--	0 - 6.20	0.35	--	--	4546/15--- -- 18-09-2008
285	1B3	--	--	0 - 11.20	0.63	--	--	4546/15--- -- 18-09-2008
285	2B2	--	--	0 - 14.00	0.80	--	--	---- -- 21-02- 2016
285	2B3	--	--	0 - 11.60	0.66	--	--	4546/15--- -- 18-09-2008
286	1A	--	--	0 - 12.50	0.70	--	--	4546/15--- -- 18-09-2008

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வட்டாட்சியர் அலுவலக இணைய சேவை - நில உரிமை விபரங்கள்

286	1B2	--	--	0 - 12.00	0.65	--	--	4546/15--- -- 18-09-2008
286	2A	--	--	0 - 32.00	1.80	--	--	4546/15--- -- 26-05-2005
286	2B	--	--	0 - 32.50	1.80	--	--	4546/15--- -- 18-09-2008
286	2C	--	--	0 - 33.50	1.85	--	--	---- -- 01-03- 2016
				4 - 39.30	24.57			

குறிப்பு 2 :



- மேற்கண்ட தகவல் / சான்றிதழ் நகல் விவரங்கள் மின் பதிவேட்டிலிருந்து பெறப்பட்டவை. இவற்றை தாங்கள் <https://eservices.tn.gov.in> என்ற இணைய தளத்தில் 35/05/158/05201/50868 என்ற குறிப்பு எண்ணை உள்ளீடு செய்து உறுதி செய்துகொள்ளவும்.
- இத் தகவல்கள் 25-03-2023 அன்று 12:06:08 PM நேரத்தில் அச்சடிக்கப்பட்டது.
- கைப்பேசி கேமராவின் 2D barcode படிப்பான் மூலம் படித்து 3G/GPRS வழி இணையதளத்தில் சரிபார்க்கவும்

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REPLY

Allwin Godwin

Niranjana Pandian

Rahul Kanna

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Counsels for Respondent No. 5