

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 67 of 2023 (SZ)

IN THE MATTER OF:

Lakshmanan,

S/o. Pongiyanagounder,

Kodumudi Taluk, Erode.

...Applicant

Versus

The District Collector,

Erode and others.

...Respondents

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Through
Dr. D. Shanmuganathan
Standing Counsel
National Green Tribunal
Southern Zone

**BEFORE THE HONORABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**
(Under section 18(1) r/w section 14, 15 of National Tribunal Act 2010)

IN THE MATTER OF ORIGINAL APPLICATION No. 67 OF 2023(SZ)

LAKSHMANAN,
S/O. Pongiyanagounder,
No. 15, Kunnikattupudur,
Vaduvullamangalam,
Ayyampalayam,
Kodumudi Taluk,
Erode District

...Petitioner

Versus

1. The District Collector,
Erode District,
Erode.
2. The Revenue Divisional Officer,
Erode Division,
Erode.
3. The Deputy Director of Town and Country Planning,
District Town and Country Planning Office,
Erode.
4. The Assistant Engineer,
Public Works Department
(Water Resource Organisation)
Erode.
5. The Executive Engineer,
Public Works Department
(Water Resource Organisation)
Erode.
6. The Block Development Officer,
Kodumudi Block,
Kodumudi,
Erode District.
7. The Tahsildar,
Kodumudi Taluk,
Erode District.
8. The President,
Kodumudi Panchayat Union,
Kodumudi,
Erode District.

.....Respondents

COUNTER AFFIDAVIT FILED BY THE TAHSILDAR, KODUMUDI

I, N.Balakumar, aged 54 years, the Tahsildar, Kodumudi Taluk and 7th Respondent herein, do hereby solemnly and sincerely state as follows:

- (1) I respectfully submit that, I am serving as the Tahsildar of Kodumudi Taluk, Erode District and I am filing this counter affidavit for myself and on behalf of the respondents 1 and 2 on the basis of materials available in the file maintained in my office conversant with the fact of this case.

I deny all the averments made by the petitioner in the affidavit except those that are specifically referred and admitted herein.

(2) It is submitted that the averment made by the petitioner in para (1) is not correct. The contents of the para is vehemently denied and humbly submitted that the applicant is falsely pretending to be an environmentalist, but in fact has filed this motivated and vague petition pushing the irrelevant agendas by abusing the process of the Law. The applicant has filed the present petition without having any correct knowledge of the facts and has not come to this Honourable Tribunal with clean mind and a clean objective because the petitioner has not clearly mentioned the particular Survey number of the field where the commercial building being constructed as averred. However it was ascertained that the subject land is SF No. 102 in Ayyampalayam Village of Kodumudi Taluk, which has been, as per record, classified as 'வண்டிப்பாதை'(Cart Track), with an extent of 0.89.0 hectares is a Government Poromboke land. Since the land is classified as Cart Track which is vested with local body authority means under the control of Kodumudi Panchayat Union. A resolution has been passed in the Ayyampalayam village panchayat to construct the said building. Accordingly the building meant for Turmeric warehouse has been raised and construction has also been completed.

(3) It is submitted that the averment made by the petitioner in para (2) is not correct. As per Revenue record the subject land is SF No. 102 in Ayyampalayam Village of Kodumudi Taluk, which has been classified as 'வண்டிப்பாதை'(Cart Track) with an extent of 0.89.0 hectares. The classification of the subject land is not been misrepresented any way.

(4) It is submitted that the averment made by the petitioner in para (3) is not correct. The subject land since it has been classified as Cart Track is vested with local body authority, not under the control of Public Works Department (WRO).

(5) It is submitted that the averment made by the petitioner in para (4) is not correct. The subject field has been identified as SF No. 102 in Iyyampalayam Village of Kodumudi Taluk, which has been, as per record, with an extent of 0.89.0 hectares classified as 'வண்டிப்பாதை'(Cart Track) and obviously found that not a water course land. The instructions framed by the Honorable courts are scrupulously followed in the cases of water course lands without any deviations.

(6) It is submitted that the averment made by the petitioner in para (5) is not correct. The complaint petition filed by the petitioner was received and duly addressed. On receipt of the complaint petition, the Revenue Divisional Officer along with the official from BDO's office had inspected the site. Moreover they observed that the particular area where the building construction took place is further detailed as "Rock" as per the nature of the land, so that construction of a

building will not lead to instability and there are no risks of collapse of the building due to loosened soil.

(7) It is submitted that the averment made by the petitioner in para (6) is not correct. On receipt of the complaint petition, the Revenue Divisional Officer, Erode along with the officials from BDO's office had inspected the site, since they observed that the subject land is no way connected with the water body and the subject building is found not going to obstruct the flow of the water of the river, no order has been passed by the Revenue Divisional Officer, Erode in this regard.

(8) It is submitted that in respect of para (7) this respondent has no remarks to offer.

(9) It is submitted that in respect of para (8), the Assistant Engineer (WRO), Irrigation Division concerned has sent a letter to the Tahsildar, Kodumudi vide Lr. No. K-3/AEKP/2023 dated: 12.01.2023, requesting that to give the details if water body land is encroached. Accordingly, the subject land was inspected and finalized that the subject land is other than water course land, is located 30 meters away from the river bed and found no encroachment was made in the water course land.

(10) It is submitted that the averments made by the petitioner in paras (9) and (10) are not correct. The subject land is obviously proved that not a water course land, confirmed that a Government land classified as "Cart Track". Hence these averments deserve no consideration.

The averments made in the grounds of affidavit are denied and repudiated as follows:

(11) It is submitted that, in respect of paras (A), (B) and (C) of Grounds, at the very outset, the petitioner has filed this petition without the knowledge of true and correct facts. The subject land has been identified as SF No. 102 in Iyyampalayam Village of Kodumudi Taluk, which has been, as per record, classified as 'வண்டிப்பாதை' (Cart Track) with an extent of 0.89.0 hectares and obviously found that not a water course land, is located 30 meters away from the river bed. Furthermore it is observed that the particular area where the building construction took place is under the detail of "Rock" in Field Measurement Book (FMB), as per the nature of the land, so that construction of a building will not affect the Noyyal River Eco system.

(12) It is humbly submitted that the content of para (D) of the Grounds is vehemently denied. On the basis of nature of soil, quality, assessment, source of irrigation etc., the lands are classified and registered in the revenue records. It cannot be altered or reclassified as one's wish and will as imagined and averred by the petitioner.

(13) It is humbly submitted that the contents of para (E) is vehemently denied. A Government servant is subject to take action considering the facts and abiding to the rules and regulations framed by the Government, the action taken not compulsory to be the expectation or in favour of the petitioners concerned.

(14) It is humbly submitted that the contents of para (F) of the Grounds is vehemently denied. The Assistant Engineer (WRO), Irrigation Division concerned has sent a letter to the Tahsildar, Kodumudi vide Lr. No. K-3/AEKP/2023 dated: 12.01.2023, requesting that to give the details if water body land is encroached. Appropriately, the subject land was inspected and finalized that the subject land is other than water course land, is located 30 meters away from the river bed and found no encroachment was made in the water course land.

(15) It is submitted that in respect of para (G) of the Grounds, this respondent has no remarks to offer.

(16) It is humbly submitted that the contents of para (H) of the Grounds is vehemently denied. A Government servant is subject to take action considering the facts and abiding to the rules and regulations framed by the Government, the action taken not compulsorily to be the expectation or in favour of the particular complainant.

(17) It is humbly submitted that in respect of para (I) of the Grounds, the respondents on Government side are bound to their responsibilities entrusted with and doing so accordingly.

I therefore humbly submit that all the averments made in the affidavit are vehemently denied for being misconceived, incorrect, erroneous and completely frivolous because the petitioner has filed this petition without having any correct knowledge of the facts. But in fact has filed this motivated and vague petition by abusing the process of the Law. In view of the above, circumstances and facts of the case this honorable court may graciously be pleased to dismiss this Petition and pass any further order(s)/direction(s) as the Court may deem fit and necessary in the interest of justice.


TAHSILDAR
KODUMUDI
BEFORE ME

District : Erode

Taluk : KODUMUDI

Village : Ayyampalayam

பஞ்சாயத்து அலுவலர் பெயர்	அ-பதிவேடு	நிலைக	பாசன இயந்திரம்	மண் போகவியனம்	மண் தரம்	தீர்வை - ஹெக்டேர்	பரப்பு		மொத்த தீர்வை		பட்டா எண்	குறிப்பு
							ரூ	பை	ரூ	பை		

56-1	ர	பஞ்சை		8 - 2	4	2	77	0	21.00	0	58 241-சதாசிவம் மற்றும் 2 நபர்(கள்)	
56-1	ர	பஞ்சை		8 - 2	4	2	77	0	24.50	0	67 241-சதாசிவம் மற்றும் 2 நபர்(கள்)	
56-1	ர	பஞ்சை		8 - 2	4	2	77	0	23.00	0	64 241-சதாசிவம் மற்றும் 2 நபர்(கள்)	
56-1	ர	பஞ்சை		8 - 2	4	2	77	0	24.50	0	67 10-சாமியப்பகவுண்டர்	
56-1	ர	பஞ்சை		8 - 2	4	2	77	0	30.00	0	83 9-சதாசிவம் மற்றும் 1 நபர்(கள்)	
56-1	ர	பஞ்சை		8 - 2	4	2	77	0	2.50	0	07 241-சதாசிவம் மற்றும் 2 நபர்(கள்)	
56-2	அ	புறம்போக்கு		0 - 0	0	0	0	0	3.50	0	00 0	வாய்க்கால்
56-3	ர	பஞ்சை		8 - 2	4	2	77	0	5.50	0	15 9-சதாசிவம் மற்றும் 1 நபர்(கள்)	
56-3	ர	பஞ்சை		8 - 2	4	2	77	0	7.50	0	20 10-சாமியப்பகவுண்டர்	
56-3	ர	பஞ்சை		8 - 2	4	2	77	0	11.50	0	31 241-சதாசிவம் மற்றும் 2 நபர்(கள்)	
Total For Survey Number- 96								1	53.5	4	12	
56-1	ர	பஞ்சை		8 - 2	4	2	77	0	6.00	0	17 241-சதாசிவம் மற்றும் 2 நபர்(கள்)	கிணறு
56-1	ர	பஞ்சை		8 - 2	4	2	77	0	36.00	1	00 241-சதாசிவம் மற்றும் 2 நபர்(கள்)	
56-1	ர	பஞ்சை		8 - 2	4	2	77	0	22.50	0	62 241-சதாசிவம் மற்றும் 2 நபர்(கள்)	
56-1	ர	பஞ்சை		8 - 2	4	2	77	0	20.50	0	56 10-சாமியப்பகவுண்டர்	
56-1	ர	பஞ்சை		8 - 2	4	2	77	0	17.50	0	48 26-கருப்பண கவுண்டர் மற்றும் 3 நபர்(கள்)	
60-2	அ	புறம்போக்கு		0 - 0	0	0	0	0	0.50	0	00 0	வாய்க்கால்
Total For Survey Number- 97								1	3.0	2	83	
47	ர	பஞ்சை		8 - 2	4	2	77	0	13.50	0	37 219-ராமசாமிக் கவுண்டர்	
47	ர	பஞ்சை		8 - 2	4	2	77	0	13.00	0	36 9-சதாசிவம் மற்றும் 1 நபர்(கள்)	
4756-1	ர	பஞ்சை		8 - 2	4	2	77	0	30.50	0	84 217-ராமசாமிக் கவுண்டர்	
47	ர	பஞ்சை		8 - 2	4	2	77	0	42.50	1	17 241-சதாசிவம் மற்றும் 2 நபர்(கள்)	
47	ர	பஞ்சை		8 - 2	4	2	77	0	11.00	0	30 220-ராமசாமிக் கவுண்டர்	
47	ர	பஞ்சை		8 - 2	4	2	77	0	11.50	0	31 241-சதாசிவம் மற்றும் 2 நபர்(கள்)	
56-1	ர	பஞ்சை		8 - 2	4	2	77	0	16.00	0	44 241-சதாசிவம் மற்றும் 2 நபர்(கள்)	
Total For Survey Number- 98								1	38.0	3	79	
4756-1	ர	பஞ்சை		8 - 2	4	2	77	2	37.50	6	57 32-கருப்பண கவுண்டர்	
47	ர	பஞ்சை		8 - 2	4	2	77	2	77.50	7	68 439-நாச்சப்ப கவுண்டர் மற்றும் 7 நபர்(கள்)	
47	ர	பஞ்சை		8 - 2	4	2	77	0	4.00	0	11 87-செங்கோட கவுண்டர் மற்றும் 2 நபர்(கள்)	
Total For Survey Number- 100								2	81.5	7	79	
46	அ	புறம்போக்கு		0 - 0	0	0	0	1	18.00	0	00 0	
46	அ	புறம்போக்கு		0 - 0	0	0	0	0	89.00	0	00 0	
48	ர	பஞ்சை		8 - 2	4	2	77	1	56.00	4	32 402-கருப்பண	
5548	ர	பஞ்சை		8 - 2	4	2	77	0	70.50	4	251-கருப்பண கவுண்டர் மற்றும் 11 நபர்(கள்)	
57-1	ர	பஞ்சை		8 - 2	4	2	77	0	50.50	1	40 328-கருப்பண	
49	P	ர	பஞ்சை	8 - 2	4	2	77	0	8.00	0	40 328-கருப்பண	
49	P	ர	பஞ்சை	8 - 2	4	2	77	0	8.00	0	40 328-கருப்பண	

கிராம நிர்வாக அலுவலர்
 Page 18 of 23
 17 - வட்டிள்ளிமங்கலம்,
 19 - அய்யம்பாளையம்.
 தொகுதி அலுவலர்

District

COIMBATORE

No: 205 89

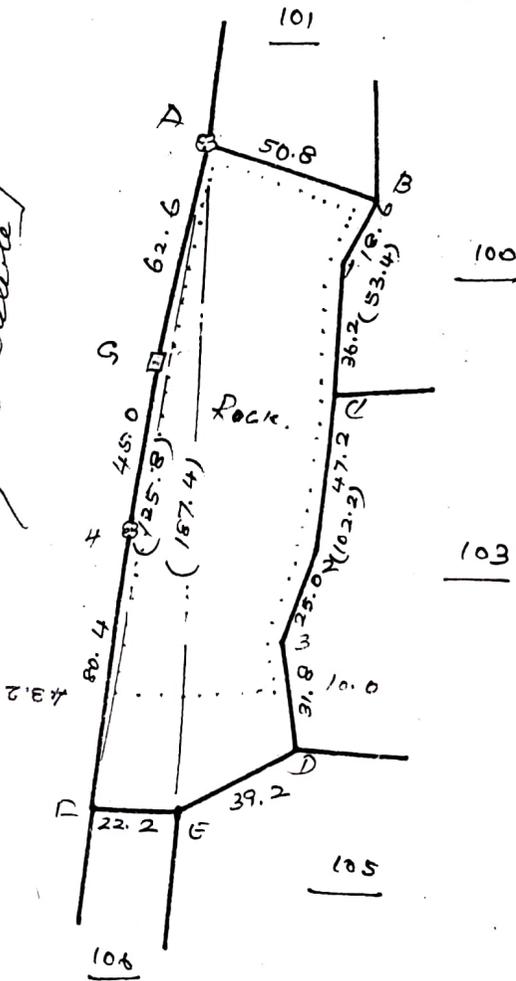
Village

Name: JYOMPACAYOM

ERODE

Area: Hect: 0.89, 0 Acres

Field No: 102



Four Tables

1) 2000m (1) 2000m (1)
 (2) 2000m (1) 2000m (1)
 1000m

கிராம நிர்வாக அலுவலர்

- 17 - வழவுள்ளம் புகளம்.
- 19 - அய்யம்பாளையம்.
- கொடுமுடி வட்டம்
- கோரி மாண்பு

		G		
		(125.8)		
4	4.0	80.4		
		R		
		A		
		(157.4)		
		173.2	48.6	B
	9.6	125.8		
		120.4	40.8	C
		18.4	34.8	D
A	22.2	0.6		
		E		
		G		
		(102.2)		
		71.4	8.6	3
		47.2	1.2	2
		C		
		(53.4)		
		17.8	5.6	1
		B		

Scale 1 inch = One Chain

1 cm = 2000 m

Prepared By



District : Erode

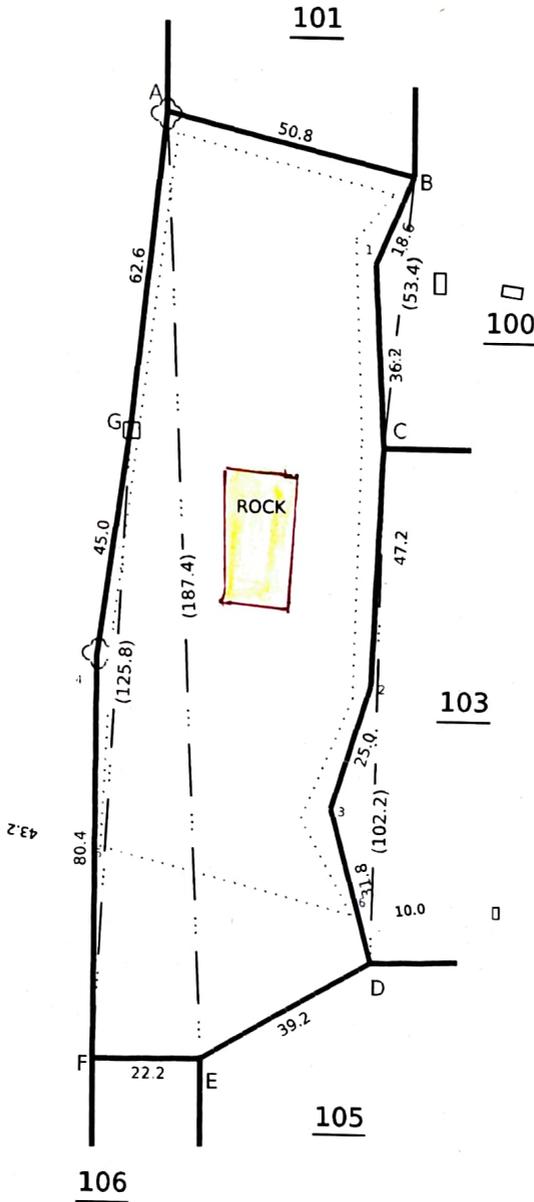
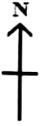
Taluk : KODUMUDI

Village : Ayyampalayam [19]

Survey No : 102

Area : Hect 00 Ares 89.00

Scale : 1 : 1000



 ⇒ கோயில் அமைவிடம்
 அமைக்கப்படும் இடம்



தமிழ்நாடு அரசு



வருவாய் துறை

District :

Erode

Taluk :

Kodumudi

Village :

Ayyampalayam

புல எண்	உட்பிரி வு எண்	பழைய புல எண் - உட்பிரிவு எண்	பகு தி	அரசு - ரயத்துவா ரி	நிலத்தின் வகை	பாசன ஆதாரம்	இரு பேகமா	மண் வயனமு ம் ரகமும்	மண் தரம்	தீர்வை - ஹெக்		பரப்பு		மொத்த தீர்வை		பட்டா எண்	குறிப்பு	This Land is Under	
										ரூ	பை	ஹெக்	எர்	ரூ	பை				
102	-	46		அரசு	புறம்போக் கு			0 - 0	0	0	0	0	89.00	0	00	0		வண்டிப் பாதை	-
											மொத்தம்	0	89.00						

		1	2	3	4	5	6	7	8	9	10	11	12	
									கு.ப.பெ.ஏர்ஸ்.	கு.ப.பெ.				
ன்		102	...	46	ச	4	...	...	...	0 89-0	...	.....	வண்டிப் பாதை.	
ன்	கிண	103	...	48	ர	4	...	8-2	4 2 77	1 56-0	4 32	398	வா. கருப்பணக் கவுண்டர்.	கிணறு.
நிக்		104	...	55 48 57-1	ர	4	...	8-2	4 2 77	2 70-5	7 49	251	ஆ. கருப்பணக் கவுண்டர் (1), ஆ. வேலப்பக் கவுண்டர் (2).	
ன்		105	...	49	ர	4	...	8-2	4 2 77	1 78-5	4 94	328	ரா. முத்துசாமிக் கவுண்டர் (1), ஆ. வேலப்பக் கவுண்டர் (2), ஆ. கருப்பணக் கவுண்டர் (3).	
கக்		106	...	46	ச	4	...	...	...	0 52-0	...	.....	வண்டிப் பாதை.	
சக்		107	...	46	ச	4	...	...	...	0 51-5	...	.....	வண்டிப் பாதை.	
வக		108	...	51	ச	4	...	...	...	0 58-0	...	.....	மந்தை.	
மிக்		109	1	50	ர	4	...	8-2	4 2 77	0 90-0	2 49	329	ஆ. கருப்பணக் கவுண்டர் (1), ஆ. வேலப்பக் கவுண்டர் (2), வா. கருப்பணக் கவுண்டர் (3).	
பகக்														
ரமிக்			2	52	ர	4	...	8-2	4 2 77	1 47-0	4 97	329	ஆ. கருப்பணக் கவுண்டர் (1), ஆ. வேலப்பக் கவுண்டர் (2), வா. கருப்பணக் கவுண்டர் (3).	
வுண்														
ராமிக்														
ப்பக்		110	1	50	ர	4	...	8-2	4 2 77	0 73-0	2 02	398	வா. கருப்பணக் கவுண்டர்.	
ணக்			2	50	ர	4	...	8-2	4 2 77	0 60-5	1 67	24	க. கருப்பணக் கவுண்டர்.	
			3	50	ர	4	...	8-2	4 2 77	0 57-5	1 59	194	ரா. முத்துசாமிக் கவுண்டர்.	
ணக்	கிண													
ரமிக்		111	1	54-எ	ர	4	...	7-2	3 5 38	1 91-0	5 28			
ரடக்	நிலை									0 06-0	0 20	385	ஆ. கருப்பணலும் மற்றும் ஐந்து பேர் களும் *.	நிலவியல் வண்டிப் பாதை.
வண்	வக		2	54-எ	ர	4	...	7-2	3 3 38	0 96-5	3 26	364	ஆ. கருப்பணக் கவுண்டர் (1), ஆ. வேலப்பக் கவுண்டர் (2), மா. ராம சாமி (3), மா. முத்து சாமி (4).	

* விவரப்பட்டியைப் பார்க்கவும்.