

Item No.12:

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

**Original Application No. 36 of 2022(SZ) &
I.A. No.10 of 2023 (SZ)**

IN THE MATTER OF:

Meenava Thanthai K.R. Selvaraj Kumar
Meenavar Nala Sangam
Rep by its President
M.R. Thiagarajan, Chennai.

...Applicant(s)

State of Tamil Nadu
Rep by its Chief Secretary,
Chennai and Ors.

...Respondent(s)

Date of hearing: 31.01.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. G. Stanly Hebzon Singh.

For Respondent(s): Dr. D. Shanmuganathan for R1, R2 & R5
Mr. S. Sai Sathya Jith for R3.
Mr. Vishranth represented
Mr. Gautham S. Raman for R4.
Mr. R. Kannan - I.A. No.10/2023

ORDER

1. This is the matter regarding the encroachment on the Kathivakkam Thamaraiikulam. It is stated that the above said water body comes within the Greater Chennai Corporation limits and which is to be maintained by them. However, there is no representation for the Greater Chennai Corporation in any of the hearings though they have been Suo Motu impleaded as a party vide order dated 22.04.2022. Let the name of the standing counsel appearing for the Greater Chennai Corporation be printed in the cause list to enable them to appear before the Tribunal on the next hearing.
2. There is also an interlocutory application [I.A. No.10 of 2023 (SZ)] filed by the proposed respondent claiming to be a resident of that area to implead himself in this Original Application.
3. According to the said proposed respondent, there has been a proceeding of the erstwhile District Collector – Chengai Anna District at Kancheepuram for regularizing the encroachments on 07.07.1989. The said proceedings only recommended for issuance of patta to the landless poor. However, even after the passage of 30 years, the patta had not been issued to any of those people. In the meanwhile, there have been eviction notices issued by the Greater Chennai Corporation which were challenged before the Hon'ble High Court of Madras. The Hon'ble High Court had directed them to go before the revisional authority while granting the status quo. **So, the above interlocutory application [I.A. No.10 of 2023 (SZ)] is closed.**

4. From the records, it is evident that the said Thamaraikulam was originally having 5.25 Acres in extent which is now shrunk to about 3 Acres. The District Collector – Chennai District who filed the report has stated that there are 53 encroachments. From the report of the District Collector, it is understood that the earlier recommendation made by the District Collector in the year 1989 has not been acted upon and the occupants are only treated as encroachers.
5. So, in this regard, the Greater Chennai Corporation which is maintaining the water body in question is to take immediate action to evict the encroachers and restore the water body to its original condition.
6. As the learned counsel for the Greater Chennai Corporation is not appearing today and we have not received any report from them, the matter is adjourned to 20.02.2023.
7. Post the matter on 20.02.2023.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.36/2022(SZ)
I.A. No.10/2023 (SZ)
31st January 2023. Mn.