

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH  
and  
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition Nos.18388, 18396, 18400 and 18997 of 2016  
and

WMP.Nos.16083 to 16085 of 2016,  
16093 of 2016, 16097 to 16099 of 2016  
and 16557 and 16558 of 2016

M/s.B.T. Enterprises Private Limited  
rep. by its Director B.Tamil Selvi ...Petitioner in  
WP.Nos.18388, 18396 & 18400 of 2016

M/s.Global Waste Recyclers Ltd  
rep. by its Managing Director  
Bharath Pujara ...Petitioner in WP.No.18997 of 2016

Vs.

- 1.The State of Tamil Nadu,  
rep. by its Principal Secretary to Government,  
Housing and Urban Development Department,  
Fort St. George, Secretariat,  
Chennai- 600 009.
- 2.The Chennai Metropolitan Development Authority (CMDA)  
rep. by its Member Secretary,  
Thalamuthu Natarajan Building,  
No.1, Gandhi Irwin Road,  
Egmore, Chennai - 600 008.
- 3.Alamathi Village Panchayat,  
rep. by its Executive Officer cum President,  
Alamathi Village, Sholavaram Panchayat Union,  
Thiruvallur District.

4. Sholavaram Panchayat Union,  
rep. by its Commissioner,  
Sholavaram, Thiruvallur District. ... Respondents  
WP.Nos.18388, 18396 & 18400 of 2016

1. The Government of Tamil Nadu,  
rep. by its Secretary,  
Housing and Urban Development Department,  
Fort St. George,  
Chennai- 600 009.

2. The Member Secretary,  
Chennai Metropolitan Development Authority  
Thalamuthu Natarajar Maligai,  
No.1, Gandhi Irwin Road,  
Egmore, Chennai - 600 008.

3. The Director,  
Rural Development and Panchayat Raj,  
Panagal Building,  
Saidapet,  
Chennai - 600 015.

4. The Commissioner,  
Sholavaram Panchayat Union,  
Sholavaram, Thiruvallur District.

5. The Superintending Engineer,  
Water Resources Organisation,  
Palar Irrigation Division,  
Chepauk, Chennai - 600 005. ... Respondent WP.No.18997 of 2016

WP.No.18388/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the first respondent in Letter No.24951/UD-VI(2)/2015-1 dated 28.12.2015 and to quash the same and consequently direct the second respondent to de-seal the premises of the petitioner in property comprised in S.Nos.292, 293, 294, 295, 296 and 302 covered in Patta Nos.4100, 4121, 4122, 4133, 6078, 6188 and 6200 situated in No.111, Alamathi 2 Revenue Village abutting Redhills - Thiruvallur High Road, Sholavaram Panchayat Union, Thiruvallur District.

WP.No.18396/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring that the lands comprised in S.Nos.292, 293, 294, 295,

296 and 302 covered in Patta Nos.4100, 4121, 4122, 4133, 6078, 6188 and 6200 situated in No.111, Alamathi 2 Revenue Village abutting Redhills - Thiruvallur High Road, Sholavaram Panchayat Union, Thiruvallur District, which have been reserved as catchment area in Map No.M.P.II/CMA(DP) 41-A/08 of the Second Master Plan for Chennai Metropolitan Area 2026 (Development Regulations) on the file of the second respondent as released from such reservation as per Section 38(b) of the Tamil Nadu Town & Country Planning Act.

WP.No.18400/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in Letter No.23034/UD6(1)/15-5 dated 16.02.2016 and to quash the same and consequently forbear the second respondent from re-sealing the godown A1 in the premises of the petitioner in property comprised in S.Nos.292, 293, 294, 295, 296 and 302 covered in Patta Nos.4100, 4121, 4122, 4133, 6078, 6188 and 6200 situated in No.111, Alamathi 2 Revenue Village abutting Redhills - Thiruvallur High Road, Sholavaram Panchayat Union, Thiruvallur District.

WP.No.18997/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the first respondent in Letter No.4776/UD-VII(1)/2016-3 dated 01.04.2016 and in Letter No.7156/UD-VII(1)/2016-1 dated 10.05.2016 and the second respondent in Letter No.EC/EN-II/ 19961/2015 dated 31.12.2015 and to quash the same.

WP.Nos.18388, 18396 and 18400 of 2016

For Petitioner : Mr.P.Wilson, SC for

M/s.Richardson Wilson

For R1 & R4 : Mr.S.T.S.Murthi, AAG assisted by

Mr.P.S.Sivashanmugasundaram, SGP

For R2 : Mr.C.Johnson

For R3 : Mr.V.Jayaprakash Narayanan, SGP

WP.No.18997 of 2016

For Petitioner : Mr.Kabir, SC for

M/s.G.Krishnakumar

For R1 & R3 to R5 : Mr.S.T.S.Murthi, AAG assisted by

Mr.P.S.Sivashanmugasundaram, SGP

For R2 : Mr.C.Johnson

COMMON ORDER

(Order of the Court was made by HULUVADI G. RAMESH,J.)

One M/s.B.T.Enterprises Private Limited is the petitioner in W.P.Nos.18388, 18396 and 18400 of 2016. W.P.No.18388 of 2016 has been filed by the petitioner to quash the order passed by the first respondent dated 28.12.2015 and consequently direct the second respondent to de-seal the premises of the petitioner comprised in S.Nos.292, 293, 294, 295, 296 and 302 covered in Patta Nos.4100, 4121, 4122, 4133, 6078, 6188 and 6200 situated at No.111, Alamathi 2 Revenue Village abutting Redhills - Thiruvallur High Road, Sholavaram Panchayat Union, Thiruvallur District.

W.P.No.18396 of 2016 has been filed by the petitioner to declare the lands comprised in S.Nos.292, 293, 294, 295, 296 and 302 covered in Patta Nos.4100, 4121, 4122, 4133, 6078, 6188 and 6200 situated at No.111, Alamathi 2 Revenue Village abutting Redhills - Thiruvallur High Road, Sholavaram Panchayat Union, Thiruvallur District, which have been reserved as catchment area in Map No.M.P.II/CMA(DP) 41-A/08 of the Second Master Plan for Chennai Metropolitan Area 2026 (Development Regulations) on the file of the second respondent, as released from such reservation as per Section 38(b) of the Tamil Nadu Town and Country Planning Act.

W.P.No.18400 of 2016 has been filed by the petitioner to quash the order of the first respondent dated 16.02.2016 and consequently forbear the second respondent from re-sealing the godown A1 in the premises of the petitioner comprised in S.Nos.292, 293, 294, 295, 296 and 302 covered in Patta Nos.4100, 4121, 4122, 4133, 6078, 6188 and 6200 situated at No.111, Alamathi 2 Revenue Village abutting Redhills - Thiruvallur High Road, Sholavaram Panchayat Union, Thiruvallur District.

Challenging the respective communications of respondents 1 and 2 dated 01.04.2016 and 10.05.2016 and 31.12.2015, M/s.Global Waste Recyclers Ltd has filed the writ petition in W.P.No.18997 of 2016.

2. The case of the petitioner in W.P.Nos.18388, 18396 and 18400 of 2016 is as follows:

2.1 The petitioner company purchased the lands comprised in S.Nos.292, 293, 294, 295, 296, 297 and 302 covered in patta Nos.4100, 4121, 4122, 4133, 6078, 6188 and 6200 situated at No.111, Alamathi 2 Revenue Village abutting Redhills-Thiruvallur High Road, Sholavaram Panchayat Union, Thiruvallur District by way of various sale deeds. From the date of purchase, the petitioner has been in absolute possession and enjoyment of the said lands. Originally, these lands were used for agriculture



purpose. Thereafter, the petitioner has made compound wall over the boundary of the lands and constructed some temporary structures, after obtaining necessary permission from the third respondent vide approval dated 11.11.2013. Subsequently, the property was assessed to tax and the petitioner has been paying the tax regularly.

2.2 While so, the petitioner came to know that in the second Master Plan for Chennai Metropolitan Area 2026 (Development Regulations) which was issued by the first respondent vide G.O.Ms.No.190 dated 02.09.2008, the lands of the petitioner were classified as Redhills Catchment Area. In the said map, the lands of the petitioner were reserved as catchment areas. Therefore, the petitioner made an application dated 03.02.2014 to the Chief Engineer, Water Resources Development, Public Works Department, requesting to inspect the lands and ascertain the inundation point, so as to enable them to apply to the Chennai Metropolitan Development Authority (CMDA) for reclassification of the lands from agricultural lands to commercial lands and to de-reserve the same. Pursuant to the same, the Chief Engineer, Water Resources Development, Public Works Department has inspected the lands and made a report dated 06.03.2014 stating that the lands of the petitioner were classified as 'patta dry lands' as per the Revenue records and that infrastructure has been developed in part of the lands and the balance lands are kept vacant without any cultivation. In the said report, the Chief Engineer has also recommended that the re-classification of lands may be considered for approval by the second respondent, if the petitioner raises the height of their lands in S.Nos.293/1A, 293/7, 293/8A3, 293/8A4, 293/8A5, 293/8B1B to above +24.640 metres and the remaining lands in S.Nos.316/1D1A, 316/1E1A, 330/1A, 330/2B1 and 332/2A to above +29.220 meters, since the Redhills to Thiruvallur Road is at a level of +24.640 meters from the sea level and Edapalayam to Upparapalayam Village Road is +29.220 meters respectively.

2.3 On receipt of the said report, the petitioner made an application dated 18.12.2014 along with relevant documents to the fourth respondent for reclassification of the lands from catchment area to commercial zone. Subsequently, the fourth respondent has forwarded the application of the petitioner to the second respondent vide his letter dated 02.01.2015 along with his recommendations. Thereafter, the second respondent has returned the application for want of signature from the third respondent and no objection certificate from the CMWSSB and for remittance of scrutiny fee.

2.4 In such circumstances, the second respondent has sent a locking & sealing and demolition notice dated 24.06.2015 in respect of one godown alleging that the construction made was unauthorized and was without approval from the second respondent. Thereafter, the reclassification application of the

petitioner was resubmitted by the fourth respondent vide letter dated 01.07.2015 to the second respondent. Pending the same, the second respondent issued a de-occupation notice dated 01.09.2015 to the petitioner. On receipt of the same, the petitioner made a representation dated 10.09.2015 to the second respondent to withdraw the enforcement proceedings, pending consideration of the reclassification application of the petitioner. In the mean while, the second respondent vide letter dated 15.10.2015 demanded the petitioner to pay additional cost to the tune of Rs.69,326/- for paper publication, which was duly complied with by the petitioner. However, the second respondent issued the same de-occupation notice dated 01.09.2015, but signed on 26.10.2015 to the owner as well as to the tenant of the petitioner.

2.5 Thereafter, the petitioner filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter shortly referred to as 'Act') on 02.11.2015 challenging the locking and sealing of the premises of the petitioner and de-occupation notice dated 01.09.2015. Subsequently, at the instance of the petitioner and pursuant to the order of this Court made in W.P.No.37429 of 2015, the appeal filed by the petitioner was rejected by the first respondent, by order dated 16.02.2016 on the ground that the entire extent of the petitioner's lands is located in the catchment area and therefore, no construction activity is permissible as per the Second Master Plan for Chennai Metropolitan Area 2026 (Development Regulations). The petitioner's representation dated 11.02.2016, which was given on 18.02.2016 seeking interim relief of de-sealing the premises was considered on 01.03.2016 and permission was granted to open godown A1 to remove the goods kept inside that godown for a period of three months. Based on the said order, the premises seal has been removed by the second respondent on 18.03.2016 and the premises is under occupation of the petitioner.

2.6 Apart from this godown, in respect of other two godowns (A2 and A3), a lock and seal, demolition and de-occupation notice dated 23.11.2015 was issued, against which, the petitioner has filed an appeal under Section 80-A of the Act on 09.12.2015 before the first respondent. Subsequently, the said appeal was disposed of by the first respondent, by order dated 28.12.2015. Therefore, the petitioner is before this court with the present writ petitions.

3. The case of the petitioner in W.P.No.18997 of 2016 is as follows:

3.1 The petitioner company purchased the land measuring to an extent of 1.21 acres in S.Nos.126/2B, 1B1, 295/2B2, B2 at Alamathi Village, Ponneri Taluk, Thiruvallore High Road, Redhills, Chennai for its industrial activities vide a

registered sale deed dated 10.03.2008. For the purpose of construction of a godown, the petitioner made an application dated 22.08.2008 to the fourth respondent seeking necessary permissions. As the petitioner's land lies in Redhills Catchment Area, the fourth respondent vide his letter dated 22.08.2008, requested the fifth respondent to give no objection certificate for construction of godown in accordance with law. Pursuant to the same, the fifth respondent inspected the petitioner's property and sent a report-cum-certificate dated 17.11.2008 to the fourth respondent stating that the proposed godown was situated near Sholavaram lake on the Redhills - Thiruvallore Main Road and hence, requested the fourth respondent to stipulate the conditions stated in the report-cum-certificate of no water immersion of building and get the same to be complied with by the petitioner while granting approval for planning permission. In view of the same, the fourth respondent sent a letter dated 29.01.2009 to the petitioner demanding to pay the security deposit of Rs.3,000/-, which was duly paid by the petitioner to the Chennai Metropolitan Development Authority. Following the same, inspection report dated 23.10.2009 was submitted with regard to the proposed construction of godown by the petitioner in Redhills, Sholavaram Panchayat Union. Thereafter, the fourth respondent granted planning permission in favour of the petitioner vide letter dated 30.10.2009.

3.2 Pursuant to the same, the petitioner put up a construction of godown as well as office building complying with the conditions stipulated both in the planning permission and No objection certificate issued by the Water Resources Organisation, Chennai. Thereafter, the petitioner started to utilize the said building for industrial purpose by obtaining electricity connection and paying property tax. While so, the second respondent issued a notice dated 26.11.2015, calling upon the petitioner to produce the approved plan obtained from the local authority. Accordingly, the petitioner submitted the necessary documents to the second respondent. However, the second respondent issued a locking and sealing and demolition notice dated 31.12.2015 alleging that the godown-cum-office building constructed was an unauthorised construction and calling upon the petitioner to restore the building in its original position by removing the unauthorized construction.

3.3 In such circumstances, as against the notice dated 31.12.2015, the petitioner preferred an appeal under Section 80A of the Act before the first respondent, who, vide order dated 01.04.2016, dismissed the appeal, on the ground that the site of the petitioner lies in Redhills Catchment Area, where no construction activities is permissible and there is no chance for the building of the petitioner to be regularised. Aggrieved over the same, the petitioner is before this Court with the present writ petition.



4. The first respondent has filed a common counter affidavit and additional counter affidavit in W.P.Nos.18388, 18396 and 18400 of 2016, wherein, it has been stated as follows:

4.1 The godown of the petitioner lies in the Redhills Catchment area, where no construction activity is allowed. Further, the planning approval obtained for the building from the Panchayat President is not in order, since he is not a competent authority to issue such plan approval. Accordingly, the Government has rejected the Section 80-A appeal preferred by the petitioner.

4.2 However, based on the request of the petitioner, orders were issued to de-seal the building of the petitioner for three months to remove the structure, subject to obtaining an undertaking that the premises will not be used for occupation/commercial activity during the period of de-sealing and shall be used only for demolition of the existing structure, vide Government Letter No.23034/UD-VI(1)/2015 dated 01.03.2016.

5. The second respondent has filed a common counter affidavit and additional counter affidavit in W.P.Nos.18388, 18396 and 18400 of 2016 stating as follows:

5.1 The application filed by the petitioner for reclassification of lands in S.Nos.294/9, 295/2A, 4B, 2E1 & 2F2, 296/1 & 2, 297/2 and 302/41A, 1B, 3A, 3B, 3D, 3C, 4, 54, 3E1 & 3E2 of Alamadhi Village from Redhills Catchment Area to Commercial use zone, was examined and the same was returned unapproved by the second respondent vide letter No.R1/151/2015 dated 11.05.2015 on the ground that the site under reference falls under Redhills Catchment Area.

5.2 As per the Development Regulations No.24(2)(c) read with Annexure -XII (6), no lands declared as Redihills catchment Area shall be reclassified into any urban use zone. In view of the same, the enforcement action was directed to be taken against the unauthorized construction made at the site under reference. As per Section 56 (2-A) of the Act, the planning authority is authorized to pursue locking and sealing action, irrespective of pendency of any application.

5.3 According to the second respondent, the Village Panchayat has no power to grant approval for construction of three godowns by the petitioner.

5.4 The site under reference lies in Redhills Catchment Area and not in agricultural use zone, as per the approved master Plan's land use category. Further, any use assigned for parcel of land can be modified/changed only by adopting the prescribed procedures for reclassification under the provisions of Section 32 of the Tamil Nadu Town and Country Planning Act,



1971. Hence, the question of de-reservation of the use of the site from Redhills Catchment Area does not arise.

5.5 The publication of the proposal in the newspapers calling for objections/suggestions from the public does not mean that the proposal will be approved.

5.6 Sections 36, 37 and 38 of the Act relate to only acquisition of lands. In this case, since the lands in question lies under catchment area, which is restricted for development, the question of land acquisition does not arise.

5.7 As per DR 5(1) of the Development Regulations approved as part of the Second Master Plan for Chennai Metropolitan Area by the Government under the Act, no development shall be in contravention of these regulations. Further, no land, premises or buildings shall be developed, constructed, altered, reconstructed, sub-divided, amalgamated, reconstituted, laid out, changed or put into use, which is not in conformity with the provisions of these regulations.

5.8 In order to protect this water source from the negative impact of the urban development, contiguous areas in the catchment of these lakes have been declared as Redhills Catchment area. The description of the catchment area and the regulations for development are given in Annexure -XII of the DR.

5.9 As per Map No.MP-II/CMA (VP)/41-A of 2008, S.Nos.292, 293, 294, 330 and 332 are zoned as Redhills Catchment Area. Any reclassification of land use zone can be approved by the Government as per Section 32 of the Act. Section 38 of the Act will not be applicable to the case under reference. The restriction of development in the Redhills Catchment Area is not amounting to reservation for development. The land under reference is ecologically sensitive and therefore, developments are restricted.

6. A counter affidavit has been filed by the first respondent in W.P.No.18997 of 2016 inter alia stating that it was not aware under what circumstances, the Commissioner, Sholavaram Panchayat Union accorded the planning permission. The local bodies can grant planning permission for commercial buildings and godowns only upto an extent of 300 sq.mt. under the powers delegated to them. Further, in Redhills Catchment Area, the local bodies and local planning authorities have no powers to grant planning permission. Apart from that, Redhills Catchment Area is an ecologically sensitive area and water catchment area for Redhills lake, which supplies drinking water to Chennai City. If at all any remarks have to be obtained by any planning authority, the same should have been obtained from the Chennai Metropolitan Water Supply and Sewerage Board. Hence, the building constructed in the area restricted for development and the planning permission issued are improper.

7. The second respondent has also filed a counter affidavit in W.P.No.18997 of 2016 inter alia contending that inspite of request to produce the approved plan, the petitioner did not produce approved plan relating to the construction of the building in question. Hence, a statutory notice under Sections 56 and 57 r/w Section 85 of the Act was issued to the petitioner. It is further stated therein that as per Development Regulation No.24(2)(C)(3), in the Industrial use zone (covering the existing industries of National importance), the developments are allowable subject to satisfying zoning regulations and planning parameters prescribed in this Rules. The existing godown and office building is a commercial activity, wherein, as per Development Regulation 24(2)(C)(4), these activities are prohibited in the catchment area. Existing authorized activities may continue without expansion or enlargement. The counter affidavit further proceeds to state that by the impugned order dated 1.4.2016, the first respondent has directed the Director of Rural Development and Panchayat Raj to initiate action by framing charges against the concerned Panchayat Union Commissioner, who has granted the planning permission without any jurisdiction and beyond the powers delegated to him.

8. Mr.P.Wilson, learned senior counsel for the petitioner in WP.Nos.18388, 18396 and 18400 of 2016 submitted that the petitioner has constructed the building in question, after obtaining necessary permission from the authority concerned. He further submitted that as per Section 38 of the Act, if an area reserved under any Master Plan is not acquired within three years from the date of publication of such Master Plan, such area shall be deemed to be released from such reservation. Accordingly, the petitioner's land is deemed to be released from the category of catchment area. Learned senior counsel also submitted that the second respondent has accorded permission in the very same catchment area for the development of other institutional, industrial and commercial buildings. Therefore, the refusal of the second respondent to consider the application of the petitioner alone for conversion of land citing the classification as catchment area, is arbitrary, illegal and highly discriminatory and the same is in violation of Article 14 of the Constitution of India. Adding further, learned senior counsel submitted that due to the actions of respondents 1 and 2, the petitioner has not only suffered monetary loss, but also, is unable to use and enjoy the property beyond the period of three years.

9. Mr.Kabir, learned senior counsel for the petitioner in WP.No.18997 of 2016 submitted that though the petitioner has

obtained planning permission and building plan approval from the second respondent and NOC from the fifth respondent and inspection report from the Planning officer of CMDA, the second respondent has mechanically issued the impugned locking and sealing and demolition notice, which was confirmed by the first respondent by the impugned orders dated 01.04.2016 and 10.05.2016. He further submitted that as the building in question was constructed in accordance with the statutory requirements particularly, in consonance with the building plan approval dated 09.11.2009 granted by the second respondent and as per the Regulations for Redhills Catchment Area, the first respondent ought not to have rejected the appeal stating that there is no chance for the building to be regularised.

10. Reiterating the averments made in the counter affidavits and additional counter affidavits filed by the respondents, learned Additional Advocate General submitted that the impugned notices and orders of the respective respondents against the petitioners are only in accordance with the provisions of the Act and in compliance with the Development Regulations and there is no violation as alleged by the petitioners. Learned Additional Advocate General further submitted that since the lands belonging to the petitioners are covered under Redhills Catchment Area, the request of the petitioners was rightly rejected. He also submitted that in order to maintain the ecological balance, the developmental activities are restricted in the said area.

11. We have heard all the parties and also perused the materials placed before us.

12. The facts made available herein would reveal that the petitioner in W.P.Nos.18388, 18396 and 18400 of 2016 is the owner of the lands in S.Nos.292, 293, 294, 295, 296, 297 and 302 covered in patta Nos.4100, 4121, 4122, 4133, 6078, 6188 and 6200 situated at No.111, Alamathi 2 Revenue Village. The petitioner in W.P.No.18997 of 2016 is the owner of the lands covered in S.Nos.126/2B, 1B1, 295/2B2, B2 at Alamathi Village, Ponneri Taluk, Thiruvallore High Road, Redhills, Chennai. After purchase, they constructed their respective buildings for commercial purpose. After coming to know about the Master Plan for Chennai Metropolitan Area, 2026 (Development Regulations), the petitioner in W.P.Nos.18388, 18396 and 18400 of 2016 preferred an application to classify their lands from the catchment area to commercial zone and the same is pending consideration. While so, the second respondent issued lock & seal and Demolition notices to the petitioner in all the writ petitions on the ground that as per Development Regulation No.24 (2)(c) Annexure XII, the lands in question lie in Redhills



Catchment area, which is prohibited for development. Challenging the same, the petitioners preferred appeals, which were rejected by the first respondent. Therefore, the petitioners have come up with the present writ petitions.

13. Admittedly, in Development Regulation No.24(2)(c), Annexure-XII of the Second Master Plan for Chennai Metropolitan Area, 2026, the lands situated at Alamathi Village belonging to the petitioners are covered under the Redhills Catchment Area. According to the respondents, the lake at Redhills is the main source of water supply to Chennai and in order to protect it from the negative impacts of urbanisation of the surrounding areas, it has been declared as a catchment area, where development is restricted. However, development to certain extent are allowed, subject to satisfying zoning regulations and planning parameters in some areas falling under the catchment area, whereas, it is the specific case of the petitioners that as per Section 38 of the Act, if an area reserved under the Master Plan is not acquired within three years from the date of publication of such Master Plan, such area is deemed to be released from such reservation.

14. We find some bonafides in the contention so made by the petitioners. After expiry of three years from the date of publication of the notification, it is very much essential to modify the notification either to acquire the lands or drop the proceedings. But, in this case, the respondents have maintained statusquo.

15. Now, it is the grievance of the petitioners that though their request with regard to conversion of lands from catchment area to commercial zone was not considered, the second respondent has accorded permission in the very same catchment area and many institutional, industrial and commercial buildings were said to be constructed either directly or indirectly, which has not been taken into consideration by the Government.

16. Considering the submissions made on either side, we are of the view that it is the paramount duty of the Government to maintain ecological balance as well as healthy environment. It is equally important to protect water sources and minimise exposure to contaminated water sources, which are the parts of the environmental health. At the same time, the Government should have followed uniformity in the decisions to be taken in all cases. Of-course, the expansion of developmental activities has put on burden over the eco-system and the same would certainly cause harm to the ecological balance. However, the Government shall maintain ecological balance for the continued survival and existence of organisms as well as the stability of

the environment.

17. Therefore, taking into account the facts and circumstances of the case, in order to provide an opportunity to the petitioners, we permit the petitioners in all the writ petitions to file detailed representations enclosing all the necessary documents, to the respondents within a period of one month from the date of receipt of a copy of this order. On such representation, the respondents shall consider the same and pass necessary orders, in accordance with law, after affording an opportunity of personal hearing to the petitioners, within a period of two months thereafter. Till such time, there shall be an order of statusquo as on date. Accordingly, all the writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

18. However, before parting with this case, we may observe that illegal dumping is a serious issue, which pollutes our environment and significantly diminishes the use, enjoyment and value of our public places. Therefore, it is the duty and responsibility of every one to be cautious regarding the damages to the ecological balance and adhere to follow necessary steps for prevention of the same.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rk

To

- 1.The Principal Secretary to Government,  
Housing and Urban Development Department,  
Fort St. George, Secretariat, Chennai- 600 009.
- 2.The Member Secretary,  
Chennai Metropolitan Development Authority (CMDA)  
Thalamuthu Natarajan Building,  
No.1, Gandhi Irwin Road, Egmore, Chennai - 600 008.
- 3.Executive Officer cum President, Alamathi Village Panchayat,  
Alamathi Village, Sholavaram Panchayat Union,  
Thiruvallur District.
4. Commissioner, Sholavaram Panchayat Union,

Sholavaram, Thiruvallur District.

5.The Secretary to Government,  
Housing and Urban Development Department,  
Fort St. George, Chennai- 600 009.

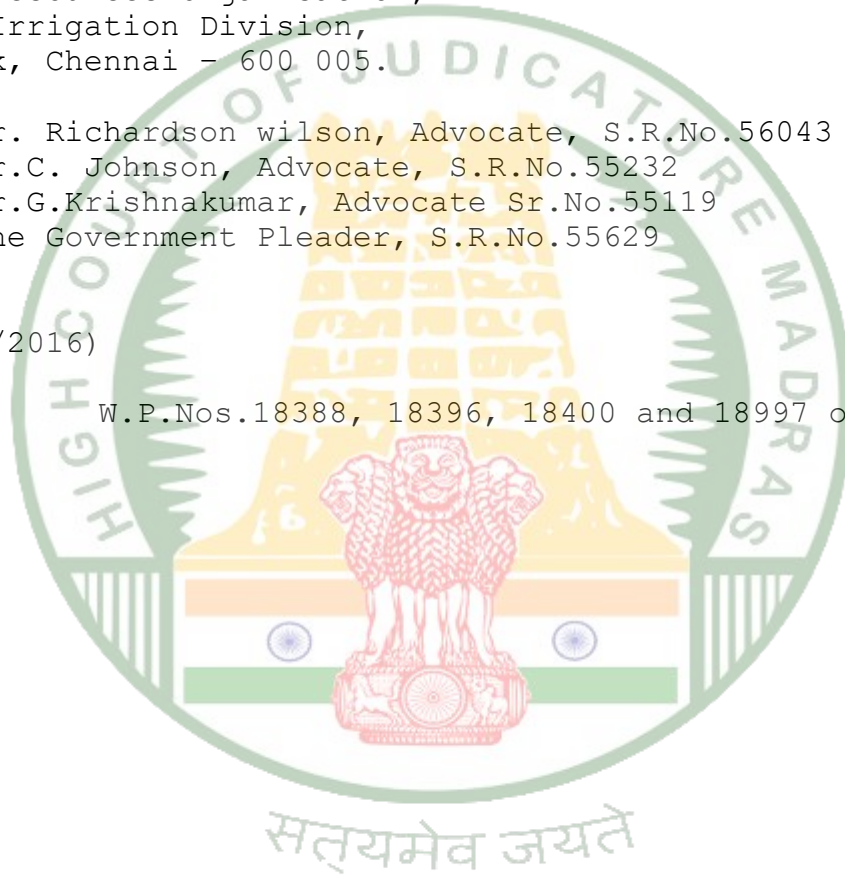
6.The Director, Rural Development and Panchayat Raj,  
Panagal Building,  
Saidapet, Chennai - 600 015.

7.The Superintending Engineer,  
Water Resources Organisation,  
Palar Irrigation Division,  
Chepauk, Chennai - 600 005.

+1cc to Mr. Richardson wilson, Advocate, S.R.No.56043  
+1cc to Mr.C. Johnson, Advocate, S.R.No.55232  
+1cc to Mr.G.Krishnakumar, Advocate Sr.No.55119  
+1cc to the Government Pleader, S.R.No.55629

md (10/11/2016)

W.P.Nos.18388, 18396, 18400 and 18997 of 2016



WEB COPY