

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

Application No. 85 of 2016 (SZ)

IN THE MATTER OF:

Mr. P. Bakthavatsalam
S/o. Shri T.G. Ponnusamy
No.11/5, Vadivelu Street
Perambur
Chennai.600 011



Versus

... Applicant

1. The Commissioner
Corporation of Chennai
Ripon Building
Chennai.600 003.
2. The Commissioner of Police
Veppery
Chennai.600 007
3. Mr. B. Venkatesan
S/o. Mr. Balakrishnan,
40/69-1, Vadivelu Street,
Perambur, Chennai-600 011.
4. Mr. Balaji (alias) Deenadalayalan
S/o. Mr. Krishnamurthy
33/10, Vadivelu Street,
Perambur
Chennai.600 011
5. Mr. Balakrishnan
S/o. Janakiraman
19/9B2, Vadivelu Street
Perambur
Chennai.600 011
6. Mr. Sudhakar,
S/o Mr. Balakrishnan,
19/9B2, Vadivelu Street,
Perambur,
Chennai-600 011

7. Mr. Sivanesan
S/o. Mr. Ekambaram
21/9B1, Vaddivelu Street
Perambur
Chennai.600 011
8. Mr. Saravanabhava
S/o. Shanmugam
25-9D2, Vadivelu Street
Perambur,
Chennai.600 011
9. Mr. Sundaramurthy
S/o. Thanigaimani
23/9D3, Vadivelu Street
Perambur, Chennai.600 011
10. Mr. Raghuraman
S/o. Mr. Gopal Chetty
27-2/9-C, Vadivelu Street
Perambur
Chennai.600 011
11. Mr. Sathyanarayanan
S/o. Mr. Raghuraman
27-2/9C Vadivelu Street
Perambur
Chennai-600 011.

... Respondents

Counsel appearing for the Applicant

Mr. P. Bakthavatsalam Party-in person

Counsel appearing for the Respondents:

Mr. R. Suryaprakash for R-1

Mr. M.K. Subramanian and

Mr. P. Velmani for R-2

Mr. Vasanth

Mr. Himavanth

Mr. Vijayshankaran for R-3 to R-11

ORDER

PRESENT:

HON'BLE SHRI JUSTICE DR. P. JYOTHIMANI , JUDICIAL MEMBER

HON'BLE SHRI P. S. RAO, EXPERT MEMBER

Dated: 6th MAY, 2016

Whether the Judgment is allowed to be published on the Internet – Yes/No

Whether the Judgment is to be published in the All India NGT Reporter – Yes/No

We have heard the applicant who appeared party in person as well as the counsel for the respondents. The applicant has approached this Tribunal seeking for a permanent injunction restraining the respondents 3 to 11 from cutting the remaining branches of the 100 year old '**Arasamaram**' tree located adjacent to a temple at Vadivelu Mudali Street, Perambur, Chennai on any pretext. It appears that there has been a dispute going on between the applicant and persons who are maintaining the temple and who have stated that the temple is built in a patta land and not on encroached land. On the other hand, the applicant alleges that they have encroached the public land and unlawfully built the temple. The applicant also relied upon the judgment of the Hon'ble High Court of Madras in W.P.No.30326 of 2013 dated 23.6.2014, from which we are able to understand that the Hon'ble High Court has found that action should be taken against both the parties.

The officer of the Corporation of Chennai, who is present this day, would submit that notice for locking and sealing the premises has been issued to both the parties and inasmuch as the legislative assembly election process is on, no further action could be taken. The officer of the Corporation of Chennai and the counsel appearing for the Corporation of Chennai assured that appropriate action will be taken in a most impartial manner once the election process is over. We make it clear that the Corporation of Chennai shall pass any order as required in law against the parties after giving opportunity to them. We also make it very clear that the respondents 3 to 11 shall not cut any portion of the tree including the remaining branches under any circumstances. The counsel for the respondents 3 to 11 would submit that they have no intention to cut the tree and only one branch has been cut since it is found causing damage

to the mandampam of the temple. The said statement is recorded. In view of the above direction, the application stands disposed of. No cost.



Justice Dr. P. Jyothimani
(Judicial Member)

P. S. Rao
(Expert Member)

NGT