

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

**Application No.58 of 2013 (SZ)**

BETWEEN

P.Dhakshinamoorthi  
84, South Street  
Thirukoilur  
Villupuram District



AND

सत्यमेव जयते

Applicant

1. District Collector  
District Collectorate  
Villupuram
2. District Revenue Officer  
District Collectorate Complex  
Villupuram
3. The Tahsildar  
Taluk Office  
Santhapet  
Thirukoilur  
Villupuram
4. Executive Engineer  
Public Works Department  
Santhapet  
Thirukoilur  
Villupuram

Respondents

Counsel for the Applicant:

M/s. RRB Associates

Counsel for the Respondents:

M/s. Abdul Saleem and  
S. Sarvanan for R-1 to R-4

NGT

**ORDER**

**QUORUM:**

**HON'BLE JUSTICE DR.P.JYOTHIMANI, JUDICIAL MEMBER  
HON'BLE PROF.DR.R.NAGENDRAN, EXPERT MEMBER**

---

**Judgement**

**Dated 20<sup>th</sup> April 2015**

---

1. This application no.58 of 2013 is filed for a restrained order against the respondents from cutting the trees in survey no. 6/1c measuring 0.17.5 ares out of 0.38.5 ares classified as Kallankuthu Poramboke situated in Mugaiyur Village, Villupuram District. The admitted case is that it is a poramboke land. However according to the applicant, he has got B memo to show that he has grown up the existing trees in the past 35 years. The applicant has stated that he has grown trees like coconut, mango, guava and has installed drip irrigation system using his own fund. The apprehension is that the respondents with a desire to put up a hostel for backward class students is trying to construct a building by cutting the trees and therefore he has approached the Tribunal with a prayer as stated above. On behalf of the applicant, an affidavit has been filed dt.16.4.2014 by the learned counsel in which the applicant in para 4 has in clear terms

stated that he has no claim or any right or ownership over the property at any point of time except that which is available in accordance with law.

The said para 4 is extracted as follows:

***“I hereby undertake that I will not claim any right of ownership over the subject property at any point of time except any available right in accordance with law.”***

It is the case of the respondent that they desire to construct a hostel for backward class student of a private school situated in the area. According to the respondents, there are no adequate alternate place available near the said private school and the present area in dispute is the only area available adjacent to the school.

2. Mr.Rajasekharan, the learned counsel appearing for the applicant would submit that as it is seen in the resolution passed by the Panchayat of Alambadi, there is a vacant place available to the extent of 5.78 cent in survey no. 156/2 which can be used for constructing a hostel for backward class students and the said area is available within the school area itself. Smt.Vidyalakshmi Vipin, the learned counsel appearing for the respondent would submit that the said alternate place suggested by the

Panchayat is far away from school and therefore the government cannot spend money for transporting all students from the school to the proposed hostel. It is her contention that application has been filed with an intention of encroaching upon this poramboke land with the help of the B memo and he has gone to the civil court for asserting his rights. In the meantime, he has approached this Tribunal also now in the name of 'environmental protection' which cannot be encouraged.

3. On the other hand we find that the idea of the government appears to be to construct a hostel for the backward class student of a private school which in our view is not being adopted by the state government in respect of all other private schools, and it is for that purpose they want to cut the trees and put up a structure for the disputed place which is no doubt a government poramboke land.
4. In the light of the above, and the affidavit filed by the applicant that he has no claim of any right, title or interest over the property except in the manner known to law, the apprehension of the government that the applicant is likely to encroach upon the land has no meaning.

5. In any event it does not mean that either if it is government or any private individual, any standing trees in the porambokku land can be permitted to be cut for any purpose. In view of the stand taken by the applicant, we are of the view that the applicant is entitled for the relief claimed in the prayer and accordingly the application stands allowed and the respondents are restrained from cutting trees in the said survey no. 6/1c measuring 0.17.5 ares out of 0.38.5 ares classified as Kallankuthu Poromboke situated in Mugaiyur Village, Villupuram District., however, making it clear that the applicant cannot claim any right, title interest over the property including any of the standing trees except in the manner known to law.

With the above directions, the ***application stands disposed.***

No cost.

NGT

Justice Dr.P.Jyothimani  
(Judicial Member)

Prof.Dr.R.Nagendran  
(Expert Member)