



To  
Mr Karthikeyan, I.A.S  
Member Secretary, CMDA

Officer,

I am Prashanth Goutham, a resident of Chennai, Kotturpuram. Last week i noticed in the papers that CMDA is seeking public opinion to Re-classify a 54 & 6 acre plot [CMDA Ref No: R1/9517/2019 & R2/9042/2019] In Redhills & Nandambakkam respectively. The lands have been classified as a water body & Catchment Areas as per CMDA 2026 Master Plan. I would like to highlight that the places you have sought reclassification gets drowned in 20 feet of water during monsoons.

Such Catchment Areas & Water bodies (Aathu Poromboke) help in buffering water away from flooding nearby areas during heavy rains and also help in increasing the water table. We as common people are able to see how the Govt today is the biggest encroacher of water bodies and look forward to the CMDA's intervention to stop this unabated tirade against the Commons of the State. From my own experience as a resident of Kotturpuram which lies on the banks of the Adyar River we suffered majorly during the 2015 floods and i consider it a Historical mistake by the planning authority which converted this to a residential area and i would urge you to take efforts to not commit a similar mistake yet again, we do not want people of Chennai to label this organisation as the Chennai Metropolitan 'Destruction' Authority as CMDA has lost trust of the people for initiating scandalous efforts to reclassify water-bodies to institutional use as seen in recent headlines.

Further, I would like to bring to your notice the high court order TK Shanmugam vs The State of Tamilnadu & Ors, 2009(WP No:1294)

*40.... The State being a trustee of these natural resources such as tanks, lakes etc., has to necessarily act consistent with the nature of such trust. The vesting of these lands and water bodies with the Government is to benefit the public and any attempt made by the Government to act in a manner derogatory to the object for which the land was vested, has to held to be illegal....*

*..... The plethora of decisions on the point elucidate the basic principle of the public trust doctrine when the water bodies vest with the Government, placing the Government in the capacity of a trustee, there is little option except to strictly adhere to the trust and faith reposed and if the Government has failed to protect these water bodies, it amounts to breach of the public trust and in such cases, the duty of the Government is more onerous to restore the land back to its original position and thereby restore the trust reposed on it.*

*44. The Government Orders starting from 30.12.2006 in G.O. (Ms)No.854, Revenue Department and subsequent Government Orders in G.O.Ms.No.498, 711, 34, 43 and 372 dated 05.09.2007, 30.11.2007, 23.01.2008, 29.01.2010 and 26.08.2014 respectively, with particular reference to*

It had ruled that water bodies (Natural Resources) fall under the Public Trust Doctrine and cannot be reclassified even if the waterbody is not in use and that the Govt is only the trustee of the people in it's maintenance.

I would consider not just the reclassification of such resources as Illegal but also the intent to issue such notification which indicates clearly a breach of public trust. I hereby place my strongest Objections against this move to reclassify water bodies & Catchment Areas. The ball is in your court now, we as public are watching on the sidelines if you are indeed going to make a historical mistake or avoid one in view of making Chennai a Self-Sustainable city in the future...

Thanking you,  
Prashanth Goutham

