

दर टका दन टाका दस रुपिया कडु पळ्ळळळ १००००० १००००००० दहा रुपये ०९०९०९ दस रुपटे दश रूप्यकाणि

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INDIAN POSTAL ORDER

डाक महानिदेशक DIRECTOR GENERAL OF POSTS.



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MINISTRY OF ROAD TRANSPORT &  
HIGHWAYS, BANGALORE.



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कमीशन COMMISSION रुपया 1RUPEE

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SENDER MAY FILL IN HIS NAME AND ADDRESS HERE

S. WILSON SUNDARARAJ

NO. 157 S & P GARDEN  
SECOND CROSS STREET  
CHENNAI - 600095

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पूरी रकम वसूल पायी  
RECEIVED the full amount

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पानेवाले के हस्ताक्षर PAYEE'S SIGNATURE

भारतीय डाकघर नियमावली के नियमों एवं शर्तों के अनुसार जारी  
ISSUED SUBJECT TO THE RULES AND CONDITIONS IN THE IPO RULES.

वैधता - जारी करने के महिने के अंतिम दिन से 24 महिने और ब्दितिय कमिशन के भुगतान जारी करने के महिने की अंतिम दिन से 36 महिने।  
Validity- 24 months from the last day of the month of issue and 36 months from the last date of the month of issue on payment of second commission.

प्र.मु.है./S.P.P.HYD

Chennai - 95,  
17-10-2017.

From

**S. Wilson Sundararaj,**  
No.157, S & P Garden, Second Cross Street,  
Nolambur, Chennai-600 095.

To

**The Central Public Information Officer,  
Office of the Secretary to the Government of India,  
Ministry of Road Transport & Highways,  
New Delhi -110001.**

Respected Sir,

**Sub: Request to furnish information under the Right to Information Act -2005 - Reg:**

**Ref: 1) My petition dated 14-06-2017 sent by Speed Post on 19-06-2017 and delivered to the Secretary to the Government of India, Ministry of Road Transport & Highways; on 21-06-2017.**

**2) Dairy No.1250146/2017 dated 10-10-2017 of the Office of the C.R. Section (RTH).**

With due respect and humility, I request your good self to furnish me an "Action Taken Report" on my petition cited under reference 1) above, as early as possible; with due deference the Right to Information Act - 2005.

Thanking you in anticipation.

Yours faithfully,

(S.WILSON SUNDARARAJ)

911  
O/o C. R. Section (RTH)  
Dairy No. 1251387/2017/CR  
Date 20-10-2017



Encl:

- 1) Indian Postal Order No.39F 262429 dated 17-10-2017, payable to the "Accounts Officer, Ministry of Road Transport & Highways, New Delhi".
- 2) True copy of my petition dated 14-06-2017 sent by Speed Post on 19-06-2017 and delivered to the Secretary to the Government of India, Ministry of Road Transport & Highways; on 21-06-2017.

Scan & send to  
1. SE (2-5) Mr. S. G. Prasad  
2. KMAI.  
23/10  
S. Wilson Sundararaj



Chennai - 95,  
14-06-2017.

From

**S. Wilson Sundararaj,**  
No.157, S & P Garden, Second Cross Street,  
Nolambur, Chennai-600 095.

To

- 1) **The Secretary to the Government of India,**  
Ministry of Road Transport & Highways,  
New Delhi -110001.
- 2) **The Chairman, NHAI,**  
Ministry of Road Transport & Highways,  
G - 5 & 6 Sector-10, Dwarka, New Delhi-110075.
- 3) **The Chief Vigilance Officer, NHAI,**  
Ministry of Road Transport & Highways,  
G - 5 & 6 Sector-10, Dwarka, New Delhi-110075.
- 4) **The Chief General Manager,**  
(Tamil Nadu, Kerala, Puduchery, Karnataka)  
Ministry of Road Transport & Highways,  
G - 5 & 6 Sector-10, Dwarka, New Delhi-110075.

Respected Sir,

**Sub: Rampant encroachment of NHAI land abutting the "Service Road" parallel to the "Chennai Bypass", by means of illegal gratification; with the tacit acquiescence of the "Project Implementation Unit - Chennai" - Reg:**

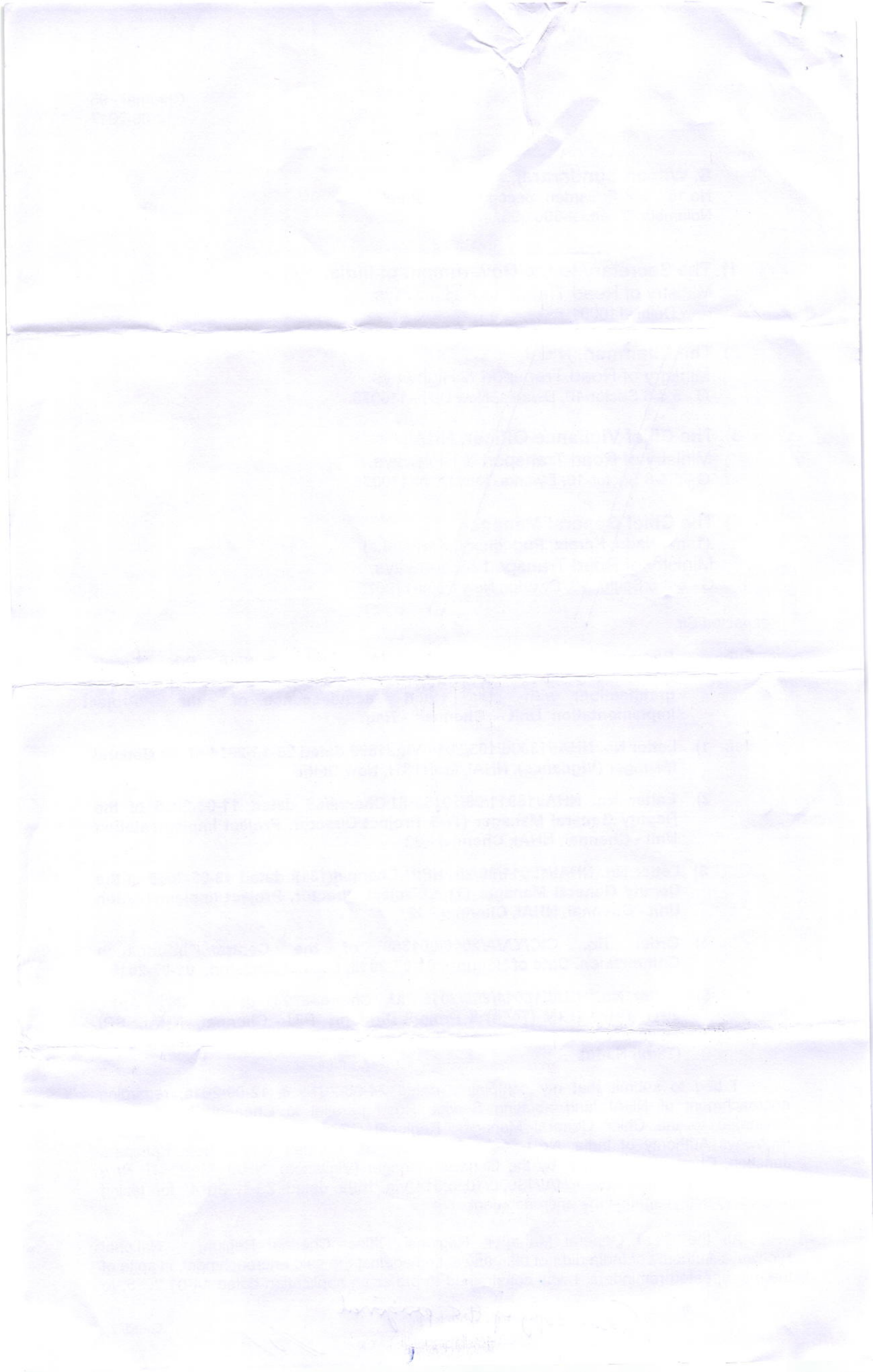
- Ref: 1) Letter No. NHAI/13030/103/2014-Vig./1699 dated 28-10-2014 of the General Manager (Vigilance), NHAI, MoRT&H, New Delhi.**
- 2) Letter No. NHAI/18011/96/2015/PIU-Chennai/66 dated 11-03-2015 of the Deputy General Manager (T) & Project Director, Project Implementation Unit - Chennai, NHAI, Chennai - 32,**
- 3) Letter No. NHAI/18011/96/2011/PIU-Chennai/1319 dated 13-05-2015 of the Deputy General Manager (T) & Project Director, Project Implementation Unit - Chennai, NHAI, Chennai - 32,**
- 4) Order No. CIC/YA/A/2015/001359 of the Central Information Commission. Date of Hearing: 01-07-2016, Date of Decision: 01-07-2016.**
- 5) Letter No. NHAI/18011/205/2016/PIU Chennai/724 dated 20<sup>th</sup> April, 2017 of the DGM (Tech) & Project Director, PIU - Chennai, NHAI, SRI Tower, 3rd Floor, DP-34(SP), Industrial Estate, Guindy, Chenna - 600032 (Tamil Nadu)**

I beg to submit that my complaints dated 24-06-2014 & 12-09-2014, regarding encroachment of NHAI land abutting Service Road parallel to Chennai Bypass were forwarded to the Chief General Manager, Regional Office: Chennai Region, National Highways Authority of India, No.1/54-28, But Road, St. Thomas Mount, Near Kathipara Junction, Chennai - 600 016, by the General Manager (Vigilance), NHAI, MoRT&H, New Delhi, vide his letter No. NHAI/13030/103/2014-Vig./1699 dated 28-10-2014; for taking necessary action against the encroachment.

As the Chief General Manager, Regional Office: Chennai Region, National Highways Authority of India did not take any action against the said encroachment, in spite of the my repeated reminders, I was constrained to prefer an application dated 14-01-2015, to

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the CPIO, seeking information about the action taken on my complaints dated 24-06-2014 & 12-09-2014; under the Right to Information Act - 2005.

The CPIO refused to furnish the information sought for by me, under the Right to Information Act - 2005, vide my application dated 14-01-2015 and thus violated Section 7 (1) & (2) of the Right to Information Act - 2005.

Aggrieved by the deemed refusal of the CPIO to furnish the information sought for by me under the Right to Information Act - 2005, vide my application dated 14-01-2015, I preferred the First Appeal dated 26-02-2016 to the Appellate Authority, under Section 19 (1) of the Right to Information Act - 2005.

To my great dismay, the First Appellate Authority also denied my request to furnish the information sought for by me, vide my First Appeal dated 26-02-2016, preferred to the Appellate Authority, under Section 19 (1) of the Right to Information Act - 2005; with mala fide intention.

Hence I preferred the Second Appeal dated 17-05-2015 to the Central Information Commission, under Section 19 (3) of the Right to Information Act - 2005.

Immediately after dispatching the Second Appeal dated 17-05-2015 to the Central Information Commission, under Section 19 (3) of the Right to Information, I was in receipt of the letter No. NHAI/18011/96/2011/PIU-Chennai/1319 dated 13-05-2015 of the Deputy General Manager (T) & Project Director, Project Implementation Unit - Chennai, NHAI, Chennai - 32, on 23-05-2015; which reads as follows:-

SUB: NHAI-PIU - RTI application - Interim Reply - Furnished - Reg.

REF: 1) Your RTI application dated 26-02-2015 addressed to MoRT&H, NewDelhi.

2) RO-Chennai letter No. NHAI/11013/11/2009/RO-Chennai/1287dt.15-04-2015.

"With reference to your RTI application 1<sup>st</sup> cited, regarding encroachment on Service Road in Chennai Bypass as mentioned in the above said petition, it is to inform that this office Surveyor has been deputed to inspect the site and verify the exact extent of encroachment entered upon NH land. This may please be treated as INTERIM REPLY and the final reply will be submitted soon after receiving the reply from the Surveyor".

But till date, the Final Reply which was assured to be furnished soon after receiving the report of the Competent Authority - Surveyor of the Project Implementation Unit - Chennai, NHAI, has not been furnished to me, in spite of the order of the Central Information Commission; cited under reference 1) above.

While there is still not even a whisper about the report of the Competent Authority - Surveyor of the Project Implementation Unit - Chennai, NHAI, who was deputed to inspect the site and verify the exact extent of encroachment entered upon NHAI land, vide reference 2) & 3) cited above, the Deputy General Manager (T) & Project Director, Project Implementation Unit - Chennai Bypass, NHAI, Chennai - 32, has incongruously entrusted the task of verifying and carrying out the boundary demarcation to identify the exact extent of encroachment of the NHAI land to the Special DRO (LA), Kancheepuram and Tiruvallur District, who acquired the land and handed over the same to NHAI, on the orders of the Government of Tamil Nadu; vide his letter cited under reference 5) above.

It is pertinent to point out that "Chennai Bypass" being a "Green Field Project", NHAI could not have awarded contract for the work without completing the process of land acquisition for the project for the construction of "6 Lane Road", including the "Service Road"; by the "Unit of the Special Revenue Staff" deputed by the Government of Tamil Nadu. As such, this unwarranted act of directing the Special DRO (LA), NH, Kancheepuram and Tiruvallur District, to identify the exact extent of encroachment and earmark the boundary in the said "Service Road", by the Deputy General Manager (T) & Project Director, Project Implementation Unit - Chennai, NHAI, Chennai; is illogical. Because, NHAI land abutting the Service Road parallel to the Chennai Bypass belongs to the Government of India, and as the responsibility of protection of the same is vested with the Project Implementation Unit - Chennai; the power vested with the Central Government cannot be abdicated to the State Government. Inasmuch as the land required for the project has been acquired by the Special DRO (LA), NH, Kancheepuram and Tiruvallur Districts and handed over to the Project Implementation Unit - Chennai, NHAI, it is

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the bounden duty of the Competent Authority - Surveyor of the Project Implementation Unit of Chennai Bypass, NHAI, a Central Government Authority, to identify the exact extent of encroachment entered upon NHAI land and demark the boundary of the Service Road and the extraneous act of assigning the task of identifying the exact extent of encroachment entered upon NHAI land and demarking the boundary of the Service Road to the Special DRO (LA), NH, Kancheepuram and Tiruvallur District, a State Government Authority; is preposterous and the same smacks of mala fide.

While there exist the Competent Central Government Authority - Surveyor of the Project Implementation Unit - Chennai, NHAI, who has already been deputed to inspect the NHAI land and verify the exact extent of encroachment entered upon NHAI land, ingeniously entrusting the task of carrying out the inspection of the NHAI land and verify the exact extent of encroachment entered upon NHAI land to an Incompetent State Government Authority - Special DRO (LA), Kancheepuram and Tiruvallur Districts; is an act of travesty of justice.

Hence I hereby implore your good self to exhort the concerned authorities of NHAI to desist from indulging in such tacit act of abdication of the power vested with NHAI to protect the NHAI land to the Government of Tamil Nadu, at the pretext of entrusting the task of carrying out the inspection of the NHAI land and verify the exact extent of encroachment entered upon NHAI land to an Incompetent State Government Authority - Special DRO (LA), Kancheepuram and Tiruvallur Districts and thus facilitate the encroachers to bribe the State Government Authorities and continue to be in possession and enjoyment of the NHAI land for ever; tantamount to indirect sale of the NHAI land for illegitimate consideration.

Unless this appallingly sinister and reprehensible design of Shri. D.Surendra Nath, DGM (T) & Project Director, PIU - Chennai, NHAI, to abdicate the power vested with NHAI to demarcate the boundary of its land by its Surveyor and protect the same to the State Government and thus facilitate the encroachers to bribe the authorities of the State Government and continue to be in possession and enjoyment of the encroached NHAI land for ever is dealt with deterrently; rampant encroachment of NHAI land abutting the Service Road parallel to Chennai Bypass cannot be contained.

This precarious situation has already been brought to the notice of 1) **The Hon'ble Central Information Commission**, Room No.-309-B, 2<sup>nd</sup> Floor, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi - 110066., 2) **The Central Public Information Officer under RT I, General Manager - (HR / Admn.) & CPIO**, National Highways Authority of India (Min. of Road Transport & Highways), G-5 & 6, Sector-10, Dwarka, New Delhi-110075., 3) **The CGM (Coord)**, National Highways Authority of India, (Min. of Road Transport & Highways), G-5 & 6, Sector-10, Dwarka, New Delhi-110075., and 4) **The GM (T) - TN**, National Highways Authority of India, (Min. of Road Transport & Highways), G-5 & 6, Sector - 10, Dwarka, New Delhi-110075, respectively.

As I have no time and resource at my disposal to take on the **strong encroachers - NHAI nexus**, I humbly request the Constitutional Functionaries and Authorities to be caused to conduct an investigation into the malady of rampant encroachment of NHAI land abutting the "Service Road" parallel to the "Chennai Bypass" by means of illegal gratification, with the tacit acquiescence of the "Project Implementation Unit - Chennai" and thus mitigate the malady.

Thanking you,

Yours faithfully,



(S.WILSON SUNDARARAJ)

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