

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT  
CHENNAI**

Original Application No. 101 of 2021

Mr. C.R.VIJAYAKUMAR,M/32 YEARS,  
S/o M.C.Ranganathan,  
No.233/1, Bajanaikovil Street,  
Unamacheri,Chennai- 600 127.

... Applicant

-Vs-

The Member Secretary,  
State Environment Impact Assessment Authority  
And 5 others

... Respondents 1 to 6

**REPLY AFFIDAVIT FILED BY THE APPLICANT TO THE  
COUNTER FILED BY 6<sup>TH</sup> RESPONDENT**

I, C.R.VIJAYAKUMAR,S/o. M.C.Ranganathan, Hindu, Aged about 32 years, residing at No.233/1, Bajanaikovil Street,Unamacheri, Chennai- 600 127,do hereby solemnly affirmed and sincerely state as follows;

1. I state that I am the applicant herein and I filed this reply affidavit in counter filed by the 6<sup>th</sup> respondent herein and I known the fact and circumstances of the case as stated hereunder.

2. I state that I deny all the allegations and averments contain in the counter affidavit filed by the 6<sup>th</sup> respondent except those that are expressly admitted by me here under the 6<sup>th</sup> respondent had liable to proof of the same. the 6<sup>th</sup> respondent filed his counter by suppressing lot of vital facts and disclose untrue facts and try to mislead this Hon'ble Forum. Hence his counter affidavit liable to reject in limine.

3. I deny the para's 1 to 4 of the counter affidavit filed by the 6<sup>th</sup> respondent except those that are expressly admitted by me here under the 6<sup>th</sup> respondent had liable to proof of the same. I state that the 6<sup>th</sup> respondent is violator of the Environment protection as per the provisions of the Environment Protection Act,1986 he liable to



prosecute under the Environment Protection Act,1986. I state that the land in S.F.Nos.275/2A, 275/2B, 275/2C1, 275/2C2A, 275/2C2B, 275/2C2C, 275/2D1, 275/3, 275/4, 275/5, 277/3, 324/1,324/2, 326/2 Bare not the patta land. I deny that I am didn't running any crusher in my name as per alleged by the 6<sup>th</sup> respondent I state that my father only running the crusher in his name and I Deny that my father running the crusher by following all the norm of the government and all the provisions of the environment protection and he didn't cause any air pollution in and around of the business as per alleged by the 6<sup>th</sup> respondent till date no complaint against the applicant and his father. I deny that I filed this application against the 6<sup>th</sup> respondent to counter blast to the oral complaint given by him against me before the pollution committee. I state that till date the 6<sup>th</sup> respondent didn't gave any complaint against me before any forum and for purpose of filing his counter he foisted false allegation against me he liable to strict proof of the same.

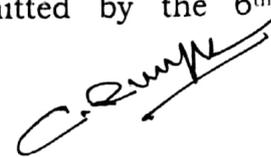
4. I deny that the para 5 of the counter affidavit filed by the 6<sup>th</sup> respondent except those that are expressly admitted by me here under the 6<sup>th</sup> respondent had liable to proof of the same. I state that the 6<sup>th</sup> respondent itself admits that the lease period expired on 13.11.2018 itself but I deny that the thereafter the 6<sup>th</sup> respondent didn't caring any quarrying activities after expiry of the lease it is utter falsehood to state that. I state that without any licence the 6<sup>th</sup> respondent illegally carried quarrying operation it seriously impacted the nervous system of the villagers and affecting land, agriculture, livelihood and all environment degradation and ground water depletion hence for protecting the general public from the illegal quarrying run by the 6<sup>th</sup> respondent I filed this present application against the 6<sup>th</sup> respondent because As per Article 21 of the Indian constitution "**Right to life also include Right to live free environment**" I state that the 6<sup>th</sup> respondent has suppressed the fact that the vandalur zoological park was situated at a Distance of less than 3KM and that the locality of nearby reserve



forest ,water bodies had been suppressed. The alleged RTI Particulars stated by the 6<sup>th</sup> respondent only purpose of this case only he had to strict proof of the same.

5. I deny that the para 6 of the counter affidavit filed by the 6<sup>th</sup> respondent except those that are expressly admitted by me here under the 6<sup>th</sup> respondent had liable to proof of the same. I deny that unnamancheri village not part and parcel of any forest area under the Tamil Nadu Forest Act,1882 and the provision of Forest (Conservation)Act,1980 is not applicable I state that the 6<sup>th</sup> respondent fail to understand that the environmental right is right of all the human being and also available to animal being also either its comes notified area or not. I state that even it is presumed that the 6<sup>th</sup> respondent carried quarrying operation in his patta land he liable to follow all the provisions of the environmental laws if he fail to follow he liable to punished and also he liable to pay the compensation to the affected victims. I state that the 6<sup>th</sup> respondent violated the condition of the lease and the environment clearance and the 6<sup>th</sup> respondent was using explosives indiscriminately by exploiting minerals beyond the permitted limit and he misusing transport licences and was quarrying in lands not covered by the lease and EC. I State that admittedly may stone crusher functioning in and around the stone quarry but all the quarry carrying the business but without affecting the environment by the 6<sup>th</sup> respondent only illegally running the quarry without followed any provision of environment laws and also his quarry only situated within the 3km of vandalur zoological park and also due to illegal quarrying run by the 6<sup>th</sup> respondent nearby agricultural land have become dry and unsuitable for cultivation till date no agricultural took place in the said locality.

6. I deny that the para 7 an 8 of the counter affidavit filed by the 6<sup>th</sup> respondent except those that are expressly admitted by me here under the 6<sup>th</sup> respondent had liable to proof of the same. I state that the lease period was expired in S.F.No.273/1, 319/1, 326/1A AND 326/4 early 13.11.2018 the same was admitted by the 6<sup>th</sup>



respondent but it is falsehood to state that he didn't carrying out any mining after the date of expiry of lease. I state that he till date illegally running the quarrying in the said land. I state that I filed the above application before this Hon'ble forum only interest to protect the environment from the violator who they cause pollution in the environment like 6<sup>th</sup> respondent herein not a personal vengeance as per 6<sup>th</sup> respondent content. I state that the 6<sup>th</sup> respondent admits that by his two applications dated 21.12.2017 he applied for lease for adjacent land and Environment Clearance vide two application dated 03.10.2018 based on the Environment Clearance the District Collector vide order dated 08.11.2018 bearing Na.Ka.No.1302/Q2/2017 and Na.Ka.No.1303/Q2/2017 lease grand for 5 years from 08.11.2018 to 07.11.2023. I state that it is pertained to point out that the Hon'ble National green Tribunal ,Principal Bench,New Delhi has passed an order in **"Satendra Pandey -Vs- Ministry of Environment Forest & Climate Change & another"** in O.A.No. 186 of 2016 dated 13.09.2018 conferring power to grand Environment Clearance only to State Environment Impact Assessment Authority and not by the District Environment Impact Assessment Authority it is pertinent to point out that the 6<sup>th</sup> respondent himself admits that the District Collector vide order dated 08.11.2018 bearing Na.Ka.No.1302/ Q2/ 2017 and Na.Ka.No.1303/Q2/2017 lease and grand Environment Clearance for 5 years from 08.11.2018 to 07.11.2023. I state that the order came in to force On 13.09.2018 but the 6<sup>th</sup> respondent obtained the lease and Environment Clearance from the District Environment Impact Assessment Authority on 08.11.2018 after the order of the Hon'ble National green Tribunal ,Principal Bench, New Delhi in in O.A.No. 186 of 2016 hence the District Collector vide order dated 08.11.2018 bearing Na.Ka.No.1302/Q2/2017 and Na.Ka.No.1303/Q2/2017 lease and grand Environment Clearance for 5 years from 08.11.2018 to 07.11.2023not at all valid it violating the order of the Hon'ble National green Tribunal ,Principal Bench, New Delhi in in O.A.No. 186 of 2016. I state that non implement of order of the Hon'ble National green Tribunal , Principal Bench, New





**citizen welfare forum -Vs- Union of India** the Hon'ble court frame the principal of **1) Precautionary Principals and 2) Polluter pay principals** herein the 6<sup>th</sup> respondent didn't follow both the principals hence he liable to punished and he liable to pay compensation.

9. I state that the above said application came up for admission before this Hon'ble Tribunal on 16.04.2021 On that day this Hon'ble Tribunal after satisfied the veracity of the application pas the following orders

*"10. In order to ascertain the genuineness of the allegations made in the application and also the violations, if any, alleged to have been committed by the 6th respondent in carrying out the quarrying operation in the disputed area narrated in the application, we feel it appropriate to appoint a Joint Committee comprising of (1) District Collector, Chengalpattu District or a Senior Office not below the rank of Assistant Collector/Sub Divisional Magistrate as deputed by the District Collector (2) a Senior Officer from the State Environment Impact Assessment Authority (SEIAA), (3) a Senior from the Directorate of Geology and Mining Department as deputed by its Director and (4) a Senior Officer from the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.*

*11. The committee is directed to ascertain as to whether the 6th respondent is having necessary clearance/permission for the purpose of carrying out the quarrying operation, whether the 6th respondent had violated the conditions/permission/clearance, if any granted, whether the 6th respondent had encroached into other areas, than the area permitted under the lease and Environmental Clearance (EC) or permission granted, whether the 6th respondent had done any excess mining and if so, what is the quantity of excess mining done and whether any action has been taken for realization of any penalty or compensation for the alleged excess mining done,*

*C.R. Vignesh*

*whether the 6th respondent is continuing with his operation even after the expiry of the validity of Environmental Clearance / permission granted as alleged in the application and if so, what is the quantity of minerals mined during this period, whether the 6th respondent had carried out his obligation undertaken under the Mining Closure Plan in accordance with law and if there is any violation found and damage caused to the environment, then assess environmental compensation to be recovered from the 6th respondent.*

*12. The Directorate of Geology and Mining Department will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.*

*13. The committee is directed to submit a report to this Tribunal on or before 28.05.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.”*

I state that on Tamil Nadu Pollution Control Board has filed the report signed by the Additional Chief Environmental Engineer dated 28.07.2021 e-filed on 03.08.2021 and received on 13.08.2021 before this Hon'ble Tribunal but after scrutinising the report this Hon'ble Tribunal pass the following orders

*“4. Quite unfortunately, this report is also very vague and evasive. They did not mention anything about the compliance or non-compliance of the conditions issued in the Environmental Clearance (EC) or Consent given by the Board. They have not mentioned as to whether any of the conditions imposed have been violated and if so, what is the nature of action taken as well. They did not also mention as to whether any pollution has been caused on account of operating the unit as well.*

*5. When this was pointed out, the learned counsel appearing for the Pollution Control Board submitted that they will come with a detailed report incorporating all these aspects independently, apart from filing the report as a member of the committee.*



6. *The learned counsel appearing for the State departments is not in a position to say as to whether any inspection has been conducted by the joint committee at all. That also shows the sorry state of affairs of high officials who are expected to protect the environment and file the reports to this Tribunal in time to ascertain the nature of violations (if any) committed and also give necessary directions to protect environment in an effective manner.*

7. *When this was pointed out, the learned counsel appearing for the State department submitted that they will instruct the officials to conduct inspection and submit a report to this Tribunal without delay.*

8. *The Tamil Nadu Pollution Control Board as well as the committee are directed to submit the report as directed by this Tribunal on or before 22.10.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules."*

I state that till date the committee didn't file any further report before this Hon'ble Tribunal as per my Knowledge and the committee also submitted the report fro protecting the 6<sup>th</sup> respondent for the reasons best known to them.

Therefore it is respectfully prayed that this Hon'ble Tribunal pleased to receive this replay affidavit and reject the defence made by the 6<sup>th</sup> respondent and pass the judgment

(a) Pass orders forbearing the 6th respondent from quarry operations in lands in S.F. No.275/2A, 2B, 2C, 2C2A, 2C2B, 2C2C, 2D1, 2D3, 2D4, 2D5, 273/3 and S.F. Nos. 324/1, 324/2, 326/2A, 326/2B of Unamancheri Village, Chengalpattu Taluk, Chengalpattu District thereby cancelling of licences/consent/permission/ NOCs.

(b) Direct respondents 1 to 5 to take immediate action against the 6th respondent for illegal quarrying operations.

*C. R. R. R.*

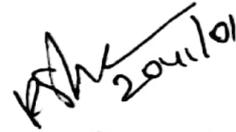
(c) Direct respondents 1 and 5 to assess, levy and collect a pollution fine from the 6th respondent for the illegal quarrying carried on.

(d) Issue such other orders as it deems fit in the interest of the case and thus render justice.”

Solemnly affirm and sincerely  
Singed his name in my presence  
this 20<sup>th</sup> day of October,2021



Before me



Advocate, Chennai

P. SHANMUGAM  
57 Mount Road  
Egmore Chy

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**TO THE COUNTER FILED BY**  
**6<sup>TH</sup> RESPONDENT**

M/s. M.ARUN

Counsel for applicant