

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

Original Application No.104 of 2021

K.Ramsingh
S/o.Kandasamy,
No.3/93, South Street,
Theertharappapuram post,
Alangulam Taluk, Tenkasi District

.....Applicant

VS

1. State Environment Impact Assessment Authority,
Government of Tamilnadu,
3rd Floor, Panagal Maligai,
No.1 Jennis Road, Saidapet,
Chennai, Tamilnadu-600 015.
2. The Chairman,
Tamilnadu Pollution Control Board,
No.76, Mount Road,
Chennai. 32
3. The Deputy Director,
Dep of Geology and Mining,
Collectorate, Kokkirakulam,
Tirunelveli.
4. The District Collector,
Collectorate,
No.82, Railway Feeder Road,
Tenkasi.
5. The Superintending Engineer,
TANGEDCO, Anna Building,
Thiyagaraya Nagar, Tirunelveli 627 011
6. The Assistant Engineer,
Distribution- TANGEDCO,
Servaikkaranpatti, Kadayam,
Tenkasi District.
7. N.Mohamed Mahaboob,
Proprietor- AP Nadanoor Rough Stone,

N-MD Mahaboob

Jelly and Gravel Quarry,
No.8/142, Main Road,
Pottal Pudur, Ambasamudram Taluk,
Tenkasi.

8. K.Sasikumar,
S/o.V.Kalangiam,
Proprietor- AP Nadanoor Rough Stone,
Jelly and Gravel Quarry,
No.9/303, Nainar Koil Street,
Velappanaiyeripaatti, Thippanampatti Village,
Tenkasi District- 627 423

OBJECTIONS FILED BY THE 7TH RESPONDENT

I, N.Mohamed Mahaboob, Son of Nagoorpichai, Hindu, aged about 64 years, residing at No.8/142, Main Road, Pottal Pudur, Ambasamudram Taluk, Tirunelveli, do hereby solemnly affirm and sincerely state as follows;

1. I am the 7th Respondent herein and I am well acquainted with the facts and circumstances of the case.
2. I submit that, I am filing this preliminary objection and reserves my right to file an Objections to the Joint Committee report, after filing the same by the Committee, before this Hon'ble Tribunal.
3. I submit that, I am the joint owner of the patta lands in SF.No. 434/4C, 4E, 4G, 4F, 4H, 4I, 4J, 470/1, 471/2, 471/3,472/1B and 1C, totaling the extent of 3.74.5 hectares of lands in A.P.Nadanoor Village, Alangulam Taluk, Tirunelveli District and the same is classified as joint patta and stand jointly registered in the name of Mr.N.Mohamed Mahaboob and M.K.Madhanagopalraja.
4. I submit that, I had obtained consent from the joint pattadar, Mr.M.K.Madhanagopalraja to carry out quarrying operation in the above

N. Mohamed Mahaboob

said patta lands and also obtained surface rights over the quarry lease till 17.10.2023

5. I submit that, I had obtained Environmental Clearance from the District Environment Impact Assessment Authority Tirunelveli vide Lr.No.DEIAA/TNV/TN/49133/2017 dated 22.02.2018. I had obtained all necessary licenses from the authorities.
6. I submit that, the District Collector Tirunelveli by his proceedings in Rc.No.M1/44736/2016 dated 20.03.2018 had granted quarry lease permission from 16.04.2018 to 15.04.2023 for quarrying 5,24,423 cbm of roughstone and 23,031 cbm of gravel. I submit that, based on the above said Environmental Clearance, I had obtained consent to operate for the leased quarry.
7. I submit that, originally, the Applicant in Original Application had filed the above said application before the Hon'ble National Green Tribunal Southern Zone with a following reliefs:
 - (i) *Direct the 3rd or 4th respondents to cancel the License in RC.No.M1/44736/2016 dated 12.12.2017 and RC No.M1/34173/2016 dated 17.08.2017 to the 7th & 8th respondents respectively.*
 - (ii) *Further direct the respondents 5 and 6 not to give electricity connection to 7th & 8th respondents units.*
8. I submit that, when the matter came up for admission before this Hon'ble Tribunal, this Hon'ble Tribunal had pointed out that, none of the reliefs can be granted under section 14 and 15 of the Hon'ble Green Tribunal Act and on request of the counsel for Applicant, this Hon'ble Tribunal directed

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the applicant to take steps to amend the prayers in such a way to bring within the ambit of Section 14 and 15 of the Hon'ble Green Tribunal Act 2010.

9. I submit that, thereupon, the Applicant had filed I.A. No:87 of 2021 in the above said application for amendment of the prayer in Original Application and this Hon'ble Tribunal had allowed I.A. No:87 of 2021 by its order dated 15.06.2021 and the following amended prayer is as follows,

(i) *Direct the 1st to 4th respondents to take action against the 7th and 8th respondents for violation of conditions prescribed in the license issued to respondents in RC No.M1/44736/2016 dated 12.12.2017 and RC No.M1/34173/2016 dated 17.08.2017 to the 7th and 8th respondents respectively.*

(ii) *Further direct the respondents 7 and 8 to restore the well and the environment pollution free and*

Pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

10. I submit that, the applicant had filed the above said application with an ulterior motive to defame this Respondent, further the Applicant was working as watchman in my quarry and the main grievance of the Applicant is not concerned on the environment, but to defame this Respondent business. The Applicant now joined as a watchman in another person's land. The E.B lines was laid on the road and the land owners has instructed the Applicant to file a case which is clearly evident through the recitals of the application filed by the Applicant.

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11.I submit that, the entire case of the Applicant is explained through his own pleadings in para 5 and the same is extracted herein,

*“The 7th and 8th Respondent have now sought H.D.Electricity connection from the 5th and 6th Respondents and the 5th and 6th respondents **without even informing the land owners** and without furnishing the approval plan (diagram) for fixation of electricity post, have erected post through A.P.Nadanoor, Murugandiyur and Theertharappapuram Villages as per their own wish for the best known reasons to them”.*

Hence, the Applicant’s grievance is with regarding erection of electric post which passes through the Applicant’s benefactors land and this Applicant is now working for the benefactors Land and he is not concerned with environment.

12. I also submit that, the representation submitted by one Mr.Saravananaraj to the District collector, Tenkasi on 09.12.2020 shows that, the main dispute of the applicant is on the erection of electric post in electric post and the main prayer of the applicant before amendment application shows that the applicant’s concern is on erection of electric post and not on environmental issues.

13.I submit that, this Hon’ble Tribunal by its order dated 15.06.2021, has directed the Joint Committee and individual respondents to submit independent responses by 28.07.2021.

14.I submit that, when this being the case, as per the orders of this Hon’ble Tribunal, the Respondent officials had inspected the quarry on 20.07.2021 and have not filed their Individual Responses and neither the Joint

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Committee Report was filed before this Hon'ble Tribunal as on 25.08.2021 and since the report was not filed as per the orders of the Hon'ble Tribunal, the Hon'ble Registry of this Tribunal had adjourned the matter to 23.09.2021, till today neither the Joint Committee report or individual responses were filed.

- 15.I submit that, the quarrying operations had been stopped by 16.07.2021 and this 7th Respondent had not been issued with the transport pass thereon. I submit that, till the date of issuing transport permit to this Applicant, the officials of Mining Department never found any fault on this Applicant activities, all of us sudden the officials had stopped issuing transport pass to this 7th Respondent and there is no violation whatsoever regarding the allegations of the Applicant and if there is any violation or illegal quarry operation, the authorities ought to have not permitted the same and ought to have stopped the quarry operations prior filing of this Original Application before the Hon'ble National Green Tribunal.
- 16.I submit that, the Corona pandemic situation and government mandated lockdown has disrupted the business chain, which had led to closure of manufacturing facilities and had already caused loss of lakhs of rupees to this Respondent.
- 17.I submit that, years of heavy investment in quarrying machineries are indebted in bank loans and massive damages were caused due to Covid pandemic and it had already caused huge loss to this Respondent and due to non-operation of quarry, this respondent has been suffering from financial stress and repayment of EMI for Bank loans. The employees were also jobless.

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18.I submit that, since the Joint Committee and the Individual respondents had inspected the quarry sites and the case is awaited for their reports, it will take much considerable time to come up in its own motion for hearing for submitting the reports by the official Respondents as the case is been adjourned to 23.09.2021 by this Hon'ble Tribunal and till then this 7th Respondent is not able to carry on quarry operation and as permits are not issued, huge loss is inquired till now and several employees who are all dependant on this quarry and allied industries are jobless and their livelihood affected and misusing **the pendency of these proceedings, fanciful demands are made by the applicant and his owner.**

19.I submit that he has never quarried anything illegally and had always quarried in allocated area as Law abiding citizen.

20. I submit that, this 7th Respondent also required to file response to the Reports of the Official Respondents and since the case is carried on while without the reports of the Official Respondents, this 7th Respondent filing this Preliminary objection.

21.I submit that, my quarry permits were stopped on 16.07.2021 the Joint inspection has been carried on 20.07.2021 and the matter is awaited for the report of the Joint Committee and official Respondents, till today neither the inspection report filed nor the individual respondents were filed by the respondent. The inordinate delay will affect my business and unnecessarily my quarry permits were stopped, since the inspection was taken on 20.07.2021, i may be permitted to do quarry operations. I submit that, I will file my detailed counter, after the official respondents and Joint inspection committee file their report.

N.M.D. _____

22. I most humbly request this Hon'ble Tribunal to order for issuance of transport permit and humbly request for an order of resumption of quarry operations in the above said permitted survey numbers of this Respondent quarry.

Therefore, I most humbly request this Hon'ble Tribunal consider my above said submissions and pass such orders deem fit and render justice.

Solemnly affirmed at Chennai
On this nd 22 day of September 2021
In my presence.

M. M. M. M. M.

BEFORE ME,

S. Vinodh Pandiyan

ADVOCATE, CHENNAI

S. VINODH PANDIYAN
ADVOCATE
Enrollment No. 1162/2019
No.3/10, Moovendar Street, Thirumalai Nagar,
Ramapuram, Chennai - 600 089.



OA 104 of 2021 Preliminary
Objections of 8th Respondent
and other 1 documents.pdf



Inbox



Shanmuga Rajan 19:30

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Sir/Madam,

The above referred Original Application coming up for hearing on 23.09.2021 (tomorrow) as item no 6 - before the Hon'ble National Green Tribunal Southern Zone Chennai.

Kindly acknowledge the copy of the preliminary objection filed by 7th and 8th Respondent.

Shanmuga Rajan,
Legum Bacculaureate ⚖️
Chennai.



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Preliminary O...4 of 2021.pdf



**BEFORE THE HON'BLE
NATIONAL GREEN
TRIBUNAL (SZ)
CHENNAI**

RAMSINGH

...APPLICANT

VS

**STATE ENVIRONMENT
IMPACT ASSESSMENT
AUTHORITY AND 7
OTHERS.**

....RESPONDENTS

**PRELIMINARY OBJECTION
FILED BY 7TH RESPONDENT**

M/s. S.V. VIJAY PRASHANTH M.L

S.V.BANUPRIYA

N.NAJUMUNISHA

A.S.SHANMUGA RAJAN

COUNSEL FOR 7TH RESPONDENT

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