

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI**  
**APPLICATION NO.117 OF 2022**

A.Sundaram

...Applicants

-Vs-

The Member Secretary,  
State Environment Impact Assessment Authority  
& Others

...Respondents

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**Certified that the contents of the above documents are true to the best of my knowledge and information**

**Dated at Chennai on this on the 24<sup>th</sup> day of April ,2023**

  
**COUNSEL FOR 5<sup>TH</sup> RESPONDENT**

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...Respondents

**COMMON COUNTER AFFIDAVIT FILED BY THE 5<sup>th</sup> RESPONDENT**

I, N. GOPAL, S/o. K. Narayanaswamyboudh Hindu, aged about 45 years, residing at No.2/249, Singaiyarpudur - Sokkanur, Main Road, Kinathukadavur, Coimbatore District- 642104 having come down to Chennai temporarily, do hereby solemnly affirms and sincerely states as follows;

1. I am the 5<sup>th</sup> respondent herein and as such I am well acquainted with the facts and circumstances of the case from the records available. I am filing this common counter affidavit in O.A. 117 of 2022 and towards preliminary report filed by the 3<sup>rd</sup> respondent.

2. I submit that the applicant has filed this application praying before this Hon'ble tribunal to :-

*A. Pass orders forbearing the 5<sup>th</sup> Respondent herein from quarry operations in land in SF No 790/1B, 792/1(Part) of Sokkanur Village, Coimbatore District owned by the 5<sup>th</sup> Respondent and thereby cancelling the Quarry lease vide Na. Ka 833/Kanimam/2016 dated 24.12.2018.*

*N. Gopal*

*B. Direct the official Respondents to take immediate action against the 4<sup>th</sup> Respondent for illegal quarrying operations without following the prescribed limits of the Act.*

*C. Direct the official Respondents herein to assess, levy, and collect a pollution fine from the 5<sup>th</sup> respondent herein for the illegal quarrying carried on.*

*D. Issue further or other orders as this Hon'ble Tribunal may deem fit and proper in the interest of the case and thus render justice*

3. I submit that at the outset, this respondent specifically deny all the allegation and averment contained in the above application except for those that are specifically admitted herein. The contents of the application are wholly self-serving, baseless, arbitrary and ought to be dismissed as untenable.

4. I submit that before traversing the various allegations made by the applicant in his memorandum of application filed in support of this application, this Respondent state as follows:-

a. The Environmental Clearance for carrying out minor mineral activity from the competent authority i.e. State Level Environment Impact Assessment Authority- Tamil Nadu was received by this respondent as early as on 09.10.2021 vide Environmental Clearance Certificate bearing No. Lr. No. SEIAA-TN/F.No.8279/1(a)/EC.No:4972/2021 by following all due procedures of Law. The clearance was issued for mining of rough stone for a period of 5 years having prescribed limits set forth therein.

b. The 3<sup>rd</sup> respondent herein i.e. the Assistant Director, Geology and Mining Coimbatore has issued Order granting lease for the quarry operation to this respondent vide order dated 24.12.2018 bearing Na.Ka. 833/Kanimam/2016 in accordance with law having scrutinizing all aspects related to mining activity.

c. The 5<sup>th</sup> respondent herein has entered into a valid lease agreement in accordance with law and as per the mandate with that of the Assistant Director, Mines and having adhered to the conditions prescribed therein.

5. I submit that as soon as the 5<sup>th</sup> respondent received the environmental clearance and order for carrying out quarry operations the applicant herein along with few others immediately swung into action and having started a rebellion and resorted to activities such as writing numerous representation after representation to the concerned authorities opposing the clearance and order for quarrying operation granted in my favor for the reasons best known to them.

6. I submit that from time and again the 5<sup>th</sup> respondent is approaching the police for safety and security and against the extortion of money by the applicant herein.

7. I submit that the 5<sup>th</sup> respondent herein filed a Writ Petition numbered as W.P. No. 12923 of 2022 before the Hon'ble High Court seeking Writ of Mandamus and to direct the respondent therein to provide police protection for the 5<sup>th</sup> respondent's quarry operation.

N. C. S. M.

8. I further submit that the Hon'ble High Court vide Order dated 18.05.2022 in W.P. No. 12923 of 2022 reiterated as follows;

"5. It is seen from the records that the first respondent has already granted license for carrying on the quarry operations till the year 2023. The petitioner having been given valid license cannot be stopped from carrying on quarrying operations by the 4th and 5th respondents. Repeated complaints given by the petitioner did not evoke any response and hence, the petitioner is seeking for a direction to the respondent police to give police protection to enable the petitioner to carry on with the quarry operations.

6. This Writ Petition is disposed of with a direction to the 3rd respondent to consider the representation made by the petitioner on 13.04.2022 and to call the 4th and 5th respondents and warn them not to interfere with the quarry operations. If in spite of the same, any interference is made by the 4th and 5th respondents or any other person, action shall be taken against them in accordance with law and if required police protection shall be given to the petitioner. If the 4th and 5th respondents are aggrieved by the license issued in favour of the petitioner, they have to work out their remedy in the manner known to law and they cannot interfere with the quarry operations without any authority. No costs."

9. I submit that on 21.05.2022 the 5<sup>th</sup> respondent herein resorted to file a police complaint the same is registered as C.S.R No. 101 of 2022 against Mr. Santhalingam and his wife Ananthi along with 2 others, with no other effective remedy for 5<sup>th</sup> respondent at hand to prevent from being illegally restrained by the above said persons from carrying out

N. G. S.

quarry operation for extortion of money to the tune of Rs. 30 lakhs to which the 5<sup>th</sup> respondent is the quarry lease holder. The above said persons are none other than the dear relatives of the Applicant herein.

10. I submit that to this day I am suffering huge losses for the actions of the applicant and his close aides who are also involved in quarry operations at other sites and being a major competitor on other hand. More particularly the applicant's brother A. Subramaniam owns a rough stone quarry at S.No. 894(P), Kinathukadavu Taluk, Sokkanur Village, Coimbatore which is hardly 3km away from the 5<sup>th</sup> respondent quarry and a major competitor.

11. I submit that the violations as stated in the preliminary report filed by the 3<sup>rd</sup> respondent herein suggest that the 5<sup>th</sup> respondent herein has not properly fenced the quarry lease hold area is untrue. However the 5<sup>th</sup> respondent undertakes to carry on the minor repair works required to the fencing in the quarry lease hold area.

#### **OTHER BRIEF FACTS:-**

12. I submit that the 5<sup>th</sup> respondent is not able to carry out the quarry operations since August 2022. Other allegations that the 5<sup>th</sup> respondent is mining more than the permissible limits and the blasts are causing damages to the 3<sup>rd</sup> party houses etc are categorically denied as un-true and misleading.

13. I submit that the in actions of the police department is causing severe stress as there involves threat to life and property by the applicant.

N. (S. M.)

14. I submit that the 5<sup>th</sup> respondent is suffering huge losses for the actions of the applicant and his close aides who are also involved in quarry operations at other sites and being a major competitor on other hand.

15. I submit that the allegation leveled by the Applicant herein that there exist Buildings, Agricultural Lands, Wells, Canals, Streams, Check Dams and Roads within 300 meters radius of the quarry is untrue and baseless. The 5<sup>th</sup> respondent having received environmental clearance and quarry operation order only after proper scrutinization of the same. More particularly the allegation that the work is being carried in such nature is untrue since the 5<sup>th</sup> respondents have not continued any quarry operation for past 6 months. However it is on the detail assessment by the sub-collector, the quarry lease was granted to the 5<sup>th</sup> respondent.

16. I submit that the allegations leveled against the 5<sup>th</sup> respondent in the application are nothing but untrue facts being made in order to support competitors of the 5<sup>th</sup> respondent and to extort money. More particularly as there exist personal enmity between the 5<sup>th</sup> respondent and the applicant herein. I reserve my right to file an additional counter before the final hearing, if necessary.

Under these circumstances, it is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the above application as devoid of any merits and thereby render justice also impose heavy cost.

Solemnly affirmed at Chennai ]  
On this the 17<sup>th</sup> day of February 2022 ]  
and signed his name in my presence ]

*Subhanthapur*  
to 45/12/2018.  
counsel for 5<sup>th</sup> Respondent

*M. Ashok*  
BEFORE ME  
M - Ashok  
28/2/2022  
ADVOCATE, CHENNAI  
M - Ashok  
No - 1240 Adalat law firm  
High court - 701

**COUNTER AFFIDAVIT**

M/s. M.N. Balakrishnan (ENo.12/19  
R. Kannan (ENo.2014)  
MOHD YAQOOB KAFFEL (ENo.4512/  
5th  
**Counsel for Respondent**  
^



Mohd Yaqoob Kafeel <yaqoobkafeel@gmail.com>

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**Fwd: Hearing this morning at the NGT**

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Mohd Yaqoob Kafeel <yaqoobkafeel@gmail.com> Fri, Apr 14, 2023 at 5:50 PM  
To Swathish Kumar <swathishkumar15@gmail.com>, DShanmuganathan@outlook.com  
Cc "asriram911@gmail.com" <asriram911@gmail.com>, "pvmadvocate@gmail.com" <pvmadvocate@gmail.com>



Respected Sir,

I am herewith attaching counter affidavits filed by clients in O.A. 113 and 117 of 2022 (Southern Zone) NGT respectively for your kind perusal.

with regards  
Mohd Yaqoob Kafeel  
Advocate

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**2 attachments**

-  **O.A 113 of 2022.pdf**  
3111K
-  **O.A.117 of 2022 (1).pdf**  
2718K



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A.Sundaram

...Applicants

-Vs-

The Member Secretary,  
State Environment  
Impact Assessment  
Authority & Others

...Respondents

Counter Affidavit filed by 5<sup>th</sup>  
Respondent & Annexures

Date: 24.04.2023

Date of Hearing :25.04.2023

**M/s. M.N. Balakrishnan**

E.No.12/1992

**R.Kannan**

E.No. 2014/2014

**Mohd Yaqoob Kafeel**

E.No. 4512/2018

**Advocate, Chennai**