

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ)CHENNAI
MEMORANHDUM OF APPLICATION
(Under section 18(1) read with sections 14,15 of national green Tribunal Act,
2010)

APPLICATION.No.118 OF 2022 (SZ)

BETWEEN:

A. Sundaram
S/o.AgatheeswaraGounder
No.9/98, VeerappaGoundanur
Palarpathi post
Kinnathukadavu
Coimbatore- 642 109

...Applicant

-VS-

1. The Member Secretary,
State Environment Impact Assessment authority,
3rd Floor, Panagalmaligai,
No.1, Jennis Road, Saidapet,
Chennai -600 015.
Email-ID: mstnseiaa@yahoo.com
Ph. No: 044 - 42359974

2. The Director,
Geology & Mining Department,
Industrial Estate, Guindy,
Chennai - 600 032.
Email ID: geomine@nic.in
Ph. No: 044-22501874

3. The Assistant Director,
Department of Geology & Mining
District Collector Office Building
Coimbatore -641 018
Email ID: tnpcbcs@gmail.com
Phone: 0422 - 2675608

R. M.

4. The District Collector
Office of the District Collector
Coimbatore - 641 018

5. R. Muralidharan
Perumbathi
JaminKaliyapuram Post
Pollachi Taluk
Coimbatore District - 642 001

6. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai - 600 032
Email: tnpb.chn@gov.in
Contact No: 044 -22353145

... Respondents

COUNTER AFFIDAVIT FILED BY THE 5th RESPONDENT

I, R. Muralidharan, Son of Rangadurai, Hindu, aged about 50 years, residing at No. 9/1, Perumapathi, JaminKaliyapuram Pollachi Taluk, Coimbatore District, now temporarily came down to Pollachi, do hereby solemnly affirm and sincerely state as follows.

1. I am the 5th Respondent in the above Application as such I am well acquainted with the facts and circumstances of the case. I deny each and every accusations made against me in the affidavit filed in support of the above application save those that are specifically admitted hereunder.

R. M.

2. I humbly submit that the above application has been filed seeking for cancellation of environmental clearance issued to me by the 1st respondent. I humbly submit that the accusations and averments made against me are false and frivolous and the same are made with ill motive. The above application filed by the applicant is liable to be dismissed on the following reasons.

- i) The applicant is not at all a resident of Puravipalayam Village wherein quarry operation is carried out by me. The applicant is the resident of Kinathukadavu Taluk and not the Pollachi Taluk wherein Puravipalayam Village is situated. While so, his projection that the present application is filed on behalf of the entire village of panchayat is without locus standi and hence, the same is liable to be dismissed on this sole ground alone.
- ii) The applicant is the name lender of one Thangam David who carried out mining operation in my land up to 2015 under a lease agreement entered with me. Thereafter, I myself started carrying on quarry activities. However, the said Thangam David started giving pinpricks on various ways and started filing various litigations to close my lawful quarry operations. One of the cases filed by the said Thangam David is W.P.No.13637 of 2018 on the file of High Court, Madras wherein the license given to me by the District Collector has been challenged alleging that license was renewed without considering environmental



degradation and verifying his possession over the quarry property. Then, another case in W.P.No.25414 Of 2019 has been filed challenging the very same license by one Ramkumar who is also a name lender of said Thangam David. The said factum can be easily understood by noting the fact that the counsel on record for both Writ Petitions were one and the same. While so, the present application is moved by suppressing many facts in order to somehow close my quarry operations as they could not able to get any favourable order in above said Writ Petitions. Hence, the above application is liable to be dismissed with exemplary costs.

- iii) The 5th Respondent has filed an application for renewal of EC and license and stopped the quarrying operation for want of above documents. At this stage, the present application has been filed by the petitioner with false averments and accusations beyond the period of limitations with sole intention to prevent the authorities from renewing the permission.
- iv) The petitioner's own brother by name Subramaniam is doing quarry operations in S.F.No.894, Veerappagoundanur, Kinathukadavu Taluk. This application has been filed without mentioning those details and his brother quarry also situated near the villages mentioned in the application. This factum itself would show that he approached this court with unclean hand by pick and choose of Respondent.



3. I humbly submit that I am carrying out the quarry operation in my land at S.F.No. 311 /1A(P) in Puravipalayam Village of Pollachi Taluk in Coimbatore District with all necessary permission and documents. I have been issued with environmental clearance dated 16.12.2018 for quarrying of roughstone and gravel upto 05.12.2022. Before granting the environmental clearance, all the necessary requirements were followed and considered. After satisfaction of concerned authorities only I have been conferred with the environmental clearance. While so, the present application with false accusations and averments is moved with ill motive.

4. I humbly submit that so far as para no. 4 is concerned, I am denying all the accusations and averments levelled against me are false and frivolous and the strict proof of the same is on the applicant. The applicant who is not a resident of puravipalayam and not a resident of Pollachi Taluk has moved this application without locus standi and my quarry operation did not cause any harm to the environment or villagers as alleged by the applicant. However, the present application is moved with ill motive for the reasons stated above. So far as para no.5 is concerned, I am denying the accusation that the work is still continuing at the site is false and the strict proof the same is on the applicant. After the end of license period, I have stopped my quarry operation and I am waiting for renewal of permission. While so, the accusation is made with ill motive to prevent me from getting renewal. So far as grounds are concerned, the same are false, made with ill motive and not applicable to my case.



5. I humbly submit that I am reserving my right to file additional counter and raise new grounds, if necessary.

Hence, it is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the above application with exemplary cost and thus render justice.

Solemnly affirmed at Pollachi, on this 2nd day of February, 2023 and all the above contents are explained in Tamil to the deponent and deponent understood the same and put his Signature in my presence:



BEFORE ME



ADVOCATE, POLLACHI
T. MARUTHARAJ, B.A., B.L.,
ADVOCATE,

Roll No : MS.1263/2000
95/20, C.R. Complex, Dr. Ansari Street,
Pollachi - 1. Cell : 98422 85585

BEFORE THE NATIONAL GREEN
TRIBUNAL (SZ)CHENNAI
MEMORANHDUM OF APPLICATION
(Under section 18(1) read with sections
14,15 of national green Tribunal Act, 2010)
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COUNTER AFFIDAVIT FILED BY THE
5th RESPONDENT