

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI
ORIGINAL APPLICATION No.134 of 2017 (SZ)**

1. M. Ravichandran
No.7, Vishnu Maya Nagar,
Iteri Road, Palani - 624 601.

2. R. Vijayalakshmi,
No.11/126C, Lakshmipuram,
Palani - 624 601.

3. C. Rajendran,
No.11/126C, Lakshmipuram,
Palani - 624 601.

...Applicants

-Vs-

1. Joint Commissioner,
Arulmigu Dhandayuthapani Swamy Thirukoil,
Palani - 624 601.

2. The Commissioner
Sivagiripatty Panchayathu,
Palani Taluk.

3. The Commissioner,
Municipal Office,
Palani - 624 601.

4. The Commissioner,
H.R & C.E
Nungambakkam High Road,
Chennai - 600 034.

5. The Secretary,
Local Administration,
Secretariat, Chennai - 600 009.

6. The Secretary,
Panchayath,
Secretariat, Chennai - 600 009.

7. Tahsildar,

Palani.

8. The Collector,
Dindigul.
9. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Road,
Guindy, Chennai-32.
10. S.Prema W/o.Mr.Selvakumar,
Proprietor Sri Kantha Vilas,
175/7, Thiruvalluvar Gurukkusalai,
Anna Nagar, Palani - 624 601.
11. Mr.Selvakumar,
Proprietor Sri Kantha Vilas,
175/7, Thiruvalluvar Gurukkusalai,
Anna Nagar, Palani - 624 601.
...Respondents

**OBJECTION FILED BY THE APPLICANTS TO THE REPORT
SUBMITTED BY THE JOINT COMMITTEE**

1. **R.Ravichandran Applicant No.1** - S.No.820/1B, 822/1B 0.93½ cents as per Partition deed dt.21.11.94 Doc.No.842/199 in favour of Muthu Kkumar Raja. After the death of Muthu Kumar raja his son M.Ravichdran (Petitioner No.1) is only legal he in entilted to 93¼ cents and he is cultivating the land. Accordingly compensation has to be awarded for 93 ½ cents. It is wrongly mentioned Patta No.687. S.No.820/2A, 451/2 and arrived the compensation. This land belongs to neighbours. Petitioner No.1 land is Patta No.776.

R.Vijayalakshmi Applicant No.2 - S.No.820/2B, 822/2B - 0.80 Acre (Plus Coconut trees)

C.Rajendran Applicant No.3 - S.No.835 + Coconut trees (out of which coconut trees are situated in Ac.0.30 cents)

2. Respondent No.1 built toilet, bathroom and lodge without getting approval from competent authorities. Discharged polluted water, waste papers, polythene bags and made the land not fit for cultivation since 2010. The garbage received from Giriveethi and Hill temple are dumped near the bus stand. Due to this the nearby lands could not be cultivated. Because of plastic wastage and garbage the lands are totally spoiled. This has been brought to the notice of Respondents by Welfare Association for Water users, Agricultures, Land owners at Palani Varadhama Nathi, 6 Hapathu, Eranai Madai, Idumban Tank represented by treasurer the petitioner No.1 as early as 24.09.2012 (Doc.No.1 in original application) and legal notice dated 30.06.2015 issued by 1st Petitioner whereas it is specifically stated that they incurred loss Rs.60,000/- for the past 5 years amounting to Rs.3,00,000/- (Doc.No.2 in original application).
3. The land in S.No.835 is surrounded by polluted water and thereby caused damage to the electric wires which fell down due to corrosion is stated in the petition. The electric wires which fell down due to corrosion. The electric wires were cut and motor pump set were damaged and existing walls were collapsed. The well is filled with drainage water.

Loss of Agriculture	-	22,50,000
Damage to the well	-	3,00,000
Pump set	-	30,000
Motor room walls	-	2,00,000
Loss of coconut trees due to fall of coconut trees and coconut	-	2,00,000
Total	-	7,30,000
Total - 22,50,000 + 7,30,000	=	Rs.29,80,000

In para D it is stated the in Varathanamathi is running adjacent to the petitioner land and also recharged the petitioner well. So far the past pollution is the value not be taken for the Incharged well of the Varathanamathi river. But with the great difficulty to

identify the past pollution to the well water samples which is not connected with the Varathammanathi river water recharge. So the sample is taken in the well of (Sidhanathan land open well) which is located in the high attitude of the Varathammanathi river which is adjacent to the petitioner questionable land shows EC - 6.83 ds/m, TDS - 4304 mg/l dated 12.10.2020 and EC - 5.60 ds/m, TDS - 3516 mg/l dated 21.10.2021. For so the calculation assessing damage of the questionable land EC value 5.60 ds/m is taken for assessment of compensation. This clearly indicates domestic sewage contaminated the questionable land.

4. The contamination of the domestic sewerage of well water has spoiled. So it has to be taken into consideration for the period of damage calculated from 2016 to 2021 in the report at Page No.23. But it has to be calculated from 2010 to 2021 since damage caused since 2010 onwards.
5. The 10th and 11th Applicant who are owning the lands adjacent to the lands of 1st Respondent (Devasthanam) stopped the flow of drainage water coming from North to South at the entry point on the Northern side of their lands and then directed the direction of sewage water towards western direction with the connivance of 1st Respondent by slopping the existing channel which normally flows from East to West. Thus the applicant land are receiving sewage water not only from 1st Respondents Bus stand directly from North to South direction but also from the general public drainage water discharged by hotels, lodges numbering 30 and from the land of 10th and 11th Respondents from West to east. Apart from this there is water channel on the eastern side measuring 4 feet width. 4 feet length called "Raja Vaiktal" which passes through S.No.821/141 from North to South. The 10th and 11th Respondents closed this channel. Therefore water flow is slowly deviated from its normal direction and water was stagnated like a pond. The above facts were narrated in the main

Original Application No.134/2017 and counter filed by the Applicants in Miscellaneous Application No.130/2017 filed by 11th Respondent. The 8th and 9th respondents permitted for conversion of land from Agriculture to non Agriculture overlooking the objection made by the 1st Applicant's Agricultural Welfare Association on 29.9.12 and legal notice 30.6.15 to the 1st Respondent, 4th, 8th respondent.

- 6. Closure of Rajavaikal by M/s of SP properties. The authorities have not taken any steps in this regard, so there may be damage due to domestic sewage to the questionable land in future period.
- 7. All the Respondents 1 to 11 are jointly and severally liable for the damages caused to the environment.

Page - 28

8. For each year Rs.15,828/- per quintal was fixed for paddy. But the rate differ from year to year. The price was fixed as same for the past 5 years. There will not be same type of growth of the crops each and every year. But, it was calculated on the basis of the growth of the crops was same.

Page - 27

Yield will not be same for each year. If differ from year to year Vary from crop to crop. But the compensation is calculated for same crops.

Fixing the price of the coconuts and growth was calculated as same. But lot of difference is there. Many of the trees were leaning. But the authorities failed to notice the lean. The compensation arrived is without any basis and is not adequate for the loss of coconut trees and coconuts.

6

Page - 30

The fixation of amount is very low. Initially about 62 trees were present. Due to lack of well water lot of trees were leaning and ended useless. Therefore yield on the coconut tree arrived is not correct.

Page - 31

The electricity was disconnected for several years, hence, water flow was affected for doing agriculture and to the coconut trees. The Motor room was totally collapsed. To construct a new motor room and to purchase motor, pump set, pipes, fittings and other electrical accessories, huge amount is required. But the amount fixed is very low. The expenses for conducting the case, such as court fees, Advocate fees, traveling expenses to visit Green Tribunal, mental agony, has not been taken in to account while arriving the compensation. Petitioners borrowed huge money from friends and relatives for interest and spent huge amount that has to be repaid.

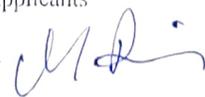
9. Questionable land is polluted and thereby caused damage to the applicants land. Due to damage of the properties of the Applicants Since 2010, lands were not cultivated.

Therefore it is prayed that this Hon'ble tribunal may pleased to award enhanced compensation from 2010 to 2021 with costs and thereafter till the date of payment.

The facts stated from para 1 to 9 are the best of our knowledge, belief information and signed on 17th Feb 2022 at Chennai.


Counsel for Applicant

Signature of the
Applicants

1. 
2. 
3. 

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ZONE, CHENNAI
ORIGINAL APPLICATION**

No.134 of 2017 (SZ)

M.Ravichandran
and 2 others

...Applicants

-Vs-

1. Joint Commissioner,
Arulmigu Dhandayuthapani
Swamy
and 10 others

...Respondents

**OBJECTION FILED BY THE
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COMMITTEE**

**S.KANNIAH
T.NARAYANASAMY
COUNSEL FOR APPLICANTS**