

BETWEEN

S. Baghya Lakshmi,  
W/o. Mr.S.Ramachandran,  
5/63, Muthugoundanur Village,  
Kinathukadavu Taluk, Coimbatore – 642 109  
9884422695, taaurs@gmail.com  
..Applicant

AND

- 1) The Director,  
Department of Environment,  
State of Tamilnadu,  
No.1, Jeenis Road, Panagal Building,  
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Email: [tn doe@tn.nic.in](mailto:tn doe@tn.nic.in)
- 2) The District Collector,  
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- 3) The Tahsildar,  
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Email: [kinathukadavutaluk@gmail.com](mailto:kinathukadavutaluk@gmail.com)
- 4) The Assistant Director  
Department of Mines and Geology, Tamilnad  
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Guindy, Chennai – 600032.  
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Accepted.

- 5) The Joint Director,  
Department of Agriculture, Tamilnadu,  
Chepauk, Chennai – 600005  
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Email: [diragri@tn.nic.in](mailto:diragri@tn.nic.in)
- 6) The Chairman,  
Tamilnadu Pollution Control Board,  
76, Mount Salai,  
Guindy, Chennai – 600032  
Tel: 044-22353134 – 139  
Email: [tnpcb\\_chn@gov.in](mailto:tnpcb_chn@gov.in)
- 7) The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Coimbatore South, Plot No.E-55A,  
SIDCO Industrial Estate, Pollachi Main Road,  
Kurchi, Coimbatore – 641021.  
Email: [deecbs@tnpcb.gov.in](mailto:deecbs@tnpcb.gov.in)  
Phone: 0422-2675608
- 8) State Environment Impact Assessment Authority (SEIAA)  
Tamil Nadu, rep by its Secretary,  
3<sup>rd</sup> Floor, Panagal Maaligai,  
No.1, Jeenis Road, Saidapet,  
Chennai – 600 015.  
Phone – 044-24359973  
Email – [tn DOE@tn.nic.in](mailto:tn DOE@tn.nic.in)
- 9) Pollachi Granites,  
Rep. by its Partner.  
Sokkanur, Kinathukadavu Taluk, Coimbatore – 642 109.  
Phone – unknown  
Email – unknown
- 10) A.Kalimuthu Rajan,  
S/o. Mr.Ayyasamy Gounder,  
2/16, Muthugoundanur Village,



Kinathukadavu Taluk, Coimbatore

Phone – unknown

Email – unknown

...Respondents

REPLY AFFIDAVIT FILED BY THE 10<sup>TH</sup> RESPONDENT

I, A.Kalimuthu Rajan, Son of Ayyasamy Gounder, aged about ... years and residing at 2/16, Muthugoundanur Village, Kinathukadavu Taluk, Coimbatore – 642 109, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

1. I am the 10<sup>th</sup> respondent herein and as such, am well acquainted with the facts of the case. I am competent to swear to this reply affidavit.

2. I submit that the applicant has filed the application before this Hon'ble Tribunal to pass an order permanently injunctioning the respondents 9 and 10 from operating quarry in the fertile agricultural land at S.M 444/1 (part) of Sokkanur Village, Kinathukkadavu Taluk, Coimbatore District of an extent of 2.42 Ha.

3. Maintainability of the application:

The respondent respectfully submits that this application is not at all maintainable either on facts or on law. The applicant is very closely related to 9<sup>th</sup> respondent. It is submitted that marriage was fixed between his son and daughter of one Rajan, son of the applicant. After betrothal, on the date of wedding, the bride did not come to marriage hall and caused severe mental stress to all the family members. Thereafter the girl come back and son of the applicant insisted for marriage again which was refused by 9<sup>th</sup> respondent. Apart from personal relationship, son of the applicant is running the crusher unit in

(Ayyasamy Gounder)

the name and style of Amirtham Blue Metal nearly 30 years at Thoppampalayam Village, Arisipalayam Panchayat, Kinathukadavu, Coimbatore. Mr.Rajan approached 9<sup>th</sup> respondent and sought for lease of the same land for quarry rough stone and gravel which was refused by him. Personally and professionally Rajan son of Ramachandran set up his mother who is also closely related to 9<sup>th</sup> respondent filed the application only to settle previous enmity. Hence this application has to be dismissed with costs.

4. I submit that I am the owner of the land comprised in S.No. 444/1(part) situate in Sokkanur Village, Kinathukkadavu Taluk. I am having nearly 35 acres of land in which coconut trees alone are grown up. Other plants could not be cultivated due to rocky soil. There are ten persons working with me along with their families. Even during the period when the entire activities, in almost all the fields, were largely and adversely affected because of the devilish dance of Covid 19 Pandemic, I did not let down the said persons but continued to support them by providing them works intermittently.

5. I submit that with the sharp fall in the price of coconuts, an unprecedented difficulty was encountered which proved even normal living nearly impossible. Even in such a testing period, I could not cultivate any crops other than coconut trees for the reasons dilated above. This grim and grave situation starring at my face, forced me to lease out lands comprised in S.No. 444/1 to the 9<sup>th</sup> respondent, Pollachi Granites for the purpose of quarrying.

CA G. R. Rajan

6. I submit that the 9<sup>th</sup> respondent had submitted all the necessary documents after obtaining approved mining plan issued by the fourth respondent to the eighth respondent. The eighth respondent, after due diligence, had issued environmental clearance certificate. The eighth respondent has considered all objections raised by the villagers and also the appellant before issuing the environmental clearance certificate. The methodology adopted by the eighth respondent is lawful and is to be upheld.
7. I submit that it is not correct, as alleged by the appellant that 500 coconut trees are going to be cut off for the said quarrying purpose. Even in the environmental clearance certificate, the eighth respondent permitted the 9<sup>th</sup> respondent to cut 42 trees. To compensate eighth respondent, directed the 9<sup>th</sup> respondent to plant 500 trees within a period of one year. But I and the 9<sup>th</sup> respondent decided not to cut off the said 42 trees but instead of that we have decided to re-plant the said 42 trees.
8. I submit that necessary instructions have been given to 9<sup>th</sup> respondent to strictly follow the directions issued by the respondents 2, 3, 4, 5 and 7. I submit further that as far as the grounds raised by the applicant in this application, wish to submit the following reply.
9. The environmental clearance granted by the eighth respondent is legal and it was issued after due diligence.
10. The clearance was granted after assessing all the impacts associated with quarrying rough stones and gravel.

*(Hesitation)*

11. The environmental clearance issued as per law by analyzing the actual facts by taking into consideration all the objections raised by the villagers and the appellant and there is no violation of any rights guaranteed by Article 21 of the Constitution.
12. The eighth respondent has issued the environmental clearance certificate not only based on the application filed by the 9<sup>th</sup> respondent but also the report filed by the independent experts which was analyzed by the SEIAA and then by the first respondent. Hence the allegations made in ground "F" are not correct.
13. I submit that the ground water level is measured by experts and they submit report to the committee and the same was placed before the eighth respondent and the environmental clearance is obtained. This application is preferred by the applicant only to wreck vengeance due to previous enmity. The order passed by the eighth respondent is sustainable both in law and on facts.
14. I submit that the Murugan Temple is situated 500 meters away from the site. Further the local Panchayat had passed resolution in 2020 to remove the unused check dam. Necessary precaution steps have been taken by the 9<sup>th</sup> respondent.
15. The respondent reserves right to raise additional grounds at the time of arguments.

It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the application as devoid of merits with exemplary costs and thus render justice.

Counsel for 10<sup>th</sup> Respondent

10<sup>th</sup> Respondent

*Ala Thy Digan*

VERIFICATION

I, A.Kalimuthu Rajan, Son of Ayyasamy Gounder, aged about ... years and residing at 2/16, Muthugoundanur Village, Kinathukadavu Taluk, Coimbatore - 642 109, do hereby verify and declare that what are all stated above are true and correct to the best of my knowledge and belief.

Verified at Chennai on this the 10<sup>th</sup> day of December, 2022

  
10<sup>th</sup> Respondent

