

BEFORE THE NATIONAL GREEN TRIBUNAL, (SZ), SITTING AT
CHENNAI

Original Application No.138 of 2022(SZ)

BETWEEN

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

..Applicant

AND

- 1) The Director,
Department of Environment,
State of Tamilnadu,
No.1, Jeehis Road, Panagal Building,
Ground Floor, Saidapet, Chennai – 600 015
Tel: 044-24336421, 24336928
Email: tndoe@tn.nic.in
- 2) The District Collector,
Coimbatore,
Collectorate Building, Coimbatore – 641018.
Phone: 0422/2301114
Email: collrce@nic.in
- 3) The Tahsildar,
Kinathukadavu Taluk, Coimbatore
Phone: 9865994046
Email: kinathukadavutaluk@gmail.com
- 4) The Assistant Director
Department of Mines and Geology, Tamilnadu
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai – 600032.
Phone: 044-22500222

For POLLACHI GRANITES

Managing Partner / Partner



Email: geomine@nic.in

5) The Joint Director,
Department of Agriculture, Tamilnadu,
Chepauk, Chennai – 600005
Phone: 044-28524894
Email: 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:tnpccb_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
Phone: 0422-2675608

8) State Environment Impact Assessment Authority (SEIAA)
Tamil Nadu, rep by its Secretary,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015.
Phone – 044-24359973
Email – tndoe@tn.nic.in

9) Pollachi Granites,
Rep. by its Partner.
Sokkanur, Kinathukadavu Taluk, Coimbatore – 642 109.
Phone – unknown
Email – unknown

10) A.Kalimuthu Rajan,

For POLLACHI GRANITES


Managing Partner / Partner

S/o. Mr.Ayyasamy Gounder,
2/16, Muthugundanur Village,
Kinathukkadavu Taluk, Coimbatore
Phone – unknown
Email – unknown

...Respondents

REPLY AFFIDAVIT FILED BY THE 9TH RESPONDENT

I, V. Ashok Kumar, Son of Varadharaj, aged about 44 years and residing at No.7, Krishnan Chettyar Street, Anaimalai, Pollachi, Coimbatore – 642104, do hereby solemnly affirm and sincerely state as follows:

1. I am the 9th respondent herein and as such, am well acquainted with the facts of the case. I am competent to swear to this reply affidavit. I deny all allegations made in the application by the applicant.
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. I submit that one Mr. A.Kalimuthu Rajan, the 10th respondent herein is the owner of the land comprised in S.No. 444/1(part) situate in Sokkanur Village, Kinathukkadavu Taluk. He is 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 him 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

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devilish dance of Covid 19 Pandemic, he did not let down the said persons but continued to support them by providing them works intermittently.

4. 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, the 10th respondent could not cultivate any crops other than coconut trees for the reasons dilated above. This grim and grave situation staring at his face, forced him to lease out lands comprised in S.No. 444/1 to M/s.Pollachi Granites the 9th respondent herein, for the purpose of quarrying. I am the partner of the above said M/s.Pollachi Granites.

5. I state that I entered partnership with the 10th respondent and two others on 10/11/2020. After entering lease agreement with the 10th respondent, I collected all the relevant documents and conducted study before submitting documents for obtaining 'No Objection Certificate' from respective departments for getting environmental clearance. The nature of the land is punjai and it contains rocks in the lands

6. I state that one Rajan, S/o Ramachandran, closely related to 10th respondent has been running Amirtham blue metals for more than 30 years never allowed me to process any of the papers in the respective departments. Due to personal animosity to the 10th respondent he preferred a complaint before the District Collector and Tahsildar not to grant quarry license by making false allegations. The Revenue Department issued no objection after completing of all necessary procedures including public notice in the villages.

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7. I submit that we had submitted all the necessary documents after obtaining approved mining plan issued by the fifth respondent to the first respondent. The first respondent, after due diligence, had issued environmental clearance certificate. The first respondent has considered all objections raised by the villagers and also the appellant before issuing the environmental clearance certificate. The methodology adopted by the first respondent is lawful and is to be upheld.

8. 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 first respondent permitted me to cut 42 trees. To compensate 1st respondent, directed us to plant 500 trees within a period of one year. But ourselves and 10th respondent decided not to cut off the said 42 trees but instead of that we have decided to re-plant the said 42 trees. The 42 trees were relocated in another Patta land belonging to 10th respondent. Sufficient precaution has been taken in quarrying activities. Before granting environment clearance certificate feasibility study was conducted by experts and found that water level is around 65 meters. This itself shows that land owners have been using deep bore wells for watering coconut trees. The apprehension of the applicant about the draining of water in their lands is without any scientific study.

9. I submit that necessary instructions have been given to us to strictly follow the directions issued by the respondents 3, 4, 5, 6 and 8. I submit further that as far as the grounds raised by the appellant in this application, wish to submit the following reply.

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10. The environmental clearance granted by the eighth respondent is legal and it was issued after due diligence.
11. The clearance was granted after assessing all the impacts associated with quarrying rough stones and gravel.
12. 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 appellants and there is no violation of any rights guaranteed by Article 21 of the Constitution.
13. The eighth respondent has issued the environmental clearance certificate not only based on the application filed by us 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.
14. The Revenue Department classified the lands belonging to 10th respondent as 'Punjai'.
15. 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.
16. 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 me.

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17. 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.

For POLLACHI GRANITES

Managing Partner / Partner

Counsel for 9th Respondent

Respondent No.9

VERIFICATION

I, V. Ashok Kumar, Son of Varadharaj, aged about 44 years and residing at No.7, Krishnan Chettiyar Street, Anaimalai, Pollachi, Coimbatore - 642104, 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 Pollachi on this the 10th day of December, 2022

For POLLACHI GRANITES

Managing Partner / Partner

Respondent No.9

Before me,



M. Shaw Navaz Khan B.A. B.L.D.L.
Advocate & NOTARY Public
Govt. of Tamil Nadu, G.O.M.S.No.97/2018
Coimbatore Road, Pollachi - 642 001