

FILED ON: 12.12.2023

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT
CHENNAI**

Original Application No. 149 of 2022

Shankaran : Applicant
Vs.
State of Kerala & Others : Respondents

**RE-JOINDER FILED BY THE 9TH RESPONDENT IN THE
ABOVE CASE**

M/s. VIRUKSHAM LEGAL
Advocates for 9th Respondent
Vidya.A (Ms.1226/2008)
Mohan Prasad.P (Ms.2120/2011)
partners@virukshamlegal.in

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Dated this the 12nd day of December 2023

M/s. VIRUKSHAM LEGAL
Advocates for the 9th Respondent

For Viruksham Legal

A. Vidya

Partner

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT
CHENNAI**

Original Application No. 149 of 2022

Shankaran : Applicant
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State of Kerala & Others : Respondents

RE-JOINDER FILED BY THE 9TH RESPONDENT IN THE ABOVE CASE

I, Benny P.C., aged 40 years, S/o. Chakappan, Managing Partner, M/s. Kalpaka Metal Crushers, Kailiyad P.O., Shornur (Via), Ottappalam, Palakkad District, PIN-679122, do hereby solemnly affirm and state as follows:

1. I am the Managing Partner of 9th respondent firm and specifically authorised to swear this affidavit on behalf of the firm.
2. The applicant has filed an additional affidavit dated 30.11.2023 in the above case. All the averments made by the applicant in the additional affidavit is denied except those specifically admitted hereunder.
3. The original application has been filed by the applicant seeking restitution of environment under section 15 (1) (b) of NGT Act. He alleges that his paddy field having an extent of 2.5 acres of paddy land was made unfit for paddy cultivation by quarry waste, overburden soil and crusher washout discharged from the quarry and metal crusher unit of this respondents and 8th respondent.
4. As per the report of 2nd respondent District Collector that there are lesser chances of draining quarry waste and metal crusher wash out from 8th respondents & 9th respondents' quarry to petitioner's paddy land except a little bit sledge had got



deposited in small area through the nearby water channel during flood in 2018 and 2019 and the water channels are not connected with quarrying area. The 2nd respondent also reported that on site verification it is evident that paddy was cultivated and harvested recently in Re Survey nos. 432/6, 424/6 of land belonging to applicant and family.

5. Not only the revenue officials, but also the Panchayat and Pollution Control Board also dispelled the allegation of applicant regarding deposition of overburden soil and quarry wastes to the paddy fields. The above application is filed on a speculative basis, without any merit and cause of action. Applicant is still cultivating paddy in his agricultural land. Photographs with gps location, date and time of capture showing the paddy crops cultivated in applicant's land is produced herewith and marked for reference as **Annexure-R9(L)**.

6. We have conducted mining and crushing operation in our unit in compliance of conditions stipulated in the Environmental Clearance No.DIA/KL/PL/38/2017 dated 05.03.2018 and the Consent to operate No. PCB/PLKD/ICO/R2/105/2018 dated 12/03.2018 issued by KSPC and as per the directions of District Geologist. We have stopped the operation of quarrying unit by the end of November 2022 after the expiry of Mining Permit No. 18/2021-22/GBS/DOP/2361/2021/A1 dated 06/12/2021 having validity upto 05/12/2022.

7. We have removed the topsoil and overburden stacked near our quarry premises and we have completed protection works by constructing a concrete embankment to prevent run off and soil erosion from our premises as per the directions of the Pollution



Control Board and Geology Department and we undertake to maintain the protection works intact.

In the above circumstances, it is most humbly prayed that this Honourable Tribunal may be pleased to dismiss the above Original Application filed by the applicant without any merits and bonafide.

All the facts stated above are true and correct.

Dated this the 11th day of December 2023

Deponent: Benny P.C



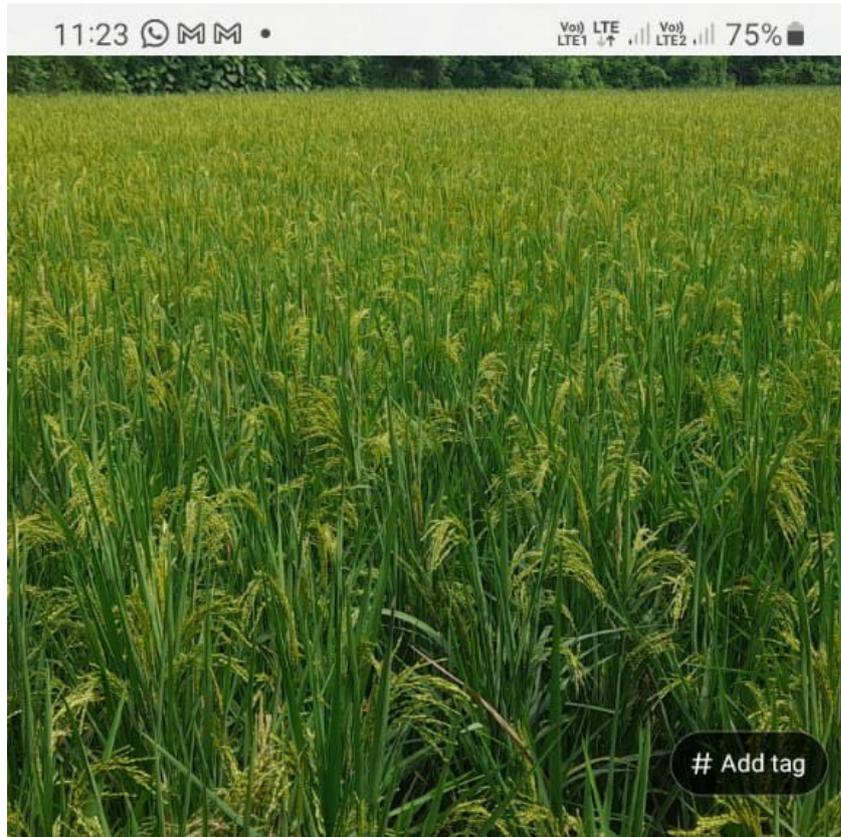
Solemnly affirmed and signed by the deponent who is personally known to me on this the 11th day of December 2023 at my Office at Chennai

Advocate

For Viruksham Legal

Partner

Annexure-R9(L)-(1)



11 December 2023 11:23 am

[Edit](#)

20231211_112329.jpg

/Internal storage/DCIM/Camera

Samsung SM-A127F

4.00 MB | 4000x1800 | 7MP

ISO 20 | 25mm | 0.0ev | F2.0 | 1/406 s | Flash used



R73X+92C, Vaniamkulam - Vallapuzha Rd,
Vemalathupadam, Chalavara, Kerala 679505, India



Benny

Annexure-R9(L)-(2)



11 December 2023 11:27 am

[Edit](#)

20231211_112704.jpg
/Internal storage/DCIM/Camera

Samsung SM-A127F

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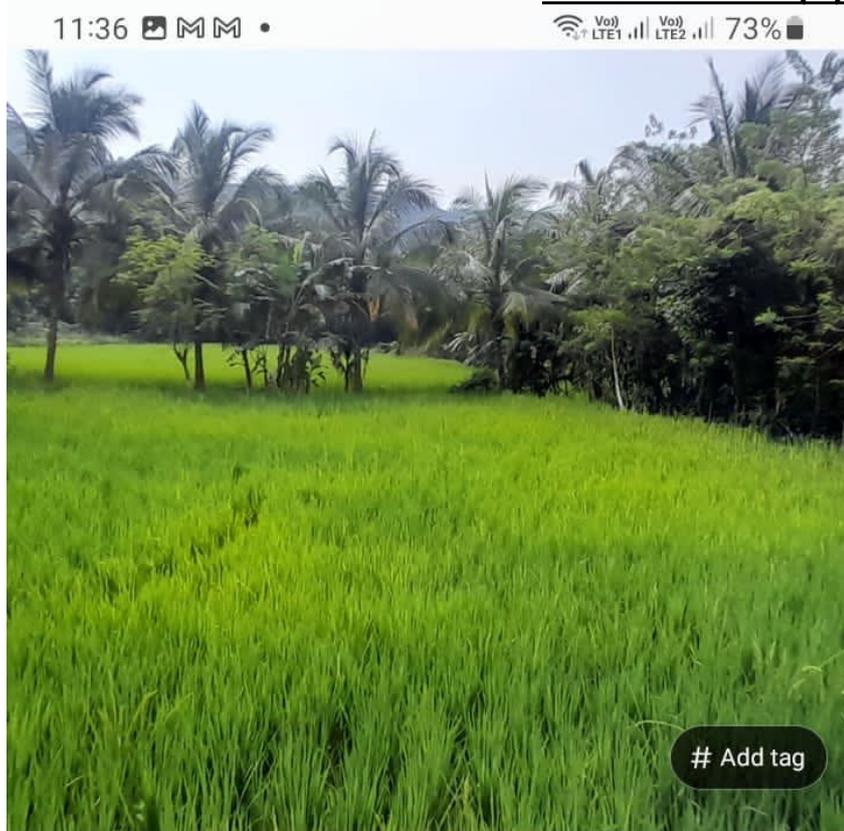


Unnamed Road, Chalavara, Kerala 679505, India



Benny

Annexure-R9(L)-(3)



11 December 2023 11:27 am

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20231211_112737.jpg
/Internal storage/DCIM/Camera

Samsung SM-A127F

1.01 MB | 2560x1152 | 3MP
ISO 40 | 13mm | 0.0ev | F2.2 | 1/1198 s



Unnamed Road, Chalavara, Kerala 679505, India

This is true photographs marked as Annx-R9(L) in the accompanying rejoinder affidavit.

Benny P.C, R9

