

**BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE,
CHENNAI**

APPEAL NO: 16 & 17 OF 2020

M/s.Valarmathi Hatchery
Rep. By its Partner S.K.Shanmugam
44/90, RajuNaidu Lay Out II,
100 Feet Road, Gandhipuram,
Coimbatore – 641 012

.....APPELLANT

-VS-

1) The Tamilnadu Pollution Control Board
Rep. By its Member Secretary
Mount Road,
Chennai – 600 032

2) The District Environmental Engineer
Tamilnadu Pollution Control Board
Coimbatore South

3) M/s.Veerakkumar Blue Metals
Rep. By its Proprietor
S.F.No:297/3 & 318, Bogampatty Village
Sulur Taluk & Coimbatore District 641 658

.....RESPONDENTS

**OBJECTIONS FILED BY THE APPELLANT TO THE INSPECTION REPORT
OF TAMIL NADU STATE POLLUTION CONTROL BOARD**

- 1) It is respectfully submitted that the appellant has raised various critical issues as Consent orders were issued on 27/02/2019 without considering the ground realities and that the site for the stone crusher is located within the prohibited distance of 500 metres from inhabited sites.
- 2) It is respectfully submitted that in the order dated 30/07/2020 this Hon'ble Tribunal was pleased to direct the Tamilnadu State Pollution Control Board (hereinafter known as "TNPCB" for short" to conduct

For Valarmathi Hatchery



Partner

inspection of the proposed unit of the 3rd respondent to ascertain as to whether the siting criteria for establishing a crushing unit by the 3rd respondent has been complied with apart from other directions and to file a report.

- 3) It is most respectfully submitted that there is no whisper about the distance criteria and the compliance of the siting criteria in the entire inspection report, except for stating whatever was stated by the TNPCB in their counter before the Appellate Authority. The specific contentions of the appeal have not even been taken into consideration. Reliance is placed only on the Certificate issued by the Tahsildar, Sulur Taluk, dated 09/11/2018 and that of the Block Development Officer, Sulthanpettai Panchayat Union dated 07/01/2019.

- 4) It is humbly submitted that in the NOC issued by the Thasildar, Sulur Taluk, dated 09/11/2018 in the boundaries of the proposed site it is clearly mentioned that "on the eastern side -Palanisamy's tiled house at a distance of 480 metresOn the southern side - Valarmathi poultry farm, ACC sheet building at a distance of 250 metres". The same is contained in the NOC issued by the Block Development Officer as well. It is the specific contention of the appellant that the very NOCs disclose the existence of house sites within the prohibited distance from the proposed site of the 3rd respondent and that the same has not at all been looked into or considered by the TNPCB which has mechanically and without application of mind accepted and acted upon such NOCs without any

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physical verification to satisfy itself about the compliance of the siting criteria. Even now, after the directions by this Hon'ble Tribunal, no such exercise is done by the TNPCB who are simply stating whatever is contained in the NOC.

- 5) It is respectfully submitted that no notice of the inspection said to have been done on 25/08/2020 by the TNPCB was served on the appellant and from the reading of the inspection report, it can be seen that they have not chosen to inspect the Appellant's unit at all when it is the specific case of the appellant that the 75 labourers who are employed by the appellant reside within the hatchery compound in the staff quarters with their families including children which is situated at a distance of 239.04 metres from the proposed site of the 3rd respondent. As such it is obvious, that no proper inspection by taking into consideration the averments of the appellant in the appeal has been carried out by the TNPCB. Without such proper inspection of the housing quarters of the labourers, it has been stated in the report as if only the Incubation and Hatching section and the brooding shed are located within the distance of 500 metres from the proposed site and thereby they have deliberately and wantonly to help the 3rd respondent has omitted to state about the inhabited site occupied by the labourers within the hatchery compound within the prohibited distance from the proposed site of the 3rd respondent.

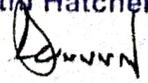
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Partner

- 6) It is the grievance of the appellant that even when the NOC issued by the Tahsildar and the Block Development Officer discloses the existence of inhabited sites within the prohibited distance of 500 metres that the application for grant of Consent for establishment ought not to have been processed at all by the TNPCB and the said aspect has been conveniently omitted to be adverted to by the TNPCB in its inspection report and an inspection report for name sake has been filed just to support their illegal grant of CFE to the 3rd respondent. The TNPCB cannot shirk its responsibility of ensuring the compliance of the siting criteria by referring to and relying upon NOCs issued by the Revenue Authorities. It is not known if the Revenue Authorities are made aware of the siting criteria requirement and it is the duty and responsibility of the TNPCB to ensure that the siting criteria is adhered to strictly and it is most unfortunate that they should relegate this responsibility to satisfy the compliance of the siting criteria to external agencies. At least after the directions of this Hon'ble Tribunal, an effort out to have been taken by the TNPCB to ascertain the factual aspects and the truth, which they have miserably failed to undertake. Thus, the inspection report of the TNPCB does not merit acceptance by this Hon'ble Tribunal and deserves to be rejected and appropriate inspection by any other independent agency may be ordered.
- 7) In the appeal, the appellant has also set out about the existence of a Government Middle School at a distance of about 798.77 metres to the north of the stone crusher site and about the existence of another poultry farm in the name of Mantrachala Poultry farm at a

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distance of about 339.20 metres to the East of the crushing unit's site. Further more, that no proper study of the ambient air quality in view of the strong winds in that area and due to which windmills have been set up in that area and the propensity of the pollution which will only get aggravated by permitting the stone crushing activity generating small particulate matters thereby posing a potential risk to the lives of the birds in the appellant hatchery has not at all been taken into consideration by the TNPCB.

- 8) These aspects have also been conveniently omitted to be stated in the inspection report. No proper inspection has been done as directed by this Hon'ble Tribunal and no proper or true report is filed before this Hon'ble Tribunal setting out the truth and the facts as they exist in the ground and such an inspection report may be rejected by this Hon'ble Tribunal in the interests of justice and fresh inspection may be directed to be carried out by an independent agency and thus render justice.

Dated at Chennai on this the 1st day of November, 2020

For Valarmathi Hatchery'



Partner'

Appellant



Counsel for Appellant

**BEFORE THE NATIONAL GREEN
TRIBUNAL SOUTEHRN ZONE**

AT CHENNAI

Appeal No. 16 & 17 of 2020

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Represented by its Partner S.K
Shanmugam
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... Appellant

AND

The Tamil Nadu Pollution Control
Board
Rep. by its Member Secretary
Mount Road,
Chennai – 600 032. & 2 Ors

... Respondents

**OBJECTIONS FILED BY THE
APPELLANT TO THE INSPECTION
REPORT OF TNPCCB**

**M/s. T.SaiKrishnan
B.LakshmiNarasimhan
R.Saraavanan**
Counsel for Appellant