

BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTH ZONE) AT CHENNAI

MEMORANDUM OF APPLICATION

(filed under section 18(1) read with section 14 of the NGT act 2010)

Application No.175 of 2020.

P.Rajarao,
S/o Panduranga Rao,
No.1/428, New Housing board,
Sathya sai nagar, Kallukurukki,
Krishnagiri- 635002.
Ph.No:9894644152
Email.id. Madhaeshannadurai 4@gmail. Vs
w.m.

... Applicant

1) The Commissioner
Geology and mining Department,
Government of Tamilnadu,
Alandur road, Guindy,
Industrial estate, Guindy,
Chennai-600 032.
Ph.No: 044-22501874. EmailId. geomine@nic.in.

2) The District Collector,
Collectorate Road,
Krishnagiri District - 635115.
Ph.No. 043-43239500. Email.Id. collrkgi@nic.in

3) The Assistant Director,
Geology and mining department,
Krishnagiri Collectorate complex,
Krishnagiri- 635001.
Ph.No: 0465 2279454, Email.Id. ddmin@skgi@gmail.com

4) The Member secretary
Tamilnadu pollution control board,
No.76, Mount road,
Guindy, Chennai-32
Ph.No: 044 22353134 / 139, Email.Id. tnpcb-chn@gov.in

5) The district environment engineer
Tamilnadu pollution control board,
Krishnagiri District
Krishnagiri. 635126
Ph-04344 278922, Email.ID. deehosur@gmail.com

6) M.Venkatraman
S/o Muniappan,
No.3/245, Azad Nagar,
Venkatapuram,
Krishnagiri Tk,
Krishnagiri-635001.
Ph-9787257795

7) V.Rajesh
S/o M.Venkatraman,
No.3/245, Azad Nagar, Venkatapuram,
Krishnagiri Town & Taluk,
Krishnagiri- 635001.

Ph-9787257796.

... Respondents/Respondents.

COUNTER AFFIDAVIT

I, M.Venkatraman, S/o Muniappan, Indian, Hindu, aged about 56 years and residing at No.3/245, Azad Nagar, Venkatapuram, Krishnagiri Tk, Krishnagiri, having temporarily come down to Chennai, do hereby solemnly affirm and sincerely states as follows:-

1) I am the 6th respondent herein and I am well acquainted with the facts of this case and I am filing this affidavit on behalf of the 7th respondent also who is my son.

2) I submit that, I have not admitted any one of the allegations averred in the application which are specifically admitted herein and puts the applicant to strict proof of them all.

3) I submit that the allegation averred in para (5) is partly true, the 2nd respondent called for the sealed tender cum public auction for the lease of land in Krishnagiri district for the purpose of quarrying rough stone, jelly and sized stone. I participated in the said tender process and became a successful bidder for the land in S.No.399/1 (Part-A) to an extent of 5.00.0 hectares for a period of five years. The 2nd respondent executed the lease cum licence agreement from 11.06.10-10.06.2015, but the area demarcated in the FMB sketch annexed to the lease deed is only about 2.00.0 hectares. Hence, I made a representation dated 15.10.2011 to demarcate the area, according to the lease deed and the same was not been considered. The transport permits on payment of seignorage fee from 11.03.2013 only. Hence, no quarrying operation initiated in the year 2010.

4) I submit that the allegation averred in para (6) is not true, Despite the repeated request, the authorities not chosen to redress the grievance for more than a year, hence I approached the Hon'ble High court in W.P.No.30780/2012 for a direction to admeasure the 5.00.0 hectares in accordance with the lease deed executed by the 2nd respondent. After the due hearing, the Hon'ble court issued direction dated 28.01.2013 in my favour.

M. Venkatraman

Thereafter only the land was even demarcated. Hence, the legal battle takes about two years and nine months. It is pertinent to note that till date, the quarried quantity is only about 5% of the allotted quantity.

4) I submit that the averments made in para (7) is partly true, in order to compensate the loss of period, the writ petition No.2114/2016 was filed for extension of lease period, since no fault on my side. The same was considered by the Hon'ble High court in W.P.No.2114/2016 dated 08.03.2016 and given an order in my favour. As against the said order, the 2nd respondent preferred an appeal W.A.983/2017 and the same was dismissed on 30.07.2017. hence the contention of the applicant that the case was not effectively contested is utterly unsustainable by law. Moreover, I have quarried below 5% of the allotted quantity. Hence the allegation is totally false and unsustainable by law.

5) I submit that the averment made in para (8) is totally false, the 2nd respondent again called the tender cum public auction for the government land in the krishnagiri for quarry business. The 7th respondent also participated and became the successful bidder and allotted the area in S.No.399/1 (part-B) Kallukurrukki village to an extent of 1.00.0 hectare for a period of five years and so far no lease cum license agreement is executed in favour of Mr.Rajesh. hence, he approached the Hon'ble high court in W.P.No.11728/2021 and the same pending for consideration. Even after the payment of the tender amount no lease was executed. It is pertinent to that person who participated in the same tender for the adjacent land got lease cum license agreement for a period of 10 years. Hence the applicant averred in the application is utterly false and the same is highly unsustainable by law.

9) I submit that the averment made in para (9) is totally false, the 2nd respondent was dragged for 2 years and nine months to demarcate the area. The 2nd respondent allotted the area as per plan is 12,74,605 Cbm, the details of the quarried area till 05.07.2021 as follows:-

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S.No	Year	Quarried area per Cbm
1	2019-2020	8100 Cbm
2	2020-2021	10,300 Cbm
3	2021-2022 (till- 05.07.2021	2700 Cbm
	Total	21150 Cbm

Hence it clearly proved that myself quarried below 5% of the permitted area. Apart from that, I spent huge amount for development of site including for removal of unmaturred rock and road in patta land. The 7th respondent is my son and he is no way connected in this case and wantonly arrayed as respondent. Hence the allegations are utterly false and motivated.

10) I submit that the averment made in para (10) is totally false, the krishnagiri district is surrounded by mountains, the district authority, after the due procedure, issued the tender cum open auction for quarry operation. There are several quarry units still under operation, more over they are using crusher units for quarry business. Whereas, I am used to quarry in manual operations, without any electricity. The blast carried out only in the day time with the help of certified blast assistant. All safety measures been adhered strictly, while blasting and transporting the materials. No place of worship, hospital in the buffer zone and hence no violation. Hence the allegation is totally false and fabricated.

11) I submit that the applicant and his aid namely Mr.Ramakrishnan quarried the area in S.No.399/1 (part-B) and violated all the norms and the VAO namely T.Vaithyalingam approached the authorities about their violation and atrocity. Consequently, the applicant and his aid assaulted/threatened him and consequently the case was registered against them in Cr.No.80/2015 for the offence u/s 2a, 4(b), 353 of IPC on the file of maharajakadai police station and the same is pending. The applicant's wife is a village president now and under her influence and failure on the part of their demand of money, a

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false case has been instituted. The applicant troubling me from the year 2010 with the help of erred officials and still continuing. Hence the applicant has not come up with clean hand to get any remedy.

12) I submit that the authorities are not behaved in good manner from the day one onwards in my case. After, I was executed the lease deed in my favour, I have spent huge amount for development, since the waste unmaturred rock deposited at large over the rough stone and also laid the road and other necessary amenities.

13) I submit that, after the lease was executed, the pollution certificate was also obtained and the same was extended periodically on the event of expiry. The default occurred only during the lockdown period announced by the government to curb the spread of Covid-19 virus. Hence, I am not in a position to extend the pollution clearance. After the withdrawal of lockdown, I approached the authorities for pollution clearance.

14) I submit that, I am running the quarrying operation manually. More over all the stones cut down before the lockdown was not removed, hence I approached the authorities to transport those stones for sales/business. I have not quarried more than 5% of the permissible quantity. Hence the applicant, under the impression that the quarry is under operation. Moreover there are several quarrying units are operating without any proper approval/license with the help of the applicant and her wife who is serving as a village president. Hence the present is mistake of fact and fabricated.

8) I submit that though, I have got permission from the authorities to clear the rough stones which are already been quarried, after the initiation of this application and the influence of the applicant, I was not permitted to clear the same. Though this court called the authorities a report, the same has not been filed so far. I have spent lots of amount and I am struggling by financial crisis. Hence the entire case is

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false, fabricated and engineered by the enemies and hence the same is liable to be dismissed.

Hence, it is therefore prayed that this Hon'ble court may be pleased to dismiss the Application with exemplary cost and thus render justice.

மேல்க்கண்டவற்றை
முடிவு செய்து

Solemnly affirm on this
The 26th day of November 2021
And signed his name in
My presence.

Before me


Advocate : Madras.

(CA. SUGAPRIYA)
No: 141, New Addl Law Chamber.
Chennai.

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I.A. of 2021

In

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M.Venkatraman
S/o Muniappan,
No.3/245, Azad Nagar,
Venkatapuram,
Krishnagiri Tk,
Krishnagiri.

... Applicant/Respondent-6

Vs

1) P.Rajaroo,
S/o Panduranga Rao,
No.1/428, New Housing board,
Sathya sai nagar, Kallukurukki,
Krishnagiri. And others

... Respondent/Applicant

COUNTER AFFIDAVIT/

PETITION FOR ADVANCE HEARING

Received counter copy

A. Jnanthi

1/12/2021
For Applicant.

M/s R.DHINESHKUMAR

&

R. RAJENDRAN

**COUNSEL FOR THE APPLICANT/
RESPONDENT-6&7**

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