

NATIONAL GREEN TRIBUNAL
AT CHENNAI
O.A.No.179 of 2020

OBJECTIONS FILED BY THE
APPLICANT TO THE REPORT
FILED BY THE JOINT
COMMITTEE

R. SELVAKUMAR
A. ATHIMOOLAM

COUNSEL FOR APPLICANT

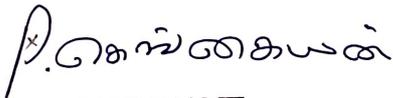
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Further a casual statement has been made that for rehabilitation and restoration of Magaral Tank, one-year time would be taken by PWD, which is a glaring illegality and beyond the scope of the OA.

6 Thus, the applicant would submit that entire report dated 22.9.2020 is liable to be rejected and fresh inspection to be conducted by duly constituting a Joint Committee, as per the directions in paragraph 9 of the order dated 22.9.2020 in letter and spirit. The applicant would submit that as an aggrieved agriculturist, he may also be given an opportunity to accompany the Joint Committee, enabling the applicant to bring to the notice of the Joint Committee, specifically pointing out the gross illegalities, in digging the Magaral Tank river bed to various depth levels, like mining coal in Neyveli, Tamil Nadu.

Dated at Chennai this the 7th day of June 2021


COUNSEL FOR THE APPLICANT


APPLICANT

3 The applicant would submit that Paragraph 10 of the Order dated 22.9.2020, specifically directs the Joint Committee, to into the question of illegal sand mining..... , extraction of sane , assessment of environmental compensation.... , steps to recover (compensation) , criminal prosecution of persons , recovery of penalty ... etc., but the report in the opening stanza reflect as if the committee has been formed to inspect the water spread area, sluice, bund, weir and encroachments in the Magaral Tank (Periya Eri). The Committee had reported: “ no water in the tank bed, scrub jungles were present ... , encroachments were noticed ... etc.”

4 The joint committee, appointed by this Honourable Tribunal, vide remarks in 1st stanza in Page No.2 of the report, has issued various orders to the PWD officials, as if they are superior officers to this Honourable Tribunal and also none of these orders touches the core issue, i.e., ditches to the depth of 60 feet in various points of Magaral Lake (Periya Lake). The entire report in stanzas 1 and 2 of Page No.2, are all superfluous directions, beyond the scope of the OA.

5 The joint committee has referred to the record from the Asst. Director of Geology and Mining and had made a statement that after 2015 non savudu quarry operated/permittted. While so, the Joint Committee, did not spell, to what area of river bed, the mining was permitted prior to 2015, to what extent the mining has been done and presently whether the river bed is even or with several ditches to the depth up to 60 feet or not.

Dr. G. S. S. S. S.

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT
CHENNAI

Application No. 179 of 2020

Between

P. Gengaiyan Applicant

AND

The District Collector, Tiruvallur and others Respondents

**OBJECTIONS FILED BY THE APPLICANT TO THE REPORT FILED BY THE JOINT
COMMITTEE DATED 20.01.2021**

1 At the outset, the applicant would like to point out that the Order dated 22.9.2020 by this Tribunal, specifically command that the Superintending Engineer, Public Works Department, Tiruvallur, would be a member of the joint committee. The joint committee, that has filed the report, includes only the Executive Engineer, PWD, Kosasthalaiyar Basin Division, WRD, Tiruvallur, whose rank cannot be equal or equivalent to that of Superintending Engineer, PWD. On this score alone, due to illegal constitution of the joint committee, the report is liable to be rejected in limini, without the necessity of going into the merits of the report.

2 The applicant states that the main contention in the OA is that of illegal mining of sand, which had gone to the depth of 60 feet in the Periya Eri. Any normal person would see from the naked eye, the ditches which had gone up to 60 feet or more at various points of the Periya Eri. However, the report of the Joint Committee, is silent about the same, which ex-facie vitiates entire report.

P. Gengaiyan

From: avudaiappan athimoolam
Sent: 07 June 2021 22:18
To: collrtlr@nic.in
Subject: FW: Objection Filed in O.A.No.179 of 2020 before NGT

Sir,

I hereby attached the copy of objections filed by the applicant Mr.Gangaiyan to the report filed by the Joint Committee dated 20.01.2021 before the National Green Tribunal, Souther Zone bench at Chennai. The counsel appearing for you before the tribunal is not responding to my call hence I hereby serving this copy directly to you through mail. Further there are 7 Respondents in this case and you are the 1st Respondent.

Regards,
A.Athimoolam
Counsel for Applicant.

Sent from [Mail](#) for Windows 10

From: [avudaiappan athimoolam](#)
Sent: 07 June 2021 21:56
To: [collrtlr@nic.in](#)
Subject: Objection Filed in O.A.No.179 of 2020 before NGT

Sir,

I hereby attached the copy of objections filed by the applicant Mr.Gangaiyan to the report filed by the Joint Committee dated 20.01.2021 before the National Green Tribunal, Souther Zone bench at Chennai. The counsel appearing for you before the tribunal is not responding to my call hence I hereby serving this copy directly to you through mail. Further there are 7 Respondents in this case and you are the 1st Respondent.

Regards,
A.Athimoolam
Counsel for Applicant.
Sent from [Mail](#) for Windows 10

From: avudaiappan athimoolam
Sent: 07 June 2021 22:39
To: minetr2@gmail.com
Subject: O.A.No.179/2020 pending before NGT, Southern Bench

Sir,

I hereby attached the copy of objections filed by the applicant Mr.Gangaiyan to the report filed by the Joint Committee dated 20.01.2021 before the National Green Tribunal, Souther Zone bench at Chennai. The counsel appearing for you before the tribunal is not responding to my call hence I hereby serving this copy directly to you through mail. Further there are 7 Respondents in this case and you are the 2nd Respondent.

Regards,
A.Athimoolam
Counsel for Applicant.

Sent from [Mail](#) for Windows 10

From: avudaiappan athimoolam
Sent: 07 June 2021 22:57
To: eebcmdtvr@gmail.com
Subject: O.A.No.179/2020 pending before NGT, Southern Bench

Sir,

I hereby attached the copy of objections filed by the applicant Mr.Gangaiyan to the report filed by the Joint Committee dated 20.01.2021 before the National Green Tribunal, Souther Zone bench at Chennai. The counsel appearing for you before the tribunal is not responding to my call hence I hereby serving this copy directly to you through mail. Further there are 7 Respondents in this case and you are the 3rd Respondent.

Regards,
A.Athimoolam
Counsel for Applicant.

Sent from Mail for Windows 10

From: avudaiappan athimoolam
Sent: 07 June 2021 23:05
To: seacmstn@gmail.com
Subject: O.A.No.179 of 2020 pending before the NGT, Southern Bench

Sir,

I hereby attached the copy of objections filed by the applicant Mr.Gangaiyan to the report filed by the Joint Committee dated 20.01.2021 before the National Green Tribunal, Souther Zone bench at Chennai. The counsel appearing for you before the tribunal is not responding to my call hence I hereby serving this copy directly to you through mail. Further there are 7 Respondents in this case and The Secretary, SEIAA is arrayed as 4th Respondent in the subject mentioned application.

Regards,
A.Athimoolam
Counsel for Applicant.

Sent from [Mail](#) for Windows 10

From: avudaiappan athimoolam

Sent: 07 June 2021 23:16

To: tlrrdo.tntlr@nic.in

Subject: O.A.No.179 of 2020 pending before NGT, Southern Bench

Sir,

I hereby attached the copy of objections filed by the applicant Mr.Gangaiyan to the report filed by the Joint Committee dated 20.01.2021 before the National Green Tribunal, Souther Zone bench at Chennai. The counsel appearing for you before the tribunal is not responding to my call hence I hereby serving this copy directly to you through mail. Further there are 7 Respondents in this case and you are the 5th Respondent. The subject mentioned application will be come up hearing on 09.06.2021.

Regards,

A.Athimoolam

Counsel for Applicant.

Sent from [Mail](#) for Windows 10

From: avudaiappan athimoolam
Sent: 07 June 2021 23:08
To: tlr@tntlr.nic.in
Subject: O.A.No.179 of 2020 pending before NGT,Southern Bench

Sir,

I hereby attached the copy of objections filed by the applicant Mr.Gangaiyan to the report filed by the Joint Committee dated 20.01.2021 before the National Green Tribunal, Souther Zone bench at Chennai. The counsel appearing for you before the tribunal is not responding to my call hence I hereby serving this copy directly to you through mail. Further there are 7 Respondents in this case and you are the 6th Respondent.

Regards,
A.Athimoolam
Counsel for Applicant.

Sent from [Mail](#) for Windows 10

From: avudaiappan athimoolam

Sent: 07 June 2021 23:09

To: elprmbdo.tntlr@nic.in

Subject: O.A.No.179 of 2020 pending before NGT, Southern Bench

Sir,

I hereby attached the copy of objections filed by the applicant Mr.Gangaiyan to the report filed by the Joint Committee dated 20.01.2021 before the National Green Tribunal, Souther Zone bench at Chennai. The counsel appearing for you before the tribunal is not responding to my call hence I hereby serving this copy directly to you through mail. Further there are 7 Respondents in this case and you are the 7th Respondent.

Regards,

A.Athimoolam

Counsel for Applicant.

Sent from [Mail](#) for Windows 10