

NATIONAL GREEN TRIBUNAL AT  
CHENNAI

1. A.No. 17) of 2021

in

O.A.No.179 of 2020

Counter affidavit filed by the 8<sup>th</sup>  
Respondent/Applicant

T/c.

A. Athimoolam

Counsel for Applicant

R. SELVAKUMAR  
A.ATHIMOOLAM  
COUNSEL FOR APPLICANT  
9444517648

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT CHENNAI

171 A.No. 171 of 2021

in

Application No.179 of 2020

Prakash

2/105 Thiruvallur Street

Theerthakarayan Pattu,

Palavayal, Chennai

Vidu9126@gmail.com

Respondent

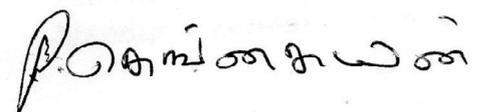
... Applicant/Proposed 8<sup>th</sup>

Versus

- 1 The District Collector, Tiruvallur
- 2 The Assistant Director of Mines & Minerals  
O/o The District Collector, Tiruvallur
- 3 The Superintending Engineer  
Public Works Department, Tiruvallur 1
- 4 The Secretary  
State Level Environment Impact Assessment Authority  
Panagal Buildings, Chennai 600 015
- 5 The Revenue Divisional Officer, Tiruvallur
- 6 The Tahsildar, Tiruvallur
- 7 The Special Office/Block Development Officer,  
Ellapuram Panchayat Union,  
Ellapuram, Thiruvallur District .....Respdts/Respondents
- 8 P.Gengaiyan (72 years)  
Son of Perumal Naidu  
No.43 Maharal Village  
Kooduvalli Post  
Thiruvallur Taluk & District .....Respondent/Applicant

COUNTER AFFIDVIT FILED BY THE 8<sup>TH</sup> RESPDT/APPLICANT

I, P.Gengaiyan, 73 years, son of Perumal Naidu, residing at No.43 Maharal Village, Kooduvalli Post, Thiruvallur Taluk and District, do hereby solemnly state and sincerely affirm as follows:



1 I state that the ~~Miscellaneous~~ <sup>Interlocutory</sup> Application, is liable, not only to be rejected, but since the contents reveals commission of criminal offence, the proposed respondent have to be prosecuted for commission of admitted criminal offences.

2 I state that the Government of Tamilnadu, through its Asst. Director of Mines and Minerals, the 2<sup>nd</sup> respondent and the Superintending Engineer, Public Works Department, the 3<sup>rd</sup> respondent, had been repeatedly alleging that since 2015 no quarrying permit was issued to anyone from 2015 onwards. However, the proposed 8<sup>th</sup> respondent, admits that he has been issued valid permission by SEIAA-TN – Proposed Savudu Earth Deposit Quarry at SF No.216, on 1.4.201, over SF 216, Periya Eri (Maharal Village).

3 I state that these contradictory allegations, exposes high illegality, over the nature and requires to be probed by CBCID, as the extent of permission to quarry covers an extent of 58 acres.

Under these circumstances, the ~~MA~~ <sup>I</sup> may be dismissed, in the interest of justice.

Solemnly affirmed at Chennai, on this the ))  
20<sup>th</sup> day of Dec. 2021 & signed before me ))

  
BEFORE ME  
  
ADVOCATE: CHENNAI MS 712/2020  
No: 11/8, Palayathan Street,  
Alandur Chennai - 600016.  
**P. SUNDARRAJAN,**  
M.Com., B.L., M.L., CALIB.,  
ADVOCATE  
No.11/8, Palayathan Street,  
Alandur, Chennai - 600 016

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT  
CHENNAI

Application No. 179 of 2020

Between

P.Gengaiyan (72 years)

Son of Perumal Naidu

No.43 Maharal Village

Kooduvalli Post

Thiruvallur Taluk & District

.....

Applicant

AND

1 The District Collector  
Tiruvallur

2 The Assistant Director of Mines & Minerals  
O/o The District Collector, Tiruvallur

3 The Superintending Engineer  
Public Works Department, Tiruvallur 1

4 The Secretary  
State Level Environment Impact Assessment Authority  
Panagal Buildings, Chennai 600 015

5 The Revenue Divisional Officer, Thiruvallur

6 The Tahsildar, Thiruvallur

7 The Special Office/Block Development Officer,  
Ellapuram Panchayat Union,  
Ellapuram, Thiruvallur District

.....

Respondents

**OBJECTIONS TO THE PROGRESS REPORT**  
**FILED BY THE 3<sup>RD</sup> RESPONDENT**

1 The Applicant submits that the Progress report filed by the 3<sup>rd</sup> Respondent, is liable to be rejected in limini, without dwelling deep into its contents, as there exist a patent misconception of the Orders of this Honourable Tribunal. The 3<sup>rd</sup> respondent have locus standi/authority to single handedly call himself as a Committee formed by this Tribunal. The other committee members have not even counter signed the Progress report. This amount to violation of the Orders of this Honourable Tribunal which tantamount to Contempt of Court.

2 At the outset, this Honourable Tribunal had constituted a Joint Committee comprising 4 members, which includes 1) District Collector, or his depute, 2) a Senior Officer from the Office of the Director of Mines and Minerals, 3) the third respondent herein and 4) a senior officer from the office of the fourth respondent and had directed the said committee to inspect and submit a factual as well as action taken report, if there is any violation found.”

3 A bare perusal of the report reveal that only the third respondent, namely the PWD Superintending Engineer, had filed a report titled as “ Progress Report”, which is in dire contravention of the Orders dated 22.9.2020. Further in the said progress report, the 3<sup>rd</sup> respondent, refers to a report by the 2<sup>nd</sup> respondent stating as if no savudu quarry operated/permitted since 2015. But an Application to implead has been filed by a third party, who claims that he has been granted license in 2015 and that the same is still in force.

4 The “ The Progress Report” does not contain counter signature of all the committee members, though the report did not reveal anything about the huge pits as seen in the Magaral Lake.

5 The very crux of the application is that there had been continuous, illegal quarrying at Magaral Lake, leading to several pits with various depth levels at various points in the Lake. Instead of reporting the different depth levels in the lake and the cause(s) for the same, which could only be illegal quarrying, the 3<sup>rd</sup> respondent has filed a report, to suit his convenience, which is illegal, citing encroachment and steps taken to remove the encroachers.

6 As of now, though the respondents squarely claims that there was no quarrying after 2015 as per the report of the 2<sup>nd</sup> respondent, the affidavit filed in support of the impleading petitioner, reveal that the applicant therein had been holding quarrying license from 2015 onwards. Either the Official respondents are giving a false picture or the proposed respondent is intermeddling with the wider objective of the OA.

7 Only to justify their ineffective action, the 3<sup>rd</sup> respondent has reported that they have taken action to remove the encroachers, which is beyond the letter and spirit of the Original Application.

The applicant therefore pray that this Honourable Tribunal may be pleased to reject the Progress report filed by the 3<sup>rd</sup> respondent and to direct the Joint Committee constituted vide order dated 22.9.2020 to re-inspect the Magaral Lake, (S.No.216 Periya Eri) with notice and participation of the applicant and thus render justice.

Dated at Chennai this the 27<sup>th</sup> day of Dec. 2021

  
COUNSEL FOR THE APPLICANT

BEFORE THE NGT  
SOUTHERN ZONE AT  
CHENNAI

Appln. No.179 of 2020 (SZ)

OBJECTIONS TO THE PROGRESS

REPORT FILED BY THE 3<sup>RD</sup>

RESPONDENT

T/c.  
A. M. M.  
Counsel for Applicant

R. SELVAKUMAR 601/88

COUNSEL FOR THE

APPLICANT

984 0202 888

efj\_rsk@yahoo.co.in

**From:** avudaiappan athimoolam

**Sent:** 21 January 2022 08:21

**To:** Shanmuganathan Dharmarajan

**Subject:** Counter affidavit of P.Gangaiyan in I.A.No.171/2021 in O.A.No.179/2020

Sir,

I hereby informed you that the Applicant Mr.Gangaiyan in O.A.No.179 of 2021 filed counter affidavit in I.A.No.171/2021 in this OA before the NGT, Southern Bench. I hereby attached the copy Counter affidavit filed by the Applicant in I.A.no.171/2021 in O.A.No.179 of 2020. Kindly acknowledge the receipt. This I.A & OA is posted for further hearing on 25.01.2022

Regards,

A.Athimoolam

Counsel for Applicant.

Sent from [Mail](#) for Windows

**From:** avudaiappan athimoolam

**Sent:** 21 January 2022 08:26

**To:** vidhu9126@gmail.com

**Subject:** Objection filed by P.Gangaiyan in O.A.No.179/2020 for the report filed by the PWD Engineer

Sir,

I hereby informed you that the Applicant Mr.Gangaiyan in O.A.No.179 of 2021 filed objection to the progress report filed by the 3<sup>rd</sup> respondent in this OA before the NGT, Southern Bench. I hereby attached the copy of objection report filed by the Applicant in O.A.No.179 of 2020. Kindly acknowledge the receipt. This OA is posted for further hearing on 25.01.2022

Regards,

A.Athimoolam

Counsel for Applicant.

Sent from [Mail](#) for Windows

**From:** avudaiappan athimoolam

**Sent:** 21 January 2022 08:19

**To:** vidhu9126@gmail.com

**Subject:** Counter affidavit filed by P.Gangaiyan in I.A.NO.171/2021 in O.A.No.179/2020

Sir,

I hereby informed you that the Applicant Mr.Gangaiyan in O.A.No.179 of 2021 filed counter affidavit in I.A.No.171/2021 in this OA before the NGT, Southern Bench. I hereby attached the copy Counter affidavit filed by the Applicant in I.A.no.171/2021 in O.A.No.179 of 2020. Kindly acknowledge the receipt. This I.A & OA is posted for further hearing on 25.01.2022.

Regards,

A.Athimoolam

Counsel for Applicant.

Sent from [Mail](#) for Windows

**From:** avudaiappan athimoolam

**Sent:** 21 January 2022 08:24

**To:** sns2358@yahoo.co.in

**Subject:** Objection filed by P.Gangaiyan for the progress report filed by the PWD Engineer

Sir,

I hereby informed you that the Applicant Mr.Gangaiyan in O.A.No.179 of 2021 filed objection to the progress report filed by the 3<sup>rd</sup> respondent in this OA before the NGT, Southern Bench. I hereby attached the copy of objection report filed by the Applicant in O.A.No.179 of 2020. Kindly acknowledge the receipt. This OA is posted for further hearing on 25.01.2022.

Regards,

A.Athimoolam

Counsel for Applicant.

Sent from Mail for Windows

**From:** avudaiappan athimoolam

**Sent:** 21 January 2022 08:16

**To:** sns2358@yahoo.co.in

**Subject:** Counter affidavit in I.A.No.171/2021 in OA No.179/2021

Sir,

I hereby informed you that the Applicant Mr.Gangaiyan in O.A.No.179 of 2021 filed counter affidavit in I.A.No.171/2021 in this OA before the NGT, Southern Bench. I hereby attached the copy Counter affidavit filed by the Applicant in I.A.no.171/2021 in O.A.No.179 of 2020. Kindly acknowledge the receipt. This I.A & OA is posted for further hearing on 25.01.2022

Regards,

A.Athimoolam

Counsel for Applicant.

Sent from [Mail](#) for Windows

**From:** avudaiappan athimoolam

**Sent:** 21 January 2022 09:18

**To:** Shanmuganathan Dharmarajan

**Subject:** Objection filed by P.Gangaiyan in O.A.No.179 of 2020 for the report filed by the PWD Engineer

Sir,

I hereby informed you that the Applicant Mr.Gangaiyan in O.A.No.179 of 2021 filed objection to the progress report filed by the 3<sup>rd</sup> respondent in this OA before the NGT, Southern Bench. I hereby attached the copy of objection report filed by the Applicant in O.A.No.179 of 2020. Kindly acknowledge the receipt. This OA is posted for further hearing on 25.01.2022.

Regards,

A.Athimoolam

Counsel for Applicant.

Sent from Mail for Windows