

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE BENCH AT CHENNAI

O.A.No.....1 8 8of 2021

IN THE MATTER OF:

S.SAKTHI VEL

.....

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

AND OTHERS RESPONDENTS

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Dated this the 21st day of March, 2022

Counsel for the 8th respondent

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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REPLY STATEMENT ON BEHALF OF RESPONDENT NO. 8

MOST RESPECTFULLY SHOWETH: -

1. All facts and averments contained in the application is incorrect and is denied.
The 8th respondent has not violated any mandate prescribed by the Environmental Clearance or any Rules made under the Environment (Protection) Act, 1986.
2. It is respectfully submitted that the above OA is not maintainable either on facts or on questions of law. It is filed as an experimental litigation without ascertaining the facts.

For KUNHITHARUVAI MEMORIAL
CHARITABLE TRUST

Trustee

DR. K. M. NAVAS.



3. As per the S.O. 3252 (E), dated 22-12-2014, building and construction projects above 20000 sq mts require Environmental Clearance (EC). But industrial shed, schools, colleges, hostel for educational institutions does not require any EC but must ensure sustainable environmental management solid and liquid waste management, rain water harvesting, and may use recycled materials such as fly ash bricks. This provision has not been amended by the Office Memorandum, dated 09-06-2015. But by Office Memorandum dated 9-6-2015 it was clarified that Hospitals which are not part of medical universities/institutes the Hospital will continue to require prior Environmental Clearance. In so far as this 8th respondent is concerned the plinth area of the hospital building is only 19135.60 sq mts and is not governed by the above requisite for EC.
4. It is respectfully submitted that the buildings where the Medical College Hospital which was constructed in 2006 in the property in Survey No. 42/1,2, 101/2A, 49/2A of Thazhkode Village, Mukkom Grama Panchayat, which is now Mukkom Municipality . The hospital consists of five floors. The plinth area of each floor is as given below: -

For KUNHITHARUVAI MEMORIAL
CHARITABLE TRUST


Trustee

DR. K. M. NAVAS.



FLOOR	PLINTH AREA in Sq mts
GROUND FLOOR	4136.72
FIRST FLOOR	3608.24
SECOND FLOOR	3588.64
THIRD FLOOR	3588.64
FOURTH FLOOR	2129.79
FIFTY FLOOR	2093.56
TOTAL	<u>19135.60</u>

The above facts were shown in the building plan which was approved by the Mukkam Grama Panchayat. A true copy of relevant portion of the Building Plan approved by the *Mukkam* Grama Panchayat dated 29-10-2010, is produced herewith and marked as Annexure.R.8 (A).

5. No additional constructions were made by the 8th respondent to be building. Thus, the total plinth area of the building is only 19135.60 sq mts. Thus, the above notification is not applicable. Therefore, there is no illegality in making the construction and no violation of any environmental laws of the country.

For KUNHITHARUVAI MEMORIAL
CHARITABLE TRUST

Trustee
DR. K. M. NAVAS.



6. None of the grounds are valid and sustainable. The applicant is not entitled to get the reliefs. The O.A. is to be dismissed with compensatory costs to this

8th respondent.

For KUNHITHARUVAI MEMORIAL
CHARITABLE TRUST
Trustee
DR. K. M. NAVAS.



VERIFICATION

I, Dr.K.M.Navas, aged 53 years, son of Dr.K.Moidu, Director, KMCT Medical College ,Owned by Kunhithravai Memorial Charitable Trust Manassery.P.O. Mukkam, Manassery.P.O Kozhikkode-67360 do hereby declare that what is stated in paragraph 1 to 8 is true and correct to the best of my knowledge, information and belief.

Dated this the 21st day of March, 2022

For KUNHITHARUVAI MEMORIAL
CHARITABLE TRUST
Trustee
DR. K. M. NAVAS.



Counsel for the 8th respondent

8th respondent

Relevant portion of the Building Plan approved by the Mukkam Grama Panchayat dated 29-10-2010

AREA STATEMENT(IN Sqm)		
FLOOR	PLINTH AREA	CARPET AREA
GROUND FLOOR	4136.72 Sqm	3188.50 Sqm
FIRST FLOOR	3608.24 Sqm	2642.93 Sqm
SECOND FLOOR	3588.64 Sqm	2642.93 Sqm
THIRD FLOOR	3588.64 Sqm	2642.93 Sqm
FOURTH FLOOR	2129.79 Sqm	1887.25 Sqm
FIFTH FLOOR	2083.56 Sqm	1887.25 Sqm
TOTAL	19135.60 Sqm	14891.80 Sqm



STAIR CASE DETAILS

RISE : 15.00
TREAD : 30.00
WIDTH : 150.00

FIRE EXIT

RISE : 16.50
TREAD : 20.00
WIDTH : 120.00

SCHEDULE OF OPENINGS

D : 120X 210
D : 100X 210
D1 : 90 X 210
D2 : 80 X 210

WINDOWS

W2 : 100X 110
W3 : 165X 150

VENTILATORS

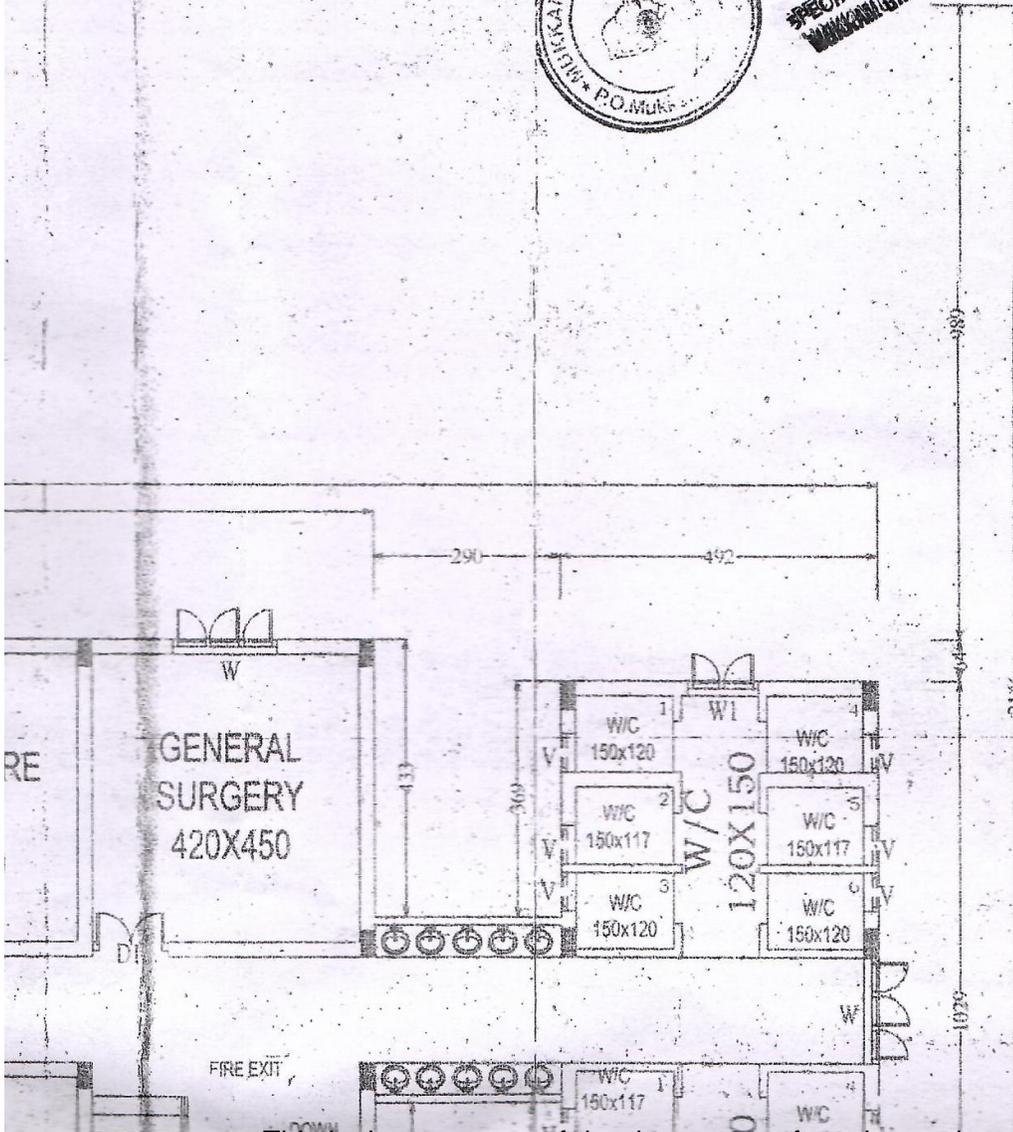
V : 90X60



Regularised
 Approved as per order
 No. P/133/109-10
 and date 29/1/10



SPECIAL GRADE SECRETARY
 MUKH... GRAMA PANCHAYAT



This is the true copy of the document referred to and marked as Exhibit.R.18 (A) in the reply statement.

Signature