

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

**(UNDER Section 18(1) read with Sections 14,15 of the National Green  
Tribunal Act , 2010)**

**Original Application No. 106 of 2021 (SZ)**

**IN THE MATTER OF :**

M.Kathirvel  
S/o.K.Marappa Gounder,  
No.138, Kattumunnur Post,  
Munnur Village,Pugalur taluk,  
Karur District-639 111

....Applicant

VS

1.Union of India  
Rep. by the Secretary  
Ministry of Environment,Forests and Climate Change,  
Indira Paryavaran Bhavan,Jor Bagh,  
New Delhi-110003

2.Tamilnadu Pollution Control Board,  
Represented by its Chairman,  
Anna Salai,Guindy,  
Chennai-600032

3.The District Environment Engineer,  
Tamilnadu Pollution Control Board,  
No.26,Ramakrishnapuram West,  
Karur-639 001

4.The Assistant Director of Geology and Mining  
302,Collectorate Complex,  
Karur District-639 007

5. The District Collector,  
Karur District, Karur-639 007

6. The State Environmental Impact Assessment Authority,  
Represented by its Member Secretary,  
No.1,Jeenis Road,Panagal Building,  
Saidapet,Chennai-600 015

7.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Karur-639 007

8.Devaraj  
S/o.Subramani  
7/14,Raj Residency,  
Pon Nagar,Andankovil,  
Karur District-639 002

9.T.Selvarani  
W/o.Thangaraj,  
59/1/4, Pon Nagar,Andankovil (East),  
Karur District-639 002

10.Thangaraj,  
S/o.Kandasamy,  
59/1/4, Pon Nagar,Andankovil(East),  
Karur District-639 002

11. M/s.Bala Vinayaga Blue Metals,  
Represented by its Managing Partner,  
Mr.Thangaraj  
S.F.571,Saminathapuram,  
Munnur Post,  
Pugalur Taluk,  
Karur District-639 111

....Respondents

#### REPLY AFFIDAVIT FILED BY 11<sup>TH</sup> RESPONDENT

The 11<sup>th</sup> Respondent in the aforesaid Application beg to state as follows:-

1. The deponent as Managing partner of Respondent No. 11 hereby affirms the following statements and facts are true and correct to best of my knowledge. The deponent states that he is filing the counter affidavit for himself and on behalf of Respondents 8,9,10. Except those that are specifically admitted herein, all the averments are denied as false, baseless and the Applicant is put to strict proof of the same.
2. The deponent states that the Petitioner has not come with clean hands and has suppressed the material facts and the real facts being those which are hereinafter stated. The Petition is liable to be dismissed in limini for misleading this Hon'ble Tribunal.

3. The deponent submits that he is doing business as a Managing partner at Bala Vinayaga Blue Metals (A Partnership Firm), along with the R8 & R10. He states that he has a registered partnership firm situated at Swaminathapuram, Munnur Panchayat, Pugalur Taluk, Karur District, carrying on the business of doing rough stone quarry operations at Munnur and Thennilai, Keelpagam Village, Pugalur Taluk, Karur District in S.F.Nos.571, 669, 670, 671, 568 & 672 and S.F.Nos.326 & 333 respectively at Munnur Village. The deponent states that they have carried out the quarrying and crushing operations as per the Environmental laws and Regulations after obtaining all the necessary permissions from all the authorities concerned, thereby denying the point 2 of applicant.

4. The deponent humbly states that one of the resident of Munnur Village, Mr.K.R.Saktivel, who is none other than my vendor of the land in which quarrying permission obtained, in order to get unjust enrichment has filed a Writ Petition in W.P.(MD) No.26572 of 2019 before the Madurai Bench of Madras High Court for seeking direction to the authorities to take action against the deponent's Unit for the alleged illicit quarrying operation and to close down the crusher unit in S.No.667 and quarry operation in S.Nos.568, 613, 614, 672, 571(part), 669, 670(part), 671 situated at Munnur Village and the same is pending for adjudication before the Honourable Madurai Bench of Madras High Court. The petitioner in the aforesaid Writ Petition could not secure any interim order. While the said Writ Petition is pending, by referring the said Writ Petition, the District Collector/5<sup>th</sup> respondent herein has served with the Show cause Notice vide Proceedings Na.Ka.No.827/Mineral/2019 dated 07.02.2020 directing me to stop the quarrying operations in the above said lands for the alleged illicit and excess quarrying operations and further to show cause why the lease hold right given to me for quarrying operations should not be cancelled and directed to appear

for enquiry. Since there was a direction to close down the unit and show cause notice was issued with pre-determined mind, I was forced to file Writ Petition in W.P.No.3399 of 2020 and obtained an interim order on 20.2.2020. In pursuant to the said interim order, the quarry was not in operation till date. The deponent reserves its right to file suitable objections to the report of Expert Committee appointed by this Honourable Tribunal vide exparte interim order dated 31.05.2021.

5. The deponent humbly states that thereafter the Thasildar, Pugalur Taluk has initiated Proceedings in Na.Ka.No.Aa1/1057/2019 dated 27.05.2020 to survey the lands in which the aforesaid units are located without disclosing any of the aforesaid proceedings. More particularly the said Thasildar was one of the member in the joint Inspection Committee formed in pursuant to the so called Public Interest Litigation. The said proceedings were challenged in W.P.(MD) No. 6594 of 2020 and an interim protection was given on 09.06.2020. While matter stood thus, the present applicant who is cousin brother of K.R.Saktivel residing in the very same address has filed this Application on 24.03.2021 with the similar prayer as in the Public Interest litigation for the best reasons known to him. It is pertinent to mention that the applicant along with his family members sold the property to the 11<sup>th</sup> respondent and now chosen all the forums to obstruct the operation of units for obvious reasons. Having done extensive research, the applicant has furnished the details of all the cases but he conveniently suppressed the pendency of Public Interest Litigation at the instance of his brother.

6. The deponent stoutly denied the allegations made in point 6. He states that no dwelling house and agricultural lands have been situated within 270 meters from the crusher unit. The undeniable fact is that there are no dwelling houses in the vicinity i.e., within 600 meters of the crushing unit. He therefore claims that he has obtained

no objection certificate from the respondent 2 only by lawful means after proper inspection.

7. The deponent completely deny the allegations made regarding the air pollution and as mentioned in point 7 and 8 of the applicant's petition as there are no residential homes and agricultural lands in vicinity as per the lease conditions provided by The District Collector, Karur District.

8. The deponent respectfully submits that the Noyyal River's bund has never been broken and never drained any waste water into any agricultural land and pleads that they disposes waste water only by prescribed means without contaminating the ground water. Thereby denying the applicant's allegation regarding the water pollution as compiled in paras 9, 10 of the applicant's petition.

9. The deponent clearly denies the paras 10 & 11 and states that they have been operated their quarrying and crushing activities within the permitted limits with valid legal permissions from the concerned authorities.

10. The deponents states that the complaint filed by the applicant with an ill motive to destroy their business by damaging the reputation. So they completely denies the allegations made in paras Nos. 12 and 13 and 14. As the allegations are made on ill will without any public interest, further these are built upon with a record of false allegations and complaints.

11. The deponents states that all the quoted survey notice served to the deponent is completely groundless and against principles of Natural justice. The respondent has approached the Court of law to quash the said survey notice issued without jurisdiction, which is pending before the Madurai Bench of Madras High Court in W.P.(MD) No. 6594 of 2020.

12. The deponent as a Managing partner states that they never operated any of the crushing or mining operations during night time, that is beyond the scheduled working hours and the allegations in para 18 is far from truth.

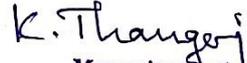
13. The deponent submits that they never carried out any environmental violations as stated in para 21 of the applicants petition.

14. The deponent denies all the allegations made in para Nos. 22,23,24 as they are invented by the applicant without any lawful evidence or legal grounds.

It is therefore prayed that this Honourable Tribunal may be pleased to dismiss the Application with exemplary costs and thus render justice.

  
COUNSEL FOR THE RESPONDENTS 8-11

For Balavinayaga Blue Metals,

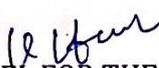
  
Managing Partner

11<sup>th</sup> RESPONDENT

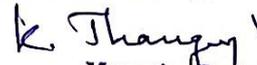
#### VERIFICATION

I, K.Thangaraj, S/o. Kandasamy, Hindu, aged about 48 years, Managing Partner of M/s.Bala Vinayaga Blue Metals, having office at S.F.No.571, Saminathapuram, Munnur Post, Pugalur Taluk, Karur District, the 11th Respondent herein, do hereby verify that I have read the contents of the paragraphs are true and correct to the best of my knowledge and information and grounds are based on legal advice.

Dated on this the 18<sup>th</sup> day of August, 2021.

  
COUNSEL FOR THE RESPONDENTS 8-11

For Balavinayaga Blue Metals,

  
Managing Partner

11<sup>th</sup> RESPONDENT