

**BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL
(SOUTH ZONE BENCH)
AT CHENNAI**

ORIGINAL APPLICATION NO.183 OF 2021

IN THE MATTER OF:

MEENAVA THANTHAI K.R.SELVARAJ KUMAR

MEENAVAR NALA SANGAM

Represented by its President,

M.R.Thiyagarajan

...APPLICANT

Versus

STATE OF TAMIL NADU AND 5 OTHERS

...RESPONDENTS

AFFIDAVIT – IN – REPLY ON BEHALF OF A.DURAI
(RESPONDENT NO.6)

MAY IT PLEASE YOUR LORDSHIPS;

I Mr. A.Durai Son of Late Mr.Arumugam, aged about 56 years, Indian National, residing at No.32, Reddy Street, Chinna Koladi, Thiruverkadu, Chennai – 600 077, do hereby solemnly affirm and sincerely state as follows;

I am the 6th respondent herein and I perused a copy of the captioned application and have read and understood the contents thereof.

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I respectfully submit the following reply affidavit to Original Application filed by the applicant before the Honourable NGT – Southern zone, Chennai.

1. I humbly submit that at the outset I deny all the averments and allegations contained in Para no 1 to 22 and put the applicant to strict proof of the same. In fact the applicant filed this application without any base and only with a view to threatening me and to disturb my business and the application should be dismissed with exemplary cost for wasting the great time this honourable tribunal.
2. I humbly submit that first of all I deny the allegation contained in para no 5 of the Facts in brief that I encroached the coovum river for the construction of fish market and erected concrete structures on the river and river bank of coovum for the operation of large scale fish market which is flagrant violation to the provisions laid down under the environment protection act and water (Prevention and Control Act)1974 and I converted the water spread area of coovum river into land by way of illegal reclamation which is highly impermissible and illegal in the eyes of law. In fact I constructed a fish market in pucca patta land comprising in old survey No.68 then old Patta 261. New joint patta No 3219 with new survey nos. 98/4A1A1A and 98/5A1 as per document situated at 67, Noombal Village, Thiruverkadu Municipality, Poonamallee Taluk, Thiruvallur District through a registered sale deed bearing document No: 16528/2019 with the registration District at Chennai South and Sub Registration District at Kundrathur. The total area of the plot is of extent 6070.23 Sq.m and the built up area is of 1699.12 Sq.m with FSI value of 0.280.

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3. I deny all the allegations averments contained in Para – 6 of the facts in brief that I undertook construction directly on the river bed of Coovum which obstructs the proper flow of water in the river and I encroached and constructed concrete walls on the buffer zone of Coovum river which again impede the water flow of river and degrade the ecology of the river. In fact the Public works Department (PWD), Water Resources Department issued No Objection Certificate vide their Lr. No:DB/T5(3)/F- Noombal-Inundation/2019/dated 23-04-2019 by laying so many terms and conditions and particularly condition No: 9 of the above certificate clearly instructs me to construct a permanent compound wall on the all-round boundary of the site, only after clear demarcation of the boundary by the Revenue Department officials and PWD/WRD officials especially on the Northern Side and the site should be well protected with flood protection wall along the boundary adjacent to the Coovum river right bank in order to safe guard against inundation and as per this condition only I constructed a permanent compound was on the all-round the boundary of the site after clearly demarcating the boundary by the revenue department officials and PWD\WRD officials and constructed a flood protection was along the boundary adjacent to the coovum river right bank in order to safeguard against inundation and there in no encroachment and obstruction of the proper flow of water in the river as contended by the applicant.
4. I further deny the allegation contained in Para-10 of the facts in brief that I have constructed the building on the flood plain of Coovum river which would definitely obstruct the free flow of water during the monsoon season. In fact I comply with the recommendations proposed by Public works Department, Water Resources Department

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in their No Objection Certificate vide Lr.No:DB/T5(3)/F-Noombal-Inundation/2019/dated 23-04-2019 which emphasised to raise 3.82m above the bottom deck slab in order to prevent inundation in near future based on Maximum Flood Level assessed during 2015 floods. The filling recommended for this site by PWD is assessed between 3.00m to 6.63m to avoid inundation

5. I further deny the averment contained in Para No.11 and Para No.12 of the facts in brief that I have connected trade and sewage effluent pipe line directly to the Coovum River would cause depletion and degradation to the quality of water and there by failed to comply Sec.25 of the Water(Prevention and Control of Pollution) Act, 1974. In fact the Tamil Nadu Pollution Control Board(TNPCB), issued a consent order No: 2001130700463 dated 13-02-2020 vide proceedings number .F.1947.TLR/OL/DEE/TNPCB/TLR/W/2020 for establishment of the industry under Sec.25 of the Water(Prevention and Control of Pollution) Act, 1974 and as per the conditions laid down by the TNPCB, Sewage Treatment plant and Effluent Treatment Plant was established inside the premises according to the specifications listed by TNPCB and no discharge of trade effluent into Cooum River and there in no discharge of trade and sewage effluent directly to the cooum river and I never cause any depletion and degradation of the quality of water as contented by the applicant.
6. I further deny that the averment mentioned in Para Nos. 13, 14 and 15 of the facts in brief that I had dumped huge quantities of construction debris on the river and riverbanks of Coovum which has caused a grave degradation to the ecology of the river and the debris dumped by me still exist on the river and river banks of

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Cooum which would affect the flow of water and create inundation during the monsoon period. Furthermore I deny the averment that there is possibility to dump solid waste in to the river Coovum. In fact in order to comply with the recommendations proposed by Public works Department, Water Resources Department vide Lr.No:DB/T5(3)/F-Noombal-Inundation/2019/dated 23-04-2019 which emphasised to raise 3.82m above the bottom deck slab in order to prevent inundation in near future based on Maximum Flood Level assessed during 2015 floods, I was in requirement of huge quantities of debris to achieve the soil filling task. The filling recommended for this site by PWD was fulfilled by purchase of such debris from nearby construction demolition sites for raising the site about 3.32m the bottom deck slab in order to prevent inundation in near future. I Further submit that the solid wastes generated from fish market is properly disposed by me from the market and infact there is a huge demand for fish waste as it serves as Poultry feed and we are selling the fish solid waste for good price of Rs.2,500/- per day to IRK broiler feed on a daily basis.

7. I further deny all the averments and allegation mentioned in Para Nos. 16, 17, 18 19, 20 and 21 of the facts in brief that I had constructed the building for the operation of large scale fish market without obtaining prior environmental clearance from TamilNadu State Environment Impact Assessment Authority as laid down under the Category B of Schedule 8(a) to the EIA Notification 2006. In fact, the total area of the plot is of extent 6070.23 Sq.m and the built up area is of 1699.12 Sq.m with FSI value of 0.280 and it doesn't falls under buildings category '1' (5,000 to 20,000 square meters) since the built up area is less than 5,000 sq meters. Hence, complying with necessary conditions are dealt with local authorities as per the EIA Notification and accordingly permission obtained

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from the Chennai Metropolitan Development Authority for Reclassification of Land Division from Open Space and Recreational use zone to Commercial Use Zone comprising Survey nos: 98/4A1A1A and 98/5A1, Noombal Village Vide Letter No: R1/13981/18-1 dated 06-12-2019, Chennai Metropolitan Development Authority planning permit vide Letter No: B/NHRB/127/A-C/2020 dated 21-5-2020, Thiruverkadu Municipality Planning and Building Permit Vide Letter No: 1977/2020/F1 dated 30-07-2020 for the construction of fish market, Fish Market Licence from Municipal Administration and Water Supply department, Thiruverkadu Municipality Vide Letter No: 015/2021/010/000013 dated 20/04/2021 and No Objection Certificate for construction of Fish Market issued by the Department of public Health and Prevention Medicine Vide Letter No: R.No.48/E3/2020 dated 02-01-2020 and there is no such violation in constructing the Fish market as contented by the applicant.

8. I further submit that hence I deny all the grounds raised by the applicant in para no 22 of facts in brief and all the grounds are baseless and frivolous and invented by the applicant only for the purpose of filing this application and hence this application should be dismissed with exemplary cost and pass any orders as this Honble Tribunal may deem fit and proper and thus render justice.
9. I further submit that I am a law abiding citizen and I am doing business for the past 25 years without any remark in my carrier and more than 86 families running their fish stall in my market and morethan 1000 families fully dependent for their livelihood on my fish market only and further submit there is no even a single

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violation or deviation in the construction of the fish market and I would abide by any rules to protect public and environment.

10. I state that whatever has been stated herein above is true and correct to the my own knowledge and belief

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Solemnly affirmed at Chennai on

This the 29th day of september 2021`

And signed his name in my presence

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BEFORE ME,

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V. Jhe 1230/2000

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ADVOCATE CHENNAI

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NATIONAL GREEN TRIBUNAL
(SOUTH ZONE BENCH)
AT CHENNAI

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KUMAR MEENAVA NALA SANGAM

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AFFIDAVIT IN REPLY BY THE 6TH
RESPONDENT

R.ANANDHI
KOTHAI MUTHU MEENAL
COUNSEL FOR RESPONDENT 6