

**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 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 as such I am well acquainted with the facts of the case and contents of this affidavit.

X A. Durai

1. I respectfully submit that on 7.9.2021 the TNPCB issued a show cause notice and on 15.2.2021 I submitted my reply for the show cause notice and on 10.11.2021 all of a sudden TNPCB issued the order of closure and disconnected the power supply and from that day onwards market is not functioning and only the cleaning and maintenance work is going on.

2. I further submit that I am no way connected with the selling of fish in the market and my role in the market is that I am the owner of market and I am renting out the stalls for the fish vendors on a monthly rental basis and even there is no storage of fish and the nature of the business is only the vendors brought the fish selling it to the retailer

3. I further submit that more than 86 vendors put their stalls in my market and all their livelihood is depends only on this market and due to the closure and disconnection of electricity they all lost their livelihood for the past two weeks.

4. I further submit that I am running this market for about 20 years and I sincerely abide by laws and my intention is not to pollute the water bodies and affect the public welfare and at any situation I don't have any malicious intention to encroach the government land and it is only an error on the part of my engineer who carried out the construction of my market and I immediately demolished my own compound wall which was projected as encroachment in the report submitted by the committee in fact even before the inspection.

5. I further submit that the pipe connection have been unplugged long back that is on the date of issuing show cause notice dated 7.9.2021 itself I had unplugged the pipe connection and there is no discharge of treated effluent in the river coovum and I am discharging the treated effluent through

X A. Boman

lorry to CMWSSB on payment of charges through the receipts dated 8.9.2021, 26.10.2021, 26.11.2021 and 18.12.2021.

6. I further submit that on 13.12.2021, the TNPCB issued the show cause notice in which the board directed me to show cause why the environmental compensation of Rs.15,56,250/- should not be imposed upon me and on 17.12.2021 without any option and to safeguard the 86 fish vendors whose livelihood depends on this market I paid the compensation of Rs.15,56,250/- in the board vide receipt no.

7. I further submit that as per the rules and guidelines only the market was constructed and I applied for CTO before the TNPCB on 23.08.2021 and on 16.12.2021 the pollution control board granted the CTO which is valid up to 31.3.2023 after fulfilling all the conditions.

8. 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 more than 1000 families fully dependent for their livelihood on my fish market only and I would abide by any rules to protect public and environment.

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

10. I therefore prayed that this hon'ble tribunal may be pleased to dismiss the original application and pass such further orders as this Hon'ble tribunal may deem fit and thus render justice.

Solemnly affirmed at Chennai on *
This the 29th day of september 2021` *
And signed his name in my presence *

A. Jagan

BEFORE ME,

V. Jhi 12/30/2020

ADVOCATE CHENNAI

BEFORE THE HONBLE
NATIONAL GREEN TRIBUNAL
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KUMAR MEENAVA NALA SANGAM

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Vs

STATE OF TAMIL NADU AND 5
OTHERS ..Respondent

AFFIDAVIT OF A.DURAI

THE 6TH RESPONDENT

R.ANANDHI
KOTHAI MUTHU MEENAL
COUNSEL FOR RESPONDENT 6