

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN  
ZONE BENCH AT CHENNAI**

**Original Application No. 74 of 2022 (SZ)**

T.Rathnasamy .....  
Applicant

-Vs-

The District Collector,  
Tiruppur District  
& others .....  
Respondents

**REPLY STATEMENT FILED BY THE 5<sup>th</sup> RESPONDENT -  
K.MARUDHACHALAM**

The 5<sup>th</sup> Respondent herein humbly submits as follows:

1. The address for service of all the notices and processes on the 5<sup>th</sup> Respondent is that of their counsel, S.Siva Sankar, Advocate, having office at Office No.31, Luz Golden Enclave, 180, Luz Church Road, Mylapore, Chennai – 600004.
2. At the outset, the 5<sup>th</sup> Respondent submits that the above Application filed by the Applicant and the allegations contained therein are baseless, misleading, devoid of any merit and liable to be dismissed. The present Application has been filed by the Applicant with the sole intention to harass and settle scores with the 5<sup>th</sup> Respondent, after having failed before various other forums to restrain the lawful activities of the 5<sup>th</sup> Respondent.

*For. K. Marudhachalam*

3. The 5<sup>th</sup> Respondent submits that the above Application has been filed largely on the premise that the quarry site and pathway leading to the quarry leading to the quarry, is within the prohibited distance of his house and well. The allegations in this respect are without any basis and as such the above Application is liable to be dismissed in limine on the following preliminary grounds:

**i. Applicant's house not situated in his own land:**

The house that the Applicant claims to have put up in his own land in Survey No.530/2A1B, is not situated in his land, but is actually situated in the land bearing Survey No.530/2A1A, Myvadi Village, Madathukulam Taluk, belonging to a third party namely Jayalakshmi, wife of Krishnasamy. This fact has can be clearly established from the following reports:

- a. Report of the Tahsildar, Madathukulam Taluk enclosed in the Letter dated 13.12.2021 bearing No. Na. Ka.3251/2021/A2 issued by the Tahsildar, Madathukulam Taluk to the Revenue Divisional Officer (RDO), Udumalpet, and
- b. Letter dated 23.12.2021 bearing No. Na.Ka.1340/2021/A2 issued by the Revenue Divisional Officer (RDO), Udumalpet to the District Collector, Tirupur.

In both the above communications between the Revenue authorities, it is categorically recorded that that said House is situated in the land belonging to the said Jayalakshmi in Survey No.530/2A1A, and further that other than the said house, there are no other house sites in the vicinity of 300

*for copy receipt*

metres therefrom. The said Jayalakshmi has given No-objection for the 5<sup>th</sup> Respondent's quarry.

**ii. The House claimed to be out up by the Applicant is illegal and without Approval from the Director of Mines & Geology:**

The Applicant, with the sole intention to cause hurdles to the lawful quarrying activity of the 5<sup>th</sup> Respondent, had illegally put up a small single room temporary structure with a cement sheet. This house was put up by the Applicant much after the commencement of the earlier quarrying permit obtained by the Applicant's and his father R. Kalimuthu in the year 2011. No approval whatsoever has been procured for the so called house. The Applicant has filed a Building Approval of the year 2018 issued by the Myvadi Panchayat. The Letter dated 17.10.2022 bearing Na.Ka. No.120/2022/A1 issued by the Block Development Office, Madathukulam Panchayat to the 5<sup>th</sup> Respondent, clearly states that the Building approval granted to the Applicant has been cancelled and that the House put up by the Applicant is of a temporary nature.

Furthermore, the Applicant has not procured any permission from Director of Mines & Geology, which is mandatory for putting up any construction in the vicinity of 300 metres from a quarrying area as per the Tamil Nadu Minor Minerals Concession Rules 1959.

*For. [Signature]*

**iii. The Applicant's Well is an encroachment on the PWD land and is without Approval from the Director of Mines & Geology:**

On a bare perusal of the counter affidavit filed by the BDO, Madathukulam Panchayat to the Writ Petition WP No. 3166/2017 filed by this Respondent before the Hon'ble Madras High Court, it can be seen that the BDO, Madathukulam Panchayat has specifically stated that the Applicant's well is dug on the land belonging to the PWD which he had encroached upon. The BDO, Madathukulam Panchayat also states that the Applicant has not obtained any permission from the Director of Mines & Geology for digging the well.

The above preliminary grounds go to show that the Applicant has completely misled this Hon'ble Tribunal on the factual background of the issue and has concealed material facts that are integral to this Application. The Applicant has therefore come before this Hon'ble Tribunal with unclean hands and hence deserves no indulgence whatsoever.

4. The 5<sup>th</sup> Respondent submits that he has been quarrying rough stone and gravel after duly obtaining the following permissions/consents:

- i. Permit dated 07.08.2020 bearing Na.Ka. 442/2017/minerals issued by the District Collector, Tiruppur.

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- ii. Mining Plan Approval dated 28.08.2020 bearing Rs. No. 442/2017/Mines granted by the Deputy Director of Geology & Mining, Tirupur.
- iii. NOC dated 18.08.2021 bearing Na.Ka. 3524/2020/A1 granted by the Revenue Divisional Officer, Udumalpet addressed to the Deputy Director of Geology & Mining, Tirupur.
- iv. Environmental Clearance dated 21.08.2021 bearing Lr.No.SEIAA-TN/F.No.7898/1(a/EC. No.4696/2020 issued by the State Level Environment Impact Assessment Authority (SEIAA).
- v. Consent Order dated 01.10.2021 bearing No.2105241054281 issued by the District Environmental Engineer, TNPCB, Tiruppur South under the Air (Prevention and Control of Pollution) Act, 1981
- vi. Consent Order dated 01.10.2021 bearing No.2105141054282 issued by the District Environmental Engineer, TNPCB, Tiruppur South under the Water (Prevention and Control of Pollution) Act, 1974.

It is necessary here to mention that before granting the above permits and consents, all the above statutory authorities have diligently inspected the land of the 5<sup>th</sup> Respondent where quarrying is proposed, and also the lands surrounding Applicant's land. On inspection and due assessments, they have been satisfied with the mandatory requirements and have granted the permission to operate the quarry for a period of 5 years upto 31.03.2026. Till date, the Applicant has been duly complying with the conditions stipulated under the above permissions and consents.

For. *[Signature]*

5. The 5<sup>th</sup> Respondent submits that the Applicant has a long history of enmity towards the 5<sup>th</sup> Respondent. Even during the earlier quarrying permit granted to the 5<sup>th</sup> Respondent's father in the year 2011, the Applicant caused immense trouble and disrupted the operations in one frivolous way or other causing huge loss to this Respondent and his father. The Applicant is now continuing to cause unwarranted impediments to this Respondent's lawful quarrying activities to hurt this Respondent and cause him losses. The sole intention of the Applicant is filing the above Application is to cause trouble to the 5<sup>th</sup> Respondent in whatever manner possible. The following are the instances of legal proceedings between the Applicant and the 5<sup>th</sup> Respondent in respect of the very same subject matter of this quarry:

- i. SC No.185/2014 – before the Assistant Sessions Court, Udumalpet, prosecuted against the 5<sup>th</sup> Respondent based on the complaint lodged by Applicant in FIR No.231/2013 alleging damage to his house roof tiles due to blasting at the 5<sup>th</sup> Respondent's quarry. The 5<sup>th</sup> Respondent was acquitted due to various discrepancies in the complainant's case and want of evidence.
- ii. CC No.143/2013 – before the Judicial Magistrate, Udumalpet, prosecuted against the 5<sup>th</sup> Respondent based on the complaint lodged by Applicant alleging damage to his house roof tiles due to blasting at the 5<sup>th</sup> Respondent's quarry. The 5<sup>th</sup> Respondent was acquitted due to various discrepancies in the complainant's case and want of evidence.

*For. [Signature]*

- iii. WP No.3166/2017 – filed by the 5<sup>th</sup> Respondent against the Executive Engineer, PWD, Dharapurem, Tiruppur District and others seeking for a direction to act upon the 5<sup>th</sup> Respondent's representation against granting of Electricity connection to the Applicant's illegal construction.
- iv. O.S. No. 324/2012 – before the Subordinate Judge, Udumalpet filed by the 5<sup>th</sup> Respondent against the Applicant restraining him from interfering with the lawful quarrying activities.
- v. WP No.13103/2022 before the Hon'ble Madras High Court filed by the 5<sup>th</sup> Respondent seeking for a direction to the Inspector of Police, Madathukulam Police station to grant police protection to the 5<sup>th</sup> Respondent and his employees at his quarry to safeguard them from the disturbance caused by the Applicant. This Writ petition was disposed off with a direction to the police to investigate and register the complaint if any offence is made out.

It can be seen from the above proceedings that the Applicant has been bearing animosity against the 5<sup>th</sup> Respondent ever since 2011 when the earlier quarry permit was granted to the 5<sup>th</sup> Respondent's father. The Applicant was always jealous towards the 5<sup>th</sup> Respondent and would do anything to see that the 5<sup>th</sup> Respondent suffers. The present Application is one another attempt by the Applicant to harass the 5<sup>th</sup> Respondent and destroy his livelihood by abusing the process of this Hon'ble Tribunal. It is necessary here to submit that ever since this

*For. [Signature]*

Application has been filed by the Applicant, the 5<sup>th</sup> Respondent has been forced to stall the entire quarrying operations resulting in mounting losses every day.

6. The 5<sup>th</sup> Respondent denies the allegations contained in paragraph 2 of the Application as false and baseless. This Respondent is diligently complying with all the conditions stipulated under the consent orders and permits for his quarry. The road that leads upto the quarry belongs to the Panchayat. Water sprinklers are being used as and when every lorry passes through the pathway in such a manner that no dust emanates therefrom. It is submitted that the Panchayat has taken a decision to lay a tar road over the said passage and has passed a resolution dated 24.11.2021 to this effect.
7. The allegations contained paragraph 3 of the Application are denied as false and misleading. As stated above, the house claimed to be owned by the Applicant in his land is actually situated in the land belonging to another person named Jayalakshmi. The Certificate dated 08.05.2019 issued by the Village Administrative Officer, Myvadi Panchayat is ample proof of the same. Further the well is dug in the land belonging to the PWD that is encroached upon by the Applicant. Therefore the Applicant has approached this Hon'ble Tribunal with unclean hands and having committed serious illegalities.
8. As for the allegations contained in paragraph 4 of the Application, this Respondents reiterates that he has been using water sprinklers to negate any dust emanating due to plying of

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lorries over the pathway. Now the Panchayat is also taking steps to lay a bi-lane tar road over the pathway. The Allegations in paragraph 5 of the Application are vehemently denied. There is no possibility whatsoever of the dust from the quarrying activity settling upon the agricultural crops of the Applicant since the 5<sup>th</sup> Respondent's quarry site is having about 20 feet high sand mound at the boundary adjoining the Applicant's land. Additionally another 10 feet green screen has been installed right through the boundary of the quarry site. The blasting is being done on limited occasions with the detonations completely underground more than 10 feet below the ground surface. Therefore there is no scope for dust pollution or air pollution due to the 5<sup>th</sup> Respondent's quarrying activities.

9. As regards the allegations contained in paragraph 6 of the Application, this Respondent submits that all criminal complaints filed by the Applicant undergone a full criminal trial, and the 5<sup>th</sup> Respondent has been acquitted due to various contradictions in the Applicant's allegations and due to want of evidence. The allegations in paragraph 7 of the Application are once again denied as false and baseless. The blasting is done only during day time as per the conditions stipulated under the consent order and permits. No dust or pollution is being emanated from the blasting activities as the same is done under controlled environment as per the conditions stipulated on the 5<sup>th</sup> Respondent.
10. The 5<sup>th</sup> Respondent denies the allegations contained in the grounds set out by the Applicant as false and grossly misleading.

By. Uday Kumar

The sound of the blasting is also well under the stipulated decibel level as provided for under the consent order.

11. The 5<sup>th</sup> Respondent submits that the Applicant has preferred this Application with absolutely false and frivolous allegations with an ulterior motive to somehow restrain the 5<sup>th</sup> Respondent from continuing the lawful quarrying operations. This Application is a culmination of the long standing enmity that the Applicant has towards this Respondent. Having failed to succeed before various judicial for a, the Applicant has approached this Hon'ble Tribunal attempting another shot at jeopardising this Respondent.
12. The 5<sup>th</sup> Respondent submits that the above application is bereft of any factual or legal merit, and has misrepresented various material particulars that are germane to this issue. The Applicant is attempting to use this Hon'ble Tribunal as a means to settle scores with this Respondent. Therefore, the Applicant deserves no indulgence from this Hon'ble Tribunal and the Application is liable to be dismissed with costs.

For all the reasons stated above, the 5<sup>th</sup> Respondent humbly prays that this Hon'ble Tribunal may be pleased to dismiss this Application with costs and thus render justice.

Dated at Chennai on this the 16<sup>th</sup> day of January, 2021.



5<sup>th</sup> Respondent



Counsel for the 5<sup>th</sup> Respondent



**Verification**

I, K.Marudhachalam, son of Kalimuthu, the 5<sup>th</sup> Respondent do hereby verify that the statements made in para 1 to 12 have been explained to me in tamil and are affirmed to be true to the best of my knowledge, belief and information.

*K. Marudhachalam*

5<sup>th</sup> Respondent



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K.MARUDHACHALAM**

S. SIVA SANKAR

Counsel for the 5<sup>th</sup> Respondent

[sivasankaradvocate@gmail.com](mailto:sivasankaradvocate@gmail.com)  
9994049699