

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, AT CHENNAI

APPEAL No.3 of 2023 (S2)

AngalaParameswari Blue Metals
Proprietor,
Mr.P.Subramani,
S/o.Perumal,a
Kamandoddi Village,
Hosur Taluk, Krishnagiri District,
Email id-ramsrs016@gmail.com
Mob-9626455199

...Appellant

V.

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai,
Guindy, Cehnnai- 600 032,
Email ld-tnpcb-chn@gov.in
Mob:044-22353134
2. The District Environmental Engineer,
Tamil Nadu Pollution Control board,
Plot No.140A, SIPCOT Industrial Complex,
Hosur-635126,
Email: deehsr@tnpcb.gov.in
Phone: 04344-278922
3. The Superintending Engineer,
Krishnagiri,
TANGEDCO
Email: sekgiri@tnebnet.org
Phone: 4343-292950
4. The Assistant Engineer,
O&M, Shoblagiri,
TANGEDCO,
Email: vl9039ae@tnebnet.org
Phone: 9445855447
5. Kuthavakkam Realtors Private Limited
Rep by its Authorised Signatory,
Mr.S.Narasimhan,
Poly Hose Towers,
5th Floor, SPIC Annexe #88,

abno 50/11

Mount Road, Guindy
Chennai-600 032,
Email: roc_filing@shoba.com
Phone: Not Known

6. Muniraj, S/o. Duraisamy,
Kanalatti Panchayat,
Shoolagiri Taluk,
Krishnagiri District
Email: Not known
Phone: Not Known

...Respondents

COUNTER AFFIDAVIT OF MUNIRAJ

I, Muniraj, S/o.Duraisamy, aged 62 years, residing at Door No.543, Addaguriki, Dinnur Village, Kanalatti Panchayat, Shoolagiri Taluk, Krishnagiri District, now temporarily come down to Chennai do hereby solemnly affirm and sincerely state as follows:

1. I am the 6th respondent in the present appeal. I am aware of the facts and circumstances of the present case and competent to swear to the present affidavit.
2. I state at the outset that all allegations in the appeal filed by the appellant are denied except those specifically admitted herein. Any averment, herein inconsistent with allegations in the appeal shall be deemed to be denial of the latter.
3. I state I reside at Door No.543, Dinnur Village, Kammandoddi Post Office, Kanalatti Panchayat, Shoolagiri Taluk, Krishnagiri District, part of Survey No.22/2. This was given as a grant by the Government of Tamil Nadu in favour of my father Duraisamy vide proceedings dated

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13.10.1988 and my family has been living in the said address for more than four decades now. The house allotment order is filed herewith.

4. The appellant was running a stone quarry and a stone crushing unit in our locality in Survey No.1236/2, Kamandoddi Village. There are 50 plus houses in our locality which is 230 meters from the appellant's crushing unit.
5. As a result of the pollution caused due to the operation of the appellant's unit over the years, the residents in the area suffer many health issues like Asma, Skin allergy etc. Further the noise pollution caused by the running of the unit prevents people from sleeping at night hours and causes disturbance for school students who are studying.
6. I further state that appellant over time, started mining in adjacent lands, and further began to dump the quarry waste in unauthorised areas in violation of the norms. The residents of the village have handed over representations to the officials requesting for action to be taken against the appellant.
7. I further state that the appellant obtained consent to operate crushing unit in the year 2007 with a capacity of 12 Tones/Day which was renewed from time to time. I have been residing in the same area much before the appellant established the crushing unit. The appellant

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obtained the initial permission without disclosing the fact that there were people residing within 500 metres radius and therefore in violation of B.P.NO.4 dated 02.07.2004. Ever since the commencement of operations the villagers have been affected by the pollution caused by the appellant. Though villagers had always opposed the running of the unit, instead of challenging the consent to operate, we were advised to object when the appellant seeks renewal of the consent. In the year 2018, the appellant was permitted to expand its capacity from 12 T/day to 2000 Tonnes/day each of Blue Metal and M Sand aggregating to a total production of 4000 T/day. This was a shocking increase in capacity in complete disregard for lives and health of people residing in the vicinity of the crushing unit. I state that the appellant cannot take resort to pleas of limitation since there is no right in favour of the appellant to continue to pollute the surrounding residential area which houses significant number of people.

8. I state that the house site order issued in favour of my father clearly shows that I have been residing in the area long before the appellant established the crushing unit. The report of the Tahsildar, Shoolagiri dated 07.06.2022 clearly establishes that within the 500 m zone there is significant habitation of people. Further the Updated Register (UDR 1984) establishes that Dinnurgramanatham has been in existence since 1984 and the A-register shows the location of houses in the area. The topo sketch filed further shows that habitation is located very close to the crushing unit.

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9. I further state that BP.No.4 dated 02.07.2004 apart from prescribes as below:

“2.1 No new / proposed stone crushers should be located within 500 metres from any National highways or State highways or „inhabited site“ or places of public and religious importance.”

Note-

Inhabited site” shall mean a village site or town site or a house site as referred to in the revenue records or a house site or layout approved by a Local Body or Town or Country or Metropolitan Planning Authority, where the said Body or Authority is created under a statute and empowered to approve such an area as a house site or layout area (as desired in Rule 35 of Tamilnadu Minor Minerals Concession Rules, 1959).”

I state that report of Tahsildar dated 07.06.2022 and the A-register show the existence of a residential settlement which would be covered within the definition above.

10. I further state that there are agricultural lands along with water distribution channel nearby and the 30 odd families with approximately 300 people are dependent on these lands for their livelihood. Paddy and Kharif crops are sown 2-3 times during the year due to availability of water supply. The appellant's unit produces enormous amount of dust which settles on the agricultural lands as well water channel resulting in loss of crop yields and livelihood for farmer families. Even though water supply is available, it is dumped with sludge from the

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appellant's unit. Waste from the crushing unit is also dumped into the adjoining agricultural fields.

11. If the appellant is permitted to resume its operations, it will worsen the health of the people who would be exposed to pollution at a very level on a daily basis.
12. I further state that even though the consent to operate under the Air and Water Act expired on 31.03.2022, on multiple occasions when inspection was carried on, the appellant's unit was found to be operating much after the expiry date. This shows that the appellant is a habitual violator of the rules and does not deserve any lenient treatment from this Hon'ble Tribunal.
13. I further state that based on documents produced, the TNPCB Appellate Authority rightly accepted that the area was inhabited much prior to establishment of crushing unit. The appellant has not put forth any grounds to show that the above findings in the impugned order are erroneous.

It is therefore prayed that this Hon'ble Tribunal be pleased to dismiss the present appeal with costs and thus render justice.

Solemnly affirmed and sincerely stated his name
in my presence on this
28th day of February 2023 at Chennai Advocate,

BEFORE ME
v. B. Chittabhai
173 3022/2021

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AngalaParameswari Blue Metals
Proprietor

...Appellant

V.

The Chairman,
Tamil Nadu Pollution Control
Board,
And 5 others

...Respondents

COUNTER AFFIDAVIT FILED BY
THE 6TH RESPONDENT

M.S.SESHADRI(3782/2011)
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Counsel for the 6th respondent