

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

Application No- 211 of 2021 (SN)

P.Palaniappan
S/o Ponusamy
Meenangudi, Masinaikenpatti Post
Salem - 636 103 ... Applicant

-Vs-

The Ministry Of Environment,
Forest and climate change,
Rep BY its Under Secretary
3rd Floor, Prithivi Block,
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi-110 003 and others ... Respondents

COUNTERFILEDBY 14th RESPONDENT

The 14th respondent K.Selvakumar above named respectfully submits as follows

1. The application filed by the applicant abovenamed is absolutely frivolous, vexatious, malafide and speculative. It is totally bereft of any merits or bonafides whatsoever. The above application is neither maintainable in law nor sustainable on facts. It deserves to be dismissed with costs.
2. This respondent denies all allegations, averments and contents in the above application, save those which are expressly and specifically admitted herein. The applicant is put to strict proof of the rest.
3. It is submitted that, in and around the leased hillocks of the 14th respondent there are no agricultural lands or residential or commercial constructions in

patta land, or no schools either elementary or play school or angan vadi belonging to government or private.

4. i. It is submitted that this respondent performs quarrying and crushing operations as per the statutory provisions after strictly following the norms and rules as mentioned in the Act.
- ii. It is true that the 14th respondent is engaged in quarry and crushing at Survey No.199/10, Sakti Nagar, Masinaikkanpatti, Ayyothiyapattinam, Salem-103. This respondent is having a valid license to perform quarrying and crushing activity from 30.01.2018 till 29th day of January 2023 for quarrying of Rough stone/jelly which is registered as Document No- 758 of 2018 registered at SRO Ayyothiyapattinam, Salem.
- iii. It is submitted that blasting has been done strictly after following the rules laid by the concerned authorities.
- iv. It is submitted that blasting was strictly done within the time stipulated by the authority and not even on one single occasion this respondent blasted after the specified time that is after 5PM.
- v. It is submitted that blasting is done using explosives permitted which can be verified by going through the invoices of this respondent with the explosives supplier. Those explosives are manufactured as per norms and hence noise will not fear the local residence as described in the application.
- vi. It is submitted that this respondent's patta land is huge in size to an extent of around 45 acres which will easily satisfy 300 meters radius as stipulated in the statute. So allegation of splinter stone from this respondent's quarry falling on the roof of the villagers are false.
- vii. It is submitted that no report has been made so far as regard to the animals getting hurt due to the quarrying activity and nothing of that kind happened.

- viii. It is submitted that this respondent is leased with hillock quarry which is 50 meters above the ground level. No quarrying is done so far below the zero point that is ground level. So question of ground water level getting disturbed is completely false.
- ix. It is submitted that this respondent is engaged in doing agriculture by using organic methods in a vast area of 40 acres. No crop of this respondent got spoiled so far. No dust is emitted from the quarry of this respondent.
- x. It is submitted that as per the report of 10th respondent it is clear that no habitats reside in patta land within 300 meters from the quarry and crusher of this respondent.
- xi. It is submitted that effective steps were taken by this respondent and hence noise or dust never emit from the quarry. Entire machines and conveyors re closed by using tin sheets as specified in the rules.
- xii. It is submitted that there is no bar to use the public roads. Statute doesn't impose condition to lay private road to drive vehicles from the crushing unit.
- xiii. It is submitted that quarry operations are done strictly within the stipulated time as described in rules.
- xiv. It is submitted that morethan sufficient measures are taken by this respondent to reduce the emission. This respondent maintains adequate area of green belt to control pollution.

Hence it is therefore prayed that this tribunal may dismiss the application with cost and thus render justice.

Dated at Salem thus the 30th day of July 2022.


Counsel for 14th Respondent

For GIRI SAHAJANYA PROJECTS

K - S K - 7 7

K SELVAKUMAR
Managing Partner
14th Respondent

VERIFICATION

I K. Selvakumar, S/o Late S. Kandasamy partner of 14th respondent company
M/s Giris Sahajanya Projects do hereby verify and confirm the contents made
in the counter are true and correct.

Verified at Salem on 30th day of August 2022

*Solemnly affirmed & signed
at Salem before me on
30.07.2022.*

For GIRI SAHAJANYA PROJECTS

K - S K - 7 7

K SELVAKUMAR
Managing Partner
14th Respondent

[Signature]
M.S. No. 1187/2001
(D.R. Sivakumar)

D.R. SIVAKUMAAR, B.A., B.L.,
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... Respondents

COUNTER FILED BY 14th RESPONDENT

Dated at Salem 30th July 2022

M/s Rm.Venkatesh
Umayal

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