

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI BENCH.

O.A No. 211 OF 2021

P. Palaniappan

...Applicant

-Vs-

The Ministry Of Environment,
Forest and Climate Change
& Ors

...Respondents

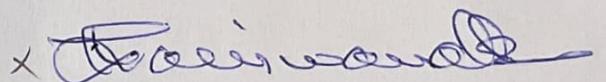
COUNTER FILED BY THE 13th RESPONDENT:

The address for service of notices on the 13th Respondent is that of its Counsels M/s Mr. T.S BASKARAN & MOHAMMED IRFAN ALI having Office at No.14/1, Kamatchipuram, 1st Street, West Mambalam, Chennai – 33. (advocatebaskaran@gmail.com)

1. It is submitted that the 13th Respondent viz., Sri Vijayalakshmi Blue Metals herein specifically denies all the averments as false except those that are admitted hereunder.

2. The present Application filed seeking directions against this Respondent and other private Respondents for alleged illegal quarry and recovery of compensation and for other reliefs is per se not maintainable and liable to be dismissed.

3. It is submitted that the 13th Respondent was issued with a license for quarrying in Survey No. 219(Part) of Masinaickenpatti Village of Salem District in the year 2009. The period of license was from 2009 to 2019. This Respondent carried out the quarrying operation in the above-said land by following all legal norms as prescribed. Even prior to the expiry of the license period, this Respondent had discontinued the quarrying operation in view of

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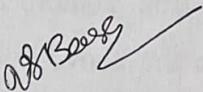
the various enactments. Hence, the allegations of the Applicant with regard to illegal quarrying as against this Respondent are false and made for the purpose of filing this application for personal gains.

4. It is reiterated that this Respondent had stopped the quarrying operation well prior to the expiry of the license and therefore the allegation that this Respondent is still carrying on the quarrying operation without following the legal norms is false and incorrect. Further, the general accusation made by the Applicant that in view of the quarrying operation resulting in serious environmental degradation is also false as against this Respondent.

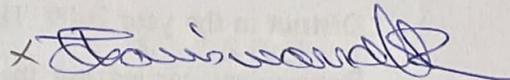
5. It is submitted that the Applicant's allegation in their notice to the officials that we continue to carry out quarry operation even after the expiry of the license period and in support of the same they produce payment of electricity charges is misconceived. The electricity charges paid is not in respect to quarry operation but were for the use of other works. Hence, this Respondent cannot be liable on any ground to the allegations of the Applicant. Further, this Respondent cannot be held liable for alleged compensation as demanded by the Applicant. This Application is liable to be dismissed as not maintainable.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the Application with exemplary cost and thus render justice.

Dated at Salem on the 13th day of February 2022.



Counsel for 13th Respondent

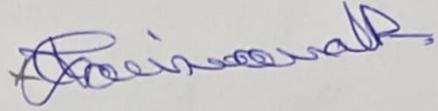


13th Respondent

VERIFICATION:

I, T. Kasiviswanathan, S/o Thangavel, the Proprietor of the 13th Respondent Firm viz., Sri Vijayalakshmi Blue Metals, do hereby verify and state that what are all stated above in para 1 to 5 are true and correct to the best of my knowledge and belief.

Verified at Salem on the 13th day of February 2022.



13th Respondent

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COUNTER FILED BY THE 13th RESPONDENT

Chennai

Dated: 13/2/2022

M/s T.S Baskaran

Mohammed Irfan Ali

Counsels for 13th Respondent

advocatebaskaran@gmail.com