

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTH
ZONE) SITTING AT CHENNAI**

Application No. Of 2021

**BETWEEN
MR.C.RAJAMANI,
S/O.Mr.Chidambaram,
No.12/61, 1st Street,
Kamaraj Avenue,
Adyar,
Chennai – 600 020.**

.... Applicant

AND

**The Tamilnadu Pollution Control Board,
Rep.By Its Chairman,
No.76, Anna Salai, Guindy,
Chennai – 600 032 & Others**

.... Respondents

**COUNTER AND COUNTER CLAIM OF 6th AND 7th
RESPONDENT**

It is submitted that the property in survey no. 186/4 comprising of 29 cents was bought by Yesudhasan who is the father of the 6th and 7th respondent from one Chidambaram Nadar through sale deed registered at Kottaram sub registrar office as document no. 5199/1992 dated 13.7.1992. Subsequently Yesudhasan conveyed the above said property through settlement deed to his three son's namely Sornappan (14½ cents), Madhavan (7¼ cents) and Edwin John (7¼ cents) and they hold joint patta in their names for the said property.

It is submitted that out of the 29 cents 1.4 cents of land was taken for four way road and 27.6 cents were changed to survey no. 186/4A. The said property is vacant land and 12 cents of area in the said property is comprised of rocks. So

in order to construct house in the said property the 6th respondent gave an application to the District Collector, Kanniyakumari District on 30.11.2016 to remove the rocks from the property for constructing the house. The 7th respondent along with Edwin gave an application to the District Collector, Kanniyakumari District to remove the rocks from the property in the year 2017.

It is submitted that the District collector forwarded the applications to the Thasildar, Agastheeswaram and Deputy Director Geology and mining department for report.

It is submitted that A1 notice was affixed at the Kulasekarapuram village office for any objections to the applications made for removing the rocks and no objections were made by the public.

It is submitted that through consent deed dated 15.09.2021 the 7th respondent and Edwin John conveyed no objection for granting permission in the name of the 6th respondent for removing the rocks in the said property.

It is submitted that based on the report provided by the Thasildar, Agastheeswaram and Deputy Director Geology and mining department the District Collector gave permission in the name of the 6th respondent by order (e.f.vz;: 15/g [kR /2017) dated 16.09.2021 to remove 1333 unit of rocks from the said property by using Chisel and machinery after paying appropriate fees and following the rules and regulations mentioned in the order from 20.09.2021 to 19.10.2021.

It is submitted that as per the order of the District Collector the 6th respondent paid Rs.1,07,085/- (Rupees one lakh seven thousand and eighty five only) as fees and all the precautionary measures were taken and proper net fencing was made around the property and 550 units of rocks were removed

from the property by using Chisel and machinery without causing any environmental pollution within the time prescribed in the order of the District Collector.

It is submitted that the removed rocks were transported for putting up seawall after getting transport permit and dispatch slip from the department of Geology and mining.

It is submitted that no explosives were used to remove the rocks and the rocks were removed only for the construction of house in the said property.

It is submitted that the 6th and 7th respondent are not aware of any petition send to the Honourable President of India and other authorities by the applicant. The people whose signatures present in the copy of that petition produced by the applicant before this tribunal are not the residents surrounding the said property.

It is submitted that no Police Complainant was made against the 6th and 7th respondent for removing the rocks from their Patta Land. The area surrounding the said property from where the rocks were removed is vacant land and there is no dwelling place near the said property apart from the houses of the 6th respondent, 7th respondent and Edwin John. There is no Government Poramboke Land surrounding the said property.

It is submitted that no environmental pollution was caused by the 6th and 7th respondent by removing the rocks from the said property. The rocks were removed by following the procedure laid down in the order granted by the District Collector in a safe manner.

It is submitted that now the rocks has been removed as per the order of the District Collector from the said property and no quarrying is going on as mentioned by the applicant.

It is submitted that an FIR was registered against the applicant of this case and some other persons at Thenthamaraikulam Police Station in Crime No.260/2015 under sections 147, 148, 447, 294(b), 307, 427 and 506(ii) of IPC on 20.06.2015 for assaulting the 6th respondent and trying to kill him with petrol bomb. So this application is filed by the applicant stating false allegations and averments due to his personal vengeance against the 6th and 7th respondent. This application is filed before this tribunal only to harass the 6th and 7th respondent.

It is submitted that the applicant of this case was given compulsory retirement in the year 2009 while he was working as manager at Tamilnadu warehousing corporation.

It is submitted that the applicant is a habitual offender and the applicant is having two criminal cases registered against him in Crime No. 362/2012 and 118/2013 at Thenthamaraikulam Police Station, Kanniyakumari District. The applicant has filed this application before this tribunal with ulterior motive of harassing the 6th and 7th respondent.

Hence it is humbly prayed that this honourable tribunal may pass an order directing the applicant to pay Rs.5,00,000/- each for the 6th and 7th respondent as damages for filing this vexatious application stating false allegations and averments and dismiss the application filed by applicant and thus render justice.

Dated at Chennai on this the 22nd day of December 2021


25/59/17.

Counsel for Applicant

**BEFORE THE NATIONAL GREEN
TRIBUNAL (SOUTH ZONE)
SITTING AT CHENNAI**

Application. No. 216 / 2021 (S2)

Mr.C.RAJAMANI,
S/O.Mr.Chidambaram,

...Petitioner

Versus

The Tamilnadu Pollution Control
Board,
Rep.by Its Chairman,
No.76, Anna Salai, Guindy,
Chennai – 600 032 & others

.... Respondent/Complainant

**COUNTER AND COUNTER CLAIM
OF 6th AND 7th RESPONDENT**

M/s.

J.P.RAJESH 614/2001
S.DHINESH 1153/2011
M.SUBRAMONIAN 2380/2014
B.ANNAMALAI 3559/2017
I.T. JAYASHREE 3282/2015

**Counsel for Respondent 6 & 7
(M)-7200095498**