

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), SITTING AT
CHENNAI
OA No. 223/2021(SZ)**

1. S.Somasekar Seshachalam
S/o. V.Seshachalam
1/24, Middle Street,
Kaverirajapuram, Tiruvallur
Tamil Nadu 631 210
Phone:- 9790971141
Email:- sasidaransubramani@gmail.com

.....Applicant

-Vs-

1. The Ministry of Environment, Forest and Climate Change,
Rep. by its Secretary of
Jor bagh, Lodhi Colony,
New Delhi, Delhi 110003
Phone:- +91 11 24695262
Email:- secy-moef@nic.in
2. The Member Secretary
State Environment Impact Assessment Authority
No.1, Panagal Maligai Building, 3rd Floor,
Jeenish Road, Saidapet, Chennai – 600 015.
Phone:- 044 – 2435 9973
Email:- seiaamstn@gmail.com
3. The Secretary, Industries Department of
Commissionerate of Industries and Commerce,
SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate
Guindy, Chennai – 600 032.
Phone:- 044 – 2250 5011
Email:- indcom@tn.gov.in, indcomchn@gmail.com
4. The District Collector,
Tiruvallur,
Tiruvallur District, Pin code – 602 001.
Phone:- 044 2766 1600
Email:- [collrtr\[at\]nic\[dot\]in](mailto:collrtr[at]nic[dot]in)

M-B. Jee

Secretary
SIDCO Corporate Office
Industrial Estate
Kakkanad - 602 003

5. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai – 600 032.
Phone:- 044 – 2235 3134
Email:- tnpch-chn@gov.in
6. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
1st Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai – 600 058
Tiruvallur District
Phone:- 044 – 2688 0130
Email:- deeambattur@gmail.com
7. Tamil Nadu Small Industries Development Corporation limited
Rep by its Chairman / Managing Director,
TANSIDCO, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.
Phone:- 044 – 2250 1461
Email:- ho.sidco@nic.in
8. TANSIDCO Regional Office,
Branch Manager, Kakkalur,
Ramapuram Putlur Road,
Kakkalur Industrial Estate,
Tiruvallur, Tamil Nadu 602 003
Phone:- 044 – 2766 5310
Email:- bmkkllrsidco@nic.in

..... Respondents

COUNTER AFFIDAVIT FILED BY THE 8th RESPONDENT

I, M.D.Jayakumar, S/o.M.R.Deenen,Hindu, aged about 59 years,
working as Branch Manager, Kakkalur, Tamil Nadu Small Industries

M - B. 
Branch Manager
SIDCO Branch Office
Industrial Estate
Kakkalur - 602 003

Development Corporation Limited, TANSIDCO Industrial Estate, Kakkalur do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am working as the Branch Manager, Kakkalur in the Tamil Nadu Small Industries Development Corporation Ltd., (herein after referred as TANSIDCO) and as such I am well acquainted with the facts of the case from the available records, I am swearing this Counter Affidavit in my official capacity and on behalf of the 7th respondent also herein as I am authorised to do so.

2. At the outset, I deny all the averments contained in the affidavit filed in support of the Original Application except those, which are specifically admitted by me herein. I reserve the right to file additional Counter Affidavit if additional facts are made available, at a later stage.

3. The Hon'ble Minister for Rural Industries has announced for the formation of Industrial Estate in four places by TANSIDCO Viz, Manaparai [Trichirapalli] Kaverirajapuram [Thiruvallur], Kodur [Chingalpattu] and Sakkimangalam [Madurai] in floor of the Assembly on 02.09.2021, during the Budget Session of 2021-22. Based on this announcement, the District Collector, Thiruvallur has been contacted for alienation of suitable land at Kaverirajapuram for formation of Industrial Estate. Based on the details / records furnished by the Revenue officials, LPS (Land Plan Schedule) has been sent to the District Collector, Thiruvallur to a total extent of 145.98 acres of land classified as Anadeenam and Patta in Survey Nos. 240, 241, 247/1, 247/2, 331, 369/2, 369/11, 369/1H vide TANSIDCO Letter No.7918/N1/2021 dated 03.09.2021. In turn, the District Collector, Thiruvallur has requested the RDO, Thiruvallur to take necessary

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Branch Manager
SIDCO Industrial Estate
Kakkalur - 605 003

action to send the alienation proposal and report the fact, vide their Letter No. 25154/2021/A1/21 dated 29.09.2021.

In order to ascertain the boundaries and suitability of lands for the formation of Industrial Estate, the site inspections have been conducted by both the officials of TANSIDCO and Revenue Department. During inspection, some thorn plants are found in the land, in order to verify the boundaries these thorn plants were removed with the help of JCP by the revenue officials.

The Tahsildar, Tirutani in his letter dated 19.11.2021 has informed that Anadeenam land of 143.78 Acres and Patta land of 2.20 Acres totaling to 145.98 Acres which is proposed to alienate for forming the Industrial Estate have no forest lands. During the time of inspection officials of Revenue and TANSIDCO are also not found such forest trees in the identified land except some thorny plants and bushes here and there.

4. With regards to the averments made in para 1 of the affidavit, even though the petitioner and others doing agriculture activities in the premises as per the land records they are encroaching the Government land and enjoying it for a longer period. Based on the records produced by the Taluk officials, lands situated at Survey Number 369/2 to an extent of 9.53.5 Hectare / 23.55 acres are classified as Anadeenam. As a encroacher he can not made any claim as a right on a Government land and he has no locus standi to file a NGT case with personal interest in this land.

3. With regard to the averments made in para 2 of the affidavit, based on the feasibility study report, an announcement was made in the floor of Assembly and moreover TANSIDCO never entertained any

M. S. Jey
 Director
 SIDCO
 Industrial Estate
 Kallur - 605 003

Red category (Highly Polluting Industry) industries in its Industrial Estates, Hence the averments made by the petitioner for high polluting Industry will established does not arise.

6. I submit that the averments made in para 3 of the affidavit, to implement the announcement made on the floor of Assembly, the above said land has been identified and LPS also sent from TANSIDCO to the District Collector, Tiruvallur vide letter No.7918/N1/2021 dt.03.09.2021 to an extent of 59.10.00 Hectors (145.98 acres) at Kaverirajapuram, Tiruttani Taluk. Subsequently it has been forwarded to RDO, Tiruvallur to send the alienation proposal as per the procedure to be followed.

7. I further submit with regards to the averments made in para 4 of the affidavit, in order to implement the scheme as announced in the floor of the assembly by the Hon'ble Minister for Rural Industries on 02.09.2021, the thorn plants grown in the proposed land were cleared properly.

8. I submit that the averments made in paras 5 to 11 of the affidavit, TANSIDCO as a responsible Government organisation functioning under the MSME Department, Government of Tamil Nadu at any cost does not allow any red category Industry in any of its Industrial Estate developed and also to be developed. Hence, the question of polluting the area does not arise. Moreover, Kaverirajapuram is most backward area in the Tiruttani Taluk, Tiruvallur District and hence in order to generate more employment to the educated, skilled, semiskilled, unskilled and uneducated people and also to help the economical upliftment of weaker section of the people in the said area this scheme has announced. Hence it can be understood that environment factor is taken care by way of selecting

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Principal Engineer
SIT, Tiruvallur Office
Tiruvallur-602 003

only green and white category by leaving Green area as OSR area as per statutory norms and there is no water channel / water way / water courses in the area identified for the formation of Industrial Estate as alleged by the petitioner. Therefore, the water channels and its courses like odai will not be affected in any way by forming this Industrial Estate. Further, any archaeological importance sites will not be considered for the formation of any industrial area and if there is any, the same will be excluded. Hence, the allegations made by the petitioner is baseless. Also, it is stressed that any agriculture land and farms around the Industrial Estate will not be affected by implementing the scheme as no polluting Industries and water consuming industries will not be allowed in the Industrial Estate. Hence, the question of ground water deficit as alleged out by the petitioner will not arise. Further, there is no such social forest and wildlife presence in the identified area during the time of inspection and also the same has been certified by the revenue officials. As TANSIDCO is an organization of Government of Tamil Nadu, it will follow all statutory norms including environmental factors and the Pollution Control Board Norms, the feasibility study before selecting this land for establishing an Industrial Estate has been conducted in depth and then only it was decided to form an Industrial Estate at Kaverirajapuram for the upliftment of weaker section in the said area of that locality.

9. I further submit that the averments made in para 12 of the affidavit, the object of TANSIDCO is to promote MSME Sector throughout the state of TamilNadu and to generate employment in the backward areas. Based on the announcement made in the Floor of Assembly to form an Industrial Estate in the backward area, this land

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Branch Manager
SIDCO Branch Office
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has been identified in the Thiruvallur district for formation of an Industrial Estate at Kaverirajapuram, Tiruttani Taluk.

At the outset, the lands identified for formation of industrial estate in Survey Nos.240, 241, 247/1, 247/2, 331, 369/2, 369/1L, 369/1H to an extent of 59.10.0 Hectare (145.98 acres) which are classified as Anadeenam and Patta land. There is no land area in and around the identified area are classified as 'FOREST' in the Village Accounts and revenue records. As there is no Industrial Estate in Thiruthani Taluk, this backward region is identified and chosen for forming an Industrial Estate by District administration and TANSIDCO.

10. I further submit that the RDO, Thiruthani in her report, dated 17.12.2021 has stated that the land to be alienated to SIDCO for the formation of Industrial Estate at Kaverirajapuram in the Survey Nos.240, 241, 249/1, 247/2, 331, 369/2, 369/1A, 369/1H out of the above said Survey Nos an extent of 23.55 acre of land in survey No.362/2 and 331 for 10.30.0 hectare were only some thorn plants are found which were removed and 5.69 acre of land in survey No.376 which has been leveled to implment the announcement.

11. Therefore, we pray before the Hon'ble forum to dismiss the Original Application in order to form an Industrial Estate at Kaverirajapuram and thereby to bolster to the development of entire most backward and socio-economic status of the local people may also improved.

The allegation of the petitioner is appeared that it is not for public interest. As he want to protect the land classified as Anadeenam which he do some agriculture activity by way of encroaching. In the cover of public interest, he wants only to protect his personal interest. Further, it

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 District Engineer
 State Industrial Development
 Corporation
 Tiruvallur District
 Kaverirajapuram
 TAMIL NADU - 602 003

is humbly submitted that he is not having any locus standi in this case as he claimed personal gains on the identified lands in Survey No.369/2 which is classified as Anadeenam.

Under these circumstances, it is humbly prayed before this Honorable Forum to consider the above facts and may be pleased to dismiss the Original Application with exemplary costs, as devoid of merits and lacking in bonafides and pass such further order or orders as this Hon'ble Forum (National Green Tribunal, (South Zone), Chennai) may deem fit and proper in the said circumstances of the case and thus render justice.

Solemnly affirmed at Chennai on }
 this 21st day of December, 2021 }
 and signed his name in my presence }

M-B. Jee
 Branch Manager
 SIDCO Branch Office
 Industrial Estate
 Kallakur - 602 003

BEFORE ME

Voharath'1106/90
 355, Law Chambers
ADVOCATE, CHENNAI