

## BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), SITTING AT

CHENNAI

OA No. 223/2021(SZ)

1. S.SomasekarSeshachalam  
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  
Jorbagh, 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, PanagalMaligai Building, 3<sup>rd</sup> 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

M -B. Jeeu  
Branch Manager  
SIDCO Branch Office  
Industrial Estate  
Kakkalur - 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](mailto:tnpch-chn@gov.in)
6. The District Environment Engineer,  
Tamil Nadu Pollution Control Board,  
1<sup>st</sup> Floor, 77-A, South Avenue Road,  
Ambattur Industrial Estate, Chennai – 600 058  
Tiruvallur District  
Phone:- 044 – 2688 0130  
Email:-[deeambattur@gmail.com](mailto: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](mailto:ho.sidco@nic.in)
8. TANSIDCO Regional Office,  
Branch Manager, Kakkalur,  
RamapuramPutlur Road,  
Kakkalur Industrial Estate,  
Tiruvallur, Tamil Nadu 602 003  
Phone:- 044 – 2766 5310  
Email:-[bmkklr sidco@nic.in](mailto:bmkklr sidco@nic.in)

..... Respondents

**ADDITIONAL COUNTER AFFIDAVIT FILED BY THE**

**8<sup>th</sup> 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. *Jey*  
Branch Manager  
SIDCO Branch Office  
Industrial Estate

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 Additional Counter Affidavit in my official capacity and on behalf of the 7<sup>th</sup> respondent also herein as I am authorised to do so.

2. In this regard, it is submitted that overall procedure followed in the proposal of land alienation are listed as follows:-

- i) The requesting body [in this case TANSIDCO] has to send the Land Plan Schedule (LPS) to the concern District Collector (here it is District Collector, Tiruvallur).
- ii) Based on the Land Plan Schedule, the District Collector will survey the land for measuring an extent and fixing the boundaries along with the surveyor team and revenue officials, if necessary the requesting body also will assist for the same.
- iii) After the survey, the District Collector will send a land alienation proposal to the Government through Commissioner of Land Administration.
- iv) Commissioner of Land Administration has to scrutinize the proposal along with reports of District Collector and Surveyor.
- v) After scrutinizing the same, he will send the proposal to Government (Revenue Department) to issue orders on the land alienation proposal.
- vi) On perusing all the records, the Government will issue orders for land alienation.

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

- vii) Based on the orders of the Government, the requesting body (TANSIDCO) has to pay the amount as per the conditions laid down in the G.O.
- viii) On receipt of payment from the requesting body, Government will issue the enter upon permission for the said premises.
3. It is submitted that the procedures followed by TANSIDCO for the formation of Industrial Estate are listed as follows:
- i) Based on the Government announcement, representation of people, demand from MSMEs and potential requirement of Industrial Estate, TANSIDCO will identify the availability of land by requesting Tahsildar of the said locality.
- ii) After identifying the land with the help of Tahsildars, TANSIDCO send a Land Plan Schedule to the District Collector for initiating the Land alienation proposal.
- iii) At the same time in order to ascertain the feasibility of the said land for the formation of Industrial Estate like land condition, transport facility , water facility and others, TANSIDCO itself analyze the said land by its official or with the help of private consultancy agencies.
- iv) Based on the report, TANSIDCO will decide upon the formation of Industrial Estate on the said premises by developing the same.
4. It is submitted that Thiru. V.G. Rajendiran Member of Legislative Assembly for Tiruvallur has requested the Hon'ble Minister for

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

MSME vide Lr.No.61/MCR.17/2021 dated 17.07.2021 to form an Industrial Estate in Thiruvallur block, Tiruvallur District. In continuation of the said letter he, himself inspected the land situated in Kaverirajapuram village with Revenue officials and based on the inspection, Special Tahsildhar land submitted her report to TANSIDCO for the formation of Industrial Estate in the above location.

5. It is further submitted that Hon'ble Minister of MSME has announced on the floor of assembly that an Industrial Estate will be formed in the Tiruvallur District on 02.09.2021.
6. It is submitted that, as stated in the aforesaid paragraph No.2, TANSIDCO has sent a Land Plan schedule (LPS) to the District Collector, Tiruvallur on 03.09.2021 for the lands measuring an extent of 145.98 acres in different survey numbers. On receiving the same, the District Collector, Tiruvallur has instructed Revenue Divisional Officer, Thiruthani vide his Lr.No.25154/2021/B1, dated 29.09.2021 to take necessary action on the Land Plan schedule and to send a detailed report to the District Collector. In order to send the land alienation proposal, the Revenue officials have inspected the said land on 07.10.2021.
7. It is submitted further that formation of new Industrial Estate in Tiruvallur district is the announcement of the Hon'ble Minister on the floor of Assembly. In order to avoid the delay in the formation of Industrial Estate officials of TANSIDCO also joined together with the Revenue officials on 07.10.2021 to verify the

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

feasibility of land for the formation of Industrial Estate. The entrant lands comprised in survey No.369/2 and 331 itself has some bushes spread over here and there and boundaries could not be identified since we could not enter into the schedule lands leave alone for surveying the same by Revenue Officials / survey officials during inspection.

8. It is submitted that, TANSIDCO has requested the District Revenue Officer, Tiruvallur to instruct the Revenue Divisional Officer, Thiruthani to make necessary arrangements to mark the proposed land area by fixing boundaries as per revenue records vide letter No.7918/N1/2021, dated: 08.10.2021 in order to ascertain the feasibilities.
9. It is submitted that the Revenue Divisional Officer, Thiruthani in her letter No.001/2021/A1, dated.17.12.2021 has stated that in order to survey the lands and mark the boundaries the bushes were cleaned by the Taluk Officials by using JCB in the land comprised in survey No.369/2 measuring an extent of 23.55 acres .
10. As per combined sketch of Kaverirajapuram, the proposed land for the formation of industrial estate classified as Punjai Anadeenam which commences from survey No.369/2 and then 331, 247/1, 247/2, 241, 240. Hence the Revenue officials cleaned the thorny bushes by starting from Survey No. 369/2 to fix the boundaries.

M - B. *[Signature]*  
Branch Manager  
SIDCO Branch Office  
Industrial Estate  
Kakkalur - 602 003

11. It is further submitted that in the meantime Thiru. S. Somasekar Seshachalam, Kaverirajapuram has filed a case before the National Green Tribunal (South Zone) Chennai in OA No. 223/2021 objecting the formation of Industrial Estate in the said Survey Nos. As per the orders of the Hon'ble National Green Tribunal dated 01.11.2021, the Joint committee consisting of 7 officials have inspected the said land and submitted their report on 25.11.2021. In the said report it was confirmed that the bushes alone were cleaned and no trees were uprooted by the Revenue officials as extracted below:

"It is submitted that thorny bushes in the proposed SIDCO site at SF. No. 369/2 (Approximately 23 acres) alone were cleared for ascertaining the boundaries of the proposed SIDCO Industrial park and no Construction was observed by the Committee in the proposed project site.

Further it is submitted that since thorny bush clearing work was carried out by the revenue authorities to ascertain the boundaries of the proposed SIDCO site, obtaining Consent to Establish from TNPCB for the proposed project activity by TANSIDCO does not arise at this stage."

12. It is submitted that the proposed lands were classified as Punjai Anandenam lands in the revenue records. Therefore the same has been recommended for alienation proposal as Punjai Anadeenam lands are vested with the Government

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

that is, the Tahsildar, Thiruttani and his team have cleared the bushes merely for the purpose of surveying the land and its boundaries.

13. In the said circumstances, the averment made by the petitioner that the TANSIDCO has entered the site and started cleaning the land is false and frivolous. TANSIDCO was only accompanying the Revenue officials to find out the feasibility of the lands for the formation of Industrial Estates at Tiruvallur.

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 bonafide 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 day of January, 2022}

and signed his name in my presence }

M. B. Boel  
Branch Manager  
SIDCO Branch Office  
Industrial Estate  
Kakkalur - 602 003  
**BEFORE ME**

**ADVOCATE, CHENNAI**