



**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTH ZONE AT CHENNAI**

Application No.240 of 2021.

Mr. R. Muthukumaran,  
S/o. P. Ramadas,  
Residing at 439/D1,  
New Housing Unit,  
Ponnavarayankottai,  
Pattukottai Taluk,  
Thanjavur District,  
Phone.No.9750385000  
Email.ID: muthupon53@gmail.com .....Petitioner

-Vs-

1. The District Collector,  
Thanjavur.
2. Revenue Divisional Officer,  
Pattukottai.
3. The Executive Engineer,  
Water Resource Department,  
Grand Anicut Canal Division,  
Thanjavur.
4. The Block Development Officer,  
Thanjavur.
5. District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Thanjavur.
6. Mrs. Geethanjali,  
W/o.Elamurugan,  
Pattukottai,  
Thanjavur. ....Respondents

E. S. S. S. S. S.

COUNTER AFFIDAVIT FILED BY THE 6<sup>TH</sup> RESPONDENT

I, Mrs. Geethanjali, W/o. Elamurugan, aged about 46 years, residing at No.202, Ponnalarayankottai village, Pattukottai Taluk, Thanjavur District, having temporarily come down to Chennai do hereby solemnly affirm and sincerely state as follows:-

1. I state that I currently hold the post of Panchayat President, Ponnalarayankottai village of Pattukottai Taluk and also the 6<sup>th</sup> Respondent herein and as such I am well acquainted with the facts and circumstances of the case.

2. I state that I have read the application along with the supporting affidavit and I respectfully deny each and every allegation and the Applicant is put to the strict proof of the same. The absence of any denial either specific or generic will not constitute admission on part of the 6<sup>th</sup> Respondent and the Applicant is put to strict proof of the same.

3. I state that the applicant has filed the above application with a prayer to restrain the 6<sup>th</sup> Respondent from quarrying for the sand in Pudukulam Tank located at Ponnalarayankottai Village of Pattukottai Taluk in Thanjavur District and to direct the 5<sup>th</sup> Respondent to assess Environmental Compensation to be paid by the 6<sup>th</sup> Respondent for the damage caused to the environment and to direct 1<sup>st</sup> to 5<sup>th</sup> Respondent to carry out the

E. Geethanjali

remedial measures of the Pudukulam Tank and to restore it at the cost of the 6<sup>th</sup> Respondent.

4. I state that the Pudukulam Tank is situated in Ponnavarayankottai Village, Pattukotai Taluk, Thanjavur District. I further state that the Ayacutdars of Pudukulam Tank, Ponnavarayankottai Village got permission from the Tahsildar of Pattukottai to take soil from the said Tank and as such the Tahsildar granted permission vide letter No.Na.Ka.No.3559/A6/2020 dated 10.06.2020 for 28 beneficiaries including myself and my husband.

6. I state that I was carrying out the desilting activities in the abovementioned Tank without causing any impact to the environment and by following a guideline issued by the Assistant Engineer dated 01.06.2020.

7. I state that at this juncture it is pertinent to take a note of the Writ Petition filed by one Mr.S.Chakravarthy bearing a W.P.(MD)No.12678 of 2020 in which the prayer stood as below " Writ of Mandamus directing the Respondents 1 to 5 to take necessary actions to prosecute the 7<sup>th</sup> Respondent under Rule 36A of Tamil Nadu Minor Minerals Concession Rules,1959 as per the Petitioner's representation dated 26.08.2020."

8. I further state that the Division Bench of the Hon'ble High Court Madurai Bench while dismissing the above Writ Petition

E. S. Chakravarthy

observed in Para 3 of the order as follows *"We find from the said representation that there is absolutely no details. But, we are able to prima facie come to the conclusion that there is rivalry caused due to election for the local Panchayat. We have also perused the counter affidavit filled by the Executive Engineer, PWD/WRO, Grand Anicut canal division, Thanjavur and we find that for the purpose of desilting, the farmers and the public were permitted to take soil free of cost using poclain machinery, which is supervised by the Engineers of the Public Works Department and there are several beneficiaries including the 7<sup>th</sup> Respondent and her husband. The details regarding how many loads of soil were taken and the quantum of soil desalted are given in the counter affidavit. Apart from that, the Assistant Engineer passed an order dated 01.06.2020, listing the conditions for desilting and of the conditions is that the soil should not be removed beyond 3 feet."*

9. I state that from the above-mentioned observation of the Division Bench of the Hon'ble High Court Madurai Bench it is clear that the allegations made by the Petitioner in the aforesaid Writ Petition is frivolous and only with a malafide motive it was instituted. Moreover, the present Applicant in the application has also made the same allegation against the 6<sup>th</sup> Respondent herein, which is also instituted purely with an ulterior motive and because of the rivalry between them due to local body election.

10. I state that the present application has been made by the applicant only with a vested interest and because of the antagonism between the Applicant and the 6<sup>th</sup> Respondent.

உதயசுந்தரன்





**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTH ZONE AT CHENNAI**

Application No.240 of 2021.

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Residing at 439/D1,  
New Housing Unit,  
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Pattukottai Taluk,  
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.....Petitioner

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1. The District Collector,  
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Water Resource Department,  
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4. The Block Development Officer,  
Thanjavur.
5. District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Thanjavur.
6. Mrs. Geethanjali,  
W/o. Elamurugan,  
Pattukottai,  
Thanjavur.

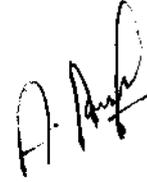
.....Respondents

**TYPED SET**

S.No	Date	Particulars	P.No
1.	28.06.2021	Order Passed by the Division Bench of the High Court Madurai Bench in W.P.(MD)No.12678 of 2020	1-4

It is certified that above document is true xerox copy of the respective original.

Dated at Chennai on this the <sup>9<sup>th</sup></sup> day of July 2022.



Counsel for 6<sup>th</sup> Respondent



W.P.(MD)No.12678 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 28.06.2021

CORAM

**THE HONOURABLE MR.JUSTICE T. S. SIVAGNAM  
AND  
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**W.P.(MD)No.12678 of 2020**

S.Chakravarthi

... Petitioner

Vs.

- 1.The District Collector,  
Thanjavur.
- 2.The Sub Collector,  
Pattukottai.
- 3.The Tahsildar,  
Pattukottai.
- 4.The Executive Engineer,  
Public Works Department,  
Kalanai Irrigation Canal, Pattukkottai,  
Thanjavur.
- 5.The Block Development Officer,  
Block Development Department,  
Pattukkottai, Thanjavur.
- 6.The State Represented by  
Inspector of Police,  
Pattukkottai Taluk,  
Thanjavur.
- 7.Geethanjalai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 1-5 to take necessary action to prosecute the 7<sup>th</sup> Respondent under Rule 36A of Tamil



Nadu Minor Minerals Concession Rules, 1959 as per the petitioner's representation dated 26.08.2020.

For Petitioner : No appearance

For Respondent Nos.1 to 6 : Mr.A.K.Manickam  
Standing Counsel for Government

For Respondent No.7 : Mr.P.Ganapathi Subramanian

\* \* \* \* \*

**ORDER**

**(Order of the Court was made by T. S. SIVAGNAM, J.)**

None appears for the petitioner.

2.The petitioner, by way of this Public Interest Litigation, seeks for a direction upon the respondent Nos.1 to 5 to take necessary action to prosecute the 7<sup>th</sup> Respondent under Rule 36A of Tamil Nadu Minor Minerals Concession Rules, 1959 by considering the petitioner's representation dated 26.08.2020..

3.We find from the said representation that there is absolutely no details. But, we are able to *prima facie* come to the conclusion that there is rivalry caused due to election for the local Panchayat. We have also perused the counter affidavit filed by the Executive Engineer, PWD/WRO, Grand Anicut Canal Division, Thanjavur and we find that for the purpose of desilting, the

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W.P.(MD)No.12678 of 2020

farmers and the public were permitted to take soil free of cost using poclain machinery, which is supervised by the Engineers of the Public Works Department and there are several beneficiaries including the 7<sup>th</sup> respondent and her husband. The details regarding how many loads of soil were taken and the quantum of soil desilted are given in the counter affidavit. Apart from that, the Assistant Engineer has passed an order dated 01.06.2020, listing the conditions for desilting and one of the condition is that the soil should not be removed beyond 3 feet.

4. In view of the above, we do not find any merit in the Writ Petition and the same is accordingly, dismissed. No costs.

Index :Yes/No  
Internet :Yes  
sj

[T.S.S., J.] [S.A.I., J.]  
28.06.2021

***Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The District Collector,  
Thanjavur.

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W.P.(MD)No.12678 of 2020

**T. S. SIVAGNANAM, J.**  
**AND**  
**S.ANANTHI, J.**

sj

2.The Sub Collector,  
Pattukottai.

3.The Tahsildar,  
Pattukottai.

4.The Executive Engineer,  
Public Works Department,  
Kalanai Irrigation Canal, Pattukkottai,  
Thanjavur.

5.The Block Development Officer,  
Pattukkottai, Thanjavur.

6.The Inspector of Police,  
Pattukkottai Taluk,  
Thanjavur.

**W.P.(MD)No.12678 of 2020**

**28.06.2021**