

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT CHENNAI

MEMORANDUM OF APPLICATION

**(Under Sections 14 read with 18(1) of the National Green Tribunal Act,
2010)**

Application No. 245 of 2021

E.Velusamy

2/811, PallanThottam,

Kanakampaalayam

PerumaanalloorVazhi,

Tiruppur- 641 666

...Applicant

Vs.

The President

Kanakampaalayam Panchayat,

2/99A, Raja Street,

Kanakampaalayam, Tiruppur&ors

... Respondents

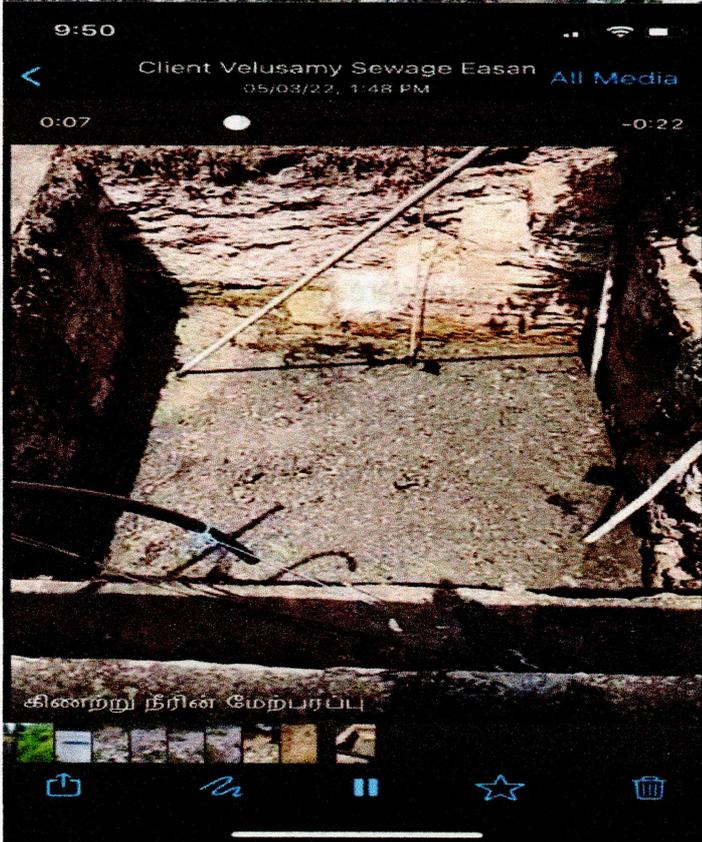
REPLY AFFIDAVIT FILED BY E.VELUSAMY

I, E.Velusamy S/o Eeshwara Moorthy Gounder, Residing at 2/811, Pallanthottham, Kanakkampaalayam, Perumaanallur, Tiruppur- 641 666 do hereby solemnly affirm and sincerely state as follows:

1. I am the applicant herein and I am aware of the facts and circumstances of the case and competent to affirm this affidavit.
2. I have read the reports and affidavits filed by the respondents and authorities in this application and wish to deny the contents of the same, except to the extent expressly admitted to hereunder.
3. The fact that sewage was discharged by the Panchayat onto my land has been admitted by the respondents. I submit that the report filed by the TNPCB clearly shows that sewage was discharged onto my land. Photographs showing stagnation of the same have been annexed with the report. However, the TNPCB's photographs do not show the status of my land after the wastewater dried up. The area where sewage was stagnated is covered

EV

with waste plastic and other garbage that was brought along with the sewage. Photographs below demonstrate the situation:



4. It is submitted that the tone and tenor of the BDO's and the panchayat president's affidavits are surprisingly combative for parties who have

admittedly discharged sewage illegally onto my lands. Their attempt to state that no damage has been caused to me since the TNPCB's report indicates that well water analysis report does not indicate serious contamination, is without merit.

5. I deny that there were proceedings initiated to acquire my lands. The legal provisions referred to in the affidavit of the Panchayat President, in an attempt to claim immunity for their illegal actions, are irrelevant in the context of the Water Act. The violation of the water act is admitted and the Panchayat Act's provisions do not extend to acts that fall outside the official functioning of the functionaries. Discharging sewage onto my lands is not part of their official duties. The damage caused to me lands is irrefutable.

6. I have not been able to use my lands for the last year during which sewage has been stagnating on my lands. I suffered from fly, mosquito nuisance. Odour nuisance was also severe. The garbage and wastes on my land is proof that I have suffered losses. My well water has an odour and is surprising that the TNPCB's report states that there is no contamination. Under the NGT Act, under Section 15, compensation can be awarded for the losses caused to me. One does not have to wait till the water is contaminated to hazardous levels.

7. I submit that I reserve my right to have samples of water and soil collected from lands and submit analysis of results for the consideration of this Hon'ble Tribunal.

8. I submit that the Panchayat has commenced the construction of vertical community soak pits and one of these pits is adjacent to my land. It is submitted that the groundwater table in our village, during years of good rainfall, is high and groundwater table is at about 25 feet. In areas like this, according to the Swatchhbharat guidelines, horizontal soak pits should be constructed in such areas and an added advantage is that treated water can be reused for agriculture. This aspect has not been noticed by the respondents.

9. It is submitted that domestic sewage is an acknowledged pollutant – therefore the need to have proper treatment and discharge systems. The



respondents have admittedly discharged sewage onto my land and caused damage, it is necessary that I be compensated for the violation committed by them. If not for the present proceedings and the orders of this Hon'ble Tribunal, they would still be continuing to discharge sewage onto my land.

It is therefore prayed that this Hon'ble Tribunal be pleased to record these submissions and pass orders as necessary and thus render justice.

Solemnly affirmed and signed his name this the
6th day of March, 2022 at Thiruppur

X 

BEFORE ME

ADVOCATE : THIRUPPUR


E. INIYA, M.L.,
ADVOCATE & NOTARY
No.20, Veerappan & Co Buildings, 2nd Floor,
Binny Compound, Kumaran Road,
Tiruppur - 641 601. Cell : 9444520757

**BEFORE THE NATIONAL
GREEN TRIBUNAL SOUTH
ZONE AT CHENNAI
MEMORANDUM OF
APPLICATION**
**Application No. 245 of
2021**

E.Velusamy
2/811, PallanThottam,
Kanakampaalayam
PerumaanalloorVazhi,
Tiruppur- 641 666

...Applicant

Vs.

The President
Kanakampaalayam
Panchayat,
2/99A, Raja Street,
Kanakampaalayam,
Tiruppur&ors

... Respondents

**REPLY AFFIDAVIT FILED
BY E.VELUSAMY**

A.Yogeshwaran
Counsel for the Applicant

 X