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BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTH ZONE AT CHENNAI
ORIGINAL APPLICATION NO. 250 OF 2020

1. S. Sekar,
S/o. Samynathan,
261, Pilliyar Kovil Street,
Solour, Ambur Taluk,
Tirupattur District 635 814.
Phone No. 962902706
Email ID: soloursekar@gmail.com
2. K. Lakshmanan,
S/o. Gowrammal,
No. 39/10, M.C. Road,
Shanankuppam Post,
Ambur, Tirupattur District 635814.
Phone No. 9994219996
Email Id: sklaxsmanan@gmail.com
3. Sankar J,
S/o. Jeganathan,
No. 76/38, N. Sivaraj Street,
Shanankuppam Post,
Ambur, Tirupattur District – 635 814.
Phone No. 9739100100
Email ID: asksankraj@gmail.com

....Applicants

VS

1. The Secretary,
Environment and Forest Departments,
Government of Tamil Nadu,
St. George Fort,
Chennai – 600 009
Phone No. 044-25671511.
Email ID: forsec@tn.gov.in
2. The Member Secretary ,
Tamil Nadu Pollution Control Board,
No. 76, Mount Road, Guindy,
Chennai – 600 032.
Phone No. 044-22353134-139
Email ID: tnpcb-chn@gov.in
3. The District Collector,
Collectorate,
Government Garden,
Tirupattur District 635 601
Phone No. 04179-222111
Email ID: coll-tpt@gov.in

4. The Joint Chief of Environment Engineer,
Tamil Nadu Pollution Control Board,
Auxillum College Road,
Gandhi Nagar, Vellore – 632 006
Phone : 0416-2242120
Email ID: tnpcbjeceevlr@gmail.com
5. The Joint Chief of Environment Engineer,
Tamil Nadu Pollution Control Board,
Vaniyambadi, 392, plot No. PP2
SIDCO Industrial Estate,
Vaniyambadi – 635 751.
Phone : 04174-224831
Email ID: tnpcb.vaniyambadi@gmail.com
6. The Assistant Director,
Geology and mining,
Vellore District.
Phone: 0416-2255383
Email ID: ddminestnvlr@gmail.com
7. The Proprietor,
M/s. G.K. Blue Metals,
T.S. No. 15/2B, Islamiah College Road,
(mail Road), New Town,
Vaniyambadi Taluk,
Tirupattur District.
Mobile No. 9445847179, 9787367179
Email ID: gkassociatevnb@gmail.com ...Respondents

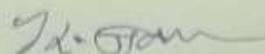
COUNTER AFFIDAVIT FILED BY THE 7TH RESPONDENT

I, K. Ganapathi, Son of Kannan, Hindu, aged about 44 years, residing at Gowndapannur villages, Mandalavadi Post, Triupattur District – 635 851, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

1. I am carrying on industry in the name of M/s. G. K. Blue Metals in T.S. No. 15/2B, Islamiah College Road, (Malai Road), New Town, Vaniyambadi Taluk, Tirupattur District – 635 814 and as such I am well acquainted with the facts and circumstances of the case.

K. Ganapathi

2. I deny the allegations made in the Memorandum of Grounds and the applicants are put to strict proof of the same. The application has been filed to achieve their private end.
3. I submit that the applicants have filed original application under section 14, 15, 16 and 17 read with Section of the National Green Tribunal Act 2010 and this Hon'ble Tribunal ordered notice to me, the 7th respondent herein. I have received the notice and connected documents relating to the case. I have gone through the documents filed in support of the application and also the averments made in the Memorandum of Grounds.
4. I submit that I have proposed to run rough stone and gravel quarry industry in the patta land and I have applied for the same on 21.08.2019 along with mining plan approved by the Assistant Director of Geology and mining, Vellore in RC.No. 120/2018 (mines) dated 19.08.2019. The state level Environment Impact Assessment Authority, Tamil Nadu in short (SEIAA- TN) after careful consideration granted clearance to mining of rough stone and gravel for a period of 5 years by order in their Letter No. SEIIA-TN/P. No. 7058 / 1(a). E.C. 4133/20220 dated 31.01.2020.
5. I submit that consent for establishment of industry was applied on 10.12.2019 and the District Environment Engineer, Tamil Nadu Pollution Control Board, Vaniyambadi granted consent order No. 2001230325459 dated 08.01.2020 upto 07.01.2024 under Section 21 of the Air (Prevention and Control of Pollution) Act 1981 and also granted consent for establishment under Section 25 of the Water (Prevention and Control of Pollution) Act, 1979 in the site in Sf No. 109/5, Solour Village, Ambur Taluk, Vellore District for the period upto 07.01.2024. I submit that the unit has complied the requirements for establishment and accordingly established.
6. I submit that the Tahsildar, Ambur has submitted his report on 09.06.2020 along with the site inspection report of Regional Deputy Tahsildar and Village Administrative Officer, Ambur, in turn District Collector, Vellore granted permission to run the quarry in the patta land in their order Na. Ka. No. 120/2019 (mines) dated 15.07.2020.
7. I respectfully submit that in and around the mining area, village people have submitted their statements in support of the mining industry.



8. I respectfully submit that as statutory requirement, I have applied for consent to operate both by Air under Section 21 of the Air (Prevention and Control of Pollution) Act 1981 and also Section 25 of the water (Prevention and Control of Pollution) Act 1975 along with necessary documents and also paid fees of Rs 2,18,000 for the same on 14.07.2020. The 5th respondents after scrutiny returned the papers on 21.07.2020 for want of certain corrections. I have re-submitted all the papers along with correction in the office in person within 4 days. I was told that the consent to operate will be issued shortly as it is under active consideration. I submit that the consent to operate is deemed to have been granted. However the 5th respondent office delayed for giving consent order. When I approached the 5th respondent office again they said that the consent to operate will not be issued, since they have received the notice from this Hon'ble Tribunal. I submit that I could not operate my unit in view of delay in issuing orders and my units has been stalled nearly six months and I put to heavy loss.

9. With regard to the averments made in the application, I deny the allegation that I have commenced the operation of quarry work by blasting the stones from 25th August 2020 and also deny the allegations that people residing around the area were objecting to the same and made complaints to Village Administrative Officer. I emphatically deny the allegation that I am using explosives to blast stones and thereby causing immense pollution, nuisance and threat to life of the inhabitants in the locality. The allegations are baseless and these allegations are made with a view to bring the case against me and to stall the quarry to achieve their goal. I respectfully submit the date commencement mentioned in para 6 is imaginary date with the object to make out cause of action. I have not violated the provisions. *Electricity supply is not given so far and machines etc for the use are installed partly.*

Y.S. Jagan

10. I respectfully submit that consent to operate mining is pending before 5th respondent for issuing. Since I have complied the requirements, the 5th Respondents is bound to issue orders of consent to operate. If the consent to operate is not issued, I will be put great irreparable loss and this Hon'ble Tribunal may be pleased to issue necessary directions to 5th Respondent to issue consent to operate.

Therefore, I pray that this Hon'ble Tribunal may be pleased to dismiss the original application with cost and thus render justice.

Solemnly affirmed at Chennai
on this day of ^{21st} feb. 2021
and signed his name in my
presence

Y.S. Jagan
Before me,

P. Pruthi 31/7/2018

Advocate, Chennai

377, New Addl Law Chambers
High Court Building, Ch-104

BEFORE THE NATIONAL GREEN
TRIBUNAL, SOUTH ZONE AT CHENNAI

O.A. NO. 250 of 2020

COUNTER AFFIDAVIT FILED BY THE
7TH RESPONDENT

M/s. G. SUGUMARAN 43/1975
R.VINOTH KUMAR 2255/2018

Counsel for 7th Respondent/Petitioner

Mobile No. 98417 88416
98402 54507