

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

Original Application No. 250 of 2020 (SZ)

S.Sekar,  
S/o Samynathan,  
261, Pillayar Kovil Street,  
Solur, Ambur Taluk,  
Tirupathur District - 635 814 & 2 others. ...Applicants

Versus

The Secretary,  
Environment and Forests Department,  
Government of Tamil Nadu,  
St.George Fort,  
Chennai- 600 009 & 6 others. ...Respondents

**OBJECTION TO THE REPORT DATED 15.06.2021**

**FILED BY 2<sup>nd</sup> ,4<sup>th</sup> & 5<sup>th</sup> RESPONDENTS.**

1. It is respectfully submitted that the application in O.A No. 250 of 2020 (SZ) was filed before the Hon'ble Tribunal with the following prayer:

*1. Order the Respondents 1 to 6 to take appropriate legal action against the 7<sup>th</sup> Respondent for the violation committed by him in conducting the Rough Stone & Gravel Quarry without obtaining Consent to Operate.*

*2. Order the 5<sup>th</sup> Respondent to take legal action under Section 19 of the Environment (Protection) Act 1986 against the 7<sup>th</sup> Respondent for his violation.*

*3. Order the 2<sup>nd</sup> Respondent to take legal action under section 43(1)(a) of the Air (Prevention and Control of Pollution) Act,1981 against the 7<sup>th</sup> Respondent for operating the Rough Stone & Gravel Quarry without obtaining Consent to Operate.*

4. *Order the 2<sup>nd</sup> Respondent to take legal action against the 5<sup>th</sup> Respondent under Section 49(1)(a) of Water (Prevention and Control of Pollution) Act, 1974 for operating the Rough Stone & Gravel Quarry without obtaining Consent to Operate.*

5. *Order adequate compensation against the 7<sup>th</sup> Respondent for violation of the statutory provisions in respect of obtaining Consent to Operate and also for the damages caused to the environment in the vicinity of the Rough Stone & Gravel Quarrying unit.*

6. *To pass any other suitable orders as this Hon'ble Tribunal deems fit and necessary in the circumstances of the case and thus render justice.*

2. It is submitted that the issue in the application is that the 7<sup>th</sup> respondent without obtaining consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and under Air (Prevention and Control of Pollution) Act, 1981 has commenced the operation of the quarry work by blasting the stones from 25<sup>th</sup> August 2020. The 7<sup>th</sup> respondent is using explosives to blast stones and thereby causing immense pollution, nuisance and threat to life of the inhabitants in the locality.

3. It is submitted that when the matter came up for admission, the Hon'ble Tribunal was pleased to pass the following orders in paragraphs 9,10 & 12:

*“9. In the meantime Tamil Nadu State Pollution Control Board is directed to inspect the area in question and submit a factual as well as action taken report, if there is any violation found including the imposition of Environmental Compensation after assessing the damage caused to the environment on account of the violation.”*

*“10. The Tamil Nadu State pollution Control Board is also directed to ascertain as to whether the allegations that they have started blasting operation and proceedings with the quarrying operation causing air as well as sound pollution in the locality and if so, what is the nature of action proposed and taken against for such violation against the 7<sup>th</sup> respondent while submitting their report.”*

*“12. The Tamil Nadu State Pollution Control Board is also directed to submit the report to this Tribunal on or before 09.01.2021 by e-filing along with required hard copies to be produced as per rules.”*

4. It is submitted that even after passing of the order as early as on 04.12.2020, the official respondents had not filed the report within stipulated time by this Hon’ble Court. Finally they had uploaded the report only on 26.06.2021.

5. It is submitted that the official respondents in their report dated 25.06.2021 had stated the following:

*iii. There was no blasting operation carried out in the said premises and no rough stone was observed at the site and in neighboring land.*

*iv. There was no physical damages were observed in the nearby area as alleged by the petitioner.*

6. It is submitted that the official respondents had filed false report before the Hon’ble Tribunal suppressing the real facts. The 7<sup>th</sup> respondent had started the quarrying operation by blasting the rocks as early as on 25.08.2020. The applicants, who are residing

in the same village, had submitted the photographs of the blasted rough stones in annexure A7 in page no. 65 & 66. But the official respondents purposefully granted consent to operate in hurry burry manner in order to save the 7<sup>th</sup> respondent from the clutches of Law. Further the official respondents had imposed a minimum environmental compensation on the 7<sup>th</sup> respondent so as to save the 7<sup>th</sup> respondent.

7. It is submitted that the act of official respondent is crystal clear against the environmental Laws and also against the resources of the nation. It is the bounden duty of the every officials of Pollution Control Board to protect the natural resources of the mighty nation but in this case the officials had failed to do so.

8. It is submitted that this is a fit case for the Hon'ble Tribunal to take action against the official respondent for filing false report before the Hon'ble Tribunal.

Under such circumstances, it is prayed that this Hon'ble Tribunal may graciously be pleased to reject the report dated 25.06.2021 filed by the 2<sup>nd</sup> , 4<sup>th</sup> & 5<sup>th</sup> respondents and to impose appropriate compensation as per polluter's pay principle and pass any other suitable orders as this Hon'ble Tribunal deems fit and necessary in the circumstances of the case and thus render justice.

Dated at Chennai on this the 12<sup>th</sup> day of August 2021.



Counsel for Applicants

**BEFORE THE NATIONAL GREEN  
TRIBUNAL (SZ) CHENNAI  
MEMORANDUM OF APPLICATION**

Application No. 250 of 2020(SZ)

BETWEEN:

1. S.Sekar,  
S/o Samynathan,  
And 2 others.                      ...Applicants

-Vs-

- 1.The Secretary,  
Environment and Forests Department,  
Government of Tamil Nadu,  
And 6 others.                      ...Respondents

**OBJECTION TO THE  
REPORT FILED BY 2<sup>nd</sup>, 4<sup>th</sup>  
& 5<sup>th</sup> RESPONDENTS.**

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**Objection to report-O.A No. 250 of 2020 (SZ)- Serving of Papers-Reg.**

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Wed, Aug 11, 2021 at 10:11 PM

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