

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT
CHENNAI

APPLICATION NO. 25 OF 2022

M.Sundaramurthy
And 2 others

Applicants

-Versus-

The Principal Secretary,
Department of Environment, Climate Change and Forest,
Government of Tamil Nadu,
Namakkal Kavignar Maligai,
Fort St.George, Chennai – 600 009
And 8 others

Respondents

INDEX TO TYPED SET OF PAPERS

S.No.	Date	Particulars of Documents	Page No.
1.	19.10.2022	Photographs showing the sewage water let in by the respondents 8 and 9 herein in Applicants' lands.	1
2.	21.10.2022	Legal notice issued on behalf of the applicants with acknowledgements.	4
3.	30.10.2022	Reply notice sent on behalf of the respondents 8 and 9.	16.

Dated at Chennai on this the 02nd day of November 2022.


COUNSEL FOR APPLICANTS



2

தினமணி

கூடு பிடிக்கிறது!

• கிடைக்காத மரண வழக்கு விவகாரம்...
• 8 சூலித் திரைக்கதைகள்

WALKER

UTTO

TATA NEU THE GRAND SALE 16-27 OCT

அட்டாசாலைகளில் பிழிவுகள்

<p>Smart TV</p> <p>40" Smart TV</p> <p>50" Smart TV</p> <p>60" Smart TV</p>	<p>Smartphones</p> <p>Smartphones</p> <p>Smartphones</p> <p>Smartphones</p>	<p>Smartphones</p> <p>Smartphones</p> <p>Smartphones</p> <p>Smartphones</p>	<p>Smartphones</p> <p>Smartphones</p> <p>Smartphones</p> <p>Smartphones</p>
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14+4



தனமலர்

கூடு பிழக்கிறது!
... மன. பழை வுக்கு விவரம்...
... 0 சூல. 16 மீட்டர் 018 018

சூலகரம்
Wickard

PHOTO
FASHION
RECEIVED

GRAND SALE
16-31 OCT

சூலகரம் கல்யாண குடியிருப்பினர்

சூலகரம் கல்யாண குடியிருப்பினர்

சூலகரம் கல்யாண குடியிருப்பினர்

3

S. PREM AUXILIAN RAJ
D. SARAVANAN
A. TAMILVANAN
Advocates

Office:- Door No.20/94,
3rd Cross Street, Karpagam Avenue,
R.A.Puram,
Chennai – 600 028.
Phone No. 044-4958 0110.

Date:- 21.10.2022

To

1. The Principal Secretary,
Department of Environment, Climate Change and Forest,
Government of Tamil Nadu,
Namakkal Kavignar Maligai,
Fort St.George, Chennai – 600 009.

2. The District Collector,
Collector office,
GST Road, Chengalpattu District-603 001

3. The Commissioner,
Maraimalai Nagar Municipality,
Chengalpattu – 603 209.

4. The Chairman,
Tamilnadu Pollution Control Board,
No. 76, Mount Salai,
Guindy, Chennai – 600 032.

5. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Maraimalai Adigalar Street,
Next to Municipal Office,
Maraimalai Nagar,
Kancheepuram District,
Chennai-603209.

6. The Principal Chief Conservator of Forest,
Panagal Maligai,
No. 1, Jeenis Road,
Saidapet, Chennai – 600 015.

7. The District Forest Officer,
Chengalpattu Division,
No. 5/9, Varadaraja Farms,
Vandavasi Road,
Kancheepuram-603 501.

8. M/s. Arihant Foundations and Housing Limited
Rep. by its Managing Director,
New No. 3, Old No. 25, Ganapathy Colony,
3rd Lane, Off Cenotaph Road,

5

Office - 10th Floor, No. 10, G.J. Complex, First Floor, C.I.T. Nagar, Chennai - 600 035
Phone No. 044-4952 9110

2. PREM ANILKANTH
1. SARASWATHI
A. TAMILNADU
Adresses

Teynampat, Chennai – 600 018,

9. M/s. Ashiana Housing Limited,
Rep. by its Managing Director,
Door No. 10, G.J. Complex, First Floor,
First Main Road, C.I.T.Nagar, Chennai – 600 035

10. State Level Environment Impact
Assessment Authority – Tamil Nadu
3rd Floor, Panagal Maaligai,
No. 1, Jeenis Road, Saidapet,
Chennai – 600 015.

11. M/s. Escapade Real Estate Private Limited
Rep. by its Managing Director,
New No. 3, Old No. 25, Ganapathy Colony,
3rd Lane, Off Cenotaph Road,
Teynampat, Chennai – 600 018

Sirs,

Sub:- Continuous discharge of untreated sewage water into the plots of our clients (1) Sundaramurthy, (2) Saraswathi Gopalen and (3).Priya Gopalen, by Arihant Foundations and Housing Limited and Ashiana Housing Limited, in spite of the fact that the matter is being sub-judice Before The National Green Tribunal, South Zone at Chennai.

We are writing under the instructions from our clients (1).Sundaramurthy, S/o. Mathurai Naicker, residing at 68-A, Palavakkam, V.G.P.Layout, Palavakkam, Chennai – 600 041 (2) Saraswathi Gopalen, W/o. S.V.Gopalen, and (3).Priya Gopalen, W/o. Ram C.Sekar, (2) and (3) are residing at No. 1197, Sixth Avenue, Anna Nagar West, Chennai-600 040.

1. Our clients state that they have filed Original Application No. 25 of 2022 before the National Green Tribunal, South Zone, Chennai, against No. 1 to 10 of you seeking for the following reliefs:-
- JP

S. PREM AUXILIAN RAJ
D. SARAVANAN
A. TAMILVANAN
Advocates

Office:- Door No.20/94,
3rd Cross Street, Karpagam Avenue,
R.A.Puram,
Chennai - 600 028.
Phone No. 044-4958 0110.

"(i). to pass an order of permanent injunction, restraining the respondents 8 and 9 herein, their men, agents, servants or anyone claiming under them from in any way discharging the untreated sewage water into the plots of the applicants and the Sengundram Reserve Forest Area;

(ii). to direct the respondents 4 and 5 herein to constantly monitor the functioning of the STP installed by the respondents 8 and 9 herein in "Ashiana Shubham Senior Living Homes" situated at Villa Viviana, Govindapuram, Melrosapuram Road, Maraimalai Nagar, Off G.S.T.Road, Chengalpattu - 603 204 and "Arihant Villa Viviana" which is also situated in the same place, strictly complying with the standards prescribed by the Tamil Nadu Pollution Control Board".

2. The said Original Application was admitted by the Hon'ble Tribunal by its order dated 15.03.2022 and the Hon'ble Tribunal was pleased to form a Joint Committee comprising of

(i). A Senior Officer from Ministry of Environment, Forest and Climate Change (MoEF&CC), Integrated Regional Office, Chennai.

(ii). A Senior Officer from State Level Environment Impact Assessment Authority - Tamil Nadu

(iii). The Concerned District Environmental Engineer from Tamil Nadu Pollution Control Board and

(iv). The District Forest Officer, Chengalpattu Division, Kancheepuram District

to inspect the area in question and submit the factual as well as action taken report, if there is any violation found.

3. Our clients' states that during the hearing before the Hon'ble Tribunal it was represented on behalf of No. 8 of you, that M/s. Escapade Real Estate Private Limited, No. 11 of you is the correct person and not M/s. Arihant Foundations and Housing Limited. Our clients state that both M/s. Escapade Real Estate Private Limited and M/s. Arihant Foundations and Housing Limited, are having office at the

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same address and mostly sister companies and its only to drag the proceedings such tactics is adopted by No. 8 and No. 11 of you. Our clients states that they have also filed I.A.No. 87 of 2022 to implead No, 11 of you in O.A.No. 22 of 2022.

4. Our clients state that the said in the meanwhile the Joint Committee inspected the properties of our clients, but they are yet to file their report. Our clients state that the Hon'ble Tribunal in its order dated 30.05.2022 has directed the Joint Committee to file a report and also sought an independent report from the Revenue Officials and posted the matter on 22.07.2022.

5. Our clients state that subsequently, the above Original Application NO. 25 of 2022 was suo-motto adjourned from 22.07.2022 to 25.08.2022, from 25.08.2022 to 22.09.2022 and from 22.09.2022 to 10.11.2022. Hence the above Original Application did not come up for hearing before the Hon'ble Tribunal.

6. Our clients state that taking advantage of the fact that the above O.A.No. 25 of 2022 is not listed before the Hon'ble Tribunal for hearing, No. 8 and 9 of you started continuously discharging the untreated sewage water into our clients' plots. Our clients state that the act of No. 8 and 9 of you discharging the untreated sewage water into our clients' plots, when the above matter has been seized by the Hon'ble Tribunal proves the fact that No. 8 and 9 of you have scant respect for the Hon'ble Tribunal.

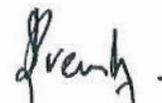
7. Our clients state that they have informed No. 3 and 5 of you about the continuous discharge of untreated sewage water by No. 8 and 9 of you; but so far, no action has been taken by No. 3 and 5 of you and even today, No. 8 and 9 of you are discharging the untreated sewage water into our client's plots. Our clients state that No. 3 and 5 of you are

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Chennai - 600 028.
Phone No. 044-4958 0110.

colluding with No. 8 and 9 of you and hence no action is being taken against No. 8 and 9 of you.

8. Our clients state that already No. 8 and 9 of you have done enough damage to the properties of our clients' by discharging tons of untreated sewage water, thereby making our clients' plots unfit to habituate and now you are further contaminating the ground soil of our client's lands when the matter is sub-judice Before The Hon'ble Tribunal.
9. Our clients state that No. 8 and 9 of you are people with money and muscle power; hence no action is being taken by the authorities concerned and you are continuously and constantly discharging the untreated sewage water into our clients' plots, which shows your attitude that you are above law.
10. Our clients hereby call upon the authorities concerned, particularly No. 3 and 5 of you to immediately act against Nos. 8, 9 and 11 of you and stop further discharge of untreated sewage water into our clients' plots; failing which our clients will be constrained to file appropriate application before the Hon'ble Tribunal at your cost and consequence.


ADVOCATE

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGEMENT

* एक रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ
* Received a Registered Letter/Postcard/Packet/Parcel
Insured

पाने वाले का नाम
Addressed to (Name)
† बीमा का मूल्य (रुपयों में)
† Insured for Rupees

The Principal Secretary,
Department of Environment,
Climate Change and Forest,
Government of Tamil Nadu,
Namakkal Kavignar Maligai,
Fort St. George,
Chennai - 600 009

वितरण की तारीख / Date of delivery
* अनावश्यक को कट दिया जाए।
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26 OCT 2022

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पाने वाले का नाम
Addressed to (Name)
† बीमा का मूल्य (रुपयों में)
† Insured for Rupees

The District Collector,
Collector office,
GST Road, Chengalpattu
District-603 001

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26 OCT 2022
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* Insured

पाने वाले का नाम
Addressed to (Name)

The Commissioner,
Maraimalai Nagar
Municipality,
Chengalpattu - 603 209

† बीमा का मूल्य (रुपयों में)
† Insured for Rupees

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पाने वाले का नाम
Addressed to (Name)

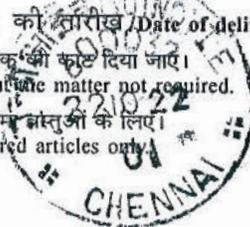
The Chairman,
Tamilnadu Pollution Control
Board, No. 76, Mount Salai,
Guindy, Chennai - 600 032

† बीमा का मूल्य (रुपयों में)
† Insured for Rupees

वितरण की तारीख / Date of delivery 20/10/2022

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* Received a Registered Insured Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (Name)

The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Maraimalai Adigalar Street

† बीमा का मूल्य (रुपयों में)
† Insured for Rupees

Next to Municipal Office,
Maraimalai Nagar,

वितरण की तारीख /Date of delivery

Kancheepuram District,
Chennai-603209

* अनावश्यक को काट दिया जाए।
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† केवल बीमा वस्तुओं के लिए।
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* Received a Registered Insured Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (Name)

The District Forest Officer,
Chengalpattu Division,

† बीमा का मूल्य (रुपयों में)
† Insured for Rupees

No. 5/9, Varadaraja Farms,
Vandavasi Road,

वितरण की तारीख /Date of delivery

Kancheepuram-603 501

* अनावश्यक को काट दिया जाए।
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पाने वाले के हस्ताक्षर/Signature of addressee
Kanchipuram - 631 501.

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGEMENT

* एक रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ
बीमा Registered

* Received a Insured Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (Name)

Arihant Foundations and
Housing Limited,
Rep. by its Managing Director

† बीमा का मूल्य (रुपयों में)
† Insured for Rupees

New No. 3, Old No. 25,
Ganapathy Colony,
3rd Lane, Off Cenotaph Road,

वितरण की तारीख /Date of delivery

Teynampet, Chennai - 600 018

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* Score out the matter not required.

† केवल बीमा वस्तुओं के लिए।

† For Insured articles only.

पाने वाले के हस्ताक्षर/Signature of addressee

e. Ravi



प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGEMENT

* एक रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ
बीमा Registered

* Received a Insured Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (Name)

Ashiana Housing Limited,
Rep. by its Managing Director,

† बीमा का मूल्य (रुपयों में)
† Insured for Rupees

Door No. 10, G.J. Complex,
First Floor, First Main Road,
C.I.T. Nagar, Chennai - 600 035

वितरण की तारीख /Date of delivery

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पाने वाले के हस्ताक्षर/Signature of addressee

e. Ravi

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGEMENT

- * एक रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ
बीमा Registered
* Received a Insured Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (Name)

State Level Environment Impact
Assessment Authority - Tamil
Nadu, 3rd Floor,
Panagal Maaligai,
No. 1, Jeenis Road, Saidapet,
Chennai - 600 015

† बीमा का मूल्य (रुपयों में)
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पाने वाले के हस्ताक्षर/Signature of addressee

25/10
15 OCT 2022

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGEMENT

- * एक रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ
बीमा Registered
* Received a Insured Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (Name)

M/s. Escapade Real Estate
Private Limited, rep. by its
Managing Director,
New No. 3, Old No. 25,
Ganapathy Colony, 3rd Lane,
Genotaph Road, Teynampet,
Chennai - 600 018

† बीमा का मूल्य (रुपयों में)
† Insured for Rupees

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पाने वाले के हस्ताक्षर/Signature of addressee

C. Ravi



Estd 1957
AIYAR & DOLIA
ADVOCATES

14

PARTNERS :
RITA CHANDRASEKAR
JAYESH B. DOLIA
SANGEETHA J. DOLIA
V. KALYANARAMAN

Chambers : 29 & 71, Law Chambers,
High Court Buildings,
Chennai - 600 104.
Tel. : 2534 2018, 2534 2621

Office : 59, "E" Block, 1st Floor,
5th Main Road, Anna Nagar East,
Chennai - 600 102.
Tel. : 2628 4141, 2628 1155

REF. No. :

DATE :

To

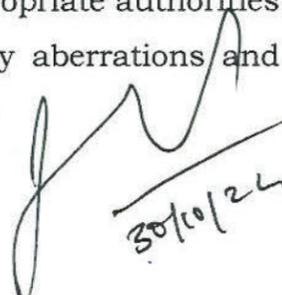
Mr.S. Prem Auxilian Raj,
Mr.D. Saravanan,
Mr. A. Tamilvanan,
Advocates,
Door No.20/94, 3rd Cross Street,
Karpagam Avenue,
R.A.Puram, Chennai -600 028

Date:30.10.2022

SUBJECT: Reply to your Legal Notice dated 21.10.2022 alleging Continuous Discharge Of Untreated Sewage Water into the Plots of (1) Sundaramurthy, (2) Saraswathi Gopalenand (3) Priya Gopalen-with respect to O.A.25 of 2022 , Before National Green Tribunal, Chennai- reg

Our Client M/s Ashiana Housing Limited, represented by its Vice President -Chennai Mr. M.G.Bhaskar. is a company registered under the Companies Act, 1956 and having its registered office at 5F Everest, 46/C Chowringhee Road, Kolkata - 700071, West Bengal,have advised us to effect this reply without prejudice to the rights of our Client to have recourse to appropriate civil as well as criminal legal remedies at the cost of your Client.

1. Our Client states that the said Original Application No. 25 of 2022 before the National Green Tribunal South Zone, Chennai is sub-judice and all directions so made so far by the Hon'ble National Green Tribunal South Zone and appropriate authorities have been diligently acted upon without any aberrations and deviations.


30/10/22

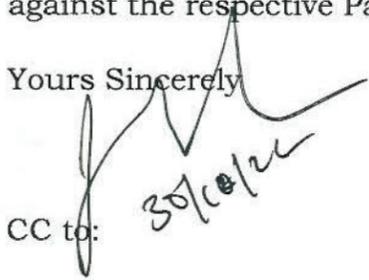
3

2. Our Client denies your allegation in para 3 and state that our Client works under Power of Attorney granted by Escapade Real Estate Pvt. Ltd. This arrangement has been brought to the knowledge of the Hon'ble National Green Tribunal South Zone. It is also stated that no dilatory tactics have been employed by our Client
3. Our client states that it is pertinent to point out that such baseless frivolous allegation without any substantive proof are aimed only to persuade the appropriate authorities and Hon'ble National Green Tribunal South Zone to create a prejudice against the already compliant Respondents.
4. It is expedient to point out that, the Commissioner of Maramalai Nagar Municipality on the directions of Hon'ble National Green Tribunal South Zone had duly inspected the site and observed that the replying Respondent is observing compliance as prayed by your Client under Original Application No. 25 of 2022 before the National Green Tribunal South Zone.
5. That it is pertinent to mention that the Joint Committee has also visited the site accordingly and did not find any stagnation of sewage in your Client's . The said fact was captured by the Joint Committee in its detailed report submitted before the Hon'ble National Green Tribunal South Zone.

Therefore, it is requested to your good self to guide your Clients and help them to abstain from alleging baseless and frivolous averments against the respective Parties.

Yours Sincerely

CC to:

A handwritten signature in black ink, followed by the date '30/10/22' written in a similar style.

Estd 1957

AIYAR & DOLIA
ADVOCATES

PARTNERS :
RITA CHANDRASEKAR
JAYESH B. DOLIA
SANGEETHA J. DOLIA
V. KALYANARAMAN

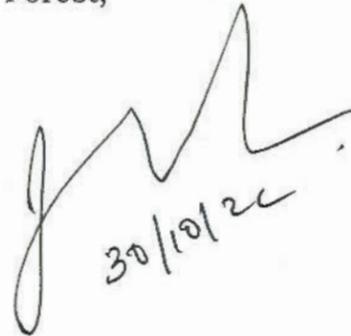
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REF. No. :

DATE :

- 1) The Principal Secretary
Department of Environment Climate Change and Forest,
Government of Tamil Nadu,
NamakkalKavinagarMaligai,
Fort St. George, Chennai - 60009
- 2) The District Collector
Collector Office,
GST Road, Chengalpattu District 603001
- 3) The Commissioner
Maraimalai Nagar Municipality,
Chengalpattu 603209
- 4) The Chairman
Tamil Nadu Pollution Control Board,
No. 76, Mount Salai,
Guindy, Chennai- 600032
- 5) The District Environmental Engineer
Tamil Nadu Pollution Control Board,
MaraimalaiAdigalar Street,
Next to Municipal Office,
Maraimalai Nagar,
Kancheepuram District,
Chennai - 603209
- 6) The District Forest Officer
Chengalpattu Division,
No. 5/9, Varadaraja Farms,
Vandavasi Road,
Kancheepuram-603501
- 7) The Principal Chief Conservator of Forest,
Panagalimaligai,
No. 1, Jeenis Road,
Saidapet, Chennai-600015


30/10/20

BEFORE THE NATIONAL GREEN
TRIBUNAL SOUTH ZONE AT CHENNAI

APPLICATION NO. 25 OF 2022

M.Sundaramurthy

And 2 others

Applicants

-Versus-

The Principal Secretary,
Department of Environment, Climate
Change and Forest,
Government of Tamil Nadu,
Namakkal Kavignar Maligai,
Fort St.George, Chennai – 600 009
And 8 others

Respondents

TYPED SET OF PAPERS

M/S. S.PREM AUXILIAN RAJ

E.NO. 285/2006

D.SARAVANAN E.No.646/2003

A.TAMILVANAN, E.NO. 1289/2001

COUNSEL FOR APPLICANTS