

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN
ZONE AT CHENNAI

O.A. No. 50 of 2022

BETWEEN

S.Kalimuthu,
S/o. Saminathan,
3/150, Karachery,
Kinathukadavu Taluk,
Chettipalayam,
Coimbatore-641 201.
Phone No. :- 988442695
E-mail ID :- taours@gmail.com

...

Applicant

AND

1. The District Collector,
Collectorate Coimbatore,
Coimbatore District.
and Others

...

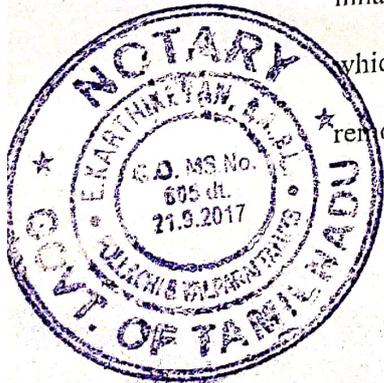
Respondents

REPLY TO THE FINAL REPORT FILED BY THE 3rd and 5th RESPONDENT

I, S.Kalimuthu, S/o. Saminathan, aged about 38 years, 3/150, residing at Karachery, Kinathukadavu Taluk, Chettipalayam, Coimbatore-641 201., do hereby solemnly affirm and sincerely state as follows:-

1. I respectfully state that the Report filed by the 3rd and 5th Respondents in the above O.A has been read over and explained to me and I stoutly deny/object all the averments and allegations made in the report except that those are admitted hereunder.

2. I respectfully state that the Report on the face of it shows there are many inhabitations at the distance of 125 m, 150m, 185m, 300m, 340m, 250m & 400m which includes my house and poultry farm. The above house were located in a very remote village and the residents in it are eking their livelihood only based on the



Before me
E. KARTHIKEYAN, B.A.B.L.,
NOTARY
POLACHI & VALPARAI TALUKS
3/10, Maranathar St, Polachi - 642 091.

* S. Anubhava

daily income over the agriculture in that area. The said houses are having also electricity connections with approval from Village Panchayat. Hence, doing mining and operating stone crushing unit nearby would affect their livelihood and all of them including me will be put in streets.

3. I respectfully state that interim Report of the 3rd and 5th Respondents would show that an inspection was made on 31.03.2022 and during inspection the unit was found carrying out trail operation without obtaining prior consent of the board. In the Final report it is observed the unit has excavated 10 feet in the year 2012 and another 4 feet in the year 2019 to prevent Air Pollution which is without any basis. However, contrary to the above Report, the 6th Respondent has given a Report more particularly in para5 (c) that the 8th Respondent has not established crusher unit till 2020. It is pertinent to submit that the depth of excavation referred by 3rd and 5th Respondents in their Report and the report of the 6th Respondent with the Topographical plan are totally inconstant and contrary wherein the as per the TamilNadu Pollution Control board excavation was made up to 14 feet and however, the report of the 6th Respondent shows it is 17.3 feet.

4. I respectfully state that it is pertinent that the mandates prescribed in the board proceedings of the TamilNadu Pollution Control Board for new proposed stone crushing unit including norms stipulated vide.B.P.No.21 dt.31.07.2019, has nowhere recommends or mandates to create a bund upto 17 feet so as to prevent air pollution. However, the 8th Respondent without complying with other norms for establishing/operating stone crushing unit, have dug land up to 17 feet, excavated minerals, sold the same and after the above Petition, he chosen to claim that it was



Before me
E. KARTHIKEYAN, B.A.B.L.,
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S. Anand



made to create bund to prevent Air Pollution. It is pertinent to state that compliance of other prescribed norms of the Tamil Nadu Pollution Control Board to run a stone crusher unit would be of lesser cost when comparing to dig a 17 feet and make a bund within intention to prevent air pollution.

5. I submit that it is also pertinent the Board has given consent to establish crushing unit only to land in S.F.No.298/2A and not any other lands. However, the Topographical base plan annexed along with the 6th Respondent Report would on the face of it shows that the excavation works, creating a bund with pit and dumping of rough stone & top soil were all done in S.F.No.300/2 for which no consent was obtained by the 8th Respondent. The consent to established stone crushing unit was given only to S.F.No.298/2A as per the consent order given by the Tamil Nadu Pollution control board to the 8th Respondent on 06.09.2018. Hence, the Report of the Respondent claiming that the 14 feet has been dugged to create a bund to prevent Air Pollution from the proposed Unit is absolutely false and improper and made with an ulterior motive to safeguard the interest of the 8th Respondent.

I, therefore, pray that this Hon'ble Court may be pleased to consider the above reply/objections to the Report filed by the 3rd and 5th Respondents in the above O.A and to pass such further orders as it deem fit, proper and necessary and render justice

Solemnly affirmed at ^{Police} Coimbatore on ()
this the 17th day of November, 2022 ()
before me and the contents of this ()
Affidavit have truly and audibly ()
read over and explained to the ()
deponent in Tamil & he appears to ()
have perfectly understood the same ()
and signed his name in my presence. ()

S. Dhandapani

BEFORE ME ::

Dec 17 11 22
ADVOCATE :: COIMBATORE
E.KARTHIKEYAN, B.A.B.L.,
NOTARY
POLLACHI & VALPARAI TALUKS
3 / 10, Maranaicker St, Pollachi - 642 001,
G.O. MS. 605 dt. 21.9.2017
Law Department



IN THE NATIONAL GREEN
TRIBUNAL, (SZ) CHENNAI

OA.No. 50 of 2022 (SZ)

REPLY TO THE FINAL REPORT FILED

BY THE 3rd & 5th RESPONDENT

Counsel for APPLICANT

M/s. R. NANDHAKUMAR (Ms.1280/2007),
S. KAMALESH KANNAN (Ms. 1754/2010)
& VIKRAMKUMAR . P (KAR.2507/2017)

