

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 :- taaur@gmail.com

...

Applicant

AND

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

...

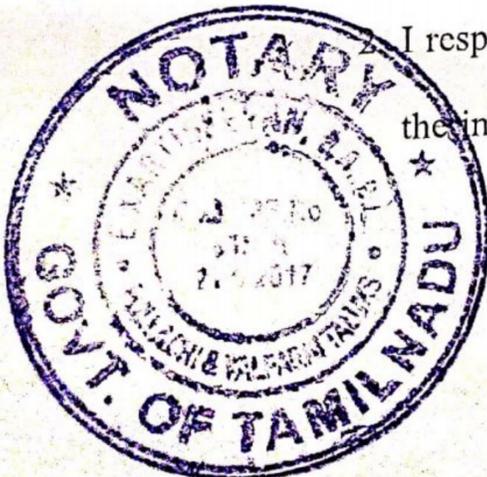
Respondents

REPLY TO THE FINAL REPORT FILED BY THE 6<sup>th</sup> 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 6<sup>th</sup> Respondent 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.

I respectfully state that in respect of averments made in para-4 of the report that the inspection was made on 11.08.2022 by Assistant Geologist (Mines), Special



Before me  
E.KARTHIKEYAN, B.A.B.L.,  
NOTARY  
POLLACHI & VALPARAI TALUKS  
3/10, Maranaicker St, Pollachi - 642 001

Revenue Divisional Officer (Mines), Village Zonal Deputy Tahsildar, Revenue Inspector (Kinathukadavu), Village Administrative Officer (Arasampalayam) and Surveyor on 11.08.2022 in order to assess the current status of the field, I have not been served with any notice and I have been put in dark about the said inspection.

3. I respectfully state that

- (i) the averments made in para-5(k) by the 6<sup>th</sup> Respondent who is an Officer/Authority to the state that I have filed the above O.A with personal motive is baseless, improper, vindictive and on the face of it shows that the said Report is tainted with malafidness which suffers infirmities and perversity. The further observations made by the 6<sup>th</sup> Respondent in Sub-para (i) of Para-5 of the Report that the subject area was dug for depth of 2.5m for agricultural purpose with **prior permission** is a false, frivolous, vexatious, dubious and a self-made statement made without any supporting materials and made with a solo object to protect the interest of 8<sup>th</sup> Respondent.
- (ii) Moreso, further observation that a further depth of 2.8m has been dug and the mineral excavated has been used for making bund and uplifting the northern portion is absolutely false dubious and again to protect the interest of 8<sup>th</sup> Respondent. The said averments shows the 8<sup>th</sup> Respondent excavated 2.8m of mineral after excavating 2.5m mineral for agricultural purpose. The Report of the 6<sup>th</sup> Respondent fails to states that even for



Refrence  
E.KARTHIKEYAN, B.A.B.L.,  
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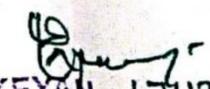
S. S. S. S. S.

such excavations it is necessary and mandatory to obtain appropriate consent from local bodies including the geology department.

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 8<sup>th</sup> 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 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 consent to establish crushing unit was given only to land in S.F.No.298/2A and not any other lands. However, the Topographical base plan annexed along with the 6<sup>th</sup> 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 8<sup>th</sup> 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 8<sup>th</sup> Respondent on 06.09.2018. Hence, the Report of the Respondent claiming that the 17 feet has been dugged to create a bund to prevent Air Pollution from the proposed Unit is absolutely false made with an ulterior motive to safeguard the interest of the 8<sup>th</sup> Respondent.



Represented by  
  
E. KARTHIKEYAN, B.A., B.L.,  
NOTARY  
POLLACHI & VALPARAI TALUKS  
3/10, Maranaicker St, Pollachi - 642 001.

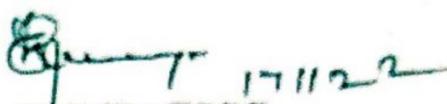
S. Anand

I, therefore, pray that this Hon'ble Court may be pleased to consider the above reply/objections to the Report filed by the 6<sup>th</sup> Respondent in the above O.A and to pass such further orders as it deem fit, proper and necessary and render justice.

Solemnly affirmed at <sup>Coimbatore</sup> Coimbatore on ( )  
this the 17<sup>th</sup> 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. Sankar

BEFORE ME ::

  
ADVOCATE :: COIMBATORE

E.KARTHIKEYAN, B.A.B.L.,  
NOTARY  
POLECHI & VALPARAI TALUKS  
3/10, Marsaliker St, Polechi - 643 006.

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 6<sup>th</sup> RESPONDENT

Counsel for APPLICANT

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

