

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT
CHENNAI MEMORANDUM OF APPLICATION**

**(Under Sec.18 (1) read with Section 14 of National Green Tribunal,
2010)**

O.A.No.55 of 2023

S.Vijay,
S/o.Subramani,
3/272, Aadhidravitar Street,
Thekkampatti, Vattakadu, Salem
Tamilnadu -636012.

...Applicant

-Vs-

1. The Additional Chief Secretary to Government,
Water Resources Department,
Fort St George,
Chennai – 600 002
2. The Member Secretary,
State Environment Impact Assessment Authority,
Ground Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015.
3. Central Ground Water Board South Eastern Coastal
Region;
E-Wing, G-Block, Rajaji Bhavan;
CGO Complex Besant Nagar, Chennai
CHENNAI
TAMIL NADU- 600090
4. The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
No.76, Anna Salai, Guindy,
Chennai – 600 032.
5. The Tamilnadu Magnesite Limited,
Rep by its Managing Director,
Having office No. 5, 53, Omalur Main Rd,
Jagir Ammapalayam,
Salem, Tamil Nadu 636005

...Respondents

S. Vijay

AFFIDAVIT FILED BY THE APPLICANT

I, S.Vijay, S/o.Subramani, Hindu, aged about ... years, residing at 3/272, Aadhidravitar Street, Thekkampatti, Vattakadu, Salem, Tamilnadu-636012 do hereby solemnly affirm and sincerely state as follows:-

1. I am the applicant herein, and I am well acquainted with the facts stated here below. The applicant prays that the Memorandum of Application may be read as part and parcel of this affidavit.
2. The Applicant is filing this affidavit to place on record that the order passed by this Hon'ble Tribunal has not been complied with in its letter and spirit, and further, there is inaction on the part of the Respondents to comply with the order passed by this Hon'ble Court in O.A. No. 55 of 2023 dated 30.5.2023. Even though a status report dated 17.8.2023 is filed by the District Collector, which informs about the steps taken by him for the compliance of the order passed by this Tribunal on 30.5.2023.
3. It is humbly submitted that in disposing of the original application filed by the applicant, this Hon'ble Tribunal directed the authorities, inter alia, to explore whether pipelines can be engaged for the drawing of water. The report is silent about the discharge of water through the pipeline and also about the cost estimations drawn by the authorities towards the implementation of the said portion of the order. The Tribunal was pleased to direct the respondents to implement the recommendations made by the authorities in granting environmental clearance for constructing check dams, and it has further granted a time period of 10 weeks for carrying out such construction.
4. It is humbly submitted that, pursuant to the directions of this tribunal, the applicant had approached the authorities to seek information about the fate and progress of the construction of check dams. On such an inquiry, it is

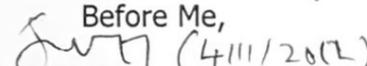
S. vijay.

informed that the Tamil Nadu Magnesite Corporation has sanctioned certain sums to the village panchayats out of its CSR funds, and this has been outlined in the report also.

5. It is humbly submitted that this Hon'ble Tribunal was so concerned about the supply of water to the villagers, and for such purpose it has made its directions, at a provisional status of supply of water through pipelines till the completion of the check dams and also about the permanent solution of constructing the check dams enabling the discharge of water throughout the year as recommended in the environmental clearance granted by the authority. The status report does not place on record the manner in which the water is proposed to be discharged from the mine pita and reach the villages.
6. It is humbly submitted that at present the respondents have merely placed on record that necessary fund allotments are made to the village panchayat for the purpose of construction of the check dam. But the respondents have failed to place on record the manner of the transition of water at the provisional stage until the completion of the check dams and also about the supply of water as per the conditions laid down in the environmental clearance.

Under these circumstances, it is prayed that this Hon'ble High Court may be pleased to pass suitable orders based on the status report filed by the District Collector, Salem dated 17.8.2023 and thus render justice.

Solemnly affirmed at Salem
on this the 22nd day of August, 2023,
and signed his name in my presence


Before Me,

S. MURALIKRISHNAN, B.Com., B.L.,
ADVOCATE
No.125/257, Fifth Floor,
Angappan Naicken Street, Parrys,
Chennai - 600 001. Mob : 8778740534
Advocate, Chennai.

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M/s. P.PARAMASIVADOSS (609/2007)

K.SATHISH (947/2008)

S.GANESHKUMAR (645/2008)

K.BALAKRISHNAN (4761/2018)

J.JAYAKUMAR (6562/2022)

S.MOHANRAJ (8886/2022)

Counsel for Applicant
ksathish.law@gmail.com
8754548899