

BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTH ZONE)
AT CHENNAI
I.A.No.98 OF 2022
IN

APPEAL No. 58 OF 2021

Between
Prince,
S/o. Durairaj Jesubatham,
3/26 West Street,
Marakattuvilai, Karaichuthu Navaladi,
Tisaiyanvilai Taluk, Tirunelveli District. ... Applicant/Appellant

And

1. Member Secretary,
State Level Environment Impact Assessment Authority,
Tamil Nadu,
3rd Floor, Panagal Maaligai,
No.1 Jeenis Road, Saidapet,
Chennai – 15, email:mstnseiaa@yahoo.com.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tirunelveli, Email:deentnv@gmail.com
3. Thiru.S.Rajendran,
No.13-85/43, Pathitta Villai,
Chitharal Post,
Kanniyakumari – 629 151
Email: kkmbluemetal@gmail.com Respondents/Respondents
4. The Assistant Director,
Dept. of Geology and Mining,
Collecctrate,
Tirunelveli
Email: Collrtnv@nic.in ... Respondent/Proposed Respondent No.4



REPLY AFFIDANT OF THE 3RD RESPONENT

I, S.Rajendran, son of Mr.Sridharan, Hindu, aged about 56 years, residing at No.13-85/43, Pathiita Villai, Chitharal Post, Kanniyakumari District, Pin Code – 629 151, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows :

1. I submit that I am the 3rd Respondent in the above Appeal and the Application (I.A.No.98 of 2022) and as such I am well acquainted with the facts stated herein.

2. I submit that the affidavit of Mr.Prince filed in support of the above I.A. has been read over and explained to me in Tamil and I deny the correctness of all the averments and allegations contained therein except those that are specifically admitted hereunder.I confine this Reply to the allegations/ground for impleading the proposed party in this Appeal. The ground for impleading the proposed party in this Appeal is totally inexplicable apart from being untenable.

3. At the outset, I respectfully submit that the present application to implead the Assistant Director, Department of Geology and Mining, Tirunelveli as 4th Respondent in the above Appeal is frivolous, devoid of merits and totally misconceived. The proposed 4th Respondent is neither necessary party nor proper party in the above appeal. This Application has been filed only to drag on the proceedings. The above Appeal came up for final hearing earlier on 12.04.2022 and 04.05.2022. There was no representation for the Appellant and therefore, the above Appeal is adjourned to 05.07.2022. Now, for the

S.Rajendran 

reasons best known to the Appellant, the present application has been filed to implead the Assistant Director of Geology and Mining, Tirunelveli as 4th Respondent in the above Appeal for no reason much less the valid reason. There is no ground or justification for seeking to implead the Assistant Director, Geology and Mining, Tirunelveli in the above Appeal, when the Assistant/Deputy Director, Geology and Mining, Tirunelveli had submitted all the necessary details to the SEIAA for considering the Application for EC., which are already on record. The presence of the 4th Respondent herein is thus totally unwarranted.

4. I submit that the Appellant/Applicant had filed the above Appeal No.58/2021 before this Hon'ble Tribunal challenging the Environmental Clearance given by the 1st respondent in Lr.No.SEIAA-TN/F.No.6976/1(a)/E.C.No.4675/2021, dated 05.07.2021 for the Rough stone, gravel and jelly quarry in S.F.No.191/1(P) and 194/1B(P), Kasthurengapuram Part II Village, Tisaiyanvilai Taluk, Tirunelveli District by this Respondent. Originally, the Appellant had filed the above Appeal arraying the Respondents 1 to 3 herein as Respondents 1, 6 and 8 and also the other officials as Respondents 2, 3, 4, 5 and 7. While entertaining the above Appeal, by Order dated 01.09.2021, this Hon'ble Tribunal has been pleased to observe as below:

"Since the challenge is in respect of the issuance of the Environmental Clearance granted by the State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) and also 'Consent to Establish' if any, granted by the Tamil Nadu Pollution Control Board (TNPCB), we feel that

S. Rajendra R

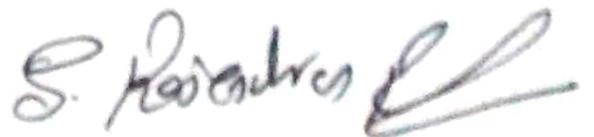
respondents 2 to 5 and 7 are not necessary parties to the proceedings. So they re-deleted from the party array. The respondents 6 and 8 in the appeal memorandum are re-arrayed as respondents 2 and 3 respectively".

5. I submit that pursuant to the above Order of this Hon'ble Tribunal, necessary amendment has been carried out deleting the respondents 2 to 5 and 7 and the Respondents herein are re-arrayed as respondents 1 to 3. The official Respondents 1 & 2 have filed their reply to the Appeal Memorandum. As the third Respondent, I have also filed a detailed reply refuting the allegations and averments of the appellant questioning the issuance of Environmental Clearance to this Respondent's quarry. Apart from refuting the allegations of the appellant against the grant of Environmental Clearance on merits, I have also submitted inter alia, that the above appeal is not maintainable in law and the appellant has no locus standi to file the above appeal for the reasons mentioned therein. I crave leave of this Hon'ble Tribunal to read the Reply filed by me as part and parcel of this Reply Affidavit.

6. I submit that before applying for Environmental Clearance for the quarry for a fresh lease period, I obtained the Mining Plan approved by the Deputy Director of Geology and Mining by Letter dated 13.05.2019. With the approval of the said Mining Plan, I submitted the proposal/application for EC before the State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA) on 29.07.2019. The applied area except the land bearing S.No.194/1B part, admeasuring 0.52.5 Hectares, was subject to quarry operation earlier from 06.06.2003 to



05.06.2018. The earlier lease was also with the strength of the approved Mining Plan and Environmental Clearance. With reference to the quarry operation for the previous lease period, the Joint Director/Assistant Director (i/c) Geology and Mining, in his letter Rc.No.M1/27/69/2018, dated 18.03.2021 addressed to the Chairman SEIAA, Tamil Nadu has clearly mentioned all the details i.e. permitted quantity as per EC, the quantity for the transport permit issued to the lessee and the pit measurements. The said officer had clearly mentioned that Thiru.S.Rajendran had not quarried rough stone and gravel in excess of the quantity permitted in the Environmental Clearance granted on 18.05.2012. This Letter dated 18.03.2021 from the Joint Director/Assistant Director (i/c) Geology and Mining, Tirunelveli addressed to the Chairman, SEIAA, Tamil Nadu has been filed by the 1st Respondent as Annexure - 4 to their reply. There was absolutely no illicit quarrying by this respondent. The allegations made by the appellant regarding the illicit quarrying by this respondent are totally baseless and unwarranted. The averments made by the appellant for impleading the Assistant Director of Geology and Mining are totally false and untenable. The Assistant Director of Geology and Mining, Tirunelveli has not only approved the Mining Plan for the previous lease period and the present lease and also given the details of the quarrying with reference to the earlier lease period from 06.06.2013 to 05.06.2018, which is clear vide Annexure-4 to the reply of the first Respondent. The proposed Respondent is neither necessary party nor proper party in the above Appeal. In the view of this, it is totally untenable and inexplicable on the part of the appellant to come forward



with this present Application to implead the 4th Respondent herein as party Respondent in the above Appeal.

7. I submit that since the subject matter under challenge is the Environmental Clearance given by the 1st Respondent, the proposed respondent is not necessary party or proper party in the above Appeal. The above Application is devoid of merits. The above Application deserves dismissal.

For the above reasons, it is respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the above Application with exemplary costs and thus render justice.



Solemnly affirmed at Chennai
on this the ^{31st} day of May 2022
and signed his name in
my presence.

BEFORE ME



ADVOCATE : CHENNAI

S. Shikha Sundharri

M.S. 6099 / 2021

67 law chambers

**BEFORE THE NATIONAL GREEN
TRIBUNAL (SOUTH ZONE) AT
CHENNAI**

**I.A.No.98 OF 2022
IN**

APPEAL No. 58 OF 2021

REPLY AFFIDAVIT

**M/s. V. SANJEEVI &
K. MUTHUKUMARASAMY**

**COUNSEL FOR THE 3rd
RESPONDENT/3rd RESPONDENT**

Cell Nos. 94440 18188 / 98401 1230