

# In the Court of

No.

of 20

Plaintiff  
Petitioner

Versus

Defendant  
Respondent

## **VAKALAT**

Mr. \_\_\_\_\_  
Advocate

# In the Court of

No. \_\_\_\_\_ of 20 \_\_\_\_\_

Plaintiff  
Petitioner

Versus

Defendant  
Respondent

I/We

do hereby appoint  
to appear for

and retain me us in the above Suit Original Miscellaneous petition and to conduct and prosecute

or defend the same and all proceedings that may be taken in respect of any application for any execution of any decree or order passed therein, I/We empower my/our Advocate to appear in all miscellaneous proceedings in the above suit or matter till all decree or orders are fully satisfied or adjusted and all appeals thereto whether in suit, interlocutory application, execution petitions and applications in execution till they are finally disposed of in this court and to obtain the return of documents and draw moneys that might be payable to me/us in the said suit or matter. He is/They are also authorised to depute other Counsel to act on his / their behalf.

Dated at.....this.....day of .....20.....

I Certify that the contents of this vakalat at were read out and explained

In my presence to the Executant who appeared perfectly to understand the same and made his / her their signature in my presence.

  
**EXECUTIVE OFFICER**  
**MINJUR TOWN PANCHAYAT**  
**THIRUVALLUR DISTRICT.**

Advocate

ACCEPTED : The address for service of the said Advocate is :

.....20

Advocate for

Narayan & Co.

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

**Application No. 64 of 2020**

V. Rajesh,  
Representative of residents of Rama Reddy Palayam,  
No.73, Ward No.13, Rama Reddy Palayam,  
Minjur Selection Grade Town Panchayat,  
Thiruvallur District – 601203.

... Applicant

– Versus –

1. Union of India,  
rep. by its Secretary,  
Ministry of Environment, Forest & Climate Change,  
Jorbagh, Lodhi Colony, New Delhi – 110003.
2. Tamil Nadu Pollution Control Board,  
rep. by its Member Secretary,  
Anna Salai, Guindy, Chennai – 600032.
3. State of Tamil Nadu,  
rep. by its Chief Secretary,  
Fort St. George, Chennai – 600009.
4. State of Tamil Nadu,  
rep. by its Principal Secretary,  
Environment & Forests Department,  
Fort St. George, Chennai – 600009.
5. State of Tamil Nadu,  
rep. by its Secretary,  
Public Works Department,  
Fort St. George, Chennai – 600009.
6. State of Tamil Nadu,  
rep. by its Secretary,  
Municipal Administration & Water Supply Department,  
Fort St. George, Chennai – 600009.
7. Minjur Selection Grade Town Panchayat,  
rep. by its Executive Officer,  
No.29, Bakthavatchalam Street,  
Minjur – 601203. Thiruvallur District.
8. The District Collector,  
Thiruvallur District.  
Thiruvallur – 602001.



**EXECUTIVE OFFICER  
MINJUR TOWN PANCHAYAT  
THIRUVALLUR DISTRICT.**

Page No.1

No. of Corrms.: Nil

9. The Revenue Divisional Officer,  
Ponneri Taluk, Railway Station Road,  
NGO Nagar Extension, Ponneri – 601204.
10. The Tahsildar,  
Ponneri Taluk, Railway Station Road,  
NGO Nagar Extension, Ponneri – 601204.
11. The Assistant Director of Town Panchayats,  
Thiruvallur Collectorate Office,  
Thiruvallur – 602001.
12. The Joint Chief Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
No.950/1, 1<sup>st</sup> Floor, Poonamallee High Road,  
Arumbakkam, Chennai – 600106.
13. Chennai Rivers Restoration Trust,  
No.6/103, Dr. D.G.S.Dinakaran Salai,  
Raja Annamalaiapuram, Chennai – 600028.
14. D. Uday Kumar Reddy, Civil Contractor,  
No.12, Vinayagar Street, Ramana Nagar,  
BDO Office, Minjur – 601023.

... Respondents

**REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT Nos.6, 7 & 11**

I, N. Vetri Arasu, S/o. P. Nargunan, aged 55 years, residing at 87, Ottraivadai Street, Puzhal, Chennai-66, do hereby solemnly affirm and sincerely state as follows:

1. I am presently discharging duties as Executive Officer of Minjur Town Panchayat, the 7<sup>th</sup> Respondent herein. I am acquainted with the facts of the case from the records available. I am filing this Counter Affidavit on behalf of Respondent Nos.6, 7 & 11 herein.
2. It is submitted that the Applicant has filed this Application praying for,
  - “(a) direct the Respondent Authorities to maintain the Kosathalaiyaru River and its Banks free from any contamination or pollution;
  - (b) direct the Respondent Authorities to maintain the Kosathalaiyaru River and its Banks free from any encroachments;



**EXECUTIVE OFFICER  
MINJUR TOWN PANCHAYAT  
THIRUVALLUR DISTRICT.**

Page No.2  
No. of Corrms.: Nil

(c) direct the Respondent Authorities to take all steps to ensure that the upstream course of Kosathalaiyaru River is restored and the flow of freshwater is maintained;

(d) direct the Respondent Authorities to stop sand mining in Kosathalaiyaru, in Thiruvallur District, and along the River's Course to protect the integrity of the River".

We have perused the Application of the Applicant filed in support of this Application and deny all the averments made therein as false, untrue, baseless, frivolous and vexatious. The applicant is put to strict proof of all the allegations made. This Application is not maintainable either in law or on facts. We submit the following contentions without prejudice to one another.

3. It is submitted that the lands comprised in Survey Nos.80, 81, 82, 93 & 95, measuring an extent of 2 Acres 90 Cents or thereabouts are Vellakarai Poromboke lands and are possessed by the 7<sup>th</sup> Respondent. The said lands are being utilized by the 7<sup>th</sup> Respondent for the past 40 years with the prior permission of 2<sup>nd</sup> Respondent as a Resource Recovery Park so as to dump the wastes and segregate them with the following infrastructures to manufacture bio-manure using Vermi-Composting system and the bio-degradable wastes, by implementing the Solid Waste Management Rules, 2000:

- (i) Compost Pad / Windrow Platform with full roof, including Leachate Collection and Recycling System into the Compost Pad. The full roof over the Compost Pad; Leachate Collection and Recycling System will ensure the prevention of water pollution even during rainy season.
- (ii) Organic Shredding Machine for the size reduction of the organic waste and Mechanical Siever to screen the matured compost.
- (iii) Machine Shed.
- (iv) Compound Wall, Internal Roads, Watchman Shed, Manure Store & Sales Room, allotment for the providing Water Supply, Lighting and Toilet facility at an outlay of Rs.46.70 lakhs.
- (v) Green belt around the Compound Wall with tree saplings and

Demonstration Plot for cultivating vegetables and other horticulture crops.



**EXECUTIVE OFFICER**  
**MINJUR TOWN PANCHAYAT**  
**THIRUVALLUR DISTRICT.**

Page No.3  
No. of Corrms.: Nil

There is 2 km distance from the dumping area to the Rama Reddy Palayam Village and there are no possibilities of infection of any diseases to the people in that area. The solid wastes collected from the people of 7<sup>th</sup> Respondent are taken to the site, where the wastes are segregated and the bio-degradable wastes are converted into bio-manure. The wastages generated within the municipal limits of 7<sup>th</sup> Respondents are continued to be recycled as per the Government's policies and protocols. The Resource Recovery Park would not spread over in and around the localities and it will not create any diseases as alleged by the Applicant. There are no industries or companies in and around the municipal area of 7<sup>th</sup> Respondent. The Medical Wastes are collected by Tamil Nadu Waste Management, Chennai, of Ramkay Group of Chennai. The Poultry Wastes are collected by Pragathi Farms, Gnayaru Village, Ponneri Taluk, who convert the same as fish food. The debris is reutilized by the Building owners into their new constructions. The remaining wastes are incinerated through modern scientific methods through M/s. Adhani Constructions.

4. It is submitted that the drinking water is drawn only from Vanniambakkam Village, near the Kosasthalaiyar River bed, which is 8 Km away from Rama Reddy Palayam. The earlier Well, which was 100 metres low does not have water facility, and the same has since been closed. There is no pollution or contamination and necessary steps are being taken to upstream the course of Kosasthalaiyar River and the flow of fresh water in the River.

5. It is submitted that the foreword of the Applicant in the Application under Reply are denied as misleading and frivolous. Articles 21 & 51 of the Constitution of India do not empower the Petitioner to prevent the authorities from discharging their sovereign functions and observance of statutory conditions. The Government / Respondents are bound to implement the Solid Waste Management as per (SWM) Rules, 2016. The Kosasthalaiyaru River is not confined within the municipal limits of Minjur Town Panchayat alone, as admitted by the Applicant in para 1 of the Application and runs through several municipals & corporations limits. The 7<sup>th</sup> Respondent has been acting in compliance with the statutory mandates through the correct actions. There is no illegal Dumping Yard, much less any mass yard, causing any pollution or open invitation to animals.

Page No.4

No. of Corms.: Nil

  
**EXECUTIVE OFFICER**  
**MINJUR TOWN PANCHAYAT**  
**THIRUVALLUR DISTRICT.**

6. It is submitted that the Applicant is put to strict proof of his averments in paras 1 & 2. Regarding para 3, it is reiterated that the Kosathalaiyaru River is not confined within the municipal limits of Minjur Town Panchayat alone. The allegations in para 4 are stoutly denied, except the admission of Applicant that steps have been taken to restore the River at other places in particular and other water bodies in general. No environmental legislation and/or protection have been violated by the 7<sup>th</sup> Respondent and/or other official Respondents. The Applicant is put to strict proof of his allegations in paras 5 & 6. The averments in para 7 are matters of record. As admitted by the Applicant in para 8, action has been taken by the 7<sup>th</sup> Respondent and other Official Respondents promptly wherever there was any complaint of dumping.

7. It is submitted that the allegations in paras 9 & 10 are stoutly denied as false and misleading. The Applicant cannot find fault with the sovereign actions of the Government through the 7<sup>th</sup> Respondent which is in vogue for more than 40 years. Improvements based on modern techniques have been made in the disposal, segregation and recycle of the wastes in accordance with law. The allegations in para 9 are contrary to the averments in para 8. Disposal of wet wastes are done by the respective concerns stated supra. The Resource Recovery Park is a Project of Tamil Nadu Government based on its State Policies in conformity with the Statutes for all Urban Local Bodies and the same does not violate any law, including Water (Prevention & Control of Pollution) Act, 1974.

8. It is submitted that the allegations in paras 11 to 13 are vehemently denied as frivolous and vexatious. The site has been in the possession and enjoyment of the 7<sup>th</sup> Respondent for more than 40 years and is being utilized continuously without affecting the environment. The site is not a hindrance to any of the Worshipers, as alleged. No disease has been reported by the utilization of the site. The cause of the diseases mentioned by the Applicant is unrelated to the sovereign actions of the 7<sup>th</sup> Respondent. The Applicant has no locus to make vague, non-specific allegations. The Applicant is not an expert to make allegations, as alleged by him, and there are no scientific evidences to any of the allegations. There are people

Page No.5  
No. of Corrms.: Nil

  
**EXECUTIVE OFFICER**  
**MINJUR TOWN PANCHAYAT**  
**THIRUVALLUR DISTRICT.**

living within the municipal limits of 7<sup>th</sup> Respondents and have not made any complaint as alleged by the Applicant.

9. It is submitted that the allegations in paras 14 to 21 are fervently denied as untrue and baseless. The Resource Recovery Park is legal and valid and is not within 100 Feet from the Well or 10 Feet below the ground. Since the actions of the 7<sup>th</sup> Respondent and other Official Respondents are legal, the representations of the Applicant required no actions and were rejected. The water drawn from the Well for the people is good and not toxic or unhealthy. It is reiterated that all wet wastes are collected by the respective concerns from the respective locations and not from the site. Regarding para 19, the Government is also working on restoring the River at other locations. The Official Respondents have been performing within the parameters of law and have not failed in any of their duties. The Government is assisted by experts, including the 13<sup>th</sup> Respondent, in their actions in restoring several rivers in the State, by utilizing modern scientific techniques. The entire subject of Solid Waste Management is governed by Solid Waste Management Rules, 2016, and the 7<sup>th</sup> Respondent is following the same.

10. It is submitted that the allegations in para 22 are firmly denied as misleading and mischievous. It is reiterated that there are no industries within the municipal limits of 7<sup>th</sup> Respondent and hence, there is no possibility of pollution of the River. Ennore & Manali do not fall within the Minjur Town panchayat limits of 7<sup>th</sup> Respondent. The Applicant has no locus standi to blame the 7<sup>th</sup> Respondent for the commissions and omissions of others. No people of the 7<sup>th</sup> Respondent is suffering, as alleged. This Application is barred by limitation, since the Applicant has raised questions about the actions taken in 1956 – 1957, at this distance of time, after a lapse of more than 64 years. The Applicant ought to have taken recourse at that relevant point of time. Regarding para 23, the Applicant is estopped from relying upon 16 years old data, in view of constant changes.

11. It is submitted that the allegations in paras 23 (there are two para 23 in the Application) & 24 are resolutely denied as deceptive. The agriculture activities in general have been affected due to excess use of chemicals due to greed by certain section of people. Even as on date, the agriculturists do their activities by following

Page No.6  
No. of Corrms.: Nil

  
**EXECUTIVE OFFICER**  
**MINJUR TOWN PANCHAYAT**  
**THIRUVALLUR DISTRICT.**

traditional methods and their livelihood have not been affected. None of the actions of the 7<sup>th</sup> Respondent has affected the lives of the people of the area. None of the Official Respondents have violated any environmental law and/or any norms in so far as the manner of maintenance of the Kosasthalai River.

12. It is submitted that the Grounds alleged in the Application are denied as false, untrue, baseless, frivolous and vexatious:
- A. The Government through its organs / agencies in consultation with the experts has been working to revive all the Rivers in the State and prevent from encroachments, pollution and contamination.
- B. None of the Official Respondents have failed in their respective duties and have not violated any environmental laws.
- C. The Resource Recovery Park is not against any environmental law.
- D. The Respondents have taken appropriate actions as and when illegal dumping is reported, as admitted by the Applicant in para 1 of the Application.
- E. The Resource Recovery Park by the 7<sup>th</sup> Respondent is legal and is not within 100 Feet of the Well.
- F. The Resource Recovery Park does not stink and is not a garbage dumping yard. It is a recycling location as admitted by the Applicant in Ground G.
- G. The 6<sup>th</sup> & 8<sup>th</sup> Respondents have not failed in any of their statutory duties. Since the Resource Recovery Park by the 7<sup>th</sup> Respondent is legal and since the same is in conformity with the Solid Waste Management Rules, 2016, no action is called for.
- H. No right of the Applicant and/or the people of Rama Reddy Palayam, much less, Articles 21, 51 & 14 of the Constitution of India, has been affected, so as to approach this Hon'ble Tribunal. There is no violation of any environmental law and no health issue for any people.

Page No.7  
No. of Corrn.: Nil

  
**EXECUTIVE OFFICER**  
**MINJUR TOWN PANCHAYAT**  
**THIRUVALLUR DISTRICT.**

