

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)
AT CHENNAI**

O. A.NO.70 OF 2022 (SZ)

S.D.Duraisamy

S/o Deivasigamani. :: Applicant

-Vs-

The District Collector, Erode from the outskirts of the village

And & others.

:: Respondents

COUNTER FILED BY THE 8th RESPONDENT

The 8th Respondent states as follows:-

Respondent stated the Broiler Poultry Farm which was

1) The 8th Respondent states that he denies the entire averments made in the application by the applicant and the applicant is duty bound to prove the same, the applicant had filed the present application with the false and vexatious allegations with the wilful intension to take personal vengeance as against the 8th Respondent.

2) The 8th Respondent states that with regard to the averments made in Para No.2 of the application that around 250 families were residing in Semboothampalayam, Periyapuliyur Village (Post), Bhavani Taluk the said averment is entirely denied by the 8th Respondent in

Respondent's Broiler Poultry Farm contains three set of

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Semboothampalayam, Periyapuliyur Village only 150

families were residing in the Village and the 8th

Respondent's Broiler Poultry Farm is situated 1.5 Kms away

from the outskirts of the village.

3) The 8th Respondent states that with regard to the averments

made in Para No.3 of the application that 4 years ago the 8th

Respondent started the Broiler Poultry Farm which was

objected by the adjacent residence and the farm was

expanded to the 20,000/- Chicks which led to enormous

increase in Air, Land and Water Pollution the said

averments is entirely denied by the 8th Respondent, the fact

is that the Broiler Poultry Farm was established in the year

2008 by the 8th respondent in the outskirts of the

Semboothampalayam village which is around 1.5 Kms away

from the village, while establishing the Broiler Poultry Farm

by the 8th respondent there are six Residential houses in the

outskirts now ten houses were existing in the outskirts

adjacent to the 8th Respondent Broiler Poultry Farm. The 8th

Respondent's Broiler Poultry Farm contains three set of

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broiler sheds to the total capacity of 12,000/- chicks only and the Broiler Poultry Farm is maintained as per the guidelines by the district Animal Husbandry department in removing wastages from the farm and in no manner the Air, Land and Water was Polluted as alleged by the applicant due to the Broiler Poultry Farming.

4) The 8th Respondent states that with regard to the averments made in Para No.4 of the application that two residence of that locality has passed away and several others are suffering lung ailments due to the Broiler Poultry Farming the said averments is entirely denied by the 8th Respondent and the application is duty bound to prove that the two residence was died due to the lung ailments of the 8th respondents Broiler Poultry Farming.

5) The 8th Respondent states that with regard to the averments made in Para No.5 of the application that when the issue was addressed by the residents the 8th Respondent had picked up quarrels and abused in filthy languages, the 8th respondent along with his wife and son have attacked the

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applicant the said averment is entirely denied by the 8th Respondent. The real fact is that there was a boundary dispute between the applicant and the 8th respondent, with regard to the common way in a drunken stage the applicant had preferred the complaint on 03-09-2021, and on 15-09-2021 the applicant was tested alcohol he had voluntarily withdrawn the complaint, further on 02-01-2022 the applicant had made hindrances in the common way to the 8th Respondents Broiler Poultry Farm by placing the cattle's in the common way restraining the poultry vehicles, when the same was questioned by the 8th Respondent's mother, the applicant in a drunken stage had pushed down the 8th Respondent's old aged mother and intend to assault her in which the 8th respondents mother had fell down and sustained injury, with regard to the same the 8th Respondent had preferred the complaint to the Inspector of Police Kavandapadi Police Station and the CSR was issued in Application. No. 03 of 2022 during the course of enquiry the applicant was warned by the police officers and the complaint was closed, and no case is pending as alleged by the applicant.

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6) The 8th Respondent states that with regard to the averments made in Para No.6 of the application that while the doctor inspected the residences who were affected by contagious deceases had caused by Air, Land and Water Pollution the said averments are entirely denied by the 8th Respondent the applicant is duty bound to prove the same and to produce the relevant documents by producing the report of the Doctors.

7) The 8th respondent states that with regard to the averments made in Para No.7 of the application that the 8th respondent had no regard for the inconvenience and discomfort of the people, the said averments is entirely denied by the 8th respondent, the 8th respondent was clearly following the guide lines and advise issued by the district animal Husbandry time to time, as a dutiful citizen the 8th respondent had took utmost care in maintaining his poultry farm without causing any pollution to air, water and land.

8) The 8th respondent states that with regard to the averments made in Para No.8 & 9 of the application that the applicant had preferred his representation to the respondents and the

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3rd respondent had issued the communication to the 4th respondent and he had conducted the inspection and filed his report, the said averments are admitted by the 8th respondent, during the inspection the 4th respondent had not found any irregularities in the 8th respondents broiler poultry farm.

9) The 8th respondent states that with regard to the averments made in Para No. 10 & 11 of the application that the respondents had failed to take action as per the guide lines issued in O.A.No.320 of 2021 is entirely denied by the 8th respondent.

10) The 8th respondent states that the 8th respondents broiler poultry farm is 1.5Kms away from the Semboothampalayam village it is situated in the outskirts of the village, while the 8th respondent had established his poultry farm in the year 2008 there are only six residential houses in the outskirts and the applicant had constructed his house only in the year 2014, further the applicant had

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earlier taken the lease of the 8th respondents broiler poultry farm for two years in the year 2011, further there is two factories of manufacturing fly ash bricks unit adjacent to the 8th respondents farm and wheel manufacturing factory and two broiler poultry farm in the main village itself, but the applicant is not concerned about the same, taking personal vengeance as against the 8th respondent the present application was preferred.

11) The 8th respondent states that he is carrying on the poultry farming on a breeding basis, the company itself supplies the chicks to the 8th respondent and the respondent has to maintain and breed the chicks for 41 days after the completion of the period the company itself take back the grown chickens and the 8th respondent is paid Rs.6.50 per kilogram. The 8th respondent further states that his poultry farm contains of three batches to the total of 12,000/- chicks after the competition of the 41 days period, the farm is completely white washed and quarantined for the next batch, the company itself supplies

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the feeds to the chicks and there is no feed production is carried in the farm, and the 8th respondent had constructed the death feed tank to dispose of the dead chicks, since the 8th respondent along with his family was residing in the farm campus itself they look after the farm in frequent intervals, further the farm is situated in a good environmental condition more than 250 trees of various kinds were grown around the farm, there was no pollution caused by the farm as alleged by the applicant, the 8th respondent had set up his broiler poultry farm as per the guide lines issued by the district animal husbandry and instructions given by them time to time by inspecting the farm. Further the guide lines issued in the O.A.No.320 of 2021 will come into force from 01-01-2023.

12) The 8th respondent states that considering the above facts it is evident clear that with the personal vengeance and for a monetary benefit the applicant had filed this application with false and vexations allegations considering the same it is just and necessary to dismiss this application along with cost in the interest of justice.

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Hence it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the original application in O.A.No.70 of 2022 (SZ) on the file of this Hon'ble Tribunal along with cost and thus render justice.

Dated at Chennai this the 29th day of August 2022

K. Sathish 
5447/2021

Counsel for 8th respondent

VERIFICATION

I GnanaKumar S/o Saminathan the 8th Respondent herein and I do hereby declare that the facts stated above are true and correct to the best of my knowledge and belief and I sign this verification at Chennai on this the 29th day of August 2022.

S. GnanaKumar

8th Respondent

**BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
SOUTH ZONE AT CHENNAI
O.A.NO.70 OF 2022 (SZ)**

S.D.Duraisamy
S/o Deivasigamani.

:: Applicant

-Vs-

The District Collector, Erode
And & others.

:: Respondents

**COUNTER FILED BY THE 8th
RESPONDENT**

M/s M.SATHISH KUMAR 3219/2007
S.RAJA RAVI VARMA 1859/2006
D.AJITH KUMAR 213/2016
B.KARTHIK 3282/2016
R.DINESH KUMAR 3987/2018
S.RAMANATHAN 2571/2019
K.SATHISH KUMAR 5447/2021

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