

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

ORIGINAL APPLICATION NO.74 of 2022 (SZ)

T.Rathnasamy,
s/o.Thayandasamy,
No.530/2A1B, Myvadi Village - II,
Krishnapuram post,
Madathukulam Taluk,
Tiruppur District.

...Applicant

Versus

1. The District Collector,
Tiruppur District,
Tiruppur and 8 others.

...Respondents

REPLY STATEMENT OF 7th RESPONDENT

I, R.Krishnasamy, son of Mr.Ramasamy Gounder, who is the sole proprietor of 7th Respondent Company herein (M/s. Mahesh Stone Crusher), do hereby solemnly affirm and sincerely state as follows:

1. I am well conversant with facts of the present case and thus competent to file this reply statement.
2. The 7th Respondent denies the averments made in para-1 of the application as false. This Respondent submits that although the applicant states that he is the owner of the agricultural lands in S.F.No.530/1B of Myvadi Village, Madathukulam Taluk, the land record of S.F.No.530/1B shows that it is a Government Poromboke land. Thus, it is completely false to state that the applicant is the owner of the agricultural land in S.F.No.530/1B and he is put to strict proof of the same.
3. This Respondent submits that M/s.Mahesh Stone Crushing Unit is owned by one Mr.R.Krishnasamy in S.F.No.519/2, he being entitled to the same vide partition deed dated 09.09.1985 registered as Doc.No.999 of 1985 on the file

X
Rathnasamy

of SRO, Kaniyur. It is also to be noted that, a perusal of topo sketch of the Village would go to show that this S.F.No.519/2 is not situated adjacent or anywhere near S.F.No.530 where the Applicant herein claims that his land is situated.

4. The 7th Respondent denies all the allegetions made in para – 2 of the application. It is humbly submitted that the this Respondent had properly constructed the roads within the crusher unit and it is pertinent here to mention that this Respondent is not carrying out any quarrying operation in the said unit. This respondent submits that it had duly procured the consent order dated 01.03.2019 from Tamilnadu Pollution Control Board vide Proceedings No.F.0254TPS/OS/DEE/TNPCB/TPS/W/2019 under section 25 of Water (Prevention and Control of Pollution) Act, 1974 and the same is valid till 31.03.2023. Similarly, another consent order dated 01.03.2019 has been issued by the Tamilnadu Pollution Control Board vide Proceedings No.F.0254TPS/OS/DEE/TNPCB/TPS/A/2019 under section 21 of Air (Prevention and Control of Pollution) Act, 1974 and the same is valid till 31.03.2023. In addition to this , this Respondent states that the unit as well the roads are always kept in a wet condition at all times in order to prevent the dust particles from spreading and to curb the pollution. Hence, it is not proper to state that the operations are carried out in utter violation of the Rules and Regulations and circular of the 4th Respondent.
5. The 7th Respondent denies all the contentions of the Applicant in para – 3 of the application and he is put to strict proof of the same. The averment of the Applicant that the Applicant's house is situated just 20 feet away from the pathway and the agricultural well is situated 40 feet away from the pathway is denied as false and concocted. It is to be noted that it is only the land of the 7th Respondent which is situated adjacent to the said pathway and the land of the applicant is situated after the land of 7th Respondent at about 81 meters (i.e., 265 ft) away from the said pathway. The same would be apparent from the Topo Sketch of the Village. Hence, it is completely false to state that this respondent is causing pollution by continuously transporting the crushing materials thereby affecting the applicant.

X



6. The 7th Respondent denies all the allegations made in para – 4 and 5 of the Application and the applicant is put to strict proof of the same. As already mentioned, this Respondent has not conducted any violation and the roads have been properly laid down by this Respondent in the crusher unit. As the Applicant's land is situated at a distance of 81 meters from the pathway, the chances of deposition of dust particles in the applicant's land are very less. Thus it is completely false to state that the Applicant is facing air pollution due to the act of this Respondent.
7. This Respondent states that all the averments made in para -5 of the application are false and concocted. This Respondent humbly submits that the applicant has illegally got his plan approved from the panchayat for his house in the land of this Respondent and this issue is pending and also there is a pending civil litigation regarding the pathway to the said lands. Thus, the representation dated 14.05.2022 has been sent by this applicant only with a malafide intention to harass this Respondent due to personal disputes while there is no violation committed by the Respondent to pollute the environment. At the risk of repetition, it is submitted that it is utter falsehood to state that this Respondent is carrying out the crushing operation at the cost of applicant's life and in violation of the Rules and Regulations. With regard to the complaint filed by the applicant in Crime No.463/2012, it is pertinent to note that the said complaint has been filed only against the 5th Respondent and this Respondent has no nexus to that issue. Thus, this Respondent states that he is not a necessary party to this application and for this reason alone, this application is liable to be dismissed.
8. The 7th Respondent states that, all the averments in para – 7 of the application are not known to this Respondent and the allegations are made against the 5th Respondent and this Respondent has no nexus to the same. Further, it is pertinent here to state that this Respondent is operating only crusher unit and no quarrying operation is carried out by this Respondent. Therefore this Respondent is in no way responsible for blasting and causing noise pollution. As already mentioned, the intention of the Applicant is to harass this Respondent by raising false allegations against this Respondent.
9. This Respondent states that all the grounds stated by the applicant are false and concocted and merely raised with an intention harass this Respondent

 X

and to stop the operation of this Respondent due to the personal disputes between the parties.

10. This Respondent states that the applicant has belatedly filed this application after the limitation period and this application is liable to be dismissed on this ground.

11. This Respondent reserves its right to file any additional reply, if necessary.

Thus, for all the reasons stated above, this Respondent states that this Application is filed against this Respondent due to the personal disputes among the parties and this Respondent is not a necessary party to this Application. Therefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to dismiss this Original Application with costs.

N. Senthil Kumar

COUNSEL FOR 7th RESPONDENT

x

R. S. Jeyaraj

7th RESPONDENT

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

ORIGINAL APPLICATION NO.74 of 2022 (SZ)

T.Rathnasamy,
s/o.Thayandasamy,
No.530/2A1B, Myvadi Village - II,
Krishnapuram post,
Madathukulam Taluk,
Tiruppur District.

...Applicant

Versus

1. The District Collector,
Tiruppur District,
Tiruppur and 8 others.

...Respondents

INDEX TO TYPEDSET OF PAPERS

Doc .No.	Date	Description	Page No.
1	01.03.2019	Consent order to operate under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, from Tamilnadu Pollution Control Board	1
2	01.03.2019	Consent order to operate under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, from Tamilnadu Pollution Control Board	4
3		Land record extract of S.F.No.530/1B	6
4		Topo Sketch	7
5		Photographs from Google Map showing the distances	8

DATED AT CHENNAI ON THIS THE 1st DAY OF SEPTEMBER 2022

COUNSEL FOR THE 7th RESPONDENT



TAMILNADU POLLUTION CONTROL BOARD



1

RENEWAL OF CONSENT ORDER NO:1909220475096

DATE:01/03/2019

PROCEEDINGS NO.F.0254TPS/OS/DEE/TNPCB/TPS/A/2019 DATED: 01/03/2019

Sub :	Tamil Nadu Pollution Control Board – AUTO RENEWAL OF CONSENT –M/s. MAKESH STONE CRUSHER (BLUE METAL) , S.F. No. 519/2, MAIVADI village, Madathukulam Taluk and Tiruppur District- Renewal of Consent for operation of the plant and discharge of emissions under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 (Central Act 14 of 1981) – Issued – Reg.
Ref :	1. CTO Proc. No. T2/F.2118/CBE/O/A/96 dated 17.05.1996 2. RCO Proc. No F.0254TPS/OS/DEE/TNPCB/TPS/A/2016 DATED: 14/09/2016 3. Unit's application for CTO-Renew by autorenewal dated 25.01.2019 through OCMMS and with additional details on 19.02.2019 4. Minutes of the 147th DLCCC meeting dated 22.02.2019 held at the O/o, DEE, Tiruppur (South).

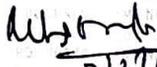
Renewal of Consent is hereby granted under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 (Central Act 14 of 1981) (hereinafter referred to as "The Act") and the rules and orders made there under to

The Proprietor,
M/s . MAKESH STONE CRUSHER (BLUE METAL)
S.F No. 519/2,
MAIVADI Village,
Madathukulam Taluk,
Tiruppur District.

Authorizing the occupier to operate the industrial plant in the Air Pollution Control Area as notified by the Government and to make discharge of emission from the stacks/chimneys.

This is subject to the provisions of the Act, the rules and the orders made there under and the terms and conditions incorporated under the Special and General conditions stipulated in the Consent Order issued earlier and subject to the special conditions annexed.

This RENEWAL OF CONSENT is valid for the period ending - March 31, 2023


2/3/19
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
TIRUPPUR SOUTH

POLLUTION PREVENTION PAYS



1. This renewal of consent is valid for operating the facility with the below mentioned emission/noise sources along with the control measures and/or stack. Any change in the emission source/control measures/change in stack height has to be brought to the notice of the Board and fresh consent has to be obtained.

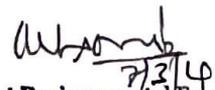
SI.No.	Description	Quantity	Unit
Product Details :-			
1.	Stone Jelly	750	Tons/Month
2.	Stone Powder	25	Tons/Month
By-Product Details :-			
Intermediate Product Details :-			

2. This renewal of consent is valid for operating the facility with the below mentioned emission/noise sources along with the control measures and/or stack. Any change in the emission source/control measures/change in stack height has to be brought to the notice of the Board and fresh consent/Amendment has to be obtained

I Point source emission with stack :				
Stack No	Point Emission sources	Air pollution Control measures provided	Stack height from Ground Level in m	Gaseous Discharge in Nm3/hr
II Fugitive/Noise emission :				
SI.No.	Fugitive or Noise Emission sources	Type of Emission	Control measures provided	Quantity
1.	Jaw Crusher	Fugitive	MS Sheet Enclosure with Sprinkler	
2.	Sieve	Fugitive	MS Sheet Enclosure	
3.	Conveyor Belt	Fugitive	Covered with MS Sheet	
4.	Dust Collection Section	Fugitive	Dust Collection Chamber	
5.	Within the unit's Premises	Fugitive	Water sprinkler system	

Additional Conditions-

1. The unit shall operate and maintain the Air pollution control measures effectively and continuously so as to adhere to the Ambient Air Quality/Emission standards prescribed by the TNPC Board from time to time.
2. The unit shall maintain the Air Pollution Control measures for the dust collection chamber efficiently and continuously.
3. Telescope chutes are to be maintained at the conveyor drop point to prevent dust release in to the atmosphere during free fall off material from height.
4. The unit shall maintain the water sprinkling system to control the fugitive dust emission efficiently and continuously.
5. The unit shall ensure that fine dust accumulated in the crushing area is cleaned periodically and dumps are covered with tarpaulin to arrest erosion by wind.
6. The unit shall not attract any public complaint during operation of the unit.
7. The unit shall maintain adequate green belt around the unit premises.
8. In case of revision of consent fee by the government, the member unit shall remit the difference in amount within one month from the date of notification. Failing to remit the consent fee, this consent order will be withdrawn without any notice and further action will be initiated against the unit as per law.
9. The unit shall not use 'use and throwaway plastics' such as plastic sheets used for food wrapping, spreading on dining table etc., plastic plates, plastic coated tea cups, plastic tumbler, water pouches and packets, plastic straw, plastic carry bag and plastic flags irrespective of thickness, within the industry premises. Instead unit shall encourage use of eco friendly alternative such as banana leaf, arecanut palm plate, stainless steel, glass, porcelain plates/cups, cloth bag, jute bag etc.


 District Environmental Engineer
 Tamilnadu Pollution Control Board
 Tiruppur South @ Palladam



District Environmental Engineer,
Tamil Nadu Pollution Control Board,
TIRUPPUR SOUTH

3

TAMILNADU POLLUTION CONTROL BOARD

To

The Proprietor,

M/s.MAKESH STONE CRUSHER (BLUE METAL),

S.F No. 519/2, Myvadi Village, Madathukulam Taluk, Tiruppur District.,

Pin: 642111

Copy to:

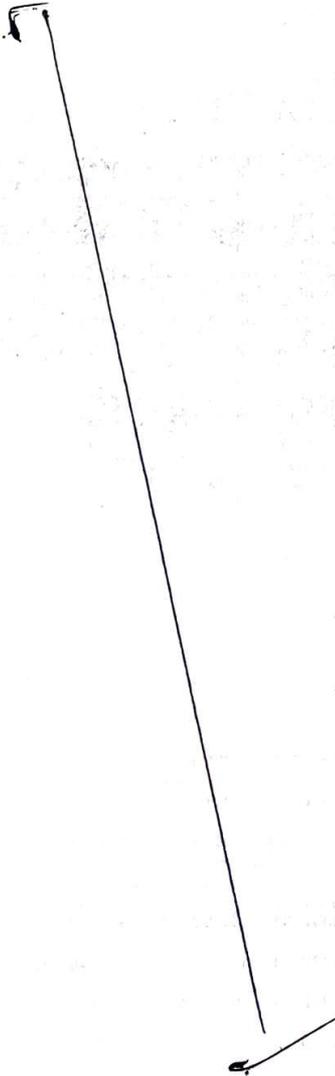
1.The Commissioner, MADATHUKULAM-Panchayat Union, Madathukulam Taluk, Tiruppur District .

2. Copy submitted to the Member Secretary, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.

3. Copy submitted to the JCEE-Monitoring, Tamil Nadu Pollution Control Board, Coimbatore for favour of kind information.

4. File

This is computer generated, Signature is not required.



POLLUTION PREVENTION PAYS



TAMILNADU POLLUTION CONTROL BOARD



4

RENEWAL OF CONSENT ORDER NO:1909120475096

DATE:01/03/2019

PROCEEDINGS NO.F.0254TPS/OS/DEE/TNPCB/TPS/W/2019 DATED: 01/03/2019

Sub :	Tamil Nadu Pollution Control Board – AUTO RENEWAL OF CONSENT – M/s. MAKESH STONE CRUSHER (BLUE METAL) S.F No. 519/2, MAIVADI Village, Madathukulam Taluk, Tiruppur District- Renewal of Consent for the operation of the plant and discharge of sewage and/or trade effluent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 (Central Act 6 of 1974) – Issued- Reg.
Ref :	1. CTO Proc. No. T2/F.2118/CBE/O/W/96 dated 17.05.1996 2. RCO Proc. No F.0254TPS/OS/DEE/TNPCB/TPS/W/2016 DATED: 14/09/2016 3. Unit's application for CTO-Renew by autorenewal dated 25.01.2019 through OCMMS and with additional details on 19.02.2019 4. Minutes of the 147th DLCCC meeting dated 22.02.2019 held at the O/o, DEE, Tiruppur (South).

Renewal Of Consent is hereby granted under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 (Central Act, 6 of 1974) (hereinafter referred to as "The Act") and the rules and orders made there under to

The Proprietor,
M/s . MAKESH STONE CRUSHER (BLUE METAL)
S.F No. 519/2,
MAIVADI Village,
Madathukulam Taluk,
Tiruppur District.

Authorising the occupier to make discharge of sewage and /or trade effluent.

This is subject to the provisions of the Act, the rules and the orders made there under and the terms and conditions incorporated under the Special and General conditions stipulated in the Consent Order issued earlier and subject to the special conditions annexed.

This RENEWAL OF CONSENT is valid for the period ending - March 31, 2023



District Environmental Engineer,
Tamil Nadu Pollution Control Board,
TIRUPPUR SOUTH

POLLUTION PREVENTION PAYS

1. This renewal of consent is valid for operating the facility with the below mentioned permitted outlets for the discharge of sewage/trade effluent. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

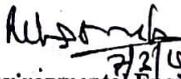
SI.No.	Description	Quantity	Unit
a.	Product Details :-		
1.	Stone Jelly	750	Tons/Month
2.	Stone Powder	25	Tons/Month
b.	By-Product Details :-		
c.	Intermediate Product Details :-		

2. This renewal of consent is valid for operating the facility with the below mentioned permitted outlets for the discharge of sewage/trade effluent. Any change in the outlets and the quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Outlet No.	Description of Outlet	Maximum daily discharge in KLD	Point of disposal
EFFLUENT TYPE :-			
1.	Sewage	1.0	On Industrys own land
EFFLUENT TYPE :-			
OUTLET NUMBER	DESCRIPTION OF OUTLET	MAXIMUM DAILY DISCHARGE (IN KLD)	POINT OF DISPOSAL

Additional Conditions-

- The unit shall operate and maintain the Septic Tank followed by Dispersion Trench arrangements for the treatment of sewage so as to satisfy the standards prescribed by the Board.
- The unit shall not generate trade effluent at any stage of the manufacturing process.
- The unit shall remove the solid waste then and there so as to avoid the accumulation of the same within the premises.
- The unit shall not attract any public complaint during operation of the unit.
- In case of revision of consent fee by the government, the member unit shall remit the difference in amount within one month from the date of notification. Failing to remit the consent fee, this consent order will be withdrawn without any notice and further action will be initiated against the unit as per law.
- The unit shall not use 'use and throwaway plastics' such as plastic sheets used for food wrapping, spreading on dining table etc., plastic plates, plastic coated tea cups, plastic tumbler, water pouches and packets, plastic straw, plastic carry bag and plastic flags irrespective of thickness, within the industry premises. Instead unit shall encourage use of eco friendly alternative such as banana leaf, arecanut palm plate, stainless steel, glass, porcelain plates/cups, cloth bag, jute bag etc.


 District Environmental Engineer,
 Tamil Nadu Pollution Control Board,
 TIRUPPUR SOUTH

To

The Proprietor,
 M/s.MAKESH STONE CRUSHER (BLUE METAL),
 S.F No. 519/2, Myvadi Village, Madathukulam Taluk, Tiruppur District.,
 Pin: 642111

Copy to:

- The Commissioner, MADATHUKULAM-Panchayat Union, Madathukulam Taluk, Tiruppur District .
- Copy submitted to the Member Secretary, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
- Copy submitted to the JCEE-Monitoring, Tamil Nadu Pollution Control Board, Coimbatore for favour of kind information.



Anytime / Anywhere e-Services
Department of Survey and Settlement
Government of Tamil Nadu

+A A -A

Land Records - Verify whether Land is Government or Private

[Home](#)

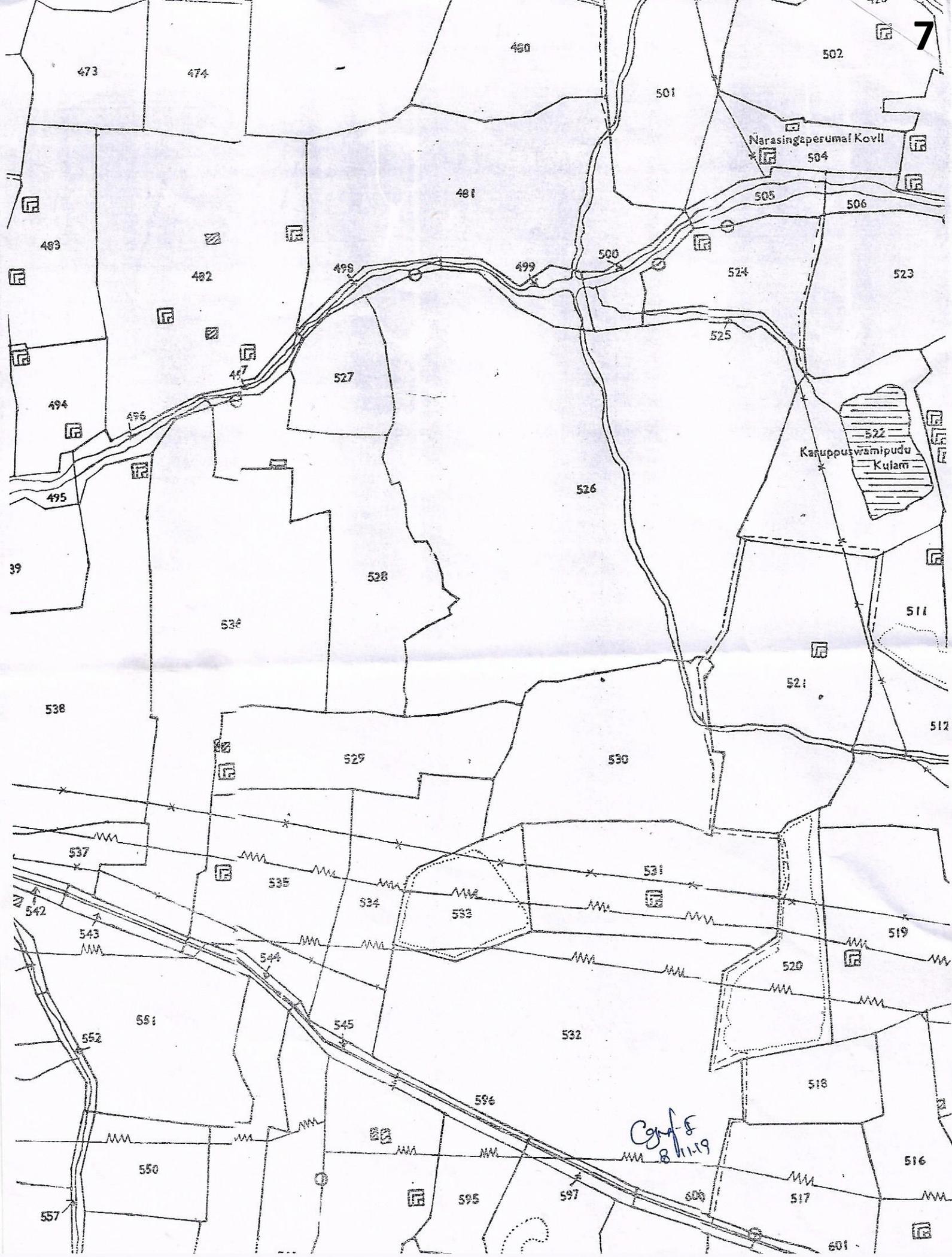
District*
Tiruppur
Taluk*
MADATHUKULAM
Village*
MAIVADI 1-2
Survey Number*
530
Sub Division Number*
1B

This is a Government Land

[Help](#) [Web Administrator](#) [Terms of Use](#) [Accessibility Statement](#) [Website Policy](#) [Feedback](#) [Contact Us](#) [Disclaimer](#) [Useful Links](#)

The Content is owned, maintained and dynamically updated by Department of Survey and Settlement, Government of Tamil Nadu.
It is designed and developed by Tamil Nadu State Centre of National Informatics Centre (NIC),
Ministry of Electronics & Information Technology, Government of India.

This portal is best viewed in 1024 x 768 resolution in Mozilla 38+, Google Chrome 45+, Edge Browsers
Last Updated : 12 August , 2022



Narasingaperumal Kovil

Karuppuswamiyudu
Kulam

Copy of
8/11/19

PHOTOGRAPHS

DISTANCE FROM 7TH RESPONDENT'S LAND TO APPLICANT'S LAND



DISTANCE FROM PATHWAY TO THE APPLICANT'S LAND

