

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONAL BENCH, CHENNAI

OA. No. 76 OF 2021

K.G. Anilkumar

..... Applicant

Vs.

State Environment Impact Assessment
Authority & Others

..... Respondents

**WRITTEN OBJECTION FILED BY THE 3RD RESPONDENT IN
THE ABOVE APPLICATION**

Counsel for the 3rd Respondent

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Senior Advocate (K/570/1979)

&

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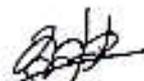
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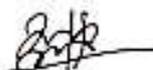
**WRITTEN OBJECTION FILED BY THE 3RD RESPONDENT IN
THE ABOVE APPLICATION**

1. The above application is filed before this Hon'ble Tribunal directing the following reliefs:

- i) *Direct the respondents 1 and 2 or such other appropriate authority to take appropriate steps to recover the damages caused to the environment of account of the quarrying operations being carried out by the 3rd respondent on the basis of Annexure-A1 environmental clearance and to take all steps necessary for the restoration of the damages caused.*
- ii) *Direct the respondents 1 and 2 to prosecute the persons who are responsible for carrying out the illegal operations in utter disregard to the conditions imposed by Annexure-A1 in accordance with law.*
- iii) *To stop the quarrying operations for violating the present norms fixed by law;*



2. The said application has been filed suppressing material facts including judicial orders in which the applicant was party. In response to the notice received, this respondent entered appearance and filed the written objection on legal grounds and by producing Exhibits-R3(a) Full Bench judgment, Exhibit-R3(c) subsequent judgment rendered by the Single Judge following the dictum laid down by the Full Bench, Exhibit-R3(d) judgment of the Division Bench preferred against the judgment in Annexure-A2 Exhibit-R3(g) judgment of the Division Bench and other necessary documents.
3. After the filing of the said application, IA No. 120/2021 was filed by the applicant without giving notice to the counsel for the 3rd respondent and the intimation was given by the counsel for the applicant by way of a WhatsApp message on the previous day on which the application was listed for consideration by this Hon'ble Tribunal. In courtesy to the proceedings before the Tribunal, my counsel entered appearance and attempted to make submissions on the basis of the objections filed earlier in response to the averments in the OA. However, the Tribunal (Justice Ramakrishnan) had refused to hear my counsel and judicial member was inclined to hear only the counsel for the applicant Mr. P.B. Sahasranaman. The case is now listed for further hearing on 31.08.2021.
4. After the last hearing, I made on my enquiries and it is understood that the cases in which Mr. P.B. Sahasranaman is appearing, whether for the applicant or the respondent, the Judicial Member refuses to



hear other counsel appearing in the matter and Mr. P.B. Sahasranaman alone is heard. The present application filed before this Hon'ble Tribunal suppressing material facts ought to have been dismissed on bringing those facts before this Tribunal by producing the relevant documents. However, the Tribunal refused to consider the said aspect and proceeds in a blind manner without giving an opportunity to the affected party in placing before the Tribunal even the bare facts. During the hearing advanced by Sri P.B. Sahasranaman, it was observed by the Tribunal that the judgment of the Division Bench of the High Court in W.A. No. 1392 of 2020 and 1393/2020, which is marked as Exhibit-R3(g), is wrong. It is submitted that the present application before the National Green Tribunal, Chennai is nothing but a forum shopping exercise. Taking into account the factors which cannot be seen through naked eyes, as a litigant, I have no faith in the judicial impartiality of the judicial member of the Southern Regional Bench in view of the proximity of factors as stated above.

Therefore I request the Judicial Member to recuse the hearing of the matter and the same may be placed before any other bench after obtaining orders from the Chairman of the Hon'ble Tribunal.

Dated this the 30th day of August, 2021.



3rd Respondent