

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

(Under Section 16(h) read with Section 18(1) of the National Green Tribunal Act,  
2010)

**Appeal No. 30 OF 2025**

Arjun Gopalaratnam

...Appellant

Vs.

State Environment Impact Assessment Authority

Rep by its Member Secretary and Anr.

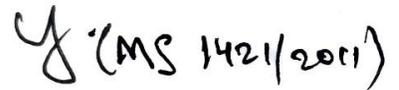
... Respondents

**TYPED SET FILED BY THE APPELLANT  
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Certified to be true copies of the respective originals

Dated at Chennai on this the 2<sup>nd</sup> day of June, 2025



Yogeshwaran A  
Counsel for Appellant



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2. The present writ petition is filed aggrieved by the ongoing illegal clearing of poromboke and patta lands by the 3<sup>rd</sup> respondent for the formation of a road to service a rough stone quarry measuring about 2.77.0 Ha in S.F. Nos:367/1, 367/2, 368/1G, 368/1H, 368/1I, 376/1, 376/2, 376/3, 376/4, & 376/5 of Edamachi Village, Uthiramerur Taluk, Kancheepuram District, Tamil Nadu. The 3<sup>rd</sup> respondent's quarry site is located in the immediate vicinity of the Edamachi lake and adjacent to the reserve forest. It is not connected by roads and it is not known how clearances were even issued for this site.
3. I submit that Edamachi and Nerkundram villages are adjacent to each other. The Edamachi reserve forest runs north – south. The major portion of the Edamachi village is situated on the eastern side, and Nerkundram village is situated on the western side. The Edamachi lake is on the northern end of the Edamachi reserve forest. Some lands located to the west of the reserve forest and south of the Edamachi lake also fall within the revenue boundaries of Edamachi village. The revenue boundary of the Nerkundram village begins to the south of these lands. The proposed quarry site is comprised within the lands in Edamachi village located to the south of Edamachi lake. There is no road access from Edamachi village or Nerkundram village to the quarry site. The nearest village road in Nerkundram is at a distance of roughly about 1 km from the quarry site. This road is also a 10 ft wide village road that is not designed to cater to large trucks and heavy vehicles.
4. It is seen from the Edamachi village revenue map that only a foot path runs through these agricultural lands, which is not a well-defined or cleared pathway. The 3<sup>rd</sup> respondent is now attempting to form an illegal road to connect his quarry site, and hence this writ petition has been

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filed. There is urgency, since unless injuncted, the 3<sup>rd</sup> respondent will continue with the violation and therefore, the writ petition has been filed before the Hon'ble Vacation Court.

5. I retired as a Major from the army in 1987. I have been carrying on organic farming since 2004 on about 8 acres of lands situated in Nerkundram village, located near the Edamachi reserve forest. My lands are located to west of the reserve forest. The area is pristine, untouched and idyllic. Groundwater is available at a depth of about 6 metres even during summer and is almost at ground level during monsoon. The entire area is agricultural in character. If the 3<sup>rd</sup> respondent quarries at the proposed site, it will intersect the groundwater table, which will drain the aquifers which nourish the wells in the area.
6. I submit that originally, environmental clearance dated 20.09.2021 under the EIA Notification, 2006 was obtained by the 3<sup>rd</sup> respondent for the subject quarry. I challenged this clearance by filing an appeal numbered as Appeal No. 15 of 2022 before the Hon'ble National Green Tribunal, as the 3<sup>rd</sup> respondent had obtained the clearance by lying about the water table in the area, its ecological sensitivity etc. The clearance was set aside by the Hon'ble Tribunal vide judgment dated 20.07.2023.
7. Once again the 3<sup>rd</sup> respondent appears to have suppressed facts and obtained clearance dated 11.01.2025 for the same site, to mine to a depth of 24 metres below ground level by misrepresenting the groundwater table as 48 metres. This clearance is also vitiated on a plethora of other grounds including non-application of mind by the authorities. Since the clearance was not communicated to the public at large by placing a notice board at the quarry site, publishing in

newspapers, providing copies to local authorities and to persons like me, who had objected to the proposal, a copy of the clearance was not available. I had to file RTIs to obtain a copy of the clearance. Since the NGT Act, 2010 under Section 16 imposes a 30 day period of limitation, extendable by 60 days from the date of "communication", I filed an appeal to the Hon'ble NGT along with an application to condone delay of 58 days in abundant caution. I am advised to state that copies of the appeal were served even before numbering on the counsel who had appeared for the 3<sup>rd</sup> respondent in the previous round of litigation.

8. The IA was numbered as IA No. 59 of 2025 and the Appeal was numbered as Appeal No. 30 of 2025. The matter was listed on 24.04.2025 and adjourned to 01.05.2025. On 01.05.2025, the counsel for the 3<sup>rd</sup> respondent appeared and contended that they had published an advertisement in the Business Standard newspaper in English on 21.01.2025, and could not state the name of the Tamil newspaper. Nobody in our village subscribes to the Business Standard newspaper and it has no circulation. This is indicative of the intention of the 3<sup>rd</sup> respondent to somehow thwart a challenge to the clearance and surreptitiously commence quarrying. The Hon'ble NGT adjourned the matter to 03.06.2025 for the respondents therein to file their response, since the Hon'ble Tribunal is closed for summer vacations during May.
9. I reiterate that it can be seen from the village map that the survey numbers of the 3<sup>rd</sup> respondent's proposed quarry is not connected by any roads. Quarrying involves the transport of large mining machinery and trucks to transport mined materials. On 29.03.2025, the Gram Sabha of Nerkundram village, Anambakkam Panchayat passed a resolution that heavy vehicles should not be allowed to ply on village roads. This was

based on a letter on 29.03.2025 submitted by the people of the village on being informed that the 3<sup>rd</sup> respondent is likely to quarry at the proposed site.

10. On 07.03.2025 and 08.04.2025, people of Nerkundram village addressed representations to the District collector requesting that quarrying should not be permitted in their village and that heavy vehicles should not be permitted on their village roads stating in detail the risks posed by the proposed activity. However, no reply was received to these letters.
11. On 08.05.2025 the 3<sup>rd</sup> respondent brought a Hitachi earth moving equipment and JCBs and commenced clearing the lands in S. No. 144, Nerkundram village of Anambakkam Panchayat. S. No. 144 is classified as poromboke in the revenue lands for the formation of the road to access the quarry site. This is patently illegal and the 2<sup>nd</sup> respondent has no right to form a road through poromboke lands. These lands are used as grazing lands for the livestock in the village. On enquiry, it was informed that the 3<sup>rd</sup> respondent was going to form a new road to connect the existing village road.
12. I submit that the 3<sup>rd</sup> respondent cannot claim that they are converting the foot path marked in the revenue map to a metalled road for quarry transport. Such a claim and attempt would be wholly illegal. I submit that shockingly, the 3<sup>rd</sup> respondent appears to have submitted to the SEIAA an alleged undated resolution of the Anambakkam Panchayat stating that the "Vandi Pathai" and agricultural lands would be converted to a metalled road for transport of quarried materials from the 3<sup>rd</sup> respondent's quarry. Such a resolution is patently illegal and the panchayat has no rights whatsoever to convert a footpath or a "vandi

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pathai" (which does not exist in the revenue maps) to a road for the 3<sup>rd</sup> respondent's quarry. I am advised to submit the resolution is void ab initio and has no legal sanctity.

13.I submit that S. No. 144, Nerkundram village is a large parcel of land. The foot path marked in the revenue map runs to the north of the area that has been cleared and levelled by the 3<sup>rd</sup> respondent. A length of about 200 metres has been cleared, which is not even close to the foot path marked in the revenue map.

14.On 08.05.2025, the people of the village submitted a complaint to the Sub Inspector of Police, Salavakkam and to the VAO, Anambakkam panchayat. They also attempted to stop the illegal activity but by the time they succeeded, the above extent was illegally cleared.

15.I submit that a number of people signed and submitted representations to the District collector and other authorities on 09.05.2025 bringing to their notice the ongoing illegal clearing and road formation. However, no action has been taken by the respondent authorities.

16.I submit that the district forest officer, in his letter dated 18.10.2024, also specifically pointed out that the quarry site is located adjacent to the lake and reserve forest and that it is not serviced by roads and that these factors should be considered while considering the project for clearance. In fact, in its 775th meeting, the State Environmental Impact Assessment Authority (SEIAA) returned the proposal to the State level Expert Appraisal Committee (SEAC) stating that quarrying at the site was not a "judicial" decision, but ultimately ended up granting the clearance.

17.I submit that these issues will be examined by the Hon'ble NGT in my pending appeal, where both merits review and judicial review of the EC will be undertaken. The 3<sup>rd</sup> respondent is attempting to present a fait accompli and claim that they have commenced quarrying at the site before the matter is examined by the Hon'ble NGT. The 3<sup>rd</sup> respondent has absolutely no legal right to clear the lands in S.No.144 or any other survey number to form a road to access its quarry site.

18.I submit that I do not have any other efficacious alternative remedy and I am filing the present writ petition under Article 226 of the Constitution of India on the following among other

### **GROUND**

- A. The 3<sup>rd</sup> respondent has illegally commenced clearing of lands in S.No. 144, Nerkundram village classified as Poromboke for the formation of a road to access its proposed quarry site.
- B. The 1<sup>st</sup> and 2<sup>nd</sup> respondents have failed to see that the proposed quarry site is not connected by a road and the 3<sup>rd</sup> respondent cannot illegally create a road to access its lands.
- C. The 1<sup>st</sup> and 2<sup>nd</sup> respondents ought to have noticed that the earlier EC obtained by the 3<sup>rd</sup> respondent was quashed and the appeal against the clearance dated 11.01.2025 obtained by the 3<sup>rd</sup> respondent is pending before the Hon'ble NGT.
- D. The respondent authorities ought to have acted on the representations of the people and taken action against the 3<sup>rd</sup> respondent's illegal land clearance and road formation activity.
- E. The respondent authorities failure to act against the 3<sup>rd</sup> respondent is enabling the 3<sup>rd</sup> respondent to violate the law with impunity and attempt to present a fait accompli.

19. I submit that the fact that the 3<sup>rd</sup> respondent's proposed quarry site does not have access to roads is an admitted fact. The impact of large trucks carrying quarried materials is well known and even village roads ought not to be used for this purpose. The respondent has no right whatsoever to clear the lands in S. No. 144, Nerkundram village to form a road or to attempt conversion of the footpath marked in the village map to a road. I submit that if the 3<sup>rd</sup> respondent had honestly communicated the clearance as required by law, I would have immediately filed an appeal within the 30 day period prescribed by the NGT. It was only because I had to file an RTI to access the clearance document etc. that my appeal was filed with an application to condone delay in abundant caution, and the matter is pending before the Hon'ble NGT. The 3<sup>rd</sup> respondent is now attempting to by hook or crook commence quarrying and present a fait accompli and is now attempting to illegally form a road on poromboke lands and patta agricultural lands. I submit that this pristine area will be destroyed and groundwater table obliterated if the 3<sup>rd</sup> respondent commences quarrying. The balance of convenience is in favour of interim orders as prayed for and the 3<sup>rd</sup> respondent has no legal right whatsoever to continue with the illegal clearing and formation of a road to transport quarried materials.

It is therefore prayed that this Hon'ble Court be pleased to issue an order of injunction restraining the 3<sup>rd</sup> respondent, his men or contractors or agents from clearing any lands in S.No. 144, Nerkundram village or in any manner alter or convert the footpath that has been marked in the Edamachi and Nerkundram village revenue map, pending disposal of the writ petition and thus render justice.

It is therefore prayed that this Hon'ble Court be pleased to direct Respondents No. 1 and 2 to ensure that the 3<sup>rd</sup> respondent , his men or contractors or agents do not clear or attempt to clear any lands in S.No. 144, Nerkundram village or in any manner alter or convert the footpath that has been marked in the Edamachi and Nerkundram village revenue map, pending disposal of the writ petition and thus render justice.

It is therefore prayed that this Hon'ble Court be pleased to issue a writ or order in the nature of a writ of Mandamus directing Respondents No. 1 and 2 to restore the area illegally cleared by the 3<sup>rd</sup> respondent in S.No. 144, Nerkundram village, take necessary action against the 3<sup>rd</sup> respondent and pass such further order orders as may be fit, proper and necessary in the facts and circumstances of the case and thus render justice.

Solemnly affirmed and signed his name

BEFORE ME

this the 12<sup>th</sup> day of May, 2025

at Chennai

ADVOCATE : Chennai



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2025

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CORAM

**THE HONOURABLE MR JUSTICE G. R. SWAMINATHAN  
AND  
THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN**

**WP No. 18193 of 2025**

**AND**

**WMP NO. 20373 OF 2025, WMP NO. 20371 OF 2025**

**WMP No. 20371 of 2025**

Arjun Gopalaratnam  
S/o.R.Gopalaratnam, No.02, Nerkundram  
Village, Kancheepuram District,  
Pincode 603 107.

Petitioner(s)

Vs

The District Collector  
Kancheepuram District, First Floor,  
Collectorate, Kancheepuram- 631 501  
and 2 Others

Respondent(s)

For Petitioner(s): Ms.B.Poongkhulali  
For Respondent: Ms.R.Anitha,  
Special Government Pleader  
for R1 & R2

**ORDER**

**(Order of the Court was made by G.R.SWAMINATHAN, J.)**

Notice of motion returnable in four weeks. Private notice is also permitted.



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**G. R. SWAMINATHAN.J.,  
AND  
LAKSHMINARAYANAN.J.,**

*mk / maya*

2. Ms.R.Anitha, learned Special Government Pleader appearing for R1 and R2 submits that the authorities have not given any permission to the third respondent to form a road in the petition mentioned survey number. In view of the same, there shall be an order of interim injunction.

Post after four weeks.

**[G.R.S.,J.] [V.L.N.,J.]  
14.05.2025**

*mk / maya*

To

1.The District Collector  
Kancheepuram District, First Floor,  
Collectorate, Kancheepuram- 631  
501.  
2.The Thasildhar  
Taluk Office, Uthiramerur,  
Kancheepuram District- 603 406.

**W.P.No.18193 of 2025  
and  
W.M.P.Nos.20371 & 20373 of 2025**