

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI.**

Original Application no 92 of 2017(SZ) & MA NO: 03/2020 (S.Z) with
OA No : 23/2018

In the Matter of Cauvery Rever Case

Punganur Cosumer Protection council Applicant

vs

The State of Tamilnadu and others Respondent

Memo of Application & counter Affidavit with petition filed by to Applicant

- 1) The Applicant is filing this memo of application with counter affidavit in the honorable NGT Court for consideration since the hearing his posted on 24.06.2021
- 2) The Applicant has already filed I written argument dated 04.02.2021 and sent by registered post also in the NGT Court SZ Chennai by Email already having 11 pages with form II for compensation having 2 pages as attachment for the consideration of this HON NGT court SZ Chennai in the Covid 19 Period with great difficulty and marked copies to the district collectors. The applicant feels that affidavits and petitions prepared were left due to network problem.
- 3) In the mean time the applicant was informed by the good officers of the NGT Court that the tamilnadu pollution control board has filled report and uploaded by the NGT Court. No copy was sent to the applicant. So the applicant is in a position to inform it to the NGT court the present situation.
- 4) So this memo of application / counter affidavit & Petition is filled to fullfill the legal process of law in the interest of justices.
- 5) Therefore it is prayed that the honorable justice of the NGT court SZ Chennai may kindly consider this application and allow this matters given in the affidavit and petition and attachment enclosed and kindly pass orders since the matter is pending for 4 years and thus under justies.

Station : Mayiladuthurai

Applicant

Date : 23.06.2021

(S. Vijayakumar)

Representing Punganur Consumer Protection Council

- 9) The UGD Work is incomplete and the municipality has spend more money in the election time by damaging high ways and Municipal Roads and two Bridges were constructed in the Palankavery River recently without the Knowledge of the NGT Court due to which smoke and air pollution and musqitos breading the water coming out from the UGD to roads an they were let out in rivers and water bodies.
- 10) The Municipality has reported that they have achieved 100 percent door to door collection and charged garbages pickup charges silently for ½ to 1 Kg without information. The Municipality has given contract to private and this scavangres are simply fireing the garbages in the road for which amount has been collected with propery tax and they are accounting for Maintanance of garbages recycling Plant shed at Ananthandavpuram Road Mayiladuthurai. but the officials are sitting in the houses by saying that they are in camp and got salary and others without doing anywork. So in the meantime many illegal constructions were made in the water bodies others due to which the many accidents and others are occurred.
- 11) A applicant will submit the other arguments in NGT Court to explain it on the date of hiring and also the reason for filling form II for compensation on the date of hiring.
- 12) The Commissioner informed to sent the whatsapp message to the complaint and if any message sent by whatsapp he will inform that action will be taken but no action will be taken and this is the stages of mayiladuthurai.
- 13) The applicant has sent an appeal / RTI Application to the commissioner mayiladuthurai Municipality to give some information regarding the irregularities occurred in mayiladuthurai due to the neglicense and dereliction of duty due to which the whole matters including road accidents occurred. The Municipality has allowed street vendors and others selling in the road side in the covid time not allowed by government without getting any amount for municipality as the license fees.
- 14) Many judgements of supreme court also ordered environmental, ecological loss due to pollution belongs to municipal administration of that area concerned and the compensation and it may be compensated by the officers of the municipality the commissioner is liable and answerable and it may be considered. Recent supreme court judgement Pending in karnataka matter and also orders passed by the NGT Court and High Courts recently.
- 15) As Already said the cauvery water is the eastment and raipairian right of mayiladuthurai Cavery delta farmers upto the sea level to fill up the tanks and water bodies to improve the water level and to store rain water harvesting and for agriculture and it is to be noted. for consideration.

16) That is why every farmers are protestang megathathu the matter pending before the supreme court if water is arrested if the megathathu dam is allowed to construct and done the mettur dam will not get water and the hole tamilnadu agriculture based ares will be affected and it may be observed the honorable justices is pleased to pass orders by giving observation and then only it will go to the knowledge the central state governments and also supreme court justices. Then only the Honorable justices may consider the cauvery river basin the tailend Cavery delta farmersand kindly pass orders and farther orders in the interest of justice and natural justice to let water in water bodices upto sea.

(Any error are omission made are due typing mistake in the covid – 19 period may be rectified on the date of hearing)

Therefore it is prayed that the justices of NGT Court (SZ Chennai may be pleased to kindly consider the points given in the affidavit and kindly pass orders by taking the already filled written arguments affidavit rejoinders and other papers documents filled in OA. No.92 / 2017 and OA.No. 23/ 2018 with orders and thus kindly pass orders and thus render justice.

Station : Mayiladuthurai

Date : 23.06.2021

Truly

Applicant

(S.VIJAYAKUMAR)

Advisor , Punganur.

Consumer Protection Council



By Registered Post with Ack.Due/Direct

Punganur Consumer Protection Council (Regd.No.32/92) , 28/8 Chinna Kannara Street,
Mayiladuthurai, 609001, Mayiladuthurai District, TamilNadu.

From

S.Vijayakumar, Advisor, Punganur Consumer Protection council
28/8 Chinna Kannara Street, Mayiladuthurai, Mayiladuthurai District.
Mobile No. 948638262
email.id. rsubbu2014@gmail.com vijayukumarseni53@gmail.com

TO

- 1.The Municipal Commissioner, Mayiladuthurai Municipality
Pattamangala Street, Municipal Office, Mayiladuthurai 609001
mail.id. commmayiladuthurai@tn.gov.in
- 2.Municipal Engineer, MayiladuthuraiMunicipality, Mayiladuthurai
- 3.The Revenue Officer, Mayiladuthurai Municipality, Mayiladuthurai
- 4.Health officer/ Health Inspector, Mayiladuthurai Municipality, Mayiladuthurai
- 5.Public Relation Officer,/Public Information Office,Mayiladuthurai Municipality

Respected sirs/Madam

Sub: Irregularities of Mayiladuthurai Municipality for giving red notice in the first time printed on 26 May 2020 and delivered lately for property tax, SUC, UGD charges water supply charges Total for the period from 2009, 2010..... 2020-2021 printed as Revenue Assistant and other side Mayiladuthurai Municipality commissioner rubber stamped seal, signature without date. Printed date also 26th May 2020 in which for residential, it is printed as usage tax residential No.; without mobileNo. in which in first column total amount Property tax, Water tax, ,Pudhai sakkadai Total amount in second column, it has been informed the Tax has to be paid within 15 days. If not warrant will be issued and property will be attached as per 1920 TamilNadu Municipalities Act 4th attavanai rule 30 to 34 has to be read and they have not given are to be noted.

Ref: Kindly refer the National Green Tribunal Original application No.92/2017 Court order regarding water bodies and also in its attachment in A.1. page 9 TamilNadu Pollution control Board Letter and instructions to the applicant S.Vijayakumar vide Leter No.41247/ CMA /97/dated23.02.1999 Subject TNPCB Board WPNo.;18541/97 Punganur Consumer Protection council compliance of order of High Court Dated 23.7.98 and Review application No.23 of 1998 are to be taken as part.

2. The TamilNadu Pollution control Board Letter Member Secretary of the Board A7/Page 24 and Document A.16 page 62 Mr. Ajay Yadav I.A.S. Letter No.D.O.Rc.5321/2009/A.2. dated 2.10.09 regarding UGD Scheme in Mayiladuthurai Scheme dissatisfaction among the Town people regarding. and in the first para itself it has been informed that the pathetic condition of the U.G.D. So the public has demanded a stability certification of the Scheme addressed to Mr. Swaransingh I.A.S. Chairman and Managing Director, TWARD Board Chepauk, Chennai are to be considered.

Respected sirs,

I S.Vijayakumar, the applicant in the N.G.T. Court in O.A.No.92/2017 and the petitioners in the abovesaid Writ petition in the High Court regarding U.G.D. Scheme and also the petitioner in the High Court of Chennai in W.P.No.22803/2018 in Ring road case and Govt. Nominated Member for Traffic Operation Plan Research Monitoring Committee for Mayiladuthurai and water bodies is sending this representation/Notice and it may be treated as an RTI application for the kind consideration of the respected officers addressed above.

2.Mayiladuthurai District , the 38th district has been formed and bifurcated from Nagapattinam District and the Election is coming. At that period more illegal constructions and illegal U.G.D connections have been given with or without the knowledge of the Municipality. But now the Municipality is laying roads in a war foot manner and it is a lacuna at this stage since it is not a rainy season. Farming latrine, Bathrooms also in the road side and in Municipality public places formed recently is not correct and if formed their

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(Signature)

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numbers, places, streets, No. of scavengers, locked or not with motor pump or private if so, the amount of bid as per Tender taken and the No. of persons and period of tender including Municipal staff and others and their income and their numbers.

3. The Mayiladuthurai Municipality has doing U.G.D. work in highways road also by giving alternate way in some places and already the existing Commissioner who has been transferred has done some work in the rainy season by using water pipe for U.G.D. connection and that is why the whole area of Mayiladuthurai Town was damaged and the sewage water are coming out till date in some places the manhole is in open condition. It is a lacuna and it leads to contaminate musquotto breeding fouling smell polluted water pumped from pumping station and also from manholes of the road to the water courses like Cauvery, Pazhan cauvery voikkal, kulam, kuttai and others which is against the order of the Hon'ble N.G.T. Court still pending and posted for hearing on 10.05.2021 for consideration.

4. The applicant S. Vijayakumar does not know whether permission was properly given and

(1) the total amount spent some six months to one year back by the transferred commissioner moto or permission details.

(2) the approving authority name with Municipal Engineer, Asistant Ejginer, Foreman, Name, Designations Oversear, contractor name, amount the lowest and highest level bid quoted and others the officers log book, diary and others has to be produced in the Court with it is needed. Amount received from Number of van stand, lorry stand, cycle rickshw stand auto stand street vendors, hawakers, tax received if not the reason for that. and the period from tax levied are to be given.

(3) The present commissioner recently joined has to produce the records of the receipts, payments contract bid amount, contract date, open contract or global contract and others the amount spent and the places of erection of new pipes and the placement of the existing pipes for verification.

(4) Any agarbage plant has been installed and working for the disposal of plastics and garbages and others as per the Plastics and garbages Act, inside the Mayiladuthurai Town after getting stability certificate permission from the N.G.T. Court or not the details has to be given

(5) The total amount, plastics and garbages i.e. in tonne now disposal

(6) The No. of vehicles for the disposal

(7) The No. of permanent workers of the Municipality and the No. of Private workers i.e. Private Agencies.

(8) The Name of the Health officers, Deputy Director of Public health and others and vice versa.

(9) The No. of Sanitary inspectors and their name.

Revenue Deopartment : (10) The Revenue Offiucer has to give white notice. Socondly yellow notice and then only red notice for final settlement. But in this case for residential purpose, the Revenue Officer has sent through their person without getting signature the taxation demand notice and it is legal lacuna

Important point. As per the limitation Act only Four years has to be claimed and if the tax is already paid it has not been recorded. So the SUC Rs.120 for fitting up the half to one Kilo package from Bucket to the Cars By private recently for 2020 and 2021 is wrong and it has not been informed to the public without getting permission. Secondly No chance has been given by the Municipal commissioner for levying tax and sending demand notice and in Ward No.27 in one Nótice, it has been given from 20.11.2012 to 2020 to 2021. Similarly in the same area in another case 2009-2010 to 2020-2021 U.G.D. charges charged. It is against Law. The applicant think. More public persons are giving complaint that this is the fate for Mayiladuthiurai and the taxes are levied irrationally and improperly and so, it has to be represented in the public interest also.

5. The Municipal Engineer and the Commissioner is requested to sent a project report of the U.G.D. already sanctioned and launched at Mayiladuthurai in the year 2008 and finished after two or three years. Similarly, the recent enhancement of the U.G.D. repair work allotment amount in two to three times by the existing and new commissioner and the No. of Pumping stations The Municipal commissioner can claim any tax including U.G.D. tax as per limitation Act only for three years the applicant thinks and every person ready to repay it if not paid.

6. The Number of pumping stations now existing and the Motors with H.P. powers at present in the pumping station and in damaged condition and the No. of U.G.D. removal lorries and Vans owned by Municipality and registered by the Private owners since Private

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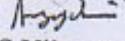
owners has to pay some amount to the Municipality for using i.e. pumping water U.G.D. connection and the places of pouring the disposal of the sewage and swellage water from poumping station and scepting tank from houses lodges and total and other buildiungs.

7.So, it is requested that the above officers are requested to send the same without any delay i.e. within seven days to settle the matter and to collect the revenue from public ion the quartrental period by door to door campaign. and kindly cancel exorbitant U.G.D. charges charged last year, current year, and others without any elected body municipal council is a vital point and so, it leads to evasion of law. S.U.V. taxes and pass orders by the Commissioner in the interest of justice.

Any errors or omissions in typing can be rectified.

Thanking you sor, Kindly acknowledge.

Place: Mayiladuthurai
Date: 29.03.2021

Yours truly

(S.Vijayakumar)

Punganur Consumer Protection Council (Regd.No.32/92) , 28/8 Chinna Kannara Street, Mayiladuthurai, 609001, Mayiladuthurai District, TamilNadu.

From

S.Vijayakumar, Advisor, Punganur Consumer Protection council
28/8 Chinna Kannara Street, Mayiladuthurai, Mayiladuthurai District.
Mobile No. 948638262
email.id. rsubbu2014@gmail.com vijayukumarseni53@gmail.com

TO

1.The Municipal Commissioner, Mayiladuthurai Municipality
Pattamangala Street, Municipal Office, Mayiladuthurai 609001,
mail.id. commmayiladuthurai@tn.gov.in

Respected sirs,

Reference: Kindly refer my letter/application dated 29.3.2021 and
Your reply dated 30.3.2021 vide Lr.No. 1423/2021.A1
By Municipal Office,Mayiduthurai, in which the matter
Given may be referred.

Sir,

I S.Vijayakumar, the applicant on behalf of the Punganur Consumer Protection council has sent one letter for which some particulars regarding N.G.T. court matters for verification and to file if there is any discrepancies regarding the continuation of the pending matter in O.A.No.92/2017 and 23/2018

2.In that intimation, you referred Revenue collection Mayiladuthurai Municipality in subject matter and Reference our letter .

3.The Good New commissioner has not sent any particulars as required by me but the Commissioner informed that the Registration of the Consumer council matter has to be given and I have to appear before the Municipal commissioner with records of our consumer council a registered body on 08.04.2021 at 11.A.M.

4.For your kind information sir, it is not legally correct. We have already filed our consumer council particulars in National Green Tribunal Court in O.A.23/2018 from page 50 to 57 out consumer council registration particulars and they have been scrutinised by the Court the case was enquired and orders were passed. The Commissioner failed to see the bundle. Secondly we have filed our Society running particulars by filing our details by paying the proper amount and it has been accepted by the Registrar office,Mayiladuthurai on 29.12.2020. So, it confirms that our society is running properly and We are doing public service and so, the Commissioner has no right to summon us to appear before the Commissioner and it leads that the Commissioner is suspicious to question the order of the Hon'ble N.G.T. Court orders and so, it will be informed and the letter will be filed in the N.G.T. court and it will be argued by us and the Commissioner is liable to produce all the documents and the Hon'ble Justices may decide as per merit in the interest of justice and the Court may penalize as per the discretion of the Hon'ble Justices with compensation, penalty or fine which ever may be. The commissioner has not signed full signature only C has been written ink with date.

So, it is requested to accept the reply and give me acknowledge and give receipt with explanation letter and reply.

Kindly acknowledge.

Truly
(Signature)
08.04.2021
(S. Vijayakumar)

Station: Mayiladuthurai
Date: 08.04.2021

REGD. 32/92
PUNGANUR CONSUMER
PROTECTION COUNCIL,
No. 28/8, CHINNA KANNARA STREET,
MAYILADUTHURAI-609 001.

