

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT  
CHENNAI

Original Application No. 101 of 2021

C.R. Vijayakumar

.....Applicant

Vs

The Member Secretary,  
State Environment Impact Assessment Authority & 5 others

.....Respondents

COUNTER AFFIDAVIT OF U.G.C. ARAVIND

I, U.G.C. Aravind, Son of U.G. Chandrasekaran, Hindu, aged about 37 years, residing at No.167, Periyar Street, Unamancheri, Chennai - 48, do hereby solemnly affirm and sincerely state as follows:

1. I am the 6<sup>th</sup> Respondent herein and I am fully acquainted with the facts of the case. I have read contents of this application and I am filing this counter affidavit in answer thereto.
2. At the outset I am advised to state that the application under reply is totally bereft of any details to prosecute me for any alleged violation of the provisions of Environment Protection Act, 1986. I submit that I deny the entire allegation put forth by the applicant and put him to the strict proof of the same. The allegations made by the applicant are absolutely misconceived and totally contrary to the true facts. The applicant has not apprised the Tribunal of the true facts and approached the Tribunal with Malafide intention.



3. I submit that the properties situate in S.F.Nos.275/2A, 275/2B, 275/2C1, 275/2C2A, 275/2C2B, 275/2C2C, 275/2D1, 275/3, 275/4, 275/5, 277/3, 324/1, 324/2, 326/2A, 326/2B are patta lands.

4. I submit that I stoutly deny the fact stated in Para 3 of the Application that the Applicant is highly concerned about the environment and the impact of quarries around his area as the Applicant himself is running a crusher in Unamancheri Village in the name of his father namely M.C.Ranganathan who is the president of Unamancheri Village and also Crusher Association in Unamancheri Village and causing air pollution in and around the place of his business. I submit that the present application filed by the application is also a counter blast to the Oral complaint given by me against the pollution committed by the Applicant.

5. I submit that I deny the allegations stated in Para 4 of the application and put the Applicant to strict proof of the same. I submit that it is false to state that quarrying activities are being carried out in S.F.Nos. 273/1, 319/1, 326/1A, 326/4. I submit that the Lease period for the above said lands got over on 13.11.2018 itself and no quarrying were carried in the said land after expiry of Lease. I submit that I stoutly deny the allegation that I had suppressed the fact that the Vandalur Zoological Park was situated less than 3 k.m from the quarrying area and that the location of nearby reserve forest, water bodies. It is pertinent here to mention that I had clearly mentioned about the existence of Vandalur Zoological park situate about 2.5km from the North Western side of the lease area in my Pre-Feasibility Report. I submit that the protected areas in Tamil Nadu includes 5 National Parks, 15 Wildlife Sanctuaries, 15 bird Sanctuaries and 2 conservation reserves besides 4 Tiger reserves viz., Aanamalai, Kalakkad-Mundanthurai, Mudumalai and

Sathyamangalam. I submit that the Vandalur Zoological Park does not come under any of the above protected areas as evidenced from the official website of the Tamil Nadu Forest Department. I submit that I had also requested the detail whether Vandalur Zoo is coming under the protected area through RTI Act vide letter dated 09.04.2021 and the Principal Chief Conservator of Forest vide his reply dated 18.05.2021 informed me that Vandalur Zoo does not come under protected area and also Eco Sensitive Zone.

6. I submit that Unamancheri Village is not part and parcel of any forest area notified under the Tamil Nadu Forest Act, 1882 and the provisions of Forest (Conservation) Act, 1980 is not applicable. Further the Lease area are patta lands belonging to me. I submit that I had also got no objection from the District Forest Officer for mining vide Ref.No.4274/2012 dated 04.09.2012. I further submit that I deny the allegation that I have violated the condition of the Lease and the EC and was using explosives extensively by exploiting minerals beyond the permitted limit. I further deny the allegation that I was misusing the transport licenses and was quarrying the lands which are not covered under the Lease and put the Applicant to strict proof of the same. I further submit that there are many stone crushers functioning in and around the stone quarry and I have been targeted by the Applicant due to personal enmity between myself and the Applicant. It is false to state that nearby agricultural lands have become dry and unsuitable for cultivation and the fact is that still agriculture are being carried out by the villagers.

7. I submit that I deny the entire allegation stated in Para 5 of the Application and put the applicant to strict proof of the same. I submit that I once again reiterate that the Lease with respect to S.F.No.273/1,



319/1, 326/1A and 326/4 got expired as early as 13.11.2018 itself and I am not carrying out any mining after the date of expiry of lease and it is false to state that I am carrying out lease after the date of expiry of lease. I submit that averments contained in Para 5 are being invented by the Applicant to maintain this application in order to vent out his personal vengeance against me. I submit that in the verge of my lease getting expired with respect to S.F.Nos.273/1, 319/1, 326/1A and 326/4, I had applied for Lease for adjacent lands situate in S.F.Nos. 275/2A, 2B, 2C1, 2C2A, 2C2B, 2C2C, 2D1, 3, 4, 5, 277/3 measuring an extent of 1.10.50 hectares and S.F.Nos. 324/1, 324/2, 326/2A, 326/2B measuring an extent of 0.95.50 hectares for quarrying Rough stone/Gravel quarry under category 'B2' vide two applications dated 21.12.2017 and for Environmental Clearance vide two applications dated 23.08.2018 before District Environment Impact Assessment Authority, Kancheepuram and the same was granted by DEIAA vide order dated 03.10.2018. Based on the Environmental Clearance the District Collector vide two orders dated 08.11.2018 bearing Na.Ka.No.1302/Q2/2017 and Na.Ka.No.1303/Q2/2017 Lease was granted for 5 years. It is utter false to state that at the end of December 2020 I had applied for EC for the above Survey Numbers and the official website showed the same is pending with DEIAA when the Lease itself was granted on 08.11.2018 itself and the period of Lease had commenced from 08.11.2018 and valid till 07.11.2023. I submit that I am carrying out the quarrying activities only in the lands above mentioned covered under Lease dated 08.11.2018 and not otherwise as stated by the Applicant.

8. I submit that it is true that the National Green Tribunal, Principal Bench, New Delhi has passed an order in "Satendra Pandey Vs Ministry of Environment Forest & Climate Change & another O.A.No.186 of 2016 dated 13.09.2018 conferring power to grant Environmental Clearance only to State Environment Impact Assessment Authority and not by



District Environment Impact Assessment Authority. The National Green Tribunal had directed the Ministry of Environment Forest & Climate Change to comply with the order dated 13.09.2018. But the Ministry of Environment Forest & Climate Change has failed to issue appropriate notifications to Chief Secretary of respective states to comply with the orders passed in O.A.No.186 of 2016 and the same was brought to the knowledge of the Hon'ble National Green Tribunal, Principal Bench, New Delhi in Executive Application No.55 of 2018 in O.A.No. 520 of 2016 by the Applicant therein. Taking note of the same the Hon'ble Principal Bench vide order dated 11.12.2018 directing the Ministry of Environment Forest & Climate Change to comply with the order dated 13.09.2018 passed in O.A.No.186 of 2016 and furnish a report of Compliance on or before 31.12.2018 failing which coercive measures may have to be taken. Immediately the Ministry of Environment Forest & Climate Change Impact Assessment Division vide Office Memorandum bearing F.No. L-11011/175/2018-IA-II (M) dated 12.12.2018 sent communication to all the Chief Secretary of all states & unions notifying the order dated 13.09.2018 and directed the respective governments to implement the order passed by the Principal Bench. I submit that even though the Principal Bench had passed an order dated 13.09.2018, the same came into effect only on 11.12.2018 by its revised order made in Executive Application No.55 of 2018 in O.A.No. 520 of 2016, thus any official act by the authority without the knowledge of the order dated 13.09.2018 are deemed to be saved.

9. Though my EC was granted by the DEIAA on 03.10.2018 after the orders of the Principal Bench dated 13.09.2018, the same is deemed to be saved in view of the order dated 11.12.2018 and becomes binding on the authorities from that date onwards. I therefore submit that the EC granted by DEIAA dated 03.10.2018 cannot be faulted on technical grounds and any inference of the said order will only penalise those who



had obtained clearance following the process of law, without no fault on their part. I stoutly deny the allegation that I continue to quarry on the lands in S.F.Nos. 273/1, 319/1, 326/4 despite my EC got expired and I once reiterate that as on today I am carrying the quarrying activity only on the lands in S.F.Nos. 275/2A, 2B, 2C1, 2C2A, 2C2B, 2C2C, 2D1, 3, 4, 5, 277/3 measuring an extent of 1.10.50 hectares and S.F.Nos. 324/1, 324/2, 326/2A, 326/2B measuring an extent of 0.95.50 hectares with valid EC and Lease and not in Survey numbers as pleaded by the Applicant.

10. I submit that I deny the averments stated in Para 7 and the same was invented by the Applicant in order to make out a cause of action for filing the present application. I submit that the representation dated 21.04.2018, 26.01.2021 are nothing but a counter blast to the oral complaint given by me against the Applicant with Village Administrative Officer, Unamancherri Village Panchayat for polluting the water and soil by the waste extracted from the Stone Crusher run by the Applicant. I submit that the Applicant is running M Sand manufacturing plant and also stone crusher and drained soil waste in the adjacent grazing land situate in S.F.No.480. The Photograph would vouch the same and when I made a Complaint to the Village Administrative Officer of his polluting activities, he had turned against me and filed a false complaint to direct any action likely to be initiated against him. The present proceeding is an offshoot to settle his vengeance against me. The Present application lacks bonafides and liable to be dismissed. I submit that the Application filed by the Applicant is nothing but an abuse of process of court and devoid of merits.

11. It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the Application with exemplary cost and pass such further or



other orders as this Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Solemnly affirmed at Chennai on  
this the      day of June 2021  
and has signed his name in my  
presence after reading the  
contents herein



BEFORE ME

*Krishnakumar* (MS.1063/2021)  
KRISHNAKUMAR

ADVOCATE, CHENNAI.

NO. 47, oriental building,

4<sup>th</sup> floor, Armenian street,

chennai - 1

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COUNTER AFFIDAVIT OF  
U.G.C. ARAVIND (R6)

M/s. Sarvabhauman Associates  
&  
K. Venkatasubban  
Counsel for 6<sup>th</sup> Respondent