

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, SITTING AT CHENNAI**
(Under Section 18(1) read with Sections 14 and 15 of the
National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 303 OF 2024 (SZ)

BETWEEN

1. K. Balasubramanian
S/o.Mr.Kaliannan ,
19/1, Rasikumaripalayam,
Mohanur,Namakkal – 637 015.

2. Ramkumar Krishnan
S/o. Krishnan,
3/199-A, Muthuraja Street,
Valaiyapatti,
Namakkal – 637 020.

.... APPLICANTS

- Vs -

**1. The Secretary,
Government of Tamil Nadu**
Represented by the Chief Secretary,
Fort St. George, Chennai – 600 009.

**2. The Secretary, Industries, Investment Promotion and
Commerce Department,**
Fort St. George, Chennai – 600 009.

**3. The Principal Secretary,
Revenue and Disaster Management Department**
Fort St. George, Chennai – 600 009.

4. The Managing Director, SIPCOT
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.

5. The District Collector, Namakkal
District Collectorate,
Thiruchengode, Namakkal – 637 003.

.... RESPONDENTS



**REJOINDER TO THE COUNTER OF THE 4TH RESPONDENTS BY
THE APPLICANTS**

I, K. Balasubramanian, S/o.Mr.Kaliannan, aged 53 years, residing at 19/1, Rasikumaripalayam, Mohanur, Namakkal – 637 015, being the 1st Applicant herein, do hereby solemnly affirm and state as follows:

1. The counter affidavit filed by the 4th Respondent (SIPCOT) is evasive, misleading and deliberately conceals material facts from this Hon'ble Tribunal. The Applicants submit that SIPCOT has persistently failed to provide honest answers to the pointed queries raised by this Hon'ble Tribunal and has instead resorted to filing affidavits containing false and incomplete information. The present reply is filed to place on record the correct and complete factual position.
2. It is submitted that this Hon'ble Tribunal had specifically directed SIPCOT to state the nature and type of industries proposed to be established in the acquired area. Despite such clear direction, SIPCOT has not furnished a proper or satisfactory response. The conduct of SIPCOT in evading direct questions addressed by this Hon'ble Tribunal itself speaks volumes about the bona fides of its affidavit.
3. With reference to the 4th Respondent's claim that the Government Order No.75 was issued in accordance with law, the Applicants categorically deny the same. The said G.O. was issued in complete violation of mandatory statutory requirements, without obtaining prior consent from the concerned Gram Panchayats, without a valid public hearing, and without securing the requisite environmental clearances including Environmental Impact Assessment (EIA), and without Pollution Control Board approval. The issuance of G.O. No.75 is therefore void and liable to be set aside.



4. It is a matter of serious concern that one Mathiventhan and his father Dr. Mayavan and their family members together hold more than 70 acres of land in the very area proposed for SIPCOT acquisition. It is submitted that SIPCOT has been used as an instrument to facilitate the acquisition of Government-granted lands—originally allotted free of cost to Adi Dravidars, Arunthathiyars, tribal and minorities—and thereafter to purchase such lands at artificially low prices and sell them to SIPCOT at a high profit, to benefit the said Mathiventhan and his family. This constitutes a gross abuse of power and a clear conflict of interest that this Hon'ble Tribunal ought to take cognizance of.
5. The 4th Respondent has claimed that the proposed acquisition area consists only of dry/barren lands. This is factually incorrect and is a deliberate misrepresentation. The proposed SIPCOT area encompasses: (a) agricultural lands yielding three crops annually, with electricity connections and drip irrigation infrastructure provided by the Tamil Nadu Government; (b) approximately 4 lakes, namely Upper Lake, Lower Lake, Thaimaan Lake and Govindapillai Lake; (c) 70 streams (25 Government streams and 45 private streams); (d) 35 check dams and more than 20 water recharging spots; (e) forest plantations established and maintained by the Forest Department on barren lands and hill slopes; (f) approximately 150 acres of grazing poramboke lands belonging to the Animal Husbandry Department; (g) 2 union ponds and a check dam in Survey No. 691 alone, covering more than 15 acres; and (h) Karai Pottan River, a tributary of the Cauvery, which originates at the foothills of Kolli Hills and flows through the proposed acquisition area.



6. The 4th Respondent's assertion that no water bodies exist in the proposed SIPCOT area is wholly false and directly contradicted by official Government records. The offices of the Mohanur Tahsildar, the Revenue Divisional Officer and the District Collector, Namakkal, have all acknowledged the existence of streams in the proposed area in their replies to RTI applications filed by the Applicants. These offices have further stated that they had sent a request to the Government for demarcation stones to survey and mark the boundaries of the streams, as the Survey Department was unable to undertake the exercise due to shortage of materials. The Applicants ask this Hon'ble Tribunal to consider: if no water bodies existed, why would the Revenue Administration seek to demarcate streams at all?
7. The District Collector of Namakkal, in their report to the Land Administration Commissioner, deliberately omitted the survey numbers of water bodies including the 25 Government streams and 45 private streams from the proposed area. The District Collector further reclassified the agricultural lands of approximately 80 farmers—lands with drip irrigation, crop loans, and electricity connections—as 'barren' and 'temporarily barren' lands, with the sole intent of engineering administrative approval that would otherwise have been denied if fertile agricultural lands or water bodies were truthfully disclosed. The Applicants respectfully request this Hon'ble Tribunal to direct a departmental inquiry against all officials who submitted such false reports to the Government.
8. In its counter affidavit at paragraph 20, the 4th Respondent itself admits that the main stream of the Karai Pottan River flows through Valaiyapatti village and is approximately 1.5 km from the proposed SIPCOT acquisition area. This admission is fatal to the 4th Respondent's case. The Pollution Control Board's own



guidelines mandate that no industry shall be established within 5 km from a river and within 0.5 km from any lake, pond or water body. The 4th Respondent's statement that there will be 'no severe impact' on registered ayacut lands is itself an admission that there will indeed be some impact—an impact on the water resources of the area that SIPCOT is attempting to downplay in these proceedings.

9. In the 4th Respondent's own letter dated 29.07.2022, SIPCOT unambiguously represented to the Applicants that only 'useless lands' excluding wetland (Nanjai), dry land (Punjai) and agricultural lands would be acquired, and that agricultural lands would be taken only in unavoidable and central areas where no alternative allocation was possible. The 4th Respondent is now seeking to acquire large extents of fertile agricultural land, in direct breach of this commitment. This conduct amounts to a clear volte-face by SIPCOT and establishes malice in the acquisition proceedings.
10. The 4th Respondent has stated in its counter that the lands recommended for reclassification are 'completely dry lands'. This claim is self-contradictory, since the 4th Respondent itself has elsewhere acknowledged that 195.27.15 hectares of patta lands are agricultural lands.
11. The Karai Pottan River originates at the foothills of Kolli Hills and ultimately joins the Cauvery River at Anaikal Patti village in Karuvettipatty, Trichy District, and is a recognised tributary of the Cauvery. Multiple streams originating from Kasthuri Hills and Mola Karadu Hills feed directly into the Upper Lake, Lower Lake, Thaimaan Lake, Aroor Lake (approximately 400 acres) and Govindapillai Lake, before draining into the Karai Pottan River. If the 70 streams in the proposed SIPCOT area are blocked or diverted, all four major lakes will be deprived of their inflow and



will inevitably dry up. This will cause irreversible damage to the water security of the region and jeopardise the drinking water supply to the surrounding villages.

12. SIPCOT has, as of date, acquired approximately 49,990 acres of land across Tamil Nadu under the SIPCOT Act, 1997. Of this, only approximately 15,000 acres have been put to industrial use. More than 35,000 acres of acquired land remain vacant and unused. Out of 32 industrial parks established by SIPCOT, 13 industrial parks are operating without requisite permissions from the Tamil Nadu Pollution Control Board, SEIAA and the Environmental Impact Assessment Authority. The Applicants are in possession of RTI responses from SIPCOT confirming these figures and are ready to produce them before this Hon'ble Tribunal. SIPCOT therefore has no moral or legal standing to speak of environmental compliance while it continues to operate industrial parks in clear violation of environmental laws.
13. The Madurai Bench of the Hon'ble Madras High Court has categorically held that mountains, hills, barren lands, waterways and streams cannot be destroyed in the name of industrial development, and that the protection of natural resources for future generations is a paramount obligation. Filing an affidavit before this Hon'ble Tribunal that contradicts and disregards such a binding judicial pronouncement is not only legally untenable but also amounts to disrespect to the higher judiciary.
14. With respect to grazing poramboke lands, the Animal Husbandry Department's own rules and government orders clearly stipulate that before any grazing land is transferred to another department or purpose, the concerned authority must provide 2 acres of alternative grazing land for every 1 acre taken, must cultivate and hand over such alternative land to the concerned Gram Panchayat, and must obtain prior permission from the Animal Husbandry



Department. None of these statutory pre-conditions have been fulfilled in the present case. The inclusion of grazing poramboke lands—including the pond in Survey No. 691 and the ponds built by Valaiyapatti Panchayat under PMGY scheme at a cost of approximately Rs.40 lakhs—in the proposed SIPCOT area without following due process renders the entire acquisition exercise illegal.

15. Namakkal District is already one of Tamil Nadu's most industrially vibrant districts, with over 2,000 industrial establishments engaged in poultry, egg production, road transport (lorries, trailers, tankers, rig vehicles), sugar mills, tapioca/sago mills, silk production, weaving and allied industries. The Chief Minister of Tamil Nadu has himself publicly stated that Namakkal District makes an equal contribution to industry, development and agriculture. The Government's announcement of an industrial park in Namakkal as an 'industrially backward district' is factually incorrect and appears to have been made for reasons other than genuine industrial need.

In the light of the foregoing, the Applicants most respectfully pray that this Hon'ble Tribunal may be pleased to:

- (a) Direct an independent survey and demarcation of all 70 streams, water bodies, lakes and check dams in the proposed SIPCOT area, by an Expert Committee appointed by this Hon'ble Tribunal;
- (b) Pass such other orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice and environmental protection.

Solemnly affirmed on this
the 03rd day of July, 2026
and signed his name
in my presence.



BEFORE ME


K. Duraivarman
ADVOCATE, CHENNAI
485, New Additional
Law chamber,
High Court Building
Chennai - 600 004.

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, SITTING AT CHENNAI**

O.A. NO. 303 OF 2024 (SZ)

- 1. K. Balasubramanian**
S/o.Mr.Kaliannan,
- 2. Ramkumar Krishnan**
S/o. Krishnan,

... APPLICANTS

- Vs -

- 1. The Secretary,**
Government of Tamil Nadu
Rep by its Secretary, Chennai – 600 009.
& 4Other

.... RESPONDENTS

REPLY AFFIDAVIT FILED BY THE
APPLICANTS TO THE COUNTER AFFIDAVIT
OF THE 4TH RESPONDENT (SIPCOT)

M/s.T.N.RAJAGOPALAN (E.No.506/1986)
A.DEVNARENDERAN (E.No.3447/2011)
G.ARUMUGARAJA (E.No.473/2012)

COUNSEL FOR APPLICANTS
adv.tn.rajagopalan@gmail.com
98844 59893