

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No. 44 of 2023 (SZ)**

**In the matter of:**

Rajesh Khanna,  
Thiruvallur.

... Applicant(s)

Versus

The District Collector,  
Thiruvallur District and Ors.

...Respondent(s)

**REPORT FILED BY 1<sup>ST</sup> RESPONDENT-**  
**THE DISTRICT COLLECTOR, TIRUVALLUR**

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Through

Dr. D. Shanmuganathan

Standing Counsel for Government of Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

**DATE:09.06.2025**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No. 44 of 2023 (SZ)**

Rajesh Khanna  
S/o. Chandrababu,  
No. 1/65, South Street,  
Kaverirajapuram,  
Thiruvallur,  
Tamil Nadu - 631 210.

...Applicant

**Vs**

1. The District Collector,  
Tiruvallur District,  
Tiruvallur - 602 001

2. Tamil Nadu Pollution Control Board  
Rep. by its Chairman  
No. 76, Mount Salai  
Guindy, Chennai – 600 032.

3. The District Environmental Engineer, Tiruvallur District  
Rep. by its Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Master Plan Complex,  
Tiruvallur – 602 001.

4. The Member Secretary  
Chennai Metropolitan Development Authority  
Thalamuthu-Nadarasan Maaligai  
Egmore, Chennai – 600 008.

5. The Block Development Officer  
Rep. by its Panchayat Officer  
Thiruvallur Panchayat Union  
Thiruttani Taluk, Thiruvallur.

6. D. Murugavel,  
S/o. Dhanapal,  
Proprietor J.M. Construction and Contractors  
Kaverirajapuram Village,  
Tiruttani Taluk,  
Tiruvallur District – 631 209.

...Respondents

**REPLY AFFIDAVIT FILED BY THE 1<sup>st</sup> RESPONDENT**

I, M.Prathap, I.A.S, S/o. Thiru.Murugavanam, aged about 30 years, residing at District Collector's Camp Office at Master Plan Complex in Tiruvallur Town, Taluk and District and presently holding the post of the District Collector, Tiruvallur do hereby solemnly affirm and sincerely state as follows:

1. I am the 1<sup>st</sup> Respondent herein and as such I am well acquainted with the facts and circumstances of the case from records available with this office.
2. It is respectfully submitted that the applicant has filed this application against the respondents with the following among other prayers:

*"(i) to declare the industrial activities carried out by the 6<sup>th</sup> respondent at survey Nos.377/1B, 378/2, 378/3A and 378/3B in Kaverirajapuram Village, Thiruttani Taluk, Tiruvallur District is illegal and unsustainable to environment.*

*(ii) to grant Permanent Injunction and restrain the 6<sup>th</sup> Respondent from operating the industry at Survey Nos.377/1B, 378/2, 378/3A and 378/3B in Kaverirajapuram Village, Thiruttani Taluk, Tiruvallur District.*

*(iii) to direct the respondent authorities (1) to (4) to monitor the area and ensure there are no actions by any person which will cause damage to the environment.*

*(iv) to direct the 6<sup>th</sup> Respondent to pay environmental compensation as may be determined by this Hon'ble Tribunal for their actions for deploying heavy machinery in clearing and altering the lands till date and to re-lay the public roads accessed by the 6<sup>th</sup> Respondent for plying of heavy vehicles used for transporting the raw materials and end products.*

*(v) to direct the Respondents (1) to (4) to initiate criminal prosecution under Section 15 of the Environment Protection Act, 1986 against the 6<sup>th</sup> Respondent for their actions of deploying heavy machinery in clearing and altering the lands till date."*

3. It is submitted that on receipt of technical report received from the District Environmental Engineer, Tiruvallur. I submitted my affidavit as follows: -

4. It is respectfully submitted that, the 6th respondent unit applied for Consent to Establish under the Water (P&CP) Act, 1974 and the Air (P&CP) Act 1981 vide application no. 19490054 dated 15.12.2018 for manufacturing hot mix 500 T/day, to generate sewage-0.2 KLD and trade effluent -1.0 KLD. In this regard, the said unit was inspected by the officials of the O/o.DEE, TNPCB, Thiruvallur on 11.01.2019 and it was found that the unit had erected the machineries and started its operation. Hence, show cause notice was issued to the unit vide DEE, TNPCB, Thiruvallur Proceeding dated 21.01.2019. The unit furnished its reply vide letter dated 29.01.2019 stating that the unit was unaware of the PCB procedure.
5. It is respectfully submitted that the 6th Respondent resubmitted the application on 07.03.2019 after carrying out corrections. Subsequently, the 6th Respondent unit was inspected by the officials of the O/o. DEE, TNPCB, Thiruvallur on 12.02.2019 and the following were observed:
- a) *The unit has installed all the machinery and found ready for operation.*
  - b) *The unit has provided the septic tank followed by the soak pit arrangement for the treatment and disposal of sewage generated from the unit.*
  - c) *The unit has proposed to generate trade effluent from the wet scrubber which is proposed to recycle to process after collection and settling.*
  - d) *The unit has provided APC measure such as wet scrubber with stack for the Thermo drum and stack for Bitumen heating tank.*
  - e) *The unit's site is surrounded by vacant land in the East and west sides, vacant land in the North side and village road in the southern side.*
  - f) *The unit is located 500 m away from habitation, 200m away from NH/SH, no hot mix plant within 250m from this unit.*
  - g) *The area available with the unit is 2.16 Acre which is 1.16 Acre more than one Acre as per siting criteria.*
  - h) *No wildlife sanctuary is located within 5 km from the site.*
  - i) *The land in which the unit is located is unclassified as per the letter dated: 07/01/2019 issued by Assistant Director, DTCP, Tiruvallur.*
  - j) *The unit has planted tree saplings around the unit premises.*
  - k) *As per B.P.No. 06.dated 02/08/2016 vide serial No. 2037 – hot mix plants units activity falls under orange /small category and the powers have been delegated to DLCCC [District Level Consent Clearance Committee] to decide the issue of consent for Orange Small as per B.P. No. 61 dated: 23.08.2022.*

6. It is respectfully submitted that the District Level Consent Clearance Committee (DLCCC) decided to issue Consent to Operate to the unit vide item no. 179-05 dated 11/03/2019.
7. It is respectfully submitted that, the Consent to Operate was issued to the 6<sup>th</sup> Respondent hot mix plant located at SF.No. 378/2, Kavarirajapuram Village, Tiruttani Taluk, Tiruvallur District vide proc. No. F.1293TLR/OS/DEE/TNPCB/TLR/A/2019 dated: 11/03/2019 valid upto 31.03.2020 for manufacturing Hot mix 500 T/day, to generate sewage -0.2 KLD and trade effluent - 1.0 KLD.
8. It is respectfully submitted that later vide DEE Proc. Dated: 24.01.2023 show cause notice was issued to the 6<sup>th</sup> Respondent hot mix plant for operating the unit without valid consent of the Board.
9. It is respectfully submitted that the 6<sup>th</sup> Respondent applied for Renewal of consent vide application no.50312418 dated: 08.02.2023 through online.
10. It is respectfully submitted that in this regard, the unit was inspected by the District Environmental Engineer, TNPCB on 13.04.2023 and the following were observed:
  - i) *The unit was not under operation as there was no road contract work at that time.*
  - ii) *The sewage generated from the premises is treated and disposed through Septic tank and soak pit arrangements.*
  - iii) *The wet scrubber bleed off is recycled to process after collection and settling.*
  - iv) *The unit has planed tree saplings around its premises and is developing the same.*
  - v) *The APC Measures provided were under operational condition.*
11. It is respectfully submitted that vide BP.No. 5 dated: 02.08.2016 the Board has instructed all the District Environmental Engineer, TNPCB to issue consent to the Red/ Orange/ Green category industries for validity period of 5/10/2014 years respectively on remittance of total consent fee for the entire period in advance.
12. It is respectfully submitted that renewal of consent was issued to the unit M/s. JM CONSTRUCTIONS HOT MIX PLANT, SF. No. 378/2, KAVERIRAJAPUAM Village, Tiruttani Taluk, Tiruvallur District vide proc. No. F.1293/TLR/OS/ DEE/ TNPCB/ TLR/ A/2023 DATED: 29/04/2023 valid up to 31.03.2033.

13. It is respectfully submitted that M/s. J.M Constructions paver blocks and hollow blocks has filed CTO-direct through online application No. 52908020 dt:17.05.2023 for manufacturing 1) Paver Blocks – 5000 Nos/day 2) Hollow Blocks – 1000 Nos/day by using the following Raw materials:

- i) Blue Metal (Baby Jelly), ii) Crusher Dust, iii) Grey Cement, iv) Grey Cement v) White Cement, vi) Oxide Powder, vii) water.

The unit f-has filed CTO – direct application under Green category, 3011-Cement products (without using asbestos /boiler /steam curing like pipe, pillar, jafri, well ring, block/tiles etc. (These type of units should be done in closed covered shed to control fugitive emissions).

14. It is respectfully submitted that Consent To Operate (CTO)-Direct was issued to the unit M/s. J M Construction Paver Blocks and Hollow Blocks, S.F. No. 377/1B, 378/3A, Kaverirajapuram Village Tiruvattani Taluk, Tiruvallur District vide Proceeding N.F.2636TLR/GS/DEE/TNPCB/TLR/W&A /2023 dated 11/07/2023 valid up to 31.03.2033.

15. It is respectfully submitted that the issue of CTO was considered based on the Board memo dated: 12.06.2023 which has directed not to reject / return the applications for consent for which cases are pending before the Hon'ble NGT (SZ and PB). The applications shall be processed by stipulating suitable conditions to abide the outcome of final order of the Hon'ble NGT.

16. It is respectfully submitted that in pursuance to the order dated 30.05.2023 passed by this Hon'ble Tribunal in the present application, spot inspection was conducted by the Officials of TNPCB Board on 27.06.2023 and the observations are as follows:

- i) *The unit was not in operation. The authorities of the unit has informed that the plant was operated intermittently based on the road contract works.*
- ii) *The sewage generated from the premises is treated and disposed through Septic tank and soak pit arrangements.*
- iii) *The wet scrubber bleed off is recycled to process after collection and settling.*
- iv) *The unit has provided Air Pollution Control (APC) measure such as wet scrubber with stack for the Thermo drum and stack for bitumen heating*

*tank. The trade effluent from the wet scrubber is recycled to process after collection and settling. The Air Pollution Control (APC) measures were under operation.*

- v) The unit's site is surrounded by vacant land in the eastern and western sides, vacant land in the northern side and village road in the southern side of the unit.*
- vi) The unit is located 500 m away from habitation, 200 m away from NH/SH and no hot mix plant is located within 250 m from this unit.*
- vii) The area available with the unit is 2.16 Acre. As per siting criteria a minimum of one acre land is required. No wildlife sanctuary is located within 5 km from the site.*
- viii) The land in which the unit is located is unclassified as per the letter dated 07/01/2019 issued by Assistant Director, DTCP, Tiruvallur.*
- ix) The unit has planted tree saplings around its premises and is developing the same.*
- x) The unit has provided metal sheet compound wall on its two side, is provided with fencing, the eastern side is covered by their Hallow block/paver block unit.*

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and this render justice.

  
District Collector  
Tiruvallur District.

**BEFORE ME**

**VERIFICATION**

I, M.Prathap, I.A.S, S/o. Thiru.Murugavanam, aged about 30 years, working as District Collector, Tiruvallur, do verify that the submissions in Paragraphs 1 to 16 are true and correct to the best of my knowledge as per records and I verify the same at Chennai on this        day of June, 2025.

  
District Collector  
Tiruvallur District.

