

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 122 of 2025 (SZ)

In the matter of:

M. Mani,

Salem District and Anr.

...Applicant(s)

Versus

The Director,

SEIAA, Chennai and Ors.

...Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel for Government of Tamil Nadu

National Green Tribunal

Southern Zone

DATE 24.01.2026

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)
AT CHENNAI**

Original Application No. 122 of 2025(SZ)

1.M.Mani,
S/o.Marimuthugounder,
Karuppureddiyur Post,
Mettur Taluk,
Salem District – 636401

2. R.Poovaragavan,
S/o.R.Rajamanikkam,
PudhuReddiyur,
Karuppureddiyur Post,
P.N.Patty Village,
Mettur Taluk,
Salem District - 636401

.... Applicants

-Vs-

1. The Director,
State Level Environment Impact Assessment Authority,
Panagal Maligai,
Saidapet, Chennai.
Tel : 044-24336421, 24336928
Email : tamilnadudoe@gmail.com

2. The District Collector,
Office of District Collector,
Fort Main Road,
Salem – 636001.
Phone : 0427 2452244
Email : collrslm@nic.in

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Planning Office, Salem District

3. The Chairperson,
The Tamil Nadu Pollution Control Board,
Mount Salai, Guindy, Chennai – 600 032
Tel : 044 – 22353134 – 139
Email ID : grievance@tnpcb.tn.gov.in

4. The Commissioner / Director,
Town and Country Planning,
2nd, 3rd & 4th Floor,
C & E Market Road,
Koyambedu, Chennai – 600 107
Email:ctcptn@tn.gov.in
Mobile: 044 29585161

5. The Deputy Director,
Town and Country Planning,
Salem Region, No.6, Sannathi Street,
Subramaniya Nagar,
Sooramangalam, Salem – 636 005.
Mobile: 0427 2448625
Email: ddslmregion@gmail.com

6. The Joint Chief Environmental Engineer (Monitoring),
Tamil Nadu Pollution Control Board,
No.9, 4th Cross Street, Brindhavan Road,
Fairlands, Salem – 636016
Phone : 0427 – 2445526
Email : jceemslm@tnpcb.gov.in

7. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
1/276, Meyyanur Main Road,
Salem – 636004
Phone : 0427-2445526 E
Email : jceemslm@tnpcb.gov.in

8. The Deputy Director of Agriculture,
No.17, Fort Main Rd,
1st Agraharam, Salem – 636001
Phone : 9865529676
Email: jdasalem.goi2@gmail.com

9. The Executive Officer,
P.N.Patti Town Panchayat, Salem District – 636 402
Phone : 9865529676
Email: tahsildarmettur2019@gmail.com

10. M/s.Nutri Flavours Private Limited,
Rep.by its Director K.M.Sakthivel,
S.F No.146/1B2, 146/3,
Pottaneri Nalla Goundampatti Village,
Mettur Taluk, Salem District.
Head office at
No.88/2, AB Block, 1st Street, Anna Nagar,
Chennai – 600040
Phone : 96771 09353
Email: rnaservices@yahoo.co.in

.... Respondents

COUNTER AFFIDAVIT FILED BY THE 5th RESPONDENT

I, K.J.Ramprasath, Son of K.Jayabalan, Hindu aged 32 years old working as Assistant Director, District Town and Country Planning Office, Salem District, do hereby solemnly affirm and sincerely state as follows.

1.I am the Assistant Director, District Town and Country Planning Office, Salem District. The post of Deputy Director and the name of Office is wrongly mentioned in

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5th respondent instead of Assistant Director post and there is no post created for Deputy Director in Salem District Town and Country Planning Office while reorganisation. I am the utmost Officer of District and Town Country Planning Office, Salem District as such I am well acquainted with the facts and circumstances of the case in hand from the available records.

2.I humbly deny all the averments stated in the applicant's affidavit except those that are specifically admitted hereunder. I humbly submit this counter affidavit on my behalf 5th respondent herein and also on behalf of 4th respondents herein before the Hon'ble Tribunal.

3.It is submitted that the Applicants has filed the present application seeking for following interim reliefs and prayer:

A. *Direct the respondents 1,2,6 and 7 to form a Joint committee and visit the industry, collect relevant information's including assessing extent of environmental damage caused in Air and water, and take appropriate remedial and preventive action.*

B. *Direct the respondents 1,2,6 and 7 to prosecute the 10th respondent Director for non-complying with the provisions under Air (Prevention and Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act 1974 as amended in 1988.*

C. Grant interim injunction restraining M/s.Nutri Flavours Private Limited / 10th respondent from operating the unit in S.F Nos.146/1B2 & 146/3 situated in S.Nos. 146/1B2, 146/3 at Potteneri Nallagoundampatti, Mettur Taluk, Salem District, pending disposal of this Application.

D. Direct the respondents 1,2,6 and 7 to assess the Environmental damages and impose Environmental compensation for the violated periods.

Prayer:

A. Order permanent closure and relocation of M/s. Nutri Flavours Pvt Ltd (R-10) from S.F Nos.146/1B2 & 146/3, Potaneri Nalla Goundampatti Village, Mettur Taluk, Salem District;

B. Directs the respondent 1,2,6 and 7 to conduct frequent Air quality test by installing the Ambient air quality monitoring station, and Water quality Test, and consequently direct the respondents 1,2,6 and 7 that if any violations found forthwith initiate appropriate action under Air (Prevention and Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act 1974 as amended in 1988 includes closure of units against the M/s. Nutri Flavours Private Limited / 10th respondent situated in S.Nos.146/1B2, 146/3 at Potteneri Nallagoundampatti, Mettur Taluk, Salem District.

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4. I humbly submit that the 10th respondent herein M/s.Nutri Flavours Private Limited had made an application to this respondent for obtaining prior concurrence / Technical Clearance to construct the industrial building in S.F No.146/1B2 and 146/3, Pottaneri Nallagoudampatti Village and Town Panchayat, Mettur Taluk, Salem District, totally measuring about 2.11 Acre. There is no development plan approved in P.N.Patti Village under Town and Country Planning Act 1971. Hence, the land lies in Other than planning area i.e Non-Planning area.

5.I humbly submit that the local authority shall issue permission to building before getting prior concurrence from this respondent under section 47-A of Town and Country Planning Act 1971. This respondent is the competent authority to issue the (prior) concurrence to the local authority for any development in Non-Planning area under section 47-A(2) of the TamilNadu Town and Country Planning Act, 1971 and the Local authority 9th respondent herein is the competent authority to issue the building permission / building license.

6.I humbly submit that the aforementioned 10th respondent's application was processed with relevant documents, the S.F No.146/1B2, 146/3 of P.Nallagoundanpatti Village, Online Patta No.4013 represents that the revenue classification of land is 'Punjai' (Dry land) and since the land is classified as Dry land, a report was received from the Joint Director of Agriculture, Salem District (8th

respondent herein) of vide letter No.E2/8657/2018, dated 26.07.2018, in accordance with rule 5 of G.O.Ms.No.79, Housing and Urban Development department, dated 04.05.2017. Subsequently, this respondent granted concurrence / Technical Clearance vide Roc.No.14290/2018 SR-3, dated 01.11.2018 and it was sent to the District Industries Centre, Salem and Executive Officer, P.N.Patti Town Panchayat, Salem District (9th respondent herein) for further action.

7.I humbly submit that a letter vide Roc.No.3077/2025/SD-3, dated 20.08.2025 was sent to the 10th respondent, requesting the details of the building permission / building license granted after this respondent's concurrence. A reply letter dated 29.08.2025 has been received from the 10th respondent, including the approved plan. It reveals that the building permission / building license was granted by the local authority / 9th respondent herein.

8.I humbly submit that a letter vide Roc.No.3077/2025/SD-3, dated 20.08.2025 was sent to the Executive Officer, P.N.Patti Town Panchayat, Salem District (9th respondent herein). The letter requested details of any building permission / building license granted to 10th respondent. It also sought information on any unauthorized building or contravention of the approved plan found on the subject property and the enforcement action taken by the local authority. This request was made because the local authority is vested with the power to exercise under

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sections 56 and 57 of the Town and Country Planning Act 1971 by virtue of Section 47-A(4) regarding unauthorized buildings in Non-Planning area.

9.I humbly submit that the applicants seeking to direct the respondent 1,2,6 and 7 to conduct frequent Air quality test by installing the Ambient air quality monitoring station, and Water quality Test, and consequently direct the respondents 1,2,6 and 7 that if any violations found forthwith initiate appropriate action under Air (Prevention and Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act 1974 as amended in 1988 includes closure of units against the M/s. Nutri Flavours Private Limited / 10th respondent situated in S.Nos.146/1B2, 146/3 at Potteneri Nallagoundampatti, Mettur Taluk, Salem District. I humbly submit that this respondent has no power to implement the safety precautions as per the Pollution Control Act.

10.I humbly submit that the averments made in para 5, 6, 7, 8, 9 and 10 is not related to this respondent. The TamilNadu Pollution Control Board have vested with powers to enforce the said Industries to implement the safety precautions as per the Pollution Control Act in the Industrial units. The responsibility of maintaining safe buffer distance and control the pollution generating from the industries lies with the concerned industrial units. I humbly further submit that this respondent has no power to removal of encroachments.

11.I humbly submit that the representation of the applicant dated 02.11.2024, 14.12.2024 (17.12.2024) and 03.05.2025 was received on 04.11.2024, 19.12.2024 and 05.05.2025 respectively. Based on the representation, the Joint Director of Agriculture, Salem was requested by this respondent vide Roc.No.397/2025/SD-3, dated 16.05.2025 to send the details regarding the authenticity of the attached letter No.E2/8657/2018, dated 26.07.2018.

A reply from Joint Director of Agriculture, Salem letter No.E2/18482/2024, dated 30.06.2025 was received for dry land and it stated that "M/s.Nutri Flavours Private Limited constructed industrial building in S.F No.146/1B2, 146/3, P.N.Patti Town Panchayat / Village has been granted No Objection certificate vide letter No. E2/8657/2018, dated 26.07.2018 and it was destroyed with the approval of the officer after being kept on record for three years, so its authenticity could not be ascertained." It was informed to the applicant vide Roc.No.4119/2024/SD-3, dated 18.09.2025.

12.I humbly submit that this respondent had not made an erroneous to grant concurrence to industrial building. The Industrial building has been granted concurrence by this respondent under section 47-A(2) of Town and Country Planning Act 1971 and as per rule No. 5 and 8 of Rules for change of land use from Agriculture to non-agriculture in non-planned areas vide G.O Ms.79; Housing and Urban Development Department, dated 04.05.2017 and it was

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sent to 9th respondent herein for further action. Action was taken by this respondent vide Roc.No.4119/2024/SD-3, dated 18.09.2025 regarding the applicant's representations dated 02.11.2024, 14.12.2024 and 03.05.2025. It is further submitted that this respondent has no power to initiate any further action in this matter as the statute has not given any authority to pass any action.

13.I humbly submit that the applicant has filed a W.P No.34541/2025 in Hon'ble Madras High Court on the same matter that is still pending.

It is therefore prayed that this Hon'ble Tribunal may be pleased to accept this counter affidavit and pass appropriate orders as this Hon'ble Tribunal may deem fit and thus render justice.

Solemnly affirmed at Salem,
on this the 25th day of November, 2025
and signed his name in my presence.


ASSISTANT DIRECTOR
District Town and Country
Planning Office, Salem District