

**BEFORE THE NATIONAL GREEN TRIBUNAL, (SZ),
SITTING AT CHENNAI
O.A. No. 13 of 2024**

S. Sivadas
S/o. Sivakumar Kulasekar
No. 2, Periyapalayathamman Koil West Street,
Basin Bridge, Washermenpet, Chennai - 600 021.

...Applicant

Vs.

1. The Ministry of Environment
Forest and Climate Change
Rep. by its Secretary,
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi - 110 003.
2. State Environment Impact Assessment
Authority, Tamil Nadu
Rep. by its Chairman
3rd Floor, Panagal Maaligai, No. 1,
Jeenis Road, Saidapet, Chennai - 600 015.
3. The Member Secretary,
Tamil Nadu Coastal Zone Management Authority,
Panagal Building, Saidapet, Chennai - 600 015.
4. The District Collector,
Collector Office Road, Moovendar Nagar,
Villupuram, Tamil Nadu - 605 602.
5. The Deputy Director
Directorate of Town and Country Planning,
Villupuram Region,
GH Road, TADCO Building,
Villupuram - 605 602.

For MANJU FOUNDATIONS PVT. LTD.


Managing Director

6. The Executive Officer,
Marakkanam Town Panchayat,
Marakkanam Taluk,
Office of Town Panchayat, 39, Pondy Road,
Marakkanam Post and Taluk, Villupuram District.

7. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy, Chennai - 600 032.

8. District Environmental Engineer,
Tamil Nadu Pollution Control Board,
District Collector Master Plan Complex,
Back Side of Taluk Office, Villupuram, - 605 602.

9. Principal Chief Conservator of Forests and
Chief Wildlife Warden, Forest Department,
Government of Tamil Nadu, Saidapet,
Chennai - 600 015.

10. The Sub Registrar
Marakkanam,
Marakkanam Taluk, Villupuram District.

11. Manju Foundations Pvt. Ltd.
Rep. by its Managing Director,
No. 8, Saphaswara Apartments,
2nd Floor, 1st Avenue, Ashok Nagar, Chennai - 600 083.

12. Pedro Developers (P) Ltd.,
Rep. by its Managing Director,
Flat No. 621-A, 6th Floor, Devika Towers,
Nehru Place, New Delhi - 19.

For MANJU FOUNDATIONS PVT. LTD.


Managing Director

13. Metis Developers Pvt. Ltd.,
Rep. by its Managing Director,
Flat No. 621-A, 6th Floor, Devika Towers,
Nehru Place, New Delhi - 19.

14. Kaleena Developers Pvt. Ltd.,
Rep. by its Managing Director
C/o. Vatika Group,
Flat No. 621-A, 6th Floor, Devika Towers,
Nehru Place, New Delhi - 19.

15. P. Nagarajan,
S/o. Late Mr. Ponnurangan

16. K.P. Loganathan
S/o. Late Mr. Ponnurangan
Respondents 15 & 16 are residing at
No. 2/387, Singaravelan Street,
Opposite Community Hall,
Chinna Neelangarai, Chennai - 600 115

....Respondents

COUNTER FILED BY THE 11TH RESPONDENT

I, K.M. Vidhyasagar S/o. Late. Mathivathanan, Indian, aged about 43 years, Managing Director of the Respondent Company having its office at No. 8/57, Sapthaswara Apartments, 1st Avenue Ashok Nagar, Chennai - 600 083, doth hereby solemnly affirm and sincerely submit as follows:

1. I submit that, I am the Managing Director of the 11th Respondent Company and as such I am well acquainted with the facts of the

For MANJU FOUNDATIONS PVT. LTD.



Managing Director

case. I submit that, we reserve our rights to file additional Counter Affidavit as an when we get further information and facts pertaining to the above subject Application.

2. I submit that, at the outset the present application is not maintainable neither in law nor on facts and as such the same is liable to be dismissed in limini. The Applicant has filed the above application by suppressing various material facts and therefore he is not entitled for any relief as sought by him in the above Application. The Applicant has approached this Hon'ble Forum with a sole intention to settle his personal scores and therefore on the said aspect itself the above application is liable to be dismissed. I submit that, we reliably came to understand that the accomplice of the Applicant is none other than our rival companies who have aided the applicant in filing the present application and therefore the conduct of the Applicant should be taken into consideration while deciding this lis. I submit that, before traversing into the averments and allegations set out in the application under reply, I am duty bound to narrate the sequel of events between the Applicant and this Respondent leading to the filing of the present Application.

3. I submit that, this Respondent is an established Builder having expertise in the arena of Constructions and Real Estate. This Respondent had initially purchased lands measuring an extent of 34.49 acres of land in the year 2015 with an intent to promote farm-lands and beach resorts in Marakanam North Village, Villupuram District under the name and style of "Bharisha Beach, Bhavishya

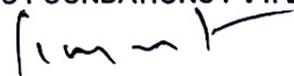
For MANJU FOUNDATIONS PVT. LTD.


Managing Director

Beach, Bhavitha and Bhinaya Beach". This Respondent had purchased a total extent of 34.49 acres of land in S. Nos. 189/1A, 189/3A, 189/4A, 189/4B1 PART, 190/1A PART, 194/1, 194/1 PART, 195/1, 195/1 PART, 195/2, 195/3, 195/4D, 196/5A2B, 210/4, 210/5 PART, 211/1B, 211/2C, 211/3, 211/4, 211/5, 211/6, 212/1 PART and 212/1 PART in Marakkanam North Village from our vendors namely M/s.Kaleena Developers Pvt. Ltd. and M/s. Pedro Developers Pvt. Ltd. and M/s. Metis Developers Pvt. Ltd. through Sale Deeds dated 16.10.2015 and 04.11.2015 registered as Document Nos. 3603/2015, 3972/2015, on the file of SRO, Marakkanam. It is pertinent here to mention that our vendors had earlier got approvals from concern authorities for the sale of lands as farm and beach resorts from the Ministry of Environment and Forests vide Letter of clearance dated 08.06.2009. After purchasing the said properties, we have sold the said lands as farm lands to various parties under project named "Bhavitha Beach, Bhinaya Beach - Classic, Bhavishya Beach, Bharisha Beach" which can be evinced through sale deeds dated 13.11.2015, 05.11.2015, 13.11.2015 and 26.10.2015 registered as Document Nos. 4094/2015, 3993/2015, 4118/2015 and 3787/2015 on the file of SRO, Marakkanam.

4. I submit that, thereafter we have developed an extent of 12.29 Acres of land from our vendors namely M/s.Kaleena Developers Pvt. Ltd. and M/s. Pedro Developers Pvt. Ltd. and M/s. Metis Developers Pvt. Ltd. through Sale Deeds dated 12.12.2019 registered as Document Nos. 3060/2019 and 3061/2019 on the file of SRO, Marakkanam. It is pertinent to note that, we had intended to sell the

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Managing Director

lands as farm-lands and for other eco-friendly development. I submit that, we had also obtained layout approval from the Deputy Director, DTCP vide Letter No. 118/2021/A1 dated 07.07.2021 and also from TNRERA vide approval dated 03.09.2021 in TN/Layout/0311/2021 for the project named "BLUE SPOT-MARAKKANAM". I submit that, we had also executed Gift Deeds dated 01.03.2021 registered as Document Nos. 653/2021, 652/2021 on the file of SRO, Marakkanam. I submit that, we had also filed applications before the concerned authorities for the remaining properties and the same is pending as on date. It is germane to state that, all the above layout approvals are for the lands situated beyond 500mts above the High Tide Line alone and the same is obtained after verifying the parameters laid down under law. I submit that, to further prove the case and to show that our developments will not fall under the CRZ areas, we had obtained a clarification letter from the Director of Department of Environment, Chennai vide Letter dated 12.07.2016 in R.C. No. P1/1233/2016 wherein the authority has categorically affirmed that the lands purchased by the Respondent Company are falling beyond 500 mts from the HTL of sea and that the lands are falling outside CRZ areas and in the present case, the Applicant without knowing the entire gamut of the issue at hand, has filed the present application in-order to cause disturbances and to spoil our reputation among our customers.

5. I submit that, it may not be out of place here to mention that, our previous vendors had also obtained Coastal Regulation Zone

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clearance from the Ministry of Environment and Forests for the construction of Beach Resorts vide Letter of clearance dated 08.06.2009. I submit that, on the basis of the approvals and the sanction provided by the concerned authorities, we have been selling the lands as Farms lands under the name and style of "Bharisha Beach, Bhavishya Beach, Bhavitha and Bhinaya Beach". I submit that, a bare perusal of the Sale Deeds dated 13.11.2015 and 26.10.2015 registered as Document Nos. 4094/2015 and 3787/2015 on the file of SRO, Marakkanam would show that the Respondent Company had sold the lands as Farm plots under the name and style of "Bhavitha Beach and Bharisha Beach" respectively.

6. I submit that, it is pertinent to note that we have not destroyed the Sand Dunes as falsely alleged by the Applicant. It is our contention that, we have not made any developments below the 500 mts. coming under the purview of CRZ zone. I submit that, we had only sold the lands as farm lands without any developments and thus being so, there arise no question of destroying the sand dunes as alleged by the Applicant. A perusal of the approvals from the DTCP and TNRERA would show that we have only developed the lands lying above the 500 mts which does not come under the purview of CRZ zone. It may not be out of place to mention that, the Applicant had laid allegations that we have destroyed the Sand dunes by laying construction and developments below 500 mts from sea but had failed to substantiate the same through cogent evidences. Even, the advertisements promoted by us pertaining to residential plots for the purchasers is only with respect to farm lands lying above 500

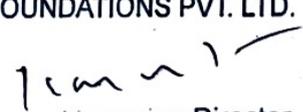
For MANJU FOUNDATIONS PVT. LTD.


Managing Director

mts. and beyond CRZ zone more fully which is been promoted as "Blue Spot, Marakkanam".

7. I submit that it may not be out of place here to mention that as regards the above properties under dispute several complaints and civil suits were already filed by onenamed Dinesh N Surana. The said Dinesh N Surana had filed Civil Suits against us in O.S. No.29/2018, O.S.No. 3/2021 on the file of Hon'ble Munsif Court, Tindivanam, Complaint Nos. 87/2020, 04/2022, before TNRERA and Writ Petitions Nos. 12675/2016 and W.P. No. 23032/2021 before the Hon'ble High Court of Madras, Chennai and a combine reading of the present Application together with the Writ Petitions, Complaints and Civil Suits filed with respect to the same properties would indicate the fact that the present Application before this Hon'ble Tribunal is an instigated one filed with an intention to settle personal scores.
8. I submit that, the allegations contained in paragraph Nos. 1 & 2 of the application are vague and are vehemently denied and the applicant is put to strict proof of the same. The allegations that we have developed 180 acres of land is totally false and we have not purchased such an vast extent of the land in the said area. As reiterated above, we have not violated the provisions of the CRZ notification 2011 nor caused any environmental damages by virtue of the above lands.I submit that, the untenable allegations that we have laid Tar roads and have sold the same as bungalow plots is erroneous and the same is thereby denied. As stated above, we had

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only made developments above 500 mts. from the HTL after executing necessary Gift Deeds in favour of the concerned authorities. Without verifying the same, the applicant has made untenable and vague allegations which is entirely unsustainable. I submit that, we had thereafter again purchased an extent of 8.48 Acres of land from our vendors namely M/s.Kaleena Developers Pvt. Ltd. and M/s. Pedro Developers Pvt. Ltd. and M/s. Metis Developers Pvt. Ltd. through Sale Deeds dated 20.03.2023, 15.05.2023, 26.06.2023 registered as Document Nos. 1092/2023, 1884/2023, 1885/2023 and 2541/2023 on the file of SRO, Marakkanam. I submit that we have thereafter sold lands measuring an extent of 22 cents to one Karthick Kumar vide sale deed dated 28.06.2023 registered as Document No. 2545/2023 on the file of SRO, Marakkanam for farming activity and 22 Cents of land to one Mrs. Shweta Prabhu vide Sale Deed dated 24.11.2023 registered as Document No. 4759/2023 on the file of SRO, Marakkanam as farm lands and therefore the allegations that the same is sold as bungalow plots is totally false and baseless.

9. I submit that, we had thereafter intended to further purchase the lands from our Vendors and in consonance to the same Sale Deeds were executed for a total extent of 17.70 Acres of lands under the Layout "Blue Spot II" Marakkanam under Sale Deeds dated 20.03.2023, 20.03.2023, 20.03.2023 and 13.09.2023 registered as Document Nos. 1091/2023, 1392/2023, 2692/2023, 2515/2023 and 3686/2023 on the file of SRO, Marakkanam. I submit that, we have also obtained DTCP approval for the above mentioned layout vide

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approval dated 02.12.2023 in Ma.Va./Na.U.E.No. 109/2023. It is pertinent to note that, we have also executed a Gift Deed registered as Document No. 4797/2023 in favor of Marakkanam Town Panchayat for laying of public roads, park and erection of EB Poles.

10. I submit that, the contents in paragraphs Nos. 3, 4 and 5 are stoutly denied and the Applicant is put to strict proof of the same. The allegation that we have developed 180 acres of land is totally false. I submit that, as reiterated above we had executed Gift Deeds for the layout named "Blue Spot-Marakkanam" in Document Nos. 653/2021 and 652/2021 on the file of SRO, Marakkanam in favor of TANGEDCO and Executive Officer, Marakkanam for laying of roads and other public amenities. It is pertinent to note that, the above layout is situated beyond 500 mts. of the High Tide Line and we have obtained approvals from DTCP, TNRERA and other concerned authorities. Hence a bare allegations that we are using the layout as an approach road for the other plots are vague and is devoid of merits. I submit that, the conduct of the applicant ought to be put under question especially when he has approached this present Forum with frivolous allegations. I submit that the allegations that we have developed more than 50 Hectares of land and that we have not obtained environmental clearance is totally false and baseless. I submit that we have purchased only an extent of 43.49 Acres (17.5 Hectares) of land lying in S. Nos. 189/1A, 189/3A, 189/4A, 189/4B1, 190/1A PART, 194/1 PART, 195/2, 195/4D, 211/2C, 211/3, 211/4, 211/5, 211/6, 212/1 PART, 212/2 PART, 195/1, 196/5A2B, 210/4, 210/5 PART, 194/1, 195/3, 211/1B, 211/6, 212/3, 213/4B, 213/4A,

213/1 in Marakkanam North Village and that we have sold the lands as farm lands and therefore the allegations that we ought to have obtained environmental clearance is totally unsustainable in law.

11. I submit that, we deny the entire allegations contained in paragraph Nos. 6, 7, 8 and 9 and the applicant is put to strict proof of the same. I submit that we have not constructed any sea wall, groynes in the site under dispute and further we have not laid any Tar Road in the CRZ zone. The Allegation that we have flattened the sand dunes and constructed groynes and laid jogging track in nesting site of olive is totally false and baseless. We had sold farm lands beyond 500 mts. above the High Tide Line. The Applicant is attempting to portray the lands situated beyond the 500 mts. to that of the undeveloped Farm lands lying within the CRZ zone. It is evident to state that, a perusal of the clarification letter from the Director of Department of Environment, Chennai vide Letter dated 12.07.2016 in R.C. No. P1/1233/2016 wherein the authority has categorically affirmed that the lands purchased by the Respondent Company are falling beyond 500 mts from the HTL of sea and that the lands are falling outside CRZ areas.

12. I submit that, we deny the entire allegations contained in paragraph Nos. 10, 11, 12 and 13 as false and baseless and the applicant is put to strict proof of the same. It is necessary to state that, the Respondent company has not been issued with any show cause notices for violating the CRZ norms nor for causing harm to the environment. I submit that, the Respondents 12 to 14 are our vendors from whom we had

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purchased the subject lands after verifying their records and thus a bare allegation that we have been colluding and jointly promoting the lands are erroneous and the same is without any cogent evidences. The representation dated 27.01.2023 which has been issued by the Applicant is devoid of merits and is entirely baseless. I submit that, the allegations in paragraph No. 13 of the application is entirely imaginary.

13. I submit that, the allegations raised in paragraph Nos. 14, 15, 16, 17, 18 and 19 are entirely denied and the same is put to strict proof of the same. It is necessary to state that, EB poles have been erected by the TANGEDCO by virtue of the Gift Deed executed by us for the layout Blue Spot Marakkanam. However, the applicant is conveniently showcasing the afore project with that of other lands lying within 500 mts. It is necessary to state that, even a recital of the order passed by this Hon'ble Court in W.P. No. 13992 of 2023 would show that the Counsel appearing for the Government would eventually submit that several Gift deeds has been executed by us and thereby considering the same the Writ Petition was disposed off with a direction to remove any encroachment if found. Subsequent to it, an inspection was carried out and no encroachments were found on our lands. I submit that, the conduct of the applicant can very well be witnessed from the application wherein he had totally gone into depth of finding faults upon this Respondent by one way or the other.

For MANJU FOUNDATIONS PVT. LTD.


Managing Director

14. I submit that, the Grounds No. A to W appended along with the application is not applicable to this Respondent and this Respondent has not violated any environmental law while selling the farmlands. It is further germane to state that, this Respondent Company had duly complied with all the requisites procedural law during the purchase of lands and selling of the same. The applicant being an accomplice of our rival groups with an intention to tarnish the reputation of this Respondent Company have filed this frivolous application. This Respondent had invested huge funds in purchasing the properties by taking loans and this Applicant is trying to stall the said project by filing applications and complaints before various fora to cause financial loss to this Respondent.

For all the reasons stated above, it is therefore humbly prayed that this Hon'ble Forum may be pleased to dismiss the Original Application at limini with exemplary costs and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For MANJU FOUNDATIONS PVT. LTD.


Managing Director

Solemnly affirmed at Chennai *
on this the 17th day of MARCH 2024 *
and signed his name in my presence *
after reading the contents of this *
affidavit herein. *

BEFORE ME


Ms 3350/23
No. 39, LC, HC,
Ch-104
ADVOCATE

**BEFORE THE NATIONAL
GREEN TRIBUNAL, (SZ),
SITTING AT CHENNAI
O.A. No. 13 of 2024**

S. Sivadas

...Applicant

Vs.

The Ministry of Environment and
Ors.

...Respondents

**COUNTER FILED BY THE 11TH
RESPONDENT**

M/s. Sarvabhauman Associates
Krishna Prasad R
Shabeer Ali H
Surya Narayanan R
Counsel for 11th Respondent