

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

ORIGINAL APPLICATION NO. 181 OF 2020 (SZ)

Sarangam,
Cuddalore

...Applicant

Versus

The Collector,
Cuddalore and Others

...Respondents

REJOINDER ON BEHALF OF THE 1st RESPONDENT

Most respectfully showeth:

I, Chandra Shekar Sakhamuri, S/o. Nageshwara Rao Sakhamuri, Hindu, aged about, 39 years, now working as District Collector, Cuddalore District, do hereby solemnly affirm and sincerely state as follows:

1. The present rejoinder is being filed before this Hon'ble Tribunal on behalf of the 1st Respondent, District Collector, Cuddalore District, to the Reply/ Objections filed by the Applicant. This Respondent craves leave of this Hon'ble Tribunal to refer and rely upon the contents of the inspection report and documents submitted by the Committee. The same may be read as part and parcel of the present Rejoinder and are not repeated herein for the sake of brevity and avoiding prolixity.

2. At the very outset, it is submitted that the contents of the Reply filed by the Respondent are completely bereft of merit. The Respondent has knowingly and willfully misrepresented and distorted facts with the sole objective of prejudicing this Hon'ble Tribunal.

3. The contents of the Reply are denied all and sundry. Each and every averment made by the Applicant is denied, unless specifically admitted to herein below. It is submitted that any averment not specifically traversed by this Respondent may not be deemed to be an admission on the part of this Respondent.

R. M. F.
Personal Assistant (Legal Matters)
To Collector, Cuddalore.

2/3/21
DISTRICT COLLECTOR.
CUDDALORE. 2/3/21

PARA WISE REJOINDER:

4. The contents of para 1 of the Reply/ Objections are incorrect, misleading, misconceived hence denied. It is denied that the committee has not conducted a detailed enquiry on 04.11.2020. It is submitted that, the committee had detailed oral enquiry (Photographs enclosed).

5. The contents of para 2 of the Reply/ Objections are incorrect, misleading hence denied. It is denied that the no map was enclosed with copy served to the Applicant. It is submitted that the Committee has filed the inspection report along with enclosed documents therein including map of property in question before this Hon'ble Tribunal and true copy of the same was served to the Applicant.

6. The contents of para 3 of the Reply/ Objections are incorrect, misleading, misconceived hence denied. It is denied that 11th Respondent has converted the entire 0.48.8 ares in S.No.21/6 and 21/B, Subauppalavadi, Cuddalore District into a pond for breeding fish and prawn. It is submitted that the Fish Culture pond has been constructed in Survey No.21/6B with an extent of 0.20 Ares by the 11th Respondent.

7. Regarding the contents of para 4 to 7 it is submitted that since the land in S.No.25 is a grazing poramboke land, the District Collector has advised the Animal Husbandry Department and Revenue Authority to remove the encroachment if any and in furtherance to the same notice were served on the encroachers and its understood that the eviction process will commence after 2021 Assembly Election. Further, it is submitted that the land bearing S.No.16/1 is a patta land stands in the name of one Rajamanickam. The Committee no where in its report has mentioned about the distance of the property from the sea.


Personal Assistant (Legal Matters)
District Collector, Cuddalore.


DISTRICT COLLECTOR.
CUDDALORE. 3/37

8. The contents of the para 8 of the Reply/ Objections are incorrect, misleading, misconceived hence denied. It is denied that the committee has wrongly stated that the water in the pond is fresh water and only fish is reared in the said pond. It is submitted that the during inspection, fresh water was found in the pond. No fish or prawn was found when crab net trap was used. The same is well described in the inspection report submitted by the committee before this Hon'ble Tribunal.

9. The contents of the para 9 are related to the 7th Respondent and are reply by him in his rejoinder.

10. Regarding the contents of para 10 it is submitted that the news about inspection was posted in the Facebook with an intention of letting the public to know that the pond in which prawn culture is allegedly carried on is inspected by the District Collector and the other Committee members constituted by the Hon'ble National Green Tribunal.

11. The contents of the para 11 of the Objections are replied by the 7th Respondent.

12. The contents of the para 12 of the Reply/ Objections are incorrect, misleading, misconceived hence denied. It is denied that the committee did not conduct soil test in the applicants land or the surroundings. It is submitted that soil and water samples were taken in the presence of Village Administrative Office, Revenue Inspector and scientist attached to the Pollution control board, this Respondent. The samples were sent to the Agricultural Department and the report of the same is enclosed with the inspection report filed before this Hon'ble Tribunal. Regarding the news items in the newspaper it is submitted that the purpose of the inspection was to find out whether prawn culture was done in the land question whereas the news items were slightly misleading and those news items were not authenticated in anyway by the committee.

R. M. P
Personal Assistant (Legal Matters)
To Collector, Cuddalore.


DISTRICT COLLECTOR,
CUDDALORE.

4/37

13. The contents of the para 13 to 16 of the Reply/ Objections are incorrect, misleading, misconceived hence denied. It is denied that no reply was sent to the complaints/ representations dated 23.02.2016 and 21.12.2017. It is submitted that a reply in Na. Ka. No. 20/DL/CAA/2015, dated 10.05.2016 was sent by this Respondent to the representation dated 23.02.2016. Similarly, a reply in Na. Ka. No. 21/DLC/CAA/2013, dated 13.04.2018 was sent by this Respondent to the representation dated 21.12.2017 wherein it is clearly stated that the 11th Respondent is breeding inland fish in Sy. No. 21/6B, Subauppalavadi, Cuddalore District and no prawn was cultured. Further, agriculture activities istaking place near the said pond. Therefore, the complainant was informed that no damage would occur due to breeding of inland fish.

14. The contents of the para 17 of the Reply/ Objections are incorrect, misleading, misconceived hence denied. It is submitted that the communication dated 16.07.2018 was sent by Assistant Director of Agriculture, Cuddalore, the the Joint Director of Agriculture, Cuddalore and its wrong to state that aforesaid communication was sent by Joint Director of Fisheries, Cuddalore, to 8th Respondent. Further, no inspection report is found with said communication in the typed set of papers.

15. The contents of the para 18 to 19 of the Reply/ Objections are incorrect, misleading, misconceived hence denied. It is submitted that the 11th Respondent is doing breeding inland fish alone which is not prohibited. Further, the pond in S.No. 21/6B, Subappalavadi Village falls under Coastal Regulations Zone where fish culture is a permitted activity. Therefore, permission obtained by the 11th Respondent for fish culture vide Membership no. 342 of the District Fish Farmers Development Agency dated 27.12.2017 need not be cancelled.

R. M. F.
Personal Assistant (Legal Matters)
To Collector, Cuddalore.

22/12/17
DISTRICT COLLECTOR
CUDDALORE. 5/37

16. The contents of the para 20 to 24 of the Reply/ Objections are related to 6th Respondent and will be replied in his rejoinder.

17. The contents of the para 25 of the Reply/ Objections are false and derogatory in nature. It is submitted that this Hon'ble Tribunal vide order dated 24.09.2020 appointed a joint committee comprising of 1) the District collector, Cuddalore, 2) a senior Scientist from Tamil Nadu Pollution Control Board as deputed by its Chairman and 3) the Assistant Director of Fisheries who is in charge of that District, to ascertain the genuineness of the allegation made in the application. The Applicant cannot question the genuinity of the joint committee without challenging the aforesaid order dated 24.09.2020.

18. The contents of the para 26 to 27 of the Reply/ Objections are incorrect, misleading, misconceived hence denied. It is submitted there is no proof to prove that soil sample was taken from the land of 11th Respondent. Moreover samples were not drawn in the presence of officials. Therefore, said soil report submitted cannot be relied by the Applicant before this Hon'ble Tribunal.

19. The contents of the para 29 to 30 of the Reply/ Objections are incorrect, misleading, misconceived hence denied. It is submitted that in the inspection report page 2, para 3, it clarified that the adjoining land owners Thiru. Tharanidharan and Thiru. Thiyagarajan are continuously doing agriculture in their land and have harvested 40 & 23 bags of paddy respectively during last crop and there is no damage to the land because of the fish culture pond. The contents of the para 29 to 30 of the Reply/ Objections are incorrect and false, hence denied.

R. M. #
Personal Assistant (Legal Matters)
To Collector, Cuddalore.

22/9/20
DISTRICT COLLECTOR
CUDDALORE.

6/37

In view of the contents of the foregoing paras and the inspection report, it is submitted that the application submitted by the Applicant maybe dismissed.

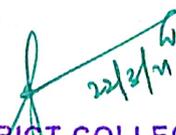
It is prayed accordingly.

VERIFICATION

I, Chandra Shekar Sakhamuri, S/o. Nageshwara Rao Sakhamuri, Hindu, aged about, 39 years, now working as District Collector, Cuddalore District, do hereby verify that I have read the contents of paragraphs are true and correct to the best of knowledge and information and that I have not suppressed any material fact.

Dated: .03.2021

Place:


DISTRICT COLLECTOR,
CUDDALORE.

Signature of 1st Respondent


Personal Assistant (Legal Matters)
To Collector, Cuddalore.

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

O.A.No. 181 of 2020 (SZ)

Compliance Report filed
by the 1st respondent

Govt. Standing Counsel for
National Green Tribunal
Southern Zone, Chennai.