

BEFORE THE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE

APPLICATION No. 134 OF 2017

1. M. Ravichandran  
7, Vishnu maya Nagar,  
Itteri Road, Palani- 624 601.

2. R. Vijayalakshmi  
11/126C, Lakshmipuram,  
Palani- 624 601.

3. C. Rajendran  
11/126C, Lakshmipuram,  
Palani- 624 601.

... Applicants.

-VS-

1) Joint Commissioner,  
Arulmigu Dhandayuthapani,  
Thirukoil, Palani- 624 601.

2) Commissioner  
Sivagiripatty Panchayat,  
Palani Taluk.

3) Commissioner  
Municipal Office,  
Palani- 624 601.

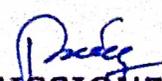
4) Commissioner  
HR & CE,  
Nungambakkam High Road,  
Chennai- 600 034.

5) The Secretary  
Local Administration  
Secretariat,  
Chennai- 600 009.

6) The Secretary  
Panchayat  
Secretariat,  
Chennai- 600 009.

7) Tahsildar,  
Palani

COMMISSIONER  
PALANI MUNICIPALITY

  
**COMMISSIONER**  
**PALANI MUNICIPALITY**

- 8) The Collector  
Dindigul District.
- 9) The Chairman,  
Tamilnadu Pollution Control Board,  
No.76 Mount Road, Guindy,  
Chennai - 600 032.
10. S. Prema  
W/o Selvakumar  
Proprietor Sri kantha Vilas,  
175/7, Thiruvalluvar Gurukusalai,  
Anna Nagar,  
Palani- 624 601.

... Respondents.

**REPLY FILED BY THE 3<sup>rd</sup> RESPONDENT**

I, Narayanan, Son of Dharmar, Hindu, aged about 35 years, working as Commissioner-in-charge, Palani Municipality, do hereby solemnly affirms and sincerely states as follows.

1. I am the Commissioner of the Kodaikanal Municipality and the Commissioner-in-charge of the Palani Municipality the 3<sup>rd</sup> Respondent herein and well conversant with the facts of the case from the connected files.

2. I submit that I have read and understood the Application filed by the Applicant herein and I deny each and every one of the averments set out therein except those that are specifically admitted herein. The Applicant is not entitled to any remedy, much less the relief of payment of compensation for the alleged losses and damages suffered by them.

3. The property of the applicants is situated outside the Municipal Limits of the Palani Municipality and the Respondent herein is not in any manner responsible for the alleged troubles of the applicants.

4. It is submitted that the Land of the Applicants is situated in the Sivagiripatty Panchayat Limits outside the Palani Municipal Limits. The claims of the applicants are not maintainable against the Respondent herein. It is submitted that the report of the Joint Committee may be perused which sets out the factors for the reason of the Applicants being inundated with water.

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MUNICIPALITY  
PALANI

*Prema*  
**COMMISSIONER  
PALANI MUNICIPALITY**

5. It is submitted that the surface flows from the adjoining Idumban Malai Koil is the main reason for the inundation of the Applicants lands. The flow of sewage from the toilets of the First respondent were only ancillary factors that have been curbed as already set out by the Joint Committee.

6. The lands of the petitioner are not in any manner affected by any sewage from the Limits of the Palani Municipality. The topography of the lands is such that it is higher in level compared with the natural channels that carry surface run-off from the Palani Municipal area. The Applicants have to take their own precautions for preventing inundation of their lands as the flow of surface water from the Idumban Malai is stagnated in their lands during rains.

7. It is also submitted that there is no flow of any sewage from the Palani Municipality limits to the lands of the Applicants.

8. With regard to the Sewage that is generated within the Palani Town, there is a Sewage Network that is functional from the year 1980. This system is in use for the sewage generated by the Residents. The said system after treatment disposed its outflow into the oxidation pond in SF. No 1/2, 1/3 & 1/4 Palani Village and Town.

9. This apart, the project for the extended and added areas of the developed urban areas of Palani Town has been proposed at a cost of Rs 155 Crores and the DPR for the same is under consideration for the issue of Administrative and Financial Sanction. This has no connection to the lands of the Applicants and the surface flows of the said developed areas do not reach the lands of the applicants due to the contour levels.

10. As stated in the preceding paragraphs, the sole reason for the inundation of the lands of the applicant is the low level combined with the fact that it is in the downstream of the Idumban Koil Malai from where surface run off water goes through the lands of the applicants. The nature of the lands has been the same for time immemorial and there is no flow of sewage to the lands of the applicant particularly from the jurisdiction of the Palani Municipality.

  
**COMMISSIONER**  
**PALANI MUNICIPALITY**

11. It is submitted that the 10<sup>th</sup> respondent is also having the Lodging house in the limits of the 2<sup>nd</sup> respondent and it is for the second respondent to take action regarding the grievances of the applicants.

In the foregoing circumstances it is prayed that this Honourable Tribunal may be pleased to dismiss the Application No. 134 of 2017 as against the Respondents 3 and 5 and render Justice.

Solemnly affirmed on  
This the 9<sup>th</sup> day of  
June 2021 and the  
Deponent herein has  
Affixed his signature  
in my presence

*Praveen*  
**COMMISSIONER**  
**PALANI MUNICIPALITY**  
before me,

*M. M. Praveen*  
Advocate, Palani.

செ. M. மணிமொகன், B.A., B.L.,  
புதுமலை மதுகாலை குடி,  
-11

**BEFORE THE NATIONAL  
GREEN TRIBUNAL (SZ)  
AT CHENNAI**

**O. A. No. 134 of 2017**

**REPLY FILED Y THE 3<sup>rd</sup>  
RESPONDENT**

**M/s. P. SRINIVAS (828/1994).  
N.K. PONRAJ (2263/2009).  
R. PURUSHOTHAMAN(253/2011**

**COUNSEL FOR 3<sup>rd</sup> RESPONDENT**

**Mobile No. 94862 04469**