

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

**SOUTHERN ZONE BENCH AT
CHENNAI**

ORIGINAL APPLICATION No.32 OF 2023

Meenava Thanthai K.R. Selvaraj Kumar
Meeanvar Nala Sangam.
... Applicant

-Vs-

1. Tamil Nadu State Coastal Zone
Management Authority
& 4 others.
...Respondents

COUNTER OF THE 5TH RESPONDENT



M/s. KV LAW FIRM
(Ms.52/2016)
J. HARIHARAN
(Ms.1861/2013)
MAHASREE THANGARAJ
(Ms.2157/2016)
V. TAMILSELVAN
(Ms.402/2021)
Counsel for 5th Respondent
Cell No.9786051818
Mail.Id. kvlawfirm@yahoo.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE BENCH AT CHENNAI

ORIGINAL APPLICATION No.32 of 2023

In the matter of :

MEENAVA THANTHAI K.R.SELVARAJ KUMAR

MEENAVAR NALA SANGAM

(Registered under Section 10 of the

Tamil Nadu Societies Act)

Represented by its President

Mr. M.R.Thiyagarajan

S/o Late C.Rajalingam,

Office at No.48, East Madha Church Street,

Royapuram, Chennai – 600 013.

... APPLICANT

-VS-

**1. TAMIL NADU STATE COASTAL ZONE
MANAGEMENT AUTHORITY**

Through the Chairman
Ground Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015.

2. TAMIL NADU POLLUTION CONTROL BOARD

Through the Chairman
No.76, Anna Salai,
Guindy, Chennai – 600 032.

3. THE COMMISSIONER

Corporation of Greater Chennai,
Ripon Buildings,
Chennai – 600 003.

4. THE DISTRICT COLLECTOR, CHENNAI

Rajaji Salai, Fourth Floor, 62, Beach Road,
George Town, Chennai – 600 001.

For BEST DHALL MILL

C. Devasen
Proprietrix.

5. M/s BEST DHALL MILLS

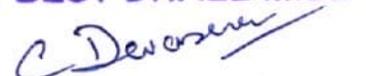
Represented by its Managing Director
Mr.Vignesh Chandran
782/2, Tiruvottiyur High Road,
Tondiarpet, Chennai – 600 081.

... RESPONDENTS

COUNTER OF THE 5TH RESPONDENT

1. The 5th Respondent states that he has gone through the memorandum of application filed by the Applicant and the contents stated therein are denied as false except those which are specifically admitted herein. The Applicant must be put to strict proof of the same.
2. The 5th Respondent states that the present application has been filed by the Applicant citing various illegalities on the part of the 5th Respondent, more specifically, causing damage to the environment and seeking various directions to the Respondents 1 to 4 to shut down the 5th Respondent. The 5th Respondent name is 'M/s BEST DHALL MILL' and not 'M/s BEST DHALL MILLS' as shown in the cause title. The 5th Respondent is not represented by any person in the capacity of Managing Director but the same is a sole Proprietorship concern held by Ms. C.Devasena wife of Mr. G.Chandran. The very basic of the 5th Respondent is itself not known to the Applicant which shows that the Applicant has no knowledge about the 5th Respondent at all and proceeded to file the instant application without any application of mind and the present application has to fail on these technicalities.
3. The 5th Respondent states that the allegations stated in the application are very generic and not specific and as such are invented for the purpose of the case. The applicant is not a bonafide society as stated in the application and it is much known for extorting money

For BEST DHALL MILL


Proprietrix.

in the guise of public welfare and litigations. As the 5th Respondent did not budge to the tactics of the applicant, the applicant has jumped to file the present application which is completely devoid of any merits. The applicant has to state in what manner the 5th Respondent has caused pollution to the environment to maintain the present application. When the application is bereft of such materials, the application itself is not maintainable and deserves to be dismissed at the outset.

4. The 5th Respondent states that the survey number mentioned in the application is false and incorrect. The postal pin code of the subject property stated in the application is also incorrect and misleading. The building in the subject property was constructed by the 5th Respondent in 1998 and has been functioning from then. It is true that the building falls within the territorial limits of Coastal Regulation Zone – II, hereinafter referred to as CRZ – II. It is false to state that permission has not been acquired for functioning of the Dhall Mill at the subject place. The property at the subject place owned by the 5th Respondent has been assessed to property tax since its construction and the 5th Respondent has duly paid the same and maintaining the receipts till now for the past two decades. The property has also been assessed to Water Tax by the Chennai Metropolitan Water Supply and Sewerage Board and the 5th Respondent is duly maintaining the receipts for the same. All the above facts would go to show that the 5th Respondent has not committed any illegal act in the construction of the building and functioning of the Mill, that too for the past two decades.
5. The 5th Respondent states that the sudden application filed by the applicant when the 5th Respondent is being functional for the past 25 years, the act of the applicant raises serious doubts on the bonafide and genuineness of the cause for which it proclaims to fight. The

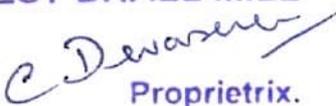
For BEST DHALL MILL

C. Dewasen
Proprietor

applicant has all of a sudden awoken from deep slumber to find out that the 5th Respondent is functioning at the subject place after two and a half decades. It is pertinent to mention that the 5th Respondent is assessed to Professional Tax with the 3rd Respondent since 1999 which will prove the fact that the 5th Respondent is carrying on its business for the past 2.5 decades with the knowledge of the 3rd Respondent. Hence, it is crystal clear that the 5th Respondent is being functional with legal sanctity and not as portrayed by the Applicant in his application. The 5th Respondent has also obtained license with the Tamil Nadu Food Safety and Drug Administration Department (Food Safety Wing) as early as in 2016 itself. The license is a proof to show that the 5th Respondent has followed all safeguards and guidelines so as to run a manufacturing unit connected with the food industry. Hence, it is not right and proper on the part of the Applicant to throw mud on the 5th Respondent without any specific charges or violation on the part of the 5th Respondent. The 5th Respondent has registered with the Department of Commercial Taxes under the Government of Tamil Nadu and duly issued with a Certificate of Registration in the year 1999 itself. The 5th Respondent had originally registered under the Central Sales Tax and now under the Goods and Services Tax for operating the business at the subject property.

6. The 5th Respondent states that the 3rd Respondent has approved the 5th Respondent under its Revenue Department and granted license for the trade of Storing of Grains for husking grains. Hence, it is proved that the 5th Respondent is carrying on its business in a manner known to law after obtaining all the formalities and due certificates. The 5th Respondent has registered in the UDYAM Scheme under the Ministry of Micro, Small and Medium Enterprises, Government of India wherein it has been classified as a Medium scale Enterprise indulged in Manufacturing. The 5th Respondent has registered itself with the Department of Industries and Commerce, Government of

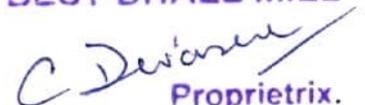
For BEST DHALL MILL


Proprietrix.

Tamil Nadu wherein it has been certified that the 5th Respondent is indulged in Processing of Moong Dhall, Orid Dhall and Toor Dhall. These certificates have been issued by the concerned departments without insisting for clearance from the 2nd Respondent which shows that the 5th Respondent is not indulged in any activity that causes Pollution or imbalance in the environment, be it in Air or Water. For instance, license to run a Bar would be granted by the Department of Prohibition only if a 'No Objection Certificate' is granted by Fire and Rescue Department and if the same is not granted, no license to run a Bar would be granted. Here, all the departments have granted necessary certificates and license, that too for a continuous period of two and a half decades without insisting for any clearance or certificate from the 2nd Respondent or from the Department of Environment would show that the 5th Respondent has no connect with the said department in the running of its business. The Applicant cannot rely upon reports that are found in the internet without any concrete material as the same can be uploaded without any verification. In short, those materials relied by the Applicant lack legal sanctity. The 5th Respondent has also obtained license under the Legal Metrology Act in the year 2000 itself. The 5th Respondent has been issued with the Certificate of Authorisation by the Directorate of Marketing and Inspection, Department of Agriculture Co-operation and Farmers Welfare, Ministry of Agriculture and Farmers Welfare, Government of India. The 5th Respondent has obtained Fire Service License from the District Officer, Fire and Rescue Services. The 5th Respondent has obtained Registration and License to work a Factory under the Directorate of Industrial Safety and Health, Government of Tamil Nadu for the subject premises.

7. The 5th Respondent states that the 5th Respondent by following the due process of law and after obtaining the certificate and license from various departments of both the State and Union Government has

For BEST DHALL MILL


Proprietrix.

proceeded to run the business. The applicant without any semblance of material evidence against the 5th Respondent has proceeded to cause this vexatious litigation only to milk money from the 5th Respondent for which the 5th Respondent did not get yield to. The Applicant has screenplayed stories after stories with completely zero materials and portrayed as if all the above departments of the two Governments have granted license without any application of mind and only the applicant has now found out the illegality of the 5th Respondent. The Applicant is prone to these type of litigations to extort money and to use the same not for the society or its genuine members but for the luxury of the office bearers. It is again reiterated that all the above departments have granted license without insisting for license from the Department of Environment itself would clearly prove the fact that no such certificate or clearance is necessary for the 5th Respondent to function. Moreover, the 5th Respondent as stated supra is functional since 1998. No such air or water pollution is caused due to the functioning of the 5th Respondent and for the past two and a half decades, no single citizen of that locality has ever lodged a complaint before any of the authority citing pollution or violation on the part of the 5th Respondent and not even a discomfort has been reported. All the above facts would clearly show that the 5th Respondent has not caused any nuisance to the public at large but only to the office bearers of the Applicant as they failed to resort to the illegal demands of the Applicant.

8. The 5th Respondent states that the Applicant has approached this Hon'ble Tribunal without even possessing basic knowledge about functioning of a dhall mill. As such the process involved in the mill does not release effluent discharge, much less untreated effluent discharge and hence such allegation raised by the Applicant in his Application deserves to be disregarded. The Applicant must also specifically aver and prove that the water usage involved in the 5th

For BEST DHALL MILL


Proprietrix.

Respondent Mill is in such a proportion as it may lead to depletion of ground water. Any common man who possesses basic knowledge regarding the functioning of a dhall mill would know that water usage in dhall mill is very less. The subject property finds its place in the zone classified as 'General Industrial Area' as per the Proposed Land Use Map prepared by the Chennai Metropolitan Development Authority (CMDA in short). The subject property does not fall under 'Primary Residential Zone' at any event and as such the basis of the claim of the Applicant does not stand for consideration.

9. The 5th Respondent states that Chapter III Section 14 of the National Green Tribunal Act, 2010 speaks about the jurisdiction, powers and proceedings of this Hon'ble Tribunal. The sub section 3 of Section 14 clearly spells that no application can be entertained after 6 months from when the cause of action arose at first unless the applicant was prevented from approaching this Hon'ble Tribunal. As such from the materials produced from the side of the 5th Respondent, it is evident that the 5th Respondent is operating from 1998 and as such the present application is barred under Section 14(3) of the NGT Act. For the sake of convenience, the above said provision is extracted hereunder for better appreciation :

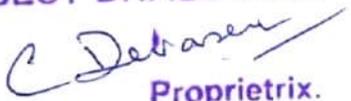
"14. (1)

(2)

(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose :

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days."

For BEST DHALL MILL


Proprietrix.

A simple and bare reading of the provision would clearly show that the application has been filed very belatedly and hopelessly barred and as such the present application has been filed after these many years only to extort money from the 5th Respondent.

10. The 5th Respondent states that the Applicant has prayed to close the 5th Respondent's unit which cannot be granted at any cost and shows the personal vengeance of the Applicant on the 5th Respondent and the Applicant has proceeded to use this Hon'ble Tribunal to settle his personal goals and such practices must not be encouraged and must be curbed at the outset. The conduct of the Applicant must be nipped at the bud itself by imposing heavy costs to be paid to the Hon'ble Chief Ministers Relief Fund, Government of Tamil Nadu. At the upshot, the application deserves to be dismissed.

Wherefore, it is most humbly prayed that this Hon'ble Tribunal may be pleased to :

- A. **DISMISS** the Application filed by the Applicant as the same is devoid of any merits and
- B. Impose heavy **COSTS** on the Applicant for instituting the instant frivolous and vexatious application and pass any such or other orders as this Hon'ble Tribunal may deem fit and proper in the interests of the case and thus render justice.

Dated at Chennai, this the 12th day of July, 2023.

For BEST DHALL MILL


Proprietrix.



Counsel for the 5th Respondent