

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No.161 of 2014 (SZ)

In the matter of

V.Periyakudi Muniyasamy
S/o M.P.Pandian,
No.3/21, Periyakulam Post,
Kadaladi Taluk
Ramanathapuram District 623 703



.. Applicant

And

1. The District Collector,
Ramanathapuram, Ramanathapuram District.
2. The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
3. The Tahsildar,
Kadaladi Taluk, Kadaladi, Ramanathapuram District
4. Tamil Nadu Pollution Control Board,
Rep. By its Chairman,
No.76, Mount Road, Guindy, Chennai 600032
5. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.5, Perumal Koil Street,
Sivagangai 630561
6. M/s.Chemfab Alkalis Limited,
Rep. By its Vice President (Finance)
Mr.Niin S.Cowlagi, Team House,
GST Road, Vandalur, Chennai 600048 .. Respondent

Counsel appearing for the applicant:

M/s.S.Kolandasamy& C.S.Saravanan

Counsel appearing for the Respondents:

Mr.M.K.Subramanian and M.R.Gokul Krishnan for R1 to R3
Mrs.Rita Chandra Chandrasekar for R4 & R5
M/s.P.Amalanathan and D.Ravichander for R6

ORDER

Present

Hon'ble Shri Justice Dr.P. Jyothimani, Judicial Member

Hon'ble Prof.Dr.R. Nagendran, Expert Member

24th August, 2015

This application is filed by the applicant who is a resident of Periakulam Post, Kadaladi Taluk, praying for a direction against the District Collector, first respondent to restrain 6th respondent M/s.Chemfab Alkalis Limited from establishing salt pan in the lands purchased by the 6th Respondent contending inter alia that the area concerned is an agricultural land and by the activity of salt manufacturing, the agricultural activities will come to an end and the salinity will spoil the entire agricultural operations in the area.

The applicant it is stated being a Member of the local Primary Agriculture Co-operative Debit Society is concerned about safeguarding the Nanjai and Punjai lands in and around the jurisdiction of the District Collector, Ramanathapuram. It is an admitted case that 6th respondent has purchased 200 acres of land in various bits from various owners through their power agent and it is stated by the Pollution Control Board that the Unit has also purchased 6 acres of land which were earlier used as salt pan by a Company called M/s.Savior Salt Works for more than 10 years. It is also stated that the Unit is in the process of developing 6 acres of land for salt pan and the said area is located just adjacent to the hamlet namely Madathakkulam. The District Collector in his reply has stated that the private lands were purchased by the 6th respondent from T.Mariur Village of Kadaladi Taluk but the reasons were not known and the lands have been scattered here and there. He has also stated that if any Salt Pan starts manufacturing salt in the lands, it will affect the condition of the soil of the nearby fields. It is also stated by the District Collector that paddy is cultivated in scattered area during rainy season especially in Survey Nos.68 and its sub-divisions in Mariyur Village of Kadaladi Taluk in Ramanathapuram District. Admittedly there are no drinking water wells and drinking water is supplied by the Municipality through its taps.

On a combined reading of the reply filed by the 4th and 6th respondents, we have no hesitation to arrive at a conclusion that 200 acres of land purchased by the 6th respondent in which he has proposed to start salt manufacturing activity is away from the place of the applicant and in any event, there is no appreciable evidence before this Tribunal to come to a conclusion that the agricultural activity will be affected. Even a reference to the map which has been filed by the 6th respondent, it is clear that already another 1000 acres of land adjacent to the 200 acres purchased by the 6th respondent is used for manufacturing salt. That apart, the Salt Corporation of Tamil Nadu is also using nearly 6000 acres of land nearby for the salt manufacturing and this has been going on for many years. Taking note of the fact that 6 acres

of land purchased by the 6th respondent was earlier used by the previous owner for more than 10 years for salt manufacturing, we have no hesitation to come to a conclusion that the apprehension of the applicant as on date, that setting up of salt manufacturing unit in the land of the 6th respondent will affect the agricultural operations is totally baseless.

In any event if the 6th respondent purchased any other lands other than 200 acres which may be nearby the area of the applicant that area is sought to be used for a Salt pan, it is at that point of time open to the applicant to work out his remedy in the manner known to law.

The learned counsel for the sixth respondent made it clear that as on date his application for consent which is pending before the Board is only for 200 acres of land and not for any other land which he would purchase in the nearby area. In such circumstances, we make it very clear that in future if the 6th respondent seeks any consent from the Board for extending his salt pan activities in the area nearby the applicant's land, it is always open to him to work out his remedy in the manner known to law.

Further, if consent is given to the 6th respondent in respect of 200 acres of land and if any of the conditions are violated, it is always open to the applicant to challenge the same in the appropriate forum.

Taking into consideration the above said facts, we are of the considered view that the application as such is not maintainable as on date. Giving liberty as stated above, the application stands disposed of. There will be no order as to costs.

We make it clear that if any application is pending with the 4th respondent, it is open to them to process it and pass orders in accordance with law.

Justice Dr.P. Jyothimani
Judicial Member

Prof.Dr.R.Nagendran
Expert Member

NGT