

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)
CHENNAI ORIGINAL APPLICATION No. 08 OF 2017**

IN THE MATTER OF:

Tmt.S.Kannammal

Versus

Applicant

The Government of India,
Ministry of Environment, Forest &
Climate Change, New Delhi & 6 Others

Respondent(s)

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JOINT COMMITTEE REPORT ON STATUS OF ACTION TAKEN IN THE MATTER OF ORIGINAL APPLICATION NO. 08 OF 2017, SMT. S. KANNAMMAL VS GOVT. OF INDIA, MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, NEW DELHI AND 6 OTHERS SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE IN COMPLIANCE TO ORDER DATED 29.10.2020.

1. Back Ground:

In the matter of Original application No. 08 of 2017, S. Kannammal Vs The Government of India, Ministry of Environment Forest & Climate Change, New Delhi and 6 others, The Hon'ble National Green Tribunal (SZ) has passed an order dated 02/01/2020 and directed to constitute a committee comprising of the following members namely District Collector, Tiruppur, Assistant Director of Mining and Geology Department, Tiruppur, Senior Scientist from Central Pollution Control Board (CPCB), Senior Officer from State Level Environment Impact Assessment Authority (SEIAA), Member Secretary of Tamil Nadu State Pollution Control Board (TNPCB).

Based on this order the above representatives mentioned in the committee including Joint Chief Environmental Engineer (M) as nominee for Member Secretary has inspected the subject quarries M/s. Jagadeesan Rough Stone & Gravel Quarry , SF No.89/1, 89/2B1, AgraharaPeriyapalayam Village, Uthukuli Taluk, Tiruppur District , M/s. Balachandran (Previously owned by Sri. Kumaresh) Rough Stone & Gravel Quarry , S.F.No.89/2A, AgraharaPeriyapalayamvillage, Uthukuli Taluk, Tiruppur District, M/s R. MarappanRukumani Rough Stone Quarry, S.F.No.86/A, 89/3B, AgraharaPeriyapalayamvillage, Uthukuli Taluk, Tiruppur District and M/s. M. Vijaya Kumar Rough Stone and Gravel Quarry, 86/3B,86/4B,86/5B,86/6B Agrahara Periyapalayam village, Uthukuli Taluk , Tiruppur District on 25.02.2020. Due to COVID-19 issue the committee has submitted its report on 28.10.2020.

Subsequently the case was heard on 29.10 2020 and passed an order that ;

"4. Though, it is mentioned in the report that there were certain violations committed by some of the units and also that the committee has decided to recommend for recovery of environmental compensation and penalty for excess mining by some of the mine owners, it is not mentioned in the report as to what are all the steps taken by them for that purpose. It is also not know as to whether what are all the precautions to be taken by the violating units for

mitigating the circumstances and whether any time line has been given to them for complying the same.

5. Under such circumstances, we feel that without getting further report, it is not possible for this Tribunal to dispose of the case. So, the committee is directed to submit a further action taken report in this regard. In the mean time, the applicant as well as mine owners are at liberty to file their objections to the committee's report.

7. The committee as well as the Pollution Control Board are directed to submit their action taken report on the basis of the recommendations of the committee respectively and also further remedial measures to be taken, imposition of environmental compensation and recovery of the same in accordance with law and also plan of action for rejuvenation of already mines as per the mining plan to restore the degraded area to its original position."

A copy of the said order is given at **Annexure-I**.

2. Field observations of the Committee :

In compliance of the above order of Hon'ble NGT in O.A.No. 08 of 2017 on 29.10.2020, the members of the committee had a meeting on 03.12.2020 at Tiruppur and discussed the action to be taken. Subsequently, the committee made a visit to the subject quarries. During field inspection, mine owners of the quarries and the applicant Smt.Kannammal's husband were also present at the site. The committee after thorough inspection of the quarries from different locations observed that the following measures have been taken by the quarry lease holders;

1. The quarries were not in operation, no machineries were observed in any quarry blocks.
2. The quarries have developed the green belt around the premises.
3. The quarries have provided partly GI Steel sheet cladding for 5 ft height along the quarry pit on northern side to prevent intrusion of any stray animals.
4. The quarries have provided green cloth net partly along the western side.
5. The quarries have provided partly earthen bund along the non mined area as a safety measure.
6. The quarries have provided sprinkling points in the pathway heading to quarry area.

The above mentioned works were carried out by the quarry owners as per the instructions of the committee during the inspection on 25.02.2020.

3. **Actions taken against the violating units by District Collector of Tiruppur**

It is informed by the Deputy Director ,Geology and Mining vide letter dated 04.12.2020 that show cause notice has been issued to the lessee's Thiru. S. Jegadeesan and Thiru. M. Vijayakumar and ex-lessee's Thiru. Balachandar, Tvl. RukmaniMarappan and Thiru. Kumaresan vide District Collector's memo R.c. No. 79/2020/Mines dated 27.11.2020(Annexure-II), to furnish their reply within a weeks' time for non-remittance of Environmental compensation calculated by the committee and as to why action should not be initiated as per Tamil Nadu Minor Mineral Concession Rules, 1959, for the violations committed by them during quarrying operation. Further, for the excess quarrying carried out by the lessees and ex-lessees in case of minor mineral such as building and road construction stones, since the powers has been delegated to the Revenue Divisional Officer's concerned as per Rule 36-A of Tamil Nadu Minor Mineral Concession Rules, 1959, the Revenue Divisional Officer, Tiruppur has been directed vide District Collector's letter dated 27.11.2020(Annexure-III) to take further action as per rule after conducting enquiry with them. After getting reply from the lessees and ex-lessees final orders will be passed by the District Collector after granting an opportunity of personal hearing based on the Act and Rules inforce and to the said persons and hence it needs a time limit of minimum two months.

4. **Precautionary measures taken by the violating units to mitigate the violations reported by the committee:**

Violation -i:Quarrying of Rough stone & Gravel without leaving the safety distance

S. No.	Name of the Quarry	Measures taken with respect to the above mentioned violation in the committee report
1.	M/s. Jagadeesan Rough Stone & Gravel Quarry , SF No.89/1, 89/2B1, AgraharaPeriyapalayam Village, Uthukuli Taluk, Tiruppur District	In the North, West and south quarried partly in the safety distance. No measures were taken to restore the safety distance since, it is very difficult to restore the mined out area in the safety distance, the quarry owner has erected steel fence of 5 feet height partly with green cloth net 3 ft height above it and partly earthen bund to a height of 6 ft on the northern side and provided green cloth net 5 ft height in the western side. In the south and east the quarry is surrounded by other subject quarry and remaining unquarried area left in the quarry. Partially complying.

2.	M/s. Balachandran (Previously owned by Sri. Kumaresh) Rough Stone & Gravel Quarry , S.F.No.89/2A, AgraharaPeriyapalayamvillage, Uthukuli Taluk, Tiruppur District	In the North, east and south side quarried partly in the safety distance. No measures were taken to restore the safety distance. since, it is very difficult to restore the mined out area in the safety distance, the quarry owner has erected green cloth net of 5 feet height on the western side. In the North, East and South side the quarry was surrounded by other subject quarries. Partially complying.
3.	M/s R. MarappanRukumani Rough Stone Quarry, S.F.No.86/A, 89/3B, AgraharaPeriyapalayamvillage, Uthukuli Taluk, Tiruppur District	In the South and North side quarried partly in the safety distance. No measures were taken to restore the safety distance. since, it is very difficult to restore the mined out area in the safety distance, the quarry owner has erected green cloth net of 5 feet height on the western side. In the western side and eastern side the quarry has remaining unquarried area Partially complying.
4.	M/s. M. Vijaya Kumar Rough Stone and Gravel Quarry, 86/3B,86/4B,86/5B,86/6B AgraharaPeriyapalayam village, Uthukuli Taluk , Tiruppur District	In the North side quarried partly in the safety distance. No measures were taken to restore the safety distance. since, it is very difficult to restore the mined out area in the safety distance, the quarry owner has erected green cloth net of 5 feet height on the western side and a barb wired fencing of 5 feet height on the southern side. In the eastern side the quarry has remaining unquarried area Partially complying.

Violation -ii: Excess quantum was mined against the quantum for which the permit was issued.

S. No.	Name of the Quarry	Measures taken with respect to the above mentioned violation in the committee report
1.	M/s. Jagadeesan Rough Stone & Gravel Quarry , SF No.89/1, 89/2B1, AgraharaPeriyapalayam	Show cause notices were issued for recovery of Environmental Compensation, vide District Collector's proceedings through R.c. No. 79/2020/Mines dated 27.11.2020 to furnish their

	Village, Uthukuli Taluk, Tiruppur District	reply within a weeks' time for non-remittance of Environmental compensation calculated by the committee and as to why action should not be initiated as per Tamil Nadu Minor Mineral Concession Rules, 1959, for the violations committed by them during quarrying operations.
2.	M/s. Balachandran (Previously owned by Sri. Kumaresh) RoughStone & Gravel Quarry , S.F.No.89/2A, AgraharaPeriyapalayamvillage, Uthukuli Taluk, Tiruppur District	Further, for the excess quarrying carried out by the lessees and ex-lessees in case of minor mineral such as building and road construction stones since the powers has been delegated to the Revenue Divisional Officer's concerned as per Rule 36-A of Tamil Nadu Minor Mineral Concession Rules, 1959, the Revenue Divisional Officer, Tiruppur has been directed vide District Collector's letter dated 27.11.2020 to take further action as per rule after conducting enquiry with them. After getting reply from the lessees and ex-lessees final orders will be passed by the District Collector after granting an opportunity of personal hearing based on the Act and Rules in force and to the said persons and hence it needs a time limit of minimum two months.
3.	M/s R. MarappanRukumani Rough Stone Quarry, S.F.No.86/A, 89/3B, AgraharaPeriyapalayamvillage, Uthukuli Taluk, Tiruppur District	
4.	M/s. M. Vijaya Kumar Rough Stone and Gravel Quarry, 86/3B,86/4B,86/5B,86/6B AgraharaPeriyapalayam village, Uthukuli Taluk , Tiruppur District	

Violation -iii: Operation without Environmental Clearance

S. No.	Name of the Quarry	Measures taken with respect to the above mentioned violation in the committee report
1.	M/s. Jagadeesan Rough Stone & Gravel Quarry , SF No.89/1, 89/2B1, AgraharaPeriyapalayam Village, Uthukuli Taluk, Tiruppur District	The mine owner has obtained Environmental Clearance for the present lease vide SEIAA letter dated 24.10.2016 and the same is valid till 23.10.2021. Earlier Demand notice for Rs.22,89,600 was issued by Tiruppur District collector vide letter dated 10.09.2019 with for operating without obtaining Environmental Clearance. The Mine owner is liable to pay the said amount.
2.	M/s. Balachandran (Previously owned by Sri. Kumaresh) RoughStone & Gravel Quarry , S.F.No.89/2A, AgraharaPeriyapalayamvillage, Uthukuli Taluk, Tiruppur District	The mine owner has obtained SEIAA Environmental Clearance vide SEIAA letter dated 17.07.2016 for the second mine lease with its validity expiring on 01.03.2017.

3.	M/s R. MarappanRukumani Rough Stone Quarry, S.F.No.86/A, 89/3B, AgraharaPeriyapalayamvillage, Uthukuli Taluk, Tiruppur District	The quarry was in operation from 12.04.2002 to 08.07.2012.TheTamilnadu Government has inserted the rule 41& 42 vide G.O 79 for obtaining Environmental Clearance as mandatory only on 06.04.2015.
4.	M/s. M. Vijaya Kumar Rough Stone and Gravel Quarry, 86/3B,86/4B,86/5B,86/6B AgraharaPeriyapalayam village, Uthukuli Taluk , Tiruppur District	The quarry has obtained Environmental Clearance vide SEIAA letter dated 25.07.2016 and the same is valid till 24.07.2021.

Violation -iv: Operated without renewal of Consent to operate

S. No.	Name of the Quarry	Measures taken with respect to the above mentioned violation in the committee report
1.	M/s. Jagadeesan Rough Stone & Gravel Quarry , SF No.89/1, 89/2B1, AgraharaPeriyapalayam Village, Uthukuli Taluk, Tiruppur District	Show cause notice issued by TNPCB vide Proc. Dated 28.12.2019 for operating without valid consent of the Board.
2.	M/s. Balachandran (Previously owned by Sri. Kumaresh) RoughStone & Gravel Quarry , S.F.No.89/2A, AgraharaPeriyapalayamvillage, Uthukuli Taluk, Tiruppur District	The quarry has not obtained Consent to Operate from TNPC Board and the lease expired on 01.03.2017.
3.	M/s R. MarappanRukumani Rough Stone Quarry, S.F.No.86/A, 89/3B, AgraharaPeriyapalayamvillage, Uthukuli Taluk, Tiruppur District	The quarry was inspected on 28.12.2019 and it was found that the quarry was not in operation and the lease was also expired on 08.07.2012.
4.	M/s. M. Vijaya Kumar Rough Stone and Gravel Quarry, 86/3B,86/4B,86/5B,86/6B AgraharaPeriyapalayam village, Uthukuli Taluk , Tiruppur District	The quarry was not in operation at the time of inspection on 28.12.2019. The renewal validity expired on 31.03,2019 and further renewal was not issued, since the NGT OA 8 of 2017 was under trial from that time and still to be disposed.

Violation -v:No Fencing provision for Earmarked area.

S. No.	Name of the Quarry	Measures taken with respect to the above mentioned violation in the committee report
1.	M/s. Jagadeesan Rough Stone & Gravel Quarry , SF No.89/1, 89/2B1, AgraharaPeriyapalayam Village, Uthukuli Taluk, Tiruppur District	In the North side partly fencing provided for 100.2 M with GI Steel sheet cladding for 5 ft height and green cloth net 3 ft height and partly earthen bund for length of 100.4 m to a height of 6 ft.
2.	M/s. Balachandran (Previously owned by Sri. Kumaresh) RoughStone & Gravel Quarry , S.F.No.89/2A, AgraharaPeriyapalayamvillage, Uthukuli Taluk, Tiruppur District	The quarry owner has erected green cloth netpartly on the western side of the quarry.
3.	M/s R. MarappanRukumani Rough Stone Quarry, S.F.No.86/A, 89/3B, A.Periyapalayam village, Uthukuli Taluk, Tiruppur District	The quarry owner has erected green cloth netprovided partly on the western side of the quarry.
4.	M/s. M. Vijaya Kumar Rough Stone and Gravel Quarry, 86/3B,86/4B,86/5B,86/6B AgraharaPeriyapalayam village, Uthukuli Taluk , Tiruppur District	The quarry owner has erected green cloth net of 5 feet height on the western side and a barb wired fencing of 5 feet height on the southern side.

Violation - vi:With respect to mine lease conditions and mining closure plan for restoration

S. No.	Name of the Quarry	Measures taken with respect to the above mentioned violation in the committee report
1.	M/s. Jagadeesan Rough Stone & Gravel Quarry , SF No.89/1, 89/2B1, AgraharaPeriyapalayam Village, Uthukuli Taluk, Tiruppur District	It is informed by the Deputy Director, Geology and Mining vide letter R.c. No. 79/2020/Mines dated 04.12.2020 that, there are two types of closure, one is progressive mine closure and second one is final mine closure. The Final closure of mines will be carried out after the exhausting of entire mineral available till the mine reached the permitted depth. In this case, as per the groundwater report, the regional water table in this area is reported as 28meters. Since, all the above quarries have not reached the optimum depth and part of the area is also seen as
2.	M/s. Balachandran (Previously owned by Sri. Kumaresh) RoughStone & Gravel Quarry , S.F.No.89/2A, A.Periyapalayam village, Uthukuli Taluk, Tiruppur District	
3.	M/s R. MarappanRukumani Rough Stone Quarry, S.F.No.86/A, 89/3B, A.Periyapalayam village, Uthukuli Taluk, Tiruppur District	
4.	M/s. M. Vijaya Kumar Rough Stone and Gravel Quarry, 86/3B,86/4B,86/5B,86/6B	

AgraharaPeriyapalayam village, Uthukuli Taluk , Tiruppur District	un-quarried and hence final mine closure has not been done at this stage. However, at the time of inspection, the quarry owners has already been instructed to construct fencing / earth bunds to safe guard the entry of cattle's, public etc., plantation all around the mine boundary to improve green belt to prevent and control air pollution and finally mined out area will be utilized as surface water storage pond for water supply and for possible fish culture.
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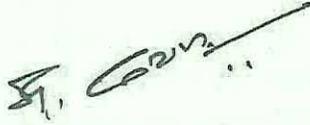
5. *Plan of action for rejuvenation of already mines as per the mining plan to restore the degraded area to its original position.*

It is informed by the Deputy Director, Geology and Mining that as per letter vide R.c. No. 79/2020/Mines dated 04.12.2020, all the above quarries have not reached the optimum depth and part of the area has also - not yet been quarried and hence final mine closure is not done at this stage. However, at the time of inspection, the quarry owners has already been instructed to construct fencing / earth bunds to safe guard the entry of cattle's, public etc., plantation all around the mine boundary to improve green belt to prevent and control air pollution and finally mined out area will be utilized for fish culture, water storage pond, etc., for future consumption. Photos of the green belt, fencing and provision of sprinkling points to control air pollution is enclosed vide **Annexure-IV**.

7. *Recommendations of committee :*

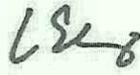
- ✓ The mine closure plan shall be commenced after these pits attain the maximum depth (26 m) under the supervision of the Department of Geology and Mining as per the plan furnished while obtaining the EC and mining lease.
- ✓ Since rejuvenation of safety distance is not practically possible, the lease holders need to provide permanent 5 feet height wire chain link fencing around the quarry area encompassing all the quarry pits as they are adjacent to each other with a single entry with five feet height gate with locking arrangement to avoid entry of human and animals.

Signature of Committee Members:



(Dr.S.Vediappan)

Deputy Director,
Mining and Geology
Department, Tiruppur.

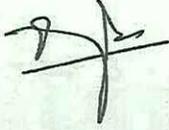


(Dr. L.Elango)

Professor, Department of
Geology, Anna University,
(State Level Expert
Appraisal Committee).



(Smt.H.D.Varalaxmi)Sc.E/AD,
CPCB, Regional
Directorate(South), Bangalore.



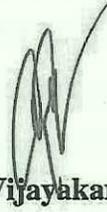
Then
(Er.K.Senthil Vinayagam)

District Environmental
Engineer, TNPCB, Tiruppur
North.



(Er.P.Asokan)

Joint Chief Environmental
Engineer (Monitoring),
TNPCB, Coimbatore.



(Dr.K.Vijayakarthikeyan)

District Collector, Tiruppur

Item No.12:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 08 of 2017 (SZ)

(Through Video Conference)

IN THE MATTER OF:

S. Kannammal
W/o. Balasubramaniam,
5/111, Ottanai Thottam,
Coolipalayam R.S., Avinashi Taluk,
Tiruppur District – 641 666.

...Applicant(s)

Versus

The Government of India,
Ministry of Environment,
Forest & Climate Change,
Indira Paryavaran Bhavan,
Jor Bag Road, Aliganjh,
New Delhi and Ors.

...Respondent(s)

Date of hearing: 29.10.2020.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s):

Sri. R. Prabakar.

For Respondent(s):

Smt. ME. Saraswathy for R1.

Sri. C. Kasirajan through

M/s. Meena for R2, R4.

Sri. M. Mani Gopi for R3, R5.

Sri. M. Muthappan for R6.

Sri. V.P. Sengottuvel for R7.

ORDER

1. When the matter came up for hearing today through Video Conference, Sri. R. Prabakar represented the applicant. Smt. Me. Saraswathy represented 1st respondent, Sri. C. Kasirajan through M/s. Meena represented respondents 2 & 4, Sri. Mani Gopi represented respondents 3 & 5, Sri. M. Muthappan represented 6th respondent and Sri. V.P. Sengottuvel represented 7th respondent.
2. As per order dated 02.01.2020, this Tribunal had constituted a Joint Committee to go into the allegations and directed them to submit a report and posted the case to 04.03.2020 for that purpose. On 04.03.2020, this Tribunal had considered the interim report submitted by the Joint Committee and posted the case for filing final report and thereafter, it was adjourned from time to time and lastly, it was posted to today for that purpose.
3. The committee has submitted the report which reads follows:-

**“JOINT INSPECTION REPORT OF THE COMMITTEE IN
THE MATTER OF ORIGINAL APPLICATION NO. 08 OF 2017,
Smt. S. KANNAMMAL Vs GOVT. OF INDIA, MINISTRY OF
ENVIRONMENT, FOREST & CLIMATE CHANGE, NEW DELHI
AND 6 OTHERS SUBMITTED BEFORE THE HON’BLE NATIONAL
GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI DATED
02.01.2020.**

1.0 Preamble

In the matter of Original application No. 08 of 2017, S. Kannammal Vs The Government of India, Ministry of Environment Forest & Climate Change, New Delhi and 6 others, The Hon’ble National Green Tribunal (SZ) has passed the following order dated

02/01/2020 (Annexure -1) and directed to constitute a committee comprising of the following members namely District Collector, Tiruppur, Assistant Director of Mining and Geology Department, Tiruppur, Senior Scientist from Central Pollution Control Board (CPCB), Senior Officer from State Level Environment Impact Assessment Authority (SEIAA), Member Secretary of Tamil Nadu State Pollution Control Board (TNPCB).

“to inspect the quarries in question and submit a factual and action taken report in case there is any violation, initiate prosecution for violation and assessment of environment compensation and for any damage caused to the neighboring property on account of illegal operation and submit a factual and action taken report within a period of two months to the Tribunal by e-mail at ngtszfilng@gmail.com. The Tamil Nadu Pollution Control Board (TNPCB) will be the nodal agency for co-ordination and compliance.”

Further on request of TNPCB, the Hon'ble National Green Tribunal (SZ), Chennai vide its order dated 04.02.2020 permitted the one Senior Officer/Senior Scientist of Tamil Nadu State Pollution Control Board (TNPCB) as the nominee for the Member Secretary, TNPCB, Chennai. Copy of the order is produced in Annexure – 2.

In compliance of above mentioned orders, the Member Secretary, TamilNadu Pollution Control Board, Chennai, constituted a Committee comprising the following officials. The Committee members were communicated vide letter dated 13.02.2020 (Annexure - 3).

- i. Dr.K. Vijayakarhikeyan, District Collector, Tiruppur.
- ii. Dr.S.Vediappan, Deputy Director, Mining and Geology Department, Tiruppur.
- iii. Mrs. H.D. Varalaxmi, Sc.E/AD, CPCB, Regional Directorate, Bengaluru
- iv. Dr. L Elango, Professor, Department of Geology, Anna University, (State Level Expert Appraisal Committee), Chennai.
- v. Thiru.P.Asokan, Joint Chief Environmental Engineer (Monitoring), TNPCB, Coimbatore (Representative of Member Secretary, TNPCB)
- vi. Thiru.K.SenthilVinayagam, District Environmental Engineer, TNPCB, TiruppurNorth – Convener and Nodal Officer.

The committee decided to visit the area in question which is a subject matter in O.A. No. 08 of 2017 on 25.02.2020.

2.0 Meeting & Planning

The Committee met on 25.02.2020 at 10.30 am at the District Collectorate, Tiruppur. Er. Ashokan, JCEE (M), Coimbatore region, TNPCB, welcomed the committee and introduced all members to the Tiruppur District collector. Er. Senthil Vinayagam, DEE, Tiruppur North, TNPCB has given brief introduction about the case including objective of committee inspection and also given brief description about stone quarry. On hearing of background details about the case and stone quarry, the committee discussed the work plan in compliance of Hon'ble NGT order.

Subsequently the committee carried out the inspection of the site in question on the same day. During inspection, the following officials from TNPCB, Mining and Geology Department, Revenue Department, Stone quarry owner and Applicant's representatives were present and provided the required support in compliance of Hon'ble Tribunal order.

Officials of TNPCB, Tiruppur	Officials of Mining and Geology Department
1. Er.K.Murali Assistant Engineer	1. Mr. Sundaramoorthy Special Deputy Tashildar 2. Ms. PL. MuthuKalyani Assistant Geologist 3. Mr. Sathish Special Revenue Inspector
Officials of Revenue Department	Stone quarry owners
1. Mr. Karthikeyan Tashildar 2. Mr. S. Manikandan Firka Surveyor 3. Mr. VijayaRaghavan Village Administrative Officer	1.Thiru. S. Jagadeesan Proprietor of M/s Jagadeesan Rough Stone & Gravel Quarry 2. Thiru.M.Balachandran representing M/s R. Rukumani Marappan Rough Stone Quarry & M/s. Balachandran Stone Quarry
Applicant Representative	
Thiru. Balasubramaniam	

(Husband of Applicant Smt.S.Kannammal)

In spite of prior information to the applicant Smt. S. Kannammal was not present during field visit by the committee. However applicant's representative (Husband of Applicant) was present at the time of Committee inspection.

3.0 Brief Description about stone quarries/mining

There are 5 blocks with stone quarries in the subject area, in which Quarry Block no 1 & 5 are owned by M/s. Jagadeesan Rough Stone & Gravel Quarry, Block no. 2 is owned by M/s. Balachandaran Quarry, Block no. 3 is owned by M/s. R. MarappanRukmani Rough Stone Quarry and Block no. 4 is owned by M/s. Vijaykumar Rough Stone and Gravel Quarry. Out of 5 stone quarry are two (Block no 1 & 4) are having valid mining lease and in operation, whereas the mining lease has expired for the other three stone quarries (Block no. 2, 3 & 5) and they are not in operation. The map showing individual quarry lease boundaries with the surrounding features is given below

3.1 M/s. Jagadeesan Rough Stone & Gravel Quarry: The quarry Block S.F.No:89/1(P),89/2B1 is in the shape of "L" (Block 1 & 5). The subject quarry Block is located between agricultural land (SF 84&90) in north, expired lease quarry Blocks in South-West (SF 89/2A) & South (SF 89 /3A5), agricultural lands (SF no. 85, 89/2A & 91, 89/2B2) in West & East respectively. The Quarry owner Mr. S. Jaganathan S/o. Subramaniam obtained first lease of an area 1.63.5 ha in the S.F.No:89/1(1.23.0 ha),89/2B1(0.40.5ha), Agrahara Periyapalayam Village, Perundurai Taluk (presently Uthukuli Taluk), Erode District (Presently Tiruppur District) vide Erode District Collector's order No:Rc.32169/04/X1 dated 28.11.2005 with a lease period validity from 28.11.2005 to 27.11.2010 (Annexure-4). In this Lease agreement either quantity of rough stone (or) depth of mining to be carried out was not specified. It is observed that there is no mining plan along with lease agreement no environmental clearance from State Environmental Impact Assessment Authority (SEIAA) was required at the time as stated by Deputy Director, Geology and Mines letter dated: 06.08.2020 (Annexure-5). Consent to operate under the Air & Water Acts was not applied for the operation of the quarry from TNPCB.

On expiry of lease agreement and after a lapse of one year, the quarry owners (Mr. S.Jaganathan S/o Subramaniam and Mr.

Jagadeesan S/o Subramaniam) obtained the second lease agreement for an area 2.08.5 ha in the S.F.No:89/1(1.68.0 ha),89/2B1(0.40.5ha) vide Tiruppur District Collector 's order Rc. No. 745/mines/10 dated 24.11.2011 with a lease period validity from 24.11.2011 to 23.11.2016(Annexure-6). In this lease agreement also quantity of rough stone or depth of mining to be carried out was not specified.

Subsequently, this quarry was issued consent to operate vide Proc.No.F.Pnd1137/OS/DEE/TNPCB/ PND/W&A/2011 Dated.04.12.2011 with validity upto 31.03.2012 (Annexure-7).

As per the Hon'ble Supreme court order dated 27.02.2012 in IA Nos 12-13 of 2011 in SLP (C) No. 19628-19629 of 2009 in the case of Deepak Kumar Vs State of Haryana and Others made mandatory to obtain Environmental clearance even for the leases granted in an extent of less than 5.00 hectares for minor minerals. The Tamil Government vide GO(Ms) no. 79, industries (MMC.1) dated 06.04.2015 has inserted rule 41 and 42 of Tamil Nadu Minor Minerals Concession Rules 1959. Accordingly the lease owner obtained the approved mining plan for 597 days vide letter no. 569/mines/2015, dated 29.09.2015 till the end of the lease period (Annexure - 8).

The lease owners (Mr. S. Jaganthan S/o. Subramaniam) obtained the mining plan for third lease period (Annexure - 9) in the S.F. No 89/1 for an area of 1.23.0 ha vide order RC.No.344/Mines/2016 dated 09.09.2016 followed by Environmental Clearance from SEIAA vide letter no. SEIAA-TN/F.No. 5729/1(a)/EC no. 3823/16 dated 24.10.2016 for mining 81555 cu.m of Rough stone and 8844 cu.m of Gravel (Annexure - 10) with validity up to mine lease period or limited to a maximum period of 5 years from the date of issue whichever is earlier. And also obtained consent to operate from Tamil Nadu Pollution Control Board vide Proc. No F.No:0477TPN /RS/DEE/TNPCB/TPN/W&A/2016 dated 29.11.2016 with validity upto 31.03.2017 (Annexure-11). Subsequently, third lease agreement for an area 1.23.0 ha in the S.F.No:89/1 vide Tiruppur District Collector's order Rc. No. 344/mines/16 dated 08.05.2017 with a lease period validity from 11.05.2017 to 10.05.2022 (Annexure-12). As per the above, the quarry site is having valid mining lease as well as EC upto 23.10.2021.

3.2 M/s. Balachandran (Previously owned by Sri. Kumaresh) Rough Stone & Gravel Quarry: The quarry Block S.F.No:89/2A is in a shape of "Rectangle" (Block 2). The subject quarry Block is located between quarry site (S.F.No:89/1) in north, quarry site (S.F.No:89/2B1) in East, quarry Block(S.F.No:89/3B) in south and agricultural land(SF no.85)in the west. The Quarry owner Mr. R. Kumaresh S/o Rasappan obtained first lease for an area of 0.64.5 ha in the S.F.No:89/2A, AgraharaPeriyapalayam Village, Perundurai Taluk (presently Uthukuli Taluk), Erode District (Presently Tiruppur District) vide Erode District Collector 's order Rc.15313/06/X1 with a lease period validity from 08.10.2006 to 07.10.2011(Annexure-13). In this Lease agreement either quantity of rough stone or depth of mining to be carried out was not specified. It is observed that there is no mining plan along with lease agreement and no environmental clearance from State Environmental Impact Assessment Authority (SEIAA) was required at the time as stated by Deputy Director, Geology and Mines(Annexure-5).Consent to operate under the Air & Water Acts was not applied for the Quarry operation from TNPCB.

Before the expiry of the lease period, the quarry owner Mr. R. Kumaresh S/o Rasappan sold out the quarry to Mr. M.Balachandran S/o R. Marappan through sale deed bearing Doc. No.2114/2011 dated 24.03.2011 of Sub Registrar's office Uthukkuli (Annexure-14). On expire of lease agreement the quarry owners (Mr.M.Balachandran S/o R. Marappan) obtained second mining lease agreement for an area 0.64.5 ha in the S.F.No:89/ 2A vide Tiruppur District Collector 's order Rc. No. 480/mines/11 dated 02.03.2012 with a lease period validity from 02.03.2012 to 01.03.2017(Annexure-15). In this lease agreement also quantity of rough stone or depth of mining to be carried out was not specified, however FMB sketch demarcated the safety distance for quarrying of rough stone and gravel.

On inception of Hon'ble Supreme court order regarding mandatory of EC and modified GO of Tamil Nadu Government, the lease owner obtained mining plan for second phase for 697 days mining vide order RC.No.547/mines/2015 dated 25.09.2015 (Annexure - 16) followed by Environmental Clearance from SEIAA vide letter no. SEIAA-TN/F.No.4511/1(a)/EC no. 3365/2016 dated

19.07.2016 for mining 22108cu.m of Rough stone and 16cu.m of Gravel for validity of 1 year and 9 months i.e. upto 01.03.2017 (Annexure – 17). Consent to operate under the Air & Water Acts from TNPCB was not obtained. Presently the Quarry block is not having either valid mining lease or valid EC.

3.3 M/s R. MarappanRukumani Rough Stone Quarry:

The quarry block S.F.No:86/1A, 89/3B is in a shape of Rectangle (Block 3). The subject quarry block is located between lease expired quarry in S.F No: 89/2A & S.F No: 89/2B1 in North and Existing quarry (S.F No: 86/ 3B, 4B, 5B,6B) and S.F No: 86/1B, 2B blocks in South, vacant land (S.F No. 86/8B & 89/3C) in East and dry agricultural lands (S.F No: 85) in West. The Quarry owners Mr. R. Marappan S/o Chinnaranga Naicker and Mrs. M Rukkumani w/o R. Marappan obtained first lease for an area of 2.08.0 ha in the S.F.No: 86/1A (0.58.0 ha) & S.F No, 89/3B (1.50.0 ha), AgraharaPeriyapalayam Village, Perundurair Taluk (Presently Uthukuli Taluk),Erode District (Presently Tiruppur District) vide Erode District Collector 's orders No:Rc.78688/2000/X1 dated 13.02.2002 with a lease agreement period validity from 12.04.2002 to 11.04.2012 for 10 years (Annexure-18). In this Lease agreement either quantity of rough stone or depth of mining to be carried out was not specified, however, FMB sketch demarcated the lease granted area for quarrying of rough stone and gravel.

Subsequently, the old mining lease was cancelled and limited to 5 years accordingly lease was renewed for the same area vide Erode District Collector 's orders No: Rc. 12844/07/X2 dated 09.07.2007 with a lease period (5 years) validity from 09.07.2007 to 08.07.2012 (Annexure – 19). It is also informed that, after the expiry of lease period, quarry lease application dated 26.06.2012 submitted by Mr. R. Marappan (Late) seeking stone quarry lease in S.F. No. 86/1A, 89/3B over an extent of 2.08.0 ha, the application was rejected by the District Collector vide proceedings R.C. No. 297/Mines/2012 dated 03.09.2012(Annexure -20) as there was a complaint from the neighbor regarding distance criteria. In this regard appeal has been filed by the applicant on 01.10.2012 before the Director of Geology and Mining, Chennai as per rule 36-C of TNMMCR, 1959 and the same is under enquiry. However, in the High Court of Madras W.P. 27857 of 2013 filed by the applicant Thiru. Marappan (Late) and his legal heirs was disposed of and

directed the Director of Geology and Mining to issue mining lease beyond 300m. Hence the Quarry site is not having valid mining lease since 09.07.2012. The Quarry has obtained Consent to operate order F.Pnd.0724/OS/DEE/TNPCB/PND/W&A/2011 dated 12.01.2012 with validity upto 31.03.2012 (Annexure – 21).

3.4 M/s. M. Vijaya Kumar Rough Stone and Gravel Quarry: The quarry Block S.F.No:86/3B,4B,5B,6B is of irregular shape (Block 4). The subject quarry Block is located between lease expired quarries (S.F No: 86/1A) Blocks in North, vacant land (S.F No: 86/8B &S.F No: 88) in East, vacant land (S.F No: 86/7A, S.F No: 86/7B & S.F No:86/ 7D) in South and vacant land (S.F No: 86/2B, and S.F No 86/7A) in West. The Quarry owner Mr. M. Vijaya Kumar S/o (late) Marappan applied with mining plan(Annexure-22) and obtained Environmental Clearance from SEIAA vide letter no. SEIAA-TN/F.No. 5455/1(a)/EC no. 3389/16 dated 25.07.2016 for mining 22920cu.m of Rough stone &2170cu.m of Gravel (Annexure – 23) with validity up to mine lease period or limited to a maximum period of 5 years from the date of issue whichever is earlier and obtained consent from Tamil Nadu Pollution control Board Proc. No F.No:1530TPN /RS/DEE/TNPCB/TPN/W&A/2016 dated 31.08.2016 with validity upto 31.03.2017 (Annexure-24) and the same was renewed till 31.03.2019. Subsequently they obtained mining lease for an area of 0.73.0 ha in the S.F.No: 86/3B (0.18.5 ha), 86/4B (0.12.50), 86/5B (0.20.0) & 86/6B (0.22.0 ha) Agrahara Periyapalayam Village, Uthukuli Taluk, Tiruppur District vide Tiruppur, vide Collector 's orders RC No. 115/mines/2016 dated 20.09.2016 with a lease period validity from 12.09.2016 to 19.09.2021 for 5 years (Annexure-25). As per this, quarry block is having valid lease mine as well as EC upto 24.07.2021.

4.0 Field Observations of Committee:

The Subject Quarry Nos of 5 Blocks in which two mining area viz (i) M/s. Jagadeesan Rough Stone & Gravel Quarry (SF no 89/1) & (ii) M/s M Vijaya Kumar Rough Stone & Gravel Quarry were having valid mining lease licence issued by the Department of Mines & Geology, Environmental Clearance from SEIAA and Consent to operate without renewal. Other three mining area viz (i) M/s. Jagadeesan Rough Stone & Gravel Quarry (SF no 89/2B) (ii) M/s. R. Rukumani Marappan Rough Stone Quarry & (iii) M/s Balachandran Rough Stone & Gravel Quarry are not having valid lease licence.

During the visit by the committee, no mining activity was observed and no machineries were observed in any of subject quarry blocks. Committee has made following field observations and discussions with mine lease holder and applicant;

a. M/s. Jagadeesan Rough Stone & Gravel Quarry: Block 1, S.F. No 89/1 & Block 5 S.F.No:89/2B1

- The lease holder is having two quarry blocks in which one block (Block no 1, SF no. 89/1) is having valid mining lease, mining plan and EC from SEIAA till 23.10.2021. The lease holder has also obtained the first Consent To Operate the quarry under the Water and Air Act 1974 & 1981 from TNPCB in the year 29.11.2016, subsequently the Consent to operate was being renewed till 31.03.2018 (Annexure - 26). Since the unit has not renewed the consent to operate for further period, show cause notice was issued on 26.07.2018 and 28.12.2019 by the TNPCB.
- The first mining lease was accorded in 28.11.2005 and subsequently second mining lease was accorded in 24.11.2011. In both mining lease issued either quantity of rough stone or depth of mining to be carried out was not specified. The third mining lease was accorded in 11.05.2017 for 5 years i.e. upto 10.05.2022, as well as EC was granted by the SEIAA after obtaining mining plan from Department of Geology and Mining.
- As per the EC the validity of mine lease will be upto 23.10.2021, the quantity of Rough Stone & Gravel excavation shall not exceed to 81555 Cu.M and 8844 Cu.M respectively during lease period of 11.05.2017 to 10.05.2022.
- For block No. 5, the first mining lease was accorded in 28.11.2005 and subsequently second mining lease was accorded in 24.11.2011. In both mining lease either quantity of rough stone or depth of mining to be carried out was not specified. After expiry of second mining lease no further lease was obtained.
- The quarry block seems to be flat terrain, due to ongoing mining of rough stone below ground it became combination of pit and trough. No fencing around earmarked quarry site, only flag poles were observed in the outer boundary.
- As per the physical appearance of mining area seems to be quarried with controlled blasting, no seepages in the side walls were observed, and no water stagnation in the pit. The mining operation

was carried out until 24.02.2020 when the issue of permit was stopped.

- As per the mining plan & EC, lease holder required to maintain the safety distance of 7.5 m from the applied boundary but no proper safety distance maintained, rough stone/gravel found excavated without leaving required safety distance and without following the approved mining plan.
- As per the surface plan & section (Annexure – 27a & b; Block 1&5), the quantity of rough stone and gravel mined and the quantum for which permit issued are as below:

S. No	Details	Quantum Quarried based on pit size		Quantum for which permit issued		Remarks
		Rough Stone Cu.M	Gravel Cu.M	Rough Stone in Cu.M	Gravel Cu.M	
1	Quantity mined First and Second lease (2005 to 2011)	50645 +3384 =54029	8590 +2400 =10990	38580	120	Excess quantum quarried Rough stone 15449 Cu.M Gravel 10870Cu.M
2	Quantity mined during current lease (Third lease)	19976	1944	20490	2160	No excess quantum quarried
3	Quantity mined in safety area	1596.5 +846 =2442.5	1184.5 +658 =1842.5	---	----	Quantum quarried in Safety area Rough stone 2442.5 Cu.M Gravel 1842.5 Cu.M

- Obtaining EC was made mandatory from 15.01.2016 as per the order dated: 15.01.2016, however in the subject quarry, the quarrying operation was continued until 23.11.2016 during the second lease period i.e., quarrying was carried out without EC

15.01.2016 to 23.11.2016 vide Letter from Deputy Director, Geology and Mining (Annexure – 27c). The Hon'ble Supreme court in its order dated 02.08.2017 has directed to recover the cost of the mineral for the leases operated without Environmental clearance accordingly Deputy Director Geology and Mining has issued a demand notice to the Quarry owner to remit the cost of the mineral as Rs.22,89,600/-for the EC violation (Annexure -5).

b. M/s. Balachandran (Formerly by Kumaresh) Rough Stone & Gravel Quarry : Block 2, S.F. No. 89/2A

- The first mining lease was accorded in 08.10.2006 in the name of M/s. Kumaresh and subsequently second mining lease was accorded in 02.03.2012. In both mining lease either quantity of rough stone or depth of mining to be carried out was not specified. On inception of Hon'ble Supreme court order regarding mandatory of EC and modified GO of Tamil Nadu Government, the lease owner obtained mining plan for second phase mining vide order RC.No.547/mines/2015 dated 25.09.2015 followed by Environmental Clearance from SEIAA vide letter no. SEIAA-TN/F.No. 4511/1(a)/EC no. 3365/2016 dated 19.07.2016 for mining 22108 Cu.M of Rough stone and 16 Cu.M of Gravel for validity of 1 year and nine months i.e. upto 18.04.2018. The Quarry site is not having either valid mining lease or valid EC after 19.04.2018 and it is understood that the quarry operation was stopped since 28.02.2017.
- The quarry block seems to be not operated since long time and no fencing done around earmarked quarry site.
- As per the physical appearance of mining area seems to be quarried with controlled blasting, no seepages in the side walls were observed.
- As per the condition of mining lease, the lessees required to fence or fill in all abandoned pits. In spite of passing of 4 years the excavated pit is not fenced or filled to restore to a state fit for cultivation
- The lease holder required to maintain the safety distance of 7.5 m from the applied boundary but no proper safety distance maintained, rough stone/gravel found excavated without leaving

required safety distance in north and south side of the quarry block.

- As per the surface plan & section(Annexure - 28: Block 2), the quantity of rough stone and gravel mined and the quantum for which permit issued are as below:

S. No	Details	Quantum Quarried based on pit size		Quantum for which permit issued		Remarks
		Rough Stone Cu.M	Gravel Cu.M	Rough Stone in Cu.M	Gravel Cu.M	
1	Quantity mined First and Second lease	55326	8880	33255	0	Excess quantum quarried Rough stone 22071Cu.M Gravel 8880Cu.M
2	Quantity mined in safety area	3865	930	----	----	Quantum quarried in Safety area Rough stone 3865 Cu.M Gravel 930Cu.M

C. M/s. Rukmani Marappan Rough Stone & Gravel Quarry :Block 3, S.F. No 86/1A 89/2A

- As per the information provided, the first mining lease was accorded in 12.04.2002 for 10 years subsequently 10 year period was cancelled and limited to 5 years from 09.07.2007. In both mining lease either quantity of rough stone or depth of mining to be carried out was not specified. After expiry of second mining lease no further lease was obtained.

- The quarry block was used as approach way for quarrying in safety area of the Block no:4, no fencing done around earmarked quarry site.
- As per the physical appearance of mining area seems to be quarried with controlled blasting, no seepages in the side walls were observed.
- As per the condition of mining lease, the lessees required to fence or fill in all abandoned pits. In spite of passing of 8 years the excavated pit is not fenced or filled to restore to a state fit for cultivation
- The lease holder required to maintain the safety distance of 7.5 m from the applied boundary but no proper safety distance maintained, rough stone/gravel found excavated without leaving required safety distance in north and south side of the quarry site.
- As per the surface plan & section (Annexure - 29: Block 3), the quantity of rough stone and gravel mined and the quantum for which permit issued are as below:

S. No	Details	Quantum Quarried based on pit size		Quantum for which permit issued		Remarks
		Rough Stone Cu.M	Gravel Cu.M	Rough Stone in Cu.M	Gravel Cu.M	
1	Quantity mined First and Second lease	134085	12428	23670	0	Excess quantum quarried Rough stone 110415Cu.M Gravel 12428Cu.M
2	Quantity mined in safety area	20055	2295	-----	----	Quantum quarried in Safety area Rough stone 20055 Cu.M Gravel 2295Cu.M

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**D. M/s. Vijayakumar Rough Stone & Gravel Quarry
:Block 4, S.F. No. 86/ 3B, 86/4B & 86/5B**

- The quarry site is having EC from SIEAA and mining plan from Department of Geology and Mining and mining lease was accorded in 02.09.2016 for 5 years. The lease holder also obtained the first Consent to Operate (CTO) the quarry under the Water and Air Act 1974 & 1981 from TNPCB in the year 31.08.2016, subsequently the CTO being renewed till 31.03.2019.
- As per the EC condition the validity of mine lease will be upto 24.07.2021, the quantity Rough Stone & Gravel excavation shall not exceed to 229205 Cu.M and 2170 Cu.M during lease period of 02.09.2016 to 24.07.2021.
- The quarry block seems to be flat terrain, due to ongoing mining of rough stone below ground it became combination of pit and trough. No fencing around earmarked quarry block, only flag poles were observed in the outer boundary.
- As per the physical appearance of mining area seems to be quarried with controlled blasting, no seepages in the side walls were observed.
- As per the condition of mining lease, the lessees required to fence or fill in all abandoned pits, the excavated pit is not fenced or filled, however the pit was found filled with water.
- The lease holder required to maintain the safety distance of 7.5 m from the applied boundary but no proper safety distance maintained, rough stone/gravel found excavated without leaving required safety distance in north side of the quarry block.
- As per the surface plan & section (Annexure - 30: Block 4), the quantity of rough stone and gravel mined and the quantum for which permit issued are as below

S. No	Details	Quantum Quarried based on pit size		Quantum for which permit issued		Remarks
		Rough Stone Cu.M	Gravel Cu.M	Rough Stone in Cu.M	Gravel Cu.M	

1	Quantity mined First lease	17010	1327.5	24690	60	Excess quantum quarried Gravel 1267.5 Cu.M
2	Quantity mined in safety area	4896	360	----	----	Quantum quarried in Safety area Rough stone 4896 Cu.M Gravel 360Cu.M

5.0 Groundwater table report furnished by Public Works Department, Coimbatore, Ground water sub division;

Regarding the water table, official of Assistant Director Geology , Public Works Department, Coimbatore, Ground water sub division conducted field inspection on 13.06.2020 and furnished a report dated 19.06.2020, the summary of the report is as below:

- i. Total depth of the open wells nearby the quarries ranges from 15.00 m to 17.00m and Water Level of the wells were found in the range of 8.00 m to 10.00 m.
- ii. Bore wells near to quarry block is having depth of 250m and the water level of 20m.
- iii. The regional water table observed during the inspection around the quarry area is 28m.
- iv. The average regional water level from 2011 January to 2020 June in the observation well located at AgraharaPeriyapalayam village is 10.40m in pre monsoons and 7.90m in Post Monsoon.

6.0 The details of cultivation furnished by the Revenue Department around the quarry area from the year 2010 to 2019:

The details furnished by the Head Quarters Deputy Thashildar ,
Uthukuli regarding the cultivation details as per the pasali year in the
surrounding adjacent lands to the quarry area is depicted below; follows.

Sl. No.	Pasali No/Year	S.F.No of the field	Directions	Cultivation Details	Remarks
1	1419/2010	84/1A, &84/1B	North	Nil	-
		86 & 87	South	Cholam& pulses - 86/7 Only	S.F.No. 87- NallarOdai
		85	East	Cholam& pulses	
		91,92 & 88	West	Not applicable	NallarOdai& pathway
2	1420/2011	84/1A, &84/1B	North	Nil	-
		86 & 87	South	Cholam& pulses - 86/7 Only	S.F.No. 87- NallarOdai
		85	East	Cholam& pulses	
		91,92& 88	West	Not applicable	NallarOdai& pathway
3	1421/2012	84/1A, & 84/1B	North	Nil	-
		86 & 87	South	Cholam& pulses - 86/7 Only	S.F.No. 87- NallarOdai
		85	East	Cholam& pulses	
		91,92 & 88	West	Not applicable	NallarOdai& pathway
4	1422/2013	84/1A, & 84/1B	North	Nil	-
		86 & 87	South	Cholam& pulses - 86/7 Only	S.F.No. 87- NallarOdai
		85	East	Nil	Cultivation not done
		91,92 & 88	West	Not applicable	NallarOdai& pathway
5	1423/2014	84/1A, & 84/1B	North	Nil	Rock area

Sl. No.	Pasali No/Year	S.F.No of the field	Directions	Cultivation Details	Remarks
		86 & 87	South	Cholam - 86/7 Only	S.F.No. 87-NallarOdai
		85	East	Cholam	
		91,92 & 88	West	Not applicable	NallarOdai& pathway
6	1424/2015	84/1A, & 84/1B	North	Nil	Rock area
		86 & 87	South	Cholam - 86/7 Only	S.F.No. 87-NallarOdai
		85	East	Cholam	
		91,92 & 88	West	Not applicable	NallarOdai& pathway
7	1425/2016	84/1A, & 84/1B	North	Nil	-
		86 & 87	South	Nil	Cultivation not done
		85	East	Cholam	
		91,92 & 88	West	Not applicable	NallarOdai& pathway
8	1426/2017	84/1A, & 84/1B	North	Nil	-
		86 & 87	South	Cholam - 86/7C Only	S.F.No. 87-NallarOdai
		85	East	Nil	Cultivation not done
		91,92 & 88	West	Not applicable	NallarOdai& pathway
9	1427/2018	84/1A, & 84/1B	North	Nil	-
		86 & 87	South	Cholam - 86/7C Only	S.F.No. 87-NallarOdai
		85	East	Nil	Cultivation not done
		91,92 & 88	West	Not applicable	NallarOdai& pathway

Sl. No.	Pasali No/Year	S.F.No of the field	Directions	Cultivation Details	Remarks
10	1428/2019	84/1A, & 84/1B	North	Cholam - 84/2 & 84/6 Only	-
		86 & 87	South	Cholam - 86/7C Only	S.F.No. 87-NallarOdai
		85	East		
		91,92 & 88	West	Not applicable	NallarOdai & pathway

From the above data and based on the revenue records maintained by revenue department, no cultivation observed in the applicant undivided land of S.F. No. 84/2 & 84/6 (owned by Thiru Natraj and Thiru Chinnarangaicker) during 2010-2018. Only in the year 2019, Cholam was cultivated in the applicant's undivided land.

7.0 Violations observed in individual quarry sites with respect to statutory requirements:

S. No	Lease agreement details	Mining Plan/ approved sketch	EC Clearance from SIEAA	Consent to Operate under Water and Air Acts from TNPCB	Violations observed
1.a	M/s Jagadeesan Rough Stone & Gravel Quarry Block 1, SF no 89/1 (Area 1.23 ha) and Block 5 SF No 89/2B1 (Area 0.40.5 ha)				
i.	28.11.2005 to 27.11.2010	No sketch of the land found	Not Stipulated	Not stipulated	• Approved sketch of land not provided for first lease.
1.b	Block 1, SF no 89/1 (Area 1.68.0 ha) and Block 5 SF No 89/2B1 (Area 0.40.5 ha)				
i.	24.11.2011 to 23.11.2016	sketch of the land provided	Not stipulated	Obtained through proceeding dated 04.12.2011 and renewed upto 31.03.201	• The unit has quarried without EC during the period 15.01.2016 to 23.11.2016 by violating the MoEF&CC S.O141(E) dated 15.01.2016.

S. No	Lease agreement details	Mining Plan/ approved sketch	EC Clearance from SIEAA	Consent to Operate under Water and Air Acts from TNPCB	Violations observed
				2.	<ul style="list-style-type: none"> The unit has operated without renewal of consent to operate from 01.04.2012 to 28.11.2016 and from 01.04.2018 to till date.
1.c	M/s Jagadeesan Rough Stone & Gravel Quarry Block 1, SF no 89/1 (Area 1.23 ha) and Block 5 SF No 89/2B1 (Area 0.40.5 ha)				
i.	11.05.2017 to 10.05.2022	Mining plan obtained on 29.09.2015	Obtained on 24.10.2016	Obtained through proceeding dated 29.11.2016 and renewed upto 31.03.2018.	
2.	M/s Balachandra (Formerly R.Kumaresh) Rough Stone & Gravel Quarry, Block 2, SF no 89/2A (0.64.5 ha)				
i.	08.10.2006 to 07.10.2011	No sketch of the land found	Not Stipulated	Not stipulated	<ul style="list-style-type: none"> Approved sketch of land not provided for first lease.
ii.	02.03.2012 to 01.03.2017	Mining plan obtained in 25.09.2015 for one year 9 months	EC obtained in 19.07.2016 for one year 9 months	Consent to operate under the Air & Water acts from TNPCB was not obtained	<ul style="list-style-type: none"> The unit has operated without consent to operate
3.	M/s RukmaniMarappan Rough Stone & Gravel Quarry, Block 3, SF no 86/1A 89/2A (Area 2.08.0 ha)				

i.	12.04.2002 to 11.04.2012	Sketch of the land provided. 10 year period cancelled and again renewed for 5 years from 09.07.2007 to 08.07.2012	Not stipulated	Consent to operate obtained under the Air & Water acts on 12.01.2012 with validity upto 31.03.2012.	<ul style="list-style-type: none"> • The unit has operated without renewal of consent to operate from the period 01.04.2012 to 08.07.2012. • The renewal of lease was rejected, appeal has been filed by the lease owner before the Director of Geology and Mining, Chennai and the same is under enquiry..
4.	M/s. Vijayakumar Rough Stone & Gravel Quarry, Block 4, SF no 86/3B, 4B, 5B & 6B (Area 0.73.0 ha)				
i.	02.09.2016 to 19.09.2021	Mining plan obtained in 24.06.2016	EC obtained in 25.07.2016 for 5 years	CTO obtained on 31.08.2016 and renewed upto 31.03.20 19.	<ul style="list-style-type: none"> • The unit has operated without renewal of consent to operate from the period 01.04.2019 to till date.

8.0 Conclusions based on field observations and records of Department of Geology and Mining:

The committee reviewed and discussed in detail all the records of mining activity and concluded the following based on the records and field observations:

a. M/s Jagadeesan Rough Stone & Gravel Quarry, Block 1 & Block 5, S.F. No. 89/1

- ✓ The lease holder Mr. S. Jagadeesan operated the Rough stone mining in 1.23.00 ha by obtaining mining lease from District Collector Erode for 5 years (28.11.2005 to 27.11.2010 – First lease) and subsequently from Tiruppur Collector for 5 years (24.11.2011 to 23.11.2016 – Second lease) in an area of 1.68.0 ha.
- ✓ As per the GO of TamilNadu dated 06.04.2015, the lease owner obtained the mining plan, EC and mining lease for 5 years (11.05.2017 to 10.05.2022 – third lease), however the consent to operate under Air & Water Acts was obtained through proceedings

dated 29.11.2016 and renewed only upto 31.03.2018. Since April 2018, without valid consent mining operation was carried out.

- ✓ In first two mining lease, the quantity of rough stone to be mined was not specified, as per the surface plan certified by the Firka Surveyor and Village Administrative officer ,the quantity of rough stone mined was 54029 Cu.M and Gravel was 10990 Cu.M.
- ✓ As per the third mining lease the approved quantity of Rough stone and Gravel was 81555 Cu.M and 8844 Cu.M. However, as per the surface plan certified by the Firka Surveyor and Village Administrative officer, the quantity of rough stone mined was 19976 Cu.M and Gravel was 1944 Cu.M, which is lesser than the approved quantity.
- ✓ Stipulated safety distance was not maintained and quarry operation was not carried out as per the mining plan i.e. bench wise. No fencing around the earmarked quarry block was observed.
- ✓ The Excess quantity of rough stone and gravel quarried against the permits issued and by violating the stipulated safety distance conditions as per the approved mining plan, the details are as below:

Sl. No	Details of Mining operation carried out	Quantity of rough Stone Quarried in Cu.M	Quantity of gravel quarried in Cu.M
i.	Excess quantum quarried against the permits issued	15449	10870
ii.	Quarry operation carried out in the area which is meant for safety purpose by violating the EC condition and mining lease	2442.5	1842.5
	Total	17891.5	12712.5

- ✓ The total depth of the pit was found 21 m against the permitted depth was 27 m.
- ✓ During inspection, the committee observed the neighboring lands in North, East and West direction, no quarry waste was found in

neighboring land and also no blasted rough stone was observed in any neighboring land.

- ✓ The committee was neither found any physical damages in neighborhood nor reported by any neighbors.
- ✓ There is no crop cultivation adjacent to the quarry
- ✓ The major violation observed by the committee was
 - i. Quarrying of rough stone & gravel without leaving the safety distance.
 - ii. Excess quantum was mined against the quantum for which the permit was issued.
 - iii. Operation without EC for which Demand Notice for Rs. 22,89,600/- was issued by the District Collector, Tiruppur.
 - iv. Operated without renewal of consent to operate.
 - v. No fencing provision for earmarked area.
 - vi. The major violation observed in block 5 was quarrying of rough stone and gravel without following the mine lease conditions and mining closure plan for restoring after lapse of more than 4 years

**b. M/s. Balachandra (Previously owned by M/s. Kumaresh)
Rough Stone & Gravel Quarry, Block No. 2, S.F. No. 89/2A:**

- ✓ The lease holder Mr. Kumaresh operated the Rough stone mining in 0.64.50 ha by obtaining mining lease from District Collector Erode for 5 years (08.10.2006 to 07.10.2011 – first lease), before the expiry of the lease period, the quarry owner Mr. R. Kumaresh S/o Rasappan sold out the quarry to Mr. M. Balachandran S/o R. Marappan and subsequently Mr. Balachandran obtained mining lease from Tiruppur Collector for 5 years (02.03.2012 to 01.03.2017 – second lease).
- ✓ As per the GO of Tamil Nadu dated 06.04.2015, the lease owner obtained the mining plan, EC and mining lease for 1 year & 9 months (01.03.2017). The mining operation was carried out without obtaining the consent under Air & Water acts from the Board.
- ✓ In both the mining lease, the quantity of rough stone to be mined was not specified, as per the surface plan of the pit size certified by the Firka Surveyor and Village Administrative officer, the quantity of rough stone mined was 55326 Cu.M and Gravel was 8880 Cu.M.

- ✓ As per the EC, the approved quantity of Rough stone and Gravel was 22108 Cu.M and 16 Cu.M for the period from 09.07.2016 to 01.03.2017.
- ✓ No safety distance was maintained, quarry operation was not carried out as per the mining plan i.e. bench wise. No fencing around the earmarked quarry block was observed.
- ✓ The Excess quantity of rough stone and gravel quarried against the permits issued and by violating the stipulated safety distance conditions as per the approved mining plan, the details are as below:

Sl. No	Details of Mining operation carried out	Quantity of rough Stone Quarried in Cu.M	Quantity of gravel quarried in Cu.M
i.	Excess quantum quarried against the permits issued	22071	8880
ii.	Quarry operation carried out in the area which is meant for safety purpose by violating the EC condition and mining lease	3865	930
Total		25936	9810

- ✓ The total depth of the pit was found 20m against the permitted depth of 32 m.
- ✓ During inspection, the committee observed the neighboring lands West direction, no quarry waste was found in neighboring land and also no blasted rough stone was observed in the neighboring land.
- ✓ The committee neither found any physical damages in neighborhood nor reported by any neighbors.
- ✓ There is no crop cultivation adjacent to the quarry.
- ✓ The major violation observed by the committee was
 - i. Quarrying of rough stone & gravel without leaving the safety distance.
 - ii. Excess quantum mined against the quantum for which the permit was issued.

- iii. Operation without EC for which Demand Notice for Rs. 26,85,900/- was issued by the District Collector, Tiruppur.
- iv. Operated without consent to operate .
- v. No fencing provision for earmarked area .
- vi. quarrying of rough stone and gravel without following the mine lease conditions and mining closure plan for restoring after lapse of more than 2 years

a. M/s. Rukmani Marappan Rough Stone & Gravel Quarry, Block 3, SF no 86/1A 89/2A:

- ✓ The lease holder Mrs. Rukmani Marappan operated the Rough stone mining in 2.08.00ha by obtaining mining lease from District Collector Erode for 10 years (12.04.2002 to 11.04.2012). Subsequently, the mining lease issued was cancelled and limited to 5 years accordingly lease was renewed for the same area vide Erode District Collector 's orders No: Rc. 12844/07/X2 dated 09.07.2007 with a lease period (5 years) validity from 09.07.2007 to 08.07.2012. On expiry of lease period, the quarry owner applied for renewal, the application was rejected by the Tiruppur District Collector. The appeal has been filed by the applicant before the Director of Geology and Mining, Chennai and the same is under enquiry.
- ✓ In both the mining lease, the quantity of rough stone to be mined was not specified, as per the surface plan certified by the Firka Surveyor and Village Administrative officer ,the quantity of rough stone mined was 134085 Cu.M and Gravel was 12428 Cu.M which is more than the approved quantity.
- ✓ Safety distance was not maintained, quarry operation was not carried out as per the mining plan i.e. bench wise. No fencing around the earmarked quarry block was observed.
- ✓ The Excess quantity of rough stone and gravel quarried against the permits issued and by violating the stipulated safety distance conditions as per the approved mining plan, the details are as below:

Sl. No	Details of Mining operation carried out	Quantity of rough Stone Quarried in Cu.M	Quantity of gravel quarried in Cu.M

i.	Excess quantum quarried against the permits issued	110415	12428
ii.	Quarry operation carried out in the area which is meant for safety purpose by violating the mining lease	20055	2295
	Total	130470	14723

- ✓ The total depth of the pit was found to be 28 m.
- ✓ During inspection, the committee observed the neighboring lands West direction, no quarry waste was found in neighboring land and also no blasted rough stone was observed in the neighboring land.
- ✓ The committee was neither found any physical damages in neighborhood nor reported by any neighbors. There is no crop cultivation adjacent to the quarry.
- ✓ The major violation observed by the committee was
 - i. Quarrying of rough stone & gravel without leaving the safety distance.
 - ii. Excess quantum mined against the quantum for which the permit was issued.
 - iii. Operated without renewal of consent to operate .
 - iv. No fencing provision for earmarked area .
 - v. Quarrying of rough stone and gravel without following the mine lease conditions and mining closure plan for restoring after lapse of 8 years
- b. **M/s. Vijayakumar Rough Stone & Gravel Quarry, Block 4, SF no. 86/3B, 4B, 5B & 6B:**
 - ✓ The lease holder Mr. M. Vijay Kumar operated the Rough stone mining in 0.73.00 ha by obtaining the mining plan, EC and mining lease for 5 years (20.09.2016 to 19.09.2021), however the consent to operate under Air & Water Acts was obtained through proceedings dated 31.08.2016 and renewed upto 31.03.2019 further CTO was not renewed. The approved quantity of Rough stone and Gravel was 22920 Cu.M and 2170 Cu.M
 - ✓ In the mining lease, the quantity of rough stone mined as per the surface plan certified by the Firka Surveyor and Village

Administrative officer ,the quantity of rough stone mined was 17010 Cu.M and Gravel was 1327.5 Cu.M.

- ✓ Safety distance maintained, quarry operation not carried out as per the mining plan i.e. bench wise. No fencing around the earmarked quarry site was observed.
- ✓ The Excess quantity of rough stone and gravel quarried against the permits issued and by violating the stipulated safety distance conditions as per the approved mining plan, the details are as below:

Sl. No	Details of Mining operation carried out	Quantity of rough Stone Quarried in Cu.M	Quantity of gravel quarried in Cu.M
i.	Excess quantum quarried against the permits issued	---	1267.5
ii.	Quarry operation carried out in the area which is meant for safety purpose by violating the EC condition and mining lease	4896	360
	Total	4896	1627.5

- ✓ The total depth of the pit was found 18 m against the permitted depth of 16 m.
- ✓ During inspection, the committee observed the neighboring lands in South, West and East direction, no quarry waste was found in neighboring land and also no blasted rough stone was observed in the neighboring land.
- ✓ The committee was neither found any physical damages in neighborhood nor reported by any neighbors.
- ✓ There is crop cultivation adjacent to the quarry in south side.
- ✓ The major violation observed by the committee was
 - i. Quarrying of rough stone & gravel without leaving the safety distance and beyond the permitted depth.
 - ii. Excess quantum of gravel mined against the quantum for which the permit was issued.
 - iii. Operated without renewal of consent to operate .
 - iv. No fencing provision for earmarked area .

In all these quarries permission was not obtained from the concerned authorities to carry out mining in the safety region.

c. Conclusion regarding Water Table based on the report furnished by Public Works Department, Coimbatore, Ground water sub division:

- ✓ As per the inspection carried out, the reported regional water table in the area is 28 m and average water level is 10.40m in pre-monsoon and 7.90m in post monsoon.
- ✓ The mining activity was not carried out beyond the regional water level i.e. 28 m.
- ✓ No violations noticed with respect to mining activity beyond the water table.

d. Conclusions based on the records of revenue department regarding crops cultivated in the surrounding areas of quarry sites:

- ✓ The applicant undivided dry agricultural land bearing S.F. No 84/1A & 84/2B is located adjacent to the M/s Jagadeesan Rough Stone & Gravel Quarry (Block no 1- SF no. 89/1). Based on the pasali document & records maintained by revenue department, no cultivation was carried out for almost past 9 years (i.e., from the year 2010 to 2018), however in the year 2019, Cholan was cultivated in the said land.

9.0 Environment Compensation against the committed violations :

For the purpose of calculation of Environment Compensation for illegally mined material is arrived by considering followings;

- i. Para 31 of the Hon'ble National Green Tribunal Principal Bench order dated 04.01.2019 in O.A.No.110(T_{HC})/2012 titled as "Threat to life arising out of coal mining in South Garo Hills District Vs. State of Meghalaya & Ors" reads as follows.

"Paying capacity and the amount which may act as deterrent to prevent further damage is also well recognised. Net Present Value of the ecological services foregone and cost of damage to environment and pristine ecology, the cost of illegal mined material, and the cost of mitigation and restoration are also

relevant factors, The committee may go into these aspects to determine the final figure”.

In order to calculate the Net Present Value as directed by the Hon’ble NGT, the cost of the mined mineral was taken as per the GO (D) No.107 dated 06.07.2017 (Annexure – 31).

Thus the cost of the mineral as per as per the existing Tamil Nadu Minor Mineral Concession Rules for the year 2017-18 is as below:

Royalty / Seigniorage Fee for an Cu.M of Roughstone		Cost of the mineral per Cu.M	
Rough Stone	Gravel	Rough Stone	Gravel
Rs.59.00	Rs. 33.00	Rs. 380.00	Rs. 160.00

- ii. For the purpose of arriving the Net Present Value of the ecological services foregone and cost of damage to the Environment and pristine ecology and cost of mitigation and restoration, the decisions of this Hon’ble Tribunal dated 31.07.2015 in O.A.No.110 (T_{HC}) of 2012 and O.A.No.73 of 2014 and O.A.No.13 of 2014 and O.A.No.186 of 2014 in the matter of the “Threat to life arising out of coal mining in South Garo Hills District Vs. State of Meghalaya & Ors”, has been relied upon. The same is reproduced as under.

“ We further direct that all the coal miners / transport us would be liable to pay 10% Environmental compensation, for the coal being transported, irrespective of the fact that they had paid royalty for the same even prior the date of the order.” However where the coal has already been transported prior to the date of the order, that is 25th March, 2015, for the present the liability to pay 10% to comply with the directions as environmental compensation would not be enforced by the State, subject to final orders.”

The Hon’ble Tribunal in its order dated 25.03.2015 referred above in the related Original Application Nos.73 of 2014 and 13 of 2014 in pages 15 and 16 has ordered as follows:

“No one has even thought of restoration of the area in question, to bring to some extent, if not completely, restoration of ecology and environment in question. Serious steps are required to be taken for cleaning polluted water bodies and ensure that no further pollution is caused by this activity and the activity which would be permitted to be carried on finally including transportation of coal. On the basis of ‘Polluter Pay Principle’. We direct that the State Government shall in addition to the royalty payable to it, shall also collect 10% on the market value of the coal for every consignment.

Thus, we direct that the State Government shall in addition to the royalty payable to it, also collect 10% of the said market value of the coal per metric tone from each person. The amount so collected shall be deposited in the account to be titled as ‘Meghalaya Environment Protection and Restoration Fund’ to be maintained by the State under the direct control of the Chief Secretary of the State of Meghalaya.

This amount shall only be used for restoration of environment and for necessary remedial and preventive measures in regard to environment and matters related thereto.

We make it clear that this 10% of the additional amount shall be payable by all persons who had transported the coal in the past or would transport in future, without exception”

Accordingly, the Compensation to be recovered from five rough stone mine lease holders are calculated, quantified and tabulated as under;

Sl. No	Components of calculation	EC	Name of the Mine Lease Holders and Respective Blocks			
			M/s. Jagadeesan Rough Stone & Gravel Quarry, Block 1& 5	M/s. Balachandra (Formerly Kumaresh Rough Stone & Gravel Quarry, Block No. 2	M/s. RukmaniMara ppan Rough Stone & Gravel Quarry, Block 3	M/s. Vijayakumar Rough Stone & Gravel Quarry, Block 4,
1.	Illegal Mined	Rough	17891.5	25936	130470	4896

	material by violating the EC & mining lease in M ³	stone				
		Gravel	12712.5	9810	14723	1627.5
2	Seigniorage fee per M ³	Rough stone	Rs 59.00			
		Gravel	Rs. 33.00			
3	Net Present Value of Material as per the existing Tamil Nadu Minor Mineral Concession Rules for the year 2017-18	Rough stone	Rs. 380.00			
		Gravel	Rs. 160			
4	Cost of Mineral based on Scheduled rate	Rough stone	67,98,770.00	98,55,680.00	4,95,78,600.00	18,60,480.00
		Gravel	20,34,000.00	15,69,600.00	23,55,680.00	2,60,400.00
5.	Total cost of illegal mined material (rough stone + Gravel)		88,32,770.00	1,14,25,280.00	5,19,34,280.00	21,20,880.00
6	Net present value of the ecological services foregone and Cost of Damage to Environment and pristine ecology. (10% of the cost of illegal mined material)		8,83,277.00	11,42,528.00	51,93,428.00	2,12,088.00
7	Cost of mitigation and restoration (10% of the cost of illegal mined material)		8,83,277.00	11,42,528.00	51,93,428.00	2,12,088.00
8	Total (5+6+7) in Rs.		1,05,99,324.00	1,37,10,336.00	6,23,21,136.00	25,45,056.00

Further, as per the **Tamilnadu Minor Mineral Concession Rules, 1959 36-A. Penalties:** (1) Whenever any person contravenes the provisions of sub-section (1) of section 4 of the Act in any land, enhanced seigniorage fee upto a maximum of fifteen times the

normal rate subject to a minimum of [twenty five thousand rupees] shall be charged and recovered from that person by the District Collector or the District Forest Officer as the case may be or in the alternative, he shall liable to be punished as provided in sub-section (1) of section 21 of the Act :]

Hence, the concerned authorities may be directed to decide on the number of times of the penalty over and above the quantum recommended by this committee.

10.0 Recommendation of the Committee

The committee recommends that the following calculated EC for individual lease holders including the penalty if any over and above the quantum to be recovered and deposited in the District Mineral Foundation Trust Fund, constituted vide G.O. Ms. No. 57, Industries (MMD1) dated 19th May 2017 headed by the District Collector (Annexure – 32). The amount shall be used for restoration of Environment and for necessary remedial and preventive measures in regard to Environment and matters related thereto

	M/s. Jagadeesan Rough Stone & Gravel Quarry, Block 1& 5	M/s. Balachandra (Formerly Kumaresh) Rough Stone & Gravel Quarry, Block No. 2	M/s. RukmaniMarappan Rough Stone & Gravel Quarry, Block 3	M/s. Vijayakumar Rough Stone & Gravel Quarry, Block 4,
Calculated EC for individual lease holder in Rs.	1,05,99,324.00	1,37,10,336.00	6,23,21,136.00	25,45,056.00”

4. Though, it is mentioned in the report that there were certain violations committed by some of the units and also that the committee has decided to recommend for recovery of environmental compensation and penalty for excess mining by some of the mine owners, it is not mentioned in the

report as to what are all the steps taken by them for that purpose. It is also not known as to whether what are all the precautions to be taken by the violating units for mitigating the circumstances and whether any time line has been given to them for complying the same.

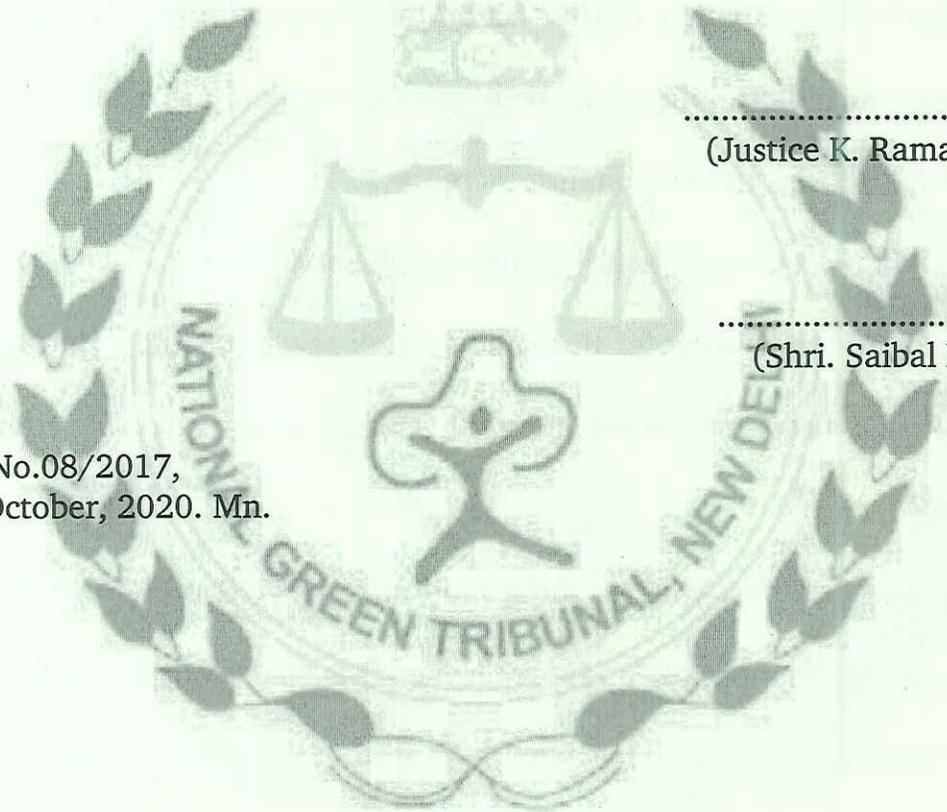
5. Under such circumstances, we feel that without getting further report, it is not possible for this Tribunal to dispose of the case. So, the committee is directed to submit a further action taken report in this regard. In the mean time, the applicant as well as mine owners are at liberty to file their objections to the committee's report.
6. The Pollution Control Board is directed to serve the copy of the report to the counsel appearing for the mine owners as well as the applicant so as to enable them to submit their objections, if any, to the committee report.
7. The committee as well as the Pollution Control Board are directed to submit their action taken report on the basis of the recommendations of the committee respectively and also further remedial measures to be taken, imposition of environmental compensation and recovery of the same in accordance with law and also plan of action for rejuvenation of already closed mines as per the mining plan to restore the degraded area to its original position.

8. The committee as well as the Pollution Control Board are directed to submit the report as directed on or before 18.12.2020 by e-filing along with the necessary hardcopies to be produced as per Rules.
9. The Registry is directed to communicate this order to the committee members as well as to the Pollution Control Board so as to enable them to comply with the direction.
10. For consideration of further report, post on 18.12.2020.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Saibal Dasgupta)

O.A. No.08/2017,
29th October, 2020. Mn.



புவியியல் மற்றும் சுரங்கத்துறை,
மாவட்ட ஆட்சியர் அலுவலகம்,
திருப்பூர்

ந.க. 39/ கனிமம்/2020

நாள்: 27.11.2020.

விளக்கம் கேட்கும் குறிப்பாணை

பொருள்: கனிமங்களும் குவாரிகளும் - சிறுகனிமம் - சாதாரண கற்கள் - திருப்பூர் மாவட்டம் - ஊத்துக்குளி வட்டம் - அக்ரஹார பெரியபாளையம் கிராமத்தில் பட்டா புலங்களில் திரு. ஜெகதீசன் மற்றும் ருக்மணி மாரப்பன் ஆகியோருக்கு வழங்கப்பட்ட குவாரி உரிமங்களில் முறைகேடுகள் நடைபெறுவதாக திருமதி. கண்ணம்மாள் என்பவரால் தொடரப்பட்ட வழக்கு தென்மண்டல் பசுமைத் தீர்ப்பாயம் வழக்கு எண். 08/2017-ல் வழங்கப்பட்ட தீர்ப்பின் அடிப்படையில் குழு அமைக்கப்பட்டு அறிக்கை பெறப்பட்டது - விதிமீறல்கள் மற்றும் அனுமதிக்கப்பட்ட அளவை விட அதிக அளவு கனிமம் வெட்டியெடுக்கப்பட்டது கண்டறியப்பட்டது - விளக்கம் கோருதல் - தொடர்பாக.

பார்வை:

1. திருப்பூர் மாவட்ட ஆட்சியர் அவர்களின் செயல்முறை ஆணைகளின்படி உரிமம் வழங்கப்பட்ட இனங்கள்
2. தேசிய பசுமைத் தீர்ப்பாயம் (தெற்கு மண்டல்), சென்னை O.A. No. 08/2017 (SZ) நாள்: 02.01.2020
3. தேசிய பசுமைத் தீர்ப்பாயம் (தெற்கு மண்டல்), சென்னை O.A. No. 08/2017 (SZ) ஆணை நாள்: 29.10.2020.

1. திருப்பூர் மாவட்டம், ஊத்துக்குளி வட்டம், அக்ரஹார பெரியபாளையம் கிராமத்தில் பட்டா புலங்களில் சாதாரண வகை கல் குவாரி உரிமம் வழங்கப்பட்டதில் திரு. ஜெகதீசன் என்பவருக்கு எதிராக திருமதி.S. கண்ணம்மாள் என்பவர் சென்னை தேசிய பசுமை தீர்ப்பாயத்தில் தொடர்ந்த வழக்கு எண். O.A. No. 08/2017 (SZ)ன் ஆணை நாள்: 02.01.2020-ன்படி திருப்பூர் மாவட்ட ஆட்சியர் அவர்கள் தலைமையில் சிறப்பு குழு அமைக்கப்பட்டு கூட்டுப் புலத்தணிக்கை அறிக்கை பசுமைத் தீர்ப்பாயத்தில் சமர்ப்பிக்கப்பட்டுள்ளது.

(அ) உரிமம் வழங்கப்பட்ட விபரம் பின்வருமாறு:-

வ. எண்.	புல எண். விஸ்தீரணம் (ஹெக்டரில்)	குத்தகைதாரர்	மாவட்ட ஆட்சித் தலைவர் செயல்முறை ஆணைகள்	குத்தகை காலம்
1	89/1, 89/2B - 1.63.5	எஸ். ஜெகதீசன்	Erode, Rc.32169/04/X1 dated:28.11.2005	28.11.2005 to 27.11.2010

2	89/1, 89/2B1 - 1.63.5		Tiruppur, Rc.No.745/mines/10 dated: 24.11.2011	24.11.2011 to 23.11.2016
3	89/1 - 1.23.0		Tiruppur, Rc.No.344/mines/16 dated: 11.05.2017	11.05.2017 to 10.05.2022 (Existing lease)
4	89/2A - 0.64.5	திரு. குமரேசன்	Erode, Rc.15313/06/X1	08.10.2006 to 07.10.2011
5	89/2A - 0.64.5	பாலச்சந்தர்	Tiruppur, Rc.No.480/mines/11 dated: 02.03.2012	02.03.2012 to 01.03.2017
6	86/1A,89/3B - 2.08.0		Erode, Rc.78688/2000/X1 dated:12.04.2002.	12.04.2002 to 11.04.2012
7	86/1A,89/3B - 2.08.0 subsequently 89/3B has been sub divided into 89/3B1, 89/3B2 and 89/3B3.	திருமதி. ருக்மணி மாரப்பன்	Erode, Rc.12844/07/X2 dated:09.07.2007.	09.07.2007 to 08.07.2012
8	86/3B, 86/4B, 86/5B, 86/6B - 0.73.0	திரு. எம். விஜயகுமார்	Tiruppur, Rc.No.115/mines/2016 dated: 20.09.2016	02.09.2016 to 19.09.2021

3. மாவட்ட ஆட்சித் தலைவர் தலைமையிலான தணிக்கைக் குழு அளித்த அறிக்கையின் அடிப்படையில் மேற்கண்ட குத்தகைதாரர்களால் குவாரி பணிகள் மேற்கொள்ளப்பட்டதில் விதிமீறல்கள் கண்டறியப்பட்டுள்ளது.

வ. எண்	குத்தகைதாரர் பெயர்	விதிமீறல்கள்	சிறப்புக் குழு பரிந்துரை செய்த சுற்றுச் சூழல் இழப்பீட்டுத் தொகை (ரூபாயில்)
1	ஜெகதீசன்	பாதுகாப்பு இடைவெளி பகுதிகளிலும் குவாரி பணி மேற்கொள்ளப்பட்டதும், அனுமதிக்கப்பட்ட அளவுகளை விட அதிக அளவு கனிமம் வெட்டி எடுக்கப்பட்டதும் கண்டறியப்பட்டுள்ளது	1,05,99,324
2	விஜயகுமார்		25,45,056
3	பாலசந்திரன்		1,37,10,336
4	ருக்மணி, மாரப்பன்		6,23,21,136

4. திருப்பூர் மாவட்ட ஆட்சித் தலைவர் தலைமையிலான சிறப்புக் குழுவின் பரிந்துரையின்படி குத்தகைதாரர்கள் மேலே பட்டியலில் கண்டுள்ள சுற்றுச் சூழல் இழப்பீட்டுத் தொகையை ஒரு வார காலத்திற்குள் திருப்பூர் மாவட்ட கனிம அறக்கட்டளை நிதியில் செலுத்த நடவடிக்கை எடுக்கப்படாததாலும், இதர விதிமீறல்கள் தொடர்பாக 1959ம்

வருட தமிழ்நாடு சிறுகனிம சலுகை விதிகளின்படி குத்தகைதாரர்களாகிய தங்கள் மீது ஏன் நடவடிக்கை எடுக்கக் கூடாது என்பதற்கான விளக்கத்தினை ஒரு வார காலத்திற்குள் தெரிவிக்கும்படி கேட்டுக் கொள்ளப்படுகிறது. தவறும் பட்சத்தில் அலுவலக ஆவணங்களின் அடிப்படையில் மேல்நடவடிக்கை எடுக்கப்படும் என்ற விபரம் தெரிவிக்கப்படுகிறது.

இணைப்பு:- பார்வை 3ல் கண்ட தென் மண்டல பசுமை தீர்ப்பாய ஆணை நகல்

(ஓம்)... க. விஜயகார்த்திகேயன்,
மாவட்ட ஆட்சியர்,
திருப்பூர்.

// உண்மை நகல் / உத்தரவுப்படி //

மா.வட்ட ஆட்சியருக்காக,
திருப்பூர்.

பெறுநர்

குத்தகைதாரர்கள்.

1. திரு. எஸ். ஜெகதீசன்,
த/பெ. சுப்ரமணியம்,
5/143, கூலிபாளையம்,
வாவி பாளையம், திருப்பூர்.
2. திரு. எம். விஜயகுமார்
த/பெ.முத்துசாமி,
சின்ன காடேபாளையம்,
செங்கப்பள்ளி.
3. தி/ள். ருக்மணி, க/பெ. மாரப்பன்
1/3,பாரப்பாளையம்,
எஸ்.பெரியபாளையம் அஞ்சல்,
பெருந்துறை வட்டம்,
திருப்பூர்.
4. திரு. குமரசேன்,
த/பெ.ராசப்பன்,
பாசக்காட்டுப்பாளையம்,
காடே பாளையம்,
செங்கப்பள்ளி அஞ்சல்,
பெருந்துறை வட்டம்,
ஈரோடு.
5. திரு. பாலச்சந்தர்,
த/பெ. மாரப்பன்
பாரப்பாளையம்,
சர்க்கார் பெரியபாளையம்,
அவினாசி.

நகல்

1. மாண்புமைய தேசிய பசுமைத் தீர்ப்பாயம், தென்மண்டலம், சென்னை
2. இயக்குநர், புவியியல் மற்றும் சுரங்கத்துறை, சென்னை
3. மண்டல இணை இயக்குநர், புவியியல் மற்றும் சுரங்கத்துறை, மாவட்ட ஆட்சியர் அலுவலகம், சேலம் மண்டலம்
- ✓ 4. பசுமைத் தீர்ப்பாயத்தின் ஆணை அடிப்படையில் அமைக்கப்பட்ட அனைத்து குழு உறுப்பினர்கள்.

அனுப்புநர்

பெறுநர்

டாக்டர். க. விஜயகார்த்திகேயன், இ.ஆ.ப.,
மாவட்ட ஆட்சியர்,
திருப்பூர்

வருவாய் கோட்டாட்சியர்,
திருப்பூர்.

ந.க. 39/2020/கனிமம் நாள்:27.11.2020.

அய்யா,

பொருள்:

கனிமங்களும் குவாரிகளும் - சிறுகனிமம் - சாதாரண கற்கள் - திருப்பூர் மாவட்டம் - ஊத்துக்குளி வட்டம் - அக்ரஹார பெரியபாளையம் கிராமத்தில் பட்டா புலங்களில் திரு. ஜெகதீசன் மற்றும் ருக்மணி மாரப்பன் ஆகியோருக்கு வழங்கப்பட்ட குவாரி உரிமங்களில் முறைகேடுகள் நடைபெறுவதாக திருமதி. கண்ணம்மாள் என்பவரால் தொடரப்பட்ட வழக்கு தென்மண்டல் பசுமைத் தீர்ப்பாயம் வழக்கு எண். 08/2017-ல் வழங்கப்பட்ட தீர்ப்பின் அடிப்படையில் குழு அமைக்கப்பட்டு அறிக்கை பெறப்பட்டது - விதிமீறல்கள் மற்றும் அனுமதிக்கப்பட்ட அளவை விட அதிக அளவு கனிமம் வெட்டியெடுக்கப்பட்டது கண்டறியப்பட்டது - விளக்கம் கோருதல் - தொடர்பாக.

பார்வை:

1. திருப்பூர் மாவட்ட ஆட்சியர் அவர்களின் செயல்முறை ஆணைகளின்படி உரிமம் வழங்கப்பட்ட இனங்கள்
2. தேசிய பசுமைத் தீர்ப்பாயம் (தெற்கு மண்டல்), சென்னை O.A. No. 08/2017 (SZ) நாள்: 02.01.2020
3. தேசிய பசுமைத் தீர்ப்பாயம் (தெற்கு மண்டல்), சென்னை O.A. No. 08/2017 (SZ) ஆணை நாள்: 29.10.2020.

1. திருப்பூர் மாவட்டம், ஊத்துக்குளி வட்டம், அக்ரஹார பெரியபாளையம் கிராமத்தில் பட்டா புலங்களில் சாதாரண வகை கல் குவாரி உரிமம் வழங்கப்பட்டதில் திரு. ஜெகதீசன் என்பவருக்கு எதிராக திருமதி.S. கண்ணம்மாள் என்பவர் சென்னை தேசிய பசுமை தீர்ப்பாயத்தில் தொடர்ந்த வழக்கு எண். O.A. No. 08/2017 (SZ)ன் ஆணை நாள்: 02.01.2020-ன்படி திருப்பூர் மாவட்ட ஆட்சியர் அவர்கள் தலைமையில் சிறப்பு குழு அமைக்கப்பட்டு கூட்டுப் புலத்தணிக்கை அறிக்கை பசுமைத் தீர்ப்பாயத்தில் சமர்ப்பிக்கப்பட்டுள்ளது.

(அ) உரிமம் வழங்கப்பட்ட விபரம் பின்வருமாறு:-

வ. எண்.	புல எண். விஸ்தீரணம் (ஹெக்டரில்)	குத்தகைதாரர்	மாவட்ட ஆட்சித் தலைவர் செயல்முறை ஆணைகள்	குத்தகை காலம்
1	89/1, 89/2B - 1.63.5	எஸ். ஜெகதீசன்	Erode, Rc.32169/04/X1 dated:28.11.2005	28.11.2005 to 27.11.2010
2	89/1, 89/2B1 -		Tiruppur,	24.11.2011 to

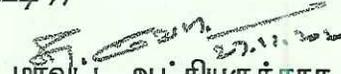
	1.63.5		Rc.No.745/mines/10 dated: 24.11.2011	23.11.2016
3	89/1 - 1.23.0		Tiruppur, Rc.No.344/mines/16 dated: 11.05.2017	11.05.2017 to 10.05.2022 (Existing lease)
4	89/2A - 0.64.5	திரு. குமரேசன்	Erode, Rc.15313/06/X1	08.10.2006 to 07.10.2011
5	89/2A - 0.64.5	பாலச்சந்தர்	Tiruppur, Rc.No.480/mines/11 dated: 02.03.2012	02.03.2012 to 01.03.2017
6	86/1A,89/3B - 2.08.0	திருமதி. ருக்மணி மாரப்பன்	Erode, Rc.78688/2000/X1 dated:12.04.2002.	12.04.2002 to 11.04.2012
7	86/1A,89/3B - 2.08.0 subsequently 89/3B has been sub divided into 89/3B1, 89/3B2 and 89/3B3.		Erode, Rc.12844/07/X2 dated:09.07.2007.	09.07.2007 to 08.07.2012
8	86/3B, 86/4B, 86/5B, 86/6B - 0.73.0	திரு. எம். விஜயகுமார்	Tiruppur, Rc.No.115/mines/2016 dated: 20.09.2016	02.09.2016 to 19.09.2021

3. திருப்பூர் மாவட்ட ஆட்சித் தலைவர் அவர்களின் தலைமையிலான சிறப்புக் குழுவின் அறிக்கையின் அடிப்படையில், மாண்புமிகு தென் மண்டல பசுமை தீர்ப்பாய வழக்கு எண். O.A. No. 8/2017 ஆணை நாள்: 29.10.2020-ன் அடிப்படையிலும், தணிக்கைக் குழு அறிக்கையின்படி தெரிவிக்கப்பட்ட குத்தகைதாரர்களால் அனுமதி வழங்கப்பட்ட அளவினை விட கூடுதலாக வெட்டியெடுக்கப்பட்ட கனிமத்தின் அளவுகளுக்கு 1959ம் வருட தமிழ்நாடு சிறுகனிம சலுகை விதிகளின்படி அபராத நடவடிக்கை மேற்கொண்டு அறிக்கை அளிக்கும்படி இதன் மூலம் கேட்டுக் கொள்ளப்படுகிறது. மேலும், 29.10.2020 நாளிட்ட தென் மண்டல பசுமை தீர்ப்பாயத்தின் ஆணை நகல் மேல்நடவடிக்கைக்காக இத்துடன் இணைத்து அனுப்பி வைக்கப்பட்டுள்ளது என்பதை தெரிவித்துக் கொள்கிறேன்.

இணைப்பு:- மேற்கண்டவாறு

(ஓம்)... க. விஜயகார்த்திகேயன்,
மாவட்ட ஆட்சியர்,
திருப்பூர்.

// உண்மை நகல் / உத்தரவுப்படி //


மாவட்ட ஆட்சியருக்காக,
திருப்பூர்.

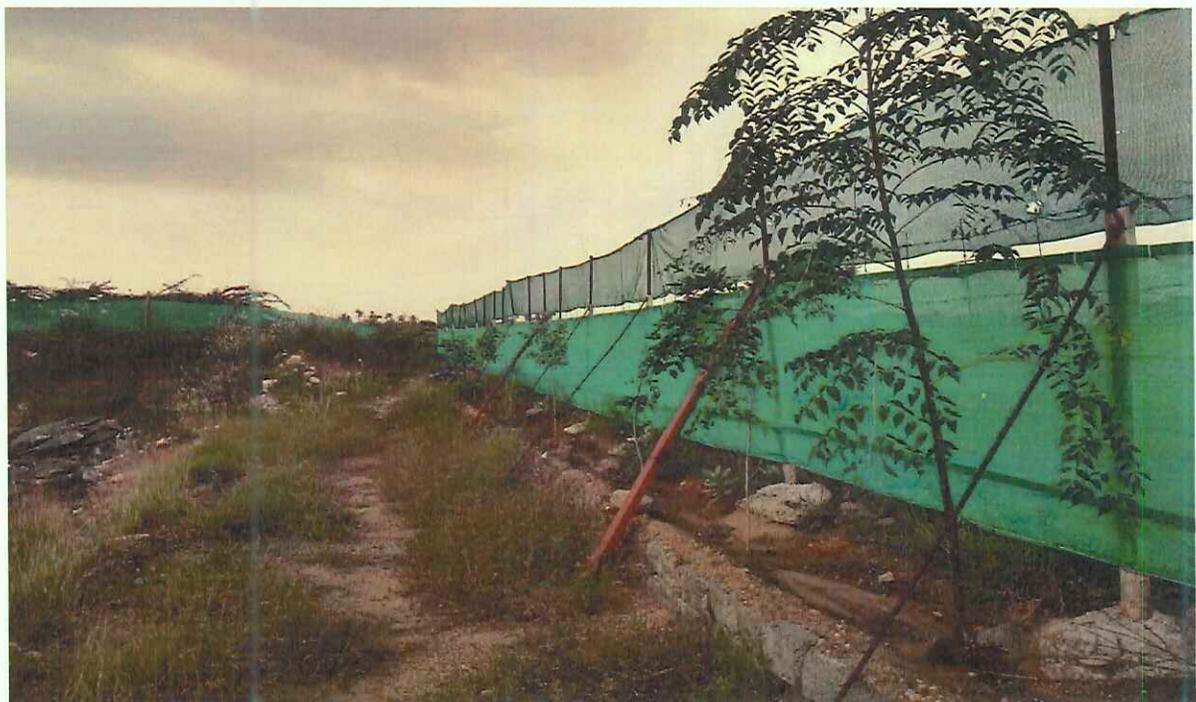
நகல்

1. மாண்புமிகு தேசிய பசுமைத் தீர்ப்பாயம், தென்மண்டலம், சென்னை
2. இயக்குநர், புவியியல் மற்றும் சுரங்கத்துறை, சென்னை
3. மண்டல இணை இயக்குநர், புவியியல் மற்றும் சுரங்கத்துறை, மாவட்ட ஆட்சியர் அலுவலகம், சேலம் மண்டலம்
- ✓ 4. பசுமைத் தீர்ப்பாயத்தின் ஆணை அடிப்படையில் அமைக்கப்பட்ட அனைத்து குழு உறுப்பினர்கள்.

Annexure - IV



Photos showing the fencing and green cloth net provided on western side of M/s. Jagadeesan Rough Stone & Gravel Quarry.



Photos showing the fencing, green cloth net and green belt provided on northern side of M/s. Jagadeesan Rough Stone & Gravel Quarry.



Photos showing the fencing with GI sheet cladding, green cloth net and green belt provided on northern side of M/s. Jagadeesan Rough Stone & Gravel Quarry.



Photos showing the earthen bund and green belt provided on northern side of M/s. Jagadeesan Rough Stone & Gravel Quarry (unquarried area).



Photos showing the sprinkling arrangement provided on northern side of M/s. Jagadeesan Rough Stone & Gravel Quarry(near vehicle movement area).



Photos showing the sprinkling arrangement provided on northern side of M/s. Jagadeesan Rough Stone & Gravel Quarry (near vehicle movement area).



Photos showing the earthen bund and green belt provided on northern side of M/s. Jagadeesan Rough Stone & Gravel Quarry(unquarried area).



Photos showing the fencing with green cloth net around the M/s Vijayakumar Quarry & M/s Rukumani Marappan Roughstone and gravel quarry.



Photos showing green belt and fencing with green belt around the M/s Vijayakumar Roughstone and gravel quarry & M/s Rukumani Marappan Roughstone and gravel quarry.



Photos showing the green belt and fencing provided in the south side of M/s Vijayakumar Roughstone and gravel quarry



Photos showing the green belt and fencing with green cloth net provided around of M/s Vijayakumar Roughstone and gravel quarry & M/s Rukumani Marappan Roughstone and gravel quarry.



Photos showing the green belt and fencing provided around M/s Vijayakumar Roughstone and gravel quarry & M/s Rukumani Marappan Roughstone and gravel quarry.



Photos showing the fencing with green cloth net on the western side of M/s Balachandran quarry & M/s Rukumani Marappan Roughstone and gravel quarry.



Photos showing the earthen bund with rough stone and gravel provided around M/s Vijayakumar Roughstone and gravel quarry & M/s Rukumani Marappan Roughstone and gravel quarry.



Photos showing the earthen bund provided with rough stone and gravel M/s Vijayakumar Roughstone and gravel quarry & M/s Rukumani Marappan Roughstone and gravel quarry.



Photo showing the fencing with green cloth net provided in the western side M/s Vijayakumar Roughstone and gravel quarry & M/s Rukumani Marappan Roughstone and gravel quarry.



Photo showing the sprinkling arrangements provided in M/s Vijayakumar Roughstone and gravel quarry (Vehicle movement area)

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

Original Application No.08 of 2017 (SZ)

Mrs. S. Kannammal,
W/o Balasubramaniam,
5/111, Ottanai Thottam,
Coolipalayam R.S.
Avinashi Taluk,
Tiruppur District – 641666.

...Applicant

-Vs-

The Government of India
Ministry of Environment,
Forest & Climate Change,
Indira Paryayaran Bhavan,
Jor Bag Road, Aliganjh,
New Delhi – 110003 & ors.

...Respondent

**ACTION TAKEN REPORT OF THE
COMMITTEE MEMBERS AS PER THE
NGT ORDER DATED 29.10.2020 IN
O.A.NO.08 OF 2017(SZ).**

**Advocate for Respondent : TNPCB
Thiru.Kasi Rajan,
Advocate, Chennai.**

Date:17.12.2020.