

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No.101 of 2021 (SZ)

C.R. Vijayakumar
S/o. M.C. Ranganathan
No.223/1, Bajanaikovil Street,
Unamancheri, Chennai - 600 127

... Applicant

-Versus-

1. The Member Secretary,
State Environment Impact Assessment Agency,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet, Chennai 600015.
Email : mstnseiaa@yahoo.com,
Phone : 044-2435 9974.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Padappai, Kancheepuram 602301.
E.Mail.id: tnpcboraadam@gmail.com
Phone No.9884800236.
3. The District Collector,
Collectorate, GST Road,
Chengalpattu District,
Chengalpattu- 603 001.
Email.ID: collr-cpt@nic.in
Phone No.044-27427412.
4. The Director
Geology and Mining Department,
Industrial Estate, Guindy,
Chennai - 600 032.
Email : geomine@nic.in,
Phone : 044-22501874.
5. The Assistant Director,
Geology and Mining Department,
Kancheepuram - 631 501
Email ID: minekanchi@gmail.com
Ph. No. : 044-27237104.
6. U.G.C. Aravind,
Unamancheri Village,
Kancheepuram District,
E-mail ID : ugc.aravind@gmail.com
Ph No. : 9940651139

...Respondent(s)


ASST. GEOLOGIST:
GEOLOGY AND MINING
KANCHIPURAM DT.


Assistant Director (i/c),
Geology and Mining,
Chengalpattu.

ACTION TAKEN REPORT FILED BY THE 5th RESPONDENT -
ASSISTANT DIRECTOR (i/c), CHENGALPATTU.

I, Thiru.D.Gnanavel, S/o. Thiru.M.Deivasigamani, Hindu, aged about 44 years, working as Assistant Director (i/c), Department of Geology and Mining, do hereby solemnly affirm and sincerely state as follows:-

2) I am the 5th respondent herein and as such I am well acquainted with the facts and circumstances of the case from the records available with office. I filed this report for compliance of order dated 22.10.2021 of this Hon'ble Tribunal Bench in time.

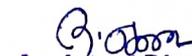
3) It is respectfully submitted that, in the matter of Original Application Number 101/2021, among carrying the Hon'ble National Green Tribunal, Southern Zone, Chennai in its order dated.16.04.2021 has appointed Department of Geology and Mining as a Nodal Agency and also to appoint a Joint Committee comprising of following officials and direct to submit a factual as well as action taken report if there is any violation found.

- (i) The District Collector, Chengalpattu District, or a Senior Officer not below the rank of Assistant Collector/Sub-Divisional Magistrate as deputed by the District Collector.
- (ii) A senior officer from the State Environment Impact Assessment Authority (SEIAA),
- (iii) A senior from the Directorate of Geology and Mining as deputed by its Director and
- (iv) a senior officer from the Tamil Nadu State Pollution Control Board (TNPCB) as deputed by its Chairman to inspect the area in question.

4) It is respectfully submitted that, the Committee is also directed to ascertain the following facts.

- i) the 6th respondent is having necessary clearance permission for the purpose of carrying out the quarrying operation,
- ii) whether the 6th respondent had violated the conditions / permission/clearance, if any granted,


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- iii) whether the 6th respondent had encroached into other areas than the area permitted under the lease and Environmental Clearance (EC) or permission granted,
- iv) whether the 6th respondent had done any excess mining and if so, what is the quantity of excess mining done,
- v) whether any action has been taken for realization of any penalty or compensation for the alleged excess mining done,
- vi) whether the 6th respondent is continuing with his operation even after the expiry of the validity of Environmental Clearance/ permission granted as alleged in the application and if so, what is the quantity of minerals mined during this period,
- vii) whether the 6th respondent had carried out his obligation undertaken under the Mining Closure Plan in accordance with law and if there is any violation found and damage caused the environment, then assess environmental compensation to be recovered from the 6th respondent.

5) It is respectfully submitted that, the Joint Committee have inspected the subject area and filed the report before the Hon'ble National Green Tribunal. The Joint Committee have recommended the followings.

- i) For illegal and unlawful quarrying and transportation of 84271 of gravel and 186382 cum of rough stone and gravel necessary penal action has to be initiated by the concerned authority as per G.O.170 industries department dated 05.08.2020 and the Tamil Nadu Minor Mineral Concession Rules, 1959.
- ii) For the violations of lease deed conditions, penalty action may be imposed in respect of such breach, and may cancel the lease after granting an opportunity of hearing to the lessee as per the Rule 36 (5) (h) of Tamil Nadu Minor Mineral Concession Rules, 1959.
- iii) Since at present further quarrying in the subject area is a threat to the life of the quarry workers, further quarrying may be allowed only after taking remedial measures and after


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getting concurrence from the Director General of Mines Safety and District Collector.

- vi) The committee recommends that drone survey be undertaken for the existing / proposed quarries at the expense of the lessee twice in a year through the empanelled agencies.
- vii) For removal of over and above the approved mining plan quantity of mineral from the lease granted in Sl.No.2, the District Administration had already issued notice demanding cost of mineral for the excess removed quantity to the concerned lessee.
- viii) Action may be initiated demanding cost of mineral for removal of over and above the approved mining plan quantity of mineral from the quarry mentioned in Sl.3 of Table II
- ix) The committee recommends that the lessee shall deposit Environmental Compensation as appealed by Hon'ble National Green Tribunal (SZ) in the TNPCB – Environmental Compensation Fund payable at Chennai. The amount shall be used for restoration of environment and for necessary remedial and preventive measures in regard to environmental matters.

6) It is submitted that, with regard to the violations of lease deed conditions, the quarry leases granted to the lessee vide proceeding Rc.No.1302/ Q2/ 2017 dated 8.11.2018 and Rc.No.1303/Q2/2017 dated 8.11.2018 have been suspended vide District Collector, Chengalpattu Proceeding Rc.No.1302/Q2/2017, dated.29.10.2021 & Rc.No.1303/Q2/2017, dated.29.10.2021 in the interest of the state and in order to prevent further quarrying activities by the lessee till the final decision is taken.

7) It is submitted that, with regard to illegal and unlawful quarrying and transportation of 84271 of gravel and 186382 cum of rough stone and gravel necessary penal action has to be initiated as per G.O.170 industries department dated 05.08.2020 and the Tamil Nadu Minor Mineral Concession Rules, 1959.

8) It is submitted that, with regard to the removal of over and above the mining plan approved quantity in respect of lease granted in


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Rc.No.72/2012/Q3, dated.14.11.2013, the District Administration had already issued notice vide Rc.No.234/Q1/2021, dated.13.10.2021 demanding cost of mineral for the excess removed quantity to the concerned lessee.

9) It is submitted that, with regard to the removal of over and above the mining plan approved quantity in respect of lease granted in Rc.No.1302/Q2/2017, dated 8.11.2018, the action has to be initiated demanding cost of mineral for removal from lessee.

10) In view of the above, it is therefore humbly prayed that this Hon'ble National Green Tribunal, Southern Zone, Chennai may be pleased to accept and may deem fit and proper in the fact and circumstance of this case and thus justice.

Solemnly affirmed at Chengalpattu

On this 11th day of November 2021
and signed his name in my presence.


**Assistant Director (I/c),
Geology and Mining,
Chengalpattu.**

BEFORE ME


**ASST. GEOLOGIST,
GEOLOGY AND MINING,
KANCHIPURAM DT.**

VERIFICATION

I, Thiru.D.Gnanavel, working as Assistant Director (i/c), Geology and Mining, Chengalpattu District do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Chengalpattu on this 11th day of November 2021.


**Assistant Director (i/c),
Geology and Mining,
Chengalpattu.**