

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(s)

-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: tnpcboraqadam@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 Commissioner
Geology and Mining Department,
Industrial Estate, Guindy,
Chennai - 600 032.
Email : geomine@nic.in,
Phone : 044-22501874.


COMMISSIONER
COMMISSIONERATE OF GEOLOGY AND MINING,
GUINDY, CHENNAI-600 032.

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)

STATUS REPORT FILED BY THE FOURTH RESPONDENT

I, Thiru.J.Jayakanthan, S/o. Thiru.Jagadeeswaran, Hindu, aged about 55 years, working as Commissioner of Geology and Mining, Industrial Estate, Guindy, Chennai-600 032 do hereby solemnly affirm and sincerely state as follows:-

I am the 4th respondent herein and as such I am well acquainted with the facts of the case from the available records. As directed by this Hon'ble National Green Tribunal on 06.02.2023 in this original application, I am filing this status report -

2) It is submitted that a rough stone quarry lease (**old Quarry**) has been granted in favour of Thiru. U.G.C. Aravind over an extent of 1.77.5 Hectares of patta lands in S.F.Nos.273/1, 319/1, 326/1A & 326/4 of Unamancheri village, Chengalpattu taluk and District by the District Collector, Kancheepuram vide Rc.No.72/2012/Q3, dated 14.11.2013 for a period of five years valid from 14.11.2013 to 13.11.2018.

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3) It is further submitted that another lease **(Lease-I)** has been granted in favour of Thiru.. U.G.C.Aravind for quarrying rough stone over an extent of 0.95.50 hectares of patta lands in S.F.Nos.324/1, 324/2, 326/2A & 326/2B of Unamancheri village, Chengalpattu taluk and District by the District Collector, Kancheepuram vide Rc.No.1302/Q2/2017, dated 08.11.2018 for a period of five years valid from 08.11.2018 to 07.11.2023.

4) It is further submitted that another lease **(Lease-II)** has been granted in favour of Thiru.. U.G.C.Aravind for quarrying rough stone over an extent of 1.10.5 hectares of patta lands in S.F.Nos.275/2A, 275/2B, 275/2C1, 275/2C2A, 275/2C2B, 275/2C2C, 275/2D1, 275/3, 275/4, 275/5 & 277/3 of Unamancheri village, Chengalpattu taluk and District by the District Collector, Kancheepuram vide Rc.No.1303/Q2/2017, dated 08.11.2018 for a period of five years valid from 08.11.2018 to 07.11.2023.

5) It is further submitted that one Thiru. C.R.Vijayakumar has filed O.A.No.101 of 2021 before the Hon'ble National Green Tribunal with a prayer to immediately take appropriate steps to investigate the complaint and stop further Environmental Clearance other permissions to be granted to the 6th respondent and prosecute him apart from cancelling licenses / consent permission and NOCs that he may have obtained from collecting a heavy penalty from him under the Mines and Minerals (Development and Regulations) Act, 1957 read along with the polluter pays principle under the Environment Protection Act 1986.

7) It is further submitted that the National Green Tribunal has passed orders dated 16.04.2021 in O.A.No.101 of 2021 constituted a Joint Committee comprising of (i) the District Collector, Chengalpattu (ii)

A Senior Officer from SEIAA (iii) A Senior from Directorate of Geology and Mining (iv) A Senior Officer from TNPCB to carry out field inspection of subject quarry leases and to file factual report.

8) It is further submitted that in obedient to the orders of the Hon'ble National Green Tribunal, the Joint Committee has carried out field inspection in the subject quarry leases on 02.09.2021 and filed report dated 11.10.2021 before Hon'ble National Green Tribunal stated that Thiru. U.G.C.Aravind has committed the following violations within lease hold areas as tabulated below:-

Sl. No	Year	Quantum of mineral permitted in the approved mining plan (in M ³).		Quantum of minerals for which transport permits obtained (in M ³)		Actual quantity of minerals quarried and removed (in M ³)		Quantum of Mineral quarried and transported unlawfully (in M ³)	
		Gravel	Rough stone	Gravel	Rough stone	Gravel	Rough stone	Gravel	Rough stone
	1	2	3	4	5	6	7	8=(6-4)	9=(7-5)
1	Old quarry	24688	37411	19200	294900	62934	403835	43734	108935
2	Lease-I	16848	33490	7500	37800	42753	74177	35253	36377
3	Lease II	27594	154190	7200	59700	8800	44000	140	15700
Total		69130	225091	33900	392400	114487	522012	79127	161012

Signature
 COMMISSIONER
 DIRECTORATE OF GEOLOGY AND MINING,
 GUINDY, CHENNAI-600 032.

Thus, the Joint Committee has estimated that a quantum of 79,127 cbm of gravel and 1,61,012 cbm of rough stone had been quarried and removed from the lease hold area without payment of seigniorage fee and without obtaining despatch slips.

9) It is further submitted that the Joint Committee has further reported that Thiru. U.G.C.Aravind has committed violations in the non-lease hold areas as tabulated below:-

The Quantity of Minerals Quarried and Transported Illegally

Sl. No.	S.F.Nos.	Extent (in Hec.)	Quantum of the Mineral Illegally quarried (within the lease hold area)		Quantum of the Mineral Illegally quarried (Outside the lease hold area)	
			Gravel (in M ³)	Rough stone (in M ³)	Gravel (in M ³)	Rough stone (in M ³)
1.	217 (P)	0.04.50	43734	108935	Nil	Nil
2.	418	0.00.86	35253	36377	Nil	Nil
3.	275/2A etc.,	1.10.50	140	15700	Nil	Nil
4.	271/1(P) G.V(Medu)	Nil	Nil	Nil	2255	12854
5.	418(P) Meikkal	Nil	Nil	Nil	2235	12516
6.	326/1B Patta	Nil	Nil	Nil	654	Nil
Total			79127	161012	5144	25370
Total Gravel			84271 cum			
Total Rough stone			186382 cum			

10) It is further submitted that the Hon'ble National Green Tribunal has passed orders on 20.12.2021 in O.A.No.101 of 2021 read as "2. We heard the counsel appearing for the applicant and also the project

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 COORDINATOR
 GOVINDA CHEPPA


proponent. The project proponent had pointed out certain mathematical error in the table provided in page 13 of Joint Committee report, wherein, it was mentioned as regards lease-II that the permitted quantity for which transport permits were granted is 59,700 Cbm whereas actual quarrying was done in respect of rough stone is 44,000 Cbm. If that be the case, there could not be any excess quantity of rough stone illegally mined according to the 6th respondent.

4. Further the total rough stone quantity quarried and removed shown in para 8 of the report as 6,67,013 Cbm whereas it does not tally with the total quantity of rough stone shown in para 5 in page 13 of the report”.

6. So, we direct the Joint Committee to file a further report on these aspects, if necessary for the purpose they can conduct further inspection as well and they are directed to submit further report on or before 27.01.2022”.

11) It is further submitted that, the Hon'ble National Green Tribunal has passed orders on 06.02.2023 in O.A.No.101 of 2021 read as “2. Unfortunately, till today even the error has not been rectified as it is a Joint Committee report. It goes without saying that the computation could have been done by the Director of Mines and Geology and the error if corrected by him on behalf of the Joint committee by now would have also enabled Tamil Nadu Pollution Control Board to levy Environmental Compensation and implement the order.

3. As a last chance, we direct the Director, Department of Mines and Geology to rectify the error that has been noticed either at his level

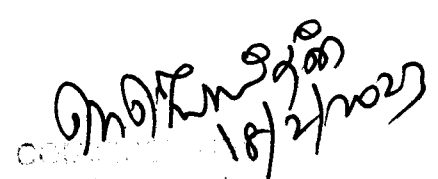

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COMMISSIONER OF GEOLOGY AND MINING,
GOVT. OF TAMIL NADU-600 032.

or by the Joint Committee and also the follow up action thereafter and file a report".

12) It is further submitted that in obedient to the orders passed by the Hon'ble National Green Tribunal dated 20.12.2021 and 06.02.2023, the Joint Committee report dated 11.10.2021 has been carefully examined in order to rectify the errors pointed out in the orders passed by the Hon'ble National Green Tribunal dated 20.12.2021 in O.A.No.101 of 2021 and errors have been rectified on behalf of the Joint Committee and submitted the rectified findings of the report in respect of **lease hold areas** as detailed below:-

Sl. No	Year	Quantum of mineral permitted in the approved mining plan (in M ³).		Quantum of minerals for which transport permits obtained (in M ³)		Actual quantity of minerals quarried and removed (in M ³)		Quantum of Mineral quarried and transported unlawfully (in M ³)	
		Gravel	Rough stone	Gravel	Rough stone	Gravel	Rough stone	Gravel	Rough stone
	1	2	3	4	5	6	7	8=(6-4)	9=(7-5)
1	Old quarry	24688	37411	19200	294900	62934	403835	43734	108935
2	Lease-I	16848	33490	7500	37800	42753	74177	35253	36377
3	Lease II	27594	154190	7200	59700	8800	44000	1600	(No excess quarrying)
Total		69130	225091	33900	392400	114487	522012	80587	1,45,312

Thus, based on the Joint Committee report dated 11.10.2021 after rectification, it is estimated that a quantum of 80,587 cbm of gravel and 1,45,312 cbm of rough stone had been quarried and removed from the lease hold area by the 6th respondent without payment of seigniorage fee and without obtaining despatch slips.


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 CO-ORDINATOR
 NATIONAL GREEN TRIBUNAL
 GATEWAY, GURGAON
 HARYANA

13) It is further submitted that in respect of violations committed in **non-leased hold area** as mentioned by the Joint Committee in its report dated 11.10.2021, there is no error was found in the quantity as reported illegally quarried and transported. Hence, the violations committed in respect of non-lease hold areas as reported by the Joint Committee is found correct.

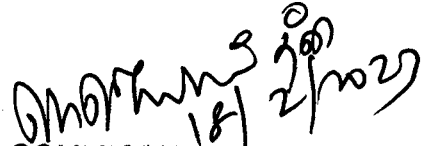
14) It is further submitted that **the total violations** committed in **lease and non-lease hold areas** is estimated as detailed below:-

Total Violations (including lease hold & non-lease hold areas)

Mineral	Quantity of minerals quarried and transported excessively without valid permits in lease hold areas (in Cbm)	Quantity of minerals quarried and transported illegally in non-lease hold areas (in Cbm)	Total quantity of minerals quarried and transported (in Cbm)
Gravel	80,587	5,144	85,731
Rough stone	1,45,312	25,370	1,70,682

Therefore, I humbly pray that the Hon'ble National Green Tribunal may be pleased to accept this report and pass appropriate orders as deem fits in the interest of justice and thus render justice.

Solemnly affirmed at Chennai on this the 18 day of February 2023 and signed in my presence.


 COMMISSIONER
 COMMISSIONERATE OF GEOLOGY AND MINING,
 GUINDY, CHENNAI-600 032.