

**BEFORE THE NATIONAL GREEN TRIBUNAL, CHENNAI**

**O.A.No. 101 of 2021 (SZ)**

Between

C.R.Vijaykumar

... Applicant

And

The Member Secretary  
State Environmental Impact Assessment Authority  
and Others

... Respondents

**PRELIMINARY OBJECTIONS TO THE REPORT FILED BY TNPCB AND  
THE JOINT COMMITTEE REPORT**

The Applicant files his objections to the report filed by the TNPCB and the Joint Committee Reportas follows :

1. It is submitted that the report filed the the Board has not given any findings or recommendations except stating the factual aspect of the present case. Despite this Tribunal recording the report being 'vague and evasive' in the order dated 20.09.2021 and directing the Board to file a further report, the applicant has not received any action taken report from the Board thus indicating the attitude and seriousness in which the Board is carrying out its functions.It is submittedthat the Board had brought to the notice of this Tribunal in the report already submittedthat the clearance issued to the 6<sup>th</sup> respondent is by theDistrict Environmental Impact Assessment Authority (Herein referred to as 'DEIAA') which does not have the powers to grant clearance pursuant to orders of the NGT in OA.No.186/2016 dated 13/09/2018. The report of the Board mentions annexure of photographs taken at the time of inspection, but the same has not been provided with to the Applicant.
2. It is submitted that this Hon'ble Tribunal by order dated 16.04.2021 had directed that Joint Committee comprising of various officers to submit the factual position and action taken report by the authorities.



3. At the outset it is pointed out that even when the Joint committee report points out the various violations done by the 6<sup>th</sup> Respondent, it has merely states the violations and has not gone into the depth of the actual violations caused to the environment.
4. It is stated in the Joint Committee Report that the 6<sup>th</sup> Respondent had been granted license for 12 Rough stone and gravel quarry leases from the year 2004. It is submitted that currently only two leases are valid and remaining quarries have been abandon. The Report says the petitioner had pointed out only two present leases and one old lease, which is false. The Applicant had mentioned that the 6<sup>th</sup> Respondent is carrying on illegal quarry operations, quarrying beyond the permitted extent, beyond the areas granted under lease and exploiting the minerals for several years.
5. It is submitted pursuant to orders of the NGT in OA.No.186/2016 dated 13/09/2018 that no EC can be granted by the DEIAA. However,inspite of the earlier EC coming to an end, the Lessee continued to quarry on the site without any semblance of legal right.It is further stated that the Committee has not given any reasons for the grant of Ec by DEIAA.It is also pertinent to state that as per the present Joint Committee Report that the EC for old Lease were only granted by SEIAA to the 6<sup>th</sup> Respondent.
6. The report states that there are several violations viz., quarrying beyond the permitted extent of lands in Government Poromboke and as well as Patta lands in Survey No.326/1B (Part), quarrying more than permitted depth, transported illegally both rough stone and gravel, but the same is restricted to only two present lease and one old lease and had mentioned in report falsely saying the applicant had sought only for these leases and not old lease violations from the year 2004. The report, even though shows the illegal quarrying,

*C. P. W. J.*

various violations and exploitation of mineral by the 6<sup>th</sup> Respondent, the Committee has remained silent about having permitted the 6<sup>th</sup> respondent from carrying on illegal activity despite receiving the various representations sent by the Applicant. This indicates that the authorities have not acted upon the same by conducting regular inspections and the conditions specified in the EC are mere paper directions.

7. It is more particularly submitted by the Applicant that the illegal quarry operations affecting the environment is continued for several years the report is restricted to present violations alone, in turn supporting the 6<sup>th</sup> Respondent and to get away from his earlier violations and illegal quarrying operations done for several years. It shall be also presumed that the 6<sup>th</sup> Respondent was continuing with his illegal quarrying and exploitation of minerals indiscriminately in the same location by way of his earlier 12 leases granted by authorities way back from 2004.
8. The authorities ought to have filed whether they have made inspections and checks regularly during the earlier leases granted to the 6<sup>th</sup> Respondent. The report is only restricting to present two leases and one old lease.
9. The Joint Committee Report states that the quarrying lands does not come closer to forest areas as the Unamacheri is not qualified forest area, whereas it is evident from the annexure filed along with the report that the subject matter lands are nearer to "Unamacheri Reserve forest" as marked in the annexure itself. Thus the authorities despite this illegal quarrying, transportation of minerals indiscriminately have been favouring the 6<sup>th</sup> Respondent all throughout. Further quarry license granted with respect to Survey No.277/3 of Unamacheri Village but Survey No.277/2 and 4 are

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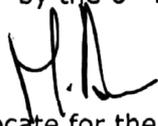
agricultural lands owned by one Mr. Loganathan, several agricultural areas are just adjacent to the actual license granted quarry sites but the 6<sup>th</sup> Respondent as evident from the report had gone into illegal quarrying operations to vast extent in the adjacent lands. It is also pointed out that due to these illegal quarrying operations carried on by the 6<sup>th</sup> respondent, the agricultural lands had become unfit for cultivation. The 6<sup>th</sup> respondent ought to be held responsible for his illegal actions and this Hon'ble Tribunal may consider passing order directing compensation to man and environment.

10. It is pertinent to state that it is admitted in the report that the 6<sup>th</sup> Respondent was permitted mining operations only to a depth of 30 Mts from ground level while the 6<sup>th</sup> Respondent had carried on quarrying activity to a depth of 47.5 Mts. This indicates that the authorities are shying away from their responsibilities. The Photographs submitted by the Applicant along with the typed set would indicate that the 6<sup>th</sup> Respondent had gone deeper than the approved mining plan, wherein it goes to more than 150 Mts, but the authorities had deliberately suppressed this fact in their report. The quarrying pits are huge wherein during the present heavy rains it looked like a "pond". Even in page 5 point (v) of the report filed by the Board supports the same.
11. It is submitted that the 6<sup>th</sup> Respondent had committed a grave violation against his approved mining plan and against the original extent of lands as mentioned in the lease and licenses. He had caused severe damage to the environment viz., by illegal quarrying, indiscriminate quarrying illegal transportation of minerals, quarrying in breach of mining plan, beyond the areas granted under lease both Government Poromboke and as well as Patta lands in Survey No.326/1B (Part), exploiting the minerals for several years. It is

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submitted that the report is not a satisfying one as the same is not in detail when compared to actual violations of the 6<sup>th</sup> Respondent and the same is only pertaining to the present condition. Further when the quarrying lands are much closer to "Unamacheri Reserve Forest" as evident from the annexure of the Report, the report mentions Unamacheri is not a forest area.

In these circumstances, it is proper that TNPCB and other respondents be directed to file their action taken report and the Committee be directed to assess the intensity of the damage caused by the 6<sup>th</sup> respondent in the light of justice.



Advocate for the Applicant



Applicant

Verification:

Cerified at Chennai on this 24<sup>th</sup> day of November, 2021 that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and no material has been concealed therefrom.



Applicant

**BEFORE THE NATIONAL GREEN**  
**TRIBUNAL SOUTH ZONE AT**  
**CHENNAI**

Original Application No. 101 of 2021

Mr. C.R.VIJAYAKUMAR,M/32  
YEARS, S/o M.C.Ranganathan,  
... Applicant

-Vs-

1. The Member Secretary,  
State Environment Impact  
Assessment Authority  
And 5 others  
... Respondents 1 to 6

**PRELIMINARY OBJECTIONS**  
**TO THE REPORT FILED BY**  
**TNPCB AND THE JOINT**  
**COMMITTEE REPORT**

M/s. M.ARUN

Counsel for applicant