

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI

Original Application No.104 of 2021

K.Ramsingh
S/o.Kandasamy,
No.3/93, South Street,
Theertharappapuram post,
Alangulam Taluk, Tenkasi District

.....Applicant

VS

1. State Environment Impact Assessment Authority,
Government of Tamilnadu,
3rd Floor, Panagal Maligai,
No.1 Jennis Road, Saidapet,
Chennai, Tamilnadu-600 015.
2. The Chairman,
Tamilnadu Pollution Control Board,
No.76, Mount Road,
Chennai. 32
3. The Deputy Director,
Dep of Geology and Mining,
Collectorate, Kokkirakulam,
Tirunelveli.
4. The District Collector,
Collectorate,
No.82, Railway Feeder Road,
Tenkasi.
5. The Superintending Engineer,
TANGEDCO, Anna Building,
Thiyagaraya Nagar, Tirunelveli 627 011
6. The Assistant Engineer,
Distribution- TANGEDCO,
Servaikkaranpatti, Kadayam,
Tenkasi District.
7. N.Mohamed Mahaboob,
Proprietor- AP Nadanoor Rough Stone,
Jelly and Gravel Quarry,
No.8/142, Main Road,
Pottal Pudur, Ambasamudram Taluk,
Tenkasi.

8. K.Sasikumar,
S/o.V.Kalangiam,
Proprietor- AP Nadanoor Rough Stone,
Jelly and Gravel Quarry,
No.9/303, Nainar Koil Street,
Velappanaiyeripaatti, Thippanampatti Village,
Tenkasi District- 627 423

WRITTEN SUBMISSIONS OF THE 8TH RESPONDENT

1. It is submitted that the applicant had originally filed the above said application before the Hon'ble National Green Tribunal Southern Zone with a following reliefs:

(i) Direct the 3rd or 4th respondents to cancel the License in RC.No.M1/44736/2016 dated 12.12.2017 and RC No.M1/34173/2016 dated 17.08.2017 to the 7th & 8th respondents respectively.

(ii) Further direct the respondents 5 and 6 not to give electricity connection to 7th & 8th respondents units.

2. It is submitted that, when the matter came up for admission before this Hon'ble Tribunal, this Hon'ble Tribunal had pointed out that, none of the reliefs can be granted under section 14 and 15 of the Hon'ble Green Tribunal Act and on request of the counsel for Applicant, this Hon'ble Tribunal directed the applicant to take steps to amend the prayers in such a way to bring within the ambit of Section 14 and 15 of the Hon'ble Green Tribunal Act 2010.

3. It is submitted that, thereupon, the Applicant had filed I.A. No:87 of 2021 in the above said application for amendment of the prayer in Original Application and this Hon'ble Tribunal had allowed I.A. No:87 of 2021 by its order dated 15.06.2021 and the following amended prayer is as follows,

(i) Direct the 1st to 4th respondents to take action against the 7th and 8th respondents for violation of conditions prescribed in the license issued to respondents in RC No.M1/44736/2016 dated

12.12.2017 and RC No.M1/34173/2016 dated 17.08.2017 to the 7th and 8th respondents respectively.

(ii) Further direct the respondents 7 and 8 to restore the well and the environment pollution free and

Pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

4. It is submitted that the applicant had filed the above said application with an ulterior motive to defame the 8th Respondent, further the Applicant was working as watchman in the 7th Respondent quarry and the main grievance of the Applicant is not concerned on the environment, but to defame the contesting Respondent's business. The E.B lines was laid on the road and one of the land owner has instructed the Applicant with whom the present applicant is working as a watchman to file a case which is clearly evident through the recitals of the application filed by the Applicant and all these facts were reiterated in the preliminary objection filed by the 8th Respondent.
5. It is submitted that the entire case of the Applicant is explained through his own pleadings in para 5 and the same is extracted herein,

*"The 7th and 8th Respondent have now sought H.D.Electricity connection from the 5th and 6th Respondents and the 5th and 6th respondents **without even informing the land owners** and without furnishing the approval plan (diagram) for fixation of electricity post, have erected post through A.P.Nadanoor, Murugandiyur and Theertharappapuram Villages as per their own wish for the best known reasons to them".*

Hence, the Applicant's grievance is with regarding erection of electric post which passes through the Applicant's benefactors land and the Applicant is now working for the benefactors Land and he is not concerned with the environment.

6. It is submitted that the Joint Committee had filed its Report dated 26.10.2021 before this Hon'ble Tribunal and the same was uploaded in the Hon'ble National Green Tribunal website on 27.10.2021 and the 1st Respondent had filed its counter on 04.01.2022.
7. It is submitted that the 8TH Respondent had filed a preliminary objection to the application along with annexure, reply to the Joint Committee Report and reply to the applicant's objections and reply to the Counter affidavit filed by the 1st Respondent and the same may be read as part and parcel of this written submissions.
8. It is submitted that, the 8th Respondent is the co- owner of the property in patta land in S.F.No. 433/1 (extent of 1.32.5 Hecs) and owner of the property in registered patta land in S.F.No.433/2 (extent of 0.66.5 Hecs) and therein obtained permission for quarrying operation for an total extent of 1.99.0 Hecs in A.P.Nadanoor Village, Alangulam Taluk, Tenkasi District (then Tirunelveli District).
9. It is submitted that the 8th Respondent had has also obtained pathway lease hold rights over the adjacent survey no.439/2,438/6,438/7,437/8,437/7 from 01.11.2016 to 31.10.2032.
- 10.It is submitted that the 8th had obtained Environmental Clearance from the District Environment Impact Assessment Authority Tirunelveli vide Lr.No.DEIAA/TNV/TN/34960/2017 dated 22.02.2018 and had obtained all necessary licenses from the authorities and had obtained all necessary licenses from the authorities.
- 11.It is submitted that the District Collector Tirunelveli by his proceedings in Rc.No.M1/34173/2016 dated 20.03.2018 had granted quarry lease permission from 17.04.2018 to 16.04.2023 for quarrying 3,31,000 cbm of roughstone and 30,672 cbm of gravel. I submit that, based on the above said Environmental Clearance, I had obtained consent to operate for the leased quarry from the Tamilnadu Pollution Control Board and the same is valid till 31.03.2023

- 12.It is submitted that, the 8th Respondent had obtained the all the necessary permissions from the competent authorities from time to time and adhering the EIA notification,2006.
- 13.It is submitted that, as per the notification and as clarified by the Ministry of Environment and Forests in their notification in S.O.No.141(E) dated 15.01.2016, the Government of India had issued guidelines for grant of Environmental Clearance in respect of mining leases of minor mineral. It is clearly indicated in the said notification that mining projects with mining lease area equal to 5 Hec upto less than 25 Hec have been categorised as B2 category.
- 14.It is submitted that, as per Para 3(A) sub-para (c) point (iv) of the said notification, the B2 category projects pertaining to mining of minor mineral of lease area less than or equal to 5 Ha shall require environmental clearance from DEIAA and the DEIAA shall base its decision on the recommendations of DEAC as constituted.
- 15.It is submitted that, item no.4 of the Appendix-XI of the said notification envisages that, the E.C shall be granted to the individual project proponent as well as individual lease holder clusters on use of same Environment Impact Assessment or Environment Management Plan for application of Environment Clearance. It is further submitted that, a schematic representation of requirement on Environmental Clearance of Minor Minerals including cluster situation is described in Appendix-XI (8) of the said notification which envisages that DEIAA is the competent Authority for grant of E.C proposal of minor minerals mining on the basis individual mining lease for Ha.0.00 to Ha.5.00. It is submitted that, as per the existing rules and guidelines, this Respondent had obtained Environmental Clearance from the District Environment Impact Assessment Authority Tirunelveli vide Lr.No.DEIAA/TNV/TN/49133/2017 dated 22.02.2018

16. It is submitted that, **even in the representation submitted by one Mr. Saravananaraj to the District collector, Tenkasi on 09.12.2020 shows that, the main dispute of the applicant is on the erection of electric post in electric post and the main prayer of the applicant before amendment application shows that the applicant's concern is on erection of electric post and not on environmental issues.**

17. It is submitted that, **the conclusion of the joint committee is that, the 8th Respondent had obtained all the necessary licenses and had followed all rules and procedures in the quarrying operation and had not committed any violations.**

18. It is submitted that, with regard to page 15, para 17 of the joint committee report, the procedures were suitably followed in the quarry area and It is submitted that,

- (i) The internal road is graded and hereby dust pollution during vehicle movement is avoided.
- (ii) This respondent had taken all steps to allocate funds for CSR activity.
- (iii) The respondent is maintaining a health check-up records and had provided insurance for all workers.
- (iv) The green belt was well maintained in the quarrying area.

It is submitted that, the above said reply had been filed by way of affidavit dated 24.11.2021

19. It is submitted that, the quarrying operations had been stopped by 16.07.2021 and this 8th Respondent had not been issued with the transport pass thereon. It is submitted that, till the date of issuing transport permit to 8th Respondent, the officials of Mining Department never found any fault on the 8th Respondent activities, all of us sudden the officials had stopped issuing transport pass to the 8th Respondent and there is no violation whatsoever regarding the allegations of the Applicant and **if there is any violation or illegal quarry operation, the authorities ought to have not permitted the same and**

ought to have stopped the quarry operations prior filing of this Original Application before the Hon'ble National Green Tribunal.

20. It is submitted that, as per the Tamilnadu Pollution Control Board Report dated 22.09.2021, the 8th Respondent had satisfied all the norms of the Pollution Control Board.
21. It is submitted that, **because of the pendency of the case, the quarrying operations had been stopped on 16.07.2021 and the Department of Geology and Mining has not issued the transport pass thereon for the past 189 days (i.e, 16.07.2021 to till date) and Corona pandemic situation and government mandated lockdown has disrupted the business chain, which had led to closure of manufacturing facilities and had already caused loss of lakhs of rupees to the 8th Respondent** and by filing the above said application on private motive, the applicant is trying to defame the business of the 8th Respondent.
22. It is submitted that, years of heavy investment in quarrying machineries are indebted in bank loans and massive damages were caused due to Covid pandemic and it had already caused huge loss to the 8th Respondent and **due to non-operation of quarry, the 8th Respondent has been suffering from financial stress and repayment of EMI for Bank loans. The employees were also jobless and the families are suffering a lot.**

Therefore, in the view of the above, it is most humbly prayed before this Hon'ble Tribunal to the above said submissions on record along with the objections filed by the 8th Respondent and pleased to pass such orders deem fit and render justice.



COUNSEL FOR 8th RESPONDENT