

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

Original Application No.104 of 2021 (SZ)

K.Ramsingh
S/o Mr. Kandasamy
No. 3/93, South Street
Theerthappapuram Post
Alangulam Taluk,
Tenkasi District- 627 423

...Applicant

Versus

State Environment Impact Assessment Authority
Government of Tamilnadu
3rd Floor, Panagal Maligai
No.1, Jeenis Road, Saidapet
Chennai- 600015 and Others.

...Respondent(s)

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**Filed by
Thiru. Sai sathyajith,
Advocate, Chennai.**

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

ORIGINAL APPLICATION NO.104 OF 2021 (SZ)

K.Ramsingh
S/o Mr. Kandasamy
No. 3/93, South Street
Theerthappapuram Post
Alangulam Taluk, Tenkasi District- 627 423
Ph.no. 8531066058
E.Mail:- lingaram74@gmail.com

...Applicant

Vs

1. State Environment Impact Assessment Authority
Government of Tamilnadu
3rd Floor, Panagal Maligai
No.1, Jeenis Road, Saidapet
Chennai- 600015
Ph.No. 044-24336421
Email:- mstnseiaa@yahoo.com
2. The Tamil Nadu Pollution Control Board,
Represented by its Chairman,
No.76, Mount Salai, Guindy,
Chennai – 600 032.
Email: tnpcb.chn@gov.in
Phone No.044-22353134
3. The Deputy Director
Department of Geology and Mining, Government of Tamilnadu
Collectorate, Kokkiarkulam
Tirunelveli- 627 009
Ph.No. 04622500309
Email:- minetv@gmail.com
4. The District Collector
Collectorate , No.82, Railway Feeder Road
Tenkasi- 627811, Tenkasi District
Phone:- 04633290547
Email:- collr-tks@gov.in
5. The Superintending Engineer
O/o The Superintending Engineer
TANGEDCO, Anna Building
Thiyagaraya Nagar, Tirunelveli- 627011

Ph.No. 0462-2531981
Email:- setin@tnbnet.ord.

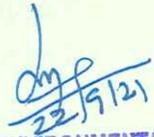
6. The Assistant Engineer
Distribution- TANGEDCO
Servaikkarapatti Kadayam
Tenkasi District- 627 415
Phone:- 9445854389
Email:- cedtin@tnebnet.org
7. Mr.N.Mohammed Mahaboob
Proprietor- AP Nadanoor Rough Stone
Jelly and Gravel Quarry
No. 8/142, Main Road
Pottal Pudur, Ambasamudram Taluk
Tenkasi District- 627 423
(previously Tirunelveli District)
Phone:- 9443932490
Email: infoglobalmining@gmail.com
8. Mr. K.Sasikumar
S/o V.Kalangiam
Proprietor- AP Nadanoor Rough Stone
Jelly and Gravel Quarry
No.9/303, Nainar Koil Street
Velappaniayeripatti Thippanampatti Village
Tenkasi District- 627 423
(Previously Tirunelveli District)
Phone:- 9962688444
Email:- infoglobalmining@gmail.com

...Respondents

REPORT FILED ON BEHALF OF THE 2ND RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD

I, R. Vijayabaskaran, Son of E. Rathinam, Hindu, aged about 59 years, having office at No. 76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 2nd Respondent Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.


22/5/21
ADDL. CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032..

2. It is respectfully submitted that NGT Application No 104 of 2021 was filed by Thiru K. Ramsingh, S/o. Mr. Kandasamy, No 3/93, South Street, T Thertharappapuram (P.O), Alangulam Taluk, Tenkasi District, against SEIAA, Chennai and 7 others against the operation of M/s. N Mohamed Mahaboob Rough Stone Jelly and Gravel Quarry (7th Respondent) and M/s. Sasikumar Rough Stone Jelly & Gravel Quarry (8th Respondent).

3. It is respectfully submitted that while hearing the matter on 15.06.2021, this Hon'ble National Green Tribunal (SZ) in its order had appointed a joint committee comprising of (1) The District Collector, Thenkasi District or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate as deputed by the District Collector, (2) a Senior Geologist from the office of the Deputy Director of Geology and Mining Department, Tirunelveli District (3) a Senior Officer from the Tamil Nadu State Environment Impact Assessment Authority (TNSEIAA), and (4) a Senior Officer from the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman to inspect the area in question and submit a factual as well as action report if there is any violation found.

4. It is respectfully submitted that the the Committeee was directed to ascertain the following:-

- i. Whether the quarry and other alleged units run by respondents 7 and 8 in the disputed area are having all necessary clearances and permission?

- ii. Whether there was any violation committed by the respondents 7 and 8 in operating the quarry against the conditions imposed.
- iii. Whether the unit of respondents 7 and 8 are having all necessary pollution control mechanisms which are sufficient to abate the nuisance due to pollution likely to be caused?
- iv. Whether respondents 7 and 8 have committed any excess mining, and if so, what is the extent of excess mining done and its impact on environment and assess the damage caused to the environment as well as the environmental compensation apart from the penalty and royalty to be realised from them under the respective mining laws?
- v. Whether on account of the excess mining any depletion to the groundwater has been caused in the area?
- vi. Whether any high density explosives were used by the 7th and 8th respondent for blasting against the permission granted and is there any damage caused to any of the sound pollution being caused.
- vii. The committee is also directed to assess the damage caused to the neighbouring property owners on account of the unauthorised explosion and vibration caused on account of operating the units of the respondents 7 and 8 and the Committee was directed to submit the report to this Tribunal on or before 28/07/2021.

[Handwritten Signature]
22/5/21

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5. It is respectfully submitted that, in compliance of the order passed by the Hon'ble National Green Tribunal the complaint site was inspected by District Environmental Engineer and Assistant Environmental Engineer on 13.07.2021 and the following observations were made:

I. M/s.K.Sasikumar Rough Stone Jelly and Gravel Quarry:

- i. Mr. K.Sasikumar, the 8th respondent is operating the unit of M/s. K.Sasikumar Rough stone Jelly And Gravel Quarry, located at S.F. No 433/1 & 433/2, Anainthaperumalnadanoor Village, Alangulam Taluk, Tenkasi District .
- ii. The unit has obtained Environmental Clearance from DEIAA vide Lr No. DEIAA- TNV/TN/ 34960/2017 dated 22.02.20218 valid for 5 years.
- iii. The unit has obtained grant of quarry lease vide District Collector proc. No. RC. No M1/34173/2016 dated 20/03/2018 and obtained mining plan approval from Dy. Director, Department of Geology and mining vide Rc.No.M1/34173/2016 dated 17/08/2017.
- iv. The unit has obtained CTO vide Proc No F.3032/ TNV/RS/ DEE/ TNPCB/ TNV/ W/2020 dt. 30.08.2020 under Water (P&CP) Act 1974 and vide Proc No F. 3032 TNV/RS / DEE/ TNPCB/ TNV/ A / 2020 dated 30.08.2020 under Air

(P&CP) 1981 valid upto 31.03.2023 to remove 3,31,000 m³ of rough stone and jelly and to remove 30672 m³ of gravel.

v. The site of the stone quarry is located at Latitude 08°47'59"N to 08°48'05"N and Longitude 77°26'29"E to 77°26'35"E at S.F.No.433/1 & 433/2 of A.P.Nadanoor Village, Alangulam Taluk, Tirunelveli District. The area of quarry is 1.99 hectares (Patta land).

vi. The unit has informed the depth of mining has done was upto 30m against the allowed depth of 52 m specified in the Environmental Clearance. The 8th Respondent unit has planted 80 Pungam trees and 42 Neem trees in the premises. The unit has provided fencing in the mining area.

vii. The unit is surrounded by the following habitations / villages

- North East - Nalankattalai is located at a distance of 1665 m
- North West - Thertharappapuram is located at a distance of 637 m
- South East - Indira Nagar is located at a distance of 1550 m
- South West - A.P Nadanoor is located at a distance of 1939 m
- West - Murugandiyur is located at a distance of 1500 m

viii) The unit has provided pipe line to transport water from open well to wet the road through sprinkler connected to tanker lorries. There is no NH/SH located nearby and SH-41A connecting Tirunelveli – Pottalpudhur is located at distance of about 2.5 km in the southern side of the unit. Dry agricultural activities were noticed in the

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surrounding area. M/s. N. Mohamed Mahaboob Rough Stone Jelly and Gravel Quarry is located to the western side of this quarry.

IX. The unit has conducted Ambient Air quality (AAQ) survey for the parameters PM_{10} , $PM_{2.5}$, SO_2 , NO_2 , O_3 , NH_3 , CO , Pb , C_6H_6 , BaP , As , Ni at four locations (South west corner of the quarry, North west corner of the quarry, North-East corner of the quarry, Thertharappapuram) on 02/08/2021 through M/s. Global Lab and Consultancy Services, Salem and the report of analysis of the AAQ survey satisfy the standards prescribed by the Board.

X. The unit has conducted Noise level monitoring on 02/08/2021 during day time at 5 locations (South-East corner of the quarry, South-West corner of the quarry, North-East corner of the quarry, North-West corner of the quarry) through M/s. Global Lab and Consultancy Services, Salem and from the ROA dated 07.08.2021 the unit satisfies the Ambient Noise Level (ANL) standards for Residential area 55 dB(A) Leq at all the 4 locations on the boundary of the quarry site. Further it is submitted that, from the experience, the ambient noise level of 55dB (A) for residential area is not achievable in the quarry site when operation and the same may be validated after getting the study report.

6. It is respectfully submitted that further the 8th Respondent unit has not complied the following:-


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- i. The unit has not furnished the study report on optimum blast parameters and blast design to keep the vibration limit less than the prescribed levels.
- ii. The internal roads are to be graded to avoid dust pollution during vehicle movement.
- iii. The unit is yet to construct retention/toe wall at the foot of the dumps and yet to plant trees at slopes.
- iv. The unit has not taken any steps to allocate 2.5% of the annual turnover and utilize towards CSR activity.
- v. The unit is yet to furnish report on the health checkup of the labours employed.

In this regard, the 8th respondent unit was requested to take necessary actions to comply the above conditions vide letter dated 15.07.2021.

II. M/s. Sri Rajalakshmi Blue Metals and M Sand:

7. It is respectfully submitted that Thiru.K.Ravikumar, relation of the 8th respondent, is managing partner of a stone crusher and M sand unit in the name M/s. Sri Rajalakshmi Blue Metals and M Sand located at S.F.No. 427/5A, 5B, 5C, 428/5, 7, 8, 429/ 2, 437/7,8, 4, 438/6, 7, 439/2, 440/2, of Anainthaperumalnadanoor Village and 1 of Ravuthaperi Village, Alangulam Taluk and Tenkasi District. The stone crusher is located in the eastern side of the quarry at a distance of 200m. The unit has obtained consent to operate vide Proc No.


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F.1083TNV/ OS/DEE/TNPCB/TNV/W/2020 dated 09.07.2020 valid upto 31.03.2029.

8. It is respectfully submitted that the unit of M/s. Rajalakshmi Blue Metal and M Sand was requested to take necessary action to comply the following vide letter dt:15.07.2021

- i. The unit shall provide metal covering to entire length of all the conveyor belts for the control of spreading of stone dust during operation and furnish the details with a week's time.
- ii. The unit shall provide telescopic chute to discharge jelly/stone dust from the conveyor belt so as to avoid spreading stone dust.
- iii. The unit shall remove and dispose the solid waste generated during washing of M sand then and there without any accumulation inside the premises and the details on the disposal to beneficiaries shall be maintained.
- iv. The unit shall also conduct on AAQ Survey / ANL in the premises through Advanced Environmental Lab, TNPCB, Tirunelveli and furnish the report within 15 days.

III. M/s. Mohamed Mahaboob Rough Stone Jelly and gravel quarry:

9. It is respectfully submitted that Mr.N.Mohamed Mahaboob the 7th Respondent is operating the unit of M/s. Mohamed Mahaboob Mahaboom, Rough Stone Jelly and gravel quarry, situated at S.F. No 434/4C, 4E, 4F, 4G, 4H, 4I, 4J, 470/1, 471/2, 471/3, 472/1B & 472/1C, A.P.Nadanoor Village, Alangulam Taluk, Tenkasi District,

- i. The said quarry has obtained Environmental Clearance from DEIAA vide letter no. DEIAA-TNV/TN/49133/2017 Dated 22.07.2018 valid for 5 years.
- ii. The unit has obtained mining plan approval from District Collector, Tirunelveli vide Proc. No .RC No. M1/44736/2016 Dated 20.03.2018.
- iii. The unit has obtained Consent to Operate vide Proceeding dated 07.08.2021 with validity upto 31.03.2023 to remove 5,24,423 m³ of rough stone and jelly and 23,031 m³ of gravel. The area of the quarry is 3.74.5 hectare.
- iv. The site of the stone quarry is located at Latitude 08°48'01"N to 08°48'09"N and Longitude 77°26'16"E to 77°26'29"E at S.F. No 434/4C, 4E, 4F, 4G, 4H, 4I, 4J, 470/1, 471/2, 471/3, 472/1B & 472/1C of A.P.Nadanoor Village, Alangulam Taluk, Tirunelveli District.
- v. It was informed that the quarrying operation was being carried out from the year 2004 to 2019 and further renewed and operated during the year 2011 to 2016. The unit has obtained Environmental Clearance and continue to operate from the period April 2018 onwards. The unit has informed the total depth of mining has taken upto 30m against a depth of 52 m specified in the Environmental Clearance.
- vi. The unit is surrounded by the following habitations/ villages
 - i. North -Theerthappapuram is located at a distance of 380 m.
 - ii. West - Murugandiyur is located at a distance of 920 m


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- iii. South West - A.P. Nadanoor is located at a distance of 1400m
- iv. South West - Chellapillayarkulam is located at a distance of 1020 m.

Vii. It is respectfully submitted that the unit has conducted Ambient Air quality (AAQ) survey for the parameters PM_{10} , $PM_{2.5}$, SO_2 , NO_2 , O_3 , NH_3 , CO , Pb , C_6H_6 , BaP , As , Ni at four locations (South-east corner of the quarry, North-west corner of the quarry, North-east corner of the quarry, Thertharappapuram) on 02/08/2021 through M/s. Global Lab and Consultancy Services, Salem and the report of analysis of the AAQ survey satisfy the standards prescribed by the Board.

VIII. It is respectfully submitted that the unit has conducted Noise level monitoring on 02/08/2021 during day time at 5 locations through M/s. Global Lab and Consultancy Services, Salem and from the ROA dated 07.08.2021 the unit satisfies the Ambient Noise Level (ANL) standards for Residential area 55 dB(A) Leq at all the 4 locations (South-east corner of the quarry, South-west corner of the quarry, North-east corner of the quarry, North-west corner of the quarry) on the boundary of the quarry site which satisfies the standards prescribed by the Board. Further, it is submitted from the experience, the ambient noise level of 55 dB(A) for residential area is not achievable in the quarry site when in operation and the same may be validated after getting the study report.

IX. The unit has provided sintex tank arrangement to store water and utilised for the control of spreading of dust arising from drilling

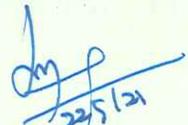
operation and also water tank lorry with sprinkler arrangement is provided to wet the road for control of spreading of dust during vehicle movement.

10. It is respectfully submitted that the 7th respondent unit has not complied the following and the unit was addressed to take necessary action to comply the following vide Board letter dated: 15.07.2021

- i. To furnish the study report on optimum blast parameters and blast design to keep the vibration limit less than the prescribed levels to comply with EC conditions.
- ii. To take actions that the internal roads are graded to avoid dust pollution during vehicle movement.
- iii. To take action to construct retention/toe wall at the foot of the dumps and yet to plant trees at slopes.
- iv. To take action to allocate 2.5% of the annual turnover and utilize towards CSR activity.
- v. To take action to furnish report on the health checkup of the labours employed.

IV. M/s. Almubark Stone crusher and M/s. Nadira M.Sand:

11. It is respectfully submitted that the 7th respondent is the Managing partner of the M/s. Almubark Stone crusher, S.F.No. 467, Pottalpudhur village, Ambasamudram Taluk, Tirunelveli district and Proprietor to the unit of M/s. Nadira M Sand, S.F. No.466/2, Ayan


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Pottalpudhur village, Ambasamudram Taluk, Tirunelveli district. The site of the stone crusher & M sand units are located at a distance of 2km from the quarry site in the south west direction. M/s. Almubarak Stone Crusher, S.F.No. 467, Pottalpudhur Village, Ambasamudram Taluk, Tirunelveli District has obtained consent to operate valid upto 31.03.2027. During inspection on 09.08.2021, the following were observed:

i. The crusher unit was not operated and work related to dust containment system such as providing enclosures to the crusher was found to be under progress.

ii. The unit has provided sintex tank arrangement to store water and utilised for the control of spreading of dust arising from drilling operation and also water tank lorry with sprinkler arrangement is provided to wet the road for control of spreading of dust during vehicle movement.

12. It is respectfully submitted that the unit of M/s. Almubarak Stone Crusher was issued with show cause notice under the Air (Prevention and Control of Pollution) Act, 1981 vide Proceedings dated 13.07.2021 for necessary compliance on the following:

1). The unit was in operation and has not provided dust containment system such as enclosures and water sprinkler system to dust emission source such as jaw crusher, vibrator screen, conveyor belt for the control of spreading of stone dust.

II). The conveyor belt is not provided with metal sheet cover to control dust emission.

13. It is respectfully submitted that M/s. Nadira M Sand, has obtained Consent to Establish valid upto 31.03.2023.

The unit of M/s. Nadira M.Sand unit was issued with show cause notice vide Board's Proceeding dated 13.07.2021 under the provisions of Water (P&CP) Act 1974 and Air (P&CP) Act 1981 for operating the unit without obtaining Consent to Operate from the Board and also not providing adequate Air Pollution dust control measures. Further the unit was issued with direction for closure of the unit and disconnection of power supply by the Board vide Proceedings dated 08.09.2021 for the above said non compliance,

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


ADDL. CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

BEFORE ME

VERIFICATION

I, R.Vijayabaskaran, Son of E. Rathinam, working as Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32 do hereby submit that the contents of above report are true to the best of my knowledge through records.


ADDL. CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
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BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.

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Versus

State Environment Impact Assessment
Authority,
Government of Tamilnadu,
3rd Floor, Panagal Maligai
No.1, Jeenis Road, Saidapet
Chennai- 600015 and others.

...Respondent(s)

REPORT FILED ON BEHALF OF THE
2ND RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD

Advocate for Respondent: TNPCB
Thiru. Sai sathyajith
Advocate, Chennai.

Date: 22.09.2021

Date of Hearing: 23.09.2021

