

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,
Seraikkaranpatti, 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,

N. md mahaboob

Jelly and Gravel Quarry,
No.9/303, Nainar Koil Street,
Velappanaiyeripaatti, Thippanampatti Village,
Tenkasi District- 627 423

7th RESPONDENT REPLY TO THE COUNTER FILED BY THE
1ST RESPONDENT

1. I submit that; this Respondent had filed the preliminary objection on 22.09.2021 and had filed reply objections on 24.11.2021 and had also filed objections to the counter objections of the applicant on 22.12.2021. It is humbly requested that the said objections can be treated part and parcel of this reply to the counter filed by the 1st Respondent.
2. Reiterating the facts, I submit that, I am the joint owner of the patta lands in SF.No. 434/4C, 4E, 4G, 4F, 4H, 4I, 4J, 470/1, 471/2, 471/3, 472/1B and 1C, totaling the extent of 3.74.5 hectares of lands in A.P.Nadanoor Village, Alangulam Taluk, Tirunelveli District.
3. I most humbly submits that, I had obtained Environmental Clearance from the District Environment Impact Assessment Authority Tirunelveli vide Lr.No.DEIAA/TNV/TN/49133/2017 dated 22.02.2018. I had obtained all necessary licenses from the authorities.
4. I submit that, the above said quarry was subjected to quarry for two spells with adjoining patta lands and the then District Collector Tirunelveli had granted permission by proceedings of District Collector, Tirunelveli in RC.No.M2/39856/2003 dated 05.01.2004 for Survey Nos. S.F.Nos. 445/1A, 1C, 2C, 470/1, 471/2, 471/3, 472/1B, & 472/1C for lease period from 19.01.2004 to 18.01.2009 and by the proceedings of the District Collector, Tirunelveli by way of proceedings in Rc.No.M1/61043/2009 dated 09.09.2011 for lease period from 19.11.2011 to 18.11.2016
5. I further submit that, this respondent had obtained the all the necessary permissions from the competent authorities from time to time and adhering the EIA notification,2006, I had also applied for the Environmental Clearance, from State Level Environmental Impact Assessment Authority -

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TamilNadu, for the then quarried S.F.Nos.434/4C, 434/4E, 434/4J, 445/1A, 445/1C, 470/1, 471/2, 471/3, 472/1B and 472/1C of Anantha Perumal Nadnoor, Alangulam, then Tirunelveli District. It is submitted that, based upon the said application, the SEIAA-TN by way Lr.No.SEIAA-TN/4373/2015 dated 24.11.2015, had asked for additional particulars and thereupon, the Assistant Director of Geology and Mining Tirunelveli had addressed to the Chairman of SEIAA, Tamilnadu for the Environmental Clearance by way of RC.No.M1/46495/2015 dated 05.02.2016.

6. 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.**

7. 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.**

8. 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 most humbly submitted that,**

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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

9. In the mist of repetition, adhering the above said notification and as per the directions of this Hon'ble Tribunal and as per the prevailing acts and rules for mining minor minerals, I had obtained Environmental Clearance from the District Environment Impact Assessment Authority Tirunelveli vide Lr.No.DEIAA/TNV/TN/49133/2017 dated 22.02.2018 and had obtained all necessary licenses from the authorities.

Therefore, in the view of the above, it is most humbly prayed before this Hon'ble Tribunal to record the submissions stated may be pleased to dismiss this original application and pleased to pass such orders deem fit and render justice.

Solemnly affirmed at Chennai, on this) the 10th day of January, 2022,) and signed his name in my presence)

N. Mohamed Mahaboob

BEFORE ME,
R. Ramachandran
ADVOCATE, CHENNAI
R. RAMACHANDRAN, B.E., B.L.,
ADVOCATE Ms.3774/2014
3rd Floor, Canara Bank Building,
No.125/257, Angappa Naicken Street,
Chennai - 600 001. Cell : 9629453516

VERIFICATION

I, N.Mohamed Mahaboob, Son of Nagoorpichai, Muslim, aged about 64 years, residing at No.8/142, Main Road, Pottal Pudur, Ambasamudram Taluk, Tirunelveli do hereby verify the above said 1-9 paragraphs to be true to the best of my knowledge on material facts.

A.K. Chy. Jy.
COUNSEL FOR RESPONDENT

RESPONDENT

N. Mohamed Mahaboob

**BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
(SZ)
CHENNAI**

OA No.104 of 2021

RAMSINGH

...APPLICANT

VS

STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY AND
7 OTHERS.

....RESPONDENTS

**7TH RESPONDENT REPLY TO THE
COUNTER AFFIDAVIT OF 1ST
RESPONDENT**

**M/s. S.V. VIJAY PRASHANTH M.L
S.V.BANUPRIYA
N.NAJUMUNISHA
A.S.SHANMUGA RAJAN**

COUNSEL FOR 7TH RESPONDENT

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Shanmuga Rajan <advshan3373@gmail.com>

NGT OA 104 of 2021 Reply filed by 7th and 8th Respondent to the counter of 1st Respondent

1 message

Shanmuga Rajan <advshan3373@gmail.com>

Mon, Jan 10, 2022 at 4:34 PM

To: cedtin@tnebnet.org, collr-tks@gov.in, "lingaram74@gmail.com" <lingaram74@gmail.com>, tnpcb-chn@gov.in, dshanmuganathan@outlook.com, mstnseiaa@yahoo.com, minetnv@gmail.com

Cc: registrar-ngtsh@gov.in

Respected sir/Madam,

Original Application No.104 of 2021 - filed before Hon'ble National Green Tribunal South Zone.

In the above referred matter, the 7th and 8th Respondent in Original Application, filing a reply to the 1st Respondent Counter.

The Reply counter is annexed herewith.

Kindly receive and acknowledge the same.

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A.S.SHANMUGA RAJAN

Legum Baccalaureate,

CHENNAI.

2 attachments **OA 104 7R reply to 1R.pdf**
586K **OA 104 8R Reply to 1R.pdf**
475K