

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Original Application No.106 of 2021 (SZ)**

IN THE MATTER OF:

Thiru.M. Kathirvel,  
S/o. K.Marappa Gounder,  
No.138, Kattumunnur Post,  
Munnur Village,  
Pugalur Taluk,  
Karur District-639 111.

...

Applicant

- Vs. -

- 1) Union of India  
Rep. by the Secretary,  
Ministry of Environment, Forests &  
Climate Change,  
Indira Paryavaran Bhavan, Jor Bagh,  
New Delhi - 110 003.
- 2) Tamil Nadu Pollution Control Board,  
Represented by its Chairman,  
Anna Salai, Guindy,  
Chennai - 600 032.
- 3) The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
No.26, Ramakrishnapuram West,  
Karur - 639 001.
- 4) The Assistant Director of Geology and  
Mining,  
302, Collectorate Complex,  
Karur District - 639 007.
- 5) The District Collector,  
Karur District,  
Karur - 639 007
- 6) The State Environmental Impact  
Assessment Authority,  
Represented by its Member Secretary,  
No.1, Jeenis Road, Panagal Building,  
Saidapet,  
Chennai - 600 015
- 7) The Revenue Divisional Officer,  
Revenue Divisional Office,  
Karur - 639007.

  
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- 8) Thiru. Devaraj,  
S/o.Subramani,  
7/14, Raj Residency,  
Pon Nagar, Andankovil,  
Karur District - 639 002.
- 9) Tmt.T.Selvarani,  
W/o.K.Kandasamy,  
59/1/4, Raj Residnecy,  
Pon Nagar, Andankovil,  
Karur District - 639 002.
- 10) Thiru.Thangaraj,  
S/o.Kandasamy,  
59/1/4, Raj Residency,  
Pon Nagar, Andankovil,  
Karur District - 639 002
- 11) M/s.Bala Vinayaga Blue Metals,  
Represented by its Manager Partner,  
Mr.Thangaraj,  
SF.571, Saminathapuram,  
Munnur Post, Pugalur Taluk,  
Karur District- 639 111. ... Respondent(s)

**STATUS REPORT FILED BY THE 4<sup>th</sup> RESPONDENT.**

I, Dr.P.Jayapal, S/o.Ponnusamy, Hindu aged about 49 years, working as Deputy Director of Geology and Mining, Collector Office, Karur District do solemnly affirm and sincerely state as follows:

1) I am the 4<sup>th</sup> respondent herein and as such I am well acquainted with facts of the case from the available records.

2) It is submitted that One Thiru.M.Kathirvel, Munnur village, Karur District, has filed an Original Application No.106 of 2021(SZ) before the Hon'ble National Green Tribunal, South Zone, Chennai regarding operation of Rough stone quarries and crushing units by 11<sup>th</sup> respondent with prayer to.

*(i) Direct the 3<sup>rd</sup> Respondent i.e., District Environmental Engineer, Tamilnadu Pollution Control Board, Karur to take steps to initiate cognizance against the 11<sup>th</sup> Respondent for violation of the Environment (Protection) Act, 1986.*

  
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(ii) Direct the respondent No. 1, 2, 3, 5, 6 & 7 to ensure that no mining activities are conducted by the 11<sup>th</sup> Respondent in violation of the provisions of the EIA Notification, 2006.

(iii) Direct the 11<sup>th</sup> Respondent to pay compensation to the Applicant as victim of pollution and damage caused by the 11<sup>th</sup> Respondent.

(iv) Pass such any other ordered, direction or reliefs as this Hon`ble Tribunal may deem fit in the interest of justice, equity and good conscience.

3) It is respectfully submitted that, as ordered by the the Hon`ble National Green Tribunal, South Zone, Chennai(SZ), the joint committee has inspected the subject quarries and crusher units on 28.07.2021 and subsequently on 13.08.2021. Further, submitted the joint committee report date 30.08.2021 through e-filing in searchable PDF format before the Hon`ble National Green Tribunal, South Zone, Chennai(SZ).

4) It is submitted that the Hon`ble National Green Tribunal, South Zone, Chennai(SZ) in its order dated 24.09.2021 in Original Application No. 106 of 2021 (SZ) in **para 11** of the order stated that “The joint committee also made certain recommendation regarding the excess mining in the non-lease area and what is the action taken by the Mining Department was also not clear, as the department has not filed any independent report regarding the same”.

5) It is submitted that, the action taken by the Mining Department for excess mining in non-lease area are as follows.

i. It is respectfully submitted that 2<sup>nd</sup> renewal of quarry lease has been granted to the 11<sup>th</sup> respondent i.e., Tvl.Balavinayaga

  
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Blue Metals for quarrying Rough Stone over an extent of 2.65.0 hectares of patta lands in S.F.Nos.568/1(Part) and 672(Part) of Munnur village, Pugalur (erstwhile Aravakurichi) Taluk, Karur District for a period of 5 years vide District Collector Proceedings No.484/Mines/2017, dated:23.10.2017. The lease period is valid from 23.10.2017 to 22.10.2022 for which Environmental Clearance was obtained from District Environment Impact Assessment Authority, Collectorate Karur vide letter No. DEIAA-DIA/TN/MIN/8233/2017-KRR Ec.No.76/2017/Mines, dated:14.10.2017.

- ii. It is further submitted that 2<sup>nd</sup> renewal of quarrying lease has been granted to 11<sup>th</sup> respondent i.e., Tvl.Balavinayaga Blue Metals for quarrying Rough Stone over an extent of 4.86.0 hectares of patta lands in S.F.Nos.571(Part), 669, 670(Part) and 671 of Munnur village, Pugalur (erstwhile Aravakurichi) Taluk, Karur District for a period of 5 years vide District Collector Proceedings No.565/Mines/2013, dated:20.02.2015. The lease period was valid from 20.02.2015 to 19.02.2020 for which Environmental Clearance was obtained from State Level Environment Impact Assessment Authority, Chennai vide letter No. SEIAA-TN/F.No.2264/EC/1(a)/1281/2014, dated:20.05.2014.
- iii. On Verification of the records reveal that the 11<sup>th</sup> respondent i.e., Tvl. Balavinayaga Blue Metals had quarried Rough Stone of 4160 cbm from the non-leased out area for which a sum of Rs. 16,00,814/- was levied as penalty vide Proceedings of the Revenue Divisional Officer, Karur in Rc.No.A1/3537/2018 dated:06.12.2018. Accordingly Tvl. Balavinayaga Blue Metals

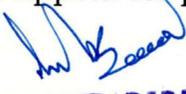
had remitted the penalty amount of Rs. 16,00,814/- to the State Bank of India, Thanthoni, vide Challan No. Nil, dated:24.12.2018

- iv. Thiru. M. Kathirvel & Thiru.K.R.Sakthivel of Munnur Village, Pugalur Taluk of Karur District sent the petition to the District Collector, Karur regarding allegation of the quarrying activities by Tvl. Balavinayaga Blue Metals in the areas granted on leases to quarry Rough stone. In the petition, they stated that quarrying activities are being carried out without following the statutory provisions and conditions of the lease deed and the Act and Rules, which are in force. Further they alleged that due to manufacturing of M-Sand and P.Sand the surrounding areas are polluted by Air Pollution which caused breathing problem to the public in and around the Unit. The irrigation wells situated nearby to the quarries are dried due to quarry work and requested to take appropriate action in order to safeguard the interest of the Public living nearby to the stone quarries.
- v. The District Collector, Karur has constituted a Joint Committee consisting of the Deputy Director of Geology and Mining Karur, Revenue Divisional Officer, Karur and Tahsildar, Pugalur and offered oral instructions to carry out inspection and to conduct a detailed enquiry on the allegation made by Thiru.M.Kathirvel and Thiru.K.R.Sakthivel in their petition on the quarrying of Rough Stone in the areas granted on lease and to submit a report.
- vi. One of the petitioner Thiru.K.R.Sakthivel had also filed the public interest litigation W.P.No.26572 of 2019 at the Hon'ble Madurai Bench Madras High Court with a prayer to shut

down the crusher unit in S.F.No.667 and quarry operation in S.F.Nos.568, 613, 614, 672, 571(Part), 669, 670(Part) and 671 situated in Munnur village, Pugalur Taluk, Karur District run by M/s.Bala Vinayaga Blue Metals and pending disposal before the Hon'ble Court.

- vii. Based on the oral instructions of the District Collector, Karur, the Joint Committee comprising the (1) Revenue Divisional Officer, Karur, (2) Assistant Director, Geology and Mining, Karur and (3) Tahsildar, Pugalur have been inspected the subject area on 20.01.2020 and conducted a detailed enquiry and furnished their report accordingly. In their report it has been stated that quarrying activities have been noticed beyond the area granted on lease. Tvl. Balavinayaga Blue Metals, the lessee of the two leases have quarried Rough stone in the non - lease hold areas situated adjacent to the area granted on lease. The quantity of Rough stone quarried and transported unauthorizdly from the non-lease hold area has been quantified as 2,61,180- CBM/43,530-lorry loads (2 Units). The Joint Committee has finally reported and recommended that penal action may be initiated on the lessee Tvl. Balavinayaga Blue Metals for the unauthorized quarrying and transportation of 2,61,180- CBM/43,530-lorry loads (2 Units) under the provisions of Rule 36(A) of TNMMCR 1959 and also recommended to suspend the quarrying activities in the above lease hold areas.
- viii. Based on the report of the Joint Committee, a Memo in Rc. No. 827/Mines/2019, dt.07.02.2020 addressed to Tvl. Balavinayaga Blue Metals was issued as per the rule 36 (5) (h) of TNMMCR 1959 with a direction to appear for personal

  
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hearing on 17.02.2020. But Thiru. K.Thangaraj, Managing Partner of Tvl. Balavinayaga Blue Metals has requested the District Collector to adjourn the personal hearing to be conducted on 17.02.2020 and to grant an another date for the hearing. Vide letter date: 17.02.2020.

- ix. As requested by the Thiru. K.Thangaraj, Managing Partner of Tvl. Balavinayaga Blue Metals vide letter 17.02.2020, personal hearing was fixed on 24.02.2020 and the same was informed to the lessee Thiru. K.Thangaraj, Managing Partner of Tvl. Balavinayaga Blue Metals vide this office Memo Rc.No.827/Mines/2019, dated:17.02.2020.
- x. In the meantime Thiru. K.Thangaraj, Managing Partner of Tvl. Balavinayaga Blue Metals has filed a WP (MD) Nos.3398 & 3399 of 2020 before the Hon'ble Madurai Bench of Madras High Court and obtained an Order on 20.02.2020 in WMP Nos. 2858 & 2859 of 2020. In the said Order the personal appearance was suspended till 05.03.2020 and the enquiry may not go on till then. On 05.03.2020 the Hon'ble High Court in WMP Nos. 2858 & 2859 of 2020 in WP (MD) Nos.3398 & 3399 of 2020 has ordered that the request of the Petitioner is accepted and posted on 27.03.2020 and the Interim Order already granted up to 05.03.2020 is extended till then.
- xi. The Counter Affidavits in respect of WP Nos. 3398 & 3399 of 2020 were filed at the Hon'ble Madurai Bench of Madras High Court through the Government Pleader and the Writ Petitions were reserved for orders at the Hon'ble High Court after hearing bothsides.

  
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xii. As suggested by the joint committee organised by the Collector, Karur District, the quarry lease of the 11<sup>th</sup> respondent area over an extent of 2.65.0 hectares, valid till 22.10.2022 had been suspended from conducting quarrying operations vide District Collector letter No.827/Mines/2020, dated:07.02.2021.

6) It is further respectfully submitted that action will be taken as per the final orders of the Hon'ble Madurai Bench of Madras High Court regarding the judgement reserved in W.P. Nos. 3398 & 3399 of 2020 and the orders of the National Green Tribunal, South Zone, Chennai (SZ).

Therefore in view of above, it is most humbly prayed that the Hon'ble National Green Tribunal, South Zone may be pleased to accept thus status report and may dismiss the case as devoid of merits and pass orders or such other and appropriate orders that this Hon'ble Tribunal may deem fit and proper as per the circumstances of the case and thus render justice.

  
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**VERIFICATION**

I, Dr.P.Jayapal, S/o.Ponnusamy, Hindu aged about 49 years, working as Deputy Director of Geology and Mining, Collector Office, Karur District do hereby verify that the contents of above report are true to the best of my Knowledge through records.

  
**DEPUTY DIRECTOR,  
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Verified at Karur on this 09<sup>th</sup> day of November - 2021