

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

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

M. Kathirvel (42 years)  
S/o. K. MarappaGounder,  
No. 138, Kattumunnur Post,  
Munnur Village, Pugalur Taluk,  
Karur District – 639 111  
E-Mail: kathirvelmarappagounder@gmail.com  
Phone: 93607 02669

...Applicant

**Versus**

Union of India  
Rep. by the secretary,  
Ministry of Environment, Forests & Climate Change,  
Indira Paryavaran Bhavan, Jor Bagh,  
New Delhi – 110 003 & 10 others.

... Respondents

**INDEX**

<b>S.No</b>	<b>Description</b>	<b>Page No.</b>
1.	<b>REPORT FILED ON BEHALF OF THE 2<sup>ND</sup> &amp; 3<sup>RD</sup> RESPONDENTS - TAMIL NADU POLLUTION CONTROL BOARD.</b>	1- 13

**Advocate  
Thiru.S. Sai Sathya Jith,  
Advocate, Chennai.**

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Original Application No. 106 of 2021 (SZ)

M. Kathirvel (42 years)  
S/o. K. MarappaGounder,  
No. 138, Kattumunnur Post,  
Munnur Village, Pugalur Taluk,  
Karur District – 639 111  
E-Mail: kathirvelmarappagounder@gmail.com  
Phone: 93607 02669

...Applicant

**Versus**

1. Union of India  
Rep. by the secretary,  
Ministry of Environment, Forests & Climate Change,  
Indira Paryavaran Bhavan, Jor Bagh,  
New Delhi – 110 003.  
E-Mail: secy-moef@nic.in  
Phone: +91-11-24695262, +91-11-24695265
2. Tamil Nadu Pollution Control Board,  
Represented by its Chairman,  
Anna Salai, Guindy,  
Chennai. 600 032  
E-Mail: tnpcb-chn@gov.in  
Phone: 044 - 2235 3076.
3. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
No. 26, Ramakrishnapuram West,  
Karur - 639 001  
E-Mail: tnpcbkarur@gmail.com  
Phone: 04324 – 230522.
4. The Assistant Director of Geology & Mining,  
302, collectorate Complex,  
Karur District – 639 007  
E-Mail: mine.tnkar@nic.in, mine.tnkar@gmail.com  
Phone: 04324-255113.
5. The District Collector,  
Karur District,  
Karur – 639 007  
E-Mail: collrkar@nic.in  
Phone: 4324-257511.

  
ADDL. CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No. 26 MOUNT SALAI GUINDY.

6. The State Environmental Impact Assessment Authority,  
Represented by its Member Secretary,  
No.1, Jeenis Road, Panagal Building,  
Saidapet, Chennai – 600 015  
E-Mail: mstnseiaa@yahoo.com  
Phone: 044- 24359974.
7. The Revenue Divisional Officer,  
Revenue Divisional Office,  
Karur - 639 007  
E-Mail: rdokar.tnkar@nic.in  
Phone Number: 9445000453.
8. Devaraj  
S/o. Subramani,  
7/14, Raj Residency  
Pon Nagar, Andankovil,  
Karur District – 639 002  
E-Mail: balavinayagablue metals@gmail.com  
Phone: 9842440250.
9. T. Selvarani  
W/o. K. Kandasamy  
59/1/4, Raj Residency  
Pon Nagar, Andankovil,  
Karur District – 639 002  
E-Mail: balavinayagablue metals@gmail.com  
Phone: 9842340250.
10. Thiru. Thangaraj,  
S/o. Kandasamy,  
59/1/4, Raj Residency  
Pon Nagar, Andankovil,  
Karur District – 639 002  
E-Mail: balavinayagablue metals@gmail.com  
Phone: 98423 40250
11. M/s. BalaVinayaga Blue Metals,  
Represented by its Manager Partner  
Mr. Thangaraj,  
SF. 571, Saminatha Puram,  
Munnur Post, Pugalur Taluk,  
Karur District - 639 111  
E-Mail: balavinayagablue metals@gmail.com  
Phone: 98423 40250.

... Respondents

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

**REPORT FILED ON BEHALF OF THE 2<sup>ND</sup> & 3<sup>RD</sup> RESPONDENTS**  
**TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Vijayabhaskaran, Son of E. Rathinam, Hindu, aged about 59 years, having my office at No.76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, and I am filing this Report on behalf of the 2<sup>nd</sup> & 3<sup>rd</sup> Respondent, Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the as per the records.

2. It is respectfully submitted that the applicant M.Kathirvel, Karur has filed this application before this Hon'ble NGT with the following prayer:

a. *Direct the 3rd Respondent to take steps to initiate cognizance against the 11<sup>th</sup> Respondent for violation of the Environment (Protection) Act, 1986.*

b. *Direct the respondent No. 1, 2, 3, 5, 6 & 7 to ensure that no mining activities are conducted by the 16<sup>th</sup> Respondent (actually 11<sup>th</sup> respondent herein) in violation of the provisions of the EIA Notification, 2006.*

c. *Direct the 11th Respondent to pay compensation to the Applicant as victim of pollution and damage caused by the 11th Respondent.*

  
20/7/21  
ADDL. CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

5/14

3. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) in its order dated 31.05.2021 in O.A.No.106 of 2021 directed as follows:

"....para 11: to appoint a joint committee comprising of (1) a Senior Officer from Integrated Regional Office, Ministry of Environment, Forest and Climate Change (MoEF & CC), Chennai, (2) a Senior Officer from State Environment Impact Assessment Authority (SEIAA), Tamil Nadu, (3) The Revenue Divisional Officer, Karur, (4) The Assistant Director of Geology & Mining, Karur District and (5) a Senior Officer from Tamil Nadu Pollution control Board (TNPCB) as deputed by its Chairman to inspect the unit in question and submit a factual as well as action report, if there is any violation found.

Para 13: The committee is also directed to conduct the soil analysis and also water analysis of water bodies nearby and ascertain as to whether there was any degradation caused on account of the operation of these units and if there is any contamination found, what is the remedial measures to be taken for rectifying the same this may also be incorporated in the report.

Para 17: The Registry is directed to communicate this order to the members of the committee as well as the official respondents immediately through e-mail, so as to enable them to comply with the direction and for filing their independent response to the allegations made in the application and also for filing report as directed by this Tribunal".

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

4. It is respectfully submitted that unit of M/s. Balavinayaga Blue Metal Stone Quarry, S.F. No. 568 Part & 672 (Part), Munnur Village, Pugazhur Taluk, Karur District has obtained Environmental Clearance vide DEIAA Letter No DEIAA-DIA/TN/MIN/8233/2017-KRR EC No.76/2017 dated 14.10.2017 valid for 5 years to a validity period up to 13.10.2022 for the production quantity of Rough stone 281072 Cu M and Gravel 2738 Cu M. The unit has obtained consent of the Tamil Nadu Pollution Control Board under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 on 01.11.2017 for carrying out quarry operations for the period ending up to 31.03.2022.

5. It is further submitted that the another stone quarry in the name of M/s. Balavinayaga Blue Metal Stone Quarry is located at S.F. No. 571 Part, 670 Part, 669 & 670, Munnur Village, Pugalur Taluk, Karur District has obtained Environmental Clearance vide Lr No SEIAA-TN/F.No.2264/EC/1(a)/ 1281/2014 dated 20.5.2014 valid for 5 years to a validity period up to 19.5.2019 for the production quantity of Rough stone 562600 Cu M over a period of Five Years. The unit has obtained consent of the Board under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 on 21.07.2016 for carrying out quarry operation and renewed for the period ending up to 31.03.2019. Further renewal of consent was not issued as the Environmental Clearance issued to the quarry expired on 19/05/2019.

6. It is respectfully submitted that the unit of M/s. Balavinayaga Blue Metals stone crushing unit located at S.F. No. 667, Munnur Village, Pugalur Taluk, Karur District and the unit is in operation since

2003. The unit has obtained consent of the Board to manufacture 40,000T/M Blue metal jelly of various sizes and M-sand 10,900T/M valid for the period upto 31.03.2028. The stone crusher unit has installed the following machineries,

Primary Jaw Crushers	-	2 Nos
Secondary Jaw crushers	-	4 Nos
Cone Crusher	-	1 No
VSI Pulveriser	-	2No.
Vibrating Screens	-	5 Nos
Sand Washers	-	3 Nos

7. It is respectfully submitted that the unit of M/s. Balavinayaga Blue Metal Stone Crusher has installed requisite Air Pollution Control measures for the above stone crushing and M-Sand machineries. The unit has also installed DG set 500 KVA and DG set 62.5 KVA with Acoustical enclosures with Stack as Air Pollution control measures. The unit generates 0.7KLD of Sewage and it is disposed with Septic tank and Soak pit arrangement. The unit also generates 15 KLD of Trade effluent from the M Sand washing and the unit has provided settling tanks for the treatment of trade effluent and the treated trade effluent is recycled for M Sand washing. The unit has reported that the makeup water for M Sand washing is obtained from the rain water stored in the Quarry pit of the premises.

8. It is respectfully submitted that the Joint committee has carried out inspection the premises of the unit of M/s Balavinayaga Blue metal

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

and the surroundings on 28/7/2021 and 13/08/2021. During the inspection the following were observed:

i. On the day of the inspection on 28/07/2021, the stone crusher and quarries were not in operation.

ii. The complainant Thiru. Kathirvel house in the farm land, agri land and well in the land was inspected by the joint committee

iii. The nearby habitation namely Rayagoundanputhur was also inspected. Five houses are located in the habitation and some new construction of houses was noticed in the area.

iv. The public in the habitation and the applicant Kathirvel family members mainly complained about the vibration during blasting in quarry operation and dust pollution due to operation of the unit and vehicle movement. Further, the applicant has also complained that his well water quality was affected due to usage of contaminated Noyyal River water by the unit for M sand washing.

9. It is further submitted that, during inspection on 28/07/2021 water samples were collected from the following locations and sent to analysis to TNPCB Advanced Environmental Laboratory, Salem.

- a. Water in the Quarry Pit.
- b. From 2 Numbers of Bore well located in the unit premises.
- c. Open well located at Mr. Kathirvel's Agri land.

The Bore well located in the unit premises is mainly used for Green belt development and for water sprinkling for dust suppression system. The water in the quarry pit is mainly used for makeup water in M Sand preparation.

8/17  
ADDL. CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

The Report of analysis of samples received from the lab is given in Table I & II

**Table I**

Sl. No.	Parameters	Water Samples				
		Point of Collection & Lab code No				
		Quarry pit in the unit premises	Bore well at the unit premises-I	Bore well at the unit premises-II	Open well at Kathirvel Farm land	Standards Drinking water (IS 10500: 2012)
		918	920	920	923	
1.	pH at 25°C	7.09	7.22	6.45	6.81	6.5-8.5
2.	TSS at 103°C – at 105°C(mg/l)	4	4	4	4	-
3.	TDS at 180°C(mg/l)	1216	976	1692	3760	500
4.	Oil & Grease(mg/l)	<4	<4	<4	<4	-
5.	BOD (at 27°C for 3 days) (mg/l)	<2	<2	<2	8	-
6.	COD(mg/l)	16	16	16	96	-
7.	Ammonical Nitrogen as NH <sub>3</sub> -N (mg/l)	2.8	2.24	2.8	3.36	-
8.	Copper(mg/l)	<0.0015	<0.0015	<0.0015	<0.0015	0.05
9.	Zinc(mg/l)	0.1650	0.1451	0.1551	<0.0015	5
10.	Lead(mg/l)	0.5880	0.3806	0.7224	0.651	-
11.	Cadmium(mg/l)	<0.0008	<0.0008	<0.0008	<0.0008	0.003
12.	Total Chromium(mg/l)	<0.05	<0.05	<0.05	<0.05	0.05
13.	Nickel(mg/l)	<0.006	<0.006	<0.006	<0.006	0.02
14.	Hexavalent Chromium (mg/l)	<0.05	<0.05	<0.05	<0.05	-
15.	Manganese(mg/l)	<0.01	<0.01	<0.01	<0.01	0.1

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

**Table - II**

Sl. No.	Parameters	Water Samples		Standards Drinking water standards (IS 10500:2012)
		Point of Collection & Lab code No		
		Panchayat Bore well outside the unit	Bore well sample given by public of Rayagoundanputhur	
		921	922	
1.	pH at 25°C	6.76	7.29	6.5 -8.5
2.	TSS at 103°C – at 105°C(mg/l)	4	4	-
3.	TDS at 180°C(mg/l)	1056	1380	500
4.	Oil & Grease(mg/l)	<4	<4	-
5.	BOD (at 27°C for 3 days) (mg/l)	<2	<2	-
6.	COD(mg/l)	16	16	-
7.	Ammonical Nitrogen as NH <sub>3</sub> -N (mg/l)	2.24	2.24	-
8.	Copper(mg/l)	<0.0015	<0.0015	0.05
9.	Zinc(mg/l)	0.0571	0.0554	5
10.	Lead(mg/l)	0.6864	0.8247	-
11.	Cadmium(mg/l)	<0.0008	<0.0008	0.003
12.	Total Chromium(mg/l)	<0.05	<0.05	0.05
13.	Nickel(mg/l)	<0.006	<0.006	0.02
14.	Hexavalent Chromium	<0.05	<0.05	-
15.	Manganese(mg/l)	<0.01	<0.01	0.1

The report of the analysis reveals that the water quality of Quarry Pit and Bore well at unit's premises are not meeting the desirable drinking water standards prescribed in IS 10500:2012

10. It is respectfully submitted that Water samples were also collected from the Panchayat bore well located adjacent to the unit. The water quality is not meeting the desirable drinking water standards specified in IS 10500:2012). Mainly the value of TDS of 500 mg/lit.

*dmf*  
20/5/21  
ADDL. CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032,

10  
19

11. It is respectfully submitted the agricultural land in Munnur village and other 19 villages of Karur District are Ayacut area of Athupalayam Reservoir located on the upstream side. The water source for Athupalayam reservoir is mainly from Noyyal River and water from Noyyal River is diverted through a feeder canal from Muthur barrage in Noyyal River. As the pollution issue of Noyyal River the Athupalayam Reservoir is generally not getting any water from Noyyal. In the year 2004, the Loss of Ecology Authority through Anna University has carried out a study and identified this village as one among the affected village in Karur District due to Noyyal River polluted water.

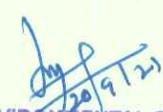
12. It is respectfully submitted that soil samples were also collected at the following locations,

- a) From the unit premises (dust deposit near the main process area).
- b) From Kathirvel Agri land
- c) De silted soil and sediments from Kathirvel farm land open well.

The results of analysis are given in Table III

**Table - III**

Sl. No.	Parameters	Soil Samples		
		Point of Collection & Lab code No		
		From the Unit premises	From the Kathirvel Agriland	Desilted foil from Kathirvel farmland open well
		924	925	926
1.	pH at 25°C in 5% Solution	6.24	7.01	6.74
2.	TDS at 180°C (mg/l)	21360	2640	3760
3.	Chloride as CL(mg/l)	4100	440	400
4.	Sulphates as SO <sub>4</sub> (mg/l)	7900	280	1480
5.	SAR* in 5% Solution	3.0	0.6	0.5
6.	Copper(mg/l)	0.0679	<0.0015	<0.0015

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

7.	Zinc(mg/l)	1.0521	0.1549	0.7331
8.	Lead(mg/l)	0.2791	<0.015	0.142
9.	Cadmium(mg/l)	<0.0008	<0.0008	<0.0008
10.	Nickel(mg/l)	0.1401	0.0221	0.1214
11.	Manganese(mg/l)	<0.01	<0.01	<0.01

The Report of Analyses reveals that the dust sample collected from the unit premises and the sediments from the well are saline in Nature. It is also noticed that salinity, was high in the sample of the complainant's land. The complainant reported that the recent rains has washed away the dust deposit in his land and requested to make inspection during North East wind season. The complainant house and his land is located on the western side of the unit. He further added that their land is not affected much during the present wind season of South West wind and they are highly affected during North East wind season of October to November. During inspection no visible dust deposit was noticed in the land.

13. It is respectfully submitted that as per the directions of Hon'ble NGT vide its order dt 03/08/2021 the said area was again inspected on 13/08/2021 and the following were observed:

- I. During inspection the stone crusher unit was in operation
- II. The Air pollution Control measures were in operation.
- III. The water sprinklers provided in the stone crusher are in operation and water was sprinkled in the vehicle movement area for dust suppression.
- IV. The unit has provided 5m height compound wall for the entire premises of western side. The unit has provided earthen bunds on the other three sides to arrest carryover of dust.
- V. The unit has to improve the green belt development within the premises.

14. It is respectfully submitted that, regarding water pollution there is no possibility of ground water contamination due to operation of the unit since the waste water generated from M-Sand unit is recycled after treatment. Regarding air pollution the unit has provided compound wall and earthen bund on the four side to arrest carry over of dust. The unit has not provided paved metal road within the premises to arrest fugitive dust emission during vehicle movement as a short term measures of water sprinkling is carried out to suppress dust. The unit has to improve the green belt development as a long term measure to constrain fugitive dust emission.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to take this Report on Record and 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.

*dmf*  
*20/9/21*  
13  
14  
ADDL. CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.  
**BEFORE ME**

### VERIFICATION

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

Verified at Chennai on this 20<sup>th</sup> day of September, 2021.

*dmf*  
*20/9/21*  
13  
14  
ADDL. CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

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

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

M. Kathirvel (42 years)  
S/o. K. MarappaGounder,  
No. 138, Kattumunnur Post,  
Munnur Village, Pugalur Taluk,  
Karur District – 639 111  
E-Mail:  
kathirvelmarappagounder@gmail.com  
Phone: 93607 02669

...Applicant

**Versus**

Union of India  
Rep. by the secretary,  
Ministry of Environment, Forests &  
Climate Change,  
Indira Paryavaran Bhavan, Jor Bagh,  
New Delhi – 110 003 & 10 others.

...Respondents

**REPORT FILED ON BEHALF OF  
THE 2<sup>ND</sup> & 3<sup>RD</sup> RESPONDENTS -  
TAMIL NADU POLLUTION  
CONTROL BOARD.**

**Advocate for Respondent No. 2 & 3  
Thiru. S. Sai Sathya Jith,  
Advocate, Chennai.**

**Date:22.09.2021.**

**Date of hearing on:05.10.2020**