

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Application No.113 of 2022

K.Mohan Kumar,
S/o.Kandhasamy Gounder,
Sokkanur, Sokkanur (Post),
Kinathukadavu,
Coimbatore - 642 109.

... Applicant

- Vs. -

1. Member Secretary,
State Environment Impact Assessment Authority,
3rd Floor, Panagal Building,
No.1.Jennis Road, Saidapet,
Chennai - 600 015.
2. The District Collector,
Collectorate Coimbatore,
Coimbatore.
3. The Director,
Department of Geology and Mining,
Industrial Estate, Guindy,
Chennai - 600 032.
4. Assistant Director,
Department of Geology and Mining,
Collectorate Coimbatore,
Coimbatore.
5. V.Ranjith Kumar,
S/o. S.A.Velusamy,
6/1, Jawarayan Thottam,
Sukumapuram, Kuniyamuthur,
Coimbatore District.
6. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai - 600 032.

... Respondent (s)

PRELIMINARY REPORT FILED BY THE 4th RESPONDENT

I, Sasikumar, Son of Venkatachalam, Religion Hindu, aged 44 years, working as the Assistant Director, Department of Geology & Mining at the office of the Assistant Director, Department of Geology and Mining, Collectorate, Coimbatore District do hereby solemnly affirm and sincerely states as follows:

2) I am the 4th respondent herein and I am filing this report on behalf of 2nd and 3rd respondent and I am well acquainted with the facts of this case from the records.

3) The applicant has filed the above application with a prayer to

i) To pass an order for bearing the 5th Respondent from quarry operations in patta land in S.F.No. 179/A1B(P) of Pottaiyandipurambu Village, Coimbatore District.

ii) To cancel the Environmental Clearance issued by the 1st respondent.

iii) To cancel the quarry lease and license issued by the 4th respondent.

iv) To direct the official respondents to take immediate action against the 5th respondent for illegal quarrying operations.

v) To direct the official respondents to assess, levy and collect the pollution fine from the 5th respondent for illegal quarrying operations.

4) In this regard, the history of the case is submitted before the Hon'ble National Green Tribunal:

- i. Thiru.V.Ranjith Kumar (5th respondent) have preferred an application for grant of quarry lease for quarrying roughstone and gravel vide his application dated 17.03.2020.

- ii. In this regard, based on the land availability report of the Sub Collector, Pollachi in Rc.No.674/2020/A2 dated 24.07.2020 and the inspection report of the Assistant Geologist, Mines dated 26.12.2020, precise area was communicated to Thiru.V.Ranjith Kumar vide Rc.No.184/Mines/2020 dated 29.12.2020 with a direction to submit a draft mining plan.
- iii. In continuation to this, the draft mining plan submitted by Thiru.V.Ranjith Kumar vide his letter dated 18.01.2021 was approved by the Assistant Director, Mines vide Rc.No.184/Mines/2020 dated 20.01.2021.
- iv. Subsequent to this, Thiru.V.Ranjith Kumar has obtained the Environmental Clearance from State Level Environment Impact Assessment Authority vide Lr.No.SEIAA-TN/F.No.8298/1(a)/EC.No:4640/2021 dated 27.04.2021 for carrying out quarry operations of roughstone and gravel over an extent of 1.03.5 hect in the S.F.No. 179/A1B of the Pottaiyandipurambu Village in Kinathukadavu taluk, Coimbatore District.
- v. Further, he has obtained Consent to operate from the Tamil Nadu Pollution Control Board under Water Act, 1974 and Air Act, 1987 Proceedings No. F. 3480CBS/RS/DEE/TNPCB/CBS/W/2021 and 3480CBS/RS/DEE/TNPCB/CBS/A/2021 dated 17.07.2021.
- vi. Since the applicant has fulfilled all the statutory conditions, a quarry lease was granted in favour of the 5th respondent (Thiru.V.Ranjith Kumar) for quarrying roughstone and gravel from an extent of 1.03.5 hect (total extent 1.28.5 hec) in the

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S.F.No. 179/A1B of the Pottaiyandipurambu Village in Kinathukadavu taluk, Coimbatore District vide Proceedings Rc.No. 184/Mines/2020 dated 28.07.2021 for a period of 5 years. The lease deed was executed on 28.07.2021 and the lease is valid upto 27.07.2026.

- vii. The executed lease deed was resgistered at the Sub Registrar Office, Kinathukadavu vide lease deed No. 5648 of 2021 dated 30.07.2021.
- viii. At this stage, one Thiru.Thirunavukarasu has lodged a complaint with regard to the subject matter vide petition dated 23.08.2021 and 29.10.2021. In this regard, the Revenue Divisional Officer, Coimbatore North and Tahsildar, Kinathukadavu was requested to inspect the said quarries and to furnish a report vide this office letter in Rc.No.1012/Mines/2021 dated 22.09.2021 and 25.11.2021.
- ix. In response to this, the Tahsildar, Kinathukadavu taluk and the Sub Collector, Pollachi vide their letters in Rc.No.2892/2021/A1 dated 18.12.2021 and Rc.No.2668/2021/A2 dated 20.01.2022 respectively has stated as follows:
- a. As per the village accounts of Pottaiyandipurambu Village, the subject area in S.F.No. 179/A1B stands registered in the name of the 5th respondent (Thiru. V.Ranjith Kumar) vide patta number 147.
- b. A quarry lease has been granted in favour of the 5th respondent for quarrying roughstone and gravel from an extent of 1.03.5 hect (total extent 1.28.5 hecets) in the

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S.F.No. 179/A1B of the Pottaiyandipurambu Village in Kinathukadavu taluk, Coimbatore District vide Rc.No. 184/Mines/2020 dated 28.07.2021 for a period of 5 years from 28.07.2021 to 27.07.2026.

- c. An odai is found passing through the S.F.No.183 which is situated at a distance of 325 meters from northern boundary of the applied area. However, the above said odai is devoid of water.
- d. The Othakalmandapam stream is found passing through the S.F.No. 192 situated at a distance of 475 meters from the northern boundary of the applied area.
- e. A tiled hut was found situated in the S.F.No.180/2 at a distance of 73 meters from the applied area.
- f. An unapproved house and a tiled hut are found situated in the S.F.No.176/A2 and S.F.No.182/B1C at a distance of 160 meters and 62 meters from the northeastern boundary of the applied area.
- g. Cement-sheet roofed houses are found situated in the S.F.No.117/A1A and S.F.No. 179/B5 at a distance of 110 meters and 122 from the eastern and southeastern boundary of the applied area.
- h. At a distance of 258 meters from the southern boundary of the applied area, the Kinathukadavu - Sokkanur road is located. Adjacent to the above said road, two tiled huts are located in the S.F.No.178/1.

- i. A borewell is found located in the S.F.No.13 of the Sokkanur village at a distance of 102 meters from the southwestern boundary of the applied area.
- j. The Sokkanur village boundary is located at a distance of 60.4 meters from western boundary of the applied area.
- k. Further, there are no approved layouts or residential buildings located within the radius of 300 meters from the applied area.
- x. Meanwhile, the 5th respondent have filed a complaint against the few local people of the Pottayandipuram village at the Kinathukadavu Police Station vide CSR.No.266/2021 dated 15.12.2021 with a prayer to issue protection from the persons illegally obstructing him from his quarry business.
- xi. In continuation of this, the 5th respondent have filed an W.P.No.246 of 2022 before the Hon'ble High Court of Madras with prayer to take appropriate action pursuant to the petitioner's complaint dated 15.12.2021 and to issue necessary police protection for carrying out the quarrying operation in the patta land in S.F.No.179/A1B(P) over an extent of 1.03.5 hecets in Pottaiyandipurambu village, Kinathukadavu Taluk, Coimbatore.
- xii. In this regard, the Hon'ble High Court of Madras vide its order dated 12.01.2022 had instructed the Police department to furnish the CSR closure report before 01.02.2022.
- xiii. Subsequently, the petitioner (Thiru.Mohan Kumar) have lodged a petition dated 04.03.2022 against the 5th respondent

Thiru.V.Ranjith Kumar that no proper safety distance is maintained from the EB line passing on the southern side of the applied area.

- xiv. In this connection, the 5th respondent have filed a complaint against the petitioner (Thiru.K.Mohan Kumar) and 3 others at the Kinathukadavu Police Station vide CSR.No.82/2022 dated 27.04.2022.
- xv. In connection to the above matter, the petitioner and the 5th respondent were called for enquiry vide M.C.No.23/2022/A1 dated 08.08.2022 and 25.08.2022.
- xvi. At this stage, the Hon'ble High Court of Madras vide its order dated 21.06.2022 in W.P.No.246 of 2022 and W.M.P.No. 283 of 2022 disposed the case with following direction:

"...that on a complaint of the petitioner, other side was called for enquiry and they have also given an undertaking that they would not interfere with the business of the petitioner. Accordingly, the said complaint was closed by them.

4. in such view of the matter, there is no need for this Court to issue any direction to the respondents, if any fresh cause of action arises, it is open for the petitioner to file a fresh complaint to the respondent police. Any such complaint is received by the police, the same shall be decided by them on due enquiry and act as per law..."

- xvii. At this juncture, the 5th respondent have filed another complaint against the petitioner (Thiru.K.Mohan Kumar) and 3 others at the Kinathukadavu Police Station vide CSR.No.136/2022 dated 17.08.2022 seeking action against the other side who have cause interference while the 5th respondent

(Thiru.Ranjith Kumar) resumed quarrying operation on 12.08.2022, thus preventing him from quarrying operations.

xviii. Further, the Sub Collector, Polachi vide his letter addressed to the Inspector of Police, Kinathukadavu Police Station in Rc.No.2834/2022/A2 dated 17.08.2022 have stated as follows:

- a. The subject area in S.F.No. 179/A1B stands registered in the name of the 5th respondent (Thiru. V.Ranjith Kumar) vide patta number 147.
- b. A quarry lease has been granted in favour of the 5th respondent for quarrying roughstone and gravel from an extent of 1.03.5 hect (total extent 1.28.5 hecets) in the S.F.No. 179/A1B of the Pottaiyandipurambu Village in Kinathukadavu taluk, Coimbatore District vide Rc.No. 184/Mines/2020 dated 28.07.2021 for a period of 5 years from 28.07.2021 to 27.07.2026.
- c. In the merit of the order of Hon'ble High Court in W.P.No. 246 of 2022 and W.M.P.No. 283 of 2022, Thiru.Ranjith Kumar has intended to resume the quarry operation on 12.08.2022. At that time, the lorry carrying stones from the quarry was stopped by the local public and the quarry work was stopped.
- d. At this juncture, as per the orders of the Hon'ble High Court in W.P.No. 246 of 2022 and W.M.P.No. 283 of 2022, Thiru.Ranjith Kumar possess all necessary licenses to carry out quarrying of roughstone and gravel in the subject patta land registered in his name.

- e. The orders of the Hon'ble High Court in W.P.No. 246 of 2022 and W.M.P.No. 283 of 2022 dated 21.06.2022 also stipulate that Thiru.Ranjith Kumar can file a fresh complaint to the police in case of any such interference. If any such complaint is received by the police, the same shall be decided by them on due enquiry and act as per law.
- f. Therefore, it is unlawful for any persons to obstruct Thiru.V.Ranjith Kumar, from carrying out quarrying operation in his patta land over an extent of 1.03.5 hect (total extent 1.28.5 hecets) in the S.F.No. 179/A1B of the Pottaiyandipurambu Village in Kinathukadavu taluk, Coimbatore District.
- g. Therefore, it is requested to register FIR against the any person who unlawfully obstructs the quarry operation and acts against the orders of the Hon'ble High Court of Madras.
- xix. At this stage, the petitioner (Mr.K.Mohan Kumar) have filed this O.A. No. 113 of 2022 before the National Green Tribunal seeking interim injunction restraining the 5th respondent from carrying on quarrying activities in the S.F.No. 179/A1B of the Pottaiyandipurambu Village in Kinathukadavu taluk, Coimbatore District.
- xx. In this connection, the subject area was inspected by the Assistant Director (Mines), Special Revenue Inspector (Mines) on 16.11.2022 in order to assess the current status of the field.


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xxi. In this regard, the following facts and observations are submitted before the Hon'ble National Green Tribunal:

- a. The quarry was not in operation. The 5th respondent was obtaining transport permit regularly. After the public objection arose, the subject area was inspected and it was found that the safety distance of 50 meters was not maintained from the EB line passing on the southern side of the applied area. Subsequently, the quarrying operations were stopped and the last permit was obtained on 13.05.2022 with a validity upto 16.05.2022.
- b. It is found that the lessee has not erected proper fencing pillar around the leasehold area.
- c. It was found that roughstone was quarried in the subject area to an average 5 meters till date while the depth permitted by the SEIAA is 17 meters.
- d. As per the Environmental Clearance issued by the SEIAA, a total quantity of 48,607 cbm of roughstone and 5,124 cbm of gravel may be excavated from the subject lease for a period of 5 years.
- e. The office records reveal that the 5th respondent have obtained permit for transporting a total of 3,258 cbm of roughstone and 3,066 cbm of gravel from the subject lease. The last permit was obtained on 13.05.2022. He has remitted a total amount of Rs.2,97,858/- towards seigniorage fee for obtaining transport permit till date.
- f. Previously, a lease deed was granted to Thiru.Ranjith Kumar vide District Collector Proceedings in

Rc.No.1444/2007/MM2 dated 06.02.2008 for quarrying roughstone and gravel over from an extent of 0.40.0 hect (total extent 1.28.5 hecets) in the S.F.No. 179/A1B of the Pottaiyandipurambu Village in Kinathukadavu taluk, Coimbatore District for a period of 5 years from 06.02.2008 to 05.02.2013. A pit of dimension 57m(l) X 85m(b) X 4m(d) was already dug during the previous lease period.

- g. However, the safety distance of 50 meters not properly maintained from the EB line passing through southern boundary of the subject area is a clear violation of the conditions specified in the lease deed.
- h. In this regard, the exact quantum of mineral excavated violating the quarry lease conditions shall be obtained only after conducting a detailed survey. Therefore, it is humbly request that the Hon'ble National Green Tribunal may please grant a minimum of one month time period for assessing the violation in the subject lease.
- i. After detailed assessment, stringent action will be taken against the lessee and penalty will be imposed on the lessee for the violation of the lease deed conditions as stipulated under Rule 36-A of the Tamil Nadu Minor Mineral Concession Rule, 1959.

Therefore, it is humbly prayed that the Hon'ble National Green Tribunal may pleased be record above facts under consideration and thus render justice by disposing the O.A. No. 113 of 2022.


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