

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 113 of 2022 (SZ)

In the matter of:

K. Mohan Kumar,

Coimbatore

... Applicant

Versus

The Member Secretary,

SEIAA, Chennai and Others

...Respondent(s)

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Through

Dr. D. Shanmuganathan,

Standing Counsel of Tamil Nadu,

National Green Tribunal

Southern Zone, Chennai

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**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 Maligai,
No.1.Jennis Road, Saidapet,
Chennai - 600 015.
2. The District Collector,
Collectorate Coimbatore,
Sokkanur (Post),
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.


**DEPUTY DIRECTOR
DEPARTMENT OF GEOLOGY & MINING
COLLECTORATE
COIMBATORE - 641 018.**


**DISTRICT COLLECTOR
COIMBATORE**

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6. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai - 600 032.

... Respondent (s)

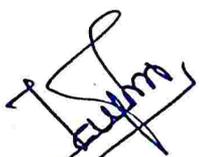
REPORT FILED BY THE 2nd RESPONDENT

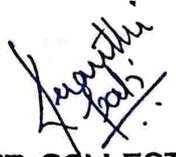
I, Kranthi Kumar Pati, Son of Surender Pati, Hindu, aged about 32 years, working as the District Collector, Coimbatore, residing at Collector's Bungalow, no. 267 Race Course, Coimbatore 641 018, do hereby solemnly affirm and sincerely state as follows:-

2) I am serving as the District Collector, Coimbatore and 4th respondent herein and I am well acquainted with the facts of the case from the records. I deny the contents of the affidavit, except those that are specifically admitted herein.

The applicant has filed the above application with a prayer to

i) Pass orders forbearing the 5th Respondent herein from quarry operations in patta land in S.F.No. 179/A1B(P) of Pottayandipurambu Village, Kinathukadavu Taluk, Coimbatore District owned by the 5th respondent and thereby cancelling the Environmental Clearance issued by the Member Secretary vide Lr.No.SEIAA - TN/F.No. 8298/1(a)/EC.No.4640/2021 dated: 27.04.2021 and quarry lease and licence vide Na.Ka.184/Kanimam/2020.


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ii) Direct respondents to take immediate action against the 5th respondent for illegal quarrying operations without following the prescribed limits of the Act and by surrounding the vital facts.

iii) Direct the official respondents herein to assess, levy, and collect a pollution fine from the 5th respondent herein for the illegal quarrying carried on

4) In this regard, a preliminary report was submitted before the Hon'ble National Green Tribunal stating that violations were noticed in the leasehold area. It was further prayed to grant time for conducting detailed survey so as to arrive at the exact quantum of mineral excavated violating the lease conditions.

5) In this connection, a detailed survey was conducted in the said quarry and the following observations are submitted:

- a. The subject quarry is not in operation.
- b. The 5th respondent was obtaining transport permit regularly. On receipt of objection 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 lease area. Subsequently, the quarrying operations were stopped and the last permit was obtained on 13.05.2022 with a validity up to 16.05.2022 and issuance of transport permit has ben stopped.
- c. It is found that the lessee has not erected proper fencing pillar around the leasehold area.

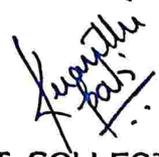

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- d. It was found that roughstone was quarried in the subject area to an average 5 meters and the depth permitted by the SEIAA is 17 meters.
- e. As per the Environmental Clearance issued by the SEIAA, a total quantity of 48,607 cbm of roughstone and 5,124 cbm of gravel may be excavated from the subject quarry for a period of 5 years.
- f. It is revealed from the office records that the 5th respondent has obtained permit for transporting 3,258 cbm of roughstone and 3,066 cbm of gravel from the subject lease on remittance of seigniorage fee of Rs.2,97,858/- and last permit was obtained on 13.05.2022.
- g. Previously, a lease 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 an extent of 0.40.0 hectare in S.F.No. 179/A1B (p) of Pottaiyandipurambu Village in Kinathukadavu taluk, Coimbatore District for a period of 5 years from 06.02.2008 to 05.02.2013 and quarrying operation was carried out for a dimension of 57m(l) X 52m(b) X 4m(d) during the previous lease period.
- h. However, the safety distance of 50 meters is not properly maintained from the EB line passing through


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southern boundary of the subject area which is a violation of the condition specified in the lease deed.

- i. At this stage, the 5th respondent informed that he has applied before the Tamil Nadu Generation and Distribution Corporation Limited for shifting of EB line passing through the southern side of the applied area and shifting of EB line is yet to be completed. Hence, issuance of transport permit has been stopped.

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.

Solemnly affirmed at Coimbatore
On this Day 6th of December 2023 and
signed his name in my presence


DISTRICT COLLECTOR
COIMBATORE
BEFORE ME


DEPUTY DIRECTOR
DEPARTMENT OF GEOLOGY & MINING
COLLECTORATE
COIMBATORE - 641 018.