

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

Application No.114 of 2022

P.Balasubramanian,
S/o.Pazhanisamy,
Karuparayar Kovil Thottam,
Veerappagoundanur,
Sokkanur, Palarpathy Post,
Kinathukadavu,
Coimbatore - 642109.

... Applicant

- Vs. -

1. Member Secretary,
State Environment Impact Assessment Authority,
3rd Floor, Panagal Building,
No.1.Jennis Road, Saidapet,
Chennai - 600 015.
2. The Director,
Department of Geology and Mining,
Industrial Estate, Guindy,
Chennai - 600 032.
3. Assistant Director,
Department of Geology and Mining,
Collectorate Coimbatore,
Coimbatore.
4. The District Collector,
Collectorate Coimbatore,
Coimbatore.
5. V.Dileep,
S/o.T.N.Vijayan Nair,
Vrindavan House,
Peramangalam Post,
Trissur District,
Kerala - 680545.

... Respondent (s)

PRELIMINARY REPORT FILED BY THE 3rd 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 3rd respondent herein and I am filing this report on behalf of 2nd and 4th 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 forbearing the 5th Respondent from quarry operations in patta land in S.F.Nos. 728/2, 729/1, 729/2, 729/3 of Sokkanur 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 following facts are submitted before the Hon'ble National Green Tribunal:

a. Thiru.V.Dileep (5th respondent) have preferred an application for grant of quarry lease for quarrying roughstone and gravel vide his application dated 15.04.2019.

b. At this stage, one Thiru.P.Balasubramaniam has lodged an objection with regard to the subject matter vide petition dated 07.11.2019. In this regard, Thiru.P.Balasubramaniam was called for a direct enquiry before the District Collector, Coimbatore to submit his detailed explanation vide this office memo in Rc.No.267/Mines/2019 dated 25.02.2020.

- c. In response to this, Thiru.P.Balasubramaniam appeared for the enquiry on 20.02.2020 and submitted his explanation as stated that the land in the S.F.No.741 over an extent of 4.00 acre is owned by him ancestrally and that in the event of quarry license being granted as proposed, it would affect his agricultural lands and the workers who are working at the lands, and cattle on account of the pollution that would emerge from the quarry. Hence, he requested to not grant quarry licence.
- d. The evidence adduced during the personal enquiry and the office documents were carefully perused.
- e. Subsequently, based on the land availability report of the Revenue Divisional Officer, Pollachi in Rc.No.629/2019/A2 dated 20.08.2019 and the inspection report of the Assistant Director (i/c), Mines dated 31.08.2019, precise area was communicated to Thiru.V.Dileep vide Rc.No.267/Mines/2019 dated 12.09.2019 with a direction to submit a draft mining plan.
- f. In continuation to this, the draft mining plan submitted by Thiru.V.Dileep vide his letter dated 16.09.2019 was approved by the Assistant Director, Mines vide Rc.No.267/Mines/2019 dated 17.09.2019.
- g. Subsequent to this, Thiru.V.Dileep has obtained the Environmental Clearance from State Level Environment Impact Assessment Authority vide Lr.No.SEIAA-TN/F.No.7214/1(a)/EC.No:4148/2020 dated 10.02.2020 for carrying out quarry operations of roughstone and gravel over an extent of 2.78.50 hect in the S.F.Nos. 728/2, 729/1, 729/2, 729/3 of the Sokkanur Village in Kinathukadavu taluk, Coimbatore District.
- h. 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. 3127CBS/RS/DEE/TNPCB/CBS/W/2020 and 3127CBS/RS/DEE/TNPCB/CBS/A/2020 dated 19.06.2020.

- i. Since the applicant has fulfilled all the statutory conditions, a quarry lease was granted in favour of the 5th respondent (Thiru.V.Dileep) for quarrying roughstone and gravel from an extent of 2.78.50 hect in the S.F.Nos. 728/2, 729/1, 729/2, 729/3 of the Sokkanur Village in Kinathukadavu taluk, Coimbatore District vide Proceedings Rc.No. 267/Mines/2019 dated 20.11.2020 for a period of 5 years. The lessee deed was executed on 20.11.2020 and the lease period is valid upto 19.11.2025.
- j. The executed lease deed was registered at the Sub Registrar Office, Kinathukadavu vide lease deed No. 7100 of 2020 dated 24.11.2020.
- k. As per the Environmental Clearance issued by the SEIAA, a quantity of 5,24,980 cbm of roughstone and 34,092 cbm of gravel may be excavated from the subject lease for a period of 5 years.
- l. The approved depth of mining as per the EC is 33 meters.
- m. At this stage, the petitioner made another representation dated 07.08.2021.
- n. At this stage, the 5th respondent have filed a Writ Petition No.13675 of 2021 before the Hon'ble High Court of Madras against the petitioner (Thiru.L.Balasubramanian) with prayer to issue necessary police protection for carrying out the quarrying operation in the patta land in S.F.Nos.728/2, 729/1, 729/2, 729/3 of Sokkanur village of Kinathukadavu Taluk, Coimbatore District.
- o. The Hon'ble High Court of Madras in its order dated 11.11.2021 disposed the W.P.No.13675 of 2021 with the following direction:

"11.In the considered view of this Court, the petitioner having been given a valid license to carry on with the quarrying operations, no one can stop the petitioner from carrying on with the quarry operations under the threat of extortion and the same can never be encouraged."

- p. With regard to the representation of the petitioner dated 07.08.2021, the Sub Collector, Pollachi was requested to furnish a detailed report vide Rc.No.3021/2021/A2 dated 20.11.2021.
- q. In response to this, the Tahsildar, Kinathukadavu taluk and the Sub Collector, Pollachi vide their letters in Rc.No.1428/2021/A1 dated 20.09.2021 and Rc.No.3021/2021/A2 dated 20.11.2021 respectively has stated as follows:
- i. As per the village accounts of Sokkanur Village, the subject area in S.F.Nos. 728/1, 728/2, 729/1, 729/2 and 729/3 are stands in the name of the 5th respondent (Thiru.V.Dileep) vide patta no. 1648.
 - ii. A quarry lease has been granted in favour of the 5th respondent for quarrying roughstone and gravel over an extent of 2.78.5 hect in the S.F.Nos. 728/1, 728/2, 729/1, 729/2 and 729/3 of the Sokkanur Village in Kinathukadavu taluk, Coimbatore District vide Rc.No. 267/Mines/2019 dated 20.11.2020 for a period of 5 years and 3 years respectively.
 - iii. A checkdam is found in Government Poramboke quarry located in S.F.No.740 at a distance of 106 meters from the North eastern side.
 - iv. At the junction of the Government Poramboke Quarry in S.F.No.740 and 936, one vari is found.
 - v. Borewells are found in S.F.No.741/3B at a distance of 2 and 25 meter from the subject quarry.

- vi. One cement sheet shed is situated in S.F.no.741/2B at a distance of 132 meters from the subject quarry.
- vii. At a distance of 63 meters an EB post is situated in S.F.no.727/1A, One borewell is situated at a distance of 75 meters, One RC roofed building is situated on Northwestern side of the subject area at a distance of 200 meters in S.F.No.745/1B.
- viii. There is one milk society situated at a distance of 249 meters on the North eastern side of the subject area in S.F.no.745/1B.
- ix. There is one RCC Roofed house situated infavour of Thiru.Balasubramaniam in S.F.no.746/1A at a distance 90 meters. There is one well situated in S.F.No.746/1A at a distance of 162 meters from the subject quarry.
- x. Further, there is one Adhidravidar burial ground is situated in S.F.No.747/1B at a distance of 180 meters.
- xi. The vari poramboke passing on the western side has been disturbed due to the transportation of minerals.
- r. Continuation of the same, the Tahsildar, Kinathukadavu was requested to report the dimensional details of the damage caused to the vari poramboke by the subject quarry vide Rc.No.392/Mines/2021 dated 02.05.2022 and the same is awaited.

5) At this stage, the petitioner (Thiru.P.Balasubramanian) has filed this O.A. No. 114 of 2022 before the National Green Tribunal seeking interim injunction restraining the 5th respondent from carrying on quarrying activities in the S.F.Nos.728/2, 729/1, 729/2, 729/3 of Sokkanur village of Kinathukadavu Taluk, Coimbatore District.

6) In this connection, the subject area was inspected by the Assistant Director (Mines), Special Revenue Divisional Officer (Mines) on 14.11.2022 in order to assess the current status of the field and the following observations were made:

a. It is found that the lessee has not erected proper fencing pillar around the leasehold area.

b. The office records reveal that the 5th respondent have obtained permit for transporting a total of 60,222 cbm of roughstone and 13,470 cbm of gravel from the subject lease. The lessee has remitted a total amount of Rs.40,02,280/- towards seigniorage fee till date.

c. On reconnaissance survey, it is found that the lessee has not quarried beyond the depth permitted by the SEIAA.

d. It is found that the lessee have not quarried outside the leasehold area. Further, the safety distances are maintained as stipulated in the lease deed.

e. It is found that vari poramboke passing on the western side has been disturbed due to the transportation of minerals from the subject quarry. In this regard, the lessee has been advised to repair the damage caused to the vari poramboke and maintain it properly by constructing a culvert for easy flow of rainwater.

f. However, 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.

g. After detailed assessment, stringent action will be taken against the lessee and penalty will be imposed on the lessee for the

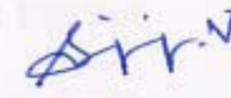

ASSISTANT GEOLOGIST
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT


ASSISTANT DIRECTOR
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT.

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. 114 of 2022.


ASSISTANT DIRECTOR
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT.
BEFORE ME


ASSISTANT GEOLOGIST
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT


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