

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 114 of 2022 (SZ)

In the matter of:

P. Balasubramanian,

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

**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 Maligai,
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.
6. The Member Secretary,
Tamil Nadu pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai - 600032.
(R6 impleaded as per the order of the Hon'ble ... Respondent (s)
Tribunal Dt:21.10.2022 in O.A.114/2022 (SZ)


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

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FINAL REPORT FILED BY THE 4TH 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.

3) 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. 728/2, 729/1, 729/2, 729/3 measuring an extent of 2.78.5 hectares in Sokkanur 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 - Quarry lease and licence vide Na.Ka.267/Mines/2019.

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 suppressing 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


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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 on 09.12.2022 for accessing the total quantity of minerals excavated from the said quarry and the findings were communicated to the Sub Collector, Pollachi vide Rc.No.1450/Mines/2022 dated 03.04.2023 for taking action as per rule 36-A of the Tamil Nadu Minor Mineral Concession Rules 1959.

6) At this juncture, the Sub Collector, Pollachi vide letter Rc.No.1564/2023/A2 informed that at the time of personal hearing afforded to the lessee on 13.06.2023 the lessee stated that the survey conducted was not informed to him and he requested to conduct the survey of the said quarry in his presence after due intimation to him. Accordingly the Sub Collector, Pollachi has requested to conduct survey in the said quarry in presence of the lessee after due intimation.

7) In compliance to the above, a notice was sent to the 5th respondent vide Rc.No.1450/Mines/2022 dated 30.06.2023 intimating that the detailed survey is scheduled to be conducted on 04.07.2023 and to make his presence on that day. However, the 5th respondent did not make his presence at the field on that day.

8) Therefore, another notice was sent to the 5th respondent directing him to make himself available at the field on 24.07.2023 as the survey has been rescheduled on 24.07.2023 vide this office memo in Rc.No.1450/Mines/2022 dated: 18.07.2023. However, the 5th respondent has failed to make his presence in the field on that day also. Hence, survey was conducted in his absence and the measurements were taken and the findings are submitted below:

a) It is found that the 5th respondent has not erected proper fencing pillar around the leasehold area.


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- b) It is revealed from the office records that the 5th respondent has obtained permit for a total quantity of 1,10,202 cbm of Roughstone and 28,203 cbm of Gravel.
- c) It is revealed from the survey that a total quantity of 1,93,052 cbm of Roughstone and 31,228 cbm of Gravel has been excavated from the said quarry.
- d) It is further found that a quantity of 43,649 cbm of Roughstone and 3,446 cbm of Gravel was dumped within the subject area.
- e) Therefore, a total quantity of 39,201 cbm of Roughstone has been excavated from the subject area without valid permit.
- f) In this regard, the final report has been sent to the Sub Collector, Pollachi vide letter in Rc.No.1450/Mines/2022 dated 17.11.2023 for taking action against the 5th respondent as per Rule 36-A of the Tamil Nadu Minor Mineral Concession Rule, 1959 for having quarried and transported 39,201 cbm of roughstone excessively from the leasehold area without valid permit.
- g) Therefore, it is humbly submitted that action has been initiated against the 5th respondent for the violation of lease deed conditions and for excavating excess minerals from the leasehold area without valid permit 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 as the prayer of the applicant is fulfilled.

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

Quarthy
pat
DISTRICT COLLECTOR
COIMBATORE
BEFORE ME

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[Signature]
DEPUTY DIRECTOR
DEPARTMENT OF GEOLOGY & MINING
COLLECTORATE
COIMBATORE - 641 018,