

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

Application No.115 of 2022

Thiru.Selvakumar Nataraj
S/o. Nadaraj,
D.No.109/1,
Sangarayapuram Thottathu Road,
10, Muthur,
Coimbatore District.

... 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. K.Sivakami,
No.2/3D, Sangarayapuram,
Kinathukadavu,
Coimbatore District.
5. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai - 600 032. ... 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

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Sir
**ASSISTANT GEOLOGIST
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT**

[Signature]
**ASSISTANT DIRECTOR
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT**

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 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 4th Respondent from quarry operations in patta land in S.F.No. 187/A2 (Part) of Sangarayapuram 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 3rd respondent.

iv) To direct the official respondents to take immediate action against the 4th respondent for illegal quarrying operations.

v) To direct the official respondents to assess, levy and collect the pollution fine from the 4th respondent for illegal quarrying operations

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

i. Tmt.K.Sivakami (4th respondent) have preferred an application for grant of quarry lease for quarrying roughstone and gravel vide his application dated 27.08.2018.

ii. In this regard, based on the land availability report of the Sub Collector, Pollachi in Rc.No.2828/2018/A2 dated 07.09.2020 and the inspection report of the Assistant Geologist, Mines dated 03.02.2021, precise area was communicated to

Tmt.K.Sivakami vide Rc.No.433/Mines/2018 dated 05.02.2021 with a direction to submit a draft mining plan.

- iii. In continuation to this, the draft mining plan submitted by Tmt.K.Sivakami vide his letter dated 15.02.2021 was approved by the Assistant Director, Mines vide Rc.No.433/Mines/2018 dated 23.02.2021.
- iv. Subsequent to this, Tmt.K.Sivakami has obtained the Environmental Clearance from District Level Environment Impact Assessment Authority vide Lr.No.SEIAA-TN/F.No.8629/EC.No.4945/2021 dated 04.02.2021 for carrying out quarry operations of roughstone and gravel over an extent of 1.06.5 hect in the S.F.No.187/A2(Part) of the Sangarayapuram Village in Kinathukadavu taluk, Coimbatore District.
- v. Further, the lessee has obtained Consent to operate from the Tamil Nadu Pollution Control Board under Water Act, 1974 and Air Act, 1987 Proceedings No. F.3693 CBS/RS/DEE/TNPCB/CBS/W/2022 and F.3693 CBS/RS/DEE/TNPCB/CBS/A/2022 dated 11.03.2022.
- vi. Since the applicant has fulfilled all the statutory conditions, a quarry lease was granted infavour of the 4th respondent (Tmt.K.Sivakami) for quarrying roughstone and gravel from an extent of 1.06.5 hect in the S.F.No.187/A2(Part) of the Sangarayapuram Village in Kinathukadavu Taluk, Coimbatore District vide Proceedings Rc.No. 433/Mines/2018 dated 21.03.2022 for a period of 5 years. The lessee deed was executed on 21.03.2022 and the lease period is valid upto 20.03.2027.

- vii. The executed lease deed was registered at the Sub Registrar Office, Kinathukadavu vide lease deed No. 3119 of 2022 dated 24.03.2022.
- viii. At this stage, the petitioner (Thiru.Selvakumar Nataraj) have filed this O.A. No. 115 of 2022 before the National Green Tribunal seeking interim injunction restraining the 4th respondent from carrying on quarrying activities in the S.F.No.187/A2(Part) of the Sangarayapuram Village in Kinathukadavu taluk, Coimbatore District.
- ix. In this connection, the subject area was inspected by the Assistant Director (Mines), Special Revenue Inspector (Mines) on 10.11.2022 in order to assess the current status of the field.
- x. In this regard, the following facts and observations are submitted before the Hon'ble National Green Tribunal:
- a. It was found that roughstone was quarried in the subject area to an average depth of 7 meters as on date while the depth permitted by the SEIAA is 37 meters.
 - b. As per the Environmental Clearance issued by the SEIAA, a quantity of 98,960 cbm of roughstone and 10,212 cbm of gravel may be excavated from the subject lease for a period of 5 years.
 - c. The office records reveal that the 4th respondent have obtained permit for transporting a total of 7,200 cbm of roughstone from the subject lease.
 - d. The lessee have remitted a total amount of Rs. 4.24,800/- towards the seigniorage fee for obtaining transport permit till date.

- e. It was found that the safety distances of 7.5 meters were properly maintained from the adjacent patta lands along the boundaries of the subject area.
- f. Further, a safety distance of 50 meters was properly maintained to the EB line passing on the western side of the subject area.
- g. On reconnaissance survey, it is found that there are no major violations of the lease deed conditions. Therefore, it is pertinent to mention that the petitioner has filed the subject O.A. No. 115 of 2022 with personal motive and the allegations made by the petitioner as false.

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. 115 of 2022.


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


**ASSISTANT GEOLOGIST
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT**

