

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Application No.115 of 2022 (SZ)

Between

Selvakumar Nadaraj,
S/o Nadaraj,
Door No.109/1
Sangarayapuram Thottahu Road,
10, Muthoor,
Coimbatore District – 642 109.

...Applicant

Versus

1. The Member Secretary,
State Environment Impact Assessment Authority,
3rd Floor, Panagal Maligai,
No.1, Jennis Road, Saidapet,
Chennai – 600 015.
2. The Director,
Geology and Mining Department,
Industrial Estate,
Guindy,
Chennai – 600 032.
3. The Assistant Director,
Department of Geology and Mining,
District Collector Office Building,
Coimbatore – 641 018.
4. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai,
Guindy, Chennai – 600 032.
5. K. Sivakami,
No.2/3D, Sangarayapuram,
Kinathukadavu,
Coimbatore District – 642 109.

..Respondents

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COUNTER STATEMENT FILED BY THE 5TH RESPONDENT

1. The 5th Respondent states that the averments made by the Applicant in the Application are all false, frivolous and concocted stories.

2. The 5th Respondents states that the averments in the application filed by the Applicant that the Sankarayapuram is a large village situated in Kinnathukadavu Taluk of Coimbatore District, Tamil Nadu is false and the said Sankarayapuram village is a small village consists of less than 50 houses and it is situated 2 kilometers away from the quarry site and further averments that in the said Village, Pollachi Taluk, Coimbatore District in S.F.No.187/A2(P) which was owned by the 5th Respondent herein measuring an extent of 1.06.5 hectares in which Quarrying Rough stones and gravel have been carried on by the 5th Respondent and the license had been obtained from the 3rd Respondent vide R.C.No.433/Mines/2018 dated 23.02.2021 as per the EC obtained from the state Environmental Impact Assessment Authority and as per the guidelines issued by the Commissioner of Geology and Mining, Chennai vide letter bearing RC No.3868/LC/2012 dated 19.11.2012 are all correct and further I am not aware of the averments that the peoples of the Sankarayapuram Village collectively gave representation to the Muthoor Panchayat Union Stating their grievances on the quarry being run in S.F.No.187/A2(p) by K. Sivakami and upon

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Resolution of the Panchayat Union of the Muthoor Panchayat dated 01.05.2022 and the Block Development Officer of the Muthoor Panchayat gave representation to the 3rd Respondent herein enclosing the representation given by the peoples of the Sankarayapuram Village stating the same and requested to take immediate action by cancelling the license of the quarry in S.F.No.187/A2(p) owned by the 5th Respondent herein in order to safeguard the agriculture and safety of the Villagers and habitants of the Sankarayapuram Village and further the averments that the 5th Respondent had suppressed vital facts for obtaining license for the said quarry and the obtaining license for the quarry and the 5th Respondent had suppressed the fact that there exists residential houses, Maduraveeran Temple, Wells, bore wells and agricultural lands within 300 metre radius of the quarry site and the 5th Respondent had not followed the stipulated bench height surrounding the quarry considering the hydro geological regime of the surrounding areas and for safe running and the 5th Respondent has been carrying on excessive mining beyond the approved quantity of mining which is 98960 Cu.M. of rough stones and 10212 Cu.M. of gravel and beyond the prescribed time limits for 23 hours per day causing a major hindrance to the habitants and the agriculture nearby and the 5th Respondent had not provided green belt surrounding the quarry premises in order to reduce the noise level and further the 5th Respondent had not provided

34 5/2/2022

proper barriers surrounding the quarry site such as metal sheets to hold down any possible fly materials from the quarry caused due to blasting which is creating a major amount of danger and pollution to the agricultural lands and causing of contamination of water by stoppage of the natural flow of water and also by affecting ground water levels in which every violation of the quarry collectively causing severe damages to habitants of the villages and agriculture being the major source of the village and the 5th respondent has not demarcated the ground of the quarry lease area with wire fencing to show the boundary of the lease area on all the sides to show the boundary of the lease area on all the sides with red flags on every pillar before commencement of the quarrying and the 5th Respondent has neither not maintained a depth of 2 metres above the ground water table nor had followed approved depth of mining which is considered as a safe guard against the environment contamination and over exploitation of Resources and further the 5th Respondent had not carried out wet drilling method to control dust emissions and has not used delay detonators and shock tube initiation system for blasting to reduce the vibration of the quarrying operations and no study has been conducted to assess the optimum blast parameters and blast design which has to be implemented in the course of blasting and there was no periodical monitoring of the Vibration at the Specified location was done by the 5th Respondent which is to be conducted

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and no such records were maintained for inspection are all false and the applicants is put to strict proof of the same.

3. The 5th Respondent states that she did not suppress any vital facts for obtaining license for the quarry and in fact the authorities before granting licence had inspected the quarry site and only after satisfaction of the condition for granting quarry has given license to her to conduct quarry in her patta land and there is no residential houses, temples, wells, bore wells and agricultural lands within 300 metre radius of the quarry site and further she has been following stipulated bench height and quarrying within the mining limit fixed by the authorities and she also maintaining time limit fixed by the authorities for carrying out quarry and she had provided green belt surrounding the quarry site but the same was damaged during the South West Monsoon and she had removed entire green belt and now she had provide the green belt in the quarry site and the quarry site has been demarcated and proper fencing has been provided around the quarry site and she had maintained approved depth of mining and also carrying out wet drilling method and also she is adopting the blasting technique which reduces vibration and sound i.e. by using delay detonators and shock tube intimation system and the authorities are periodically monitoring the quarry sites and in fact after filing of the present application the authorities conducted detailed survey of the quarry site.

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4. The 5th Respondent states that she is not aware of the representations made by the Applicant and she is continuing work at the site following all the Mining Conditions laid by the authorities and the 5th Respondent states that the various grounds raised by the applicant are all false and frivolous and without any proof.

i) In respect of Ground A:

The Respondents are conducting periodical monitoring of her quarry sites and she is conducting quarry as per the license condition and no illegal quarrying is taking place and therefore there is no violation of Article 21, 51A(G) of the Constitution of India.

ii) In respect of Ground B:

The authorities had in fact conducted an inspection and only after satisfaction of all the conditions had given license to conduct the quarrying operations.

iii) In respect of Ground C:

There is no residential area, temple, electrical lines, public road, pathway within the prescribed limits and in fact the road and path-way of the Sokkanur village lies nearly 2 Km. away from the quarry site and the said Sokkanmu Village is nearly 5 Km. from the quarry site and further she did not suppress any vital facts while applying for the license.

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iv) In respect of the Ground D:

The 5th Respondent did not violate any law or conditions of the lease and the E.C. and she is not using any explosive indiscriminately and in fact the 5th Respondent is using delay detonators and shock tube initiation system for blasting to reduce the vibration and as well as noise and further the 5th respondent quarrying within the prescribed limits.

v) In respect of Ground E:

The 5th Respondent did not violate any condition of the license and conducting quarry within the prescribed timing limit i.e. from 7 a.m. to 5 p.m. and it is false to alleged that the 5th Respondent quarrying 23 hours a day.

vi) In respect of Ground F:

The 5th Respondent did not violate any law and she is maintaining required bench height prescribed the authorities considering the hydro geological regime of the surrounding area.

vii) In respect of Ground G:

The 5th Respondent had provide proper green belt surrounding the quarry and also carrying out regular replacement in case of the damages caused to the said green belts by natural causes like heavy rain, wind etc. and till to-day there is no complaint from any public or private person about

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any damage except the applicant who is not able to digest that the 5th Respondent being a women has conducted successful and safe quarrying.

viii) In respect of Ground H:

The 5th Respondent had erected proper fencing around the quarry site and also provide gates for entry and exit.

ix) In respect of Ground I:

The 5th Respondent had demarcated the ground of the quarry site before commencement of the quarry.

x) In respect of Ground J:

The 5th Respondent has maintained approved depth of mining and she has not over exploited any resources.

xi) In respect of Ground K:

The 5th Respondent is carrying out wet drilling method to control dust Emissions.

xii) In respect of Ground L:

The 5th Respondent has been using delay detonation and shock tube initiation system for blasting to reduce the vibration of the quarrying operations.

xiii) In respect of Ground M:

The authorities after conducting detailed study have been prescribed blast design and also blast parameters.

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Xiv) In respect of Ground N:

The authorities and the 5th Respondent periodically monitoring the vibration not only in the quarry site but also surrounding areas.

xv) In respect of Ground O:

There is no public road near the quarry site and in fact Jammkalyapuram to Sokkanur Road is nearly 2 Km. away from the quarry site.

xvi) In respect of Ground P:

There is no water Canal running near the quarry site.

xvii) In respect of Ground R:

The 5th Respondent herein has been following the law and conditions of license and properly levelling the area.

5. The 5th Respondent states that the application and the 5th Respondent are from the same village while the applicant has coconut grove some 500 metres away from the quarry site unable to digest that the 5th Respondent being a women has got quarry license for her patta land and doing quarry successfully and generating income more than the applicant has filed the present application with a malafide intention to stop the quarry and also income to the 5th Respondent. The 5th Respondent states that she has been following all the conditions prescribed by the authorities and doing

97 5/2/2016

quarry in her patta land and therefore there is no merit in the present application and the same is liable to be dismissed.

The 5th Respondent therefore humbly prays that this Hon'ble Tribunal may be pleased to dismiss the application and as well as the Interim Application with cost and thus render justice.

Counsel for 5th Respondent.

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5th Respondent.

VERIFICATION

I, K. Sivakami, wife of Kanagaraj, aged about 58 years, residing at Door No.2/3D, Sangarayapuram, Kinathukadavu Taluk, Coimbatore – 642 109, do hereby verify that the content in the above counter statement are true to the best of my knowledge and that I have not suppressed any material facts.

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Date :

Applicant.

Place:

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GREEN TRIBUNAL (SZ)
CHENNAI

Application No.115 of 2022
(SZ)

Between

Selvakumar Nadaraj,
S/o Nadaraj.

...Applicant

Versus

1.The Member Secretary,
State Environment Impact
Assessment Authority,
AND OTHERS

COUNTER STATEMENT
FILED BY THE 5TH
RESPONDENT

M/s. L.MOULI-993/2003
A. SRIRAM-216/2018
Counsel for 5th Respondent.

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