

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

**Application No.116 of 2022**

A.Sundaram,  
S/o. Agatheeshwara Gounder,  
No.9/98, Veerappa Goundanur,  
Palarpathi Post,  
Kinathukadavu,  
Coimbatore - 642 109.

... Applicant

- Vs. -

1. Member Secretary,  
State Environment Impact Assessment Authority,  
3<sup>rd</sup> 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. The Assistant Director,  
Department of Geology and Mining,  
Collectorate Coimbatore,  
Coimbatore.
4. V. Uthirakumar,  
No.5/13, Muthugoundanur,  
Palarpathi Post,  
Kinathukadavu,  
Coimbatore - 642 109.
5. The Member Secretary,  
Tamil Nadu Pollution Control Board,  
No.76, Anna Salai, Guindy,  
Chennai - 600 032.

... Respondent(s)

**PRELIMINARY REPORT FILED BY THE 3<sup>rd</sup> RESPONDENT**

I, Sasikumar, Son of Venkatachalam, Religion Hindu, aged 44 years,  
working as the Assistant Director, Department of Geology & Mining at the

*S.S.V.*  
**ASSISTANT GEOLOGIST  
DEPARTMENT OF GEOLOGY & MINING  
COIMBATORE DISTRICT**

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*[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 3<sup>rd</sup> respondent herein and I am filing this report on behalf of 1<sup>st</sup> 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 4<sup>th</sup> Respondent from quarry operations in land in S.F.No. 183/2(P) of Sokkanur Village, Coimbatore District owned by the 4<sup>th</sup> respondent.

ii) To cancel the Environmental Clearance issued by the 1<sup>st</sup> respondent.

iii) To cancel the quarry lease and license issued by the 3<sup>rd</sup> respondent.

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

v) To direct the official respondents to assess, levy and collect the pollution fine from the 5<sup>th</sup> respondent for illegal quarrying operations

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

- i. Thiru.V.Uthirakumar (4<sup>th</sup> respondent) have preferred an application for grant of quarry lease for quarrying roughstone and gravel vide his application dated 22.01.2019.
- ii. In this regard, based on the land availability report of the Revenue Divisional Officer, Pollachi in Rc.No.323/2019/A2 dated 27.11.2019 and the inspection report of the Assistant

  
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Director(i/c), Mines dated 09.02.2020, precise area was communicated to Thiru.V.Uthirakumar vide Rc.No.38/Mines/2019 dated 27.02.2020 with a direction to submit a draft mining plan.

- iii. In continuation to this, the draft mining plan submitted by Thiru.V.Uthirakumar was approved by the Assistant Director(i/c), Mines vide Rc.No.38/Mines/2019 dated 11.05.2020.
- iv. Subsequent to this, Thiru.V.Uthirakumar has obtained the Environmental Clearance from State Level Environment Impact Assessment Authority vide Lr.No.SEIAA-TN/F.No.7568/1(a)/EC.No:4329/2020 dated 09.09.2020 for carrying out quarry operations of roughstone and gravel over an extent of 1.00.0 hect in the S.F.No. 183/2(P) of the Sokkanur Village in Kinathukadavu taluk, Coimbatore District.
- v. 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. 3202CBS/RS/DEE/TNPCB/CBS/W/2020 and 3202CBS/RS/DEE/TNPCB/CBS/A/2020 dated 28.10.2020.
- vi. Since the applicant has fulfilled all the statutory conditions, a quarry lease was granted in favour of the 4th respondent (Thiru.V.Uthirakumar) for quarrying roughstone and gravel from an extent of 1.00.0 in the S.F.No. 183/2(P) of the Sokkanur Village in Kinathukadavu Taluk, Coimbatore District vide Proceedings Rc.No. 38/Mines/2019 dated 29.01.2021 for a period of 5 years. The lease deed was executed on 29.01.2021 and the lease is valid upto 28.01.2026.

  
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- vii. The executed lease deed was registered at the Sub Registrar Office, Kinathukadavu vide lease deed No. 875 of 2021 dated 02.02.2021.
- viii. At this stage, the petitioner (Thiru.A.Sundaram) and the public of Sokkanur village has lodged complaints with regard to the subject matter vide petition dated 29.10.2021 and 30.10.2021 respectively. In this regard, the Tahsildar, Kinathukadavu and Pollachi were requested to inspect the said quarries and to furnish a report vide this office letter in Rc.No.392/mines/2022 dated 29.11.2021 and the same is awaited.
- ix. At this juncture, the petitioner filed a W.P.No.1930 of 2022 before the Hon'ble High Court of Madras with a prayer to issue Writ of CERTIORARIFIED MANDAMUS or any other appropriate writ, order or direction, to call for the records on the file of the Assistant Director in proceedings no Na.Ka.38/Mines/2019 dated 29.01.2021 in granting Mining license to the Thiru.Uthirakumar and quash the same as illegal.
- x. The above Writ Petition was disposed by the order of the Hon'ble High Court of Madras dated 09.02.2022 as:
- "...In view of the above, we do not find any extraordinary reason for the petitioner to maintain this Writ Petition instead of taking recourse to the appeal remedy provided under the Rules. The Writ Petition is, accordingly, dismissed. It is, however, with the liberty to avail the remedy of appeal. No costs. Consequently, W.M.P.Nos. 2081, 2083 and 2084 of 2022 are closed."*
- xi. At this stage, the petitioner (Thiru.A.Sundaram) have filed this O.A. No. 116 of 2022 before the National Green Tribunal seeking interim injunction restraining the 4<sup>th</sup> respondent from

carrying on quarrying activities in the S.F.No. 183/2(P) of the Sokkanur Village in Kinathukadavu taluk, Coimbatore District.

- xii. In this connection, the subject area was inspected by the Assistant Director (Mines), Special Revenue Inspector (Mines) on 14.11.2022 in order to assess the current status of the field.
- xiii. In this regard, the following facts and observations are submitted before the Hon'ble National Green Tribunal:
- a. It is found that the lessee has erected proper fencing pillar around the leasehold area.
  - b. The office records reveal that the 5<sup>th</sup> respondent have obtained permit for transporting a total of 34,680 cbm of roughstone and 8,100 cbm of gravel from the subject lease and has remitted a total amount of Rs. 23,13,440/- towards the seigniorage fee for obtaining transport permit till date.
  - c. As per the Environmental Clearance issued by the SEIAA, a quantity of 1,43,920 cbm of roughstone and 8,428 cbm of gravel may be excavated from the subject lease for a period of 5 years.
  - d. It was found that the roughstone was quarried in the subject area to a maximum depth of 15 meters as on date while the depth permitted by the SEIAA is 42 meters.
  - e. The Odai passing within the radius of 50m alone will be considered during the grant of quarry lease as per Rule 36 of Tamil Nadu Minor Mineral Concession Rule, 1959, whereas, the Odai in the subject matter is passing at the distance of 150m.

  
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**ASSISTANT DIRECTOR**  
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**COIMBATORE DISTRICT**

- f. On reconnaissance survey, it was found that the lessee has violated the conditions specified in the lease deed by not maintaining the safety distances in the northern, southern and western directions which is a clear violation of the lease deed conditions.
- g. In this regard, 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.
- h. After detailed assessment, stringent action will be taken against the lessee and penalty will be imposed on the lessee for the 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. 116 of 2022.

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

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