

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 116 of 2022 (SZ)

In the matter of:

A.Sundaram,

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.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,
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. 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)


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

REPORT FILED BY THE 3rd RESPONDENT

I, K.Ramesh, Son of kasinathan, Hindu, aged 40 years, working as Deputy Director, Department of Geology & Mining at the Office of the Deputy 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 well acquainted with the facts of this case from the records.

3) The applicant has filed the above application with a prayer to

i) Pass orders forbearing the 4th Respondent herein from quarry operations in land in S.F.No. 183/2(P) of Sokkanur Village, Coimbatore District owned by the 4th respondent and thereby cancelling the Environmental Clearance issued by the 1st respondent vide Lr.No.SEIAA - TN/F.No. 7568/1(a)/EC.No.4329/2020 adted: 09.09.2020 and quarry lease and licence vide Na.Ka.38/Kanimam/2019.

ii) Direct the official respondents to take immediate action against the 4th respondent for illegal quarrying operations without following the prescribed limits of the Act.

iii) Direct the official respondents herein to assess, levy, and collect a pollution fine from the 4th respondents 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 in the said quarry and the following observations are submitted:

- a. It is found that the 4th respondent completed DGPS survey and erected proper fencing pillar around the leasehold area.
- b. It was found that the roughstone was quarried in the subject area to a maximum depth of 24 metre as on the date of survey, while the depth permitted by the SEIAA is 42 metre.
- c. It is revealed from the office records that the 4th respondent has obtained permit for transporting a total quantity of 87,699 cbm of roughstone and 8,100 cbm of gravel from the subject lease area on remittance of necessary seigniorage fee of Rs. 46,42,832/-. Apart from this, the 4th respondent has paid an amount of Rs.9,78,254/- towards the Seigniorage Fee in advance.
- d. The 4th respondent has excavated a total quantity of 1,00,536 cbm of roughstone and 33,937 cbm of gravel from the mineable area. Apart from this, the 4th respondent has also excavated a total quantity of 6,590 cbm of roughstone and 11,789 cbm of gravel from the safety distance to be left out from the adjacent patta lands.


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- e. The 4th respondent has dumped a total quantum of 2,284 cbm of roughstone and 36,325 cbm of gravel as earthen bunds and dumps outside the leasehold area.
- f. In this regard, the final report was forwarded to the Sub Collector, Pollachi vide letter in Rc.No.1446/Mines/2022 dated 24.07.2023 for taking action against the 4th respondent as per Rule 36-A of the Tamil Nadu Minor Mineral Concession Rule, 1959.
- g. Accordingly, the Sub Collector, Pollachi vide Proceedings in Rc.No.2484/2023/A2 dated 24.08.2023 levied a penalty of Rs.10,31,300/- against the 4th respondent.
- h. In this regard, the 4th respondent has paid the penalty amount of Rs.10,31,300/- in three installments. [Rs.5,00,000/- vide challan no.20230920004288 dated 20.09.2023, Rs.2,50,000/- vide challan no.20231017018001 dated 17.10.2023 and Rs.2,81,300/- vide challan no.20231017018109 dated 17.10.2023].
- i. Therefore, it is humbly submitted that for the violations committed by the lessee, action has been taken as per 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 please be record above facts under consideration and thus render justice by disposing the O.A. No. 116 of 2022 as the prayer of the applicant is fulfilled.

Dated at Coimbatore on this
Day 6th of December 2023.


DEPUTY DIRECTOR
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