

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

Application No.117 of 2022

A.Sundaram,  
S/o.Agatheeshwara Gounder,  
9/98, Veerappa Gounder,  
Palarpathi Post,  
Kinathukadavu,  
Coimbatore - 642 109.

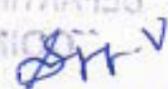
... Applicant

- 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. Assistant Director,  
Department of Geology and Mining,  
Collectorate Coimbatore,  
Coimbatore.
4. The District Collector,  
Collectorate Coimbatore,  
Coimbatore.
5. N.Gopal,  
S/o.K.Narayanasamy Gounder,  
Singayanur,  
Marudhathal Thottam,  
Sokkanur Village,  
Kinathukadavu,  
Coimbatore District.

... Respondent (s)

ASSISTANT DIRECTOR  
DEPARTMENT OF GEOLOGY & MINING  
COIMBATORE DISTRICT.

  
ASSISTANT GEOLOGIST  
DEPARTMENT OF GEOLOGY & MINING  
COIMBATORE DISTRICT

  
ASSISTANT DIRECTOR  
DEPARTMENT OF GEOLOGY & MINING  
COIMBATORE DISTRICT.

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

I, Sasikumar, Son of Venkatachalam, Religion Hindu, aged 43 years, working as the Assistant Director, Department of Geology & Mining at the 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 2<sup>nd</sup> and 4<sup>th</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 for bearing the 5<sup>th</sup> Respondent from quarry operations in patta land in S.F.Nos. 790/1B, 792/1(Part) of Sokkanur Village, Coimbatore District.

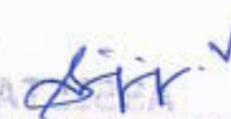
ii) To cancel the Environmental Clearance issued by the 1<sup>st</sup> respondent.

iii) To cancel the quarry lease and license issued by the 4<sup>th</sup> respondent.

iv) To direct the official respondents to take immediate action against the 5<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:

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

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

- i. Thiru.N.Gopal (5<sup>th</sup> respondent) have preferred an application for grant of quarry lease for quarrying roughstone and gravel vide his application dated 14.12.2016.
- ii. In this regard, based on the land availability report of the Sub Collector, Pollachi in Rc.No.3066/2017/A2 dated 25.05.2017 and the inspection report of the Assistant Director, Mines dated 11.07.2017, precise area was communicated to Thiru.N.Gopal vide Rc.No.833/Mines/2016 dated 13.07.2017 with a direction to submit a draft mining plan.
- iii. In continuation to this, the draft mining plan submitted by Thiru.N.Gopal vide his letter dated 28.08.2017 was approved by the Assistant Director, Mines vide Rc.No.833/Mines/2016 dated 25.09.2017.
- iv. Subsequent to this, Thiru.N.Gopal has obtained the Environmental Clearance from District Level Environment Impact Assessment Authority vide Lr.No.DEIAA-CBE-IV/F.No.833/1(a&b)/EC.No:18/2018 dated 04.10.2018 for carrying out quarry operations of roughstone and gravel over an extent of 1.16.5 hect in the S.F.Nos.790/1B and 792/1(Part) 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. 2017CBS/RS/DEE/TNPCB/CBS/W/2018 and 2017CBS/RS/DEE/TNPCB/CBS/A/2018 dated 29.11.2018.
- vi. Since the applicant has fulfilled all the statutory conditions, a quarry lease was granted in favour of the 5th respondent

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(Thiru.N.Gopal) for quarrying roughstone and gravel from an extent of 1.16.5 hect in the S.F.Nos.790/1B and 792/1(Part) of the Sokkanur Village in Kinathukadavu taluk, Coimbatore District vide Proceedings Rc.No. 833/Mines/2016 dated 24.12.2018 for a period of 5 years. The lease deed was executed on 24.12.2018 and the lease is valid upto 23.12.2023.

vii. The executed lease deed was registered at the Sub Registrar Office, Kinathukadavu vide lease deed No. 668 of 2019 dated 07.02.2019.

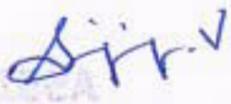
viii. At this stage, the petitioner (Thiru.A.Sundaram) have filed this O.A. No. 117 of 2022 before the National Green Tribunal seeking interim injunction restraining the 5<sup>th</sup> respondent from carrying on quarrying activities in the S.F.Nos.790/1B and 792/1(Part) of the Sokkanur Village in Kinathukadavu taluk, Coimbatore District.

ix. In this connection, the subject area was inspected by the Assistant Director (Mines), Special Revenue Divisional Officer (Mines) on 14.11.2022 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:

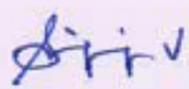
a. It is found that the lessee has not erected proper fencing pillar around the leasehold area.

a. As per the Environmental Clearance issued by the SEIAA, a quantity of 68,855 cbm of roughstone and 10,798 cbm of gravel may be excavated from the subject lease for a period of 5 years.

  
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**COIMBATORE DISTRICT.**

- c. The office records reveal that the 5<sup>th</sup> respondent have obtained permit for transporting a total of 29,405 cbm of roughstone and 8,730 cbm of gravel from the subject lease.
- d. It was found that the roughstone was quarried in the subject area to an average depth of 14 meters as on date while the depth permitted by the SEIAA is 26 meters.
- e. On reconnaissance survey, violations were noticed in the southern direction of the subject area.
- f. Previously, a quarry lease was granted to Thiru.A.Rathinasamy for quarrying roughstone and gravel from an extent of 0.95.5 hect in the S.F.Nos.790/1A(Part), 790/1B(Part), 792/1(Part) of the Sokkanur Village in Kinathukadavu taluk, Coimbatore District vide Proceedings Rc.No. 1277/2006/MM1 dated 21.09.2006 for a period of 5 years from 21.09.2006 to 20.09.2011.
- g. However, recent cuttings were noticed outside the leasehold area in the S.F.No.790/1A wherein lease was previously granted, which is a clear violation of the leasehold conditions.
- h. 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.

  
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**COIMBATORE DISTRICT**

- i. 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. 117 of 2022.

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

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

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

*[Signature]*  
**ASSISTANT GEOLOGIST  
DEPARTMENT OF GEOLOGY & MINING  
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