

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 117 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.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,
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. The District Collector,
Collectorate Coimbatore,
Coimbatore.
5. N.Gopal,
S/o.K.Narayanasamy Gounder,
Singayanur,
Marudhathal Thottam,
Sokkanur Village,
Kinathukadavu,
Coimbatore District.


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

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6. Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Annasalai,
Guindy
Chennai - 600 032.

... Respondent (s)

REPORT FILED BY THE 3rd RESPONDENT

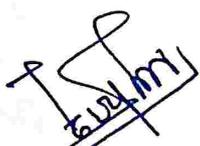
I, Kranthi Kumar Pati, Son of Surender Pati, Hindu, aged about 32 years, working as the District Collector, Coimbatore, residing at Collector's Bungalow, no. 267 Race Course, Coimbatore 641 018, do hereby solemnly affirm and sincerely state as follows:-

2) I am serving as the District Collector, Coimbatore and 4th respondent herein and I am well acquainted with the facts of the case from the records. I deny the contents of the affidavit, except those that are specifically admitted herein.

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

a) Pass orders forbearing the 5th Respondent herein from quarry operations in land in SF.No.790/1B, 792/1(Part) of Sokkanur Village, Coimbatore District owned by the 5th Respondent and thereby cancelling the Quarry lease vide Na.Ka.838/Kanimmam/2016 dated 24.12.2018.

b) Direct the official Respondents to take immediate action against the 4th Respondent for illegal quarrying operations without following the prescribed limits of the Act.


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c) Direct the official Respondents herein to assess, levy and collect a pollution fine from the 5th respondent 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 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 lessee has not erected proper fencing pillar around the leasehold area.
- b. 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.
- c. It is revealed from the office records that the 5th respondent has obtained permit for transporting 49,614 cbm of roughstone and 18,810 cbm of gravel from the subject lease.
- d. It was found from the survey that the roughstone was quarried in the subject area to an average depth of 20 meters while the depth permitted by the SEIAA is 26 meters.

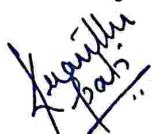

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- e. Previously, a quarry lease was granted to Thiru.A.Rathinasamy for quarrying roughstone and gravel from an extent of 0.95.5 hect in the S.F.Nos.790/1A(Part), 790/1B(Part), 792/1(Part) of the Sokkanur Village in Kinathukadavu Taluk, Coimbatore District 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.
- f. However, recent cuttings were noticed outside the leasehold area in the S.F.No.790/1A wherein lease was previously granted. A total quantum of 74,878 cbm of roughstone and 9176 cbm of gravel was found excavated without valid permit from the previously leasehold area.
- g. A total quantum of 76,211 cbm of roughstone and 6,603 cbm of gravel was found excavated without valid permit from the current leasehold area.
- h. A total quantum of 35,967 cbm of roughstone and 6,032 cbm of gravel was found excavated without valid permit from the safety distance to be maintained from the adjacent patta lands.
- i. For the aforementioned violations, Sub Collector, Pollachi was requested to take action against the 5th respondent as per rule 36-A of the Tamil Nadu Minor Mineral concession rules 1959 vide letter in Rc.No.1447/Mines/2022 dated 28.07.2023.


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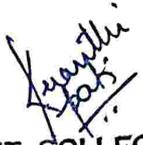

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- j. Accordingly, the Sub Collector, Pollachi vide Proceedings in Rc.No.1352/2023/A2 dated 19.10.2023 has levied a penalty of Rs.10,98,39,015/- against the 5th respondent.
- k. As the penalty levied by the Sub Collector, Pollachi is pending payment, the issuance of transport permit to the 5th respondent has been stopped.

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.

Solemnly affirmed at Coimbatore
On this Day 6th of December 2023 and
signed his name in my presence


DISTRICT COLLECTOR
COIMBATORE
BEFORE ME


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