

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

Application No.118 of 2022

A.Sundaram,  
S/o.Agatheeshwara Gounder,  
No.9/98, Veerappa Gounder,  
Palarpathy Post,  
Kinathukadavu,  
Coimbatore - 642109

... 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. R.Muralidharan,  
Perumbathi,  
Jameen Kaliyapuram Post,  
Pollachi Taluk,  
Coimbatore District - 642001
  6. The Member Secretary,  
Tamil Nadu Pollution Control Board,  
No.76, Anna Salai, Guindy,  
Chennai - 600 032.
- ... Respondent (s)

ASSISTANT DIRECTOR  
DEPARTMENT OF GEOLOGY & MINING  
COIMBATORE DISTRICT

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

*Airv*  
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 44 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> respondents 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 5<sup>th</sup> Respondent from quarry operations in patta land in S.F.No. 311/1A(Part) of Puravipalayam Village, Pollachi Taluk, Coimbatore District.

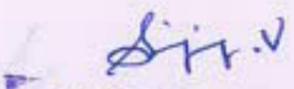
ii) To cancel the Environmental Clearance issued by the 1<sup>st</sup> respondent.

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

  
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DEPARTMENT OF GEOLOGY & MINING  
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- i. Thiru.R.Muralidharan (5th respondent) have preferred an application for grant of quarry lease for quarrying roughstone and gravel vide his application dated 06.07.2015.
- ii. In this regard, based on the land availability report of the Sub Collector, Pollachi in Rc.No.1987/2015/A2 dated 20.08.2015 and the inspection report of the Assistant Director, Mines dated 24.09.2015, precise area was communicated to Tmt.K.Sivakami vide Rc.No.663/Mines/2015 dated 10.10.2015 with a direction to submit a draft mining plan.
- iii. In continuation to this, the draft mining plan submitted by Thiru.R.Muralidharan was approved by the Assistant Director, Mines vide Rc.No.663/Mines/2015 dated 27.10.2015.
- iv. Subsequent to this, Thiru.R.Muralidharan has obtained the Environmental Clearance from State Level Environment Impact Assessment Authority vide Lr.No.SEIAA-TN/F.No.4671/1(a)/EC.No.3894/2016 dated 14.06.2017 for carrying out quarry operations of roughstone and gravel over an extent of 2.63.0 hect in the S.F.No.311/1A(Part) of the Puravipalayam Village in Pollachi taluk, Coimbatore District. The approved depth of mining as per the EC is 6 meters.
- 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. 1784 CBS/RS/DEE/TNPCB/CBS/W/2017 and 1784 CBS/RS/DEE/TNPCB/CBS/A/2017 dated 19.10.2017.

NOTES  
ASSISTANT DIRECTOR  
DEPARTMENT OF GEOLOGY & MINING  
COIMBATORE DISTRICT

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

*AS*  
**ASSISTANT DIRECTOR  
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- vi. Since the applicant has fulfilled all the statutory conditions, a quarry lease was granted infavour of the 5th respondent (Thiru.R.Muralidharan) for quarrying roughstone and gravel from an extent of 2.63.0 hect in the S.F.No.311/1A(Part) of the Puravipalayam Village in Pollachi taluk, Coimbatore District vide Proceedings Rc.No. 663/Mines/2015 dated 06.12.2017 for a period of 5 years. The lessee deed was executed on 06.12.2017 and the lease period is valid upto 05.12.2022.
- vii. The executed lease deed was registered at the Sub Registrar Office, Pollachi vide lease deed No. 10840 of 2017 dated 20.12.2017.
- viii. Subsequently, a modified mining plan was submitted by the 5<sup>th</sup> respondent, based on which a modified Environmental Clearance was issued by the DEIAA, Lr.No. DEIAA-CBE-V/F.No.563/1(a&b)/EC.No.59/2018 dated 10.12.2018 for a quantity of 4,10,465 cbm of rough stone and 8,746 cbm of gravel.
- ix. At this juncture, the petitioner (Thiru.A.Sundaram) have lodged a representation dated 29.10.2021 with a request to put an end to the illegal operation of few quarries in the Sokkanur and Puravipalayam villages of the Kinathukadavu and Pollachi Taluk.
- x. In this regard, the Tahsildar Kinathukadavu and Pollachi was requested vide Rc.No.392/Mines/2021 dated 29.11.2021 to furnish a detailed report after conducting field inspection and the same is awaited.

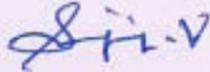
ASSISTANT GEOLOGIST  
DEPARTMENT OF GEOLOGY & MINING  
COIMBATORE DISTRICT

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

*[Signature]*  
ASSISTANT DIRECTOR  
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- xi. At this stage, the petitioner (Thiru.A.Sundaram) have filed this O.A. No. 118 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.No.311/1A(Part) of the Puravipalayam Village in Pollachi 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 not erected proper fencing pillar around the leasehold area.
  - b. The subject lease is expired on 05.12.2022.
  - c. Previously, a quarry lease was granted in this subject area in S.F.No.311/1A(Part) over an extent of 2.63.0 hectares to Thiru.M.Thangam David vide Rc.No.1327/2009/MM2 Dated: 24.07.2010 for a period of 5 years from 24.07.2010 to 23.07.2015 and the lease deed was executed at the Sub Registrar Office, Pollachi vide lease deed No.9320/2010 dated 22.11.2011.
  - d. It was found that the roughstone was quarried in the subject area to a maximum depth of 40 meters as on date while the depth permitted by the DEIAA is 41 meters.
  - e. The office records reveal that the 5<sup>th</sup> respondent have obtained permit for transporting a total of 2,61,312 cbm

  
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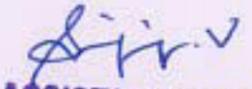
  
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**COIMBATORE DISTRICT**

of roughstone and 7,560 cbm of gravel from the subject lease. The lessee has remitted Rs. 1,66,23,980/- towards seigniorage fee for obtaining transport permit till date.

- f. On reconnaissance survey, it was found that the lessee has quarrying outside the leasehold area in the southeastern direction.
- 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. 118 of 2022.

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

  
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