

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 118 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.118 of 2022

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

... 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. 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


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


**DISTRICT COLLECTOR
COIMBATORE**
... 2/11

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

... Respondent (s)

REPORT FILED BY THE 4th 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 states 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

i) Pass orders forbearing the 4th Respondent herein from quarry operations in land in S.F.No. 311/1A(P) of Puravipalayam Village, Coimbatore District owned by the 5th respondent and thereby cancelling the Environmental Clearance issued by the 1st respondent vide Lr.No. SEIAA - TN/F.No.4671/1(a)/EC.No. 2894/ 2016 dated: 14.06.2017.

ii) Direct the official respondents to take immediate action against the 5th 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 5th respondent herein for the illegal quarrying carried on


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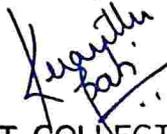

DISTRICT COLLECTOR
COIMBATORE

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. Previously, a roughstone quarry lease was granted to one Thiru.Thangam David vide District Collector proceedings in RC.No.1322/2009/MM2 dated 24.07.2010. During the currency of the said lease period, the lessee had obtained permit for transportation of 1140 cbm of Roughstone.
- b. After expiry of the above lease period, a quarry lease was granted infavour of the 5th respondent for a period of 5 years from 06.12.2017 to 05.12.2022 vide District Collector's proceedings in Rc.No.663/Mines/2015 dated 06.12.2017.
- c. It is found that the lessee has not erected proper fencing pillar around the leasehold area.
- d. The subject quarry lease expired on 05.12.2022.
- e. The 5th Respondent has not maintained the safety distances and also carried out quarrying operation in the non lease area and thus violated the conditions of lease grant order.
- f. In this regard, a report was forwarded to the Sub Collector, Pollachi vide Rc.No.1449/Mines/2022 dated 06.02.2023 to take action against the lessee as per Rule


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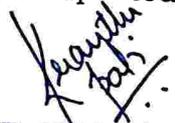

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36-A of the Tamil Nadu Minor Mineral Concession Rule, 1959.

- g. At this juncture, the Sub Collector, Pollachi vide letter in Rc.No.3567/2022/A2 dated 28.06.2023 has informed that at the time of personal hearing afforded on 13.06.2023, Tmt.Jeyakodi, W/o. Thiru. Muralidharan appeared before the Sub Collector on behalf of her husband Thiru.Muralidharan stated that her husband was admitted to hospital on Medical grounds and she has requested to conduct a resurvey over the area in the presence of her husband / Lessee Thiru.Muralidharan. Hence, the Sub Collector, Pollachi has requested to conduct a resurvey the subject area in the presence of the lessee after due intimation.
- h. As requested, a notice was issued to the 5th Respondent vide Rc.1449/Mines/2022 dated 30.06.2023 intimating him to be present for the resurvey scheduled on 11.07.2023. However, the 5th respondent failed to make his presence on that day. Further, even when the survey was continued for the next day i.e 12.07.2023, the lessee has failed to present for resurvey. Further, detailed survey had been conducted over the subject area on 24.07.2023 and also on 01.09.2023.
- i. From the survey it was found that the lessee had quarried and transported 2,33,908 cbm of rough stone and 14,906 cbm of Gravel excessively from the lease hold area without transport permit. The lessee had also carried out quarrying operation in the safety distance and removed 4508 cbm of rough stone and 172 cbm of gravel. Apart from that the lessee had quarried and transported 7627


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cbm of rough Stone and 263 cbm of Gravel outside the lease hold area.

- j. In view of the above, the final report was forwarded to the Sub Collector, Pollachi vide letter in Rc.No.1449/Mines/2022 dated 27.10.2023 for taking penal action against the 5th Respondent as per Rule 36-A of the Tamil Nadu Minor Mineral Concession Rule, 1959 and action is being taken by the Sub Collector, Pollachi in this regard.

At this stage, it is submitted that action has been initiated against the 5th Respondent for violation of the lease deed conditions. Thus, the prayer of the petitioner is fulfilled.

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.

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

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DISTRICT COLLECTOR
COIMBATORE
BEFORE ME

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