

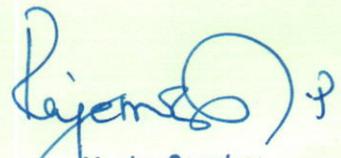
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI
ORIGINAL APPLICATION 119 OF 2021**

Tribunal on its own motion SuoMotu based on the
News item published in Dinamalar Tamil Newspaper
Chennai Edition Dt.14.04.2021, under the caption
"All over the Village is dust land. If deforms the villages
Along with lives

...Applicant(s)

Versus

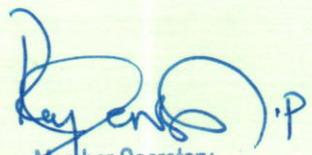
1. The Chief Secretary to Govt, of Tamil Nadu
Govt. Secretariat, Fort St.George
Chennai, Tamil Nadu-600009
2. The Secretary to Govt. of Tamil Nadu
Department of Environment & Forests
Govt. Secretariat, Fort St.George
Chennai, Tamil Nadu-600009
3. The Principal Secretary to Govt. of Tamil Nadu
Industries Department
Govt. Secretariat, Fort St.George
Chennai, Tamil Nadu-600009
4. The Chairman
Tamil Nadu Pollution Control Board
No.76, Anna Salai, Guindy
Chennai, Tamil Nadu-600032
5. State Level Environment Impact Assessment Authority
Government of Tamil Nadu
Rep. by its Member Secretary
3rd Floor, Panagal Maaligai
No.1, JeenisRoad, Saidapet
Chennai-600015.
6. Department of Geology and Mining
Rep.by its Commissioner
Alandur Road, Guindy Industrial Estate
Guindy, Chennai-600032
7. The District Collector
Coimbatore District
District Collectorate Office
Collectorate Building
Coimbatore-641018


Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maaligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

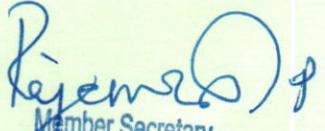
8. ChinnaThadagam Village Panchayat
Rep.by its Secretary
Panchayat Village Office
MariyammanKovil Street
P.N.Palayam, Coimbatore
Tamil Nadu-641010.
9. 24, Veerapandi Village Panchayat,
Rep.by its Secretary
Panchayat Village Office
24, Veerapandi Post
P.N.Palayam, Coimbatore
Tamil Nadu-641108.
10. Nanjundapuram Village Panchayat
Rep.by its Secretary
Panchayat Village Office
Nanjundapuram Road
Thadagam Post, P.N.Palayam,
Coimbatore, Tamil Nadu-641108.
11. Somayampalayam Village Panchayat
Rep.by its Secretary
Panchayat Village Office
KalapanaickenpalayamOpp Bus Stand
Somayampalayam Post, P.N.Palayam,
Coimbatore, Tamil Nadu-641108.
12. Pannimadai Village Panchayat
Rep.by its Secretary
Panchayat Village Office
Pannimadai Post, P.N.Palayam
Coimbatore, Tamil Nadu-641017
- ...Respondent(s)

REPLY AFFIDAVIT FILED BY FIFTH RESPONDENT

I, Tmt.P.Rajeswari, I.F.S., W/o.P.Singaiiah and aged about 58 years, working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Buildings, Saidapet, Chennai – 600015 solemnly affirm and sincerely state as follows

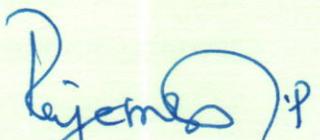

 Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
 Panagal Milligai, No.1, Jeenis Road,
 Saidapet, Chennai - 15

1. I respectfully submit that I am well acquainted with the facts of the case from the records available and I am filing this reply affidavit in my official capacity on behalf of 5th Respondent.
2. I respectfully submit that I am filing reply affidavit on behalf of 5th Respondent herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
3. I respectfully submit that the Hon'ble National Green Tribunal, Southern Zone has filed an O.A.No.119 of 2021 as SuoMotu based on the news item in the Dinamalar Tamil Newspaper, Chennai Edition dated 12.04.2021 & 14.04.2021, under the caption "All over the Village is dust land. It deforms the villages Along with lives" "...it seen from the news paper report that in Thadagam Valley of Coimbatore District, on account of mining and brick kilns units being established, the entire part of Western Ghats has been affected causing serious environmental degradation. There was no regulation to regulate their activities and unauthorised brick kilns are also coming up thereby over exploitation of nature could not be checked, which resulted in large scale pits in those areas causing soil as well ecological degradation."
4. I respectfully submit that the Environment Impact Assessment (EIA) Notification, 2006 as amended dated 14.09.2006, mandates prior Environmental Clearance (hereinafter referred to as EC) for new projects or activities including expansion, or modernization of existing projects listed in its Schedule. The Category 'A' projects shall obtain EC from the Ministry of Environment, Forest and Climate Change, New Delhi and Category 'B' projects from the concerned State Level Environment Impact Assessment Authority (SEIAA)/Union Territory Environment Impact Assessment Authority (UTEIAA). This respondent is concerned only with category "B" projects. For the proposed mining projects, the Proponent shall submit an application seeking Environmental Clearance for the proposed quarry along with Form-1, precise area communication from the District Collector, Mining plan approved by the Department of Geology and Mining, prefeasibility report and other essential documents. The proposal will be placed before the State Expert Appraisal Committee (SEAC) for screening, scoping and appraisal. Based on the recommendations of SEAC, the


Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Kaligai, No.1, Jeenis Road,
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proposal is placed before the State Environment Impact Assessment Authority (SEIAA) for the consideration of issue of Environmental Clearance. After detailed discussion and based on the documents furnished, Environmental Clearance is issued by SEIAA.

5. I respectfully submit that the as per under EIA notification 2006, as amended activity of mining of Minerals (≤ 100 ha of mining lease area in respect to non-coal mine lease & ≤ 150 ha of mining lease area in respect to coal mine lease area) falls under category 'B' Projects.
6. I respectfully submit that the no application seeking Environmental Clearance (EC)/ Terms of Reference (ToR) was received in this O/o. State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) for mining activity of Savudu & Gravel in the following 1. Pannimadai, 2. Somaiyampalayam, 3. Nanjundapuram, 4. ChinnaThadagam, & 5. Veerapandi Villages, Coimbatore District. Also, the activity of the Brick Kiln industry does not attract EIA notification, 2006 as amended.
7. I respectfully submit that the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A.No.119 of 2021 dated: 04.06.2021 appoint a joint committee comprising of (1) The District Collector, Coimbatore District, (2) a Senior Officer from State Environment Impact Assessment Authority (TNSEIAA), designated by its chairman, (3) a Senior Officer from Tamil Nadu Pollution control Board (TNPCB) designated by its chairman, (4) a senior officer from department of Geology & Mining, deputed by its commissioner to inspect the area in question and submit a factual as well as action report, if there is any violation found.
 - i. The Committee is also directed to consider as to whether environmental clearance are obtained for the purpose of extracting mud for commercial purpose.
 - ii. Whether necessary permissions have been obtained from the Mining Department and how the Mining Department is regulating the activities to check over exploitation of minerals.
 - iii. Whether there was any excessive mining done by any of the persons who have been authorised to do such work
 - iv. Whether any action has been taken against those persons,

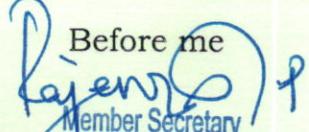

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- v. Whether there was any violation of excessive mining and if so, what is the nature of action taken against offenders by the regulators
- vi. Whether the brick kiln industries are following the directions issued by the Principal Bench of National Green Tribunal in Similar matters in North India, with modifications if any, required considering the situation prevailing in these areas to protect environment,
- vii. Whether any damage has been caused to any of the water bodies near by
- viii. Whether it has affected the water bodies like rivers and streams etc.,
- ix. Whether any depletion in the ground water level has happened on the account of unscientific manner in which such industries are being run by the persons involving such activities. If any damage has been caused to environment, the committee shall indicate what is the nature of damage caused and offer recommendations for restoring the damage caused to the environmental compensation to be recovered recover from those persons who are responsible for such degradation.

8. I respectfully submit that the joint committee members have inspected the project site and submitted the joint committee inspection report before the Hon'ble National Green Tribunal, Southern Zone, Chennai on 01.10.2021.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to pass appropriate orders as this Hon'ble Tribunal may deem to fit and thus render justice.

Solemnly affirmed at Chennai
On this 25th day of January 2022
& signed his name in my presence

Before me

Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

Attested Officer


Environmental Engineer
State Level Environment Impact Assessment Authority
Third Floor, Panagal Maligai,
Saidapet, Chennai - 600 015.