

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No.119 of 2021(SZ)

IN THE MATTER OF:

Tribunal on its own motion Suo Motu based on
the News item published in Dinamalar Tamil news
paper,
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)

- Vs. -

- 1) The Chief Secretary to Govt. of Tamil Nadu. ...
Govt. Secretariat, Fort St. George
Chennai, Tamil Nadu 600 009
- 2) The Secretary to Govt. of Tamil Nadu
Department of Environment & Forests,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu 600 009.
- 3) The Principal Secretary to Govt. of Tamil
Nadu,
Industries Department,
Govt. Secretariat, Fort St. George
Chennai, Tamil Nadu 600 009.
- 4) The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu 600 032.
- 5) State Environment Impact Assessment
Authority,
Government of Tamil Nadu,
Rep. by its member Secretary,
3rd Floor, Panagal Maaligai,
No.1.Jeenis Road, Saidapet,
Chennai 600 015.

Respondent(s)

- 6) Department of Geology and Mining,
Rep. by its Commissioner,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai – 600 032.
- 7) The District Collector,
Coimbatore District,
District Collectorate Office,
Collectorate Building,
Coimbatore – 641 018.
- 8) Chinna Thadagam Village Panchayat,
Rep. by its Secretary,
Panchayat Village Office,
Mariyamman Kovil Street,
P.N.Palayam, Coimbatore,
Tamil Nadu – 641 010.
- 9) 24, Veerapandi Village Panchayat,
Rep. by its Secretary,
Panchayat Village Office,
24, Veerapandi Post,
P.N.Palayam, Coimbatore,
Tamil Nadu – 641 108.
- 10) Nanjundapuram Village Panchayat,
Rep. by its Secretary,
Village Panchayat Office,
Nanjundapuram Road,
Thadagam Post, P.N.Palayam,
Coimbatore, Tamil Nadu – 641 108.
- 11) SomayamPalayam Village Panchayat,
Rep. by its Secretary,
Village Panchayat Office,
Kalapanaickanpalayam Opp Bus Stand,
SomayamPalayam Post, P.N.Palayam,
Coimbatore, Tamil Nadu – 641 108.
- 12) Pannimadai Village Panchayat,
Rep. by its Secretary,
Village Panchayat Office,
Pannimadi Post, P.N.Palayam,
Coimbatore, Tamil Nadu – 641 107.

... Respondent (s)

STATUS REPORT FILED BY THE 7th RESPONDENT

I, G.S.Sameeran, Son of T.K.Sureshkumar, Religion Hindu, aged 35 years, working as the District Collector, Coimbatore residing at Collector's Bungalow, No.267, Race Course, Coimbatore District do hereby solemnly affirm and sincerely states as follows:

2) I am the 7st **respondent** herein and I am filing this report on behalf of the Joint Committee and I am well acquainted with the facts of this case from the records.

3) It is submitted that the present case has been Suo Motu registered by this Tribunal on the basis of the series of articles published in Dinamalar daily Chennai Edition Dt. 12.04.2021 & 13.04.2021 under the captions "தடாகம் பள்ளதாக்கு ... தனி சாம்பராஜ்யம்!" as part of the caption "பார்க்கும் இடமெல்லாம் பள்ளம்... பதறுது உள்ளம்!"

4) It is respectfully submitted that regarding the Tadagam Brick Kilns, One Thiru.S.Muralidharan & Thiru.T.M.S Rajendran has filed a Public Interest Litigation, W.P.No.27356/2019 & W.P.No.28475/2019 before the Hon'ble First Bench of Madras High Court and the Hon'ble First Bench has passed Orders to close down the brick kiln units in the subject area and as directed by the Hon'ble First Bench 186 brick kiln units were closed down and action taken by the District Administration for closure of Brick Kilns were submitted by the Chief Secretary to Government to the Hon'ble High Court of Madras, Chennai.

5) It is submitted that, aggrieved by the closure order passed by the Team of Officials, the individual brick kiln owners have filed individual writ petitions in W.P.Nos.9606, 9726, 9738, 9741, 9745, 9748/2021 etc., batch cases challenging the above said closure order. In the above batch cases, the Hon'ble High Court, Chennai by its Order dated 30.04.2021 in under para 22 ordered as follows:-

22. *For the foregoing reasons, without delving much upon the merits and demerits of the other submissions of the learned counsel on either side, excepting incorporating the same hereinabove, this Court is of the opinion that the impugned orders need interference by this Court. Accordingly, the impugned orders are set aside and the District Collector, Coimbatore, who is the competent authority under the statute, shall pass appropriate orders with respect to all these petitioners after affording an opportunity of hearing within a period of four weeks from the date of receipt of a copy of this order. The impugned orders would be treated as notices to the petitioners for appearing before the District Collector. No separate notice in this regard will be issued to the petitioners. The petitioners are at liberty to submit all relevant documents in support of their claim. It is made clear that no further extension of time would be granted to the District Collector to complete the above exercise of passing the appropriate orders qua these petitioners. The District Collector, Coimbatore, shall proceed with the further process based on the web copy of this order, without waiting for the certified copy.*

6) Further it is submitted that, in compliance to the orders passed by this Hon'ble Court dated 30.04.2021 in these Writ Petitions, a total number of 177 brick kiln units located in Veerapandi, Chinnathadagam, Somayampalayam, Nanjundapuram and Pannimadai Villages, Coimbatore North Taluk, Coimbatore District have been closed by District Collector, Coimbatore.

7) It is further submitted that in the matter of the Writ Petition No.28475 of 2019 filed by T.M.S.Rajendran the Hon'be High Court of Madras was appraised about the action taken for the closure of illegal brick kilns in the Thadagam area and the formation of committee to determine the damages caused out of the operation of the illegal brick kilns and therefore, prayed the dismissal of the Writ Petition as infructuous. At this juncture, the Hon'ble High Court of Madras in its order dated 09.12.2021 dismissed the case as follows;

6. *We have considered the submissions made by the parties and find that insofar as the prayer nos. i) and ii) are concerned, it has already been satisfied in view of the closure of the illegal brick kilns. Since closure has been made, question of electricity supply to it does not arise. The issue that now remains*

is in respect of the constitution of a committee to assess the damages done to the ecology and general public.

7. Learned Additional Government Pleader appearing for the Stated has made a submission regarding the constitution of the committee. Thus, even the last prayer in the writ petition gets satisfied. Moreover, as per Sections 14 and 15 of the Act of 2010, jurisdiction for it lies with the National Green Tribunal.
8. In view of the above, we are disposing of this writ petition rendering it to be infructuous so far as the closure of the illegal brick kilns is concerned and insofar as constitution of a committee for the assessment of damages due to operation of the illegal brick kilns is concerned, if the petitioner has any grievance, he can avail remedy before the National Green Tribunal.

8) It is respectfully submitted that the Hon'ble National Green Tribunal, Southern Zone, Chennai in its own Suo Motu registered O.A.No. 119 of 2021 based on the series of articles published in Dinamalar daily News paper, Chennai Edition Dated 12.04.2021 & 13.04.2021 has directed to constitute a committee and to submit the report on or before 16.07.2021.

9) Further it is submitted that, as per the order of the Hon'ble National Green Tribunal Southern Zone, Chennai dated 04.06.2021, a committee has been formed comprising the following officers,

- i) The District Collector, Coimbatore
- ii) District Environmental Engineer, Tamil Nadu Pollution Control Board, Coimbatore North.
- iii) Assistant Environmental Engineer, State level Impact Assessment Authority (SEIAA), Chennai.
- iv) Regional Joint Director, Department of Geology and Mining, Tiruchirappalli Region.

10) It is respectfully submitted that, the above said committee along with District Revenue officer, Coimbatore, Revenue Divisional Officer, Coimbatore North, Tahsildar, Coimbatore North, Revenue Inspector and Village Administrative Officers concerned have inspected the subject area on 07.08.2021.

11) It is submitted that, the Hon'ble National Green Tribunal by its order dated 22.09.2021 has ordered as follows:-

10. *In the meantime, the Tamil Nadu Pollution Control Board, Department of Mining and Geology and also the District Collector, Coimbatore are directed to file independent statement regarding the action taken for the violations noted by them and submit a report to this Tribunal.*
11. *In order to ascertain the damage caused to the environment, we feel that instead of appointing NEERI for this purpose, we can include a Senior Scientist from CPCB, Regional Office, Chennai as one of the committee member and they can conduct the study and submit a report and if they feel that further study is required, then we will consider those aspect at that time. The committee along with the officer deputed from CPCB is directed to inspect and ascertain the damage caused to environment and also the remedial measures to be taken to remediate the situation and submit a further report as directed."*

12) It is submitted that the committee was hence reconstituted as follows:-

- i) The District Collector, Coimbatore
- ii) District Environmental Engineer, Tamil Nadu Pollution Control Board, Coimbatore North.
- iii) Assistant Environmental Engineer, State level Impact Assessment Authority (SEIAA), Chennai.
- iv) Regional Joint Director, Department of Geology and Mining, Tiruchirappalli Region.
- v) Senior Scientist, Central Pollution Control Board (CPCB), Regional Office, Chennai

13) Further, it is submitted that, a meeting was conducted on 07.10.2021 with a senior Scientist from Central Pollution Control Board (CPCB), Regional Office, Chennai through video conference and discussed the subject matter and decided to convene a meeting with committee members. Hence, a meeting was conducted on 26.10.2021 at Collectorate, Coimbatore. In this meeting, all the committee members participated except the Assistant Executive Engineer, SEIAA, Chennai.

14) It is respectfully submitted that, during the meeting, the scientist, CPCB has pointed out to obtain certain details from the respective departments to assess the damage due to mining activities. In this regard, the following are being assessed:

- (i) Impact on the Ground water if any due to the mining activities & details of the river courses such as stream, Odai, etc and their impact in flow disturbance, if any due to mining activities in the subject areas has been requested from the Chief engineer, Chennai with copy marked to the PWD, Ground water division, Coimbatore regarding the data on the ground water depletion, water quality effect etc., vide District Collector Rc.No.825/Mines/2021 dated 10.11.2021. In this regard, the Assistant Executive Engineer, WRO, Coimbatore has furnished a reply vide his letter in Rc.No.1(a)/Misc/AEC/2021/Kovai dated 04.01.2022.
- (ii) Impact on the agriculture activities, if any due to mining activities in the subject areas such as name of crops cultivated, crop wise yield loss due to mining (year wise) with survey number & name of the land owner, affected area & Government notified compensation amount crop wise has been requested from the Revenue Authorities vide District Collector Rc.No.825/Mines/2021 dated 10.11.2021 and the same is received.
- (iii) Survey to carry out the mining activities in entire subject areas such as river courses, stream, Odai, drain etc., leased land, patta land, poramboku land etc., to assess the quantum of mining carried out legally & illegally and notified/prescribed penalty for illegal mining has been requested from Revenue Divisional officer, Coimbatore North Taluk vide District Collector Rc.No.650/Mines/2021 dated 13.09.2021. The above said survey work has been completed in around 600 survey fields in

Chinnathadagam, Veerapandi, Nanjundapuram, Somayampalayam and Pannimadai Villages. Currently, the voluminous and time consuming post-survey works such as compilation of data, verification of the results, generation of maps, etc., are in process. The detailed conclusive report would be furnished before the Hon'ble National Green Tribunal (SZ), Chennai after the completion of the above said post survey works.

In the view of above reasons, it is humbly prayed that the Hon'ble National Green Tribunal (SZ), Chennai may pleased to accept the status report and grant 3 months time period for the submission of final report and render justice.



DISTRICT COLLECTOR

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5/1/22