

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

Original Application No.127 of 2021(SZ)

IN THE MATTER OF :

P. Nanthagopal (M/A 34 years),
S/o.Pazhani Muruvappan,
110, Kunnavakkam Village,
Nellithoppu Street,
Pattaraikazhani Post,
Thirukazhukundram Taluk,
Chengalpattu, Tamil Nadu-603 102.
Phone No.96291 32605,
Email.ID:meganathan688733@gmail.com

... Applicant(s)

-Versus-

1. The Commissioner,
Geology and Mining Department,
Government of Tamil Nadu,
Alandur Road, Guindy,
Industrial Estate, Guindy,
Chennai-600 032.
Phone No.044-22501874.
Email.ID:cgmchennai32@gmail.com
2. The District Collector,
Collectorate, GST Road,
Chengalpattu District,
Chengalpattu- 603 001.
Phone No.044-27427412
Email.ID: collr-cpt@nic.in
3. The Deputy Director,
Geology and Mining Department,
Chengalpattu District,
Chengalpattu-603 001.
Phone No.044-27237104.
Email.ID.minekanchi@gmail.com.
4. The Tahsildar,
VOC Nagar, Thirukazhukundram Taluk,
Chengalpattu District,
Chengalpattu – 603 001.
Phone No.044-27432318.
Email.ID: tahcpt.tnkpm@nic.in.



**Deputy Director/
Assistant Director (I/c),
Geology and Mining,
Kancheepuram.**



**DISTRICT COLLECTOR
CHENGALPATTU.**

5. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Road,
Guindy, Chennai-600 032.
Phone No.044-22353134-139.
Email.ID:tnpcb-chn@gov.in.
6. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Adigalar Street,
Next to Municipal Office,
Kancheepuram District.
Chennai-603 209.
Phone No.044-27454422.
E.Mail.id: tnpcbmmnagar@gmail.com.
7. The Chairman,
State Level Environment Impact Assessment Authority,
Ground floor, Panagal Building,
No.1, Jeenis Road, Saidapet,
Chennai-600 015.
Phone No.044 24336421.
E.Mail.ID: mstnseiaa@yahoo.com.
8. Tvl.Salem Mines & Aggregates,
No.9, Nagarathinam Nagar Extension,
Thiruneermalai Road,
West Tambaram,
Chennai – 600 045.
Phone No: 9443259602
Email ID: infogeoexploration@gmail.com

...Respondent(s)

**STATUS REPORT FILED BY THE 2ND RESPONDENT –
THE DISTRICT COLLECTOR, CHENGALPATTU.**

I, Thiru. A.R. Rahul Nadh, I.A.S., S/o. Thiru.Reghu Nadh, Hindu, aged about 34 years, working as District Collector, Chengalpattu residing at Collector's Bungalow, Chengalpattu do hereby solemnly affirm and sincerely state as follows:-

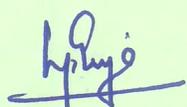

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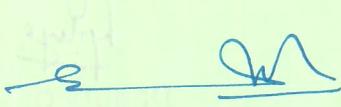

**DISTRICT COLLECTOR
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2) I am the 2nd respondent herein and as such I am well acquainted with the facts and circumstances of the case from the records available with office.

3) It is respectfully submitted that in the matter of Original Application Number 127/2021 filed by Thiru P. Nanthagopal, the Hon'ble National Green Tribunal, Southern Zone, Chennai by order dated.14.06.2021 has appointed the Department of Geology and Mining as a Nodal Agency and also appointed a Joint Committee comprising of following officials and directed to submit a factual as well as action taken report if there is any violation found in the S.F.Nos. 175/1, 175/2B, 175/3, 175/8B, 175/9B, 175/10B, 175/11B, 175/12, 175/2A and 175/2B of Kunnavakkam village, Thirukazhukundram Taluk, Chengalpattu District where stone quarrying has run by the 8th Respondent for the purpose of taking appropriate action.

- (i) The District Collector, Chengalpattu District, or a Senior Officer not below the rank of Assistant Collector/Sub-Divisional Magistrate as debuted by the District Collector
- (ii) A Senior Geologist from the office of the Deputy Director of Geology and Mining Department, Chengalpattu.
- (iii) A senior from the Tamil Nadu State Environment Impact Assessment Authority (TN SEIAA).
- (iv) A senior officer from the Tamil Nadu State Pollution Control Board (TNPCCB) as deputed by its Chairman.


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4) It is respectfully submitted that as directed by the Hon'ble National Green Tribunal, Joint Committee comprising of following officials have been constituted

1. Tmt.K.Shaghitha Parveen,
Revenue Divisional Officer,
Chengalpattu.. - Member
2. Er.D.Vasudevan,
District Environmental Engineer
Tamil Nadu Pollution Control Board,
Kanchipuram District. - Member
3. Thiru.K.Vijayaragavan,
Assistant Director,
Geology and Mining,
Chengalpattu. - Member
4. Tmt.N.R.Kamala,
Assistant Environment Engineer,
SEIAA Tamil Nadu, Chennai - Member

5) It is respectfully submitted that the subject area has been inspected by the Joint Committee on 16.09.2021 and filed the report on 25.10.2021 before Hon'ble National Green Tribunal.

6) The Joint Committee has reported as follows:-

a) In Chengalpattu District (erstwhile Kancheepuram District), 5 Rough stone and Gravel quarry leases were granted in S.No.175/1, 175/2B, 175/3, 175/8B, 175/9B, 175/10B, 175/11B, 175/12, 176/2A, 176/2B and 176/1 of Kunnavakkam village in Thirukazhikundram Taluk from the 2006 onwards. All the leased out areas have merged together and formed a single pit and a part of the pit filled with water. Presently, the 8th respondent is having quarry lease for quarrying rough stone over an extent of 3.04.0 hect. of patta land in S.F.No.176/1A of Kunnavakkam village, Thirukazhikundram Taluk and the lease is valid upto 18.11.2023. The details of the lease granted in Kunnavakkam village are as follows:-

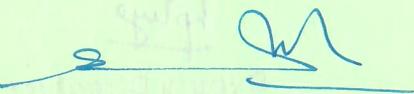
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Sl. No	Name of the lessee and address	SF.Nos.	Extent in hect.	District Collector's Proceedings.	Lease Period.
1	M.Ramachandiran, No.7, Johnson Street, Tambaram West, Chennai-45.	176/1	3.00.0	Rc.1917/2005/ Q1 Dt.7.2.2006	07.02.2006 to 06.2.2011
2	P.Janardhan Reddy, S/o.Ranga Reddy, No.7, Vetri Nagar, 2 nd Street, West Tambaram, Chennai- 5.	175/1, 175/2B, 175/3, 175/8B, 175/9B, 175/10B, 175/11B, 75/12.	3.00.0	Rc.80/2010/Q 1Dated 24.3.2010.	24.03.2010 to 23.03.2015
3	P.Janardhan Reddy, S/o.Ranga Reddy, No.7, Vetri Nagar, 2 nd Street, West Tambaram, Chennai- 5.	176/1(Part)	3.00.0	Rc.597/2010/ Q1 dated 15.07.2011	15.07.2011 to 14.07.2016
4	Tvl.Salem Mines and Aggregates, No.9, Nagarathinam Extension, Thiruneermalai, West Tambaram, Chennai-45.	175/1, 175/2B, 175/3,175/8B , 175/9B, 175/10B, 175/11B, 175/12, 176/2A, 176/2B	3.13.00	Rc.287/2015/ Q2 Dated 26.2.2016.	26.02.2016 TO 25.2.2021.
5	Tvl.Salem Mines and Aggregates, No.9, Nagarathinam Extension, Thiruneermalai, West Tambaram, Chennai-45	176/1A	3.04.00	Rc.003/Q2/ 2018 dated 19.11.2018.	19.11.2018 To 18.11.2023.

b) Violations observed by the Joint Committee in the area granted under lease to Tvl.Salem Mines by the District Collector, Kanchipuram vide Proceedings Rc.No.003/ 2018/ Q2/ dated 19.11.2018 for quarrying Rough stone over an extent of over an extent of 3.04.00 hectares of patta lands in survey number 176/1A Kunnavakkam village, Thirukazhikundram Taluk, Chengalpattu District


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i) As per the lease deed conditions, the required safety distance of 300 metres have not been provided to the adjacent Grama Natham Poramboke located in S.No.178, 177/4 of Kunnavakkam village and quarrying have been carried out in the safety zone area.

ii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferous Mines Regulations 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner, which violates the safety precautions of the labourers.

iii) The lessee has not monitored the quality of the ground water once in 3 months and not conducted any air sampling survey in and around the quarry site as mandated by DEIAA. The lessee has not done any green belt development around the bounty of the quarry site, as mandated for preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.

iv) As per the pit measurements, it is estimated that a quantum of 8,10,990 M³ of rough stone have been quarried within the lease hold area.

v) Mining operation is allowed up to a depth of 62m (below ground level) as per the approved mining plan / environmental clearance whereas the lessee has carried out the mining operation to a maximum depth of 98 metres.

c) Violations observed within the lease area granted for Rough Stone and Gravel to Tvl.Salem Mines & Aggregates by the District Collector, Kancheepuram vide Proceedings Rc.No.287/Q2/ 2015/dated 26.02.2016 over an extent of 3.13.00 hectares of patta lands in S.F.Nos 175/1, 175/2B, 175/3, 175/8B, 175/9B, 175/10B, 175/11B, 175/12,

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176/2A, 176/2B of Kunnavakkam village,
Thirukazhikundram Taluk, Chengalpattu District

- i) As per lease deed conditions, the required safety distance of 50meters have not been provided to the adjacent Naduvakkarai Eri and quarrying have been carried out in the safety zone area.
- ii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferous Mines Regulations 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner, which violates the safety precautions of the labourers.
- iii) The lessee has not monitored the quality of the ground water once in every 3 months and not conducted any air sampling survey in and around the quarry site as mandated by SEIAA. The lessee has not done any green belt development around the bounty of the quarry site, as mandated for preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.
- iv) Mining operation is allowed up to a depth of 65m (below ground level) as per the approved mining plan / environmental clearance whereas the lessee has carried out the mining operation to a maximum depth of 92 metres.
- v) As per the pit measurements, it is estimated that a quantum of 1,37,509 M³ of Gravel and 5,89,443 M³ of Rough stone have been removed within the lease hold area.


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d) The quantity of rough stone permitted for production as per the Approved Mining Plan / Environmental Clearance, the quantity of Roughstone / Gravel for which transport permits obtained from the Office of the Assistant Director of Geology and Mining, Chengalpattu and the actual quantum of minerals quarried and removed within the lease hold area granted under lease-I & II of Kunnavakkam village of Thirukazhikundram Taluk are tabulated as follows :-

Sl. No	Lease	Quantum of mineral permitted for production in the approved mining plan (in M ³).		Quantum of minerals for which transport permits obtained (in M ³)		Actual quantity of minerals quarried and removed (in M ³)		Quantum of Mineral quarried and transported unlawfully (in M ³)	
		Gravel	Rough stone	Gravel	Rough stone	Gravel	Rough stone	Gravel	Rough stone
	1	2	3	4	5	6	7	8=(6-4)	9=(7-5)
1	Lease-I	Nil	5,35,220	Nil	1,52,160	Nil	8,10,990	Nil	6,58,830
2	Lease-II	47,700	8,70,421	Nil	8,70,420	1,37,509	5,89,443	1,37,509	-2,80,977
Total		47,700	14,05,641		10,22,580	1,37,509	14,00,433	1,37,509	3,77,853

Thus, the Joint Committee have estimated that a quantum of 1,37,509 M³ of gravel and 3,77,853 M³ of rough stone have been quarried and removed from the lease hold area without payment of seigniorage fee and without obtaining despatch slips.

e) Encroachment and Illegal quarry in non-leased out area:

- 1) The lessee has encroached and indulged in illegal quarrying operations in the adjacent patta land bearing S.F.Nos.176/1B (Part) over an extent of 1.00.0 hect. and a quantity of 42,428 M³ of gravel and 35,6870 M³ of rough stone have been quarried and transported illegally and thereby the lessee contravened the sub section (1) & (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957.

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- 2) The lessee has also encroached and indulged in illegal quarrying operations in the adjacent patta land bearing S.F.Nos.174/2D over an extent of 0.22.00 hect and a quantity of 23,953 M³ of gravel have been quarried and transported illegally and thereby the lessee contravened the sub section (1) & (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957.
- 3) The Joint Committee has estimated that a quantum of 23,702 M³ of gravel have been dumped in part of the non leased out area in S.F.No.176/B and also in government land.

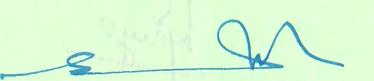
Abstract for Quantity of Minerals Quarried and Transported Unlawfully/Illegally

Sl. No.	S.F.Nos.	Extent (in Hec.)	Quantum of the Mineral Illegally quarried (within the lease hold area)		Quantum of the Mineral Illegally quarried (Outside the lease hold area)	
			Gravel (in M ³)	Rough stone (in M ³)	Gravel (in M ³)	Rough stone (in M ³)
1.	Lease - I	3.04.00	Nil	6,58,830	-	-
2.	Lease - II	3.13.00	1,37,509	-2,80,977	-	-
3	176/1B (P)	1.00.00	-	-	42,428	3,56,870
4	174/2D	0.22.50	-	-	23,953	Nil
TOTAL			1,37,509	3,77,853	66,381	3,56,870

f) Environmental compensation and cost required for environmental damages

The joint committee has recommended that the proponent may be issued with directions to remit the Environmental compensation of **Rs.58,75,000-/- (Rupees Fifty Eight Lakhs Seventy Five Thousand Only)** under section 5 of Environmental [Protection] act, 1986 as amended after giving an opportunity to the project proponent.


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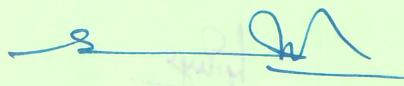

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g) Finally, the Joint Committee has furnished the following recommendations,

- i) Necessary action has to be initiated by the concerned authority for the illegal quarrying and transportation of 66,381 M³ of Gravel and 3,56,870 M³ of Rough stone from the non leased out Patta Lands of SF.No.176/1B and 174/2D of Kunnavakkam village, Thirukazhikundram Taluk and for the unlawful quarrying and removal of 1,37,509 M³ of Gravel and 3,77,583 M³ of Rough stone from the lease hold area as per 36-A of Tamil Nadu Minor Mineral Concession Rules, 1959.
- ii) For the violations of lease deed conditions, penalty action may be imposed and in respect of such breach, the lease may also cancel after affording an opportunity of hearing to the lessee as per the Rule 36 (5) (h) of Tamil Nadu Minor Mineral Concession Rules, 1959.
- iii) Since at present quarrying in the subject area is endanger to the life of the quarry workers, further quarrying may be allowed only after taking remedial measures and getting concurrence from the Director General of Mines Safety and the District Collector.
- iv) The Joint Committee recommended that the lessee shall deposit Environmental Compensation Fund payable at Chennai. The amount shall be used for restoration of environment and for necessary remedial and preventive measures with regard to environmental matters.

7) It is respectfully submitted that based on the recommendations of the Joint Committee, orders were issued by the District Collector, Chengalpattu vide Proceedings Rc.No.03/Q2/2018, dated.29.10.2021 suspending the quarry operations in the area granted under quarry lease to Tvl. Salem Mines & Aggregates for quarrying Rough stone over an extent of 3.04.00 Hects. of Patta land in S.F.Nos. 176/1A of Kunnavakkam Village,


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Thirukazhukundram Taluk, Chengalpattu District (Erstwhile Kancheepuram District) under sub- rule 10 (ii) of Rule 41 of the Tamil Nadu Minor Mineral Concession Rules, 1959. Further action will be initiated to cancel the quarry lease for breach of lease deed conditions by the quarrying lease holder under rule 36 (5) (h) of Tamil Nadu Minor Mineral Concession Rules, 1959 after providing an opportunity for personal hearing to the lessee.

8) It is respectfully submitted that based on the recommendations of the Joint Committee, Revenue Divisional Officer, Chengalpattu was requested to initiate appropriate action against the 8th respondent for the illegal quarrying and transportation of 66,381 M³ of Gravel and 3,56,870 M³ of Rough stone in the non-leased out area of SF.No.176/1B and 174/2D of Kunnavakkam village, Thirukazhikundram Taluk and also for the excess removal of 1,37,509 M³ of Gravel and 3,77,583 M³ of Rough stone from the lease hold area as per G.O.170 Industries, (MMC-2) Dept., dated.05.08.2020 and also as per Act and Rules.

9) In view of the above, it is therefore humbly prayed that this Hon'ble National Green Tribunal may be pleased to accept this report and pass orders as this Hon'ble National Green Tribunal may deem fit and proper in the fact and circumstance of this case and thus render justice.


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BEFORE ME

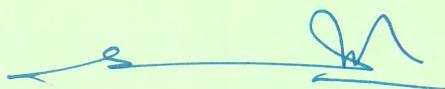
Solemnly affirmed at Chengalpattu
On this 12th the day of February 2022
and signed his name in my presence.


**Deputy Director/
Assistant Director (i/c),
Geology and Mining,
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VERIFICATION

I, Thiru.A.R.Rahul Nadh., I.A.S., working as District Collector, Chengalpattu District do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Chengalpattu on this 12th day of February 2022.



**DISTRICT COLLECTOR
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