

**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,  
Chengalpatu, 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,  
Chengalpatu District,  
Chengalpatu- 603 001.  
Phone No.044-27427412  
Email.ID:collr-cpt@nic.in
3. The Deputy Director,  
Geology and Mining Department,  
Chengalpatu District,  
Chengalpatu-603 001.  
Phone No.044-27237104.  
Email.ID.minekanchi@gmail.com.
4. The Tahsildar,  
VOC Nagar, Thirukazhukundram Taluk,  
Chengalpatu District,  
Chengalpatu – 603 001.  
Phone No.044-27432318.  
Email.ID: tahcpt.tnkpm@nic.in.

  
**ASSISTANT GEOLOGIST,**  
**GEOLOGY AND MINING,**  
**KANCHEEPURAM DISTRICT**

  
Assistant Director (I/c),  
Geology and Mining,  
Chengalpatu.

5. The Member Secretary,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Road,  
Guindy, Chennai-600 032.  
Phone No.044-22353134-139.  
Email.ID:tncpcb-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: tncpcbmmnagar@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)

**MEMO FILED BY THE 3<sup>rd</sup> RESPONDENT,**  
**THE ASSISTANT DIRECTOR, GEOLOGY AND MINING,**  
**CHENGALPATTU.**

I, Thiru.K.Vijayaragavan, S/o.Thiru. K.Krishnan Hindu,  
aged about 39 years working as Assistant Director, Geology and  
Mining, Kanchipuram do hereby solemnly affirm and sincerely  
state as follows:-

2) I am the 3<sup>rd</sup> respondent herein and as such I am well  
acquainted with the facts and circumstances of the case from the  
records available with our office. I filed this pleading petition for  
non compliance of order dated 14.06.2021 of this Hon'ble Court  
in time.

  
**ASSISTANT GEOLOGIST,**  
**GEOLOGY AND MINING,**  
**KANCHEEPURAM DISTRICT**

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

3) It is respectfully submitted that, in the matter of Original Application Number 127/2021, among carrying the Hon'ble National Green Tribunal, Southern Zone, Chennai in its order dated 14.06.2021 has appointed Department of Geology and Mining as Nodal Agency and also to appoint a Joint Committee comprising of following officials and direct to submit a factual as well as action taken report if there is any violation found

- (i) The District Collector, Chengalpatu District, or a Senior Officer not below the rank of Assistant Collector/Sub-Divisional Magistrate as deputed by the District Collector
- (ii) A Senior Geologist from the office of the Deputy Director of Geology and Mining Department, Chengalpatu.
- (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 (TNPCB) as deputed by its Chairman.

4) It is respectfully submitted that, the Hon'ble this Court has directed the Committee to ascertain certain the following facts.

- i) *whether there was any violation of conditions imposed in the environment clearance, Consent and other permissions granted committed by the 8<sup>th</sup> respondent?*
- ii) *Whether there was any excess mining done by the 8<sup>th</sup> respondent and, if so what is the quantity of excess mining and the amount of compensation payable apart from royalty and penalty to be imposed.*
- iii) *Whether the pollution control mechanisms have been strictly adhered to by the 8<sup>th</sup> respondent while operating the quarry including user of permitted explosives and*

  
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timings and if there is any violation, what is the impact of same on environment and the remedial measures to be taken for rectifying the same.

iv) Whether there was any impact on the neighboring property owners on account of the alleged violations and pollutions and said to have been caused by the 8<sup>th</sup> respondent.

v) The committee is also directed to ascertain the nature of damage caused to environment and assess the environmental compensation to be fixed against the establishment of 8<sup>th</sup> respondent for the violations and also damage caused to the environment on account of such activities.

5) It is respectfully submitted that, in compliance to the Hon'ble National Green Tribunal [South Zone] order, the District Collector has nominated Tmt.Shaghitha Parveen, the Revenue Divisional Officer, Chengalpatthu vide Rc.8218 /Mines/2021 dated 29.06.2018 on behalf of me as a member of Joint Committee for conducting inspection and submit detailed report of the subject quarry. Further, the District Collector direct me to provide necessary co-ordination assistant for filing inspection report as per the order of Hon'ble National Green Tribunal, (Southern Zone) Chennai.

6) It is respectfully submitted that, the Nodal Agency, the Director of Geology and Mining vide Rc.No.3883/MM1/2021 dated 16.07.2021 has requested the District Collector, Tamil Nadu State Environment Impact Assessment Authority and the Chairman , Tamil Nadu Pollution Control Board, to nominate an officers from their Department as a member in the Joint Committee for conducting field inspection over the subject area.

  
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GEOLOGY AND MINING,  
KANCHEEPURAM DISTRICT

  
Assistant Director (I/c),  
Geology and Mining,  
Chengalpatthu.

7) It is respectfully submitted that the State Level Environment Impact Assessment Authority vide letter No.SEIAA/Tamil Nadu/NGT/O.A.No.127 of 2021/2021-1 dated 22.07.2021 had deputed Tmt. N.R.Kamala, Assistant Environment Engineer, SEIAA Tamil Nadu, Chennai as a member of the Joint Committee.

8) It is respectfully submitted that the Member Secretary, Tamil Nadu Pollution Control Board vide letter No.TNPSC/LAW/LA-III/NGT/013348/2021 dated 14.07.2021 has nominated Er.D.Vasudevan, District Environmental Engineer, Kanchipuram District as a member of the Joint committee.

9) It is respectfully submitted that I have nominated as a member of Joint Committee by the Director, Department of Geology and Mining vide Rc.No.3883/MM1/2021/dated 15.09.2021 and also directed me to provide necessary coordination assistant for filing inspection report as per the order of Hon'ble National Green Tribunal, (Southern Zone) Chennai.

10) It is respectfully submitted that, Accordingly the nominated members of the joint Committed is given as under.

1. Tmt.K.Shaghitha Parveen,  
Revenue Divisional Officer,  
Chengalpatu.. - 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,  
Chengalpatu. - Member
4. Tmt.N.R.Kamala,  
Assistant Environment Engineer,  
SEIAA Tamil Nadu, Chennai - Member



Assistant Director (i/c),  
Geology and Mining,  
Chengalpatu.

  
ASSISTANT GEOLOGIST,  
GEOLOGY AND MINING,  
KANCHEEPURAM DISTRICT

11) It is respectfully submitted that, In then Kancheepuram District, presently Chengalpatu District there are 5 Rough stone and Gravel quarry leases had been 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 Thirukazhukundram Taluk from the 2006 onwards. All the leased out areas are merged together and formed a single pit and part of the pit filled with water. Presently, the 8<sup>th</sup> respondent has having quarry lease for quarrying rough stone in SF.No.176/1A over an extent of 3.04.0 hect. In Kunnavakkam village of Thirukazhukundram Taluk and the lease valid upto 18.11.2023. The details of lease granted in Kunnavakkam village are as follows:-

Sl. No.	Name of the lessee and address	S.F.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.No.1917/2005/Q1 Dated.7.2.2006	07.02.2006 to 06.2.2011
2	P.Janardhan Reddy, S/o.Ranga Reddy, No.7, Vetri Nagar, 2 <sup>nd</sup> 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.No.80/2010/Q1, Dated. 24.3.2010.	24.03.2010 To 23.03.2015
3	P.Janardhan Reddy, S/o.Ranga Reddy, No.7, Vetri Nagar, 2 <sup>nd</sup> Street, West Tambaram, Chennai-5.	176/1(Part)	3.00.0	Rc.No.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.No.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.No.003/Q2/2018 Dated. 19.11.2018.	19.11.2018 To 18.11.2023.

  
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 KANCHEEPURAM DISTRICT

  
 Assistant Director (I/c),  
 Geology and Mining,  
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12) It is respectfully submitted that, the area granted under lease to Tvl. Salem Mines and Aggregates for quarrying Rough stone in patta survey number 176/1A over an extent of over an extent of 3.04.00 hectares of Kunnavakkam village, Thirukazhukundram Taluk, Chengalpatu District vide Kanchipuram District Collector Proceedings Rc.No.003/2018 /Q2, dated.19.11.2018, was inspected on 16.09.2021 along with other committee members and observed the following violation.

i) As per lease deed conditions the required safety distance of 300 metres has not been provided to the adjacent Grama Natham Poramboke located in S.F.Nos.178, 177/4 of Kunnavakkam village, and quarrying had been carried out in the safety zone area also.

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 Metalliferrous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.

iii) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the bounaty of the quarry site in manner to 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 approved up to depth of 62 m (below ground level) in the mining plan / environmental clearance whereas the lessee has carried out the mining operation beyond the approval depth of mining.



Assistant Director (I/c),  
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Chengalpatu.

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13) It is respectfully submitted the area granted under lease to Tvl. Salem Mines and Aggregates for quarrying Rough stone and Earth in patta survey numbers 175/1, 175/2B, 175/3, 175/8B, 175/9B, 175/10B, 175/11B, 175/12, 176/2A, 176/2B over an extent of over an extent of 3.13.00 hectares of Kunnavakkam village, Thirukazhukundram Taluk, Chengalpattu District vide Kanchipuram District Collector Proceedings Rc.No.287/Q2/2015/dated 26.02.2016, was inspected on 16.09.2021 along with other committee members and observed the following violation.

- i) As per lease deed conditions the required safety distance of 50 has not been provided to the adjacent Naduvakkarai Eri and quarrying had been carried out in the safety zone area also.
- 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 Metalliferrous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.
- iii) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the bounty of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.

  
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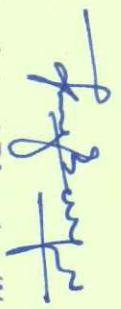
vi) Mining operation is approved up to depth of 65 m (below ground level) in the mining plan / environmental clearance whereas the lessee has carried out the mining operation beyond the approval depth of mining.

14) It is respectfully submitted that, The lessee has encroached and indulged illegal quarrying operation in the adjacent patta in S.F.Nos.176/1B (Part) and in S.F.Nos.174/2D and thereby the lessee contravened the sub section (1) & (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957.

15) It is respectfully that, the report of joint committee is being under preparation with incorporate the details of the quantity of rough stone permitted for production in the Approved Mining Plan / Environmental Clearance the quantity for which transport permits obtained from the Office of the Assistant Director of Geology and Mining, Chengalpatu and the actual quantum of minerals quarried and removed within the lease hold area granted under lease-I & II of Kunnavakkam village of Thirukazhukundram Taluk. Further, with regard to the violation committed by the lessee, the necessary action will be initiated after receipt of Joint committee report as per the Tamil Nadu Minor Mineral Concession Rules, 1959.

16) It is respectfully submitted that, the delay only due to the involving other routine official work load and not wanted one. However, the Joint Committee report will be filed before 28.10.2021 as per direction of the Hon'ble National Green Tribunal Bench. Therefore, I solicit my apologist before this Hon'ble Court for non compliance and order of Hon'ble this Court in time.

  
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KANCHEEPURAM DISTRICT

  
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Geology and Mining,  
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17) In view of the above, it is therefore humbly prayed that this Hon'ble National Green Tribunal, Southern Zone, Chennai may be pleased to accept this memo and to not invoke any order as against me as this Hon'ble National Green Tribunal may deem fit and proper in the fact and circumstance of this case and thus justice.

Verified at Chengalpattu on this 5<sup>th</sup> day of October 2021.



Assistant Director (I/c),  
Geology and Mining,  
Chengalpattu.  
**BEFORE ME.**



ASSISTANT GEOLOGIST,  
GEOLOGY AND MINING,  
KANCHEEPURAM DISTRICT

**VERIFICATION**

I, Thiru. K. Vijayaragavan, working as Assistant Director, Geology and Mining, Chengalpatu District do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Chengalpatu on this 5<sup>th</sup> day of October 2021.



Assistant Director (I/C),  
Geology and Mining,  
Chengalpatu.