

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

ORIGINAL APPLICATION NO. 127 of 2021 (SZ)

P. Nanthagopal,
Chengalpattu, Tamil Nadu

Versus

The Commissioner,
Geology and Mining Department,
Govt. of Tamilnadu, Chennai
and others.

...Respondent(s)

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Advocate for the Respondent: TNPCB

Tr. S. Sai Sathya Jith,
Advocate, Chennai

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI.

ORIGINAL APPLICATION NO. 127 OF 2021 (SZ)

P. Nanthagopal,
Chengalpattu, Tamil Nadu.

...Applicant

Vs

1. The Commissioner,
Geology and Mining Department,
Govt. of Tamil Nadu,
Chennai and Ors.

...Respondents

REPORT FILED ON BEHALF OF THE RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD

I, R. Vijayabaskaran, Son of E. Rathinam, Hindu, aged about 58 years, having office at No. 76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Action Taken Report on behalf of the Respondent Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the report on application filed before the Hon'ble National Green Tribunal (SZ), Chennai by P.Nanthagopal, Chengalpattu, Tamil Nadu regarding the violations of conditions and alleged excess mining done by the 8th respondent/ Tvl.Salem Mines and Aggregates who was granted environment


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clearance and license to start rough stone and gravel quarry activities in S. F. Nos.175/1, ect., of Kunnavakkam Village of Thirukazhukundram Taluk, Chengalpattu District are as follows.

Lease I: - S.F.Nos.176/1A, over an extent of 3.04.0 Hect.

i) A Rough Stone quarry lease has been granted for the period of five years to Tvl.Salem Mines and Aggregates for quarrying Rough stone in patta survey numbers 176/1A over an extent of over an extent of 3.04.00 hectares of Kunnavakkam village, Thirukazhikundram Taluk, Chengalpattu District vide Kanchipuram District Collector Proceedings Rc.No.003/2018/Q2/ dated 19.11.2018. The lease deed was executed on 19.11.2018 and the lease valid upto 18.11.2023.

ii) The lessee has obtained Environmental clearance from the District level Environmental Impact Assessment Authority for a period of 5 years from the date of execution of lease deed vide Lr. No. DEIAA-DIA/ TN/ MIN/ 003/ Q2 / 2018-KPM, EC.No.41.-2018, Dated. 03.10.2018 subject to the conditions stipulated therein for quarrying of Rough Stone in SF.No.176/1A., to the tune of 535220 cu.m.

iii) The lessee Tvl.Salem Mines and Aggregates has also obtained TNPCB consent vide CTO Proc. NO. F.2055MMN/ RS/ DEE/ TNPCB/ MMN/ W & A/ 2019 dated 09/01/2019 valid up to 31.03.2023 for quarrying of Rough Stone – 535220 cu.m over a period of 5 years


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subject to comply with the conditions in the EC and quarry lease agreement

Lease II: - S.F.Nos.175/1, 175/2B, 175/3, 175/8B, 175/9B, 175/10B, 175/11B, 175/12, 176/2A & 176/2B Over an extent of 3.13.0 Hect.

i) A Rough Stone and Gravel quarry lease has been granted for the period of five years 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, Thirukazhikundram Taluk, Chengalpattu District vide Kanchipuram District Collector Proceedings Rc.No.287/Q2/2015/dated 26.02.2016. The lease deed executed on 26.02.2016 was expired on 25.02.2021.

ii) The lessee has obtained Environmental clearance from the District level Environmental Impact Assessment Authority for a period of 5 years from the date of execution of lease deed vide Lr.No.SEIAA-/TN/F.No.5005/1 (a) /EC.No.2958/2016 dated 19.02.2016 subject to the conditions stipulated therein for quarrying of Rough Stone and Gravel in SF.No.175/1 etc., to the tune of 99210 cu.m and 47700 cu.m respectively.

iii) The lessee has submitted first modified approved mining plan vide letter No.15/Q2/2017 dated 18.1.2017 for the production of 337728 cu.m. of rough stone upto the depth of 53 metres. Further he has also submitted second modified approved mining plan vide letter


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No.15/Q2/2017 dated 14.09.2018 for the addition production of 433483 cub.metre of rough stone up to the depth of 65 metres below ground level.

iv) The lessee has also obtained Environmental clearance from the District level Environmental Impact Assessment Authority for a period upto 25.2.2021 vide Lr. No. DEIAA-DIA/ TN/ MIN/ 479/ Q2 / 2018-KPM, EC.No.32.-2018, Dated: 03.10.2018

v) The lessee Tvl.Salem Mines and Aggregates has also obtained TNPCB consent vide CTO Proc. NO. F.0989MMN/ RS/ DEE/ TNPCB/ MMN/ W & A/ 2019 dated 09/01/2019 valid up to 25/02/2021 for quarrying of Rough Stone – 433483 cu.m over a period of 5 years subject to comply with the conditions in the EC and quarry lease agreement.

3. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) in its order dated 14.06.2021 has appointed Department of Geology and Mining as a Nodal Agency and also directed to appoint a Joint Committee comprising of (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 (TNPCB) as


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deputed by its Chairman to inspect the subject area in question and submit a factual as well as action taken report and also directed to ascertain the following facts.

- i) *Whether there was any violation of conditions imposed in the environment clearance, Consent and other permissions granted committed by the 8th respondent?*
- ii) *Whether there was any excess mining done by the 8th 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 8th respondent while operating the quarry including user of permitted explosives and 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 neighbouring property owners on account of the alleged violations and pollutions and said to have been caused by the 8th 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 8th respondent for the violations and also damage caused to the environment on account of such activities*

4. It is respectfully submitted that, in order to comply the above said orders of the Hon'ble NGT (SZ), the Joint Committee had inspected the area under lease granted to 8th respondent Tvl.Salem Mines and Aggregates on 16.09.2021. During the time of inspection, the Assistant


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Director and Assistant Geologist, Department of Geology and Mining, Kancheepuram, the Revenue Divisional Officer, Chengalpattu, the District Environmental Engineer, Tamilnadu Pollution Control Board, Maraimalainagar, Assistant Environmental Engineer, State Environment Impact Assessment Authority, Chennai, Tahsildar, Thirukazhikundram, the Head Surveyor, Thirukazhikundram, Firka Surveyor and the Revenue Inspector, Kunnavakkam and the Village Administrative Officer, Kunnavakkam were present at the time of inspection. The lessee Tvl.Salem Mines and Aggregates was also present at the time of inspection of the quarry site.

5. It is respectfully submitted that the followings are observed during inspection of the area in question on 16-09-2021:

- i. The unit was under operation.
- ii. Portable water sprinklers were used for the suppression of dust emission from the unit's activity
- iii. Details of excess mining done was surveyed and being prepared by the Office of the Assistant Director of Geology and Mining, Chengalpattu which will be submitted as joint committee report.
- iv. Also the environmental compensation calculation is being prepared which will be submitted as joint committee report.

Further the particulars available in respect of subject quarries were furnished to the members of the Joint Committee.


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Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


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BEFORE ME

VERIFICATION

I, R.Vijayabaskaran, Son of E. Rathinam, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai - 32 do hereby submit that the contents of above report are true to the best of my knowledge through records.


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**REPORT FILED ON BEHALF OF THE
RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD**

Advocate for Respondent: TNPCB
Thiru. Sai Sathyjith
Advocate, Chennai.

Date: 08.10.2021

Date of Hearing: 28.10.2021