

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**SOUTHERN ZONE, CHENNAI**  
**Original Application No.127 of 2021(SZ)**

IN THE MATTER OF :

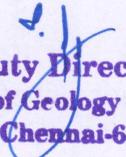
P. Nanthagopal (M/A 34 years),  
S/o.Pazhani Muruvappan,  
110, Kunnavakkam Village,  
Nellithoppu Street,  
Pattaraikazhani Post,  
Thirukazhukundram Taluk,  
Chengalpattu, Tamil Nadu-603 102.  
Phone No.96291 32605,  
Email.ID:meganathan688733@gmail.com

... Applicant

-Vs-

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.

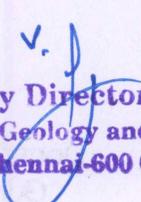
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**Deputy Director**  
Department of Geology and Mining  
Guindy, Chennai-600 032.

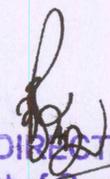
  
**DIRECTOR**  
Department of Geology & Mining  
Guindy, Chennai - 600 032.

4. The Tahsildar,  
VOC Nagar, Thirukazhukundram Taluk,  
Chengalpattu District,  
Chengalpattu – 603 001.  
Phone No.044-27432318.  
Email.ID: tahcpt.tnkpm@nic.in.
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)

  
**Deputy Director**  
Department of Geology and Mining  
Guindy, Chennai-600 032.

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**DIRECTOR**  
Department of Geology & Mining  
Guindy, Chennai - 600 032.

**APPLICATION FILED BY THE FIRST RESPONDENT**

I, Thiru. L. Nirmal Raj, I.A.S., S/o. K. Lakshmanaperumal, Hindu, aged about 48 years, working as Director of Geology and Mining, Guindy, Chennai-32 do hereby solemnly affirm and sincerely state as follows:-

I am the 1<sup>st</sup> respondent herein and as such I am well acquainted with the facts and circumstances of the case from the records available in this office. I am filing this application in compliance to the order passed by this Hon'ble Tribunal on 23.03.2022 in this Original Application.

2) It is submitted that the Joint Committee appointed by this Hon'ble Tribunal inspected the area, granted under quarry lease to the 8<sup>th</sup> respondent on 16.09.2021 and filed its report to this Hon'ble Tribunal on 25.10.2021.

3) It is further submitted that the recommendations made by the Joint Committee in their report filed to this Hon'ble Tribunal on 25.10.2021 are extracted below:-

- i) For the illegal quarrying and transportation of 66,381 Cbm of Gravel and 3,56,870 Cbm of Rough stone from the non-lease hold areas of patta lands in SF.No.176/1B and 174/2D of Kunnavakkam village, Thirukazhikundram Taluk and for the unlawful quarrying and removal of 1,37,509 Cbm of Gravel and 3,77,583 Cbm of Rough stone from the lease hold area, necessary action has to be initiated by the concerned authority, 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 in respect of such breach, the lease may also cancel the lease as per Rule 36 (5) (h) of Tamil Nadu Minor Mineral Concession Rules, 1959 after providing an opportunity of hearing.

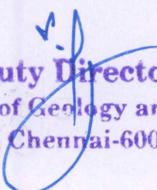
- iii) At present, further quarrying in the subject area is endanger to the life of the quarry workers. Further quarrying may be allowed only after taking remedial measures and getting concurrence from the Director General of Mines Safety and the District Collector.
- iv) The lessee shall deposit Environmental Compensation. The amount shall be used for restoration of environment and for necessary remedial and preventive measures with regard to environmental matters.

4) It is further submitted that the original application was taken up for hearing on 18.01.2022 and the orders passed by this Hon'ble Tribunal are extracted hereunder.

*“3. In the meantime, parties who have not filed their response are directed to file their independent response regarding the allegations made in the applications and the nature of action taken by them. Though the respondents No.1 to 4 have filed a memo wherein, they have only mentioned their apology for not filing the report in time. They have not controverted the allegations made in the application and nature of action taken from their side, if the allegations are true and correct. They have not even filed further reports explaining the nature of action taken by them on the basis of the observations made by them at the time of inspection, if they were satisfied that there were violations. They must understand the responsibility of filing the response and taken reports, when such reports were called for from them.*

*4. While adjuring the case to 14.02.2022 as requested for by the learned counsel appearing for the 8<sup>th</sup> respondent , other respondent are directed to file their proper reply statement incorporating the action (if any) taken on the basis of the allegations made in the applications, if they found to be true before the next hearing date.*

*5. If they did not file their statement before 14.02.2022 as directed by this Tribunal incorporating the necessary input which this Tribunal required, then they will have to pay*

  
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Department of Geology and Mining  
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*a cost of Rs.10,000/- (Rupees Ten Thousand only) each out of their own fund, not from the State Exchequer and that amount will have to be paid to the Tamil Nadu State Legal Service Authority and they will have to produce the receipt, if such statements were not filed before 14.02.2022.*

*6. The Registry is directed to communicate this order to the official respondent by e-mail for their information and compliance of directions.*

*7. For completion of pleadings and consideration of report, post on 14.02.2022.”*

5) It is further submitted that based on the report filed by the Joint Committee, a status report was filed by the 2<sup>nd</sup> respondent, the District Collector, Chengalpattu to this Hon'ble Tribunal on 12.02.2022. Based on the recommendations of the Joint Committee, the Revenue Divisional Officer, Chengalpattu has been requested by the District Collector, Chengalpattu to initiate appropriate action against the 8<sup>th</sup> respondent for the quantum of 66,381 Cbm of gravel and 3,56,870 Cbm of rough stone mined and transported in the non-leased out area in S.F.No.176/1B and 174/2D of Kunnavakkam village and also for the excess removal of 137509 Cbm of gravel and 377583 Cbm of rough stone from the lease hold area.

6) It is further submitted that, based on the recommendations of the Joint Committee, orders have been passed by the 2<sup>nd</sup> respondent, the District Collector, Changalpattu vide Proceedings Rc.No.3/Q2/2018, dated 29.10.2021 suspending the quarry operations in the area granted under quarry lease to the 8<sup>th</sup> respondent over an extent of 3.04.0 hectares of patta land in S.F.No.176/1A of Kunnavakkam village, Thirukazhukundram Taluk, Chengalpattu District under clause (ii) of

sub rule (10) of Rule 41 of Tamil Nadu Minor Mineral Concession Rules, 1959.

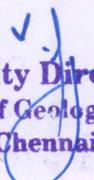
7) It is further submitted that, the report filed by the Joint Committee to this Hon'ble Tribunal on 25.10.2021 was carefully examined in detail and a detailed reply has been filed by this respondent in the form of report dated 22.03.2022, e-filed on the same date before this Hon'ble Tribunal.

8) It is further submitted that the order passed by this Hon'ble Tribunal on 23.03.2022 in this Original Application under para 4, 5, 11, 12 & 13 are extracted hereunder:-

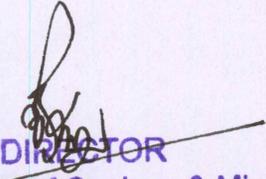
*"4. As per the order mentioned above, this Tribunal had directed the parties to complete their pleadings on or before 14.02.2022 and if it was not filed within that time, the same had to be accompanied by the receipt of payment of cost of Rs.10,000/- (Rupees Ten Thousand only) to the Tamil Nadu State Legal Service Authority.*

*5. But quite unfortunately, the reply submitted by the 1<sup>st</sup> respondent was beyond the period permitted by this Tribunal and without payment of cost. When this was pointed out, the learned counsel representing the State Department submitted that, if some time is granted, they may be able to file an application to waive the payment of cost which the Tribunal can considered.*

.....  
.....  
*11. They above official are directed to file the necessary application to waive the cost if they wanted and file objections to the report submitted by the 1<sup>st</sup> respondents by other respondents on or before 07.04.2022 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of image PDF along with necessary hard copies to be produced as per rules.*

  
**Deputy Director**  
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*12. The Registry is directed to communicate this order to the members of the Committee and also official respondents through e-mail immediately so as to enable them to comply with a direction.*

*13. For completion of pleadings and also for consideration of report, post on 07.04.2022."*

9) In this connection, it is respectfully submitted that this Hon'ble Tribunal by order dated 18.01.2022 in this Original Application has directed the parties and official respondents to file their proper reply incorporating the action taken on the basis of the allegations made in the application, if they found to be true before 14.02.2022.

10) It is respectfully submitted that the report filed by the Joint Committee to this Hon'ble Tribunal on 25.10.2021 and the Status report filed by the 2<sup>nd</sup> respondent to this Hon'ble Tribunal 12.02.2022 were carefully examined by this respondent and the following points were observed:-

- i. The report submitted by the Joint Committee revealed that 1,37,509 Cbm of gravel and 3,77,853 Cbm of rough stone had been mined and transported from the lease granted area in quarry lease-I & II without remitting seigniorage fee and without obtaining transport permits from the office of the Assistant Director of Geology and Mining, Kancheepuram/Chengalpattu.
- ii. The report submitted by the Joint Committee revealed that 8,10,990 Cbm of Rough stone had been mined and transported from the area granted under quarry lease to the 8<sup>th</sup> respondent over an extent of 3.04.0 hecatres of patta land

in S.F.No.176/1A of Kunnavakkam Village (**Lease-I**). The Joint Committee report further revealed that the 8<sup>th</sup> respondent had obtained transport permits for transport of 1,52,160 Cbm of rough stone only from the area granted under quarry lease. Therefore, it was estimated that a balance quantum of 6,58,830 Cbm of rough stone had been mined and transported from the lease hold area without obtaining transport permits and without remitting due seigniorage fee.

- iii. It is further stated in the Joint Committee report that as against the quantity of 8,70,420 Cbm of rough stone for which transport permits were obtained by the 8<sup>th</sup> respondent in respect of the area granted for quarry lease over an extent of 3.13.0 hectares of patta lands in S.F.No.175/1, 175/2B, 175/3, 175/8B, 175/9B, 175/10B, 175/11B, 175/12, 176/2A and 176/2B of Kunnavakkam Village (**Lease-II**), a quantum of 5,89,443 Cbm of rough stone had been mined and transported by the 8<sup>th</sup> respondent.
- iv. It is further noticed from the report submitted by the Joint Committee that a quantity of 2,80,977 Cbm of rough stone was deducted from the quantum of 6,58,830 Cbm of rough stone un-lawfully mined and transported from the area granted under quarry lease-I and it was arrived that 3,77,853 Cbm of rough stone had been mined and transported by the 8<sup>th</sup> respondent in respect of both quarry lease-I & quarry lease-II.

11) It is further submitted that based on the above observations, the following points were placed by this respondent for consideration of this Hon'ble Tribunal:-

- i. It was reported by the Joint Committee that five quarry leases were for quarrying rough stone and gravel in Kunnavakkam village, Thirukazhukundram Taluk from the year 2006 onwards. It appears that the following three quarry leases granted were pertaining to one and the same area in Kunnavakkam village.

Sl. No	Name of the lessee and address	SF.Nos.	Extent (in hect.)	Lease granting order & date	Lease Period
1.	M.Ramachandiran, No.7, Johnson Street, Tambaram West, Chennai-45.	176/1	3.00.0	Proceedings of the District Collector in Rc.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.	176/1(P)	3.00.0	Proceedings of the District Collector in Rc.597/2010/Q1 dated 15.07.2011	15.07.2011 to 14.07.2016
3.	Tvl.Salem Mines and Aggregates, No.9,Nagarathinam Extension, Thiruneermalai, West Tambaram, Chennai-45.	176/1A	3.04.00	Proceedings of the District Collector in Rc.003/Q2/2018 dated 19.11.2018	19.11.2018 to 18.11.2023.

- ii. It is not known whether transport permits issued to the former lessee Thiru. M. Ramachandran in respect of the area granted under quarry lease in S.F.No.176/1 for the period from 07.02.2006 to 06.02.2011 were taken into account before arriving the actual quantum of rough stone mined and transported by the respondent in respect of the area granted under quarry lease in S.F.No.176/1A.

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- iii. Similarly, it is not known whether the quantity for which transport permits obtained by Thiru. P. Janarthan Reddy for the period from 15.07.2011 to 14.07.2016 in respect of the area granted for quarry lease in S.F.No.176/1(P) of Kunnavakkam village were taken into account by the Joint Committee before arriving the quantum of rough stone unlawfully mined and transported by the 8<sup>th</sup> respondent in respect of the area granted under quarry lease in S.F.No.176/1A of Kunnavakkam village.
- iv. Similarly, the following quarry leases granted to one Thiru.P. Janarthan Reddy and to the 8<sup>th</sup> respondent in kunnavakkm village appears to be almost one and the same area.

Sl. No	Name of the lessee and address	SF.Nos.	Extent (in hect.)	Lease granting order & date	Lease Period
1.	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,175/10 B,175/11B, 75/12.	3.00.0	Proceedings of the District Collector in Rc.80/2010/Q1 Dated 24.3.2010.	24.03.2010 to 23.03.2015
2.	Tvl.Salem Mines and Aggregates, No.9,Nagarathinam Extension, Thiruneermalai, West Tambaram, Chennai-45.	175/1, 175/2B, 175/3,175/8B, 175/9B,175/10 B,175/11B,175/12, 176/2A, 176/2B	3.13.00	Proceedings of the District Collector in Rc.287/2015/Q2 Dated 26.2.2016	26.02.2016 to 25.2.2021

- v. It is not known whether the quantity for which transport permits obtained by Thiru. P. Janarthan Reddy for the period from 24.03.2010 to 23.03.2015 in respect of the area granted for quarry lease in S.F.No.175/1, 175/2B,

175/3, 175/8B, 175/9B, 175/10B, 175/11B and 175/12 of Kunnavakkam village were taken into account by the Joint Committee before arriving the quantum of rough stone unlawfully mined and transported by the 8<sup>th</sup> respondent in respect of the area granted under quarry lease in S.F.No. 175/1, 175/2B, 175/3, 175/8B, 175/9B, 175/10B, 175/11B, 175/12, 176/2A and 176/2B of Kunnavakkam village.

- vi. At the time of grant of lease to the 8<sup>th</sup> respondent in S.F.No.176/1A of Kunnavakkam village by the 2<sup>nd</sup> respondent on 19.11.2018, the depth of the quarry was 32 meters. As per the approved mining plan, quarrying was permitted up to a depth of 62 meters only. Whereas, the report submitted by the Joint Committee revealed that quarrying was carried out by the 8<sup>th</sup> respondent for a maximum depth of 98 meters in violation of the approved mining plan and in violation of the conditions stipulated in the Environmental Clearance issued by the District Environment Impact Assessment Authority.
- vii. It is observed from the map attached to the Joint Committee report pertaining to quarry lease-I that quarrying was carried out for a maximum depth of 98 meters and the quantum of minerals mined and transported for a depth persistence of 98 meters was estimated as 21,53,634 Cbm. It is further observed from the map that quantity of minerals mined and transported up to a depth of 32 meters was estimated as 8,35,296 Cbm. From the above, it is observed that a total quantity

of 13,18,338 Cbm of minerals could have been quarried and transported from a depth of 32 meters to 98 meters by the 8<sup>th</sup> respondent in S.F.No.176/1A of Kunnavakkam village.

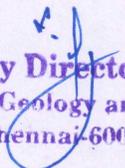
- viii. Whereas, it was reported by the Joint Committee that 8,10,990 Cbm of rough stone had been quarried and transported by the 8<sup>th</sup> respondent in respect of S.F.No.176/1A of Kunnavakkam village and the details for arriving such quantum of 8,10,990 Cbm of rough stone quarried and removed from lease-I were not provided in the report submitted by the Joint Committee. After re-estimating the actual quantum of minerals mined and transported by the 8<sup>th</sup> respondent in S.F.No.,176/1A of Kunnavakkam village (Quarry lease-I), the quantity of 1,52,160 Cbm of rough stone for which transport permits obtained by the 8<sup>th</sup> respondent could be deducted and thereafter only the actual quantum of rough stone mined and transported by the 8<sup>th</sup> respondent in S.F.No.176/1A of Kunnavakkam village could be arrived.
- ix. Apart from that, the deduction of 2,80,977 Cbm of rough stone from the estimated quantum of 6,58,830 cbm of rough stone unlawfully quarried and transported in respect of the lease area-I is incorrect. Therefore, the quantum of 3,77,853 Cbm of rough stone unlawfully quarried and transported by the 8<sup>th</sup> respondent in respect of both quarry lease No. I & II as arrived by the Joint Committee is incorrect and the same has to be reassessed.

- x. The actual quantum of minerals unlawfully mined and transported by the 8<sup>th</sup> respondent in respect of quarry lease -I & II are to be arrived separately by the Joint Committee, after taking into all aspects as discussed above.

12) In view of the above observations, it was respectfully submitted before this Hon'ble Tribunal that the Joint Committee may be directed to file a revised report after incorporating all the required details and after submission of the revised report by the Joint Committee, the actual quantum of minerals mined and transported by the 8<sup>th</sup> respondent in the subject area will come to light for taking further action by the official against the 8<sup>th</sup> respondent in accordance with the provisions of the Act and Rules.

13) It is respectfully further submitted that the report of the Joint Committee was critically examined in detail and it was found that certain omissions were noticed in the report submitted by the Joint Committee on the quantum of minerals unlawfully mined and transported by the 8<sup>th</sup> respondent in the subject area and a report was filed before this Hon'ble Tribunal for consideration and for passing appropriate orders.

14) It is respectfully further submitted that the report submitted by the Joint Committee was having certain omissions and the preparation of a comprehensive reply by this respondent with reference to each findings of the Joint Committee, apart from attending other routine and urgent works, caused delay in filing response of this respondent and the delay is not wanted one.

  
**Deputy Director**  
Department of Geology and Mining  
Guindy, Chennai-600 032.

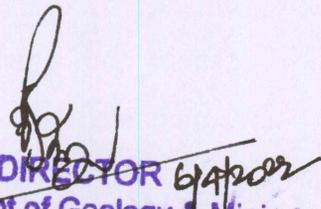
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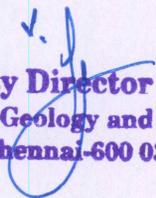
  
**DIRECTOR**  
Department of Geology & Mining  
Guindy, Chennai - 600 032.

15) It is respectfully submitted that I regret for not filing response of this respondent within the stipulated time as directed by this Hon'ble Tribunal.

16) Under the circumstances stated above, it is respectfully prayed before this Hon'ble Tribunal that the application filed by this respondent to waive the payment of cost may please be allowed and pass appropriate orders and thus render justice.

Solemnly affirmed at Chennai  
on this 6<sup>th</sup> day of April 2022  
and signed his name in my presence.

  
**DIRECTOR**  
**Department of Geology & Mining**  
**Guindy, Chennai - 600 032.**

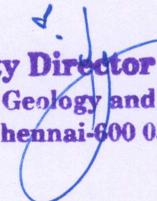
  
**Deputy Director**  
**Department of Geology and Mining**  
**Guindy, Chennai-600 032.**

## VERIFICATION

I, Thiru. L. Nirmal Raj., I.A.S., working as Director of Geology and Mining do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Chennai on this 06<sup>th</sup> day of April, 2022.

  
**DIRECTOR** 6/4/2022  
Department of Geology & Mining  
Guindy, Chennai - 600 032.

  
**Deputy Director** 6-4-2022  
Department of Geology and Mining  
Guindy, Chennai-600 032.

