

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

**Original Application No.138 of 2022 (SZ)**

S.Baghya Lakshmi

...Applicant

Vs

The Director  
Department of Environment  
State of Tamil Nadu and ors.

...Respondents

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Filed by  
**Tmt. Shanmugavalli Sekar,**  
Advocate, Chennai.

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

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Vs

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State of Tamil Nadu and ors.

...Respondents

**REPORT FILED ON BEHALF OF THE 6<sup>TH</sup> & 7<sup>TH</sup> RESPONDENTS**  
**TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Rajamanickam, S/o.P.M.Ramasamy, Hindu, aged about 58 years, having my office at 76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB), Chennai - 600 032, and filing this Report on behalf of the Respondents Tamil Nadu Pollution Control Board (TNPCB) and as such I am well acquainted with the facts of the case from the records.
2. At the outset, it is respectfully submitted that the 9<sup>th</sup> Respondent unit submitted an application for CTO-Direct under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 to this Respondent on 3.5.2022 and resubmitted on 10.05.2022 for Rough Stone and Gravel Quarrying activities over an extent of 2.42.0 Hectare located at SF.No.444/1(Pt), Sokkanur Village, Kinathukadavu Taluk, Coimbatore District (Latitude 10° 47' 54.74" N to 10° 48' 01.86" N, and Longitude 76° 55' 29.36"E to 76° 55' 34.83" E) for the i) Rough Stone (Quarrying Area 2.42.0 Hectares) – 352210

*R. Rajamanickam*  
3/3/22

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Cu.Meter / Five Years, ii) Gravel (Quarrying Area 2.42.0 Hectares) – 30618 Cu.Meter / Five Years, and for the generation of Sewage – 0.55 KLD, no trade effluent generation with discharge of fugitive emission from quarrying & vehicle movement area.

3. It is respectfully submitted that the 9<sup>th</sup> Respondent unit has already obtained Environmental Clearance from the 8<sup>th</sup> Respondent on 18.03.2022 valid for 5 years and furnished the same along with its application. The 8<sup>th</sup> Respondent has obtained approved mining plan for quarrying rough stone and gravel from the Assistant Director (mines), Coimbatore and also furnished the same along with application.
4. It is respectfully submitted that the 9<sup>th</sup> Respondent unit has already provided Leach Pit arrangement for the treatment of sewage generated from the unit of about 0.55 KLD.
5. It is respectfully submitted that no trade effluent will be generated from the process.
6. It is respectfully submitted that the 9<sup>th</sup> Respondent unit has provided Air Pollution Control measures such as Water Sprinkler arrangement so as to control the dust emission generated from the Mining and Vehicle Movement area.
7. It is respectfully submitted that during inspection of the 9<sup>th</sup> Respondent unit on 08.03.2022, the following observations were made:
  - i. This unit is a partnership firm. Partnership deed enclosed.
  - ii. The unit has obtained Environmental Clearance from SEIAA and applied for Consent to Operate – Direct since there is no establishment activity required.
  - iii. The unit has published the Environmental Clearance in daily newspaper dated 27.04.2022.
  - iv. The unit's quarry site is surrounded by Coconut farms of lessor in eastern side, dry land of lessor in western side, Proposed Stone Crusher/Coconut farms /Dry Land of lessor in northern side and private coconut farm in southern side.
  - v. The Sub Collector, Pollachi vide Letter dated 15.02.2021 informed that there are no residences, natham and approved

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layout within 300 metre from the quarry site except some farm houses. One vari poromboke is located about 50 metre distance from the quarry site.

vi. The unit has proposed to carry out dust suppression system during mining operation to control the fugitive dust emission.

vii. The unit has been advised to develop more green belt in and around the quarry site.

8. It is respectfully submitted that based on the above Consent to Operate was issued to the 9<sup>th</sup> Respondent unit for "1. Rough Stone (Quarrying Area 2.42.0 Hectares) – 352210 Cum/ five years & 2. Gravel (Quarrying Area 2.42.0 Hectares) – 30618 Cum/five years" and generation of sewage – 0.55 KLD – On industry's own land, Trade effluent – Nil vide proceedings dated 16/05/2022 with validity up to 17.03.2027.

9. It is respectfully submitted that in view of this application before this Tribunal, wherein this Tribunal vide order dated 25.11.2022 ordered as under:

*"Para-6 - In this case, the project proponent neither applied before the Director of Agriculture nor applied before the Director of Mines and Geology to get the clearance required. It is now complains that the project proponents have commenced their activity which if continued with all the defects of the Environmental Clearance (EC) would certainly cause an impact on the environment in the light of 27 meters below the ground level permission granted. Hence, we order the Status Quo as on date to be maintained and continued"*

This Respondent conducted an inspection of the 9<sup>th</sup> Respondent unit on 24.01.2023 and the following were observed:

1. The quarry was not in operation.
2. The part of the top soil/ gravel in the proposed quarry area was found excavated and used to provide bunds along the quarry boundary.

*P. J. S.*  
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3. The unit authorities have informed that quarrying activities were stopped as per the orders of Hon'ble NGT (SZ).
10. It is respectfully submitted that, in response to paragraph 1 of the facts in brief of the Application, in the inspection dated 24.01.2023 conducted by the answering Respondent, it was found that silk worm rearing farm was not in operation. The Photographs of the silk worm rearing farm are enclosed as Annexure. It is submitted that while the officer of the answering respondent enquired a worker in the farm, Ms.Lakshmi, it was informed that the silk worm rearing farm has not been in operation for the past 4 years. It is humbly submitted that the 5<sup>th</sup> Respondent is the appropriate authority to determine the impact of the quarry on silk worm rearing.
11. It is respectfully submitted that, in response to paragraph 2 of the application, the 10<sup>th</sup> respondent has leased the land to the 9<sup>th</sup> respondent unit for carrying out rough stone and gravel quarrying. The 9<sup>th</sup> Respondent unit's quarry site is surrounded by proposed stone crusher, Coconut farm, dry land on northern side, coconut farm on southern side, coconut farm on eastern side, dry land & coconut farm on western side. A vari Government Channel is present on the eastern, western and southern side of the quarry site. The Sub Collector, Pollachi vide letter dated: 15.02.2021 addressed to the District Collector, Coimbatore has informed that vari poromboke is located within 50m distance from the proposed quarry site. Also, the Sub-Collector, Pollachi has recommended for mining lease permission with a condition that necessary protective distance shall be left from the vari (Government channel). There is a check dam constructed in Vari (Government Channel) on the western side of the quarry site. The quarry boundary is located at a distance of 15m eastern side of the check dam. Also, the quarry has left another 10 m from its boundary as safety distance in its premises i.e. totally 25 m from the check dam.

  
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12. It is respectfully submitted that, in response to paragraphs 3 and 4 of the facts in brief of the Application, a complaint dated 19.02.2021 was received by the answering Respondent on 22.02.2021 from one Thiru.R.Rajan, S/o Ramachandran, 5/63 Muthugoundenur, Palarpathi Post, Kinathukadavu Taluk, Coimbatore District and six others. A reply dated 02.03.2021 was addressed to the complainant that no application was received by the answering Respondent for carrying out any activity in S.F.No.444/1 until that time.
13. It is respectfully submitted that, in response to paragraph 5 of the facts in brief of the Application, the 10<sup>th</sup> Respondent unit submitted application for CTO-Direct under both the Acts through OCMMS with No.45226700 dated 03.05.2022 and resubmitted on 10.05.2022 for rough stone and gravel quarrying activities over an extent of 2.42.0 Hectare located at SF.No.444/1(Pt), Sokkanur Village, Kinathukadavu Taluk, Coimbatore District (Latitude 10° 47' 54.74" N to 10° 48' 01.86" N, and Longitude 76° 55' 29.36"E to 76° 55' 34.83" E) for the i) Rough Stone (Quarrying Area 2.42.0 Hectares) – 352210 Cu.Meter / Five Years, ii) Gravel (Quarrying Area 2.42.0 Hectares) – 30618 Cu.Meter / Five Years after obtaining Environmental Clearance vide from SEIAA, TN, Chennai vide Letter No. SEIAA-TN / F. No.8665/EC No: 5017 / 2021, Dated: 18.03.2022 valid for 5 years.

Based on the application, the site of the 10<sup>th</sup> Respondent was inspected by the officials of the answering Respondent on 09.05.2022. During inspection the following were observed.

- (i) The unit's quarry site is surrounded by Coconut farms of leaser in eastern side, dry land of leaser in western side, Proposed Stone Crusher/Coconut farms /Dry Land of leaser in northern side and private coconut farm in southern side.
- (ii) The unit has proposed to carry out dust suppression system during mining operation to control the fugitive dust emission.

  
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Hence, it is respectfully submitted that, the allegation of the Applicant that the authorities without any physical inspection has granted permission, is baseless and unfounded.

14. It is respectfully submitted that, in response to paragraph 6 of the facts in brief of the Application, in the mining plan submitted by the 10<sup>th</sup> Respondent unit, it is informed that the water table in the area is 78 m in summer & 73 m in rainy season. In the Environmental Clearance issued by the 8<sup>th</sup> Respondent, it is informed that water table is 65m - 60m below ground level. It is respectfully submitted that 4<sup>th</sup> Respondent is the appropriate authority to issue certificate regarding the groundwater table and with regard to the allegation regarding land use/types, the 3<sup>rd</sup> Respondent is the appropriate authority.
15. It is respectfully submitted that, in response to paragraph 7 of the facts in brief of the Application, Sub-Collector, Pollachi vide letter dated 15.02.2021 has certified that there are no approved residences, natham and approved layout within 300 metre from the quarry site except some farm houses. One vari is located within 50 m distance from the quarry site. It is also informed that Thiru.Kalimuthurajan's thottathu salai is located at 330m northern side (S.F No. 450), in the western side Thiru.Ramachandran's thottathu salai is located at a distance of 200 m (S.F No. 627/1), Thiru.Balasubramaniam's thottathu salai is located at 230m (S.F No. 628/1), in the eastern side of the quarry site Thiru.Manikumar's thottathu salai is located at 150 m (S.F No. 435/1A), Thiru.Selvaraj's thottathu salai is located at 170m (S.F No. 435/1B), in the southern side Thiru.Ramachandran's thottathu salai is located at 150 m (S.F No. 426/3), in the north western side Ms.Shanthi's thottathu salai is located at 485 m (S.F No. 452) and Thiru. Natarajan's thottathu salai is located at 400 m (S.F No. 450).

It is respectfully submitted that, with regard to allegation about conversion of agricultural lands to non-agricultural purposes, the concerned authority is Housing and Urban development department.

16. It is respectfully submitted that, in response to paragraph 8 of the facts in brief of the Application, as mentioned above, in the inspection dated

  
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24.01.2023 conducted by the answering Respondent, it was found that silk worm rearing farm was not in operation. It is submitted that while the officer of the answering respondent enquired a worker in the farm, Ms.Lakshmi, it was informed that the silk worm rearing farm has not been in operation for the past 4 years.

17. It is respectfully submitted that, in response to Grounds in paragraphs A to G of the application, the 9<sup>th</sup> Respondent obtained Environmental Clearance from the 8<sup>th</sup> Respondent vide letter dated 18.03.2022 valid for 5 years and furnished the same along with the application for Consent to Operate filed before this Respondent. The 9<sup>th</sup> Respondent has also obtained approved mining plan for structural rough stone quarry and gravel from the Assistant Director (Mines), Coimbatore. It is respectfully submitted that Consent to Operate has been issued by this Respondent to the 9<sup>th</sup> Respondent after following due procedure.

It is respectfully submitted that, with regard to allegation in Ground D, the Sub Collector, Pollachi vide letter dated 15.02.2021 addressed to the 2<sup>nd</sup> Respondent has informed that vari poromboke is located within 50m distance from the proposed quarry site. Also, the Sub-Collector, Pollachi has informed that mining permission may be given with a condition that necessary protective distance shall be left from the vari (Government channel) to carry out quarrying activities.

The 4<sup>th</sup> Respondent vide his letter no. Na. Ka. 1727/Kanimam/2021 dated 05.07.2021 addressed to the 9<sup>th</sup> Respondent has imposed certain conditions to carryout quarry activities which includes:

*"2. A distance of 7.5 m from nearby patta land and 10 m distance from nearby Government Poromboke land shall be left as a protective measure.*

*3. A distance of 10m shall be left as a protective measure from the vari running on the south and western side of the side of the quarry site"*

  
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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 circumstance of this case and thus render justice.

*R. Rajamanickam* 3/3/2013  
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**BEFORE ME**

**VERIFICATION**

I, R.Rajamanickam, S/o. P.M.Ramasamy, working as Additional Chief Environmental Engineer, having office at No. 76, Mount Salai, Guindy, Chennai – 32, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

*R. Rajamanickam* 3/3/2013  
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View of quarry area



Stagnation of water was noticed in the quarry pit area

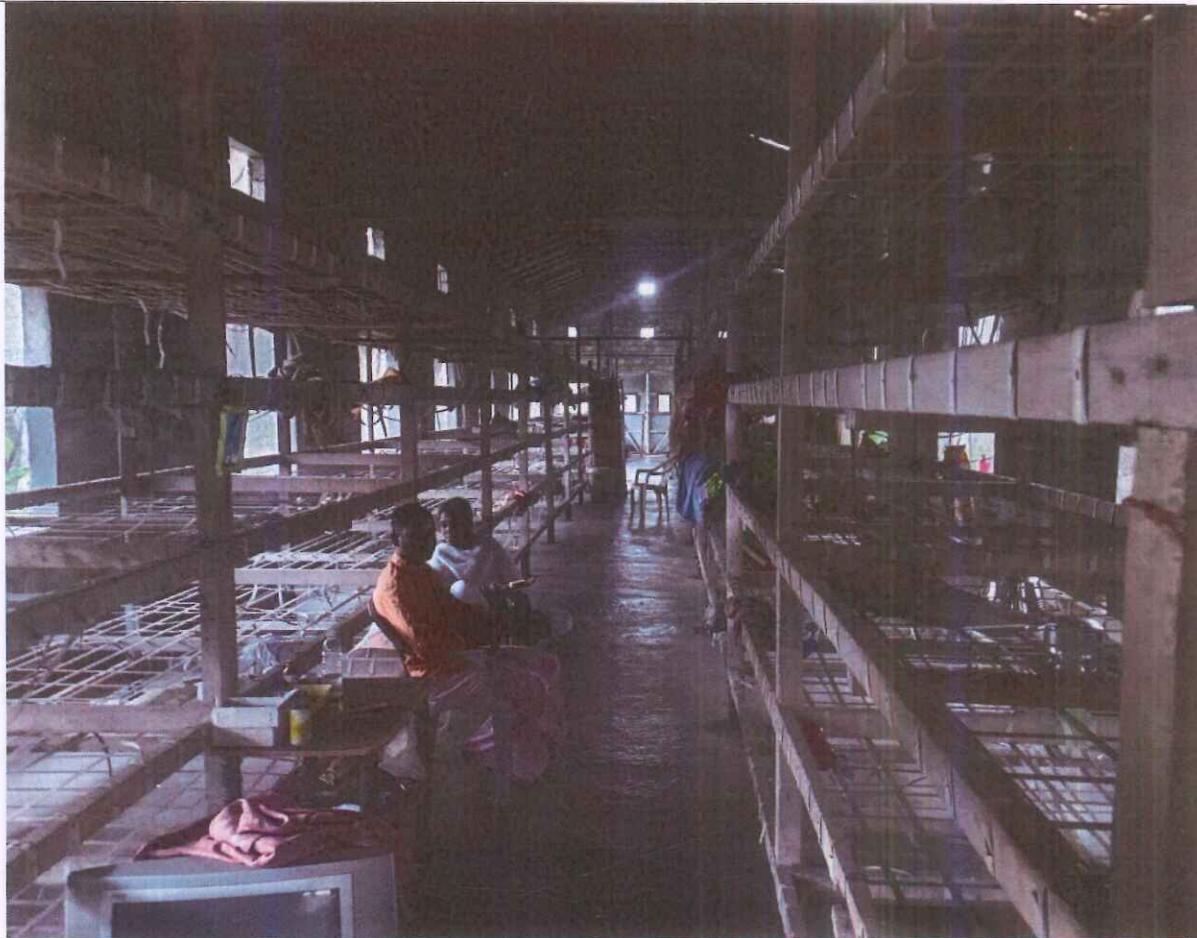


No quarrying activities were carried out

**/s Pollachi Granites (Rough Stone & Gravel Quarry), S.F No. 444/1 Part,  
Sokkanur Village, Kinathukadavu Taluk, Coimbatore District**



**View of silk worm rearing farm building located in the petitioner land (as  
on 24.01.2023)**



**View of the silk worm rearing farm (Inside) where no activities are carried out (as on 24.01.2023)**



**View of the silk worm rearing farm building**



**View of check dam located in the Vari on western side of the quarry site  
(as on 15.02.23)**



**View of Vari/ Government Channel located on the western side of the  
quarry as on 15.02.23)**

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...Respondents

**REPORT FILED ON BEHALF OF THE 6<sup>TH</sup> &  
7<sup>TH</sup> RESPONDENTS - TAMIL NADU  
POLLUTION CONTROL BOARD.**

**Advocate for Respondent: TNPCB  
Tmt. Shanmugavalli Sekar,  
Advocate, Chennai.**

**Date:07.03.2023.**

**Date of hearing on:10.03.2023.**