

BEFORE THE NATIONAL GREEN TRIBUNAL, (SZ), SITTING AT CHENNAI
(Under Section 18(1) r/w S. 14&15 of National Green Tribunal Act, 2010)

Original Application No. 138 Of 2022 (SZ)

BETWEEN

S. Baghya Lakshmi,
W/o. Mr. S. Ramachandiran,
5/63, Muthugoundanur Village,
Kinathukadavu Taluk, Coimbatore
9884422695, taurs@gmail.com

...APPLICANT

- AND -

1. The Director,

**Department of Environment,
State of Tamil Nadu,**
No.1, Jeenis Road, Panagal Building,
Ground floor, saidapet, Chennai-600 015
Tel: 044-24336421, 24336928
E-mail: tndoe@tn.nic.in

2. The District Collector

Coimbatore,
Collectorate Building Coimbatore- 641018
Phone. No. 0422-2301114
Email- [collrcbe\[at\]nic\[dot\]in](mailto:collrcbe[at]nic[dot]in)

3. The Tahsildar,

Kinathukadavu Taluk, Coimbatore
Phone. No. 9865994046,
Email: kinathukadavutaluk@gmail.com

4. The Assistant Director

Department of Mines and Geology, Tamil Nadu,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai - 600 032.
Phone. No. 044-22500222
Email- geomine@nic.in

5. The Joint Director,

Department of Agriculture, Tamil Nadu,

S. Unnikrishnan

2
Chepauk, Chennai-600005
Phone-044-28524894,
Email-diragri@tn.nic.in

6. The Chairman

Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy, Chennai - 600 032
Tel: 044-22353134-139
Email-ID: tnpcb-chn@gov.in

**7. The District Environmental Engineer,
Tamil Nadu Pollution Control Board**

Coimbatore South, Plot No.E-55A,
SIDCO Industrial Estate, Pollachi Main Road,
Kurchi, Coimbatore-641 021.
Email- deecbs@tnpcb.gov.in
Phone: 0422-2675608

**8. State Environment Impact Assessment
Authority (SEIAA) Tamil Nadu,
Rep. by Member Secretary.**

No. 1, Jeenis Road, Saidapet,
3rd Floor, PanagalMaaligai,
Chennai- 600 015.
Phone- 044-24359973
Email- tndoe@tn.nic.in

9. Pollachi Granites,

Rep by, its Partner Sokkanur,
Kinathukadavu Taluk, Coimbatore- 642 109.
Phone- Unknown
Email- Unknown

10. A.KalimuthuRajan,

S/o. Mr. AyyasamyGounder,
2/16, Muthugoundanur Village,
Kinathukadavu Taluk, Coimbatore
Phone- Unknown
Email- Unknown.

... Respondents

S. Unnikrishnan



**COMMON REJOINDER TO THE REPLY AFFIDAVIT FILED BY
RESPONDENTS 6, 7, 8, 9, 10**

I, S. Baghya Lakshmi, W/o. Mr. S. Ramachandiran, aged about years, residing at 5/63, Muthugoundanur village, Kinathukadavu Taluk, Coimbatore do hereby declare that the above stated facts are true to the best of my knowledge and belief and information.

1. I am the Applicant herein and as such I am aware of the facts and circumstances of the case. I have perused the reply affidavits filed by the Respondents 6,7,8,9 and 10 in the above Application.

2. From the Reply Affidavit filed by the 9th Respondent it is seen that the 10th Respondent owns agricultural land to an extent of 35 Acres, in which coconut trees are grown. The allegation that there is a fall in price of coconuts is false. The entire village has several coconut farms and the main occupation of the villagers are through coconut plantations. On an average an acre of farm would give a profit of about a Lakh Rupees. It is seen that the land in Survey Number 444/1, which was coconut plantation agricultural land is leased out to the 9th Respondent for the purpose of quarrying. Based on which

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the 9th Respondent had obtained NOC from Revenue Department, by suppressing material facts, such as existence of many coconut trees in the impugned land, the actual ground water table, etc.,

3. It is necessary to state that the Applicant has raised question on the environmental impact of quarrying in agricultural land, but the 9th and 10th Respondents are trying to dilute the same by answering the same as a family dispute. In any event the act of the proponent in converting agricultural land to a quarry, without analysing the impact on the adjacent farms is in violation of the Rights of the villagers, affecting the Right guaranteed under the Constitution of India. It is false to state that there are previous enmity between the Applicant and the 9th & 10th Respondent. Further the allegation that Mr. Rajan, who is a resident of Coimbatore, the son of the Applicant, is owning Amiratham Blue Metal does not have any relevance to the present litigation. As the said crushing Unit is almost 15km away from the impugned site and not a quarry. There are no rivalry or any issues, as alleged by the Proponent Respondent.

4. It is submitted that the 8th Respondent had issued the Environmental Clearance to the present site in an agricultural land, based on a presentation. The grant of such permission without

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analysing or studying the Impact on the environment is against law. It is submitted that a proposal had been placed in the 249th SEAC Meeting, which was held on 25.02.2022 and the said clearance had been issued in violation of the Hon'ble Madras High Court order in W.P. (MD) No. 20903 of 2016, 23452, 24495, 17370 & 18035 of 2019, dated 12.02.2021. The Hon'ble High Court in the above mentioned case had issued directions, as follows;

".....59. In view of the aforesaid discussion, this Court deems it to issue the following directions:

(i) There shall not be any grant of quarry lease without ascertaining the composition/component of the minerals and without obtaining a report from a authorised lab. The Department of Geology and Mining shall establish a lab on its own or shall authorise any lab in this regard.

(ii) There shall not be any quarry operation in the name of colloquial terms / local terms and any lease shall be in accordance with minerals notified under Section 3 of the MMDR Act.

(iii) A High Level committee has to be constituted, consisting of Geologists and Experts in the said field and eminent Officers from WRO, PWD, to conduct a detailed study / survey on the possibility or the availability of the river sand on the adjacent patta lands to the rivers and those places, where sand is available, have to be notified and declared as protected zones and there cannot be any quarry operation other than by the Government, in those notified areas.

(iv) The Department of Geology and Mining, shall furnish the details of all the savadu quarries granted so far, in the State of Tamil Nadu, to this Court, within a period of eight weeks from the date of receipt of a copy of this order.

(v) The details of all the savadu quarries shall also be furnished to the High Level Committee and the High Level Committee shall inspect those quarries to ascertain the

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availability of sand in those quarries. In the event of the High Level Committee ascertaining the availability of sand in these quarries, the same shall be reported to the Commissioner of Geology and Mining, marking a copy to this Court and the Commissioner shall take necessary action as against the officials, who have granted quarry permits without ascertaining the composition of minerals.

(vi) Any quarry operations shall be permitted only by way of lease agreement, as per Article 299 (I) of the Constitution of India.

(vii) The Government shall either adopt the Mineral Conservation Rules, 2017, framed by the Central Government or frame a separate Rule, as directed by the Hon'ble Supreme Court in Deepa Kumar-s case, within a period of six months from the date of receipt of a copy of this order.

(viii) Whenever, SEIAA clearance is required, it shall be done only after physical inspection by deputing an officer attached to SEIAA and depending upon the report, further proceedings may take place in accordance with law and there must be a mechanism to ensure the conditions of SEIAA are strictly complied with."

5. Apart from the violations mentioned above, the 8th Respondent has imposed several conditions for operating the quarry. One of such condition is that the proponent shall conduct Hydro Geological Report every 6 months and submit the said report to the TNPCB and SEIAA.

6. It is necessary to state that the proponent had surpassed several environmental issues, such as existence of sarin in the impugned site, and other aquifer state of the adjacent lands. The site is

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surrounded by water body (vari) on three sides. There are 3 different Varis running on three sides of the land (viz. East, West and South). Out of which, there is a check dam constructed in the Vari which runs in the West. Further it is also to be highlighted that there also runs a channel intersecting the impugned quarry site. The same is evident from the village map. The lands in the area are prone to stagnation of rain water and even has springs. The lands on Southern side would look like a Pond, where the ground water is seen flowing out in the surface and stagnated for almost 6 months of an year, due to springs. The aquifer of the region is that the ground water automatically exists in the lands. But suppressing the said facts the 9th and 10th Respondents started the quarrying activity causing severe damage to the ecology.

7. It is necessary to state that, if a physical inspection was made by the authorities, before the issuance of the Environmental clearance, the same could have not been given. But the authorities had failed to do so. Further the failure on part of the Proponent to obtain a conversion certificate, from agricultural to non-agricultural, before approaching for an environmental clearance is an abuse of process of law, when an agricultural land is to be converted for an non-agricultural purpose, (i.e) quarrying.

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8. It is submitted that the Applicant had engaged a Senior Hydro Geologist, to ascertain the groundwater status of the land adjacent to the quarry site. The said report is annexed herewith, which shows the source and water supply in the Applicants land, located just adjacent to the impugned lands. The said report shows that the wet soil starts at just 3.35m and the water table starts at 4 meters. But the application to the authorities, for issuance of environmental clearance, would show that the proponent had given false informations on the same. It is necessary to state that the report which was obtained by the Applicant was given after a physical inspection conducted in the month of March. Hence it is seen that the ground water table is at 4 meters and the informations of the proponent in Form1 of the EC is incorrect.
9. It is submitted that the authorities had also failed to see that there are habitations and public buildings, within the restricted distance to the quarry. There is a temple, viz. Muthumalai Murugan Temple, within 300 meters from the impugned site, and the same had not been considered by the Revenue Authorities before issuing NOC to the quarry. The Topo Plan showing the details of the nearby areas to the S. No. 444/1, by the private surveyors would reveal that there

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are buildings, including temple within restricted distance from the impugned quarry. Apart from the above mentioned, there is also a Low tension Electricity line, which runs only at a distance of 10 meters from the impugned site.

10. It is submitted that after the filing of the present Application, the Proponent, admitting that the activity had been started without obtaining the land conversion certificate, and to regularise the same, had made an application to the Joint Director of Coimbatore District, Town Country Planning. The same had also been forwarded to the 5th Respondent office. It is pertinent to state that the said application had been answered as "cannot converted for Non-Agricultural purpose".

11. The above explained would clearly show that the impugned site is environmentally unfit for the purpose of quarrying. Having ground water table at 4 meters, with buildings within restricted distance and a fertile agricultural land. Further the permission for quarrying, given by the authorities, could have not been granted if a physical inspection was done, before the issuance of the same.

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Hence the Applicant prayer that this Hon'ble National Green Tribunal may be pleased to allow the present Application and pass such further or other orders as deemed fit and thus render Justice.

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Solemnly affirmed on this the

: BEFORE ME

09th day of April, 2023

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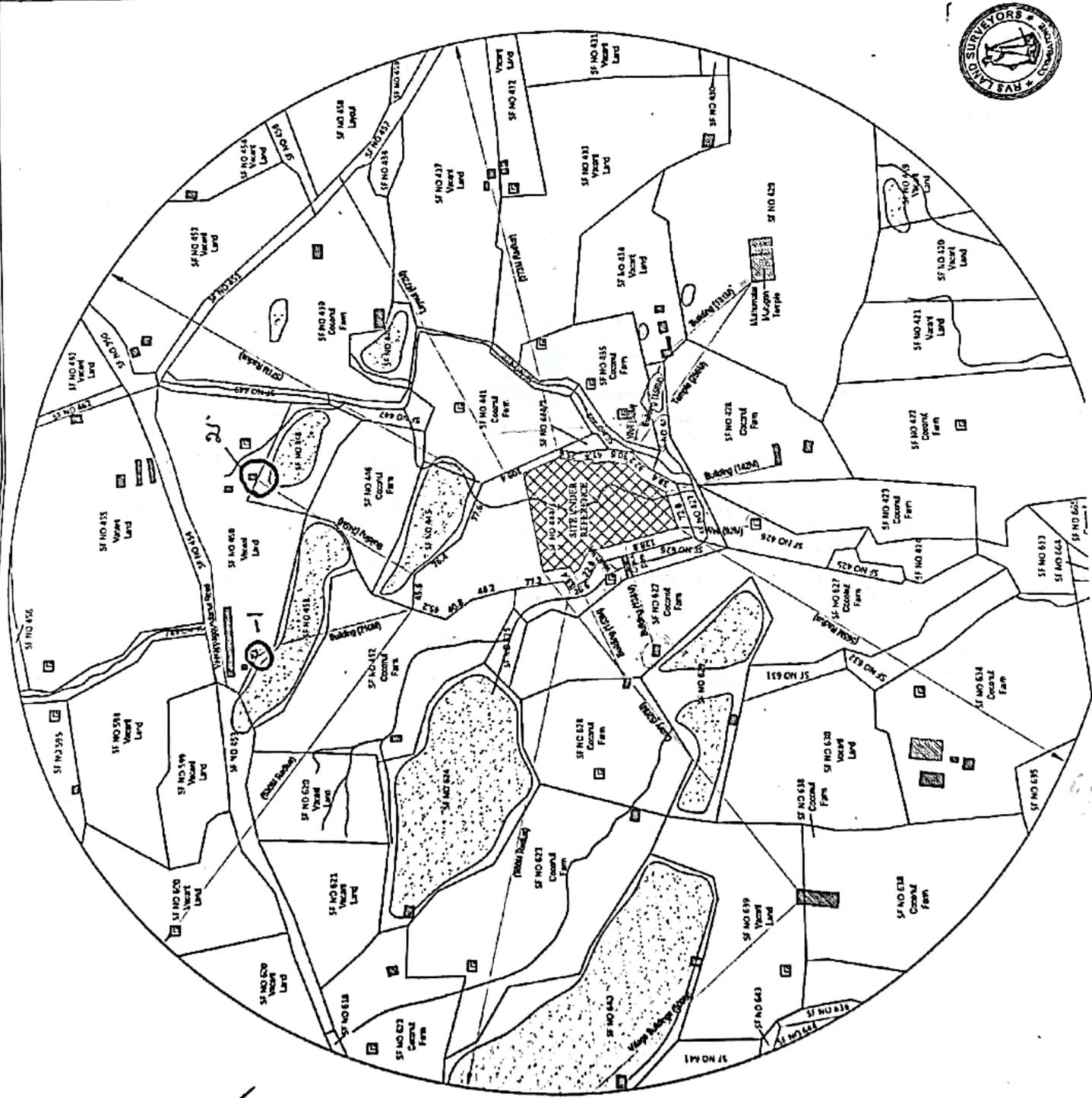
And signed his name in my presence.

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(ADVOCATE : CHENNAI)

D. Arundh
MS-100-319/2003
(104, Law Centre
High Court)

 <p>RVS Land Surveyors Coimbatore. www.rvslandsurveyors.com admin@rvs.com 96008 30008</p>	<p>TOPO PLAN</p> <p>29, Palani Illam, Sundaram Brothers Layout, Hamanathapuram, Tamil Nadu 641045.</p>	<p>TOPO PLAN SHOWING THE NEARBY DETAILS OF S.F. NO : 4441 AT SOKKANUR VILLAGE. KINATHUKODAVU TALUK, COIMBATORE DISTRICT.</p>	<p>NOT TO SCALE</p> 	<p>REFERENCE</p> <ul style="list-style-type: none"> - - - - - Site Under Reference - - - - - Existing Building - - - - - Rock Area - - - - - Canal - - - - - Well - - - - - Road 	<p>○ - 1st Approved building for Saradha.</p> <p>○ - 2nd Approved building for Nalagins.</p>	<p>SURVEYED DONE BY SURVEYOR</p>
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DR. G. KANAGARAJAN M.Sc.(Geol.), P.G.Dip. In Hyd Geol., P.G.Dip.in GIS. and Remote Sensing
SENIOR HYDRO GEOLOGIST (Govt. Approved)
(Proprietor : V V Geo Tech Ground Water Consultancy)

39, N.G.R. Street, Ramasamy Nagar, Koundampalayam (Po) Coimbatore - 641 030, Tamilnadu.
E-mail : vvgeotech@gmail.com Cell : 94430 - 24460, 77081 25792

- ✱ Govt Approved Hydrogeologist, Coimbatore District Administration, Coimbatore. Reg. No. 11695/98/Gen/1/27.5.2002
- ✱ Govt Approved Hydrogeologist Erode District Administration, Erode. Reg. No. 4649/2002/A8/12.8.2002
- ✱ Govt Approved Hydrogeologist, Dharmapuri District Administration, Dharmapuri. Reg. No. 9815/2002/A3/6.2.2003
- ✱ Govt. Approved Hydrogeologist, Trichirapalli District, Administration, Trichirapally Reg. No. 214. 2036/03. date 2.08.2003
- ✱ Resource Person Rain Water Harvesting Chennai Metropolitan, Chennai. Reg. No. CMWSSB/Sr.Hg/RWH/18/2007/7.2.2002

**REPORT ON THE GROUNDWATER SOURCES AND YIELDING SURVEYS
FOR WATER SUPPLY IN MRS.BAKIYA LAXSHMI W/O LATE
S.RAMACHANDRAN LAND SITE AT MUTHUKAUNDANUR
VILLAGE,SHOKKANUR REVENUE VILLAGE,KINATHUKADAVU TALUKA
IN COIMBATORE DISTRICT.**

Study Conducted By

G. Kanngarajan
Groundwater Consultants
No. 39, Thiyagi NGR Street, Ramasamy Nagar,
Koundampalayam (Po), Coimbatore - 641 030
Phone : 94430 24460 E Mail : vvgeotech@gmail.com

Computerised Resistivity Meter Survey for Investigation of Ground Water

GROUNDWATER INVESTIGATION & YIELD REPORT (Advanced High-Tech self potential meter survey)

1. Name of the Owner & Address : MRS.BAKIYA LAXSHMI
W/O LATE S.RAMACHANDRAN
5/63- MUTHUKAUNDANUR,
PALAARPATHI POST,
KINATHUKADAVU-Via
COIMBATORE-642109

2. Date of the survey : 22.03.2023

3. Type of the Survey : Geo-physical Survey
(Scientific Method.)

4. Type of Instrument used : Computerised resistivity
Meter (Aquva meter)

5. Requirement of water : For Agricultural Uses.

6.Total Extent : 40 Acras

LOCATION

- a) Location : MUTHUKAUNDANUR,
- b) S F Number : 426,428 and 627
- c) Village : SHOKKANUR,
- d) Panchayat : SHOKKANUR,
- e) Union : KINATHUKADAVU
- f) Taluk : KINATHUKADAVU
- g) District : COIMBATORE.



GEOLOGY OF THE AREA

- a) Formation present : Igneous & Metamorphic Terrain
- b) Lithology : Granitic Gneissic Rock
- c) Nature of Fractured and joint : Good
- d) Thickness of the loose soil zone : 2.6 meter to 4.5 meter

HYDRO-GEOLOGY OF THE AREA

- Vegetation : Coconut plantation
- Type of the soil : brownish Block Color
- Drainage condition : Moderately
- Recharging condition : Very Good

EXISTING OPEN WELL ---1

GROUND WATER YIELDING LAYER

Top to 3.5 Meter depth	Loose soil formation
3.6 meter to 5.5 meter	Highly weathered rock formation
5.6 meter to 9 meter	weathered rock formation with water table
9.1 meter to 12.8 meter	Semi weathered rock formation with water bearing formation with water

From the interpretation of the geophysical data, it is inferred that the study area consists of brownish red color soil followed by wed soil at depth of 6 meters and water table starts at a depth of 7.3 meter, Than followed water yielding formation at depth of 9 meter to 26 meters and Identified water bearing formations. The presence of Water bearing formations and fractures rocks are good and is given to Above 2 inches yield of water.

EXISTING OPEN WELL DETAILS

- A. Depth of open well-constructed : 11.58 meter
- B. Length : 23 meter
- C. Width : 15 meter
- D. Water Table : 7.3 meter
- E. Ground Water yield : Above 2 inches
- F. Pump motor horse power : 5 HP
- G. Pumping motor duration : 6 am to 10 pm

EXISTING OPEN WELL ---2

GROUND WATER YIELDING LAYER

Top to 2 Meter depth	Loose soil formation
2.1 meter to 4 meter	Highly weathered rock formation with water table
4.1 meter to 5 meter	weathered rock formation with water
5 meter to 6.8 meter	Semi weathered rock formation with water bearing formation with water

From the interpretation of the geophysical data, it is inferred that the study area consists of brownish red color soil followed by wed soil at depth of 3.35 meters and water table starts at a depth of 4 meter, Then followed water yielding formation at depth of 5 meter to 8 meters and Identified water bearing formations. The presence of Water bearing formations and fractures rocks are good and is given to 1½ inches yield of water.

EXISTING OPEN WELL DETAILS

- A. Depth of open well-constructed Depth : 6 meter
- B. Length : 11.6 meter
- C. Width : 9.75 meter
- D. Water Table : 3.75 meter
- E. Ground Water yield : 1½ inches
- F. Pump motor horse power : 5 HP Oil Engine
- G. Pumping motor duration : 6 am to 10 am

CONCLUSION AND RECOMMENDATIONS

Based on the Geophysical surveys, The Existing open well number 1 and Existing open well Number 2 are giving good yield of ground water. These open wells are shown shallow aquifer formation and its pumping hours more than fifteen and ten hours in a day. Recommended for construct of open well wall.

G.Kr 24/03/23

G.Kanagarajan
Groundwater Consultants
Coimbatore.

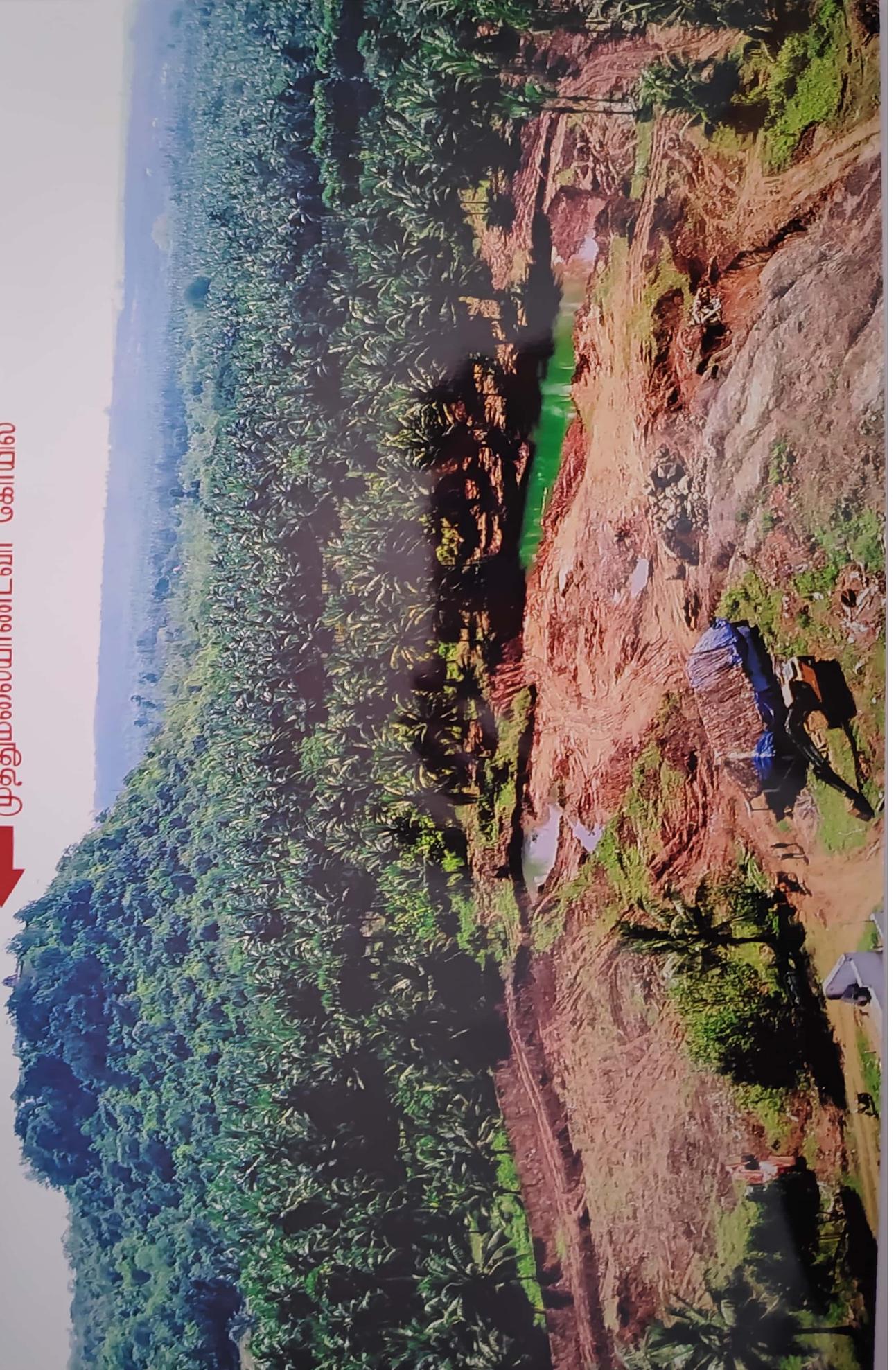


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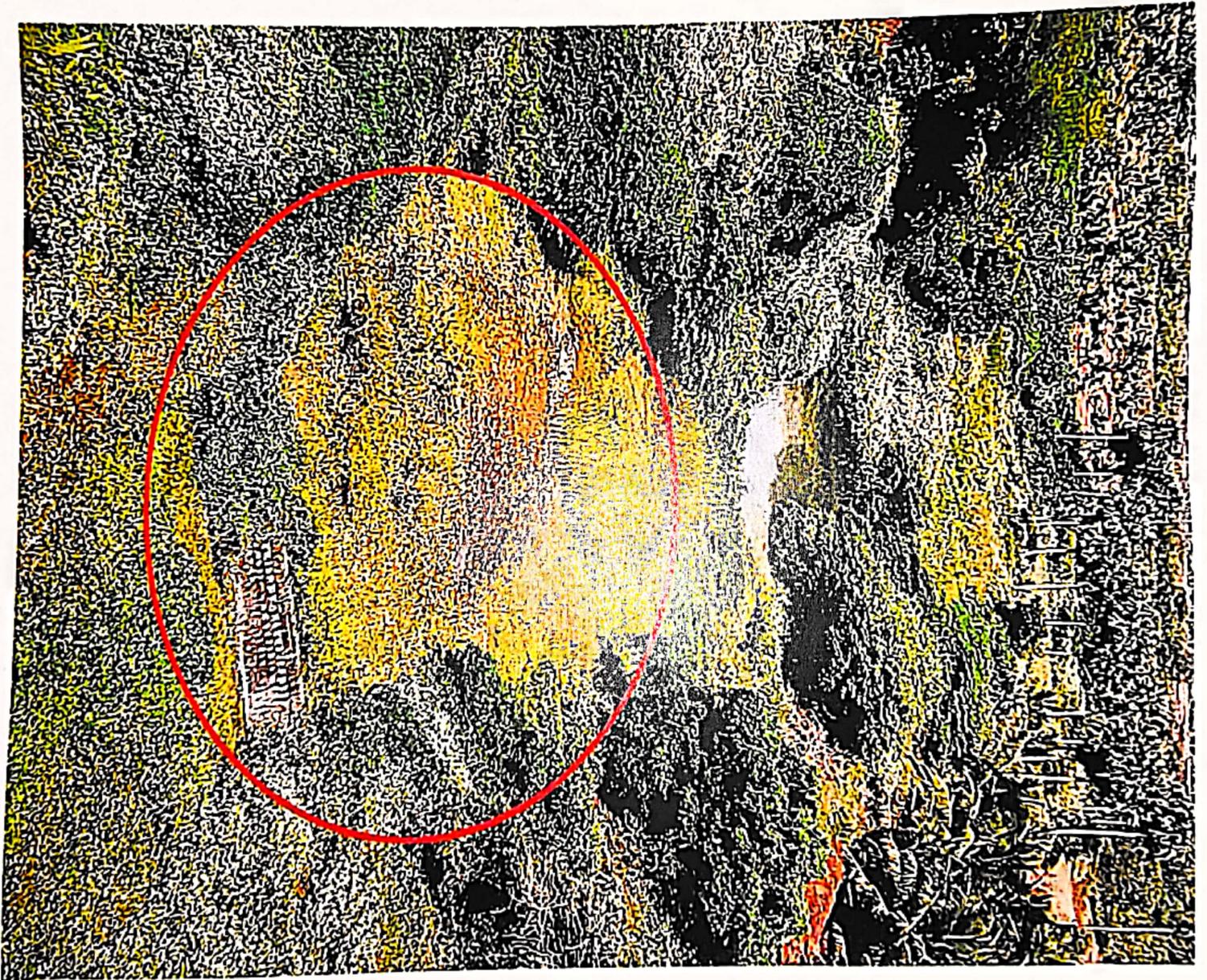


முத்துமலையாண்டவர் கோயில்

முத்துமலையாண்டவர் கோயில்



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4.2. 9m - 426 81N 20m 50 42R.



**BEFORE THE NATIONAL GREEN
TRIBUNAL, (SZ), SITTING AT
CHENNAI**

OA. No. 138 Of 2022 (SZ)

TYPESET

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