

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE BENCH AT CHENNAI

(Application under section 14 and 15 read with section 18(1) of

National Green Tribunal Act, 2010)

OA No. 141 of 2022

In the matter of:

D. Karunakaran,
Chengalpattu District

...Applicant

Versus

State Environment Impact Assessment Authority,
Tamil Nadu and Others

...Respondents

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Through

Dr.D.Shanmuganathan

Standing Counsel,

National Green Tribunal, South Zone

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
(Application under Section 14 and 15 read with section 18(1) of
National Green Tribunal Act, 2010)**

APPLICATION NO.141 OF 2022

IN THE MATTER OF:

D.KARUNAKARAN,

Son of Shri.Dev,
No.192, Orangavali Village,
Kattudevathur Panchayat,
Neerpeuyar Post, Madurantakam Taluk,
Chengalpattu District-603313
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... Applicant

AND

**1. STATE ENVIRONMENT IMPACT ASSESSMENT
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**Assistant Director (I/c),
Geology and Mining,
Chengalpattu.**


**DISTRICT COLLECTOR
CHENGALPATTU.**

4. **THE DISTRICT COLLECTOR, CHENGALPATTU,**
Collectorate,
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5. **THE SUPERINTENDENT OF POLICE, CHENALPATTU**
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6. **K.K.RAGHAVAN,**
S/o.M.Krishnan,
No.195, Theradi Street,
Madurantakam,
Chengalpattu-603 306.


...Respondents

DETAILED STATUS REPORT FILED ON BEHALF OF THE 2ND AND 4TH RESPONDENTS.

I, Thiru. A.R.Rahul Nadh, I.A.S., S/o. Reghunadh, Hindu aged about 35 years residing at Collector Office, GST Road, Chengalpattu District-603 001 is working as Collector, Chengalpattu District hereby solemnly affirm and sincerely state as follows:-

I am the District Collector and well acquainted with facts of the case from the records pertaining to the quarry lease for Roughstone and gravel granted to the Thiru K.K.Raghavan in S.No.121/3 of Keelvasalai Village at Maduranthakam Taluk, Chengalpattu District covered under Application No.141/2022 filed by Thiru D.Karunakaran before the Hon'ble National Green Tribunal, South Zone bench at Chennai.


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Geology and Mining,
Chengalpattu.**


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History of the Case:-


Thiru K.K.Raghavan preferred an application on 24.02.2020 for grant of Quarry Lease for rough stone quarry in patta lands situated in S.F.No.121/3 over and extent of 2.34.5 hectares in Keelvasala village, Madurantagam taluk for a period of 5 years.


The area was inspected by the following officials who had furnished their individual reports with recommendation.

1. Tahsildar Madurantagamin letter RC No.1796/2021/A1, dated 22.10.2020.
2. Revenue Divisional Officer, Madurantagam letter in RC No.697/2020/A dated 04.05.2021.
3. Assistant Director, Geology and Mining, Chengalpattu report dated 09.06.2021.

The brief contents of the above reports are as under;

- a) The area stands registered in the names of V.Vengatesan and K.K.Rahavan as per patta no. 1151.
- b) No habitation and construction activities are observed within 300 meters from the area.
- c) No EB line is passing through 50 meters from the area. However, a high-tension power line is seen at a distance of 55 meter. There is no places of Archaeological importance, Government poramboke land or burial ground surrounding the area.
- d) Thiru Karunakaran and Thiru Sekar along with other general public of Keelvasalai preferred an objection petition for grant of quarry lease in which the following points were raised.
 - i) If quarry lease is granted in the area, the ground water table will be reduced thereby affecting the agriculture.


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- ii) Near the area proposed for quarry lease, Government lands which are used for grazing cattle are situated and therefore quarrying activities will affect the livestock.
- iii) Meikal porbamboke, EB and HT power line pass through the area which will endanger the lively hood of the public.

iv). The objection petition was taken on record and the Tahsildar, Madurantagam was instructed to examine the same and to furnished a report. The area was inspected by the Tahsildar who has furnished his report in letter dated No.1796/2020/A1 dated 05.02.2021. It is stated that there is no Government land near the area proposed for grant of quarry lease and the quarrying activity will not affect the agriculture activities and there is no possibility of any damage to ground water and Environment and Ecology. The Tahsildar has further stated that there are no permanent structures within 50 meter and no habitation within 300 meter radial distance.

The Assistant Director Geology and Mining in his technical report dated 09-06-2021 has stated that the area is virgin in nature and the upper layer from 3 to 10 feet are covered by top soil and hard rock occurred below the depth which is used for making jelly and construction materials. The Assistant Director of Geology and Mining has also stated that there is no habitation, water bodies near the area applied for grant.

In view of the reports from Revenue and Mining official. The


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applied lease area has been considered for the grant of quarry lease. As per the amended rule 41 and 42 of TNMMCR, 1959 in order to carry out any quarrying operation as per the rule. The Approved Mining Plan and clearance from SEIAA is required and has to be submitted by the applicant. For this purpose, precise area was communicated to the applicant in letter Rc.46/Q2/2020 dated 11-06-2021. The Mining Plan submitted by the applicant and was approved vide No. Rc.46/Q2/2020 dated 15.06.2021. The SEIAA has permitted Environment Clearance for quarrying in letter No.SEIAA-TN/F.No. 8576/ 1(a)/EC.No.4914/2021 dated, 03.11.2021 subject to number of conditions. As per the same, the lessee is entitled to quarry 2,07,115 cbm of rough stone and 35,738 cbm of gravel.

The quarry lease was granted in proceeding No.46/Q2/2020, Dated 22.12.2021. The lease deed was executed on 22.12.2021.

The lessee started the quarrying operation and had been issued with transport permits. So far, the lessee is being granted with quarrying permit for 18,680 cbm of gravel and 50,400 cbm of rough stone from 24.12.2021 to 02.02.2023.

In the backdrop Thiru Karunakaran has filed an application No.141/2022 before the NGT, Chennai on 28.12.2022.

PARAWISE REMARKS:

1. With regards to the averments made in paras 1 to 3 of the affidavit


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it is submitted that the applicant has narrated the grant of quarry lease to the 6th respondent in the subject area and about the Environmental Clearance issued for the quarrying purpose. This fact is not refuted but however the statement of applicant about the unregulated unsystematic quarrying by respondent and violating the conditions of Environmental Clearance is not acceptable.

2. With regard to the averments made in paragraph 4 of the affidavit about the dust and smoke pollution and strong vibration affecting the nearby area, the remarks of the 3rd respondent may be obtained and made applicable.
3. With regard to the averments made in para 5 of the affidavit it is submitted that even during the consideration for grant of lease in this area, the applicant along with others submitted an objection petition stating the damage may be caused to the life of public. By taking this into consideration, the respondent had referred the petition to the Tahsildar, Maduranthakam to examine the merits and to furnish a report. The Tahsildar in letter RC No.1796/2020/ dated 05.02.2021 has clearly stated that there are no grazing land or Government lands near the area applied for grant of quarry lease and the quarry operation will not affect the environment


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and ecology. Therefore, it cannot be stated by the applicant that his objection for grant of quarry lease was not considered.

4. With regard to the averments made in paragraph 6 of the affidavit the application that water bodies are situated within 50 meters from the applied area is not correct. The Assistant Geologist who inspected the area on dated 04/02/2023, has clearly stated that water body is situated more than 120 meters from the lease granted area.
5. With regard to the averments made in paragraph 7 of the affidavit, it is submitted that any quarrying operation is governed by the condition stipulated in the rule Tamil Nadu Minor Mineral Concession Rules, 1959 and SEIAA Environment Clearance. The sixth respondent is following the condition contained in the Mining Plan. As per the Mining Plan, the lessee is entitled for quarry of 35,738 cbm gravel and 2,07,115 cbm of rough stone for a period of five year.

The following statement will illustrate the quantity thus permitted year wise: -

Year Wise	Rough Stone in Cbm	Gravel in Cbm
I year	41,530	11,556
II year	43,200	9,630
III year	42,075	14,552
IV year	41,430	-
V year	38,780	-


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After the commencement of the quarrying fill date, the sixth respondent is being permitted with transport permit (for the quantity of 18,600 cbm of gravel, 50,400 cubic meter of rough stone.) as follows;

Period	Year wise Approved Quantity		Year wise Removed Quantity	
	Gravel (in cbm)	Rough Stone (in cbm)	Gravel (in cbm)	Rough Stone (in cbm)
1 st Year 22.12.2021 to 21.12.2022	11,556	41,530	17,400	45,000
2 nd Year 22.12.2022 to 21.12.2023	9,630	43,200	1,200	5,400


The present depth of the quarry is 24 meters as on 04/02/2023 as per the report of the Assistant Geologist. Considering the minor excessive quantity quarried during the first year the 2nd respondent will take action to regularise the quarrying as per mining plan, in this regard the 6th respondent was instructed to obtain a Modified Mining Plan as contemplated in rule.

FACTS IN BRIEF:

Para 1, 2, 3, and 4

The applicant's main contention is that the conditions incorporated by SEIAA had been violated. (The specific remarks of


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respondent 3rd may be obtained and filed).

Para 5

As far as this respondent is concerned, the lease area in S.F.No.121/5 of Keelavasalais bound with all four sides by patta lands. The relevant portion of report of Tahsildar Madurantagam is reproduced as below:

மேற்படி கல்குவாரிக்குத்தகைஉரிமம் கோரும் புலத்தின் நான்குஎல்லைகள் பின்வருமாறு.

- வடக்கு : புல எண்121/5 துரைசாமி (வ) விவசாயநிலம்
கிழக்கு : புல எண்.130/1சி மாரிமுத்துநிலம்.
மேற்கு : புல எண்.121/2 ஆலயம் எண்டர்பிரைசஸ் பிரைவேட் லிமிடேடு இயக்குனர்.
தெற்கு : புல எண்.120/1ஏ, 120/2சி ஆலயம் எண்டர்பிரைசஸ் பிரைவேட் லிமிடேடுஇயக்குனர்.

“செங்கல்பட்டு மாவட்டம், மதுராந்தகம் வட்டம், ஒணம்பாக்கம் குறுவட்டம், நெ.192 கீழ்வசலை கிராமம் புல எண்.121/3 பரப்பு 2.34.50 ஹெக்டேர் நிலத்தில் சாதாரணகற்கள் மற்றும் கிராவல் மண் வெட்டிஎடுக்க 5 ஆண்டுகளுக்கு குவாரி குத்தகை அனுமதி கோரியது தொடர்பாக கல்குவாரி உரிமத்தை ரத்து செய்திடகோரி முதலமைச்சரின் தனிப்பிரிவில் திரு.சேகர் த/பெ.பெருமாள் என்பவர் மனு அளித்ததின் பேரில் புலத்தணிக்கை மற்றும் விசாரணை செய்து கீழ்கண்டவாறு எனதறிக்கையினை அறிக்கின்றேன்.

மேற்படி கல்குவாரி அமைக்க குத்தகை உரிமம் வழங்குவது குறித்து மேற்படி கிராமத்தை சேர்ந்த திரு.கருணாகரன் த/பெ.தேவ் மற்றும் கிராம பொதுமக்கள் மற்றும் 2) திரு.வெங்கடேஸ்ராஜா த/பெ.துரைபாபு மற்றும் கிராமபொதுமக்கள் 3) திரு.பெ.சேகர் த/பெ.பெருமாள் மேல்வசலை கிராமம் தமிழ்நாடு யூத் தேக்வாண்டோ அசோசியேஷன் நிறுவனத்தலைவர் ஆகியோர் ஆட்சேபனை


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மனுக்களில் மேற்கண்ட கல்குவாரி அமைந்தால் நிலத்தடி நீர் முற்றிலுமாக பாதிக்கப்படும் என்றும், சுற்றுப்புற சூழல் காற்றும் மாசுபடுகிறது என்றும், கனிமவளம் அழிந்து போகும் என்றும், எனவே புதிய குவாரிக்கு அனுமதி அளிக்கக்கூடாது என மனு அளித்துள்ளதன் பேரில் விசாரணை மேற்கொண்டதில், மேற்படி நெ.192, கீழ்வசலை மதுரா ஓரங்காவலி கிராமம் கிராமத்தில் புல எண்.121/3-ல் ஆலையம் எண்டர்பிரைசஸ் ஆக்கிரமணம் செய்துள்ளதாக தெரிவித்துள்ளபுல எண்.121/3, 2.34.5 ஏர்ஸ் நிலம் பட்டா எண்.1151 ஆலையம் எண்டர்பிரைசஸ் பெயரில் தாக்கலாகிவருகிறது. மேலும் கல்குவாரி அமையும் இடம் அரசுபுறம் போக்குநிலம் இல்லை. பட்டா நிலமாகும் மேற்படி புலமானது புல எண்.121/3 நிலஉடமை மேம்பாட்டுத் திட்டபதிவு "அ" பதிவேட்டில் பி.கிருஷ்ணசாமிரெட்டி (1) ரெங்கசாமிரெட்டி என தாக்கலாகி உள்ளது / மேற்படி கிராமத்தில் அமையும் கல்குவாரியால் விவசாயம் செய்வதற்கு இடையூறு ஏதுமில்லை. மேற்படி புலத்திற்கு அருகில் கிணற்றில் நிலத்தடிநீர் குவாரியால் வற்றிவிடவில்லை. எவ்வித பாதிப்பும் காணப்படவில்லை. மேற்படிகிராமத்தில் ஒருசிலர் மட்டுமே உள் நோக்கத்துடன் மனு அளித்துள்ளார் என்பதை பணிவுடன் தெரிவித்துக்கொள்கிறேன்" என வட்டாட்சியர் தெரிவித்துள்ளார்.

The lessee has to leave 7.5 meter in all sides of the area and this condition has been adhered therefore, there is no violation in this regard.

Mining Operation in Violation of the Conditions of EC

The applicant has mentioned that the lessee has violated the condition 1 to 12, 15, 18 and 19 of the Environmental Clearance. The remarks of the 3rd respondent to be obtained and made applicable.


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Condition Imposed by SEIAA

Here again the lessee is stated to have violated the conditions number 12, 13, 16, 17, 19, 21, 34, 43 and 48 and specific conditions number 52, 53, 54, 55. The remarks of the 3rd respondent to be obtained and made applicable.

GROUND:

The grounds adduced by the applicant in para 22 – A to S have been examined in detail.

As far as the 4th respondent is concerned, the following are the only issues of concern i.e.


Para 22 – C: The respondent has not provided 50 meters buffer zone for the safety of public. The said respondent has proposed to do mining on the buffer zone as no demarcation has been done.

Para 22 – D : The respondent is doing excessive Mining beyond the area in the Environmental Clearance.

Para 22 – F : Water bodies are situated within 50 meters from the area.

Para 22 – H : The respondent is doing quarry work day and night.


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- Para 22 – I : Habitation, agriculture lands, and pre-preliminary school within 300 meters from the Mining area are situated.
- Para 22 – L : The 6th respondent is doing Mining without forming proper benches as per section 106(2) a of metalliferous Mining regulation 1961.
- Para 22 – M : There is no cautionary board to alert the public.
- Para 22 – N : The 6th Respondent has not maintained green belt in the Mining area.
- Para 22 – Q : Water has not been sprinkled to suppress the dust while transporting the minerals.
- Para 22 – R : Unskilled and unlicensed persons are doing blasting.
- Para 22 – S : No protective measure to store and handle explosives magazines.

In order to ascertain the status position on ground in respect of stone quarry lease granted to 6th respondent in S.F.No.121/3 over an extent of 2.34.50 hectares in Keelavalasalai village, the 2nd respondent was directed to inspect the subject area and to furnish a report in this regard. The Assistant Geologist inspected the area on 04/02/2023 along with Revenue Inspector and the perusal of the report reveals the following facts.


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1) The 6th respondent has entered into an agreement with the Deputy Director of Geology and Mining on 22.12.2021. The lease deed contains various condition including the special condition No. 2 which is reproduced here under.


“ புலங்களுக்கு அருகிலுள்ள அரசு புறம்போக்கு மற்றும் பட்டா நிலங்களுக்கு முறையே 10 மீட்டர் மற்றும் 7.5 மீட்டர் பாதுகாப்பு இடைவெளிவிட்டு குவாரிபணி செய்யப்படவேண்டும்.”

This condition has been strictly adhered to by the 6th respondent. Therefore, there is no violation as per this aspect is concerned.

The 50 meter buffer zone as stipulated in the Environmental Clearance is also maintained by the lessee. As far as leaving a safety distance of 50 meter as imposed by SEIAA and condition No.12 it is stated that this condition will come into effect if only any water bodies are situated nearby in order to protect the agriculture. However, in this case there is no water body present. This is the general condition imposed by the SEIAA in all cases but it has to be examine don case-to-case bases, In view of the nonexistence of water bodies within 50 meter this condition is not applicable to this area.

With regard to contention made in para 22 – D, it is submitted that the quarrying activity is restricted only within the mining permitted area and further the issue of Transport permit is also in accordance with the


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quantity mentioned in the Approved Mining Plan. The lease of deed came into effect on 22.12.2021 from the following details will illustrate, the quantity of minerals transported during the 1st year.

Period	Year wise approved quantity		Year wise removed quantity	
	Gravel (in cbm)	Rough Stone (in cbm)	Gravel (in cbm)	Rough Stone (in cbm)
1 st Year 22.12.2021 to 21.12.2022	11,556	41,530	17,400	45,000
2 nd Year 22.12.2022 to 21.12.2023	9,630	43,200	1,200	5,400

The above figures will reveal that the lessee has marginally exceeded the quantity as per the Approved Mining Plan. Therefore, the lessee has been directed to submit a modified mining plan to regulate the excess quantity mined and transported during the 1st year. The 2nd respondent will also take action to further regulate the issue of transport permit during the 2nd year of lease strictly in accordance with the quantity already permitted to be removed in the approved mining plan.

As regard averment of applicant in para 22 – H, the 6th respondent is carrying out quarrying operation both during day and night, the 2nd respondent has conducted an inquiry on 04/02/2023 and ascertained that there is no such quarrying operation during night hours. In this regard a statement has been obtained from the Village Administrative Officer


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of Keelvasalai village. Therefore, the averment of the applicant is not correct. With regard to contents in para 22, the area granted on lease has been examined in detail. There is no habitation within 300 meters radius from the lease area. The photographic evidence in support of the same is enclosed. Further and marked as ABBE map showing the other features in this area surrounding the quarry lease is also enclosed marked as AWN. The other averments of the applicant about the existence of pre-preliminary school are also refuted. In view this it is submitted that there is no permanent structure within 300 meters radius from the quarry.

As regards the contention in para 22 – L, it is stated that the lessee is carrying quarry operation in accordance with the approved mining plan and proper bench has been formed in the quarry for removing minerals and the photographic evidence is enclosed in support of this case. In view of the above the averment of the applicant is not correct. The Assistant Geologist report also proves that the 1st bench is at a depth of 7 meters.

With regard to the averment in para 22 – M, of the applicant regards non erection of cautionary board to alert the public. It is noticed that on the day of inspection of Assistant Geologist on 04/02/2023 cautionary board is present in the quarry area.


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Geology and Mining,
Chengalpattu.**


**DISTRICT COLLECTOR
CHENGALPATTU.**


With respect of the contention in para 22 – N, it is submitted that the 6th respondent has taken action to raise trees and plants in the boundary of the lease hold area as stipulated Environmental Clearance. The report of the Assistant Geologist reveals that about 15,000 saplings have been planted in the area.

With regard to the contention in para 22 – Q, about the non-sprinkling of the water to control the dust while transporting the minerals it is stated that the same is not correct. The village administrative officer has certified that the 6th respondent is sprinkling water while transporting the minerals and there is no public objection from the villagers enroute the transportation of mineral.

With regard to para– R, the 6th respondent is engaged qualified explosive blaster and make order to monitor the blasting without any hindrance to the public.

With regard to the averments in para 22 – S, that there are no protective measures to store explosives, it is stated that the explosive materials are brought by the licenced contractor during blasting time and thereafter the explosives materials are cleared from the quarrying premises immediately after blasting. In this case the question of storage of explosives in the quarry area does not arise. In this connection the 6th respondent has executed an agreement with the explosive contractor and in support of this a copy of agreement is enclosed.


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The respondents would like to submit that the 6th respondent has complied with the conditions imposed by the Geology of Mining Department and carrying out quarrying operations.

In view of the above, it is therefore humbly prayed that this Hon'ble National Green Tribunal, Southern Zone, Chennai may deem fit and proper in the fact and circumstance of this case and thus render justice.


Solemnly affirmed at Chengalpattu
On thisthe day of March 2023
and signed his name in my presence.


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

VERIFICATION

I, Thiru.A.R.Rahul Nadh., I.A.S., working as District Collector, Chengalpattu District do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Chengalpattu on this day of March 2023.


**DISTRICT COLLECTOR
CHENGALPATTU.**