

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**SOUTHERN ZONE, CHENNAI**  
**Original Application No.148 of 2022 (SZ)**

IN THE MATTER OF:

Dr. Sushmitha  
No.C-302,  
Radiance Mandarin Apartment,  
Thoraipakkam,  
Chennai - 600 096.  
Email: sushmitharajaguru1984@gmail.com  
Ph: 9442588813

... Applicant

- Vs. -

- 1) The Member Secretary,  
State Environment Impact Assessment  
Authority,  
Panagal Maligai  
Saidapet, Chennai.  
Email: [cmantnseiaa@yahoo.com](mailto:cmantnseiaa@yahoo.com)  
Ph:+044-24359973
- 2) The District Collector,  
Collectorate,  
Karur District, TamilNadu,  
[Email-cllrkar@nic.in](mailto:Email-cllrkar@nic.in)  
Ph-04324-257511
- 3) The Member Secretary,  
The Tamil Nadu Pollution Control Board,  
Mount Salai, Guindy, Chennai - 600 032.  
Email: [tnpcb-chn@gov.in](mailto:tnpcb-chn@gov.in)  
Ph:044-22353134-139.
- 4) Commissioner,  
Directorate of Geology and Mining,  
Industrial Estate,  
Guindy, Chennai - 600 032  
[Email-geomine@tn.nic.in](mailto:Email-geomine@tn.nic.in)  
Ph-044-22500562.

Page No :1  
No of Corns :

  
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GEOLOGY AND MINING,  
KARUR.**

  
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KARUR**

- 5) The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
No. 26 Ramkrishmapuram West,  
Karur-639 001.  
Email-tnpcbkarur@gmail.com  
Phone:04324-230522.
- 6) The Deputy Director,  
Geology and Mining Department,  
Room No. 302, 3<sup>rd</sup> Floor,  
Collectorate, Karur - 639007  
Email- mine.tnkar@gmial.com  
Phone:04324-255113.
- 7) The Executive Engineer,  
Karur Distribution Circle,  
Tamil Nadu Generation and Distribution  
Corporation,  
TNEB COMPLEX, 3, Kovai Road, Karur -  
639002.  
Email: tnk4431ee1@tnebnet.org  
Phone: 04324-248678.
- 8) M/s. Sri Rathnagiriswarar Blue Metals,  
Rep.by its Proprietor Mr.M.Palaniayandi.  
No.2/1, Shivayam North Village,  
Ayyarmalai post, Karur - 639120.  
Email:bdhpp6396p@gmail.com  
Ph:Unknown.
- 9) M/s. Navamani Mines Private Limited,  
Rep.by its Managing Director P.Mani,  
Door No.5/898, Azhagu Nagar,  
Trichy Road, Namakkal - 631 007.  
Email:manipalanisamy2666@gmail.com  
Ph:Unknown
- 10) Mr. Palaniyandi,  
S/o.Mr.Mottaiyandi,  
No.2/34, Ambalakarar Street,  
Somarasampettai,  
Srirangam Taluk,  
Trichy District.  
Email: bdhpp6396p@gmail.com  
Ph: Unknown

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Respondent(s)

Page No :2

No of Corns :

  
DEPUTY DIRECTOR,  
GEOLOGY AND MINING,  
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**COUNTER AFFIDAVIT FILED BY THE 2ND RESPONDENT.**

I, Dr. T. Prabhushankar, I.A.S., S/o. Thangaraj Gunalan, Hindu, aged about 38, serving as Collector of Karur District and residing at Collector's residence, Karur do hereby solemnly and sincerely affirm and state as follows

1) I am the 2<sup>nd</sup> respondent herein and as such I am well acquainted with the facts of the case with reference to the records available in the office of the 6<sup>th</sup> respondent.

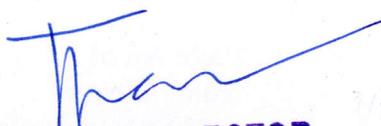
2) I firmly deny the averments made in the affidavit of the applicant except those which are specifically admitted therein.

3) I respectfully submit that the 'Facts in Brief' part of the affidavit of the applicant clearly exhibit that the theme of that revolves around the partnership made and dissolved between the applicant with 8<sup>th</sup> and 10<sup>th</sup> respondents.

4) The applicant entered partnership in Sri Rathinagireswarar Blue Metals on 14.12.2018 and relieved as retired from partnership on 04.05.2022. But contrary to that as per the lease agreement executed by the 10<sup>th</sup> respondent, in respect of a quarry lease existed in favour of Thiru.Palaniyandi from 10.07.2014 to 09.07.2019, and with reference to a registration certificate for storage and for trading roughstone and

Page No :3  
No of Corns :

  
DEPUTY DIRECTOR,  
GEOLOGY AND MINING,  
KARUR.

  
DISTRICT COLLECTOR  
KARUR

its products, issued from 21.10.2020 to 20.10.2025, in favour of 8<sup>th</sup> respondent, as a proprietorship concern under M.Palaniyandi of M/s. Sri Rathinagireswarar Blue Metals. The proprietor had not given any information to this 2<sup>nd</sup> respondent, regarding the internal partnership made with other partners, including the applicant.

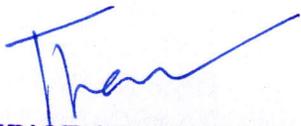
5) I respectfully submit that the ignorance exhibited by the applicant in each and every actions committed by the 8<sup>th</sup> and 10<sup>th</sup> respondents in respect of quarry leases operated, expired, applied and pending for disposal of the 1<sup>st</sup> respondent are not sustainable before law.

6) I also respectfully submit that, the Memorandum of application of the applicant is having no grounds, as prescribed in Form I of the National Green Tribunal Act 2010. But, instead of that the applicant summarized the details about the 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> respondents, according to her knowledge.

7) In the above circumstances, I respectfully submits the following before the Hon'ble National Green Tribunal (SZ) Chennai, which are precisely associated with the quarry lease granted to 10<sup>th</sup> respondent, storage registration certificate granted to the 8<sup>th</sup> respondent and quarry lease applications applied by 9<sup>th</sup> and 10<sup>th</sup> respondents.

Page No :4  
No of Corns :

  
**DEPUTY DIRECTOR,  
GEOLOGY AND MINING,  
KARUR.**

  
**DISTRICT COLLECTOR  
KARUR**

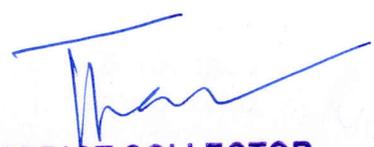
8) I respectfully submit that, as per the proceedings of the collector in R.c.No.99/Mines/2012 dated 10.07.2014 a minor Mineral quarry lease under the provision of rule 19(1) of the Tamilnadu Minor Mineral Concession Rules 1959, to quarry and remove gravel and roughstone, over an extent of 2.34.50 hectares in patta S.F.No.2/2 of Sivayam (North)village, Krishnarayapuram taluk in karur district, had been granted to the 10<sup>th</sup> respondent, for a period of 5(Five) years from 10.07.2014 to 09.07.2019, in favour of M.Palaniyandi (10<sup>th</sup> respondent).

9) I respectfully submit, that the 10<sup>th</sup> respondent, on expiry of the afore mentioned quarry lease preferred an application afresh again on 01.03.2019 over an extent of 2.34.50 hectares of patta land in S.F.No.2/2 of Sivayam(North) village, Krishnarayapuram taluk in karur district. The said application had been appropriately processed as per the procedures stipulated. Now it is pending for disposal of State Level Environment Impact Assessment Committee under SEIAA No.TN.F.No.734/SEAC/TOR/686/2020.

10) I also respectfully submit, that the 10<sup>th</sup> respondent. as per the powers delegated to the 6<sup>th</sup> respondent in G.O.(Ms)No.169/Industries(MMC1) Department dated 04.08.2020, also applied for the grant of a quarry lease over an extent of 1.11.50 hectares in patta S.F.No.8/1B of Sivayam (North) village,

Page No :5  
No of Corns :

  
**DEPUTY DIRECTOR,  
GEOLOGY AND MINING,  
KARUR.**

  
**DISTRICT COLLECTOR  
KARUR**

Krishnarayapuram taluk in karur district on 22.08.2022. It is also under process, at the level of mining plan under rule 41 of the Tamilnadu Minor Mineral Concession Rules 1959.

11) I further respectfully submit that the 9<sup>th</sup> respondent have preferred an application for the grant of a minor mineral quarry lease under rule 19(1) of Tamilnadu Minor Mineral Concession Rules 1959, to quarry and remove gravel and roughstone, over an extent of 2.80.5 hectares in patta S.F.Nos. 15/1 and 15/2 of Sivayam (North) Village, Krishnarayapuram taluk in karur district on 26.04.2019. It had been processed as per the procedures envisaged, and now it is pending for disposal of State Level Appraisal Committee in SEIAA-TN/F.No.6993/SEAC/TOR/761/2020.

12) I respectfully submit that the 8<sup>th</sup> respondent in the name of the proprietor M.Palanyandi had been issued with a registration certificate under rule 5(3)(a) of the Tamilnadu, Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealers Rules 2011, vide TN/KRR/10/269/2020/Crusher/038 date 21.10.2020, for a period of 5 (Five) years from 21.10.2020 to 20.10.2025, for storing, processing, consuming rough stone boulders to produce stone jelly, M-Sand, P-Sand and crusher dust over an extent of

Page No :6  
No of Corns :

  
**DEPUTY DIRECTOR,  
GEOLOGY AND MINING,  
KARUR.**

  
**DISTRICT COLLECTOR  
KARUR**

2.60.0 hectares in patta S.F.No.2/1 of Sivayam(North) village, Krishnarayapuram taluk in Karur district.

13) I respectfully submit that the averments made by the applicant in 8<sup>th</sup> and 11<sup>th</sup> paragraphs of the application are not maintainable before law. The 8<sup>th</sup> respondent on expiry of the lease period on 09.07.2019 in respect of S.F.No.2/2, Sivayam (North) village, again applied afresh, on 01.03.2019, that is even before its expiry. Moreover, as regards S.F.No.9/2B of Sivayam (North) village, the special Team Constituted by the District Collector, Karur in R.c.No.A2/2975/2022, dated 24.02.2022 headed by the District Revenue Officer and assisted by the Assistant Director, Survey and Land Records, Karur, District Environmental Engineer, Tamilnadu Pollution Control Board, Karur. Revenue Divisional officer Karur & Kulithalai. Tahsildhars of all taluks (herein Tahsildhar of Krishnarayapuram) of Karur District and Inspector of Police of the respective Jurisdiction have initiated appropriate actions for field verifications and its Consequent actions, to be taken, if there are any unlawful activities. Apart from the above said specific issue, the aforementioned special team are verifying all the quarries, of lease expired, abandoned, operation under current lease periods and their adherence

Page No :7  
No of Corns :

  
DEPUTY DIRECTOR,  
GEOLOGY AND MINING,  
KARUR.

  
DISTRICT COLLECTOR  
KARUR

to the Act and Rules. The subject area was inspected by the Special Team on 03.12.2022 and preparation of reports are under progress.

14) I respectfully submit, that constant vigil is being rendered in curbing illegal mining, transportation and storage of minerals, by the Taluk Level Task Force, constituted by the government vide G.O.(Ms)No.135/Industries(MMA1) Department, dated: 13.11.2009, flying squads organised by the government in G.O.(Ms)No.109/Industries(E2) Department dated:18.05.2015 and the Enforcing, complaint making and reporting authorities vide G.O.(Ms) No. 170/Industries(MMC2) Department, dated: 05.08.2020. Apart from that an exclusive special Team for karur district under the District Revenue Officer, organised by the District Collector in Proceedings No.A2/2975/2022 dated 24.02.2022 is also functioning to detect mining related offences. The applicant from her date of entry into Sri Rathinagireeswarar Blue Metal dated 14.12.2018 to the exit dated 17.04.2022 had not made any complaint to the concerned authorities regarding the functions of the 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> respondents. But all of a sudden from 18.04.2022 she initially gave notice to the other partners and from 01.07.2022 onwards she made complaints and petitions under Right to Information Act 2005 regarding the said respondents and their activities. She also retired from partnership on 04.05.2022.

Page No :8  
No of Corns :

  
**DEPUTY DIRECTOR,  
GEOLOGY AND MINING,  
KARUR.**

  
**DISTRICT COLLECTOR  
KARUR**

Hence it is construed that the outcome of the break in partnership paved way to the applicant to prefer an original application with the Hon'ble National Green Tribunal (SZ), Chennai.

The official respondents are discharging their legitimate duties scrupulously. The applicant's views on the official respondents regarding unflattering support to the 8<sup>th</sup> respondent are having malafide intentions, and fragile before law, made according to the whims and fancies of the applicant.

Therefore, in view of the above, I respectfully submit that the prayer of the applicant for restraining the respondents 8,9 and 10 from continuing their Mining operations, is infructuous and does not arise, since the said respondent do not have quarry leases as on date, and all of their applications are under process. It is also pertinent to submit that, on receipt of report of the special team appropriate actions will be taken under Section 4(1), 4(1-A) and 21 of Mines and Minerals(Development and Regulation) Act 1957 and also as per the rule 36-A(1) & (3) of The Tamilnadu Minor Mineral Concession Rules 1959.

  
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KARUR.

  
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KARUR

In view of the above, I respectfully submit that, the Hon'ble National Green Tribunal (SZ), Chennai may accept this counter affidavit and may be pleased to consider to dismiss the case and thus render Justice.

  
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Before Me

  
**DEPUTY DIRECTOR,  
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**VERIFICATION**

I, Dr. T. Prabhushankar, I.A.S., S/o. Thangaraj Gunalan working as Collector, Karur district, do hereby verified the contents of this Counter Affidavit and they are true to my personal knowledge, based on the Records, I have not suppressed any facts.

Verified at Karur on this 10<sup>th</sup> day of January 2023.

  
**DISTRICT COLLECTOR  
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