

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

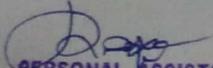
Original Application No.156 of 2021(SZ)

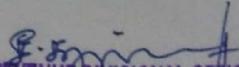
Mr. B. Pasumpon Anand
S/o. P. Bhagavathi
53/19, Pillayar Kovil Street,
Nesapakkam, West KK Nagar,
Chennai - 600 078.
Email : anandpasumpon@gmail.com Ph: +9840817546

... Applicant

-Versus-

1. STATE OF TAMIL NADU
Represented by its Principal Secretary
Environment Forest & Climate Change Department,
Secretariat Complex, Namakkal Kavignar Maaligai,
Fort St. George, Rajaji Road,
Chennai - 600 009.
Email : forsec@tn.gov.in, Ph : +91 044 25671511
2. STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY,
Represented by its Director,
No.1, 3rd Floor, Panagal Maaligai,
Jeenis Road, Saidapet,
Chennai,
Email : tn DOE@tn.nic.in, Phone : 044-2435 9974
3. The District Collector,
Chengalpattu District,
Collector Office, GST Road,
Chengalpattu District, Tamil Nadu Pin - 603 001
Email : collr-cpt@nic.in, Phone : 044-27427412
4. Tamil Nadu Pollution Control Board,
Represented by its Member Secretary,
No.76, Mount Road,
Guindy, Chennai - 600032.
Email : tnpcb-chn@govi.in, Phone : 044- 22353145
5. Director of Geology and Mining,
Represented by its Director,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai - 600 032.
Email : cgmchennai32@gmail.com, Phone : 044-22501158


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6. District Environmental Engineer,
Chengalpattu District,
Maraimalai Adigalar Street, Next to Municipal Office,
Maraimalai Nagar,
Kancheepuram District - 603 209.
Email : tnpcbmmnagar@gmail.com, Phone : 044 - 27454422
7. Revenue Divisional Officer,
Maduranthakam,
Tamil Nadu 603306
Email : rdomdm.tnkpm@nic.in, Phone : 044-27552196
8. Mr. S.Murali
Proprietor Prasanna Blue Metal,
AFF1, Alayams Thilagavathy Enclave,
Kurinji Nagar, 1st Main Road,
Old Perungalathur, Chennai - 600063.
Email : prasannablumetal@yahoo.com, Phone: +91 9150066990

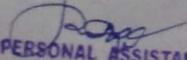
...Respondent(s)

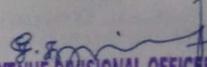
**INDEPENDENT RESPONSES FILED BY THE REVENUE DIVISIONAL
OFFICER, DEPARTMENT OF REVENUE AND DISASTER
MANAGEMENT, MADHURANTHAGAM DIVISION.**

I, Tmt. S.Saraswathi D/O Srinivasan, Hindu, aged about 28 years working as Revenue Divisional Officer, Department of Revenue and disaster management, Madhuranthagam Division do hereby solemnly affirm and sincerely state as follows:-

2) I am Revenue Divisional Officer, Department of Revenue and disaster management, Madhuranthagam Division has been nominated by the District Collector, Chengalpattu vide Rc.10050/Mines/2021 dated 18.08.2021 as a member of Joint Committee and as such I am well acquainted with the facts and circumstances of the case from the records available with our office. I filed this independent report as per order dated 22.09.2021 of this Hon'ble Tribunal in time.

3) It is respectfully submitted that in the matter of Original Application Number 156/2021, among carrying the Hon'ble National Green Tribunal, Southern Zone, Chennai in its order dated 27.07.2021 has appointed a Joint Committee comprising of following officials and direct to inspect the area in questions and submit a factual as well as action taken report, if there is any violation found.


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(i) The District Collector, Chengalpattu District, or a Senior Officer not below the rank of Assistant Collector/Sub-Divisional Magistrate as deputed by the District Collector

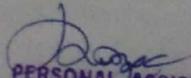
(ii) A senior from the Tamil Nadu State Environment Impact Assessment Authority (TNSEIAA), Tamil Nadu.

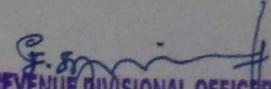
(iii) A senior officer from the Tamil Nadu State Pollution Control Board (TNPCB) as deputed by its Chairman.

(iv) A senior officer from the Director of Geology and Mining, Guindy, Chennai.

4) It is respectfully submitted that, the Committee is also directed to ascertain the following facts.

- i) *whether there was any violation of conditions imposed in the environment clearance, (EC) and Consent to Establish as well as Consent to Operate granted in favour of the 8th respondent, while carrying out the quarrying operation in the earlier quarrying portion and also in the subsequent quarrying portion.*
- ii) *Whether any excess mining done by the 8th respondent and if so, what is the quantity of excess mining done.*
- iii) *If excess mining done, what is the nature of action taken by the authorities, including imposition of environmental compensation, apart from realizing royalty and penalty as provided under the respective rules,*
- iv) *Whether the pollution control mechanisms provided by the 8th respondent is sufficient and whether they are in operation in conformity with the standard prescribed and if there is any deficiency, what is the remedial measure to be provided.*
- v) *If the quality of air or water has been affected in that area, then what is the nature of action taken by the regulators including suggestion of remedial measures to rectify the same.*


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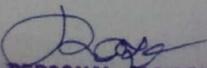
- vi) Whether the dust emanated from the quarrying area has affected the surroundings including the ground water quality and causing inconvenience to the residents in the nearby area and also damage (if any) caused to the agricultural properties in the nearby area and also damage (if any) caused to the agricultural properties in the nearby neighboring area and
- vii) Whether any environment damage has been caused on account of unscientific manner in which the quarry was conducted by the 8th respondent in both the places where he obtained Environmental Clearance (EC) and if so, the committee is directed to access the environmental compensation to be recovered from him apart from providing remedial measures for restoring the damage caused to the environment.

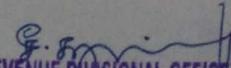
The Committee is also directed to ascertain the Ambient Air Quality and also the ground water quality in that area and if there is any contamination caused, the committee is directed to suggest the remedial measures to resolve the same.

The respondents are also directed to file their independent response before this Tribunal to the allegations made in the application.

5) It is submitted that, in compliance to the Hon'ble National Green Tribunal [South Zone] order, the Director of Geology and Mining has nominated Thiru. Arumuganainar. S/o.Thiru.S.Arumugan, the Regional Joint Director, Department Of Geology and Mining, Villupuram region vide Rc.5116/MM1/2021 dated.21.08.2021 as a member of Joint Committee for conducting inspection and submit detailed report of the subject quarry.

6) It is submitted that the Nodal Agency, the Director, Department of Geology and Mining vide Rc.No.5116/MM1/2021 dated 12.08.2021 has requested the District Collector, Tamil Nadu State Environment Impact Assessment Authority and the Chairman, Tamil Nadu Pollution Control Board, to nominate an


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officers from their Department as a member in the Joint Committee for conducting field inspection over the subject area.

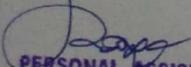
7) It is submitted that the State Level Environment Impact Assessment Authority vide letter No. SEIAA-TN/NGT/O.A.No.156 of 2021/2021-1 dated 20.09.2021 had deputed Tmt. N.R.Kamala, Assistant Environment Engineer, SEIAA Tamil Nadu, Chennai as a member of the Joint Committee.

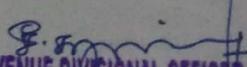
8) It is submitted that The Member Secretary, Tamil Nadu Pollution Control Board vide letter No.TNPSC/LAW/LA-III/NGT/015570/2021 dated 12.08.2021 has nominated Er.D.Vasudevan, District Environmental Engineer, Chengalpattu District as a member of the Joint committee.

Accordingly, the nominated members of the joint Committed is given as under.

1. Tmt.S.Saraswathi,
Revenue Divisional Officer,
Madurantakam. Member
2. Er.D.Vasudevan,
District Environmental
EngineerTamil Nadu Pollution
Control Board,
Chengalpattu District. Member
3. Thiru.A.Arumuganainar
Regional Joint Director,
Department Geology and
Mining,
Villupuram Region. Member
4. Tmt.N.R.Kamala, Assistant
Environment Engineer,
SEIAA Tamil Nadu, Chennai. Member

9) It is submitted that the Director, Department of Geology and Mining vide Rc.No.5116/MM1/2021/dated.12.10.2021 had nominated Thiru.K.Neelakandan, Sub-Inspector of Survey O/o the Deputy Director, Department of Geology and Mining, Krishnagiri as a member of the Joint Committee.

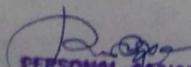

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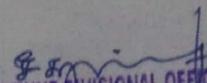

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10) It is submitted that the Joint Committee had inspected the area under lease granted to 8th respondent Mr.S.Murali, Prasanna Blue Metals on dated 05.10.2021 & 18.10.2021 During the time of inspection, the Assistant Director and Assistant Geologist, Special Revenue Inspector, Department of Geology and Mining, Kancheepuram, The Sub-Inspector of Survey, O/o the Deputy Director, Department of Geology and Mining, Krishnagiri. The District Environmental Engineer, Pollution Control Board, Maraimalainagar, Assistant Environmental Engineer, State Environment Impact Assessment Authority, Chennai, Revenue Divisional Officer, Madurantakam, Tahsildar, Madurantakam, Zonal Deputy Tahsildar, Madurantakam, Revenue Inspector, Madurantakam Taluk, the Head Surveyor, Madurantakam, Firka Surveyor and the the Village Administrative Officer, Avarimedu were also present and assisted at the time of inspection.

11) It is submitted that The Officials of Revenue and Survey Departments i.e., the Firka Surveyor and the Village Administrative Officer, Avarimedu Village had identified the boundaries of the area granted under lease in respect of leases mentioned by the petitioner in Avarimedu village and the dimensions of the quarried pit had been measured with Total Station instruments. The Topographical base plan and details of survey carried out by Thiru.K.Neelakandan, Sub-Inspector of Survey and submitted his sketch on 30.10.2021.

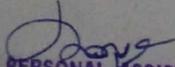
12) It is submitted that in then Kancheepuram District, presently Chengalpattu District a Rough stone and Gravel quarry leases had been granted in S.No.7/1A1 to the 8th respondent vide District Collectors Proceedings Rc.575/2010-Q1 dated 5.6.2013 and lease expired on 4.06.2018. Another a Rough stone and Gravel quarry lease had been granted in SF.Nos. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 of Avarimedu village in Madurantakam Taluk vide Assistant Director, Geology and Mining, Chengalpattu

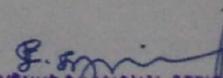

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Proceedings Rc. 505/2019-Q2 dated 24.10.2020 and lease period from 24.10.2020 to 23.10.2030. All the leased out areas are merged together and formed a single pit and part of the pit filled with water. Presently the 8th respondent having quarry lease for quarrying rough stone in S.No. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 over an extent of 2.34.50 hect. in Avarimedu village of Madurantakam Taluk and the lease valid upto 23.10.2030. The details of lease granted in Avarimedu village are as follows:-

Sl. No	Name of the lessee and address	SF. Nos.	Extent in hect.	District Collector's Proceedings.	Lease Period
1	S.Murali, S/o.Subramanian, 20/09, Alamelupuram, Mudichur Road, Tambaram West, Chennai-45.	7/1A1	1.50.0	Rc.575/2010/ Q1 dated 5.06.2013	05.06.2013 To 04.06.2018
2.	S.Murali, S/o.Subramanian, AFF1,Alayam Thilagavathi Enclave, KurunjiNagar, Ist Main Road, Old Perunglathur, Chennai-63. Since the lessee Thiru.S.Murali expired therefore the lease transfer vide Assistant Director Geology and Mining, Chengalpattu Proceedings Rc.No.505/Q2/2019 dated 01.07.2019 in the name of his wife M.Jayalakshmi W/o.S.Murali AFF1,Alayam Thilagavathi Enclave,Kurunji Nagar, Ist Main Road, OldPerunglathur, Chennai-63.	3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3	2.34.50	Rc.505/2019/ Q2 Dated 24.10.2020.	24.10.2020 To 23.10.2030


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13) It is submitted that the following violations are observed during the inspection within the area granted lease S.F.Nos.7/1A1.

i) As per the lease granting order and lease deed conditions the lessee has not provided safety distance 7.5 metres to the adjacent land in the west and northern side.

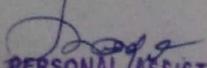
ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area in good condition as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.

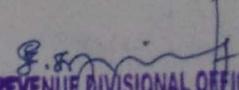
iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferrous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.

iv) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the boundary of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.

v) As per the pit measurements, it is estimated that, a quantum of 4,51,710 M³ of rough stone and 23,440 M³ of weathered rock had been quarried within the lease hold area ie., in S.F.Nos. 7/1A1 over an extent of over an extent of 1.50.00 hect.

vi) Mining operation is approved up to depth of 27 m


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(below ground level) in the mining plan / environmental clearance whereas the lessee has carried out the mining operation to maximum depth of 53 metres. The lessee had been removed 1,83,510 M3 of Rough stone and 23,440 M3 of weathered rock over and above the quantity approved in the mining plan from the area granted under lease in S.F.Nos. 7/1A1.

14) It is submitted that the following violations are observed during the inspection within the area granted lease in S.F.Nos. 3/1, 3/2 Etc.

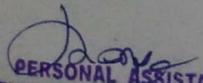
i) As per the lease granting order and lease deed conditions the lessee has not provided safety distance 7.5 metres to the adjacent patta land in the Eastern side.

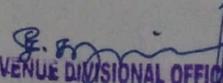
ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area in good condition as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.

iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferrous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.

iv) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the bounty of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.

v) As per the permit register of the Department of Geology and Mining, Chengalpattu, the lessee has obtained transport permit for 12,600 cub. of Rough stone and 5,100 cub.of Gravel for the period upto 28.09.2021. Further, as per the pit measurements it is estimated that 1,54,501cbm of Rough Stone and 23,208 cbm of weathered rock had been removed within the lease hold area. In this connection, it is observed that the lessee has quarried


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1,41,901 cbm. of rough stone and 23,208 cbm. of weathered rock had been removed over and above the permitted quantity as per the permit register.

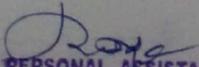
15) It is submitted that, an quantum of 46,648 M3 of weathered rock and 3,25,411 M3 of rough stone has been quarried and removed from the lease hold area without payment of seigniorage fee and without obtaining despatch slips.

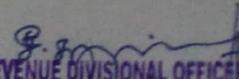
16) It is submitted that, the lessee has indulged illegal quarrying operation in the adjacent patta in S.F.Nos.5 & 6 over an extent of 0.31.00 hect. and illegally transported to the tune of 5,480 M3 of weathered rock and 12,696 M3 of rough stone and thereby the lessee contravened the sub section & (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957. Further, dumping of Gravel and weathered rock was noticed in the Southern side i.e, in non lease hold area in S.F.Nos 244/6, 244/11 and 244/13 of Sirunallur village. It is estimated that a quantum of 54078 M3 of gravel and weathered rock was dumped.

17) It is submitted that, for illegal and unlawful quarrying and transportation of 5,480 M3 of weathered rock and 12,696 M3 of Rough stone in non lease hold area Patta SF.No.5 and 6 of Avarimedu village, Madurantakam Taluk and for the unlawful quarrying and removal of 46,648M3 of weathered rock and 3,25,411M3 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.

18) It is submitted that, for the violations of lease deed conditions, penalty action may be imposed in respect of such breach may cancel the lease after granting an opportunity of hearing to the lessee as per the Rule 36 (5) (h) of Tamil Nadu Minor Mineral Concession Rules, 1959 after providing opportunity for personal hearing.

19) It is submitted that, since 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 after


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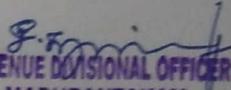

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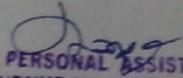
getting concurrence from the Director General of Mines Safety and District Collector.

20) It is submitted that, the lessee shall deposit Environmental Compensation as appealed by Hon'ble National Green Tribunal (SZ) in the TNPCB – Environmental Compensation Fund payable at Chennai. The amount shall be used for restoration of environment and for necessary remedial and preventive measures in regard to environmental matters.

21) In view of the above, it is therefore humbly prayed that this Hon'ble National Green Tribunal, Southern Zone, Chennai may be pleased to accept this individual response and may deem fit and proper in the fact and circumstance of this case and thus justice.

Solemnly affirmed at
Madhuranthagam On this 10th day
of November 2021 and signed his
name in my presence

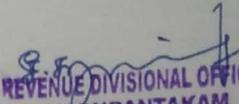

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BEFORE ME


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VERIFICATION

I, Tmt. S.Sarawathi, working as a Revenue Divisional officer, Department of Revenue and Disaster Management, Madhuranthagam Division do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Madhuranthagam on this 10th day of November 2021.


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