

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 161 of 2020 (SZ)

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU

Based on the News item in the Times of India Newspaper,
Chennai Edition dated 28.08.2020 "Thanjavur admin warns of action,
But illegal sand mining still thrives"

..... Applicant(s)

Versus

1. The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, For St. George,
Chennai, Tamil Nadu – 600 009.
2. The Additional Chief Secretary to Govt. of TamilNadu,
Revenue and Disaster Management Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
3. The Principal Secretary to Government,
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
4. Department of Geology and Mining
Rep. by its Director,
Alandur Road, Industrial Estate,
Guindy,
Chennai – 600 032.
5. Department of Geology and Mining
Rep. by its Director,
Thanjavur 613 010.
6. The District Collector,
Thanjavur District,
Collectorate,
Thanjavur 613 010.

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Assistant Director
Department of Geology & Mining
Thanjavur.

[Signature]
Executive Engineer, PWD.,
Agniyar Basin Division
Pattukkottai.

[Signature]
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7. The Tahsildar,
Pattukottai Taluk,
Taluk Office, Muthupet,
Thangavel Nagar, Pattukottai,
Thanjavur 614 602.

8. The Municipal Commissioner,
Pattukottai Municipality,
56 - 1, Naadimuthu Nagar,
Pattukottai, Thanjavur 614 601.

..... Respondent(s)

**Status Report filed by the Joint Committee comprising of Sub -
Collector Pattukottai, The Executive Engineer PWD, WRO, Agniyaru
Division Pattukottai and the Assistant Director, Department of
Geology and Mining, Thanjavur.**

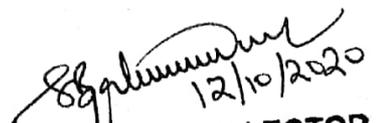
It is respectfully submitted that the Hon'ble National Green Tribunal Southern Zone Chennai has been registered OA No. 161/2020 on Suo Motu based on Newspaper report in the 'Times of India' Chennai Edition dated: 28.08.2020 under the caption " Thanjavur admin warns of action, but illegal sand mining still thrives"

2. It is respectfully submitted that in the order dated: 01.09.2020 the Hon'ble National Green Tribunal ordered to appoint a Joint Committee comprising of the 1) District Collector, Thanjavur District or a Senior Officer' not below the rank of Assistant Collector (or) Sub - Divisional magistrate deputed by the District Collector 2) Superintending Engineer PWD, WRO. 3) The Director or a Senior Officer from the Office of the Director of Geology and Mining to inspect the area in question and submit a factual as well as action taken report, If there is any violation found.

3. It is respectfully submitted that after receipt of the order dated: 01.09.2020 the District Collector has instructed the Sub Collector -


Assistant Director
Department Of Geology & Mining
Thanjavur.


Executive Engineer PWD, WRO,
Agniya Basin Division
Pattukkottai


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Pattukottai and the Executive Engineer PWD, WRO, Agniyaru Basin Division to form a Joint Committee along with the Assistant Director of Geology and Mining Thanjavur vide his letter Rc.No. 367/Mines/2020 dated: 08.09.2020. Accordingly the Joint Committee has been formed and the areas reported in News Paper have been inspected jointly by the committee on 28.09.2020 and 29.09.2020 along with Revenue and Public Works Department officials. Further the Sub Collector - Pattukottai convened a meeting on 01.10.2020 at 10.00 AM in the office of the Sub Collector - Pattukottai regarding the action taken on this issue.

4. It is respectfully submitted that the Joint Committee has inspected the area mentioned in the Times of India News paper namely MaharajaSamuthiram and the areas suspected for illegal mining situated in and around the Pattukottai Taluk such as Periyakkottai, Gobalasanguthiram and Sirankudi Villages. During inspection the committee has found that Sand mixed with Earth has been quarried illegally from Periyakkottai Periya Eri padugai and Vikramam Manchaneri padugai and stocked in the patta lands of the above said Villages in the form of heaps in various sizes. The committee has also detected that the Sand mixed with Earth has been purified by the way of Washing and sold it illegally to the needy. Around 125 Units of Washed Sand and 1859 Unit of Earth have been seized by the inspecting authorities. The said quantity of Sand was handed over to the Executive Engineer, PWD, Mining and Monitoring Division, Thanjavur for further action. Based on the inspection report 19 FIR, were registered against the persons who have involved in such illegal activities and also seized One Tractor and one Lorry during inspection.

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Department Of Geology & Mining
Thanjavur


Executive Engineer, PWD / WRO
Agniya Basin Division
Pattukottai


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5. In respect of Thanjavur District, the details of seizure of the illegal sand vehicles, number of FIR filed, number of cases booked under Goondas Act and penalty amounts imposed for the years from 2019-2020, 2020-2021 (up to September) have been tabulated

Sl. No	Year	Illicit quarrying / storage of Sand detected	No. of vehicles seized for illegal transportation of Sand		No. of FIR Filed	No. of cases booked under Goondas Act.	Penalty collected (in Rs)	
			Vehicles	Bullock carts			Penalty	Penalty collected through court orders
1	2019-2020 (Annex - I)	3	611	378	887	3	72,565	1,42,98,423
2	2020-2021 (up to September) (Annex - II)	21	418	648	866	1	42,082	14,11,000
TOTAL		24	1029	1026	1753	4	1,14,647	1,57,09,423

6. It is respectfully submitted that, effective and stringent action is being taken by the enforcing authorities of Revenue, Police and Department of Geology and Mining so as to curb illegal quarrying and transportation of Minerals. As submitted above a total of 418 number of Vehicles and 648 number of Bullock Carts have been seized and a Penalty of Rs.14,53,082/- (Rs. Fourteen Lakhs Fifty Three Thousand and Eight Two Only) have been realized from the month of April 2020 to September 2020. Apart from that, 866 Criminal Cases have been filed against offenders indulged in illicit Quarrying and Transportation of Minerals for the period from April 2020 to September 2020 under section 379 I.P.C along with 21(1) of Mines and Minerals (Development and Regulation) Act 1957. Also one person was detained under Goondas Act.

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 Assistant Director
 Department Of Geology & Mining
 Thanjavur.

[Signature]
 Executive Engineer, PWD/W&D,
 Agniyar Basin Division
 Pattukkottai

[Signature]
 12/10/2020
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7. It is respectfully submitted that 3 habitual offenders have been booked under Goondas Act in Thanjavur District for the illegal quarrying and transportation of minerals during the year 2019-2020 and one person has been booked under Goondas Act during the year 2020 - 2021. The details are submitted below.

DETAILS ON THE CASES BOOKED AGAINST THE SAND OFFENDERS UNDER GOONDAS ACT				
YEAR 2019 - 2020				
Sl. No	Name of the persons booked under Goondas act	Proceedings of the District collector and Date	Details of the offence committed	whether the offenders arrested or not
1	C.Rocket Raja, S/o. Chandran, Main Road, Salaikara Street, Mariyamman Koil, Thanjavur Taluk, Thanjavur District.	The Court of the District Collector and District Magistrate, Thanjavur Order No. P.D.No.35/2019, Dated: 25.11.2019	Sand Offender	Accused in the Central Prision, Tiruchirappalli as a remand Prisoner (Annex - III)
2	R.Sarathkumar, S/o. Rajakannu, Adidravidar Theru, Keela Kalakudi, Papanasam Taluk, Thanjavur District.	The Court of the District Collector and District Magistrate, Thanjavur Order No. P.D.No.42/2019, Dated: 16.12.2019	Sand Offender	Accused in the Sub - Jail, Papanasam as a remand Prisoner (Annex - IV)
3	G.Panni krishnamoorthy @ Krishnamoorthy, S/o. Govindaraj, Saliyakulakarai, Mariyamman Koil, Thanjavur Taluk, Thanjavur District. Now at: Kannithoppu, Aalakudi Village, Papanasam Taluk	The Court of the District Collector and District Magistrate, Thanjavur Order No. P.D.No.02/2020, Dated: 12.01.2020	Sand Offender	Accused in the Central Prision, Tiruchirappalli as a remand Prisoner (Annex - V)
YEAR 2019 - 2020 (Upto September)				
4	G.Visvanath S/o.Govindaraj, Periya Theru, Kudalur, Thanjavur Taluk, Thanjavur District	Proceedings of the District Collector and District Magistrate, Thanjavur Order No. P.D.No.49/2020, Dated: 31.08.2020	Sand Offender	Accused in the Sub jail, Pattukottai as a remand Prisoner (Annex - VI)

8. It is respectfully submitted that nine check posts have already been established in the District Border and also the places where ever necessary and they are functioning properly and effectively.

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Thanjavur.

Executive Engineer, PWD MWD.,
Agriyar Basin Division
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The details are submitted below. (Annex - VII)

SL. No	Jurisdiction Police Station	Name of the Check Post	Dist. Border
1.	Vallam	Arputhpuram	Pudukkottai
2.	Thiruvaiyaru	Vilangudi	Ariyalur
3.	Thogur	Kallanai	Trichy
4.	Sengipatti	Puthugudi	Trichy
5.	Sb- Chathiram	Vilangulam	Pudukkottai
6.	TC-Balam	Avanam	Pudukkottai
7.	Swamimalai	Neelathanallur	Ariyalur
8.	Thiruppanandal	Annaikarai	Ariyalur
9.	Thiruneelagudi	S-Pudur	Nagapattinam

9. It is humbly submitted that, to further strengthen the monitoring mechanism against the illegal sand transportation closed circuit television cameras are installed in important Check Posts. In this regard it is submitted that the camera was installed in Avanam Check - Post, Pudukudi Check - Post, Vilankulam Check - Post, Neelathanallur Check - Post, Anaikarai Check - Post, Arputhapuram Check - Post and S.Pudhur Check - Post in Thanjavur District and thereby all officials who are in-charge in Check - Posts keenly monitor the vehicle movement round the clock to prevent the illegal sand transportation.

10. It is respectfully submitted that the District Collector Thanjavur has directed during the course of District Level Task Force Committee

Assistant Director
Department Of Geology & Mining
Thanjavur.

Executive Engineer PWD / WRD.,
Agniyar Basin Division
Pattukkottai

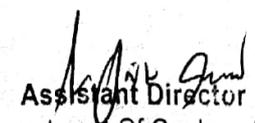
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Meetings, the enforcing authorities i.e., Revenue Department, Police officials, Public Work Department and Department of Geology and Mining Officials to take stringent and immediate action against illegal quarrying and transportation of minerals. Further it has been directed to have constant vigil over the areas of river beds of Thanjavur District so as to arrest the illicit menace if any. As such all the areas are under constant vigil and the illicit quarrying and transportation of mineral have been brought under control.

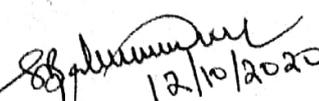
11. It is respectfully submitted that various measures and decisions had been taken by the Taluk Level Task Force Committee for effective seizure of vehicles indulged in Illicit quarrying and transportation of minerals by forming special teams comprising of Deputy Tahsildars, Revenue Inspectors, Village Administrative Officers and Village Assistants. Further it is submitted that the access to the river beds have been blocked by forming deep trenches (Annex - VIII) by the Public Work Department and criminal cases have also been filed by the Police Department against the offenders involved in illicit quarrying and transportation of minerals.

12. It is respectfully submitted that every Monday the weekly performance of the enforcing authorities i.e., Sub collector, Revenue Divisional officers, Tahsildars, all Deputy Superintendent of Police, Geology and Mining officials and Public Works Department officials are being critically reviewed by the District Collector and strict instructions have been issued to them for effective monitoring and prevention of illicit quarrying and transportation of minerals within their respective jurisdiction.

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Assistant Director
Department Of Geology & Mining
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Executive Engineer, PWD / WRD.
Agniyar Basin Division
Pattukkottai


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13. It is respectfully submitted that, frequent surprise raids comprising of Revenue, Police, Mines and Public Works Department officials individually as well as jointly are being carried out during the day time as well as in night times so as to arrest the illicit removal of sand and the area is under constant vigil and the illegal quarrying and transportation of sand has been brought under control.

14. It is respectfully submitted that the Hon'ble NGT has directed to submit nature of mechanism adopted to prevent illegal quarrying. As per the direction we submit the following points for favour of consideration.

- i. The Parliament had enacted Mines and Minerals (Development and Regulation) Act, 1957 to control the entire mineral administration in the Country. Under section 21 of the Act, necessary provisions have been made for effecting seizure of vehicles and mineral involved in illicit mining and transportation.
- ii. Delegations of powers have been given by the Government under section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, as follows:-
 - a. Powers have been delegated to the persons holding the post of Revenue Inspector (Mines) to the level of District Collector for effecting seizure of vehicles involved in illicit transportation and to effect seizure of minerals quarried/mined illegally (vide G.O.Ms.No.167 Industries (MMC1) Department, dated 16.06.1994.) (Annex - IX)
 - b. Powers have been delegated to Revenue Department, Divisional Officer in their jurisdiction to effect not only seizure but to levy penalty to the offender (vide G.O.Ms.No.4 Industries Department, dated 02.01.1998.) (Annex - X)
 - c. Inherent powers are available to Police personnels for effecting seizure of vehicles and for filing cases in consultation with other departments like Revenue and Mines. Particularly, powers have been delegated to the

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Assistant Director
Department Of Geology & Mining
Thanjavur.

Executive Engineer, PWD, WARD
Agniyar Basin Division
Pattukkottai

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personnel holding post of Inspector of Police and above to effect provision of Goondas Act on the sand offenders i.e., on the persons involved in illicit quarrying/transportation of sand (Act No.16/2006).
(Annex - XI)

- d. The Government constituted a State Level Task Force to monitor various mining activities and to prevent illegal mining in the State under the Chairmanship of the Secretary to government, Industries Department (vide G.O.Ms.No.33 Industries (MMA.1) department, dated 15.03.2006). (Annex - XII)
- e. Periodical meetings are conducted by concerned Tahsildars in respect of review of cases of illicit quarrying/transportation of minerals within their geographical jurisdiction i.e., Taluk level Task Force committee meeting twice in a month (vide G.O.135 Industries (MMA.1) department, dated 13.09.2009). (Annex - XIII)
- f. Similarly, periodical meetings are conducted by concerned District Collectors and review the progress of Taluk level Task Force committee and send a periodical report to High level committee/Appellate Forum through the Director of Geology and Mining (vide G.O.135 Industries (MMA.1) department, dated 13.09.2009).
- g. It is further submitted that approved sand quarry is functioning especially for bullock carts at S.F.No.8 & 9 Agniyar river over an extent of 3.00.0 Hect. in Chinna Avudaiyar koil Village in Pattukkottai Taluk granted vide District Collector, Thanjavur Proceedings in R.C.No. 280/Mines/2018 Dated : 10.02.2020 operating by the Executive Engineer, Public Works Department, Mining and Monitoring Division, Thanjavur. The sand mining area is situated closer to

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Department Of Geology & Mining
Thanjavur.


Executive Engineer, PWD WRD.,
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the Maharajasamuthiram river bed. The bullock carts , photos published in the 'Times of India' Newspaper dated 28.08.2020 has taken when the bullock carts & carts rider taking rest & feeding water in the river bed by cattle. Hence, The sand being taken from approved sand quarry functioning in the Chinna Avudaiyar koil village for sales to the public by bullock carts.

Therefore, it is most respectfully prayed that this Hon'ble National Green Tribunal may be pleased to accept this report and thus render justice.

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Assistant Director
Department Of Geology & Mining
Thanjavur.


Executive Engineer (WRD, WRD.)
Agniyar Basin Division
Pattukkottai


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