

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT  
CHENNAI

Application No. 179 of 2020

Between

P.Gengaiyan (72 years)  
Son of Perumal Naidu  
No.43 Maharal Village  
Kooduvalli Post  
Thiruvallur Taluk & District

..... Applicant

AND

- 1 The District Collector  
Tiruvallur
  - 2 The Assistant Director of Mines & Minerals  
O/o The District Collector  
Tiruvallur
  - 3 The Superintending Engineer  
Public Works Department  
Tiruvallur 1
  - 4 The Secretary  
State Level Environment Impact Assessment Authority  
Panagal Buildings, Chennai 600 015
  - 5 The Revenue Divisional Officer,  
Thiruvallur
  - 6 The Tahsildar  
Thiruvallur
  - 7 The Special Office/Block Development Officer,  
Ellapuram Panchayat Union,  
Ellapuram, Thiruvallur District
- ..... Respondents

**OBJECTIONS TO THE DRAFT STATUS REPORT**  
**FILED BY THE 3<sup>RD</sup> RESPONDENT**

1 The Applicant submits that the Draft Status Report filed by the 3<sup>rd</sup> Respondent, served on 29.7.2021, is liable to be rejected in limini, without dwelling deep into its contents, as there exist a patent misconception of the Orders of this Honourable Tribunal, dated 22.9.2020.

a. At the outset, this Honourable Tribunal had constituted a Joint Committee comprising 4 members, which includes 1) District Collector, or his depute, 2) a Senior Officer from the Office of the Director of Mines and Minerals, 3) the third respondent herein and 4) a senior officer from the office of the fourth respondent and had directed the said committee to inspect and submit a factual as well as action taken report, if there is any violation found.”

b. A bare perusal of the report reveal that only the third respondent, namely the PWD Superintending Engineer, had filed a report titled as “Draft Status Report”, which is in dire contravention of the Orders dated 22.9.2020. Further in the said draft status report, the 3<sup>rd</sup> respondent, refers to an Inspection report by the 2<sup>nd</sup> respondent stating as if no savudu quarry operated/permitted since 2015. But for the status report dated 26<sup>th</sup> July 2021, signed by the 3<sup>rd</sup> respondent, no other document or report etc., has been served on the applicant.

c. The “draft status report” does not contain counter signature of all the committee members, though the report reads as if the Committee inspected the subject area on 20.1.2021.

d. There is a gross misconception on the part of the 3<sup>rd</sup> respondent with regard to the object of the Original Application or the Orders of the Tribunal dated 22.9.2020, in that, the Order dated 22.9.2020 has required the Committee to take factual note of any violation and the action taken report thereof, however, the 3<sup>rd</sup> respondent has filed a superficial report, finding fault with the averments made in the Application.

e. The very crux of the application is that there had been continuous, illegal quarrying at Magaral Lake, leading to several pits with various depth levels at various points in the Lake. Instead of reporting the different depth levels in the lake and the cause(s) for the same, which could only be illegal quarrying, the 3<sup>rd</sup> respondent has filed a report, to suit his convenience, which is illegal.

f. The report suggests as if there is no chance of illegal mining as there exists scrub jungle in the Magaral Lake. The entire lake area has not turned into a scrub jungle. Even some of the photographs, shows different depth level of the lake-bed. Also, the scrub-jungle as found in the photographs filed by the 3<sup>rd</sup> respondent, along with this status report, reflects huge height variations, which evidences the depth level of the lake-bed, which has been illegally quarried, prior to the filing of the Original application.

g. The photographs as filed by the 3<sup>rd</sup> respondent, also reveal pits which is a visible consequence of illegal mining, but the 3<sup>rd</sup> respondent alleges as if they are all old pits.

h. The 3<sup>rd</sup> respondent has misconceived the case of the applicant, in that, the plea of the applicant is that illegal and unauthorized quarrying had led to huge quarrying leading to pits of different depth levels throughout the Magaral Lake, which is self-evidence, even from a photograph filed by the 3<sup>rd</sup> respondent.

i. The suggestion in the report that the applicant has not made any specific allegation regarding illegal mining and that there was no grant of permission for mining after 2015, only confirms illegal quarrying as evident from the different depth level as found in the photographs, though many of them are scrub jungle.

j. Only to justify their ineffective action, the 3<sup>rd</sup> respondent has reported "The Committee in its report stated that detail levels such as sluice sill level, Tank bed level, in-let supply channel level and irrigation ayacut levels will be taken and restoration of lake will be done". So the 3<sup>rd</sup> respondent, did not took note of any such level at any point of time, during the alleged inspection".

The applicant therefore pray that this Honourable Tribunal may be pleased to reject the draft status report filed by the 3<sup>rd</sup> respondent and to direct the Joint Committee constituted vide order dated 22.9.2020 to re-inspect the Magaral Lake, (S.No.216 Periya Eri) with notice and participation of the applicant and thus render justice.

Dated at Chennai this the 24<sup>th</sup> day of Aug. 2021

*R. Selvaraj*

COUNSEL FOR THE APPLICANT

BEFORE THE NGT  
SOUTHERN ZONE AT CHENNAI  
Appln. No.179 of 2020 (SZ)

OBJECTIONS TO THE DRAFT STATUS  
REPORT FILED BY THE 3<sup>RD</sup> RESPONDENT

Recd copy.  
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D. SIVAN MURUGAN  
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24-8-2022

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**From:** avudaiappan athimoolam  
**Sent:** 24 August 2021 21:59  
**To:** sns2358@yahoo.co.in  
**Subject:** Objection filed by the Petitioner in O.A.No.179 of 2021

Sir,

I hereby informed you that the petitioner Mr.Gangaiyan in O.A.No.179 of 2021 filed objection to the draft status report filed by the 3<sup>rd</sup> respondent in this OA before the NGT, Southern Bench. I hereby attached the copy of objection report filed by the petitioner in O.A.No.179 of 2020. Kindly acknowledge the receipt. This OA is posted for further hearing on 26.08.2021.

Regards,  
A.Athimoolam  
Counsel for Applicant.  
Sent from [Mail](#) for Windows