

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No.18 of 2023 (SZ)

S.Baghya Lakshmi

...Applicant

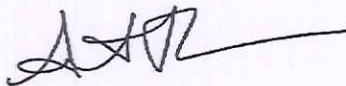
Vs

The District Collector,
Coimbatore and ors.

...Respondents

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**Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No.18 of 2023 (SZ)**

S.Baghya Lakshmi

...Applicant

Vs

The District Collector,
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...Respondents

**REPORT FILED ON BEHALF OF THE 3RD & 4TH RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Sarasavani, D/o. Thiru.J.Ragavan, Hindu, aged about 57 years, having my office at 76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB), Chennai - 600 032, and filing this Report on behalf of the Respondents Tamil Nadu Pollution Control Board (TNPCB) and as such I am well acquainted with the facts of the case from the records.
2. It is respectfully submitted that the Applicant has filed this Application with the following among other prayers:

“To pass an order permanently injunctioning the Respondents 5 and 6 from establishing a stone crushing unit, in the fertile agricultural land at Survey Nos.441,444/1,444/2,446 & 450 of Sokkanur Village, Kinathukadavu Taluk, Coimbatore District....”
3. It is respectfully submitted in response to paragraph 1 of the application filed by the Applicant that the silkworm rearing farm of the applicant was not in operation while the site was inspected on 24.01.2023. Upon enquiry with one of a worker, Ms.Lakshmi, it was informed that the silk worm rearing farm has not been in operation for the past 4 years.
4. It is respectfully submitted in response to paragraph 2 of the application filed by the Applicant, that the 6th respondent had leased the land to the

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unit of 5th respondent (Stone Crusher & M-Sand unit) located at S.F No. 441/1 (Part), Sokkanur Village, Kinathukadavu Taluk, Coimbatore District for manufacturing “1. Blue Metal Jelly of various sizes – 1000 T/day & 2. M-Sand & P-Sand – 1350 T/day.

5. It is respectfully submitted that the applicant has already filed O.A No. 138/2022 against the unit of 5th respondent (Rough Stone & Gravel Quarry), at S.F No. S.F No. 441/1 (Part), Sokkanur Village, Kinathukadavu Taluk, Coimbatore District. The Hon'ble NGT (SZ) in O.A No. 138/2022 vide order dated: 13.12.2022 ordered as below:.

“Para-6 - In this case, the project proponent neither applied before the Director of Agriculture nor applied before the Director of Mines and Geology to get the clearance required. It is now complains that the project proponents have commenced their activity which if continued with all the defects of the Environmental Clearance (EC) would certainly cause an impact on the environment in the light of 27 meters below the ground level permission granted. Hence, we order the Status Quo as on date to be maintained and continued.”

Hence the unit of 5th respondent (Rough Stone & Gravel Quarry), at S.F No. S.F No. 441/1 (Part), Sokkanur Village, Kinathukadavu Taluk, Coimbatore District is not in operation at present.

6. It is respectfully submitted that in response to paragraphs 3&4 of the application filed by the Applicant, that the 5th Respondent unit has submitted application for Consent to Establish (CTE) - New under Water (P&CP) Act'1974 and Air (P&CP) Act'1981 through Online Consent Management and Monitoring System (OCMMS) with No. 41268335 dated: 16.11.2021. The unit's application was returned through OCMMS on 17.11.2021 for want of additional particulars. The unit has resubmitted the application on 16.12.2021. The application was again returned to the unit on 18.12.2021 & 04.02.2022 seeking certain additional details. The unit has resubmitted the application on 11.05.2022 seeking CTE-New for the following.

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Products:

1. Blue Metal Jelly of various sizes – 1000 T/day
2. M-Sand & P-Sand – 1350 T/day

Sewage & Trade effluent:

1. Sewage – 0.4 KLD – On industry's own land'
2. Trade Effluent – 75 KLD – Recycling to process

7. It is respectfully submitted that based on the application submitted by the 5th Respondent's proposed stone crusher site was inspected by the TNPCB officials on 09.05.2022 and Consent to Establish - New was issued to the unit M/s. Pollachi Granites (Stone Crusher & M-Sand Unit) proposed to be located at SF.No.444/1(Pt), Sokkanur Village, Kinathukadavu Taluk, Coimbatore District for manufacturing "1. Blue Metal Jelly of various sizes – 1000 T/day & 2. M-Sand & P-Sand – 1350 T/day" and to generate 1. Sewage – 0.4 KLD – On industry's own land & 2. Trade Effluent – 75 KLD – Recycling to process vide Proc. dated: 16/05/2022 valid up to 31.03.2027 after placing the subject before 243rd District Level Consent Clearance Committee meeting held on 13.05.2022 (Item No. 243-09).
8. It is respectfully submitted in response to paragraph 5 of the application filed by the Applicant, that the 5th respondent has submitted land use classification certificate downloaded from the DTCP website in which the land use of S.F No. 444/1 part of Sokkanur Village is mentioned as "Non Planned Area". The 5th respondent unit has not produced any records from Housing & Urban Development Department dated: 04.05.2017 for conversion of agricultural lands to non-agricultural purposes.
9. It is respectfully submitted in response to paragraphs 6&7 of the application filed by the Applicant, that the 5th Respondent unit has also furnished the NOC obtained from the Tasildhar, Kinathukadavu Taluk vide its NOC No. Moo.Mu.No.411 / 2022/A1, Dated: 09.02.2022 and NOC obtained from the Block Development Officer, Kinathukadavu Panchayat Union vide its NOC Na. Ka. No. 223 / 2022/A1, Dated: 09.05.2022 stating the following:

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- a) A farm house is located at a distance about 407 metre belongs to the land owner of Thiru. Kalimuthurajan and another one located at about 448 meter belongs to Thiru. Swaminathan at northern side, another farm house is located at about 507 meter distance at north-western side belongs to Tmt. Shanthi, another farm house is located at about 371 meter distance at south-western side belongs to Thiru. Murugesan, another farm house is located at about 368 metre distance at western side belongs to Thiru. Ramachandiran, a Muthumalai Murugan Temple is located at about 514 metre at government Poramboke Thuvagakaradau Hillock at South-eastern side, two farm house are located at about 282 metre and 230 metre distance at eastern side belongs to Thiru. Selvaraj and Thiru. Balasubramaniam, respectively.
- b) It is also stated that there is no Government building, Temple, Church & Mosque within 500 metre distance from the unit's proposed site.
- c) There is no approved residential layout, residences and places of religious importance is located within 500 meters distance from the unit's proposed site.
- d) There is no National Highway or State Highway within 500 meters distance from the unit's proposed site.
- e) Also, there is no existing Stone Crusher unit is located at 1 km radial distance from the unit's proposed site.
- f) The unit site is classified as "Non-planned area" as per the online DTCP certificate furnished by the unit.

CTE-New was issued to the 5th Respondent unit as per the siting criteria issued by the TNPCB in B.P No. 4 dated: 02.07.2004.

10. It is respectfully submitted in response to paragraph 8 of the application filed by the Applicant, that the 5th Respondent unit (Stone Crusher & M-Sand Unit) proposed to be located at SF.No.444/1(Pt), Sokkanur Village, Kinathukadavu Taluk, Coimbatore District has obtained Consent to establish vide TNPC Proc. Dated: 16/05/2022 valid up to 31.03.2027. The

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unit has proposed to install adequate air pollution control measures to the emission sources as below:

- (i) *Primary Jaw Crusher – 1 No. – Water Sprinkler arrangement with GI sheet enclosures.*
- (ii) *Secondary Jaw Crusher – 2 Nos - Water Sprinkler arrangement with GI sheet enclosures.*
- (iii) *VSI Crusher – 1 No. - Water Sprinkler arrangement with GI sheet enclosures.*
- (iv) *Vibrating Screens – 2 Nos. - Water Sprinkler arrangement with GI sheet enclosures.*
- (v) *Conveyors – 7 Nos. – GI Sheet enclosures*
- (vi) *Dust Collection Chamber – 1 No. - Water Sprinkler arrangement with GI sheet enclosures.*
- (vii) *DG Set 300 KVA & 200 KVA – Acoustic enclosure with stack of height 3 m for each.*

It is submitted Muthumalai Murugan temple is located above 500 m distance from the proposed stone crusher site. As the unit has proposed to provide necessary air pollution control measures to the emission sources, the dust emission will be controlled.

A complaint petition dated: 07.01.2023 was issued in the O/o District Environmental Engineer, TNPCB, Coimbatore South on 09.01.2023 from Dr.M.Shanthi, W/o.Dr.Karunanithi, 63/40, Perumal Kovil Street, Senthamangalam Post & Taluk, Namakkal District - 637409 against the unit M/s Pollachi Granites (Rough Stone & Gravel Quarry) & M/s Pollachi Granites (Stone Crusher & M-Sand unit) and a reply vide letter dated: 03.02.2023 has already been sent to the complainant.

11. It is respectfully submitted in response to paragraph 9 and grounds filed by the Applicant, the same are already sufficiently addressed in this report.
12. The following are respectfully submitted in addition to the above submissions:
 - a) *The unit has proposed to provide the Septic Tank with Dispersion Trench arrangement for the treatment of sewage generated from the unit at about 0.4 KLD.*

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- b) *The unit has proposed to provide the Collection Tank cum Settling Tank – 4Nos., for treatment of the trade effluent generated from the M Sand washing section of about 75 KLD, and the same will be recycled into the process.*
- c) *The unit has proposed to provide the APC measures such as water sprinkling arrangement with GI metal sheet enclosure to the Primary Jaw Crusher -1 No., Secondary JawCrusher – 2 Nos, Vertical Shaft Impactor (VSI) – 1 No., Vibrator Screens-2 Nos., , Conveyors, & Dust Collection Chamber.*
- d) *The unit has proposed to provide the APC measures such as inbuilt acoustic enclosures to the D.G Set- 300 KVA & D.G Set- 200 KVA.*
13. It is respectfully submitted that the unit has also furnished GPS distance certificate issued by the Survey Laboratory, Government College of Technology, Coimbatore-13 vide in its letter dated 04.03.2021 stating that shortest distance between the proposed Stone Crusher unit of M/s. Pollachi Granites (Stone Crusher and M-Sand Unit) to be located at SF.No. 444/1 (Part), Sokkanur Village, Kinathukadavu Taluk, Coimbatore District and the existing stone crusher unit of M/s. KNRC Crusher is calculated as 2.02 Km with Latitude and Longitude location (Two Kilometre and Twenty Seven Metre).

Based on the application submitted, the 5th respondent unit's site was inspected by the officials of TNPCB, Coimbatore South on 09.05.2022 and the following observations were made.

- i. *The proposed unit's site is surrounded by coconut/mango farms in all four directions.*
- ii. *The nearest habitation "Veerappagoundanur village" is located at a distance of 0.8 Km from the proposed unit's site.*
- iii. *One Muthumalai Murugan temple is located in hillock at 514 metre distance from the proposed site.*
- v. *The unit satisfies the criteria for new stone crusher as per the B.P Ms No.04 dated 02.07.2004.*

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vi. However, the unit has been strictly instructed to establish the stone crusher unit as per the norms & guidelines of the B.P Ms No.4 dated 02.07.2004.

vii. The unit has been advised to develop adequate green belt all around the unit's premises for three rows so as to control the dust emission during the operation.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstance of this case and thus render justice.

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BEFORE ME

VERIFICATION

I, R.Sarasavani, D/o. Thiru.J.Ragavan, working as Joint Chief Environmental Engineer, having office at No. 76, Mount Salai, Guindy, Chennai – 32, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

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BOARD.**

**Advocate for Respondent: TNPCB
Thiru. S. Sai Sathya Jith,
Advocate, Chennai.**

Date:24.03.2023.

Date of hearing on:05.04.2023

