

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

APPEAL NO. 58 of 2021 (SZ)

Prince,
S/o. Durairaj Jesubatham,
3/26, West Street,
Marakattuvilai, Karaichuthu Navaladi,
Thisayanvillai Taluk,
Tirunelveli District.

...Applicant

Versus

Member Secretary,
State level Environment Impact Assessment Authority
3rd Floor, Panagal Maaligai,
No.1, Jennis Road, Saidapet,
Chennai-15 and Others

...Respondent(s)

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**Filed by
Thiru. Sai Sathyajith
Advocate, Chennai.**

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, Chennai
(Southern Zone)

Appeal No 58 of 2021

Prince,
S/o, Durairaj Jesubatham
3/26, West Street
Marakattuvilai, Karaichuthu Navaladi,
Thisayanvillai Taluk
Tirunelveli District

...Appellant

Vs

1. Member Secretary,
State Level Environment Impact Assessment Authority-Tamilnadu,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai-15
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.30/2, SIDCO Industrial Estate,
Pettai, Tirunelveli District.
3. Thiru S. Rajendran,
No.13-85/43, Pathitta Villai,
Chitharal Post,
Kanniyakumari-629 151

...Respondents

COUNTER AFFIDAVIT FILED BY THE 2nd RESPONDENT-
TAMILNADU POLLUTION CONTROL BOARD

I, A. Romalt Terric Pinto Fdo, Son of R. Arockiasamy, Christian, aged 55 years having office at, 30/2, SIDCO Industrial Estate, Pettai, Tirunelveli-627010, do hereby solemnly affirm and sincerely state as follows.


District Environmental Engineer
Tamilnadu Pollution Control Board
Tirunelveli.

1. I am the District Environmental Engineer, Tamilnadu Pollution Control Board, Tirunelveli, the 2nd Respondent in this Appeal petition and as such I am well acquainted with the facts of the case as per records.
2. I respectfully submit that Thiru S. Rajendran was earlier operating a rough stone quarry at **S.F. No.191/1**, Kasthuriengapuram Part-II village, Radhapuram Taluk. (*Presently Thisayanvillai Taluk*), Tirunelveli District in the name of **M/s.KKM Quarry for which** Environmental Clearance had been obtained vide Lr. No. SEIAA-TN/F.No.628/ EC/ 1(a)/208/2012 dated 10/04/2013 for a Mining Lease area – 4.98 Hectare for 5 years located at Latitude - 08°16'30.55"N and Longitude - 77°46'95.35" E for mining Rough stone - 696274 Cu.m and Top soil - 82080 Cu.m.

The unit had also obtained consent to operate vide Proc. No.F-TNV1267/RS/W/2013 dated 01/07/2013 and vide Proc. No.F-TNV1267/RS/A/2013 dated 01/07/2013 valid up to 31/03/2014 under Water (P&CP) Act,1974 and Air(P&CP) Act,1981 respectively for the mining of the following products

- i. Rough stone - 695400 Cu.m for 5 years
- ii. Top soil - 62700 Cu.m for 5 years

and subsequently renewed vide Proc.No.F-0139TNV/ RS/DEE/ TNPCB/ TNV/W/2016 dated 01/07/2016 and vide Proc.No.F-0139 TNV/RS/DEE/TNPCB/TNV/A/2016 dated 01/07/2016 Valid up to **30/06/2018. This quarry is presently not operated.**

3. I respectfully submit that an abandoned quarry informed to be operated earlier before 2012 by another person Thiru K. Rajendran in S.F. No.190/2, Kasthuriengapuram – Part-II Village, Thisayanvillai Taluk, Tirunelveli District was also noticed located northern side of **M/s.KKM Quarry.**


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4. I respectfully submit that now Thiru S. Rajendran has obtained TOR from SEIAA vide Letter No. SEIAA-TN/ F. No. 6976/SEAC/TOR-736/2020 dated 06.08.2020 and based on which public hearing was conducted to the rough stone quarry located in **S.F. No. 191/1(p) and 194/1B (p)** (extent of 4.98.56 Ha), Kasthuriengapuram – Part-II Village, Thisayanvillai Taluk, Tirunelveli District on 15.12.2020 at 10.00 AM in the presence of District Revenue Officer, Tirunelveli District at Maniammai Mahal, Attrangarai Pallivasal Road, Radhapuram, Radhapuram Taluk, Tirunelveli District.

Further the unit has obtained Environmental Clearance from SEIAA-TN vide Letter No. SEIAA-TN/ F. No. 6976/ 1(a)/EC. No. 4675/2021 dated 05.07.2021 for mining of 12,29,205 Cu.m of Rough stone, 15270 Cu.m of gravel and 56336 Cu.m of Weathered Rock located at Latitude 08⁰16'19"N to 08⁰16'25"N and Longitude 77⁰46'47" E to 77⁰46'58"E valid for 5 years and has applied for Consent to Operate -Direct vide application dated 15.07.2021 resubmitted on 03.08.2021 and Consent to Operate was issued to the unit of **M/s. S. Rajendran (Rough stone jelly and Gravel quarry)** vide Proceedings No. 3268TNV/RS/DEE/TNPCB/TNV/W/2021 dated 04.10.2021 and vide Proceedings No. 3268TNV/RS/ DEE/ TNPCB/TNV/A/2021 dated 04.10.2021 valid upto 31.03.2026 for mining of

- | | | |
|------|----------------|------------------|
| i. | Rough stone | - 12,29,205 Cu.m |
| ii. | Gravel | - 15,270 Cu.m |
| iii. | Weathered Rock | - 56,336 Cu.m |

for a period of 5 years under Water (P&CP) Act, 1974 and Air(P&CP) Act, 1981.

5. I respectfully submit that the above rough stone quarry belonging to Thiru S. Rajendran for which Environmental Clearance dated 05/07/2021 and CTO dated 04/10/2021 issued includes existing quarried site at SF. No. 191/1(p) and new site at S. F. No. 194/1B (p) at Kasthuriengapuram – Part-II Village, Thisayanvillai Taluk, Tirunelveli District.


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6. I respectfully submit that the unit of M/s. Rajendran Rough stone jelly and Gravel quarry has also obtained quarry lease granted by the Assistant Director of Geology and Mining, Tirunelveli vide Proc. No. Rc. No.M1/27169/2018 dated 13/09/2021 for the quarry located at S.F. No.191/1(P) and 194/1(P) of Kasthuriengapuram – Part-II Village, Thisayanvillai Taluk, Tirunelveli District. The unit is yet to start quarrying operation in the above said site as noticed during inspection on 08/10/2021.

7. I respectfully submit that Thiru S. Rajendran is also operating a rough stone quarry at S.F. No.181/1A (p), Kasthuriengapuram Part-II village, Radhapuram Taluk (*Presently Thisayanvillai Taluk*); Tirunelveli District in the name of M/s. **Rajendran Rough Stone and Gravel Quarry for which** the unit has obtained Environmental Clearance vide Lr. No. DEIAA-TNV/TN/2836/2018 dated 22/02/2018 for a Mining Lease area – 2.45.48 Ha for 5 years located at Latitude - 08°16'18"N to 08°16'24"N and Longitude - 77°46'59"E to 77°47'04"E for mining of Rough stone & jelly - 440069 Cu.m and Gravel - 39038 Cu.m for 5 years

The unit has also obtained consent to operate vide Proc. No. F-1087TNV/ RS/DEE/ TNPCB/TNV/W/2018 dated 01/06/2018 and vide Proc. No.F-1087TNV/RS/DEE/TNPCB/TNV/A/2018 dated 01/06/2018 under Water (P&CP) Act,1974 and Air (P&CP) Act,1981 respectively valid up to 31/03/2022 for mining of the following products.

- i. Rough stone - 440069 Cu.m for 5 years
- ii. Gravel - 39038 Cu.m for 5 years

This existing quarry under operation is located eastern side of the quarry for which Environmental Clearance dated 05/07/2021 and CTO dated 04/10/2021 was issued. All the abandoned, existing and New Environmental Clearance obtained quarry were found to be a single pit.


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8. I respectfully submit that a rough stone quarry was earlier operated by Thiru C. Sugu at S.F. No.193, Kasthuriengapuram Part-II village, Radhapuram Taluk, Tirunelveli District in the name of M/s. **Sugu Quarry** for which the unit has obtained Environmental Clearance vide Lr. No. SEIAA-TN/F.No.630/ EC/1(a)/209/2012 dated 10/04/2013 for a Mining Lease area – 3.53 Hectare for 5 years located at Latitude- 08°16'25.32"N and Longitude - 77°46'81.10" E for mining Rough stone - 475570 Cu.m and Top soil - 59610 Cu.m. The unit had also obtained consent to operate vide Proc. No.F-TNV1268/ RS/ W/2013 dated 01/07/2013 and vide Proc.No.F-TNV1268/RS/A/2013 dated 01/07/2013 under Water (P&CP) Act,1974 and Air(P&CP) Act,1981 respectively valid up to 31/03/2014 for mining of the following products

- i. Rough stone - 415600 Cu.m for 5 years
- ii. Top soil - 59600 Cu.m for 5 years

and subsequently renewed vide Proc.No.F-0141TNV/ RS/DEE/ TNPCB/TNV/W/2016 dated 02/07/2016 and vide Proc.No.F-0141TNV /RS/DEE/TNPCB/TNV/A/2016 dated 02/07/2016 Valid up to **30/06/2018**. This quarry is also presently not operated.

9. I respectfully submit that Thiru **C. Sugu Rough Stone and gravel quarry** has obtained TOR issued by SEIAA vide Letter No. SEIAA-TN/F. No. 6975/SEAC/TOR/678/2019 dated 11.12.2019 and based on which public hearing was conducted to the rough stone quarry located at S.F. No. 192(p) (extent of 3.92.7 Ha), Kasthuriengapuram – Part-II Village, Thisayanvillai Taluk, Tirunelveli District on 15.12.2020 at 12.00 PM in the presence of District Revenue Officer, Tirunelveli District at Maniammai Mahal, Attrangarai Pallivasal Road, Radhapuram, Radhapuram Taluk, Tirunelveli District.

Further the unit is yet to obtain Environmental Clearance and to apply for fresh Consent to Operate of the Board.


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Tamilnadu Pollution Control Board
Tirunelveli.

10. I respectfully submit that the above said area belongs to Thiru C. Sugu which includes existing quarried site at SF. No. S.F. No. 193 (p) and new site at S.F.No.192 (P) at Kasthuriengapuram–Part-II Village, Thisayanvillai Taluk, Tirunelveli District. The unit is yet to start quarrying operation in the above said site.

11. I respectfully submit that **Thiru C. Sugu** is also operating a rough stone quarry at S.F. No.193 (p), Kasthuriengapuram Part-II village, Radhapuram Taluk, Tirunelveli District in the name of M/s. Sugu Quarry for which the unit has obtained Environmental Clearance vide Lr. No. DEIAA-TNV/TN/2835/2018 dated 22/02/2018 in Mining Lease area – 1.26.25 Ha for 5 years located at for mining of Latitude- 08°16'09"N to 08°16'17"N and Longitude - 77°46'46"E to 77°46'49"E for mining of Rough stone & jelly - 101841 Cu.m and Gravel - 18800 Cu.m

The unit has also obtained consent to operate vide Proc.No.F-1088TNV/RS/DEE/TNPCB/TNV/W/2018 dated 01/06/2018 and vide Proc.No.F-1088TNV/RS/DEE/TNPCB/TNV/A/2018 dated 01/06/2018 under Water (P&CP) Act,1974 and Air(P&CP)Act,1981 respectively valid up to 31/03/2022 for mining of the following products.

- i. Rough stone & jelly - 101841 Cu.m for 5 years
- ii. Gravel - 18800 Cu.m for 5 years

This quarry is under operation. The abandoned and existing operating quarry which belongs to Thiru C. Sugu was found to be a single pit.

12. I respectfully submit that **Thiru S. Rajendran** is also operating a stone crusher with M.Sand unit in the name of **M/s. KKM Crusher** at S.F. No.180, Kasthuriengapuram Part-II village, Radhapuram Taluk, Tirunelveli District for which the unit has obtained consent to Operate vide Proc. No.F.TNV1212/RS/W/2012 dated 26/08/2013 and vide Proc. No. F. TNV1212 /RS/A/2012 dated 26/08/2013 under


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Water (P&CP) Act,1974 and Air(P&CP) Act,1981 respectively valid up to 31/03/2014 to produce

i. Blue Metal jelly - 2400 T/M

ii. M.Sand - 1500 T/M

and subsequently renewed vide Proc. No.F-0137TNV/ OS/DEE / TNPCB / TNV/W/2018 dated 07/08/2018 Proc. No.F-0137TNV/ OS/ DEE/TNPCB/TNV/A/2018 dated 07/08/2018 Valid up to 31/03/2022.

13. I respectfully submit that a complaint dated 18.03.2019 made by Thiru. Kalaimurugan received through CM Cell against the dust emission caused by M/s. KKM Crusher and also complaint dated 05.03.2019 made by Tamilnadu Agriculturist Association, Radhapuram Taluk, Valliyoor against M/s. KKM Quarry, M/s. Madhavan Quarry and M/s. Grand Quarry was received stating on the vibration and damage caused to houses due to the blasting operation carried out by the quarries mentioned.

In this regard, the unit of M/s. KKM Crusher was inspected on 05/09/2019 by the AEE of this office and based on the recommendations vide IR No. DEE/TNPCB/F-TNV1212/O/S/2019 dated 05/09/2019 for the violations on additionally provided primary crusher, Secondary crusher, VSI and production capacity enhanced without obtaining consent for expansion, show cause notice dated 06/09/2019 under Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 respectively was issued to the unit of M/s. KKM Crusher.

A letter dated 06.09.2019 was also addressed to The Assistant Director, Geology and Mining Department, Tirunelveli for taking necessary action against the complaint quarries with respect to the method of blasting carried out by the said quarries.

Also a complaint dated nil was received on 16.10.2020 from Thiru. S. John Bright, Agriculture Secretary (Indian Communist Parties), Thiruvambalapuram Taluk, Tirunelveli District against the pollution caused by M/s. KKM Crusher and KKM Quarry.


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In this regard, a fresh Show Cause Notice dated 10.09.2020 was already issued to M/s. KKM Crusher for operating the unit for expanded production without the Consent of Board. Also a letter dated 27.10.2020 was again addressed to the Assistant Director, Geology and Mining Department, Tirunelveli to take suitable action against the M/s. Rajendran Quarry operated by Thiru. S. Rajendran. Further the unit of M/s. KKM Crusher has applied for fresh consent for expansion on 13/10/2020 resubmitted on 06/12/2020 and Consent to Operate for expansion was issued vide Proc. No. F-0137TNV/ OM/DEE/ TNPCB/ TNV/W/2021 dated 09/01/2021 Proc. No. F-0137TNV/ OM/DEE/ TNPCB/TNV/A/2021 dated 09/01/2021 under Water (P&CP) Act, 1974 and Air(P&CP) Act, 1981 respectively Valid up to 31/03/2028 to produce the following products

- | | | |
|------|-----------------------------------|--------------|
| i. | Blue Metal jelly of various sizes | - 18,000 T/M |
| ii. | M.Sand | - 17,000 T/M |
| iii. | Weather sand | - 5,000 T/M |

14. I respectfully submit that the rough stone quarries are issued with consent of the Board under Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 only after the unit has obtained the Environmental Clearance from SEIAA-TN.

15. I respectfully submit that the rough stone materials received from the both C. Sugu rough stone mines and S. Rajendran rough stone mines located in the complaint area is utilised as raw materials by **M/s. KKM Crusher** for the production of blue metal jelly and M. sand and weathered sand.

16. I respectfully submit that the unit has obtained registration certificate vide Registration No. TN-TNV/21180/2018 dated 13/07/2018 for the purpose of storing/processing/consuming of rough stone, jelly gravel, crusher dust and M.Sand over an extent of 11.05 hectare of patta lands in S.F. No. 179/1, 179/3, 179/4, 178/2A, 180, and 181/3B1 of


22/10/2021
District Environmental Engineer

Kasthuriengapuram part-II village, Radhapuram Taluk and Tirunelveli District as issued by the District Collector, Tirunelveli district.

17. I respectfully submit that a natural drain passes in the premises of the complaint quarry site which originates from Maraikayar kulam and joins with Vellodai which finally joins with Nambiyar. The unit has furnished a copy of the Executive Engineer, PWD, WRO, Chittar, Division letter dated 06/10/2016 addressed to District Collector, Tirunelveli submitting their recommendation in the issue of grant of permission to the quarry at S. F. No.181/1A, Kasthuriengapuram part-II village, Radhapuram taluk and Tirunelveli District by furnishing remarks with respect to the natural Odai passing in the quarry site.

18. I respectfully submit that the rough stone quarry operated by Thiru S. Rajendran and Thiru C. Sugu and stone crusher/M.Sand unit operated by Thiru S. Rajendran in the above said area are being operated only with the valid consent of the Board.

19. I respectfully submit that the quantities of quarried materials from the mines are transported only after obtaining transit pass from the Mines Department.

20. I respectfully submit herewith the topo- sketch showing the above said rough stone quarries and stone crusher with M.Sand unit located at Kasthuriengapuram part-II village, Thisayanvillai Taluk, Tirunelveli District.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (SZ) may be pleased to pass appropriate order or any other orders as it consider deem fit and proper in the facts and circumstances of this case and thus render justice.


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District Environmental Engineer
Tamilnadu Pollution Control Board
Tirunelveli

VERIFICATION

I, A. Romalt Terric Pinto Fdo, Son of R. Arockiasamy, working as District Environmental Engineer, Tamilnadu Pollution Control Board, Tirunelveli, do hereby verify that the contents of the above report are true to the best of my knowledge through records.


22/10/2021
District Environmental Engineer
Tamilnadu Pollution Control Board
Tirunelveli.

Verified at Chennai on this

day of October'2021

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

APPEAL No. 58 of 2021

Prince,
S/o. Durairaj Jesubatham,
3/26, West Street,
Marakattuvilai, Karaichuthu Navaladi,
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...Applicant

Versus

Member Secretary,
State level Environment Impact
Assessment Authority
3rd Floor, Panagal Maaligai,
No.1, Jennis Road, Saidapet,
Chennai-15 and Others

COUNTER AFFIDAVIT FILED BY THE
2nd RESPONDENT-TAMIL NADU
POLLUTION CONTROL BOARD

Advocate for Respondent:
Thiru. Sai Sathyajith
Advocate, Chennai.

Date: 28.10.2021

Date of hearing: 11.11.2021