

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT  
CHENNAI

Original Application No. 101 of 2021

C.R. Vijayakumar

.....Applicant

Vs

The Member Secretary,  
State Environment Impact Assessment Authority & 5 others

.....Respondents

**OBJECTIONS TO THE JOINT COMMITTEE REPORT FILED BY  
THE 6<sup>TH</sup> RESPONDENT**

The 6<sup>th</sup> Respondent had perused the Joint Committee Report dated 11.10.2021 and places the objections in the following manner.

1. The report covers inspection of leases with respect to lands measuring an extent of 1.77.5 hectares in S.F.Nos. 273/1, 319/1, 326/1A, 326/4 vide lease dated 14.11.2013 and two other Leases dated 08.11.2018 for adjacent lands situate in S.F.Nos. 275/2A, 2B, 2C1, 2C2A, 2C2B, 2C2C, 2D1, 3, 4, 5, 277/3 measuring an extent of 1.10.50 hectares and S.F.Nos. 324/1, 324/2, 326/2A, 326/2B measuring an extent of 0.95.50 hectares. Of these 3 leases the 1<sup>st</sup> lease dated 14.11.2013 had expired on 13.11.2018 and the rest of the 2 leases are alone in vogue during the pendency of this proceedings. The 6<sup>th</sup> Respondent therefore submits that the discrepancies shown in the 1<sup>st</sup> lease may not be of great significance as the same had expired in the year 2018 itself and the 6<sup>th</sup> respondent have no control over that lease and he cannot be penalized for any discrepancies therein. Nevertheless the 6<sup>th</sup> Respondent submits that he had not violated any of the terms and conditions specified in the 1<sup>st</sup> Lease and had infact adhered to all the parameters mentioned in the

terms and conditions of the said lease. Now the 6<sup>th</sup> Respondent places his objections with respect to each category of lease in the following manner.

**LEASE I: (EXPIRED LEASE)**

a) With reference to sub clause a) of clause iv), the 6<sup>th</sup> Respondent submits that he had provided safety distance of 7.7 mts and 10 mts to the adjacent land. This Respondent submits that the safety distance of 7.5 meters to 15 meters is provided to the patta land everywhere other than one place where there was a crack in S.No 326/1B Part which also is his patta land. To avoid accident the materials quarried were removed from unit were kept there itself and this fact was informed to the authorities and fine was imposed and this respondent has paid the fine. The further averment regarding 10 meters safety distance is concerned this respondent submits that it is submitted that the Committee appointed surveyor measured the land by using Total station method. Our boundaries were marked several years ago by the then mechanism i.e., chain link and tape therefore a small difference between 1 to 2 meters in only in one place and not 10 meters throughout. The safety distance was maintained in those lands which was not considered by the Committee.

b) With respect to the issue of boundary pillars not been erected addressed in Clause iv sub clause b) this Respondent humbly submit that the total area in respect of each patta land quarries are covered by a barbed fencing and boundaries have been marked as per the then system.

c) The averments contained in Clause iv Sub Clause c) in the report regarding the running of the quarry is not in accordance with



Rules is totally denied. This respondent submits that he is doing mining in accordance with law and in a skilful and scientific and systematic manner keeping in view of proper safety of laborers. The Respondent respectfully submit that he denies the allegation that the lessee had not maintained 5m height and width for benches with 45 degree slope from horizontal. The lease has got expired in the year 2018 and the inspection is been done only in the month of September 2021 almost 3 years after closing the quarrying activities. The benches were maintained during quarrying activities were done and the some of the benches were removed due to crack formation in the benches to avoid untoward incident before expiry of the lease and the stones were lying inside the quarry area itself.

d) This respondent submits that quarrying in S.F. No 326/4 is an old quarry and the operation was stopped as early as in the year 2018. Further the depth of 47.5 meters is done only in an extent of 0.67.5 ha in the total extent of 1.77.5 ha. That also was tapered for road purpose with the advice of the mines manager.

e) This Respondent submit that he denies the estimation that a quantum of 62,934 cbm of gravel and 4,03,835 cbm of rough stone had been quarried in S.F.Nos. 273/1, 319/1, 326/1A, 326/4, 1.77.5 hectares. This respondent submit that the committee has not taken into consideration the wastage material used for construction of bund around the quarry for safety purpose as per mining Rule and the wastage material used periodically for laying roads and material that are stored in the stock yard with the permission of mining authority. This committee failed to take note of it and have estimated the quantum only as per pit measurement, which deserves consideration by this Tribunal.



## LEASE II:

a) With respect to the issue of boundary pillars, not been erected on three sides and only been maintained on the Northern side in Clause iv sub clause b) this Respondent humbly submit that the total area in respect of each patta land quarries are covered by a barbed fencing and the Pillars were installed on all sides and boundaries have been marked. In so far as SF No 324/1 over an extent of 0.95.50 ha-existing quarry is concerned this respondent submits that the safety distance of 7.5 meters have been provided to adjacent patta lands The property is fenced and boundaries have been marked in yellow colour stones.

b) The averments contained in Clause iv Sub Clause c) in the report regarding the running of the quarry is not in accordance with Rules is totally denied. This respondent submits that he is doing mining in accordance with law and in a skilful and scientific and systematic manner keeping in view of proper safety of laborers.

c) This Respondent submit that he denies the estimation that a quantum of 42,573cbm of gravel and 74,177cbm of rough stone had been quarried in S.F.Nos. 324/1, 324/2, 326/2A, 326/2B measuring an extent of 0.95.50 hectares. This respondent submit that the committee has not taken into consideration the wastage material used for construction of bund around the quarry for safety purpose as per mining Rule and the wastage material used periodically for laying roads and material that are stored in the stock yard with the permission of mining authority but had come to the conclusion by taking pit measurement only.



**LEASE III:**

a) With reference to sub clause a) of clause v), the 6<sup>th</sup> Respondent submits that he had provided safety distance of 7.5 mts to the adjacent land on southern side. Therefore, the issue of safety distance does not arise.

b) With respect to the issue of boundary pillars not been erected addressed in Clause v sub clause b) this Respondent humbly submit that the total area in respect of each patta land quarries are covered by a barbed fencing and boundaries have been marked.

c) The averments contained in Clause v Sub Clause c) in the report regarding the running of the quarry is not in accordance with Rules is totally denied. This respondent submits that he is doing mining in accordance with law and in a skilful and scientific and systematic manner keeping in view of proper safety of laborers.

d) This Respondent submit that he denies the estimation that a quantum of 8,800cbm of gravel and 44,000cbm of rough stone had been quarried in S.F.Nos. 275/2A, 2B, 2C1, 2C2A, 2C2B, 2C2C, 2D1, 3, 4, 5, 277/3 measuring an extent of 1.10.50 hectares. This respondent submit that the committee has not taken into consideration the wastage material used for construction of bund around the quarry for safety purpose as per mining Rule and the wastage material used periodically for laying roads and material that are stored in the stock yard with the permission of mining authority. This committee failed to take note of it and have estimated the quantum only as per pit measurement.



2) Objections to TABLE II:

With respect to Sl.No. 1 and 2 in TABLE II, the Committee has not considered the wastage material utilized for the construction of bund, laying roads periodically and the materials that are stored in stock yard as per the permission of mines department. The quantum arrived should exclude the above wastage materials and gravels used for bund, laying roads and the materials in the stockyard. With respect to Sl.No.3, the Committee has erred in holding that 15700 cbm has been excessively transported, even as per their statement I have not done any excess mining. The despatch slips availed as per that statement is 7200 Gravel 59700 rough stone. Actual quantity of mineral removed as per the statement is 8800 gravel and 44000 rough stone., which shows that the 6<sup>th</sup> Respondent have availed extra dispatch slips which was not used due to covid 19 and other reasons. Hence, for the non usage of dispatch slip the 6<sup>th</sup> Respondent cannot be mulcted with the penalty for excessive mining.

3. Objections to Para 6:

a) With respect to the report of joint committee regarding encroachment and illegal quarrying in non lease out area is concerned this respondent submits that the illegal removal and transportation of materials in 0.04.5hec in S No 271(Part) to the tune of 2255 cbm of gravel and 12854 cbm of rough stone by encroachment is stoutly denied as incorrect. The total extent mentioned as illegal quarrying is only 11 cents which is very meger for carrying out quarrying operation. There is no necessity for the 6<sup>th</sup> Respondent to encroach and do illegal quarrying in government poromboke land when the 6<sup>th</sup> Respondent have left his own patta land in S.F.No.270/6 adjacent to poromboke land having valid license for doing quarry operation. In fact the said 11 cents by itself is a uneven surface by nature from time immemorial where plants



and trees have grown. Further the said allegation is not been supported by any documentary proof.

b) This Respondent submit that S.No 481 is a very vast poromboke land measuring 11.54 acres. Whereas this respondents patta land in S.F.No 326/4 is situated adjacent to the above poromboke land and the boundaries have been earmarked by chain link and measuring by tape several years ago by the revenue authorities. Now the joint committee appointed surveyor have done the measurement by using total station method because of it there may be some minor difference of about 1 to 2 meters for 4 cents out of total extent of 1.77.5ha which is permissible in survey and settlement Rules and as such it could not be construed as an encroachment.

c) With respect to the illegal quarrying carried out in S.F.No.326/1B (Part) the 6<sup>th</sup> Respondent had removed the gravel for the reason that there developed a crack in the said area and the gravel removed with the to avoid untoward accident and been kept in the same place. The authorities have raised demand for the same and the 6<sup>th</sup> Respondent had paid the penalty for the said mining.

d) The allegation of dumping of 58,045 cbm of weathered rock on the adjacent patta land is totally false. The 58,045 cbm also contained rough stone waste as well and cannot be construed as weathered rock alone and this fact has to be considered by the Committee while accessing environmental damage.

e) The TABLE III containing calculation of quantum of the mineral illegally quarried is totally wrong and arrived without application of

mind. The Survey numbers and the extent do not match with that of the 6<sup>th</sup> Respondents and is contrary to the averments made in para 6 of the Joint Committee Report and the same need to be eschewed.

4. Objections to Para 8:

a) As regards to the environmental compensation and cost required for environmental damages is concerned this respondent submits that the committee has calculated 818 number of days of quarrying operation carried unlawfully overlooking the number of days the quarry was unfunctional due to lock down for almost 4 months from March 2020 to September 2021. Further the old lease dated 14.11.2013 got expired on 13.11.2018 itself and this fact was not considered by the Committee and the number of days were calculated till 02.09.2021. Further the committee has mentioned the number of days of quarrying operation from 18.06.2015 and the 6<sup>th</sup> respondent is of no clue from where the committee has arrived that date when the existing lease had commenced only from 08.11.2018. Further the 6<sup>th</sup> Respondent had abandoned the Lease dated 18.11.2018 in S.F.Nos. 324/1, 324/2, 326/2A, 326/2B measuring an extent of 0.95.50 hectares since 2019. For the foregoing reasons this respondent prays that this Honourable Tribunal may be pleased to reject the report and thus render justice.

DATED AT CHENNAI ON THIS THE <sup>12<sup>th</sup></sup>..... DAY OF NOVEMBER  
2021



6<sup>TH</sup> RESPONDENT

BEFORE THE NATIONAL GREEN  
TRIBUNAL SITTING AT CHENNAI

Original Application No. 101 of 2021

C.R. Vijayakumar

.....Applicant

Vs

The Member Secretary,  
State Environment Impact  
Assessment Authority & 5 others  
.....Respondents

**OBJECTION FILED BY THE  
6<sup>TH</sup> RESPONDENT TO JOINT  
COMMITTEE REPORT**

M/s. Sarvabhauman Associates  
&  
K. Venkatasubban

Counsel for 6<sup>th</sup> Respondent