

**REPORT SUBMITTED BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI IN CONNECTION WITH O.A.No.175 of 2021
BY THE DEPARTMENT OF GEOLOGY AND MINING.**

1. PREAMBLE:

- i. One Thiru.P.Raja Rao has filed original Application No.175 of 2021(SZ) before the National Green Tribunal, Southern Zone, Chennai with a prayer that this Hon'ble Court National Green Tribunal may be pleased to direct the Assistant Director of Geology and Mining, Krishnagiri to take action in stopping the quarrying operation in both S.F.No.399/1(Part-A) and 399/2(part-B) in Kallukurukki Village, Krishnagiri Taluk and District for the purpose of protecting environment from pollution at the earliest.
- ii. In order to ascertain the genuineness of the allegations and alleged violations committed, the National Green Tribunal vide order dated 11.08.2021 ordered to appoint a joint committee consisting of (1) The Revenue Divisional Officer (RDO), Krishnagiri (2) The Assistant Director of Geology and Mining Department, Krishnagiri District and (3) The District Environmental Engineer (DEE), Tamilnadu Pollution Control Board (TNPCB), Krishnagiri District to inspect the area in question and submit a factual as well as action taken report if there is any violation found.
- iii. In the said order it has been stated that, the Mining and Geology Department, Krishnagiri District will be the nodal agency for co-ordination and for providing necessary logistics for this purpose and directed to submit the report on or before 20.09.2021.
- iv. Further, based on the request made by the District Collector, the time limit for submission of the report was extended upto

25.10.2021 by the Hon'ble National Green Tribunal vide order dated:20.09.2021.

- v. Subsequently, the joint committee report was submitted before the Hon'ble NGT (SZ). The NGT vide order dated: 12.2021 has directed to submit the Department wise report. Accordingly, the report on the Department of Geology and Mining has been prepared and submitted before the National Green Tribunal.

2. Field Observations of the Joint Committee:

The Deputy Director of Geology and Mining had inspected the subject area on 08.09.2021, 08.10.2021 and 19.10.2021. During inspection the Village Administrative Officer, Kallukurikki village, Revenue Inspector, Krishnagiri, Firka Surveyor, the Assistant Geologist (Mines) and Surveyor (Mines) O/o.the Deputy Director of Geology and Mining, Krishnagiri were also present and assisted at the time of inspection. The lessee cum seventh respondent Thiru.M.Venkataraman was also present at the time of inspection in the quarry site.

The details of quarry leases granted / precise area communication issued in the subject area in Government land S.F.No.399 of Kallukurukki village is given as under.

Sl. No	Name of the lessee / Applicant	S.F. No. & Extent (in hect)	District Collectors Proceedings	Lease period	Remarks
1.	Thiru. M.Venkataraman	S.F. 399/1 (Part-A) 5.00.0 hect	Rc.No.612/2009 /Mines-1 dated:27.10.2009 [Annexure-I]	11.06.2010 to 10.06.2015	The lessee vide representation dated 09.09.2015 had stated that even though the lease deed had been executed on 11.06.2010 the lease granted area had been demarcated based on the Hon'ble High Court order dated:27.11.2012 in W.P.No.30780/2012 only on 11.03.2013 and requested to permit him for the non operative period of 2 years and 9 months. The request has been rejected vide District Collector,

					<p>Krishnagiri order dated 04.05.2015. Aggrieved against this he has also filed the W.P.No.11236/2015 and the Hon'ble High Court of Madras in its order dated 07.10.2015 has set aside the order and remitted back the case to the District Collector for fresh consideration. Aggrieved against this he has also filed W.P.2114/2016. The Hon'ble High Court of Madras in its order dated 08.03.2016 (Annexure-II) in WMP.No.1838/2016 in W.P.No.2114/2016 has allowed the W.P. and permitted to carry on the quarrying operation for the unutilized period of two years and nine months. The Government have filed the writ appeal and the Hon'ble High Court of Madras in its order dated 30.08.2017 in W.A.No.983/2017 in CMP.No.13762/2017 have not entertained the writ appeal and dismissed the case with a direction to reconsider the extension of lease period. Accordingly, the Mining plan approved by the Deputy Director (G&M) vide letter dated 06.04.2018 (Annexure-III) and EC clearance issued by DEIAA vide letter No.03/DEIAA/KGI/EC.No.32/2018 dated:27.08.2018 (Annexure-IV) the lease period had been extended vide District Collector proceedings Rc.No.165/2011/Mines dated:19.06.2019. (Annexure-V)</p>
			Rc.No.165/2011 /Mines dated: 19.06.2019	19.06.2019 to 18.03.2022	Supplementary lease deed had been executed on 19.06.2019 for the unutilized lease period.
2.	Thiru.M.Rama krishnan	399/1 (Part-B) 5.00.0 hetcs	Rc.No.612/2009 /Mines-1 dated:27.10.2009 (Annexure-VI)	08.02.2010 to 07.02.2015	Since the mining plan and Environmental clearance were not stipulated in the TNMMCR 1959 at the time of grant of the lease, the lessee has operated the subject quarry without mining plan and Environmental clearance.
3.	Thiru.T.Rajesh	399/1 (Part-B) 1.00.0 hect	Precise area communicated Rc.No.164/2018 /Mines Dt:09.03.2018 (Annexure-VII)	-	The Mining plan was approved by the Deputy Director (G&M) vide letter dated 02.05.2018 (Annexure-VIII) and Environmental Clearance issued by DEIAA vide letter No.

					No.03/DEIAA-KGI/EC.No.30/2018 dated 27.08.2018 (Annexure-IX). The applicant has filed writ petition in W.P.No.11728/2021 before the Hon'ble High Court of Madras and the case is pending. Hence the execution of lease deed is also pending.
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The details of EC / CTO consent to operate issued to the lessees.

Sl. No	Name of the lessee / applicant	Mining plan approval letter	Environmental Clearance	Consent to operate issued by TNPCB
1.	Thiru.Venkataraman	Phase-I	Since the mining plan and Environmental clearance were not stipulated in the TNMMCR 1959 during the grant the lessee has operated the subject quarry without mining plan and Environmental clearance during the 1st Phase of lease.	
		Phase-II	Rc.No.612/2009 /Mines-2 dated: 06.04.2018	DEIAA vide letter No.03/DEIAA/KGI/ EC.No.32/2018 dated: 27.08.2018
2.	Thiru.Ramakrishnan	Since the mining plan and Environmental clearance were not stipulated in the TNMMCR 1959 during the grant of the lessee has operated the subject quarry without mining plan and Environmental clearance.		
3.	Thiru.Rajesh	Rc.No.164/2018/Mines Dt: 02.05.2018	EC clearance issued by DEIAA vide letter No. No.03/DEIAA-KGI/EC.No.30/2018 dated 27.08.2018	Consent to operate is awaited from Tamil Nadu Pollution Control Board

3. Quantity of Rough Stone permitted in the approved mining plan / Environmental Clearance and transport permit obtained by the lessee and details of quarrying in the non lease area.

The Surveyor (Mines) O/o. the Deputy Director of Geology and Mining, Krishnagiri has measured all the quarried pits in the subject area (**Annexure-XI, XII**) along with Assistant Geologist (Mines) and compiled the permit obtained details as given below.

Sl. No	Name of the lessee	Quantum of minerals permitted for production in the	Quantum of minerals for which transport permits	Actual quantity of minerals quarried and removed	Quantum of minerals quarried and transported un lawfully	Remarks out at mining (cbm)

		approved mining plan /EC (cbm)	obtained (cbm)	as per pit dimension (cbm)	(cbm)	
1.	Thiru.Venkataraman - 1 st period	-	20940	3058	17882 (Excess)	30872
	2 nd period	1274605	21150	17772	3378	[30102cbm on the southern side of S.F.399/ (Part-A) and 770cbm in the area for which lease to be granted to Thiru.Rajesh]
	TOTAL	1274605	42090	20830	21260	30872
2.	Thiru.Ramakrishnan	-	55367	63306	7939	26682
3.	Thiru.Rajesh	492310	Lease deed has to be executed. Quarry is under non operation. No men and machinery is noticed in the subject area.			-

From the above, it is estimated that,

- (i) Thiru.Venkataraman has obtained transport permit for a quantity of 42090cbm of rough stone during the two spells of lease and as per pit dimension he has quarried and removed only 20830cbm of rough stone in the lease granted area and hence he has misused the transport permits obtained for quarrying stone in the non lease area.
- (ii) Thiru.Venkataraman has encroached the adjacent non lease area on the southern side and quarried 30102cbm unauthorizedly, and also encroached the area for which lease to be granted to Thiru.Rajesh on the eastern side and quarried 770cbm of stone unauthorizedly. Hence, in total he has quarried stone in the non lease area with a quantity of 30872cbm of rough stone without paying seigniorage fee.
- (iii) Thiru.Ramakrishnan has obtained transport permit for a quantity of 55367cbm of rough stone and as per pit dimension he has quarried and removed only 63306cbm of rough stone and hence he has removed and transported 7939cbm of rough stone without paying seigniorage fee in the earlier lease granted area.

- (iv) Thiru.Ramakrishnan has encroached the adjacent non lease area on the southern side and quarried 26682cbm of stone unauthorizedly without paying seigniorage fee.

4. Violations observed during the inspection within the area granted under lease:

**1. Lease granted area to Thiru.Venkataraman S.F.399/1(Part-A)
Extent:5.00.0 hect:**

- i. The lessee has not maintained the boundary pillars in the lease granted area as stipulated in special condition No.10 (12) of the lease extension order dated: 19.06.2019.
- ii. The lessee had not carried out mining operation in accordance with approved mining plan thereby violated the conditions stipulated in rule 41(10)(i) of TNMMCR 1959.
- iii. The lessee has not erected the name board at the quarry site.
- iv. In the quarry lease granted area to Thiru.Venkataraman, an accident occurred on 06.07.2021 at about 4.00 PM and the employee named Thiru.Vijay aged 35 got injured and demised in the Government Hospital, Krishnagiri. FIR in Crime No.95/2021 U/s. 279, 304(A) IPC dated:06.07.2021 had been filed in the Maharajakadai Police Station of Krishnagiri Taluk. Hence the quarry operation was temporarily stopped vide District Collector proceedings Rc.No.666/2021/Mines dated:22.07.2021 (**Annexure-XIII**).
- v. The lessee has obtained transport permit for a quantity of 42090cbm of rough stone and as per pit dimension measured by the Surveyor (Mines) the lessee has quarried and removed only 20830cbm of rough stone and hence he

has misused the transport permits obtained for quarrying stone from the non lease area.

- vi. The lessee has encroached and also carried out quarrying in the non lease granted area situated on the southern side of the lease area. The quantity of rough stone quarried in the non lease area worked out by the Surveyor (Mines) is 30872 cbm.

2. Lease granted earlier to Thiru.Ramakrishnan in S.F.399/1(Part-B) expired on 07.02.2015.

- (i) At the time of grant of lease there are two age old pits noticed and marked in the lease deed sketch itself. The quantity of the above two pits were not included in the present calculation because the Ex-lessee Thiru.Ramakrishnan is no way connected for the said pits.
- (ii) Thiru.Ramakrishnan has obtained transport permit for a quantity of 55367cbm of rough stone only and as per pit dimension he has quarried and removed 63306cbm of rough stone and hence he has removed and transported excess quantity of 7939cbm of rough stone without paying seigniorage fee in the earlier lease granted area.
- (iii) Thiru.Ramakrishnan has encroached the adjacent non lease area on the southern side and quarried 26682cbm of stone unauthorizedly without paying seigniorage fee.

3. Lease to be granted to Thiru.Rajesh :

- i. The applicant has not erected the boundary pillars demarcating the subject area.
- ii. No men and machinery is noticed in the subject area.

- iii. The applicant has not yet obtained consent to operate from the Pollution Control Board. Further, he has filed W.P.11728/2021 before the Hon'ble High Court of Madras with a prayer to take action to execute the lease deed and also to extend the lease period from 05 years to 10 years. The execution of lease deed is pending.

5. Recommendations:

- a) For illegal and unlawful quarrying of 30872cbm of rough stone quarried in the non lease area without paying necessary seigniorage fee and excess quantity of 21260cbm of rough stone for which permit obtained and misused by Thiru.Venkataraman for the adjacent non lease area, necessary action has to be initiated by the Revenue Divisional officer, Krishnagiri as per rule 36-A of TNMMCR-1959.
- b) For illegal and unlawful quarrying of 26682cbm of rough stone quarried in the non lease area without paying necessary seigniorage fee and excess quantity of 7939cbm of rough stone quarried in the earlier lease period for which permit not obtained and transported unauthorisedly by Thiru.Ramakrishnan, necessary action has to be initiated by the Revenue Divisional officer, Krishnagiri as per rule 36-A of TNMMCR-1959
- c) For the violations of the lease deed conditions penal action may be imposed against Thiru.Venkataraman in respect of such breach and lease may be cancelled after granting an opportunity of hearing to the lessee as per rule 36(5)(h) of TNMMCR 1959.


Deputy Director,
Dept. of Geology and Mining,
Krishnagiri