

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

in

O.A.No.211 of 2021 (SZ)

IN THE MATTER OF:

P. Palaniappan

.....Applicant(s)

Vs

Union of India and Others

....Respondent(s)

Individual Report filed by the 8th respondent

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**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

in

Application No.211 of 2021

**Individual Report on O.A No.211 of 2021(SZ) filed before the
Hon'ble National Green Tribunal, Southern Zone, Chennai.**

1) It is submitted that One Thiru.P.Palaniappan S/o.Ponnusamy, Meenangadu, Masinaickenpatty Post, Salem District has filed an Original Application No.211 of 2021(SZ) before the Hon'ble National Green Tribunal, South Zone, Chennai regarding the pollution caused on account of conducting of quarrying and crusher operation by 11th to 15th respondent with prayer to.

(i) To take appropriate action against the respondents 11 to 15 for the illegal quarry/crusher operations done by them in gross violation to the conditions imposed in the relevant licenses, consent orders and clearances.

(ii) Damage caused by the respondents 11 to 15 to the environment or particularly in Masinaickenpatti village and recover the compensation for the same from the respondents 11 to 15.

(iii) Cancel the licenses, consent order and clearances granted in favour of the respondents 11 to 15.

(iv) To close down the quarry/crusher units on account of the serious environmental degradation caused by them.

(v) And pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

2) It is submitted that, Vide Order dated 30.09.2021 in O.A No.211 of 2021, the Hon'ble NGT (SZ) has constituted a Joint Committee comprising of 1) a Senior Officer from MoEF & CC, Integrated Regional Office, Chennai (2) a Senior Scientist from Central Pollution Control Board, Integrated Regional Office, Chennai (3) a Senior Officer from State Level Environment Impact Assessment Authority, Chennai (4) The District Environmental Engineer of the concerned Tamil Nadu Pollution Control Board and (5) The Assistant Director of Geology and Mining, Salem to inspect the unit in question and submit a factual as well as action report, if there is any violation found.

3) Accordingly, the Joint committee comprising of the following officials visited the site on 29.10.2021 and 01.11.2021 in compliance with the direction of Hon'ble NGT vide its order dated 30.09.2021.

S.No.	Name	Department	Designation
1.	Dr.C.Palpandi,	MoEF&CC,IRO,Chennai	Scientist 'D'
2.	Thiru.R.Rajkumar	CPCB, Chennai	Scientist 'D'
3.	Thiru P. Murali	SEIAA,Chennai	Assistant Engineer
4.	Thiru.Gopalakrishnan	TNPCB, Salem	District Environmental Engineer
5.	Tmt. R.Jayanthi	Geology and Mining, Salem	Deputy Director

4) Further, It is submitted that, the National Green Tribunal, (Southern Zone) has been directed the Committee members to submit the report in the following aspects.

- (i) whether respondents 11 to 15 are having proper environment clearance and other permissions required under the environmental laws,

- (ii) if they are having, which they have committed any violation of the conditions imposed,
- (iii) whether the pollution Control mechanism provided are sufficient to curb the air and noise pollution, if not what is the further remedial measures to be taken to mitigate the situation.
- (iv) whether respondents 11 to 15 are using explosives other than the permissible one and also doing drilling than the permitted limit thereby causing heavy noise pollution and vibration in that area.
- (v) whether on account of their operation, the ground water level in the area is affected
- (vi) Due to the alleged dust pollution whether any damage has been caused to the nearby agricultural fields
- (vii) On account of the violations whether any environment damage has been caused and if so, assess the environmental damage and also assess environmental compensation apart from suggesting remedial measures for restoring the damage caused to environment
- (viii) Whether any excess mining has been done other than in the permitted area and also within the mining area but in prohibited area such as in safer zone and buffer zone to be provided as per the mining lease, if so what is quantity of excess/ illegal mining and assess the value of the same as mentioned in Common Cause Case to be recovered from persons responsible for the same.

5) As ordered by the Hon'ble NGT(SZ), Chennai, field inspection has been carried out in question in the above aspects with regard to the Sl.Nos. I and VIII of pertaining to this Department. Further, to assess the excess quantum of roughstone quarried in the existing lease granted area and non permitted area, survey has been carried out by the Firka surveyor, Valapadi Taluk.

6) Based on the Field observation and survey work carried out in the lease granted area, the followings are submitted.

The details of quarry leases granted for quarrying of Roughstone in Masinaickenpatty Village, Valapady Taluk are tabulated as below.

Respondent in Sl. No	Name and address of the lessee	Classification	S.F.No. & Extent in hecets	Date of grant of lease	Remarks
11	Tvl. Sri Parasakthi Crusher Private Limited represented by its Managing Director Thiru. P.Baskaran S/o.Palaniappan, Varagampadi Village, Masinaickenpatty Post, Valapady Taluk, Salem District.	Patta land	243/1 (Part) - 1.37.0 Hecets	Collector's Proceedings Roc. 480/ 2017/ Mines-A/ dated 14.04.2018.	5 Years From 15.7.2018 To 14.7.2023
12	Tmt.K.Neela W/o.M.Karunan, No.5/156, E.B.Colony, Maisnaickenpatty, Salem-636 103.	Govt. Poramboke land	199/1 (P)-1.00.0 Hecets.	Collector's Proceedings Roc.80/2018/ Mines-A dated 31.01.2020.	10 Years From 31.01.2020 to 30.01.2030
13	Tmt.K.Lakshmi Malliga, W/o.Kasi Viswanathan, No.6/279, Kasi Nagar, Masinaickenpatty, Salem-636 103.	Govt. Poramboke land	212/3 (Part)- 1.00.0 Hecets.	Environmental Clearance obtained, quarry lease not yet granted.	
14	(i) Tmt. D.Lavanya W/o.Selvakumar, Door No.141/56, V.M.R Ngaar, Meyyanur, Salem-636 004.	Govt. Poramboke land	199/1(P)- 3.00.0 Hecets.	Environmental Clearance and TNPCB obtained, quarry lease not yet granted.	
	(ii) Tmt. D.Lavanya W/o.Selvakumar, Door No.141/56, V.M.R Ngaar, Meyyanur, Salem-636 004.	Patta land	199/12- 0.73.0 Hecets.	Collector's Proceedings Roc.521/ 2016/ Mines-A/ dated 30.11.2017	5 Years From 03.01.2018 To 02.01.2023

Respondent in Sl. No	Name and address of the lessee	Classification	S.F.No. & Extent in hecets	Date of grant of lease	Remarks
15	Thiru.B.Gokulnath S/o.P.Baskaran, No.100NA, Meenangkadu, Masinaickena patty,Valapady, Salem-636 103.	Govt. Poramboke land Rough Stone	241/14 (Part)- 1.00.0 Hecets.	Proceedings of the Assistant Director (I/c) of Geology and Mining, Salem Roc. 184/ 2020/ Mines-A dated 29.12.2020.	10 Years From 29.12.2020 to 28.12.2030

Respondent Quarry in Sl.No.11: (Tvl. Sri Parasakthi Crusher Private Limited)

The 11th respondent (i.e., Sri Parasakthi Crusher Private Limited) have quarry lease for quarrying Roughstone in an extent of 1.37.0 Hecets. of patta land in Survey No. 243/1 (Part) of Masinaickenapatty Village, Valapady Taluk, Salem District for a period of 5 Years vide Proceedings of the District Collector, Salem vide Proceeding No. 480/2017/Mines-A dated 14.04.2018. The period of lease from 15.07.2018 to 14.07.2023. The lessee had obtained Environmental Clearance from the District Environment Impact Assessment Authority, Salem vide letter No.DEIAA-DIA/TN/MIN/ 12403/2018/SLM/EC.No.02/2018 dated 31.03.2018 and Consent to Establish and Operate from the Tamil Nadu Pollution Control Board under Water and Air Act on 02.07.2018. The consent is valid for period ending 31.03.2023.

Field Observation:

- During inspection, no quarrying activity was noticed and water logged in position. The quarry operation was not carried out from the past one year.
- Sign Board is maintained regarding the lease details such as Lessee name, Lease period, Collector Proceedings order, Environment Clearance order and etc.,
- Barbed Wire Fencing was maintained all along the boundary of the lease hold area.
- Green belt are developed around the mine area and crusher unit.
- There is no village site / approved layout within 300 meters radius of the lease granted area.

(Supporting Documents and Photo copies are enclosed in Annexure I)

Respondent Quarry in Sl.No.12: (Tmt.K.Neela)

The 12th respondent (i.e., Tmt.K.Neela) have quarry lease for quarrying Roughstone in an extent of 1.00.0 Hects. of Govt. Poramboke land in Survey No.199/1 (Part) of Masinaickenapatty Village, Valapady Taluk, Salem District for a period of 10 Years vide Proceedings of the District Collector, Salem vide Proceeding No.80/2018/Mines-A dated 31.01.2020. The period of lease from 31.01.2020 to 30.01.2030. The lessee had obtained Environmental Clearance from the District Environment Impact Assessment Authority, Salem vide letter No. DEIAA-DIA/TN/MIN/ 15967/ 2018/ SLM/ EC. No.38/2018 dated 05.12.2018 and

consent to Establish and Operate from the Tamil Nadu Pollution Control Board under Water and Air Act on 07.03.2020. The consent is valid for period ending 31.03.2028.

Field Observation and violation noticed :

- During inspection, quarrying of roughstone in the non-leased out area was detected.
- Barbed Wire Fencing was maintained partly in the lease hold area.
- The required Safety distance was not maintained to the adjacent lands.
- Sign Board was maintained regarding the lease details such as Lessee name, Lease period, Collector Proceedings order, Environment Clearance order and etc,.
- There is no village site or approved layout situated within the 300 meter radius from the lease granted area.
- The survey work has been carried out in the lease granted area and quarried pit was measured and depth of quarry was also assessed as 7 meters above ground level.
- It is noticed that, an excess quantum of roughstone has been mined and transported over the quantity permitted as tabulated below.

Sl. No.	S.F.No	Lease Period	Quantity of roughstone quarried and transported as per the pit measurement (In Cbm)		Quantity of roughstone for which transport permit obtained (In Cbm)		Difference quantity of roughstone quarried and transported without permit (In Cbm)	
			(4)	(5)	(6)	(7)		
(1)	(2)	(3)	(4)	(5)	(4-5) = (6)	(8)	(9)	
1.	199/1 (Part) 1.00.0 Hects.	31.01.2020 to 30.01.2030	Rough stone 27,980	Top soil 5,786	Rough stone 7,050	Top soil -	Rough stone 20,930	Top soil 5,786
		Total	27,980	5,786	7,050	-	20,930	5,786

- It is estimated that, a quantity of 20,930 CBM for roughstone and 5,786 CBM of Top soil were quarried and transported from the lease area without obtaining transport permit in S.F.No.199/1 (Part) of Masinaickenpatty Village, Valapady Taluk.
- Further, illegal quarrying was detected in non-leased out area over an extent of 0.12.81 Hects. of Government Poramboke land in S.F.No.199/1 (Part) of adjoining to the lease granted area.
- It is estimated that, a quantity of 2,562 CBM for roughstone and 1,281 CBM for topsoil were illegally quarried and transported from the non-leased out Government Poramboke land over an extent of 0.12.81 Hects in S.F.No.199/1 (Part) of Masinaickenpatty Village, Valapady Taluk.

(Supporting Documents and Photo copies are enclosed in Annexure II)

Respondent Quarry in Sl.No.13: (Tmt.K.Lakshmi Malliga)

The subject area is a lease expired government pramboke land and the quarry lease was previously granted to Thiru.Kasiviswanathan in S.F.No.212/3 over an extent of 3.00.0 Hects. in Government Poramboke land of Masinaickenpatty Village, Valapady Taluk for a period from 24.11.2003 to 23.11.2013. The same was expired on 23.11.2013. After that, the above said quarry was awarded to Tmt.K.Lakshmi Malliga through tender cum auction system. Subsequently, the Precise Communication has been issued vide the District Collector memo

Roc. No.183/2020/Mines-A dated 26.05.2020 and mining plan was approved. The applicant have obtained Environmental Clearance vide No. SEIAA-TN/F.No.7847/1(a)/ EC.No.4925/2021 dated 03.11.2021. Quarry lease not yet granted.

Field Observation:

- During inspection, no quarrying activity is noticed since the subject area is a lease expired Government poramboke land.
- The quarried pit was in a water logged position.
- There is no village site / approved layout within 300 meters radius of the lease granted area.

(Supporting Documents are enclosed in Annexure III)

Respondent Quarry in Sl.No.14 (i): (Tmt. D.Lavanya)

The proposed area situated in S.F.No.199/1(P) over an extent of 3.00.0 Hects. of Masinaickenpatty Village, Valapady Taluk is a virgin area. The above area was brought to the tender cum auction system and the subject quarry was awarded to Tmt.D.Lavanya. Subsequently, Precise Communication has been issued and accordingly Mining Plan was approved. Further, the applicant Tmt.D.Lavanya had obtained Environment Clearance vide DEIAA-DIA/TN/MIN/15970/2018-SLM-EC. No.39/2018 dated 05.12.2018 from DEIAA and Consent to Establish and Operate had been obtained from the Tamil Nadu Pollution Control Board under Water and Air Act on 13.05.2021. The consent is valid for period

ending 04.12.2023. Since, the applicant Tmt.D.Lavanya has obtained all statutory clearance from the authorities concerned, the lease agreement has not yet executed with the Government.

Field Observation:

- During inspection, no quarrying activity noticed.
- There is no village site / approved layout within 300 meters radius of the lease granted area.

(Supporting Documents are enclosed in Annexure IV)

Respondent Quarry in Sl.No.14 (ii): (Tmt. D.Lavanya)

The 14th respondent (i.e., Tmt.D.Lavanya) have another quarry lease for quarrying Roughstone in an extent of 0.73.0 Hects. of Patta land in Survey No. 199/12 of Masinaickenapatty Village, Valapady Taluk, Salem District for a period of 5 Years vide Proceedings of the District Collector, Salem in Rc.No.521/2016/Mines-A dated 30.11.2017. The period of lease from 03.01.2018 to 02.01.2023. The Lessee had obtained Environmental Clearance from the District Environment Impact Assessment Authority, Salem vide letter No. DEIAA-DIA/TN/ MIN/ 7253/2017/ SLM/ EC.No. 05/2018 dated 16.11.2017 and Consent to Establish and Operate from the Tamil Nadu Pollution Control Board under Water and Air Act on 01.12.2017. The consent is valid for period ending 31.03.2022.

Field Observation:

- During inspection, no quarrying activity was noticed.
- Barbed Wire Fencing was not maintained all along the boundary of the lease hold area.
- The required Safety distance to the adjacent land is maintained.
- Sign Board is not maintained regarding the lease details such as Lessee name, Lease period, Collector Proceedings order, Environment Clearance order and etc.,
- Green belt are developed around the mine area.
- There is no village site / approved layout within 300 meters radius of the lease granted area.

(Supporting Documents are enclosed in Annexure V)

Respondent Quarry in Sl.No.15: (Thiru.B.Gokulnath)

The 15th respondent (i.e., Thiru.B.Gokulnath) have quarry lease for quarrying of Roughstone in an extent of 1.00.0 Hects. of Government Poramboke land in Survey No.241/14 (Part) of Masinaickenapatty Village, Valapady Taluk, Salem District for a period of 10 Years vide Proceedings of the Assistant Director (I/c) of Geology and Mining, Salem vide Proceeding No.184/2020/Mines-A dated 29.12.2020. The period of lease from 29.12.2020 to 28.12.2030 and Environmental Clearance was obtained from the District Environment Impact Assessment Authority,

Salem vide letter No. SEIAA-TN/F.No.7641/1(a)/EC No.4424/2020 dated 05.11.2020. The Unit has obtained Consent from the Tamil Nadu Pollution Control Board under Water and Air Act on 16.12.2020. The consent is valid for period ending 13.09.2022.

Field Observation:

- During inspection, no quarrying activity was noticed.
- Sign Board is maintained regarding the lease details such as Lessee name, Lease period, Collector Proceedings order, Environment Clearance order and etc.,
- Barbed Wire Fencing was maintained all along the boundary of the lease hold area.
- The required Safety distance to the adjacent land is maintained.
- There is no village site / approved layout within 300 meters radius of the lease granted area.

(Supporting Documents and Photo copies are enclosed in Annexure VI)

Findings and Conclusions

1. No quarrying activities were noticed in the existing quarry lease area during the field inspection carried out by the committee constituted as ordered by the Hon'ble NGT(SZ), Chennai.
2. All other respondents except the respondent 14th had erected the sign board regarding the lease details such as lessee name, Collector's order, EC and Pollution obtained details, lease period, etc.,

3. All other respondents except the respondent 14th had erected the barbed wire fencing around the lease boundary area.
4. All other respondents except the respondent 12th had maintaining the required safety distance to the adjacent lands.
5. The 12th respondent had quarried and transported a excess quantum of 20,930 CBM of Roughstone and 5,786 CBM of Topsoil without obtaining transport permits in the quarry lease granted over an extent of 1.00.0 Hects. of Govt. Poramboke land in Survey No.199/1 (Part) of Masinaickenapatty Village, Valapady Taluk, Salem District.
6. Further, the 12th respondent had quarried and transported a quantum of 2,562 CBM of Roughstone and 1,281 CBM of Topsoil illegally from the non-leased out government poramboke land over an extent of 0.12.81 Hects. in S.F.No. 199/1 (Part) of adjoining land to the lease granted field.

Action taken in respect of illegal quarrying and transportation of Minerals.

1. Cost of Mineral and seigniorage fee has to be recovered from the 12th respondent for the unlawful transportation of Roughstone and Topsoil under the Provisions of Section 21(5) of the MMDR Act, 1957.

2. An FIR No.756/2021 dated 31.12.2021 has been registered by the Village Administrative Officer, Masinaickenapatty in the Ammapet Police Station against the 12th respondent for carrying out illegal quarrying and transportation of minerals from the non leased out Government Poramboke land in S.F.No.199/1 (Part) of Masinaickenapatty Village, Valapady Taluk, Salem District.
3. The Revenue Divisional Officer, Salem has been requested to file a private complaint vide this office letter Roc. No. 1242/2021/Mines-A dated 03.01.2022 before the special court against the 12th respondent as ordered by the G.O. Ms. No.170 Industries Department dated 05.08.2020.
4. Necessary instruction has given to the respondent No.14th to fencing around the lease boundary area and erect sign board consisting the lease details such as lessee name, Collector's order, EC and Pollution obtained details, lease period, etc.,


Deputy Director,
Dep. of Geology and Mining,
Salem.

VERIFICATION

I, R. Jayanthi, D/o. T.Rangasamy, Nodal Officer to the Joint Committee / Deputy Director, Department of Geology and Mining, Salem District do hereby verify that the contents of above report are true to the best of my Knowledge through records.

Verified at Salem on this 3rd day of January 2022.


Deputy Director,
Dept. of Geology and Mining,
Salem.