

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

**ORIGINAL APPLICATION NO.154 OF 2021 (S.Z.)**

A.Balasubramanian  
Thokkalikkadu Village,  
Pattukkottai Taluk,  
Thanjavur District 614 701.  
Contact details : 9884422695  
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.....Applicant

-Versus-

1. Union of India, Rep by its Secretary  
Ministry of Environment and Forests (Forest Conservation Division)  
Government of India, 3<sup>rd</sup> Floor, Prithvi Wing,  
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2. State of Tamil Nadu,  
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4. The Secretary to the Government,  
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Executive Engineer, PWD, WRD,  
Mining and Monitoring Division, Thanjavur. 08/10/2022

5. The District Collector,  
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6. The Chairman,  
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7. The Tahsildar,  
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Pattukkottai Taluk,  
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8. The Executive Engineer,  
PWD WRD,  
Mining and Monitoring Division,  
Thanjavur, Thanjavur District.  
04362 230133, +91 -44-28410402,  
selcbtnj@gmail.com, eicwrdsn(at)gmail(dot)com

.....Respondents/ Respondents

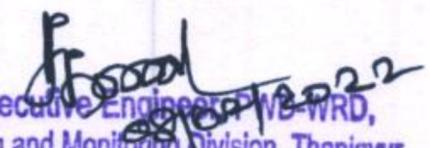
**OBJECTION TO THE JOINT COMMITTEE REPORT FILED BY THE 8<sup>TH</sup>**  
**RESPONDENT**

**CHRONOLOGY**

- |  |            |
|--|------------|
| 1. Order in O.A.161/2020 National Green Tribunal<br>( Southern Zone) Chennai | 17/11/2020 |
| 2. Writ challenging the Impunged Order of<br>the District Collector          | 23/09/2020 |

  
Executive Engineer, PWD, WRD,  
Mining and Monitoring Division, Thanjavur.

3. Letter from Executive Engineer,  
PWD Mining & Monitoring Division  
to the District Collector, Thanjavur 14/06/2018
4. Joint Inspection Report 23/06/2018
5. Letter from District Collector to  
Executive Engineer, PWD 04/07/2018
6. Mining Plan for Sand Quarry 10/07/2018
7. Environmental Clearance from  
District Collector to Executive  
Engineer, PWD 06/08/2018
8. Paper Publication (Tamil) 24/08/2018
9. Paper Publication (English) 24/08/2018
10. TNPCB Consent to Operate Order 15/11/2018
11. Permission from the District  
Collector for Sand quarry 10/02/2020
12. Letter from Executive Engineer,  
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confirming consent from DEIAA 11/03/2020
13. G.O (MS) No.157 appointing an IAS officer as project director 13/07/2017
14. G.O (MS) No.135 Taluk Level Task Force 13/11/2009
15. G.O (MS) No.27 Appellate Forum Formed 17/02/2015
16. Revenue records show quarry site – Pormboke land (Village Map) 23/12/2021
17. Google map confirming quarry site
18. Adhirampattinam Police letter regarding illegal mining 27/12/2021
19. Letter on illegal sand mining cases- AD Mines Thanjavur 28/12/2021

  
Executive Engineer, PWD-WRD,  
Mining and Monitoring Division, Thanjavur.

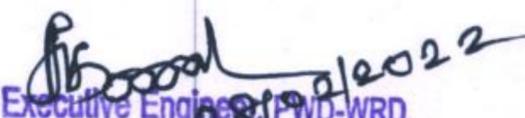
20. Forest Letter on tree plantation near the quarry site 11/01/2022
21. Photo conforming boundary stone fixed
22. Chief Engineer Ground Water Letter on rainfall data and ground water data 30/12/2021

I, S.Kalyanasundaram, S/o.Santhanam, 60 year old, Executive Engineer, Mining and Monitoring Division, Thanjavur, having office at Old Judge Bungalow, near Circuit House, Thanjavur, do solemnly and sincerely state as follows.

1. I am the Executive Engineer, Mining and Monitoring Division, Thanjavur. I am well acquainted with the fact and circumstances of this matter on going through the documents available within the 8<sup>th</sup> respondent's office.
2. At the outset, this Respondent denies all the averments/allegations raised by the committee except for those specifically admitted hereunder. In fact the committee report has been filed, based on assumptions and presumptions and on the own conclusions arrived by them.
3. The applicant has filed the above Original Application, seeking for relief that this respondent to be prosecuted for the damage caused on account of illegal quarrying based on EC granted on 06.08.2018.
4. It is submitted that the process for quarry operations at Chinna Avudaiyar Kovil village is carried out as per the rules and regulations for sand quarry. Environmental Clearance from District Level Environmental Impact Assessment Authority was obtained and the Consent orders were obtained from the Tamil Nadu Pollution Control Board.

**GUIDANCE FOR OPERATION OF SAND QUARRY BY PWD**

5. It is submitted that, the sand quarry operation in Tamil Nadu is only done by Public Works Department from the year 2003 by incorporating the Rule 38A of Tamilnadu Minor Mineral Concession Rules 1959. The Rule 38A was challenged by private quarry operator up to Hon'ble Supreme Court. Finally the Hon'ble Supreme Court upheld the Validity of Rule 38A in the case "Krishnamurthy vs State of Tamil Nadu vide Appeal(Civil)5572-5644 of 2005 dated 24.3.2006". From then, the quarry

  
Executive Engineer, PWD-WRD,  
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operations was carried out in a systematic and scientific manner by the Public Works Department. However, certain shortcomings which have been noticed during quarrying operations were also been rectified by the Government then and there. Now a foolproof system has been evolved to monitor the sand quarry operations as follows;

- a) A post of Project Director, Sand Quarrying Operations in the rank of an IAS officer has been formed, in Chennai recently to streamline and monitor the sand quarrying operations across the state.
- b) A revolutionary step that has been taken to provide transparency and accountability in sand production is the online mode of sand sales.
- c) Special mobile application by name 'TN Sand' and web portal [www.tnsand.in](http://www.tnsand.in) has been specifically created to account for each unit of sand. In this model, booking is made only online by the lorry owner who in turn picks up the load of sand at the quarry of their choice on a specified date. This has created a level playing field for all the lorry owners to pick up their load of sand overcoming local priorities. It has also nullified the waiting time in the quarries thereby relieving the public of traffic issues. Transport permits are also printed online.
- d) It is respectfully submitted that long wait Sand Transporting Vehicles Registration drive was carried out across the state. This intensive drive was undertaken to weed out the vehicles with false registration numbers and to generate a database of these vehicles to check any misuse in the future. Around 72,000 vehicles were registered in the camp and uploaded and vehicles registration number in the TN Sand portal.
- e) Five divisions with headquarters at Tiruchirappalli, Madurai, Thanjavur, Villupuram and Chennai each headed by an Executive Engineer has been formed.
- f) It is submitted that as of now, supply issues are being streamlined by way of online booking for sale of sand. Quarries have already been fitted with **CCTV Cameras**. IP cameras are planned to be set up in all poclains to monitor overloading.
- g) It is respectfully submitted that the **Centralized Control Room** is established at the Project Director's office, Chennai to monitor the Sand Quarrying Operations. The need has been felt to provide wireless communication to the quarry officials. The Centralized monitoring of quarries through CCTVs will be taken up through live

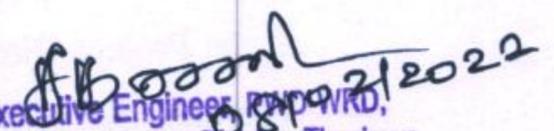
  
EXECUTIVE ENGINEER, P.W.D.,  
Mining and Monitoring Division, Thanjavur.

streaming from this Control Room. Steps will be taken to set up a robust Customer Care Centre in place to answer the queries pertaining to new developments in sand supply (TN Sand Application) and to receive complaints pertaining to illegalities, if any happening within the sand quarries. Such complaints would be recorded and action taken on the same would be suitably recorded to close them on time.

h) It is also respectfully submitted that once the site is being selected for sand quarry, it will be ensured that the RDO/Sub-Collector, Assistant/Deputy Director, Mines and Geology, Executive Engineer, TWAD Board and the PWD officials along with the expert (Recognized Qualified Professional (RQP)) conduct a joint inspection to ascertain permanent structures, water schemes and other factors before giving consent. Any deviation of conditions noted in their reports will make the concerned officials jointly liable for their dereliction of duty. RQP holds the pivotal role in preparation of mining plan. Due responsibility will be fixed on the concerned RQP if any undue violation is noticed in the mining plan preparation.

i) It is submitted that once the Environmental Clearance is obtained, the WRD officials will ensure that the four boundaries would be fixed taking into account, the traditional revenue and modern methods of surveying. It is also ensured that **boundary stones** erected at 50 m intervals along the boundaries with the marking of shoal height, river bed height and depth to be excavated.

j) The next step in the offing would be to do capacity building and sensitization of WRD officials on the environmental and legal aspects of sand quarrying. Continuing training and awareness programs will be scheduled for the WRD staff to keep themselves aware of the best practices in this field. It will be ensured that the enforcement officials from the departments of revenue, police, geology and mining and transport in the districts where quarries are situated be given adequate training and capacity building on their duties and responsibilities with respect to inspection of sand quarries and sand transporting vehicles at specified time intervals.

  
Executive Engineer, RQP WRD,  
Mining and Monitoring Division, Thanjavur.

- k) It is respectfully submitted that the steps are underway to make all quarries ideal to abide with environmental and legal norms. A sound monitoring mechanism is already in place to monitor any excess or violation and take strictest action, however, the need of the hour is sound training and awareness about the same to the field officials.
- l). It is respectfully submitted that as per G.O. (Ms) No. 135 of Industries Department, dated 13.11.2009, the quarry operations are being monitored by the Taluk Level Task Force convened by the Tahsildar and its team of officials entrusted for this purpose every fortnight. Necessary registers are being maintained in the quarry where the Taluk Task Force would inspect and write down the findings on ground. The report from Taluk Level Task Force is being placed before the District Level Task Force which is chaired by the District Collector.
- m). District Level Task Force is convened monthly once which in turn discusses the issues of illegal quarrying and sends reports to the State Appellate Forum formed as per G.O. (Ms) No. 27 of Industries Dept. dated 17.02.2015. The District Level Task Force also disposes the petitions on illegal sand quarrying after due enquiry and scrutiny, and pass orders within a period of two months from the date of receipt of the complaint. If the petitioner is aggrieved with the orders passed by the District Level Task Force, an appeal may be preferred before the Appellate Forum. It is under active consideration that an environmental expert from reputed State/Central institution and a legal expert on environmental matters be nominated by the District Collector to be a part of the District Level Task Force. On the whole, it will be ensured that the District Collector will oversee, monitor and streamline the functioning of quarries in compliance with the existing statutes and submit a monthly report on the status of functioning of sand quarries to the Appellate Forum. The District Collector will be directed to take necessary steps to strengthen the existing District and Taluk Level Committees and act on the complaints received, if any, on illegal sand quarrying and take strict remedial measures to rectify the same in a time bound manner.
- n). An Appellate Forum formed as per G.O. (Ms) No. 27 of Industries Dept. dated 17.02.2015 has already been in place to hear appeals filed against the orders passed by the District Level Task Force. An Appellate Forum has already been constituted with the following officials.

  
Executive Engineer, MWD,  
Mining and Monitoring Division, Thanjavur.

Sl. No.	Designation of the Officer	Department
1	The Secretary to Government	Industries Department
2	The Secretary to Government	Public Works Department
3	The Secretary to Government	Revenue Department
4	The Secretary to Government	Environment and Forests Department.
5	Commissioner of Geology and Mining	Industries Department
6	Professor Dr. Ambujam	Director, Centre for Water Resources, Anna University.

This Forum is meeting once in 2 months to deliberate on the reports from the District Level Task Force and to dispose the appeals made by the petitioners aggrieved with the orders passed by the District Level Task Force. As there are already existing Committees in place, it is respectfully submitted that strengthening of already existing systems would be undertaken to curb illegal quarrying, if any in the sand quarries.

**DISCUSSION REGARDING SAND QUARRIED AT CHINNA AVUDAIYAR KOVIL**

6. It is respectfully submitted that, the Chinna Avudaiyar Kovil sand quarry for bullock cart loading at Pattukkottai Taluk of Thanjavur District commenced on 14.03.2020. From commencement of the quarry, around 1400 number of Bullock carts, located in and around Pattukkottai, Peravurani and Orathanadu Taluks which were identified and checked by the Revenue Department for online allocation of sand for the carts. An unique identity number was allotted for each bullock cart for the above said quarry. Each bullock cart was fixed with Radio frequency identity (RFID) and mapped with the details of the bullock carts such as the owner's name, address and their phone number with the respective unique identity number. Bullock carts were divided into different schedules and the concerned Officers of WRD schedules the list of bullock carts for sale of sand. SMS had been sent to the registered bullock cart's owner's mobile number and the scheduled bullock cart was only allowed entry into the quarry. It is respectfully submitted that a transparent system was followed in the quarry for sale of sand to the bullock cart. Digital payment such as, point of sale (POS) machines are used for obtaining the amount from the cart owner's Debit / Credit card. CCTV camera as were fixed at the quarry to record the quarry

*[Signature]*  
 Executive Engineer, PWD, WRD,  
 Mining and Monitoring Division, Thanjavur.

operations and was monitored in the Control room located in Chennai. The scheduled bullock carts through online which comes to quarry were verified the Radio frequency identity (RFID) scrupulously by the person deputed for the quarries under the supervision of the Assistant Engineer, WRD in charge of the Quarry. Each and every sale of cart load sand is accounted in the online. The quarry is operated from 7.00 AM to 5.00 PM on all Government working days.

7. It is submitted that, the committee constituted by the Hon'able National Green Tribunal Southern Zone Chennai in its order dated 30.07.2021 observed that project authority has not complied with several of the stipulated conditions in the EC date.06.08.2018, which inter-alia include the following:
- (a) NOC from the Standing Committee of the NBWL has not obtained.
  - (b) Not complied with the conditions laid down in the section V of Rule 36 of Tamil Nadu Minor Minerals Concessions Rules, 1959.
  - (c) Earthen bunds and barbed wire fencing around the quarry lease area has not been made.
  - (d) Not complied with the mining activity within the permitted area and also the quantity approved.
  - (e) Depth of the quarrying has not been complied with as stipulated.
  - (f) Mine closure activities have not been complied with.
  - (g) Environment monitoring for AAQ, Noise, ground water etc. have not been undertaken.
  - (h) Details of trees present in the lease area and permission obtained for felling of trees in the lease area have not been made available.
  - (i) Details are not made available regarding notice of opening of Mine submitted to the Director of Mines Safety, Chennai.
  - (j) Change in the calendar plan including quantum of mineral has been observed.
  - (k) Details are not made available regarding funds earmarked for the environmental protection and its utilization.
  - (l) Greenbelt development has not been undertaken.
8. It is submitted that as per the guidelines of MOEF New Delhi the form 1 feasibility report and mining plan were prepared RQP (Recognized Qualified Person) for Chinna Avudaiyar Kovil sand quarry and submitted before DEIAA. The latitude and

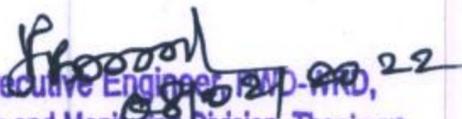
  
Executive Engineer, WRD-WRD,  
Mining and Monitoring Division, Thanjavur.

longitude were clearly mentioned in the proposal. Nowhere in the proposal was mentioned reserved forest located within 10 km radius of the above said sand quarry proposal site. Thamarankottai reserve forest located nearly 7.26 Km from the Chinna Avudaiyar Kovil sand quarry was notified as Point Calimere Wild life Sanctuary vide MoEF Notification in S.O. No. 411 (E) Dated 23<sup>rd</sup> January 2021, is after the date of commencement of the subject quarry. The sand quarry was operated by only through the government that is Water Resource Department not by any private agencies/ Parties. The committee also stated that only draft notification alone issued during the commencement of the subject quarry. Hence getting of NoC from NBWL will not arise in the subject sand quarry. Knowing the fact, the committee made allegation against the State Government and stated that the proponent has not obtained the NoC from NBWL is not acceptable. Hence allegation made by the committee is denied.

9. It is submitted that, as per Tamil Nadu minor minerals concessions rules, 1959, the quarry proposal have to be proposed beyond 50m away from the river bank. The Chinna Avudaiyar Kovil sand quarry was located in the Agniyar river bed and more than 50m away from the river bank. The Revenue record shows that there is no pathway / road in the survey field no.7,8,9,12,20 of Chinna Avudaiyar Kovil village of Pattukkottai Taluk in Thanjavur District during the non- monsoon period the villagers used the river bed for grazing of cattle the committee has not consider the above version by WRD during inspection without pursuing the revenue records the committee alleged that the mining was done near the road/ pathway is highly objectionable. Hence allegation made by the committee is denied.
10. It is submitted that Chinna Avudaiyar kovil bullock cart quarry was commenced after CTO from Tamil Nadu Pollution Control Board on 15.11.2018, as per DEIAA condition the boundary stone have been laid in the boundaries of sand quarry after the inspecting the sand quarry site and verifying the above the Tamil Nadu Pollution Control Board issued the CTO. The quarry was stopped on 02.02.2021 and the amenities (Check Post, CCTV camera, Temporary shed etc) were removed. The committee was inspected on 11.10.2021 (nearly after 8 months) and reported that boundary stones were not laid is not acceptable. Hence allegation made by the committee is denied.

  
Executive Engineer, WRD,  
Mining and Monitoring Division, Thanjavur.

11. It is submitted that, the Chinna Avudaiyar kovil sand quarry was operated by the period 11 months from 14.03.2020 to 02.02.2021 during the operation entire sand quarry operation was monitored through centralized controlled room as per G.O.(Ms) No.135 of Industries department dated.13.11.2009, the quarry operations are being monitored by the Taluk level task force convened by the thasildar in every fortnight. It is also submitted that the petitioner here in filed a Writ Petition in WP No.4984/2018 stating that illicit sand quarry operation was done in that same subject area by the sand smugglers. The mining operation by the WRD in Chinna Avudaiyar Kovil Sand Quarry was done as per the mining plan and no way deviated in quantity, extent, depth. The Quantity exhausted by WRD is 53863 m<sup>3</sup> which is within the quantity of the approved Mining Plan of 54000 m<sup>3</sup>. The quantity mentioned by Committee also not exceeded the quantity exhausted by the Water Resources Department in the mining plan that the bed level of Agniyar river in the proposed mining area and as per Tamil Nadu Minor Minerals Concession Rules 1959 the permitted depth beyond bed level 1m, i.e 3m in the committee report no level indicates that the Mining was done below three meter it clearly shows that mining was not done beyond the depth mentioned in EC. It is submitted that the committee failed to fix the bed level from the standard bench mark and not ascertained the bed level from mining plan. Mining plan clearly shows bed level is 4m and as per Tamilnadu Minor Minerals Concessions Rules 1959 the allowable depth is 1m. The committee taking present lease level of the river bed and taking the depth of mining from top level of existing sand deposit in the confluence point is not acceptable and they have not taken the levels technically and they have not compared the levels taken by them with the approved mining plan. It is also submitted they have not considered the recent deposit erosion of the river bed in the recent flood and rainfall. Hence allegation made by the committee is denied. (Data enclosed here with).
12. It is submitted that, the Committee inspected the quarry site after 8 months of Closure of the quarry and stated that 2725 sqm extent of sand quarry was operated beyond the Mining lease area it is not acceptable. If any illegal quarry was conducted of carried out it is not the responsibility of this respondent. The revenue, Police, Geology of Mining Department are frequently patrolling this area and booked several illicit sand Mining cases. Hence allegation made by the committee is denied.

  
Executive Engineer, MP-WRD,  
Mining and Monitoring Division, Thanjavur.

13. It is submitted that the Water Resource Department operated Chinna Avudaiyar Kovil sand quarry only bullock carts to fulfill the local need of the public due to covid -19 pandemic that the building / construction work were stand still and various representation received by this department to operate the bullock cart quarry by considering the livelihood of the construction laboures / the bullock cart owners quarry was commenced even during the pandemic situation. Due to administrative reasons the details of mining activity was not able to communicated to the Director of Mines and Safety Chennai. The sand quarry operation is very transparent and availability of sand quarry can be seen in the TN sand website by any public each and every quantity of sand sold by the WRD is only through the online and all records being recorded in the website the entire operation is being monitored by the IAS cadre Project Director, Sand mining operation Chennai. Hence allegation made by the committee is denied. Details of bullock carts and their owners, phone numbers, booking reference, sand quantity transported to still maintained by this respondent, which runs nearly 2600 pages. It is important to note that, no permit was issued since 03.02.2021 due to the fact that this respondent has informed verbally to the concerned department.
14. It is submitted that due to lockdown announced by the Government for covid-19 pandemic, the calendar plan was not duly followed and humbly submitted the quantity is not exhausted beyond the approved limit.
15. It is submitted that the sand quarries are being operated by the State Government and Government taking all initiatives for green belt development through Forest Department wherever the vacant lands are available in the river bed, tank etc. pertaining to this Water Resource Department.
16. It is submitted that due to covid-19 pandemic in this State, the Government has not sanctioned any Grant for environmental monitoring activity Water Resource Department used to take, AAQ, Noise parameters through near reputed institution. The institution remain closed in the pandemic period. The ground water table is periodically measured by the ground water wings of Water Resource Department and the data are enclosed.
17. It is submitted that the Chinna Avudaiyar Kovil sand quarry was located before the confluence point of Maharaja Samuthiram River. Hence the location is confluence

*[Signature]*  
Executive Engineer, PWD/M&M,  
Mining and Monitoring Division, Thanjavur.  
08/02/2022

point huge sand sediment deposits are present in this subject area. This sand deposit above the bed level in Agniyar River is nearly 3 to 4 m. For effective free flow of water during flood the sand sediment deposit has to be removed during every flood season, otherwise Agniyar river is not able to discharge the flood water. Small trees grown inside the river was fallen in the recent flood in all the rivers during the flood season falling of trees in the river bed is quite common in the mining area we have not mined beyond allowable depth, quantity, extent all the trees were fallen naturally by the natural calamities. Hence allegation made by the committee is denied.

- 18 It is submitted that in Chinna Avudayar Kovil bullock cart quarry eco friendly open cast quarrying operation was done. No drilling or blasting was done, spade only used to excavate sand from quarry and loaded into bullock carts.
19. It is submitted that WRD has stopped quarry on 02.02.2021 but the committee stated that some extent of mining beyond the lease area after 8 months of time without conducting any local enquiry or gathered evidence clearly shows that the committee inspected the site and leveled allegations against the State Government without any valid records and evidence.

In the above circumstances, it is prayed that this Hon'able Green Tribunal Southern zone, Chennai may be pleased to dismiss the above Writ Petition as devoid of merits and thus render justice.

Solemnly affirmed at Chennai  
this the day of January 2022 }  
and signed his name in my }  
presence. }

  
Executive Engineer, PWB-WR, }  
Mining and Monitoring Division, Thanjavur. }  
28/02/2022 }

BEFORE ME

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

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