

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH AT CHENNAI
(Under S.14 r/w. S. 18 (1) of the National Green Tribunal Act, 2010)

O.A. NO. 4 OF 2022 (SZ)
Jaganathasamy -Applicant

Versus

The Member Secretary,
The Tamil Nadu Pollution Control Board
And others -Respondents

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It is certified that all the documents contained in the above typed set of papers are true copies.

Dated at Chennai, the 30th day of June 2022


Counsel for Applicant

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

O.A. NO. 4 OF 2022 (SZ).

Jaganathasamy,
S/o.Palanigounder,
No.959, Narasingapuram,
Krishnapuram post,
Madathukulam Taluk,
Tiruppur District

-Petitioner

Versus

The Member Secretary,
The Tamil Nadu Pollution Control Board
And others

-Respondents

**ADDL REJOINDER OF THE APPLICANT FOR THE REPLY FILED
BY 8TH RESPONDENT**

I, Jaganathasamy, S/o.Palanigounder, residing at No.959, Narasingapuram, Krishnapuram post, Madathukulam Taluk, Tiruppur District do hereby solemnly affirm and sincerely state as follows: -

1. I submit that I am the applicant herein and had read the reply filed by the 8th respondent. As such, I am well acquainted with the facts and circumstances of the case.

2. I submit that the 8th respondent in his reply, has stated that the unit is erected 27 feet below the ground level which implies that under the guise of erection of the said unit, the 8th respondent

P. J. Hoof

Page No: 1
Corrns: Nil
J

has made a huge quarrying operation in the disputed land without obtaining permission from the Competent authorities. I further submit that the 8th respondent has won a mineral ranging about 5,00,000/- cubic feet of gravel and rock stone from the said land where the unit is established 27 feet beneath the ground level.

3. I submit that the said mining operation was made in utter violation of The Mines and Minerals Act and Tamil Nadu Minor Mineral Concession Rules, 1959 causing loss of several lakhs to the Government. Under such circumstances, the TNPCB has filed a report dated 27.01.2022 stating that there is no violation committed by the 8th respondent as the construction is in preliminary stage. I have also sent a representation to the 3rd respondent on 20.11.2021 with respect to the above said illegalities along with the date wise photographs of the illegal excavation works and transit of the same in number of lorries for which a direction was given by the 3rd respondent on 26.11.2021 to Taluk level Task Force Committees to enquire into the said allegations. However no effective steps were taken by Task Force till date.

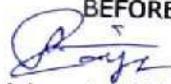
4. I submit that as per para 17 of the 8th respondent's counter, the permission to erect the unit was obtained on 19.04.1993. Admittedly as per the proceedings of the TNPCB vide B.P.MS.No. 609 dated 09.12.1992, no stone crushers should be located within two kilometers from National and State Highways. But the original consent order of the 6th respondent itself was in utter violation of their own above said proceedings. Hence the unit of the 8th respondent deserves for a closure of the threshold. Even now, the respondents are well aware that the case is pending before this

Honble Tribunal and the consent order is yet to be renewed which expired on March, 2022. But the 8th respondent is running the unit in a full swing even now. I submit that now I have made several representations to the official respondents that the 8th respondent is running the unit by using additional equipment than the permitted level along with the photographs dated 13.06.2022. to my shock and dismay, the official respondents have not even taken steps to stall the same for the reasons best known to them.

For the reasons stated above, it is therefore prayed that this Hon'ble Tribunal may be pleased to allow the O.A. No. 4 of 2022 and thus render justice.

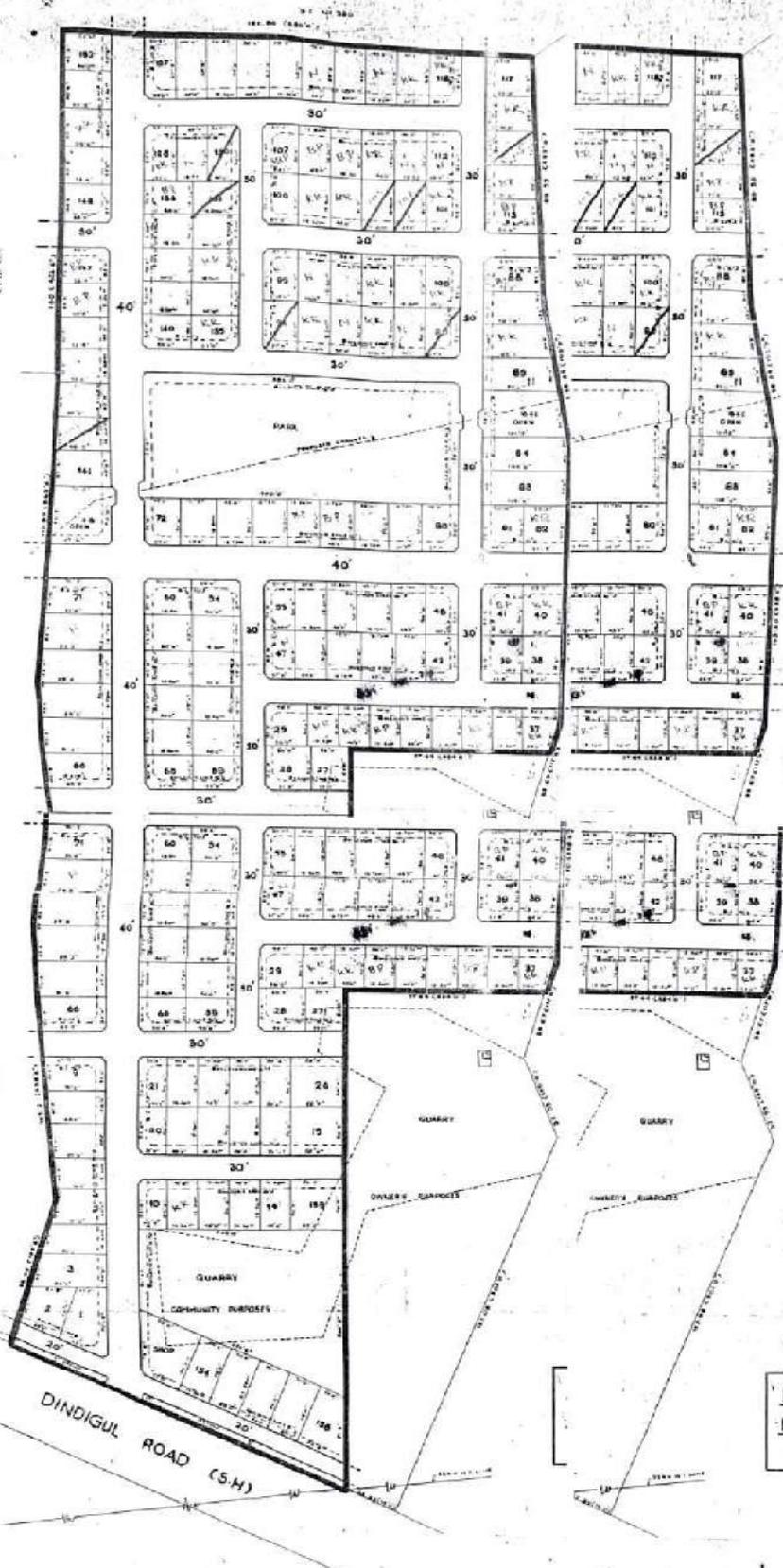
P. Hameed

Solemnly affirmed at Udumalpet,
on this 25th day of June 2022 and
the deponent put his signature in
my presence:-

BEFORE ME,

Advocate- Udumalpet

C. RAJENDRAN, B.Com.,B.L.,
ADVOCATE
En Roll No: MS.808/84
V.R.V. Complex, 1st Floor,
6-A, Court Street,
Udumalpet - 642 126.
Cell: 93457 76464

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Corrns: 2/1
10



REFERENCE

TOTAL EXTENT	17.00 ACRES	(0.6799 HEC)
LAYOUT BOUNDARY		
EXISTING ROAD		
PROPOSED ROAD		
WIDTH OF PLOTS	150 FT	

RESERVATION

PARK	1.32 ACRES	(0.5342 HEC)
COMMUNITY PURPOSES	0.585 ACRES	(0.2360 HEC)
OPEN	0.24 ACRES	(0.0969 HEC)
SHOPS	0.105 ACRES	(0.0423 HEC)
GREENS	0.08 ACRES	(0.0322 HEC)
TOTAL	2.33 ACRES	(0.9324 HEC)

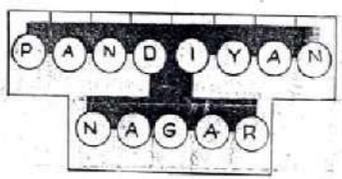
LOTS BELONGING TO THE STATE GOVERNMENT 47.50 ACRES

L.P (CN) N° 446/81
R

APPROVED BY THE COMMISSIONER
PANCHAYAT UNION MADATHUKULAM.
D.O. N° 11400/81 dt 28-12-'81

L.P (CN) N° 446/81
R

APPROVED BY THE COMMISSIONER
PANCHAYAT UNION MADATHUKULAM.
D.O. N° 11400/81 dt 28-12-'81



MADATHUKULAM PANCHAYAT UNION
MYVADI VILLAGE, UDAMPALPET TALUK
SFN°s 598/1.2 SCALE 1" = 660'

LAYOUT PLANNED BY

	By A. ENGINEERING
	By B. ENGINEERING

(10) ASST. D'NAN (14) D'NAN (20) SUPERVINCOR (24) ASST. DIRECTOR (28) ASST. DIRECTOR (32) SUPER. DEPUTY DIRECTOR

Copy of :-

TAMILNADU POLLUTION CONTROL BOARD

ABSTRACT

TAMILNADU POLLUTION CONTROL BOARD – FIXING NORMS FOR THE LOCATIONS OF NEW STONE CRUSHING UNITS IN THE STATE – ORDERS – ISSUED.

B.P.MS.No.142

Dated : 10.10.1986

Read :

1. **G.O.Ms.No.340 / Health and Famil Welfare Department, dated 19.2.82.**
2. **G.O.Ms.No.4, Environment Control Department, dated 28.9.83.**
3. **Tamil Nadu Pollution Control Board Resolution No.28-12, dated.2.6.86.**

ORDER

Stone crushing units generate considerable dust.

Rock and crushed stone products are loosened by drilling and blasting them from their deposit beds. Further processing includes crushing, regrinding and removal of fines. These operations cause considerable dust pollution.

The Central Board for the Prevention and Control of Water Pollution, New Delhi had conducted an ambient air quality survey in and around various stone crushing units in Haryana State and suggested the following norms as remedial measures, as a first step, for the prevention of air pollution problems due to stone crushers.

1. No stone crushers should be located within two kilometre from any National and State Highways.
2. The distance between two stone crushers should be four kilometers to avoid dust pollutional influence of one over the other.

: 2 :

3. If for other pressing reasons more than one stone crushers are required to come in existence, then they should be as much close to each other as may be permitted without causing difficulty in operation. In such a situation the source would be recognised as a collective one and the distance is to be estimated accordingly.

The matter was placed before the Board at its Special Meeting held on 2.6.86, the Board examined the matter carefully and decided to adopt the norms as per Appendix for new stone crushing units in the State.

**Sd/- G.RENGASAMY,
Member Secretary (I/c)**

To

The Chairman, Tamil Nadu Pollution Control Board, Madras.
The Regional Officers of All Regions
The Board Analyst, Coimbatore, Madras and
M/s.Richardson & Cruddes Ltd., Madras.

Copy to :

Stock file and T-3
All Consultants
B.P. File – 2 Nos. (Estt. Section)
Chief Scientific Officer, Tamil Nadu Pollution Control Board, Chennai – 4.
Assistant Environmental Engineers & Junior Environmental Engineers in Board Office
Section Office in T-1; T-2 & A.P.C.

Forwarded / By Order

**Sd/-
Section Officer**

7

Copy of :-

TAMILNADU POLLUTION CONTROL BOARD

TAMILNADU POLLUTION CONTROL BOARD – INDUSTRIES – FIXING NORMS FOR THE LOCATIONS OF NEW STONE CRUSHING UNITS IN THE STATE – ORDERS – ISSUED.

B.P.MS.No.609

Dated : 09.12.1992

Read :

1. **B.P.Ms.No.142, dated 10.10.86.**
2. **Board Resolution No.123-68, dated 11.11.92.**

ORDER

The Board in its proceedings first cited has fixed the following norms for location of new stone crushing units considering the results of ambient air Quality Survey conducted by the Central Board.

1. No stone crushers should be located within two kilometre from any National and State Highways.
2. The distance between two stone crushers should be four kilometers to avoid dust polluttional influence of one over the other.
3. If for other pressing reasons more than one stone crushers are required to come in existence, then they should be as much close to each other as may be permitted without causing difficulty in operation. In such a situation the source would be recognised as a collective one and the distance is to be estimated accordingly.

The Board in its resolution No.120-3 dated 26.6.92 has ordered to put up proposals for modification of Board Proceeding relating to the location of stone crushing units.

Ambient air quality survey was conducted for one of the stone crushing unit locating the ambient Air Quality stations at various distances from the source. The report of analysis of Ambient Air Quality survey conducted in the unit for Suspended particulate Matter concentration is as follows :

: 2 :

Sl. No.	Distance from the source	SPM concentration in Mg/M ³
1.	250 M	1011.73
2.	500 M	192.86
3.	750 M	68.22
4.	1000 M	61.02

Based on the results, the revised norms for setting on new stone crushing units was placed before the Board held on 11.11.92 for approval.

1. No stone crushing units should be located within 500 M from any NH or SH or Primary residential area or mixed residential area or places of public and religious importance.
2. The minimum distance between two stone crushers should 1 K.M to avoid dust pollutional influence of one over the other.

The Board in its resolution 123-68 dated 11.11.92 has approved the above norms for adoption.

This order comes into immediate effect.

Sd/-
For Chairman

To

The Joint Chief Environmental Engineers
The District Environmental Engineers
The Assistant Environmental Engineers & Assistant Engineers in Board Office

Copy to :-

P.A. to Chairman, TNPC Board, Madras
P.A. to Member Secretary, TNPC Board, Madras
P.C. to Additional Chief Environmental Engineer, TNPCBD, Madras
Stock file
B.P. File
All Assistants in Technical Section in Board Office
P1 / Personnel Branch

Copy of :-

TAMILNADU POLLUTION CONTROL BOARD

100, ANNA SALAI, GUINDY, CHENNAI – 600 032.

TAMILNADU POLLUTION CONTROL BOARD – FIXING REVISED NORMS FOR THE LOCATIONS OF STONE CRUSHING INDUSTRIES IN THE STATE IN VIEW OF THE STUDY REPORT SUBMITTED BY THE NATIONAL ENVIRONMENTAL ENGINEERING RESEARCH INSTITUTE, NAGPUR.

B.P.MS.No.48

Dated : 09.09.1998

Read :

BOARD'S RESOLUTION NO.166-3-2, DATE 19.8.99.

The Tamil Nadu Pollution Control Board, in its proceedings B.P.Ms.No.609, dated 9.12.92 decided to adopt the following norms for siting of stone crushing industries in the state.

1. No stone crushers should be located within 500 M from any National and State Highways or Primary residential area or mixed residential area of places of public and religious importance.
2. The minimum distance between two stone crushers should be 1 K.M. to avoid dust pollutional influence of one over the other.
3. If for other pressing reasons more than one stone crushers are required to come in existence, then they should be as much close to each other as may be permitted without causing difficulty in operation. In such a situation the source would be recognised as a collective one and the distance is to be estimated accordingly.

Subsequently, the Honourable Supreme Court of India in its order dated 25.4.96 in the Civil Appeal No.10732/1995 restored the earlier Judgement of Honourable High Court of Madras and banned the operation of stone crushers and quarries within the radius of 500 meters of the residential area.

Subsequently, the Board received representations from various Associations of stone crushing industries in the State to consider relaxation in the above norms. Therefore Board entrusted a study to National Environmental Engineering Research Institute (NFFRI), Nagpur to assess the performance of air Pollution Control Measures provided by the stone crushing industries and to assess the dust emission from the industry and also to arrive at the optimum distance from the National / State Highways and from the Residential area.

: 2 :

NEERI conducted the study during September 97 and October 97 and submitted their report with recommendations. It was decided to conduct the study during summer season also so as to confirm the results and the recommendations.

NEERI conducted the study on Assessment of Dust Emissions from Stone Crushing Industries during summer seasons during April, May 1998 in the cluster of stone crushing industries located in Pammal, Kancheepuram District. During the study period, 50 stone crushing industries having 40T capacity each, were in operation and all these units adopted the pollution control system (dust suppression and containment system comprising of building enclosures over the dust emission sources with spraying of water through special nozzles) of National Productivity Council (NPC).

In the study areas, the ambient air quality locations were selected based on the prevailing wind directions, wind speed and also the historical wind rose for Chennai. Three Respirable Particulate Samplers and seven High Volume Samplers were operated during the study period to assess the dust emissions from source and ambient air.

The dust emissions from source and Ambient air were recorded and analysed under four different conditions as below :

1. When all 50 units were in operation
2. When 25 units were in operation
3. When 10 units were in operation and
4. When one unit was in operation

During the study period, micrometeorological observations, transport vehicle counts and meteorological observations were also made simultaneously.

The study concludes with the summary of report with a recommendation that the crushing area (Pammal) should not accommodate any more crushers and also that the crushers existing outside the main crushing area should be asked to move inside.

In the study report, NEERI has made the following recommendations.

: 3 :

1. The control strategies suggested by National productivity Council should be sincerely adhered to.
2. For a single crusher an area of 50 meters radius should be left around the crusher with a 10 meter green belt at the periphery.
3. For a cluster of 10 crushers an open area of 150 meters radius should be left around the crushers with a 30 meter green belt at the periphery. There should be bilane road system to approach the crushers.
4. For 25 crusher cluster a distance of 250 meters on all sides around the periphery of the cluster area should be left, with a green belt of 50 meters within the extreme boundary.
5. For a 50 crusher cluster a distance of 300 meters around the periphery of the cluster area on all sides should be left with a green belt of 100 meters within the extreme boundary.
6. Periodical cleaning of the water spray nozzles should be carried out to avoid checking.
7. Fine dust accumulated in the crushing area should be periodically cleaned and the dumps should be covered with tarpaulins to arrest erosion by wind.
8. The approach road should be properly laid with tar or concrete and should be sprayed with water. Similarly the approach roads of individual crushers should be made in good condition and watered.
9. The drop height of the processed materials should be kept at a minimum during loading and unloading.
10. Conveyer chutes should be provided at the discharge points.
11. As an occupational safety, all the workers should be provided with nose masks.
12. The green belt will restrict the spread of particulate matter and trees should be evergreen high foliage type like Neem, Tamarind, Goldmahar, Fire of the forest and any other local varieties are recommended. Cash crops like cashewnut, mango, lemon and sapota may be encouraged to get back financial benefits.

: 4 :

13. Ornamental trees like Ashoka along the roads on both sides leading to the crushers area should be encouraged to improve the aesthetics of the working environment.
14. Within the cluster a minimum distance of 20 meters should be made for roads.
15. The above recommendations are for the stone crushers which are in the vicinity of residential areas.
16. The stone crushers should be located only near the quarries.
17. For the crushers which are near the State or National Highways, it is recommended that a 15 to 20 feet wall should be provided at least in the downwind direction besides the above mentioned recommendations. Note : For the crushers located near NH/SH the length of the wall to be provided will depend upon the alignment of road and crusher boundary. The wall should be provided on all the three sides (Parallel to NH/SH and both the sides).
18. For new or proposed crushers near State or National Highways, a minimum distance may be fixed by the appropriate authority.
19. Similarly for sensitive zones appropriate authority may fix the minimum, distance around the crushers.

The subject to consider fixing of revised norms for the location of stone crushing industries in the State in view of the above study report submitted by the National Environmental Engineering Research Institute, Nagpur was placed before the Board, at its, meeting held on 19.8.98.

The Board in Resolution No.166-3-2 dated 19.8.98 decided to accept the recommendations of National Environmental Engineering Research Institute, Nagpur based on the study conducted by the Institute to assess the dust emission from the Stone Crushing Industry and to arrive at the norms for the Air Pollution Control Measures to be provided by the Stone Crushing Units and the distance criteria from the National Highways, State Highways and the Residential Areas and decided to accept the following norms :

1. All the stone crushing units should provide Air Pollution Control Measures as suggested by the National Productivity Council.

: 5 :

- 2. If the distance between two crushers is more than 100 meters, it will be considered as a single crusher. If the distance between the crusher boundaries is less than 100 meters, it will be considered as a cluster.
- 3. The distance between the crusher boundaries and the boundary of the National / State Highways shall be as specified below :

Sl. No.	Cluster of crushers	Distance between crusher / cluster	Green belt area at the periphery
1.	Single crusher	50 mts.	10 mts.
2.	10 crushers	150 mts.	30 mts.
3.	25 crushers	250 mts.	50 mts.
4.	50 crushers	300 mts.	100 mts.

Note :-

- (a) There should be bilane road system to approach the crushers.
- (b) Within the cluster a minimum distance of 20 meters should be made for roads.
- (c) The crusher boundary implies the line joining all the emission sources such as jaw crusher, conveyer belt, head, rotary screen etc., in the crushing unit.
- 4. Existing crushers, which are near the National or State Highways and not meeting the above criteria should provide a 15 to 20 feet wall on all the three sides (parallel to National / State Highways and both the sides) and upto the length to be stipulated on the alignment of road and boundary of the crusher.
- 5. In respect of Residential area, No stone crushing industries are to be allowed to operate within 500 meters from Residential areas as per the orders of Honourable Supreme Court of India in the Civil Appeal No.10732/1995, dated 25.4.96

: 6 :

6. The Board also decided that health aspects of the employees exposed to the stone crushing units must also be carried out in consultation with the Director of Public Health and Preventive Medicine.

**Sd/-
For Member Secretary**

To

All Joint Chief Environmental Engineers
District Environmental Engineers
Assistant Environmental Engineers (Udhagamandalam & Nagercoil)
Assistant Environmental Engineers & Asst. Engineers in the Districts, TNPC
Board

Copy to :

P.C. to Chairman, TNPCB Board
P.C. to Member Secretary, TNPCB Board
Additional Chief Environmental Engineer I (i/c)
Additional Chief Environmental Engineer II
Financial Advisor
Joint Chief Environmental Engineer I&II
Deputy Director (Labs)
Senior Law Officer
Environmental Engineers
Assistant Environmental Engineer / Asst. Engineers in the Board Office, TNPC
Board
B.P. File – 2 Nos.
Stock File, Spare copy

Copy of :-

TAMILNADU POLLUTION CONTROL BOARD

NORMS FOR THE LOCATION OF STONE CRUSHING INDUSTRIES IN VIEW OF THE ORDERS OF THE APPELLATE AUTHORITY CONSTITUTED UNDER WATER/AIR ACTS.

B.P.MS.No.4

Dated : 02.07.2004
Read :

- 1. B.P.Ms.No.142, dated 10.10.1985.
- 2. B.P.Ms.No.609, dated 9.12.2002.
- 3. B.P.Ms.No.48, dated 9.9.1990.
- 4. Board's Resolution No.204-1-25, dated 22.6.2004.

ORDER

Tamil Nadu Pollution Control Board, in its proceedings B.P.Ms.No.142, dated 10.10.1986 fixed norms for location of stone crushing units based on studies conducted by the Central Pollution Control Board and subsequently fixed revised norms for location of stone crushing units in its proceedings, B.P.Ms.No.609, dated 9.12.1992 based on the report of the Committee constituted by the Tamil Nadu Pollution control Board, dated 3.7.1991 under the orders of the High Court of Madras, dated 30.11.1990 as follows :

- 1. No stone crushers units should be located within 500 M from any NH or SH or primary residential area or mixed residential area of places of public and religious importance.
- 2. The minimum distance between two stone crushers should be 1 K.M to avoid dust polluttional influence of one over the other.

Subsequently, the Board received representations from various Associations of stone crushing units in Tamil Nadu to consider relaxation in the above norms as the units have installed air pollution control measures. Hence, the Board entrusted a study to the National Environmental Engineering Research Institute (NEERI), Nagpur to assess the performance of the air pollution control measures provided by the stone crushing units, to assess the dust emission from the industry and to arrive at the optimum distance from the National / State highways and from the residential areas. The NEERI conducted the study during September and October 1997 and April and May 1998 and submitted a report with recommendations.

: 2 :

The Board in its Proceedings, B.P.Ms.No.48, dated 9.9.1998 decided to accept the recommendations of the NEERI and decided to adopt the norms except those for residential area. The Board decided that in respect of residential area, no stone crushing industries are to be allowed to operate within 500 metres from residential area as per the orders of Hon'ble Supreme Court of India, dated 25.4.1995 in the Civil Appeal No.10732/1995.

Subsequently, in the order, dated 10.5.1999 in SLP(C) No.13564/1998, the Hon'ble Supreme Court of India issue directions that the existing stone-crushers, who have valid licenses, are permitted to carry out their work subject to the complying with the conditions of the NEERI's Report. In another order dated 8.8.2000 in SLP(C) No.13564/1998, the Hon'ble Supreme Court of India has clarified that the earlier decision of the Supreme Court is confined to the facts of that case and will not stand in the way of the pollution control Board / State Government reconsidering amendment of Notification and or Resolution or Rule as the case may be and option is given to take into consideration the earlier expert committee report, dated 3.7.1991 and also the NEERI Report for framing appropriate Rule. No.13564/1998, the Hon'ble Supreme Court of India has clarified that the earlier decision of the Supreme Court is confined to the facts of that case and will not stand in the way of the pollution control Board / State Government reconsidering amendment of Notification and or Resolution or Rule as the case may be and option is given to take into consideration the earlier expert committee report, dated 3.7.1991 and also the NEERI Report for framing appropriate Rule.

The subject of revision of norms for the location of stone crushing units was placed before the Board at its meeting held on 22.12.2000. The Board in its Resolution No.102-3-9, dated 22.12.2000 decided to adopt the NEERI recommendations in case of existing stone crushing industries and in case of new stone crushing industries, it should be located atleast 500 metres away from habitations as per recommendations of the Expert Committee.

The details as furnished in the Agenda for the Board meeting held on 22.12.2000 and the decision taken by the Board have been filed before the Honble Supreme Court of India as an Affidavit dated 3.1.2001 by the Board in SLP (Civil) No.13564 of 1990 in which the Hon'ble Supreme Court of India issued final order, dated 25.9.2001. Regarding the final order, the Advocate on Record has clarified that the order of the Supreme Court is not strictly applicable to stone crushing units and the norms for existing and new stone crushers can be enforced as notified by the Board and as submitted by it in its affidavit, dated 3.1.2001.

The Board has been adopting the norms for new stone crushing units as per B.P.Ms.No.609, dated 9.12.92, and for existing stone crushing units, the norms stipulated in B.P.Ms.No.48, dated 9.9.90, considering the fact that the above B.P. dated 9.9.98 is issued based on the studies on the existing stone crushing units who have represented to relax norms stipulated in B.P.Ms.No.609, dated 9.12.92. Regarding new stone crushing units the B.P.Ms.No.48, dated 9.9.98 has strictly ordered that no stone crushign industries are to be allowed to operate within 500 metres from residential area. But BP was silent on the distance criteria for new stone crushing units from NH/SH and hence the distance criteria for new stone crushing units fixed in B.P.Ms.No.609, dated 9.12.92 continued to be adopted by the Board in practice.

However, the Appellate Authority in its order, dated 3.3.04 in the appeal filed by M/s.JVM Blue Metals, Thiruvannamalai has ordered as follows.

"It is clear from the proceedings that new norms was fixed for existing and proposed or new units and it was never the intention to maintain 1992 proceedings for any purpose. It is clear from para 3 of the proceedings". Appellate Authority has set aside the Board's rejection order and directed the Board to consider the application on the basis of B.P. dated 9.9.98. In this case the Board had rejected the issue of consent to a stone crushing units since it is located within 65 m from State highways thus violating the distance criteria of 500 m from state highways fixed in B.P.Ms.No.609, dated 9.12.92.

The ambiguity in B.P.Ms.No.48, dated 9.9.98 by which it was not clearly specified that this relaxation is applicable to existing stone crushing units only has resulted in this situation by allowing the mushrooming of new stone crushing units near the NH/SH. This will affect the travelling public in the NH/SH due to deep penetration of dust from stone crushing units into their eyes / lungs due to high vehicular speed and the dust will affect the visibility of motorists also.

In order to remove the lack of clarify the matter is again brought to the Board to clearly fix the norms for existing and new / proposed stone crushers and the air pollution control measures without ambiguity.

: 4 :

1.0 CRITERIA FOR EXISTING STONE CRUSHING UNITS : (AS RECOMMENDED BY NEERI)

1.1 Distance Criteria

Sl. No.	Type of clusters	Distance between crusher / cluster of crushers and habitations / NN or SH	Green belt area at the periphery
1.	Single crusher	50 mts.	10 mts.
2.	10 crushers	150 mts.	30 mts.
3.	25 crushers	250 mts.	50 mts.
4.	50 crushers	300 mts.	100 mts.

Note :-

- (a) For single crusher, the distance is to be measured from crusher boundary.
 - (b) In the case of cluster of crushers the distance is to be measured from the last crusher boundary.
 - (c) The crusher boundary implies the line joining all the emission sources in the crushing unit such as jaw crusher, conveyer belt, head, rotary screen etc.
- 1.2 If the distance between two existing crushers is more than 100 metres, it will be considered as a single crusher. If the distance between the existing crusher boundaries is less than 100 metres, it will be considered as a cluster.
- 1.3 Existing crushers, which are near the National or State highways and not meeting the distance criteria should provide a 15 to 20 feet wall on all the three sides (parallel to National / State highways and both sides) and upto the length to be stipulated on the alignment of road and boundary of the crusher in addition to the air pollution control measures.

Explanation

Existing stone crushing units are those which have valid licenses on the date of Supreme Court order namely 10.05.1999.

2.0 CRITERIA FOR NEW / PROPOSED STONE CRUSHING UNITS

2.1 No new / proposed stone crushers should be located within 500 metres from any National highways or State highways or 'inhabited site' or places of public and religious importance.

Note :-

'Inhabited site' shall mean a village site or town site or a house site as referred to in the revenue records or a house site or layout approved by a Local Body or Twon or Country or Metropolitan Planning Authority, where the said Body or Authority is created under a statue and empowered to approve such an area as a house site or layout area (as desired in Rule 35 of Tamilnadu Minor Minerals Concession Rules, 1959).

2.2 The minimum distance between new / proposed stone crushers should be 1 km to avoid dust pollutional influence of one over the other.

2.3 Green belt development :

The stone – crushing unit shall provide adequate green belt cover around the periphery as suggested by the Board depending on site and meteorological conditions.

3.0 AIR POLLUTION CONTROL MEASURES

3.1 The existing and new / proposed stone crushing units should provide dust containment and dust suppression systems suggested by National Productivity Council as furnished in Annexure – I and should also adhere to the recommendations furnished in NEERI Report (vide Annexure – II).

The above consolidated proposal of earlier B.P.Ms.No.609, dated 9.12.1992 and B.P.Ms.No.48, dated 9.9.98 is contemplated to make clear the decisions of the Board regarding the siting criteria of the existing and new / proposed stone crushing units and hence this proposal may take effect from 10.5.1999, the date of Supreme Court order defining existing stone crushing units.

: 6 :

The above proposal was placed before the Board at its meeting held on 22.6.2004. The Board in its Resolution No.204-1-25, dated 22.6.2004 decided to approve the siting criteria of the existing and new proposed stone crushing units with date of effect from 10.5.99, the date of the Hon'ble Supreme Court order, defining the existing stone crushing units.

**Sd/-
For Member Secretary**

To

Joint Chief Environmental Engineers
District Environmental Engineers and
Assistant Environmental Engineers in District Offices

Copy to :

- Additional Chief Environmental Engineer I
- Additional Chief Environmental Engineer II
- Financial Advisor
- Joint Chief Environmental Engineer (P&D)
- Joint Chief Environmental Engineer (Tech)
- Joint Chief Environmental Engineer (BMW)
- Joint Chief Environmental Engineer (HWM)
- Director (ETI)
- Law Officer
- Manager (P&A)
- Manager (AWC)
- Deputy Director (IA)
- Deputy Director (LAB) – I
- Deputy Director (LAB) – II
- Manager (Lab)
- Environmental Engineers (BMS)
- Environmental Engineers (HWM)
- Environmental Engineers (GIS)
- Deputy Manager (Tech), and
- Assistant Engineers in Head Office
- PC to Chairperson and
- PC to Member Secretary
- BP File – 2 Nos
- Stoke file, Spare copy
- P2 in perosnnel branch and
- File No.P&D I / 24358 / 97

ANNEXURE – I

RECOMMENDED DUST CONTAINMENT AND DUST SUPPRESSION SYSTEM BY NATIONAL PRODUCTIVITY COUNCIL

DUST CONTAINMENT SYSTEM

Dust containment system comprise of building enclosures over the major dust emission sources so as to contain the dust emission sources so as to contain the dust within the housing. Only rotary screen is considered for dust containment enclosures. It is not recommended to enclose the jaw crusher as frequent manual intervention and attention is required.

SALIENT FEATURES OF DUST CONTAINMENT SYSTEM

- Enclosures to be constructed of G.I. sheets (1.66 mm and 1.25 mm thick) and supported on angle structures so that it can withstand strong wind.
- Roof to be given a gradual slope / curvature so as to prevent accumulation of water.
- Material transfer point such as hopper bottom / product unloading conveyor to be covered suitably to prevent dust release into the atmosphere.
- Locations where complete enclosures are not possible such as openings in jaw crushers side and bottom, are to be covered suitably (GI sheets / rubber flap or any other material) to prevent dust release into the atmosphere.
- Telescopic chutes are to be provided at product unloading conveyor to prevent dust release into the atmosphere during free fall off material from height. These chutes can be adjusted in length according to size of the heap.
- Openings in the enclosures over shafter motor driver conveyor belts etc., are to be covered with rubber flaps (wherever possible) to prevent release of dust.
- Openings fitted with doors are to be provided for inspection and access in the enclosures.

DUST SUPPRESSION SYSTEM

Effective housing at location such as material transfer points cannot be constructed because of resultant obstruction to material flow. Since dust generation from these points are quite substantial, dust suppression system, comprising of spraying of fine water mist through special nozzles, should be carried out over the dust generation sources to suppress the dust cloud.

There are two types of water spray systems (a) water spray on the generated dust cloud and (b) water spray directly on the material. The quantity of water spray should be sufficient to suppress dust without affecting the quality of the product. Too much water spray on the material will wetten dust completely and result in zero emission but the wet material is difficult to screen and has not market acceptance.

A water pump is required to spray the water at a minimum pressure of 2 to 4 kg/cm². The water consumption depends on type of nozzle chosen for application.

The various application points are :

- At raw stones unloading site (optional)
- At feed point of raw stones into jaw crusher
- At discharge of the screened stone fractions from rotary screens into respective conveyor belief.
- Stone dust discharge from conveyor on stock pile (optional).

ANNEXURE – II**RECOMMENDATIONS IN NERRI'S FINAL REPORT ON "ASSESSMENT OF DUST EMISSION FROM STONE CRUSHING INDUSTRY" IN JUNE 1998**

1. Periodical cleaning of water spray nozzles should be carried out to avoid choking.
2. Fine dust accumulated in the crushing area should be periodically cleaned and the dumps should be covered with tarpaulins to arrest erosion by wind.
3. The drop height of the processed material should be kept at a minimum during loading and unloading.
4. Conveyor chutes should be provided at the discharge points.
5. There should be bilane road system to approach the crushers.
6. The approach road should be properly laid with tar and concrete and should be sprayed with water. Similarly, the approach roads to individual crusher should be made in good condition and watered.
7. Within the crusher, a minimum distance of 20 metres should be made for roads.
8. The green belt will restrict the spread of particulate matter and trees should be evergreen high foliage type like neem, tamarind, gold mohar, fire of the forest and any other local varieties are recommended. Cash crops like cashewnut, mango, lemon and sapota may be encouraged to get back financial benefits.
9. If two or more crushers are located within 100 metres, they may be considered to have a common green belt if they are border cases. The graph prepared from NEERI Reports if furnished in Annexure – III to fix the distance and green belt for any number of crushers in a cluster, limited to a maximum of 50 (Ex. For 5 crushers in a cluster, total area 100 m, green belt 20 m).
10. Ornamental trees like Asoka along the roads on both sides leading to crushing area should be encouraged to improve the aesthetics of the working environment.
11. As an occupational safety, all the workers should be provided with nose masks.

திருப்பூர் மாவட்ட ஆட்சியர் அவர்களின் செயல்முறை ஆணை

முன்னிலை:- திரு. சி. சமயமூர்த்தி, இ.ஆ.ப.

ந.க. 28/ கனிமம் / 2009

நாள்: 17.12.2010

பொருள்: கனிமங்களும் குவாரிகளும் - திருப்பூர் மாவட்டம் - மடத்துக்குளம் வட்டம் - மைவாடி கிராமம் - புல எண். 532/3-ல் 1.70.0 ஹெக்டர் பரப்பில் சாதாரண கற்கள் மற்றும் கிராவல் மண் வெட்டியெடுக்க எஸ்.என். பழனிச்சாமி என்பவரின் மனு தள்ளுபடி செய்து உத்தரவிடப்படுகிறது.

- பார்வை:
1. திரு. S.N. பழனிச்சாமி, த/பெ.நாச்சிமுத்து கவுண்டர், நரசிங்காபுரம், கிருஷ்ணாபுரம், உடுமலைப்பேட்டை என்பவரின் மனு நாள்: 6.1.2009.
 2. சென்னை உயர்நீதி மன்ற உத்தரவு WP No. 24072 / 2010 நாள்: 26.10.2010.
 3. கோவை நகர் ஊரமைப்பு துணை இயக்குநர் (பொ) அவர்களின் கடிதம் ந.க. 3549 / 2010 / கனிம 3 நாள்: 16.11.2010.

உத்தரவு:-

திருப்பூர் மாவட்டம், மடத்துக்குளம் வட்டம், மைவாடி கிராமம், புல எண். 532/3-ல் 1.70.0 ஹெக்டர் பரப்பில் சாதாரண கற்கள் மற்றும் கிராவல் மண் வெட்டி எடுக்க ஐந்து ஆண்டுகளுக்கு குவாரி குத்தகை உரிமம் வழங்கக் கோரி திரு. எஸ்.என். பழனிச்சாமி என்பவர் பார்வை 1-ல் கண்டவாறு விண்ணப்பம் செய்துள்ளார்.

திரு. பி. ஜெகநாதசாமி என்பவர் சென்னை உயர்நீதிமன்றத்தில் தொடுத்த வழக்கு எண். 24072 / 2010 -ன்மீது 26.10.2010 அன்று வழங்கிய தீர்ப்பில் மனுதாரரது 16.8.2010 நாள்ிட்ட ஆட்சேபணை மனுமீது நான்கு வாரங்களுக்குள் மனுதாரரை விசாரணை செய்து ஆணை பிறப்பிக்க வேண்டும் என ஆணையிட்டுள்ளது.

பார்வை 3-ல் கண்ட கோவை நகர் ஊரமைப்பு துணை இயக்குநர் (பொ) அவர்களின் அறிக்கையில் புல எண். 532/283 284, 287, 289 முதல் 2914 மற்றும் 2915 ஆகியவற்றிலிருந்து 300 மீட்டருக்குள் உடுமலை - பழனி தேசிய மெட்டுக்காலையை ஒட்டி வடபுறம் சர்வே எண். 598/1, 2 ல் அனுமதி அளிக்கப்பட்ட மனைப்பிரிவு எண். I P / R (CN) No. 446 / 81 மனைப்பிரிவு இடத்தில் எந்தவிதமான அபிவிருத்தியும் செய்யப்படாமல் உள்ளது எனவும், மேற்படி குவாரி அமைந்துள்ள சர்வே எண்களுக்கு தென்கிழக்கு புறம் 300 மீட்டருக்குள் அஸரா கார்டன் என்ற அனுமதியற்ற மனைப்பிரிவு இடத்தில் மனைப்பிரிவுகள் மற்றும் சாலை அமைத்து பிரிக்கப்பட்டு உள்ளது எனவும், அதற்கு எதிர்புறம் ஐஸ்வர்யா மில் நிறுவனம் அமைந்துள்ளது எனவும், மேலும் மேற்படி குவாரிக்கு கிழபுறம் 300 மீட்டருக்குள் இரண்டு சாலை ஓட்டு வீடுகள் அமைந்துள்ளது எனவும் தெரிவித்துள்ளார்.

25

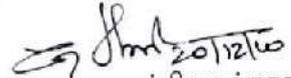
தமிழ்நாடு சிறுகனிம சலுகை விதிகள். 1959 விதி 36 (1-A) (a) என்படி அங்கீகாரம் பெற்ற குடியிருப்பிலிருந்து 300 மீட்டர் தொலைவிற்குள் சாதாரண கற்கள் வெட்டியெடுக்க கல்குவாரி குத்தகை உரிமம் வழங்க இயலாது.

மனுதாரர் திரு. எஸ்.என். பழனிச்சாமி என்பவர் கல்குவாரி குத்தகை உரிமம் வேண்டியுள்ள புல எண். 532/3-ல் 1.70.0 ஹெக்டர் பரப்பானது குடியிருப்பு அங்கீகாரம் பெற்ற புல எண். 598/1 மற்றும் 2லிருந்து 300 மீட்டர் தொலைவிற்குள் அமைவதால் திரு. எஸ்.என். பழனிச்சாமி என்பவரின் கல்குவாரி உரிமம் வேண்டிய பார்வை 1ல் காணும் விண்ணப்பம் தமிழ்நாடு சிறுகனிம சலுகை விதிகள். 1959-ன் விதி எண். 36 (1-A) (a) என்படி தள்ளுபடி செய்து ஆணையிடப்படுகிறது.

இவ்வாணையின் மீது ஏற்பு இல்லையெனில், இவ்வாணை கிடைக்கப்பெற்ற 30 நாட்களுக்குள் தமிழ்நாடு சிறுகனிம சலுகை விதிகள். 1959ன் விதி எண். 36 (C) (2)ன்படி ஆணையர், புவியியல் மற்றும் சுரங்கத்துறை, கிண்டி, சென்னை அவர்களுக்கு மேல்முறையீடு செய்யலாம் என்பது தெரிவிக்கப்படுகிறது.

(ஓம்)... சி. சமயமூர்த்தி,
மாவட்ட ஆட்சியர்,
திருப்பூர்.

// உண்மை நகல் / உத்தரவுப்படி //


மாவட்ட ஆட்சியருக்காக,
திருப்பூர்.

பெறுநர்

திரு. S.N. பழனிச்சாமி,
த/பெ.நாச்சிமுத்து கவுண்டி
நரசிங்காபுரம்,
கிருஷ்ணாபுரம்,
உடுமலைப்பேட்டை


20-12-10

நகல்

1. வருவாய் கோட்டாட்சியர், உடுமலை
2. வருவாய் வட்டாட்சியர், மடத்துக்குளம்
3. திரு. பி. ஜெகநாதசாமி,
த/பெ. பழனிச்சாமி,
1041, நரசிங்காபுரம்,
கிருஷ்ணாபுரம் அஞ்சல்,
மடத்துக்குளம் வட்டம் - 642 111.



Jaganathasamy Farms <jaganfarms@gmail.com>

Requesting to take action against the company for the violation of rules by the Department of Mining.

2 messages

Jaganathasamy Farms <jaganfarms@gmail.com>

Sat, Nov 20, 2021 at 5:00 PM

To: collrtup@nic.in

From

P. Jeganathasamy,
S/O Palanisamy gounder,
559, Narasingapuram,
Krishnapuram (Post),
Madathukulam (Taluk),
Tiruppur (District) - 642111.
Cell : 8270335865.

To

The District Collector,
Tiruppur District,
Tiruppur.

Sir,

Sub: Requesting to take action against the company for the violation of the rules by Department of Mining.

Mr.S.Vignesh, (Son/of : Sivaraj, Cell : 9842002288) had bought the land of NRG Blue Metals which is situated in the SF no: 531/2a, Narasingapuram, Maivadi village, Madathukulam (Taluk) and has changed the name of as Akshayaraj Blue Metals. He had been digging and mining approximately 1 acres of the land and had took almost 500000 cubic feet of gravel and rock stone mass worth of lakhs of rupees using heavy machineries and explosives without the permission of Mining department of Tamilnadu and Revenue Department of Tamilnadu. He had already sold approximately 75% of the contents and had stocked the rest of it in the nearest poramboke land of the government of SF no: 533 to sell that also.

It has to be noted that he is the son of the former ADMK President of Maivadi village and He had used all his political influences in the locality to do all sorts of illegal activites like this. I have attached the photographs of the land for your reference.

Hence I Heartfully request you to recover the revenue loss for the Government due to this illegal activites of Mr.S.Vignesh.

Thanking You.

P. Jaganathasamy.

Yours Truthfully,

22 attachments



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31



Jaganathasamy Farms <jaganfarms@gmail.com>
To: admines.tntr@nic.in

Sun, Nov 21, 2021 at 4:31 PM

[Quoted text hidden]

22 attachments



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அனுப்புநர்

பெறுநர்

மாவட்ட ஆட்சியர் / மாவட்ட
அளவிலான கண்காணிப்புக் குழு தலைவர்,
திருப்பூர் மாவட்டம்,
திருப்பூர்

வட்டாட்சியர் / குழுத் தலைவர்,
வட்ட அளவிலான சிறப்புப் பணிக் குழு
(Taluk Level Task Force Committee)
மடத்துக்குளம்.

ந.க. 1380/2021/கனிமம்

நாள்: .11.2021.

அய்யா,

பொருள்: கனிமம் மற்றும் சுரங்கம் - சிறுகனிமம் - திருப்பூர் மாவட்டம் - மடத்துக்குளம் வட்டம் - மைவாடி கிராமம் - புல எண். 531/2ஏ-ல் எவ்வித அரசு அனுமதியின்றி கள்ளத்தனமாக கனிமங்கள் எடுத்துச் செல்வதாகவும், அரசு நிலமான க.ச. 533 பூமியினை ஆக்கிரமிப்பு செய்துள்ளதாகவும் திரு. ஜெகநாதசாமி என்பவர் புகார் மனு அளித்தது - வட்டக் கண்காணிப்புக் குழு அறிக்கைக் கோருதல் - தொடர்பாக.

பார்வை: 1 அரசாணைஎண். 135, தொழில்துறை / MMA.1நாள். 13.11.2009 மற்றும் அரசாணைஎண். 27, தொழில்துறை / MMC.2நாள். 17.02.2015.
2. திரு. பி. ஜெகநாதசாமி, த/பெ. பழனிக் கவுண்டர், கிருஷ்ணாபுரம் அஞ்சல், மடத்துக்குளம் புகார் மனு பெறப்பட்ட நாள்: 15.11.2021 மற்றும் மின்னஞ்சல் புகார் மனு பெறப்பட்ட நாள்: 20.11.2021.

ஜெஜெஜெஜெஜெஜெ

திருப்பூர் மாவட்டம், மடத்துக்குளம் வட்டம், மைவாடி கிராமம், புல எண். 531/2ஏ-ல் எவ்வித அரசு அனுமதியின்றி கள்ளத்தனமாக கனிமங்கள் எடுத்துச் செல்வதாகவும், அரசு நிலமான க.ச. 533 பூமியினை ஆக்கிரமிப்பு செய்துள்ளதாகவும் திரு. ஜெகநாதசாமி என்பவர் பார்வை 2-ல் காணும் புகார் மனுவினை அளித்துள்ளார்.

மேற்படி புகார் மனுவின் நகல் இத்துடன் தக்க நடவடிக்கைக்காக இணைத்து அனுப்பப்படுகிறது. மேற்படி புகார் மனு தொடர்பாக, வட்ட அளவிலான கண்காணிப்புக் குழுவில் வைத்து தணிக்கை மற்றும் விசாரணை செய்து அதன் விபரத்தினை மனுதாரருக்கும் இவ்வலுவலகத்திற்கும் தெரிவிக்குமாறு கேட்டுக் கொள்ளப்படுகிறது.

இணைப்பு: மனுவின் நகல்

கி. ஜெகநாதசாமி
மாவட்ட ஆட்சியருக்காக,
திருப்பூர்.

நகல்:

திரு. பி. ஜெகநாதசாமி, த/பெ. பழனிக் கவுண்டர்,
கிருஷ்ணாபுரம் அஞ்சல், மடத்துக்குளம்.

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From,

The District Collector / District
Level Monitoring Committee Chairman,
Tirupur District, Tirupur

To,

The Tahsildar/ Chairman
Taluk Level Task Force Committee,
Madathukulam

Na.Ka.No. 1380/2021 / kanimam

Date : 11.2021

Sir,

Subject: Mines and Minerals – Minor Minerals- Tirupur District -
Madathukulam Circle - Maivadi Village – S.FNo. 531 / 2A stating that the
minerals were being smuggled without any government permission and that
the government land in S.F. 533 has been encroached and Mr. Jeganathasamy
filed a complaint -seeking a report - in connection with -Taluk Level Monitoring
Committee

Ref: 1. G.O.. 135, Industrial / MMA.1 day. 13.11.2009 and G O no. 27,
Industrial / MMC. Date: 17.02.2015.

2. Mr. B. Jeganathasamy, S/o.. Palanik Counter, Krishnapuram Post,
Madathukulam Complaint Date 16.11.2021 Received: 20.11.2021 by Email.

In Tirupur District, Madathukulam Circle, Maivadi Village, S.F. No. 531 / 2A
allegations are made stating that the minerals are being smuggled without
any government permission and that the government land S.F 533 has been
encroached in a complaint made by Mr. Jeganathasamy in the 2nd reference.

A copy of the above complaint is attached herewith for appropriate action. In
connection with the said complaint, it is requested to Taluk Level Monitoring
Committee for audit and investigation and inform the details to the petitioner
and this office.

sd

Item No.03:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 04 of 2022 (SZ)
(Through Video Conference)

IN THE MATTER OF:

Jaganathasamy,
Tiruppur District

...Applicant(s)

Versus

The Member Secretary,
TNPCB, Chennai and others

....Respondent(s)

Date of hearing: 02.02.2022

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Mr. D.R. Arun Kumar

For Respondent(s):

Mrs. Vivekha Pon represented

Mr. S. Sai Sathya Jith for R1 & R6

Mr. K. Aram Valarthan for R2, R4, R5 & R7
(Executive Engineer for TANGEDCO)

Dr. D. Shanmuganathan for R3

Mr. M. B. Elakkumran along with

Ms. Akila for R8

ORDER

1. The above case has been posted to today for appearance of parties, filing their independent response and also for consideration of report.
2. Mr. K. Aram Valarthan Executive Engineer for Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) represented respondents 2, 4,

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5 and 7 and they wanted some time to file their statements regarding the allegations made against them.

3. We have received a report submitted by the Tamil Nadu Pollution Control Board (TNPCB) signed by the officer on 27.01.2022, e-filed on 31.01.2022 which reads as follows:-

REPORT OF TAMILNADU POLLUTION CONTROL BOARD SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE), CHENNAI IN THE MATTER OF ORIGINAL APPLICATION No. 04 OF 2022 (SZ), FILED BY THIRU, JAGANATHASAMY Vs THE MEMBER SECRETARY, TAMILNADU POLLUTION CONTROL BOARD, CHENNAI & OTHERS AND OTHERS AS PER ORDER DATED 5TH JANUARY 2022.

In the matter of Original application No. 04 of 2022, Thiru. Jaganathasamy, S/o. Palanigounder has filed an application before the Hon'ble NGT(SZ), Chennai against the Member Secretary, TNPCB & Others.

The Hon'ble NGT(SZ), Chennai in its order dated 05.01.2022, among others, as directed as follows.

".....The 6th respondent/District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruppur South is directed to inspect the unit in question and submit a factual as well as action taken report, if there is any violation found.

Also, the 6th respondent is directed to ascertain as to

- i. Whether 8th respondent is having necessary consent/permission under the environmental laws for conducting the unit,
- ii. If there is any violation committed by the 8th respondent, then, what is the nature of action taken by them and also assess the environmental compensation if there is any violation found for violating the conditions as directed by the Principal Bench of National Green Tribunal, New Delhi and also this Tribunal in several matters of this nature.

In this connection the following is submitted.

The unit of M/s. ENRGEE BLUE METALS located at S.F. No. 531/2, Maivadi Village, Madathukulom Taluk, Tiruppur District has obtained Consent to Operate vide Board Proc. No. T13/F.1195/CBE/W&A/93 dated 02.07.1993 under Water Act and Air Act for the production of

Blue metals - 24 T/D,
Chips - 8 T/D,
Powder - 8 T/D

with renewal validity upto 31.03.2021 with two jaw crusher and 2 rotary sieve as machineries.

The unit of M/s. AKSHAIRAJ BLUE METALS has purchased the unit of ENRGEE BLUE

METALS and applied for Consent of the Board by furnishing an undertaking which is as follows

"I would like to inform that the existing unit of M/s. Enrgee Blue metals located at S.F. No. 531/2, Malvadi Village, Madathukulam Taluk, Tiruppur Distict was purchased by me. The existing unit was operated ground level. Since the machinery not operated more than a year. Hence, we are revamping the machineries along with all the APC measures.

We have proposed to shift the machineries in the existing quarry at same location below 15 feet ground level. I further assure that we will not exceeded the consented capacity production at any point of time.

Hence, we request your good selves kindly issue the Consent to Operate for our unit at the earliest."

and obtained Consent to Operate vide Board Proc. F.0762TPS/OS/DEE/TNPCB/TPS/W&A/2020 dated 02.09.2020 for the production of

- Blue metals - 24 T/D,
- Chips - 6 T/D,
- Powder - 8 T/D

with validity upto 31.03.2022 subject to the following conditions

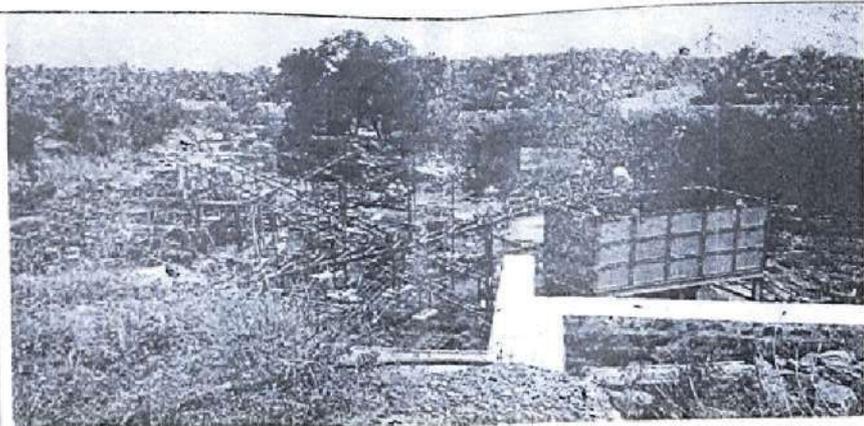
1. The unit shall operate and maintain all the Air Pollution Control measures attached to the Jaw Crushers, Rotary Screen and Conveyor Belts efficiently and continuously so as to satisfy the Ambient Air Quality standards prescribed by the Board.
2. The unit shall adhere to the Ambient Noise level standards prescribed by the Board.
3. The unit shall cover raw materials transfer points suitably to prevent dust release into atmosphere.
4. The unit shall operate and maintain all the water sprinkling system provided continuously and efficiently to control the Fugitive dust emission.
5. Periodical cleaning of water spray nozzils should be carried out to avoid chocking.
6. The unit shall ensure the drop height of the processed materials should be kept at minimum during loading and unloading.
7. The unit shall provide compound wall/wind arrester of 15 feet height all around the unit premises.
8. Telescope chutes are to be provided at the conveyor drop point to prevent

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- dust release into the atmosphere during free fall of material from height.
9. Opening in the enclosures such as shaft motor driver, conveyor belts, jaw crushers shall be covered with rubber flaps to prevent release of dust.
10. There should be bilane road system to approach the stone crushing unit.
11. The approach road should be properly laid with tar and concrete and should be sprayed with water. The approach road to the individual crusher should be made in good condition and watered.
12. Within the crusher, a minimum distance of 20 ft wide should be made for roads.
13. The industry shall ensure that fine dust accumulated in the crushing area is cleaned periodically and dumps are covered with tarpaulin to arrest erosion by wind.

As per the Hon'ble NGT(SZ), Chennai order dated 05.01.2022 mentioned in Point no. 9 & 10, the unit of M/s. Akshairaj Blue Metals located at S.F. No. 531/2, Maivadi Village, Madathukulam Taluk, Tiruppur District was inspected by the District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruppur South on 27.01.2022 and the observations noticed during inspection is as follows.

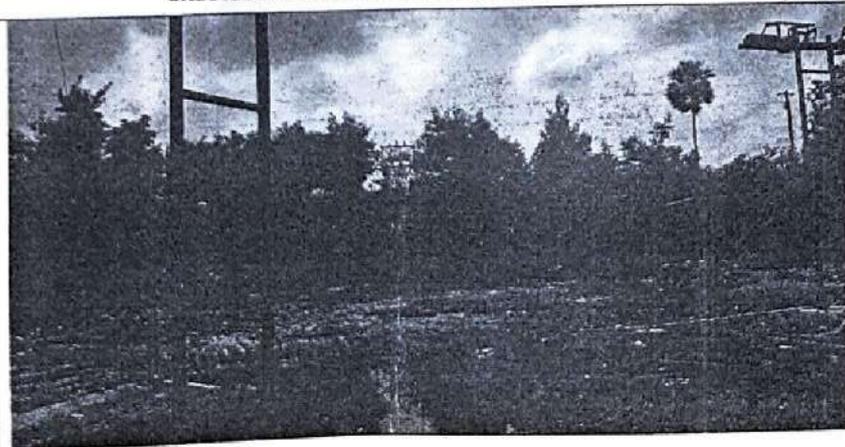
1. The unit was not in operation as the unit was carrying out the revamping works which is yet to be completed.
2. The Air Pollution Control measures are also yet to be installed.
3. The unit for its crusher operation has partially installed Jaw crushers - 2 Nos. & Rotary screens - 2 Nos, which are not in operable condition.
4. The unit has not installed any machine for M-sand unit.
5. No violations is committed since the unit is yet to commission after revamping the machines and it can be assessed only in operation of the unit and after conducting AAQ monitoring only.
6. The unit is located below the ground level approximately at about a depth of 27 feet from the ground level as already reported.
7. The unit has not started its production since the installization of machines are yet to be completed. The unit is located below ground level in the same S.F. No. 531/2, Maivadi Village, Madathukulam Taluk, Tiruppur District (at stone quarried earlier) and green belt is found over and above. Further the unit has completed and constructed 13 feet wall on the eastern side and partially completed 10 feet on the northern side.
8. The photographs taken during inspection is furnished below.



THE TOP VIEW PHOTOGRAPH TAKEN FROM WEST SIDE FROM GROUND LEVEL



ERECTION OF MACHINES BELOW THE GROUND LEVEL

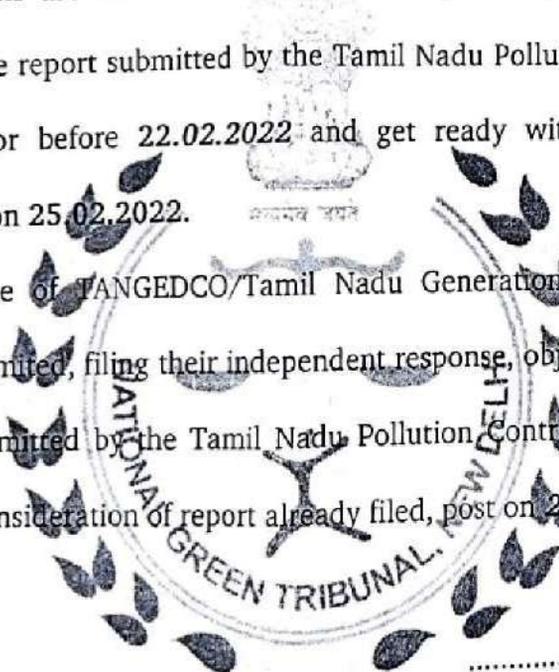


GREEN BELT ON SOUTHERN SIDE

D. S. Srinivasan
District Environmental Engineer
TNPC Board, Tiruppur South

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4. The counsel appearing for the applicant wanted some time to file their objection to the report submitted by the Tamil Nadu Pollution Control Board (TNPCB). The counsel appearing for 8th respondent also wanted some time to file their reply statements as well as objections (if any), to the report submitted by the Tamil Nadu Pollution Control Board.
5. The respondents are directed to complete the pleadings and to file their objection to the report submitted by the Tamil Nadu Pollution Control Board (TNPCB) on or before 22.02.2022 and get ready with the matter for consideration on 25.02.2022.
6. For appearance of TANGEDCO/Tamil Nadu Generation and Distribution Corporation Limited, filing their independent response, objections (if any), to the report submitted by the Tamil Nadu Pollution Control Board (TNPCB) and also for consideration of report already filed, post on 25.02.2022.



Sd/-

.....J.M.
(Justice K. Ramakrishnan)

Sd/-

.....E.M.
(Dr. Satyagopal Korlapati)

O. A. No.04/2022,(SZ)
02.02.2022,Sr.

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

ORIGINAL APPLICATION NO.04 of 2022 (SZ)

Jaganathasamy,
s/o.Palanigounder,
No.959, Narasingapuram,
Krishnapuram post,
Madathukulam Taluk,
Tiruppur District.

...Applicant

Versus

The Member Secretary,
Tamil Nadu Pollution Control Board,
Chennai and others.

...Respondents

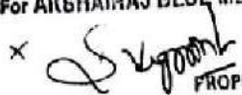
REPLY STATEMENT OF 8th RESPONDENT (M/s.Akshairaj Blue Metals)

I, S.Vignesh, son of Mr.Sivaraj, proprietor of M/s.Akshairaj Blue Metals, having office at S.F.No.531/2, Myvadi Village, Palani Main Road, Madathukulam Taluk do hereby solemnly affirm and sincerely state as follows:

1. I am the sole proprietor of the 8th Respondent and I am well conversant with facts of the present case and thus competent to file this reply statement.
2. The 8th Respondent submits that the Application filed by the Applicant herein is false, frivolous, vexatious and unsustainable both in law and on the facts of the case. The facts of the case is set out in brief hereunder:

FACTS OF THE CASE:

3. This Respondent submits that the 8th Respondent herein had purchased the Company namely "N.R.G Blue metals" covering an extent of 2.50 acres situated at S.F.No.531/2 along with all the equipment thereupon vide a sale deed dated 28.11.2019 registered as Document No.4394 of 2019 on the file of SRO, Kaniyur.

For AKSHAIRAJ BLUE METALS
x  PROPRIETOR

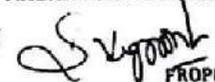
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4. After purchasing the property, the 8th Respondent herein intended to revamp the unit and start a new business. In order to carry out the operations, the 8th Respondent had applied to the Tamilnadu Pollution Control Board on 27.08.2020 vide Application No.34335453 for consent to operate. Accordingly, 6th Respondent herein had granted order of consent to operate dated 02.09.2020 under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 authorising the 8th Respondent to make discharge of sewage and/or trade effluents. This consent is valid for the period till 31.03.2022 and as per this consent, the 8th Respondent has been accorded permission to manufacture blue metal at 24 tons/per day, chips at 8 tons/day and Powder at 8 tons/day totaling to 40 tons/day. For sewage discharge, consent has been accorded for maximum daily discharge of effluents at 0.25 KLD. The xerox copy of this consent order dated 02.09.2020 is referred as Annexure – 5 in the typedset of the Applicant.

5. The 6th Respondent has also granted another consent to operate dated 02.09.2020 under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 authorising the 8th Respondent to operate the industrial plant in the Air Pollution Control Area and to make discharge of emission from stacks/chimneys with consent being accorded to operate facilities like Jaw Crusher (2 Nos.), Screens (2 Nos.), Conveyor Belt and Dust Collection Section. The tolerance level that has to be maintained by the 8th Respondent has also been mentioned in the said consent order. This consent order dated 02.09.2020 is also valid till 31.03.2022 xerox copy of this consent order dated 02.09.2020 is referred as Annexure – 5 in the typedset of the Applicant.

6. After procuring these orders from the 6th Respondent, the 8th Respondent herein proceeded to revamp the old unit in order to make it fit for the operation. This Respondent had still not begun the operation as it is still under renovation. While this being the case, the officials of Tamilnadu Pollution Control Board i.e, the 6th Respondent herein had conducted inspection on 27.01.2022 to ascertain if this Respondent had taken necessary consent/permission under environmental laws for conducting the unit and to see if there is any violation of the conditions stipulated in the consent orders dated 02.09.2020. After inspecting the same, the 6th Respondent had filed a report dated 31.01.2022 as directed by this Hon'ble Tribunal stating that the unit has not started the operation and the air pollution control measures are yet to be installed. This Respondent submits that the unit is still in the nascent stage and it is still not ready for operation.

For AKSHAIRAJ BLUE METALS

x  PROPRIETOR

7. In this scenario, the Applicant herein had approached this Hon'ble Tribunal burking all the above said facts and filed this Application unlawfully with an intent harass this Respondent.

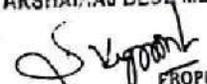
PARAGRAPH WISE DENIAL:

8. This Respondent denies the entire averments made in the Application, except those that are specifically admitted to be true and correct herein and the Applicant is put to strict proof of the rest.

9. The 8th Respondent submits that the contentions made by applicant in para – 1 are not known to this Respondent and the applicant is put to strict proof of the same.

10. The 8th Respondent herein submits that it is admitted that the 8th Respondent herein had purchased the Company namely "N.R.G Blue metals" situated at S.F.No.531/2. After the purchase, this Respondent is in the process of revamping the whole unit for operation of the same. Hence, it is false to state that a crusher unit is operating in the said property. This Respondent submits that the crusher unit has not been put in operation since the date of purchase of the said property and even before the purchase, the unit was not in operation. Further, it is utter falsehood to state that this Respondent had violated the terms and conditions of the Electricity Board and Tamil Nadu Pollution Control Board. This Respondent further submits that it has no nexus to the previous accident that had happened at the time when the predecessor in title was in possession and the applicant is put to strict proof of the allegations made by him.

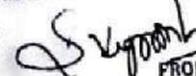
11. The 8th Respondent herein denies all the allegations made in para – 3 of the Application. The 8th Respondent states that the operation was closed by the management of the predecessor in title as they were not able to procure sufficient raw materials and it is pertinent here to mention that there was no official order or whatsoever from the Respondents 1 to 7 restraining them from continuing the operation. Although this Respondent had purchased the property from NRG Blue Metals, the operation has not been started yet as the property is still under the process of revamping. Therefore, it is absurd on the part of the Applicant to state that this Respondent had expanded that unit and had been crushing 2400 tons a day against the permitted level of 40 tons by the Tamil Nadu Pollution Control Board. It is further emphatically denied by this respondent that the electricity bill of the 8th Respondent touched Rs.1,00,000/- and above due to excess crushing. This respondent humbly states that the property was lying unused from April 2020 to September 2020 and the

For AKSHAI RAJ BLUE METALS
x  PROPRIETOR

bill from October 2020 till January 2022 only ranged between Rs.2547/- to Rs.11,777/- with Rs.11,777/- being the highest. The document showing electricity consumption details for the said periods is produced herewith as Doc.No.1. A bare perusal of the said document would reveal that there has been no operation and further makes it evident that the Applicant has only been making false allegation with a sole motive to harass this Respondent.

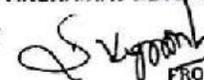
12. The 8th Respondent herein denies all the allegation made in para – 8 of the application and the Applicant is put to strict proof of the same. It is false and concocted that this Respondent is expanding the unit by installing more powerful and heavy machinery under HT lines. This Respondent states that the unit is erected 27 feet below the ground level and there is a 15 ft compound wall above the ground level. This Respondent further states that this unit has been erected well within the stipulated limit with necessary permissions and there is no illegality committed by the Respondent herein as alleged by the Applicant.
13. This Respondent states that all the allegations made in para – 5 are false and denied. As already mentioned above, when the unit is not put to operation by this Respondent, it is rather perplexing to allege that the environment is being put to severe damage by this respondent by causing abundant level of air, water and noise pollution and that the Management is not following the conditions.
14. This Respondent denies all the averments made in paras – 6 and 7 of the application and the Applicant is put to strict proof of the same. The 8th Respondent submits that they had obtained the consent orders dated 02.09.2020 bearing order Nos.2005134335453 and 2005234335453 from Tamilnadu Pollution Control Board under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and the said consent orders are valid till 31.03.2022. Moreover, this Respondent submit that has not violated any of the conditions that are stipulated in the consent orders granted by the authorities. While this being the case, it is not proper on the part of the Applicant to unnecessarily make false allegations against this Respondent.
15. The 8th Respondent denies the averment made in para – 8 of the Application. When this Respondent has not violated anything that has been stipulated under the permissions accorded to it, it is unfair and unjustifiable on the part of the Applicant to stop this Respondent from making developments in his property.

For AKSHAIRAJ BLUE METALS

x  PROPRIETOR

16. The 8th Respondent submits that the allegations made in para – 9 of the Application is untrue and concocted. It is false to state that the TANGEDCO had given additional loads as and when required by the 8th Respondent unit without any sanction from the pollution control board for the expansion of the unit and that a direction was issued to not carry out the business activity. The Applicant is put to strict proof of such far out allegation. This Respondent humbly submits that the rest of the allegations are merely repetitive and the same has been suitably answered in the foregoing paragraphs of this reply statement.
17. The 8th Respondent denies the averments made in para – 10 of the Application. This Respondent states that the originally, the permission to erect the unit was obtained on 19.04.1993 by the predecessor in title which was renewed periodically. The consent orders dated 19.04.1993 are produced herewith as Doc.No.2. The notification which was passed in the year 2019 is only applicable to the units that were proposed to be established after the year 2019 and the same is not applicable to already existing units. While this being the case, it is false to state that this Respondent had violated the rules of pollution control board. It is also pertinent here to mention that, in the Proceedings of the 1st Respondent herein dated 31.07.2019 bearing B.P.No.21 (which is referred as Annexure No.1 in the Applicant's typedset of papers), it has been clearly stated that only new/proposed stone crusher should be located within 500 meters from the Highways. The relevant clause is extracted hereunder:
- "6. No new / proposed stone crushers should be located within 500 metre from any National Highways or State Highways or inhabited site or educational institutions / and other public offices and places of religious importance."*
- Thus, it is evident that the said clause is applicable only to the new or proposed stone crushers and not the existing crushers.
18. The 8th Respondent denies the allegations made in para – 11 of the Application and the Applicant is put to strict proof of the same. It is necessary to point out that the compound wall measures about 20 ft which is well within the prescribed measurement.
19. This Respondent denies the allegation made in para – 12 of the Application and the Applicant is put to strict proof of the same. This Respondent has not installed any M-Sand unit as alleged by the Applicant. However, it has been falsely alleged that this Respondent is running the M-Sand unit in full swing which is nothing but utter lie.

For AKSHAIRAJ BLUE METALS

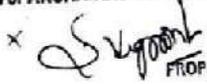
x  PROPRIETOR

20. This Respondent denies all the grounds that are stated in the Application as false and concocted. All the allegations mentioned in the grounds are merely repetitive and they have been answered accordingly in the aforementioned paragraphs.

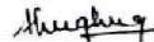
21. It is further submitted that the report filed by the Tamilnadu Pollution Control Board (TNPCCB) dated 31.01.2022 after conducting inspection as per the instructions of this Hon'ble Tribunal makes it evident that this Respondent has not committed any violation as alleged by the Applicant. This Respondent humbly submits that, being a responsible, law-abiding citizen, he would take all the steps with due care and diligence to protect the environment and will not do anything to violate the conditions stipulated by the Respondents 1 to 7.

22. This Respondent reserves its right to file any additional reply, if necessary.

Thus, for all the reasons stated above, the present Original Application is filed without any proper evidence, based on incorrect information and with malafide intentions by intentionally hiding and distorting the facts. Therefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to dismiss this Original Application with costs.

For AKSHAIRAJ BLUE METALS
x 
PROPRIETOR

DATED AT CHENNAI ON THIS THE 17th DAY OF FEBRUARY, 2022



COUNSEL FOR THE 8th RESPONDENT

50

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

O.A. NO. 4 OF 2022 (SZ).

Jaganathasamy,
S/o.Palanigounder,
No.959, Narasingapuram,
Krishnapuram post,
Madathukulam Taluk,
Tiruppur District

-Petitioner

Versus

The Member Secretary,
The Tamil Nadu Pollution Control Board
And others

-Respondents

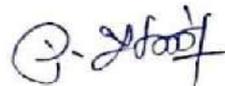
**REJOINDER OF THE APPLICANT FOR THE REPLY FILED BY
8TH RESPONDENT**

Jaganathasamy, S/o.Palanigounder, residing at No 959, Narasingapuram, Krishnapuram post, Madathukulam Taluk, Tiruppur District do hereby solemnly affirm and sincerely state as follows: -

1. I submit that I am the applicant herein and had read the reply filed by the 8th respondent. As such, I am well acquainted with the facts and circumstances of the case.

2. I submit that at the outset I deny the entire averments made in the reply filed by the 8th respondent expect that those are admitted specifically hereunder. I submit that the 8th respondent has made nothing more than a casual denial of all the specific allegations made in the application along with the proper documentary evidence.

3. I submit that consent order was issued by the 6th respondent as early as in the year 1982, permitting the predecessor of the 8th respondent for production of 24 tons of blue metal, 8 tons of chips and 8 tons of power totaling 40 tons per day. As the RTI reply of the TANGEDCO, in the year 1982 the unit had obtained only 25 HP service connection for running 1 Jaw crusher, 1 rotary screen through which the unit manufactured 40 tons per day.

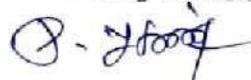


4. I submit that as per the circular of the 1st respondent dated 02.07.2004 vide B.P.Ms. No. 4, expansion or establishment of the new units cannot be done within 1 KM radius from the National Highways and later that was reduced to 500 mts. Admittedly the subject matter unit is within 300 mts from the National Highways. But an additional load of 61 KW was effected by the TANGECO to the 8th respondent for running additional Jaw crusher, rotary screen based on the consent order given by the 6th respondent in the year 2005 against the above said circular. If the TANGECO furnishes the consent order of the TNPCB and date of effecting additional load, both departments will be left defenseless before this Tribunal. Hence deliberately, TANGECO while giving its RTI reply dated 16.11.2021, has stated that consent order and other particulars pertaining to the additional load of 61 KW were missing.

5. I submit that while the permitted level for manufacturing its products has not been increased from 40 tons since 1982, the respondents 5, 6 and 8 is obligated to justify the purpose for which the additional loads for obtained in addition to the existing 25 HP service connection for manufacturing very same 40 tons per day. The loads were obtained as follows:-

S.No.	Year	Additional load obtained	Permitted level per day
1.	1982	25 HP (initial load)	40 tons
2.	1988	5 HP & 300 W	40 tons
3.	2005	61 KW	40 tons
4.	2021	51 KW	40 tons

6. I submit that from the above tabulation it is evident that for manufacturing 40 tons of blue metals, chips and powder, 25 HP of the service connection is sufficient and additional loads are obtained only in order to manufacture the products extensively than the permitted level. The 6th respondent in his RTI reply dated 30.07.2021 has conveniently stated that TNPCB has no mechanism to measure the quantity of products manufacturing per day. I further submit that 8th respondent conveniently rescued himself from addressing the said issue in his reply.



7. I submit that Sale deed of the 8th respondent dated 28.11.2019 has a clear mention with respect to the M. Sand machineries and the machines were very well available inside the premises till 26.01.2022 but the said machines were dismantled by the 8th respondent over the night knowing that 6th respondent was causing an inspection on 27.01.2022 and the 6th respondent is also well aware of the same. While the facts remains so, the 8th respondent has made a casual denial of fixture of M.Sand machineries which was admittedly found in the Schedule of properties in his own sale deed stated above.

8. I submit that admittedly the chousing unit is in operation since 1982 and as per the conditions no. 7, 10 and 11 of the 6th respondent's report, there should be a 15 feet compound wall all around the unit and bi lane roads laid with thar or concrete sprinkled with water should be maintained. But even as per his observations, no compound wall was constructed on the western and southern sides and 13 feet and 10 feet walls found on eastern and northern sides of the unit respectively. From the photographs enclosed at page 142 of the main typed set, the approach road is a single lane mud road and 400 trees per hectare was not at all planted since 1982. All these violations are being committed for past 40 years and the 8th respondent is now expanding the said violations to the next level in the name of revamping. I submit that the reply of the 8th respondent with regard to the existence of 15 feet wall is in complete contradiction to the report of the 6th respondent.

9. I submit that above all, while the TANGEDCO vide letter dated 27.07.2021 has specifically restrained the 8th respondent not to put up any construction in S.F.No. 531/2A as the HT lines are passing above the said land, the 6th respondent has conveniently issued the consent order brushing aside the direction of the TANGEDCO, preferred not to address on the said issue and reported as "no violations". I submit that the 8th respondent's reply statement is completely silent on this aspect. As stated in my application, due to operation of the said unit under the HT line against the norms of the TANGEDCO caused a major fire accident. Now the 8th respondent is committing the very same mistake as that of his predecessor, who is well aware of the consequences of the such illegal activity under HT line only for the purpose monetary gain by putting my environment under risk. Hence 8th respondent cannot evade stating that he is not responsible for the earlier fire accident.

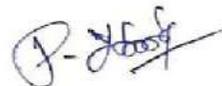
10. I submit that as the evident issues like M. Sand machines, construction of

R. Hand

• compound wall, construction under the HT line, planting of 400 trees per Hectre, laying of Bi-lane roads, getting additional loads without obtaining consent for manufacturing additional tons etc were not properly addressed. I crave leave of this Hon'ble tribunal to treat those issued as deemed to have accepted by the 8th respondent and allow the case.

For the reasons stated above, it is therefore prayed that this Hon'ble Tribunal may be pleased to allow the O.A. No. 4 of 2022 and thus render justice.

Solemnly affirmed at Udumalpet, on this 21st day of March 2022 and the deponent put his signature in my presence:-



BEFORE ME,

C. Chidambaram
Advocate- Udumalpet

Enno 220/87

C. CHIDAMBARASAMY B.A., B.L.,
ADVOCATE
16/B-3, Katchery Street, Udumalpet - 642 126.
PH : 224010 (O) Cell : 94430 24040

அனுப்புநர்

P.ஜெகநாதசாமி,(செல் 8270335865)

த.பெ. பழனிக்கவுண்டர்,
959, நரசிங்காபுரம்,
கிருஷ்ணாபுரம் அஞ்சல்,
மடத்துக்குளம் தாலூக்கா,
திருப்பூர் மாவட்டம் 642111.

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பெறுநர்

உயர்திரு ஆட்சித்தலைவர்,
திருப்பூர் மாவட்டம்.

மதிப்பிற்குரிய ஐயா,

பொருள் : மடத்துக்குளம் தாலூக்கா, மைவாடி I கிராமம் க.ச. 531/2A பூமியில் செயல்படும் அக்ஷயராஜ் புளுமெட்டல்மீது நடவடிக்கை எடுக்க வேண்டுகதல்.

மடத்துக்குளம் தாலூக்கா, மைவாடி II கிராமம். க.ச. 531/2B பூமியில் விவசாயம் செய்து குடும்பத்துடன் குடியிருந்து வருகிறேன்.

எனது பக்கத்து பூமியாளர் க.ச. 531/2A பூமியில் N.R.G. புளு மெட்டல் தற்பொழுது பெயர் மாற்றப்பட்டு அக்ஷயராஜ் புளுமெட்டல் செயல்படுகிறது.

தமிழ்நாடு மாசு கட்டுப்பாடு சட்ட விதிகளுக்கு புறம்பாக செயல்படும் அக்ஷயராஜ் புளுமெட்டல் நிறுவனத்தை தடை செய்ய வேண்டி தென்மண்டல பசுமை தீர்ப்பாயத்தில் (N.G.T) நான் வழக்கு தொடர்ந்து வழக்கு எண். 4/2022 வழக்கு விசாரணை நடைபெற்று வருகிறது.

இந்நிலையில் மாவட்ட மாசுகட்டுப்பாடு வாரியத்தின் இலாசனையும் இல்லாமல் தினமும் தமிழ்நாடு மாசுகட்டுப்பாடு விதிமுறைகளுக்கு புறம்பாக கிரஷரை இயக்கி வருகிறார்கள்.

இதனால் எனது விவசாய நிலமும், தென்னை மரங்களும், குடியிருப்பு வீடும், கோழிப்பண்ணையும் ஒலி மாசு, காற்று மாசால் கடுமையாக பாதிக்கப்படுகிறது.

எனவே N.G.T. வழக்கு எண். 4/2022 இறுதித்தீர்ப்பு வரும்வரை மின்சார வாரியம் மூலம் மின் இணைப்பை துண்டிக்க ஆணையிட்டு சட்ட விரோத செயலலை தடுத்து நிறுத்த வேண்டுகிறேன்.

நுகர்வோர்:

- ① திரு. ஜெகநாதசாமி - தலைவர் - அக்ஷயராஜ்
- ② திரு. திருச்சி சிவசாமி - திருச்சிக்குடி
உமரதீயசாமி - அக்ஷயராஜ்
இகல்பூர்

இப்படிக்கு,

(A. J. Sany)

(P. Jagannathan Sany)

அனுப்புநர்

P.ஜெகநாதசாமி,(செல் 8270335865)

த.பெ. பழனிக்கவுண்டர்,

959, நரசிங்காபுரம்,

கிருஷ்ணாபுரம் அஞ்சல்,

மடத்துக்குளம் தாலூக்கா,

திருப்பூர் மாவட்டம் 642111.

பெறுநர்

திரு . மாவட்ட சுற்றுச்சூழல் பொறியாளர் அவர்கள்,

தமிழ்நாடு மாககட்டுப்பாடு வாரியம்,

திருப்பூர் (தெற்கு), 12A, பொள்ளாச்சி புறவழிச்சாலை,

பல்லடம், திருப்பூர் மாவட்டம்.

செலுதல் கமிஷன்க்கு மாவட்டத்

மதிப்பிற்குரிய ஐயா,

பொருள் : மடத்துக்குளம் தாலூக்கா, மைவாடி I கிராமம் க.ச.
531/2A பூமியில் செயல்படும் அக்ஷயராஜ்
புளுமெட்டல்மீது நடவடிக்கை எடுக்க வேண்டுதல்.

மடத்துக்குளம் தாலூக்கா, மைவாடி II கிராமம். க.ச. 531/2B பூமியில்
விவசாயம் செய்து குடும்பத்துடன் குடியிருந்து வருகிறேன்.

எனது பக்கத்து பூமியான க.ச. 531/2A பூமியில் N.R.G. புளு மெட்டல்
தற்பொழுது பெயர் மாற்றப்பட்டு அக்ஷயராஜ் புளுமெட்டல் செயல்படுகிறது.

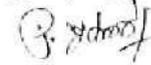
தமிழ்நாடு மாக கட்டுப்பாடு சட்ட விதிகளுக்கு புறம்பாக செயல்படும்
அக்ஷயராஜ் புளுமெட்டல் நிறுவனத்தை தடை செய்ய வேண்டி தென்மண்டல பசுமை
தீர்ப்பாயத்தில் (N.G.T) நான் வழக்கு தொடர்ந்து வழக்கு எண். 4/2022 வழக்கு
விசாரணை நடைபெற்று வருகிறது.

இந்நிலையில் மாவட்ட மாககட்டுப்பாடு வாரியத்தின் இசைவாணையும்
இல்லாமல் தினமும் தமிழ்நாடு மாககட்டுப்பாடு விதிமுறைகளுக்கு புறம்பாக
கிரஷரை இயக்கி வருகிறார்கள்.

இதனால் எனது விவசாய நிலமும், தென்னை மரங்களும், குடியிருப்பு வீடும்,
கோழிப்பண்ணையும் ஒலி மாக, காற்று மாசால் கடுமையாக பாதிக்கப்படுகிறது.

எனவே N.G.T. வழக்கு எண். 4/2022 இறுதித்தீர்ப்பு வரும்வரை மின்சார
வாரியம் மூலம் மின் இணைப்பை துண்டிக்க ஆணையிட்டு சட்ட விரோத
செயலலை தடுத்து நிறுத்த வேண்டுகிறேன்.

இப்படிக்கு,



(P.ஜெகநாதசாமி)

இணைப்பு- அக்ஷயராஜ் புளுமெட்டல்- மாககட்டுப்பாடு வாரியத்தின் வீதியீறல்கள்

நகல் - திரு. மாவட்ட சுற்றுச்சூழல் பொறியாளர் அவர்கள் க்கு நினை

N.G.T.4/2022**P.Jeganathasamy**

திருப்பூர் மாவட்டம், மதுகாக்குளம் வட்டம், மைவாடி கிராமம்,
க.ச.531/2A.நெ. அமைந்துள்ள அக்ஷராஜ் புளூமெட்டல் விதிமீறல்கள்

No.1. B.PMS No.48 Dated : 09-09-1998

Boad's Resolution No.166-3-2, Date 19.08.1999. NEER1 -
Recommendations.

No.2. For a single crusher an area at 50m radius should be left
around the crusher with 10m green belt at the Periphery.

NILL

There should be balance road system to approach the StoneCrushing Unit-

No.8. The approach road should be properly laid with tar or
concrete and should be sprayed with water similarly the approach roads
of Individual crushers should be made in good condition and watered.

NILL.

No.17. For the crusher which are hear the S.H, N.H. it is recommended
that a 15 to 20 feet wall, The wall should be provided on all the three
sides (Parable to N.H/S.H and both the sides)

தெற்கு - மேற்கில் இல்லை

கிழக்கு - வடக்கு 10 அடி உயரம் மட்டும் கட்டப்பட்டுள்ளது.

காற்று அதிகமாக வீசும் காற்றாலைகள் உள்ள ஏரியா, காற்று தடுப்பு சுவரால்
மட்டுமே காற்றின் திசையிலுள்ள தென்னை மரங்களையும், குடியிருப்பு வீடுகளையும்
கோழிப்பண்ணையில் உள்ள கோழிகளையும், கால்நடைகளையும் காற்று
மாகுகளில் இருந்து காப்பாற்ற முடியும்.

B.P.No.21 Dated: 31.07.2019

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-2-

**Page No.10 TNPCB's circular memo No.T16/TNPCB/13086/2008/
orange, dated: 22.4.2008.**

All the Units shall Provide Compound wall/wind net arrester of 20feet height all around the Unit premises.

B.P.Ms.No.4, Dated : 02-07-2004

Single Crusher 10m Green left area at the Periphery.

NILL

Enclosures to be constructed G.I sheets (1.66mm and 1.25mm thick) and supported as angle structures so that it can withstand strong wind.

Roof to be given a gradual slope/ curvature so as to prevent accumulation as water.

NILL

Telescopic chutes are to be provided at product unloading conveyor to prevent dust release into the atmosphere during free fall off material from height. These chutes can be adjusted in length according to size of the heap.

NILL

2 ரோட்டரி ஸ்கரீன்க்கு அனுமதி பெற்று அனுமதியே இல்லாமல் 3 வைப் ரோட்டரி மெஷின் பொருத்தப்பட்டுள்ளது.

புதிதாக இரும்பாலான 3 டேங் தற்பொழுது பொருத்தப்பட்டுள்ளது. இரும்பு டேங்கில் லாரி கற்களை கொட்டும்பொழுது தலையில் இடி விழுவது போல சத்தம் (ஒலி மாசு) ஏற்படுகிறது.

The stone crusher unit has not provided dust containment and dust suppression systems (as suggested by NPC) to meet ambient quality standards at all times.

Material transfer point such as hopper bottom/product unloading conveyor to be covered suitably to prevent dust release into the atmosphere.

NILL

தமிழ்நாடு மின்சாரவாரிய விதியின்படி உயர்மின் வழித்தடத்தின் கீழ் எவ்வித கட்டுமானமும் கட்டக்கூடாது. விதி மீறப்பட்டுள்ளது. மின்விபத்து ஏற்பட்டு பொருட் சேதம், உயிர்சேதம் ஏற்பட வாய்ப்புள்ளது.

உயர்மின்வழித்தடத்தின் கீழ் உயரமான மரங்கள் வளர்க்கக்கூடாது.

எனவே 20 அடி காற்று தடுப்பு சுவர் மற்றும் கிரீன்பெல்ட் ஏற்படுத்த மின்வாரிய சட்டப்படி அனுமதியில்லை.

B.P.No.142, Dated: 10.10.1986.

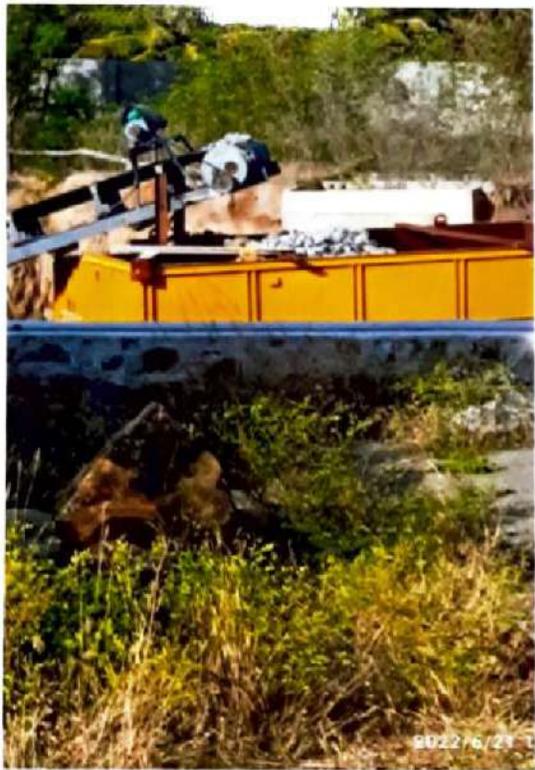
No Stone crushers should be located within two kilometer from any National and State Highways.

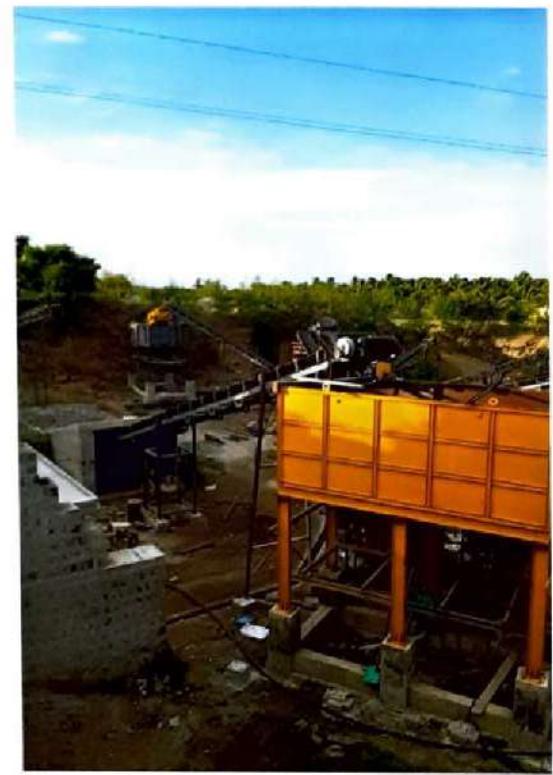
B.P.No.609, Dated: 09.12.1992.

No Stone crushers should be located within 500 M from any NH or SH or Primary residential area or mixed residential area or places of public and religious importance.

300m தூரத்தில் N.H - S.H. அங்கீகரிக்கப்பட்ட மனைப்பிரிவு மைவாடி கிராமம் கச.598/1, 598/2, LBR (C.N) No.446/1981 உள்ளது.

எனவே ஆரம்பகாலத்தில் இருந்தும், தற்பொழுதும் சட்ட விதிகளை மீறி செயல்படும் N.R.G. புளுமெட்டல் தற்பொழுது அக்ஷயராஜ் புளுமெட்டல் நிறுவனத்தை தடை செய்து எனது அடிப்படை ஜீவாதார உரிமையை காக்க வேண்டும். இந்த கிரஷரை சுற்றிலும் 10 கிரஷர்கள் 1 கி.மீ.க்குள் உள்ளது. ஆரம்பத்தில் இருந்து தற்பொழுது வரை கிரஷர் to கிரஷர் 1 கி.மீ. இருந்தால் **Expansion (விரிவாக்கம்)** செய்ய அனுமதியில்லை என்ற மாசுகட்டுப்பாடு விதியுள்ளது. சட்டத்திற்கு புறம்பாக 1993-ல் விரிவாக்கம் செய்யப்பட்டுள்ளது. மீண்டும் தற்பொழுது அனுமதியில்லாமல் அதிக திறன் மெஷின் வைப்ரேட்டர் 3 No. பொருத்தியுள்ளனர்.







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D.R. ARUN KUMAR
ADVOCATE

R.P.A.D.

24/06/2022

To

1. The Member Secretary,
The Tamil Nadu Pollution Control Board,
No. 76, Mount Road, Chennai.600032
Phone: 044- 22353145 E-mail: tnpcb-chn@gov.in

2. The Chairman,
TANGEDCO,
6 th floor, TANTRANSCO Building, 144, Anna Salai,
Chennai - 600 002
Phone : 044-28521915 E. mail : chairman@tnebnnet.org

3. The District Collector,
Tiruppur District,
Tiruppur.
Phone : 0421-2971100 E-mail : collrtup@nic.in

4. The Chief Engineer,
TANGEDCO,
Coimbatore.
Phone: 9445851751, E-mail : cedcbe@tnebnnet.org

5. The Superintending Engineer,
TANGEDCO,
Udumalpet.
Phone : 9445851451 E-Mail : seudt@tnebnnet.org

6. The District Environmental Engineer,
The Tamil Nadu Pollution Control Board,
Tiruppur South.
Phone: 04255-252225 Email ID : deetnpcbtpr.s@gmail.com

7. The Assistant Engineer,
TANGEDCO
230, KVA Sub Station,
Udumalpet.
Phone : 9445851451 E-Mail : aeudt@tnebnnet.org

No.336/166, 2nd Floor, Shaw Wallace Building, Thambu Chetty Street, Chennai-600001 E-mail: arunlegalsolutions@gmail.com

D.R. ARUN KUMAR
ADVOCATE

8. The Proprietor,
M/s Akshairaj Blue Metals,
No.531/2, Myvadi Village,
Madathukulam Taluk,
Tirupur District.

Sir,

Ref: O.A. No. 4 of 2022:- NGT SZ

Jaganathasamy Vs The Member Secretary & others

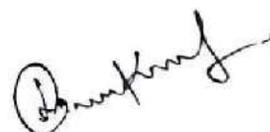
Our client, Jaganathasamy, S/o.Palanigounder, residing at No.959, Narasingapuram, Krishnapuram post, Madathukulam Taluk, Tiruppur District, has instructed us to issue a legal notice to you , as follows:-

1. Our client states that as per the proceedings of the TNPCB vide B.P. MS. No. 609 dated 09.12.1992, no stone crushers should be located within two kilometers from National and State Highways. But the original consent order of the 6th respondent which was issued in the year 1993 itself was in utter violation of above said proceedings.
2. Our clients states that on various grounds, he has filed the above referred case before the Honble NGT and the same is pending adjudication. Our client states that the consent order which was expired on March 2022 is yet to be renewed by No.8 of you. But the 8th of you is running the unit in a full swing even now. My client has made several representations to the official parties herein on 20.06.2022 that the 8th respondent is running the unit by using additional equipment than the permitted level along with the photographs dated 13.06.2022. To my client's shock and

D.R. ARUN KUMAR
ADVOCATE

dismay, the official parties herein have not even taken steps to stall the same for the reasons best known to them despite being aware that the matter is sub judice before the Honble NGT and the case is posted for hearing on 27.07.2022.

Hereby the competent authorities herein are called upon to restrain the illegal operation of the unit of No. 8 of you, immediately after the receipt of this notice failing which our client will be forced to file an advance hearing petitioner in O.A.No. 4 of 2022 in order to throw light on the illegal operation of the said unit even when the case is under the preview of the Honble Tribunal and stall the same, making all of you liable for all the costs and consequences thereof. Pls be notified as above



Encl:

1. The representation of the petitioner dated 20.06.2022
2. Photographs showing illegal operation with dates

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RT328608307IN IVR:8284328608307
 RL CHENNAI G.P.O. (600001)
 Counter No:1.27/06/2022.20:02
 To:THE MEMBER SE. T N POLLUTION CO
 PIN:600032, Guindy Industrial Estate S.O
 From:D.R. ARUN K.366 T C ST
 Wt:45gms
 Amt:38.00(Cash)
 (Track on www.indiapost.gov.in)



RT328608355IN IVR:8284328608355
 RL CHENNAI G.P.O. (600001)
 Counter No:1.27/06/2022.20:02
 To:THE CHAIRMAN, TANGEDCO
 PIN:600002, Anna Road H.O
 From:D.R. ARUN K.366 T C ST
 Wt:45gms
 Amt:38.00(Cash)



RT328608369IN IVR:8284328608369
 RL CHENNAI G.P.O. (600001)
 Counter No:1.27/06/2022.20:02
 To:THE CHIEF ENGINEER, TANGEDCO
 PIN:641001, Coimbatore H.O
 From:D.R. ARUN K.366 T C ST
 Wt:45gms
 Amt:38.00(Cash)



RT328608338IN IVR:8284328608338
 RL CHENNAI G.P.O. (600001)
 Counter No:1.27/06/2022.20:02
 To:THE PROPRIETOR,
 PIN:622502, Keeranur S.O
 From:D.R. ARUN K.366 T C ST
 Wt:45gms
 Amt:38.00(Cash)



RT328608324IN IVR:8284328608324
 RL CHENNAI G.P.O. (600001)
 Counter No:1.27/06/2022.20:02
 To:THE DIST ENVI. THE T N POLLUTIO
 PIN:622502, Keeranur S.O
 From:D.R. ARUN K.366 T C ST
 Wt:45gms
 Amt:38.00(Cash)



(Dial 18002666868) (Wear Masks, Stay Safe)

RT328608315IN IVR:8284328608315
 RL CHENNAI G.P.O. (600001)
 Counter No:1.27/06/2022.20:02
 To:THE DIST COLLECTOR,
 PIN:622502, Keeranur S.O
 From:D.R. ARUN K.366 T C ST
 Wt:45gms
 Amt:35.00(Cash)



RT328608341IN IVR:8284328608341
 RL CHENNAI G.P.O. (600001)
 Counter No:1.27/06/2022.20:02
 To:THE SUPP. INTE. TANGEDCO
 PIN:642126, Udamalpet H.O
 From:D.R. ARUN K.366 T C ST
 Wt:45gms
 Amt:38.00(Cash)



RT328608372IN IVR:8284328608372
 RL CHENNAI G.P.O. (600001)
 Counter No:1.27/06/2022.20:02
 To:THE ASST ENGINEER, TANGEDCO
 PIN:642126, Udamalpet H.O
 From:D.R. ARUN K.366 T C ST
 Wt:45gms
 Amt:38.00(Cash)



**DISTRICT :: CHENNAI
NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH
O.A.NO. 4 OF 2022(SZ)**

TYPEDSET

**M/S D.R.ARUN KUMAR
(E.No.1933/2014)**

**Counsel for PETITIONER
9942359090**