

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI**

ORIGINAL APPLICATION No. 119 of 2021(SZ)

BETWEEN:

Suo Moto based on the News Item published in Dinamalar Tamil Newspaper Chennai Edition dt.14.04.2021 under the caption "All over the village is dust land. It deforms the village along with lives"

VS.

The Chief Secretary to Government of Tamil Nadu,
Govt. Secretariat, Fort St.George,
Chennai 600 009
Ph:044- 25671555
Email:cs@tn.gov.in
& 16 Ors

...Respondents

REPLY AFFIDAVIT OF RESPONDENT NOS.14 to 16

I, T.M.S Rajendran S/o Subiahgounder aged about 72 years residing at 14/15 North Street, Chinnathadagam, Coimbatore – 641108, Respondent No.14 in the above application solemnly affirm and sincerely state as follows:

1. I am the 14th respondent herein and am competent to affirm this affidavit on behalf of Respondent Nos.15 and 16.
2. I state that Respondent Nos.14 to 16 were impleaded by Order dated 02.02.2022 passed by this Hon'ble Tribunal in I.A. No.22 of 2022. I state that I had filed Writ Petition No.28475 of 2019 in the Hon'ble High Court of Madras praying for *inter alia* closure of all the illegal brick kilns in Thadagam Valley, direction to TANGEDCO to disconnect power supply to the illegal brick kilns and to constitute a committee of experts in the fields of geology and mining, water resources, health, ecology and environment and agriculture to assess the damages done to ecology and general public in Thadagam Valley.

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Santhala Devi,

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(i) Impact on the Ground Water if any due to the mining activities & details of the river courses such as stream, odai, etc and their impact in flow disturbance, if any due to mining activities in the subject areas has been requested from the Chief engineer, Chennai with copy marked to the PWD, Ground Water Division, Coimbatore regarding the data on the ground water depletion, water quality effect etc., vide District Collector Rc.No.825/Mines/2021 dated 10.11.2021. In this regard, the Assistant Executive Engineer, WRO, Coimbatore has furnished a reply vide his letter in Rc.No.1(a)/Misc/AEC/2021/Kovai dated 04.01.2022.

(ii) Impact on the agriculture activities, if any due to mining activities in the subject areas such as crops cultivated, crop wise yield loss due to mining (year wise) with survey number & name of the land owner, affected area & Government notified compensation amount crop wise has been requested from the Revenue Authorities vide District Collector Rc.No.825/Mines/2021 dated 10.11.2021 and the same is received.

(iii) Survey to carryout the mining activities in entire subject areas such as river courses, stream, Odai, drain etc, leased land, patta land, poramboku land etc., to assess the quantum of mining carried out legally & illegally and notified/prescribed penalty for illegal mining has been requested from Revenue Divisional Officer, Coimbatore North Taluk vide District Collector Rc.No.650/Mines/2021 dated 13.09.2021. The above said survey work has been completed in around 600 survey fields in Chinnathadagam, Veerapandi, Nanjundapuram, Somayampalayam and Pannimadai Villages. Currently, the voluminous and time consuming post-survey works such as compilation of the data, verification of the results, generation of maps, etc., are in process. The detailed conclusive report would be furnished before the Hon'ble National Green Tribunal (SZ), Chennai after the compilation of the above said post survey works. For this, it is humbly prayed that the Hon'ble National Green Tribunal (SZ) grant 3 months time period for the submission of final report and render justice.

6. It is evident that the committee has restricted its scope to:

(1) assessing the impact of illegal mining activities in the subject area on :

- a) ground water
- b) the river courses such as stream, odai etc., and their flow disturbance and
- c) agricultural activities such as crops cultivated, crop wise loss due to mining (yearwise) with survey number & name of the land owner and the affected area and the Government notified compensation amount crop wise

(2) Surveying the subject area on mining activities in river courses, stream, odai, drain etc., leased land, patta land, poramboku land to assess the quantum of mining carried out legally and illegally and notified/prescribed penalty for illegal

mining which has been requested from Revenue Divisional Officer, Coimbatore North Taluk by the District Collector (Rc.No.650/Mines/2021 dated 13.09.2021).

7. I state that the scope of the committee prayed for in the Hon'ble High Court was much wider as it included the ascertainment of damages caused by the illegal brick kilns and mines on the ecology and general public including on the health of the resident human population, on the entire flora and fauna of the subject area and not just the agriculture activity in the subject area,. I state that a study of this ambit can only be carried out by a panel of technical experts from the fields of Geology & Mining, Water resources, Health, Ecology and Environment and Agriculture.
8. I further state that the Hon'ble High Court had granted my prayer to constitute a committee comprising experts from the fields of Geology & Mining, Water resources, Health, Ecology and Environment and Agriculture to assess the damages done to ecology and general public. By Order dated 10.02.2021 in W.P.Nos.27356 and 28475 of 2019 passed by the Hon'ble High Court, the Court also expressed its concern with respect to the impact of illegal mining and kilns on the elephant migratory path in the valley and recorded that the Mines Department had requested for a coordinated strategy to be worked out by the State Government after consultation with all the departments so that elephant corridors could be left untouched or those encroached corridors maybe restored. District Collector, Coimbatore is also of the same viewpoint. 21.02.2013). District Forest Officer, Coimbatore seconds this viewpoint; in addition to this, the District Forest Department recommends to the District Collector to curb the mining vehicles plying in the seasonal stream beds and secure them as elephant migratory path to

brick kiln units were located in HACA villages, not having approved layout plan and not meeting the siting criteria in the High Court order dated 23.10.2009.

- xi. The District Environmental Engineer (DEE) has addressed to the Assistant Director, Geology and Mining to furnish the list of brick earth mining units in Thadagam Valley with details of mining area, depth of mining and EC validity etc., to be furnished as to consider the issue of consent of the TNPCB and also requested that the quantity of brick earths excavated in the patta land and poramboke land by the brick kiln units every year wise and date of commissioning of the brick earth mining so as to assess the damage caused to the Environment.
- xii. The DEE has also requested the Board to engage a reputed agency to conduct a study in Thadagam Valley to calculate the quantum of excavation and other environmental violations so as to calculate environmental compensation.
- xiii. Executive Engineer of Water Resources Organisation, Coimbatore has stated that WRO has conducted studies multiple times in Thadagam Valley and has found that the Valley's waterways remain heavily damaged because of excessive sand mining. Since this area comes under Revenue Department, only when WRO and the Revenue Department join together to study, plan, act, propose, and get the financial resource, the waterways can be rejuvenated. [RTI Reply from : பொறி.ப.திருமூர்த்தி, பி.இ., உதவி செயற்பொறியாளர், நீ.வ.து., பாசன உட்கோட்டம், கோயம்புத்தூர் To: எஸ்.ஏ.சின்னசாமி, தலைவர், தமிழக விவசாயிகள் சங்கம், 289, சின்னசாமி ரோடு, (அக்ரோமில்ஸ் பின்புறம்), சித்தாபுதூர், கோவை 44 க.எண்.கோ 54/2021நாள்:29.12.2021 விவசாயிகள் குறை தீர்க்கும் நாள் மனு எண்: ஏஜிடிபி 635 நாள்: 26.11.2021]

11. An independent study on the effects of the abovementioned activities in the valley was completed in December 2021 by Respondent No.15. The study culminated in an 136 page book titled "Stuck in the Days of Abundance: The strange case of streams of Thadagam Valley". This book has been forwarded by two eminent ecologists of India and a botanist from the USA. A research paper titled " Illegal Brick Kiln Clusters and the Plight of Thadagam Valley" was also published in February 2022. The said book was submitted to Respondent No.7 on 04.01.2022. Thadagam Valley Protection Committee, a people's body in the valley to protect its environment, had submitted the said paper to the Additional Chief Secretary to Government of Tamil Nadu Environment and Forests and also to the Chief Conservator of Forests Coimbatore, District Forest Officer Coimbatore on 07.03.2022 and on 28.03.2022 to the Chairman of TNPCB, Director of Geology and Mining, Chairman/Member Secretary of SEIAA, Chennai and the Secretary of MoEF, New Delhi.

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paid to the new rulers of the area, namely the East India Company, thus bringing the company's wrath on her and her husband. Both took their life by jumping off the now Lambton's peak, when surrounded by the Company's sepoys. The place where they fell and died has a perennial spring even today, and is called the "Spring of Mother Ponni". It is after this event in the second decade of the 19th Century, the present day villages by the people of the newly settling Vokkaliga, Anuppa, Kurumba Gowders, Arunthathiyars, Kamma Naickers, Chettiyars and Vellala Gounders were established. They, like the people of Periya Thadagam and Maruthankarai, were into dry land farming and cattle rearing. The Valley, in the century that followed, became known for its white jowar, ground nut and water melons. Hundreds of small ponds were created, following the model established by Ponni, by impounding the many slow flowing streams from the foothills as a drinking water source for the grazing cattle, goats and sheep. Financial encouragement from the Government in the late 1960s to dig wells, saw the slow conversion of dry land farms into wet ones that started growing sugar cane. Sanganur stream was left untouched till 1960s, when the first check dam was constructed at Kanuvaipalayam, at the mouth of the valley to help ground water recharge and to contain flash floods that frequently caused havoc in the downstream. It was in early 1990's, people in the real estate business in Coimbatore City, started purchasing lands that are adjacent to the Coimbatore-Anaikatti Road and started using them to erect brick kilns. As the years passed by, a few locals attracted by the quick money and prosperity, switched from farming to brick making business. When more numbers followed them, without any regulation from the Government authorities, the activity became an unchecked wildfire, that resulted in a major destruction of the Valleys' environment.

- iii. Sanganur stream is known for its violent flash floods. In the year 1710, it had destroyed a village named Krishnarayapuram (near Nava India in the present day Coimbatore City) and the affected ones were forced to establish their new villages in the nearby highlands. The villages created by them are the present day city centres of Peelamedu, Avarampalayam and Udayampalayam of Coimbatore. It was to tap these flood waters, the Tamil

locations, the only way to reach them is by converting the dry stream beds into roads

- g) Millions of trips of these vehicles on the stream beds have caused extreme compaction of the stream bed, thus affecting the stream ecosystem and percolation of water into the underground water table
- h) Ground water extracted for brick moulding has dried up the perennial springs in the hills and the foot hills
- i) Mining in patta lands, temple lands, poramboku lands, Vinobha Bhoomi Dhan lands and other revenue lands have destroyed hundreds of small ponds created serving the cattle, goats and sheep for the past 150 years
- j) drying up of the springs in the hills and foothills due to excessive ground water extraction and at the same time storing large volume of water in the very large brick moulding sheds have attracted elephants into the valley leading to increased human elephant conflict
- k) Presence of hundreds of mega sized quarries in the foothills have destroyed the traditional elephant migratory path because of which the large mammals have started regularly straying into the valley into the agricultural fields, causing increased human elephant conflict
- l) they also fall into these pits and get injured and die
- m) air, water and soil pollution due to the operation of brick kilns have caused the village population to contract to cancers of oro-pharynx and respiratory system, chronic kidney disease, various auto immune and allergic diseases etc.
- n) the 325 quarries in the stream corridors with an area of 1397 acres would have yielded 69,000 Cu.m. of brick soil to produce 1130 crore bricks costing about Rs.11,300 Crore Rupees; this would have required about 30 Lakh Tons of Fuel Wood and Cashew Husk and 1130 Lakh litres of ground water; the whole process would have involved about 2 lakh lorry and tipper trips and their exhaust
- o) Hopes of the farmers depending on Chinnavedampatti reservoir to recharge their ground water and the city dwellers of Coimbatore depending on Singanallur Lake to recharge their ground water remains destroyed

- p) The period between 29.10.2019 and 19.03.2021 was the period when the Valley witnessed maximum number of Human Elephant Conflicts; this was because after the District Collector issued show cause notice to the illegal brick kilns on 29.10.2019, no further action was taken to punish the offenders; hence, the offenders used the time available with them to increase their production to the maximum, thus working 24 hours a day; this was the reason for the increase conflict with the elephants of the valley
- q) When the Hon'ble High Court, Madras ordered the closure of brick kilns first on 06.01.2021 and then on 10.02.2021, the District administration acted and closed and sealed them on 19.03.2021. In the year that followed the closure, not a single event of Human animal Conflict has been noted
- r) These findings underline the importance of declaring the entire valley as an Ecologically Sensitive Area.

13. The following may be considered by this Hon'ble Tribunal while passing further orders:

- (1) That the entire Thadagam Valley including Somayampalayam village be declared as an Ecologically Sensitive Area.
- (2) That experts from the fields of Geology & Mining, Water resources, Health, Ecology and Environment, Forest and Agriculture be included in the Committee constituted by this Hon'ble Tribunal.
- (3) That the impact of the activities of illegal brick kilns, mining on the physical environment and the entire flora and fauna including the resident human population on the subject area be included in the scope of the newly constituted committee.
- (4) That the combined impacts of these activities of the subject area be studied by the Committees.
- (5) That the cost of remediating the land situated in the affected survey number should be arrived at and apportioned among the respective quarry owners pro rata based on the extent of land quarried by them.

In view of the aforesaid, it is therefore prayed that this Hon'ble Tribunal may be pleased to take on record the above reply affidavit of respondent nos. 14-16 and pass appropriate orders and thus render justice.

Solemnly affirmed and signed his name]
In my presence on this the 11th day of]
July, 2022 at Coimbatore]

Before me



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TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI**

OA No. 119 of 2021(SZ)

**REPLY AFFIDAVIT OF
RESPONDENT NOS.14 to 16**

**Roshan Atiq M
Counsel for R14-16
9884866988**