

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
Original Application No. 169 of 2020 (SZ)**

IN THE MATTER OF

The Tribunal on its own motion-SUO MOTU
Based on the News item in The Hindu News
Paper, Chennai Edition dated 26.08.2020,
"Illegal sand Quarrying in Thirukandalam
Lake raises concern."

... Applicant(s)

-Vs-

1. The Secretary to Govt. of Tamil Nadu
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu-600 009.
2. The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai-600 009.
3. The Additional Chief Secretary to Govt. of
Tamil Nadu,
Revenue and Disaster Management
Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu- 600 009.
4. Department of Geology and Mining,
Rep. by its Director,
Alandur Road, Industrial Estate,
Guindy, Chennai- 600 032.
5. Department of Geology and Mining,
Rep. by its Assistant Director,
Tiruvallur -613010.
6. The District Collector,
Tiruvallur District,
First Floor, Collectorate,
Tiruvallur -602 001.
7. Engineer in Chief (Water Resources
Organization) and Chief Engineer
(General), Public Works Department,
Chepauk, Chennai-600 005.
8. Thirukkandalam Village Panchayat,
Rep. by its Secretary,
Thirukandalam Village,
Uthukottai Taluk,
Tiruvallur District- 601 103.

...Respondent(s)


**Assistant Director, I/c
Dept. of Geology & Mining
Tiruvallur District.
(@ Tiruvallur.**


**District Collector,
Tiruvallur.**

**STATUS REPORT FILED BY THE 6th RESPONDENT - DISTRICT
COLLECTOR, TIRUVALLUR.**

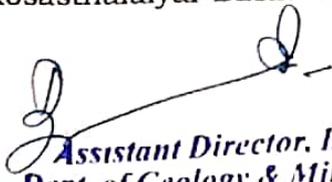
I, P. Ponniah S/o. Thiru. K. Paulchamy, Hindu, aged about 49 years, having my office at Collectorate Tiruvallur District, do hereby solemnly affirm and sincerely state as follows:-

1. I am the District Collector, Tiruvallur District and I am well acquainted with the facts and circumstances of the case and I am filing this report as per records.

2. It is respectfully submitted that the Honourable National Green Tribunal (SZ), Chennai upon hearing the Suo-Motu Original Application No.169/2020 (SZ) in its order dated 07.09.2020 had passed orders as follows:

-
" we direct the District Collector, Tiruvallur District to inspect the area in question and submit a factual as well as action taken report regarding the allegations made in the report including, assessment of environmental compensation for quantum of excess quarrying done and accordingly fix environment compensation apart from realisation of other penalties as provided under the mining rules "

3. It is respectfully submitted that quarrying permission for the removal of 4725 Lorry loads of Savudu / Ordinary Earth was granted to one Thiru. J. Subramani, residing at No. 3/309, Annadurai street, M.A. Nagar, Redhills, Chennai - 52 from the Public Works Department Tank comprised in S.F. No. 352/1(P) of Thirukkandalam Village, Uthukkottai Taluk, Tiruvallur District for a period of 50 days along with collection of necessary fees and security deposit of Rs. 3,57,210/- under the provisions of Rule 12 (2-A) of Tamil Nadu Minor Mineral Concession Rules, 1959 vide District Collector's proceedings Rc.No. 436/2013/G&M-2 dated 08.07.2020. The main objective of this rule is to desilt the tanks under the control of Public Works Department / Rural Development Department / Panchayat Raj Departments alongside revenue generation also. The permission was granted for the quarrying earth based on the recommendations of Executive Engineer, Public Works Department, Kosasthalaiyar Basin Division, Tiruvallur, Revenue Divisional Officer,


**Assistant Director, I/c
Dept. of Geology & Mining
Tiruvallur District.
Co. Tiruvallur.**


**District Collector,
Tiruvallur.**

Tiruvallur and the Assistant Director of Geology and Mining, Tiruvallur. Based on the recommendations, an area measuring 210 m x 150 m was earmarked for removal of Earth to a depth of 0.9 m. The State Level Environmental Impact Assessment Authority-Tamil Nadu had granted Environmental Clearance vide Lr. No. SEIAA-TN/F.No.6891/1(a)/EC.No: 4125/2020 dated: 22.01.2020 and the Tamil Nadu Pollution Control Board had also accorded consent to operate the quarry in the subject area vide Proceedings No. 2005233589513 dated 28.07.2020 for a period of 50 days with the validity until 15.09.2020. The quantum permitted by the District Collector, the State Environmental Impact Assessment Authority and the Tamil Nadu Pollution Control Board is 28,350 Cubic Meters.

4. It is respectfully submitted that pursuant to the orders of the Honourable National Green Tribunal (SZ), Chennai dt. 07.09.2020, the then District Collector has constituted a Committee consisting the following officials vide the District Collector's proceedings in Rc.No. 463/2013/G&M-2 dated 14.09.2020 to inspect the area and report on the lines of the news article and the Hon'ble National Green Tribunal's order.

1. District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruvallur.
2. Executive Engineer, Public Works Department (WRO), Kosasthalaiyar Basin Division, Tiruvallur.
3. Revenue Divisional Officer, Tiruvallur.
4. Assistant Director (i/c), Geology and Mining, Tiruvallur.
5. Tahsildar, Uthukottai, Tiruvallur District.

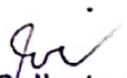
Accordingly, the Committee had inspected the subject area on 24.09.2020, the joint inspection report on this regard is furnished as follows:

A. Field Observations of committee: -

(i) The four boundaries of the area earmarked were pointed out by the Public Works Department and the depth of quarrying from the existing tank bed was taken on the spot. It revealed that, the depth of quarrying was done by the applicant to a depth of 0.90 meter only.

(ii) It is found that, based on the daily progress reports of the Public Works Department and field conditions the No. of Lorry loads lifted by the applicant up to 03.09.2020 was 20508 CBM (or) 3418 Lorry loads out of 28350 CBM (or) 4725 lorry loads of Savudu / Ordinary Earth permitted by


Assistant Director, i/c
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(@ Tiruvallur.


District Collector,
Tiruvallur.

the District Collector, State Level Environmental Impact Assessment Authority and Tamil Nadu Pollution Control Board.

(iii) The quarry had been in operation for a period of 27 days out of the permitted 50 days and permission had been given only for the removal of Ordinary Earth and not sand as purported in the News article. A public interest litigation was filed by one Thiru. M. Umachandran before the Hon'ble High Court of Judicature at Madras. The Hon'ble High Court upon hearing the writ petition had passed an order of interim injunction on 03.09.2020 Annexure -2 and the interim order was extended on 10.09.2020, 17.10.2020, 24.10.2020 and 29.09.2020 and the same is still pending. Accordingly, in compliance with the orders, the Quarry operations were stopped on 03.09.2020 and no further Quarry operations were carried out till today.

(iv) From the field conditions and the cutting faces, it revealed that only Ordinary Earth had been removed and there were no signs of any sand being removed from the tank bed. Further there were no sand exposures in the tank bed. The Thirukkandalam tank is located at about 250 meters from the Kosasthalai River and does not have any canal/streams to connect the river with the tank for water feeding (or) discharge. The tank is mainly rain fed and not river fed. The Thirukkandalam tank does not have any contribution to the Kosasthalaiyar River water shed. Hence the question of replenishment of river sand in the tank will not arise.

(v) From the past 10 years data of P.W.D, it reveals that, Thirukkandalam tank had never reached its full quantum of water and the sluice gates were not opened for irrigation. This is mainly due to the deposited Earth / Silt, hence it is just and necessary for desilting the deposits on the tank bed by way of quarrying actions or by undertaking any specific projects for desilting the tank bed.

(vi) The tank bed has been subjected to various quarrying operations in the past and as a result of which the entire tank bed is full of undulations and covered with grass growth. The recent rains have left the earlier quarry pits inundated with water.

(vi) From the field sketch prepared by the Kannigaiper Firka Surveyor, it revealed that, the Proponent Thiru. J. Subramani had removed about **3418 out of 4725** lorry loads within the area earmarked. The cumulative daily progress report of quantity lifted maintained by the Public Works Department


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District Collector,
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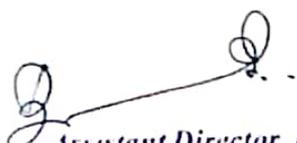
also concurs the same. The above fact was confirmed by the Village Administrative Officer, Revenue Inspector, Kannigaiper Firka, Tahsildar, Uthukottai and the Revenue Divisional Officer, Tiruvallur. Thus, there is no excess removal of earth by the proponent beyond the permitted area. However, the proponent had caused breaches in the tank bund in three places to convey the quarried earth and has formed an earthen path way in the tank bed to convey the quarried Earth out of the Tank. The Google image of the site is given below.

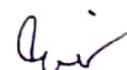


The committee gave the report to the District Collector on 07.10.2020 and the same is annexed with this report as annexure No.1

B. Conclusions of Committee: -

- Only Earth has been removed and there were no signs of any sand having been removed.
- There were no exposures of sand in the tank bed.
- The actual period of quarrying operation is for a period of 27 days out of the permitted period of 50 days. All quarrying operations were stopped on 03.09.2020.
- The depth of quarrying is 0.90 metre.
- Necessary Clearances from the State Level Environmental Impact Assessment Authority and Tamil Nadu Pollution Control Board has been obtained by the applicant. The entire period of operation has been covered with valid Environmental Clearance and consent from Tamil Nadu Pollution Control Board.


Assistant Director, I/c
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Tiruvallur District.
(a) Tiruvallur.


District Collector,
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- As per the Public Works Department's daily progress report, 3418 Lorry loads of Earth had been removed and not 1000 loads per day as purported in the News article. The fact was also confirmed by the revenue authorities on carrying out field inspection of the area. Field sketch in support of the same has also been prepared.

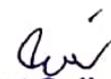
C. The violations committed by the Applicant/ Proponent / Remedial measures / Penalties /Recovery of Environmental Compensations are:

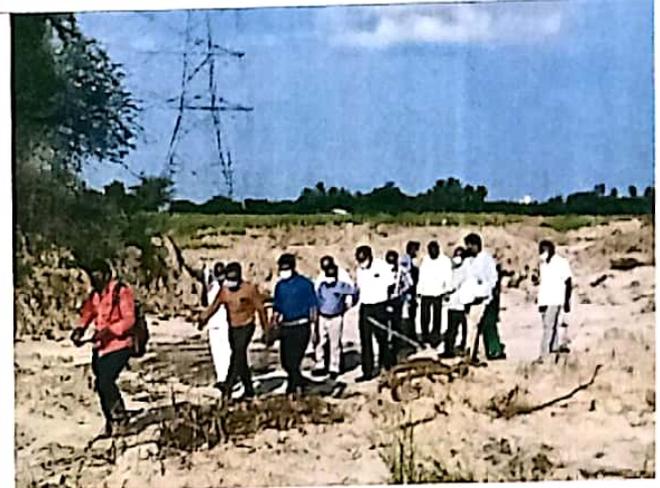
- The Earthen path way was formed in the tank bed need to be removed immediately as it is likely to interrupt the water storage in the tank.
- The breach caused to the tank bed needs to be repaired and restored at the own cost of the applicant.
- Necessary steps have been taken to restore the tank bunds and remove the earthen pathway laid in the tank bed and adjust the same with the security deposit deposited by the applicant.

• **Field Photographs:**




Assistant Director, I/c
Dept. of Geology & Mining
Tiruvallur District.


District Collector,
Tiruvallur.



Therefore, the committee has found that the applicant has not taken any excessive loads nor exceeded the permitted depth of 0.9 m and also no sand was removed as claimed in the news article .The committee also found that the applicant proponent has caused breach of the tank bund and laid earthen pathway in the lake and necessary steps are initiated to rectify and restore the same.

It is therefore humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to record the above-mentioned facts and dispose of the application or pass such further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


BEFORE ME
District Collector,
Tiruvallur.


Assistant Director, I/c
Dept. of Geology & Mining
Tiruvallur District.
(@ Tiruvallur.

VERIFICATION

I, P. Ponniah, S/o. Thiru. K. Paulchamy, Working as District Collector, Tiruvallur District do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Tiruvallur on this 30th day of November 2020.


**District Collector,
Tiruvallur.**


**Assistant Director, I/c
Dept. of Geology & Mining
Tiruvallur District.
(a) Tiruvallur.**

**JOINT INSPECTION REPORT OF COMMITTEE FORMED PURSUANT TO
THE ORDERS OF HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI IN
O.A.No. 169 OF 2020 DATED 07.09.2020**

1.0 Preamble

In the matter of Original Application No. 169 of 2020 the Hon'ble National Green Tribunal (SZ) Chennai, upon perusal of the News article published in the "Hindu" daily dated 26.08.2020 under the topic of "illegal sand Quarrying in Thirukkandalam lake raises concern" had taken up the issue Suo-Motu and the matter had come up for admission before the Hon'ble National Green Tribunal (SZ) on 07.09.2020.

Upon hearing the said matter the Hon'ble National Green Tribunal had passed order as follows:-

"we direct the District Collector, Tiruvallur District to inspect the area in question and submit a factual as well as action taken report regarding the allegations made in the report including, assessment of environmental compensation for quantum of excess quarrying done and accordingly fix environment compensation apart from realisation of other penalties as provided under the mining rules".

Pursuant to the receipt of the order, a Committee consisting the following officials were constituted vide the District Collector's proceedings in Rc.No 463/2013/G&M-2 dated 14.09.2020 (Annexure - IV) to inspect the area and report on the lines of the news article and the Hon'ble National Green Tribunal's order.

1. District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruvallur.
2. Executive Engineer, Public Works Department (WRO), Kosasthalaiyar Basin Division, Tiruvallur.
3. Revenue Divisional Officer, Tiruvallur.
4. Assistant Director (i/c), Geology and Mining, Tiruvallur.
5. Tahsildar, Uthukottai, Tiruvallur District.

Accordingly, the Committee had inspected the subject area on 24.09.2020, the joint inspection report on this regard is furnished as follows -

2.0 Brief Description about Approval Accorded by different authorities

(i) Quarry permission for the removal of 4725 Lorry loads of Savudu / Ordinary Earth was granted to One Thiru. J. Subramani, residing at No. 3/309, Annadurai street, M.A. Nagar, Redhills, Chennai - 52 from the Public Works Department Tank comprised in S.F. No. 352/1(P) of Thirukkandalam

Village, Uthukkottai Taluk, Tiruvallur District for a period of 50 days along with collection of necessary fees and security deposit of Rs. 3,57,210/- under the provisions of Rule 12 (2-A) of Tamil Nadu Minor Mineral Concession Rules, 1959 vide District Collector's proceedings Rc.No. 436/2013/G&M-2 dated 08.07.2020 (Annexure - I).

(ii) The main objective of this rule is to desilt the tanks under the control of Public Works Department / Rural Development Department / Panchayat Raj Departments alongside revenue generation also.

(iii) The permission was granted for the quarrying earth based on the recommendations of Executive Engineer, Public Works Department, Kosasthalaiyar Basin Division, Tiruvallur, Revenue Divisional Officer, Tiruvallur and the Assistant Director of Geology and Mining, Tiruvallur. Based on the recommendations, an area measuring 210 m x 150 m was earmarked for removal of Earth to a depth of 0.9 m. The State Level Environmental Impact Assessment Authority had granted Environmental Clearance vide Lr. No. SEIAA-TN/F.No.6891/1(a)/EC.No: 4125/2020 dated: 22.01.2020 (Annexure - II) and the Tamil Nadu Pollution Control Board had also accorded consent to operate the quarry in the subject area vide Proceedings No. 2005233589513 dated 28.07.2020 for a period of 50 days with the validity until 15.09.2020 (Enclosed Annexure - III). The quantum permitted by the District Collector, State Environmental Impact Assessment Authority and Tamil Nadu Pollution Control Board is 28,350 Cubic Meters.

3.0 Field Observations of committee:

(i) The four boundaries of the area earmarked were pointed out by the Public Works Department and the depth of quarrying from the existing tank bed was taken on the spot. It revealed that, the depth of quarrying was done by the applicant to a depth of **0.90 meter only**.

(ii) It is found that, based on the daily progress reports of the Public Works Department and field conditions the No. of Lorry loads lifted by the applicant up to 03.09.2020 was 20508 CBM or 3418 Lorry loads only out of the 28350 CBM or 4725 Lorry Loads Savudu / Ordinary Earth permitted by the District Collector, State Level Environmental Impact Assessment Authority and Tamil Nadu Pollution Control Board.

(iii) The quarry had been in operation for a period of 27 days only out of the permitted 50 days and permission had been given only for the removal of

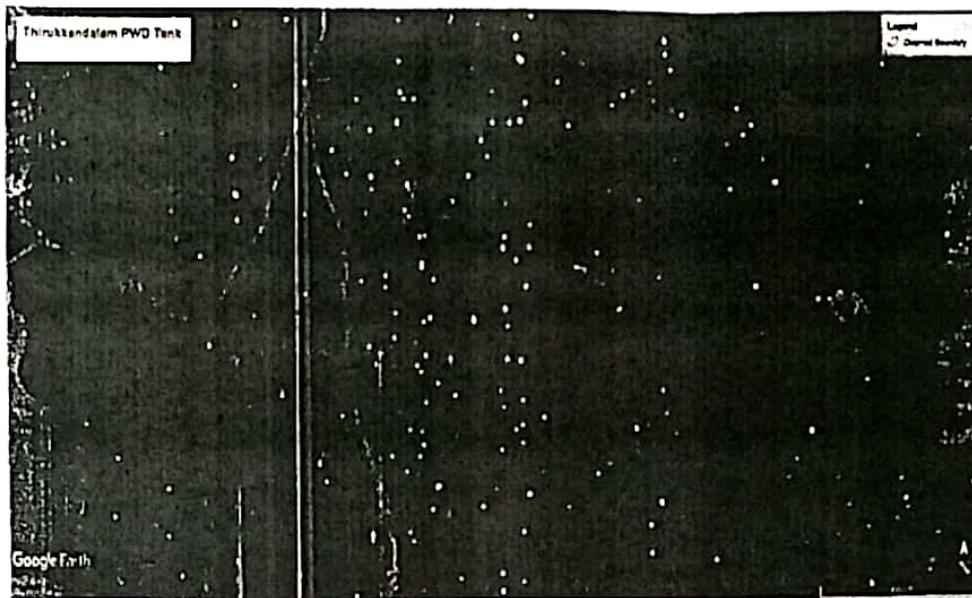
Ordinary Earth and not sand as purported in the News article. The Quarry operations were stopped on 03.09.2020 and no further Quarry operations were carried out.

(iv) From the field conditions and the cutting faces, it revealed that only Ordinary Earth had been removed and there were no signs of any sand being removed from the tank bed. Further there were no sand exposures in the tank bed. The Thirukkandalam tank is located at about 250 meters from the Kosasthalai River and does not have any canal/streams to connect the river with the tank for water feeding (or) discharge. The tank is mainly rain fed and not river fed. The Thirukkandalam tank does not have any contribution to the Kosasthalaiyar River water shed. Hence the question of replenishment of river sand in the tank will not arise.

(v) From the past 10 years of data of P.W.D, it reveals that, Thirukkandalam tank had never reached its full quantum of water and the sluice gates were not opened for irrigation. This is mainly due to the deposited Earth / Silt. Hence it is just and necessary for desilting the deposits on the tank bed by way of quarrying actions or by undertaking any specific projects for desilting the tank bed.

(vi) The tank bed has been subjected to various quarry operations in the past and as a result of which the entire tank bed is full of undulations and covered with grass growth. The recent rains have left the earlier quarry pits inundated with water.

(vi) From the field sketch prepared by the Kannigaiper Firka Surveyor, it revealed that, the Proponent Thiru. J. Subramani had removed about **3418 out of 4725** lorry loads within the area earmarked. The cumulative daily progress report of quantity lifted maintained by the Public Works Department also concurs the same (Annexure - V). The above fact was confirmed by the Village Administrative Officer, Revenue Inspector, Kannigaiper Firka, Tahsildar, Uthukottai and the Revenue Divisional Officer, Tiruvallur. Thus, there is no excess removal of earth by the proponent beyond the permitted area. However, the proponent had caused breaches in the tank bund in three places to convey the quarried earth and has formed an earthen path way in the tank bed to convey the quarried Earth out of the Tank. The Google image of the site is given below.



4.0 Conclusions of Committee

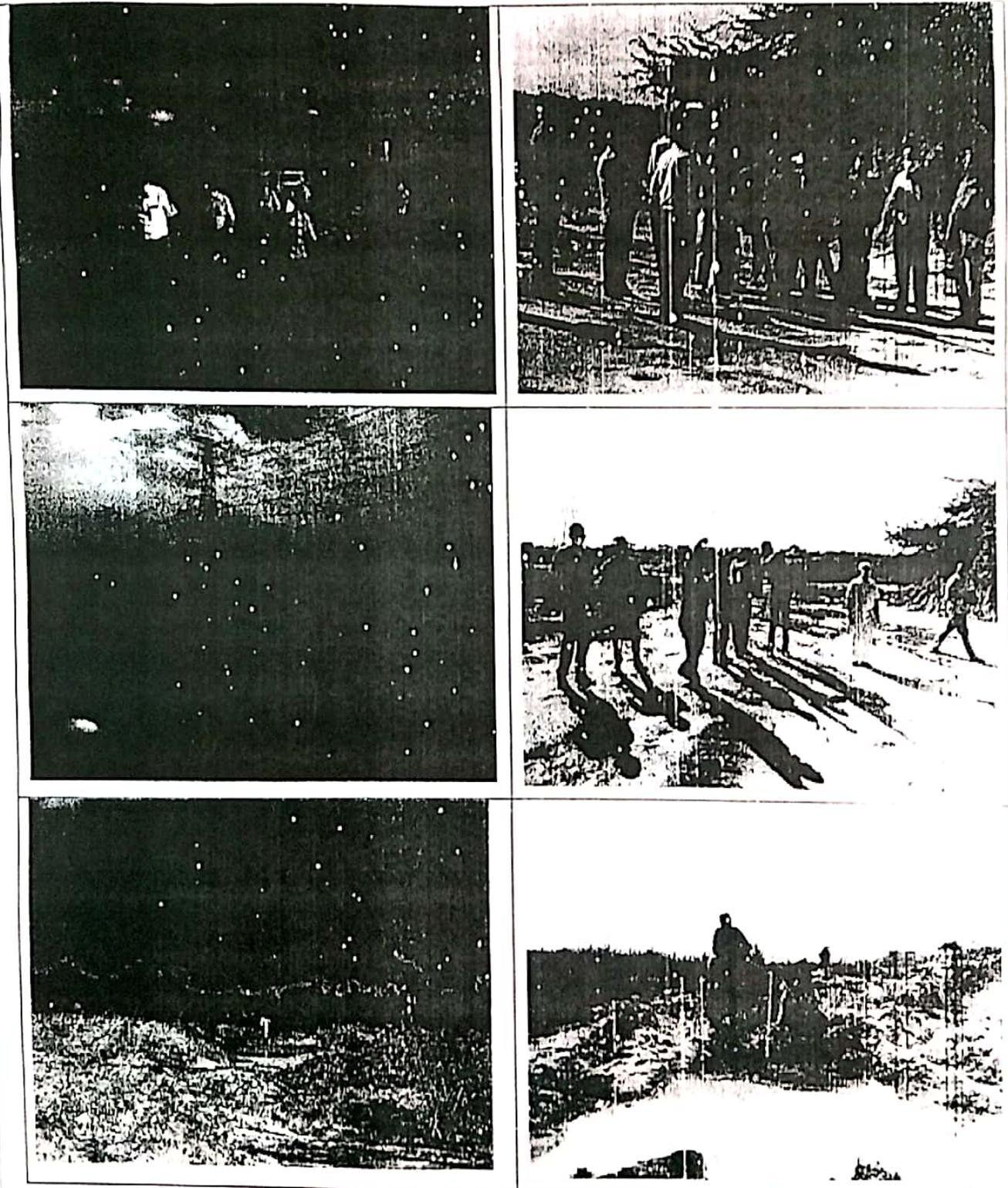
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- The depth of quarrying is 0.90 meter.
- Necessary Clearances from the State Level Environmental Impact Assessment Authority and Tamil Nadu Pollution Control Board has been obtained by the applicant. The entire period of operation has been covered with valid Environmental Clearance and consent from Tamil Nadu Pollution Control Board.
- As per the Public Works Department's daily progress report, **3418** Lorry loads of Earth had been removed and not 1000 loads per day as purported in the News article. The fact was also confirmed by the revenue authorities on carrying out field inspection of the area (Annexure - VI). Field sketch in support of the same has also been prepared.

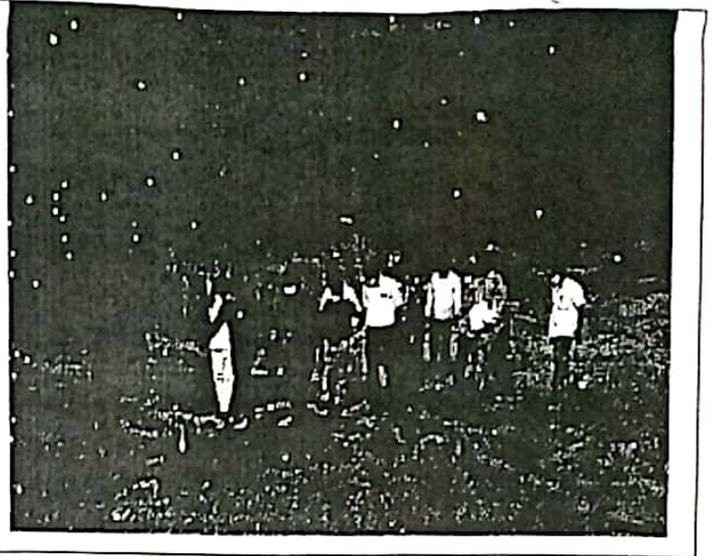
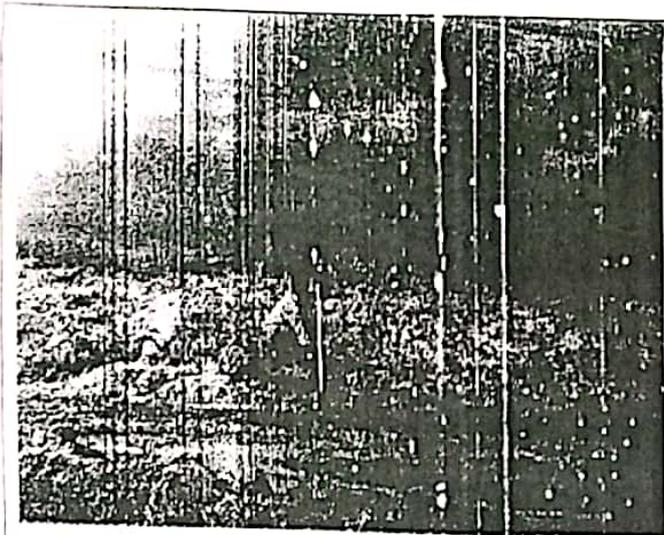
5.0 The violations committed by the Applicant/ Proponent / Remedial measures / Penalties /Recovery of Environmental Compensations are:

- The Earthen path way was formed in the tank bed need to be removed immediately as it is likely to interrupt the water storage in the tank.
- The breach caused to the tank bed needs to be repaired and restored at the own cost of the applicant.

- Necessary steps have been taken to restore the tank bunds and remove the earthen pathway laid in the tank bed and adjust the same with the security deposit deposited by the applicant.

Field Photographs:

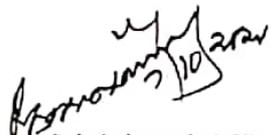


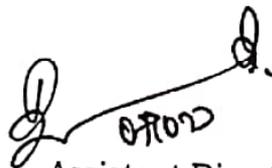


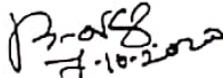
Signature of Committee Members:


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruvallur.


Executive Engineer, Public Works
Department (WRO), Kosasthalaiyar
Basin Division, Tiruvallur.

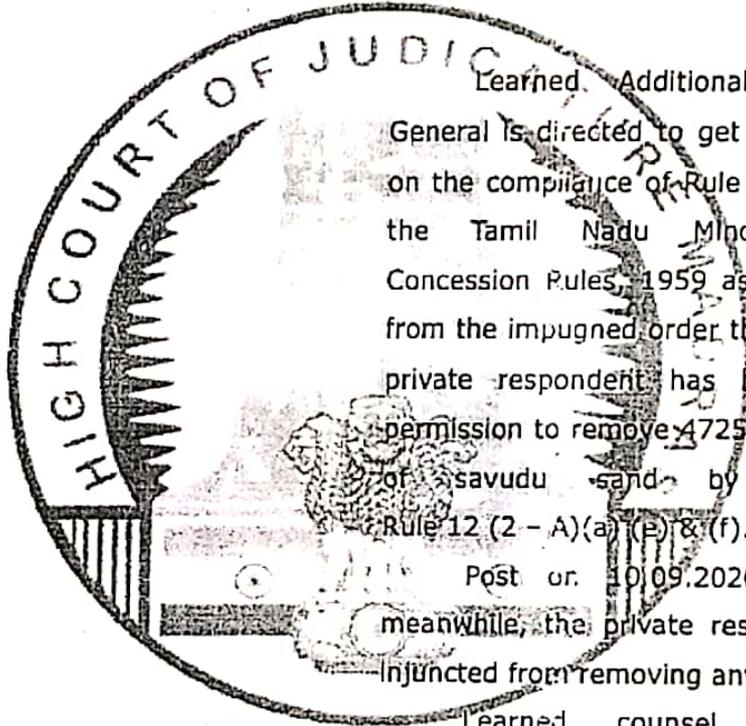

Revenue Divisional Officer (i/c),
Tiruvallur.


Assistant Director (i/c),
Geology and Mining,
Tiruvallur


Tahsildar,
Uthukottai.

W.P.No. 12089 of 2020
& W.M.P.Nos. 14825 & 14826 of 2020
M.M.SUNDRESH,,J
and
R.HEMALATHA,,J

(Order of the Court was made by
M.M.SUNDRESH,,J)



Learned Additional Advocate General is directed to get instructions on the compliance of Rule 12(2)(d) of the Tamil Nadu Minor Mineral Concession Rules, 1959 as it appears from the impugned order that only the private respondent has been given permission to remove 4725 lorry loads of savudu sand by invoking Rule 12 (2 - A)(a) (e) & (f).

Post or. 10.09.2020. In the meanwhile, the private respondent is injuncted from removing any sand.

Learned counsel for the petitioner is directed to take private notice to the private respondent returnable by 10.09.2020.

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(M.M.S., J.) (R.H., J.)
03.09.2020

mml/ssm
Note to Registry: Upload Today