

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT  
CHENNAI

Application No. 8 of 2017

BETWEEN

S.Kannammal,  
W/o. Balasubramaniam,  
5/111, Ottanai Thottam,  
Coolipalayam R.S  
Avinashi Taluk,  
Tiruppur District – 641 666.

...Applicant

-Vs-

The Government of India,  
Ministry of Environment, Forests & Climate Change,  
Indira Paryavaran Bhavan,  
Jor Bag Road,  
Aliganjh,  
New Delhi – 110003.  
And 6 others

...Respondents

**OBJECTION FILED BY 7<sup>TH</sup> RESPONDENT**

M/s. V.P. SENGOTTUVEL  
K.INDU PRIYA  
K.R.NISHANTH  
K.PRAKASH  
COUNSEL FOR 7<sup>TH</sup> RESPONDENT

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT  
CHENNAI

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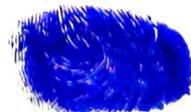
IN THE MATTER OF:

S.Kannammal,  
W/o. Balasubramaniam,  
5/111, OttanaiThottam,  
Coolipalayam R.S  
AvinashiTaluk,  
Tiruppur District – 641 666.

...Applicant

-Vs-

1. The Government of India,  
Ministry of Environment, Forests & Climate Change,  
Indira ParyavaranBhavan,  
Jor Bag Road,  
Aliganjh,  
New Delhi – 110003.
2. The Chairman,  
Tamil Nadu Pollution Control Board,  
76, Mount Road,  
Guindy,  
Chennai – 600032.
3. The District Collector,  
Tiruppur District.
4. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Tiruppur North,  
II Floor, Kumaran Commercial Complex,  
Tiruppur – 641601.
5. The Assistant Director,  
Geology and Mining,  
Tiruppur,  
Tiruppur District.
6. M/s. Jagadeesan and Jeganathan Stone Quarry  
Represented by its Proprietor  
Jegadeesan,  
S/o. Subramaniam,  
S.F.No. 89/1, 89/2B1,  
Agraharaperiyapalayam Village,  
AvinashiTaluk,  
Tiruppur District.



7. M/s. MarappanRukmani Rough Stone Quarry  
Represented by its Proprietor  
M.Balachandran,  
S/o. R.Marappan,  
S.F.No. 89/1, 89/2B1,  
Agraharaperiyapalaam Village,  
AvinashiTaluk,  
Tirrupur District.

... Respondents

**OBJECTION FILED BY 7<sup>TH</sup> RESPONDENT**

I, RukhmaniMarappan, Wife of Late. R. Marappan, aged about 70 Years, No.1/3A, Parapalayam, S-Periyapalayam Post, Tiruppur – 641 607, do hereby solemnly affirm and sincerely state as follows:-.

1. I am the 7<sup>th</sup> Respondent in the above application and as such I am well acquainted with the facts and circumstances of the case. I am filing this Objection to the Joint Inspection Report of the Committee dated 02.01.2020 with filing documents in Annexure 18 to Annexure 21 and Annexure 29 – Block 3, appointed by this Hon'ble Tribunal in the above application, which came to be served on the Counsel for 7<sup>th</sup> respondent on 08.12.2020.

2. The 7<sup>th</sup> respondent respectfully submits as follows :

A) The land comprised in S.No.86/A1 measuring an extent of 00.58.0 Hec. Situated at A-Periyapalayam Village, UthukuliTaluk, Tiruppur District originally belonged to one R. Marappan, Son of Ranganaicker. While, his wife Rukhumani is the owner of the land comprised in S.No.89/3B measuring an extent of 1.50.0 Hec. Situated at A-Periyapalayam Village, UthukuliTaluk, Tiruppur District.

B) Rukhumani and R. Marappan submitted an application dated 11.10.2000 to the District Collector Erode for grant of fresh Quarry Lease (as A-Periyapalayam Village was at PerunduraiTaluk, Erode District which later added to AvinashiTaluk, Tiruppur District). The District Collector, Erode in his proceedings in Na.Ka.No.78688/X1/Minerals/2000 dated 12.04.2002 granted lease for a period 10 years commencing from 12.04.2002.

C) The Lessees' carried on Quarrying Operations in the aforesaid lands for the initial 5 years period, as it was restricted to 5 years by the competent authority. Later, on an application dated 05.03.2007 submitted by Rukhumaniand R. Marappan, the District Collector, Erode in Na.Ka.No.12844/2007/X2 dated 09.07.2007 granted Quarry Lease for a further period of 5 years commencing from 09.07.2007 to 08.07.2012. It is pertinent to mention here that, neither the order of grant of Quarry Lease dated 12.04.2002 nor 09.07.2007 impose any condition or special condition relating to either safety distance of 7.5 meters from the applied boundary. Therefore, the allegations in the report that the lessee had not provided safety distance on all the four sides of the Quarry land when the Quarry was in operation, is unsustainable.

D) The concept of approved mining plan came to be introduced by the Government of Tamil Nadu in G.O.Ms.No.79 Industries (MMC.1) Department dated 06.04.2015 by inserting Rule 41 & Rule 42 to the Tamil Nadu Minor Mineral Concession Rules, 1959, which came into effect only from 22.04.2015 the date of publication in the government gazette is long after the expiry of lease period. Therefore, the allegation made in the report that the lessee had quarried excess mineral, is also unsustainable.

E) As pointed out earlier, when the order of grant of quarry lease dated 12.04.2002 and 09.07.2007 did not have any condition / special condition with respect to safety distance of 7.5 meters or permitted quantum of minerals to be quarried etc., quantification of excess minerals quarried in a lease expired quarry as early as on 08.07.2012 based on Pit-size alone, is unscientific and arbitrary.

F) The Committee should have taken into account that the subject quarry was in operation for 10 years i.e. from 12.04.2002 to 08.07.2012 without any kind of complaint whatsoever. While that being so, the recommendations of the Committee after 8 years from the date of expiry of quarry lease for collection of Environmental Compensation by holding that the lessee committed violation, is unsustainable.

G) The lessees' have operated the quarry only after obtaining necessary consent to operate from the Tamil Nadu Pollution Control Board. Moreover, putting up of fencing was also not a condition in the original grant.

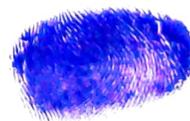
H) The quantification of the minerals extracted is also unsustainable, as the authority has not taken into account wastage, minerals used for formation of internal roads, safety bund created on all four sides of the boundary.

I) The Committee also went wrong in fixing the cost of minerals as per the existing Tamil Nadu Minor Mineral Concession Rules, 1959 for the year 2017-18 fixed by the Government of Tamil Nadu in its Government Order (Annexure – 31) in G.O.Ms.No.107 Industries Department dated 06.07.2017, for a quarry which was in operation from 12.04.2002 and expired on 08.07.2012.

J) The Surface Plan and Section produced as Annexure – 29 prepared by Taluk Surveyor and Village Administrative Officer on 26.02.2020 for a Survey made on 25.02.2020 and a quantification of mineral extracted, is also unsustainable as the same is not specified in the orders of grant of Quarry Lease dated 12.04.2002 and 09.07.2007.

K) The principles laid down in the Order of the Hon'ble NGT, Principal Bench dated 25.03.2015 made in O.A.Nos.73 & 13 /2014, may not be applicable to the aforesaid Mining Lease, as the issue dealt with by the Hon'ble Tribunal relates to *"Rampant, illegal, unscientific and life threatening mining activity, particularly Rat hole mining is going on in the State of Meghalaya for years now. Truly, it was unregulated, uncontrolled and unchecked."* While, this respondent had carried-on quarrying operation without any complaint whatsoever by strictly following the terms and conditions of the Lease.

L) The proceedings of the District Collector, Tiruppur in Na.Ka.No.599/Minerals/2015 dated 12.10.2015 relating to Cancellation of Quarry Lease Agreement dated 10.10.2015 registered as Doc.No.3398/2015, in the office of the Sub-Registrar, Uthukuli also



would show that this respondent has not violated any norms or terms and conditions after grant.

M) When this respondent carried out quarrying operation in terms of the grant, the recommendation of the Committee for levy of Penalty on the cost of minerals, cost of damages to the environment and pristine ecology and 10% cost of mitigation and restoration, etc., are wholly unsustainable.

For the reasons stated in the foregoing paragraphs, it is humbly prayed that this Hon'ble Tribunal may be pleased to drop all further proceedings pursuant to the Joint Inspection Report of the Committee dated 02.01.2020 in so far as it relates to this Respondent and thus render justice.

Dated at Chennai on this the 15<sup>th</sup> day of December, 2020.

