

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 210 of 2021 (SZ)

1. Vetrivel,
S/o Arumugam,
Meliruppu Village,
Panruti Taluk,
Cuddalore District.

..... Petitioners

-Vs-

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Commissioner,
Geology and Mining,
Guindy,
Chennai.
3. The Assistant Director,
Geology and Mining,
Cuddalore.
4. The Revenue Divisional Officer,
Cuddalore.
5. The Tahsildar,
Panruti Taluk,
Cuddalore District.
6. Deputy Superintendent of Police,
Panruti Zone,
Cuddalore District.
7. The Inspector of Police,
Kadambuliyur Police Station,
Panruti Taluk,
Cuddalore District.
8. The District Environment Engineer,
Tamil Nadu Pollution Control Board
Sipcot Industries Complex
Kudikadu, Cuddalore District.

9. R.Krishnamoorthy
S/o Rajakannu
Meliruppu Village
Panruti Taluk
Cuddalore District.

....Respondents

Individual Statement filed by the 3rd respondent.

I, A.Lalitha, D/o. R.Arumugam aged about 39 years, working as Assistant Director, Geology and Mining, in Cuddalore District do solemnly affirm and sincerely state as follows:-

1. I submit that I am the third respondent herein and I am well aware of the facts of the case from the available records.
2. It is submitted that the Hon'ble National Green Tribunal Southern Zone, Chennai, in its direction in O. A. No. 210/2021 dated 30.09.2021 has directed this respondent to file his independent statement within a period of two weeks. In compliance with the direction of the Hon'ble National Green Tribunal Southern Zone, Chennai, I am filing my individual statement as follows:

a. It is respectfully submitted that pertaining to the Original Application No. 210 of 2021 (SZ) filed before the Hon'ble National Green Tribunal Southern Zone, Chennai, by Mr. Vetrivel, S/o. Arumugam, Meliruppu Village, Panruti Taluk, Cuddalore District, praying this Hon'ble Green Tribunal to pass an order directing the respondents 1 to 8 to initiate action against the 9th respondent and also direct the respondent to restore the safety distance adjacent to the quarry area. Thiru.Krishnamoorthy, S/o. Rajakannu, Meliruppu Village, Panruti Taluk, was given permission to a gravel quarry in S.F.No. 78/3A (1.38.00 Hectares) located in Semmedu Village, Panruti Taluk vide District Collector Proceedings Na.ka. 888/Mines/2016 for a period of two years (05.04.2018 to 04.04.2020) with the condition to dig only two meters depth to quarry 17,056 cubic meters of gravel as per

mining plan with subject to the following conditions as per the Rule 36 in the Tamil Nadu Minor Mineral Concession Rules 1959,

- i. A safety distance of 7.5 mts should be maintain for the adjoining patta lands and a safety distance of 50 mts has to maintain for the high-tension power line on the western side of the applied area.
- ii. The applicant should not cause any hindrance to the surrounding patta lands and barbed wire fencing should be erected all along the boundary of the lease granted area before the commencement of quarrying operation.
- iii. No habitations house-hold areas, places of worship, ancient monuments should be present within 300 mts radius from the applied area.

3. It is respectfully submitted that, pertaining to OA.No.210 of 2021 of the National Green Tribunal (SZ), Chennai, filed by the petitioner Mr. Vetrivel, S/o. Arumugam, in Meliruppu Village, Panruti Taluk, Cuddalore which alleged that the petitioner's land in Semmedu Village was affected during a quarrying activity done by the lessee Thiru.Krishnamoorthy, S/o. Rajakannan violating the Government Rules. In accordance with the Hon'ble Green Tribunal direction the committee comprising of the Revenue Divisional Officer, Cuddalore, the District Environmental Officer, Cuddalore, the Assistant Director, Geology and Mining, Cuddalore and the Tahsildar, Panruti Taluk has made a joint inspection on the above said quarry. The following violations have been found during the joint inspection:

1. The lessee did not maintain the safety distance of 7.5 m from the adjacent patta lands in all direction except west direction. The lessee has quarried to a depth of 4.5 meters instead of permitted 2 meters depth as per the District Collector's Proceedings.

2. It has been found during the inspection 104 M X 82 M X 4.5 M = 38,326 Cbm Gravel was quarried. But as per the District Collector's Proceedings it was permitted to quarry only 17056 cbm of Gravel. But the Lessee has quarried 21,320 Cbm more than the permitted quantity.

4. The Revenue Divisional Officer in his order D.Dis A4/1274/2021 dated: 07.09.2021 levied penalty amount for the excessively Quarried 21,320 cubic meter of gravel as per Tamil Nadu Minor Minerals Concession Rules 1959 – Rule 36(A) as detailed below.

I. The Penalty for the violation occurs in the lease hold area Rs.25,000/-

II. The Seigniorage fee for the excessively quarried gravel of 21,320 cbm in the lease hold area is Rs.7,03,560/- (Rs.33/- per cbm).

III. The Cost of the mineral for the excessively quarried gravel of 21,320 cbm is Rs.34,11,200/- (Rs.160 per cbm)

IV. The Penalty is 3 times for the excessively quarried gravel of 21,320 cbm as per the Rule 36(A) of Tamil Nadu Minor Mineral Concession Rule, 1959 in the lease hold area is Rs.21,10,680/- totally Rs.62,50,440/- (Rs. Sixty-two lakhs fifty thousand and four hundred forty only).

5. It is respectfully submitted that, as per the directions of the Hon'ble Green Tribunal, Chennai the District Engineer, TNPCB, Cuddalore also levied the environmental Compensation to be recovered from the 9th respondent excluding the Seigniorage and Cost of Minerals (since the above said penalty is already levied by the Revenue Divisional Officer, Cuddalore) as follows.

I. Illegal Mined Material by violating the Environmental Clearance & mining lease is 21,320 cbm. The Seigniorage fee for the mineral is Rs.33 per cbm.

- II. Net Present value of the material as per the existing Tamil Nadu Minor Mineral Concession Rules for the year 2017-18 is Rs.160 per cbm.
- III. The cost of mineral based on schedule rate for the illegal mined quantity is Rs.34,11,200/-.
- IV. Net present value of the ecological services foregone and cost of damage to the Environment and pristine ecology is Rs.3,41,120 (10% of the cost of illegal mined material).
- V. The amount for the Cost of mitigation and restoration is Rs.3,41,120 (10 % of the cost of illegal mined material). The Total amount for the Environmental Compensation is Rs.6,82,240/-.

6. The Hon'ble Green Tribunal, Chennai in O.A No. 210/2021 directed to submit the details about the restoration of the buffer zone .In order to take preventive measures for protecting the trees in the buffer zone, it is submitted that there is no quarrying activities done in the western direction and during the field inspection the Red Soil is filed in the safety distance in the dimension towards northern side (104 m length X 7.5 m Width X 1 m depth), towards eastern side (85.2 m Length X 5.5 m Width X 2 m Depth) and towards southern side (68 m Length X 5.5 m Width X 2 m Depth) adjacent to the permitted area i.e S.F.No. 78/3A.

Therefore, it is most respectfully prayed that the Hon'ble High Court may be pleased to consider the above facts for submission/report and pass such other orders as Hon'ble Court may deem fit based on the circumstances of the case and thus render justice.

Solemnly affirmed at

..... on this day.....⁰⁴.....

January 2023 and signed his

Name in my presence.

→ 20/104/01/23
**ASSISTANT DIRECTOR
GEOLOGY AND MINING
CUDDALORE**

BEFORE ME

W. S. S. S.
04/01/23
**ASSISTANT GEOLOGIST
GEOLOGY AND MINING
CUDDALORE**