

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

in

O.A.No.211 of 2021 (SZ)

IN THE MATTER OF:

P. Palaniappan

.....Applicant(s)

Vs

Union of India and Others

....Respondent(s)

**Report Filed by the 8<sup>th</sup> Respondent**

**August, 2022**

**Report on O.A No.211 of 2021(SZ) filed by the 8<sup>th</sup> Respondent before the Hon'ble National Green Tribunal, Southern Zone, Chennai.**

With regard to the O.A No.211 of 2021(SZ) filed by Thiru.Palaniappan, the Hon'ble National Green Tribunal, Southern Zone, Chennai in its order dated.02.08.2022, directed the 8<sup>th</sup> respondent to file report. Therefore, the action taken by the Department of Geology and Mining is submitted as follows.

2. In order to verify, Whether any excess mining has been done other than in the permitted area and also within the mining area, field inspection was carried out along with Joint committee and DGPS survey was conducted in the Subject quarry lease. Based on the field observations and DGPS survey, the following points were observed by the Joint Committee.

**a. Quarry lease granted in respect of 11<sup>th</sup> respondent (Sri Parasakthi Crusher)**

- Inadequate Green belt are developed around the mine area and crusher unit.
- An excess quantity of 79,325 CBM of roughstone were quarried and transported from the lease area without obtaining transport permit.

**b. Quarry lease granted in respect of 12<sup>th</sup> respondent (Tmt.Neela)**

- During inspection, quarrying of Roughstone in the non-leased out area was detected.
- Barbed Wire Fencing was not maintained all along the lease hold area.
- The required Safety distance was not maintained to the adjacent lands.
- Inadequate Green belt are developed around the mine area and crusher unit.

- An excess quantity of 36,604 CBM of Roughstone and 5,786 CBM of Top soil were quarried and transported from the lease area without obtaining transport permit.
- A quantity of 5,204 CBM of Roughstone and 1,301 CBM for Top soil were illegally quarried and transported from the non-leased out area bearing S.F.No.199/1 (Part) over an extent of 0.12.81 Hects. of Government Poramboke land which is located western side of the lease granted area.

**c . Quarry lease granted in respect of 13<sup>th</sup> respondent-  
(Thiru.K.Kasiwisvanathan S/o.Kasiudaiyar)**

- Inadequate Green belt are developed around the mine area and crusher unit.
- An excess quantity of 67,489 CBM of roughstone and 6,111 CBM of Top soil were quarried and transported from the lease area without obtaining transport permit in the above subject area.
- A quantity of 26,247 CBM of roughstone and 2,019 CBM of topsoil were illegally quarried and transported from the non-leased out area bearing S.F.No.219 (Part) over an extent of 0.20.19 Hects. of Government Poramboke land which is located western and Northern side of the lease granted area.

**d . i) Quarry lease granted in respect of 14<sup>th</sup> respondent  
(Tmt.D.Lavanya-Patta land)**

- Barbed Wire Fencing was not maintained all along the boundary of the lease hold area.
- Sign Board is not maintained regarding the lease details such as Lessee name, Lease period, Collector Proceedings order, Environment Clearance order and etc,.
- Inadequate Green belt are developed around the quarry lease area.

- After verification of the office records, it is ascertained that the lessee had obtained transport permits for 16,500 cbm of Rough stone. But, no quarrying operation were commenced in this lease granted area. It is also ascertained that in the guise of the above transport permit the lessee had quarried and transported mineral from the adjacent lease expired quarry in S.F.No.199/1 (Part).

**d . ii) Quarry lease granted in respect of 14<sup>th</sup> respondent- (Thiru.Selvakumar-Poramboke land)**

- Inadequate Green belt is developed around the quarry lease area and crusher unit.
- An excess quantity 1,45,566 CBM of Roughstone and 10,896 CBM of Top soil were quarried and transported from the lease area without obtaining transport permit.
- Quantity of 1,98,265 CBM of Roughstone and 10,435 CBM of topsoil were illegally quarried and transported from the non-leased out area bearing S.F.No.199/1 (Part) over an extent of 1.04.35 Hects. of Government Poramboke land which is located southern side of the lease granted area.

**e . Quarry lease granted in respect of 15<sup>th</sup> respondent (Thiru.B.Gokulnath)**

- Inadequate Green belt developed around the lease granted area.
- An excess quantity of 492 CBM of Roughstone and 491 CBM of Topsoil were quarried and transported from the lease area without obtaining transport permit.

4. As per the Rule 36-A of Tamil Nadu Minor Mineral Concession Rule, 1959, a penal action has to be imposed for excess quarrying within the lease hold area and illegal quarrying outside the lease area.

5. Accordingly, as per the G.O.Ms.No.107 Industries (MMC.2) Department dated 06.07.2017, and G.O.Ms.No.183 Industries (MME.1) Department dated 28.12.2017, the value of the mineral quarried and transported in the leased out and non-leased out area by the respondents 11 to 15 are worked out as follows.

(1)	Total quantity of mineral quarried and transported in leased out and non-leased out area		Roughstone			Top soil			Grand Total (6+9) (in Rs.)
	Rough stone (In Cbm)	Top soil (In Cbm)	Seiginorage fee @ 59/- per CBM	Cost of Mineral @ 380 per CBM	Total (4+5) (in Rs.)	Seiginorage fee @33 per CBM	Cost of Mineral @160 per CBM	Total (7+8) (in Rs.)	(10)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	<b>Tvl. Sri Parasakthi Crusher Private Limited -R-11</b>								
	79,325	-	46,80,175	3,01,43,500	3,48,23,675	0	0	0	3,48,23,675
2.	<b>Tmt.K.Neela - R-12</b>								
	41,808	7,087	24,66,672	1,58,87,040	1,83,53,712	2,33,871	11,33,920	13,67,791	1,97,21,503
3.	<b>Thiru.T.Kasivis wanathan - R-13</b>								
	1,22,515	8,626	72,28,385	4,65,55,700	5,37,84,085	2,84,658	13,80,160	16,64,818	5,54,48,903
4.	<b>Thiru.Selvakumar - R-14</b>								
	3,43,831	21,331	2,02,86,029	1,306,55,780	15,09,41,809	7,03,923	34,12,960	41,16,883	15,50,58,692
5.	<b>Thiru.B.Gokulnath - R-15</b>								
	492	491	29,028	1,86,960	2,15,988	16,203	78,560	94763	3,10,751
<b>Total</b>	<b>5,87,971</b>	<b>37,535</b>	<b>3,46,90,289</b>	<b>22,34,28,980</b>	<b>25,81,19,269</b>	<b>12,38,655</b>	<b>60,05,600</b>	<b>72,44,255</b>	<b>26,53,63,524</b>

### **6. Action taken in respect of violation committed by the respondents.**

1. An FIR No.756/2021 dated 31.12.2021 has been registered by the Village Administrative Officer, Masinaickenapatty in the Ammapet Police Station against the 12<sup>th</sup> respondent for carrying out illegal quarrying and transportation of minerals from the non leased out Government Poramboke land in S.F.No.199/1 (Part) of Masinaickenapatty Village, Valapady Taluk, Salem District.
2. Further, an FIR Nos.316/2022 and 317/2022 dated 03.06.2022 has been registered by the Village Administrative Officer, Masinaickenapatty in the Ammapet Police Station against the 13<sup>th</sup> and 14<sup>th</sup> respondents for carrying out illegal quarrying and transportation of minerals from the non leased out Government Poramboke lands in respectively.

3. Further, the Revenue Divisional Officer, Salem has been requested to file a private complaint vide this office letter Roc. No.1242/2021/Mines-A dated 03.01.2022 and 14.06.022 before the special court against the 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> respondents as ordered by the G.O. Ms. No. 170 Industries Department dated 05.08.2020 and it is under process.
4. The Revenue Divisional Officer, Salem has been requested to impose penalty as per Rule 36-A of Tamil Nadu Minor Mineral Concession Rules, 1959 against the 11<sup>th</sup> to 15<sup>th</sup> respondents. vide this office letter Roc.No.1242/2021/Mines-A dated 03.01.2022 and 14.06.022.
5. In this regard, further reminder also sent to the Revenue Divisional Officer, Salem vide this office letter Roc.No.1242/2021/Mines-A dated 29.08.2022.

7. It is submitted that, already an interim report had been filed by the Joint committee before the Hon'ble National Green Tribunal on 16.03.2022, except in Pollution aspects. In this regard, the Hon'ble NGT in its order dated 30.09.2021 have postponed the matter on 01.09.2022 and directed the Department of Geology and Mining to file comprehensive report and further directed to TNPCB file their independent report after Ambient Air Quality analysis is done.

8. It is submitted that, as queries raised by the Hon'ble NGT order dated 30.09.2021, all the aspects pertaining to the Dept. of geology and mining had been covered and action for those violation find out in the respected quarries had been referred to the Revenue Divisional Officer, Salem for impose penalty as per rule

36-A of Tamil Nadu Minor Mineral Concession Rules, 1959 and also an FIR had been registered in the concerned Police Station against the persons who quarried and transported the mineral outside lease boundary area as per G.O.Ms.No.170 Industries Department dated 05.08.2020.

9. Further, it is submitted that in order to file a final report before the Hon'ble NGT vide this office Roc.No.1242/2021/Mines-C dated 08.08.2022, the Tamil Nadu Pollution Control Board had requested to submit the report in Pollution aspects to this office without any delay in order to enable the joint committee to file final report before the Hon'ble NGT by September 1, 2022.

10. It is submitted that, TNPCB letter No.F.SLM/NGT/Compliance/ Report/DEE/TNPCB/SLM/2022 dated 22.08.2022 had represented that, they have proposed to conduct AAQ survey within one month time and hence prayed one month time for filing final report before the Hon'ble NGT.

11. In view of above, after receipt of the report from the Tamil Nadu Pollution Control Board, final report of the Joint Committee will be filed before the Hon'ble Green Tribunal.

It is therefore most respectfully prayed that, this Hon'ble Tribunal may be pleased to accept this report and to issue suitable orders as this Hon'ble Court deem fit and thus render justice.

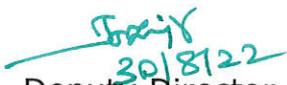
  
Deputy Director,  
Dept. of Geology and Mining,  
Salem.



## VERIFICATION

I, R. Jayanthi, D/o. T.Rangasamy, Nodal Officer to the Joint Committee / Deputy Director, Department of Geology and Mining, Salem District do hereby verify that the contents of above report are true to the best of my Knowledge through records.

Verified at Salem on this 30<sup>th</sup> day of August 2022.

  
Deputy Director,  
Dept. of Geology and Mining,  
Salem.

