

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

O.A. No. 211 of 2021

*P.Palaniappan,
S/o. Ponnusami,
Varagampadi,
Masinayakkanpatti Village,
Salem*

.. Applicant

-Vs-

The Ministry of Environment,
Forest and Climate Change,
Rep. by its Under Secretary,
And 14 others.

... Respondents

**OBJECTIONS FILED BY 15TH RESPONDENT TO THE JOINT
COMMITTEE INTERIM REPORT**

*I, B. Gokulnath, son of P. Baskaran, aged about 26 years, residing
at No.100NA, Meenangkadu, Masinaickenpatty Village, Valapady, Salem
District, submits the objections to the Joint Committee Interim Report.*

1. It is submitted that though the valid lease and other permissions were in favour of this respondent, he was unable to carry out any quarrying operation due to the intimidatory intervention of the applicant and others. In view of the continuous threat, the petitioner has approached the Hon'ble High Court for the grant of police protection in W.P. No. 15917 of 2021 and by an order dated 03.08.2021 the Hon'ble High Court was pleased to grant police protection. Even after the said order of granting police protection by the Hon'ble High Court of Madras in W.P. No. 15917 of 2021, this respondent was unable to

B. Gokulnath

commence the quarrying operation and a complaint was again given to the Inspector of Police, Ammapet Police Station on 19.08.2021 and a CSR No. 752 of 2021 was issued by the police authorities. Thereafter this respondent has just commenced the operation and immediately the said operation was stalled due to the filing of above OA, since the authorities have stopped issuing the transport permit for the quarrying operation citing the pendency of the above OA. As a matter of fact, the Assistant Director for Geology and Mining, has issued only five transport permits dated 14.09.2021, 18.10.2021, 21.10.2021, 25.10.2021, 28.10.2021, and thereafter no transport permit was issued by the 8th respondent stating the reason of pendency of the above OA before this Hon'ble Tribunal.

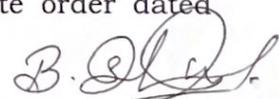
2. The individual report filed by the 8th respondent specifically says that, "There is no village site/approved layout within 300 meters radius of the lease granted area" but quite contrary to same, the joint committee report says that, "7 houses are located in Poramboke land and 11 houses are located in patta land within 300 meter radius from the lease granted area. These houses are not approved one". In any event the joint committee report itself says that the alleged houses located within 300 meters radius are all not approved one. At this junction, it is relevant to extract the observation of the Hon'ble High Court of Madras in W.P. No. 16020 of 2020 that,



"5. This Court can also take note of the fact that sometimes, quarries may exist for quite long time and adjacent or nearby to the quarries, there may be encroachments or development of unauthorised layouts and constructions are also came to be put up unauthorisely and thereafter complaints arouse as if licenses have been granted for quarrying without adhering to the relevant norms and of course, there is also other side of the story, wherein the licensee is started indulged in unauthorised and illegal quarrying, without adhering to the terms and conditions of the license and sometimes, totally illegal quarrying without obtaining any license or permission at all".

3. I submit that tender cum auction was called for by District Collector, Salem and since I was the successful bidder, lease deed dated 29.12.2020 was executed in my favour for the quarrying operations and other permissions were duly granted by the authorities only after due verification by the authorities, and as such the alleged observation of the Joint Committee with regard to the unapproved constructions are to be considered only as a unauthorizedly put up structures came to be put up after the existence of quarrying operation, with the sole intent to file the above OA.

4. It is respectfully submitted that, this respondent struggled even to commence the quarrying operation even though valid lease and other permissions are duly granted in favour of this respondent and only for the purpose of filing the report, it was alleged in the interim report that, "An excess quantity of 492 CBM of Rough stone and 491CBM of Topsoil were quarried and transported from the lease area without obtaining transport permit in the above subject area". I respectfully submit that as per the consent to operate order dated



29.03.2021, issued by the Tamil Nadu Pollution Control Board permits this respondent to quarry the rough stone to the quantity of 139180 Cu. m/5 years. Therefore now it is very premature to access the quantity of the quarrying operation and as such excess quarrying refer to in the report of the Joint Committee Report is absolutely wrong and without any material basis.

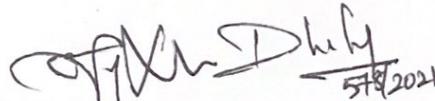
5. It is respectfully submitted that while the quarrying operations, all the norms and conditions imposed by the authorities were duly followed and only for the purpose of filing this report it is observed that inadequate green belt developed around the mining area and crusher unit. The photographs annexed with the counter would categorically establish the factum that the green belt was developed and duly maintained.

It is therefore prayed that this Hon'ble Tribunal may record this objections and thus render justice.

Dated at Chennai on this the 11th day of August 2022.



RESPONDENT NO. 15



COUNSEL FOR RESPONDENT NO.15