

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI**

**Original Application No.213 of 2021**

**Between**

S.Sakthivel,  
Environmental Protection & Anti-Pollution Group,  
S/o. PK Subramaniam,  
Alagu Vinayakar Kovil Street,  
Fairland, Salem-636016

**--Petitioner**

**AND**

1. The Secretary to Government of India,  
Ministry of Environmental & Forest and Climate Change,  
Indira Paryavaran Bhavan Jorbagh Road,  
New Delhi-110003.

2. The Director,  
Department of Geology and Mining,  
Industrial Estate, Guindy, Chennai-32

3. The District Collector,  
Collectorate, Salem-636001

4. The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Siva Tower, 2<sup>nd</sup> Floor, Salem - 636 004.

5. The Member Secretary,  
Central Ground water Authority,  
Jam Nagar House,  
18/11, Mansingh Road, New Delhi - 110 011.

6. The Managing Director,  
M/s.Dalmia Bharath Sugar and Industries Ltd,  
Chettichavadi Village, Jagir Magnesite and Dunite Mines,  
Chettichavadi Village, Salem West Tk,  
Salem - 636 012.

**--Respondents**

## Joint Committee Report

It is submitted that the petitioner Thiru. S.Sakthivel, has filed O.A.No.213 of 2021 before this Hon'ble Tribunal with a prayer among other things that

- i. To declare the operation of the Respondent No.6 as illegal, un-authorized and in violation of the Environment (Protection) Act, 1986.
- ii. To restrain the Respondent No.6 from carrying on further activities without mandate Environmental Clearance and NOC from CGWA.
- iii. To direct the Respondent No.6 to pay Environmental Compensation as may be determined by the Hon'ble Tribunal.

2. It is further submitted that this Hon'ble Tribunal by Order dated 06.10.2021 appointed a Joint Committee consisting of (1) The District Collector, Salem or his nominee not below the rank of Assistant Collector or Sub Divisional Magistrate as nominated by the District Collector (2) A Senior officer from Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Chennai (3) The Director, Department of Geology and Mining or his nominee as nominated by the Director not below the rank of Additional Director of Mining and Geology (4) The District Environmental Engineer, Tamil Nadu Pollution Control Board, Salem district (5) A Senior officer from the Public works Department, Groundwater Division, Salem district to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

3. It is further submitted that the Hon'ble Tribunal has directed the Committee to ascertain as to whether,

- i. The 6<sup>th</sup> respondent is having all necessary permissions/clearances from the authorities under the Environmental Law,
- ii. Whether the 6<sup>th</sup> respondent is conducting mining in violation of the environmental laws without obtaining necessary clearance / permissions, if so since when they are doing the same,
- iii. What is the quantity of the mineral extracted by doing such illegal mining, what is the nature of action taken by the authorities when such violations are brought to their notice,
- iv. Whether any damage is caused to the Environment on account of the illegal mining done by the 6<sup>th</sup> respondent unit, and if so assess the damage caused to the environment including the environmental compensation to be recovered from them, apart from suggesting recommendation for restoration for damage caused to the environment,
- v. Whether the respondent had obtained necessary permission for extracting groundwater for their industrial purpose and if not, what is the action taken including the imposition of compensation for un-authorized drawl of groundwater by the 6<sup>th</sup> respondent,

4. It is further submitted that in compliance to the orders passed by this Hon'ble Tribunal, the District Collector, Salem has nominated the Sub Collector/ Sub Divisional Magistrate, Mettur as representative on behalf the District Collector, Salem. The Ministry of Environment, Forest and Climate Change (MoEF & CC), Integrated

Regional Office, Chennai has nominated Dr.C.Palpandi, Scientist D" as the member of the Joint Committee. Further, Tamil Nadu pollution Control Board, Chennai has nominated the District Environmental Engineer, TNPCB, Salem as member of the Joint Committee on behalf of the TNPCB.

5. It is further submitted that when the matter came up for hearing on 23.02.2022, this Hon'ble Tribunal has granted time upto 22.03.2022 for filing report of the joint committee.

6. It is further submitted that Tvl.Dalmia Cement Bharat Limited was granted with a mining lease for mining Magnesite over an extent of 1386.36 acres of Government Poramboke lands in S.F.No.6 of Chettichavadi village, Salem taluk & district for a period of 20 years vide G.O.Ms.No.903, Industries Labour and Co-Operation Department dated 25.02.1966. The lease deed was executed on 20.08.1966 and the lease period was valid upto 19.08.1986.

7. It is further submitted that Tvl. Dalmia Cement Bharat Limited was granted with mining lease for mining Dunite over an extent of 1386.36 acres of Government Poramboke lands in S.F.No.6 of Chettichavadi village, Salem taluk & district for a period upto 19.08.1986 vide G.O.Ms No.804, Industries Department, dated 26.06.1976.

8. It is further submitted that Tvl. Dalmia Cements Bharat Limited was granted with first renewal of mining lease for mining Magnesite & Dunite over an extent of 1314 acres of Government Poramboke lands in S.F.No.6 of Chettichavadi village, Salem taluk & district for a period of 20 years from 20.08.1986 to 19.08.2006 vide G.O.Ms.No.74 Industries (MMD.1) Department, dated 11.03.1997.

9. It is further submitted that Tvl. Dalmia Cement Bharat Ltd had filed Second Renewal of Mining lease application on 11.07.2005 in the

prescribed Form-J for grant of second renewal of mining lease for mining Magnesite and Dunite over an extent of 449.36.4 hectares of Government Poramboke lands in S.F.No.6 of Chettichavadi Village, Salem West Taluk Salem District for a further period of 20 years from 20.08.2006. The Second Renewal of mining lease application was filed in time i.e. 12 months before the expiry of first renewal of mining lease and the 6<sup>th</sup> respondent had carried out mining operations in the subject area under the deemed extension provisions of Rule 24A (6) of Mineral Concession Rules, 1960.

10. It is further submitted that, the 6<sup>th</sup> respondent vide letter dated 19.09.2011 informed that the name and style of Tvl. Dalmia Cements Bharat Limited was changed to Tvl.Dalmia Bharat Sugars and Industries Limited and the same was taken on record by the Government.

11. It is further submitted that, since the inception of mining lease in the subject area from the year 1966, mining operations were carried out by the 6<sup>th</sup> respondent without obtaining Environmental Clearance from the Ministry of Environment & Forests, Government of India. The 6<sup>th</sup> respondent had applied on 09.02.2006 for grant of Environmental Clearance before the Ministry of Environment & Forests, Government of India. Whereas, the 6<sup>th</sup> respondent has not been issued with Environment Clearance so far from the Ministry of Environment, Forest and Climate Change, Government of India.

12. In this connection it is submitted that the Judgement of the Hon'ble Supreme Court of India in the matter of Common Cause Vs. Union of India in W.P.No.114 of 2014 dated 02.08.2017 made under para 128, 129, 150 and 153 are extracted hereunder:-

**128.** *The simple reason for not accepting this interpretation is that Rule 2 (iia) of the Mineral Concession Rules, 1960 was inserted by a notification dated 26<sup>th</sup> JULY, 2012 while we are concerned with an earlier period. That apart, as mentioned above, the holder of a mining lease is required to adhere to the terms of the mining scheme, the mining plan and the mining lease as well as statutes such as the EPA the FCA the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. If any mining operation is conducted in violation of any of these requirements then that mining operation is illegal or unlawful. Any extraction of a mineral through an illegal or unlawful mining operation would become illegally or unlawfully extracted mineral.*

**129.** *It is not, as suggested by learned counsel, that illegal mining is confined only to mining operations outside a leased area. Such an activity is obviously illegal or unlawful mining. Illegal mining takes within its fold excess extraction of a mineral over the permissible limit even within the mining lease area which is held under lawful authority, if that excess extraction is contrary to the mining scheme, the mining plan, the mining lease or a statutory requirement. Even otherwise, it is not possible for us to accept the narrow interpretation sought to be canvassed by learned counsel for the mining lease holders particularly since we are dealing with a natural resource which is intended for the benefit of everyone and not only for the benefit of the mining lease holders.*

**150.** *In our opinion, Section 21(5) of the Mines and Minerals (Development & Regulation) Act, 1957 Act is applicable when any person raises, without any lawful authority, any mineral from any land. In that event, the State Government*

*is entitled to recover from such person the mineral so raised or where the mineral has already been disposed of the price thereof as compensation. The words 'any land' are not confined to the mining lease area. As far as the mining lease area is concerned, extraction of a mineral over and above what is permissible under the mining plan or under the EC undoubtedly attracts the provisions of Section 21(5) of the Mines and Minerals (Development & Regulation) Act, 1957 being extraction without lawful authority. It would also attract Section 21 (1) of the Mines and Minerals (Development & Regulation) Act, 1957. In any event, Section 21(5) of the Act is certainly attracted and is not limited to a violation committed by a person only outside the mining lease area it includes a violation committed even within the mining lease area. This is also because the Mines and Minerals (Development & Regulation) Act, 1957 is intended, among other things, to penalize illegal or unlawful mining on any land including mining lease land and also preserve and protect the environment. -----*

-----

**153.** *In our opinion, there can be no compromise on the quantum of compensation that should be recovered from any defaulting lessee – it should be 100%. If there has been illegal mining, the defaulting lessee must bear the consequences of the illegality and not be benefited by pocketing 70% of the illegally mined ore. It simply does not stand to reason why the State should be compelled to forego what is its due from the exploitation of a natural resource and on the contrary be a party in filling the coffers of defaulting lessees in an ill gotten manner.*

13. It is further submitted that pursuant to the Judgement of the Hon'ble Supreme Court dated 02.08.2017 in the matter of Common Cause vs Union of India, the Ministry of Environment & Forest and Climate Change issued directions vide their Office Memorandum dated 30.05.2018 towards collection of 100% cost of mineral for the quantum of minerals mined and transported without obtaining statutory clearances such as Environment Clearance etc.

14. It is further submitted that in compliance to the orders passed by the Hon'ble Supreme Court of India dated 02.08.2017 in the matter of Common Cause Vs Union of India and as directed by the Ministry of Environment, Forest and Climate Change in their Office Memorandum dated 30.05.2018, demand notice was issued by the District Collector, Salem vide Rc.No.45/2018/D1/ Mines-A dated 18.06.2019 with a direction to the 6<sup>th</sup> respondent to remit a sum of Rs.11,44,30,605/- towards cost of mineral for the quantum of Dunite mined and transported without obtaining Environment Clearance for the period from 01.04.2000 to 31.08.2018. It is also submitted herewith that the working of this needs a revisit in the light of the extent involved.

15. It is further submitted that the 6<sup>th</sup> respondent filed Writ Petition Nos.889 of 2020 and 894 of 2020 before the Hon'ble Madras High Court challenging the demand notice issued by the District Collector, Salem towards recovery of 100% cost of mineral mined and transported from the subject area without obtaining Environmental Clearance for the period from 01.04.2000 to 31.08.2018.

16. It is further submitted that, the Hon'ble Madras High Court by Common Order dated 12.06.2020 in W.P.Nos.26808 of 2019, 27182 of 2019 etc, 889 of 2020, 894 of 2020 etc., dismissed all the 175 writ petitions with a cost of Rs.10,000/- each.

17. It is further submitted that aggrieved by the Common Order dated 12.06.2020 passed by the Hon'ble Madras High Court, the 6<sup>th</sup> respondent has filed Writ Appeals No. 834 and 835 of 2020. The Writ Appeal filed by the 6<sup>th</sup> respondent is pending before the Hon'ble First Bench of Madras High Court and no stay has been granted in the Writ Appeal.

18. It is further submitted that another demand notice was issued by the District Collector, Salem vide Rc.No.45/2018/M9/Mines-A dated 08.07.2020 with a direction to the 6<sup>th</sup> respondent to remit a sum of Rs.7,24,73,501/- towards cost of mineral for the quantum of Magnesite mined and transported by them without obtaining Environment Clearance for the period from 01.04.2000 to 31.03.2018.

19. It is further submitted that as directed by this Hon'ble Tribunal, the second respondent along with the following nominated members of the Joint committee had inspected the subject area on 27.11.2021.

<b>Sl. No.</b>	<b>Name &amp; Designation</b>	<b>Department</b>
1.	Dr.C.Palpandi, Scientist 'D',	MoEF & CC, IRO, Chennai.
2.	Thiru. Veer Pratap Singh, Sub-Collector.	Revenue Department, Salem District
3.	Thiru. Gopalakrishnan, District Environmental Engineer.	Tamilnadu Pollution Control Board, Salem
4.	Thiru. K. Suresh, Assistant Director.	Water Resource Department, Groundwater Geological subdivision, Salem

20. During the inspection, the Joint committee noticed that fresh mining operations were carried out in the subject area and Magnesite and Dunite mined were stocked in the area. Further, observed that one bore well is located in S.F.No.6 of Chettichavadi Village.

21. It is further submitted that, the Director of Geology and Mining / 2<sup>nd</sup> respondent vide proceedings Rc.No.1355/MM9/2006 dated 05.12.2021 has formed three teams of officials from the Directorate of Geology and Mining to carry out detailed survey of the subject area and to assess the actual quantum of minerals mined and transported by the 6<sup>th</sup> respondent without obtaining Environmental Clearance from the Ministry of Environment, Forest and Climate Change, Government of India. The teams have been further directed to consider the parameters such as total pit volume, minerals stocked in the subject area, quantum of mineral transported by the 6<sup>th</sup> respondent with the transport permits obtained from the office of the Deputy Director of Geology and Mining, Salem, dump stocks, recovery percentage of mineral, etc., while assessing the quantity of minerals mined and transported by the 6<sup>th</sup> respondent from the subject area.

22. It is further submitted that, the technical teams have surveyed the subject mining areas by using total station survey instrument and submitted report on 31.1.2022. The technical teams in its report have observed the following:

- i. No safety Zone is maintained on the north east and south west side of the present lease area.
- ii. The lease area is partitioned by the lessee as 4 Blocks for their convenience viz, Block A, B, C and MT Block. In the lease granted area there are 32 number of pits

and 10 number of waste reject dumps noticed during inspection.

- iii. Three dumps are noticed outside the lease granted area with the volume of 63,48,750 cbm of rejects dumped in patta lands belonging to the said company in Vellakalpatti village.
- iv. Three pits are found to be water stagnated and the dimension of the pits were measured above water level only.
- v. The lessee has operated the subject mine without Environmental Clearance for which demand notices have been issued by the District Administration for a sum of Rs.18.69 Crore for transport of Dunite and Magnesite. The Lessee company has filed Writ Petition No.889/2020 before Hon'ble High Court of Madras which was dismissed. Subsequently they had filed Writ Appeal 834/2020 which is pending.
- vi. As per the pit dimension the total quantity of mineral removed from the subject mining lease area is worked out as follows:

Total Volume of Mineral removed (in CBM)	Quantity of rejects/ waste dumped	
	Inside the lease area (in CBM)	Outside the lease area (in CBM)
4,65,36,477 CBM		
(or)	1,94,95,000	63,48,750
11,16,87,545 MT		

- vii. From the above by using recovery percentage as per the latest mining plan of 4% for Magnesite and

10% for Dunite, the total quantity of Magnesite and Dunite removed from the lease area is arrived as follows:

Mineral	Quantity of mineral removed (in M.T)	Quantity of mineral transported by valid transport permit from the year 1979-80 to 2018-19 (in M.T)	Stock available in the lease area (in M.T)	Total quantity of mineral transported with valid transport permit and stocks available in the lease area (in M.T)
Magnesite	44,67,502	28,72,450	7,730	28,80,180
Dunite	1,11,68,755	1,83,888	11,851	1,95,739

23. It is further submitted that, as per the findings of the technical team, total quantity of 28,72,450 M.Tonnes of Magnesite and 1,83,888 M.Tonnes of Dunite were legally permitted to be transported from the mining area and 7730 M.Tonnes of Magnesite and 11851 M.Tonnes of Dunite are available as stock in the subject mining lease area.

24. It is submitted that, from the above findings as per the permit issued by the District mines office from 1979-80 to 2018-19 and stocks available in the lease area, it is brought to the notice that the lessee company has transported 15,87,322 M.Tonnes of Magnesite and 1,09,73,016 M.Tonnes of Dunite from the lease hold areas without any valid transport permits.

25. It is submitted that, from the findings of the technical team there is clear evidence for excess mining and transportation

without valid transport permits. Further, the lessee company has dumped the waste rejects outside the lease hold areas and also has not provided safety distance to the adjoining lands abutting the North-east and South-west side of the lease hold area by violating the lease deed conditions. Therefore necessary instructions was issued by the 2<sup>nd</sup> respondent to the District Collector, Salem vide DGM letter Rc.No.1355/MM9/2006, dated 09.03.2022 for taking action to collect 100 % of cost of the mineral from the lessee company under Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957, after taking into consideration of the transport permit already issued by the District administration, Salem from 1966-67 to 1978-79.

26. It is further submitted that the Assistant Director, Water Resource Department, Ground Water Geological Sub Division, Salem has reported that the 6<sup>th</sup> respondent has applied for Ground water No Objection Certificate on 22.09.2021 to the Chief Engineer, SG&SWRDC, Chennai. A detailed Hydrogeological field study and pumping test was conducted in the bore well situated in S.F.No.6 of Chettichavadi village and based on the present hydrogeological conditions and the pumping test results it was recommended to the Chief Engineer to draw 70,000 LPD of groundwater for the drinking, domestic and afforestation purpose. Based on the report, the Chief Engineer, State Ground and Surface Water Resource Data Centre, Tharamani, Chennai has issued groundwater NOC vide letter No.OT8/AG-2/176/NOC /Salem/2021 dated 17.11.2021.

27. It is further submitted that the Assistant Director, Water Resource Department has further reported that the imposition of compensation for unauthorized drawl of groundwater has been calculated based on CGWA Notification dated 24.09.2020 and the restoration charge is calculated based on the Environmental

compensation rate for groundwater in the over exploited area with number of employees and number of years and total restoration charge has been assessed as Rs.1,11,46,124/-.

28. It is submitted that the Scientist 'D', MoEF & CC, IRO, Chennai has reported that, the 6<sup>th</sup> respondent has performed mining activity without obtaining prior Environmental Clearance until 2017 and the 6<sup>th</sup> respondent submitted proposal for Terms Of Reference under violation category as per MoEF notification. The 6<sup>th</sup> respondent has obtained Terms of Reference (ToR) as per Ministry of Environment and Forest & CC OM No.3-50/2017-IA.III(Pt) dated 30.5.2018, Z-11013/49/2018-IA.II(M) dated 18.6.2018 and 21-103/20 J 5-1A.III dated 2.11.2018 under violation category.

29. It is further submitted that, the application submitted by the 6<sup>th</sup> respondent for getting ToR under violation category, the Ministry of Environment Forest and Climate Change has issued a letter dated 25.11.2020 to the State Government to take action against the proponent under Section 19 of Environment Protection Act, 1986 and to submit the report. During the visit, the joint committee noticed that there are 13 mining pits and measurements were also taken. Accordingly, the calculation for finding out the quantity of minerals extracted without valid Environmental Clearance has arrived by the team constituted by the Director of Geology and Mining and submitted report on 31.01.2022 before the Director of Geology and Mining for further action.

30. It is also submitted that, the Ministry of Environment Forest and Climate Change vide Letter No. F No.23-227/2018-IA.III(V) dated 5.2.2021 has issued ToR under violation case and directed to assess the ecological damages with respect to air, land, water and other environmental attribute by a laboratory notified

under EP Act 1986 or NABL accredited lab/ or a lab of CSIR working in the field of environment. It is also directed to prepare a remediation plan and to prepare a natural and community augmentation plan corresponding to the ecological damages.

31. It is submitted that, as per the TOR issued, public hearing was conducted on 03.09.2021 in the presence of the District Collector and the EIA & EMP reports were also submitted.

32. Further, it is submitted that, the Ministry of Environment Forest and Climate Change (MoEF&CC), in its EAC (Expert Appraisal Committee) meeting held on 15.02.2022 has directed the state representative from Director of Geology and Mining to appraise the validity of mining lease of the 6th respondent. During the meeting the above said facts were appraised before the Expert Appraisal Committee pertaining to the subject mining of the 6th respondent and strongly objected to grant Environment Clearances to the subject mining lease of the 6th respondent.

33. It is submitted that, the joint committee also directed the TNPCB and Ground Water Department to collect water and soil for analysis and to submit the analysis report to the committee for assessing the damage caused to the environment on account of the illegal mining. Upon the receipt of analysis report the committee will calculate the environmental compensation to be recovered from them, apart from suggesting recommendations for restoration for damage caused to the environment.

34. It is submitted that, the District Environmental Engineer, Tamil Nadu Pollution Control Board, Salem has stated that, the 6<sup>th</sup> respondent was issued with consent orders under the Water (Prevention & Control of Pollution) Act, 1974 as amended and the Air (Prevention & Control of Pollution) Act, 1981, as amended to

mine 25000 T/Month of Magnesite and the same was periodically renewed by the Board upto 31.03.2013. Further, the renewal consent order under Water (Prevention and Control of Pollution) Act 1974, as amended & the Air (Prevention and Control of Pollution) Act 1981, as amended were not issued to the unit since the unit has not obtained environmental clearance.

35. It is further submitted that, the District Environmental Engineer has reported that, the unit increased its production activity more than the consented quantity by producing Dunite without obtaining environmental clearance under the EIA notification 2006 for which prior Environmental Clearance is required to be obtained from the Ministry of Environment, Forest and Climate Change, New Delhi, as per EIA Notification 2006. However, no prior EC was obtained by them. The 6<sup>th</sup> respondent has reported in it's letter dated 05.11.2014 that the Dunite production was as follows:-

Year	Dunite Production in Tonnes
2010-11	5610
2011-12	39000
2012-13	15150
2013-14	9355
2014-15	2950

36. It is also submitted that the District Environmental Engineer, has informed that, as per the Environmental Impact Assessment Notification 2006, Expansion and modernization of existing projects or activities attracts the penal provision of the Environment (Protection) Act 1986. Hence, the 6<sup>th</sup> respondent should submit its application to the Ministry of Environment, Forest and Climate Change, Government of India, for obtaining

post facto Environmental Clearance for the enhanced production beyond the base line production of the year 1993-1994 and the Ministry of Environment, Forest and Climate Change, Government of India (IA Division) requested to take action against the 6<sup>th</sup> respondent by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for the offence under Section 15 of the Act for the period for which violation has taken place vide its reference F.No J-11015/43/2012 -IA II (M), dated 05/02/2014 for the said violation.

37. It is further submitted by the District Environment Engineer that, the Ministry of Environment, Forest and Climate Change, Government of India (IA Division) vide letter dated 25.11.2020 stated that the mining activity which continue to operate without obtaining Environmental Clearance shall be considered as violation cases and requested to initiate credible action against the 6<sup>th</sup> respondent by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for the offence under Section 15 of the Act for the period for which violation has taken place.

38. It is submitted that, the Member Secretary, Tamil Nadu Pollution Control Board, Chennai vide letter dated 18.12.2020 directed the District Environmental Engineer, Tamilnadu Pollution Control Board, Salem to take action against the 6<sup>th</sup> respondent for the violations. In the meanwhile, a show cause notice was issued to the 6<sup>th</sup> respondent on 04.05.2020 for producing Dunite without obtaining prior Environmental Clearance violating the provisions of EIA Notification, 2006 enacted under the Environment (Protection) Act, 1986 and Consent of the Board under the provision of Water (Prevention and Control of Pollution Act, 1974 and the Air (Prevention and

Control of Pollution) Act, 1981 and thereby violated the provisions of above said Acts.

39. It is submitted that the District Environment Engineer has stated that the reply of the 6<sup>th</sup> respondent for the show cause notice was not satisfactory and therefore, has proposed to file a case under Section 200 of criminal procedure code for offence u/s read with 17 & 19 (a) of the Environment (Protection) Act, 1986 in Judicial Magistrate Court, Salem for the above said violation.

40. It is further submitted that, the 6<sup>th</sup> respondent has filed Writ petition No.29275 of 2016 before the Hon'ble Madras High Court with a prayer to issue a Writ of Mandamus forbearing the respondents from interfering with the mining operations of the petitioner in the Petition Schedule Premises and directing the respondents to continue to issue permits to excavate minerals namely Magnesite and Dunite on payment of requisite royalty and without insisting on Environmental Clearance Certificate. The writ petition was listed for hearing before the Hon'ble Madras High Court on 11.01.2022 and was disposed with the direction that the petitioner company to submit all the required documents, including the Environment Clearances certificate issued by the Competent Authorities of the State, enabling the State Authorities to consider the case and take a decision and pass appropriate orders on merits and in accordance with law. The respondents are directed to conduct inspection and verify whether mining operations were done or not, by verifying the statement made by the learned counsel for the petitioner. The joint inspection committee appointed by the Hon'ble National Green Tribunal, Southern Zone had inspected the subject

mining lease area and ascertained that continuous mining operations have been carried out by the 6<sup>th</sup> respondent. Subsequently, the team constituted by the Director of Geology and Mining had also ascertained the excess mining and transport of Magnesite and Dunite from the subject mining lease area of the 6<sup>th</sup> respondent without valid transport permit and accordingly the District Collector, Salem has been directed to take action against the 6<sup>th</sup> respondent under the extant Act and Rules.

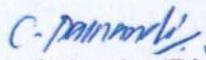
Under the circumstances stated above, it is respectfully submitted that the Hon'ble Tribunal may consider the above facts and pass appropriate orders in this matter.



Assistant Director  
Water Resource Department,  
Groundwater Geological subdivision,  
Salem.



District Environmental Engineer  
Tamil Nadu Pollution Control  
Board, Salem.



Scientist 'D'  
MoEF & CC, IRO,  
Chennai.



Sub-Collector  
Mettur,  
Salem.

  
Director of Geology and Mining

21/3/2022