

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI.**

Original Application No.216 of 2021 (SZ)

C. Rajamani,
S/o. Mr. Chidambaram,
No.12/61, 1st Street,
Kamaraj Avenue,
Adyar, Chennai – 600 020.

...Applicant

Vs

The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
No. 76, Mount Road, Guindy,
Chennai, Tamil Nadu - 600 032 & 3 others.

...Respondents

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**Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai**

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Vs

1. The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
No. 76, Anna Salai, Guindy,
Chennai, Tamil Nadu - 600 032.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil, Kanyakumari District.
3. The Assistant Director of Geology & Mining,
Kanyakumari,
Kanyakumari Colleratorate,
Nagercoil.
4. The District Collector,
Kanyakumari District,
Nagercoil.
5. State Environmental Impact
Assessment Authority,
Rep. by its Director,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road,
Saidapet, Chennai – 600 015.
6. Mr. Y. Sornappan,
S/o. Yesudasan,
Elanga Manipuram Hamlet,
Kulasekarapuram Rev. Village, & Post,
Agasteeswaram Taluk,
Kanyakumari District.


29/11/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

7. Mr. Y. Madhavan,
S/o. Yesudasan,
Elanga Manipuram Hamlet,
Kulasekarapuram Rev. Village, & Post,
Agasteeswaram Taluk,
Kanyakumari District.

... Respondents

REPORT FILED ON BEHALF OF THE 1ST & 2ND RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Rajamanickam, S/o. P.M. Ramasamy, Hindu, aged about 57 years, having my office at No. 76, Mount Salai, Guindy, Chennai - 600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 1st & 2nd Respondents, Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the applicant Thiru. C. Rajamani, S/o. Mr. Chidambaram, No.12/61, 1st street, Kamaraj Avenue, Adayar, Chennai has filed this application before the Hon'ble NGT (SZ), Chennai against the TNPCB and Others with a prayer to grant permanent injunction restraining the 6th and 7th respondents from carrying on the stone and gravel quarrying at patta lands measuring less than 50 cents, along with Government Poromboke lands, comprised in S. No. 186/4 etc., of Elangamanipuram Hamlet of Kulasekarapuram Village, Agasteeswaram Taluk, Kanyakumari District for illegal quarrying and also to take action against 6th and 7th respondents for their illegal activity of quarry is without any valid permission


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3. It is respectfully submitted that the Hon'ble NGT in its order dated 25.10.2021 directed inter alia as follows:

"In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a joint committee consisting of (1) The District Collector, Kanyakumari District, or a Senior Officer not below the rank of Assistant Collector / Sub Divisional Magistrate as deputed by the District Collector, (2) The Assistant Director of Geology & Mining, Kanyakumari District and (3) The District Environmental Engineer, Tamilnadu Pollution Control Board (TNPCB), Kanyakumari District to inspect the area in question and submit a factual as well as action taken report if there is any violation found".

Para:7 The Committee is directed to ascertain as to :

i. Whether the respondents 6 and 7 are having necessary Environmental Clearance (EC) / Permissions required under the environmental Laws,

ii. Whether the respondents 6 and 7 are conducting the quarrying strictly in accordance with the provisions of the Mines and Minerals (Development of Regulation) Act, 1957 and Tamil Nadu Minor Mineral concession Rules, 1956 and if there is any violations found, what is the nature of action taken against them,

iii. Whether there was any excess mining done by the respondents 6 and 7 and if so, what is the quantity, assess the Environmental Compensation (EC) for the excess mining done, apart from realising the royalty and penalty as per the Mines and Minerals (Development and Regulation) Act, 1957 and Tamil Nadu Minor Mineral Concession Rules, 1956.


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iv. Whether the respondents 6 and 7 have provided necessary pollution control mechanism to arrest the dust and sound pollution if any, arising out of the operation of the unit and of not, what is the nature of steps to be taken by them to mitigate the situation,

v. Whether the quarrying confirms the siting criteria as per Mines and Minerals (Development and Regulation) Act, 1957 and Tamil Nadu Minor Mineral Concession Rules, 1956.

Para: 8 The Tamil Nadu Pollution Control Board will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.

Para : 11 The Joint committee is directed to submit the report as directed by this Tribunal on or before 30.11.2021.

4. It is respectfully submitted that, in order to comply the above said NGT order dt.25.10.2021, the District Environmental Engineer , Tamil Nadu Pollution Control Board, Nagercoil is nominated as Nodal Officer of the Joint committee. Accordingly, the Joint Committee was constituted vide District Collector's Proceeding RC.No.F.NGT/DEE/TNPCB/NGL/2021, dt.12.11.2021 comprising of the following members:

1. The Revenue Divisional Officer,
Nagercoil.
2. The Assistant Director (Geology & Mining)
Kanyakumari District.
3. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Nagercoil


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5. It is further submitted that, earlier a complaint petition was received from Thiru. Nathan and 9 others representing the Villagers of Elangamanipuram regarding the blasting a small hillock by Thiru. Sornappan and few others behind their houses causing vibration of houses, dust emission etc., through the UTM petition redressal system vide ID No.2165704, dt.09.10.2021 and the same petition has also been received from District Forest Officer, Nagercoil vide letter No.Na-Ka No.11387/2021 dated 21.10.2021 for taking necessary action.

In this regard, the complaint site was inspected by the Assistant Environmental Engineer, TNPCB, Nagercoil on 26.10.2021. During inspection, it was noticed that no quarry industry exists in the complaint site and no blasting operation was observed. During inspection Thiru.Y.Sornappan, (6th respondent) informed that necessary permission has been obtained from the District collector and Department of Geology and Mining for the removal of small hillock which obstructs construction of his residential building and produced a copy of District Collector Proceeding dt.16.09.2021, in which the District Collector has accorded permission to remove the small hillock lying in 12 cents obstructs his patta land construction of house and permission is valid from 20.09.2021 to 19.10.2021. Hence, the complaint petition was forwarded to the Deputy Director, Geology & Mines, Nagercoil, Kanyakumari District vide DEE, TNPCB, Nagercoil letter No. F. TECH 06 (272)/2021 dt. 28.10.2021 with the copy to the complainant and reply sent to the petitioner was returned undelivered.


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It is further submitted that the joint committee report will be submitted separately.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

R. Rajamanickam 29/11/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.
BEFORE ME

VERIFICATION

I, R.Rajamanickam, S/o P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.

R. Rajamanickam 29/11/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
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THE 1ST & 2ND RESPONDENTS
TAMIL NADU POLLUTION
CONTROL BOARD**

**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date: 29.11.2021.

Date of hearing on:30.112021

