

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**SOUTHERN ZONE, CHENNAI**  
**Original Application No. 231 of 2021(SZ)**

P.G. Sethuraman,  
14/41, Perandaikattu valasu,  
Kangeyam Taluk,  
Tiruppur – 638 701

... Applicant

**Versus**

1. The Principal Secretary to Government of Tamil Nadu,  
Department of Environment Climate Change & Forests  
Chennai
2. The Principal Secretary to Government of Tamil Nadu,  
Industries Department,  
Chennai
3. The Chairman,  
Tamil Nadu Pollution Control Board,  
Chennai
4. Department of Geology and Mining,  
Rep. by its Director,  
Chennai.
5. State Environment Impact Assessment Authority  
through the Chairman,  
Chennai
6. The District Collector,  
Tiruppur District

...Respondent(s)

**REPORT FILED BY THE 6<sup>TH</sup> RESPONDENT**  
**DISTRICT COLLECTOR, TIRUPPUR.**

I, Dr. S.Vineeth, I.A.S., S/o. Thiru.Sukumarapillai, Hindu  
aged about 38 years residing at Collector's Bungalow, Kumar Nagar,

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DISTRICT COLLECTOR  
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Tiruppur -641606 working as District Collector, Tiruppur District do hereby solemnly affirm and sincerely state as follows:-

2) I am the 6<sup>th</sup> respondent herein and as such I am well acquainted with the facts and circumstances of the case from the available records.

3) In Order to comply with the orders of the Hon'ble National Green Tribunal dated 26.11.2021, I submit my report as follows:

4) It is most respectfully submitted that Thiru. N.S. Parthiban, S/o. N. Subramani, Mudiganam Post, Aravakurichi Taluk, Karur District was granted quarrying lease for Rough stone and Gravel, over an extent of 3.25.0 Hect. in patta lands comprised in S.F. nos. 733/2 (1.96.5) and 734/2 (1.28.5) of Senapathipalayam village, Kangeyam Taluk, Erode District for a period of 5 years from 14.08.2006 to 13.08.2011, vide Proceedings of the District Collector, Erode in R.c. No. 29164/2006/X-1 dated 14.08.2006 (as the subject area was under the jurisdiction of the erstwhile Erode District).

5) It is respectfully submitted that on expiry of the above lease, quarry lease was granted to Thiru. R. Manoharan, S/o. K.K. Ramasamy, 2/259, Reddipalayam, Andankoil Post, Karur District for quarrying and transportation of rough stone and gravel, over an extent of 3.25.0 Hect. in patta lands comprised in S.F. Nos. 733/2 and 734/2 of Senapathipalayam village, Kangeyam Taluk, Tiruppur District for a period of five years from 13.09.2011 to 12.09.2016 vide Proceedings of the District Collector, Tiruppur in R.c. No. 381/Mines/2011 dated 13.09.2011.

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6) It is respectfully submitted that consequent to the expiry of the 2<sup>nd</sup> lease, Thiru. R. Manoharan, S/o. K.K. Ramasamy, 1/284, K.N. Thottam, Andankoil Keel Pagam, Athur Post, Karur District had been granted quarrying lease for Rough stone and Gravel, over an extent of 3.25.0 Hect. in patta lands comprised in S.F. nos. 733/2 (1.96.5) and 734/2 (1.28.5) of Senapathipalayam village, Kangeyam Taluk, Tiruppur District for a period of 5 years from 12.01.2017 to 11.01.2022 vide Proceedings of the District Collector, Tiruppur in R.c. No. 416/Mines/2016 dated 12.01.2017 after obtaining Environmental Clearance from the State Level Environment Impact Assessment Authority, Chennai Lr.No. SEIAATN/F.No.5891/1(a)/EC.No.3903 /2016 Dated:18.11.2016.

7) It is respectfully submitted that in pursuance to the orders of the Hon'ble National Green Tribunal, a committee comprising of (1).The Revenue Divisional Officer, Dharapuram, (2). The District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruppur (North) and (3) The Deputy Director, Geology and Mining, Tiruppur was constituted vide the District Collector, Tiruppur proceedings in R.c. No. 925/2021/Mines dated 10.12.2021 with a direction to inspect the subject area and to furnish a detailed report to the District Collector regarding the validity of the lease, siting criteria and also regarding allegations including environmental impacts made in the petition as ordered by the Hon'ble Green Tribunal.

8). It is respectfully submitted that the members of the committee inspected the subject area on 15.12.2021 and the District Environmental Engineer, Tiruppur North has submitted his individual

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report in R.c. No. F. NGT Case / O.A. No. 231/2021 (SZ) / DEE/ TNPCB / TPN/2021 dated 15.12.2021 as detailed below:-

**i) M/s. R. Manoharan Rough Stone and Gravel Quarry:**

The unit of M/s. R. Manoharan Rough Stone and Gravel Quarry is located at S.F. No. 733/2 & 734/2, Senapathipalayam Village, Kangeyam Taluk, Tiruppur District.

The unit has obtained Environmental Clearance from State Level Environmental Impact Assessment Authority, Tamil Nadu vide its Lr.No. SEIAATN/F.No.5891/1(a)/EC.No.3903/2016 Dated:18.11.2016 for Rough stone & Gravel quarry at S.F.No.733/2 and 734/2 with a lease extent of 3.25.0 hectares with the quantity of 2,78,721 m<sup>3</sup> of rough stone, 4,830 m<sup>3</sup> Gravel and 14,850 m<sup>3</sup> of Weathered formation for the period of 5 Years. Further, the unit has obtained Consent to Operate (Direct) from the office vide Proc. No. F.1731TPN/RS/DEE/TNPCB/TPN /W&A/2017, Dated: 04.01.2017 with validity up to 31.03.2018 and subsequently renewed the consent up to 17.11.2022 vide this office proceedings dated: 04.08.2019.

During the committee inspection on 15.12.2021, the following were observed:

- 1) The quarry was not in operation.
- 2) The unit has provided water sprinkler system to control the fugitive emission due to vehicle movement and it is in operable condition.
- 3) The unit has not provided the fencing around the quarry boundary.
- 4) The unit has not earmarked the quarrying area.

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**ii) M/s. Shree Nithi Stone and Metal:**

The unit of M/s. Shree Nithi Stone and Metal is located at S.F. No. 722/A, 723/A, 731/A, 733, 734 & 736/A, Senapathipalayam Village, Kangeyam Taluk, Tiruppur District.

The unit has obtained Consent to Operate (Direct) from the office vide Proc. No. F.No. TPN0611/RS/DEE/TNPCB/TPN/W&A/2013, Dated: 05.10.2013 with validity up to 31.03.2014 and subsequently renewed the consent with validity up to 31.03.2022 for the following:

1. Product details: Blue Metal Jelly (1/4", 1/2", 3/4", 1 1/2" & Stone Powder) – 2000 Tons/Month.
2. Generation and disposal of sewage – 1.50 KLD through On Industry`s Own Land.
3. Point source emission (Source - Control Measures):  
 Jaw crusher - 2 Nos. – Enclosure water sprinkler.  
 Vibrator – 2 Nos. – Enclosure water sprinkler.  
 Powder section – Enclosure water sprinkler.

Further, the unit was inspected on 19.02.2021 and a show cause notice was issued to the unit for operating the unit without obtaining Consent for change of name and management. Subsequently, the unit has applied for Consent to Operate (Direct) in the name of M/s. Erode Mines through online. Based on the online application, the unit was inspected and the application was returned to the unit for want of particulars and to provide adequate Air Pollution Control measures. Subsequently, the unit was inspected on 04.05.2021 and found that the unit has provided adequate Air Pollution Control measures. The unit is yet to resubmit the application for change of name and management.

During the committee inspection on 15.12.2021, the following were observed:

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- 1) The unit was not in operation. However, it was under operational condition.
- 2) The unit has provided the following Air Pollution Control measures and was under operational condition.
- 3)

S.No.	Point Source Emission	Pollution Control Measures provided
1)	Jaw crusher – 2 Nos.	Enclosure with Water Sprinkler
2)	Vibrator – 2 Nos.	Enclosure with Water Sprinkler
3)	Powder section	Enclosure with Water Sprinkler
4)	Conveyors	Covered with hood arrangement
5)	Fugitive emission	Water sprinklers provided

- 4) The unit has provided water sprinkler system for loading and unloading area to control the fugitive emission.
- 5) The unit has developed green belt around the boundary of the unit.

**iii) M/s. Shree Nithi Enterprises:**

M/s. Shree Nithi Enterprises is located at S.F. No. 735/3A, Senapathipalayam Village, Kangeyam Taluk, Tiruppur District.

The unit has obtained Consent to Operate (Direct) vide Proc. No. F.2174TPN/OS/DEE/TNPCB/TPN/W&A/2017, Dated: 20.11.2017 with validity up to 31.03.2019 further the unit has obtained Consent to Operate (Expansion-I) vide Proc. No. F.2174TPN/OS/DEE/TNPCB/TPN/W&A/ 2020, Dated: 06.09.2020 with validity up to 31.03.2022 for the following:

1. Product details: Crushed stone sand – 3900 Tons/Month.
2. Generation and disposal of sewage – 0.40 KLD through Industry's Own Land.

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3. Generation and disposal of trade effluent – 27.0 KLD with recycling for crushed stone sand washing.

4. Point source emission (Source - Control Measures):

Vertical shaft impactor (VSI Machine – 1 No.) – Enclosure with water sprinkling system.

Vibrator – 1 No. – Enclosure with water sprinkling system.

Conveyor belt – 6 Nos. – Enclosure with water sprinkling system.

D.G. Set 82.5 KVA – Acoustic enclosure with stack.

Further, the unit was inspected on 19.02.2021 and a show cause notice was issued to the unit for operating the unit without obtaining Consent for change of name and management. Subsequently, the unit has applied for Consent to Operate (Direct) in the name of M/s. Erode Mines (M Sand Unit) through online. Based on the online application, the unit was inspected and the application was returned to the unit for want of particulars and to provide adequate Air Pollution Control measures. Subsequently, the unit was inspected on 04.05.2021 and found that the unit has provided adequate Air Pollution Control measures. The unit is yet to resubmit the application for change of name and management.

During the committee inspection on 15.12.2021, the following were observed:

- 1) The unit was not in operation. However, it was under operational condition.
- 2) The unit has provided the following Air Pollution Control measures and were under operational condition:

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S.No.	Point Source Emission	Pollution Control Measures provided
1)	Vertical Shaft Impactor (VSI Machine) – 1 No.	Enclosure with Water Sprinkling System.
2)	Vibrator – 1 No.	Enclosure with Water Sprinkling System.
3)	Conveyor Belt – 6 Nos.	Covered with hood arrangement
4)	D.G. Set – 82.5 KVA	Acoustic enclosure with stack

3) The unit has provided water sprinkler system for Haulage road and Loading and unloading point to control the fugitive emission.

4) The unit has developed green belt around the boundary of the unit”.

9) It is respectfully submitted that the Revenue Divisional Officer, Dharapuram and Deputy Director, Geology and Mining, Tiruppur have submitted their joint inspection report as detailed below:-

1.	Name of the lessee	:	Thiru.R.Manoharan, S/o. K.K. Ramasamy No.1/248,K.N. Garden, Andan kovil east, Karur, Tamil Nadu – 639 002.
2.	Taluk and Village	:	Kangayam Taluk Senathipalayam village
3.	S.F.Nos and Extent in hecets.	:	S.F.Nos.733/2 and 734/2 3.25.0 hecets
4.	Classification	:	Patta lands
5.	Name of the Mineral	:	Rough Stone and Gravel
6.	Mining plan approval order, date, depth of quarrying and approved quantity	:	Approval order: Rc. No. 416/Mines/ 2016 dated 27.10.2016.

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			Approved Quantity :	278721cbm of Rough stone, 4830 cbm Gravel and 14850 cbm of weathered formation
7.	Environmental clearance issued details and approved quantity	:	Order:	Lr.No. SEIAA-TN- /F.No.5891/1(a)/EC. No. 3903/2016 dt.18.11.2016
			Approved depth:	55 m
			Approved Quantity:	278721 cbm of Rough stone, 4830 cbm Gravel and 14850 cbm of weathered formation
8.	District Collector Proceedings No. and date of grant	:	Rc.No. 416/கனிமம்/ 2016 dated 12.01.2017.	
9.	Lease Period	:	12.01.2017 to 11.01.2022	

10. Previous lease granted particulars if any in the subject area, Quantity removed and Seigniorage fee collected							
	Name of the lessee	S.F. Nos, extent (hects)	Proc. No and date	Lease Period	Approved mining plan/ Environment clearance if any	Quantity removed and transport permit issued (cbm)	Seigniorage fee collected in Rs.
1	N.S. Parthiban	733/2 734/2 3.25.0 Hect.	29164/ 2006/ x-1 dated 14.08.2006	14.08.2006 - 13.08.2011	--	Rough stone 10020 Gravel 1800	Rs. 367675/-
2	R. Manoharan	733/2 734/2 3.25.0 Hect.	381/Mines / 2011 dated 13.09.2011	13.09.2011 - 12.09.2016	--	Rough stone 37125 Gravel 3660	Rs. 1790100/-

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11. The details of permit issued during the current lease period:

Mineral	Quantity for which permit issued during the current lease period (in cubic meters)	Seigniorage Fees remitted in Rs.
Gravel	3330	Rs. 5233440/-
Rough stone	91362	

12. Field observations / violations detected:

1. The lessee has not maintained safety distance of 7.5 meters to the adjoining patta lands on the eastern side.
2. The lessee has not maintained safety distance of 50 meters to the PAP canal passing through the lands in S.F. Nos. 733/1, 734/1 on the northern side.

Total quantity mined as per the sketch (in Cubic meter)		Total quantity for which transport permit obtained during all the three lease periods (in Cubic meter)		Stock available as per the sketch (in Cubic meter)		Balance quantity transported without valid transport permits (in Cubic meter)	
Rough stone	Gravel	Rough stone	Gravel	Rough stone	Gravel	Rough stone	Gravel
358403	51890	138507	8790	19653	13236	200243	29864

3. From the above table, it is revealed that, the lessee had quarried and transported 200243 cubic meters of rough stone and 29864 cubic meters of gravel excessively from the lease area without valid transport permit.

10) It is respectfully submitted that it is noted from the joint inspection report that the lessee has committed the following violations:-

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1. The lessee has not maintained safety distance of 7.5 meters to the adjoining patta lands on the eastern side.
2. The lessee has not maintained safety distance of 50 meters to the PAP canal passing through the lands in S.F. Nos. 733/1, 734/1 on the northern side.
3. The lessee had quarried and transported 200243 cubic meters of Rough Stone and 29864 cubic meters of Gravel excessively from the lease area without remitting necessary seigniorage charges to the Government and without valid transport permit.

11) It is most respectfully submitted that based on the joint inspection report, the Revenue Divisional Officer, Dharapuram has been directed to take action as per rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959 for levying penalty against the lessee Thiru. R. Manoharan, S/o. Ramasamy for having indulged in quarrying and transportation of 200243 cubic meter of Rough Stone and 29864 cubic meter of Gravel from the lease hold area without remitting necessary seigniorage charges to the Government vide District Collector letter in Rc.No.925/2020/Mines dated 21.12.2021.

12) It is submitted that the statute rule 36(5) (h) of the Tamil Nadu Minor Mineral Concession Rules, 1959 provides that, "***in case of breach by the quarrying permit holder or quarrying lease holder or his transferee or assignee of any of these rules or of the conditions of the lease, the Director of Geology and Mining or the Chief Conservator of Forests, as the case may be, or the District Collector or the District Forest Officer, as the case may be, without prejudice to any other penalty which may be imposed in respect of such breach, may cancel the lease after granting an opportunity of hearing to the said person***".

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13) It is most respectfully submitted that as envisaged under Rule 36 (5) (h) of the Tamil Nadu Minor Mineral Concession Rules, 1959, the lessee has been directed to appear before the District Collector on 29.12.2021 at 3.30 PM and to offer his explanation as to why action should not be taken for termination of quarry lease granted to him for the violations committed by him vide District Collector's Show Cause Notice in Rc.No.925/2020/Mines dated 21.12.2021.

14) In the circumstances stated above, it most respectfully submitted that the Revenue Divisional Officer, Dharapuram has been directed to take action as per rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959 for levying penalty against the lessee for having indulged in quarrying and transportation of 200243 cubic meter of Rough Stone and 29864 cubic meter of Gravel from the lease hold area without remitting necessary seigniorage charges to the Government and action has also been initiated against the lessee for cancellation of quarry lease as per Rule 36 (5) (h) of the Tamil Nadu Minor Mineral Concession Rules, 1959.

In view of the above, it is therefore humbly prayed that this Hon'ble National Green Tribunal, Southern Zone, Chennai may be pleased to record the above mentioned facts and dispose of the application or pass such further order as this Hon'ble National Green Tribunal may deem fit and proper in the fact and circumstance of this case and thus justice.

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Sign :

Date : 23.12.2021

  
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**VERIFICATION**

I, Dr. S. Vineeth, I.A.S., Son of Thiru. Sukumarapillai, Hindu, aged about 38 years, residing at Collector's Bungalow, Kumar Nagar, Tiruppur 641 606 and do hereby declare that the aforesaid fact are true and correct to the best of my knowledge and information.

Sign :

Date : 23.12.2024

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