

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

MEMORANDUM OF APPLICATION

Application No. 235 of 2021

U. Udayashankar,
S/o. Umapathy,
No.82, Puthuvayal Village,
Lake Association President,
Gummidipoondi Union,
Thiruvallur District – 602024.

.. Applicant(s)

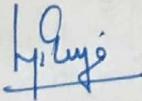
-Vs-

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
Fort St. George, Chennai – 600009.
2. The District Collector,
Thiruvallur District,
Thiruvallur – 602 025.
3. The Executive Engineer,
Public Works Department,
AraniyarVadinilaKottam,
Chepauk, Chennai – 600005.
4. The Tahsildar,
Gummidipoondi,
Thiruvallur District – 601201.
5. K.Gowrishankar,
S/o. D. Kothandan,
No.678, Thuppattiyar Street,
Perumalpattu Village,
Thiruvallur District – 602024

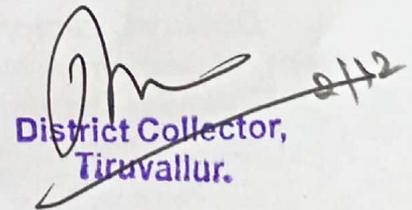
...Respondent(s)

REPORT FILED BY THE 2nd RESPONDENT

I, Dr.Alby John Varghese, S/o. John Varghese, aged about 33 years,
working as District Collector having office at Collectorate, Tiruvallur, do
hereby solemnly affirm and sincerely state as follows:-

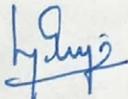


Deputy Director
Dept. of Geology & Mining
Tiruvallur District.

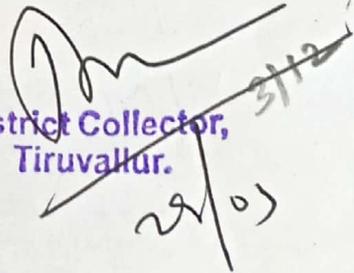


District Collector,
Tiruvallur.

- 1) I am working as the District Collector and I am well acquainted with the facts and circumstances of the case from the records available with this office.
- 2) It is submitted that 5th respondent Thiru. K.Gowrishankar has applied to the District Collector, Tiruvallur on 27.02.2015 to grant permission to quarry 5000 lorry loads of Savudu in S.F.No. 368/1 PWD tank of Pudevoyal-II Village, Gummidipoondi Taluk, Tiruvallur District under erstwhile Rule 12 of Tamil Nadu Minor Mineral Concession Rules, 1959. The 5th respondent has obtained Environment Clearance from State Level Environment Impact Assessment Authority, Tamil Nadu vide letter No. SEIAA/TN-F.No.3680/EC/1(a)/2259/2015, dated 23.10.2015 for the subject area for a quantity of 21800 cbm of Savudu with a condition that the Environmental Clearance will be coterminous with the mine lease period or limited to a maximum of 50 days from the date of issue of environment clearance whichever is earlier. Subsequently, the 5th respondent has obtained a revised Environment Clearance vide letter No. SEIAA/TN-F.No.3680/ EC/ 1(a)/2259/2016, dated 30.08.2016 with a condition that Environmental Clearance will be coterminous with the mine lease period or limited to a maximum of 50 days from the date of commencement of mining.
- 3) It is submitted that based on the Environmental Clearance obtained from SEIAA, the application of the 5th respondent was placed before the Special Committee on 20.10.2016 as per rule 12 (2-A) (c) & (d) of Tamil Nadu Minor Mineral Concession Rules, 1959 and based on the recommendation of the Special Committee, permission has been granted in PWD Tank comprised



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Dept. of Geology & Mining
Tiruvallur District.



District Collector,
Tiruvallur.

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in S.F.No. 368/1(P) of Pudukoyal-II Village, Gummidipoondi Taluk, Tiruvallur District to quarry 21800 cbm of savudu for a period of 50 days vide District Collector, Tiruvallur Proceedings Rc.No. 99/2015/G&M-2, dated. 27.06.2020 and the period of permission was expired on 08.10.2020.

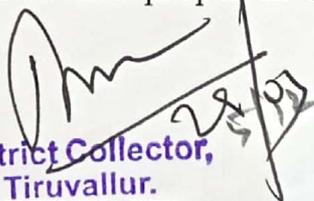
- 4) It is submitted that in the meantime, the applicant herein filed Writ petition No.12595 of 2020 at the Hon'ble High Court of Madras with a prayer, to issue a direction calling for the records relating to the order passed by the 2nd respondent in Na.ka. No. 99/2015/G&M-2, dated. 27.06.2020 and to quash the same and pass further orders as the Court may deem fit. A Division Bench of the Madras High Court by order dated 15.09.2020 in WMP.No. 15534 /2020 in W.P.No.12595 of 2020 granted an order of interim stay for a period of 2 weeks.
- 5) It is submitted that based on the interim order dated 15.09.2020 in W.P.No.12595/2020 filed by Thiru.U. Udayasankar, the applicant herein, the quarry operation has not been commenced in the area granted to the 5th respondent.
- 6) It is further submitted that the Executive Engineer, Public Works Department, Araniyar Basin Division, Chennai-5 vide report dated 19.08.2021 has also informed that the quarrying operation has not been commenced in the area granted to the 5th respondent for quarrying of 21800 cbm of savudu in PWD Tank comprised in S.F.No. 368/1(P) of Pudukoyal-II Village, Gummidipoondi Taluk, Tiruvallur District for a period of 50 days vide District Collector, Tiruvallur Proceedings Rc.No. 99/2015/G&M-2, dated. 27.06.2020 based on the interim order dated 15.09.2020 in Writ petition filed by Thiru.U.Udayasankar.

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District Collector,
Tiruvallur.

- 7) It is submitted that the Hon'ble Division Bench of Madras High Court by order dated 19.04.2021 in W.P.No.12595 of 2020 disposed the Writ petition by permitting the petitioner to place the grievance to the appropriate NGT and also recorded that the merits of the matter have not been gone into and consequently WMP.Nos. 15533 and 15534 of 2020 have also closed.
- 8) It is submitted that accordingly the petitioner filed original Application No.235 of 2021 before the Hon'ble National Green Tribunal(SZ), Chennai.
- 9) In this connection, it is respectfully submitted that permission has been granted to the 5th respondent in PWD Tank comprised in S.F.No. 368/1(P) of Pudevoyal-II Village, Gummidipoondi Taluk, Tiruvallur District to quarry 21800 cbm of savudu for a period of 50 days vide District Collector, Tiruvallur Proceedings Rc.No. 99/2015/G&M-2, dated. 27.06.2020 under Rule 12 of Tamil Nadu Minor Mineral Concession Rules,1959 and the period of permission was expired on 08.10.2020.
- 10) It is submitted that however the quarry operation has not been commenced in the area granted to the 5th respondent for quarrying of 21800 cbm of savudu in the subject area based on the interim order passed by the Hon'ble Division Bench of Madras High Court dated 15.09.2020 in W.P.No.12595 of 2020 filed by Thiru.U.Udayasankar, the applicant herein.
- 11) It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to record the abovementioned facts and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

Solemnly affirmed at Tiruvallur
on this the day of March 2022
and signed his name in my presence


**District Collector,
Tiruvallur.
BEFORE ME**


**Deputy Director
Dept. of Geology & Mining
Tiruvallur District.**

VERIFICATION

I, Dr. Alby John Varghese, S/o. Mr. John Varghese, aged about 33 years, working as District Collector, hereby certify that I have verified the contents above and declared that what are all stated above are true and correct to the best of my knowledge and belief.


District Collector
Tiruvallur. 29/3/12


29/3/12