

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.

Original Application No. 253 of 2020 (SZ)

Thiru N. Gajendara Rao,
S/o. Narasingha Rao,
Venkatapuram Panchayat,
Kothapeta Village,
Krishnagiri District.

...Applicant

Vs

The Commissioner,
Geology and Mining Department,
Chennai and others.

...Respondents

REPORT FILED ON BEHALF OF THE RESPONDENTS
TAMILNADU POLLUTION CONTROL BOARD

I, G. Goplakrishnan, Son of V. Gandhi, Hindu, aged about 58 years, having office at No.76, Mount Road, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai - 600 032 and I am filing this Report on behalf of the Respondents TNPC Board and as such I am well acquainted with the facts of the case from the records.

2. It is submitted that the Hon'ble NGT has passed an order dated 14.12.2020 and directed inter alia as follows:

"We feel that a report can be called for the Tamil Nadu State Pollution Control Board as well as the District Mining Officer and the District Collector independently regarding the allegations made in the application as to whether there is any violation of siting criteria provided as per the guidelines issued as per the proceedings B.P.No.

21 dated 31.07.2019 by the Tamil Nadu State Pollution Control Board


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in this regard and if so, what is the proposed action to be taken against the same and if there is any violation, imposition of environmental compensation against the violator may be imposed”.

3. It is respectfully submitted that based on the orders of the Hon'ble NGT dated 14.12.2020, the quarry site of S.F. No. 56/1 (Part 5), Kothapetta Village, Krishnagiri Taluk, Krishnagiri District and its surroundings were inspected by the officials of the DEE, TNPCB Hosur on 22.12.2020, the following were observed:

i. The Tahsildar, Krishnagiri Taluk and District in its field inspection report stated that, there is no habitations, village natham, approved house layouts and Archaeological important places were located within 300 meter radius from the S.F. No. 56/1 (Part 5), Kothapetta Village, Krishnagiri Taluk, Krishnagiri District.

ii. The extract of the field inspection report furnished by the Tahsildar, Krishnagiri Taluk & District in Tamil is given below: (The copy of the report is submitted herewith as **Annexure-I**):

“மேற்கண்ட புல வரையடத்தில் வரையறுக்கப்பட்டுள்ள பகுதியில் இருந்து 300 மீ சுற்றளவிற்குள் குடியிருப்பு பகுதிகளோ, கிராம நத்தமோ, அங்கீகரிக்கப்பட்ட வீட்டு மனைகளோ, புராதன சின்னங்களோ, தொல் பொருள் துறையினரால் பராமரிக்கப்பட்டு வரும் பாதுகாக்கப்பட்ட தொல்லியல் சின்னங்களோ

அமைந்திருக்கவில்லை”.

iii. The Deputy Director, Department of Geology and Mining, Krishnagiri vide Letter No. Roc.49/2016/Mines-1 dated: 02.04.2016 has stated that the quarry lease has been approved for rough stone over an extent of 1.20.0 Hectares of Government Poromboke lands in

S.F.No. 56/1 (Part 5), Kothapetta Village, Krishnagiri Taluk, Krishnagiri District. The copy the letter dt. 02.04.2016 is submitted herewith as

Annexure-II

iv. The District Collector, Krishnagiri vide Roc.No.49/2016/Mines-2 dated: 29.02.2016 has communicated the precise area for the rough stone lease to the applicant Tmt. Sa Sumitha Shankar W/o. Shankar Raj, 3/252, Metbenda, Venkatapuram Panchayat, Krishnagiri Taluk & District in the Government Poramboke lands at S.F.No. 56/1 (Part 5), over an extent of 1.20.0 hectare in Kothapetta Village, Krishnagiri Taluk, Krishnagiri District. The Copy of District Collector letter is submitted herewith as **Annexure – III**

v. The SEIAA in their letter No. SEIAA-TN/F.No.5224/1 (a)/EC.No:3232/2016 dated 06.07.2016 have been accorded Environmental clearance to the said project under the EIA Notification, 2006 with validity upto 05.07.2021. The Copy of the SEIAA letter is submitted herewith as **Annexure – IV**.

4. It is respectfully submitted that Tmt. Sa. Sumitha Shankar, the Proprietrix, of the unit of M/s. SA. Sumitha Shankar Rough Stone Quarry, SF. No. 56/1 (Part 5) (Government Poramboke Land), Kothapetta Village, Krishnagiri Taluk, Krishnagiri District has obtained for Consent to Establishment of the Board under the Water (P&CP) Act, 1974 as amended & the Air (P&CP) Act, 1981 vide Proceeding No. F.932HSR/RS/DEE/TNPCB/ HSR/W&A/2016 dt. 22/07/2016 for Rough Stone Quarrying activity in an extent of 1.20.0 Ha at S.F.No. 56/1 (Part 5) (Government Poramboke Land), Kothapetta Village,

Krishnagiri Taluk, Krishnagiri District for a period of Five years – 227255 m³ with validity 26.07.2018.

5. It is respectfully submitted that, the above said quarry unit has obtained for consent to operate of the Board under the Water (P&CP) Act, 1974 as amended & the Air (P&CP) Act, 1981 as amended vide Proc. No. F.932HSR/RS/DEE/TNPCB/HSRW&A/2016 dt. 13/10/2016 with validity upto 31.03.2021 for carrying out Rough Stone Quarrying in an extent of 1.20.0 Ha at S.F.No. 56/1 (Part-5), Kothapetta Village, Krishnagiri Taluk, Krishnagiri District for a period of Five years, Quantity – 227255 m³ and it was found under operation.

6. It is further submitted that the Assistant Director (Geology & Mining Department), Krishnagiri has furnished the details of rough stone quarry leases situated around rough stone quarry in S.F.No. 56/1 (Part-5), Kothapeta Village, Krishnagiri Taluk, Krishnagiri District vide letter Rc. No. 1253/2020/Mines dated 29.12.2020) and the details are given below: (The copy of details of rough stone quarry is

submitted herewith as **Annexure- V**)

Sl. No.	Name of the Lessees	Village & Taluk	S.F.No. & Extent	District Collector Proceedings /Order dated	Lease Period	Remarks
1.	Tmt. Sa.Sumitha Shankar, W/o.Shankar Raj, 252, Metbanda Village, Venkatapuram Panchayat, Krishnagiri Post, Taluk & District.	Kothapetta, Krishnagiri Tk.	56/1 (Part-5), Ext: 1.20.0 Ha.	Roc 49/2016 (Mines) Dt.18.8.2016	01.9.2016 to 31.08.2026	-
2.	Qummarunnisa W/o.Abdul Jaffar, No.2 Rahamatulla Street, Krishnagiri Town and District	Kothapetta, Krishnagiri Tk.	87/1B1(P) 87/1B2, Ext: 4.75.0 Ha.	Roc 08/2013 Mines Dt.05.02.2016	02.03.2016 to 01.03.2021	-
3.	Tmt. K.M. Vijaya, W/o. Madhiazhagan, No. 58B Gandhi	Kothapetta, Krishnagiri Tk.	78/1B(Par t), Ext:	Roc 419/2018 Mines	30.05.2018 to 29.05.2023	-

	Nagar, Krishnagiri and Taluk.		4.00.0 Ha.	Dt.30.5.2018		
4.	M/s. Devarajaa M Sand, No.58 B Gandhi Nagar, Krishnagiri and Taluk.	Kothapetta, Krishnagiri Tk.	78/1A (Part) 78/1B (Part), Ext: 4.00.0 Ha.	Roc 418/2018 Mines dated 30.5.2018	31.5.2018 to 30.05.2023	-
5.	Thiru. G.Ganesan, Avdhanapatti Village, Agraharam Post, Krishnagiri Taluk.	Kothapetta, Krishnagiri Tk.	56/1 (Part-D), Ext: 2.54.0 Ha.	Roc 611/2009 /Mines-2 dated.14.5.2015	14.05.2015 to 13.05.2020	Lease Expired
6.	A.Madesh, S/o. Annadurai, D.No.36/18 Dasaratharam Kovil St, Pudukkuttai, Krishnagiri Town	Kothapetta, Krishnagiri Tk.	56/1 (Part-C), Ext: 2.54.0 Ha.	Roc 126/2010 /Mines-1 dated.15.3.2010	03.05.2020 to 02.05.2015	Lease Expired

The consent status of the quarries located in and around the rough stone quarry in S.F.No. 56/1 (Part-5), Kothapeta Village, Krishnagiri Taluk, Krishnagiri District as given below:

Sl. No.	Description	Location	Env. Clearance status	Consent Type	Consent Validity	Present Status
1	Qamrunnisa Rough Stone Quarry, Kothapetta Village, Krishnagiri Taluk & District.	87/1B1 (Part), 87/1B2, Ext: 4.75.0 Ha.	EC issued dt. 05.01.2016 to 04.01.2021 (SEIAA)	CTO	Issued Dated 20.06.2020 consent validity 04.01.2021	Under operation.
2	K.M. Vijaya Rough Stone Quarry No. 58 B Gandhi Nagar, Krishnagiri Town and Taluk	78/1B (part) Ext: 4.00.0 Ha.	EC issued dt. 27.02.2018 to 26.02.2023 (DEIAA)	CTO	Issued Dated 20.06.2018 consent validity 31.03.2022	Under operation.
3	M/s. Devarajaa M Sand, No.58 B Gandhi Nagar, Krishnagiri Town and Taluk.	78/1A (Part) 78/1B (Part), Ext: 4.00.0 Ha.	EC issued dt 27.02.2018 (DEIAA)	CTO	Issued date 20.06.2018 consent validity 31.03.2022	Under operation.
4	Thiru. G.Ganesan, Quarry Avdhanapatti Village, Agraharam Post, Krishnagiri Taluk,	56/1 (Part D) Ext: 2.54.0 Ha	EC issued dt. 04.03.2015 to 03.03.2020 (SEIAA)	CTO	Issued Dated 23.07.2018 consent validity 03.03.2020	Lease Expired
5	A.Madesh S/o. Annadurai, D.No.36/18, Dasaratharam Kovil Street.	56/1 (Part C) 2.54.0 Ha.	Abandoned quarry.		Lease Expired on 02.05.2015.	

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7. It is respectfully submitted that , one stone crusher unit namely M/s. Devarajaa M Sand, located at 78/1A(part) 78/1B(part), 78/2 Kothapetta Village, Krishnagiri Taluk & District is located nearby the quarry at S.F. No. 56/1 (Part-5), Kothapeta Village, Krishnagiri Taluk, Krishnagiri District. The unit has obtained consent to operate of the Board vide Proc.No.F.1342HSR/OS/DEE/TNPCB/HSR/W&A/2018 dated 19.12.2018 with validity upto 31.03.2022.

8. It is respectfully submitted that, there is no other stone crusher units located within 1 km radius from the existing stone crusher unit of M/s. Devarajaa M Sand, located at 78/1A(part) 78/1B(part), 78/2, Kothapetta Village, Krishnagiri Taluk & District.

9. It is respectfully submitted that, the applicant prayer is to restrain the leasing out of another quarry in Survey No. 56/1 (Part-5), Kothapeta village, Krishnagiri Taluk, Krishnagiri District pursuant to the Tamil Nadu Pollution Control Board order B.P No. 21 dated 31.07.2019.

10. It is submitted that the siting criteria provided as per the above B.P No. 21 dated 31.07.2019 is applicable only to the stone crusher and not applicable to the rough stone quarries as claimed by the petitioner and hence, there is no violation is observed.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) 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.


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BEFORE ME

VERIFICATION

I, G. Gopalakrishnan, Son of V. Gandhi, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032 do hereby submit that the contents of above report are true to the best of my knowledge through records.
Verified at Chennai on this 19th day of February, 2021.


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