

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 29 of 2021 (SZ)

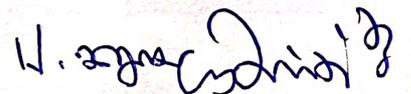
1. Ramkumar,
S/o Murugan,
Meliruppu Village,
Panruti Taluk, Cuddalore District - Petitioner

-Vs-

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Commissioner,
Geology and Mining,
Guindy Chennai
3. The Assistant Director,
Geology and Mining.
Cuddalore.
4. The Revenue Divisional Officer
Cuddalore.
5. The Thasildar, Panruti Taluk,
Cuddalore District.
6. Deputy Superintendent of Police
Panruti Zone,
Cuddalore District
7. The Inspector of Police,
Kadambaliyur Police Station
Panruti Taluk Cuddalore District.
8. The District Environment Engineer
Tamil Nadu Pollution Control Board
Sipcot Industries Complex
Kudikadu, Cuddalore District.
9. R. Krishnamoorthy
S/o Rajakannu
Meliruppu Village
Panruti Taluk Cuddalore District - Respondents

INDIVIDUAL STATEMENT FILED BY THE 7th RESPONDENT

I, B. Rajathamarai Pandian, aged 50, S/o. Badmanathan presently working as Inspector of Police, Kadampuliyur Police Station of Panruti Sub-Division, Cuddalore District do hereby solemnly affirm and sincerely state as follows.



2. I respectfully submit that I am the 7th respondent herein in the above petition and even though I don't have any role in the ingredients of the petition filed before the Hon'ble Tribunal, I am well acquainted with the facts and circumstances of the petition from the sources/records and filing my individual statement in compliance with the direction of the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No. 29/2021.

3. It is submitted that the prayer of the petitioner in the aforesaid petition in Original Application No. 29 of 2021 (SZ) before this Hon'ble National Green Tribunal, Southern Zone, Chennai is that to pass an order directing the respondents 1 to 8 to initiate action against the 9th respondent. This Hon'ble National Green Tribunal, Southern Zone, Chennai, in its order dated 05.02.2021 has directed to appoint a Joint Committee comprising of (i) District Collector, Cuddalore District or a senior officer not below the rank of Assistant Collector or a Sub-Divisional Magistrate as deputed by him (ii) Assistant Director, Geology and Mining, Cuddalore District (iii) a Senior Officer from the Tamilnadu Pollution Control Board as deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report, if any violation of conditions imposed, whether there is any excess mining was done more than the permitted quantity, if any violation committed including recovery of penalty and royalty as provided under respective mining rules apart from imposing environmental compensation for the loss caused to the environment whether there was any damage caused to the property of the applicant on account any alleged violation said to have been committed by the 9th respondent and whether there is any violation of any specific or general conditions given in the mining lease regarding its implementation and closure.

H. Srinivasan

etc, as well is found. In addition, this Hon'ble Green Tribunal also directed the Committee to submit the report to this Tribunal on or before 24.03.2021.

4. I submit that based on the subsequent developments, I came to know that in accordance with the above direction given by the Hon'ble Green Tribunal in its order dated 05 February 2021, the committee comprising of the Revenue Divisional Officer, Cuddalore, Assistant Director, Geology and Mining, Cuddalore and the District Engineer, Tamil Nadu Pollution Control Board, Cuddalore District inspected the aforesaid quarry in question and submitted the report. The Committee inspected the aforesaid quarry on 04.03.2021 and found the following violations.

- (i). the 9th respondent was given permission to a gravel quarry in S.F.No. 78/3A (1.38.00 Hectares) located in Semmedu Village, Panruti Taluk vide District Collector Proceedings Na.ka. 888/Mines/2016 for a period of two years (05.04.2018 to 04.04.2020) with the condition to dig only two meters depth to quarry 17056 cubic meters of gravel as per mining plan.
- (ii) But the lessee didn't complied condition mentioned in the District Collector's Proceedings. He did not maintain the safety distance of 7.5 m from the adjacent patta lands in all directions except west direction. The Lessee/9th respondent herein this case has quarried to a depth of 4.5 meters instead of permitted 2 meters as per the District Collector's Order. It has also been found during inspection that $104 \text{ m} * 82 \text{ m} * 4.5 \text{ m} = 38326$ Cubic meters Gravel was quarried i.e. the lessee has quarried 21320 cubic meters of gravel more than the permitted quantity.

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(iii) As the above violations are found during the inspection, the Committee recommended that Penalty may be imposed on the Lessee/9th respondent as per Rule 36(A) in the Tamil Nadu Minor Mineral Concession rules, 1959.

5. It is submitted that on submission of the above report, the Hon'ble Green Tribunal in its order dated 16.08.2021 directed to fix the environmental compensation, and to fix the royalty and as well as penalty to be recovered from the 9th respondent. In addition the Hon'ble Tribunal directed that whenever there is any violation found, apart from realising the penalty and royalty payable, it is also expected to assess the environmental compensation caused on account of the excess mining including cost of restoration of the damage caused to the environment as has been directed by the Principal Bench of National Green Tribunal in similar matters.

6. It is submitted that to comply with the above order of the Hon'ble Tribunal, this Respondent directed the authoritative penalty officer, i.e., the Revenue Divisional Officer, Cuddalore, to levy the penalty for the excess quarried gravel (i.e., 21320 Cubic meter) as per Rule 36(A) in the Tamil Nadu Minor Mineral Concession rules, 1959. In addition, as the Hon'ble Tribunal directed that, whenever there is any violation found, apart from realising the penalty and royalty payable, it is also expected to assess the environmental compensation. As such the District Engineer, Tamil Nadu Pollution Control Board, Cuddalore was directed to fix the environmental compensation for the violations found in the above said quarry. Accordingly, the Revenue Divisional Officer levied penalty amount for the excessively quarried 21,320 cubic meter of gravel as per Tamil Nadu Minor Minerals Concession Rules 1959 Rule 36(A).

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7. It is submitted that it is obvious to note that as directed by the Hon'ble Green Tribunal, the penalty action has been taken by the Committee and the above said penalty has been levied (including the royalty and as well as penalty and also the environmental compensation) on the lessee/9th Respondent
8. It is also pertinent to note that this Hon'ble National Green Tribunal, Southern Zone, Chennai, in it's order dated 05.02.2021 has directed to appoint a Joint Committee comprising of (i) District Collector, Cuddalore District or a senior officer not below the rank of Assistant Collector or a Sub-Divisional Magistrate as deputed by him (ii) Assistant Director, Geology and Mining, Cuddalore District (iii) a Senior Officer from the Tamilnadu Pollution Control Board as deputed by it's Chairman. Accordingly, the Joint Committee is formed where I don't have any role.

For the reasons and circumstances well stated above it is humbly prayed that this Hon'ble National Green Tribunal, Southern Zone, Chennai may be pleased to delete my name from the array of parties as I don't have any role and thus render justice.

Solemnly affirmed at Chennai on
this the day of October 2021
and signed his name in my presence

H. S. Srinivasan
INSPECTOR OF POLICE,
NAGAMPULIYUR CIRCLE,
BEFORE ME
CUDDALORE DT.