

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Appeal No.29 of 2024 (SZ)

R.K. Palanisamy

Vs

State Level Environment Impact Assessment Authority (SEIAA)

&

State Level Expert Appraisal Committee (SEAC)

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sBEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONE, CHENNAI****Appeal No.29 of 2024 (SZ)**

R.K. Palanisamy,

S/o. Sri. T. Karivaradha Goundar,

No. 4/51, Ramapalayam,

Jadayampalayam, Mettupalayam Taluk,

Coimbatore – 641 302.

Email: rangaswami.raju@gmail.com

Phone: 9952644444

... APPELLANT

Vs

1. State Level Environment Impact Assessment Authority (SEIAA),

Rep. by its Member Secretary,

3rd Floor, Panagal Maaligai, No.1, Jeenis Road,

Saidapet, Chennai – 600 015.

Email: seiaamstn@gmail.com

Phone No. 044-24359973

2. State Level Expert Appraisal Committee (SEAC),

Rep. by its Chairman,

3rd Floor, Panagal Maaligai, No.1, Jeenis Road,

Saidapet, Chennai – 600 015.

Email: seacchairmantn@gmail.com

Phone No. 044-24359973.

... RESPONDENTS

Member Secretary

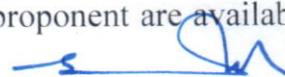
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN,

**Panagal Maaligai, No.1, Jeenis Road,
Saidapet, Chennai - 15**

COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – TAMIL NADU, THE
1st and 2nd RESPONDENTS

I, A.R. Rahul Nadh, I.A.S., aged 36 years working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Maaligai, Saidapet, Chennai – 600015, solemnly affirm and sincerely state as follows:

1. I am filing this counter affidavit on behalf of the 1st & 2nd Respondent/SEIAA-TN herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. I deny all the averments and allegations stated in this Appeal No.29 of 2024 except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. It is respectfully submitted that; the proponent, Thiru. R.K. Palanisamy has submitted application for ToR, in Form-I, Pre- Feasibility report for the Rough Stone and Gravel quarry lease area over an extent of 4.90.0 Ha at S.F.No. 340 (Part) & 341/3 (Part) in Bellathi Village, Mettupalayam Taluk, Coimbatore District, Tamil Nadu vide online proposal No.SIA/TN/MIN/ 77789/2022 dated 04.06.2022.
4. It is respectfully submitted that; SEIAA-TN grant Terms of Reference (TOR) with Public Hearing vide Lr No. SEIAA-TN/F.No.9309/SEAC/ToR-1242/2022 dated 30.08.2022.
5. It is respectfully submitted that; Subsequently, the Project Proponent, Thiru. R.K. Palanisamy has applied for Environmental Clearance to the State Level Impact Assessment Authority of Tamilnadu (SEIAA-TN) for the proposed Rough Stone & Gravel quarry lease over an extent of 4.90.0Ha at SF.No. 340(Part) and 341/3 (Part) of Bellathi Village, Mettupalayam Taluk, Coimbatore District, Tamil Nadu vide online proposal number SIA/TN/MIN/446239/2023, Dated:28.09.2023.
6. I respectfully submit that; the proposal was placed in the **420th Meeting of SEAC held on 02.11.2023**. The details of the project furnished by the proponent are available in



Member Secretary

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeenias Road,
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the website (parivesh.nic.in). Based on the presentation and documents furnished by the project proponent, SEAC noted that,

The concept of 'public hearing' in the Environmental Clearance, under the EIA Notification mandating 'obtaining of prior EC,' was first promulgated on 27th January, 1994 as amended in 1997, and underwent several amendments till 2004. The Legislature has given utmost importance to ascertain the public views in the entire EC procedure by making provision of public hearing and consultation before appraisal of specified development projects for grant of EC.

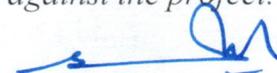
"...A public consultation in terms of the Notification dated 14 th September, 2006 consists of two parts. They are: - (a) A public hearing at the site or in its close proximity - district wise, to be carried out for ascertaining the concerns of local affected persons; and (b) Obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity...."

"...The 'public hearing'/consultation is undisputedly a legal right endowed by the EIA Notification, 2006 to the people in the project area and also public at large..."

The excerpts from the Judgement delivered on the Writ Petition (Civil) No. 9317 of 2009 Judgment reserved Samarth Trust and Another vs Union of India and Others on 28 May, 2010 in the HIGH COURT OF DELHI: NEW DELHI states that

".... A public hearing is a form of participatory justice giving a voice to the voiceless (particularly to those who have no immediate access to courts) and a place and occasion to them to express their views with regard to a project. Participatory justice is in the nature of a Jan Sunwai where the community is the jury...."

".... The advantage of a public hearing is that it brings about transparency in a proposed project and thereby gives information to the community about the project; there is consultation with the affected parties and they are not only taken into confidence about the nature of the project but are given an opportunity to express their informed opinion for or against the project. This



Member Secretary
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form of a social audit, as it were, provides wherever necessary, social acceptability to a project and also gives an opportunity to the EAC to get information about a project that may not be disclosed to it or may be concealed by the project proponent....”

The SEAC have also taken note of the following key observations during the deliberations on the Public Hearing as stipulated below:

“Environmental Impact Assessment Guidance Manual for MINING OF MINERALS” published by the MoEF & CC in 2010 which states that

“.....The study area for the mining projects should be defined as follows:

‘Core zone’ is the mining lease area.

‘Buffer zone’ in case of ML area up to 25 ha. is to be considered as 5 km all around the periphery of the core zone and for ML area above 25 ha. an area 10 km all around the periphery of the core zone.....”

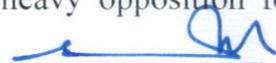
The NGT vide order dated 21.07.2020 in the case of M. Haridasan Vs State of Kerala & Ors. (Original Application No. 304/2019) indicates that

“.... ‘Impact zone’ as per the MMR 1961 stipulates for danger zone (500 m) by Directorate General of Mines Safety which have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment when the blasting is involved...”

From the documents submitted and presentation made by the PP, the Committee noted the following.

- i. The data regarding number of people residing in even 2 kms. area of influence zone, and that of agricultural practices, totally rely upon the secondary data collected from various Government Departments. It is expected that during preparation of EIA Report, the PP should have gathered some primary material with respect to the socio-economic data in the Project area. The EIA report has no details on the economic and agricultural activities carried out by the people living in the surrounding area so that appropriate environmental management plan is formulated.
- ii. A bare perusal of the records of public hearing and the minutes of meeting conducted on 03.08.2023 reveal that there was heavy opposition for the

Member Secretary



Member Secretary

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proposed mines from the participating public. They have pointed out the harmful effects they are forced to face from the mines already functioning in the area. Vibration damage to the buildings, dust pollution, respiratory diseases due to harmful dust pollution and adverse effects on agricultural activity are some of the objections raised by the public.

iii. Few of the concerns expressed by the public in the public hearing conducted by the Tamil Nadu Pollution Control Board for the mines in the cluster including that of PP are extracted below.

- a) Mr. E. Anandakumar, Mongampalayam “.... *For our village, stone quarries are not needed. Because of the quarry, well water is gone. In the quarries, explosion is not properly done. Because of the explosion, cracks develop on the walls of the buildings and dust spreads. Roads are damaged by heavy vehicles. Our area is depending on agriculture for many years....*”
- b) Mrs. S. Vinothini, Mongampalayam “...*Walls in our house were cracked. Even, Underground Water Tank too is cracked. Even with repairs, again Water is wasted. There is huge noise due to quarries explosion and houses are vibrating. Hence, stone quarry is not needed....*”
- c) Mr.K.Balathandayutham, Mongampalayam “.... *So far, none of the Officers or owners of the quarries spoke about Agriculture. They are taking about the public only.....Here, the Public are farmers. Officer said that because of the quarry, there is no more impact. There is no more impact but a small impact is there. What is that? Our lungs damage. If you run the quarry after damaging the lungs, you may kill the people and run the quarry. If you say that you are subjected to power, where is the farmers Authority. Farmers are living like daily wages in the quarry and going for 100 days work under MGNREGA....*”
- d) Mr. Mukesh, Bellathy “...*We are native farmers. Our earth is fertile earth. Paddy grows in this land. Earlies, the rainwater*

stand nearly a feet above the surface of land if it rains. Now, it is like a dry forest. Earlier, in our well, we can take water just by sitting down.... Now, there is no water in the well. At the outset of the program, you have explained about the quarries. But already in the existing quarries, did you perform any inspection of how much permission is given and how much they dug? First of all, you check this. Then, ask for the new quarries permission. Stone quarry is not needed....”

e) Mr. Satish Kumar, Tamil Nadu Farmers Protection Association.

“...Already, as our area quarries have crossed allowed size of cutting out stones, how the permission can be given for new quarries. They prepared false document hiding all the true information. That was read by one person and another publishes it as white report and another gives permission. They think that only four of these may live well and others can go elsewhere. We will severely resist this.”

“...In field number 63, two houses are there. As per the 1959 Tamil Nadu Small Mineral Concession Rules, if there is any house within 300 meters, the permission will not be given. In field number 63, two houses are there and in 65, a house is there, and in 69, a stream is there. Also, in field number 71, a house is there. In 424th field number, there is natham land of Chinnapadiyanur. A town is there and the town itself is hidden. In 426, a stream is there. In 451, a house is there. 392 has two houses and 338 has a house, and field number 337 has two houses. There should be no house within 300 meters and also a home for differentially-abled persons is there. So, definitely permission should not be given.”

iv. Further, there are 10 to 12 mines already operating in the cluster. Addition of new mines in this area will lead to increase in the existing pollution levels thereby affecting the nearby people.



Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
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- v. It is seen from the Google Map that urbanisation is increasing continuously in the proposed area and the number of structures is also increasing steadily.

Hence, considering the public concerns during the PH, health of the people living nearby and environment, and the existence of many operating quarries around the proposed mine lease, the committee decided not to recommend the project.

7. I respectfully submit that; subsequently, the subject was placed before the **Authority (SEIAA-TN) in its 674th meeting held on 20.11.2023**. The Authority, after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the SEAC minutes. Further, Authority decided to close and record this proposal.
8. I respectfully submit that; based on the above, **the rejection letter was sent to the Project proponent vide this office letter No. SEIAA-TN/F.No.9309/R/2022 dated 22.11.2023. Hence this file is closed and recorded.**

Therefore, humbly prayed that this Hon'ble Tribunal may be pleased to record and pass orders as this Hon'ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.

Solemnly affirmed at Chennai on
this 07th of March 2024 & Signed
his name in my presence

}

**FIRST & SECOND
RESPONDENT**



BEFORE ME



**MEMBER SECRETARY
SEIAA-TN**

Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeeris Road,
Saidapet, Chennai - 15

Agenda No: 420- 14

(File No: 9309/2022)

Proposed Rough Stone & Gravel quarry lease over an extent of 4.90.0Ha at SF.No. 340(Part) and 341/3 (Part) of Bellathi Village, Mettupalayam Taluk, Coimbatore District, Tamil Nadu by Thiru. R.K. Palanisamy - for Environmental Clearance. (SIA/TN/MIN/446239/2023, Dated:28.09.2023)

The proposal was placed in 420th meeting of SEAC held on 02.11.2023. The details of the project furnished by the proponent are available in the website (parivesh.nic.in).

The SEAC noted the following

1. The Project Proponent, Thiru. R.K. Palanisamy has applied for Environmental Clearance for the proposed Rough Stone & Gravel quarry lease over an extent of 4.90.0Ha at SF.No. 340(Part) and 341/3 (Part) of Bellathi Village, Mettupalayam Taluk, Coimbatore District, Tamil Nadu.
2. The proposed quarry/activity is covered under Category "B1" of Item 1(a) "Mining Projects" of the Schedule to the EIA Notification, 2006.
3. ToR was issued Vide - Lr.No:SEIAA-TN/F.No.9309/SEAC/ToR-1242/2022 Dated:30.08.2022.
4. Public hearing was conducted on Dated:03.08.2023.
5. The PP has obtained CCR vide CCR letter No.E.P/12.1/2022-23/SEIAA/109/TN/1039 dated 23.09.2022.

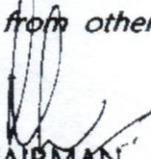
The SEAC has observed the following:

The concept of 'public hearing' in the Environmental Clearance, under the EIA Notification mandating 'obtaining of prior EC,' was first promulgated on 27th January, 1994 as amended in 1997, and underwent several amendments till 2004. The Legislature has given utmost importance to ascertain the public views in the entire EC procedure by making provision of public hearing and consultation before appraisal of specified development projects for grant of EC.

"...A public consultation in terms of the Notification dated 14 th September, 2006 consists of two parts. They are: - (a) A public hearing at the site or in its close proximity - district wise, to be carried out for ascertaining the concerns of local affected persons; and (b) Obtaining responses in writing from other


MEMBER SECRETARY
SEAC -TN

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CHAIRMAN
SEAC -TN

concerned persons having a plausible stake in the environmental aspects of the project or activity....”

“...The ‘public hearing’/consultation is undisputedly a legal right endowed by the EIA Notification, 2006 to the people in the project area and also public at large...”

The excerpts from the Judgement delivered on the Writ Petition (Civil) No. 9317 of 2009 Judgment reserved Samarth Trust And Another vs Union Of India And Others on 28 May, 2010 in the HIGH COURT OF DELHI: NEW DELHI states that

“.....A public hearing is a form of participatory justice giving a voice to the voiceless (particularly to those who have no immediate access to courts) and a place and occasion to them to express their views with regard to a project. Participatory justice is in the nature of a Jan Sunwai where the community is the jury.....”

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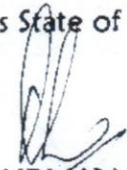
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From the documents submitted and presentation made by the PP, the Committee noted the following.

1. The data regarding number of people residing in even 2 kms. area of influence zone, and that of agricultural practices, totally rely upon the secondary data collected from various Government Departments. It is expected that during preparation of EIA Report, the PP should have gathered some primary material with respect to the socio-economic data in the Project area. The EIA report has no details on the economic and agricultural activities carried out by the people living in the surrounding area so that appropriate environmental management plan is formulated.
2. A bare perusal of the records of public hearing and the minutes of meeting conducted on 03.08.2023 reveal that there was heavy opposition for the proposed mines from the participating public. They have pointed out the harmful effects they are forced to face from the mines already functioning in the area. Vibration damage to the buildings, dust pollution, respiratory diseases due to harmful dust pollution and adverse effects on agricultural activity are some of the objections raised by the public.
3. Few of the concerns expressed by the public in the public hearing conducted by the Tamil Nadu Pollution Control Board for the mines in the cluster including that of PP are extracted below.
 - *Mr. E. Anandakumar, Mongampalayam "... For our village, stone quarries are not needed. Because of the quarry, well water is gone. In the quarries, explosion is not properly done. Because of the explosion, cracks develop on the walls of the buildings and dust spreads. Roads are damaged by heavy vehicles. Our area is depending on agriculture for many years...."*


MEMBER SECRETARY
SEAC -TN

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CHAIRMAN
SEAC- TN

- *Mrs. S. Vinothini, Mongampalayam* "...Walls in our house were cracked. Even, Underground Water Tank too is cracked. Even with repairs, again Water is wasted. There is huge noise due to quarries explosion and houses are vibrating. Hence, stone quarry is not needed...."
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 MEMBER SECRETARY
 SEAC -TN


 CHAIRMAN
 SEAC- TN

4. Further, there are 10 to 12 mines already operating in the cluster. Addition of new mines in this area will lead to increase in the existing pollution levels thereby affecting the nearby people.
5. It is seen from the Google Map that urbanisation is increasing continuously in the proposed area and the number of structures is also increasing steadily.

Hence, considering the public concerns during the PH, health of the people living nearby and environment, and the existence of many operating quarries around the proposed mine lease, the committee decided not to recommend the project.

Agenda No: 420-15

(File No: 845/2018)

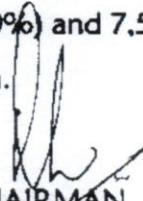
Proposed Black Granite & Quartzo-Feldspathic Gneiss quarry lease area over an extent of 40.13.05 Ha (Government Poramboke land) at S.F.Nos. 58/1 (Pothuvai Village 10.44.0 Ha) & 135/1 (Pazhavalam Village 29.69.05 Ha) of Gingee Taluk, Villupuram District, Tamil Nadu by M/s. Tamil Nadu Minerals Limited - For Environmental Clearance. (SIA/TN/MIN/444029/2023, Dated: 21.09.2023)

The proposal was placed for appraisal in this 420th meeting of SEAC held on 02.11.2023. The details of the project furnished by the proponent are given in the website (parivesh.nic.in). The SEAC noted the following:

1. The project proponent, M/s. Tamil Nadu Minerals Limited has applied for Environmental Clearance for the Proposed Black Granite & Quartzo-Feldspathic Gneiss quarry lease area over an extent of 40.13.05 Ha (Government Poramboke land) at S.F.Nos. 58/1 (Pothuvai Village 10.44.0 Ha) & 135/1 (Pazhavalam Village 29.69.05 Ha) of Gingee Taluk, Villupuram District, Tamil Nadu.
2. The project/activity is covered under category "B" of Item 1(a) "Mining of Minerals Projects" of the schedule to the EIA Notification, 2006.
3. As per the precise area communication letter, the lease period is 30 years and mine plan period is 5 years. As per the approved mine plan, the annual peak production shall not exceed 18,108 m³ ROM which includes 1811 m³ of Black Granite Recovery (@10%) & 16,297 m³ of Granite Rejects (@90%) and 7,52,124 m³ of Quartzo-Feldspathic Gneiss for an ultimate depth of 30m.


MEMBER SECRETARY
SEAC -TN

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CHAIRMAN
SEAC - TN

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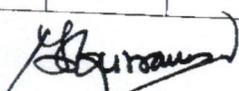
674th MEETING

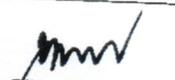
**STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-TAMIL NADU**

Date: 20.11.2023

			<p>conditions prescribed in the prior environmental clearance letter(s) through newly developed compliance module in the PARIVESH Portal from the respective login.</p> <p>9. The amount allocated for EMP should be kept in a separate account and both the capital and recurring expenditures should be done year wise for the works identified, approved and as committed. The work & expenditure made under EMP should be elaborated in the bi-annual compliance report submitted and also should be brought to the notice of concerned authorities during inspections.</p>
14.	<p>Proposed Rough Stone & Gravel quarry lease over an extent of 4.90.0Ha at SF.No. 340(Part) and 341/3 (Part) of Bellathi Village, Mettupalayam Taluk, Coimbatore District, Tamil Nadu by Thiru. R.K. Palanisamy - for Environmental Clearance. (SIA/TN/MIN/446239/2023)</p>	9309	<p>The authority noted that this proposal was placed for appraisal in 420th meeting of SEAC held on 02.11.2023. The SEAC has observed the following: The concept of 'public hearing' in the Environmental Clearance, under the EIA Notification mandating 'obtaining of prior EC,' was first promulgated on 27th January, 1994 as amended in 1997, and underwent several amendments till 2004. The Legislature has given utmost importance to ascertain the public views in the entire EC procedure by making provision of public hearing and consultation before appraisal of specified development projects for grant of EC.</p> <p><i>"...A public consultation in terms of the Notification dated 14 th September, 2006 consists of two parts. They are: - (a) A public hearing at the site or in its close proximity - district wise, to be carried out for ascertaining the concerns of local affected persons; and (b) Obtaining responses in writing from other concerned</i></p>


MEMBER SECRETARY


MEMBER


CHAIRMAN
SEIAA-TN

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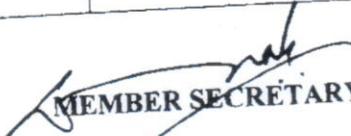
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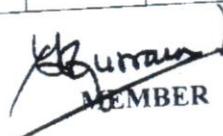
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".....A public hearing is a form of participatory justice giving a voice to the voiceless (particularly to those who have no immediate access to courts) and a place and occasion to them to express their views with regard to a project. Participatory justice is in the nature of a Jan Sunwai where the community is the jury....."

"....The advantage of a public hearing is that it brings about transparency in a proposed project and thereby gives information to the community about the project; there is consultation with the affected parties and they are not only taken into confidence about the nature of the project but are given an opportunity to express their informed opinion for or against the project. This form of a social audit, as it were, provides wherever necessary, social acceptability to a project and also gives an opportunity to the EAC to get information about a project that may not be disclosed to it or may be concealed by the project proponent....."

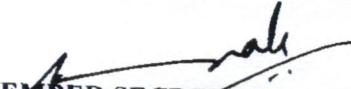
The SEAC have also taken note of the following key observations during the deliberations on the Public

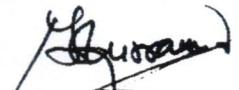

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		<p>Hearing as stipulated below:</p> <p>“Environmental Impact Assessment Guidance Manual for MINING OF MINERALS” published by the MoEF & CC in 2010 which states that</p> <p><i>“.....The study area for the mining projects should be defined as follows:</i></p> <p><i>‘Core zone’ is the mining lease area.</i></p> <p><i>‘Buffer zone’ in case of ML area up to 25 ha. is to be considered as 5 km all around the periphery of the core zone and for ML area above 25 ha. an area 10 km all around the periphery of the core zone.....”</i></p> <p>The NGT vide order dated 21.07.2020 in the case of M. Haridasan Vs State of Kerala & Ors. (Original Application No. 304/2019) indicates that</p> <p><i>“.... ‘Impact zone’ as per the MMR 1961 stipulates for danger zone (500 m) by Directorate General of Mines Safety which have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment when the blasting is involved...”</i></p> <p>From the documents submitted and presentation made by the PP, the Committee noted the following.</p> <ol style="list-style-type: none"> 1. The data regarding number of people residing in even 2 kms. area of influence zone, and that of agricultural practices, totally rely upon the secondary data collected from various Government Departments. It is expected that during preparation of EIA Report, the PP should have gathered some primary material with respect to the socio-economic data in the Project area. The EIA report has no details on the economic and agricultural activities
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carried out by the people living in the surrounding area so that appropriate environmental management plan is formulated.

2. A bare perusal of the records of public hearing and the minutes of meeting conducted on 03.08.2023 reveal that there was heavy opposition for the proposed mines from the participating public. They have pointed out the harmful effects they are forced to face from the mines already functioning in the area. Vibration damage to the buildings, dust pollution, respiratory diseases due to harmful dust pollution and adverse effects on agricultural activity are some of the objections raised by the public.
3. Few of the concerns expressed by the public in the public hearing conducted by the Tamil Nadu Pollution Control Board for the mines in the cluster including that of PP are extracted below.

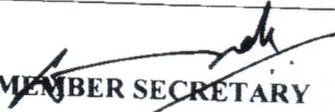
- Mr. E. Anandakumar, Mongampalayam "....For our village, stone quarries are not needed. Because of the quarry, well water is gone. In the quarries, explosion is not properly done. Because of the explosion, cracks develop on the walls of the buildings and dust spreads. Roads are damaged by heavy vehicles. Our area is depending on agriculture for many years...."

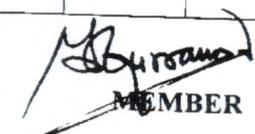

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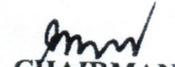

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- Mrs. S. Vinothini, Mongampalayam
 "...Walls in our house were cracked. Even, Underground Water Tank too is cracked. Even with repairs, again Water is wasted. There is huge noise due to quarries explosion and houses are vibrating. Hence, stone quarry is not needed...."
- Mr. K. Balathandayutham, Mongampalayam
 ".... So far, none of the Officers or owners of the quarries spoke about Agriculture. They are taking about the public only.....Here, the Public are farmers. Officer said that because of the quarry, there is no more impact. There is no more impact but a small impact is there. What is that? Our lungs damage. If you run the quarry after damaging the lungs, you may kill the people and run the quarry. If you say that you are subjected to power, where is the farmers Authority. Farmers are living like daily wages in the quarry and going for 100 days work under MGNREGA...."
- Mr. Mukesh, Bellathy "...We are native farmers. Our earth is fertile earth. Paddy grows in this land. Earlies, the rainwater stand nearly a feet above the surface of land if it rains. Now, it is like a dry forest. Earlier, in our well, we can take water


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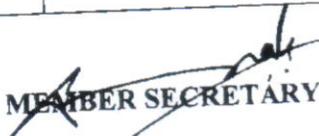

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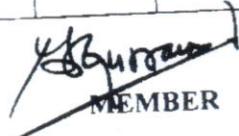
just by sitting down....Now, there is no water in the well. At the outset of the program, you have explained about the quarries. But already in the existing quarries, did you perform any inspection of how much permission is given and how much they dug? First of all, you check this. Then, ask for the new quarries permission. Stone quarry is not needed....."

- Mr. Satish Kumar, Tamil Nadu Farmers Protection Association.

"...Already, as our area quarries have crossed allowed size of cutting out stones, how the permission can be given for new quarries. They prepared false document hiding all the true information. That was read by one person and another publishes it as white report and another gives permission. They think that only four of these may live well and others can go elsewhere. We will severely resist this."

"...In field number 63, two houses are there. As per the 1959 Tamil Nadu Small Mineral Concession Rules, if there is any house within 300 meters, the permission will not be given. In field number 63, two houses are there and in 65, a house is there, and in 69, a stream is there. Also, in field number 71, a house is there. In 424th


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		<p><i>field number, there is natham land of Chinnapadiyamur. A town is there and the town itself is hidden. In 426, a stream is there. In 451, a house is there. 392 has two houses and 338 has a house, and field number 337 has two houses. There should be no house within 300 meters and also a home for differentially-abled persons is there. So, definitely permission should not be given."</i></p> <p>4. Further, there are 10 to 12 mines already operating in the cluster. Addition of new mines in this area will lead to increase in the existing pollution levels thereby affecting the nearby people.</p> <p>5. It is seen from the Google Map that urbanisation is increasing continuously in the proposed area and the number of structures is also increasing steadily.</p> <p>Hence, considering the public concerns during the PH, health of the people living nearby and environment, and the existence of many operating quarries around the proposed mine lease, the committee decided not to recommend the project. The Authority, after detailed discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the SEAC minutes. Further, Authority decided to close and record this proposal.</p>
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MEMBER SECRETARY


MEMBER


CHAIRMAN
SEIAA-TN



THIRU.DEEPAK S. BILGI, I.F.S
MEMBER SECRETARY

STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-TAMILNADU

3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet
Chennai-600015
Phone No.044-24359973
Fax No. 044-24359975

Letter No.SEIAA-TN/F.No.9309/R/2022 dated:22.11.2023.

To

Thiru. R.K. Palanisamy
S/o. T.Karivaradha Goundar
No. 4/51, Ramapalayam
Jadayampalayam
Mettupalayam Taluk
Coimbatore - 641302

Sir,

Sub: SEIAA-TN - Proposal seeking Environmental Clearance for Proposed Rough Stone & Gravel quarry lease over an extent of 4.90.0Ha at SF.No. 340(Part) and 341/3 (Part) of Bellathi Village, Mettupalayam Taluk, Coimbatore District, Tamil Nadu by Thiru. R.K. Palanisamy - under 1(a) Mining projects of the schedule of the EIA Notification, 2006 -- not recommended -- rejected- Application Closed and Recorded -- Regarding

Ref: 1. Online Proposal No. SIA/TN/MIN/ 446239/2023, Dated:28.09.2023.
2. Minutes of the 420th SEAC meeting held on 02.11.2023.
3. Minutes of the 674th SEIAA meeting held on 20.11.2023.

I invite your kind attention to the reference 1st cited above, wherein the application received from Thiru. R.K. Palanisamy for Environmental Clearance for Proposed Rough Stone & Gravel quarry lease over an extent of 4.90.0Ha at SF.No.340(Part) and 341/3 (Part) of Bellathi Village, Mettupalayam Taluk, Coimbatore District, Tamil Nadu.

The proposal was placed in 400th meeting of SEAC held on 02.11.2023. Based on the presentation & documents furnished by the PP, the SEAC noted the following:

1. The Project Proponent, Thiru. R.K. Palanisamy has applied for Environmental Clearance for the proposed Rough Stone & Gravel quarry lease over an extent of 4.90.0Ha at SF.No. 340(Part) and 341/3 (Part) of Bellathi Village, Mettupalayam Taluk, Coimbatore District, Tamil Nadu.
2. The proposed quarry/activity is covered under Category "B1" of Item 1(a) "Mining Projects" of the Schedule to the EIA Notification, 2006.
3. ToR was issued Vide - Lr.No:SEIAA-TN/F.No.9309/SEAC/ToR-1242/2022 Dated:30.08.2022.
4. Public hearing was conducted on Dated:03.08.2023.
5. The PP has obtained CCR vide CCR letter No.E.P/12.1/2022-23/SEIAA/109/TN/1039 dated 23.09.2022.

The SEAC has observed the following:

The concept of 'public hearing' in the Environmental Clearance, under the EIA Notification mandating 'obtaining of prior EC,' was first promulgated on 27th January, 1994 as amended in 1997, and underwent several amendments till 2004. The Legislature has given utmost importance to ascertain the public views in the entire EC procedure by making provision of public hearing and consultation before appraisal of specified development projects for grant of EC.

"...A public consultation in terms of the Notification dated 14 th September, 2006 consists of two parts. They are: - (a) A public hearing at the site or in its close proximity - district wise, to be carried out for ascertaining the concerns of local affected persons; and (b) Obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity...."

"...The 'public hearing'/consultation is undisputedly a legal right endowed by the EIA Notification, 2006 to the people in the project area and also public at large..."

The excerpts from the Judgement delivered on the Writ Petition (Civil) No. 9317 of 2009 Judgment reserved Samarth Trust And Another vs Union Of India And Others on 28 May, 2010 in the HIGH COURT OF DELHI: NEW DELHI states that

".....A public hearing is a form of participatory justice giving a voice to the voiceless (particularly to those who have no immediate access to courts) and a place and occasion to them to express their views with regard to a project. Participatory justice is in the nature of a Jan Sunwai where the community is the jury...."

"... The advantage of a public hearing is that it brings about transparency in a proposed project and thereby gives information to the community about the project; there is consultation with the affected parties and they are not only taken into

confidence about the nature of the project but are given an opportunity to express their informed opinion for or against the project. This form of a social audit, as it were, provides wherever necessary, social acceptability to a project and also gives an opportunity to the EAC to get information about a project that may not be disclosed to it or may be concealed by the project proponent....."

The SEAC have also taken note of the following key observations during the deliberations on the Public Hearing as stipulated below:

"Environmental Impact Assessment Guidance Manual for MINING OF MINERALS" published by the MoEF & CC in 2010 which states that

".....The study area for the mining projects should be defined as follows:

'Core zone' is the mining lease area.

'Buffer zone' in case of ML area up to 25 ha. is to be considered as 5 km all around the periphery of the core zone and for ML area above 25 ha. an area 10 km all around the periphery of the core zone....."

The NGT vide order dated 21.07.2020 in the case of M. Haridasan Vs State of Kerala & Ors. (Original Application No. 304/2019) indicates that

"....'Impact zone' as per the MMR 1961 stipulates for danger zone (500 m) by Directorate General of Mines Safety which have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment when the blasting is involved..."

From the documents submitted and presentation made by the PP, the Committee noted the following.

1. The data regarding number of people residing in even 2 kms. area of influence zone, and that of agricultural practices, totally rely upon the secondary data collected from various Government Departments. It is expected that during preparation of EIA Report, the PP should have gathered some primary material with respect to the socio-economic data in the Project area. The EIA report has no details on the economic and agricultural activities carried out by the people living in the surrounding area so that appropriate environmental management plan is formulated.
2. A bare perusal of the records of public hearing and the minutes of meeting conducted on 03.08.2023 reveal that there was heavy opposition for the proposed mines from the participating public. They have pointed out the harmful effects they are forced to face from the mines already functioning in the area. Vibration damage to the buildings, dust pollution, respiratory diseases due to harmful dust pollution and adverse effects on

agricultural activity are some of the objections raised by the public.

3. Few of the concerns expressed by the public in the public hearing conducted by the Tamil Nadu Pollution Control Board for the mines in the cluster including that of PP are extracted below.

- *Mr. E. Anandakumar, Mongampalayam* "... For our village, stone quarries are not needed. Because of the quarry, well water is gone. In the quarries, explosion is not properly done. Because of the explosion, cracks develop on the walls of the buildings and dust spreads. Roads are damaged by heavy vehicles. Our area is depending on agriculture for many years...."
- *Mrs. S. Vinothini, Mongampalayam* "...Walls in our house were cracked. Even, Underground Water Tank too is cracked. Even with repairs, again Water is wasted. There is huge noise due to quarries explosion and houses are vibrating. Hence, stone quarry is not needed...."
- *Mr. K. Balathandayutham, Mongampalayam* "... So far, none of the Officers or owners of the quarries spoke about Agriculture. They are taking about the public only.....Here, the Public are farmers. Officer said that because of the quarry, there is no more impact. There is no more impact but a small impact is there. What is that? Our lungs damage. If you run the quarry after damaging the lungs, you may kill the people and run the quarry. If you say that you are subjected to power, where is the farmers Authority. Farmers are living like daily wages in the quarry and going for 100 days work under MGNREGA...."
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 "...Already, as our area quarries have crossed allowed size of cutting out stones, how the permission can be given for new quarries. They prepared false document hiding all the true information. That was read by one person and another publishes it as white report and another gives permission. They think that only four of these may live well and others can go elsewhere. We will severely resist this."
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has two houses. There should be no house within 300 meters and also a home for differentially-abled persons is there. So, definitely permission should not be given."

4. Further, there are 10 to 12 mines already operating in the cluster. Addition of new mines in this area will lead to increase in the existing pollution levels thereby affecting the nearby people.
5. It is seen from the Google Map that urbanisation is increasing continuously in the proposed area and the number of structures is also increasing steadily.

Hence, considering the public concerns during the PH, health of the people living nearby and environment, and the existence of many operating quarries around the proposed mine lease, the **committee decided not to recommend the project.**

Further, the proposal was placed in the 674th Authority meeting held on 20.11.2023 vide reference 3rd cited. The authority noted that this proposal was placed for appraisal in 420th meeting of SEAC held on 02.11.2023 and SEAC has not recommended the proposal.

In view of the above, SEIAA accepts the decision of SEAC and decided to request the Member Secretary to grant rejection letter to the proponent as per the 420th Meeting of SEAC held on 02.11.2023.

Hence, the above-mentioned file is **Rejected, closed and recorded accordingly.**

cy
nake
22/11/2023
MEMBER SECRETARY

SEIAA-TN