

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Original Application No. 29 of 2021 (SZ)**

1. Ramkumar,  
S/o Murugan,  
Melirruppu Village,  
Panruti Taluk,  
Cuddalore District.

**..... Petitioners**

-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  
Melirruppu Village  
Panruti Taluk  
Cuddalore District.

**.... Respondents**

**Individual Statement filed by the 1st respondent.**

I, Balasubramaniam, S/o. Krishnaswamy aged about 50 years, working as District Collector, in Cuddalore District do solemnly affirm and sincerely state as follows: -

1) I submit that I am the first respondent herein and I am well aware of the facts of the case from the available records.

2) It is submitted that the Hon'ble National Green Tribunal Southern Zone, Chennai, in its direction in O. A. No. 29/2021 dated 23.09.2021 has directed this respondent to file his independent statement within a period of two weeks. In compliance with the direction of the Hon'ble National Green Tribunal Southern Zone, Chennai, I am filing my individual statement as follows:

- a. It is respectfully submitted that Pertaining to the Original Application No. 29 of 2021 (SZ) filed before the Hon'ble National Green Tribunal Southern Zone, Chennai, by Mr. Ramkumar S/o Murugan, Meliruppu Village, Panruti Taluk, Cuddalore District, praying this Hon'ble Green Tribunal to pass an order directing the respondents 1 to 8 to initiate action against the 9th respondent Mr. R.Krishnamoorthy S/o Rajakannu, Meliruppu Village Panruti, this Hon'ble Green Tribunal has directed in its order dated 05.02.2021 to appoint a Joint Committee comprising of (i) the 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 Tamil Nadu 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 the 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 9<sup>th</sup> respondent and whether there is any violation of any specific or general conditions given in the mining lease regarding its implementation and closure 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.

3) It is respectfully submitted that in accordance with the above direction given by the Hon'ble Green Tribunal in its order dated 05 February 2021 and 16 November 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 abovesaid quarry in question and submitted the report. The Committee inspected the abovesaid quarry on 04.03.2021 and 09.12.2021 accordingly submitted the violations found as follows:

- (i) Thiru Krishnamoorthy S/o Rajakannu, Meliruppu Village, Panruti Taluk, 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 did not follow the 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 direction except west direction. The Lessee, 9<sup>th</sup> 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 m \* 82 m \* 4.5 m = 38326 Cubic meters Gravel was quarried i.e. the

lessee has quarried 21320 cubic meters of gravel more than the permitted quantity.

- (iii) As the above violations are found during the inspection, the Committee recommended that Penalty may be imposed on the Lessee Thiru.R.Krishnamoorthy S/o Rajakannu as per Rule 36(A) in the Tamil Nadu Minor Mineral Concession rules, 1959.

4) 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 9<sup>th</sup> 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.

5) 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 vide his letter Na. Ka. No. 67/Mines/2021 dated 26.08.2021. 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.

6) The Revenue Divisional Officer in his order D.Dis A4/1274/2021 dated: 07.09.2021 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) as detailed below.

- I. The Penalty for the violation occurs in the lease hold area Rs.25,000/-
- II. The Seigniorage fee for the excessively quarried gravel of 21,320 cbm in the lease hold area is Rs.7,03,560/-(Rs.33/- per cbm).
- III. The Cost of the mineral for the excessively quarried gravel of 21,320 cbm is Rs.34,11,200/- (Rs.160 per cbm)
- IV. The Penalty is 3 times for the excessively quarried gravel of 21,320 cbm as per the Rule 36(A) of Tamil Nadu Minor Mineral Concession Rule, 1959 in the lease hold area is Rs.21,10,680/- totally Rs.62,50,440/- (Rs. Sixty two lakhs fifty thousand and four hundred forty only).

7) It is respectfully submitted that, as per the directions of the Hon'ble Green Tribunal, Chennai the District Engineer, TNPCB, Cuddalore also levied the environmental Compensation to be recovered from the 9<sup>th</sup> respondent excluding the Seigniorage and Cost of Minerals (since the above said penalty is already levied by the Revenue Divisional Officer, Cuddalore) as follows.

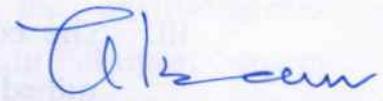
- I. Illegal Mined Material by violating the Environmental Clearance & mining lease is 21,320 cbm. The Seigniorage fee for the mineral is Rs.33 per cbm.
- II. Net Present value of the material as per the existing Tamil Nadu Minor Mineral Concession Rules for the year 2017-18 is Rs.160 per cbm.
- III. The cost of mineral based on schedule rate for the illegal mined quantity is Rs.34,11,200/-.
- IV. Net present value of the ecological services foregone and cost of damage to the Environment and pristine ecology is Rs.3,41,120 (10% of the cost of illegal mined material).
- V. The amount for the Cost of mitigation and restoration is Rs.3,41,120 (10 % of the cost of illegal mined material). The Total amount for the Environmental Compensation is Rs.6,82,240/-.

8) It is respectfully submitted that, the Hon'ble Green Tribunal, Chennai in its order dated 16.11.2021 directed to prevent further damage being cause to the neighbouring property owners during the monsoon seasons. It is submitted that as per the instructions of the District Collector, Cuddalore, the Joint Committee comprising of the Revenue Divisional Officer, Cuddalore, the Assistant Director, Geology and Mining, Cuddalore and the District Environmental Engineer, Pollution Control Board had visited the subject area on 09.12.2021. During the inspection it was seen that preventive measures were taken for protecting the trees in the neighbouring properties, by the 9<sup>th</sup> respondent Thiru. R.Krishnamoorthy, S/o Rajakannu at his own cost by filling red soil so as to protect the roots of the jack fruit trees situated in the neighbouring land and thereby to prevent the fall of trees. (Inspection Photographs are enclosed).

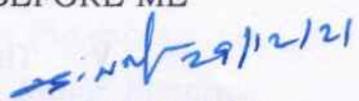
Hence as directed by the Hon'ble Green Tribunal, the penalty action has been taken by the Committee and the above said penalty has been levied (including the royalty and as well as penalty and also the environmental compensation) and also the preventive measures are taken for protecting the trees in the neighbouring properties of the lease hole area on 9<sup>th</sup> respondent Thiru. R.Krishnamoorthy, S/o Rajakannu, Meliruppu Village, Panruti Taluk, Cuddalore District.

Therefore, it is most respectfully prayed that the Hon'ble High Court may be pleased to consider the submission/report and pass such other orders as Hon'ble Court may deem fit based on the circumstances of the case and thus render justice.

Solemnly affirmed at .....  
..... on this day.....  
December 2021 and signed his  
Name in my presence.

  
Collector,  
Cuddalore District,  
Cuddalore. 2/2

BEFORE ME

  
ASSISTANT DIRECTOR,  
GEOLOGY AND MINING  
CUDDALORE