

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT
CHENNAI

Application No. 8 of 2017

IN THE MATTER OF:

S.Kannammal,
W/o. Balasubramaniam,
5/111, OttanaiThottam,
Coolipalayam R.S
AvinashiTaluk,
Tiruppur District – 641 666.

...Applicant

-Vs-

1. The Government of India,
Ministry of Environment, Forests & Climate Change,
Indira ParyavaranBhavan,
Jor Bag Road,
Aliganjh,
New Delhi – 110003.
2. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Road,
Guindy,
Chennai – 600032.
3. The District Collector,
Tiruppur District.
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur North,
II Floor, Kumaran Commercial Complex,
Tiruppur – 641601.
5. The Assistant Director,
Geology and Mining,
Tiruppur,
Tiruppur District.
6. M/s. Jagadeesan and Jeganathan Stone Quarry
Represented by its Proprietor
Jegadeesan,
S/o. Subramaniam,
S.F.No. 89/1, 89/2B1,
Agraharaperiyapalayam Village,
AvinashiTaluk,
Tiruppur District.

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7. M/s. MarappanRukmani Rough Stone Quarry
Represented by its Proprietor
M.Balachandran,
S/o. R.Marappan,
S.F.No. 89/1, 89/2B1,
Agraharaperiyapalaam Village,
AvinashiTaluk,
Tirrupur District.

... Respondents

OBJECTION FILED BYM. BALACHANDRAN

I, M. Balachandran, Son of Late. R. Marappan, No.1/3A, Parapalayam, S-Periyapalayam Post, Tiruppur – 641 607, do hereby solemnly affirm and sincerely state as follows:-

1. I am not a party in the above Application however, the Joint Inspection Committee inspected my quarry site in S.No.89/2A measuring an extent of 0.64.0 Hec. of AgraharPeriyapalayam Village, AvinashiTaluk, Tiruppur District, and filed a report before this Hon'ble Tribunal on 02.01.2020 with respect to my quarry site also by filing documents in Annexure 13 to Annexure 17 and Annexure 28 – Block 2. I am filing this Objection to the Joint Inspection Report of the Committee dated 02.01.2020, appointed by this Hon'ble Tribunal in the above application.
2. The party above named respectfully submits as follows :

A. The Land comprised in S.No.89/2A measuring an extent of 0.64.50 Hec. Situated at A-Periyapalayam Village, UthukuliTaluk, Tiruppur District originally belonged to one R. Kumaresh, Son of Rasappan. The said R. Kumaresh was granted with a Quarry Lease by the District Collector, Erode for the period between 08.10.2006 and 07.10.2011 (as A-Periyapalayam Village was at Perunduraitaluk, Erode District which later added to AvinashiTaluk, Tiruppur District) under an Agreement dated 08.10.2006 registered as Document No.2588 of 2006, in the office of the Sub-Registrar, Uthukuli. As a Lessee, R. Kumaresh operated the Quarry till the expiry of the lease period. The earlier Lessee R. Kumaresh himself had Quarried part of land in S.No.89/2A on its Southern Side up to the boundary of the



then operating Quarry in S.No.89/3B who also Quarried partly up to its Northern boundary in S.No.89/2A.

- B. Later, I purchased the said Quarry land after extraction of the minerals by the earlier Lessee for the period of 5 years, under a Sale Deed dated 04.03.2011 bearing Doc. No.2113 of 2011 in the office of the Sub-Registrar, Uthukuli. Subsequently, I submitted an application for grant of Quarry Lease before the District Collector, Tiruppur and the Lease came to be granted for a period of 5 years commencing from 02.03.2012 which came to an end on 01.03.2017.
- C. I carried on Quarrying Operation, by strictly maintaining the safety distance norms of 7.5 meters from the neighbouring Patta Lands in S.Nos.89/1, 85, 89/2B & 89/3B and therefore the allegation that I have not maintained 7.5 meters safety distance from the neighbouring Patta Lands, is unsustainable.
- D. Government of Tamil Nadu in G.O.Ms.No.79 Industries (MMC.1) Department dated 06.04.2015 inserted Rule 41 & Rule 42 to the Tamil Nadu Minor Mineral Concession Rules, 1959 which relates to Mining Plan and submission of Environmental Clearance. In view of the mandatory provision of Rule 41 (10) (iii), I obtained Mining Plan approval for the remaining lease period of 697 days under the proceedings of the Assistant Director, Geology & Mining, Tiruppur dated 25.09.2015. In the mining plan, the competent authority granted approval for the said 697 days with 22,108 Cubic Meters of Rough Stone and 16 Cubic Meters of Gravel. Moreover, in the mining plan itself, the approval granted by the competent authority was to access the subject Quarry in S.No.89/2A, only through the expired Quarry in S.No.89/3B, as shown in the quarry lease and surface plan Annexed in the Mining Plan in Annexure 16. That apart, I carried on Quarrying Operations strictly within the quantity of 22,108 Cubic Meters during the remaining lease period of 697 days, as I had Quarried minerals only to an extent of about 8,500 Cubic Meters. Therefore, the contention that I had Quarried excess minerals in the subject Quarry land is wholly incorrect and unfounded.

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- E. The committee is also not correct in reporting excess Quarrying of Minerals and Gravel, as they had not taken into account the removal of Minerals during the earlier lease period, for the period between 08.10.2006 and 07.10.2011. Hence, quantifying excess Quarrying of 25,936 Cubic Meters of Rough Stone and 9,810 of Gravel is wholly unfounded.
- F. The quantification is unsustainable, as the authority has not taken into account wastage, minerals used for formation of internal roads, safety bund created on all four sides.
- G. The Committee also went wrong in fixing the cost of minerals as per the existing Tamil Nadu Minor Mineral Concession Rules, 1959 for the year 2017-18 fixed by the Government of Tamil Nadu in its Government Order (Annexure – 31) in G.O.Ms.No.107 Industries Department dated 06.07.2017, for a quarry which was in operation from 02.03.2012 and expired on 01.03.2017.
- H. The Surface Plan and Section produced as Annexure – 28 prepared by Taluk Surveyor and Village Administrative Officer on 26.02.2020 for a Survey made on 25.02.2020 and a quantification of mineral extracted, is also unsustainable as the same is not specified in the orders of grant of Quarry Lease dated 02.03.2012.
- I. The principles laid down in the Order of the Hon'ble NGT, Principal Bench dated 25.03.2015 made in O.A.Nos.73 & 13 /2014, may not be applicable to the aforesaid Mining Lease, as the issue dealt with by the Hon'ble Tribunal relates to "*Rampant, illegal, unscientific and life threatening mining activity, particularly Rat hole mining is going on in the State of Meghalaya for years now. Truly, it was unregulated, uncontrolled and unchecked.*" While, this respondent had carried-on quarrying operation without any complaint whatsoever by strictly following the terms and conditions of the Lease.
- J. When I had carried out quarrying operation in terms of the grant, the recommendation of the Committee for levy of Penalty on the cost of minerals, cost of damages to the environment and pristine ecology

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and 10% cost of mitigation and restoration, etc., are wholly unsustainable.

For the reasons stated in the foregoing paragraphs, it is humbly prayed that this Hon'ble Tribunal may be pleased to drop all further proceedings pursuant to the Joint Inspection Report of the Committee dated 02.01.2020 in so far as it relates to my quarry and thus render justice.

Dated at Chennai on this the 15th day of December, 2020.



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BETWEEN

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Aliganjh,
New Delhi – 110003.
And 6 others

...Respondents

OBJECTION FILED BY M. BALACHANDRAN

M/s. V.P. SENGOTTUVEL
K.INDU PRIYA
K.R.NISHANTH
K.PRAKASH
COUNSEL FOR M. BALACHANDRAN