

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

Application No. 8 of 2017

BETWEEN

S.Kannammal,
W/o. Balasubramaniam,
5/111, Ottanai Thottam,
Coolipalayam R.S
Avinashi Taluk,
Tiruppur District – 641 666.

...Applicant

-Vs-

The Government of India,
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhavan,
Jor Bag Road,
Aliganjh,
New Delhi – 110003.
And 6 others

...Respondents

OBJECTION FILED BY M. VIJAYAKUMAR

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



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IN THE MATTER OF:

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-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.

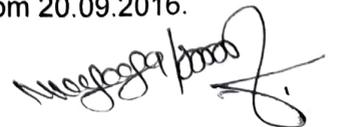
7. M/s. MarappanRukmani Rough Stone Quarry
Represented by its Proprietor
M.Balachandran,
S/o. R.Marappan,
S.F.No. 89/1, 89/2B1,
Agraharaperiyapalaam Village,
AvinashiTaluk,
Tirrupur District.

... Respondents

OBJECTION FILED BY M. VIJAYAKUMAR

I, M. Vijayakumar, 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.Nos.86/3B, 86/4B, 86/5B & 86/6B totally measuring an extent of 0.73.0 Hec. Situated at A-Periyapalayam Village, UthukuliTaluk, 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 22 to Annexure 25 and Annexure 30 – Block 4. 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 :
 1. I am the owner of the lands comprised in S.Nos.86/3B, 86/4B, 86/5B & 86/6B totally measuring an extent of 0.73.0 Hec. Situated at A-Periyapalayam Village, UthukuliTaluk, Tiruppur District.
 2. I had submitted an application dated 18.02.2016 for grant of fresh Quarry Lease before the District Collector, Tiruppur. After I obtained the mining plan and environmental clearance as contemplated under Rule 41 & Rule 42 of the Tamil Nadu Minor Mineral Concession Rules, 1959 and after I obtained consent to operate from the Tamil Nadu Pollution Control Board, the District Collector, Erode in his proceedings in Na.Ka.No.115/Minerals/2016 dated 20.09.2016 granted lease for a period 5 years commencing from 20.09.2016.



3. The major violations pointed out by the Committee are also not correct, as I have provided 7.5 meters safety distance from the neighboring lands on East, West and South and in the North I have opened up for way from my father's land in S.No.86/1A for which the Quarry lease got expired on 08.07.2012 itself and my land in S.No.86/5B. Since the opening of safety distance area on the Northern Side of the Quarry land is for the purpose of a way from the neighboring expired quarry land in S.No.86/1A belong to my father and my land in S.No.86/5B as approved in the mining plan in Annexure 22 Quarry Lease and Surface Plan, the same may not detrimental to the safety of neighboring land owners as all the lands on all four sides belong to myself. That apart, I am operating the lease only after obtaining necessary consent to operate from the Tamil Nadu Pollution Control Board. Therefore, the major violations pointed by the committee are incorrect and unsustainable.
4. 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.
5. The Surface Plan and Section produced as Annexure – 30 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 12.04.2002 and 09.07.2007.
6. 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.



7. When this respondent 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 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 me and thus render justice.

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

A handwritten signature in black ink, appearing to be 'M. S. Srinivasan', written in a cursive style.