

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 04 of 2022 (SZ)

IN THE MATTER OF:

Jaganathasamy

Tiruppur District

...Applicant(s)

Versus

The Member Secretary,

Tamil Nadu Pollution Control Board and Others

...Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel

National Green Tribunal

Southern Zone

SOUTHERN ZONE, CHENNAI
Original Application No. 04 of 2022(SZ)
In
LA No. 150 of 2022(SZ)

In the matter of:

Jaganathasamy
Tiruppur District

Applicant(s)

Versus

1. The Member Secretary,
Tamil Nadu Pollution Control Board.
No.76, Mount Road,
Chennai.
2. Tamil Nadu Generation and Distribution Corporation,
6th Floor, TANTRANSCO Building.
No. 14, Anna Salai,
Chennai
3. The District Collector, Collectorate office,
Tiruppur
4. Tamil Nadu Generation and Distribution Corporation
Coimbatore-641 012
5. Tamil Nadu Generation and Distribution Corporation
Udumalpet,
Tiruppur - 642 154
6. Tamil Nadu Pollution Control Board,
Tiruppur South, Tiruppur-641 664
7. Tamil Nadu Generation and Distribution Corporation
20, KVA Substation,
Udumalpet,
Tiruppur 642 154
8. The Proprietor Ms. Akshairaj Blue Metals,
No. 531/2, Myvadi illage,
Madathukulam Taluk,
Tiruppur -642 203

Respondent(s)

REPORT FILED BY THE 3 RESPONDENT

1, Thiru. T. Christuraj, LA.S., S/o. Thomas Frank, Indian, aged about 47 years working as the District Collector, Tiruppur District, having office at Collectorate, Tiruppur do hereby solemnly affirm and sincerely state as follows:

1. I am the 3 Respondent herein; as such I am well acquainted with the facts and circumstances of the case from the available records. I have pursued the contents of the Affidavit filed by the petitioner in support of the Original Application. I am submitting the report before the Hon'ble National Green Tribunal in Original Application No. 04 of 2022 (SZ).

2. The tribunal in its order dated 10.08.2023 has stated that,
 “The learned counsel appearing for the 8th Respondent would contend that they do not do the transportation, as the persons procuring the crushed material come to their premises and take the same in their vehicles. Hence, they do not require transport slips.

As we require clarification in this regard from the Department of Mines and Geology, let the matter be listed on 05.09.2023. In the meanwhile, the authorities are directed to file their respective reports as had been directed by this Tribunal”

3. In view of the above, the followings are furnished:

“The Tamil Nadu Prevention of Illegal Mining Transportation and Storage of Minerals and Mineral Dealers’ Rules, 2011 states that,

Rule 2 (xiii) “minerals” means all minerals and minor minerals except sand;

Rule 2 (xv) “mineral dealer” means any person who carries on the business of buying, selling, storing, supplying, transporting distributing or delivering for sale of mineral or its products and includes.

Rule 3. Prohibition:—(1) No person shall transport or cause to be transported any mineral by any carrier from the place of raising or from the place of stockyard or from one place to another without having a valid transit pass. (2) No person other than the mineral dealer shall store or cause to be stored any mineral at any place for purposes of sale or consumption. (3) No mineral dealer shall store any mineral

other than the place specified in the registration certificate granted under these rules : Provided that no person purchasing and transporting minerals for use or consumption by himself and such use or consumption does not involve any commercial activity and any holder of a mining lease or a quarry lease in respect of the minerals for which he holds a lease, shall not be required to register himself as a dealer

Rule 6. Transport permit and Transit pass.—(1) No person shall transport or otherwise remove or carry away any mineral from any place without obtaining a transit pass from the Deputy Director. Person desiring such passes should file an application before the Deputy Director in Form "F" duly specifying all the particulars prescribed therein."

In this regard, the Tamil Nadu Prevention of Illegal Mining Transportation and Storage of Minerals and Mineral Dealers' Rules, 2011 clearly states that, a mineral dealer is any person who carries on the business of buying, selling, storing, supplying, transporting distributing or delivering for sale of mineral or its products and No person shall transport or otherwise remove or carry away any mineral from any place without obtaining a transit pass.

4. Therefore, in view of the above, the Hon'ble National Green Tribunal (SZ), Chennai may accept this reply and may be pleased to order or further direct in the interest of public and mineral development and thus render justice.

Date: 02.09.2023

Signature:


DISTRICT COLLECTOR
TIRUPPUR.

VERIFICATION

I, Thiru. T. Christuraj, L.A.S., S/o. Thomas Frank, Indian, aged about 47 years working as the District Collector, Tiruppur District, having office at Collectorate, Tiruppur, I solemnly affirm and sincerely state that the order passed by the National Green Tribunal has been followed. The Hon'ble National Green Tribunal (SZ), Chennai may accept this reply and may be pleased to orders maybe issued and thus render justice.

Date: 02.09.2023

Signature :


**DISTRICT COLLECTOR
TIRUPPUR**

DISTRICT COLLECTOR
TIRUPPUR