

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Application No.50 of 2022**

Mr.S.Kalimuthu,  
S/o.Saminathan,  
3/150, Karachery,  
Kinathukadavu Taluk,  
Chettipalaayam,  
Coimbatore – 641 201.

...

Applicant

- Vs. -

1. The District Collector,  
Collectorate Coimbatore,  
Coimbatore.
2. Revenue Divisional Officer,  
Office of Revenue Divisional Officer,  
Coimbatore.
3. Tamil Nadu Pollution Control Board,  
Rep by its Chairman,  
No.76, Mount Salai, Guindy,  
Chennai - 600 032.
4. Member Secretary,  
State Environment Impact Assessment  
Authority,  
3<sup>rd</sup> Floor, Panagal Building,  
No.1.Jennis Road, Saidapet,  
Chennai - 600 015.
5. District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Plot No. E-55A, SIDCO Industrial Estate,  
Pollachi Main Road, Kuruchi,  
Coimbatore.

...

Respondent(s)

  
**ASSISTANT GEOLOGIST**  
Dept.of Geology and Mining  
Coimbatore District

  
**ASSISTANT DIRECTOR**  
DEPARTMENT OF GEOLOGY & MINING  
COIMBATORE DISTRICT

6. Assistant Director,  
Department of Geology and Mining,  
Collectorate Coimbatore,  
Coimbatore.
7. The Executive Officer,  
Arasampalayam Village Panchayat,  
Karachery Village,  
Kinathukanavu Taluk,  
Chennai.
8. M.Balakrishnan,  
S.F.No.298/2A,  
Merku Thottam,  
Karachery Village,  
Arasampalayam, ... Respondent (s)  
Kinathukadavu Taluk,  
Coimbatore.

**FINAL REPORT FILED BY THE 6<sup>th</sup> RESPONDENT**

I, Sasikumar, Son of Venkatachalam, Religion Hindu, aged 43 years, working as the Assistant Director, Department of Geology & Mining at the office of the Assistant Director, Department of Geology and Mining, Collectorate, Coimbatore District do hereby solemnly affirm and sincerely states as follows:

2) I am the 6<sup>th</sup> **respondent** herein and I am filing this report on behalf of 1<sup>st</sup> respondent and I am well acquainted with the facts of this case from the records.

3) The applicant has filed the above application with a prayer to

i) To pass an order of permanent injunction, restraining the 8<sup>th</sup> Respondent from operating the illegal rough stone quarry in

  
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S.F.No.298/2A, 300/2, situated at Karachery village, Arasampalayam panchayat, Kinathukadavu taluk, Coimbatore District.

ii) To pass an order of permanent injunction, restraining the 8<sup>th</sup> Respondent from operating the unauthorized stone and M-Sand crusher in S.F.No.298/2A, 300/2, situated at Karachery village, Arasampalayam panchayat, Kinathukadavu taluk, Coimbatore District.

iii) To pass an order directing the Respondent authorities to take immediate measures to assess the damages that has been caused, on account of the illegal quarrying and operating of unauthorized crusher and M-Sand unit being carried out by the 8<sup>th</sup> respondent, and to pass necessary orders under Sec.5 of the Environment (Protection) Act, 1986 to recover the same from the concerned officials responsible and prosecute them in accordance with law.

iv) To direct the Respondent authorities to initiate criminal prosecution against the concerned officers responsible for violations of the provisions of the environmental legislation.

v) To direct the Respondent authorities to remediate the impugned area.

4) In this regard, the subject area was inspected jointly by the Assistant Geologist (Mines), Special Revenue Divisional Officer (Mines), Zonal Deputy Tahsildar, Revenue Inspector (Kinathukadavu), Village Administrative Officer (Arasampalayam) and Surveyor on 11.08.2022 in order to assess the current status of the field.

  
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5) In this regard, the following facts are submitted before the Hon'ble National Green Tribunal:

- a) As per the village accounts of Karachery Village, the subject area in S.F.No. 298/2A and 300/2 stands registered in the name of the 8<sup>th</sup> respondent (Thiru. M.Balakrishnan) vide patta number 1192 and through a partition deed No.1218/2014 registered at the SRO, Kinathukadavu.
- b) It is also pertinent to mention that there are no residential area/inhabitants located within a distance of 300m from the subject area.
- c) The 8<sup>th</sup> respondent has obtained No Objection Certificate from the Tahsildar, Kinathukadavu vide Rc.No.1322/2018/A1 dated 14.05.2018 for establishing the crusher unit in the S.F.No.298/2A with a condition to obtain necessary permissions from the Tamil Nadu Pollution Control Board. In this regard, he has also obtained No Objection Certificate from the Block Development Officer, Kinathukadavu vide Rc.No.1315/2017 dated 27.04.2018.
- d) Further, the 8<sup>th</sup> respondent has also obtained Consent to Establish from the Tamil Nadu Pollution Control Board vide Proceeding No.F.1967/CBS/OS/BEE/TNPCB/CBS/A/2018 dated 06.09.2018 valid till 31.03.2023.
- e) It is further observed that even after obtaining the above certificates, the 8<sup>th</sup> respondent have not established the crusher unit till 2020. It is submitted that currently the crusher unit is

  
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being established in the S.F.No.298/2A while the S.F.No.300/2 is kept vacant.

- f) It is noticed that the crusher unit is being established as per the guidelines of the Tamil Nadu Pollution Control Board, and the area is dug for a depth of 10 feet in order to avoid air pollution.
- g) It is further observed that the gravel thus dug was used to form bund structure along the boundary of the subject area. Furthermore, the roughstone dug was unused and found to be stocked within the same field. Apart from this, no quarrying activities has been noticed in the subject area.
- h) The Tahsildar, Kinathukadavu in her letter in Rc.No.1074/2022/A1 dated 07.09.2022 has also stated that the subject area being sloppy in nature was already dug upto a depth of 2.5 meters, so as to level the subject land for agricultural purpose. On investigation it was found that approximately before 10 years, the above said leveling work was carried out with prior permission.
- i) Therefore, a detailed survey was carried out on 07.09.2022 so as to assess whether any mineral was transported from the subject area and the following observations are submitted:

- The subject area was dug for an approximate depth of 2.5m for the agricultural purpose with prior permission which accounts for nearly 16,000 cbm of topsoil and agricultural activities were carried out in the subject area.
- For the purpose of the installation of the crusher, a further depth of 2.8m has been dug and the mineral

  
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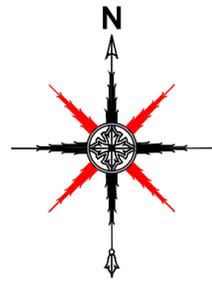
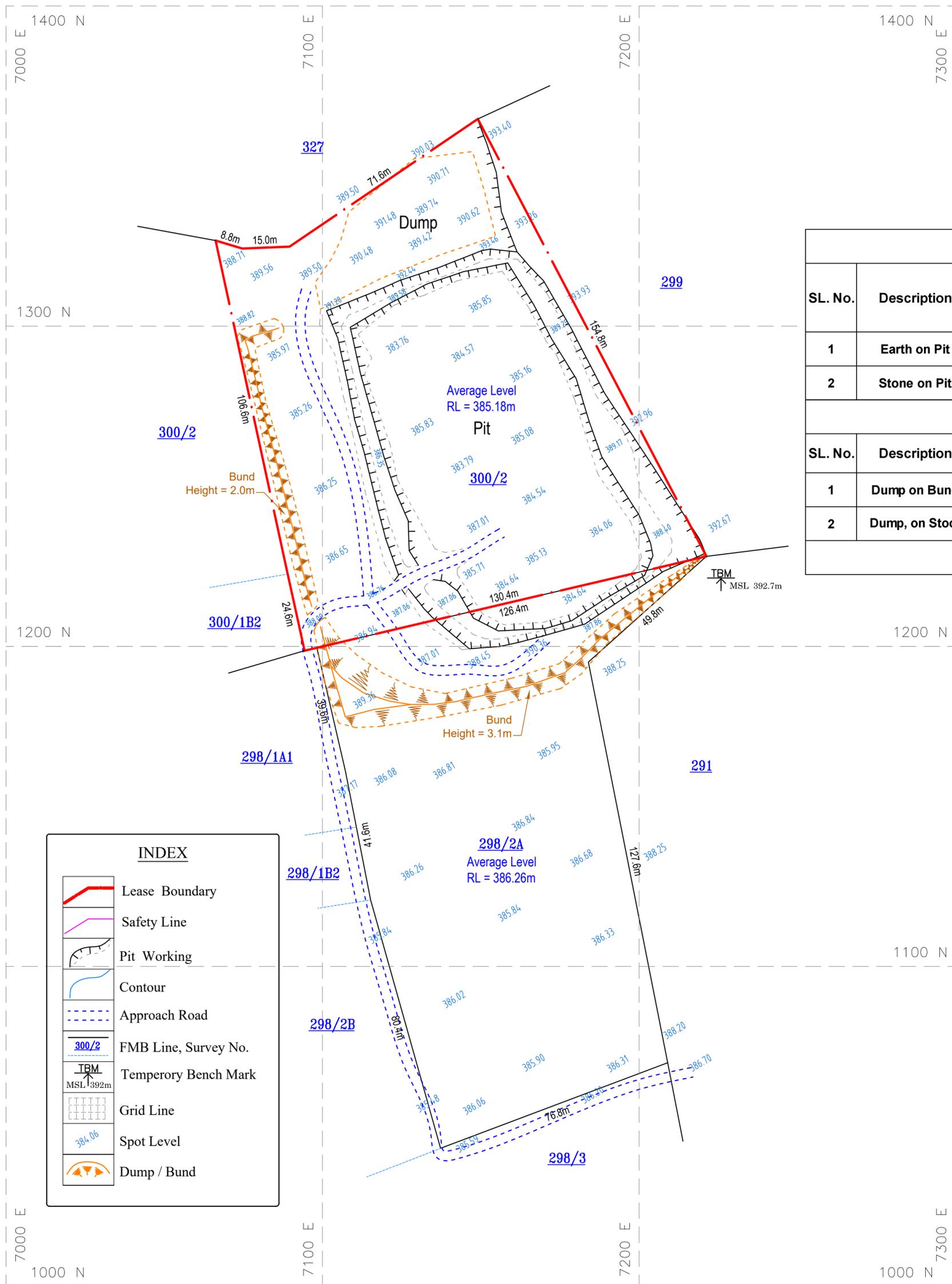
excavated has been utilized for making bund and uplifting the northern portion of the subject area. This includes 2,636 cbm of topsoil dumped on the bund and 24,651 cbm of topsoil and roughstone is stocked within the premise of the subject area.

- It is found that a total quantum of 27,286 cbm has been dumped within the subject area and used for uplifting the northern portion of the subject area.
  - Therefore, it is evidential that no mineral has been transported from the subject area and the material dug out from the subject area is only stocked within the premise.
- j) Further, the installation of the crusher unit is still under process and only after complete establishment of the same, the Consent to Operate shall be obtained from the Tamil Nadu Pollution Control Board and the crusher unit shall be brought to operation.
- k) It is pertinent to mention that the petitioner has filed the subject O.A. No. 50 of 2022 with a personal motive and the allegations made by the petitioner does not stand true.
- l) Therefore, it is kindly prayed that the Hon'ble National Green Tribunal may take the above matter under consideration and render justice by disposing the O.A. No. 50 of 2022.

  
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# TOPOGRAPHICAL BASE PLAN



QUANTITY DETAILS				
SL. No.	Description	Area in Sq.m	Average Depth for Topsoil in Mts	Topsoil Volume in Cu.m
1	Earth on Pit	9164.03	2.9	26913.68
2	Stone on Pit	6827.04	2.4	16710.63
Total =				43624.31
SL. No.	Description	Area in Sq.m	Average Height in Mts	Excavated Volume in Cu.m
1	Dump on Bund	1734.64	1.52	2635.59
2	Dump, on Stock, on Road & on Bunker formation			24650.35
Total =				27285.94

INDEX	
	Lease Boundary
	Safety Line
	Pit Working
	Contour
	Approach Road
	FMB Line, Survey No.
	Temporery Bench Mark
	Grid Line
	Spot Level
	Dump / Bund

DATE OF SURVEY : 08.09.2022
<b>APPLICANT :</b> Thiru. BALAKRISHNAN
<b>LOCATION OF LEASE :</b> S.F.No. : 298/2A & 300/2 (P) .. EXTENT : 1.50.0 HECTARES, VILLAGE : ARASAMPALAYAM, TALUK : KINATHUKADAVU, DISTRICT : COIMBATORE, STATE : TAMIL NADU.
<b>TOPOGRAPHICAL BASE PLAN</b>
SCALE 1 : 1000
<b>PREPARED BY :</b>