

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

Original Application No.69 of 2021

Tribunal on its own motion-Suo-Motu

Based on the News item in Dinamalar Newspaper, Chennai

Dated 05.02.2021, "Landslide in Uthiramerur

Stone Quarry: one killed"Applicant

VS

1. The Chief Secretary to Govt. of Tamilnadu
Govt. Secretariat, Fort St.George,
Chennai, Tamilnadu-600 009.
2. The Secretary to Govt. of Tamilnadu.
Department of Environment and Forests,
Govt. Secretariat, Fort St.George,
Chennai. 9
3. The Principal Secretary to Govt. of Tamilnadu,
Industries Department,
Govt. Secretariat, Fort St.George,
Chennai.
4. Department of Geology and Mining,
Rep. by its Commissioner,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai 600 032.
5. The Chairman,
Tamilnadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai – 32
6. The District Collector,
Kancheepuram District,
First Floor, Collectorate,
Kancheepuram – 631 501
7. Uthiramerur Town Panchayat,
Rep. by its Executive Officer,
Periyanasam Pettai Street,
Uthiramerur,
Kancheepuram- 603 406

South

8. Mr.Muthu
Aged 60 years,
Madhur Village,
Uthiramerur Panchayat union,
Kancheepuram- 603 406.
9. D.Sarathkumar,
S/o. P.Devu,
No.5/265, Annai Therasa Street,
Prem Nagar, Pozhichalur,
Chennai – 600 074.Respondents
Sarathdev927@gmail.com

OBJECTIONS FILED BY THE 9TH RESPONDENT

I, D.Sarathkumar, Son of P.Dev, Hindu, aged about 27 years, residing at No.5/265, Annai Therasa Street, Prem Nagar, Pozhichalur, Chennai- 600074, do hereby solemnly affirm and sincerely state as follows;

1. I am the 9th Respondent herein and I am well acquainted with the facts and circumstances of the case.
2. I submit that, I am the lessee of the rough stone and gravel quarry in S.F No.325/4, 109/1A1 and 109/1A2 over an extent of 3.01.50 hectares in Sirudhamur Village at Uthiramerur Kancheepuram. I had obtained Environmental Clearance from the District Level Environment Impact Assessment Authority vide Lr.No. DEIAA-DIA/TN/MIN/79/Q3/2018 dated 03.10.2018 to 02.10.2023 for a period of 5 years subjected to **quarrying of rough stone of 7,21,040 Cu.M and gravel of 50,172 Cu.M.** I submit that, the District Collector Kancheepuram by his proceeding in RC.No.79/Q3/2018 dated 20.12.2018 had granted quarry lease permission from 20.12.2018 to 19.12.2023. I submit that, based on the above said Environmental Clearance, I had obtained Consent to operate for the leased quarry vide proceeding No.2029SPR/RS/DEE/TNPCB/SPR/W&A/2019 dated 06.02.2019 and the same is valid upto 31.03.2023 for quarrying rough stone of 7,21,040 Cu.M and gravel of 50,172 Cu.M.



3. I respectfully submit that, based upon the License issued by the Controller of Explosive, Tamilnadu by its license bearing numbers, No.E/HQ/TN/22/405 (E69911), E/SC/TN/22/164 (E10462), E/SC/TN/22/551 (E61793) , an blasting work contract agreement was entered between myself and with one Mr.J.Siva Kumar on 09.02.2019.
4. I humbly submit that, on 04.02.2021, a landslide had occurred in the above-mentioned quarry, inspite of there being no fault on my part, resulted in death of two persons and based on which, the Hon'ble National Green Tribunal South Zone on its Suo-Motu motion has registered an Original Application in OA No.69/2021 dated 17.02.2021 and this Respondent/Lessee of was not added as the Respondent at the time of admission. The above said case came-up for admission on 17.02.2021 and the Hon'ble National Green Tribunal South Zone had passed the following orders on 17.02.2021 and the same is extracted herein,

"7. In order to ascertain the genuineness of the allegations made in the newspaper report and also ascertain as to whether there was any violations of the conditions and lack of any safety measures or the manner in which the quarrying was done in an unscientific manner causing environmental degradation, we feel it appropriate to appoint a Joint Committee comprising of 1) The District Collector, Thiruvallur District, 2) a Senior Scientist from Tamil Nadu State Pollution Control Board (TNPCB) as designated by its Chairman 3) The Geologist from the Department of Geology and Mining, Chennai to inspect this area in question and submit a factual as well as action taken report, if there is any violation found along with the steps already taken by them when they came to know about the incident. If there is any violation of the

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conditions imposed, either in the mining lease or in the other permission granted and not providing any 5 safety measures or excess mining or unscientific manner in which mining has been conducted, if that be the cause for the incident, suggest further precautionary methods to be taken for the purpose of considering the question of future course of action as to whether any further permission for quarrying in such areas can be granted taking into account the geological formation of the stones, its feasibility and strength and risk that is likely to be caused in future, if it is continued to be quarry. The committee may also assess the environmental compensation. if there is any violation found and excess mining done and submit a report to this Tribunal on or before 31.03.2021 be e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.

8. The committee is also directed to consider the question of cost required for restoring the damage caused to the environment and the remedial measures to be taken, while submitting the report. ”

5. I submit that, when the case was registered as Suo-Motu application, I was neither a party nor any notice was served on me, thereafter I understand that in the subsequent hearings on 31.03.2021, 07.05.2021, 18.06.2021. One Mr.Muthu aged 60 years of Madhur Village, Uthiramerur Panchayat Union was shown as 8th Respondent, who is no way connected to this Original Application. The Date and events is tabulated herein,

S.No	Dates	Events	Remarks
1.	04.02.2021	Date of Landslide accident occurred.	-



2.	17.02.2021	The Hon'ble NGT on its Suo-Motu registered OA.No.69/21	The Lessee D.Sarathkumar was not added as Respondent.
3.	30.03.2021	The District Collector filed a report seeking time to file status report before the Hon'ble NGT.	-
4.	23.04.2021	The Joint Committee inspection.	No notice served was served to this Respondent (D.Sarathkumar) and nor I was present at the time.
5.	07.05.2021	Case adjourned due to Corona lockdown.	-
6.	18.06.2021	Case adjourned due to Corona lockdown.	-
7.	15.07.2021	The reconstituted Joint Committee inspection.	No notice served was served to this Respondent (D.Sarathkumar) and nor I was present at the time.



8.	20.07.2021	The Addl.Chief Environmental Engineer filed their status report before the Hon'ble NGT.	-
9.	22.07.2021	The District Collector Kancheepuram filed their status report before the Hon'ble NGT.	-
10.	22.07.2021	The Joint Committee filed their field inspection report.	-
11.	22.07.2021	The Assistant Director of Geology and Mining issued show cause notice to this Respondent.	-
12.	23.07.2021	I.A.No.100 of 2021 filed by this Respondent and the Hon'ble Tribunal allowed the IA and this Respondent was added as 9 th Respondent.	

6. I submit that, I had filed an Interlocutory Application under section 19 of the National Green Tribunal Act 2010 on 20.07.2021, to be impleaded in the O.A No.69 of 2021 as a Respondent. This Hon'ble National Green Tribunal by an order dated 23.07.2021 had allowed the I.A No.100 of 2021 in O.A.No.69 of 2021 and thus I was added as the 9th Respondent in O.A.No.69 of 2021.

7. I submit that, I had perused the Joint Committee Report, the Status Report by the District Collector Kancheepuram and the Status Report filed by the Addl.Chief Environmental Engineer, TNPCB before the Hon'ble National



Green Tribunal Southern Zone, Chennai and I am filing this preliminary objection.

8. I deny each and one of the allegations made in the Joint Committee report submitted before the Hon'ble National Green Tribunal Southern Zone, Chennai and the Respondents are put to strict proof of the same. It is mentioned that the **Joint Committee report (in Para 2) that the quarry was inspected in my presence. The same is factually wrong and no notice was given to me and the statement made in the Joint Committee report dated 16.07.2021 is false.** The Joint Committee has not issued any notice to me on the date of inspection, i.e., on 23.04.2021 or on 15.07.2021. The said inspections was done behind my back and this Respondent also reserves the right to file a Counter affidavit to the Joint Committee Report and to the Report filed by the Individual Respondents.
9. I submit that, in the status report filed by the District Collector Kancheepuram in March 2021, in para 5, it has been stated that,

"5) The quarry has been granted extracting Roughstone boulders for manufacturing aggregates. As such terrain is predominantly a hard rock terrain with irregular joint and fracture pattern. The Footwall which had collapsed had weak zone beneath it which had lead to the collapse of all the material above it. Thus the incident itself is a natural accident owing to certain geological parameters like joints and fractures."

This Respondent submits that, the District Collector Kancheepuram in his report dated 22.07.2021 contradicts the earlier Report by extracting the notice of the Deputy Director of Mines Safety, Directorate General of Mines Safety, Chennai. The Para 17 of report dated 22.07.2021 is as follows,



"17) It is respectfully submitted that, the Deputy Director of Mines Safety, Directorate General of Mines Safety, Chennai Region, Chennai had inspected the quarry site on 04.02.2021 and he had issued a notice vide letter No.CNR/FA/Ta-01/2021/1120, dated 07.04.2021 by pointing out the following violation which are the root cause for the fatal accident occurred in the subject area'.

- i. The owner of the mine, failed to appoint a duly qualified manager for overall management, supervision, direction and control of the mine. In contravention of regulation 34 of the Metalliferous Mines Regulation, 1961.*
- ii. The quarry owner failed to ensure the sides of the open cast workings been adequately benched, sloped or secured so as to prevent danger from fall of sides before Employing person at the bottom of the bench as require under regulation 106(3) of the Metalliferous Mines Regulations, 1961.*
- iii. The quarry owner also failed to appoint mining mate and place workings under the charge of the mining mater in contravention of the regulation 39 read with 116 of the Metalliferous Mines Regulations, 1961."*

10. I submit that, the contradictions in the Report filed by the District Collector Kancheepuram shows that there was no proper demarcation and pit measurement was conducted during the inspection of quarry site. These material and factual errors have cascaded to the erroneous conclusion against me. If there was proper identification of the land, these truth would



be known and I would not be unnecessarily implicated or accused of any irregularity.

11. I submit that, this Respondent had perused the report of the Joint Committee dated 16.07.2021 and in the Joint Committee report in paragraph 2.1 it had stated that,

*“2.1) The Joint Committee has inspected the quarry lease granted area in favour of Thiru.D.SarathKumar in patta lands, for quarrying rough stone and gravel in S.F No.325/4, 109/1A1 and 109/1A2 over an extent of 3.01.50 hectares of Sirudhamur Village, Uthiramerur Taluk, Kanchipuram District on 23.04.2021. During the time of inspection, the Deputy Director and Assistant Geologist of Geology and Mining Kanchipuram, Assistant Engineer, Pollution Control Board, Sriperumputhur, Tahsildar, Uthiramerur, the Head Surveyor, Uthiramerur , Firka Surveyor and the Revenue Inspector Arumpuliyur and the Village Administrative Officer, Sirudhamur were also present and assisted at the time of inspection. **The lessee Thiru.D.Sarathkumar was also present at the time of inspection of quarry sites.**”*

With the mist of repetition, I submit that, it was wrongly stated in the Joint Committee report that the quarry has been inspected in my presence, which is factually wrong and no notice was given to me and the Joint Committee never issued any notice to me on the date of inspection and the said inspection was done behind my back.

12. I submit that, the Joint Committee in its report, in Paragraph 3.6 (vi) stated that,

“(vi) as per the pit measurements, it is estimated that a quantum of 74,205 M3 of gravel and 14,07,888 M3 of rough stone has been quarried from the area granted under lease in S.F.Nos.325/4, 109/1A1 and 109 1A2.”

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I most humbly submit that, this volume of measurement shows that an apparent error has been committed by the Joint Committee during inspection, without considering the total geological resources which has been approved in the mining plan, moreover there is an old quarry situated adjacent to my quarrying area and the Joint Committee as it evident from the report has measured those areas and has arrived at the conclusion. I submit that, all these facts would be explained only if the Joint Committee inspection is conducted in my presence and in the area leased-out to me.

13. I submit that, the allegations that, *“quantum of 74,205 cum of gravel and 14,07,888 cum of roughstone had been quarried from the area granted under lease in SF Nos.325/4, 109/1A1 and 109/1A2 and the allegation that, the lessee has encroached and indulged illegal quarrying operation in the adjacent non lease government poramboke in SF Nos. 322(p) over an extent of 0.63.26 hec and illegally transported 15,815 cum of gravel and 1,62,835 cum of rough stone and that the lessee has also encroached and indulged illegal quarrying operation in the adjacent non lease Government poramboke in SF Nos.325/5 over an extent of 0.29.0 hec and illegally transported to the tune of 7250 cum of gravel and 1,53,839 cum of roughstone and thereby the lessee contravened the sub section (1) and (1A) of section 4 of Mines and Minerals act 1957 Dumping of gravel was noticed in the South Eastern Side i.e, non-lease hold area in SF No.322 Government Poramboke. It is estimated that a quantum of 90,954 cum of gravel was dumped”* is without any basis, factually incorrect, unsustainable and in any event unscientific. The Committee should have taken into the account that the subject quarry was in operation previously and the quantification of the minerals extracted is unsustainable, as the Authority has not taken into the



account that, the quantification of the minerals such as gravel and roughstone could be possible only before the extraction of mineral, based on a scientifically carried out mining plan. Therefore, the quantification of the alleged quarrying of roughstone or gravel based on the size of the pit is highly improbable and unscientific.

14. I submit that, the entire inspection was done behind my back and there is absolutely no notice that was served to this Respondent and the entire inspection has been done in my absence and report has been filed without issuing notice to me, which goes to the foundation of entire allegation against me and moreover, this Respondent was impleaded by this Hon'ble Tribunal by an order dated 23.07.2021 and this itself prove that the inspection was not done in my presence. I submit that, the Inspection Report also states that the non-leased area has also been quarried, which is also absolutely wrong and I don't know whether proper demarcation has been done in my area with the other area before measuring the volume of the pit. I have not quarried outside my area, contemporaneous there no complaints against me in this regard.

15. I submit that, in the Report filed by the Addl. Chief Environmental Engineer, Tamilnadu Pollution Control Board dated 20.07.2021, in Paragraph 3, it has been wrongly stated that, I was present at the time of inspection, which is factually wrong and the photographs taken by the Joint Committee at the time of inspection could be verified to ratify the same.

16. I most humbly submit that, I reiterate the fact that, I was not present on the date of inspection, as no notice was issued to me which goes to the root of entire matter and I was not present at the time of inspection. I submit that, I was distributing my wedding cards to my relatives and friends on the date of alleged inspection in my quarry and necessary opportunity was not



provided to me and the Joint Committee and the official Respondents had submitted their report without providing due opportunity to me and the report filed by the Joint Committee is a mechanical one, without considering the geographical and scientific method of measuring the quarry pit.

17. I submit that, the Assistant Director of Geology and Mining Kancheepuram issued show cause notice dated 22.07.2021, calling for an explanation and directed to appear before the District Collector on 03.08.2021. I submit that, based upon the above said show cause notice, I had submitted by written explanation before the District Collector on 03.08.2021 and requested for resurvey of quarry sites in my presence.

18. I submit that, it is evidently seen that the adjacent old quarry has also been measured, which was operational till 3 years before and in order to explain all these factual aspects, I most humbly request this Hon'ble Tribunal to order for a resurvey in my presence and prejudice would be caused if there is no resurvey. Facts reiterate and justify resurvey.

Therefore, I most humbly request this Hon'ble Tribunal consider my above said submissions and this Hon'ble Tribunal may be pleased to order for a resurvey and inspection of the quarry at my presence after following due process of law and by issuing proper notice prior to the said inspection and justice rendered.

Solemnly affirmed at Chennai
On this day of August 2021
In my presence.



BEFORE ME,

R. Ramachandran Ms. 3774/2014

R. RAMACHANDRAN, B.E., B.L.,
ADVOCATE - Ms. 3774/2014
General Bank Building,
15/25, Anna Salai, Chennai - 600 001. Cell : 9629453516

BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE,
CHENNAI

O.A No.69 of 2021

OBJECTIONS FILED BY 9TH RESPONDENT
D.SARATHKUMAR

S.V.BANUPRIYA (1943/2009)
N.NAJUMINISHA (2055/2017)
A.S.SHANMUGA RAJAN (3373/18)

COUNSEL FOR 9TH RESPONDENT
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8825510662

8/23/2021

Gmail - OA 69 of 2021 Objection filed by 9th Respondent D.Sarathkumar

M Gmail

Shanmuga Rajan <advshan3373@gmail.com>

OA 69 of 2021 Objection filed by 9th Respondent D.Sarathkumar

1 message

Mon, Aug 23, 2021 at 12:39 PM

Shanmuga Rajan <advshan3373@gmail.com>

To: cs@tn.gov.in, forse@tn.gov.in, indseo@tn.gov.in, geomine@nic.in, geomine@tn.nic.in, tnpcb-chn@gov.in, colirkprn@nic.in, tputreo@gmail.com, tputreo@yahoo.co.in

Sir/Madam,

The above referred matter coming up for hearing on 24.08.2021 before the Hon'ble National Green Tribunal Southern zone Chennai. Kindly acknowledge the copy of objection filed by 9th Respondent.

Regards,

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A.S.SHANMUGA RAJAN

Legum Baccalaureate,

CHENNAI.

 OA 69 OF 2021 objections filed by 9th Respondent.pdf
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