

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

**Original Application No.69 of 2021(SZ)**

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(s)

-Versus-

1. The Chief Secretary to Govt.of Tamil Nadu  
Govt. Secretariat, Fort St.George,  
Chennai, Tamil Nadu-600 009.
2. The Secretary to Govt. of Tamil Nadu,  
Department of Environment & Forests,  
Govt. Secretariat, Fort St.George,  
Chennai, Tamil Nadu-600 009.
3. The Principal Secretary to Govt. of Tamil Nadu,  
Industries Department,  
Govt. Secretariat, Fort St.George,  
Chennai, Tamil Nadu-600 009.
4. Department of Geology and Mining,  
Rep. by its Commissioner,  
Alandur Road, Guindy Industrial Estate,  
Guindy, Chennai - 600 032.
5. The Chairman,  
Tamil Nadu Pollution Control Board,  
No.76, Anna Salai, Guindy,  
Chennai, Tamil Nadu - 600 032.
6. The District Collector,  
Kancheepuram District,  
First Floor, Collectorate,  
Kancheepuram - 631 501.
7. Uthiramerur Town Panchayat,  
Rep. by its Executive Officer,  
PeriyanasamPettai Street,  
Uthiramerur,  
Kancheepuram - 603 406.
8. Mr.Muthu,  
Aged 60 years,  
Madhur Village,  
Uthiramerur Panchayat Union,  
Kancheepuram - 603 406.

  
Assistant Director  
Geology and Mining  
Kancheepuram.

  
DISTRICT COLLECTOR  
KANCHIPURAM

9. D.Sarathkumar,  
S/o.P.Devu,  
No.5/265, Annai Therasa Street,  
Prem Nagar, Pozhichalur,  
Chennai-74.

Impleaded as per  
order in I.A.No.100/2021.

10. The Block Development Officer,  
Uthiramerur Panchayat Union.

Impleaded as per order  
dt.23.07.2021 in O.A.  
No.69/2021.

... Respondent (s).

**REPLY TO OBJECTIONS OF 9<sup>TH</sup> RESPONDENT FILED BY 6<sup>TH</sup>  
RESPONDENT**

I, Dr. M. Aarthi, I.A.S., D/o. Thiru. Manickavasagam, Hindu, aged about 36, residing at Collector's Bungalow, Kancheepuram do hereby solemnly affirm and sincerely state as follows:-

2) I am the 6<sup>th</sup> respondent herein and as such I am well acquainted with the facts and circumstances of the case from the records available with office and I am filing this reply on objection filed by the 9<sup>th</sup> respondent.

3) With regard to the objections raised in para No.8 it is submitted that section 24(1) of the Mines and Minerals (Development and Regulation) Act, 1957 stipulates that, for the purpose of ascertaining the position of the working, actual of prospective, of any mine or abandoned mine or for any other purpose connected with this Act or the rules made there under, any person authorised by the Central Government or a State Government in this behalf, by general order, may

- a) Enter and inspect any mine;
- b) Survey and take measurements in any such mine;
- c) Weigh, measure or take measurements of the stocks of minerals lying at any mine;
- d) Examine any document, book, register, or record in the possession or power of any person having the control of, or connected with, any mine and place, marks of identification thereon, and take extracts from or make copies of such document, book, register or record;

  
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- e) Order the production of any such document, book, register, as is referred to in Clause (d); and
- f) Examine any person having the control of, or connected with any mine.

Further this Hon'ble Court in P.Mariadoss Vs. District Collector, Kancheepuram dated. 26.03.2012 in W.P. No. 1015, 1030 etc., of 2011 held that,

*"We fail to understand as to what purpose would be served if notice is issued prior to a surprise inspection, when there has been an allegation that illicit mining is being carried on. The authorities being empowered to enter into the quarry by virtue of the power under Section 24(1) of the Central Act, the petitioners cannot insist that they should be put on prior notice before conducting the surprise inspection as in these cases.*

Moreover, the lessee Thiru.D.Sarathkumar has presented during the inspection conducted by the then Tiruvallur District Collector Thiru. Ponnaiah, I.A.S., and the photographs taken by the Joint Committee at the time of inspection is confirmed the presence of lessee. The District Collector, Kancheepuram has inspected subject area on 15.7.2021 and the details of survey and measurements submitted by the committee member is verified and found correct. However the subject area once again inspected by the Committee on 22.09.2021 in presence of the lessee and the boundaries of lease hold area were fixed by the Inspector of Survey . The earlier survey was conducted by the Sub-Inspector of Survey and the boundary fixed by the both of them were same and found correct.

4) With regard to the objection raised in para no.9 it is submitted that The Director of General Mines Safety is regulatory agency under the Ministry of Labour and Employment, Government of India in matter pertaining to occupational Safety, Health and Welfare of persons employed in mines. The main role and function of Director of Mines Safety are inspection of mines, investigation in to accidents, dangerous occurrence-emergency response, grant of statutory permission etc, the Deputy Director of Mines safety, Director General of Mines safety, Chennai had inspected the subject quarry on 4.2.2021 and find out the



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following violations which are the root cause for the fatal accident occurred in the subject area.

- i. The owner of the mine, failed to appoint a duty 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 case 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.

The quarry owner requested the Director of the Mines Safety to approve the authorization of Shri Deenapal Pesaramelli as a Manager to his rough stone quarry only after the accident on 4.2.2021. Accordingly, DGMS, Chennai vide letter No.518553/SZ/Chennai Region/Perm/2021/8928, dated 16.04.2021 has authorized the request of the lessee. Further, on his request, permission given for using Heavy Earth Moving Machinery without deep hole blasting under regulation 106(2)(b) of the Metalliferous Mines Regulations, 1961 to form benches in overburden and ore bodies in the subject quarry.

5) With regard to the objection raised in para no.10 it is submitted that the Joint Committee have 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, Kancheepuram District on 23.04.2021. During the time of inspection, the Deputy Director and Assistant Geologist of Geology and Mining, Kanchipuuram, Assistant Engineer, Pollution Control Board, Sriperumpthur, 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. Further, as per the order of Hon'ble

  
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NGT order the revised member of the Joint Committee along with the other officials such as Revenue Divisional Officer of Kancheepuram, Assistant Director and Assistant Geologist of Geology and Mining, Kancheepuram, Assistant Engineer, Tamilnadu Pollution Control Board, Sriperumputhur, Tahsildar, Uthiramerur, Head Surveyor, Uthiramerur, Firka Surveyor and Revenue Inspector, Arumpuliyur and Village Administrative Officer, Sirudhamur were inspected on 15-07-2021. At the time of inspection the sketch and measurement submitted by the Sub-Inspector of Surveyors on dated 28.4.2021 is verified and found correct. Moreover on direction of the Hon'ble National Green Tribunal, Southern Zone, Chennai in order dated 24.8.2021, prior notice was served to the lessee Thiru D.Sarathkumar with direction to present in this subject quarry on 22.9.2021 at 4.00 P.M for conducting inspection in his presence. The lessee Thiru.D.Sarathkumar was also present at the time of inspection of the quarry sites the subject area once again inspected by the Committee on 22.09.2021 in presence of the lessee The boundaries of lease hold area were fixed by the Inspector of Survey in the presence of lessee. The earlier survey was conducted by the Sub-Inspector of Survey and the boundary fixed by the both of them were same and found correct as survey work conducted previously.

6) With regard to the objection raised in para no.12 & 13 it is submitted that the project proportionate/lessee has submitted approved mining plan in which he has stated that the Geological reserves is estimated up to 62 metres to the tune of 1860120 cbm. rough stone and 60204 cbm of Gravel depth over an extent of 3.01.50 hectares of Patta lands in S.No.325/4, 109/1A1 and 109/1A2 of Sirudhamur village. The minable reserves calculated by detecting 7.5 metres and 10 metres safety distance and bench loss (except without safety distance to the adjoining patta survey No.1091B/1091F/1091G and the minable reserves is computed as 721040 cbm of rough stone and 50172 cbm of gravel formation upto the depth of 62 metres below ground level only. The subject lease is fresh one there is no old quarrying pit reported anywhere even in the mining plan submitted by the lessee and also on perusal of plates image enclosed by the lessee in approved mining plan is clearly shown that there is no previous quarrying pit in patta survey numbers 325/4, 109/1A1, 109/1A2 of Sirudhamur village, Uthiramerur

  
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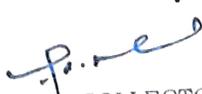
  
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Taluk. Further, the lessee has not maintained benches and removed the locked bench reserve also. Therefore, there is no apparent error in the calculation of quantum removed by the lessee within the lease hold area and also in adjoining non lease hold area. Statement was obtained from the lessee on 22.9.2021 in his statement he has reiterate the same objection raised on 22.08.2021 before the Hon'ble National Green Tribunal, Southern Zone, Chennai. According to him if 900 lorry load quarried per day then only the quantum of mineral mentioned as committee would be arrived but there is no possibility for quarrying and removal of such huge quantum of minerals has reported by the Joint Committee.

7) It is respectfully submitted that, the Joint Committee have carried out the a comprehensive and systematic scientific survey using total station survey instruments to find out the violations and estimate the quantum of mineral removed from the subject area and the Joint Committee has pointed out the violation that the lessee Thiru.D.Sarathkumar has committed the following violations.

- i. As per lease deed conditions the required safety distance of 7.5 and 10mts has not been provided to the adjacent Patta and Poramboke lands and quarrying had been carried out in the safety zone area also.
- ii. Boundary pillars have not been erected and maintained all along the boundary of the lease granted area as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959
- iii. The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.
- iv. The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around

  
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the boundary of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.

- v. Mining operation is approved up to depth of 62 m (below ground level) in the mining plan / environmental clearance whereas the lessee has carried out the mining operation to depth of 62.6 m i.e beyond the approved depth over an extent of 0.22.0 hec out of 3.01.5 hec.
- vi. As per the pit measurements, it is estimated that a quantum of 74,205 M<sup>3</sup> of gravel and 14, 07,888 M<sup>3</sup> of rough stone had been quarried from the area granted under lease in S.F.Nos. 325/4, 109/1A1 and 109/1A2.
- vii. The lessee has encroached and indulged illegal quarrying operation in the adjacent non lease Government poramboke (Grazing malai) in S.F.Nos. 322 (P) over an extent of 0.63.26 hec and illegally transported to the tune of 15,815 M<sup>3</sup> of gravel and 1,62,835 M<sup>3</sup> of rough stone.
- viii. The lessee has also encroached and indulged illegal quarrying operation in the adjacent non lease Government poramboke (kallankuttu) in S.F.Nos. 325/5 over an extent of 0.29.0 hec and illegally transported to the tune of 7250 M<sup>3</sup> of gravel and 1,53,839 M<sup>3</sup> of rough stone and thereby the lessee contravened the sub section (1) & (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957.
- ix. The lessee has quarried and transported to the tune of 24105 and 1340688 cbm of Rough stone and Gravel respectively over and above the quantity for which the transport permit obtained within the leasehold area without remitting necessary seigniorage fee to the Government.
- x. Dumping of gravel was noticed in the South Eastern side ie., non lease hold area in SF.No.322 Government Poramboke (Grazing malai). It is estimated that a quantum of 90,954 M<sup>3</sup> of gravel was dumped.



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8) It is respectfully submitted that, the District Environmental Engineer, Kancheepuram has assessed the Environmental compensation and cost required for environmental damages to the tune of Rs.86,75,000 for the removing of mineral within the lease hold area under section 5 of Environmental [Protection] act, 1986 as amended and the action is being taken to collecting the such amount by Tamil Nadu State Pollution Control Board, Chennai.

9) It is respectfully submitted that, vide letter No in Roc 79/Q3/2021 dated 20.07.2021 and 28.09.2021 the Revenue Divisional officer, Kancheepuram has requested to take appropriate action as against the lessee for illegal and unlawful quarrying and transportation 17,04,532 Cbm of rough stone and gravel as per G.O 170 industries department dated 05.08.2020.

10) It is respectfully submitted that, the Assistant Director, Geology and Mining, Kancheepuram has reported in his report dated 15.7.2021 that the lessee has not carried out quarrying operation in accordance with the approved mining plan. Based on the report of the Assistant Director, Geology and Mining, Kancheepuram and confirmation of violation from the field, the lease was suspended by the District Collector vide Roc No.79/Q3/2018, dated 15.07.2021 under Rule 41(10)(ii) of Tamil Nadu Minor Mineral Concession Rules 1959.

11) It is respectfully submitted that, the Rule 36(5)(h) of the Tamil Nadu Minor Mineral Concession Rules, 1959 stipulate as follows:-

“In case of breach by the quarrying permit-holder or quarrying lease holder or his transferee or assignee of any of these Rules or of the conditions of the lease, the Director of Geology and Mining or the Chief Conservator of Forests, as the case may be, or the District Collector or the District Forest Officer, as the case may be, without prejudice to any other penalty which may be imposed in respect of such breach, may cancel the lease after granting on opportunity of hearing to the said person.”

12) It is respectfully submitted that, the lessee was show cause vide Rc.No.79/Q1/2018, dated 22.07.2021 why the report of the Joint

  
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Committee shall not be accepted and acted upon in accordance with the provisions under Rule 36 (5) (h) of Tamil Nadu Minor Mineral Concession Rules, 1959 and also directed to appear before the District Collector, Kancheepuram at 4.00 P.M on 3.8.2021 to offer his explanation. In response the lessee has appear on 3.8.2021 and submitted his written explanation before the District Collector. In his written submission he has retreat the same objection filed before the Hon'ble National Green Tribunal, Southern Zone, Chennai.

13) It is respectfully submitted that, on direction of the Hon'ble National Green Tribunal, Southern Zone, Chennai in order dated 24.8.2021 prior notice was served to the lessee Thiru D.Sarathkumar with direction to present in this subject quarry on 22.9.2021 at 4.00 P.M for conducting inspection in his presence. The detail survey was conducted by the Inspector of Survey and the boundaries of lease area were fixed in presence of lessee and found correct as survey work conducted previously.

14) It is respectfully submitted that, I have consider his explanation and objection dated 23.8.2021 of the lessee and after careful examination of the available material and arrived at a conclusion that, the lessee has encroached and indulged illegal quarrying operation in the adjacent non lease Government poramboke (Grazing malai) in S.F.Nos. 322 (P) over an extent of 0.63.26 hec and illegally transported to the tune of 15,815 M<sup>3</sup> of gravel and 1,62,835 M<sup>3</sup> of Rough stone in the adjacent non lease Government poramboke (kallankuttu) in S.F.Nos. 325/5 over an extent of 0.29.0 hectrs and illegally transported to the tune of 7250 M<sup>3</sup> of gravel and 1,53,839 M<sup>3</sup> of rough stone and thereby the lessee contravened the sub section (1) & (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957.

15) It is respectfully submitted that, the lessee has quarried and transported cumulatively to the tune of 24105 and 1340688 cbm of Rough stone and Gravel respectively over and above the quantity for which the transported obtained within the leasehold area without remitting necessary seigniroage fee to the Government.

  
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16) It is respectfully submitted that, the lease was granted to the lessee with the specific conditions but the lessee has violated the following lease deed conditions.

Conditon No.1

விண்ணப்பப் புலங்களுக்கு அருகிலுள்ள அரசு புறம்போக்கு மற்றும் பட்டா நிலங்களுக்கு (புல எண்.109/1B,109/1F,109/1G தவிர்த்து) முறையே 10 மீட்டர் மற்றும் 7.5 மீட்டர் பாதுகாப்பு இடைவெளிவிட்டு குவாரிப்பணி செய்யப்பட வேண்டும்.

Conditon No.2

பொதுமக்களுக்கோ, பொது சொத்துக்களுக்கோ யாதொரு சேதமும் இன்றி பாதுகாப்பான முறையில் குவாரிப்பணி செய்ய வேண்டும்.

Conditon No.3

பொதுமக்களின் நலன் கருதி பாதுகாப்பான முறையில் குறைந்த அழுத்தமுள்ள வெடிபொருட்கள் பயன்படுத்தியும், கைத்துளைப்பான் கருவி கொண்டு துளையிட்டும், தொழிலாளர்களின் பாதுகாப்பினை உறுதி செய்ய பாதுகாப்பானதும், அகலமாக Benches அமைத்து குவாரிப் பணி செய்ய வேண்டும்.

Conditon No.9

குவாரியிலிருந்து கொண்டு செல்லப்படும் மேற்கண்ட வகை கற்களுக்கு 1959ம் ஆண்டு தமிழ்நாடு சிறுகனிம சலுகை விதிகள் பின் இணைப்பு II-ல் கண்டுள்ளவாறு உரிமவரி (சீனியரேஜ் தொகை) செலுத்த வேண்டும்.

Conditon No.10

குத்தகை அனுமதி வழங்கப்பட்ட நிலத்திலிருந்து கொண்டு செல்லப்பட்ட கற்களுக்கு முறையான கணக்குகளும், குழிவாயில் பதிவேடும் முறையாக பராமரித்தல் வேண்டும். அவற்றை சம்பந்தப்பட்ட அலுவலர்கள் தணிக்கைக்கு ஆஜர்படுத்த கோரினால் தவறாது சமர்ப்பிக்க வேண்டும்.

Further, the lease deed condition No. 17, 18 has stipulated as follows:-

Conditon .17.

குத்தகைக்கு விடப்பட்டுள்ள விஸ்தீரணத்தில் மட்டுமே குத்தகைதாரர் குவாரி செய்ய வேண்டும். அதற்கான கூடுதலான விஸ்தீரணத்தில் குவாரி செய்வது தெரியவந்தால் அபராத நடவடிக்கை மேற்கொள்வதுடன் குத்தகை இரத்து செய்ய நடவடிக்கை எடுக்கப்படும்.

Condition No.18

குத்தகை நிபந்தனை மீறப்பட்டால் குத்தகை இரத்து செய்யவோ, செய்யப்பட்ட தவறுதலுக்கு அபராத நடவடிக்கை எடுத்து தண்டம் விதிக்கவோ அல்லது கிரிமினல் வழக்குத் தொடுக்க மாவட்ட ஆட்சியருக்கு அதிகாரம் உண்டு. குத்தகை ரத்து செய்யப்பட்டால் காப்புத் தொகை உட்பட அனைத்து தொகைகளும் அரசுக்கு ஆதாயமாக்கப்படும்.



Assistant Director  
Geology and Mining  
Kancheepuram.



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17) It is respectfully submitted that the lease in respect of rough stone quarry lease of Thiru.D.Sarathkumar over an extent of 3.05.0 hectares in patta survey numbers 325/4, 109/1A1, 109/1A2 of Sirudhamur village, Uthiramerur Taluk has cancelled vide Proceedings of District Collector, Kancheepuram in ROC. No. 79 / Q3 / 2018 dt.28.09.2021 under Rule 36 (5)(h) of Tamil Nadu Minor Mineral Concession Rules 1959.

In view of the above, it is therefore humbly prayed that this Hon'ble National Green Tribunal, Southern Zone, Chennai may be pleased to record the above mentioned facts and dispose of the application or pass such further order as this Hon'ble National Green Tribunal may deem fit and proper in the fact and circumstance of this case and thus justice.

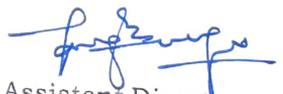
Solemnly affirmed at Kancheepuram

On this 11<sup>th</sup> day of October 2021

and signed his name in my presence.

  
DISTRICT COLLECTOR  
KANCHIPURAM

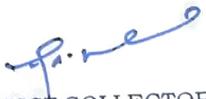
BEFORE ME

  
Assistant Director  
Geology and Mining  
Kancheepuram.

VERIFICATION

I, Dr. M. Aarthi, I.A.S., working as District Collector, Kancheepuram District do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Kancheepuram on this 11<sup>th</sup> day of October 2021.

  
DISTRICT COLLECTOR  
KANCHEEPURAM

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No.69 of 2021(SZ)**

IN THE MATTER OF :

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(s)**

**-Versus-**

1. The Chief Secretary to Government of Tamil Nadu Govt. Secretariat, Fort St.George, Chennai, Tamil Nadu-600 009.

& 9 others

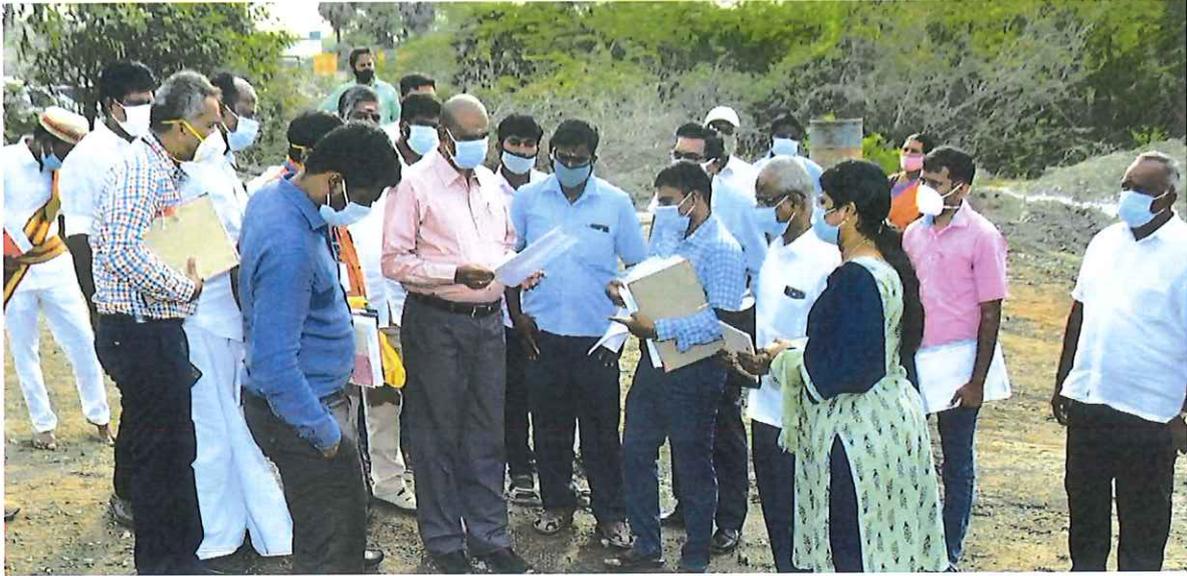
**...Respondent(s)**

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## Annexure

**(i) The Photograph showing the presence of lessee Thiru. D. Sarathkumar at the time of Inspection conducted by the Tiruvallur District Collector Thiru. P. Ponniah I.A.S., on 23.04.2021**

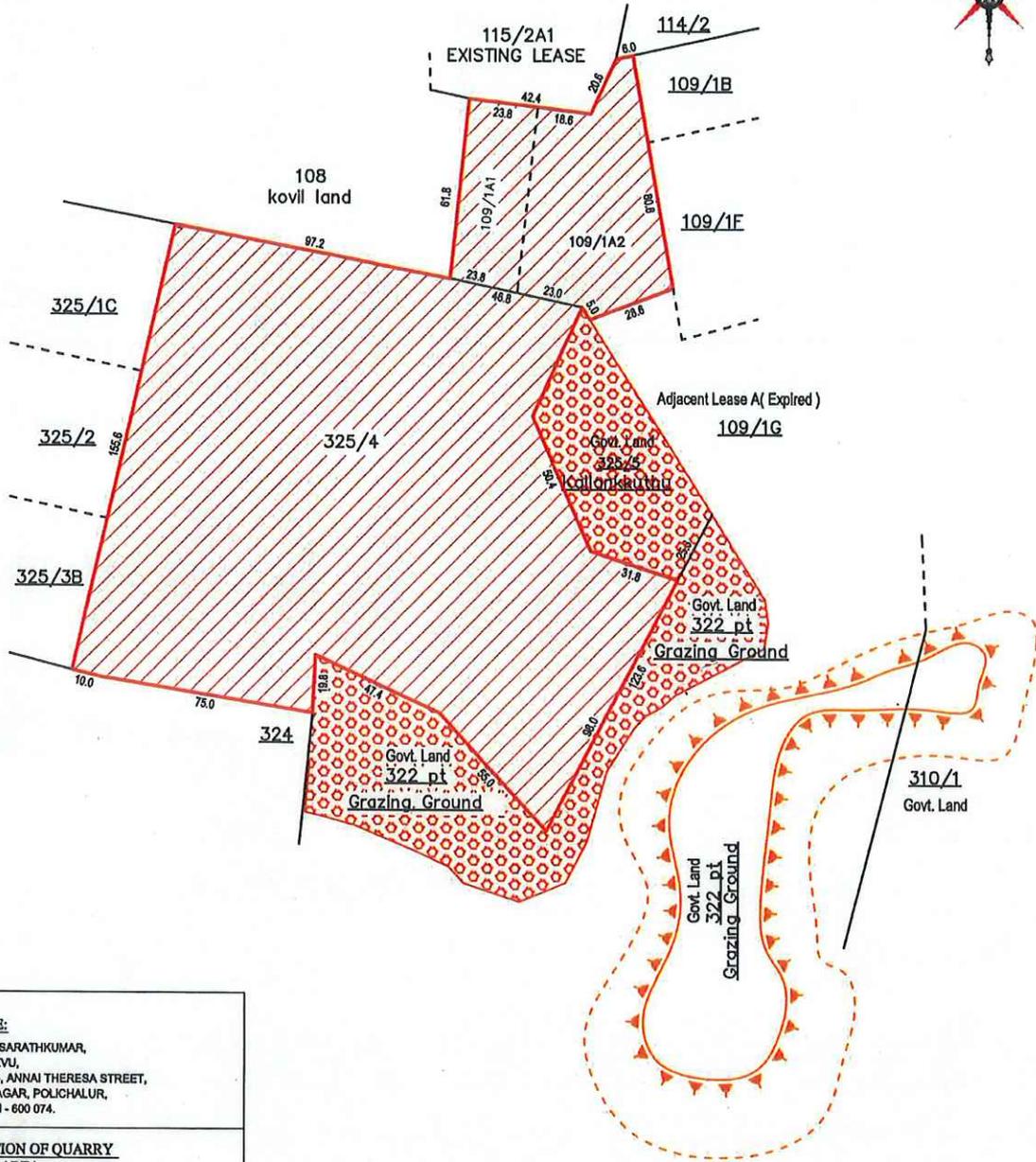


**(ii) The Photograph showing the presence of lessees Thiru. D. Sarathkumar at the time of Inspection conducted by the Kancheepuram District Collector Dr. M. Aarthi, I.A.S., on 22.09.2021**



**AS PER THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE CHENNAI  
SUO MOTU ORIGINAL APPLICATION NO.69 OF 2021 (SZ) ORDER  
JOINT COMMITTEE INSPECTION IN SIRUTHAMUR VILLAGE OF UTHIRAMERUR TALUK, KANCHEEPURAM DISTRICT.**

Scale 1:2000



<b>LESSEE:</b> Thiru. D. SARATHKUMAR, S/o. P.DEVU, No. 5/265, ANNAI THERESA STREET, PREM NAGAR, POLICHALUR, CHENNAI - 600 074.	
<b>LOCATION OF QUARRY LEASE AREA:</b> S.F.NO : 325/4, 109/1A1 & 109/1A2. EXTENT : 3.01.5 Ha. VILLAGE : SIRUTHAMUR, TALUK : UTHIRAMERUR, DISTRICT : KANCHEEPURAM, STATE : TAMIL NADU.	
<b>SURVEY AND INSPECTION DATE</b> 22.04.2021,23.04.2021&15.07.2021	

INDEX	
	LEASE HOLD AREA (Patta Land)
	NON LEASE HOLD AREA (Govt Land)
	DUMP AREA (Govt Land)

**NOTES :-**

1. All dimensions are in metre (otherwise noted).

*(Handwritten signature)*  
ஆய்வாளர்  
நில அளவை பதிவுகளுக்கான துறை  
மாண்புமிகு மாவட்டம் & கோட்டம்.

*(Handwritten signature)*  
வட்டாட்சி அலுவலர்  
உத்திரமேரூர் வட்டம்  
காஞ்சிபுரம் மாவட்டம்.

*(Handwritten signature)*  
சுற்றுச்சூழல்  
அமைச்சு

5

PROCEEDINGS OF THE DISTRICT COLLECTOR, KANCHEEPURAM

Present:-Dr.M.Aarthi,I.A.S.,

Rc.No.79/Q3/2018

Dated 28.09.2021.

Sub : Mines and Mineral - Minor Mineral - Roughstone  
- Kancheepuram District - Uthiramerur Taluk -  
Sirudhamur Village - Over an extent of 3.01.50  
hects. of patta lands S.F.Nos.325/4, 109/1A1 &  
109/1A2 - Quarry lease granted to Thiru. D.  
Sarathkumar - Accident due to the slip of dump -  
Suomotu NGT case, Southern Zone in O.A.No.69  
of 2021 - report of Joint Committee- violation  
detected - Show cause notice issued - personal  
enquiry conducted - lease cancelled - Regarding.

- Ref :
1. Proceedings of District Collector, Kancheepuram in ROC.No.79/Q3/2018 dt.20.12.2018.
  2. NGT Southern Zone order dt. 17.2.2021 in OA.No. 69/2021.
  3. Join Committee inspection report dated 15.7.2021.
  4. Proceedings of District Collector, Kancheepuram in ROC.No.79/Q3/2018 dt.15.7.2021.
  5. Show cause notice dated 22.7.2021 in ROC.No.79/Q3/2018.
  6. Written submission of Thiru.T.Sarathkumar dated 3.8.2021
  7. District Collector, Kancheepuram letter dated 21.09.2021 in Rc.No.61/Q1/2021
  8. Statement of lessee Thiru.D.Sarathkumar dated 22.09.2021.
  9. And other relevant records.

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Orders:-

1) A rough stone lease has been granted to one Thiru.D.Sarathkumar, S/o. Devu, for quarrying rough stone and gravel in patta SF.Nos 325/4,(2.55.0) 109/1A1 (0.15.0)and 109/1A2 (0.31.0) over an extent of 3.01.50 hectare of Sirudhamur village, Uthiramerur Taluk, for a period of five year vide District collector, Kancheepuram proceeding Rc.No.79/U3/2018 dated 20.12.2018.

The lease deed was executed on 20.12.2018 and the lease is valid up to 19.12.2023. The said lease is a fresh one, previously no quarry lease has been granted in the above said lease granted area.

2) The lessee has obtained Environmental clearance from District level Environmental Impact Assessment Authority for a period of 5 years from the date of execution of lease deed vide Lr. No. DEIAA-DIA/TN/MIN/79/Q3/2018 – KPM EC.No.29-2018 dated: 03.10.2018 subject to the conditions stipulated therein for quarrying of Rough Stone and gravel to the tune of 7,21,040 cu.m and 50,172 cu.m respectively and the permissible depth of mining is 62 m.

3) The lessee has also obtained Tamil Nadu Pollution Control Board consent vide CTO Proc.NO.F. 2029 SPR/ RS/ DEE/ TNPCB/ SPR/W&A/2019 dated 06/02/2019 valid up to 31-03-2023 subject to comply with the conditions in the Environment Clearance and quarry lease agreement. The lessee had enter blasting work contract agreement with Sri Sivakumar S/o Sri Jawahar Udayam Explosives, Perugalathur for extraction of quarrying mineral.

4) On 04.02.2021 at 9.00 A.M, a landslip was occurred in the subject quarry resulted in death of two persons. In this connection, The Hon'ble National Green Tribunal, Southern Zone, Chennai on its Suo Motu motion have registered an Original Application No. 69 of 2021 (SZ), under the caption "*Landslide in Uthiramerur Stone Quarry: one Killed*" on the basis of the newspaper report published in Dinamalar Newspaper, Chennai, Edition dated 05.02.2021.

5) The Hon'ble National Green Tribunal, Southern Zone, Chennai upon hearing the Suo Motu motion Application No. 69 of 2021 in its order dated 17.02.2021 has directed to appoint a Joint Committee comprising of (i) The District Collector, Thiruvallur District, (ii) a Senior Scientist from Tamil Nadu State Pollution Control Board (TNPCB) as designated by its Chairman (iii) The

Geologist from the Department of Geology and Mining, Chennai to inspect the subject area in question and submit a factual as well as action taken report on the subject matter. The Joint Committee has inspected the subject area on 23.4.2021 and instructed the surveyor concern to conduct detailed survey and also assess the quantum of mineral removed, stocked and transported from the area granted under lease. Accordingly, the survey sketch prepared on 28.4.2021 by Sub-Inspector of Survey(Mines) with details of quarrying area and quantum of mineral removed and stocked by using total station instrument.

6) Subsequently, the Joint Committee reconstituted with the District Collector, Kancheepuram District instead of District Collector, Tiruvallur District as per the Hon'ble NGT[SZ] order dated 18-06-2021.

7) Accordingly, the Joint Committee has constituted comprising of 1) Dr. M. Aarthi,I.A.S., District Collector Kancheepuram (2) Dr.A.Kalaiselvan, Additional Director, Commissionerate of Geology and Mining, Chennai (3) Er. P. Ravichandran, District Environmental Engineer, Tamil Nadu Pollution Control Board, Sriperumbudur.

8) The Joint Committee have inspected the subject area on 15.07.2021 and reported their observation in their report dated 16.07.2021 as follows:-

- i) As per lease deed conditions the required safety distance of 7.5 and 10mts has not been provided to the adjacent Patta and Poramboke lands and quarrying had been carried out in the safety zone area also.
- ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.
- iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferous Mines Regulation 1961 and also the lessee has not carried out the quarrying

operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.

- iv) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the bounty of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.
- v) Mining operation is approved up to depth of 62 m (below ground level) in the mining plan / environmental clearance whereas the lessee has carried out the mining operation to depth of 62.6 m i.e beyond the approved depth over an extent of 0.22.0 hec out of 3.01.5 hec.
- vi) As per the pit measurements, it is estimated that a quantum of 74,205 M<sup>3</sup> of gravel and 14, 07,888 M<sup>3</sup> of rough stone had been quarried from the area granted under lease in S.F.Nos. 325/4, 109/1A1 and 109/1A2.
- vii) The lessee has encroached and indulged illegal quarrying operation in the adjacent non lease Government poramboke (Grazing malai) in S.F.Nos. 322 (P) over an extent of 0.63.26 hec and illegally transported to the tune of 15,815 M<sup>3</sup> of gravel and 1,62,835 M<sup>3</sup> of rough stone.
- viii) The lessee has also encroached and indulged illegal quarrying operation in the adjacent non lease Government poramboke (kallankuttu) in S.F.Nos. 325/5 over an extent of 0.29.0 hec and illegally transported to the tune of 7250 M<sup>3</sup> of gravel and 1,53,839 M<sup>3</sup> of rough stone and thereby the lessee contravened the sub section (1) & (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957.

- ix) The lessee has quarried and transported to the tune of 24105 and 1340688 cbm of Rough stone and Gravel respectively over and above the quantity for which the transport permit obtained within the leasehold area without remitting necessary seigniorage fee to the Government.
- x) Dumping of gravel was noticed in the South Eastern side ie., non lease hold area in SF.No.322 Government Poramboke (Grazing malai). It is estimated that a quantum of 90,954 M<sup>3</sup> of gravel was dumped.

9) The Assistant Director, Geology and Mining, Kancheepuram has reported in his report dated 15.7.2021 that the lessee has not carried out quarrying operation in accordance with the approved mining plan and also recommended to suspend the subject lease .

10) The sub rule 41(10) (i) and 41 (10) (ii) of Tamil Nadu Minor Mineral Concession Rules,1959 have stipulated as follows:-

Sub-Rule 41(10) (i)

*“ Every holder of a lease shall carry out the quarrying operation for minor mineral in accordance with the approved mining plan”*

Sub-Rule 41(10) (ii)

*“ If the mining operations are not carried out in accordance with the mining plan, the District Collector may order suspension of all quarrying operations and permit continuance of quarrying operations, by way of rectification to restore the conditions as may be necessary in the quarry as envisaged under the said mining plan”*

11) Based on the report of the Assistant Director, Geology and Mining, Kancheepuram and confirmation of violation from the field the lease was suspended by the District Collector vide Roc No.79/Q3/2018, dated 15.07.2021 under Rule 41(10)(ii) of Tamil Nadu Minor Mineral Concession Rules 1959.

12) The Revenue Divisional officer, Kancheepuram vide letter No in Roc 79/Q3/2021 dated 20.07.2021 has requested to take appropriate action for the illegal quarrying in adjacent Meikkal poramboke and Kallankuthu Karadu and removal of Rough stone and Gravel over and above the permitted quantity for which transport permit obtained.

13) The Rule 36(5)(h) of the Tamil Nadu Minor Mineral Concession Rules, 1959 stipulate as follows:-

“In case of breach by the quarrying permit-holder or quarrying lease holder or his transferee or assignee of any of these Rules or of the conditions of the lease, the Director of Geology and Mining or the Chief Conservator of Forests, as the case may be, or the District Collector or the District Forest Officer, as the case may be, without prejudice to any other penalty which may be imposed in respect of such breach, may cancel the lease after granting on opportunity of hearing to the said person.”

14) Accordingly, for the violation of lease conditions, the lessee was show cause vide Rc.No.79/Q1/2018, dated 22.07.2021 why the report of the Joint Committee shall not be accepted and acted upon in accordance with the provisions under Rule 36 (5) (h) of Tamil Nadu Minor Mineral Concession Rules, 1959 and also directed to appear before the District Collector, Kancheepuram at 4.00 P.M on 3.8.2021 to offer his explanation . In response, the lessee has appear on 3.8.2021 and submitted his written explanation before the District Collector . The explanation submitted by the lessee are under follows:-

1. I had received the above referred show cause notice on 26.07.2021 from the Assistant Director, Geology and Mining, Kancheepuram by means of post.

2. 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 3.10.2018 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 quarry vide CTO 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 submit that, based upon the License by the Controller of Explosive, Tamil Nadu 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, resulted in the 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. 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, Tiruvallur 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 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 by 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, I had filed an Interlocutory Application in the above said Original Application as proposed party and the same has been numbered as I.A.No.100 of 2021 in OA.No.69 of 2021 and the Hon'ble Tribunal had impleaded me as a 9<sup>th</sup> Respondent in OA.No.69 of 2021 by its order dated 23.07.2021,

*3. The additional 9<sup>th</sup> respondent was impleaded as per order in I.A.No.100 of 2021 by order passed by this Tribunal today (23.07.2021).*

*4. The Office is directed to carry out the amendment in the cause title.*

I submit that, the above said case is pending before the Hon'ble National Green Tribunal South Zone and meanwhile, I had received the above referred show cause notice dated 22.07.2021.

6. I submit that, I 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 3.01.0 hectares of Sirudhamur Village, Uthiramerur Taluk, Kancheepuram District on 23.04.2021. During the time of inspection, the Deputy Director and Assistant Geologist of Geology and Mining, Kancheepuram, Assistant Engineer, Pollution Control Board, Sriperumbudur, 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.*

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 statement made in the Joint Committee report dated 16.07.2021 is absolutely false and frivolous. The Joint Committee never issued any notice to me on the date of inspection and the said inspection was done behind my back.

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

*iv) 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.No.325/4, 109/1A1 and 109 1A2.*

I 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 in the adjacent to my quarrying area and the Joint Committee would have been possibly presumed and had measured those areas as the present area which was subjected to quarrying 3 years before. I submit that, all these factual defects can be explained only when the Joint Committee inspection which conducted in my presence in my leased-out area.

8. I submit that, the entire inspection was done behind my back and there is absolutely to notice was served to me and the entire inspection has been done and report has been filed without issuing notice to me, which goes to the fulcrum of entire allegation against me. 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 submit that, we are about to file our counter affidavit to the status report filed by the District Collector before the Hon'ble National Green Tribunal South Zone dated 22.07.2021 and the Hon'ble Tribunal had granted time to file our objections by its order dated 23.07.2021.

*11. For objections (if any) to the committee report by newly added 9<sup>th</sup> respondent, completion of pleading and also for consideration of report, post on 24.08.2021.*

I submit that, the case has been adjourned to 24.08.2021 and therefore, I most humbly request your good self to issue me a fresh notice for resurvey in my presence, which will enable me to putforth my side of arguments effectively.

9. I submit that, in the Report filed by the Tamil Nadu Pollution Control Board dated 20.07.2021 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.

10. I reiterate the fact that, I was not present on the date of inspection (ie., 15.07.2021) 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 and necessary opportunity was not provided to me and the Joint Committee had submitted its report without providing due opportunity to me . I submit that, I was distributing my wedding cards to my relatives and friends on the date of inspection in my quarry.

11. I submit that, since the matter is sub-judice before the Hon'ble National Green Tribunal South Zone and no notice has given to me at the time of inspection, I believe that, the adjacent old quarry would also have been wrongly measured, which was subject to quarry 3 years before and in order to explain all these factual aspects, I request your goodself to order for a resurvey in my presence.

Therefore, I most humbly request to kindly consider my above said submissions and order for a resurvey in my presence.

15) On direction of the Hon'ble National Green Tribunal, Southern Zone, Chennai in order dated 23.8.2021, prior notice was served to the lessee Thiru D.Sarathkumar with direction to present in the subject quarry on 22.9.2021 at 4.00 P.M for conducting inspection in his presence. The detail survey was conducted by the Inspector of Survey, Kancheepuram and the boundaries of lease area were fixed in presence of lessee and found correct as survey work conducted previously.

16) Statement was obtained from the lessee on 22.9.2021. In his statement, he has reiterate the same objection raised on 22.08.2021 before the Hon'ble National Green Tribunal, Southern Zone, Chennai. According to him, if 900 lorry load quarried per day then only the quantum of mineral mentioned as committee would be arrived but there is no possibility for quarrying and removal of such huge quantum of minerals as reported by the Joint Committee.

17) The lease was granted to the lessee with the specific conditions but the lessee has violated the following lease deed conditions.

Conditon No.1

விண்ணப்பப் புலங்களுக்கு அருகிலுள்ள அரசு புறம்போக்கு மற்றும் பட்டா நிலங்களுக்கு (புல எண்.109/1B,109/1F,109/1G தவிர்த்து) முறையே 10 மீட்டர் மற்றும் 7.5 மீட்டர் பாதுகாப்பு இடைவெளிவிட்டு குவாரிப்பணி செய்யப்பட வேண்டும்.

Conditon No.2

பொதுமக்களுக்கோ, பொது சொத்துக்களுக்கோ யாதொரு சேதமும் இன்றி பாதுகாப்பான முறையில் குவாரிப்பணி செய்ய வேண்டும்.

Conditon No.3

பொதுமக்களின் நலன் கருதி பாதுகாப்பான முறையில் குறைந்த அழுத்தமுள்ள வெடிபொருட்கள் பயன்படுத்தியும், கைத்துளைப்பான் கருவி கொண்டு துளையிட்டும், தொழிலாளர்களின் பாதுகாப்பினை உறுதி செய்ய பாதுகாப்பானதும், அகலமாக Benches அமைத்து குவாரிப் பணி செய்ய வேண்டும்.

Conditon No.9

குவாரியிலிருந்து கொண்டு செல்லப்படும் மேற்கண்ட வகை கற்களுக்கு 1959ம் ஆண்டு தமிழ்நாடு சிறுகனிம சலுகை விதிகள் பின் இணைப்பு II-ல் கண்டுள்ளவாறு உரிமவரி (சீனியரேஜ் தொகை) செலுத்த வேண்டும்.

Conditon No.10

குத்தகை அனுமதி வழங்கப்பட்ட நிலத்திலிருந்து கொண்டு செல்லப்பட்ட கற்களுக்கு முறையான கணக்குகளும், குழிவாயில் பதிவேடும் முறையாக பராமரித்தல் வேண்டும். அவற்றை சம்பந்தப்பட்ட அலுவலர்கள் தணிக்கைக்கு ஆஜர்படுத்த கோரினால் தவறாது சமர்ப்பிக்க வேண்டும்.

Further, the lease deed condition No. 17, 18 has stipulated as follows:-

Conditon .17.

குத்தகைக்கு விடப்பட்டுள்ள விஸ்தீரணத்தில் மட்டுமே குத்தகைதாரர் குவாரி செய்ய வேண்டும். அதற்கான கூடுதலான விஸ்தீரணத்தில் குவாரி செய்வது தெரியவந்தால் அபராத நடவடிக்கை மேற்கொள்வதுடன் குத்தகை இரத்து செய்ய நடவடிக்கை எடுக்கப்படும்.

Condition No.18

குத்தகை நிபந்தனை மீறப்பட்டால் குத்தகை இரத்து செய்யவோ, செய்யப்பட்ட தவறுதலுக்கு அபராத நடவடிக்கை எடுத்து தண்டம் விதிக்கவோ அல்லது கிரிமினல் வழக்குத் தொடுக்க மாவட்ட ஆட்சியருக்கு அதிகாரம் உண்டு. குத்தகை ரத்து செய்யப்பட்டால் காப்புத் தொகை உட்பட அனைத்து தொகைகளும் அரசுக்கு ஆதாயமாக்கப்படும்.

18) The Section 24(1) of the Mines and Minerals (Development and Regulation) Act, 1957 stipulates that, for the purpose of ascertaining the position of the working, actual or prospective, of any mine or abandoned mine or for any other purpose connected with this Act or the rules made there under, any person authorised by the Central Government or a State Government in this behalf, by general order, may

- a) Enter and inspect any mine;
- b) Survey and take measurements in any such mine;
- c) Weigh, measure or take measurements of the stocks of minerals lying at any mine;
- d) Examine any document, book, register, or record in the possession or power of any person having the control of, or connected with, any mine and place, marks of identification thereon, and take extracts from or make copies of such document, book, register or record;
- e) Order the production of any such document, book, register, as is referred to in Clause (d); and
- f) Examine any person having the control of, or connected with any mine.

19) Further this Hon'ble Court in P.Mariadoss Vs. District Collector, Kancheepuram dated. 26.03.2012 in W.P. No. 1015, 1030 etc., of 2011 held that,

*"We fail to understand as to what purpose would be served if notice is issued prior to a surprise inspection, when there has been an allegation that illicit mining is being carried on. The authorities being empowered to enter into the quarry by virtue of the power under Section 24(1) of the Central Act, the petitioners cannot insist that they should be put on prior notice before conducting the surprise inspection as in these cases.*

Moreover, the lessee Thiru.D.Sarathkumar has presented during the inspection conducted on 23.4.2021 by the then Tiruvallur District Collector Thiru. Ponnaiah, I.A.S., and the photographs taken by the Joint Committee at the time of inspection is confirmed the presence of lessee. I have inspected subject area on 15.7.2021 and the details of survey and measurements submitted by the committee member is verified and found correct. However the subject area once again inspected by the Committee on 22.09.2021 in presence of the lessee and the boundaries of lease hold area were fixed by the Inspector of Survey . The earlier survey was conducted by the Sub-Inspector of Survey (Mines) and the boundary fixed by the both of them were same and found correct .

20) The Joint Committee have carried out the a comprehensive and systematic scientific survey using total station survey instruments to find out the violations and estimate the quantum of mineral removed from the subject area and the Joint Committee has pointed out the violation that the lessee Thiru.D.Sarathkumar has committed the following violations.

- i. As per lease deed conditions the required safety distance of 7.5 and 10mts has not been provided to the adjacent Patta and Poramboke lands and quarrying had been carried out in the safety zone area also.

- ii. Boundary pillars have not been erected and maintained all along the boundary of the lease granted area as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959
- iii. The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.
- iv. The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the bounty of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.
- v. Mining operation is approved up to depth of 62 m (below ground level) in the mining plan / environmental clearance whereas the lessee has carried out the mining operation to depth of 62.6 m i.e beyond the approved depth over an extent of 0.22.0 hec out of 3.01.5 hec.
- vi. As per the pit measurements, it is estimated that a quantum of 74,205 M<sup>3</sup> of gravel and 14, 07,888 M<sup>3</sup> of rough stone had been quarried from the area granted under lease in S.F.Nos. 325/4, 109/1A1 and 109/1A2.

21) The Director of General Mines Safety is regulatory agency under the Ministry of Labour and employment Government of India in matter pertaining to occupational safety, Health and Welfare of persons employed in mines. the main role and function of Director of Mines Safety are inspection of mines, investigation in to accidents, dangerous occurrence-emergency response, grant

of statutory permission etc, the Deputy Director of Mines safety, Director General of Mines safety, Chennai had inspected the subject quarry on 4.2.2021 and find out the following violations which are the root cause for the fatal accident occurred in the subject area'

- i. The owner of the mine, failed to appoint a duty 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 case 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.

The quarry owner requested the Director of the Mine Safety to approve the authorization of Shri Deenapal Pesaramelli as a Manager to his rough stone quarry only after occurred the accident. Accordingly, DGMS, Chennai vide letter No.518553/Sz/Chennai Region/Perm/2021/8928, dated 16.04.2021 has authorized the request of the lessee. Further, on his request, permission given for using Heavy Earth Moving Machinery without deep whole blasting under regulation 106(2)(b) of the Metalliferous Mines Regulations, 1961 to form benches in overburden and ore bodies in the subject quarry.

22) The project proponent/lessee has submitted approved mining plan in which he has stated that the Geological reserves is estimated upto 62 metres to the tune of 1860120 mtr. cub of rough stone and 60204 mtr.cu. of Gravel depth over an extent of 3.01.50 hectares of Patta lands in S.No.325/4,

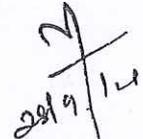
109/1A1 and 109/1A2 of Sirudhamur village .The Movable reserves calculated by detecting 7.5 metres and 10 metres safety distance and bench loss (except without safety distance to the adjoining patta survey No.1091B/1091F/1091G and the movable reserves is computed as 721040 mtr.cu of rough stone and 50172 mtr.cu of gravel formation upto the depth of 62 metres below ground level only. The subject lease is fresh one there is no old quarrying pit reported anywhere even in the mining plan submitted by the lessee and also on perusal of plates image enclosed by the lessee in approved mining plan is clearly shown that there is no previous quarrying pit in patta survey numbers 325/4, 109/1A1, 109/1A2 of Sirudhamur village, Uthiramerur Taluk. Further, the lessee has not maintained benches and removed the locked bench reserve also. Therefore, there is no apparent error in the calculation of quantum removed by the lessee within the lease hold area as well as in adjoining non lease hold area.

23) I have consider his explanation and objection dated 23.8.2021 of the lessee and after careful examination of the available material and arrived at a conclusion that, the lessee has encroached and indulged illegal quarrying operation in the adjacent non lease Government poramboke (Grazing malai) in S.F.Nos. 322 (P) over an extent of 0.63.26 hec and illegally transported to the tune of 15,815 M<sup>3</sup> of gravel and 1,62,835 M<sup>3</sup> of Rough stone in the adjacent non lease Government poramboke (kallankuttu) in S.F.Nos. 325/5 over an extent of 0.29.0 hectrs and illegally transported to the tune of 7250 M<sup>3</sup> of gravel and 1,53,839 M<sup>3</sup> of rough stone and thereby the lessee contravened the sub section (1) & (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957.

24) The lessee has quarried and transported cumulatively to the tune of 24105 and 1340688 cbm of Rough stone and Gravel respectively over and above the quantity for which the transported obtained within the leasehold area without remitting necessary seigniorage fee to the Government.

In view of the above, the lease in respect of rough stone quarry lease of Thiru.D.Sarathkumar over an extent of 3.05.0 hectares in patta survey numbers 325/4, 109/1A1, 109/1A2 of Sirudhamur village, Uthiramerur Taluk hereby cancelled under Rule 36 (5)(h) of Tamil Nadu Minor Mineral Concession Rules 1959.

If aggrieved by this order, an appeal may be preferred before the Director of Geology and Mining <sup>within the 30 days</sup> from the date of receipt of this order as per rule 36 (C) of Tamil Nadu Minor Mineral Concession Rules 1959.

(c)   
District Collector,  
Kancheepuram.

To  
Thiru.D.Sarathkumar,  
S/o.P.Devu,  
No.5/265, Annai Therasa Street,  
Prem Nagar,  
Polichalur,  
Chennai-600 074.

 28-9-21  
28/9/21  
 28/9/21  
 28/9/21

Copy to  
1.Revenue Divisional Officer, Kancheepuram.  
2.Tahsildar, Uthiramerur,

