

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No. 80 OF 2022 (SZ)**

**IN THE MATTER OF:**

T. Karunapandi  
S/o. Thangaraj Nada,  
No.5/105, South Street,  
Mela Alwarthoppu  
Sri parasangunallur Panchayat  
Srivaikundam Taluk  
Thoothukudi District

...Applicant

Versus

1. The District Collector,  
Thoothukudi District,  
Thoothukudi
2. Assistant Director of Geology and Mining,  
Thoothukudi District & others

...Respondents

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Through  
Dr.D.Shanmuganathan  
Standing Counsel  
National Green Tribunal, South Zone

## IN THE HON'BLE NATIONAL GREEN TRIBUNAL

## APPLICATION NO 80 OF 2022 (SZ)

T.Karunapandi  
S/o. Thangaraj Nada,  
No.5/105, South Street,  
MelaAlwarthoppu  
Sri parasangunallurpanchayat  
SrivaikundamTaluk  
Thoothukudi District.

Applicant

Vs

1. The District Collector  
Thoothukudi District, Tamilnadu
2. Tirupathi  
Tirupathi Sara Bricks,  
MangammalSalai, Nearby  
Attrupalam, Alwarthoppu,  
Srivaikundam Taluk, Thoothukudi.
3. P.Vivekanandan  
Sun Bricks, Srivaikundam Road,  
MelaAlwarthoppu, Srivaikundam  
Taluk, Thoothukudi - 628 602.
4. Balakrishnan  
S.J.Bricks, Near Esakki Amman  
Koil, Melaalwarthoppu,  
Srivaikundam Taluk, Thoothukudi  
- 628 602.
5. The Tahsildar  
The Tahsildar, Srivaikundam  
Taluk, Thoothukudi - 628 602.
6. Bala Ganesh  
Bala Ganesh SRI Brick Works,  
Tank Street, Mela Alwarthoppu,  
Srivaikundam Taluk,  
Thoothukudi - 628 602.

  
Assistant Geologist /  
Assistant Director I/C  
Geology and Mining  
Thoothukudi

  
DISTRICT COLLECTOR  
THOOTHUKUDI

7. Tirupathi  
Star C.K.R.Bricks,  
MangammalSalai, Nearby  
Attrupalam, Alwarthoppu,  
Srivaikundam Taluk,  
Thoothukudi - 628 602.
8. The Assistant Director  
Geology and Mines Department,  
District Collectorate Campus,  
Thoothukudi.
9. Ravinarayanan  
Agni Chambers, No. 5/100,  
MangammalSalai, Alwarthoppu,  
Srivaikundam Taluk, Thoothukudi.
10. P.Marinathan  
P.Marinathan, K.P.M.Brick Works,  
North Street, Melaalwarthoppu,  
Srivaikundam Taluk,  
Thoothukudi - 628 602.
11. LingaMuneswaran  
S.K.S.Bricks, KeelaAlwarthoppu,  
Srivaikundam Taluk,  
Thoothukudi - 628 602.
12. The District Environment Engineer  
Tamil Nadu Pollution Control  
Board, C7 & C9, SIPCOT Industrial  
Complex, Meelavittan.
13. Sabapathy  
Uma Chambers, Valavallan Main  
Road, Eral Taluk,  
Thoothukudi.
14. MuthuveeranSaravanan  
A.N.S.Chambers, Kembalabath,  
Tiruchendur Taluk,  
Thoothukudi.
15. Mr.Srinivasan  
Srinivasan Chamber  
Maavadipannai  
Thiruchendur taluk

  
Assistant Geologist /  
Assistant Director I/C  
Geology and Mining  
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16. LingaMuneeswaran  
A.A.Bricks, KelaAlwarthoppu,  
Srivaikundam Taluk, Thoothukudi.
17. Sakthi Chambers  
Proprietor Baskaran  
Palkulam, Thirukalur, Tiruchendur  
Taluk, Thoothukudi.
18. A N C Chambers Works  
Near KaduvettiVaikkal Bridge,  
KeelaAlwarthoppu, Srivaikundam  
Taluk, Thoothukudi.
19. R Lingesh  
A.L.R.Bricks Works, Tank Street,  
MelaAlwarthoppu, Srivaikundam  
Taluk, Thoothukudi.
20. Bharani Chambers Prop.  
Mahendran  
Manalgundu, Alwarthirunagari  
Post, Thoothukudi.

Respondents

**REPORT FILED BY THE FIRST RESPONDENT**

I, Dr. K. Senthil Raj, S/o. Krishnan, Hindu, aged about 36 years residing at Collector's Bungalow, Thoothukudi, do hereby solemnly affirm and sincerely state as follows:

1. I am the District Collector, Thoothukudi District, and first Respondent herein; as such I am well acquainted with the facts and circumstances of the case from the available records. I have perused the contents of the Affidavit filed by the petitioner in support of the Original

  
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application. I am submitting the report before the in the Hon'ble National Green Tribunal in Application no 80 of 2022 (SZ).

2. At the outset of this case, it is respectfully submitted that as per the G.O.(Ms).No. 135/ Industries (MMA1) Department dated 13.11.2009, G.O.(Ms).No.170 / Industries (MMC2) Department dated 14.2.2022, G.O.(Ms).No. 109 / Industries (E2) Department dated 18.5.2015 and G.O.(Ms).No. 19 / Industries (MMC2) Department dated 14.2.2022 all the enforcement, offices are keeping constant vigil on the quarrying and removal of minerals from the whole and corner of the district. In this case, the petitioner alleges the respondents 5 to 20 are continuing the activities of illegal quarrying and also running brick kilns.

3. I respectfully submit that, the second Respondent viz the Assistant Director (i/c), Department of Geology and Mining, Thoothukudi district accompanied by the Special Revenue Inspector (Mines) and the Village Administrative Officer, Sriparangusanallur have inspected Country brick kilns, Brick Chambers and quarried pits of Sriparasangunallur village, Srivaikundam taluk, Thoothukudi district, with the help of Tahsildar, Srivaikundam Taluk.

4. I respectfully submit that, the locations have been identified where brick earth were already quarried and transported in Sriparasangunallur village, Thoothukudi district. The Quantity of brick earth removed has been calculated as follows.



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Sl.No.	Village	Name of the Chamber	SF. NO	Area in hectares	Quantity of Earth Removed in CBM
1.	Sri parasangunallur Srivaikundam Taluk	VAN Chamber	6/18	-	-
2.		Sri Jeyaram Bricks	64/44	0.22.50	2250
3.		KPM Bricks	37/8	0.31.0	3100
4.		AdhithyabRicks	64/8, 64/11, 64/12, 64/13	1.07.5	4875
5.		Balaji Bricks	59/35	0.15.0	1134
6.		PPR Bricks	82/7	0.69.5	1761
7.		Sun Chamber	107/5, 107/6B, 107/7B	0.59.8	805
8.		Barani Chamber	7/4A	-	-
9.		CKR Chamber	2/31, 3/2A	-	-
10.		CKR Chamber	2/29, 2/30	-	-
11.		SKS Chamber -	5/10, 5/18A, 5/21	-	9904
12.		Sakthi Chamber	96/15, 96/20, 96/20	-	4800
13.		Uma Chamber	63/21, 63/33	-	7660
14.		Agni Chamber	90/2B, 90/2A, 2/9B, 2/8B1, 2/8A, 2/8B2, 2/8B3, 2/7		93083
15.		VNC Chamber	59/45, 59/40, 59/20		3348

5. I respectfully submit that, on spot enquiry were made regarding pattadars of the above said survey numbers of Sriparasangunallur village in Srivaikundam Taluk and secured village records and entrusted the further processes regarding the persons responsible for such unauthorised quarrying of brick earth, period of quarrying and other ultimate utilization.

  
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**THOOTHUKUDI**

Apart from that, the quantity and the value of the mineral removed illegally from the aforesaid survey numbers addresses to the Sub Collector, Thoothukudi Revenue Division in Roc. NO. 897/GM1/2022 dated 04.11.2022 for levying penalty on the offenders.

6. I respectfully submit that, as per the Proceedings of the Subcollector, Thoothukudi Revenue Division, a sum of Rs. 17,54,550/- has been levied from the offenders vide e.f. M2/4929/2022 dated 01.02.2023. The Tahsildar, Srivaikundam, The Village Administrative Officer, Sriparasangunallur village and other members of Taluk Level Task Force Committee were also suitably instructed to constantly vigil over the identified areas.

7. I also respectfully submit that, as ordered by the Hon'ble National Green Tribunal (SZ) the details of areas inspected in Sri parasangunallur Srivaikundam Taluk and penalty imposed on the offenders have tabulated below.

Sl.No.	SF. NO	Area in hectares	Quantity of Earth Removed in CBM	Name of the Chamber	Name of the Offender	Penalty
1.	64/44	0.22.50	2250	Sri Jeyaram Bricks	Balamagesh	Rs.2,83,500/-
2.	37/8	0.31.0	3100	KPM Bricks	Marinathan	Rs. 3,90,600/-
3.	64/8, 64/11, 64/12, 64/13	1.07.5	4875	AdhithyabRicks	Lingeswaran	Rs. 6,14,250/-
4.	59/35	0.15.0	1134	Balaji Bricks	Rathinasamy	Rs. 1,42,884/-
5.	82/7	0.69.5	1761	PPR Bricks	Prabhakaran	Rs.2,21,886/-

  
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6.	107/5, 107/6B, 107/7B	0.59.8	805	Sun Chamber	Vivekanadan	Rs. 1,01,430/-
Total						Rs. 17,54,550/-

8. And also I submit that, in the year 2021, based on the Field Inspection report of Assistant Director, Department of Geology and Mining, Thoothukudi Revenue Divisional Officer, Thoothukudi has inspected Sriparasangunallur village, Srivaikundam taluk and ordered to levy the penalty for illegal quarrying activities in the subject area. The details of penalty fixed against the respondents by Revenue Divisional Officer, Thoothukudi as follows.

Sl.No.	Name of the respondents	Proceedings No. and date	Penalty
1.	Mr. Ravi Narayanan 5-190, Agni Chamber, MangammalSalai, Alwarthoppu Sriparasangunallur Srivaikundamtaluk	ந.க. ஆ2/706/2021-1 dated 10.08.2021	Rs. 1,65,68,774/-
2.	Mr.Baskaran Sakthi chamber Palkulam, Thirukkaloor SrivaikundamTaluk	ந.க. ஆ2/706/2021-2 dated 10.08.2021	Rs. 17,51,520/-
3.	Mr.Sababathi Uma chamber Valavallan main road EralTaluk	ந.க. ஆ2/706/2021-3 dated 10.08.2021	Rs.13,63,480/-
4.	Mr.Lingamuneeswaran SKS Chamber Alwarthoppu East Sriparasangunallor Srivaikundamtaluk	ந.க. ஆ2/706/2021-4 dated 10.08.2021	Rs.18,90,716/-
5.	Mr.Srinivasan Srinivasan Chamber Maavadipannai Thiruchendurtaluk	ந.க. ஆ2/706/2021-5 dated 10.08.2021	Rs.5,95,914/-

  
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9. In this regard, Sub Collector Thoothukudi has been issued Show cause Notice to 11 Brick Chambers to submit their explanation that why shouldn't close their chamber until the remittance of penalty imposed on them. The details are as follows.

Sl. No.	Name of Brick Chamber	Chamber Registration Certificate Validity	Concern to Operate from TNPCB	Enquiry attended or not	Penalty Imposed
1	VNC Bricks, Sriparasangunallur	Expired	31.03.2024	attended on 18.04.2023	No Violation detected
2	Agni Chamber Sriparasangunallur	Expired	31.03.2032	attended on 18.04.2023	Rs. 1,65,68,774/-
3	SKS Bricks Sriparasangunallur	Expired	Nil	attended on 18.04.2023	Rs.18,90,716/-
4	SJ Bricks Sriparasangunallur	27.12.2024	Applied in TNPCB	attended on 18.04.2023	No Violation detected
5	VNB Bricks Sriparasangunallur	15.03.2025	31.03.2032	attended on 18.04.2023	No Violation detected
6	Sri Bricks Sriparasangunallur	05.01.2026	Nil	attended on 05.05.2023	No Violation detected
7	KPM Bricks Sriparasangunallur	05.01.2026	Nil	attended on 05.05.2023	Rs. 3,90,600/-
8	Aditya Bricks	05.01.2026	Nil	attended on	Rs. 6,14,250/-

  
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	Sriparasangunallur			05.05.2023	
9	Sara Bricks Alwarthoppu	12.01.2025	31.03.2032	-	Not yet Fixed
10	Sun Bricks Alwarthoppu	Expired	Nil	Not attended	Rs. 1,01,430/-
11	AA Bricks Alwarthoppu	Expired	Nil	Not attended	No Violation detected

10. I respectfully submit that, Sub Collector, Thoothukudi stated that, in the above table Sl. No. 1, 2, 3, 10 & 11 have not obtained Registration Certificate from the Department of Geology and Mining and Sl. No. 2, 3, 7, 8 & 10 have not remitted the penalty imposed by the Revenue Divisional Officer, Thoothukudi so far. Finally, Sub Collector, Thoothukudi has recommended for sealing the Brick Chambers who have not obtained Registration certificate from Department of Geology and Mining and remits the penalty.

11. Further, I respectfully submit that, based on the report of the Sub Collector, Thoothukudi, as the petitioner has not been granted with permit for quarrying brick earth from patta lands as required under rule 19(2) of Tamil Nadu Minor Mineral Concession Rules, and the Tahsildar, Sivaikundam has reported that brick earth was stocked in his unit and the source of brick earth was not known, the entire quantity of brick earth stocked in the brick kiln unit has to be declared as illegally stored one contravening the provisions of Section 4(1A) of the Mines and Minerals (Development & Regulation) Act, 1957.

  
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Assistant Director I/C  
Geology and Mining  
Thoothukudi

  
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- i. Whenever any person raises, transports or causes to be raised or transported, without any lawful authority, any mineral from any land, and, for that purpose, uses any tool, equipment, vehicle or any other thing, such mineral tool, equipment, vehicle or any other thing shall be liable to be seized by an officer or authority specially empowered in this behalf as per Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957.

12. I respectfully submit that, Tahsildar, Srivaikundam has been directed to seize the entire quantum of brick earth, finished goods of bricks etc. stocked in the premises of the brick kiln unit as per the powers vested with him under Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 vide Proceedings of the District Collector, Thoothukudi Rc. No. 353/GM1/2022 dated 11.09.2023.

13. I respectfully submit that, Tahsildar, Srivaikundam has been sealed the 1. Agni Chamber, Sriparasangunallur, 2. SKS Bricks, Sriparasangunallur, 3. KPM Bricks, Sriparasangunallur, 4. Aditya Bricks, Sriparasangunallur, 5. Sun Bricks, Alwarthoppu village with the closed goods and equipment kept in the brick chamber units.

14. I respectfully submit that, Revenue Divisional Officer, Tiruchendur has been instructed to issue show cause notice for the closure of brick chamber units who have not remit the penalty.

15. I respectfully submit that, All the enforcing authorities designated under G.O (Ms) No.170 /Ind (MMC1) Department dated 05.08.2020, Revenue Divisional Officer, Tahsildars and Police officials are alerted for keeping constant vigil over the subject area. The Revenue and are engaged in continuous patrolling in vulnerable areas.

  
Assistant Geologist /  
Assistant Director I/C  
Geology and Mining  
Thoothukudi

  
DISTRICT COLLECTOR  
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16. It is also respectfully submitted that, all efforts are being accelerated to curb unauthorized quarrying and removal of brick earth and their transportation / storage in the brick kilns by the Taluk Level Task Force assisted by the flying squad and other enforcement offices round the clock. The public of the river banks of Tamirabharani are also frequently consulted to identify the brick earth quarrying area. The government also liberalized the licensing procedure through rule 44 of the Tamilnadu Minor Mineral Concession Rules 1959 for the reclamation of agricultural lands and removal of earth from such lands to brick kilns and units.

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

Thoothukudi  
26.09.2023

  
District Collector  
Thoothukudi

Before me

  
Assistant Geologist /  
Assistant Director I/C  
Geology and Mining  
Thoothukudi

**PROCEEDINGS OF THE DISTRICT COLLECTOR, THOOTHUKUDI****PRESENT: DR.K.SENTHIL RAJ, I.A.S.**Rc.No.353/GM1/2022Dated: 11.09.2023

Sub: Mines and Minerals – Minor minerals - Thoothukudi District – Thoothukudi - Srivaikundam Taluk – Alwarthoppu Village – Survey No. 59/45, 59/40 & 59/20 – VNC Chamber Bricks Unit - I owned by Thiru.Seenivasan– OA. No. 80/2022 filed by Thiru.Karunagaran - Hon'ble National Green Tribunal - unauthorized operation of Brick kiln - Illegal quarrying of Brick earth - Penalty imposed - non-payment of penalty-

- Ref: 1. Orders of Hon'ble National Green Tribunal, (SZ) Chennai in Original Application No. 80/2022, filed by Thiru.Karunapandi.
2. Letter from Tahsildar, Srivaikundam Rc. No. A1/2304/2022 dated 16.09.2022
3. Letter of the Sub Collector, Thoothukudi, Rc. No. M2/889/2023 dated 08.08.2023

-oOo-

**Order:**

One Thiru.T.Karunapandi, has filed a petition in OA. No. 80/2022 before Hon'ble National Green Tribunal (SZ) with a prayer that to seal the unauthorized brick kilns running in Alwarthoppu village of Srivaikundam Taluk and Sriparasangunallur village of Eral Taluk, Thoothukudi district.

The Hon'ble National Green Tribunal (SZ) has been ordered to take action against the brick chambers who have not remit the penalty and operating without proper registration certificate. In reference 4<sup>th</sup> cited, sub

collector, Thoothukudi has been issued Show cause Notice to 11 Brick Chambers to submit their explanation that why shouldn't close their chamber until the remittance of penalty imposed on them. The details are as follows.

Sl. No.	Name of Brick Chamber	Chamber Registration Certificate Validity	Concern to Operate from TNPCB	Enquiry attended or not	Penalty Imposed
1	VNC Bricks, Sriparasangunallur	Expired	31.03.2024	attended on 18.04.2023	No Violation detected
2	Agni Chamber Sriparasangunallur	Expired	31.03.2032	attended on 18.04.2023	Rs. 1,65,68,774/-
3	SKS Bricks Sriparasangunallur	Expired	Nil	attended on 18.04.2023	Rs.18,90,716/-
4	SJ Bricks Sriparasangunallur	27.12.2024	Applied in TNPCB	attended on 18.04.2023	No Violation detected
5	VNB Bricks Sriparasangunallur	15.03.2025	31.03.2032	attended on 18.04.2023	No Violation detected
6	Sri Bricks Sriparasangunallur	05.01.2026	Nil	attended on 05.05.2023	No Violation detected
7	KPM Bricks Sriparasangunallur	05.01.2026	Nil	attended on 05.05.2023	Rs. 3,90,600/-
8	Aditya Bricks Sriparasangunallur	05.01.2026	Nil	attended on 05.05.2023	Rs. 6,14,250/-
9	Sara Bricks Alwarthoppu	12.01.2025	31.03.2032	-	Not yet Fixed
10	Sun Bricks Alwarthoppu	Expired	Nil	Not attended	Rs. 1,01,430/-
11	AA Bricks Alwarthoppu	Expired	Nil	Not attended	No Violation detected

Further, Sub Collector, Thoothukudi stated that, Sl. No. 1, 2, 3, 10 & 11 have not obtained Registration Certificate from the Department of

Geology and Mining and Sl. No. 2, 3, 7, 8 & 10 have not remitted the penalty imposed by the Revenue Divisional Officer, Thoothukudi so far. Finally, Sub Collector, Thoothukudi has recommended for sealing the Brick Chambers who have not obtained Registration certificate from Department of Geology and Mining and remits the penalty.

Based on the report of the Sub Collector, Thoothukudi, as the petitioner has not been granted with permit for quarrying brick earth from patta lands as required under rule 19(2) of Tamil Nadu Minor Mineral Concession Rules, and the Tahsildar, Sivaikundam has reported that brick earth was stocked in his unit and the source of brick earth was not known, the entire quantity of brick earth stocked in the brick kiln unit has to be declared as illegally stored one contravening the provisions of Section 4(1A) of the Mines and Minerals (Development & Regulation) Act, 1957.

- i. Whenever any person raises, transports or causes to be raised or transported, without any lawful authority, any mineral from any land, and, for that purpose, uses any tool, equipment, vehicle or any other thing, such mineral tool, equipment, vehicle or any other thing shall be liable to be seized by an officer or authority specially empowered in this behalf as per Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957.

Accordingly, the Tahsildar, Srivaikundam is directed to seize the entire quantum of brick earth, finished goods of bricks etc. stocked in the premises of the brick kiln units as per the powers vested with him under Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957.

- i. Any mineral, tool, equipment, vehicle or any other thing seized under sub-section (4), shall be liable to be confiscated by an order of the court competent to take cognizance of the offence under sub-section (1) and shall be disposed of in accordance with the directions of such court as per Section 21(4A) of the Act, 1957.

In this connection, the Sub Collector, Thoothukudi is requested to file complaint before the competent Special Courts per the powers delegated under Section 22 of the Act, 1957 against the brick chamber owners for the offences committed under Section 21 of the Act, 1957 and for confiscation of the finished bricks kept in the premises at Sriparasangunallur Village.

The Assistant Director of Geology and Mining, Thoothukudi is directed to coordinate with the Sub Collector for filing complaint before the competent court under Section 22 of the Act, 1957.

If aggrieved by this order and if so desired an appeal may be preferred before the Director of Geology and Mining, Guindy, Chennai-32 within 30 days from the date of communication of the order as per sub-rule(2) of rule 36- C of Tamil Nadu Minor Mineral Concession Rules, 1959.

Sd./- Dr. K. Senthil Raj  
District Collector  
Thoothukudi

//True Copy//

  
11/9/23  
For District Collector  
Thoothukudi

To

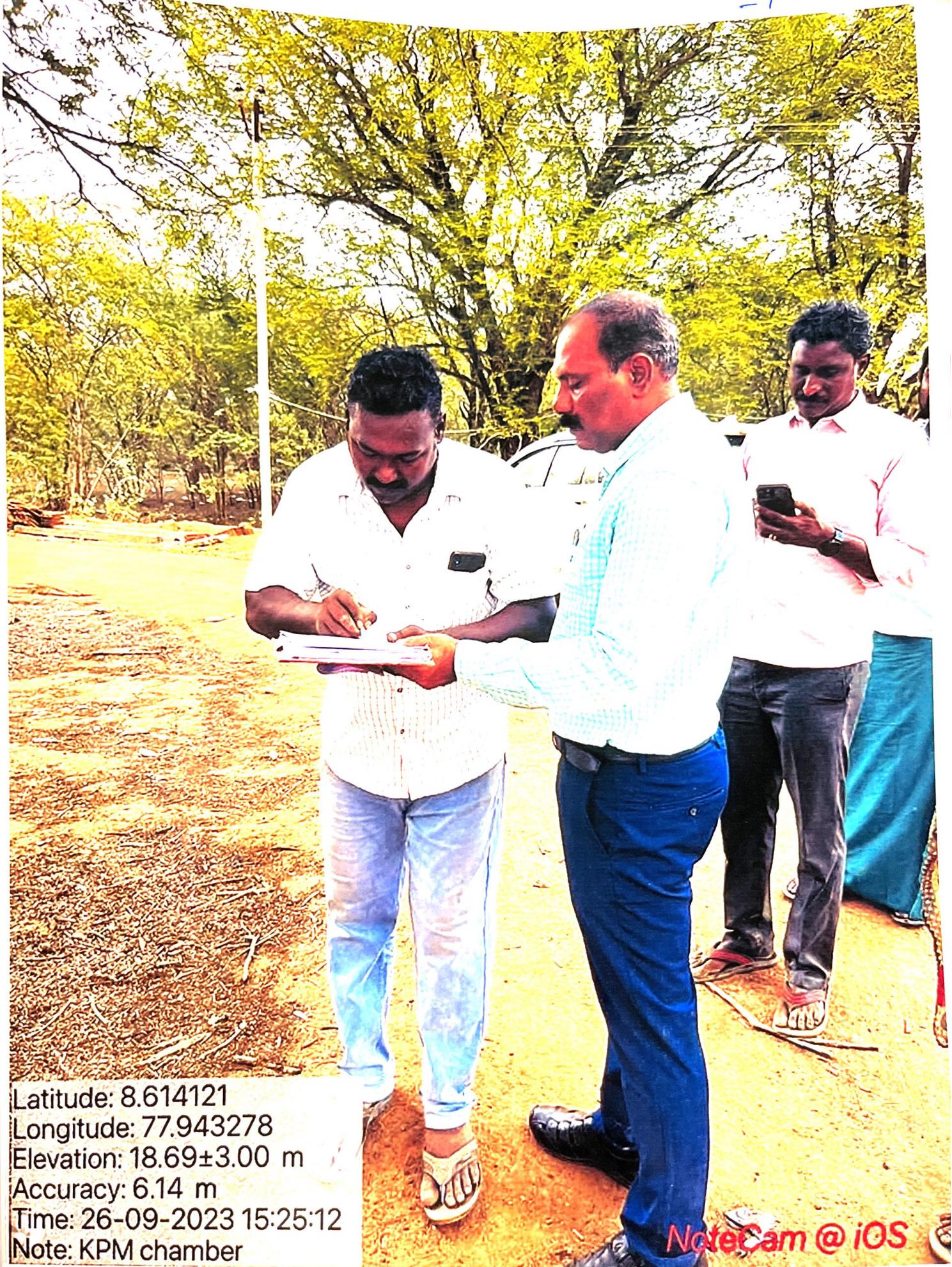
1. Sub Collector, Thoothukudi
2. Tahsildar, Srivaikundam
3. Assistant Director, Dept. of Geology and Mining, Thoothukudi.
4. Agni Chamber, Sriparasangunallur
5. SKS Bricks, Sriparasangunallur
6. KPM Bricks, Sriparasangunallur
7. Aditya Bricks, Sriparasangunallur
8. Sun Bricks, Alwarthoppu

Copy submitted to

1. The Director of Geology and Mining,  
Guindy, Chennai - 32

La  
Lo  
Ele  
Ac  
Tin  
No

Latitude: 8.620201  
Longitude: 77.940459  
Elevation: 18.33±3.41 m  
Accuracy: 4.71 m  
Time: 26-09-2023 15:43:33  
Note: Aditya chamber



Latitude: 8.614121  
Longitude: 77.943278  
Elevation: 18.69±3.00 m  
Accuracy: 6.14 m  
Time: 26-09-2023 15:25:12  
Note: KPM chamber



La  
Lo Latitude: 8.616733  
E Longitude: 77.945933  
Ac Elevation: 27.49±3.37 m  
ir Accuracy: 4.74 m  
lo Time: 26-09-2023 15:11:02  
Note: SKS chamber



Latitude: 8.611404  
Longitude: 77.948900  
Elevation: 16.58±3.00 m  
Accuracy: 3.54 m  
Time: 26-09-2023 16:07:36  
Note: Agni chamber

NoteCam @ iOS



Latitude: 8.613147  
 Longitude: 77.931761  
 Elevation: 22.24±3.00 m  
 Accuracy: 3.54 m  
 Time: 26-09-2023 16:18:37  
 Note: Sun chamber



L Latitude: 8.620158  
L Longitude: 77.940495  
E Elevation: 22.87±3.41 m  
A Accuracy: 4.71 m  
T Time: 26-09-2023 15:46:43  
N Note: Aditya chamber



Latitude: 8.614148  
Longitude: 77.943204  
Elevation: 19.85±4.00 m  
Accuracy: 3.54 m  
Time: 26-09-2023 15:26:52  
Note: KPM chamber

NoteCam @ iOS