

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTH ZONE AT CHENNAI

Application No.8 of 2017

Between

S.Kannammal,

W/o. Balasubramaniam,

No.5/111, Ottanai Thottam,

Coolipalayam R.S.

Avinashi Taluk,

Tiruppur District -641 666

..Applicant

-Vs-

1. The Government of India,
Ministry of Environment, Forest & Climate Change,
Indira Parayavaran Bhavan,
Jor Bag Road, Aliganjh,
New Delhi -110003

and 6 others

..Respondents

OBJECTION FILED 6TH RESPONDENT WITH ANNEXURE

S.No	Date	Description	Page No.
1	11.01.2021	Objection of 6 th respondent	01
2	01.10.2005	Penalty payment receipt	07
3	19.11.2015	Payment receipt to SEIAA	08
4		Sketch with photographs	09

It is certified that the above documents are true copies of the originals.

Dated at Chennai this the 11th day of January 2021.



M/S M. MUTHAPPAN

COUNSEL FOR THE 6TH RESPONDENT

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-Vs-

1. The Government of India,
Ministry of Environment, Forest & Climate Change,
Indira Parayavaran Bhavan,
Jor Bag Road, Aliganjh,
New Delhi -110003
2. The Chairman
Tamilnadu Pollution Control Board,
76, Mount Road,
Guindy,
Chennai-600 032
3. The District Collector,
Tiruppur District
4. The District Environmental Engineer,
Tamilnadu pollution Control Board,
Tiruppur North,
II Floor, Kumaran commercial Complex,
Tiruppur -641601
5. The Assistant Director,
Geology and Mining
Tiruppur
Tiruppur District
6. M/s.Jagadeesan and Jeganathan Stone Quarry
Represented by its Proprietor
Jegadeesan
S/o. Subramaniam,
S.F.No.89/1, 89/2B1
Agraharaperiyapalayam Village
Avinashi Taluk,
Tiruppur District

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S. Jay

7. M/s. Marappan Rukmani Rough Stone Quarry
 Represented by its Proprietor
 M.Balachandran
 S/o.R.Marappan
 S.F.No.89/1, 89/2B1,
 Agraharaperiyapalaam Village,
 Tiruppur District

..Respondents

**OBJECTIONS TO THE JOINT INSPECTION REPORT OF THE
 COMMITTEE FILED BY 6TH RESPONDENT**

I, S.Jegadeesan, S/o.Subramanian, Hindu, aged about 59 years, residing at No.5/143, Koolipalayam, Vavipalayam Post, Tiruppur -641666, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:-

1 I am the 6th respondent in the above application and as such I am well acquainted with the facts of the case. I am filing this objection to the Joint Inspection Report of the Committee dated 02.01.2020 submitted on 29.10.2020 and served on the counsel on 08.12.2020 together with Annexure

The 6th respondent respectfully submits as follows:-

2 1. It is submitted that 6th respondent was originally granted stone quarry lease comprised in S.F.No.89/1, over an extent of 1.23.0 Hec and S.F.No.89/2B1 an extent of 0.40.5 in total extent 1.63.5 Hec in Agrahara Periyapalayam Village Perudurai Taluk (now Uthukuli Taluk), Erode District (now Tiruppur District) for the period of 5 years as per District collector's proceedings dated 28.11.2005 (pages 7 to 10 of this respondent's paper book filed along with reply affidavit). The lease deed is in Annexure 4 of the paper book filed along with report.

3 At the time of grant of lease, as per report of the Revenue and mining officials there were pits measuring about 24x15x4 meter = 1440 CBM in S.F.No.89/1 and 37x17x4=2514 CBM in S.F.No.89/2B1 and directed to pay the penalty for the said pits total measuring about 3954 CBM for a sum of Rs.23,140/-and on

Page: 2
 Corrs: none

S. Jay

such payment only the lease was granted in faovur of this respondent.

4 Since the lease was granted first time to this patta land this respondent has necessarily remove the debris and other wastages besides the stones quarried about 10 meter depth from the surface were not useful for any purpose. The said materials were used for formation of track road to the quarry site. The photographs annexed to this objection would reveal the same.

5 While granting the above said lease there was no condition imposed for leaving the safety distance of 7 ½ meters from the boundry either in the proceedings or in the lease deed or in the mining rules. However this respondent has left sufficient safety distance before commencement of the quarrying operation. The measurement was taken wrongly from the pole erected by this respondent. But actually the boundry of the lease hold land is one meter beyond the pole erected by this respondent.

6 The main violations pointed out by the Committee is that this respondent

1. Carried quarrying operations, without leaving the safety distance
2. Quarried excess quantity of minerals.

7 As stated earlier in the first lease period from 28.11.2005 to 27.11.2010 there was no condition stipulated either in the lease deed or in the mining rules for leaving the 7 ½ meter safety distance.

8 However this respondent had left the safety distance more than 7 ½ meter. But while taking the measurement the surveyor has wrongly taken from the pole erected by this respondent instead of boundry of the lease hold area.

9 This respondent never quarried excess quantity as alleged by the committee. As stated earlier first time this area was granted quarrying lease. The minerals quarried for the 10 meter depth were

not useful for any purpose and it was used only for forming track /road to the quarry area. This can be seen from the photographs annexed to this objection. Besides the committee failed to consider that at the time of granting first lease period this respondent was directed to pay the penalty for the pits found in the lease hold area measuring about 3954 CBM (1440 in SF No.89/1 and 2514 CBM in S.F.No.89/2B1)

10 It is further submitted that the concept of approval of mining plan came to be introduced only in G.O.Ms.No.79, Industries Department dated 06.04.2015 by inserting Rule 41 & 42 to the TNMMC Rules 1959 which came in to force only from 22.04.2015. It is also admitted by the department that there was no condition imposed for the quantity /depth of quarrying area for the lease granted for the period 2005 to 2010 and hence the quarrying of excess quantity would not arise that too in patta lands.

11 It is further submitted the value of minerals has been taken as per G.O.Ms.No.107 dated 06.07.2017 which meant for the period of 2017-2018 for the alleged excess quantity quarried for the lease period of 2005-2010. Hence the method adopted was wrong.

12 The second term of lease period was from 24.11.2011 to 23.11.2016. In this lease period also it is an admitted fact that there was no condition imposed for quantity of minerals to be quarried. But after the introductions rules of 41 & 42 TNMMCR 1959 this respondent has obtained mining plan (Annexure -8 of the Booklet I filed by Department) and had quarried as per the approved mining plan. There was no violation of any conditions.

13 With respect of introduction of getting environment clearance relied by the department that the subsisting lessees shall also get clearance as per the Ministry of Environment and Forest notification dated 15.01.2016.

14 This respondent had applied for the environment clearance before the State Environment Impact Assessment Authority since he had obtained the approval of the mining plan. He had also paid

Age: 4
Covs: NIL

S. Jey

necessary fee to SEIAA. But there was a delay in issuing the order and in the mean time the lease period was expired on 23.11.2016. Moreover as per amended Rule 42 of the TNMCC Rule the time limit of 630 days was granted for submitting the environment clearance from the date of commencement of Rules. As stated earlier the rule was came into force only from 22.04.2015. However the mining department issued a demand order for the cost of minerals which is under challenge pending before the Division Bench of the Hon'ble High Court of Madras.

15. Hence there was no violation for the second lease period of 24.11.2011 to 23.11.2016.

16. This respondent was granted quarrying lease for the third term for the period from 11.05.2017 to 10.05.2022 after following the statutory compliance like, approval of mining plan, environment clearance Consent from Pollution Control Board etc., The third period also, this respondent carried quarrying operation without any violation. But the applicant being the close relative of this respondent, due to personal enmity, and at the instigations of the third parties has been given periodical complaints against this respondent from ~~the~~ year 2010 onwards and had also approached Hon'ble High Court by way of Writ petition in W.P.No.2946/2010. Based on the direction of the hon'ble High Court the officials had conducted detailed enquiry and found no truth in the said complaints. All the proceedings / documents are in the paper book filed by this respondent along with reply affidavit of this O.A.

17. The reply affidavit may be read as part and parcel of this affidavit.

18. While granting mining lease of each terms, the mining, Revenue officials had inspected the quarry area and submitted a detailed report and on such report as well as objections filed by this applicant, enquiry was conducted thereafter only lease was granted to this respondent.

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S. Jey

19

Since the applicant filed the above OA in the year 2017 the pollution control board has not renew the consent after 31.03.2018 citing the pending OA though this respondent had applied for the renewal. Hence it would not be taken into volition of condition.

20

The committee has also further gone into impose environmental damages and cost of mitigation and restoration at the rate of 10% of the cost of the minerals each by relaying on the order of the Tribunal made in O.A.No.110/2012, OA No.73 of 2014 and O.A.No.13 of 2014 and O.A.No.186 of 2014 is highly imaginary and irrelevant. In those matter the Tribunal directed the State government of Meghalaya to collect 10% of the cost of minerals of each consignment in addition to the royalty from the coal industry for the purpose of restoration of environment and for necessary remedial and preventive measures by depositing the said amount in the account to be titled as "Meghalaya Environment protection and restoration fund". From the above it is very clear that with respect to coal industry in order to comply the remedial measures, the Tribunals had directed the State Government to create a fund by collecting 10% of the market value of mineral for each consignment transported. This analogy would not applicable to the present case.

21

With respect to non hencing around the quarry area as pointed by the committee, it is submitted that there was no such condition at the time of grant of lease. However now as per direction of the department this respondent fenced the area.

For the reasons stated in the foregoing paragraphs, it is humbly prayed that this Hon'ble Tribunal may be pleased to drop all further proceeding pursuant to the Joint Inspection report of the committee dated 02.01.2020 in so far as it relates to this respondent and thus render justice.

Solemnly affirmed and signed
at Thiruvallur on this the
11th day of Janaury 2021

Last & 6th page:
M. Vignesh [M. Vignesh by]

S. Jay

Before me

Advocate : Chennai

M. Vignesh [M. Vignesh by]

01.8.0002893/18



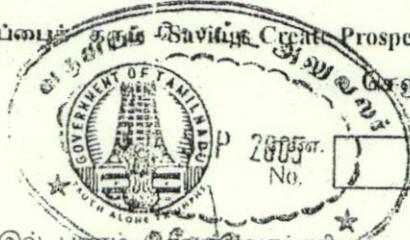
சேமிப்பு செலிப்பைத் தரும் கிவிட்டி Create Prosperity

த.நா.க.வி.தொ. 9

T.N.T.C.9

செலுத்துச் சீட்டு

CHALLAN



செலுத்துபவர் படி Remitters Copy

நாள் 01/10/05

Date: 10/05

இல் பணம் செலுத்திவதற்குரியது
 For Payment of Money as S.D. Road
 செலுத்துபவர் பெயரும் முகவரியும்
 Name and address of Remitter செ. ரமணி
28059
Penalty for the above cutting of Revenue
 Nature of Remittance க்கு பொருட்டு வரவு வைக்கப்பட செலுத்தப்படுகிறது.
 துறை அலுவலரின் குறியீடு எண்
 D.O. Code BF 308

தகவல் தொகுப்புக் குறியீடு Data Processing Code	ரூ. Rs.	பை. P.
கணக்குத் தலைப்பு 085300800AC0001		
Head of Account 0853. 00 Non Ferrous Mining and Metallurgical Industries-800 Misc. Receipts AC Miscellaneous Receipts-0853. 00 800 AC 0001.	23	140 -
மொத்தம்/Total:	23,140	-

ரூ. Rupees twenty three thousand one hundred and
 Rs. forty only Paise only

BAN
30901

வருவாய் கோட்டின் அலுவலரின் கையொப்பம் மற்றும் பதவிப் பெயர்
 signature of the Official verifying the Challan

* S. Jagad
 செலுத்துபவரின் ஒப்பம்
 Signature of the Remitter.

வங்கி/கருவூலப் பயன்பாட்டிற்காக For use of Bank/Treasury.

ரூபாய் 3/40
 Received Rs. 3/40

காசாளர்
 Cashier

மேலாளர்/கணக்கர்/கார். கருவூல அலுவலர்
 Manager/Accountant/Sub-Treasury Officer.

துறைத் தலைவரால் கணக்குத் தலைப்பு நிரப்பப்பட வேண்டும்.



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

101 Panagal Building, Chennai - 600015. TAMILNADU

Receipt No.....

Date: 19/11/2015

F.No.....

RECEIPT

Received from Thiru. S. Jagadeesan

Tiruppur Dt.

a sum of Rs. 20,000/- (Rupees Twenty Thousand only)

by means of Demand Draft No. 180728 dated 16/11/15 drawn on B.O.B., Sakken Periapalayam towards the processing fees for processing the project proposal submitted, seeking the Environmental Clearance.

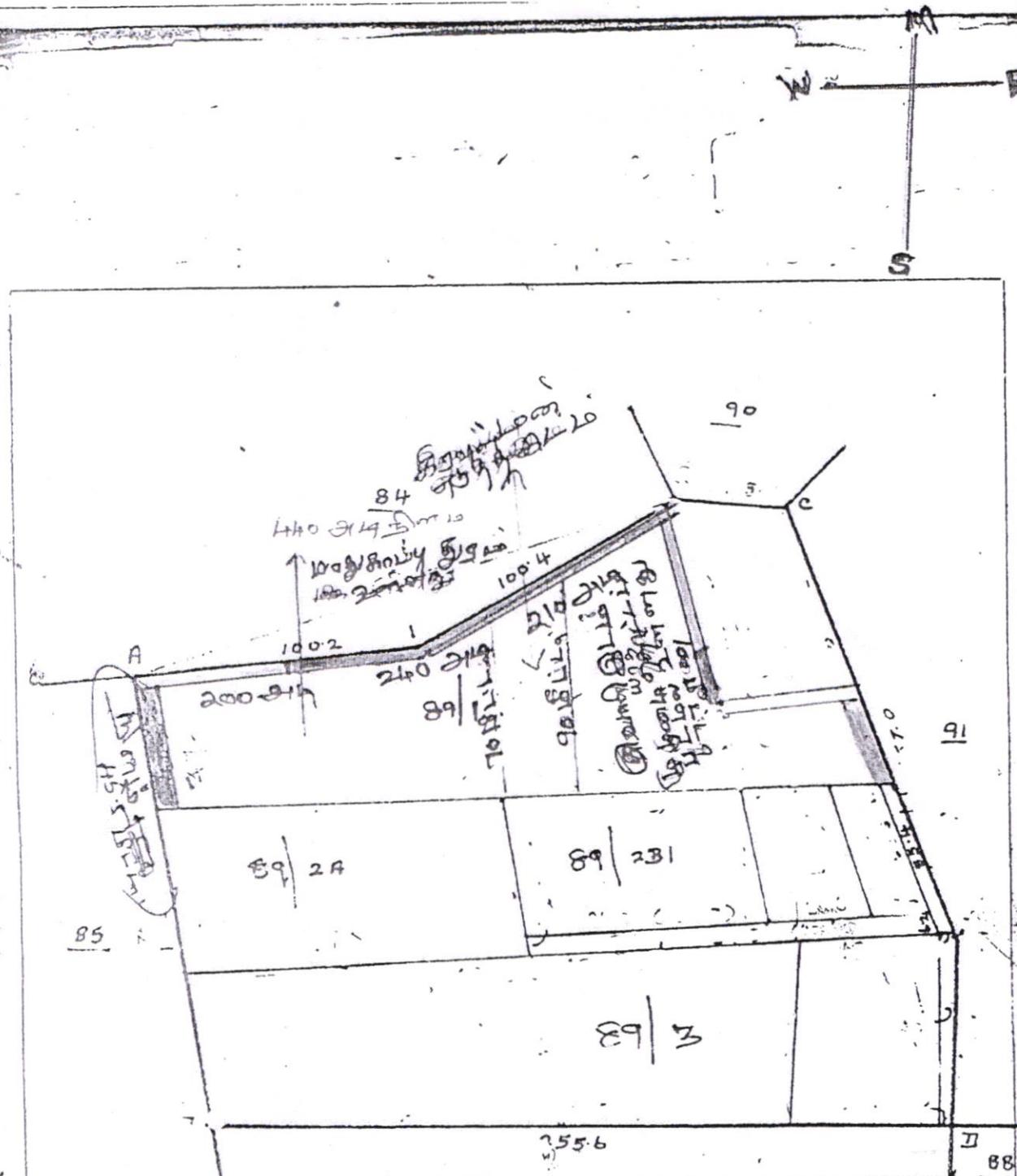
Member Secretary, SLEIAA-TAMIL NADU

NO 4504

RECEIPT

Your Application Dated : 14/11/15 has been received in this office on 19/11/2015 Your application will be under scrutiny along with all the particulars. Further particulars if any will be called for shortly. Only on receipt of the above particulars and ensuring the application is in full shape, the No. will be assigned for further correspondence. ph. No. 24359974

Chairman, SEIAA-TN

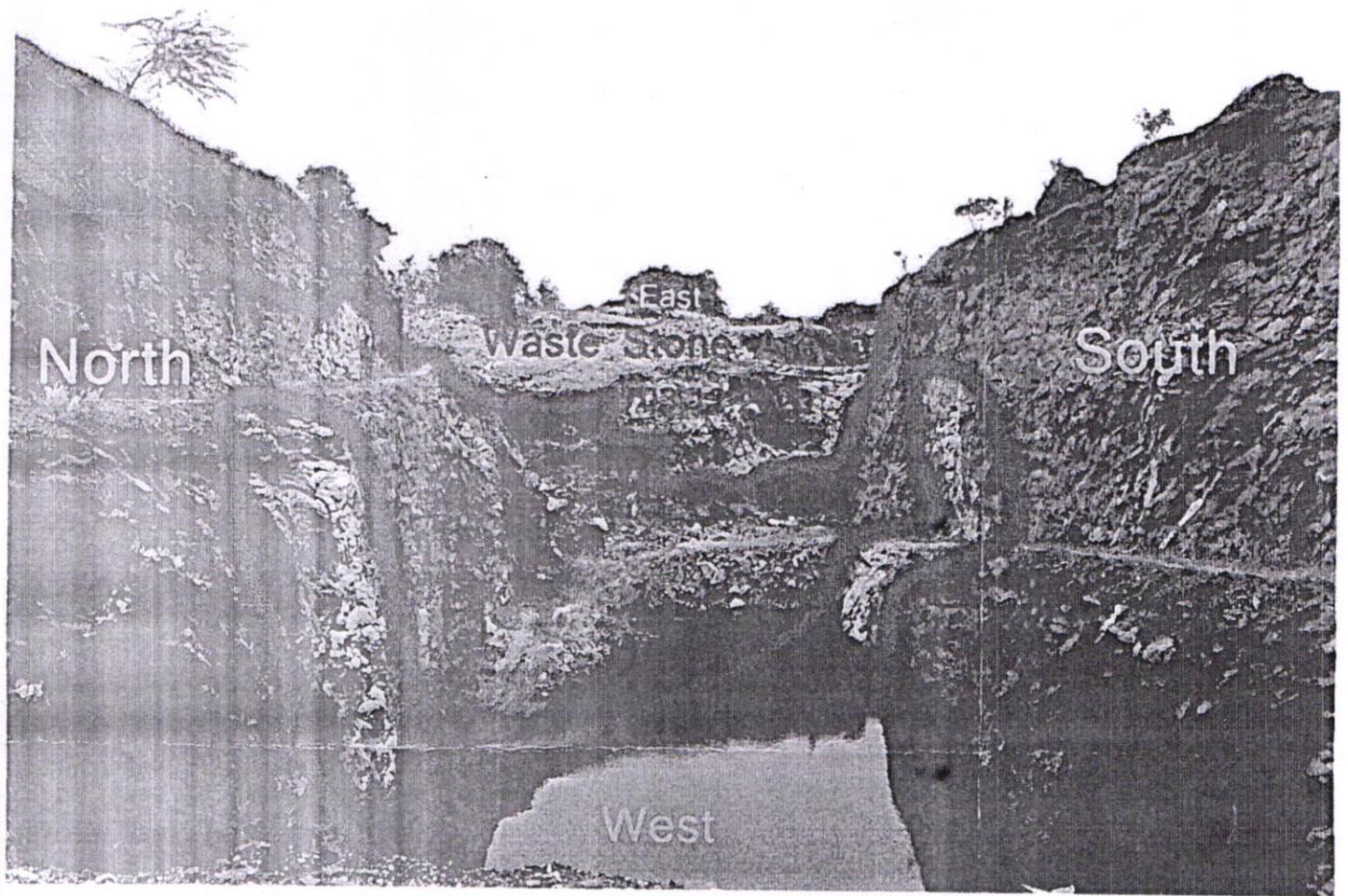


- வட மேற்கு 200 அடி நீளம் 2 யாரம் 7 அடி கிரீன் ரெட்
- வட மத்தியம் 240 அடி நீளம் 2 யாரம் 5 அடி தகல்
2 யாரம் 2 அடி கிரீன் வெட்டு மென்சுதம் 7 அடி

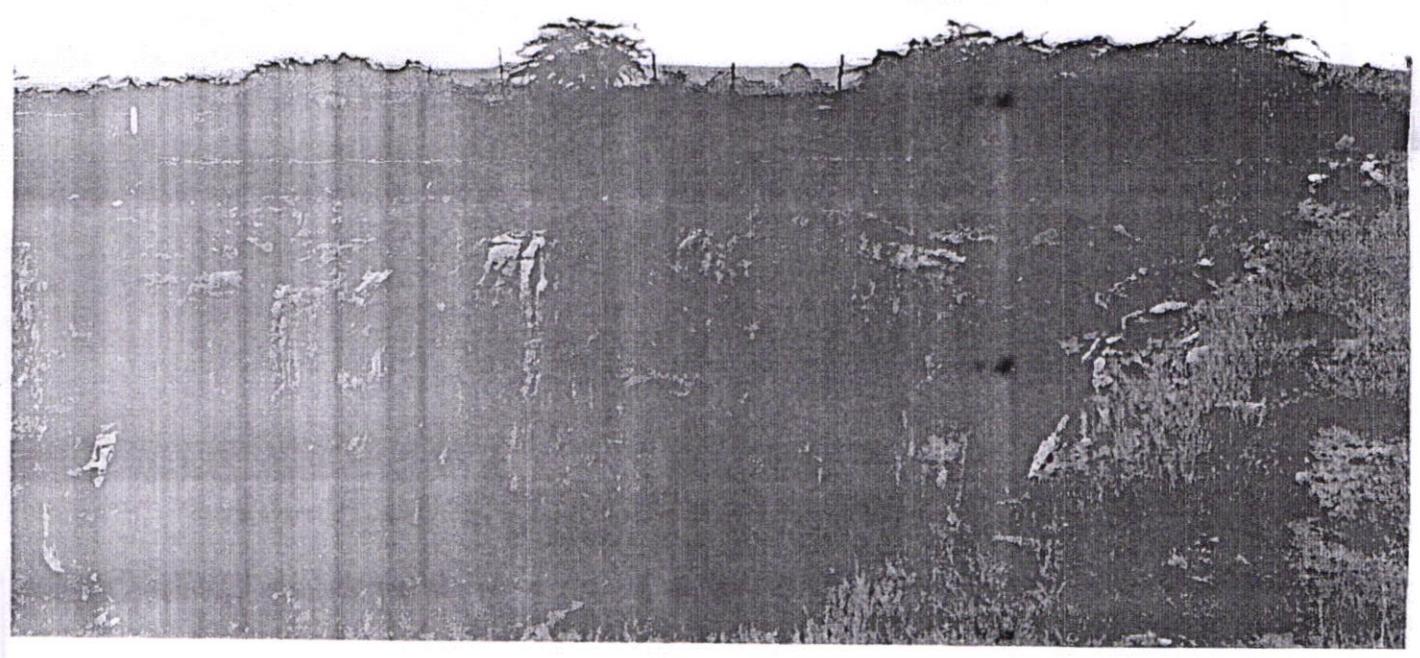
மேற்கு
160
80
900
330

- வட க்கு மீளாறி 210 அடி நீளம் அகலம் 10 அடி 2 யாரம் 6 அடி 7 அடி
- மேற்கு பகுதி ஆகும் 130 மரங்கள் 4 அடி முதல் 5 அடி வரை உள்ளது
- வடகிழக்கு 160 கம்ப வுண்ட நீளம் 2 யாரம் 7 அடி
- கிழக்கு மத்தியம் ராறி 80 அடி நீளம்
- கிழக்கு ஆட்கள் குடியிருப்பது சுவர் 90 அடி நீளம்
2 யாரம் 10 அடி தெற்கு பகுதி
- மேற்கு பகுதி 150 அடி கிரீன் அகலம் 10 அடி
2 யாரம் 2 அடி வரை உள்ளது

**S.Jagadeeshan Rough Stone Quarry
Sf no 89/1 (Part)North SideAgaraPeriyapalayam
Uthukuli Taulk, Tirupur District**

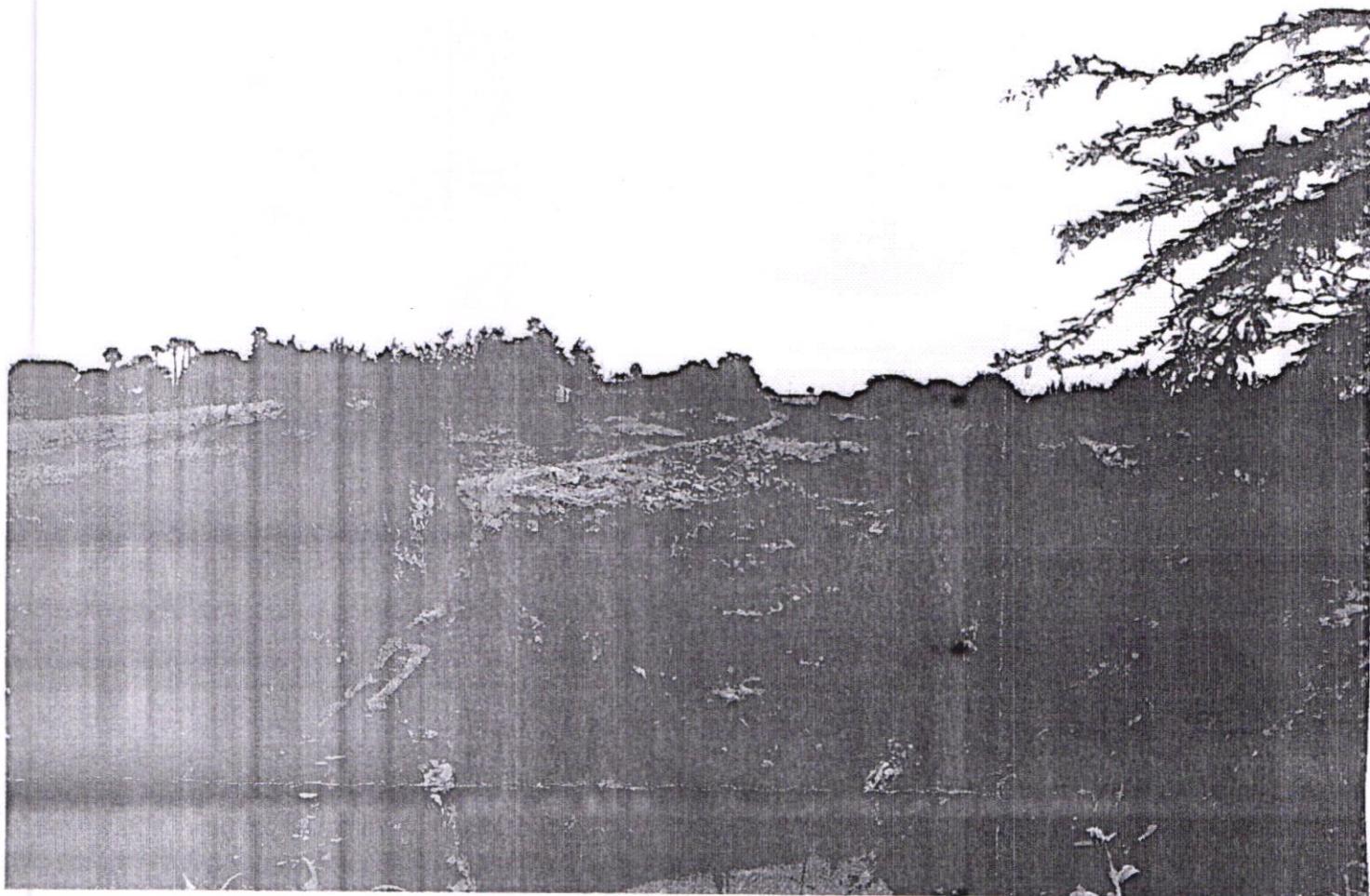


West side

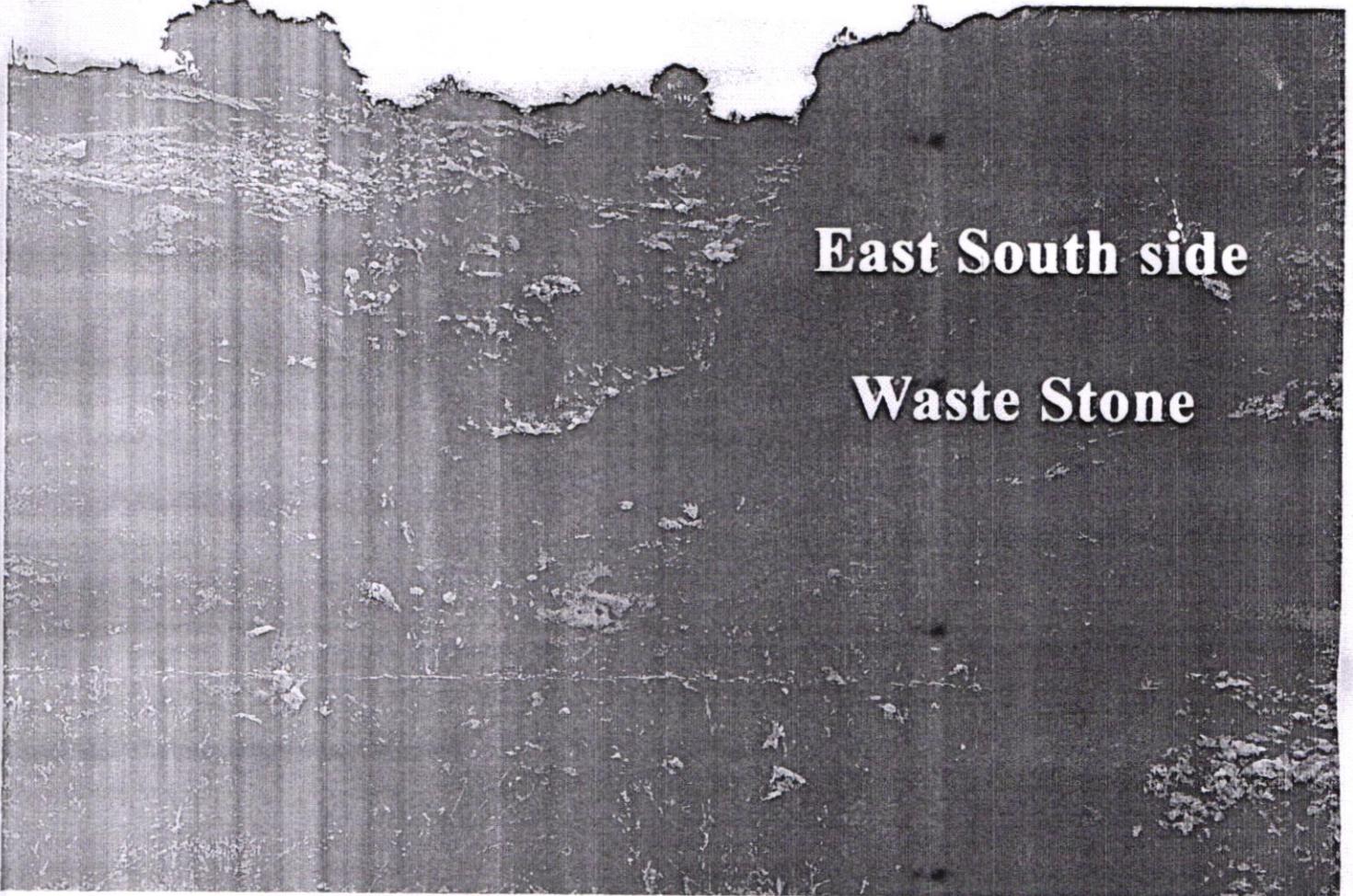


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**S.Jagadeeshan Rough Stone Quarry
Sf no 89/1 (Part)AgaraPeriyapalayam
Uthukuli Taulk, Tirupur District**



S.Jagadeeshan Rough Stone Quarry
Sf no 89/1 (Part)North SideAgaraPeriyapalayam
Uthukuli Taulk, Tirupur District



East South side

Waste Stone

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RESPONDENT WITH ANNEXURE**

**M/S M. MUTHAPPAN, 522/82
M. ALAGU GOUTHAM, 3154/13
COUNSEL FOR THE 6TH
RESPONDENT**