

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Appeal No.38 of 2024 (SZ)

Thiru S. Sivakumar

..... Appellant

Vs

1.State Level Environment Impact Assessment Authority (SEIAA)

2.State Level Expert Appraisal committee (SEAC)

..... Respondents

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Dated at Chennai on this 25th day of June, 2024.


Counsel for the Respondents 1 & 2

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Appeal No.38 of 2024 (SZ)**

IN THE MATTER OF:

Thiru. S. Sivakumar,
S/o. Subburaja,
W. 15/D, North Raja Street,
Renganathapuram,
Melachokkanathapuram, Bodinaickanur Taluk,
Theni District – 625 582
PH: 99766 25483

... APPELLANT

Vs

- 1. State Level Environment Impact Assessment Authority (SEIAA),
Rep. by its Member Secretary,
3rd Floor, Panagal Maaligai, No.1, Jeenis Road,
Saidapet, Chennai – 600 015.
Email: seiaamstn@gmail.com
Phone No. 044-24359973**
- 2. State Level Expert Appraisal Committee (SEAC),
Rep. by its Chairman,
3rd Floor, Panagal Maaligai, No.1, Jeenis Road,
Saidapet, Chennai – 600 015.
Email: seacchairmantn@gmail.com
Phone No. 044-24359973.**

... RESPONDENT(S)

**COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – TAMIL NADU, THE
1st & 2nd RESPONDENTS**

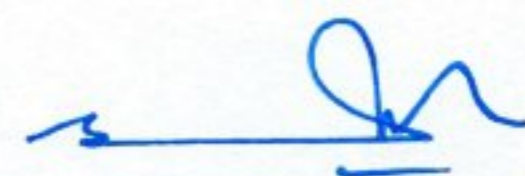
I, A.R. Rahul Nadh, I.A.S., aged about 36 years, working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Maaligai, Saidapet, Chennai – 600015, do hereby solemnly affirm and sincerely state as follows:

Member Secretary



**Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeenis Road,
Saidapet, Chennai - 15**

1. I am filing this counter affidavit on behalf of the 1st& 2nd Respondents herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. I state that the above appeal has been filed to set aside the order dated 20.12.2023 bearing Letter No. SEIAA-TN/F.No.10341/2023 issued by the 1st Respondent based on the recommendations of the 2nd Respondent. I have perused the appeal and deny all the averments and allegations stated therein except those that are specifically admitted hereunder and put the Appellant to strict proof of the same.
3. I state that, the project proponent, Thiru. S. Sivakumar submitted online application vide online proposal No. SIA/TN/MIN/438908/2023 dated: 10.08.2023 seeking Environmental Clearance for the Proposed Rough Stone and Gravel quarry lease area over an extent of 2.83.70 Ha at S.F Nos.365/1A and 365/1B1 of kuchanur Village, Uthamapalayam Taluk, Theni District, Tamil Nadu. The project/activity is covered under category "B" of Item 1(a) "Mining of Minerals Projects" of the schedule to the EIA Notification, 2006.
4. I respectfully submit that the proposal was included for appraisal in the 425th SEAC meeting scheduled on 23.11.2023. The schedule was communicated to the Project Proponent via e-mail on 17.11.2023.
5. I respectfully submit that subsequently, the proposal was placed in the **425th meeting of State Expert Appraisal Committee (SEAC) held on 23.11.2023**. Based on the presentation and documents furnished and from the KML file uploaded in the PARIVESH Portal by the project proponent, the 2nd Respondent noted the following,
 - i. The applied site is a fresh & virgin area, hitherto unmined.
 - ii. The soil of the proposed area appears to be rich in organic content.
 - iii. Coconut farms planted in an area of possessing more than Ha is situated adjacent to the project site



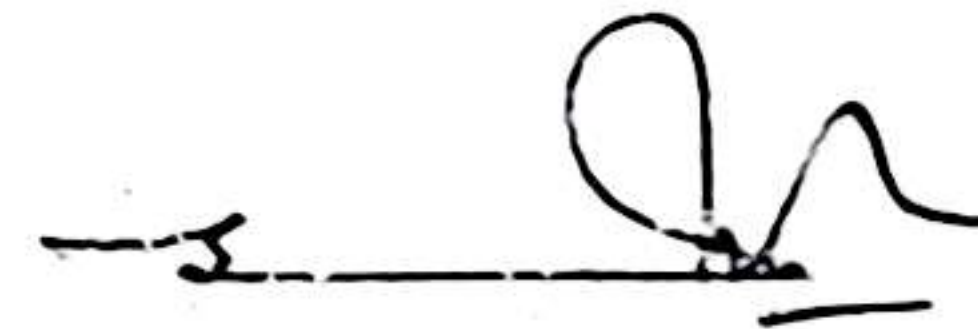
Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeemis Road,
Saidapet, Chennai - 15

iv.No other quarries are situated within 500m radius from the proposed area.

Hence the Committee observed that opening of this land, will lead to extensive environmental degradation, will lead to loss of rich top soil and will affect the coconut farms surrounding the proposed site. Considering these reasons, the SEAC after detailed deliberations, decided not to recommend the proposal for grant of Environmental Clearance

6. I submit that subsequently, the subject was placed before the **Authority (SEIAA-TN) in its 682nd meeting held on 20.12.2023**. The Authority after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the 425th SEAC minutes. Further Authority decided to close and record this proposal.
7. It is submitted that in view of the above, the **Rejection letter was sent to the Project proponent vide this office Letter No. SEIAA-TN/F.No. 10341/2023/ dated 20.12.2023**. Hence this file is closed and recorded.

Therefore, it is humbly prayed that this Hon'ble Tribunal may be pleased to record and pass orders as this Hon'ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.



Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligal, No.1, Jeeris Road,
Saidapet, Chennai - 15
Before me,

Solemnly affirmed in Chennai
On this the 25th day of June 2024
signed his name in my presence

Advocate, Chennai

Arushi
CMS-4124/2022

*dignity of all those affected and their families. The Government agencies and employers under whose jurisdiction any such occupation is carried out in the absence of preventive measures and which causes **silicosis**, are responsible for serious violation of human rights of the affected workers and their families. Furthermore, there is an important issue of social security in terms of taking care of not only the medical expenses but also the basic day-to-day needs for survival of these workers and their immediate family members...*"

Considering the health conditions of large population existing at a distance of just 100 m away from the mine lease boundary, the Committee noted that the elimination of blasting activity alone by the proponent as indicated in the modified mining plan will not nullify the impact of quartz & feldspar quarrying operation for a depth of 24 m, and even the manual mining operation induces propagation of airborne silica to the surrounding environmental settings includes a larger habitation located nearby leads to a disastrous impact on their health.

Hence, considering the health of the people residing in the village and the environmental degradation in a fresh & virgin land, the Committee after detailed deliberations decided **not to recommend the proposal** for grant of Environmental Clearance.

Agenda No: 425 - 11

(File No.10341/2023)

Proposed Rough Stone and Gravel Quarry lease area over an extent of 2.83.70 Ha at S.F Nos.365/1A and 365/1B1 of Kuchanur Village, Uthamapalayam Taluk, Theni District, Tamil Nadu by Thiru. S. Sivakumar - For Environmental Clearance. (SIA/TN/MIN/438908/2023 dated: 10.08.2023).

The proposal was placed for appraisal in the 425th Meeting of SEAC held on 23.11.2023. The details of the project furnished by the proponent are given in the website(parivesh.nic.in).

The SEAC noted the following:

1. The project proponent, **Thiru. S. Sivakumar** has applied for Environmental


MEMBER SECRETARY
SEAC -TN

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CHAIRMAN
SEAC- TN



Clearance for the Proposed Rough Stone and Gravel Quarry lease area over an extent of 2.83.70 Ha at S.F Nos.365/1A and 365/1B1 of Kuchanur Village, Uthamapalayam Taluk, Theni District, Tamil Nadu.

2. The project/activity is covered under category "B2" of Item 1 (a) "Mining of Minerals Projects" of the Schedule to the EIA Notification, 2006.

Based on the presentation made and documents submitted and from the KML file uploaded in the PARIVESH Portal, SEAC noted the following.

- i) The applied site is a fresh & virgin area, hitherto unmined.
- ii) The soil of the proposed area appears to be rich in organic content.
- iii) Coconut farms planted in an area of possessing more than 100 Ha is situated adjacent to the project site.
- iv) No other quarries are situated within 500m radius from the proposed area.

Hence the Committee observed that opening of this land, will lead to extensive environmental degradation, will lead to loss of rich top soil and will affect the coconut farms surrounding the proposed site. Considering these reasons, the SEAC after detailed deliberations, **decided not to recommend the proposal for grant of Environmental Clearance.**

Agenda No: 425- 12

(File No: 10370/2023)

Proposed Expansion of Steel Melting Shop & Steel Rolling Mill in the existing unit at S.F.No. 15/1A, 15/3A, 15/2, 1 5/4, 15/6, 15/7, 15/9, 15/8, 15/5, 15/1B, 15/3B, 14/4, 14/3, 14/2, 14/1A, 12/2 of Periyapuliyur Village, Gummidipoondi Taluk, Tiruvallur District, Tamil Nadu by M/s. Pashupati Metallics - For Terms of Reference.

(SIA/TN/IND1/437200/2023, Dated: 19.07.2023)

Earlier the proposal was placed in the 418th SEAC Meeting held on 19.10.2023. The details of the project furnished by the proponent are given on the website (parivesh.nic.in).

The SEAC noted the following:

1. The Project Proponent, M/s. Pashupati Metallics has applied for Terms of Reference for the Proposed Expansion of Steel Melting Shop & Steel Rolling


MEMBER SECRETARY
SEAC -TN


CHAIRMAN
SEAC- TN

MINUTES

682nd MEETING

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY-TAMIL NADU

Date: 20.12.2023

			<p><i>but also the basic day-to-day needs for survival of these workers and their immediate family members... ”</i></p> <p>Considering the health conditions of large population existing at a distance of just 100 m away from the mine lease boundary, the Committee noted that the elimination of blasting activity alone by the proponent as indicated in the modified mining plan will not nullify the impact of quartz & feldspar quarrying operation for a depth of 24 m, and even the manual mining operation induces propagation of airborne silica to the surrounding environmental settings includes a larger habitation located nearby leads to a disastrous impact on their health.</p> <p>Hence, considering the health of the people residing in the village and the environmental degradation in a fresh & virgin land, the Committee after detailed deliberations decided not to recommend the proposal for grant of Environmental Clearance.</p> <p>The Authority, after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the 425th SEAC minutes. Further, Authority decided to close and record this proposal.</p>
11.	Proposed Rough Stone and Gravel Quarry lease area over an extent of 2.83.70 Ha at S.F Nos.365/1A and 365/1B1 of Kuchanur Village, Uthamapalayam Taluk, Theni District, Tamil Nadu by Thiru. S. Sivakumar - For Environmental	10341	The authority noted that the proposal was placed for appraisal in the 425 th SEAC meeting held on 23.11.2023. Based on the presentation made and documents submitted and from the KML file uploaded in the PARIVESH Portal, SEAC noted the following.



MEMBER SECRETARY



MEMBER



CHAIRMAN
SEIAA-TN

	<p>Clearance. (SIA/TN/MIN/438908/2023)</p>		<p>i) The applied site is a fresh & virgin area, hitherto unmined.</p> <p>ii) The soil of the proposed area appears to be rich in organic content.</p> <p>iii) Coconut farms planted in an area of possessing more than 100 Ha is situated adjacent to the project site.</p> <p>iv) No other quarries are situated within 500m radius from the proposed area.</p> <p>Hence the Committee observed that opening of this land, will lead to extensive environmental degradation, will lead to loss of rich top soil and will affect the coconut farms surrounding the proposed site. Considering these reasons, the SEAC after detailed deliberations, decided not to recommend the proposal for grant of Environmental Clearance.</p> <p>The Authority, after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the 425th SEAC minutes. Further, Authority decided to close and record this proposal.</p>
12.	<p>Proposed Expansion of Steel Melting Shop & Steel Rolling Mill in the existing unit at S.F.No. 15/1A, 15/3A, 15/2, 1 5/4, 15/6, 15/7, 15/9, 15/8, 15/5, 15/1B, 15/3B, 14/4, 14/3, 14/2, 14/1A, 12/2 of Periyapuliur Village, Gummidipoondi Taluk, Tiruvallur District, Tamil Nadu by</p>	10370	<p>The authority noted that this proposal was placed for appraisal in 425th meeting of SEAC held on 23.11.2023. The SEAC noted that the project proponent has not attended the meeting. Hence the subject was not taken up for discussion and the project proponent shall furnish the reason for his absence.</p> <p>In view of the above, the authority decided to request the Member Secretary, SEIAA to communicate the</p>


MEMBER SECRETARY


MEMBER


CHAIRMAN
SEIAA-TN



THIRU.DEEPAK S. BILGI, I.F.S
MEMBER SECRETARY

STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-TAMILNADU

3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet
Chennai-600015
Phone No.044-24359973
Fax No. 044-24359975

Letter No. SEIAA-TN/F.No.10341/2023 dated: 20.12.2023.

To

Thiru.S.Sivakumar,
S/o. Subburajan,
W.15/D, North Raja Street,
Renganathapuram, Melachokanathapuram,
Bodinaickanur Taluk,
Theni District - 625 582.

Sir,

Sub: SEIAA-TN - An application seeking Environmental Clearance for the Proposed Rough Stone and Gravel Quarry lease area over an extent of 2.83.70 Ha at S.F Nos.365/1A and 365/1B1 of Kuchanur Village, Uthamapalayam Taluk, Theni District, Tamil Nadu by Thiru. S. Sivakumar - under 1(a) 'Mining of minerals projects' of the schedule of the EIA Notification, 2006 – proposal not recommended – application closed and recorded - Reg.

Ref: 1. Online Proposal No SIA/TN/MIN/438908/2023 dated: 10.08.2023.
2. The proponent submitted an application for Environmental Clearance at SEIAA-TN on 23.08.2023.
2. Minutes of the 425th SEAC meeting held on 23.11.2023.
3. Minutes of the 682nd SEIAA meeting held on 20.12.2023.

I invite your kind attention to the references cited above wherein in you have submitted an application seeking Environmental Clearance for the Proposed Rough Stone and Gravel Quarry lease area over an extent of 2.83.70 Ha at S.F Nos.365/1A and 365/1B1 of Kuchanur Village, Uthamapalayam Taluk, Theni District, Tamil Nadu.

The proposal was placed in the 425th SEAC meeting held on 23.11.2023. The SEAC noted the following:

1. The project proponent, **Thiru. S. Sivakumar** has applied for Environmental Clearance for the Proposed Rough Stone and Gravel Quarry lease area over an extent of 2.83.70 Ha at S.F Nos.365/1A and 365/1B1 of Kuchanur Village, Uthamapalayam Taluk, Theni District, Tamil Nadu.
2. The project/activity is covered under category "B2" of Item 1 (a) "Mining of Minerals Projects" of the Schedule to the EIA Notification, 2006.

Based on the presentation made and documents submitted and from the KML file uploaded in the PARIVESH Portal, SEAC noted the following.

- i) The applied site is a fresh & virgin area, hitherto unmined.
- ii) The soil of the proposed area appears to be rich in organic content.
- iii) Coconut farms planted in an area of possessing more than 100 Ha is situated adjacent to the project site.
- iv) No other quarries are situated within 500m radius from the proposed area.

Hence the Committee observed that opening of this land, will lead to extensive environmental degradation, will lead to loss of rich top soil and will affect the coconut farms surrounding the proposed site. Considering these reasons, the SEAC after detailed deliberations, **decided not to recommend the proposal for grant of Environmental Clearance.**


Subsequently, the subject was placed in the 682nd authority meeting held on 20.12.2023. The Authority, after discussions, **accepted the decision of SEAC, rejected the proposal** and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the 425th SEAC minutes. Further, Authority decided to **close and record this proposal.**

In this regard, it is informed that the proposal was rejected and hence the file is **closed and recorded accordingly.**


MEMBER SECRETARY
SEIAA-TN


20/12/23

Legend

-  Sri varatharaja perumal temple

 Proposed Quarry Site

Sri varatharaja perumal temple

Akademeia consulting

KKS FARM

RR Natural Farms

Kuchanur - Trani Main Rd

KIDURAISAMIR

700 m



From
Assistant Director,
Dept. of Geology and Mining,
Theni.

To
Thiru S.Sivakumar,
S/o.Subburajan,
W.15/D,North Raja Street,
Renganathapuram,
Melachocknathapuram,
Bodinayakkanur,
Theni District.

Roc No.1304/2022/Mines, dated.20.07.2023

Sir,

Sub: Mines and Minerals - Minor Mineral - Rough stone and Gravel- Theni District - Uthamapalayam Taluk - Kuchanur Village - Patta land - in S.F. Nos. 365/1A & 365/1B1 - Over an extent of 2.83.7 Hects - Quarry lease application preferred by Thiru Thiru S.Sivakumar for granting quarry lease - Precise area communicated - Mining Plan approved - 500 meter radius quarry details requested - Furnished - Regarding.

- Ref: 1. Quarry lease application preferred by Thiru.S.Sivakumar, S/o.Subburajan, dated.17.11.2022.
2. Precise area communication letter Roc. No.1304/Mines/2022, dated.13.06.2023.
3. Requisition letter received from Thiru.S.Sivakumar, S/o.Subburajan, on 17.07.2023.

In the reference 1st cited, Thiru.S.Sivakumar has preferred and submitted an application dated. 17.11.2022 for the grant of quarry lease to quarry Rough stone and Gravel in S.F.Nos.365/1A & 365/1B1, over an extent of 2.83.7 Hects of Kuchanur Village, Uthamapalayam Taluk and Theni District for a period of 10 years under Rule 19 of Tamil Nadu Minor Mineral Concession Rules, 1959.

Based on reports and recommendations of the Revenue Divisional Officer, Uthamapalayam and Assistant Director, Department of Geology and Mining, Theni precise area was communicated by the Assistant Director of Geology and Mining, Theni vide reference 2nd cited to Thiru.S.Sivakumar for grant of quarry lease to quarry Rough stone and Gravel in S.F.Nos.365/1A & 365/1B1, over an extent of

S. Sivakumar

2.83.7 Hects of Kuchanur Village, Uthamapalayam Taluk and Theni District for a period of 5 years.

Accordingly, Thiru.S.Sivakumar has submitted the draft Mining Plan and the same has been approved on 05.07.2023. The applicant has requested to furnish the details of quarry lease situated within 500 mts radius from the subject quarry for obtaining Environmental Clearance from the State Level Environment Impact Assessment Authority.

In this connection, it is informed that the following existing and abandoned quarries are located within 500 radius distance from the proposed area for clearance.

A. Existing Quarries

S. No.	Name of the owner	Village and Taluk	S.F.No.	Extent (in Hects)	Collector's Proc No.& Date.	Lease Period
1.	NIL					

B. Abandoned/Expired Quarries

S. No.	Name of the owner	Village and Taluk	S.F.No.	Extent (in Hects)	Collector's Proc No.& Date.	Lease Period
1.	NIL					

C. Present Proposed Quarries

S. No.	Name of the owner	Village and Taluk	S.F.No.	Extent (in Hects)
1.	Thiru S.Sivakumar	Kuchanur Village - Uthamapalayam Taluk	365/1A & 365/1B1	2.83.7 Hects.


 Assistant Director,
 Dept. of Geology and Mining,
 Theni.

Copy to,
 The Chairman,
 State level Environment
 Impact Assessment Authority,
 3rd floor, Panagal Maligai, No.1, Jeenis