

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

Appeal No.61 of 2024 (SZ)

Thiru. K. Ravikumar,
S/o. Kandasamy,
No.3/320, Kottamettupatti Village,
Mettupatti Post, Omalur Taluk,
Salem District-363455

... Appellant

Vs

1. State Level Environment Impact Assessment Authority (SEIAA),
Through the Member Secretary,
And Ors.

... Respondents

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Dated at Chennai on this the 27th Day of March, 2025



COUNSEL FOR 1ST & 2ND RESPONDENTS

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

Appeal No.61 of 2024 (SZ)

Thiru. K. Ravikumar,
S/o. Kandasamy,
No.3/320, Kottamettupatti Village,
Mettupatti Post, Omalur Taluk,
Salem District-363455

... Appellant

Vs

1. **State Level Environment Impact Assessment Authority (SEIAA),**
Through the Member Secretary,
9th Floor, No 327, Metros, Anna Salai,
Nandanam, Chennai-600035
Email: seiaamstn@gmail.com
Phone No. 044-24359973

2. **State Level Expert Appraisal Committee (SEAC),**
Through the Member Secretary,
9th Floor, No 327, Metros, Anna Salai,
Nandanam, Chennai-600035
Email: seiaamstn@gmail.com
Phone No. 044-24359973

3. **Department of Geology and Mining,**
Through the Assistant Director,
Geology and Mining, Dharmapuri – 636 701
Ph: 04342-232327
Email: ddminesdpi@gmail.com

... Respondents

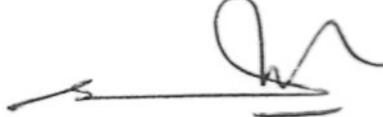
COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – TAMIL NADU,

THE 1st & 2nd RESPONDENTS

I, A.R. Rahul Nadh, I.A.S., aged about 37 years, working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at 9th Floor, no 327, Metros, Anna Salai, Nandanam, Chennai-600035 do hereby solemnly affirm and sincerely state as follows:

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Member Secretary
STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY - TAMIL NADU
No. 327, Metros, 9th Floor,
Anna Salai, Nandanam, Chennai-600 035.


Member Secretary
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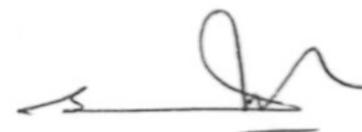
1. I am filing this counter affidavit on behalf of the 1st & 2nd Respondents herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. I state that I have perused the appeal and deny the averments and allegations stated therein except those that are specifically admitted hereunder and put the Appellant to strict proof of the same.
3. It is respectfully submitted that the project proponent, Thiru. K. Ravikumar has applied for Environmental Clearance for the Proposed Rough Stone and Gravel quarry over an extent of 2.31.0 Ha at S.F.Nos. 887/1 & 887/6 of Kendenahalli Village, Pennagaram Taluk, Dharmapuri District, Tamil Nadu for the project/activity which is covered under Category "B2" of Item 1(a) "Mining of Minerals Projects" of the Schedule to the EIA Notification, 2006 as amended vide online proposal number SIA/TN/MIN/451421/2023, Dated: 07.11.2023.
4. It is respectfully submitted that the proposal was placed for appraisal in the 438th meeting of SEAC held on 05.01.2024. During the meeting, the Committee noted that the project proponent was absent for the meeting. Hence the subject was not taken up for discussion. Further, SEAC decided that the proponent shall furnish the reason for absence. The Project Proponent vide letter dated 15.02.2024 has requested the Committee to give one more chance for appraisal, since, the Project Proponent was not able to attend the 438th SEAC meeting due to health issues.
5. It is respectfully submitted that the committee decided to give another opportunity and scheduled it in its 449th meeting held on 07.03.2024. During the appraisal, the PP has made a detailed presentation on the proposed quarry site & operations. While observing the presentation made by the PP, the SEAC have deliberated the following points:
 - i. The quarry site is located within the catchment area of River Cauvery and also comprising of the tributary canals leading to the



Mettur Dam.

- ii. Details of the water spread area of the Mettur Dam is not indicated in the report furnished by the PP. But it is seen from the kml that the proposed site is part of or very close to the spread area.
- iii. Dharmapuri district forms part of the upland plateau region of Tamil Nadu with many hill ranges and undulating plains. The western part of the district between Pennagaram and Denkanikottai has hill ranges of Mysore Plateau with a chain of undulating hills.
- iv. The applied area is a fresh one, hitherto unmined and also located in the hilly undulated terrain, covered with plants & shrubs and bushes.
- v. The applied area exhibits elevated terrain with an elevation of about 30 m with an altitude of 420 m (maximum) and 390 m (minimum) from the MSL, and the area is sloping towards the eastern side where the water flows naturally to reach the river tributary canal existing at 1.24 km which is then leading to the catchment area (water spread area) of the Mettur Dam located at a distance of 1.8 km south of the project area.
- vi. The top soil consists of red gravel / laterite soil for a thickness ranging from 2.0 to 4.0 m as indicated in the Baseline study report and AMP. It has been indicated that, though traditionally, the Laterite soils are dumped as poor soils that do not support plant growth, field reality indicates that the soil supports several economic and endangered species. Further, it has been specified by the researchers who have been carrying out the field investigation in the area (Pennagaram Taluk) where the proposed mine is located that

"...One of the habitats of Tropical Dry Evergreen Forests, an



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endangered vegetation type, is laterite soil. This vegetation and its constituent floral elements are important in terms of medicinal plants, and other economic crops. Suitable for cultivation of plantation crops such as Tea, Coffee, Coconut and Areca nut...."

"...Traditional wisdom has put the soil to an appropriate use for centuries and gained from the use of soil. The soil also supports growth of endemic trees such as Manilkara hexandra, Justicea beddomei and Huberantha senjiana thrive well in Laterite soils...."

Hence it is concluded that disturbing the virgin soil which is important from the point of ecology and economy is an ill-advised deed.

- vii. The area is known to be sensitive as wild elephants generally pass through the terrain where the proposed area is existing, in search of water and fodder, due to the existence of river tributary canals located nearby.
- viii. Geologically, it appears to be boulders and outcrops of Gnessic rock existing in hilly terrain. Structured hills in many places punctuated by the fracture system. Such fractured rocks especially in metamorphic and igneous terrain are potential for groundwater resource. Besides, underground reservoirs where ground water is attributable to the presence of fractures are termed as aquifers/reservoirs with secondary porosity. The problems caused due to intensive groundwater extraction, and intensive mining activities, will lead to drastic depletion in groundwater resources only.
- ix. From the Baseline study report submitted by the PP, it is revealed that
- a. The proposed mining activity will disturb environment of the area through change of landscape, flora & fauna of the area, surface drainage and change in soil quality.



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- b. The proposed project area falls in critical zone as stipulated by TWAD where there should be intensive monitoring and evaluation and future ground water development be linked with water conservation measures.
- x. In the state of Tamil Nadu, the Ground Water Potential Assessment done as on March 2003, categorised the blocks as Over Exploited, Critical, Semi Critical, Safe, Saline instead of Dark, Grey and White blocks the blocks in between 90% to 100% as "Critical Blocks". The proposed quarry site area is already categorised as 'Critical Blocks' by the Competent Authority.
- xi. Groundwater is recognized as a common pool resource. The use of groundwater by anybody should in no way cause adverse impacts on realization of other person's fundamental right to safe water for life. Access to groundwater without any discrimination, equitable distribution, and sustainable use considering the needs of future generations are considered. Right to water for life is the first priority and then to agriculture, and eco system needs. The precautionary principle and the polluter pay principle only to conserve and recharge groundwater.
- xii. There are two natural tributary canals located at the either side of the mining lease area with general flow direction towards south. These natural drains shall not be polluted, disturbed, obstructed or diverted consequent to the formation of a road and due to the proposed quarrying activities. Otherwise, in the process, the carrying capacity of these natural canals/drains are reduced, which is undesirable and can pose risks. In a high-slope region, especially succeeding a high hazard zone, maintenance of drainage is critically important.
- xiii. From the Approved Mining Plan, it has been observed that the quarrying operation is proposed in the hilly terrain covering the

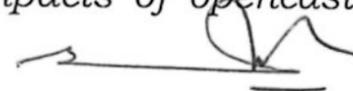


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bouldery formation. Generally, the Hillslopes dominated by nonlocal sediment transport are less likely to exhibit boulder controls on hillslope morphology as boulders are rapidly transported to the hillslope toe. Downslope transport delivers boulders to eroding rivers where the boulders act as large roughness elements that change flow hydraulics and the efficiency of erosion and sediment transport. Over longer timescales, river channels adjust their geometry to accommodate the boulders supplied or existing from adjacent hillslopes such that rivers can erode at the baselevel fall rate given their boulder size distribution. It is noted from the presentation, the interlocking Spurs are formed as a tributary river channel existing at 1.28 km, is forced to swing side to side around the spurs of hard rock with an interlock in this project area.

xiv. Ecological Impacts of Rough Stone Quarrying in the proposed area as indicated by the PP in his report confirms that:

- a. *Removal of all vegetation (flora) and thereby fauna from the area required for mining and other purposes.*
- b. *Pollution of water in the surrounding water bodies due to leaching from overburden dumps and due to the pollutants from the other activities. This affects the aquatic ecology of these water bodies.*
- c. *Dust in atmosphere, contributed by mining and associated activities, when deposited on the leaves of the plants in the surrounding areas may retard their growth.*
- d. *Noise and vibrations due to blasting and operation of the machines drive away the wild animals and birds from the nearby forests.*
- e. *Water scarcity caused due to the impacts of opencast*



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ASSESSMENT AUTHORITY - TAMIL NADU

mining on water regime affects the growth of vegetation and agriculture in and around the complexes.

xv. The SEAC observes the essence of the guaranteed right under Article 21 of the Constitution which states that “...it is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc, are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life...”

xvi. The SEAC has considered the following remarks made by the Hon'ble High Court in M.C. Mehta vs. Kamal Nath & Others, (1998)1SCC388 a two Judges Bench had an occasion to examine, “whether natural resources can be allowed to be used or processed by private ownership for commercial purpose”.

“...Earth can support only so many people and only so much human activity before limits are reached. Absolute finiteness of the environment when coupled with human dependency on the environment, leads to the unquestionable result that human activities will, at some point, be constrained. There is a commonly recognised link between laws and social value but to ecologists, a balance between laws and values is not alone sufficient to ensure a stable relationship between humans and their environment.....”

“.... Laws and values must also contend with the constraints imposed by the outside environment. Unfortunately, current legal doctrine rarely accounts for such constraints, and thus environmental stability is threatened. Historically, we have changed environment to fit our conceptions of property. We have fenced, plowed and paved. The environment has proven



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malleable and to a large extent still is. But there is a limit to this malleability, and certain types of ecologically important resources-for example, wetlands and riparian forests - can no longer be destroyed without enormous long-term effects on environmental and therefore social stability. Need for preserving sensitive resources does not reflect value choices but rather is the necessary result of objective observations of the laws of nature....”

xvii. Referring to the judgment in Subhash Kumar vs. State of Bihar (1991)1SCC598, the SEAC has critically observed that

“...Right to Life is a fundamental right under Article 21 and included right to enjoyment of pollution free water and air for full enjoyment of life; natural resources of air, water and soil cannot be utilized if the utilization results in irreversible damage to environment. Court said that mining operation is hazardous in nature. It impairs ecology and people’s right to natural resources....”

“.... Further, the court has commented about an equilibrium between the interest of environment and development that “protection of environment would have precedence over the economic interest.” Precautionary principle requires anticipatory action to be taken to prevent harm. The harm can be prevented even on a reasonable suspicion. It is not necessary that there should always be direct evidence of harm to the environment....”

From the ‘Precautionary Principle’ it is learnt that

“The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect

the environment for its own sake. Precautionary duties must not be triggered by the suspicion of concrete danger but also by justified concern or risk potential”.

xviii. Hon’ble Supreme Court of India in a recent judgment in IA No.1000 of 2003 dated 3rd June 2022 has underlined the necessity for following the Precautionary Principle. The judgment states that *a situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest.* The Hon’ble Court held that in case of a doubt, protection of environment would have precedence over economic interest. It was further held that precautionary principle requires anticipatory action to be taken *to prevent harm and that harm can be prevented even on reasonable suspicion.* Further, the Hon’ble Court emphasizes in the said judgment that *it is not always necessary that there should be direct evidence of harm to the environment.”*

xix. Finally, the SEAC has taken a note of the judgement delivered In T.N. Godavarman Thirumulpad vs. Union of India & Others, (2006)1SCC1, (order dated 23.09.2005) as it states that

“...The damage to environment is a damage to the country’s assets as a whole. Ecology knows no boundaries. It can have impact on the climate. The principles and parameters for valuation of the damage have to be evolved also keeping in view the likely impact of activities on future generation...”

Hence, based on the above observations, and presentation & documents furnished by the project proponent, after the long deliberations, with keeping the judgement delivered recently in the NGT -Eastern Zone in respect of ORIGINAL APPLICATION No. 80/2023/EZ in the matter of Sukanta Behera Vs State of Odisha delivered on 04.03.2024 with a direction to the SEIAA, to consider all the facts with regard to the site



specifications while considering the firm's proposal for grant of environmental clearance, the SEAC decided not to recommend the proposal for the grant of Environmental Clearance to protect the ecology and environmental settings exist in the virgin project site where the quarry is proposed.

6. It is respectfully submitted that subsequently, the subject was placed in the 707th authority meeting held on 16.10.2023. The Authority, after discussions, accepted the decision of SEAC, rejected the proposal for grant of Environmental Clearance citing the following reasons in addition to the above
- i. On review of the KML file and ecological conditions around the proposes mining site, the proposed mining will affect the ecology and environment.
 - ii. Due to the proposed mining activity, environment safety and security will be affected.

It is submitted that the detailed reasoning as recorded by the SEAC are culminated in the above reasons for rejection by the SEIAA. The appraisal process as entailed in the EIA 2006 has been scrupulously followed which is well reflected in the detailed reasons given by the SEAC. As a further technical body, the decisions were found to be sound and proper and briefly agreed upon in the reasons for the rejection / impugned order.

In view of the above, the Authority decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per 449th SEAC minutes. Further, Authority decided to close and record this proposal.

7. It is respectfully submitted that in view of the above rejection letter was granted to the proponent vide Letter No. SEIAA-TN/F.No. 10525/2024 dated 16.04.2024.



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It is therefore 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.



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Solemnly affirmed in Chennai

On this the 27th Day of March 2025

signed his name in my presence

Before me,

D. Arvind

(Ms. 317/2003)

(No. 104, Law Chambers)

(High Court, Madras)

Advocate, Chennai

Agenda No: 449-22

(File No: 10525/2023)

Proposed Rough Stone and Gravel quarry over an extent of 2.31.0 Ha at S.F.Nos. 887/1 & 887/6 of Kendenahalli Village, Pennagaram Taluk, Dharmapuri District, Tamil Nadu by Thiru. K. Ravikumar – For Environmental Clearance.

(SIA/TN/MIN/451421/2023, Dated: 07.11.2023)

The proposal was placed for appraisal in this 449th meeting of SEAC held on 07.03.2024. 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. K. Ravikumar has applied for Environmental Clearance for the Proposed Rough Stone and Gravel quarry over an extent of 2.31.0 Ha at S.F.Nos. 887/1 & 887/6 of Kendenahalli Village, Pennagaram Taluk, Dharmapuri 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.
3. Earlier, the proposal was placed for appraisal in the 438th meeting of SEAC held on 05.01.2024. During the meeting, the Committee noted that the project proponent was absent for the meeting. Hence the subject was not taken up for discussion. Further, SEAC decided that the proponent shall furnish the reason for absence.
4. The Project Proponent vide letter dated 15.02.2024 has requested the Committee to give one more chance for appraisal, since, the PP was not able to attend the 438th SEAC meeting due to health issues.

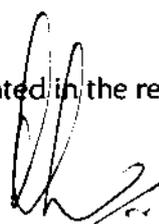
The PP has made a detailed presentation on the proposed quarry site & operations.

While observing the presentation made by the PP, the SEAC have deliberated the following points:

1. The quarry site is located within the catchment area of River Cauvery and also comprising of the tributary canals leading to the Mettur Dam.
2. Details of the water spread area of the Mettur Dam is not indicated in the report


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SEAC- TN

furnished by the PP. But it is seen from the kml that the proposed site is part of or very close to the spread area.

3. Dharmapuri district forms part of the upland plateau region of Tamil Nadu with many hill ranges and undulating plains. The western part of the district between Pennagaram and Denkanikottai has hill ranges of Mysore Plateau with a chain of undulating hills.
4. The applied area is a fresh one, hitherto unmined and also located in the hilly undulated terrain, covered with plants & shrubs and bushes.
5. The applied area exhibits elevated terrain with an elevation of about 30 m with an altitude of 420 m (maximum) and 390 m (minimum) from the MSL, and the area is sloping towards the eastern side where the water flows naturally to reach the river tributary canal existing at 1.24 km which is then leading to the catchment area (water spread area) of the Mettur Dam located at a distance of 1.8 km south of the project area.
6. The top soil consists of red gravel / laterite soil for a thickness ranging from 2.0 to 4.0 m as indicated in the Baseline study report and AMP. It has been indicated that, though traditionally, the Laterite soils are dumped as poor soils that do not support plant growth, field reality indicates that the soil supports several economic and endangered species. Further, it has been specified by the researchers who have been carrying out the field investigation in the area (Pennagaram Taluk) where the proposed mine is located that

"...One of the habitats of Tropical Dry Evergreen Forests, an endangered vegetation type, is laterite soil. This vegetation and its constituent floral elements are important in terms of medicinal plants, and other economic crops. Suitable for cultivation of plantation crops such as Tea, Coffee, Coconut and Areca nut...."

"...Traditional wisdom has put the soil to an appropriate use for centuries and gained from the use of soil. The soil also supports growth of endemic trees such as Manilkara hexandra, Justicea beddomei and Huberantha senjiana thrive well in Laterite soils...."


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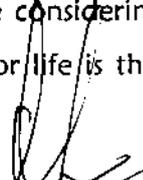

CHAIRMAN
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Hence it is concluded that disturbing the virgin soil which is important from the point of ecology and economy is an ill-advised deed.

7. The area is known to be sensitive as wild elephants generally pass through the terrain where the proposed area is existing, in search of water and fodder, due to the existence of river tributary canals located nearby.
8. Geologically, it appears to be boulders and outcrops of Gnessic rock existing in hilly terrain. Structured hills in many places punctuated by the fracture system. Such fractured rocks especially in metamorphic and igneous terrain are potential for groundwater resource. Besides, underground reservoirs where ground water is attributable to the presence of fractures are termed as aquifers/reservoirs with secondary porosity. The problems caused due to intensive groundwater extraction, and intensive mining activities, will lead to drastic depletion in groundwater resources only.
9. From the Baseline study report submitted by the PP, it is revealed that
 - (i) The proposed mining activity will disturb environment of the area through change of landscape, flora & fauna of the area, surface drainage and change in soil quality.
 - (ii) The proposed project area falls in critical zone as stipulated by TWAD where there should be intensive monitoring and evaluation and future ground water development be linked with water conservation measures.
10. In the state of Tamil Nadu, the Ground Water Potential Assessment done as on March 2003, categorized the blocks as Over Exploited, Critical, Semi Critical, Safe, Saline instead of Dark, Grey and White blocks the blocks in between 90% to 100% as "Critical Blocks". The proposed quarry site area is already categorised as 'Critical Blocks' by the Competent Authority.
11. Groundwater is recognized as a common pool resource. The use of groundwater by anybody should in no way cause adverse impacts on realization of other person's fundamental right to safe water for life. Access to groundwater without any discrimination, equitable distribution, and sustainable use considering the needs of future generations are considered. Right to water for life is the first

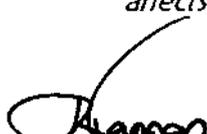

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priority and then to agriculture, and eco system needs. The precautionary principle and the polluter pay principle only to conserve and recharge groundwater.

12. There are two natural tributary canals located at the either side of the mining lease area with general flow direction towards south. These natural drains shall not be polluted, disturbed, obstructed or diverted consequent to the formation of a road and due to the proposed quarrying activities. Otherwise, in the process, the carrying capacity of these natural canals/drains are reduced, which is undesirable and can pose risks. In a high-slope region, especially succeeding a high hazard zone, maintenance of drainage is critically important.
13. From the Approved Mining Plan, it has been observed that the quarrying operation is proposed in the hilly terrain covering the bouldery formation. Generally, the Hillslopes dominated by nonlocal sediment transport are less likely to exhibit boulder controls on hillslope morphology as boulders are rapidly transported to the hillslope toe. Downslope transport delivers boulders to eroding rivers where the boulders act as large roughness elements that change flow hydraulics and the efficiency of erosion and sediment transport. Over longer timescales, river channels adjust their geometry to accommodate the boulders supplied or existing from adjacent hillslopes such that rivers can erode at the baselevel fall rate given their boulder size distribution. It is noted from the presentation, the interlocking Spurs are formed as a tributary river channel existing at 1.28 km, is forced to swing side to side around the spurs of hard rock with an interlock in this project area.
14. Ecological Impacts of Rough Stone Quarrying in the proposed area as indicated by the PP in his report confirms that:
 - (i) *Removal of all vegetation (flora) and thereby fauna from the area required for mining and other purposes.*
 - (ii) *Pollution of water in the surrounding water bodies due to leaching from overburden dumps and due to the pollutants from the other activities. This affects the aquatic ecology of these water bodies.*


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(iii) Dust in atmosphere, contributed by mining and associated activities, when deposited on the leaves of the plants in the surrounding areas may retard their growth.

(iv) Noise and vibrations due to blasting and operation of the machines drive away the wild animals and birds from the nearby forests.

(v) Water scarcity caused due to the impacts of opencast mining on water regime affects the growth of vegetation and agriculture in and around the complexes.

15. The SEAC observes the essence of the guaranteed right under Article 21 of the Constitution which states that

"...it is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc, are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life..."

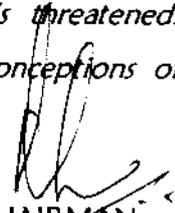
16. The SEAC has considered the following remarks made by the Hon'ble High Court In M.C. Mehta vs. Kamal Nath & Others, (1998)1SCC388 a two Judges Bench had an occasion to examine, "whether natural resources can be allowed to be used or processed by private ownership for commercial purpose".

"...Earth can support only so many people and only so much human activity before limits are reached. Absolute finiteness of the environment when coupled with human dependency on the environment, leads to the unquestionable result that human activities will, at some point, be constrained. There is a commonly recognised link between laws and social value but to ecologists, a balance between laws and values is not alone sufficient to ensure a stable relationship between humans and their environment....."

"....Laws and values must also contend with the constraints imposed by the outside environment. Unfortunately, current legal doctrine rarely accounts for such constraints, and thus environmental stability is threatened. Historically, we have changed environment to fit our conceptions of


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property. We have fenced, plowed and paved. The environment has proven malleable and to a large extent still is. But there is a limit to this malleability, and certain types of ecologically important resources-for example, wetlands and riparian forests - can no longer be destroyed without enormous long-term effects on environmental and therefore social stability. Need for preserving sensitive resources does not reflect value choices but rather is the necessary result of objective observations of the laws of nature...."

17. Referring to the judgment in Subhash Kumar vs. State of Bihar (1991)15CC598, the SEAC has critically observed that

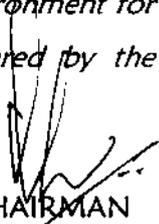
"...Right to Life is a fundamental right under Article 21 and included right to enjoyment of pollution free water and air for full enjoyment of life; natural resources of air, water and soil cannot be utilized if the utilization results in irreversible damage to environment. Court said that mining operation is hazardous in nature. It impairs ecology and people's right to natural resources...."

"....Further, the court has commented about an equilibrium between the interest of environment and development that "protection of environment would have precedence over the economic interest." Precautionary principle requires anticipatory action to be taken to prevent harm. The harm can be prevented even on a reasonable suspicion. It is not necessary that there should always be direct evidence of harm to the environment...."

From the 'Precautionary Principle' it is learnt that

"The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake. Precautionary duties must not be triggered by the


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suspicion of concrete danger but also by justified concern or risk potential”.

18. Hon^{ble} Supreme Court of India in a recent judgment in IA No.1000 of 2003 dated 3rd June 2022 has underlined the necessity for following the Precautionary Principle. The judgment states that a *situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest.* The Hon^{ble} Court held that in case of a doubt, protection of environment would have precedence over economic interest. It was further held that precautionary principle requires anticipatory action to be taken *to prevent harm and that harm can be prevented even on reasonable suspicion. Further, the Hon^{ble} Court emphasizes in the said judgment that it is not always necessary that there should be direct evidence of harm to the environment.”*

19. Finally, the SEAC has taken a note of the judgement delivered In T.N. Godavarman Thirumulpad vs. Union of India & Others. (2006)1SCCI, (order dated 23.09.2005) as it states that

“...The damage to environment is a damage to the country’s assets as a whole. Ecology knows no boundaries. It can have impact on the climate. The principles and parameters for valuation of the damage have to be evolved also keeping in view the likely impact of activities on future generation...”

Hence, based on the above observations, and presentation & documents furnished by the project proponent, after the long deliberations, with keeping the judgement delivered recently in the NGT -Eastern Zone in respect of ORIGINAL APPLICATION No. 80/2023/EZ in the matter of Sukanta Behera Vs State of Odisha delivered on 04.03.2024 with a direction to the SEIAA, to consider all the facts with regard to the site specifications while considering the firm’s proposal for grant of environmental clearance, the SEAC decided not to recommend the proposal for the grant of


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Environmental Clearance to protect the ecology and environmental settings exist in the virgin project site where the quarry is proposed.

Agenda No: 449-23

(File No: 10385/2023)

Proposed Rough Stone quarry over an extent of 2.00.0 Ha (Government Poramboke land) at S.F.No. 109 (Part-1) of Maruthandapalli Village, Shoolagiri Taluk, Krishnagiri District, Tamil Nadu by M/s. Sri Sai Kesava Enterprises – For Environmental Clearance. (SIA/TN/MIN/430696/2023, Dated: 25.05.2023)

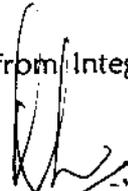
The proposal was placed for appraisal in this 449th meeting of SEAC held on 07.03.2024. The details of the project furnished by the proponent are given in the website (parivesh.nic.in).

The SEAC noted the following:

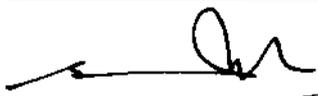
1. The project proponent, M/s. Sri Sai Kesava Enterprises has applied for Environmental Clearance for the Proposed Rough Stone quarry over an extent of 2.00.0 Ha (Government Poramboke land) at S.F.No. 109 (Part-1) of Maruthandapalli Village, Shoolagiri Taluk, Krishnagiri District, Tamil Nadu.
2. The project/activity is covered under Category "B2" of Item 1(a) "Mining of Minerals Projects" of the Schedule to the EIA Notification, 2006.
3. The precise area communication was issued for the period of 10 years. The approved mining plan is for 5 Years. As per the approved mine plan, the annual peak production shall not exceed 72,650 m³ of Rough Stone for an ultimate depth of 39m below ground level.
4. Earlier, the project proponent has obtained EC from DEIAA vide Lr.No.03/DEIAA-KGI/EC No.47/2018 dated: 27.08.2018 for the production quantity of 7,81,746m³ of Rough Stone upto the depth of 57m.
5. Earlier, the proposal was placed for appraisal in the 427th meeting of SEAC held on 07.12.2023. Based on the presentation and the documents furnished by the project proponent, the SEAC decided to call for the following details from the project proponent:
 - i) The PP shall obtain Certified Compliance Report (CCR) from Integrated


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			<p>in the PARIVESH Portal from the respective login.</p> <p>9. The amount allocated for EMP should be kept in a separate account and both the capital and recurring expenditures should be done year wise for the works identified, approved and as committed. The work & expenditure made under EMP should be elaborated in the bi-annual compliance report submitted and also should be brought to the notice of concerned authorities during inspections.</p> <p>10. The PP shall mark the DGPS reference pillars painted with blue & white colour indicating the safety barrier of 7.5 m to be left under the Rule 13 (1) of MCDR, 1988 within the lease boundary and protective bunds, before obtaining the CTO from the TNPCB.</p> <p>11. As committed, the PP shall develop thick green belt vegetation for a distance of 100 m within the mine leasehold area in the direction towards the pipeline location before obtaining the CTO from the TNPCB.</p> <p>12. The PP shall register promptly through online in the Shram Suvidha Portal which is the official portal of Ministry of Labour & Employment, Govt of India to obtain Labour Identification Number (LIN) before obtaining the CTO from the TNPCB.</p>
18.	Proposed Rough Stone and Gravel quarry over an extent of 2.31.0 Ha at S.F.Nos. 887/1 & 887/6 of Kendenahalli Village, Pennagaram	10525	The authority noted that the subject was appraised in the 449 th SEAC meeting held on 07.03.2024. While observing the presentation made by the PP, the SEAC have deliberated the following points:



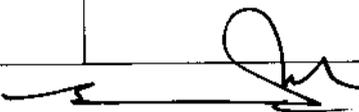
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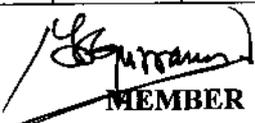


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<p>Taluk, Dharmapuri District, Tamil Nadu by Thiru. K. Ravikumar – For Environmental Clearance. (SIA/TN/MIN/451421/2023)</p>	<ol style="list-style-type: none"> 1. The quarry site is located within the catchment area of River Cauvery and also comprising of the tributary canals leading to the Mettur Dam. 2. Details of the water spread area of the Mettur Dam is not indicated in the report furnished by the PP. But it is seen from the kml that the proposed site is part of or very close to the spread area. 3. Dharmapuri district forms part of the upland plateau region of Tamil Nadu with many hill ranges and undulating plains. The western part of the district between Pennagaram and Denkanikottai has hill ranges of Mysore Plateau with a chain of undulating hills. 4. The applied area is a fresh one, hitherto unmined and also located in the hilly undulated terrain, covered with plants & shrubs and bushes. 5. The applied area exhibits elevated terrain with an elevation of about 30 m with an altitude of 420 m (maximum) and 390 m (minimum) from the MSL, and the area is sloping towards the eastern side where the water flows naturally to reach the river tributary canal existing at 1.24 km which is then leading to the catchment area (water spread area) of the Mettur Dam located at a distance of 1.8 km south of the project area. 6. The top soil consists of red gravel / laterite soil for a thickness ranging from 2.0 to 4.0 m as indicated in the Baseline study report and AMP. It has been indicated that, though
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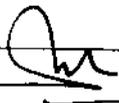
traditionally, the Laterite soils are dumped as poor soils that do not support plant growth, field reality indicates that the soil supports several economic and endangered species. Further, it has been specified by the researchers who have been carrying out the field investigation in the area (Pennagaram Taluk) where the proposed mine is located that

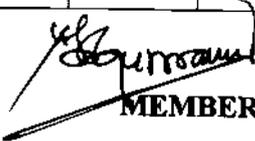
"...One of the habitats of Tropical Dry Evergreen Forests, an endangered vegetation type, is laterite soil. This vegetation and its constituent floral elements are important in terms of medicinal plants, and other economic crops. Suitable for cultivation of plantation crops such as Tea, Coffee, Coconut and Areca nut...."

"...Traditional wisdom has put the soil to an appropriate use for centuries and gained from the use of soil. The soil also supports growth of endemic trees such as Manilkara hexandra, Justicea beddomei and Huberantha senjiana thrive well in Laterite soils...."

Hence it is concluded that disturbing the virgin soil which is important from the point of ecology and economy is an ill-advised deed.

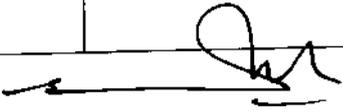
7. The area is known to be sensitive as wild elephants generally pass through the terrain where the proposed area is existing, in search of water and fodder, due to the existence of river tributary canals located nearby.


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| | | | <p>8. Geologically, it appears to be boulders and outcrops of Gnessic rock existing in hilly terrain. Structured hills in many places punctuated by the fracture system. Such fractured rocks especially in metamorphic and igneous terrain are potential for groundwater resource. Besides, underground reservoirs where ground water is attributable to the presence of fractures are termed as aquifers/reservoirs with secondary porosity. The problems caused due to intensive groundwater extraction, and intensive mining activities, will lead to drastic depletion in groundwater resources only.</p> <p>9. From the Baseline study report submitted by the PP, it is revealed that</p> <ul style="list-style-type: none"> (i) The proposed mining activity will disturb environment of the area through change of landscape, flora & fauna of the area, surface drainage and change in soil quality. (ii) The proposed project area falls in critical zone as stipulated by TWAD where there should be intensive monitoring and evaluation and future ground water development be linked with water conservation measures. <p>10. In the state of Tamil Nadu, the Ground Water Potential Assessment done as on March 2003, categorized the blocks as Over Exploited, Critical, Semi Critical, Safe, Saline instead of Dark, Grey and White blocks the blocks in between 90% to 100% as "Critical Blocks".</p> |
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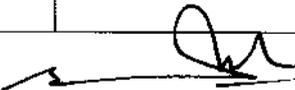

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The proposed quarry site area is already categorised as 'Critical Blocks' by the Competent Authority.

11. Groundwater is recognized as a common pool resource. The use of groundwater by anybody should in no way cause adverse impacts on realization of other person's fundamental right to safe water for life. Access to groundwater without any discrimination, equitable distribution, and sustainable use considering the needs of future generations are considered. Right to water for life is the first priority and then to agriculture, and eco system needs. The precautionary principle and the polluter pay principle only to conserve and recharge groundwater.
12. There are two natural tributary canals located at the either side of the mining lease area with general flow direction towards south. These natural drains shall not be polluted, disturbed, obstructed or diverted consequent to the formation of a road and due to the proposed quarrying activities. Otherwise, in the process, the carrying capacity of these natural canals/drains are reduced, which is undesirable and can pose risks. In a high-slope region, especially succeeding a high hazard zone, maintenance of drainage is critically important.
13. From the Approved Mining Plan, it has been observed that the quarrying operation is proposed in the hilly terrain covering the bouldery formation. Generally, the Hillslopes



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dominated by nonlocal sediment transport are less likely to exhibit boulder controls on hillslope morphology as boulders are rapidly transported to the hillslope toe. Downslope transport delivers boulders to eroding rivers where the boulders act as large roughness elements that change flow hydraulics and the efficiency of erosion and sediment transport. Over longer timescales, river channels adjust their geometry to accommodate the boulders supplied or existing from adjacent hillslopes such that rivers can erode at the baselevel fall rate given their boulder size distribution. It is noted from the presentation, the interlocking Spurs are formed as a tributary river channel existing at 1.28 km, is forced to swing side to side around the spurs of hard rock with an interlock in this project area.

14. Ecological Impacts of Rough Stone Quarrying in the proposed area as indicated by the PP in his report confirms that:

- (i) *Removal of all vegetation (flora) and thereby fauna from the area required for mining and other purposes.*
- (ii) *Pollution of water in the surrounding water bodies due to leaching from overburden dumps and due to the pollutants from the other activities. This affects the aquatic ecology of these water bodies.*
- (iii) *Dust in atmosphere, contributed by mining and associated activities, when deposited on the leaves of the plants in*


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the surrounding areas may retard their growth.

(iv) Noise and vibrations due to blasting and operation of the machines drive away the wild animals and birds from the nearby forests.

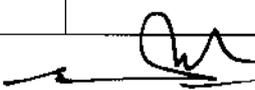
(v) Water scarcity caused due to the impacts of opencast mining on water regime affects the growth of vegetation and agriculture in and around the complexes.

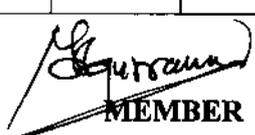
15. The SEAC observes the essence of the guaranteed right under Article 21 of the Constitution which states that

"...it is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life..."

16. The SEAC has considered the following remarks made by the Hon'ble High Court In M.C. Mehta vs. Kamal Nath & Others, (1998)1SCC388 a two Judges Bench had an occasion to examine, "whether natural resources can be allowed to be used or processed by private ownership for commercial purpose".

"...Earth can support only so many people and only so much human activity before limits are reached. Absolute finiteness of the


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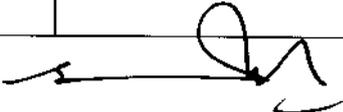

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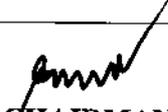
environment when coupled with human dependency on the environment, leads to the unquestionable result that human activities will, at some point, be constrained. There is a commonly recognised link between laws and social value but to ecologists, a balance between laws and values is not alone sufficient to ensure a stable relationship between humans and their environment.....”

“...Laws and values must also contend with the constraints imposed by the outside environment. Unfortunately, current legal doctrine rarely accounts for such constraints, and thus environmental stability is threatened. Historically, we have changed environment to fit our conceptions of property. We have fenced, plowed and paved. The environment has proven malleable and to a large extent still is. But there is a limit to this malleability, and certain types of ecologically important resources-for example, wetlands and riparian forests - can no longer be destroyed without enormous long-term effects on environmental and therefore social stability. Need for preserving sensitive resources does not reflect value choices but rather is the necessary result of objective observations of the laws of nature....”

17. Referring to the judgment in Subhash Kumar vs. State of Bihar (1991)1SCC598, the SEAC has critically observed that


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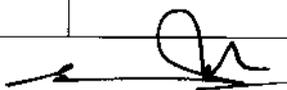

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"...Right to Life is a fundamental right under Article 21 and included right to enjoyment of pollution free water and air for full enjoyment of life; natural resources of air, water and soil cannot be utilized if the utilization results in irreversible damage to environment. Court said that mining operation is hazardous in nature. It impairs ecology and people's right to natural resources...."

"...Further, the court has commented about an equilibrium between the interest of environment and development that "protection of environment would have precedence over the economic interest." Precautionary principle requires anticipatory action to be taken to prevent harm. The harm can be prevented even on a reasonable suspicion. It is not necessary that there should always be direct evidence of harm to the environment...."

From the 'Precautionary Principle' it is learnt that

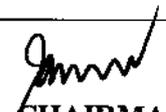
"The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also



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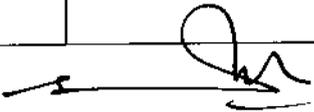
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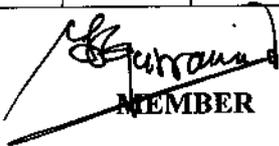
protect the environment for its own sake. Precautionary duties must not be triggered by the suspicion of concrete danger but also by justified concern or risk potential”.

18. Hon“ble Supreme Court of India in a recent judgment in IA No.1000 of 2003 dated 3rd June 2022 has underlined the necessity for following the Precautionary Principle. The judgment states that *a situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest.* The Hon“ble Court held that in case of a doubt, protection of environment would have precedence over economic interest. It was further held that precautionary principle requires anticipatory action to be taken to *prevent harm and that harm can be prevented even on reasonable suspicion. Further, the Hon'ble Court emphasizes in the said judgment that it is not always necessary that there should be direct evidence of harm to the environment.”*

19. Finally, the SEAC has taken a note of the judgement delivered In T.N. Godavarman Thirumulpad vs. Union of India & Others, (2006)1SCC1, (order dated 23.09.2005) as it states that

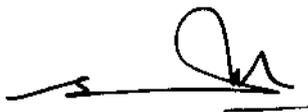
“...The damage to environment is a damage to the country's assets as a whole. Ecology knows no boundaries. It can have


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		<p><i>impact on the climate. The principles and parameters for valuation of the damage have to be evolved also keeping in view the likely impact of activities on future generation... ”</i></p> <p>Hence, based on the above observations, and presentation & documents furnished by the project proponent, after the long deliberations, with keeping the judgement delivered recently in the NGT - Eastern Zone in respect of ORIGINAL APPLICATION No. 80/2023/EZ in the matter of Sukanta Behera Vs State of Odisha delivered on 04.03.2024 with a direction to the SEIAA, to consider all the facts with regard to the site specifications while considering the firm’s proposal for grant of environmental clearance, the SEAC decided not to recommend the proposal for the grant of Environmental Clearance to protect the ecology and environmental settings exist in the virgin project site where the quarry is proposed.</p> <p>The Authority, after discussions, accepted the decision of SEAC, rejected the proposal for the grant of Environmental Clearance citing the following reasons in addition to the above.</p> <ol style="list-style-type: none"> 1. On review of the KML file and ecological conditions around the proposed mining site, the proposed mining will affect the ecology and environment. 2. Due to the proposed mining activity, environment safety and security will be affected.
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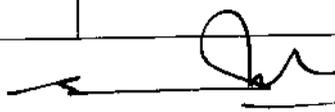
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SEIAA-TN

			In view of the above, the Authority decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per 449 th SEAC minutes. Further, Authority decided to close and record this proposal.
19.	Proposed Rough Stone quarry over an extent of 2.00.0 Ha (Government Poramboke land) at S.F.No. 109 (Part-1) of Maruthandapalli Village, Shoolagiri Taluk, Krishnagiri District, Tamil Nadu by M/s. Sri Sai Kesava Enterprises - For Environmental Clearance. (SIA/TN/MIN/430696/2023)	10385	<p>The authority noted that the subject was appraised in the 449th SEAC meeting held on 07.03.2024. SEAC has furnished its recommendations for granting Environmental Clearance subject to the conditions stated therein.</p> <p>After detailed discussion, the authority noted as follows:</p> <ol style="list-style-type: none"> 1. As per the Mining Plan, the depth of the bench is mentioned as 7m, whether is it safe for mining activity with 7m bench and will there be any impact on the slope stability for the proposed quarry due to 7m bench formation. <p>In view of the above, the Authority decided to refer back the proposal to SEAC for remarks / recommendations on the above mentioned point.</p>
20.	Proposed Rough Stone and Gravel Quarry over an extent of 4.96.0Ha SF.No.1002/B (P), 1008 And 1009/B(P) of Monjanur (East) Village, Pugalur Taluk, Karur District by Thiru. N. Sivakumar - For Environmental Clearance. (SIA/TN/MIN/428962/2023)	10043	<p>The authority noted that the subject was appraised in the 449th meeting of SEAC held on 07.03.2024 and SEAC has furnished its recommendations for granting Environmental Clearance subject to the conditions stated therein.</p> <p>After detailed discussions, the Authority taking into account the recommendations of SEAC and also the safety aspects and to ensure sustainable, scientific and systematic mining, decided to grant Environmental Clearance for the production quantity of 1,75,627 m³ Rough Stone and 24,786</p>



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SEIAA-TN



THIRU. A.R. RAHUL NADH, I.A.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.10525/2024 dated: 16.04.2024

To

✓ Thiru. K. Ravikumar,
S/o. Kandasamy,
No.3/230, Kottamettupatti Village,
Mettupatti Post, Omalur Taluk,
Salem District - 636 455.

Sir,

Sub: SEIAA-TN – Proposal seeking Environmental Clearance for Proposed Rough Stone and Gravel quarry over an extent of 2.31.0 Ha at S.F.Nos. 887/1 & 887/6 of Kendenahalli Village, Pennagaram Taluk, Dharmapuri District, Tamil Nadu by Thiru. K. Ravikumar – under 1(a) Mining projects of the schedule of the EIA Notification, 2006 – Proposal not recommended / Rejected – Application Closed and Recorded – Regarding

Ref: 1. Online Proposal No. SIA/TN/MIN/451421/2023, Dated: 07.11.2023
2. Minutes of the 438th SEAC meeting held on 05.01.2024
3. Minutes of the 449th SEAC meeting held on 07.03.2024
4. Minutes of the 707th SEIAA meeting held on 01.04.2024

I invite your kind attention to the reference cited above, wherein the application received from Thiru. K. Ravikumar for Environmental Clearance for the Proposed Rough Stone and Gravel quarry over an extent of 2.31.0 Ha at S.F.Nos. 887/1 & 887/6 of Kendenahalli Village, Pennagaram Taluk, Dharmapuri District, Tamil Nadu.

The proposal was placed for appraisal in the 449th meeting of SEAC held on 07.03.2024. **The SEAC noted the following:**

1. Earlier, the proposal was placed for appraisal in the 438th meeting of SEAC held on 05.01.2024. During the meeting, the Committee noted that the project proponent was absent for the meeting. Hence the subject was not taken up for discussion. Further, SEAC decided that the proponent shall furnish the reason for absence.
2. The Project Proponent vide letter dated 15.02.2024 has requested the Committee to give one more chance for appraisal, since, the PP was not able to attend the 438th SEAC meeting due to health issues.

The PP has made a detailed presentation on the proposed quarry site & operations.

While observing the presentation made by the PP, the SEAC have deliberated the following points:

1. The quarry site is located within the catchment area of River Cauvery and also comprising of the tributary canals leading to the Mettur Dam.
2. Details of the water spread area of the Mettur Dam is not indicated in the report furnished by the PP. But it is seen from the kml that the proposed site is part of or very close to the spread area.
3. Dharmapuri district forms part of the upland plateau region of Tamil Nadu with many hill ranges and undulating plains. The western part of the district between Pennagaram and Denkanikottai has hill ranges of Mysore Plateau with a chain of undulating hills.
4. The applied area is a fresh one, hitherto unmined and also located in the hilly undulated terrain, covered with plants & shrubs and bushes.
5. The applied area exhibits elevated terrain with an elevation of about 30 m with an altitude of 420 m (maximum) and 390 m (minimum) from the MSL, and the area is sloping towards the eastern side where the water flows naturally to reach the river tributary canal existing at 1.24 km which is then leading to the catchment area (water spread area) of the Mettur Dam located at a distance of 1.8 km south of the project area.
6. The top soil consists of red gravel / laterite soil for a thickness ranging from 2.0 to 4.0 m as indicated in the Baseline study report and AMP. It has been indicated that, though traditionally, the Laterite soils are dumped as poor soils that do not support plant growth, field reality indicates that the soil supports several economic and endangered species. Further, it has been specified by the researchers who have been carrying out the field investigation in the area (Pennagaram Taluk) where the proposed mine is located that

"...One of the habitats of Tropical Dry Evergreen Forests, an endangered vegetation type, is laterite soil. This vegetation and its constituent floral elements are important in terms of medicinal plants, and other economic crops. Suitable for cultivation of plantation crops such as Tea, Coffee, Coconut and Areca nut...."

"...Traditional wisdom has put the soil to an appropriate use for centuries and gained from the use of soil. The soil also supports growth of endemic trees such as Manilkara hexandra, Justicea beddomei and Huberantha senjiana thrive well in Laterite soils...."

Hence it is concluded that disturbing the virgin soil which is important from the point of ecology and economy is an ill-advised deed.

7. The area is known to be sensitive as wild elephants generally pass through the terrain where the proposed area is existing, in search of water and fodder, due to the existence of river tributary canals located nearby.
8. Geologically, it appears to be boulders and outcrops of Gnessic rock existing in hilly terrain. Structured hills in many places punctuated by the fracture system. Such fractured rocks especially in metamorphic and igneous terrain are potential for groundwater resource. Besides, underground reservoirs where ground water is attributable to the presence of fractures are termed as aquifers/reservoirs with secondary porosity. The problems caused due to intensive groundwater extraction, and intensive mining activities, will lead to drastic depletion in groundwater resources only.
9. From the Baseline study report submitted by the PP, it is revealed that
 - (i) The proposed mining activity will disturb environment of the area through change of landscape, flora & fauna of the area, surface drainage and change in soil quality.
 - (ii) The proposed project area falls in critical zone as stipulated by TWAD where there should be intensive monitoring and evaluation and future ground water development be linked with water conservation measures.
10. In the state of Tamil Nadu, the Ground Water Potential Assessment done as on March 2003, categorized the blocks as Over Exploited, Critical, Semi Critical, Safe, Saline instead of Dark, Grey and White blocks the blocks in between 90% to 100% as "Critical Blocks". The proposed quarry site area is already categorised as 'Critical Blocks' by the Competent Authority.
11. Groundwater is recognized as a common pool resource. The use of groundwater by anybody should in no way cause adverse impacts on realization of other person's

fundamental right to safe water for life. Access to groundwater without any discrimination, equitable distribution, and sustainable use considering the needs of future generations are considered. Right to water for life is the first priority and then to agriculture, and eco system needs. The precautionary principle and the polluter pay principle only to conserve and recharge groundwater.

12. There are two natural tributary canals located at the either side of the mining lease area with general flow direction towards south. These natural drains shall not be polluted, disturbed, obstructed or diverted consequent to the formation of a road and due to the proposed quarrying activities. Otherwise, in the process, the carrying capacity of these natural canals/drains are reduced, which is undesirable and can pose risks. In a high-slope region, especially succeeding a high hazard zone, maintenance of drainage is critically important.
13. From the Approved Mining Plan, it has been observed that the quarrying operation is proposed in the hilly terrain covering the bouldery formation. Generally, the Hillslopes dominated by nonlocal sediment transport are less likely to exhibit boulder controls on hillslope morphology as boulders are rapidly transported to the hillslope toe. Downslope transport delivers boulders to eroding rivers where the boulders act as large roughness elements that change flow hydraulics and the efficiency of erosion and sediment transport. Over longer timescales, river channels adjust their geometry to accommodate the boulders supplied or existing from adjacent hillslopes such that rivers can erode at the baselevel fall rate given their boulder size distribution. It is noted from the presentation, the interlocking Spurs are formed as a tributary river channel existing at 1.28 km, is forced to swing side to side around the spurs of hard rock with an interlock in this project area.
14. Ecological Impacts of Rough Stone Quarrying in the proposed area as indicated by the PP in his report confirms that:
 - (i) *Removal of all vegetation (flora) and thereby fauna from the area required for mining and other purposes.*
 - (ii) *Pollution of water in the surrounding water bodies due to leaching from overburden dumps and due to the pollutants from the other activities. This affects the aquatic ecology of these water bodies.*
 - (iii) *Dust in atmosphere, contributed by mining and associated activities, when deposited on the leaves of the plants in the surrounding areas may retard their growth.*

(iv) *Noise and vibrations due to blasting and operation of the machines drive away the wild animals and birds from the nearby forests.*

(v) *Water scarcity caused due to the impacts of opencast mining on water regime affects the growth of vegetation and agriculture in and around the complexes.*

15. The SEAC observes the essence of the guaranteed right under Article 21 of the Constitution which states that

“...it is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc, are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life...”

16. The SEAC has considered the following remarks made by the Hon'ble High Court In *M.C. Mehta vs. Kamal Nath & Others*, (1998)1SCC388 a two Judges Bench had an occasion to examine, “whether natural resources can be allowed to be used or processed by private ownership for commercial purpose”.

“...Earth can support only so many people and only so much human activity before limits are reached. Absolute finiteness of the environment when coupled with human dependency on the environment, leads to the unquestionable result that human activities will, at some point, be constrained. There is a commonly recognised link between laws and social value but to ecologists, a balance between laws and values is not alone sufficient to ensure a stable relationship between humans and their environment.....”

“...Laws and values must also contend with the constraints imposed by the outside environment. Unfortunately, current legal doctrine rarely accounts for such constraints, and thus environmental stability is threatened. Historically, we have changed environment to fit our conceptions of property. We have fenced, plowed and paved. The environment has proven malleable and to a large extent still is. But there is a limit to this malleability, and certain types of ecologically important resources-for example, wetlands and riparian forests - can no longer be destroyed without enormous long-term effects on environmental and therefore social stability. Need for preserving sensitive resources does not reflect value choices but rather is the necessary result of objective observations of the laws of nature....”

17. Referring to the judgment in *Subhash Kumar vs. State of Bihar* (1991)1SCC598, the SEAC has critically observed that

“...Right to Life is a fundamental right under Article 21 and included right to

enjoyment of pollution free water and air for full enjoyment of life; natural resources of air, water and soil cannot be utilized if the utilization results in irreversible damage to environment. Court said that mining operation is hazardous in nature. It impairs ecology and people's right to natural resources...."

"...Further, the court has commented about an equilibrium between the interest of environment and development that "protection of environment would have precedence over the economic interest." Precautionary principle requires anticipatory action to be taken to prevent harm. The harm can be prevented even on a reasonable suspicion. It is not necessary that there should always be direct evidence of harm to the environment...."

From the 'Precautionary Principle' it is learnt that

"The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake. Precautionary duties must not be triggered by the suspicion of concrete danger but also by justified concern or risk potential".

18. Hon'ble Supreme Court of India in a recent judgment in IA No.1000 of 2003 dated 3rd June 2022 has underlined the necessity for following the Precautionary Principle. The judgment states that *a situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest.* The Hon'ble Court held that in case of a doubt, protection of environment would have precedence over economic interest. It was further held that precautionary principle requires anticipatory action to be taken *to prevent harm and that harm can be prevented even on reasonable suspicion. Further, the Hon'ble Court emphasizes in the said judgment that it is not always necessary that there should be direct evidence of harm to the environment.*"
19. Finally, the SEAC has taken a note of the judgement delivered In T.N. Godavarman Thirumulpad vs. Union of India & Others, (2006)1SCC1, (order dated 23.09.2005) as it states that
- "...The damage to environment is a damage to the country's assets as a whole. Ecology knows no boundaries. It can have impact on the climate. The principles and parameters for valuation of the damage have to be evolved also keeping in view the likely impact of activities on future generation..."*

Hence, based on the above observations, and presentation & documents furnished by the project proponent, after the long deliberations, **with keeping the judgement delivered recently in the NGT -Eastern Zone in respect of ORIGINAL APPLICATION No. 80/2023/EZ in the matter of Sukanta Behera Vs State of Odisha delivered on 04.03.2024 with a direction to the SEIAA, to consider all the facts with regard to the site specifications while considering the firm's proposal for grant of environmental clearance,** the SEAC **decided not to recommend the proposal** for the grant of Environmental Clearance to protect the ecology and environmental settings exist in the virgin project site where the quarry is proposed.

The subject was placed in the 707th Authority meeting held on 01.04.2024. The authority noted that the subject was appraised in the 449th SEAC meeting held on 07.03.2024. The SEIAA has examined the proposal in accordance with the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and after accepting the recommendations of the SEAC hereby decided Rejection Environmental Clearance for instant proposal of Thiru. K. Ravikumar under the provisions of EIA Notification, 2006 and as amended thereof. The Authority, after discussions, accepted the decision of SEAC, rejected the proposal for the grant of Environmental Clearance citing the following reasons in addition to the above.

1. On review of the KML file and ecological conditions around the proposed mining site, the proposed mining will affect the ecology and environment.
2. Due to the proposed mining activity, environment safety and security will be affected.

In view of the above, the Authority decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per 449th SEAC minutes. Further, Authority decided to close and record this proposal.

It is informed that, as per section 16, sub-section (I) of NGT Act, 2010, if any person aggrieved by this order of refusing to grant Environmental Clearance for carrying out any activity **may prefer an appeal to the Tribunal, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him.**

Hence, the above mentioned file is **closed and recorded accordingly.**


For MEMBER SECRETARY
SEIAA-TN


16/04/2024

Untitled Map

Write a description for your map.

39

Annexure - 4

Legend

 Muniyappan Kovil

 Muniyappan Kov

Google Earth

Image © 2025 Maxar Technologies



200 m

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

Appeal No.61 of 2024 (SZ)

Thiru. K. Ravikumar,
S/o. Kandasamy,
No.3/320, Kottamettupatti Village,
Mettupatti Post, Omalur Taluk,
Salem District-363455

... Appellant

Vs

**1. State Level Environment Impact
Assessment Authority (SEIAA),
Through the Member Secretary,
And Ors.**

... Respondents

TYPESET OF PAPERS

**S. SAI SATHYAJITH
COUNSEL FOR 1ST AND 2ND RESPONDENT**