

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

APPEAL No.74 of 2024

Thiru.T. Kasiviswanathan,
Proprietor, M/s. Sri Vijayalakshmi Blue-metals,
S.F.No.233/2, Masinaaickenpatti Village,
Vazhappadi Taluk, Salem District.

...Appellant

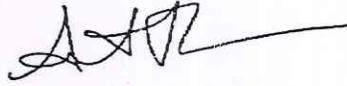
-Vs-

1. Tamil Nadu Pollution Control Board,
Rep. by its Chairperson,
76, Mount Salai, Guindy,
Chennai - 600 032 & another.

...Respondents

INDEX

S.No	Description	Page No.
1.	REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENTS TAMIL NADU POLLUTION CONTROL BOARD	1 - 7
2.	Ammexure I & II	8 - 18



**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

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

APPEAL No.74 of 2024

Thiru.T. Kasiviswanathan,
Proprietor, M/s. Sri Vijayalakshmi Blue-metals,
S.F.No.233/2, Masinaaickenpatti Village,
Vazhappadi Taluk, Salem District.

...Appellant

-Vs-

1. Tamil Nadu Pollution Control Board,
Rep. by its Chairperson,
76, Mount Salai,
Guindy, Chennai - 600 032.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem.

...Respondents

REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD

I, S. Malarvizhi, Daughter of Thiru K.Subburam, aged about 59 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely states as follows:

1. I respectfully submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this reply affidavit on behalf of the respondents (TAMIL NADU POLLUTION CONTROL BOARD) and as such I am well acquainted with the facts of the case from the records available in our office.

2. It is respectfully submit that the above appeal has been filed with the prayer "to set aside the order of the 1st respondent in Proc.No.T3/TNPCB/F.007941/NGT OA No.211 of 2021/Directions-2/2024 dated 20.11.2024 issued by the Tamil Nadu State Pollution Control Board" for levying environmental compensation of Rs.21,35,759.50 (Rupees Twenty One Lakhs Thirty Five Thousand Seven Hundred Fifty Nine and Fifty Paise only) for the excess quantity of mineral quarried in leased out area and for illegal quarrying in the non-leased area.

S. Malarvizhi
16/07/2025

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

*Madam
Sign with
date please.*

- III. *Cancel the licenses, consent order and clearances granted in favour of the respondents 11 to 15.*
- IV. *To close down the quarry/crusher units on account of the serious environmental degradation caused by them.*
- V. *And pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.*

6. It is respectfully submitted that the Hon'ble NGT (SZ) in its order dated 30.09.2021 has appointed a Joint Committee to ascertain the genuineness of allegation made by the petitioner on the above units. The joint committee comprises of the following officials.

- (1) a Senior Officer from MoEF & CC, Integrated Regional Office, Chennai
- (2) a Senior Scientist from Central Pollution Control Board, Integrated Regional Office, Chennai
- (3) a Senior Officer from State Level Environment Impact Assessment Authority, Chennai
- (4) The District Environmental Engineer of the concerned Tamil Nadu Pollution Control Board and
- (5) The Assistant Director, Geology and Mining Department, Salem.

7. It is respectfully submitted that to comply the above NGT Order, the Committee inspected the alleged site in question on 29.10.2021, 01.11.2021 along with the quarry owners, petitioner and general public. Subsequently, the committee again inspected the subject area on 09.03.2022 for field verification along with the Village Administrative Officer, Firka Surveyor, Revenue Inspector, lessees, petitioner and public.

8. It is respectfully submitted that the joint committee report was filed on 16.3.2022 with their recommendations before the Hon'ble NGT, (SZ) in O.A No. 211 of 2021.

Sivalof
16/07/2025
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAJ, CHENNAI-600 032.

9. It is respectfully submitted that the joint committee has also inspected the appellant's unit in (the 13th respondent in O.A No.211 of 2021), M/s. Sri Vijayalakshmi Blue Metals-Rough Stone Quarry (Represented by its Proprietor Thiru T.Kasivishwanathan) one among the above said units and submitted a report. In the report, it was stated that the Rough Stone Quarry Lease was granted to Thiru. Kasiviswanathan in S.F.No.219 (Part) over an extent of 2.00.0 Hects, in government poramboke land of Masinaickenpatty Village, Valapady Taluk for a period from 18.06.2009 to 17.06.2019 vide the Proceedings of the District Collector, Salem Roc. No.76/2009/Mines-A dated: 19.05.2009, that expired on 17.06.2019.

10. It is respectfully submitted that based on the Joint committee inspection and order of Hon'ble NGT dated 30.09.2021 in O.A No.211 of 2021, RDO Salem imposed Rs.2,13,57,595/- to the appellant as 100% cost for illegally mining the minerals through its proceedings Na.ka.No.175/2022/A2 dated: 23.01.2024 (Copy enclosed).

11. It is respectfully submitted that in meanwhile, the Member Secretary SEIAA, Tamil Nadu, Chennai has addressed a Letter dated 18.04.2023 to the Additional Chief Secretary to Government, Environment Climate Change & Forest Department and recommended the Government to initiate action against the above unit under the provision of Section 19 of the Environmental (Protection) Act, 1986 for violation of the EIA Notification 2006.

12. It is respectfully submitted that the Additional Chief Secretary to the Government, Environment Climate Change & Forest Department has requested the Chairperson, TNPCB to take appropriate action against the above said unit. Hence, show cause notice dated 07.03.2024 was issued to the above said unit under the Section 19 of the Environment (Protection) Act, 1986 for violation of the EIA Notification 2006.

13. It is respectfully submitted that the following direction was passed by the Hon'ble NGT in its order dated 23.02.2024

Suresh
16/07/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.75, MOUNT SALAI, CHENNAI-600 032.

"5.3 the penalty is levied only by the commissioner of mines and Geology Department, based on which, the Tamil Nadu Pollution Control Board would impose the environmental compensation which exercise is yet to be done.

5.4 therefore, we direct the TNPCB also not to grant any consent if the penalty levied by the Mines and Geology Department as well as the proposed penalty by the TNPCB is fully paid"

14. It is respectfully submitted that, whereas in compliance to the above NGT order, the Environmental Compensation calculation was made based on the order of the Hon'ble NGT (PB) Order dated 25th March 2015 in OA No.73 of 2014, wherein environmental compensation is assessed as 10% of the total penalty imposed by the DD Mines as follows,

- Assessment of Environmental Compensation based on the quantity of mineral transported in leased out and non-leased out area.

Sl. No.	Name of the Respondents	Penalty levied by the RDO, Salem for mineral quarried and transported excessively within lease hold area (in Rs.)	Penalty levied by the RDO. Salem for mineral quarried and transported illegally in non-leased out area (in Rs.)	Total penalty levied by the RDO. Salem (in Rs.)	Assessment of Environmental Compensation @10% on total penalty levied (Cost of the ecological services foregone and the cost of mitigation and restoration) (in Rs.)
(1)	(2)	(3)	(4)	(5)	(6)
1	M/s. Sri Vijayalakshmi Blue Metals, represented by its proprietor Thiru. T.Kasiviswanathan Meenangadu, Mango Farm,	53,28,114	1,60,29,481	2,13,57,595	21,35,759.5

S. S. S. S.
16/07/2025

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

Masinacikenpatt y Post, Salem District-636103				
---	--	--	--	--

- A Show Cause Notice was issued to the above said unit as to why Environmental compensation of Rs.21,35,759.5/- shall not be levied under Section 5 of the Environment (Protection) Act, 1986 for carrying out excessive mining and illegal mining vide Proc. No. T3 / TNPCB / F007941 / NGT OA NO.211 / SCN-3 / 2024, dated: 03.06.2024.

15. It is respectfully submitted that the Board has informed that the above said environmental compensation is interim compensation only based on the Hon'ble NGT order dated 25.03.2015 in OA No.73 of 2014. However, if it is to be revised for any reasons in future, the unit shall be liable to pay such a revised environmental compensation. Further, the reply submitted by the unit was not satisfactory.

16. It is respectfully submitted that the Board has issued directions under Section 5 of the Environment (Protection) Act, 1986 as amended to the unit of M/s. Sri Vijayalakshmi Blue Metals-Rough Stone Quarry (Represented by its Proprietor Thiru T.Kasivishwanathan) to remit the interim Environmental Compensation amount of Rs.21,35,759.5/- within 30 days to Tamil Nadu Pollution Control Board for the excess quantity of mineral quarried in leased out area and for illegal quarrying in the non-leased area vide Board Proc. No. T3/TNPCB/F007941/NGT OA NO.211/Direction-2 / 2024, dated: 20.11.2024.

17. It is respectfully submitted that aggrieved by the above order, the Appellant has filed the above Appeal before the Hon'ble NGT (SZ).

18. It is respectfully submitted that the Hon'ble NGT (SZ) in the above-mentioned Appeal vide its order dated 20.12.2024 has directed the following,

"There will be an order of interim stay of the impugned order dated 20.11.2024 on condition that the appellants herein shall deposit 50% of the environmental compensation levied in favour of the Tamil Nadu Pollution Control Board within a period of 6 (Six) weeks, failing

Sudhakar
16/07/2025

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

which, the stay granted will be automatically vacated without further reference to this Tribunal”.

19. It is respectfully submitted that in continuation to the above direction of Hon'ble NGT (SZ), the unit has remitted an amount of Rs.10,67,880/-(i.e. 50% of Environmental Compensation) through Demand Draft No. 007369, dated: 22.01.2025, (Receipt No.777 dated 28.01.2025 by TNPCB on 28.01.2025) within 6 weeks from the Hon'ble NGT Order dated 20.12.2024

Therefore, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such order or further other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

Suealar G
16/07/2025

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

g/g

VERIFICATION

I, S. Malarvizhi Daughter of Thiru Subburam, working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, having office at No.76, Mount Salai, Guindy, Chennai – 32, do hereby verify that the contents of above report are true to the best of my knowledge through records.

Suealar G
16/07/2025

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

g/g

RENEWAL OF CONSENT ORDER NO:1809112716939

DATE:27/03/2018

PROCEEDINGS NO.F.0525SLM/OS/DEE/TNPCB/SLM/W/2018 DATED: 27/03/2018

Sub :	Tamil Nadu Pollution Control Board – AUTO RENEWAL OF CONSENT – M/s. SRI VIJAYALAKSHMI BLUE METALS S.F No. 233/2, MASINAICKENPATTI Village, Vazhappadi Taluk, Salem District- Renewal of Consent for the operation of the plant and discharge of sewage and/or trade effluent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 (Central Act 6 of 1974) – Issued- Reg.
Ref :	1. Proc. No. F.SLM1807/OS/DEE/TNPCB/SLM/W/2012, dt. 11.09.2012. 2. Proc. No. F.0525SLM/RS/DEE/TNPCB/SLM/W/2016 DATED: 14/12/2016. 3. Unit's application for Renewal dated. 26.03.2018.

Renewal Of Consent is hereby granted under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 (Central Act, 6 of 1974) (hereinafter referred to as "The Act") and the rules and orders made there under to

The Proprietor,
M/s . SRI VIJAYALAKSHMI BLUE METALS
S.F No. 233/2,
MASINAICKENPATTI Village,
Vazhappadi Taluk,
Salem District.

Authorising the occupier to make discharge of sewage and /or trade effluent.

This is subject to the provisions of the Act, the rules and the orders made there under and the terms and conditions incorporated under the Special and General conditions stipulated in the Consent Order issued earlier and subject to the special conditions annexed.

This RENEWAL OF CONSENT is valid for the period ending - March 31, 2028

P. S. PANDIAN Digitally signed by P. S. PANDIAN
Date: 2018.03.28 17:32:35 +05'30'
**District Environmental Engineer,
Tamil Nadu Pollution Control Board,
SALEM**

SPECIAL CONDITIONS

9

1. This renewal of consent is valid for operating the facility for the manufacture of products (Col. 2) at the rate (Col. 3) mentioned below. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

SI.No.	Description	Quantity	Unit
a.	Product Details :-		
1.	Jelly size 40mm20mm12mm6m and jelly Powder	100	T/day
b.	By-Product Details :-		
c.	Intermediate Product Details :-		

2. This renewal of consent is valid for operating the facility with the below mentioned permitted outlets for the discharge of sewage/trade effluent. Any change in the outlets and the quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Outlet No.	Description of Outlet	Maximum daily discharge in KLD	Point of disposal
EFFLUENT TYPE :-	Effluent Type : Sewage		
1.	Sewage 1	2.0	On Industrys own land
EFFLUENT TYPE :-	Effluent Type : Trade Effluent		
OUTLET NUMBER	DESCRIPTION OF OUTLET	MAXIMUM DAILY DISCHARGE (IN KLD)	POINT OF DISPOSAL

Additional Conditions-

1. The unit shall ensure that no trade effluent is generated at any stage of the manufacturing process.
2. The unit shall dispose the sewage through septic tank and soak pit arrangement.
3. The unit shall dispose the Blue metal powder then and there without accumulating the same within the premises.
4. The unit shall ensure that the operation of the plant shall not give raise to any complaint from the public.
5. The unit shall maintain rain water harvesting to recharge the ground water.
6. The unit shall ensure that the product manufactured and effluent generated is within consented quantity.
7. In case of revision of consent fee by the Government, the unit shall remit the difference in amount within one month from the date of notification. Failing to remit the consent fee, this order will be withdrawn without any notice and further action will be initiated against the unit as per law.

P. S. PANDIAN Digitally signed by P. S. PANDIAN
Date: 2018.03.28 17:33:07 +05'30'
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
SALEM

To
The Proprietor,
M/s.SRI VIJAYALAKSHMI BLUE METALS,
Kasi nagar, masinaickenpatti post, salem 636103,
Pin: 636103

Copy to:

1. The Commissioner, AYOTHYAPATTINAM-Panchayat Union, Vazhappadi Taluk, Salem District .
2. Copy submitted to the Member Secretary, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
3. Copy submitted to the JCEE-Monitoring, Tamil Nadu Pollution Control Board, Salem for favour of kind information.
4. File

This is computer generated, Signature is not required.

RENEWAL OF CONSENT ORDER NO:1809212716939

DATE:27/03/2018

PROCEEDINGS NO.F.0525SLM/OS/DEE/TNPCB/SLM/A/2018 DATED: 27/03/2018

Sub :	Tamil Nadu Pollution Control Board – AUTO RENEWAL OF CONSENT –M/s. SRI VIJAYALAKSHMI BLUE METALS , S.F. No. 233/2, MASINAICKENPATTI village, Vazhappadi Taluk and Salem District- Renewal of Consent for operation of the plant and discharge of emissions under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 (Central Act 14 of 1981) – Issued – Reg.
Ref :	1. Proc. No. F.SLM1807/OS/DEE/TNPCB/SLM/A/2012, dt. 11.09.2012. 2. Proc. No. F.0525SLM/RS/DEE/TNPCB/SLM/A/2016 DATED: 14/12/2016. 3. Unit's application for Renewal dated. 26.03.2018.

Renewal of Consent is hereby granted under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 (Central Act 14 of 1981) (hereinafter referred to as "The Act") and the rules and orders made there under to

The Proprietor,
M/s . SRI VIJAYALAKSHMI BLUE METALS
S.F No. 233/2,
MASINAICKENPATTI Village,
Vazhappadi Taluk,
Salem District.

Authorizing the occupier to operate the industrial plant in the Air Pollution Control Area as notified by the Government and to make discharge of emission from the stacks/chimneys.

This is subject to the provisions of the Act, the rules and the orders made there under and the terms and conditions incorporated under the Special and General conditions stipulated in the Consent Order issued earlier and subject to the special conditions annexed.

This RENEWAL OF CONSENT is valid for the period ending - March 31, 2028

Digitally signed by P. S.
PANDIAN
Date: 2018.03.28 17:31:01
P. S. PANDIAN
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
SALEM

SPECIAL CONDITIONS

1. This renewal of consent is valid for operating the facility for the manufacture of products (Col. 2) at the rate (Col. 3) mentioned below. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

SI.No.	Description	Quantity	Unit
Product Details :-			
1.	Jelly size 40mm20mm12mm6m and jelly Powder	100	T/day
By-Product Details :-			
Intermediate Product Details :-			

2. This renewal of consent is valid for operating the facility with the below mentioned emission/noise sources along with the control measures and/or stack. Any change in the emission source/control measures/change in stack height has to be brought to the notice of the Board and fresh consent/Amendment has to be obtained

I Point source emission with stack :				
Stack No	Point Emission sources	Air pollution Control measures provided	Stack height from Ground Level in m	Gaseous Discharge in Nm ³ /hr
II Fugitive/Noise emission :				
SI.No.	Fugitive or Noise Emission sources	Type of Emission	Control measures provided	Quantity
1.	Jaw crusher Vibratory screen	Fugitive	Closed shed with Water sprinkler	
2.	Conveyer	Fugitive	Water Sprinkler	

Additional Conditions-

1. The unit shall operate and maintain the APC measures such as GI sheet closed shed and water sprinkler arrangements provided for all the sources of emission so as to achieve the Ambient Air Quality/emission standards prescribed by the Board.
2. The unit shall adhere to the dust control system prescribed in the B.P.NO.4 Dated 02.07.2004.
3. The unit shall ensure that the operation of the plant shall not give raise to any complaint from the public.
4. The unit shall continue to develop adequate width of green belt within the premises.
5. The unit shall ensure that the product manufactured and effluent generated is within consented quantity.
6. In case of revision of consent fee by the Government, the unit shall remit the difference in amount within one month from the date of notification. Failing to remit the consent fee, this order will be withdrawn without any notice and further action will be initiated against the unit as per law.

P. S. PANDIAN Digitally signed by P. S. PANDIAN
Date: 2018.03.28 17:31:40 +05'30'

**District Environmental Engineer,
Tamil Nadu Pollution Control Board,
SALEM**

To

The Proprietor,
M/s.SRI VIJAYALAKSHMI BLUE METALS,
Kasi nagar, masinaickenpatti post, salem 636103,
Pin: 636103

Copy to:

1. The Commissioner, AYOTHYAPATTINAM-Panchayat Union, Vazhappadi Taluk, Salem District .
 2. Copy submitted to the Member Secretary, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
 3. Copy submitted to the JCEE-Monitoring, Tamil Nadu Pollution Control Board, Salem for favour of kind information.
 4. File
-

**Procedure Orders of the Salem Sub-Divisional Magistrate and
Revenue Divisional Officer**

Head: Mr. T. Ambayiranathan, B.Sc.

File No. 175/2022/A2

Dated: 23.01.2024

Subject:

Minerals and Quarries – Minor Minerals – A petition filed by Mr. Palaniappan, S/o. Ponnusamy, with the Hon'ble Green Tribunal (Case No. 211/2021) to stop the illegal operation of quarries in violation of rules in Masinaickenpatti village, Vazhapadi Taluk, Salem District – Directions issued by the Tribunal on 30.09.2021 to form a committee and submit a report – Inspection conducted and report submitted – Violations identified both within and beyond the lease boundary – Proposals received for penal action – Clarifications sought for further action – Direct inquiries conducted and statements obtained – Fine imposed under Rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959.

References:

1. Order No. 211/2021 dated 30.09.2021 issued by the Hon'ble National Green Tribunal.
2. Joint field inspection report dated 16.03.2022.
3. Letters from the Deputy Director, Department of Geology and Mining, District Collector's Office, Salem (Ref. No. 1242/2021-2/Mining, dated 07.12.2022 and 21.12.2023).
4. This office letter No. 175/2022/A2 dated 02.01.2024.
5. Statement given by Mrs. Neela, D/o. Karunan (Annamar Blue Metals) dated 08.01.2024.
6. Statement given by Mr. Bhaskar, S/o. Palaniappan (Sri Parasakthi Crusher) dated 08.01.2024.
7. Statement given by Mr. Gokulnath, S/o. Bhaskaran (Quarry) dated 08.01.2024.
8. Statement given by Mr. Kasivishwanathan, S/o. Thangavel (Vijayalakshmi Blue Metals) dated 08.01.2024.
9. Statement given by Mrs. Lavanya, W/o. Selvakumar (K.S. Blue Metals), and her husband, Mr. Selvakumar, dated 08.01.2024.
10. Relevant documents.

Order:

As per the report referenced in Point 2 submitted by the Deputy Director of Geology and Mining, Salem, it has been stated that quarry operations in Masinaickenpatti village, Vazhapadi Taluk, Salem District, are causing environmental pollution and various disturbances to the public. Following this, Mr. Palaniappan filed a petition with the Hon'ble Green Tribunal (Case No. 211/2021) seeking to halt the illegal quarry operations. Based on the Hon'ble Green Tribunal's order dated 30.09.2021 in the said case, a committee comprising five members was formed to inspect the quarries and submit a report. Accordingly, the committee inspected the quarries in Masinaickenpatti village and submitted a report. The inspection found that rough stones had been quarried both within the lease boundary and beyond it without proper permits. Measurements were taken of the volume of stones quarried both within the leased area and outside it. It was further reported that First Information Reports (FIRs) were registered against the individuals who carried out quarrying beyond the lease boundaries at the Ammapettai Police Station. The report also recommended imposing penalties under Rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959, for violations identified during the inspection.

Table-I:

The quantities of minerals quarried and transported without proper permits within the lease boundaries are as follows:

Sl.No	Name of the Violator	Total quantity of mineral quarried and transported without obtaining permit	
		Roughstone (in CBM)	Top soil (in CBM)
1.	Neela-R12	36,604	5,786
2.	Tvl.Sri Parasakthi Crusher Private Limited-R-11	79,325	0
3.	Thiru.T.Kasiviswanathan-R-13	86,889	6,111
4.	Thiru.Selvakumar-R-14	1,45,566	10,896
5.	Thiru.B.Gokulnath-R-15	492	491

14

90

Table-II

Quantities of minerals quarried and transported without obtaining permission from government poramboke (common land) beyond the lease area:

Sl.No	Name of the Violator	Total quantity of mineral quarried and transported without obtaining permit	
		Roughstone (in CBM)	Top soil (in CBM)
1.	Neela-R12	5,204	1,301
2.	Thiru.T.Kasiviswanathan-R-13	35,626	2,019
3.	Thiru.Selvakumar-R-14	1,98,265	10,435

Regarding the above proposals, based on the letter referenced in Paragraph 4, penalties were to be imposed. Pursuant to the notification of this office via memo number 175/2022/A2 dated 02.01.2024, a direct investigation was conducted on 08.01.2024. In connection with this, the quarry owners accused of violations appeared in person and recorded their statements as follows:

1) Statement by Thirumathi Neela, D/o Karunan (Annama Blue Metals):

Thirumathi Neela stated the following:

She had previously filed an appeal before the Commissioner of Geology and Mining, Chennai, regarding the above issue. In the order issued by the Commissioner on 14.02.2023, a fine of ₹23,50,574 was imposed for excess mining within the leased area. An additional fine of ₹25,35,649 was levied for unauthorized mining beyond the lease boundary. As per the order, the first instalment of ₹5,00,000 was to be paid immediately, followed by monthly payments of ₹1,00,000. She confirmed that she had paid the first instalment of ₹5,00,000 and has been paying ₹1,00,000 monthly as directed.

2) Statement by Thiru Bhaskar, S/o Palaniappan (Sri Parasakthi Crusher):

Thiru Bhaskar provided the following statement:

He requested a reconsideration of the penalty amount imposed on him.

Due to the potential dangers and inconveniences caused to the public by the operations of quarry activities, necessary steps are being taken to manage these issues. Unauthorized quarrying operations on government poramboke land near leased areas highlight the need for strict measures to protect government resources, public safety, and environmental balance. As per the Tamil Nadu Minor Mineral Concession Rules, 1959, Rule 36-A, penalties are being levied for violations.

Table I

Quarrying Without Proper Permits Within the Leased Area

Name of the violator	Total quantity of mineral quarried and transported without obtaining permit		Penalty levied		
	Roughstone (in CBM) (3)	Top soil (in CBM) (4)	Roughstone Seignorage fee @rate 59 per CBM (5)	Top soil Seignorage fee @rate 33 per CBM (6)	Total (in Rs.) (7) (5+6)
Neela-R12	36,604	5,786	2159636	190938	2350574
Tvl.Sri Parasakthi Crusher Private Limited-R-11	79,325	0	4680175	0	4680175
Thiru.T.Kasiviswanathan-R-13	86,889	6,111	5126451	201663	5328114
Thiru.Selvakumar-R-14	1,45,566	10,896	8588394	359568	8947962
Thiru.B.Gokulnath-R-15	492	491	29028	16203	45231
				Total	21352056

Table II

Quarrying Without Permits on Government Poramboke Land

17

Sl NO (1)	Name of the violator (2)	Total quantity of mineral quarried and transported Without obtaining permit		Penalty Levied						
		Rough stone (in CBM) (3)	Top soil (in CBM) (4)	Rough stone			Top soil		Total (in Rs.) (10) (8+9)	Total (in Rs.) (11) (7+10)
				Seigniorage Fee @rate 59 Per CBM (5)	Cost of Mineral@ 380 Per CBM (6)	Total (7) (5+6)	Seiginor age fee @rate 33 Per CBM (8)	Cost of Mineral@ 380 Per CBM (6)		
1.	NeelaR-12	5,204	1,301	307036	1977520	2284556	42933	208160	251093	25355
2.	Thiru.I.Kasiviswanathan- R-13	35,626	2,019	2101934	13537880	15639814	66627	324040	389667	16022
3.	Thiru.Selva kumar H/o.Lavanya-R14	1,98,265	10,435	11697635	75340700	87038335	344385	1669600	2013955	89022
									Total	10717

According to the above table, the following amounts are to be paid:-
 Sri Parashakti Crusher Private Limited for illegally extracting minerals beyond the permitted area for quarrying, an amount of Rs.46,80,175.
 Mr.Gokulnath for illegally extracting minerals beyond the permitted area for quarrying, an amount of Rs.45,231. Mrs. Neela K/ P. Karnan for illegally extracting minerals beyond the permitted area for quarrying, an amount of Rs.23,50,574 and for quarrying and extracting minerals from an area without permit, an amount of Rs.25,35,649, totalling Rs.48,86,223. Mr. Kasi Viswanathan / P. Kasi Udayar for illegally extracting minerals beyond the permitted area for quarrying, an amount of Rs.53,28,114 and for quarrying and extracting minerals from an area without permit, an amount of Rs. 1,60,29,481, totalling Rs.2,13,57,595. Mr. Selvakumar for illegally extracting minerals beyond the permitted area for quarrying, an amount of Rs.89,47,962 and for quarrying and extracting minerals from an area without permit, an amount of Rs. 8,90,52,290, totalling Rs.9,80,00,252. The total amounts mentioned above must be paid under the government account head, and the original challan must be submitted to this office.

0853 Non-Ferrous Mining and Metallurgical Industries
 00 Non-Ferrous Mining and Metallurgical Industries
 800 Miscellaneous Receipts AC Miscellaneous Receipts
 2997-Fines and Penalties-Forfeiture, Seizure, Confiscation, etc..
 DP Code 0853-00-800 AC 2997.

It is hereby informed that if the fine amount mentioned above is not paid, necessary actions will be taken under the Tamil Nadu Government Revenue Collection Act - 1864 for recovery.

It is further cautioned that in the future, quarrying operations should be carried out in compliance with the rules. Any violations will result in the cancellation of the quarry lease, and criminal actions will be initiated.

If there are any objections to the above order, an appeal may be filed within 30 days from the date of receipt of this notice with the District Collector of Salem under Rule 36-C(1) of the Tamil Nadu Minor Minerals Rules, 1959.

Sd/-
 Revenue Sub-Collector and
 Revenue Divisional Officer,
 Salem

Recipients:

1. Mrs. K. Neela K/P. Karnan, No. 5/156,
 E B Kalani, Masi Nayakkanpatti,
 Vazhappadi, Salem - 636 103.
2. Mr. Bhaskaran P/Pazhaniyappan,
 Sri Parashakti Crusher, BTR Nagar,
 Masi Nayakkanpatti, Vazhappadi,
 Salem - 636 103.
3. Mr. Gokulnath, BTR Nagar,
 Masi Nayakkanpatti, Vazhappadi,
 Salem - 636 103.
4. Mr. Kasi Viswanathan,
 Vijayalakshmi Blue Metals,
 Kasinagar, Masi Nayakkanpatti, Salem - 636 103.

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

APPEAL No.74 of 2024

Thiru.T. Kasiviswanathan,
Proprietor, M/s. Sri Vijayalakshmi Blue-
metals, S.F.No.233/2, Masinaaickenpatti
Village,
Vazhappadi Taluk, Salem District.

...Appellant

-Vs-

1. Tamil Nadu Pollution Control Board,
Rep. by its Chairperson,
76, Mount Salai, Guindy,
Chennai - 600 032 & another.

...Respondents

**REPLY AFFIDAVIT ON BEHALF OF
THE RESPONDENTS - TAMIL NADU
POLLUTION CONTROL BOARD**

**Advocate for Respondent: TNPCB
Thiru.Sai Sathya Jith,
Advocate, Chennai.**

Date:16.07.2025

Date of Hearing on:17.07.2025