

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 114 of 2022 (SZ)

In the matter of:

P. Balasubramanian,

Coimbatore

...Applicant

Versus

The Member Secretary,

SEIAA, Chennai and Others

...Respondent(s)

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Through

Dr. D. Shanmuganathan,

Standing Counsel of Tamil Nadu,

National Green Tribunal

Southern Zone, Chennai.

DATE : 10.09.2024

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


Original **Application No.114 of 2022**

P.Balasubramanian,
S/o.Pazhanisamy,
Karuparayar Kovil Thottam,
Veerappagoundanur,
Sokkanur, Palarpathy Post,
Kinathukadavu,
Coimbatore - 642109.

... Applicant

- Vs. -

1. Member Secretary,
State Environment Impact Assessment Authority,
3rd Floor, Panagal Maligai,
No.1.Jennis Road, Saidapet,
Chennai - 600 015.
2. The Director,
Department of Geology and Mining,
Industrial Estate, Guindy,
Chennai - 600 032.
3. Assistant Director,
Department of Geology and Mining,
Collectorate Coimbatore,
Coimbatore.
4. The District Collector,
Collectorate Coimbatore,
Coimbatore.
5. V.Dileep,
S/o.T.N.Vijayan Nair,
Vrindavan House,
Peramangalam Post,
Trissur District,
Kerala - 680545.
6. The Member Secretary,
Tamil Nadu pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai - 600032.
(R6 impleaded as per the order of the Hon'ble ... Respondent (s)
Tribunal Dt:21.10.2022 in O.A.114/2022 (SZ)



**ASSISTANT GEOLOGIST
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT.**



**ASSISTANT DIRECTOR
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT**

REPORT FILED BY THE 3rd RESPONDENT

I, Vijaya Ragavan, Son of Krishnan, Hindu, aged about 42 years, working as the Assistant Director, Department of Geology & Mining at the Office of the Assistant Director, Department of Geology and Mining, Collectorate, Coimbatore District do hereby solemnly affirm and sincerely states as follows:

2) I am the 3rd respondent herein and I am well acquainted with the facts of this case from the records.

3) The applicant has filed the above application with a prayer to

i) Pass orders for bearing the 5th Respondent herein from quarry operations in patta land in S.F.No. 728/2, 729/1, 729/2, 729/3 measuring an extent of 2.78.5 hectares in Sokkanur Village, Kinathukadavu Taluk, Coimbatore District owned by the 5th respondent and thereby cancelling the Environmental Clearance issued by the Member Secretary vide Lr.No.SEIAA - Quarry lease and licence vide Na.Ka.267/Mines/2019.

ii) Direct respondents to take immediate action against the 5th respondent for illegal quarrying operations without following the prescribed limits of the Act and by suppressing the vital facts.

iii) Direct the official respondents herein to assess, levy, and collect a pollution fine from the 5th respondent herein for the illegal quarrying carried on

4) In this regard, a preliminary report was submitted by the 3rd respondent before the Hon'ble National Green Tribunal stating that violations were noticed in the leasehold area. It was further prayed to grant time for conducting detailed survey so as to arrive at the exact quantum of mineral excavated violating the lease conditions.



**ASSISTANT GEOLOGIST
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT.**



**ASSISTANT DIRECTOR
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COIMBATORE DISTRICT**

5) Subsequently, further report was filed by the 4th respondent on the action taken against the 5th respondent for the violation of lease deed conditions and for removal of excess minerals from the leasehold area without valid permit.

6) At this juncture, the Sub Collector, Pollachi vide letter Rc.No.1564/2023/A2 dated 02.01.2024 has requested to re-survey the said quarry. Based on this request, a detailed survey was carried out on 23.01.2024 in the presence of the 5th respondent. The findings are submitted below:

- a. It is found from the survey that a total quantity of 2,00,221 cbm of Roughstone and 29,800 cbm of Gravel has been excavated from the said quarry.
- b. It is revealed from the office records that the 5th respondent has obtained permit for a total quantity of 1,10,202 cbm of Roughstone and 28,203 cbm of Gravel.
- c. It is further found that a quantity of 35,950 cbm of Roughstone and 1,691 cbm of Gravel was dumped within the subject area.
- d. Therefore, a total quantity of 54,069 cbm of Roughstone has been excavated from the subject area without valid permit.
- e. In this regard, detailed report has been sent to the Sub Collector, Pollachi vide letter in Rc.No.1450/Mines/2023 dated 01.03.2024 for taking action against the 5th respondent as per Rule 36-A of the Tamil Nadu Minor Mineral Concession Rule, 1959 for having quarried and transported 54,069 cbm of rough stone excessively from the leasehold area without valid permit.
- f. In pursuant to that, the Sub Collector, Pollachi has levied penalty for a sum of Rs.4,48,77,270/- vide proceedings in Rc.No. 1564/2023/A2 dated: 08.05.2024 for having quarried and

B. Minimbly

**ASSISTANT GEOLOGIST
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT.**

[Signature]


**ASSISTANT DIRECTOR
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COIMBATORE DISTRICT**


transported 54,069 cbm of rough stone excessively from the leasehold area without valid permit. .

- g. Against the penalty proceedings dated 08.05.2024 of Sub Collector, Pollachi, the 5th respondent has preferred an appeal on 07.06.2024 before the District Collector and the same is pending for disposal.
- h. Therefore, it is humbly submitted that action has been initiated against the 5th respondent for the violation of lease deed conditions and for excavating excess minerals from the leasehold area without valid permit under Rule 36-A of the Tamil Nadu Minor Mineral Concession Rule, 1959.

Therefore, it is humbly prayed that the Hon'ble National Green Tribunal may pleased be record above facts under consideration and thus render justice by disposing the O.A. No. 114 of 2022 as the prayer of the applicant is fulfilled.

Solemnly affirmed at Coimbatore
On this day 19th of August 2024 and
signed his name in my presence


ASSISTANT DIRECTOR
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT
BEFORE ME


ASSISTANT GEOLOGIST
DEPARTMENT OF GEOLOGY & MINING
COIMBATORE DISTRICT.

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COIMBATORE DISTRICT