

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No.129 of 2024(SZ)

In the matter of:

M.Veerabhadrapa,
Krishnagiri District.

... Applicant(s)

Versus

The District Collector,
Krishnagiri District and ors.

...Respondent(s)

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Through
Dr. D. Shanmuganathan
Standing Counsel of Tamil Nadu
National Green Tribunal
Southern Zone, Chennai

DATE:25.10.2024

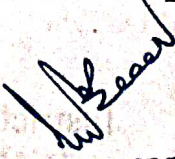
BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI**Original Application. No. 129 of 2024**

M.Veerabhadrappa, (M/37)
S/o. Madhanagiriyappa,
No.27/1, Mugalur village & Post,
Hosur Taluk, Krishangiri District 635115
Email Veerabhadravishuuu@gmail.com
Mob No.9962053461

.... Applicant

Vs.

1. The District Collector,
O/o. Krishnagiri District Collector Office,
Krishnagiri District – 635115.
Email collrkgi@nic.in
Phone No.04343-239500 and others
2. The Joint Director (Minerals)
Mines and Minerals
Krishnagiri Collector Office Campus,
Krishnagiri District – 635115
Email ddmineskgi@gmail.com
Phone No.04343-239300
3. The State Environmental Impact
Assessment Authority,
III Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015.
Email : cmnatnsiea@yahoo.com
Phone : 044 24359973
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No.140A, SIPCOT Industrial Complex,
Hosur -635126
Phone : 04344 – 278922,
Email ID : deehosur@gmail.com


DEPUTY DIRECTOR
Department of Geology and Mining,
Collectorate, Krishnagiri.

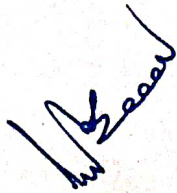

District Collector
Krishnagiri.

5. The Tahsildar,
Hosur, Krishnagiri District – 635115
Email :ahhsr@gmail.com
Phone : 04344 222645
6. The Block Development Officer,
Hosur, Krishnagiri District -635115
Email: kgihsur@tnbdo.nic.in
Phone No.04344 222478
7. M/s. R.V. Enterprises
Rep by partner M.Ramamoorthy,
Plot No.15, First Floor, Third cross Road,
Jawahar Nagar, Hosur 635126
Email ID & Phone numbers Not known

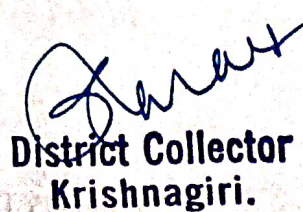
.... Respondents

REPORT FILED BY THE 1ST RESPONDENT

I, Tmt.K.M.Sarayu D/o. Mohanachandran aged about 31 years, serving as District Collector, Krishnagiri District do hereby solemnly affirm and sincerely state that, I am the first respondent to the case in O.A.No.129/2024 filed by Thiru.M.Veerabhadrapa and competent to file this reply affidavit before the Hon'ble National Green Tribunal (SZ) Chennai. I am well acquainted to the facts and events of the case with reference to the available records of the 2nd respondent acting as Deputy Director of Geology and Mining, Krishnagiri District. I submit that the averments and contentions made by the applicant are firmly denied by me. Because the Grievances and prayer of the petitioner were already verified and dismissed by the Hon'ble High Court of Madras on 15.02.2024 in W.P.No.33987/2023 as "Nothing Survives" for




DEPUTY DIRECTOR
Department of Geology and Mining,
Collectorate, Krishnagiri.



District Collector
Krishnagiri.

adjudication in the writ petition. At the outset of this reply affidavit I humbly submit that;

- i. The 7th respondent was confirmed as a highest bidder in the Tender cum Public Auction. Conducted after as per District Gazette (Extra ordinary) No.07, dated: 21.02.2019 in respect of Government poramboke stone quarry situated in SF.No.232/2(part) over an extent of 2.40.0 hecets in Mugalur village, Shoolagiri Taluk of Krishnagiri District. The precise area has been communicated vide Rc.No.220/2019/Mines dated: 13.06.2019. To the tenderer and directed to submit approved mining plan as per Rule 41(4) of Tamil Nadu Minor Mineral Concession Rules 1959. Accordingly, the tenderer has submitted approved mining plan duly approved vide proceedings in Rc.No.220/2019/Mines dated: 30.07.2019.
- ii. On submission of the approved mining plan, the 7th respondent approached the state level Environment Impact Assessment Authority for the grant of a prior environment clearance in accordance with Rule 42 of Tamil Nadu Minor Mineral Concession Rules 1959.
- iii. The applicant of this original application has sent objection petitions to the State Level Environmental Impact Assessment Authority on the Terms of reference issued and appraised in their 421st and 676th State Expert Appraisal Committee meeting on 08.11.2023 and 22.11.2023 under file No.9253, SIA/TN/MIN/448334/2023/226629. The appraisal


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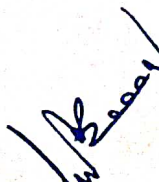
committee based on the presentation details called for additional particulars; regarding scientific study report of Tamil Nadu Agricultural University, Coimbatore on Agricultural activities, a special report on presence of houses within 500meters distance and damages if any, impacts due to mining activities by the cluster of mines, scientific studies on hydrogeological conditions and ground water by involving reputed research and academic institutions and designing of controlled blasting methods. It is construed for want of the above 7th respondent for the grant of environmental clearance, is pending for disposal of SEIAA.

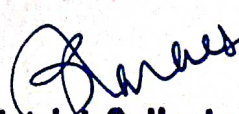
2) It is submitted that :

the subject area in Government poramboke stone quarry survey number 232/2 (part) over an extent of 2.40.0 heccts in Mugalur village, Shoolagiri Taluk of Krishnagiri District is situated within 500 meters radial distance to two operative, three expired leases, and one newly proposed quarry lease. Therefore, the 4th respondent conducted public hearing on 08.08.2023. After that, the applicant of this original application has submitted representation to SEIAA, Chennai vide letter dated: 25.09.2023 and also filed this Original Application.

3) It is submitted that, the replies to the paragraph of this Original Application are furnished below,

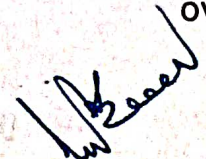
i. As regards the paragraph number 1, the contention of the applicant of this Original

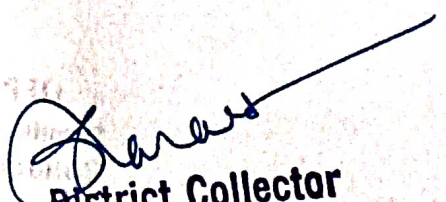

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Department of Geology and Mining,
Collectorate, Krishnagiri.


District Collector
Krishnagiri.

Application is not tenable before law. The application filed by the 7th respondent to the 3rd respondent with online proposal number SIA/TN/MIN/448334/2023 file No. 9253 of 2023 had been issued with terms of reference for furnishing certain additional details. It is learnt that for want of the reply from the project proponent, regarding the additional particulars the said proposal is pending for disposal of the 3rd respondent.

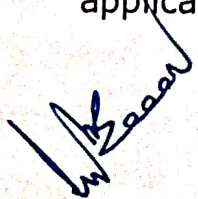
- ii. The applicant in 2nd and 3rd paragraphs of this original application narrated the events of his efforts in countermanding the proposals of the 7th respondent regarding Government poramboke stone quarry in SF.No.232/2 (part) over an extent of 2.40.0 hecets in Mugalur village, Shoolagiri Taluk of Krishangiri District and the structures present around it. The other details regarding the penalty amounts imposed on offenders, collection and balance were secured by the applicant by getting the details through right to information Act and relied on the status report filed by the 2nd respondent to the case in O.A.No.175 of 2021, filed by Thiru.P.Raja Rao before the Hon'ble national Green Tribunal. In fact, the penalty levied and collected are pertaining to unauthorised quarrying and removal of minerals over and above the permitted quantity from the


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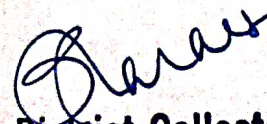

District Collector
Krishnagiri.

lease hold areas, adjoining non lease area and transportation of minerals without any valid authority. They are in no way connected with environmental aspects furnished by the applicant.

- iii. The applicant in paragraph number 4 of this original application has made allegation on this respondent on three counts. The First one non collection of penalties. It is depending upon multi number of facts on administrative grounds, the applicant to divert the issue and to add gravity to his claim had made that with malafide intentions. The Second is, allowed running of stone quarry in SF.No.232/2(part) over an extent of 2.40.0 hecets at Mugalur Village, Shoolagiri Taluk in Krishangiri District. The actual position of the lease proposals of the 7th respondent regarding the afore said area is pending for disposal of the 3rd respondent. Only after the submission of a prior environment clearance the subsequent actions for grant of the quarry lease will be taken by the district authorities. Unless a proceedings and execution of lease deed is exercised, the 7th respondent could not start the quarrying operations. Regarding contention of the third one as violating MMRD Act 1957 and its section 15, in this regard, it is stated that, the applicant of this original application without aware of the said section of



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Department of Geology and Mining,
Collectorate, Krishnagiri.



District Collector
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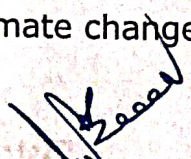
the Act has exposed this type of irrelevant observations.

- iv. The applicant of this original application contentions in paragraph numbers 5 & 6 are clearly reported to the 3rd respondent in respect of processing the project of the 7th respondent. The subject area in SF.No.232/2 over an extent of 2.4.0 heccts is located within 500meters radial distance to two operative, three expired leases and one newly proposed quarry. Because of that, only the 4th respondent conducted a public hearing on 08.08.2023 treating the proposal as B1 category. After the conductance of the meeting the applicant of this original application has submitted representation to the 3rd respondent to against the proposals submitted by the 7th respondent for the grant of a prior environmental clearance.

4. It is submitted that, the following replies to the grounds of this original application are furnished as below;

GROUND 'A' :

The respondent is strictly adhering the stipulated provisions of Environment (Protection) Act 1986 and Rules 1986 and all the notifications of Ministry of Environment Forest and Climate change.


DEPUTY DIRECTOR
Department of Geology and Mining,
Collectorate, Krishnagiri.


District Collector
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GROUND 'B' :

The respondent, especially the 3rd & 4th respondents only after assessing all the relevant details only acting on the project proposals.

GROUND 'C' :

The stone quarrying activities does not involve any usage of water. Therefore, letting untreated effluents will not arise.

GROUND 'D' :

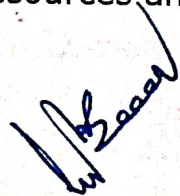
The 3rd & 4th respondents conducted a public hearing meeting on 08.08.2024 to invite the opinions, objections and suggestions of the public residing in the subject village Mugalur in Shoolagiri Taluk of Krishnagiri District and the final clearance on environment is pending for disposal of the 3rd respondent.

GROUND 'E' :

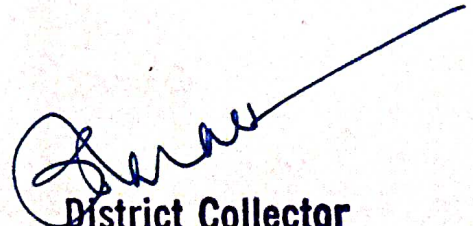
The citations made by the applicant are pronounced by the Hon'ble Apex court of India regarding healthy environment as a part of right to life. The subject matter of this case is not directly comparable and not having any effect.

GROUND 'F' :

The Natural Resources and the interest of the public are not compromised on any circumstances. The Government respondents are always acting in the interest of public, protection of Natural resources and mineral development.



DEPUTY DIRECTOR
Department of Geology and Mining,
Collectorate, Krishnagiri.



District Collector
Krishnagiri.

GROUND 'G' :

No quarry lease had been granted to the 7th respondent. In that event the ground furnished by the applicant is infructuous.

GROUND 'H' :

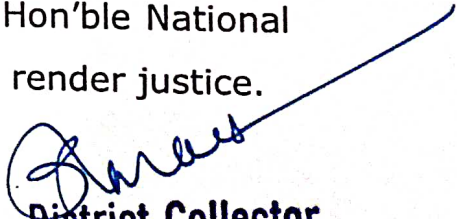
Prior to the grant of Environmental clearance by the SEIAA and also prior to the grant of quarry lease to the 7th respondent, the contentions of the applicant of this original application are hypothetical invalid and to be set aside as devoid of merits.


GROUND 'I' :

The concepts furnished by the applicant of this original application, derived from Environmental law and policy of the Government, Risk management and assessment and public health and safety in accordance with the environmental ethics are scrupulously adhered by all the Government respondents.

Therefore, in view of the above, it is humbly prayed that this Hon'ble National Green Tribunal, South Zone, Chennai may be pleased to consider and record the above-mentioned facts and to pass appropriate orders or further orders as this Hon'ble National Green Tribunal may deem fit and proper and thus render justice.

(Solemnly affirmed at Chennai on this ..8th... day of October 2024 and signed his name in my presence)


District Collector
Krishnagiri.
 BEFORE ME


DEPUTY DIRECTOR
 Department of Geology and Mining,
 Collectorate, Krishnagiri.



W.P.No. 33987 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2024

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

and

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.P.No. 33987 of 2023

M.Veerabhadrapa

..Petitioner

Vs

1. The District Collector,
O/o. Krishnagiri District Collector Office,
Krishnagiri District.

2.The Joint Director (Minerals)
Mines and Minerals
Krishnagiri Collector Office Campus,
Krishnagiri District.

3.The State Environmental Impact
Assessment Authority,
III Floor, Panagal Maligai,
No. I, Jeenis Road, Saidapet,
Chennai-600015.

4.The District Environment Engineer,
Tamilnadu Pollution Control Board,
Plot No.140A, SIPCOT Industrial Complex,
Hosur – 635126

5. The Tahsildar

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W.P.No. 33987 of 2023

Hosur, Krishnagiri District.

6.The Block Development Officer,
Hosur, Krishnagiri District.

7.R.V.Enterprises,
rep by Partner M.Ramamoorthy,
Plot No.15, First Floor, Third Cross Road,
Jawahar Nagar, Hosur.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the 3rd Respondents to consider petitioner representations dated 03.08.2023 within stipulated time as fix by this Court.

For petitioner : Mr.K.J.Shiva Arudhra

For Respondents : Mrs.V.Yamuna Devi, Spl.GP
-For R1,2,5 & 6
Mr.Sriniivasamoorthy, CGSI – R3
Mrs. Shanmugavalli Sekar – R4

ORDER

(Order of the Court was delivered by S.S.SUNDAR, J)

This writ petition is filed seeking directions to the 3rd respondent to consider representations dated 03.08.2023 submitted by the petitioner and pass orders, within stipulated time as fix by this Court.

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W.P.No. 33987 of 2023

2. Today, when the matter was taken up for consideration, the learned counsel appearing for the petitioner has submitted before this Court that due to subsequent developments on the representation submitted by the petitioner, nothing survives for adjudication in the writ petition.

3. In view of the aforesaid submissions made by the learned counsel for the petitioner, the writ petition stands dismissed as infructuous. No costs.

(S.S.S.R., J.) (N.S..J.)

15.02.2024

Internet: Yes/No

Index : Yes/No

ak

To

1. The District Collector,
O/o. Krishnagiri District Collector Office,
Krishnagiri District.

2. The Joint Director (Minerals)
Mines and Minerals
Krishnagiri Collector Office Campus,
Krishnagiri District.



W.P.No. 33987 of 2023

S.S.SUNDAR., J

and

N. SENTHILKUMAR., J.

ak

3.The State Environmental Impact
Assessment Authority,
III Floor, Panagal Maligai,
No. I, Jeenis Road, Saidapet,
Chennai-600015.

4.The District Environment Engineer,
Tamilnadu Pollution Control Board,
Plot No.140A, SIPCOT Industrial Complex,
Hosur – 635126

5. The Tahsildar
Hosur, Krishnagiri District.

6.The Block Development Officer,
Hosur, Krishnagiri District.

W.P.No. 33987 2023

15.02.2024

From

Thiru.L.Suresh,M.Sc.,
Deputy Director,
Dept. of Geology and Mining,
Collectorate,
Krishnagiri.

To

M/s.R.V.Enterprises,
Partner:M.Ramamoorthy,
S/o.Muthappa,
No.1/16,
Machinayakanapalli Village,
Panchakshipuram Post,
Krishnagiri District

Roc.No.220/2019/Mines**Dated: 30.07.2019.****Sir,**

Sub: Mines and Minerals – Minor Mineral – Rough Stone-
Krishnagiri District – Hosur Taluk – Mugalur Village –
Government Poramboke land in S.F.No. 232/2 (Part) -
Over an extent of 2.24.0 Hects - Application preferred by
Tvl.R.V.Enterprises, ^{to} Krishnagiri- Draft Mining Plan
submitted - Approved – Reg

- Ref:**
1. Application preferred by M/s.R.V.Enterprises,
Partner:M.Ramamoorthy, S/o.Muthappa, No.1/16,
Machinayakanapalli Village, Panchakshipuram
Post, Krishnagiri District. Dt: 08.03.2019.
 2. The District Collector Krishnagiri Roc.No.220/2019/
Mines dated: 13.06.2019.
 3. Draft Mining plan submitted by M/s.
R.V.Enterprises, Partner:M.Ramamoorthy, S/o.
Muthappa, No.1/16, Machinayakanapalli Village,
Panchakshipuram Post, Krishnagiri District
Dated:02.07.2019.

Kind attention is invited to the reference cited,

2. M/s.R.V.Enterprises, Partner.M.Ramamoorthy, S/o.Muthappa,
No.1/16, Machinayakanapalli Village, Panchakshipuram Post, Krishnagiri
District has been issued precise area over an extent of 2.40.0 Hects of
Government Poramboke land in S.F.No.232/2 (Part) in Mugalur Village,
Hosur Taluk, Krishnagiri District for the proposed grant of Rough Stone
for a period of 10 year under the provisions of Rule 8(1) of Tamil Nadu
Minor Mineral Concession Rules, 1959 and he has been directed to submit
approved mining plan and Environment Clearance vide the reference 2nd
cited.

3. In this regard, M/s.R.V.Enterprises, Partner:M.Ramamoorthy had submitted 03 copies of draft Mining Plan vide in the reference 3rd cited for approval for the said of grant of permission.

4. The draft Mining Plan submitted by M/s.R.V.Enterprises, Partner. M.Ramamoorthy has been scrutinized as per the guide lines/ Instructions issued by the Commissioner of Geology and Mining, Chennai-32. The mining plan is prepared in accordance with the guidelines/ instructions issued and tallies with the field conditions. The special conditions imposed in the precise area letter had been incorporated in the Mining Plan.

5. Hence, as per the guidelines/instructions issued by the Commissioner of Geology and Mining, Chennai, the said mining plan is hereby approved subject to the following conditions.

i). That the mining plan is approved without prejudice to any other law applicable to the quarry lease from time to time whether such laws are made by the Central Government, State Government or any other authority.

ii) This approval of the mining plan does not in any way imply the approval of the Government in terms of any other provisions of Mines and Minerals Development and Regulation Act 1957, or any other connected laws including Forest (Conservation) Act 1957, or any other connected Laws industry Forest (Conservation) Act 1980, Forest Conservation Rules 1981 Environment protection Act 1980, Indian Explosive Act 1884 (Central Act IV of 1884) and the rules made there under, Minor Mineral Conservation and Development Rules, and The Tamil Nadu Minor Mineral Concession rules, 1959.

iii) That the mining plan is approved without prejudice to any other order or directions from any court of competent jurisdiction.

iv) All the conditions mentioned in the precise area letter should be followed during quarry operation as per rules.

v) The applicant should get prior Environmental clearance from the appropriate authority and should submit it to the District Collector, Krishnagiri.

o/c
Deputy Director,
Dept of Geology and Mining,
Krishnagiri.

30/7/19

Copy submitted
to



- : 1. The Chairman,
State Level Environment Impact
Assessment Authority,
Saidapet, Chennai.
2. The Director, Dept of Geology and
Mining, Guindy,
Chennai -32.