

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN BENCH AT CHENNAI

O.A.No.131 of 2025 (SZ)

K.B.Ravi Kumar

....Applicant

-Vs-

Union of India
Rep. by The Ministry of Environment,
Forest and Climate Change,
Indira Paryavaran Bhawan Jorbagh Road,
New Delhi – 110 003.
& 5 Others

....Respondents

INDEX TO DOCUMENTS FILED ON BEHALF OF THE 6TH RESPONDENT

S.No.	Date	Description	Page No.
1.	25.10.2025	Reply Statement of the 6 th Respondent	1
2.	05.05.2025	Technical Opinion given by Executive Engineer, WRD to the District Collector, Tiruvallur – 5 th Respondent	6

Cerified to be the True Copy of the Original.

Dated at Chennai on this 13th day of March 2026.



Counsel for 6th Respondent

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN BENCH AT CHENNAI

O.A.No.131 of 2025 (SZ)

K.B.Ravi Kumar,
S/o.K.Baskaran
No.43/603, Sir C.V.Raman Street,
Rajajipuram,
Tiruvallur – 602 001.

....Applicant

-Vs-

1. Union of India
Rep. by The Ministry of Environment,
Forest and Climate Change,
Indira Paryavaran Bhawan Jorbagh Road,
New Delhi – 110 003.
Ph.No.011-20819220, 011-20819280
Email ID : secy-moef@nic.in
2. The State Pollution Control Board,
Rep. by the Chairperson,
76, Mount Salai,
Guindy,
Chennai – 600 032.
Ph. No.044-22353134-139, 044-22353076
Email ID : tnpcb-chn@gov.in
3. State Environment Impact Assessment Authority,
Rep. by the Member Secretary SELA – 1,
No.327, Metros, 9th Floor,
Anna Salai,
Nandanam,
Chennai, Tamil Nadu – 600 032.
Ph.No.: +44-24359973
E-mail ID : emantnseiaa@yahoo.com,
seactnms@gmail.com
4. State Department Geology & Mines,
Rep. by The Commissioner,
Alandur Road, Guindy,
Industrial Estate.
Ph.No. +44 22501158
Email ID : gcominc@nic.in, egmchennai32@gmail.com

S. Aravindhan

5. The District Collector,
Tiruvallur – 602 001.
Ph.No.: +91 -44-27661600, +91-44-27662533
Email ID : collrtr@nic.in

6. Thiru.Anandhan
S/o.Sampath
No.197, Main Road, Vayallanallur,
Chennai – 600 072.

....Respondents

REPLY STATEMENT FILED BY THE 6TH RESPONDENT

The address for service of the 6th respondent is that of his Counsel M/s.M.MUTHAPPAN and S.DEEPAN, Advocates, No.127, Additional Law Chambers, High Court Buildings, Chennai – 600 104, Cell : 94440 26213.

1. This respondent denies all the allegations stated in the application except those that are specifically stated herein.

2. It is submitted that as per Rule 12 of the Tamilnadu Minor Mineral Concession Rules, the Tanks in-charge of the Public Works Department, Rural Development & Panchayat Raj Department, the Executive Engineer of the concerned department shall prepared the list of tanks, channels and reservoirs and submit their proposal to the District Collector for removal of Clay, Silt Ordinary Earth (Savudu) and gravel from the beds of Tanks, Channels and Reservoirs with demarcation of eligible areas and the estimation of quantum of such minerals to be removed in respect of each area along with the conditions to be stipulated for removal of such minerals, from the respective tanks. The District Collector shall notify the said list in the District Gazette.

3. Pursuant to the said notification, the 6th respondent applied for removal of ordinary earth in the PWD Tank comprised in Survey Field No.457, Keezhanur Village, Tiruvallur Taluk and District for the quantity of 5000 lorry



loads for the period of 6 months in his application dated 21.01.2025. Pursuant to his application, the District Collector has sent a letter to the Executive Engineer, PWD & Revenue Divisional Officer directed to submit the report. The Executive Engineer, Water Resource Department, Kosasthalaiyar Basin Division, Tiruvallur, has sent his report in his proceedings dated 05.05.2025 wherein, it is recommended to permit the removal of ordinary earth from Keezhanur Village comprised in Survey No.457/2 for the quantity of wide measurement $202 \text{ m} \times 106 \text{ m} \times 0.90 \text{ m} = 29,088 \text{ m}^3$ (or) $29000/5.66 = \text{i.e. } 5120$ Lorry Loads. The Tahsildar, Tiruvallur has also sent his report to the District Collector through Revenue Divisional Officer in his proceedings dated 23.05.2025, wherein he has recommended for quarrying ordinary earth of 30000 Cubic Metre pursuant to the site inspection carried out by him as well as, site inspection of Zonal Deputy Tahsildar, Revenue Inspector of Velliyur Firka and statement of the Village Administrative Officer of Keezhanur Village.

4. It is submitted that after getting the report of the Revenue Divisional Officer as well as Mining Department, the same would be placed before the Special Committee constituted under Rule 12(2-A) of the T.N.M.M.C. Rules 1959, headed by the District Collector. After approval of the Committee only, the District Collector shall issue proceedings in favour of the applicants with necessary conditions. If any violations of any Conditions and Mining Rules, the authorities concerned shall take appropriate action against the lessees.

5. It is submitted that the applicant before granting permission has filed this application, that the environmental conditions and the agriculture activities would be affected, if the permission is granted to this respondent to

< S. Anandhan

quarry ordinary earth in the PWD Tank comprised in Survey No.457/2 of Keezhanur Village without any material evidence.

6. It is submitted that in order to storage of water during the rainy season, it is just and necessary to desilt the tank. The Executive Engineer in-charge of the said tank, who inspected the area and identify the places for removal of the ordinary earth by way of demarking the area and quantity of mineral to be removed and he has submitted a report to the District Collector, then only it is notified in the District Gazette meant for granting quarrying permission.

7. The desilt of the tank is absolutely necessary for storage of water in full capacity. The desilt of tank would not affect any environmental and ecological conditions. If any illegal or violations of the conditions, the concerned authorities will take appropriate action and it is always open to the applicant to make complaint to the authorities concerned.

8. It is submitted that this respondent's application is yet to place before the Special Committee constituted under Rule 12(2-A) of the T.N.M.M.C.Rules. After approval of the Committee and after getting environmental clearance before the State Environmental Impact Assessment Authority, the District Collector would grant permission to quarry ordinary earth with specified quantity and within the demarked area.

9. It is further submitted that the allegations raised in the grounds of application are denied as incorrect. The entire allegations in grounds are that as if this respondent is granted permission and has been doing illegal mining

< S. J. Vardhan

operation by which the agriculture activities of the villagers will be affected. The entire allegation of the applicant is only on assumption and presumption and not supported by any documentary evidence. The applicant filed this application only for extraneous consideration and the same has to be dismissed with exemplary costs.



Counsel for 6th Respondent



6th Respondent

VERIFICATION

I, Anandhan, the 6th respondent herein, do hereby declare and verify that the facts stated in the above paragraphs are true and correct to the best of my knowledge, belief and information.

Verified at Chennai on this 13th day of March 2025.



6th Respondent

WATER RESOURCES DEPARTMENT

From

To

Er.R.ARUNMOZHI, B.Tech.,
Executive Engineer, WRD,
Kosasthalaiyar Basin Division,
Thiruvallur - 602 001.

The District Collector.,
Thiruvallur District
Thiruvallur.

Lr.No.DB/JDO.2/F. Mines & Quarries/2025/339 m /dated:05.05 .2025

Sir,

Sub : Mines and Quarries - Thiruvallur District - Thiruvallur Taluk - **Kizhanoor village in S.F.No.457/2** - WRD Tank - Permission requested to removal of ordinary earth applied **Thiru.S.Anandhan** S/o Sambath, No. 197, Main Road, Vayalanallur, Chennai - 72 - Technical report submitted - Reg.

Ref : 1) The District Collector, Thiruvallur District, Thiruvallur, RC. No.528 / 2023/ Kanimam.2, Dated 13.02.2025.
2) The Assistant Executive Engineer, WRD.,Kosasthalaiyar Basin Sub-Division,Thiruvallur,Lr.No. EE/F 56/2025/dated: .2025.

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With reference to the above letters cited, I submit herewith the Technical Opinion for quarrying of ordinary earth of 29,000 m³ or 5,120 Lorry Loads in **S.F.No.457/2 of Kizhanoor Tank Kizhanoor Village** in Thiruvallur Taluk of Thiruvallur District as requested by **Thiru.S.Anandhan** S/o Sambath, No. 197, Main Road, Vayalanallur, Chennai - 72 . The **Kizhanoor Tank** has been inspected by the Field Engineer, WRD., Thiruvallur and the Technical opinion is furnished below.

The **Kizhanoor Tank** is maintained by WRD. There is a sufficient place is available to quarry with quantity of 29,000 m³ or 5120 lorry loads Ordinary earth in **Kizhanoor Tank Kizhanoor Village** of Thiruvallur Taluk & District.

By permitting to removal of ordinary earth will be enable to restore the original capacity of the Tank, and also to avoid the encroachment in water spread area.

I submit to state that the District Administration may be requested the SEIAA to inspect the said tank before according quarrying permission.

Hence, it is recommend to permit the removal of ordinary earth from **Kizhanoor Tank Kizhanoor Village Survey No.457/2** for the said quantity of vide Measurement : **202m x 160m x 0.90m = 29,088 m³ (or) 29,000/5.66 = i.e. 5120 Lorry Loads** (Five Thousand One Hundred and twenty Only) Lorry loads to **Thiru.S.Anandhan** S/o Sambath, No. 197, Main Road, Vayalanallur, Chennai - 72.

/P.T.O/

TECHNICAL OPINION FOR REMOVAL OF ORDINARY EARTH WITH THE FOLLOWING TERMS AND CONDITIONS:

1. The Ordinary earth should be removed only after obtaining valid permission from the Revenue Authorities as well as any other competent authority after paying seniorage charges fixed by the Govt. as in force as per the acts of Mines and Minerals.
2. The Ordinary earth should be removed duly following the Mines and Minerals act and amendments as in force
3. Permission issued by the District Collector, Thiruvallur for the removal of Ordinary earth from the tank bed has to be intimated to the Executive Engineer, WRD., Kosasthalaiyar Basin Division, WRD., Thiruvallur for taking further action.
4. The deposit amount collected at 10% of the seniorage charges may be refunded to the lease holder after getting No Object Certificate from the Executive Engineer, WRD., Kosasthalaiyar Basin Division, WRD., Thiruvallur..
5. Ordinary earth should be removed from the tank bed at the site initiated and marked in the enclosed sketch in the presence of WRD officials.
6. The Ordinary earth should not be removed below the sill level of the lowest sluice of the tank as the capacity of the tank by removal of Ordinary earth below the sill level will only be a dead storage of the tank.
7. Ordinary earth shall not be removed within a distance of 5 times the maximum height of the tank bund from the front toe of the bund. (water side).
8. The depth of cutting should not exceed 0.90 m and should be done evenly without left over. The Ordinary earth can be removed from the area of **32,320m²** as marked in the FMB sketch enclosed.
9. Ordinary earth should be transported only through vehicles with bona fide registration numbers. The registration number of the vehicles should be intimated to the WRD authorities well in advance and as well as District Administration.
10. The cart, lorry or any vehicle used for removing and conveying the Ordinary earth should not cross the bund except in authorized cart track crossing or ramps, such vehicle should not pass over the surplus weir or appurtenant of tank.

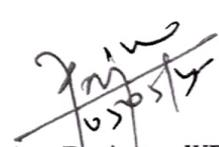
...3...

11. The vehicles should not cross the channels supplying water to the tank or the surplus courses except over culvert or bridges.
12. The Ordinary earth should be quarried and transported only during a time i.e 7.00 AM to 5.00 PM
13. The removed Ordinary earth should not be stacked on tank bund (or) slope of the tank bund or sluice and any other masonry structure of the tank.
14. The applicant should not disturb the Public while quarrying the Ordinary earth
15. The applicant should not affect the ecology and environment of the tank while quarrying the Ordinary earth
16. The Ordinary earth should be removed and conveyed without causing any damage to the Hydraulic structure or cross masonry structure of the tank. If any damage caused in the work site, the applicant should take accountability to bring into the same specifications of the original structure before completing the work at applicant own cost.
17. The applicant has to form a leading channel in between site of Ordinary earth removal area and sluice vent for avoiding the stagnation of water in the site of Ordinary earth removal area.
18. The Ordinary earth from the tank shall be removed only during the approved period when there is no storage.
19. The WRD officials shall have right to cancel the permission given for removing the Ordinary earth, without assigning any reason in order to safeguard the tank and its Ayacut.
20. The applicant should pay **Caution deposit Rs.5.00 lakhs** in favour of the Executive Engineer, WRD, Kosasthalaiyar Basin Division, WRD., Thiruvallur before commencing the quarrying operation in the site.
21. The caution deposit amount shall be released only after getting clearance from WRD Officials.
22. **Thiru.S.Anandhan S/o Sambath, No. 197, Main Road, Vayalanallur, Chennai - 72**, should ensure to adhere the prevailing notifications and norms concerning to environmental impact while quarrying ordinary earth.

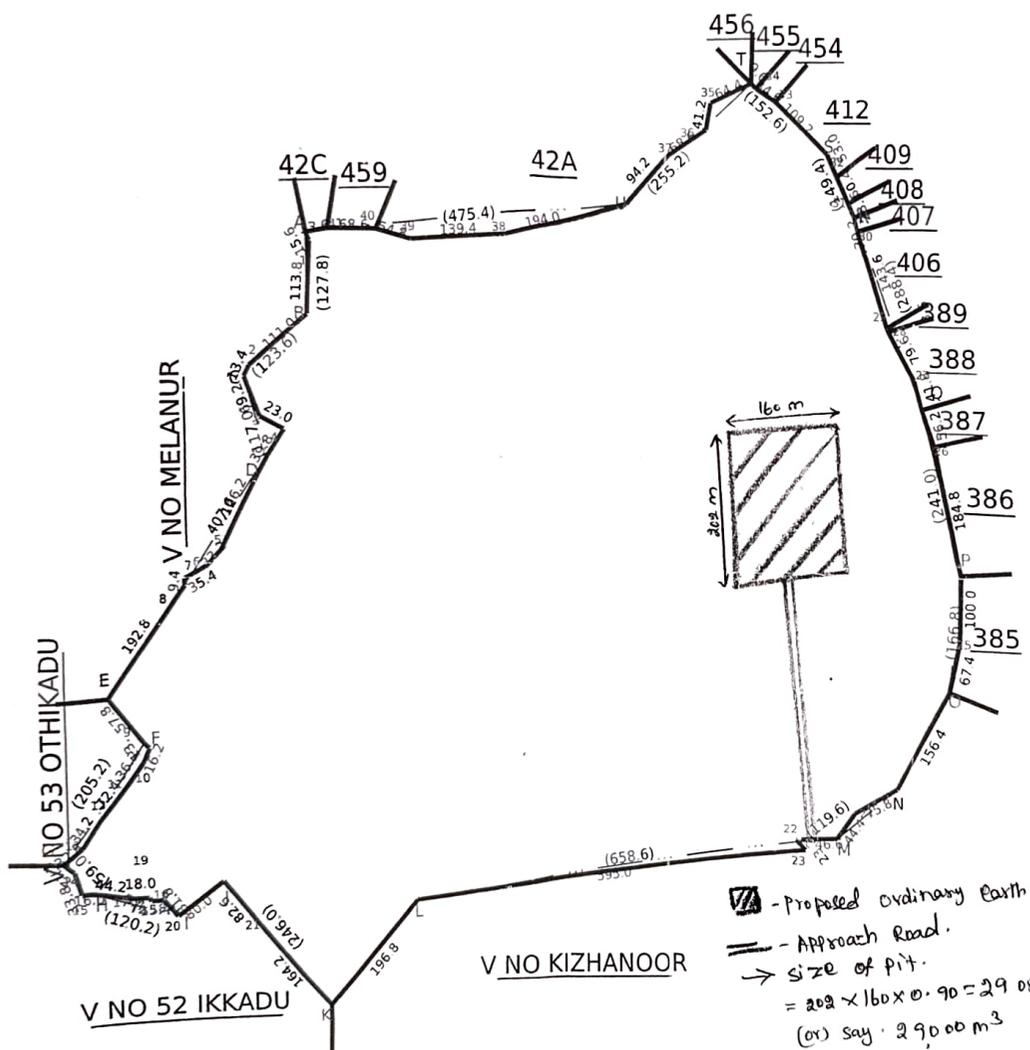
23. The **Commercial Purpose** of work should ensure whether adhering the prevailing notification and norms concerning to environmental impact while quarrying the ordinary earth by the **Thiru.S.Anandhan S/o Sambath, No. 197, Main Road, Vayalanallur, Chennai - 72.**
24. It is also submit to state the District Administration shall fix the responsibility to **Thiru.S.Anandhan S/o Sambath, No. 197, Main Road, Vayalanallur, Chennai - 72,** and as well the **Commercial Purpose** work if any violation of Rules and Regulations of Mines and Minerals Act while quarry the ordinary earth from the said tank.
25. The duration of time given for permission will not extended at any cost.
26. The lessee should not remove Ordinary earth, in a haphazard manner.
27. The applicant should display a Board, indicating the Name of Lessee permitted duration of the period of quarrying, permitted area and depth of quarrying and permitted loads at a prominent place so as to provide information to the General Public
28. The applicant should maintain the boundary point earmarked in the above **Kizhanoor Tank Kizhanoor Village Survey No.457/2.** Hence the petitioner should not encroach the boundary earmarked by the authorities and not exceed the depth of cutting as allowed. If any violation is there beyond the point at a later date the permission is liable to be cancelled without further notice

Encl.:

- 1) FMB - 1 No.
- 2) Village Plan - 1 No.


 Executive Engineer, WRD.,
 Kosasthalaiyar Basin Division,
 Thiruvallur.


 5/5/25



- Proposed ordinary Earth Quarry Site
 - Approach Road.
 → size of pit.
 $= 202 \times 160 \times 0.90 = 29088 \text{ m}^3$
 (or) say 29000 m^3
 $\rightarrow 29000 / 5.66 = 5123.67$
 (or) say 5120 lorry loads.

Assistant Engineer, WRD,
IRRIGATION SECTION - I,
THIRUVALLUR - 602 001.

Asst. Exe. Engineer, PWD.,
 K.B. Sub. Dn., WRD.,
 Thiruvallur.

Executive Engineer W.R.D.,
 Kosasthalaiyer Basin Division,
 Thiruvallur - 602 001.

Signed By Tahsildar
 Name of approver : tah0
 Date of Approval : 05-07-2021



BEFORE THE NATIONAL GREEN
TRIBUNAL, SOUTHERN BENCH AT
CHENNAI

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M.MUTHAPPAN &
S.DEEPAN

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