

BEFORE THE NATIONAL GREEN TRIBUNAL(SZ), SITTING AT CHENNAI
(Under Section 18(1) r/w S. 16 (c) of National Green Tribunal Act, 2010)

Original Application No. 156 of 2021 (SZ)

Mr. B. Pasumpon Anand,
Chennai

...Applicant

Vs

State of Tamil Nadu,
Rep by its Principal Secretary, EF & CC,
Chennai and 8 Ors

...Respondents

TYPED SET OF DOCUMENTS FILED BY THE 9th RESPONDENT

S.No.	DATE	DESCRIPTION OF DOCUMENT	PAGE No.
1.	12.11.2022	PAPER BOOK FILED BY THE APPELLANT BEFORE THE HONBLE SUPREME COURT OF INDIA	

Certified that the above document is true copies of its original.

Dated at Chennai on this the 9th day of December, 2024.

Counsel for 9th Respondent

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

CIVIL APPEAL NO. OF 2022

(Appeal under Section 22 of the National Green Tribunal Act, 2010 against the Impugned Judgment & Final Order dated 29.09.2022 in Original Application No. 156 of 2021 passed by the Hon'ble National Green Tribunal, Southern Zone, Chennai.)

IN THE MATTER OF:

B. Pasumpon Anand

...Appellant

Versus

State of Tamil Nadu

Represented by its Principal Secretary & Ors. ...Respondents

WITH

I.A. No. OF 2022

An Application for exemption from filing certified copy of the Impugned Order

I.A. No. OF 2022

An Application for exemption from filing Official Translation of Annexures

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

FILED ON: 12.11.2022

ADVOCATE FOR THE APPELLANT: B.VINODH KANNA

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[illegible]

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CIVIL APPEAL NO. _____ OF 2022

(WITH PRAYER FOR INTERIM RELIEF)

...Appellant

Represented by its Principal Secretary & Ors. ...Respondents

3. There is delay of _____ days in refilling the petition and petition for condonation of _____ days in refiling has been filed.

DATED : 12.11.2022

A1**PROFORMA FOR FIRST LISTING**

SECTION - _____

The case pertains to (Please tick/check the correct box):

☐	Central Act: (Title) <u>N/A</u>
☐	Section: <u>N/A</u>
☐	Central Rule: (Title) <u>N/A</u>
☐	Rule No(s): <u>N/A</u>
☐	State Act: <u>N/A</u>
☐	Section: <u>N/A</u>
☐	State Rule: (Title) <u>N/A</u>
☐	Rule No(s): <u>N/A</u>
☐	Impugned Interim Order: (Date): <u>N/A</u>
☐	Impugned Final Order/Decree: (Date) : <u>N/A</u>
☐	High Court: (Name) <u>N/A</u>
☐	Names of Judges: <u>Hon'ble Smt. Justice Pushpa Sathyanarayana and Hon'ble Dr. SatyaGopal Korlapati</u>
☐	Tribunal/Authority: (Name) Hon'ble National Green Tribunal Southern Zone, Chennai

- | | | | |
|----|---|---|-----------------------------------|
| 1. | Nature of matter: | ☒ Civil | ☐ Criminal |
| 2. | (a) Petitioner/Appellant No.1: Pasumpon Anand | | |
| | (b) e-mail ID: | <u>NA</u> | |
| | (c) Mobile Phone Number: | <u>NA</u> | |
| 3. | (a) Respondent No.1: State of Tamil Nadu, Represented by its Principal Secretary & Ors. | | |
| | (b) e-mail ID: | <u>N/A</u> | |
| | (c) Mobile Phone Number: | <u>N/A</u> | |
| 4. | (a) Main category classification: 18 | | |
| | (b) Sub classification: 1807 Others | | |
| 5. | Not to be listed before: <u>N/A</u> | | |
| 6. | (a) Similar disposed of matter with citation, if any, & case details: No Similar matter disposed off | | |
| | (b) Similar pending matter with case details: <u>No similar matter pending</u> | | |

A2**7. Criminal Matter:**(a) Whether accused/convict has surrendered: ☐ Yes ☐ No

(b) FIR No. _____ Date: _____

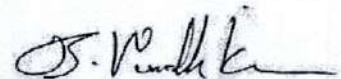
(c) Police Station: _____

(d) Sentence Awarded: _____

(e) period of sentence undergone including period of Detention/Custody undergone _____

8. Land Acquisition Matter:(a) Date of Section 4 notification: **N/A**(b) Date of Section 6 notification: **N/A**(c) Date of Section 17 notification: **N/A****9. Tax Matter: State the tax effect: N/A****10. Special Category (first Petitioner/Appellant Only): N/A**☐ Senior Citizen > ☐ SC ☐ Woman ☐ Disa ☐ Legal
65 years /ST /Child bledAid ☐ In custody
case**11. Vehicle Number (in case of Motor Accident Claim Matters):
N/A**

Filed by

Place: New Delhi
Date: 12.11.2022AOR for the Petitioner(s)
(B. VINODH KANNA)
Code No. 1755
E-mail: vkoffice@mail.com

SYNOPSIS

The Appellant respectfully submits that the present Appeal is being filed against the Judgment dated 29.09.2022 passed by the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No. 156 of 2021 (SZ) whereby the Hon'ble Tribunal by rejecting the Original Application (OA) filed by the Appellant herein, has overlooked the Report of the Joint Committee appointed by the Hon'ble National Green Tribunal, Southern Zone, Chennai in its Order dated 27.07.2021 which has affirmed the serious environmental violations committed by the Respondent herein contrary to the Environment Clearance vide Lr. No. SEIAA, TN/F.No. 1072/EC/1(a)/299/2013 dated 15.05.2013 and Environment Clearance vide Lr. No. SEIAA-TN/F.No.7553/1(a)/EC. No: 4405/2020 dated 21.10.2020. The Respondent No. 9 is a business person running Stone Quarrying / Crusher and Gravel units near Maduranthagam in Tamil Nadu.

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The Hon'ble NGT has rejected the OA filed by the Appellant in terms of the Impugned Order solely citing untenable technical reasons of misjoinder / nonjoinder of parties, while the Joint Committee appointed by the NGT in the same proceedings itself and other State Statutory Authorities having confirmed the violations causing environmental degradation by the Respondent No. 9. In terms of the present Appeal, the Appellant herein is placing before this Hon'ble Court gross failure on the part of the Statutory Authorities of the State concerned totally in violation of various orders to protect environment passed by this Hon'ble Court resulting in serious depletion of natural resources causing environmental degradation.

The Hon'ble NGT, Chennai, has failed to prevent the Statutory Authorities of the State in permitting the Quarry owner / Respondent to continue with the subsequently issued license for Quarrying for a further period of ten years inspite of the fact that all

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the Government Authorities including the District Collector by his Proceedings dated 05.06.2013 and his status report dated 30.11.2021, Tamil Nadu Pollution Control Board vide its Affidavit dated Nil, 12.2021, the Revenue Divisional Officer by his Independent Response dated 10.11.2021 and Compliance Report dated 30.08.2022, the Joint Committee consisting of top Government Officials selected by the NGT itself dated 08.11.2021, etc. have categorically filed their respective Reports confirming environmental degradation and violations perpetrated by the Respondent / her predecessor / by their business entities during the license period between 2013 to 2018 which has resulted in serious environmental imbalance and even the Joint Committee suggesting remedial measures to correct the same by collecting Environmental Compensation from the Respondent which has not been paid till date.

The Report of the Joint Committee consisting of the Government Officials appointed by the NGT, dated 08.11.2021 confirmed and listed out serious violations and environmental degradations and brought to the knowledge of the Hon'ble NGT that various serious violations are committed by the Respondent Quarry Operators on various counts including exceeding the depth of mining i.e. mining upto 53 meters whereas permission granted is only 27 meters, quarrying carried out in non-leasehold areas in adjacent patta lands over an extent of 0.31.00 hectares and illegally transporting 5,480 m³ of weathered rock and 12,696 m³ of rough stone contravening subsection 1A of Section 4 of the Mines and Minerals (Development and Regulation) Act, 1957, and the report of the Joint Committee have also suggested environmental compensation for the environmental damages caused to be paid by the Respondent Quarry Operators, the Hon'ble NGT failed to take cognizance of the same and to initiate

actions to stop further illegal activities of the Respondent and to compensate for the degradation of environment already inflicted. Resultantly, the Quarrying / Stone Crusher unit of the Respondent No. 9 is still continuing to operate and causing serious environmental degradation.

The Order Impugned in the present Appeal is in complete derogation of various environmental principles enshrined in our Constitution and in total derailment of various decisions / pronouncements of this Hon'ble Court in a catena of Judgements and totally against the principle of Right to Healthy Environment which has been declared as a part of Right to Life under Article 21 of the Constitution by this Hon'ble Court as the Tribunal has miserably failed to curtail the illegal actions being inflicted by the Respondent against environment continuously and the State Government Authorities remaining mute spectators facilitating the illegal actions of the Respondent Quarry Operator to the total detriment of

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the people in the adjoining villages and to the society as a whole.

The Project Proponent / Respondent has been engaging in excessive & illegal mining by breaching of the terms set forth in Environment Clearance and further causing damage to the environment thereof. Therefore, in pursuance with the violations committed by the Project Proponent / Respondent and also aggrieved by the Impugned Judgement passed by Hon'ble Tribunal, this Appeal has been filed before this Hon'ble Court.

That unless this Hon'ble Court immediately take cognizance of the present issue and pass appropriate further Orders, the illegal mining activities of the Respondent No. 9 will cause irreversible further damage to the environment and the society as a whole.

Hence the present Appeal before this Hon'ble Supreme Court of India.

LIST OF DATES AND EVENTS

NIL	Mrs. Jayalakshmi / Respondent 9 herein, wife of (Late) Mr. S. Murali through a proprietary concern in the name and style of M/s. Jaya & Co, owned a Stone Crusher cum M-sand and B-sand production unit located at Survey Nos. 240/3, 240/4, 242/6, 242/7 and 242/7-10 in Sirunallur Village, Maduranthagam, Kancheepuram District in Tamil Nadu.
04.07.2008	Mrs. Jayalakshmi / Respondent 9 applied for permission for mining at Sirunallur Village and the District Environmental Engineer granted 'Consent to Establish' the said stone quarry subject to conditions stated therein.
16.09.2011	Respondent 9 applied for a 'Consent to Operate' vide her Application to the authority concerned.
31.10.2011	District Environmental Engineer (DEE) refused to grant 'Consent to Operate' on the basis of violations of TNPCB in B.P. Ms. No. 4 dated 02.07.2004.
05.10.2012	Meanwhile, The 8th Respondent

(Mr.S.Murali) leased lands comprised in Survey No. 7/1A1 at Avirimedu village, Maduranthagam Taluk, Kancheepuram District measuring for producing Rough Stone & Gravel Quarry.

15.05.2013 The 8th Respondent obtained Environmental Clearance for Survey No, 7/1A1vide

Lr.No.SEIAATN/F.No.1072/EC/1(a)/299/2013 for a period of 5 years for quarrying at a depth of 27 meters below ground level.

26.07.2013 Mrs. Jayalakshmi / Respondent 9 preferred an Appeal vide Appeal No 12 & 13 of 2012 before Appellate Authority Tamil Nadu Pollution Control Board against the refusal Order of DEE dated 31.10.2011 which was confirmed by the Appellate Authority and dismissed the Appeal.

July 2014 Respondent 9 then filed a Writ Petition vide W.P. No. 17724-17725 of 2014 to set aside the Order of Appellate Authority dated 26.07.2013 and Writ Petitioner requested to open the seals so as to facilitate the removal of the machinery and relocation

somewhere else

19.08.2014 Hon'ble High Court at Madras allowed the de-sealing and removal of machineries and accordingly directed the District Collector of Kancheepuram to de-seal the premises on a written request by M/s. Jaya & Co. for the purpose of removal of machinery and thereafter the same may be used for a purpose for which the premises is permissible to be used and two months' time was given for the said purpose.

Inspite of the said rejection of 'Consent to Operate' which is confirmed upto the Order of the Hon'ble Division Bench of the Madras High Court the said illegal unit is still functioning in defiance of the High Court's Order under the guise of a subsequent Applicant, i.e. Mr. S. Murali without any or valid licenses or statutory compliances thereof.

18.03.2014 No Objection Certificate was issued by the Tahsildar, Madurantakam for running a crusher in the said Survey Numbers comprising 0.77.5 Hectares of land in favour of one Mr. Kannan, S/o

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- Kuppusamy, vide Pa.Mu.No. 1691/2014/A1 and M/s. Prasanna Blue Metals subsequently obtained permission to run the crusher in the said land.
- 10.06.2016 Respondent herein forged the signature of the Tahsildar, Maduranthakam, and created a Counterfeit NOC purportedly with Number PA.Mu.No. 1691/2016/A1 to obtain necessary clearances from the Tamil Nadu Pollution Control Board.
- 2019-20 Thereafter, the Respondent 8 proposed for expansion of its production capacity at Avirimedu Village, Maduranthakam Taluk, Chengalpettu District, Tamil Nadu in the Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 respectively at extent of 2.34.50 ha abutting the old site.
- 21.10.2020 The expanded unit of the 8th Respondent received Environmental Clearance vide Lr.No.SEIAA-TN/F.No.7553/ 1(a)/E.C No: 4405/2020 for carrying out minor

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quarrying operations in the aforementioned site at a depth of 55 meters.

28.05.2021

Respondent No. 8 died.

01.07.2021

Respondent No. 9 herein entered into a Supplementary Lease Deed with the State Authorities through Governor of Tamil Nadu, in terms of which the lease dated 24.10.2020 granted for quarrying Rough Stone and Gravel for 10 years from 24.10.2020 to 23.10.2030 to Mr. S. Murali was transferred in the name of Mrs. Jayalakshmi / the Respondent No. 9 herein.

12.07.2021

The Appellant herein, filed an Original Application vide O.A. No. 156 of 2021 before the Hon'ble National Green Tribunal, Southern Zone Bench at Chennai with prayers to direct the State of Tamil Nadu/ officials to revoke/cancel all licenses/permissions granted in the names of Mrs. Jayalakshmi Murali and Mr. S. Murali and in survey numbers 3/1, 3/2, 3/3, 7/1A1 etc., at Avirimedu Village Maduranthagam and for an order of Permanent Injunction against the

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Respondent / Mrs. Jayalakshmi from carrying out any polluting activity detrimental to the environment and the agriculture fields/grazing fields present surrounding the mining area in various Survey Numbers as mentioned above and used by the Respondent at Avirimedu Village, to direct that the entire area be restored to its original condition and to conserve the rest of the habitat and to bring back the habitat to its original status by applying the Polluter Pays Principle at the cost of the Respondent and for also the cost of the proceedings.

27.07.2021 NGT, after considering the submissions made in the Application, found that there arises a substantial question of environment warranting interference of the Tribunal and admitted the same. The Ld. NGT also appointed a Joint Committee consisting of the District Collector concerned and other officers and directed to ascertain whether there is any violation of conditions imposed in the Environmental Clearance and 'Consent to Establish', etc., whether any excess mining has been done

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and nature of actions taken, etc.

04.10.2021

The Appellant hereinfiled a Writ Petition vide W.P. No. 23756 of 2021 before the Hon'ble Madras High Court after learning about the forgery concerning the No Objection Certificate (NOC) vide Pa.Mu.No. 1691/2016/A1 dated 10.06.2016 purportedly issued by the Tehsildar Madhuranthagam used by the Respondent for the purpose of getting necessary clearances from the District Environmental Engineer, Mathuranthagam, with a prayer to issue a Writ calling for the records of the Pa.Mu. No. 1691/2016/A1 dated 10.06.2016 and quash the same as illegal, arbitrary and devoid of merits and to direct taking of criminal action against the Respondents. In the said Writ Petition, detailed submission about the permission secured by the Respondent Mrs. Jayalakshmi / her husband, various illegalities committed by them by misusing the permission to quarry granted, use of land allotted to scheduled caste people for commercial purposes, using of land demarcated as MeikkalPorambokei.e. lands

used as social forest typically for passage and cattle grazing, etc.

08.11.2021 The Report of the Joint Committee consisting of the Government Officials appointed by the NGT, confirmed and listed out serious violations and environmental degradations and also same was brought to the knowledge of the Hon'ble NGT including exceeding the depth of mining i.e. mining upto 53 meters whereas permission granted is only 27 meters, quarrying carried out in non-leasehold areas in adjacent patta lands etc.

18.11.2021 Tahsildar Maduranthagam has filed a complaint against M/s. Prasanna Blue Metals and M/s. Simplex Infrastructure Limited and a FIR has been registered at Chithumur Police Station, in Crime No. 268 of 2021 for the offences punishable under sections 465, 468, 471 and 420 of IPC and an alteration report was also filed on 29.01.2022

03.01.2022 In the said Writ Petition, the Hon'ble High Court passed an Order disposing of the Writ Petition with a direction to the

Respondents therein not to allow illegal excavation of the minerals from the area in question and further to complete the action initiated against the violators as per the provisions of Law and expeditiously as possible

18.02.2022

During the hearing of the matter before the Ld. NGT, Chennai, the said report of Joint Committee was taken on record and orders were passed for impleading Mrs. Jayalakshmi in the place of Mr. Murali who had passed away. Further, the Ld. NGT, Chennai directed to incorporate details pertaining to the nature of violation committed by the subsequent lessee i.e. Mrs. Jayalakshmi and also explained the nature of violation whether it was done during the period of original lessee's leasehold period or subsequently.

02.03.2022

The Hon'ble NGT, Chennai, during the hearing, allowed the application for Impleadment vide I.A. No. 44 of 2022 (SZ) and impleaded Mrs. Jayalakshmi Murali, the Respondent No. 9 herein as Respondent No. 9 in the Original

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Application and directed the Applicant to produce the amended copy of the Original Application

25.03.2022 The Ld. NGT, Chennai vide its Order allowed the I.A. No. 53 of 2022 (SZ) for amendment of the O.A. filed by the Appellant herein

05.07.2022 The Appellant herein filed a Contempt Petition vide C.P. No. 1606 of 2022 in W.P.(PIL) No. 23756 of 2021 placing all the facts of further illegal mining being continued by the Respondents and inaction on the part of the official Respondents in preventing the same

NIL,08.2022 The Respondent 9/ Mrs. Jayalakshmi Murali filed a reply to the Original Application filed by the Appellant herein before the Ld. NGT, wherein all the submissions and allegations made in the O.A. were refuted without any or adequate substantiation of the same. In the said reply various factually and legally incorrect submissions were made by the Respondent

15.09.2022 The Hon'ble Madras High Court during the

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hearing of the Contempt Petition on 15.09.2022, has wrongly closed the Contempt Petition taking note of the fact that the Compliance Report of the RDO has served the purpose

29.09.2022

The Impugned Judgment passed by the Hon'ble National Green Tribunal, Southern Zone, Chennai in Original Application No. 156 of 2021 whereby the Hon'ble Tribunal has erroneously disposed of the abovesaid inspite of the gross violations committed by the Respondent 9 herein by carrying on the Quarrying and Stone Crusher business totally in breach of the terms of the Environment Clearance and other statutory permissions granted.

Hence, this Appeal has been filed before this Hon'ble Supreme Court of India.

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 156 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

Mr. B. Pasumpon Anand,

S/o P. Bhagavathi

53/19, Pillayar Kovil Street,

Nesapakkam, West KK Nagar

Chennai- 600078

...Applicant(s)

Versus

1. State of Tamil Nadu

Represented by its Principal Secretary,
Environment Forest & Climate Change Department,
Secretariat Complex, Namakkal Kavignar Maaligai,
Fort St. Geroge, Rajaji Road,
Chennai- 600 009

2. State Environmental Impact Assessment Authority,

Represented by its Director,
No.1, 3rd Floor, Panagal Maaligai,
Jeenis Road, Saidapet,
Chennai- 600 015

3. The District Collector,

Chengalpattu District,
Collector Office, GST Road,
Chengalpattu District,

Tamil nadu- 603 001

4. Tamil Nadu Pollution Control Board,

Represented by its Member Secretary,

No. 76, Mount Road,

Guindy, Chennai- 600032

5. Directorate of Geology and Mining,

Represented by its Director

Alandur Road, Guindy Industrial Estate,

Guindy, Chennai- 600032

6. District Environmental Engineer,

Chengalpattu District,

Maraimalai Adigalar Street, Next to Municipal Office,

Maraimalai Nagar,

Kancheepuram District- 603 209

7. Revenue Divisional Officer,

Maduranthakam,

Tamil Nadu- 603306

8. Mr. S. Murali (Deceased),

Proprietor Prasama Blue Metal,

AFF1, Alayams Thilagavathy Enclave,

Kurinji Nagar, 1st Main Raod,

Old Perangalathur, Chennai- 600063

9. Mrs. Jayalakshmi Murali,

W/o late Mrs. Murali,

Proprietor Prasanna Blue Metal,

AFF1, Alayams Thilagavathy Enclave,

Kurinji Nagar, 1st Main Raod,

Old Perangalathur, Chennai- 600063

...Respondent(s)

For Applicant(s): Mr. K.M. Mrithunjayan

For Respondent(s): Dr. D. Shanmuganathan for R1, R3, R5
and R7

Mr. Sai Sathya Jith for R4 and R6

Mr. G.M. Syed Nurullah Sheriff for R2

Mr. Manoharan for R9

Judgment Reserved on: 6th September, 2022.

Judgment Pronounced on: 29th September, 2022.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA,
JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGMENT

**Delivered by Smt. Justice Pushpa Sathyanarayana,
Judicial Member**

1. The above application is filed by the applicant regarding the violation committed by the 8th respondent, one Mr. S. Murali, Sole Proprietor of Prasanna Blue Metal at Avirimedu Village, Maduranthagam Taluk, Kancheepuram District. The 8th respondent had obtained environmental clearance dated 15.05.2013 to undertake the work as stated therein for a period of 05 years. The Environmental Clearance was granted for open cast

semi-mechanised mining up to a depth of 27m from the ground level and other conditions. The copy of the mining plan for rough stone quarrying dated 15.12.2012 was also obtained by him.

2. While so, the 8th respondent proposed for expansion of his production capacity at Avirimedu Village in various survey numbers. It was alleged that the project site is also in close proximity with other minor quarrying units within a distance of 500m. The geographical location and sketch of the proposed site in the map is also produced by the applicant. Alleging impact on the rural population as the quarrying activity would disturb the agriculture and cattle grazing as it is abutting the above area.
3. The applicant also had alleged of excessive mining excavation by the 8th respondent contrary to the minutes prescribed in the Environmental Clearance. Hence, he had sought for a direction to revoke all the licenses/permissions granted to the 8th respondent and pass an order of permanent injunction against him and further direct the area to be restored to its original position. The applicant also had furnished the stone quarry lease in favour of 8th respondent for a period of 05 years issued by the District Collector on 05.06.2013. The Environmental Clearance issued by the State Level Environment Impact Assessment Authority (SEIAA) is also annexed which is given for 05 years on 15.05.2013.

4. The above Original Application was admitted and notice was issued to the respondents on 27.07.2021. A Joint Committee was also appointed to verify the allegations stated in the application. On 22.09.2021, one Mr. M. Santhanaraman, Advocate entered appearance on behalf of the 8th respondent and represented that the 8th respondent died on 28.05.2021 and notice was received by his wife.
5. The SEIAA had once again issued Environmental Clearance for 05 years from the date of execution of the mining lease on 21.10.2021. The Joint Committee also had observed during the inspection certain violations within the lease area that 7.5m distance to the adjacent patta land was not provided, boundary pillars have not been erected and maintained all along the boundary and that the lessees has not monitored the quality of the ground water once in three months and not conducted any ambient air sampling survey in around the quarry site as per the Environmental Clearance conditions etc. It is also found that there was illegal quarrying on the non-lease area. Thus, finally it was recommended that necessary action to be initiated by the concerned authority as per Section 36(a) of the Tamil Nadu Minor Mineral Concession Rules, 1959 and also to cancel the lease in favour of the 8th respondent. The amount has also been quantified for excess mining and also

Environmental Compensation but it is not known whether any action has been taken by the authorities.

6. The application was originally e-filed on 12.07.2021 but even as early as on 28.05.2021 the 8th respondent died. Without verifying the same, the applicant has filed this above application seeking reliefs against the dead persons. However, it was informed that the 8th respondent is dead, two Interlocutory Applications were filed by the applicant in I.A. No. 53 and I.A. No. 44 of 2022. I.A. No. 44 of 2022 was filed to implead one Mrs. Jayalakshmi Murali, who is the wife of 8th respondent, Mr. S. Murli. The said application was allowed on 02.03.2022 and she was impleaded as 9th respondent. The other I.A. No. 53 of 2022 was filed for amending the contents in Para 4, 9 and 19 and grounds B to K and further include additional paragraphs 10-A, 18-A, 20 and 21 and also add additional ground "L" in the Original Application.
7. Be that as it may, on the date when the application was filed the 8th respondent was not alive. It is only after the Joint Committee was constituted without the knowledge of the death of the 8th respondent, the Joint Committee had found out that there was breach of the Environmental Clearance and also the Environmental compensation was assessed. It has been a settled principle that a proceeding against the dead person is

not a proceeding at all and no question of amendment of the application would arise in such a case and also there is no power of amendment vested with the forum.

8. In the present case, the allegation was that there was certain breach of conditions of the Environmental Clearance by the deceased 8th respondent which would also include excessive mining for which he is bound to be penalised. The Joint Committee which was appointed by this Tribunal without the knowledge of the person being dead had visited the site and furnished a report and also had given recommendations. Unfortunately, the report also does not mention about the death of the person. The Joint Committee had filed its report in which it is stated that the 8th respondent may be issued with a direction to remit the Environmental Compensation assessed which is amounting to Rs. 1,56,75,000/- under Section 5 of the Environment (Protection) Act, 1986 after giving an opportunity to the 8th respondent.
9. The Environmental Compensation was assessed pursuant to the direction of this Tribunal on the application filed by the applicant. On the date of filing, the person is dead which vitiates the entire proceedings. Therefore, the compensation, even if, assessed by the competent authority becomes non est in law. The report also has only quantified the compensation which should put on notice the person concerned and after affording

an opportunity of hearing only can finalise the amount. When the person himself is dead, the adjudication is held to be invalid. Merely because the 9th respondent, who had subsequently taken a fresh lease and quarrying license from the authorities would not automatically make her liable for the amount payable. The 8th respondent had been operating the unit as a sole proprietor which was subsequently taken over by the 9th respondent and who also could not proceed further and said to have abandoned her rights.

10. As the application filed against the 8th respondent, a dead person even on the date of institution of the proceedings, the application has become void ab initio and it is deemed to have been abated. Hence, any action taken in this application will be vitiated. The Learned Counsel appearing for the 9th respondent also stated that though it was proved that the wife has taken up the quarrying operation after the demise of her husband and she could not continue with the same, she had to quit the same after two months and there is no such operation happening as on date.
11. If there was breach of conditions which went unnoticed by the authorities when the person was alive and the illegalities was brought up by the applicant in this application, it is for the appropriate authorities to take note of the same and proceed in the manner known to

law. Mere amendment of the application by the applicant will not suffice. Even after the amendment, the applicant has not deleted the 8th respondent but had added in each of the amendment sought for a direction against the '8th and 9th respondent' which is once again against the dead person. In such circumstances of the case, the application is rejected as 'nullity'.

12. Accordingly, the application is disposed of.

.....J.M.

(Smt. Justice Pushpa Sathyanarayana)

.....E.M.

(Dr. Satyagopal Korlapati)

Internet – Yes/No

All India NGT Reporter – Yes/No

O.A. No.156/2021(SZ)

29th September, 2022. (AM)

Before the National Green
Tribunal

Southern Zone (Chennai)

O.A. No. 156 of 2021

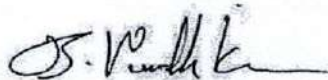
B. Pasumpon Anand

Vs.

State of Tamil Nadu and Ors.

O.A. No. 156/2021(SZ)

29th September, 2022. (AM)



//TRUE COPY//

IN THE SUPREME COURT OF INDIA

[S.C.R., Order XXI Rule 3 (1) (a)]

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.

OF 2022

(Appeal under Section 22 of the National Green Tribunal Act, 2010 against the Impugned Judgment & Final Order dated 29.09.2022 in Original Application No. 156 of 2021 passed by the Hon'ble National Green Tribunal, Southern Zone, Chennai.)

BETWEEN:

Position of the Parties

In the Tribunal	In this Hon'ble Court
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B. Pasumpon Anand,
53/19, Pillaiyar Kovil
Street, Nesapakkam,
West KK Nagar,
Chennai – 600 078
Tamil Nadu

Applicant	Appellant
-----------	-----------

Versus

- | | | | |
|---|---|---------------------|---------------------|
| 1 | State of Tamil Nadu
Represented by its
Principal Secretary,
Environment Forest &
Climate Change
Department, Secretariat
Complex, Namakkal
Kavignar Maaligai, Fort
St. George, Rajaji Road,
Chennai – 600 009 Tamil
Nadu | Respondent
No. 1 | Respondent
No.1 |
| 2 | State Environmental
Impact Assessment
Authority,
Represented by its
Director, | Respondent
No 2 | Respondent
No. 2 |

- No. 1, 3rd Floor, Panagal
Maligai, Jeenis Road,
Saidapet,
Chennai – 600 009
Tamil Nadu
3. The District Collector,
Chengalpattu District,
Collector Office, GST
Road,
Chengalpattu District,
Tamil Nadu – 603 001
4. Tamil Nadu Pollution
Control Board,
Represented by its
Member Secretary,
No. 76, Mount Road,
Guindy, Chennai –
600032 Tamil Nadu.
5. Directorate of Geology
and Mining,
Represented by its
Director, Alandur Road,
Guindy Industrial Estate,
Guindy, Chennai –
600032 Tamil Nadu
6. District Environmental
Engineer,
Chengalpattu District,
Maraimalai Adigalar
Street, Next to Municipal
Office, Maraimalai Nagar,
Kancheepuram District –
603 209 Tamil Nadu
7. Revenue Divisional
Officer,
Madurantakam
Tamil Nadu – 603 306
- Respondent
No. 3
- Respondent
No.3
- Respondent
No. 4
- Respondent
No.4
- Respondent
No. 5
- Respondent
No.5
- Respondent
No. 6
- Respondent
No.6
- Respondent
No. 7
- Respondent
No.7

- | | | | |
|---|-------------------------------------|------------|------------|
| | Mr. S. Murali (Deceased) | Respondent | |
| | Proprietor Prasanna Blue | No. 8 | |
| | Metal, AFF1, Alayams | | |
| | Thilagavathy Enclave, | | |
| | Kurinji Nagar, 1 st Main | | |
| | Road, Old | | |
| | Perungalathur, | | |
| | Chennai – 600 063 | | |
| | Tamil Nadu | | |
| 8 | Mrs. Jayalakshmi Murali | Respondent | Respondent |
| | W/o Late Mr. Murali | No. 9 | No.8 |
| | Proprietor Prasanna Blue | | |
| | Metal, AFF1, Alayams | | |
| | Thilagavathy Enclave | | |
| | Kurinji Nagar, | | |
| | 1 st Main Road, | | |
| | Old Perungalathur, | | |
| | Chennai - 600 063 | | |

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUDGES OF THE SUPREME COURT
OF INDIA

THE HUMBLE PETITION OF THE
APPELLANT ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The present Appeal under Section 22 of the National Green Tribunal Act, 2010 is being filed against the Impugned Judgment dated 29.09.2022 passed by the Hon'ble National Green Tribunal, Southern Zone, Chennai in Original Application No. 156 of 2021 (hereinafter, the "**Impugned Judgment**"), whereby the Hon'ble National Green Tribunal, Southern Zone,

Chennai (hereinafter, the "**Tribunal**" or "NGT") whereby the Hon'ble Tribunal has erroneously disposed of the abovesaid inspite of the gross violations committed by the Respondent 9 herein by carrying on the Quarrying and Stone Crusher business totally in breach of the terms of the Environment Clearance and other statutory permissions granted.

- 1A. That the deceased Respondent No. 8 is represented by his wife Respondent No. 9 herein before this Hon'ble Court and before the Ld.NGT as well.
2. That the Appellant, hereby confirms that he has not filed any other Petition or Appeal in this Hon'ble Court or any other Court against the Impugned Judgment passed by the Hon'ble National Green Tribunal, Southern Zone, Chennai.

3. **QUESTIONS OF LAW.**

The following substantial questions of law arises for consideration by this Hon'ble Court:

- (i) Whether the decision impugned is legally sustainable as the same totally runs contrary to the decision of a Hon'ble Three Judges Bench this Court reported in 2021 SCC Online SC 897 wherein it has been held that two aspects must therefore be emphasised i.e. that the Tribunal is itself required to carry out preventive and protective measures as well as

hold Governmental and Private Authorities accountable for failing to uphold environmental interests?

- (ii) Whether the Ld. NGT is justified in rejecting the Application solely on the basis of misjoinder / nonjoinder of parties whereas in circumstances where adverse environmental impact may be egregious, but the community affected is unable effectively get the machinery into action, the Ld. Tribunal created specifically to address such concern should surely be expected to move with expediency, and of its own accord?
- (iii) Whether the Hon'ble Tribunal was justified in passing the Impugned Judgement rejecting the Application even after the Joint Committee appointed by the Tribunal by its Report dated 08.11.2021 confirmed large scale illegal mining and other activities on the part of the Respondent No. 9 and operation of the Crusher Unit of Respondent No. 9 at present is solely based on the forged NOC as confirmed by the District Collector and the Pollution Control Board?
- (iv) Whether the Hon'ble NGT has failed to exercise its powers vested in it for the

protection and conservation of environment and other natural resources including enforcement of the fundamental right relating to environment particularly when large scale environmental degradation on the part of the Respondent No. 9 has been confirmed by all the Statutory Authorities of the State?

- (v) Whether the Hon'ble NGT is justified in passing the Impugned Order rejecting the Application of the Appellant as the same runs totally contrary to the legislative intent in as much as the NGT has derailed from its very purpose of protecting the environment even after serious violations by Respondent No.9 were placed before the NGT by the Joint Committee and all the other State Authorities ?

4. BACKGROUND FACTS

- 4.1 It is respectfully submitted that the Respondent No. 9, owner of a Stone Crusher cum M-sand and B-sand production unit located at Survey Nos. 240/3, 240/4, 242/6, 242/7 and 242/7-10 in Sirunallur Village, Maduranthagam, Kancheepuram District in Tamil Nadu was initially owned and managed by Mrs. Jayalakshmi wife of (Late) Mr. S. Murali through a proprietary concern in the name and

style of M/s. Jaya & Co. Mrs. Jayalakshmi applied for permission for mining at Sirunallur Village and the District Environmental Engineer (DEE, for short) vide his order dated 04.07.2008 granted 'Consent to Establish' the said stone quarry subject to conditions stated therein. Subsequently, the Respondent applied for a 'Consent to Operate' vide her Application to the authority concerned dated 16.09.2011.

- 4.2 However, following serious statutory violations and various guidelines of the Board in terms of B.P. Ms. No. 4 dated 02.07.2004, the said unit was refused with a 'Consent to Operate' by the District Environmental Engineer of the Tamil Nadu Pollution Control Board vide its Order dated 31.10.2011. The said Order of the DEE was passed for the primary reason that as the proposed site for establishing stone crusher unit was very close to the State Highway i.e. 217.2 meters which is impermissible in terms of BP Ms. No. 4 of the TNPCB dated 02.07.2004 and would also be in violation of the Order of this Hon'ble Supreme Court dated 25.09.2001 passed in SLP(C) No. 13564 of 1990. That the Respondent Mrs. Jayalakshmi thereafter preferred an Appeal before the Appellate Authority of the Tamil Nadu Pollution

Control Board (AA-TNPCB, for short), vide Appeals No. 12 & 13 of 2012. However, the Ld. AA-TNPCB vide its Order dated 26.07.2013 rejected the Appeals filed by the Respondent and confirmed the Order of Refusal to grant 'Consent to Operate' passed by the Ld. DEE dated 31.10.2011. The said dismissal Order also categorically recorded that after obtaining 'Consent to Establish', dated 04.07.2008 the Respondent started stone crushing operations illegally prior to obtaining 'Consent to Operate' itself. Subsequent thereto and in view of the rejection of Appeal by the Ld. AA-TNPCB dated 26.07.2013, the TNPCB passed an Order of closure of the Unit of Mrs. Jayalakshmi vide its consequential Order dated 20.02.2014. A copy of the Order dated 26.07.2013 passed by the Appellate Authority of the TNPCB in Appeals No. 12 & 13 of 2012 is annexed hereto and marked as **ANNEXURE - A/1** (Pages 81 to 88)

- 4.3 The Respondent herein Mrs. Jayalakshmi filed a Writ Petition vide W.P. No. 17724-17725 of 2014 before the Hon'ble Madras High Court challenging the Order of Rejection dated 26.07.2013 and the Consequential Order dated 20.02.2014. The Hon'ble High Court of Judicature at Madras passed an Order dated 19.08.2014 in the said Writ

Petitions vide W.P. No. 17724-17725 of 2014 recording that the Writ Petitioner seek to request to open the seals so as to facilitate the removal of the machinery and relocation somewhere else and accordingly directed the District Collector of Kancheepuram to de-seal the premises on a written request by M/s. Jaya & Co. for the purpose of removal of machinery and thereafter the same may be used for a purpose for which the premises is permissible to be used and two months' time was given for the said purpose. A copy of the Order dated 19.08.2014 passed by the High Court of Judicature at Madras in W.P. No. 17724-17725 of 2014 is annexed hereto and marked as **ANNEXURE - A/2** (Pages 89 to 93).

- 4.4 In spite of the said rejection of 'Consent to Operate' which is confirmed upto the Order of the Hon'ble Division Bench of the Madras High Court the said illegal unit is still functioning in defiance of the High Court's Order under the guise of a subsequent Applicant, i.e. Mr. S. Murali without any or valid licenses or statutory compliances thereof.
- 4.5 Subsequent to the largescale violations committed and violations by M/s. Jaya & Co. by commercially operating stone crusher unit illegally only with a 'Consent to Establish' and before issuance of a

'Consent to Operate' by the DEE, and after rejection of 'Consent to Operate' by the DEE dated 31.10.2011, the same business was thereafter continued in the name of Mr. S. Murali, the husband of Mrs. Jayalakshmi and the illegal business of stone quarrying was continued in the same site by the Respondent alongwith Mr. Murali.

- 4.6 It is respectfully submitted that the Respondent No. 9 through her husband had applied for and obtained a Mining for Rough Stone Quarry with the Office of the Assistant Director, Geology and Mining Department, Kancheepuram District, Tamil Nadu, wherein the specific request for mining was for a maximum length of 139 meters and a maximum width of 79 meters and with a maximum depth 27 meters. The said plan was approved subject to compliance with the provisions of the Mines Act, Rules and Regulations and Orders made thereunder so that the safety of the Mine, machinery and person will be well protected, etc.. A copy of the said Mining Plan for Rough Stone Quarry dated 15.10.2012 is annexed hereto and marked as **ANNEXURE - A/3**. (Pages 94 to 118)
- 4.7 Further, the Respondent / her husband also applied and obtained Environmental Clearance from the State Level Environment Impact

Assessment Authority (SEIAA) with a proposal to start open cast semi mechanised mining upto a depth of 27 meters and a production of 1,40,725 m³ of Rough Stone and 21,962 m³ of Gravel over a period of 5 years subject to various specific and general conditions mentioned in the said Environmental Clearance. A copy of the said Environmental Clearance dated 15.05.2013 is annexed hereto and marked as **ANENXURE A/4**. (Pages 119 to 131)

- 4.8 It is submitted that thereafter, the Respondent / her husband initially leased lands comprised in Survey No. 7/1A1 at Avirimedu Village measuring an extent of 1.50.0 ha for producing 1,40,725 m³ of Rough Stone and 21,962 m³ of Gravel in the name and style of 'Prasanna Blue Metals' and a lease to quarry and transport of Rough Stone and Earth in the applied area for a period of five years from 05.06.2013 to 04.06.2018 under Rules 19, 20, 22 and 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959 subject to the conditions as stated in the said lease was granted in terms of the Proceedings of the District Collector, Kancheepuram dated 05.06.2013. A copy of the said Proceedings of the District Collector, Kancheepuram dated 05.06.2013 is annexed hereto

and marked as **ANNEXURE - A/5**. (Pages 132 to 140)

- 4.9 It is pertinent to submit that M/s. Prasanna Blue Metals entered into a Lease Agreement with one Mr. Kannan, S/o Kuppusamy pertaining to Survey Numbers 240/3, 240/4, 242/6 and 242/7 measuring an extent of about 7.30 Acres at Avirimedu Village for setting up of a Stone Crusher Unit alongwith M-Sand and B-Sand Production Units. Later on, the said land was sub-leased to M/s. Simplex Infrastructure Limited for establishing Blue Metal Crusher Plant for their own purpose vide registering a Sub-lease Agreement dated 01.08.2017 wherein Doc No. 3037 / 2017 in the Sub-Registrar office at Maduranthagam. It is germane to note that the said lands assigned were primarily allotted for the purpose of amelioration of depressed classes and the said lands were categorised as D.C. Condition and was granted for the purpose of agriculture and the said lands under no circumstances can be alienated or used for any other purposes or by any person other than the allottee unless with the express written Order of the Deputy Commissioner of Land Administration. However, contravening the object and purpose of the said allotment of land in favour of oppressed

classes the said lands were purchased by a person belonging to other community from the Lawful allottee (i.e. Mr. Perumal and Mr. Ramasamy) and consequently conveyed to the said Mr. Kannan (Harijan / Dalit) for commercial purposes, i.e. establishing stone quarry business. A Writ Petition vide W. P. No. 29425 of 2014 was claimed to have been filed by some people before the Hon'ble Madras High Court challenging the misuse of the said lands appears to have been withdrawn deceitfully later on.

4.10 It is submitted that a No Objection Certificate was issued by the Tahsildar, Madurantakam for running a crusher in the said Survey Numbers comprising 0.77.5 Hectares of land in favour of one Mr. Kannan, S/o Kuppusamy, vide Pa.Mu.No. 1691/2014/A1 dated 18.03.2014 and M/s. Prasanna Blue Metals subsequently obtained permission to run the crusher in the said land.

4.11 Further, the Respondent forged the signature of the Tahsildar, Maduranthakam, and created a Counterfeit NOC purportedly with Number PA.Mu.No. 1691/2016/A1 dated 10.06.2016 to obtain necessary clearances from the Tamil Nadu Pollution Control Board.

4.12 It is submitted that the project of the Respondent is categorised as "Non-Coal Mining" project requiring prior environmental clearance as per the Order of this Hon'ble Court dated 27.02.2012 passed in SLP (Civil) No. 19628 - 19629 of 2009 and the MOEF&CC Office Memorandum dated 18.05.2012 and the Respondent obtained environmental clearance dated 15.05.2013 to undertake the quarry work for a period of five years as mentioned above. Further, the excerpts from the Environmental Clearance dated 15.05.2013 established that strict approval has been given for open cast semi-mechanised mining upto a depth of 27 meters (88.5 feet) only from the ground level and the depth of the mine has been arrived post careful consideration about the presence of ground water at a depth of 35 meters in normal times and 30 meters during rainy seasons.

4.13 However, the Respondent, in violation of the conditions of the environmental clearance, gouged more than 48.46 meters (159 feet) into the ground level to tap minerals available and other resources in contravention to the conditions of the environmental clearance accorded. The said violation was confirmed by an inspection carried out by the Firka Surveyor of Zamin Endathur,

Madurantakam on 29.01.2020 and the said report of the Surveyor was also endorsed by the Taluk Revenue Inspector vide his report dated 14.02.2020.

- 4.14 It is submitted that the Respondent / her unit through her deceased husband proposed for expansion of the quarrying activities at Avirimedu village in various other survey Numbers adjoining the existing mining site and a mining plan for enhanced quarrying was submitted on 16.05.2020 proposing to produce 3,04,181 m³ of rough stone 34,354 m³ gravel for a period of five years at the said site. The said project was planned to spread across 2.34.50 hectares of land and is located within one kilo meter radius of a very densely populated habitat at Nethapakkam and Avirimedu village and the said site abuts seasonal water stream of a radius of about 300 meters. In this connection, a report of the Revenue Inspector, Zaminendathur Taluk was submitted after conducting direct enquiry and field inspection jointly with Village Administrative Officer, Firka Surveyor of the concerned village. The said report of the Revenue Inspector, which was carried out to ascertain whether the Government rules were followed after measuring four side boundaries of the

said quarry. In the Report it was found that on the west side of the quarry only the land comprised in S. No. 5 and 6 belong to the Applicant which was not permitted for quarrying and within 25 days of expiry of quarry license, about 30 meters land slip had happened. Further the Report confirmed that the Zaminendathur Firka Surveyor measured and found that the Stones were mined upto 159 feet (48.46 meters) whereas the Environmental Clearance and Leasing Permission granted was only up to 27 meters. It is pertinent to note the said Report of the Revenue Inspector also take note of the fact that there is about 500 acres forest area and animals living in that forest are affected and the people in the adjoining village could not live freely and the explosive materials are used illegally and caused environmental pollution and air pollution and affect the quality of the soil. The Report of the Revenue Inspector, though notes that there were serious violations on the part of the Respondent in mining beyond the permitted limits, have said in the said Report that Government Rules and Regulations have been properly followed by the Respondent and no violation of Rules have been found and have recommended to further proceed to give Lease Rights for the land measuring an extent

of 2.34 hectare situated at 177, Avirimedu Village, be given. The said Report of the Revenue Inspector is self-contradictory and no recommendations for any further quarrying could be made as serious violations committed by carrying out mining operations in terms of the previous lease rights has been found in the same Report. A copy of the said Report of the Revenue Inspector Zaminendathur dated 14.02.2020 is annexed hereto and marked as **ANNEXURE - A/6.** (Pages 141 to 145)

- 4.15 It is submitted that in terms of the request for new additional quarrying license, the Respondent sought to obtain permission claiming that the presence of Geological Resource of Rough Stone at the project site to be 10,92,948 m³ out of which the Respondent proposed to produce 3,04,181 m³ of Rough Stone and 34,354 m³ of gravel upto a depth of 55 meters (180 feet) from the ground level. The water requirement for the project is pegged at 5.8 KLD for the purpose of dust suppression and domestic purpose. Accordingly, an approved mining plan was submitted for fresh EC by the Respondent / her deceased husband Mr. Murali who was at the relevant time was handling the business. It is also to be noted that admittedly the ground water table at the project site was present within a depth of 70

meters during summer and 65 meters during rainy seasons.

4.16 Subsequently, the said additional project of the Respondent received sanction from the District Collector vide R.C. No. 505/Q2/2019 dated 18.03.2020. And thereafter, Environmental Clearance was also accorded by the State level Environment Impact Assessment Authority (SEIAA) vide its Order dated 21.10.2020. A copy of the said Environmental Clearance granted by SEIAA dated 21.10.2020 is annexed hereto and marked as **ANNEXURE - A/7**. (Pages 146 to 170)

4.17 That considering establishing of additional quarry facility by the Respondent would adversely affect the environment resulting in agricultural lands being affected, the people in the area made objections to the establishment of the quarry. A representation was also given to the Revenue department by the villagers highlighting the likelihood of environmental degradation, if the quarry is permitted to expand. Further, it was mainly highlighted that the Respondent in the previous quarry itself has caused enormous environmental degradation by resorting to quarrying unscrupulously much beyond the permitted levels adversely affecting ground water

table and ultimately the agricultural lands in the adjoining villages getting affected.

- 4.18 It is also important to note that the Environmental Clearance by the SEIAA and Leasing Permission by the District Collector has apparently been given without considering that the permission for quarrying at the particular site would adversely affect the environment and would have a very adverse impact on the population living nearby and would also have a negative impact on the cattle held by the villagers. The Officers concerned has committed a grave error in not considering that the approach road to the permitted additional quarrying site is admittedly through Government land classified as "MEIKKAL PORAMBOKE" which is basically a grazing land meant solely for the purpose of cattle rearing and in terms of the decisions of this Hon'ble Court passed from time to time, such grazing lands are not to be put into use for purposes other than activities concerning grazing. The sanction for mining / quarry granted by the District Collector and the Environmental Clearance accorded by the SEIAA is totally in violation of the directions issued by this Hon'ble Court in a catena of Judgements concerning environmental protection and would adversely

affect the flora and fauna in the area apart from being detrimental to the human population living in the habitations very close by.

4.19 The Appellant herein, Applicant before the Ld. NGT, Chennai and villagers gave representations to various Statutory authorities requesting to prevent the Respondent/ Stone Crusher business from establishing the additional Stone Crushing facilities. However, all the said efforts did not yield anything as the Respondent Quarry continued with its operations depleting the natural resources by not following the stipulations in the permission granted.

4.20 That based on the request of the Respondent No. 9, the Assistant Director, Department of Geology and Mining, Chengalpattu District vide his proceedings dated 01.07.2021 ordered to transfer the lease granted in favour of Mr. Murali earlier in the name of Mrs. M. Jayalakshmi subject to conditions therein. A copy of the said proceedings of the Assistant Director, Department of Geology and Mining, Chengalpattu District vide ROC No. 505/Mines/2020 dated 01.07.2021 is annexed hereto and marked as **ANNEXURE - A/8**. (Pages 171 to 174). In furtherance thereto, the Respondent No. 9 herein entered into a

Supplementary Lease Deed with the State Authorities through Governor of Tamil Nadu, in terms of which the lease dated 24.10.2020 granted for quarrying Rough Stone and Gravel for 10 years from 24.10.2020 to 23.10.2030 to Mr. S. Murali was transferred in the name of Mrs. Jayalakshmi / the Respondent No. 9 herein. A copy of the said supplementary lease deed dated 01.07.2021 is annexed hereto and marked as **ANNEXURE - A/9**. (Pages 175 to 180).

4.21 In the said background, left with no other alternative, the Appellant herein, a public spirited media personnel, filed an Original Application under Section 18 (1) readwith Sections 14 & 15 of the National Green Tribunal Act, 2010 before the Hon'ble National Green Tribunal, Southern Zone Bench at Chennai with prayers to direct the State of Tamil Nadu/ officials to revoke/cancel all licenses/permissions granted in the names of Mrs. Jayalakshmi Murali and Mr. S. Murali and in survey numbers 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 and 7/1A1 at Avirimedu Village Maduranthagam Taluk, Chengalpattu District Tamil Nadu and for an order of Permanent Injunction against the Respondent /

Mrs. Jayalakshmi from carrying out any polluting activity detrimental to the environment and the agriculture fields/grazing fields present surrounding the mining area in various Survey Numbers as mentioned above and used by the Respondent at Avirimedu Village, to direct that the entire area be restored to its original condition and to conserve the rest of the habitat and to bring back the habitat to its original status by applying the Polluter Pays Principle at the cost of the Respondent and for also the cost of the proceedings. That in the said Original Application, serious allegations to the extent that the Respondent / Stone Crusher Operator has committed serious violations affecting the environment including violating conditions of the Environmental Clearance that the Respondent had gouged 48.46 meters (159 feet) into the ground level contravening the conditions of the EC which only permitted mining upto a depth of 27 meters (88.5 feet from the ground level) the said fact has also been confirmed by the inspection carried out by the Firka Surveyor on 29.01.2020 and use of 'Meikkal Poramboke' land which is in violation of various decisions of this Hon'ble Supreme Court, etc. Initially the OA was filed on 12.07.2021 which was

subsequently amended and an amended OA was filed later on 12.05.2022 which is annexed in the present Appeal subsequently. A copy of the said O.A. No. 156 of 2021 filed by the Appellant herein before the Hon'ble National Green Tribunal, Southern Zone Bench at Chennai dated 12.07.2021 is annexed hereto and marked as **ANNEXURE - A/10.** (Pages 181 to 196)

- 4.22 That the Ld. NGT, Chennai during its initial hearing of the O.A No. 156 of 2021 on 27.07.2021, after considering the submissions made in the Application found that there arises a substantial question of environment warranting interference of the Tribunal and admitted the same. The Ld. NGT Chennai also appointed a Joint Committee consisting of the District Collector concerned and other officers and directed to ascertain whether there is any violation of conditions imposed in the Environmental Clearance and 'Consent to Establish', etc., whether any excess mining has been done and nature of actions taken, etc. during the said hearing, the Ld. NGT Chennai refused to pass any Interim Order against the Respondent without getting Report from the Committee appointed and directed the Committee to file its Report on or before 24.08.2021. A copy of the

Order dated 27.07.2021 passed by the National Green Tribunal, Southern Zone, Chennai in O.A. No. 156 of 2021 (SZ) is annexed hereto and marked as **ANENEXURE - A/11**. (Pages 197 to 203)

4.23 That the matter was thereafter listed before the Ld. NGT, Chennai on 22.09.2021 when the Counsel entered appearance and submitted that the 8th Respondent therein Mr. S. Murali passed away on 28.05.2021 and Notice was served on his wife. The Ld. NGT, Chennai accordingly, directed the Applicant / Appellant herein to take steps to implead legal heirs of Mr. S. Murali. The Ld. NGT, Chennai also noted that the Report of the Committee has not been filed and expressed displeasure on the same considering the importance of the issues raised. A copy of the Order dated 22.09.2021 passed by the Ld. National Green Tribunal, Southern Zone, Chennai in O.A. No. 156 of 2021 (SZ) is annexed hereto and marked as **ANNEXURE - A/12**. (Pages 204 to 207)

4.24 The Appellant herein, after learning about the forgery concerning the No Objection Certificate (NOC) vide Pa.Mu.No. 1691/2016/A1 dated 10.06.2016 purportedly issued by the Tehsildar Madhuranthagam used by the Respondent for the purpose of getting necessary clearances from the

District Environmental Engineer, Mathuranthagam, filed a Writ Petition before the Hon'ble Madras High Court with a prayer to issue a Writ calling for the records of the Pa.Mu. No. 1691/2016/A1 dated 10.06.2016 and quash the same as illegal, arbitrary and devoid of merits and to direct taking of criminal action against the Respondents. In the said Writ Petition, detailed submission about the permission secured by the Respondent Mrs. Jayalakshmi / her husband, various illegalities committed by them by misusing the permission to quarry granted, use of land allotted to scheduled caste people for commercial purposes, using of land demarcated as Meikkal Poramboke i.e. lands used as social forest typically for passage and cattle grazing, etc. were presented before the High Court in detail. Further, in the said W.P., detailed submissions were made to the extent that the NOC for establishing Blue Stone Crusher Unit cum M-sand, B-sand unit was obtained by way of forging the signature of the Tahsildar, Maduranthagam. It was further submitted that one Mr. Kannan initially obtained NOC from the Tahsildar vide proceedings No. Pa.Mu. No. 1961/2014/A1 dated 18.03.2014 for establishing and operating Stone Crusher Unit at the designated site and consequently, when the

lands were leased to the M/s. Prasanna Blue Metals / the business entity of the Respondent Quarry Operator for establishing blue stone crusher unit along with M-sand and B-sand unit, the Respondent had forged the signature of the Tahsildar leading to creation of a counterfeit NOC vide No. Pa.Mu. No.1961/2016/A1 dated 10.06.2016 to obtain necessary clearances from the Tamil Nadu Pollution Control Board. It was further submitted that the forged NOC dated 10.06.2016 bears the same Proceedings Number of that of the previous certification issued on 18.03.2014. Further, the signature of the Tahsildar in office on 18.03.2014 was forged on the same in 10.06.2016, while the actual Tahsildar in office during 10.06.2016 was a different person. The Appellant sensing the serious fraud committed, raised a complaint before the District Collector and the Superintendent of Police, Chengalpattu on 05.09.2021 requesting to take necessary action against the forged document and the proprietors of the unit thereof, but without any response to the same. In the said Writ Petition, detailed submissions / grounds were placed concerning the illegal activities of the Respondent Stone Crusher including use of irregular explosives and creating

excessive pollution in the village resulting in complete loss of livelihood to the villagers and severe environmental damage to the entire region for the consideration of the High Court. A copy of the Writ Petition vide W.P. No. 23756 of 2021 dated 04.10.2021 filed in the High Court of Judicature at Madras is annexed hereto and marked as **ANNEXURE - A/13.** (Pages 208 to 222)

4.25 That in the proceedings before the Ld. NGT, the Joint Committee appointed by the NGT submitted its report dated NIL signed on 08.11.2021 wherein the Committee confirmed that there are various serious violations committed by the Respondent Quarry Operators on various counts including exceeding the depth of mining i.e. mining upto 53 meters whereas permission granted is only 27 meters, quarrying carried out in non-leasehold area in adjacent patta lands over an extent of 0.31.00 hectares and illegally transporting 5,480 M3 of weathered rock and 12,696 M3 of rough stone contravening subsection 1A of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957, suggesting environmental compensation for the environmental damages caused. A copy of the said report of the Joint Committee dated NIL signed

on 08.11.2021 is annexed hereto and marked as **ANNEXURE A/14.** (Pages 223 to 239)

4.26 The Writ Petition W.P. No. 23756 of 2021 was listed before the High Court on 09.11.2021 when the Hon'ble High Court observed that the allegations levelled in the Petition, if correct, would amount to serious dereliction of duty on the part of officials down the line in permitting the M/s. Prasanna Blue Metals to undertake mining activities at Avirimedu village in Maduranthagam Taluk of Chengalpattu District. The Hon'ble High Court further observed that the District Collector, Chengalpattu District should file a Report after personally visiting the site and making inquiries, particularly as to the validity of the License and the No Objection Certificate that may have been obtained by M/s. Prasanna Blue Metals for undertaking such mining activities. A copy of the said Order dated 09.11.2021 passed by the High Court of Judicature at Madras in W.P. No. 23756 of 2021 is annexed hereto and marked as **ANNEXURE - A/15.** (Pages 240 to 242)

4.27 In pursuance of the directions of the Ld. NGT, Chennai the Revenue Divisional Officer (RDO), Department of Revenue and Disaster Management, Maduranthagam Division also filed an Independent

Response on the issue. It was categorically stated therein that the Joint Committee had inspected the mining area under lease granted to the Respondent / M/s. Prasanna Blue Metals on 05.10.2021 and again on 18.10.2021. It was stated that all the leased-out areas are merged together and formed a single pit and part of the pit filled with water. With regard to the previous lease dated 05.06.2013 the following violations were found as per the report:

- i) As per the lease granting order and lease deed conditions the lessee has not provided safety distance 7.5 metres to the adjacent land in the west and northern side.
- ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area in good condition as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.
- iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferrous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and

systematic manner keeping in view of proper safety of the labourers.

- iv) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions. The lessee has not planted any green belt development around the boundary of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.
- v) As per the pit measurements, it is estimated that, a quantum of 4,51,710 M3 of rough stone and 23,440 M3 of weathered rock had been quarried within the lease hold area ie., in S.F.Nos. 7/ 1A1 over an extent of over an extent of 1.50.00 hect.
- vi) Mining operation is approved up to depth of 27 m (below ground level) in the mining plan / environmental clearance whereas the lessee has carried out the mining operation to maximum depth of 53 metres. The lessee had been removed 1,83,510 M3 of Rough stone and 23,440 M3 of weathered rock over and above the quantity approved in the mining

plan from the area granted under lease in S.F.Nos. 7/1A1.

Further, in terms of the said report of the RDO the following violations were observed during the inspection within the area granted lease in S.F. Nos. 3/1, 3/2, etc., in terms of permission dated 24.10.2020:

- i) As per the lease granting order and lease deed conditions the lessee has not provided safety distance 7.5 metres to the adjacent patta land in the Eastern side.
- ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area in good condition as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.
- iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferrous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.

- iv) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions. The lessee has not planted any green belt development around the bounty of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.
- v) As per the permit register of the Department of Geology and Mining, Chengalpattu, the lessee has obtained transport permit for 12,600 cub. of Rough stone and 5,100 cbm of Gravel for the period upto 28.09.2021. Further, as per the pit measurements it is estimated that 1,54,501cbm of Rough Stone and 23,208 cbm of weathered rock had been removed within the lease hold area. In this connection, it is observed that the lessee has quarried 1,41,901 cbm of rough stone and 23,208 cbm. of weathered rock had been removed over and above the permitted quantity as per the permit register.

Further, the said report of the RDO categorically state that a quantum of 46,648 M3 of weathered

rock and 3,25,411 M3 of rough stone has been quarried and removed from the area without payment of seigniorage fee and without obtaining despatch slips, the Respondent has indulged in illegal quarrying operation in the adjacent patta in S.F. Nos. 5 & 6 over an extent of 0.31.00 hect and illegally transported 5,480 M3 of weathered rock and 12,696 M3 of rough stone and contravened the provisions. The report has suggested that necessary action has to be initiated by the authorities concerned as per Section 36-A of Tamil Nadu Minor Mineral Concession Rules, 1959 and for also imposition of penalty including cancelling the lease, to permit further quarrying only after taking remedial measure to ensure the safety of quarry workers and after getting concurrence from the Director General of Mines Safety and District Collector, the Lessee shall deposit environmental compensation which shall be used for the restoration of environment and for remedial and preventive measures. A copy of the said Independent Response filed by the Revenue Divisional Officer dated 10.11.2021 filed before the National Green Tribunal, Southern Zone, Chennai in O.A. No. 156 of 2021 (SZ) is annexed hereto and marked as **ANNEXURE A/16**. (Pages 243 to 260)

4.28 That in the Writ Proceedings, the District Collector filed a Status Report in furtherance of the direction given by the Hon'ble High Court regarding the allegations of misuse of license by M/s. Prasanna Blue Metals / Respondent herein. In the said Report of the District Collector, serious findings against the Respondent Stone Crusher Unit was reported as under:

- i) The unit was operating a storage yard in the Survey No. 243/13 and 243/14 without obtaining any necessary permission as per the Tamil Nadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealers Rules, 2011,
- ii) The said Unit was using the Government 'Meikkal Poramboke' Land in Survey No. 121/B as approached road,
- iii) M/s. Prasanna Blue Metals already got a No Objection Certificate in the year 2014 by Proceedings dated 18.03.2014 in Pa.Mu. No. 1691/2016/A1 for running the Crushing Unit and using the same aforesaid Certificate, M/s. Prasanna Blue Metals forged another one as if issued in the year 2016 and applied with the forged NOC to the District Environment Engineer, Tamil Nadu Pollution Control Board,

Maraimalainagar, Chengalpattu District, consequently consent been given by the aforesaid District Environment Engineer via OCMMS vide Proceedings No. F0861SPR/RS/DEE/TNPCB/SPR/W&A/

2016 dated 01.03.2018 for manufacturing Blue Metal of various sizes – 500 tons per day,

iv) The inescapable conclusion that can be arrived at is that the Certificate bearing File No. 1691/2016/A1 has not been issued from the A1 Clerk Seat and that in all probability the said Certificate is a forged one,

v) The District Environment Engineer issued a letter and subsequently the Unit of Prasanna Blue Metals been closed and power been also snapped and is not continuing any Crushing Unit in the above site and no activities are there in the site and the said Unit was inspected on 18.11.2021 and the following observations were made:

- a) The unit was not in operation,
- b) The Unit has provided GI Sheet Cover to the cone crusher and VSI,
- c) The Unit has not provided GI sheet cover to the Jaw Crusher, conveyors and sieves,

- d) The unit has provided water sprinkling arrangement and the M-Sand and P-Sand,
- e) The Unit has provided GI sheet cover fencing of 8 feet height on two sides of the boundary,
- vi) The Assistant Director (i/c), Geology and Mining has stated that as per the instructions issued by the District Collector during the field inspection to seize the materials stocked without obtaining proper permission from the authorities concerned, all the materials, vehicles and equipment available in the premises of M/s. Prasanna Blue Metals and M/s. Simplex Infrastructure Limited were seized and handed over to the Tahsildar Madurantakam,

That further, in the Status Report of the District Collector, it has categorically been submitted that after the abovesaid illegal unit has been temporarily shut down and seizure of the unauthorised stocks of materials, vehicles and other equipment therefrom, further measures have been initiated with the objective of permanently preventing the said illegal unit from functioning in the future by addressing a letter to the Chairman, TNPCB,

requesting him to revoke the Consent of the Board granted to the above said illegal crusher unit and further it has been proposed to conduct an enquiry on violation of assignment condition in respect of the subject land as these was the lands assigned on condition to the landless poor people. A copy of the said Status Report of the District Collector dated 30.11.2021 filed before the High Court of Judicature at Madras in W.P. No. 23756 of 2021 is annexed hereto and marked as **ANNEXURE - A/17.** (Pages 261 to 282)

4.29 Thereafter, the Joint Chief Environmental Engineer of the Tamil Nadu Pollution Control Board, filed a Counter Affidavit in furtherance of the directions by the Hon'ble High Court wherein it has specifically been stated that the Tahsildar, Maduranthagam, has stated that the NOC bearing letter Pa.Mu. No. 1691/2016/A1 dated 10.06.2016 issued by the Tahsildar, Maduranthagam, was verified with the office records and found to be forged and requested to take necessary action. In the said Counter it was also stated that the Stone Crusher was not in operation during the inspection of the TNPCB on 18.11.2021. It was further stated that M/s. Prasanna Blue Metals has submitted forged document to obtain consent of the Board and not

provided adequate APC measures to the emission sources, and it was recommended to the Board for the issue of directions under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 for the closure and stoppage of power supply and for withdrawal of the said consent orders issued to the said unit under Section 27 of the Water Act and under Section 21 of the Air Act. In the said Counter, it was further submitted that by way of three different proceedings the Board has issued directions for the withdrawal of Consent to Operate already issued, closure of unit, and stoppage of power supply to the said unit and the Board had issued the consent based on a forged document and upon knowing of the same, the above actions were taken. A copy of the said Counter Affidavit filed by the Tamil Nadu Pollution Control Board in W. P. (PIL) No. 23756 of 2021 dated NIL, 12.2021 before the Hon'ble High Court of Judicature at Madras is annexed to and marked as **ANNEXURE - A/18**. (Pages 283 to 289)

4.30 That thereafter, the Writ Petition was listed before the Hon'ble High Court on 03.01.2022 when the Hon'ble High Court passed an Order disposing of the Writ Petition with a direction to the

Respondents therein not to allow illegal excavation of the minerals from the area in question and further to complete the action initiated against the violators as per the provisions of Law and expeditiously as possible, so that the amount of mineral as well as the penalty is recovered at the earliest. In the said Order the High Court had taken note of the action taken report of the State which showed not only stoppage of illegal excavation of mineral but also the action taken to impose penalty. Further, so far as the forged NOC dated 10.06.2016 is concerned, since submissions were made that actions initiated against the violators would be completed at the earliest and presently illegal mining has been stopped and the Prayer made in the Writ Petition has been satisfied. A copy of the said Order of the High Court of Judicature at Madras passed in W.P. No. 23756 of 2021 dated 03.01.2022 is annexed hereto and marked as **ANNEXURE - A/19**. (Pages 290 to 295).

4.31 That subsequently, during the hearing of the matter before the Ld. NGT, Chennai, the said report of Joint Committee was taken on record and orders were passed for impleading Mrs. Jayalakshmi in the place of Mr. Murali who had passed away. Further, the Ld. NGT, Chennai directed to incorporate

details pertaining to the nature of violation committed by the subsequent lessee i.e. Mrs. Jayalakshmi and also explained the nature of violation whether it was done during the period of original lessee's leasehold period or subsequently, in order to ascertain the liability of the person and how the liability will have to be fixed. A copy of the Order dated 18.02.2022 passed by the Ld. National Green Tribunal, Southern Zone, Chennai in O.A. No. 156 of 2021 (SZ) is annexed hereto and marked as **ANNEXURE - A/20**. (Pages 296 to 312)

4.32 That subsequent thereto, the Appellant herein filed an Application vide I.A. No. 44 of 2022 (SZ) in the Original Application No. 156 of 2021 before the Ld. NGT, Chennai wherein various detailed submissions about the role and involvement of Mrs. Jayalakshmi, wife of Mr. Murali was made and prayed for impleading the said Mrs. Jayalakshmi Murali and was also submitted that Mrs. Jayalakshmi had entered into a Supplementary Lease Agreement vide document no. 2770 / 2021 dated 01.07.2021 to undertake mining operations of the quarry unit of M/s. Prasanna Blue Metals in the Survey Numbers mentioned and also the Proprietor then for the said quarry unit. A copy of the said Application for Impleadment vide I.A. No.

44 of 2022 (SZ) filed in O.A. No. 156 of 2021 before the National Green Tribunal, Southern Zone bench at Chennai dated 23.02.2022 is annexed hereto and marked as **ANNEXURE - A/21**. (Pages 313 to 316)

4.33 Thereafter, the Appellant also filed appropriate Applications for carrying out necessary amendments in various paragraphs of the Original Application and also in the grounds and prayer, etc., thereof. A copy of the said Application for Amendment of the Original Application vide I.A. No. 53 of 2022 (SZ) filed in O.A. No. 156 of 2021 dated 01.03.2022 is annexed hereto and marked as **ANNEXURE - A/22**. (Pages 317 to 333)

4.34 That the Hon'ble NGT, Chennai, during the hearing on 02.03.2022, allowed the application for Impleadment vide I.A. No. 44 of 2022 (SZ) and impleaded Mrs. Jayalakshmi Murali, the Respondent No. 9 herein as Respondent No. 9 in the Original Application and directed the Applicant to produce the amended copy of the Original Application. In the said Order, the Ld. NGT also observed that inspite of direction to the authorities to file report regarding the steps taken in respect of recovery of amount for excess mining, the same has not been reported and further directed to file the report as directed by the Tribunal and also directed

the parties to complete the pleadings on or before 23.03.2022. A copy of the Order dated 02.03.2022 passed by the Ld. National Green Tribunal, Southern Zone, Chennai in O.A. No. 156 of 2021 (SZ) is annexed hereto and marked as **ANNEXURE - A/23.** (Pages 334 to 337)

4.35 That the Ld. NGT, Chennai vide its Order dated 25.03.2022 allowed the I.A. No. 53 of 2022 (SZ) for amendment of the O.A. filed by the Appellant herein. During the said hearing, the Ld. NGT specifically noted that the Counsel for the Respondent No. 9 therein / Mrs. Jayalakshmi, submitted that he wanted to file their counter to the allegations made in the Original Application and also expressed his No Objection in allowing the Application for Amendment with liberty to file counter for the same. Accordingly, the Counsel for Mrs. Jayalakshmi was given time to complete the pleadings and also to file objections to the report, if any. A copy of the Order dated 25.03.2022 passed by the Ld. National Green Tribunal, Southern Zone, Chennai in O.A. No. 156 of 2021 (SZ) is annexed hereto and marked as **ANNEXURE - A/24.** (Pages 338 to 341)

4.36 That subsequently, since the Respondent Quarry Operators continued with their Stone Crushing

activities even after passing of the Order by the Hon'ble High Court and in violation of the submissions made by the District Collector and the TNPCB before the Hon'ble High Court, the Appellant herein issued a Contempt Notice dated 04.06.2022 to the official Respondents. In the said Contempt Notice it was categorically submitted that the facts concerning closure of the unit under the control of Mrs. Jayalakshmi vide Order dated 31.10.2011 and continuing to function thereafter under the guise of a new Applicant i.e. Mr. S. Murali without any valid licenses and the same has not been mentioned in the status report filed by the official Respondents before the High Court and the same amounts to suppression of essential facts.

4.37 That, since no actions whatsoever was taken by any of the official Respondents against the illegal mining activities of the Respondent Stone Crusher, inspite of the Order of the Hon'ble High Court dated 03.01.2022 and Contempt Notice, the Appellant herein was constrained to file a Contempt Petition vide C.P. No. 1606 of 2022 in W.P.(PIL) No. 23756 of 2021 placing all the facts of further illegal mining being continued by the Respondents and inaction on the part of the official Respondents in preventing the same. In the said Petition, facts concerning

Mrs. Jayalakshmi being in active business of quarrying prior to the business started in the name of Mr. Murali was placed in detail. It was specifically stated that inspite of the Order passed by the Hon'ble High Court dated 03.01.2022 in the Writ Petition, the Respondents still engaged in running the Crusher Unit and no action from the official Respondents taken and in connection with the location the unit was ordered to be closed by the TNPCB as the unit was within 217.2 meters from the State Highways as against 550 meters as per the norms vide B.P.Ms. No. 4 dated 02.07.2004. It was also specifically stated that inspite of various illegal activities perpetuated by Mrs. Jayalakshmi she has not been charged criminally for forging the Government Documents and for illegal excavations. A copy of the said Contempt Petition No. 1606 of 2022 in W.P.(PIL) No. 23756 of 2021 filed before the High Court of Judicature of Madras dated 05.07.2022 is annexed hereto and marked as **ANNEXURE - A/25.** (Pages 342 to 350)

- 4.38 The Respondent / Mrs. Jayalakshmi Murali filed a reply to the Original Application filed by the Appellant herein before the Ld. NGT, wherein all the submissions and allegations made in the O.A. were refuted without any or adequate substantiation of

the same. In the said reply various factually and legally incorrect submissions were made by the Respondent including that; there were no complaints during the tenure of the previous lease period, that Mrs. Jayalakshmi was fully dependent on her husband for her livelihood and was left with no form of sustenance after the demise of Mr. Murali, there was no allegations or liabilities against Mr. Murali at the time when Mrs. Jayalakshmi entered into a Supplementary Lease Deed dated 01.07.2021, the quarry operation was stopped after functioning for a short period after 01.07.2022, the inspection of Joint Committee was conducted in the absence of Mr. Murali and without the presence of Mr. Murali it will not be possible to answer the allegations raised, that Mrs. Jayalakshmi was completely unaware of the Quarry operations and the details involved therein and was only forced to apply for the quarry license as a source of livelihood, that she was never directly or indirectly associated with the quarry activities which was completely under the supervision and control of Mr. Murali till his demise, that with the death of Mr. Murali all proceedings will stand abated, that with the execution subsequent lease with Mrs. Jayalakshmi the same under the Rules

would have to be treated as a fresh lease and the liabilities of the previous lessee cannot be burdened upon the subsequent lessee, the Report of the Joint Committee has been done without proper application of mind and in a mechanical manner, the death of Mr. Murali was not brought to light and only the Respondent No. 9 brought to the notice of the Ld. Tribunal, etc.. That a copy of the said reply dated NIL, 08.2022 filed in O.A. No. 156 of 2021 before the Hon'ble National Green Tribunal (SZ) Bench at Chennai is annexed hereto and marked as **ANNEXURE A/26**. (Pages 351 to 367)

4.39 That the Ld. Revenue Divisional Officer (RDO), Maduranthagam filed a Compliance Report before the Hon'ble High Court in the Contempt Petition wherein the violations and illegalities of the Respondent Crusher Unit was confirmed. It was submitted that the Tahsildar Maduranthagam has filed a complaint against M/s. Prasanna Blue Metals and M/s. Simplex Infrastructure Limited and a FIR has been registered at Chithumur Police Station, in Crime No. 268 of 2021 dated 18.11.2021 for the offences punishable under sections 465, 468, 471 and 420 of IPC and an alteration report was also filed on 29.01.2022. It was stated that subsequent to the Order of the High Court passed

in the Writ Petition, all necessary actions were initiated and the Crusher Unit M/s. Prasanna Blue Metals was temporarily shut down till the filing of the said report. Further, it was submitted that there was excessive mining and necessary Orders were passed directing Mrs. Jayalakshmi to pay a penalty of Rs. 7,29,62,601/- under Rule 36(A) of the Tamil Nadu Minor Minerals Concession Rules, 1959 and for transporting the mineral without paying seigniorage fees, a penalty of a sum of Rs. 59,47,421/- was imposed by Order dated 31.08.2022 and 30.08.2022. It is pertinent to note that the said proceedings of the Ld. RDO has apparently been passed taking into consideration the Writ Petition before the Hon'ble High Court and the proceedings before the Ld. NGT, Chennai in O.A. No. 156 of 2021 (SZ). A copy of the said Compliance Report filed by the RDO, Maduranthagam before the High Court of Judicature at Madras in Contempt Petition No. 1606 of 2022 in W.P. No. 23756 of 2021 dated 30.08.2022 is annexed hereto and marked as **ANNEXURE - A/27.** (Pages 368 to 385)

4.40 That the Hon'ble Madras High Court during the hearing of the Contempt Petition on 15.09.2022, has been pleased to close the Contempt Petition

taking note of the fact that the Compliance Report of the RDO has served the purpose. The said decision of the Hon'ble Madras High Court is totally wrong in as much as the Compliance Report is totally silent about the previous report of the District Collector and of the Pollution Control Board filed in the Writ Petition No. 23756 of 2021 wherein both the District Collector and TNPCB have confirmed and made assertions that adequate actions have been taken to ensure that the Crusher Unit of the Respondent would not continue to function as the same would adversely affect the interests of the Society and all the stakeholders. A copy of the Order dated 15.09.2022 passed by the Hon'ble High Court of the Judicature of Madras in Contempt Petition No. 1606 of 2022 is annexed hereto and marked as **ANNEXURE - A/28**. (Pages 386 to 390)

- 4.41 That the Hon'ble National Green Tribunal, Southern Zone, Chennai, has passed the Impugned Order, disposing of / rejecting the Original Application filed by the Appellant herein as 'nullity', primarily for the reason that Mr. Murali, who operated the business from the year 2014 to 2019 and has been made a Respondent in the Original Application, was not alive at the time of filing of the Original

Application. The said decision of the Hon'ble Tribunal is totally wrong and highly unjustified in view of that the factum of demise of Mr. Murali was brought to the notice for the first time during the hearing of the OA before the Tribunal on 22.09.2021 and immediately thereafter the Appellant moved an Application for Impleading Ms. Jayalakshmi, the Respondent No. 9 herein who was also the original promoter of Quarrying / Stone Crushing business and was running business in the name of Jaya & Co. which was closed due to illegalities committed and the location being less than the minimum prescribed distance from the nearest State Highway prior to the present business started by her deceased husband Mr. Murali, and the said Application was also allowed by the Hon'ble Tribunal vide its Order dated 02.03.2022. Further, an Application for Amendment vide I.A. No. 53 of 2022 in the said OA was also moved and the same was also allowed by this Hon'ble Tribunal by its Order dated 25.03.2022. The Impugned Order, in no circumstances could have been passed, particularly in view of an earlier Order of the Hon'ble Tribunal dated 27.07.2021 in terms of which the Hon'ble Tribunal passed directions constituting a Joint Committee consisting of Senior

Officers of the State Government including the District Collector, officers from TNPCB, Mining Department, etc., with a direction to ascertain violation of conditions in the Environmental Clearance granted, issue of excess mining, nature of actions taken against the Quarry, status of pollution control mechanisms put in place, position of quality of air and water, effect of dust from the Quarry in the surrounding areas, environmental damages caused, etc.. Further, the Joint Committee have also passed its Report dated NIL, signed on 08.11.2021 before the Tribunal, categorically establishing that the Respondent / Quarry Operator have committed large scale violations in running the said Quarry / Crusher without following the conditions imposed in the Orders granting permission for Quarrying. In terms of the said Joint Committee Report filed before the Tribunal in the OA, it was confirmed and brought to the knowledge of the Hon'ble NGT that various serious violations are committed by the Respondent Quarry Operators on various counts including exceeding the depth of mining i.e. mining upto 53 meters whereas permission granted is only 27 meters, quarrying carried out in non-leasehold area in adjacent patta lands over an extent of 0.31.00

hectares and illegally transporting 5,480 M3 of weathered rock and 12,696 M3 of rough stone contravening subsection 1A of Section 4 of the Mines and Minerals (Development and Regulation) Act, 1957, and the report of the Joint Committee have also suggested environmental compensation for the environmental damages caused to be paid by the Respondent Quarry Operators. However, in the Order impugned passed by the Ld. NGT, Chennai, without considering the crucial environmental degradation perpetuated by the Respondent / Quarry, and the same being confirmed by the Joint Committee of Officers appointed by the NGT itself, the Ld. NGT has erroneously and without any legal basis have disposed of the OA rejecting the same which is totally against the basic principle establishing the NGT under the National Green Tribunal Act, 2010 and the same needs to be reversed by this Hon'ble Court.

GROUND

- A. BECAUSE the Impugned Order of the Hon'ble NGT, Chennai is totally against the facts and circumstances involved, weight of evidence and against all canons of Law.

- B. BECAUSE the Hon'ble NGT, Chennai has committed a grave error in passing the Impugned Order in as much as the same is totally against the very purpose of establishing the National Green Tribunals and runs totally contrary to the legislative intent in creating the National Green Tribunals for the purposes of protection of environment including suo moto actions to ensure that the intent of the legislation under which the Tribunal is created. In the present case, inspite of the Hon'ble NGT, Chennai, having been made aware through the Report by the Joint Committee of Government Officers created by the NGT itself about the illegal excessive mining and resulted environmental degradation caused due to the illegal actions of the Respondent, have disposed the Original Application filed by the Appellant herein citing technical reasons which is totally invalid and totally uncalled for.
- C. BECAUSE the Impugned Order of the Hon'ble NGT, Chennai, is a travesty of justice and the present Appeal involves substantial questions relating to environment and the right to life as enshrined under Article 21 of the Constitution of India as the averments, pleadings, documents and reports concerning the present issue and placed before

this Hon'ble Court establish intolerable hazards faced by the Appellant from the Unit owned and run by the Respondent No. 9.

D. BECAUSE the Order Impugned in the present Appeal is in complete derogation of various environmental principles enshrined in our Constitution and in total derailment of various decisions / pronouncements of this Hon'ble Court in a catena of Judgements and totally against the principle of Right to Healthy Environment which has been declared as a part of Right to Life under Article 21 of the Constitution by this Hon'ble Court as the Tribunal has miserably failed to curtail the illegal actions being inflicted by the Respondent against environment continuously and the State Government Authorities remaining mute spectators facilitating the illegal actions of the Respondent Quarry Operator to the total detriment of the people in the adjoining villages and to the society as a whole.

E. BECAUSE the decision of the Ld. NGT impugned herein is legally untenable in as much as the same have miserably failed to take cognisance of the aspect that for establishing Blue Stone Crusher Unit cum M-Sant and B-Sand Unit, the

Respondent had forged the signature of the Tahsildar Madurantakam in the purported NOC vide Pa.Mu. No. 1691/2016/A1 dated 10.06.2016 which formed the basis for issuance of further clearances from the Pollution Control Board and the said forgery of signature had been confirmed by the District Collector, RDO, Authorities of Pollution Control Board, Tahsildar concerned etc. and the NGT giving a complete go-by to the said aspects have passed the Impugned Order resulting the Respondent Quarry Operator continuing to operate the Quarry illegally till date.

- F. BECAUSE the Hon'ble NGT, Chennai, have committed a serious fault in passing the Order Impugned herein by disposing / dismissing the Original Application before it for reasons of non-joinder / mis-joinder of parties whereas the Application for Impleadment had already been allowed by the NGT, by its earlier Order dated 02.03.2022 passed in the same proceedings and the same had never been challenged and had become final between the parties.
- G. BECAUSE the Hon'ble NGT, Chennai, has failed to exercise its power for the very purpose for which it has been created by not acting when serious violations and environmental degradations

continuously committed by the Respondents/ Quarry Operator and failure on the part of the State Machinery to prevent the same is brought to the knowledge of the Hon'ble NGT, Chennai, in terms of the Original Application filed by the Appellant herein and the said serious actions and violations resulting in serious environmental degradation having been confirmed by the Joint Committee appointed by the Hon'ble NGT, Chennai as well.

- H. BECAUSE the Report of the Joint Committee consisting of the Government Officials appointed by the NGT, dated 08.11.2021 confirmed and listed out serious violations and environmental degradations and brought to the knowledge of the Hon'ble NGT that various serious violations are committed by the Respondent Quarry Operators on various counts including exceeding the depth of mining i.e. mining upto 53 meters whereas permission granted is only 27 meters, quarrying carried out in non-leasehold area in adjacent patta lands over an extent of 0.31.00 hectares and illegally transporting 5,480 M3 of weathered rock and 12,696 M3 of rough stone contravening subsection 1A of Section 4 of the Mines and Minerals (Development and Regulation) Act, 1957,

and the report of the Joint Committee have also suggested environmental compensation for the environmental damages caused to be paid by the Respondent Quarry Operators, the Hon'ble NGT failed to take the cognisance of the same and initiate actions to stop further illegal activities of the Respondent and to compensate for the degradation of environment already inflicted.

- I. BECAUSE the Hon'ble NGT, Chennai, has totally lost sight of the crucial aspect that the land in which Quarrying is being conducted includes land allotted for the purpose of upbringing the oppressed / depressed classes in the society and the said land is solely permitted to be used only by the allottee and only for the purpose for which the same was allotted i.e. agricultural activities. Whereas, the Respondent by entering into legally impermissible sale agreements / lease deeds have carried out / is still carrying out Quarrying and Stone Crushing activities which is totally to the detriment of the said oppressed and depressed classes is a crime against the society as a whole.
- J. BECAUSE the Hon'ble NGT, Chennai, has failed to prevent the Statutory Authorities of the State in permitting the Quarry owner / Respondent to continue with the subsequently issued license for

Quarrying for a further period of ten years inspite of the fact that all the Government Authorities including the District Collector, Tamil Nadu Pollution Control Board, Revenue Divisional Officer, Joint Committee consisting of top Government Officials selected by the NGT itself, etc. have categorically filed their respective Reports confirming the environmental degradation and violations perpetuated by the Respondent / her predecessor during the license period between 2013 to 2018 which has resulted in serious environmental imbalance and even the Joint Committee suggesting remedial measures to correct the same by collecting Environmental Compensation from the Respondent.

- K. BECAUSE the Hon'ble NGT, Chennai, have miserably failed to appreciate that the Joint Committee in its report had observed that during its inspection at the site certain violations within the lease area including not providing 7.5 meter distance to the adjacent patta land and non-erection of boundary pillars, failure on the part of the Respondent in not monitoring the quality of the ground water quarterly and not conducting any ambient air sampling survey in and around the quarry site as per the Environmental Clearance

conditions and correct the same by passing appropriate remedial directions against the Respondent / Quarry Operators.

L. BECAUSE the Hon'ble NGT, Chennai, has miserably failed to appreciate that after having allowed the Interlocutory Application vide I.A. No. 44 of 2022 filed by the Appellant herein to implead the legal heirs of the deceased Respondent vide its Order dated 02.03.2022 and there being no challenge to the same the parties having been acted in the proceedings subsequent to the said Order, there is absolutely no question of filing and/or maintaining the Original Application against a deceased person as the person who have taken over the business and continuing with the same and the legal heir been represented in the proceedings, and the observations that the Petition is not maintainable is legally incorrect and needs to be rejected by this Hon'ble Court.

M. BECAUSE the Impugned Order passed is totally based on a misconceived interpretation / application of Law as the Hon'ble NGT, Chennai, has erroneously observed that the Application filed against a dead person even on the date of institution of the proceedings, the application has become void ab initio and the same is deemed to

have been abated. Whereas Mr. S. Murali had apparently been made Respondent No. 8 in the O.A. 156 of 2021 only in his capacity as Proprietor of M/s. Prasanna Blue Metals, as evidenced from the Cause Title, and only the process of Stone Quarrying and Stone Crusher and the business concerned has been targeted and made a party to prevent the misuse of the license obtained and the decision to the said extent by the Hon'ble NGT, Chennai, is a serious flaw.

- N. BECAUSE the Hon'ble NGT, Chennai, has in the Order Impugned, on the one hand rendered a finding that the 8th Respondent had been operating the unit as a sole proprietor which was subsequently taken over by the 9th Respondent, have held that the Application is a nullity just because a deceased person has been made a party at the time of filing the Application itself and the said finding is totally incorrect and liable to be set aside.
- O. BECAUSE, the Hon'ble NGT, Chennai, has wrongly held that on the date of filing, the person is dead which vitiates the entire proceedings and therefore, the compensation, even if assessed by the competent authority becomes non est in Law, which is totally wrong in as much as that Mr.

Murali was made a Respondent not in his individual capacity but only in his capacity as proprietor of M/s. Prasanna Blue Metals and as and when the demise of proprietor of M/s. Prasanna Blue Metals was brought to the knowledge of the Tribunal and the Appellant, appropriate applications for impleading the legal heir of Mr. S. Murali and the subsequent proprietor of M/s. Prasanna Blue Metals had been filed and the same was also allowed in the presence of the Counsel for the Respondent Quarry owner as well.

P. BECAUSE the Hon'ble NGT, Chennai, has committed a serious error in observing that merely because Mrs. Jayalakshmi (9th Respondent before NGT), who had subsequently taken a fresh lease and Quarrying licence from the authorities would not automatically make her liable for the amount payable towards Environmental Compensation, which is totally incorrect and totally against all canons of Law.

Q. BECAUSE the Hon'ble NGT, Chennai, has failed to appreciate and act against the operation of the unit of the Respondent No. 9 as the same is illegal, unauthorized and environmentally unsustainable causing severe pollution and degradation to the

environment, and thus liable to be interfered with and set aside by this Hon'ble Court.

- R. BECAUSE the operation of the unit of Respondent 9 is contrary to the established principles of law and in violation to the mandatory provisions under the scheme of Environmental Protection Act, 1985, the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 among others.
- S. BECAUSE excessive mining and excavation by the unit of Respondent 9 is contrary to the limits prescribed in the Environmental Clearance and the same has already completely depleted the ground water resources and consequently destroyed the agricultural lands and other related activities in the entire region.
- T. BECAUSE the unit of Respondent 9 through her deceased husband had gouged more than 48.46 meters (159 feet) into the ground level, which is beyond the permitted limit of only to the extent of 27 meters as per the leasing permission, to tap minerals available and other resources which is in violation of various conditions including the Environmental Clearance.
- U. BECAUSE the operation of the unit of Respondent 9 has brought hardships to the rural population

surrounding the mining site on account of irregular explosions and excessive excavations. All villagers and common public are unable to access the grazing field adjoining the site and thus, are deprived of their livelihood apart from being subjected to hazardous environmental pollution.

- V. Because the site for Stone Crusher Unit is very close to State Highway i.e. 217.2 meters which is clearly in contravention to the criterion laid down by TNPCB in B.P. Ms. No. 4 dated 02.07.2004 and hence the unit is liable to be shut down by this Hon'ble Court.
- W. Because after obtaining 'Consent to Establish' Stone Crusher Unit, Respondent started stone crushing operations illegally prior to obtaining 'Consent to Operate' itself establishing the nature of the Respondent in dealing with natural resources and respect for the State Machinery which has been confirmed by the Report of the Revenue and Pollution Authorities and hence, is liable to be shut down forth with.
- X. BECAUSE the Hon'ble Tribunal failed to appreciate that the official Respondents committed a grave error by giving lease rights of lands as such lands have been classified as 'Meikkal Poramboke' which is basically used as social forest typically for

passage and cattle grazing and cannot be used for any other purpose and misuse of the same would adversely affect the nature and the environment.

Y. BECAUSE the Hon'ble Tribunal lost sight of the crucial aspect that the Joint Committee, appointed by the Hon'ble Tribunal, confirmed that there are various violations committed by the Respondent quarry operator on various counts including carrying out mining activities beyond the permitted level i.e. 27 meters and also quarrying in non-leasehold areas in adjacent Patta lands.

Z. BECAUSE the decision impugned herein is totally contrary to the very intent of the State Machinery in as much as the District Collector in his response filed in the W.P. No. 23756 of 2021 has categorically stated that after the illegal unit of the Respondent had been temporarily shut down and seizure of the unauthorised stocks of materials, vehicles, and other equipment therefrom, the following measures have been initiated with the objective of permanently preventing the said illegal unit from functioning in the future:

- i. A letter has been addressed to the Chairman, TNPCB requesting him to revoke the consent of the Board granted to the abovesaid illegal Crusher Unit.

- ii. Further, it has been proposed to conduct an enquiry on violation of assignment condition in respect of the subject land. As these was the lands assigned on condition to the landless poor people.

However, inspite of the said categorical stand taken by the District Collector and submitted before the High Court, no action whatsoever has been taken so far either by the TNPCB by revoking Consent granted or by the Revenue Authorities on violating the conditions of the assignment in respect of the subject lands which is totally against the undertaking given by the District Collector apart from the same being against the interests of the general public.

- AA. BECAUSE the decision under challenge is a legal error as the Tribunal have not considered that the RDO in its Independent Response as well as in the Joint Committee Report has pointed out various violations, with respect to the Environment Clearance granted by SEIAA, found during the inspection of the mining area under lease granted to Respondent / M/s. Prasanna Blue Metals dated 05.10.2021 and 18.10.2021.

BB. BECAUSE the illegal Crusher Unit of the Respondent cannot be allowed to function as the proceedings initiated both before the High Court as well as the NGT had apparently been closed taking note of the submissions of the Statutory Authorities that the illegal mining has been stopped and there is no necessity for continuing with the proceedings as mentioned in the Order of the High Court dated 03.01.2022. However, in reality the illegal Crusher Unit of the Respondent is operational till date.

CC. BECAUSE the Hon'ble NGT has failed to take note of the crucial aspect that Mrs. Jayalakshmi the Respondent No. 9 herein, while conducting the Quarrying business in the name of Jaya & Co. had illegally operated the said unit only with the support of a Consent to Establish and prior to obtaining a Consent to Operate and that the District Environmental Engineer rejected the request of the Respondent to grant Consent to Operate as the site was located very close to the State Highway i.e. 217.2 meters which is much less than the minimum 500 meters distance criteria stipulated as per BPMS No. 4 dated 02.07.2004 and thereafter in the Appeal filed against the Order of the DEE before the TNPCB,

the said Appeal was rejected by an Order of the Ld. Appellate Authority, TNPCB dated 26.07.2013 and even the Writ Petition filed against the said Order of TNPCB vide W.P. No. 17724 of 2014 was not pressed for and the Respondent had only secured an Order from the Hon'ble High Court for release of the seized vehicles and other materials involved in the illegal mining. Further, the Consequential Order dated 20.02.2014 passed by the TNPCB ordering closure of the unit had also become final against the Respondent. The said fact establishes that the conduct of the Respondent was totally illegal from the beginning and Mrs. Jayalakshmi was involved in the business of Quarrying and related works even prior to the time of Mr. S. Murali and even the business by the name M/s. Prasanna Blue Metals was carried on only by Mrs. Jayalakshmi by using the name of her husband Mr. S. Murali.

DD. BECAUSE the Hon'ble NGT has failed to take note of the fact that the Respondent Quarry during its operations from the period 2013 to 2018 has violated all principles and all guidelines to preserve, protect and save the environment and have carried out large scale illegal Quarrying against the Mining Plan dated 15.12.2012,

Environmental Clearance dated 15.05.2013, Stone Quarry Lease of the District Collector dated 05.06.2013, etc. and have caused large scale depletion of earth in the area affecting the ground water level and as a result troubling the overall environment resulting in agricultural and crop failures to the agriculturists and affecting the life of the villagers completely.

EE. BECAUSE the Hon'ble NGT has committed a grave error in not preventing the Respondent from continuing with Quarrying Operations as the Respondent have been permitted with increase in the depth of the mining site because of which the population living in the adjoining villages are aggrieved by significant drop in ground water table and the same creating chaotic conditions among the villagers prompting them to resort to various types of protests including road blockage, etc. affecting the peaceful environment in the entire area.

FF. BECAUSE the TNPCB is justified in issuing directions for withdrawal of Consent to Operate, closure of Unit and stoppage of power supply to Respondent which was earlier granted on the basis of forged documents and the same has not been taken into account by the Ld. NGT.

GG. BECAUSE inaction on the part of the official Respondents in preventing the illegal mining which is being carried out on the basis of forged documents and also without valid licenses, amounts to serious dereliction of duty in spite of the Order of the Hon'ble High Court and the respective stands taken by the District Collector and the Pollution Control Board and hence, the present issue requires the immediate interference of this Hon'ble Court.

HH. Because the unit of Respondent 9 even today continues to carry on the illegal operations and continues to violate the mandatory provisions of Environment Clearance granted with no actions forthcoming from the Respondent statutory officials and thus, is liable to be interfered with.

II. Because the irregular explosions are made by the unit of Respondent 9 in total disregard to the ecological relevance of the area. The explosions have resulted in excessive noise and air pollution in the surrounding village. The residential buildings have developed cracks owing to the same and unless the said position is changed by the involvement of this Hon'ble Court the same would lead to irreversible damages both to the environment and the society.

- JJ. Because the unit of Respondent 9 have been found to be a proven violator beyond reasonable doubts from the report of the Taluk Revenue Inspector Zamin Endathur dated 14.02.2020 which has not been acted upon by the Ld. NGT.
- KK. Because the operations of the unit of Respondent 9 have jeopardized the livestock and cattle in the region as the Respondent have failed to ensure fencing the quarry pit or area surrounding the site thereby rendering the grazing field (S. No. 124) redundant which is totally in violation of the Environmental Clearance and the permissions granted.
- LL. Because the operations of the Respondent Unit are being carried on the lands assigned for the welfare of depressed/oppressed classes which is as such illegal and unauthorized and is a crime against the society.
- MM. Because in view of the foregoing, the Impugned Judgment causes miscarriage of justice and is therefore liable to be set aside.

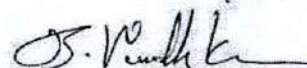
PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- (i) Admit and Allow the present Civil Appeal and set aside the Impugned Judgment and Final Order dated 29.09.2022 passed by the Hon'ble National Green Tribunal, Southern Zone at Chennai in O.A. No. 156 of 2021;
- (ii) Pass any other or future order(s) as this Hon'ble Court deems fit in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPELLANT AS
IN DUTY BOUND SHALL FOREVER PRAY.

FILED BY



DRAWN ON: 17.10.2022
FILED ON: 12.11.2022

B.VINODH KANNA
Advocate-On-Record

IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)

CIVIL APPEAL NO. OF 2022

IN THE MATTER OF:

B. Pasumpon Anand

...Appellant

Versus

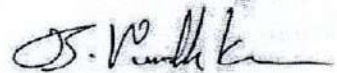
State of Tamil Nadu

Represented by its Principal Secretary & Ors. ...Respondents

CERTIFICATE

It is certified that the Civil Appeal is confined only to the pleadings before the Court whose order is challenged and the other documents relied upon those pleadings. No additional facts, documents or grounds have been taken therein or relied upon in the Civil Appeal. It is further certified that the copies of the documents/annexure attached to the Civil Appeal are necessary to answer the question of law raised in the Petition or to make out grounds urged in the Civil Appeal for consideration of this Hon'ble Court. This Certificate is given on the basis of the instructions given by the Appellants/person authorized by the Petitioner/s whose affidavit is filed in support of the Civil Appeal.

FILED BY



B.VINODH KANNA

Advocate for the Appellant

FILED ON: 12.11.2022

IN THE SUPREME COURT OF INDIA
(Civil Appellate Jurisdiction)
CIVIL APPEAL NO. OF 2022

IN THE MATTER OF:

B. Pasumpon Anand

...Appellant

VERSUS

State of Tamil Nadu

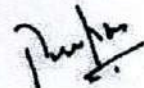
Rep by the Principal Secretary & Ors.

...Respondents

AFFIDAVIT

I, B. Pasumpon Anand, Son of P. Bhagavathi, aged about 42 years, residing at 53/19, Pillayar Kovil Street, Nesapakkam, West KK Nagar, Chennai- 600 078, Tamil Nadu, do hereby solemnly affirm and state as under:-

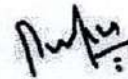
1. That I am the Appellant in the present Civil Appeal and I am well conversant with the facts and circumstances of the case and hence competent to swear this affidavit.
2. That I have read and understood the contents of the pages 10 to 80 and from Para 1 to of the Civil Appeal and pages B to R of the List of Dates and Events, and the contents of the Applications, and I state that the averments made therein are true and correct to my knowledge and belief.
3. That the Annexures A/1 to A/28 annexed with the present Civil Appeal are true copies of their respective originals.



DEPONENT

VERIFICATION:-

I, the above-named deponent, do hereby verify that the contents of above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Verified at Chennai on this the 20th day of October, 2022


DEPONENT




N. RAJENDIRAN, M.A., M.Ed., B.L.,
MS No. 1293/1991
ADVOCATE & NOTARY PUBLIC
GOVERNMENT OF INDIA
No. 1, Jothirameliam II Cross Street,
West Mambalam, Chennai - 600 033.
Mobile : 98411 22650

26/10/2022

ANNEXURE – A/ 1

BEFORE THE APPELLATE AUTHORITY
TAMILNADU POLLUTION CONTROL

“Krishna Vilas”

No.51, Gangadeeswarar Koil Street,
Purasawakkam, Chennai – 84

(Friday, Twenty sixth day of July, 2013)

JUSTICE T V MASILAMANI

CHAIRMAN

Thiru G Rengasamy

Member

Dr.K. Thanasekaran

Member

Appeals 12 & 13 / 2012

The Proprietrix,

M/s. Jaya & Co

SF No. 244 / 7-10 Sirunallur Village

Madurantagam Taluk,

Kancheepuram District.

- Appellant

1. Tamil Nadu Pollution Control Board,
Rep by its member secretary,
No.75, Mount Road, Guindy
Chennai-600032
2. District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.539/3, Bazar Road, Balaji Complex,
Sriperumpudur at Padappai,
Padappai – 601 301

-Respondents

-000-

Mr. K. Renganathan - Counsel for the appellant

Mrs. H. Yasmeen Ali - Counsel for the respondents

-000-

ORDER:

The facts leading to filing of these Appeals are briefly stated hereunder:

1. These Appeals are filed against the order passed by the Tamilnadu Pollution Control Board (hereinafter referred to as the respondent Board) in its letter No: F-SPR1043/OS/DEE/TNPCB/SPR/2011 dated 31.10.2011 under water (P&CP) Act, 1974 and under Air (P&CP) Act, 1981.
2. The appellant after obtaining consent to establish the stone crushing unit M/s. Jaya & Co. located in SF No. 244/7-10, Sirunallur village, Madurantagam Taluk, Kancheepuram District vide Proc.No.DEE/TNPCB/KMP/2428/OS/A/2008 Dated 4.7.2000 and Proc. No. DEE/TNPCB/KMP/2428/OS/W/2008 dated 7.7.2008, applied for grant of "consent to operate".
3. The respondent-Board after following the procedures, rejected the application for 'consent to operate' on the ground that the appellant-unit has not complied the conditions stipulated in 'consent to the unit' is located within 500 m distance from the Stole Highway (SH-117) and that since the condition prescribed under Column 2 1 of B.P. Ms. No. 4 dated 2 7 2004 is against the granting of consent. Hence these Appeals.
4. In the above circumstances, the point for consideration is whether the order of the respondent-Board rejecting the application for

consent to operate on the ground that the location of the appellant-unit violates the B.P. Ms. No 4 dated 2.7 2004 has to be set aside as prayed for?

The Point:-

5. The appellant-unit obtained the consent to establish vide Proc.No: DEE / TNPCB / KMP / 2428 / OS / A / 2008 Dated: 4.7.2008 and Proc. No: DEE / TNPCB / KMP / 2428 / OS / W / 2008 Dated: 7.7.2008 and having established the unit, applied for consent to operate by the applications dated 16.9.2011. The District Environmental Engineer's report, after inspection, was filed before the respondent-Board and it was found at that time that the crushing unit was established at a distance of 217.2 m from the State Highways - 117 of Maduranthagam-Cheyyur Road, which is in violation of condition of consent order issued to establish the unit. Therefore, the respondent-Board rejected the appellant's Application to operate the unit.
6. The learned counsel for the appellant has argued at the outset that only after due consideration of all the requirements, the respondent-Board had issued Consent to Establish the unit and that therefore refusal of 'consent to operate' to the appellant on the ground of the location of the unit is illegally not tenable. Further, he has submitted that the suitability of the site for locating the unit was inspected by the District Environmental

Engineer before issuing the 'consent to establish' the unit and that therefore the respondent-Board has to consider the requirement whether the unit has installed adequate air pollution control measures. Therefore, he has strenuously contended that since the unit has provided adequate air pollution measures, the impugned order refusing the 'consent to operate' the unit has to be set aside.

7. In answer to such an argument put forth on the side of the appellant, the learned counsel for the respondent-Board has drawn the attention of this Authority to the impugned order passed by the District Environmental Engineer to the effect that the appellant-unit was found located at a distance of 217.2 m from the State Highway-117 of Maduranthagam-Cheyyur Road, in violation of 'consent to establish', wherein the site shown by the appellant to establish the unit was located at a distance of 550 m from the said State Highway. Therefore, she has strenuously contended that having established the unit in flagrant violation of the condition imposed by the respondent-Board in the order to establish the unit at a distance of 217.2 m from the State Highway, the appellant cannot be heard to say that the unit was established as per conditions imposed by the respondent-Board. It is therefore, urged by the counsel for the respondent-Board that in any view of the matter, the impugned

order refusing the 'consent to operate' the unit is valid in law

8. Learned counsel for the appellant has produced a Xerox copy of the Inspection Report dated 4.7.2008 in connection with his application for 'consent to establish' the unit and contended that the crusher unit had been put up by the appellant in S.F. No: 244/7-10, Sirunallur, Madhurantagam, Kancheepuram District as per direction given by the respondent-Board, and it is therefore urged by the learned counsel for the appellant that since the distance criteria is given least importance in the order passed by the respondent-Board vide condition NO.26 inasmuch as the appellant has fulfilled all the requirements vide conditions 1-25 the order passed by the respondent-Board has to be set aside.
9. In answer to such contention, the learned counsel for the respondent-Board has referred to the Xerox copy of the inspection report produced by the appellant and contended that the District Environmental Engineer had inspected the site and drawn a sketch therein showing that the proposed site indicated by the appellant at that time situated at a distance of 550 m from the State Highway and therefore she has strenuously urged that the importance of the siting criteria

cannot be relegated to the background merely because it is mentioned as condition No. 26 in the 'consent to establish' issued by the respondent-Board. In these circumstances, she has submitted that the fulfillment of the siting criteria is the foremost requirement as per B P Ms No 4 dated 2.7.2004 and that therefore the argument of the appellant has to be rejected as not acceptable.

10. It is no doubt true that even according to the appellant, without obtaining Consent to Operate, the crusher unit was found in operation on 29.11.2011 the date of inspection by the District Environmental Engineer. According to the learned counsel for the respondent-Board, despite the fact that the unit was located within 500 m distance from the State Highway, the unit was running even without the 'consent to operate' and hence she has contended further that the action on the part of the appellant is not only a violation against the respondent-Board's order to establish, but also contravened the provision under B.P. Ms. No: 4 dated 2.7.2004. She had drawn our attention to the criteria for new stone crushing unit under 2.1, in B.P. Ms. No: 4 dated 2.7, 2004 which runs as follows:

"No new / proposed stone crushers should be located 500 meters from any National Highways or State Highways of 'inhabited site' or places of public and religious importance"

11. Though the learned counsel for the appellant has contended in his argument that as per B.P. Ms. No: 4 dated 9.9.98 on the basis of the recommendation of National Environmental Engineering Research Institute (NEERI) the said provision is not applicable to the existing crusher unit. We are unable to concede with such contention for the simple reason that only after accepting the recommendations of the NEERI, Hon'ble Supreme Court in SLP (C) No: 13564 of 1990 issued final order dated 25.9.2001 and thereafter the respondent-Board fixed the norms for location of stone crushing unit under B.P. Ms. No. 4 of 2.7.2004. Therefore, learned counsel for the respondent-Board has made it clear in her argument that the distance criteria of 500 m from the State Highway fixed in B.P. Ms. No: 609 Dated 9.12.1992 was adopted in Ms. No. 4 dated 2.7.2004 and the above said norms in Para 2.1 was incorporated. Hence, she has submitted in her arguments that since the appellant-unit came into existence long after the passing of the Proceedings Ms. No: 4 dated 2.7.2004, it does not require any clarification that the crusher unit must be established only beyond 500 m from the State Highway and that since as a matter of fact, the appellant-unit is located at a distance of 217.2 m from the said State Highway, the impugned order passed by the respondent-Board has to be confirmed.

12. On a careful consideration of the factual aspects of the matter and in the light of the norms laid down in B.P Ms. No: 4 dated 2.7.2004 by the respondent-Board, we are of the considered view that since the appellant-unit is located within the prescribed distance criteria of 500 m from State Highway, these Appeals will have to be dismissed by confirming the impugned order passed by the respondent-Board.

Hence these Appeals are dismissed accordingly.

Copy of this order be furnished to parties.

-Sd-
MEMBER

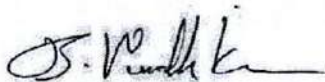
-Sd-
MEMBER

-Sd-
CHAIRMAN

To

The Proprietrix,
M/s. Jaya & Co.,
SF No. 244 / 7-10, Sirunallur Village,
Madurantagam Taluk,
Kanchipuram District.

Copy to Member Secretary, TNPCB, Chennai
Copy to DEE/Padappai
Copy to Standing Counsel of Board
Copy to Counsel for appellant
Copy to Law Section/file



//TRUE COPY//

ANNEXURE - A/2**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED : 19-8-2014****CORAM****THE HONOURABLE MR.SANJAY KISHAN KAUL, THE CHIEF
JUSTICE****AND****THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN****WRIT PETITION Nos.17724 and 17725 of 2014****and****M.P.Nos.1, 1 and 2 of 2014**

M/s.Jaya & Co Blue Metals
 Represented by its Proprietrix
 Jayalakshmi Murali
 Sirunallur Village
 Madurantagam Taluk
 Kancheepuram District

.. Petitioner in
 both petitions

vs

- 1.Hon'ble Appellate Authority
 Tamil Nadu Pollution Control Board
 (Constituted under the Air Act)
 No.51, Gangadeeswarar Koil Street
 Purasaiwakkam, Chennai 600 084
- 2.Tamil Nadu Pollution Control Board
 Represented by its Member Secretary
 No.76, Mount Road, Guindy,
 Chennai 600 032.
- 3.District Environmental Engineer
 Tamil Nadu Pollution Control Board
 No.539/3, Bazar Road, Balaji Complex
 Sriperumpudur, Padappai 601 301

.. Respondents in
 both petitions

Writ petitions filed under Article 226 of the Constitution of
 India praying for issuance of a writ of certiorarified mandamus calling

for the records relating to the order passed by the first respondent in Appeal Nos.12 and 13 of 2012 respectively dated 26.7.2013 in confirming the order passed by the third respondent in Lr.No.F-SPR 1043/OS/DEE/TNPCB/SPR/2011 dated 31.10.2011 and consequential order of the second respondent dated 20.2.2014 in Proc.No.T5/TNPCB/F.4587/BM/RS/SPR/A/2014 and quashing the same and consequently directing the third respondent to grant consent to operate under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

For Petitioner : Mr.K.Ramu

For Respondents : Mrs.Rita Chandrasekaran
for RR2 and 3

COMMON ORDER

(Order of the Court was made by THE HON'BLE THE CHIEF JUSTICE)

Learned Counsel for the petitioner submits that he does not seek to assail the impugned order of closure, but the limited relief he seeks in the present petitions is that the seals be opened so as to facilitate the removal of the machinery and relocation somewhere else with compliance.

2.In view of the aforesaid limited prayer, learned Counsel appearing for the respondents 2 and 3 submits that qua the aforesaid aspect, a direction would have to be issued to the District Collector of

Kancheepuram District as the sealing is carried out by the said authority.

3.We thus direct the District Collector of Kancheepuram District to de-seal the premises on a written request being made by the petitioner for the purpose of removal of machinery whereafter the petitioner may use it for a purpose for which the premises is permissible to be used as the premises is stated to be owned by the petitioner.

4.Since the learned Counsel for the petitioner states that two months time would be required for removal of the machinery, the premises would be inspected by the District Collector after de-sealing on lapse of two months time to ensure that the machinery has been removed.

5.The writ petitions accordingly stand disposed of. No costs. Consequently, connected MPs stand closed.

(S.K.K.,C.J.) (M.S.N.,J.)
19-8-2014

Index: yes/no

Note to Office:

**Copy of this order may be
marked to the District Collector,
Kancheepuram District**

nsv
To:

- 1.The District Collector
Kancheepuram District.
- 2.Hon'ble Appellate Authority
Tamil Nadu Pollution Control Board
(Constituted under the Air Act)
No.51, Gangadeeswarar Koil Street
Purasaiwakkam, Chennai 600 084
- 3.Tamil Nadu Pollution Control Board
Represented by its Member Secretary
No.76, Mount Road, Guindy,
Chennai 600 032.
- 4.The District Environmental Engineer
Tamil Nadu Pollution Control Board
No.539/3, Bazar Road, Balaji Complex
Sriperumpudur, Padappai 601 301

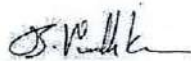
**THE HON'BLE THE CHIEF
JUSTICE**

**AND
M.SATHYANARAYANAN, J.**

nsv

**WP Nos.17724 and
17725 of 2014**

Dt: 19-8-2014



//TRUE COPY//

ANNEXURE – A/3

MINING PLAN FOR ROUGH STONE QUARRY

OVER AN EXTENT OF 1.50.0 Ha IN AVRIMEDU VILLAGE, MADURANTAKAM TALUK, KANCHIPURAM DISTRICT TAMIL NADU

(Prepared Under Rule 12 of Draft Minor Mineral Conservation and Development Rules, 2010 and as per Amendment under Tamilnadu Minor Mineral Concession Rules, 1959)

INTRODUCTION

The present Mining Plan & Environmental Management plan is prepared for Thiru S. Murali S/o. S. Subramaniyan, 20/9, Almelupuram, Mudichur Road, Tambaram West, Chennai – 600 045.

The application was meritoriously processed and the District Collector, Kanchipuram passed an order vide Rc. No. 575/2010-Q1 dated 03.10.2012 to obtain an approved mining plan and Environmental Clearance from the State Level Environment Impact Assessment Authority, TamilNadu.

1. GENREAL INFORMATION

1.1	a)	Name of the applicant	Thiru S. Murali
	b)	Address of the applicant (with phone No. & E-mail)	Address: S/o. Subramaniyan, No. 20/9, AlamelpuramMudichur Road, Thambaram West, Chennai Pin Code : 600 045 Mobile No. : 91500 66990

	c)	Status of the applicant (Individual / Company / Firm)	The applicant is a Private individual.
1.2	a)	Mineral which the applicant intends to mine	The applicant intends to quarry Rough stone only.
	b)	Precise area communication letter details received from the Competent authority of the Government	Rc. No. 575/2010-Q1 dated 03.10.2012 from the District Collector, Kanchipuram District.
	c)	Period of permission / lease to be granted	The applicant applied for permission for a period of 5 years only.
	d)	Name and address of the RQP / Authorized person preparing the mining plan	Name : M. Ifthikhar Ahmed, M.sc., F.G.S., M.B.A., M.M.E.A., Address: 95/1, Kailash Nagar, Brindavan Road, 4th Cross East, Fairlands, Salem – 16 Mobile : 94422 78601 Tele Fax : 0427-2431989 Registration No: RQP/MAS/183/2004/A Valid up to: 11.01.2014 Email: ifthiahmed@gmail.com
2. LOCATION			

a)	Details of the area with location map	The area is in Avarimedu Village. The area can be approached on Madurantakam – Pondicherry road, at a distance of 7Kms from Madurantakam town. Please refer the location map Plat No – IV.
	i) District, Taluk and Village	Kanchipuram District, Madurantakam Taluk and Avarimedu Village
	ii) Survey Numbers	7/1A1 (1.50.0)
	iii) Extent (in hectares)	1.50.0 Ha
b)	Classification of the area (Ryotwari / Poramboke / Others)	Patta land (Barren land) which is devoid of Habitations and vegetations.
c)	Ownership / Occupancy of the applied area (surface right)	It's a Patta land owned by applicant vide patta No. 452.
d)	Toposheet No. with latitude and longitude	Topo Sheet No : 57/P15 Latitude : N 12°27'12'' Longitude : E 79°54'45''
e)	Existence of public road / Railway line, if any nearby and approximate distance	There is an existing metal road from the area on the western side which leads to Madurantakam via Sirunallur and Madukarai.

			The Nearest Railway Station is Madurantakam which is about 7km on the Southern side of the area.
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PART – A

3. GEOLOGY AND MINERAL RESERVES

3.1	Brief description of the Topography and general Geology of the area (with plans)	The lease applied area is slightly undulated terrain, which is covered with Weathered formation is followed by massive Charnockite Rock. Charnockite exposures are clearly visible within in the lease applied area. The slope is gentle towards Southern side of the area. The attitude of the area is about 42m from MSL. Only seasonal cultivation is done. In some areas agriculture is done with lift irrigation. Water table is found at a depth of 35 Mts in summer and 30 Mts in rainy seasons. Average annual rainfall is about 900mm during NE and SW monsoon.
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		Peninsular Gneiss forms the oldest rock formations, in which of charnockite lies over. On regional scale the charnockite body trends N 30°E - S 30°W with dipping towards SE. The Mineralogy of the Charnockite is predominant feldspar and Blue quartz besides Magnetite and Black Mica Biotite forms the secondary constituents. The general geological sequences of the rocks in this area are given below ↑ AGE FORMATION Recent Quaternary to Recent Sediments(Weathered formation) -----Unconformity----- Archaean - Charnockite Peninsular Gneiss
3.2	Details of exploration already carried out if any	No exploration was carried out. Charnockite Exposures are clearly visible within the quarry lease applied area.
3.3	Estimation of reserves	
	a) Geological reserves with geological sections on a scale of 1:	As far as Rough stone (Charnockite) are concerned, the

	1000/ 1:2000	only practical method is the systematic geological mapping and delineation of Rough Stone within the field and careful evaluation of body luster, physical properties, engineering properties, commercial aspects etc., The resource and reserves of the Rough stone (Charnockite) area is computed based on cross section method. Two sections have been drawn; one along length wise X-Y (Horizontally) drawn to the area and another section is drawn along width wise A-B (Vertically) to cover the maximum area considered for lease. The Topographical, Geological plan and sections demarcated the commercial marketable Rough Stone (Charnockite) deposit has been prepared in 1:1000 and vertical as 1:500 scale (please refer the Topography, Geological plan and sections Plate No – V..
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Mining Plan for Rough Stone Quarry

Geological Resources**Dimensions****Maximum Length = 156m****Maximum width = 96m****Maximum Depth = 27m****GEOLOGICAL RESOURCES**

	Bench	Length in (m)	Width in (m)	Depth in (m)	Volume in Cbm	Recoverable Reserve in Cbm (100%	Weathe red Gravell y Format ion
Section XY-AB	I	156	96	2	29952	74880	29952
	II	156	96	5	74880	74880	
	III	156	96	5	74880	74880	
	IV	156	96	5	74880	74880	
	V	156	96	5	74880	74880	
	VI	156	96	5	74880	74880	
TOTAL						374400	29952

Total Geological Resources : 374400 Cbm of Rough Stone.

Weathered Gravelly formation : 29952 Cbm

Total mineable resources are calculated by deducting 7.5m safety distance.**Maximum Length = 139m****Maximum width = 79m****Maximum Depth = 27m****TOTAL MINABLE (RECOVERABLE) RESERVES**

Section	Bench	Length in (m)	Width in (m)	Depth In (m)	Volume in Cbm	Recoverab le Reserve in Cbm (100%)	Weathered Gravelly formation
Section XY- AB	I	129	79	2	21962		21962
	II	133	73	5	48545	48545	
	III	121	61	5	36905	36905	
	IV	109	49	5	26705	26705	
	V	97	37	5	17945	17945	
	VI	85	25	5	10625	10625	
TOTAL						140725	21962

Total Mineable Reserves : 140725 Cbm of Rough Stone

Weathered Gravelly formation : 21962 Cbm

The available Recoverable reserves have been computer as 140725 Cbm of rough stone and 21962Cbm of Weathered Gravelly formation, at the rate of 100% up to depth of 27m.

The Recoverable Reserves is calculated by considering the conditions issued in the precise area communication letter. As the lease period is recommended for five years, only 27m depth from ground profile has been considered for safe and systematic quarrying operation.

Mining Plan for Rough Stone Quarry

4. MINING		
4.1	Method of mining (opencast/	Open cast Semi-Mechanized Mining

	Underground)	with 5.0 meter vertical bench with a bench width of not less than 5.0 meter is being proposed. However, as far as the quarrying of Rough stone (Charnockite) is concerned, observance of the provisions of Regulation 106 (2) (b) as above is seldom possible due to various inherent petro genetic factors coupled with mining difficulties. Hence it is proposed to obtain relaxation to the provisions of the above regulation from the Director of Mines Safety for which necessary provision is available with the Regulation 106 (2) (b) of MMR-1961, under Mine Act – 1952.
4.2	Mode of working (mechanized, semi mechanized, manual)	The Rough Stone is proposed to quarry at 5m bench height & width with conventional opencast semi-mechanized method. The quarry operation involves drilling, blasting, excavation and transportation of Rough stone to the company needy site. The production of Rough stone (Charnockite) in this quarry involves the following method which is typical for Rough Stone quarrying in contrast

		to other major mineral mining. Splitting of rock mass of considerable volume from the rock mass by jackhammer drilling and blasting, hydraulic excavators are used for loading the Rough Stone from pithead. Occasionally hydraulic excavators are attached with rock breakers for secondary fragmentation to avoid secondary blasting. The primary boulders thus splitted are removed from the pits by excavators and further made to smaller sizes by rock breakers attached with excavators.
4.3	Proposed bench height & width	Height 5.0 m & Width 5.0 m.

Mining Plan for Rough Stone Quarry

4.4	Indicate the overburden / mineral production below (composite plan and section showing pit layout, dumps disposal of waste if any etc.)	The overburden is in the form of weathered Gravelly formation which is found about 2mts (Avg) followed by fresh massive Charnockite formation. This weathered Gravelly formation is directly loaded in to Tippers after obtaining permission and paying necessary seigniorage fees to the Government. There is no other interburden found in the area. There is no waste
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		anticipated in the Rough Stone quarrying, the entire quarried out material will be sold to required customers at different categories. The composite topographic cum Geological plan and sections indicating the Pit lay out preservation of top soil, Green belt development are shown in Plate No-V.
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Year Wise Production for five years

Dimensions

Maximum Length = 139m

Maximum Width = 79m

Maximum Depth = 27m

Table -2

YEAR WISE PRODUCTION								
Years	Section	Bench	Length In (m)	Width In (m)	Depth in (m)	Volume in Cbm	Recoverable Reserve in Cbm (100%)	Weathered Formation
I YEAR	XY-AB	I	139	79	2	21962		21962
		II	50	73	5	18250	18250	
II YEAR		II	83	73	5	30295	30295	
III YEAR		III	121	61	5	36505	36505	
IV YEAR		IV	109	49	5	26705	26705	
V YEAR		V	97	37	5	17945	17945	
		VI	85	25	5	10625	10625	
TOTAL							140725	21962

4.5	Machineries used	
	a) For mining	It is proposed to use the following machineries for quarrying Roughstone. 1. Excavator (Model: EX 200) of 0.9Cbm bucket capacity (with Rock breaker attachment). 2. Jack hammer 30-35mm dia Compressor (model Atlas 400/200) (3 jackhammer capacity) Tractor mounted compressor (1 jackhammer capacity).
	b) Loading equipment	Excavator (Model EX 200) of 0.9Cbm bucket capacity (with bucket attachment).
	c) Transportation (includes within the mine and mine to destination)	Tipper 2 Nos of 10/20 tons capacity (from quarry to needy crushers)
4.6	Disposal of overburden / waste	The overburden is in the form of weathered Gravelly formation which is found about 2mts (Avg) followed by fresh massive Charnockite formation. This weathered Gravelly formation will be directly loaded into tippers after paying necessary seignorage fees to the Government. There is no proposal for disposal of Gravelly formation
4.7	Brief note on conceptual mining plan for the entire lease period base	Conceptual mining plan is prepared with an object of long term systematic development of benches, layouts, selection of permanent ultimate pit limit,

on the geological, mining and environmental considerations	depth of quarrying and ultimate pit, selection of sites for construction of infrastructure, etc., The ultimate pit size is designed based on certain practical parameters such as economical depth of mining, safety zones, permissible area, etc. As the applicant has applied quarry lease for five years, the ultimate pit limit (dimension) at the end of lease period is given below. Table-3 <table><tr><td>Description</td><td>Length(M))</td><td>Width(M)</td><td>Depth(M)</td></tr><tr><td>Conceptual</td><td>139</td><td>79</td><td>27</td></tr></table> Afforestation has proposed to plant neem trees on the 7.5m safety barrier on the South Eastern side. Air quality, Noise vibration, Water analysis studies will be carried out every year as per the MOEF Norms,	Description	Length(M))	Width(M)	Depth(M)	Conceptual	139	79	27
Description	Length(M))	Width(M)	Depth(M)						
Conceptual	139	79	27						
5. BLASTING									
5.1	Blasting pattern The quarrying operation will be carried out by semi Mechanized Opencast Method in conjunction with conventional method of mining using drilling and blasting for shattering effect and loosen the Rough stone. Drilling and Blasting Drilling and blasting parameters are as follows Depth of Each hole :1.2m-1.6m								

		Diameter of hole :30-35mm Spacing between holes :1.0m Burden for hole :1.0m Pattern of hole :Zigzag Inclination of holes :80° from horizontal Use of delay detonators:25milli second delays. Detonating fuse : "Detenating" Cord Hole pattern :Staggered in two to three rows
		1.0 Spacing : 1.0m 2.0 Burden : 2.0m 3.0 Delay Detonators: 0,1,2 ...
5.2	Type of explosives to be used	Small Dia. 25mm Slurry explosives are proposed to be used for shattering and heaving effect for removal and winning of Roughstone. No deep hole drilling or primary blasting is proposed.
5.3	Measures proposed to minimize ground vibration due to blasting	The quarry is situated more than 500m from the nearby Avarimedu village, Controlled blasting measures will be adopted for minimizing ground vibration and fly rock. Shallow depths jackhammer drilling & blasting is proposed to be - carried out with

		minimum use of explosive mainly to give shattering effect in rough stone for easy excavation and to control fly rock. Yield = 20 Tons Powder factor = 3tons/Kg of explosives Total explosive required = 6.7Kg-Slurry explosives Charge/ hole = 1.0 Kg Blasted at day time = 6 p.m. Charge per delay = 7.20 Kg.
5.4	Storage and safety measures to be taken while blasting	The applicant will engage an authorized explosive agency to carry out the small amount of blasting and it will be supervised by competent and statutory foreman/Permit Mines Manager.
6. MINE DRAINAGE		
6.1	Depth of water table (based on nearby wells and water bodies)	The quarry operation proposed up to a depth of 27m from the ground profile. The water table is at 30m BGL in rainy season and 35m BGL during summer season which is observed from the nearby wells and the data obtained from existing government & private boreholes. Hence the ground water will not be affected in any manner due to the quarrying operation during the entire life period.
6.2	Arrangements and places where the mine water is finally proposed to be discharged	Quarry operations are confined well above the water table during the five year plan period or entire lease period. If water is encountered at due to rain water and

		seepage, the same will be drained by pumping 5HP water pumps to boundary barrier for afforestation and Green belt development. Besides the water will also be used for dust suppression.
7. OTHER PERMANENT STRUCTURES (also shown in the map)		
7.1	Habitations /village natham	There are no Villages within the Radius of 500m.
7.2	Power lines (HT/LT)	There is No LT Line and HT line within 500m Radius from the quarry lease applied area.
7.3	Water bodies (river, pond, lake, odai, canal,etc.,)	There is no major water bodies like river, odai, canal, etc., with in the radius of 500m. there is an water catchment area on the southern side within the radius of 500mts, this pond is devoid of water catchment. (Please refer the Plate No -VI).
7.4	Archaeological / historical monuments	There is no Archaeological / historical monuments within 500m radius from the area.
7.5	Road (NH, SH Others)	The National Highway (NH45) Chennai - Trichy is about 8km on the Eastern side of the area. The State Highway Madurantakam- Puducherry is about 1.5km on the Western side of the area.
7.6	Places of worship	There is no place of worships within the Radius of 500m.
7.7	Reserved forest / forest / social forest / wild life sanctuary etc.	There is no Reserved forest/ forest / social forest / wild life sanctuary etc., within radius of 500m
8. EMPLOYMENT POTENTIAL & WELFARE MEASURES		

8.1	Employment potential (skilled, semi skilled, unskilled)	a. <u>Skilled labour</u> Mine foreman / Permit Mines Manager : 1 Excavator operator : 1 Co-operator : 1 Jack hammer operator : 6 Blaster/ mate : 1 b. Semiskilled : 2 Watchman : 1 c. Unskilled-helper : 1 Total : 14
8.2	Welfare measures	
	a) Drinking water	Packaged drinking water is available from the nearby approved water vendors in Avarimedu 1Km on the South Western side of the area.
	b) Sanitary facilities	Hygienic modern Sanitary facilities will be constructed with in the quarrying area as permanent structure and it will be maintained periodically.
	c) First Aid facility	First aid kits are kept in Mines office room, in case of such eventualities the victim will be given first aid at site and injured person will be taken to the hospital immediately. Hospitals are available in the Maduranthakam town which is about 7Km on the Western side of the area
	d) Labor Health	Periodically medical checkup related to occupational health safety will be conducted to all the workers in applicants own cost.

e) Precautionary safety measures to the laborers	All the quarry workers will be provided with safety equipments like helmets, Mine Goggles, Ear plugs, Ear mufs, Dust mats, reflector jackets and safety shoes as per the personal protective device as per the specification approved by Director of mined safety. Periodically medical checkup will be conducted for all workers for any mine health related problems. Proper training and induction will be given by qualified and experienced safety officer to all employees about the safe and systematic Rough stone quarrying operations. The drillers and workers will be sent for vocational training periodically to carry out the quarrying operations scientifically to safe guard the men machinery and mineral and to create awareness of conventional opencast quarrying operations
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PART — B

9. ENVIRONMENT MANAGEMENT PLAN

9.1	Existing land use pattern	The quarry lease applied area A Slightly undulated terrain. The area is a dry barren land devoid of Agriculture and Habitations. The land is Not used for any specific vegetation. The Rough stone formation is followed by 2m Weathered Gravelly formation. <u>LAND USE TABLE</u> <table border="1"> <tr> <th>Description</th><th>Present area in Ha</th><th>Area at the end of lease period (Ha.)</th></tr> <tr> <td>Quarrying pit</td><td>Nil</td><td>1.14.0</td></tr> </table>	Description	Present area in Ha	Area at the end of lease period (Ha.)	Quarrying pit	Nil	1.14.0
Description	Present area in Ha	Area at the end of lease period (Ha.)						
Quarrying pit	Nil	1.14.0						

		<table><tr><td>Waste dump</td><td>Nil</td><td>ND</td></tr><tr><td>Infrastructure</td><td>Nil</td><td>0.01.0</td></tr><tr><td>Road</td><td>0.01.0</td><td>0.02.0</td></tr><tr><td>Green Belt</td><td>Nil</td><td>0.33.0</td></tr><tr><td>Unutilized</td><td>01.49.0</td><td>Nil</td></tr><tr><td>Grand Total</td><td>1.50.0</td><td>1.50.0</td></tr></table> Nearly 33005qm area has been identified for planting native species of neem trees all along the boundary barriers for green belt development.	Waste dump	Nil	ND	Infrastructure	Nil	0.01.0	Road	0.01.0	0.02.0	Green Belt	Nil	0.33.0	Unutilized	01.49.0	Nil	Grand Total	1.50.0	1.50.0
Waste dump	Nil	ND																		
Infrastructure	Nil	0.01.0																		
Road	0.01.0	0.02.0																		
Green Belt	Nil	0.33.0																		
Unutilized	01.49.0	Nil																		
Grand Total	1.50.0	1.50.0																		
9.2	Water regime	Ground water occurrence in this area is 35mt depth from below ground level. The quarrying is restricted up to 27m from general ground profile; hence the quarry operation will not be affected by the ground water.																		
9.3	Flora and fauna	There are no trees observed in the, area. Thorny bushes, Neem and Palm are found in around the area. No plants of botanical interest or animals of zoological interest noticed.																		
9.4	Climatic conditions	The area receives rainfall of about 900mm/per annum and the rainy season is during NE and SW monsoon. The summer is hot with maximum temperature of 42°C and winter encounters a minimum temperature of 25°C.																		
9.5	Human settlement	There are no habitations within 500m radius. There are few villages located in this area within 5km radius of mine site and approximate distance and population are given below. <table><tr><th>S.No</th><th>Name of the Village</th><th>Approximate distance & Direction from lease applied area</th><th>Approximate population</th></tr><tr><td>1.</td><td>Pulliaranankottai</td><td>3km - NE</td><td>600</td></tr><tr><td>2.</td><td>Chithravadi</td><td>2Km - NW</td><td>250</td></tr></table>	S.No	Name of the Village	Approximate distance & Direction from lease applied area	Approximate population	1.	Pulliaranankottai	3km - NE	600	2.	Chithravadi	2Km - NW	250						
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		<table><tr><td>3.</td><td>Peruveli</td><td>3 Km - SE</td><td>700</td></tr><tr><td>4,</td><td>Avarimedu</td><td>1Krn.-SW</td><td>400</td></tr></table>	3.	Peruveli	3 Km - SE	700	4,	Avarimedu	1Krn.-SW	400
3.	Peruveli	3 Km - SE	700							
4,	Avarimedu	1Krn.-SW	400							
		Basic human welfare Amenities such as Health Center, Schools, Communication Facilities, and Commercial Centers etc are available at Maduranthakam located at a distance of 7kms on the Western side of the area.								
9.6	Plan for air, dust suppression	The Air quality will be affected during the quarrying period due to blasting and jack hammer drilling, which will be within prescribed limits. Air quality will be monitored periodically as per Norms and Mitigation Measures will be carried out to prevent dust and Air propagation in to air. Mist Water spraying will be carried out to suppress dust. The estimated budget for dust suppression would be around Rs 50,000/								
9.7	Plan for noise level control	Shallow holes of 32 mm diameter will be drilled and conventional low power explosives such as Slurry Explosives, ordinary safety fuse only will be used for removal of rough stone. Hence, ground vibration and noise pollution will be minimal and restricted within the quarry workings. Noise level monitoring will be earned out periodically and the Mitigation measures will be carried out accordingly. The estimated budget for Noise level monitoring would be around Rs 20,000/								
9.8	Environmental impactassessment statementdescribing	The mining plan proposed is for a small production of Rough stone without involving deep hole drilling and heavy blasting limited mining activity is not likely to								

	impact of mining on the next five years	cause any impact adversely on environment as far as pollution of air, water and noise is concerned, anyhow environmental impact studies will be conducted as per EIA notification issued by MOEF. It is B2 Category mine. The estimated budget would be around Rs 1,40,000/-																														
9.9	Proposal for waste management	There is no waste in this rough stone quarry operation.																														
9.10	Proposal for reclamation of land affected during mining activities and at the end of mining (refilling, fencing etc.)	In the proposed mining plan only 27m depths from general ground profile has been envisaged as workable depth for safe & economic mining during the lease period. Hence, after quarry reaches ultimate pit limit (for this lease period) of 27m depth, fencing will be constructed around the quarried pits to prevent inadvertent entry of the public and cattle. There is no proposal for reclamation and rehabilitation, the proposed fencing cost is about Rs 1,00,000/-																														
9.11	Program of afforestation (indicate extend, number, name of species to be afforested)	The 7.5 mts safety distance along the lease boundary has been identified to be utilized for afforestation. Appropriate native species of neem trees will be planted in a phased manner as described below Table – 5 <table><tr><th>Year</th><th>No. of trees proposed to be planted</th><th>Survival %</th><th>Area to be covered Sq.m</th><th>Name of the species</th><th>No. of trees expected to be grown</th></tr><tr><td>I</td><td>20</td><td>80%</td><td>660</td><td>Neem</td><td>16</td></tr><tr><td>II</td><td>20</td><td>80%</td><td>660</td><td>Neem</td><td>16</td></tr><tr><td>III</td><td>20</td><td>80%</td><td>660</td><td>Neem</td><td>16</td></tr><tr><td>IV</td><td>20</td><td>80%</td><td>660</td><td>Neem</td><td>16</td></tr></table>	Year	No. of trees proposed to be planted	Survival %	Area to be covered Sq.m	Name of the species	No. of trees expected to be grown	I	20	80%	660	Neem	16	II	20	80%	660	Neem	16	III	20	80%	660	Neem	16	IV	20	80%	660	Neem	16
Year	No. of trees proposed to be planted	Survival %	Area to be covered Sq.m	Name of the species	No. of trees expected to be grown																											
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III	20	80%	660	Neem	16																											
IV	20	80%	660	Neem	16																											

		V	20	80%	660	Neem	16
		Nearly 3300 Sqm area is proposed to use under afforestation by planting 20 nos. of neem trees during every year at a survival rate of 80%. The afforestation plan is shown in Plate No.V. he estimated budget for plantation and maintenance of Green belt development would be around Rs 30,000/ for a period of five years.					
9.12	Proposed financial estimate / budget for (EMP) environment management	Budget Provision for the entire quarrying period. Air Quality Sampling - Rs. 50,000/- Water Quality Sampling – Rs. 50,000/- Noise Monitoring - Rs. 20,000/- Ground vibration test - Rs. 20,000/- Total Cost - Rs. 1,40,000/-					
	(a) Project Cost / Investment						
	i) Land cost	Rs. 3,00,000/- per Hectare – Rs. 4,50,000/- for 1.50.0 hectare					
	ii) Machinery to be used	Excavator (Ex- 200) - Rs. 25,00,000/- Tippers (14,00,000 x 2) – Rs. 28,00,000/- Compressor with jack hammer and loose tools - Rs. 6,00,000/-					
	iii) Refilling / Fencing	Fencing - Rs. 1,00,000/-					
	iv) Laboureres shed	Labour Shed - Rs. 1,00,000/-					
	v) Sanitary facility	Sanitary facilities - Rs. 1,00,000/-					
	vi) Other items	First aid room & accessories – Rs. 1,00,000/-					
		Total Cost of the project - Rs. 67,50,000/-					
	(b) Expenditure						

	i) Drinking waterfacility for the labourers	Rs. 1,50,000
	ii) Sanitary arrangement	Maintenance Rs. 25,000
	iii) Safety kits	Rs. 10,000
	iv) Water sprinkling	Rs. 3,00,000
	v) Afforestation etc.	Rs. 30,000
	Total Cost	=Rs. 5,15,000
		Total EMP Estimated Cost around = Rs. 6,55,000 Total project estimated cost around = Rs. 67,50,000 TOTAL estimated EMP & Project Cost around = Rs. 74,05,000

10. MINE CLOSURE PLAN

10.1	Steps proposed for phased restoration, reclamation of already mined out areas	This is the fresh lease, There is no proposal for back filling, reclamation and rehabilitation. The quarry pit will be fenced to prevent inherent entry of public and cattle.
10.2	Measures to be under taken on mine closure as per Act & Rules	Measure will be taken as per Act & Rules There is no proposal for back filling, reclamation and rehabilitation. The quarry pit will be fenced to prevent inherent entry of public and cattle. The quarried out pit will be allowed to collect rain and seepage water which will act as a reservoir for storage of water. This storage will enhance the static level and ground water of nearby wells.
10.3	MITIGATION MEASURE TO BE UNDERTAKEN FOR SAFETY AND RESTORATION / RECLAMATION OF THE ALREADY MINED OUT	

	AREA.
	AIR QUALITY: Air quality will be degrade due to the drilling, blasting, mining operation and transportation. Mitigation measures: Drilling will be carried out by wet drilling mode to control the dust propagation into the air. Blasting will be carried out on limited scale. Mist water spraying on haul road is proposed to prevent the dust propagation into the air.
	NOISE AND VIBRATION: The noise will be formed due to the drilling blasting, loading and movement of Machineries The applicant has proposed to carry out the plantation on the safety barriers to prevent Noise besides wet drilling will be practiced to prevent dust. All the machineries will be maintained in good conditions as per RTO and TNPCB Norms to prevent Noise, Smoke and vibration.
	WATER REGIME: The quarry operation (27m depth) is well above the water table (Summer in 35m and rainy seasons in 30m), hence the water table will not be affected in any manner. The seepage and rain water will be drained out from the pt by the 5 H.P motor pump and will be discharged through filter media to boundary barrier for afforestation and excess water will be sprayed on haul roads to prevent dust propagation in the atmosphere. The rough stone quarry will not produce any harmful toxic effluence in the form of solid liquid or gas.
	HUMAN HEALTH & All the labours will be provided with safety equipments

SAFETY: Dust will be limited due to the mine operation.	like helmet, Safety Goggles, Ear Muf, Hand Gloves, Safety Jackets, Safety Belt, And Mine Boots etc, at applicant own cost, as per the Specifications of Director of mines safety. The competent qualified person foreman / Permit Mines Manager will provide first aid and will take care of small & minor injuries. If any accident happens, the victim will be taken to the nearby hospital by the applicants van which is always kept in the mines office. The hospital is about 7 km in Madhuranthakam town.
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11. ANY OTHER DETAILS INTEND TO FURNISH THE APPLICANT:

This mining plan for Rough stone (Charnockite) is prepared as per the Minor Mineral conservation and Development Rules, 2010 and amendment by the Tamil Nadu Minor Mineral Concession Rules, 1959. The provisions of the Mines Act, Rules and Regulations and orders made there under shall be complies with, so that the safety of the mine, machinery and person will be well protected. Permission, relaxation or exemption wherever required for the safe and scientific quarrying of the deposit will be obtained from the Department of Mines Safety. Any violation pointed out by the inspecting authorities shall be rectified as per the guidelines of the Department.

RQP SIGNATURE

Sd/-

M. Ifthikhar Ahmed, M.Sc., F.G.S., M.B.A., M.M.E.A.,

RQP/MAS/183/2004/A

Place : Salem

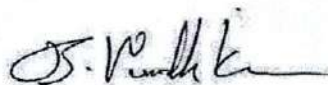
Date : 15.10.2012.

Sd/

ASST. DIRECTOR

GEOLOGY MINING

KANCHEEPURAM DIST



//TRUE COPY//

ANNEXURE – A/4**STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY**

Dr. H. MALLESHAPPA,
I.F.S.,
MEMBER SECRETARY

3rd Floor, Panagal Maaligai,
No. 1, Jeenu Road, Saidapet,
Chennai – 15.

ENVIRONMENTAL CLEARANCE

Lr. No. SEIAA-TN/F. No. 1072/EC/1(a)/299/2013 dated: 15.05.2013

To

Thiru.S. Murali,

No. 20/9, Alamelpuram, Mudichur Road,

Tambaram West,

Chennai – 600 045.

Sir,

Sub: SEIAA-TN- Proposed Rough Stone Quarrying at S.F. No. 7/1A1,
Avirimedu Village, Madhurantakam Taluk, Kancheepuram District
by Thiru. S. Murali – Environmental Clearance – Reg.

Ref: 1. Your Application for Environmental Clearance dt: 16.04.2013.

2. Presentation details made before the SEAC on 02.05.2013.

3. Minutes of the SEIAA Meeting held on 15.05.2013.

1. Preamble:-

This has reference to your application second cited. The proposal is for obtaining Environmental Clearance for Rough Stone Quarrying at S.F. No. 7/1A1, Aavarimedu Village, Maduranthagam Taluk, Kancheepuram District. The mine lease area on 1.50.0 ha. The proposed mining area is reported as

lying in Latitude - 12°27'12" N, Longitude 79°54'45" E in Topo Sheet No. 57/P-15.

No forest land is involved. No sensitive water bodies, bio-spheres, national parks, sanctuaries are located within 10 km radius as reported/ There is no village within 500 metre of the project site as reported. Mine working will be open cast semi-mechanised mining and is proposed upto a depth of 27 metres. The production would be 140725 cu.m of Rough Stone & 21932 cu. m of Gravel over a period of 5 years. Water requirement of 0.1 KLD for drinking purposes will be sourced through Water Vendors and 0.6 KLD required for dust suppression and green belt will be sourced from nearby bore hole. The proponent has submitted the mining plan approved by the Assistant Director, Geology and Mining, Kancheepuram District vide Rc. 575/2010/Q1 dated 05.04.2013. The precise area communication has been approved by the District Collector, Kancheepuram in letter 575/2010/Q1 dated 30.10.2012. There is no State or National boundaries within 15 km radius as reported. The project cost is Rs. 67.50 lakhs. EMP Cost is Rs. 6.55 Lakhs.

The proposal was considered and examined by the SEAC on the directions of the Hon'ble Supreme Court on bringing all mines within the fold of prior EC, irrespective of their Meeting Lease (ML) size. Thus the present proposal, though of less than 5 ha lease area (and hence not covered under the EIA Notification 2006) was appraised based on the project documents furnished and the explanation made before the Committee on 02.05.2013. The SEAC has recommended for the grant of environmental clearance for the said Rough Stone quarry project.

The proposal was placed before the SEIAA in its 72nd meeting and the Authority considered the proposal and noted that the size of the mine, production rate, the mineral mined and the eco-sensitivity of the area are such

that the operation of the mine will have negligible impact on the surroundings and as such the project deserved to be granted the blanket clearance subject to the mines less than 5 ha area brought under the EC regime on the directions from Hon'ble Supreme Court and hence decided to grant environmental clearance to the said project. Accordingly, the SEIAA hereby accords environmental clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to strict compliance of the terms and conditions as follows:-

2. Conditions to be Complied before commencing mining operations:-
 - i. The project authorities should advertise with basic details at lease in two widely circulated local newspapers, one of which shall be in the vernacular language of the locality concerned, within 7 days of the receipt of the clearance after informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at the web site of the SEIAA, TN at <http://seiaa.tn.gov.in> and a copy of the same is being sent to the Regional Office of Ministry of Environment and Forest, Government of India located at Bangalore.
 - ii. Quarry lease area should be demarcated on the ground with wire fencing to show the boundary of the lease area on all sides with red flags on every pillar shall be erected before commencement of quarrying.
 - iii. copy of the Environmental Clearance letter shall be sent by the proponent to the concerned Panchayat, Town Panchayat / Panchayat Union, Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions / representations, if any, were received while processing the proposal. The clearance letter shall also be put on the

website of the proponent and also kept at the site, for the general public to see.

- iv. Provision shall be made for the housing of construction labour nearby the site with all necessary infrastructure and facilities such as fuel for cooking, toilets, safe drinking water, etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- v. The proponent shall ensure that First Aid Box is available at site.

3. Specific Conditions:

- i. The environmental clearance will be coterminous with the mine lease period, however limited to a maximum period of 5 (five) years from the date of issue.
- ii. it shall be ensured that quarrying is not carried out within 500m of structures, bridges, dams, weirs, ground water extraction points, water supply head works, extraction points for irrigation and any other cross drainage structures.
- iii. The proponent shall take necessary measures to ensure that there shall not be any adverse impacts due to quarrying operation to the nearby human habitations, by way of pollution to the environment.
- iv. It shall be ensured that quarrying shall not be carried out below ground water table under any circumstances. If ground water table occurs / intervenes within the permitted depth, then also quarrying shall be stopped.
- v. At the end of mine closure, the Proponent shall immediately remove all the shed put up in the quarry and all the equipment in the area at the time of closure of the operation of quarry.

- vi. The Critical parameters such as RSPM (Particulate matter with size less than 10 micron i.e., PM 10) and NOX in the ambient air within the core zone shall be monitored periodically. The monitored data shall be uploaded on the website of the proponent as well as displayed on a display board at the project site. The Circular No. J-20012/1/5-IA.II (M) dated 27.05.2009 issued by Ministry of Environment and Forests, which is available on the website of the Ministry www.envfor.nic.in shall also be referred to in this regard for its compliance.
- vii. Necessary allocation of funds for implementation of the conservation plan shall be made and the funds so allocated shall be included in the project cost. A copy of action plan shall be submitted to the Regional Office of the Ministry of Environment and Forests, Bangalore.
- viii. Drilling and blasting shall be done only either by licensed explosive agent or by the proponent after obtaining required approvals from Competent Authorities.
- ix. The explosives shall be stored at site as per the conditions stipulated in the permits issued by the licensing Authority.
- x. Blasting shall be carried out after announcing to the public through adequate public address system to avoid any accident.
- xi. The proponent shall take appropriate measures to ensure that the GLC shall comply with the revised NAAQ norms notified by MoEF, GoI on 16.11.2009.
- xii. The following measures are to be implemented to reduce Air Pollution during transportation of mineral
 - Roads shall be graded to mitigate the dust emission.

- Water shall be sprinkled at regular interval on the main road and other service roads to suppress dust.
- xiii. The following measures are to be implemented to reduce Noise Pollution
- Proper and regular maintenance of vehicles and other equipment
 - Limiting time exposure of workers to excessive noise.
 - The workers employed shall be provided with protection equipment and earmuffs etc.
 - Speed of trucks entering or leaving the mine is to be limited to moderate speed of 25 kmph to prevent undue noise from empty trucks.
- xiv. Measures should be taken to comply with the provisions laid under Noise Pollution (Regulation and Control) (Amendment) Rules, 2010 dt. 11.01.2010 issued by the MoE&F, GoI to control noise to the prescribed levels.
- xv. Suitable conservation measures to augment groundwater resources in the area shall be planned and implemented in consultation with Regional Director, CGWB. Suitable measures should be taken for rainwater harvesting.
- xvi. Permission from the competent authority should be obtained for drawal of ground water, if any, required for this project.
- xvii. Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.
- xviii. The following measures are to be adopted to control erosion of dumps:

- Retention / toe walls shall be provided at the foot of the dumps.
 - Worked out slopes are to be stabilized by planting appropriate shrub / grass species on the slopes.
- xix. Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the Hazardous Wastes (Management, Handling, any trans boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by TNPCB.
- xx. Concealing the factual date or failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
- xxi. Rain water harvesting to collect and utilize the entire water falling in land area should be provided.
- xxii. The lease holder shall undertake adequate safeguard measures during extraction of material and ensure that due to this activity, the hydrogeological regime of the surrounding area shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area during the mining operation. If at any stage, if it is observed that the groundwater table is getting depleted due to the mining activity; necessary corrective measures shall be carried out. District Collector / mining officer shall ensure this.
- xxiii. No tree-felling shall be done in the leased area, except only with the permission from competent Authority.

4. General Conditions:

- i. The project proponent shall obtain Consent to Establish and Consent to Operate from the Tamil Nadu Pollution Control Board and effectively implement all the conditions stipulated therein.
- ii. No change in mining technology and scope of working should be made without prior approval of the Ministry of Environment & Forests.
- iii. No change in the calendar plan including excavation, quantum of mineral should be made.
- iv. The project proponent shall ensure that the plan of mining is in conformity with the mine lease conditions and the Rules prescribed in this regard, clearly showing the no work zone in the mine lease i.e. the distance from the bridges structures adjacent private land, streams river lake etc.
- v. The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision insurance thereof shall be strictly followed.
- vi. The project proponent shall undertake plantation / afforestation work by planting the native species on all side of the lease area and the approach road.
- vii. The project proponent shall maintain the village road through which transportation of mineral is carried out at his own cost. The roads shall be blacktopped to the extent required.
- viii. Quarrying should enrich rather than deplete the biodiversity as a corollary to their intervention in the ecology of their area of activity.
- ix. EC is given only on the factual records, documents and details furnished by the Proponent particularly in respect of

- Aerial distance of the nearest village is as mentioned in the proposal from the mining site boundary
 - No structure is located within 500 m from the quarry site boundary.
- x. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained. For the purpose, schedule of health examination of the workers should be drawn and followed accordingly. The workers shall be provided with personnel protective measures such as masks, gloves, boots etc.
- xi. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry of Environment and Forests and its Regional Office located at Bangalore.
- xii. The Regional Office of the Ministry located at Bangalore shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information / monitoring reports.
- xiii. The project proponent shall submit six monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the Ministry of Environment and Forests, its Regional Office Bangalore, the respective Zonal Office of Central Pollution Control Board, SEIAA, TN and the State Pollution Control Board. The proponent shall upload the status of compliance of the environmental clearance conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of the Ministry of Environment and Forests, Bangalore

the respective Zonal Office of Central Pollution Control Board and the State Pollution Control Board.

- xiv. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional Office of the Ministry of Environment and Forests, Bangalore by e-mail.
- xv. Precise mining area will be jointly demarcated at site by officials of mining / Revenue Department prior to mining operations of all proposals under consideration. Such site plan, duly verified by competent authority shall be submitted to Environment Department.
- xvi. All necessary statutory clearances shall be obtained before start of mining operations.
- xvii. Mining shall be limited to 7 AM to 5 PM only. The loading shall not be done during night hours.
- xviii. Waster water, if any, shall be properly collected and treated so as to conform to the standards prescribed by MoEF/CPCB.
- xix. No wildlife habitat will be infringed.
- xx. Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, if applicable.
- xxi. Parking of vehicles should not be made on public places.

- xxii. Transpiration of materials shall be done by covering the trucks / tractors with tarpaulin or other suitable mechanism so that no spillage of mineral /dust takes place.
- xxiii. Any change in mining area, SF numbers, entailing capacity addition with change in process and or mining technology, modernization and scope of working shall again require prior Environmental Clearance as per provisions of EIA notification, 2006 (as amended from time to time)
- xxiv. The Environmental Clearance does not absolve the applicant / proponent of his obligation / requirement to obtain other statutory and administrative clearances from other statutory and administrative authorities.
- xxv. This Environmental Clearance does not that the other statutory / administrative clearances shall be granted to the project by the concerned authorities. Such authorities would be considering the project on merits and be taking decisions independently of the Environmental Clearance.
- xxvi. The SEIAA, TN may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
- xxvii. The SEIAA, TN may cancel the environmental clearance granted to this project under the provisions of EIA notification, 2006, that any stage of the validity of this environmental clearance, if it is found or if it comes to the knowledge of this SEIAA, TN that the project proponent has deliberately concealed and / or submitted false or misleading information or inadequate data for obtaining the environmental clearance.
- xxviii. Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.

xxix. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1974, the Air (Prevention & Control of Pollution), Act, 1981, the Environment (Protection) Act, 1986, the Public Liability Insurance Act, 1991, along with their amendments, draft Minor Mineral Conservation & Development Rules, 2010 framed under MMDR Act 1957, National Commission for Protection of Child Right Rules, 2006 and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India / Hon'ble High Court of Madras and any other Courts of Law relating to the subject matter.

xxx. Hill are conservation Authority approval where ever necessary shall be obtained before commencing the quarrying operation.

xxxi. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Sd/-

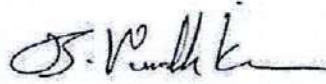
MEMBER SECRETARY

SEIAA-TN

Copy to:

1. The Secretary, Ministry of Mines, Government of India, Shastri Bhawan, New Delhi.
2. The Secretary, Department of Environment and Forests, Government of Tamil Nadu, Tamil Nadu.

3. The Secretary, Department of Mines and Geology, Government of Tamil Nadu, Tamil Nadu.
4. The Chief Conservator of Forests, Ministry of Environment & Forest, (SZ) Kendriya Sadan, IV Floor, E & F Wings, 17th Main Road, Koramangala II Block , Bangalore – 560034.
5. The chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-Cum-Office Complex, East Arjun Nagar, New Delhi 110 032
6. The chairman, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai – 32
7. The District Collector, Kancheepuram District
8. The Controller of Geology and Mines Guindy, Chennai – 32
9. EI Division, Ministry of Environment & Forests, Paryavaran Bhawan, New Delhi
10. Spare.



//TRUE COPY//

ANNEXURE – A/5

PROCEEDINGS OF THE DISTRICT COLLECTOR,

KANCHIPURAMPresent: **Thiru L. Sitherasenan I.A.S.**Rc.575/201001Dated 5-6-2013

Sub: Mines and Minerals-Kanchipuram District-Madurantakam Taluk-Averimedu Village-Roytwaripatta lands in SNo 7/1A1 Over an extent over an extent of 1.50.0 hectares in Averimedu Village – Grant of stone quarry lease applied for by Thiru S Murali Chennai – for a period of five years under Rule 19 of the Tamil Nadu Minor Mineral Concession Rules 1959 applied for – lease granted – orders issued.

- Read 1. Application from Thiru S. Murali S/o Subramanian, No 20/9 Alamelupuram, Mudichur Road, Tambaram West, Chennai 45 dated 25-11-2010.
2. Report from the Revenue Divisional Officer, Madurantakam K. Dis 46898/2010 A dated 12-1-2011 and 30-9-2011.
3. Report of the Assistant Geologist, Office of the Assistant Director of Geology and Mining, Kanchipuram dated 29-1-2011
4. Hon'ble Supreme Court of India in CA 12-13/2011 in SLP No O No 19628-19629 of 2009 dated 27-2-2012.

5. Office Memorandum No L-11011/47/2011/1A-11(M) dated 18-5-2012 from the Ministry of Environment and Forest, New Delhi
6. D.O Letter No SEIAA-TN/Minor Minerals 2012-dated 17-9-2012 from the Chairman, State Level Environment Impact Assessment Authority, Chennai 15
7. Letter No 3968/LC/2012 dated 19-1-2012 from the Commissioner of Geology and Mining Guindy, Chennai 34
8. This Office Notice Ro. 427/2012 Q1 dated 20-12-2012.
9. Letter No SEIAA. TN/F NO 10172/.EC/1(A) 299/2013 Dated 15-5-2013 from the Member Secretary, State Level Environment Impact Assessment Authority, Chennai 15
10. This Office Notice Rc.575/2010 Q3 dated 24-5-2013
11. Other connected records.

-X-X-X-

ORDER

One Thiru.S.Murali,S/o.Thiru.Subramanian,No. 20/9, Alamelmpuram, Mudichur Road, Tambaram West, Chennai -45 has applied fürthe grant of lease for quarrying and transport of Rough stone and Earth in hispatta land in S.No.7/1A1, over an extent of 1.50.x0 hectares in Avirimedu VillageMadurantakamTaluk,

Kanchipuram District for a period of five years under Rule 19 of TNMMCR, 1959.

2. The Revenue Divisional Officer (i/c), Madurantakam in his report vide reference 2nd cited has reported that the lands in S.F.No.7/1A1, over an extent of 1.50.0 hectares of Avirimedu Village stands registered in the name of the applicant vide patta No.452 and barren lands. He has also reported that on the northern side of the applied area Sirunallur Village boundary is located and there is existing a stone quarry of ThiruKannan is located. The applied area is bounded on the South by S.F.No.8B, East by patta S.F.No.25 and west by patta lands S.F.Nos.5 and 6. He has also reported that there are no valuable trees, buildings, places of worship, graveyard, electric lines, railway track, ponds are located. Finally he has recommended for the grant of permission to the applicant to quarry and transport of stone and earth in the applied area. The Revenue Divisional officer, Madurantakam in his further report vide the reference dated 30-9-2011 has also recommended for the grant of permission to the applicant for the grant of stone and earth quarry lease in the applied area in S.F.No.7/1A1, over an extent 1.50.0 hectares in Avirimedu Village, Madurantakam Taluk, Kancheepuram Taluk.
3. The Assistant Geologist (Mines), Kancheepuram in his report 3rd cited has reported that the applied area was identified and verified with the Village Administrative

Officer concerned and revenue records and stands, registered in the name of the applicant and as such he has got the surface right over the applied area. He has further reported that the applied area is located to the East of Madurantakam to Sithamur Road at a distance of 13 Km from Madurantakam and about 1 km from the Madurantakam-Pouchoor Road Junction. The app is abutting on the Southern side of existing patta stone quarry granted one Thiru.Kannan vide District Collector's Proceedings Rc.No.1125/2007-Q1 dated 21.5.2008 for a period of 5 years. There is no residential area noticed within a radial distance of 300 meters from the applied area and no permanent structures like Historical monuments, electric lines, railway lines, Graveyard lies within the safety area. There is an approach road available to the applied area. He has also reported that yellowish gravel top soil of about 2 meters thickness is noticed below which charnockite sheet formation is found. The rock is hard and compact, grey coloured and coarse grained. Multiple joints and fractures are also noticed. Due to the hard nature, the rock type available in this area is suitable for making road and construction materials such as jelly, chakkai etc. He has recommended for the grant of permission to the applicant for a period of 5 years in the applied area under the provision for Rule 19 (1) and 20 of TNMMCR 1959 subject to the certain conditions.

4. The Hon'ble Supreme Court of India in its order dated 27-2-2012 in IA. Nos 12-13 of 2011 of SLP (c) No 19628-19629 of 2009 etc., dated 17-2-2012 and as per the Ministry of Environment and Forest Office Memorandum dated 18-5-2012 necessary Mining Plan and Environmental Clearance Certificate has to be obtained from the State Level Environmental Impact Assessment Authority, Chennai.
5. The applicant has submitted the Mining Plan prepared by the Recognized Qualified Persons and it was approved and sent to the applicant for obtaining Environment Clearance from the MOeF.
6. The Member Secretary, state level Environment Impact Authority in its letter No SEIAA.TN/F No 1072/EC 1(a) 299 /2013 dated 15-5-2013 has accorded environmental Clearance to the said project under the provision of Environment Impact assessment Notification, 2006 subject to the strict compliance of the terms and conditions imposed therein.
7. The applicant has remitted the Security deposit of Rs 5000/- (five thousand) and the Area assessment of Rs. 800/(Eight Hundred) Only in Chalan No nil dated 28-5-2013 in the State Bank of India, Kanchipuram.
8. Based on the recommendation of the Revenue Divisional Officer, Madurantakam, technical report of the Assistant Director of Geology and Mining, Kanchipuram imposing special conditions and also pursuant to the Environment Clearance Certificate

issued by the State Environment Impact Authority of India, Tamil Nadu, Chennai, 15, Thiru.S.Murali,S/o. Thiru.Subramanian,No.20/9, Alamelmepuram, Muslichur Road, Tambaram West, Chennai-45 is hereby granted lease to quarry and transport roughstone and earth in the applied area in patta lands in S.No.7/161, over an extent of 1.50.0 hectares in Avirimedu Village, Madurantakam Taluk, Kanchipuram District for a period of five years from 5.6.2013 to 4.6.2018 under Rule 19, 20, 22 and 36 of TNMMCR, 1959 subject to the following conditions.

- 1) The lessee should operate the quarry strictly in accordance with the conditions Imposed as per the Environmental Clearance issued by the member secretary, State Level Environment Impact assessment. Authority in the Environment Clearance in the Letter No SEIAA.TN/F No 1072/EC/1(a) /999/2013 dated 15-5-2013.
- 2) The lessee should fix boundary stones in all sides duly painted and maintained in tact and carry out quarrying operation between 7AM to 5PM.
- 3) The lessee should erect Notice Board at the entrance of the quarry containing the name of the lessee, SF No, Extent, period of lease and proceeding of the District Collector.
- 4) The lessee should produce Rough Stone, Chakkal, Jelly and Gravel from the subject area

granted and he should not extract export worthy dimensional block suitable for polishing.

- 5) The lessee should remit the Seigniorage Fee for the quantity of mineral quarried as per the Appendix II of the Tamil Nadu Minor Mineral Concession Rules 1959 and also to pay the revision of seignioragesubsequently made by the Government from time to time without raising any objections.
- 6) The lessee should maintain the register while extracting the quantum of mineral at the pitmouth of the quarry site, transported and stock available at pit head and it should be produced for verification duringthe course of inspection by the competent authority.
- 7) The lessee shall remove or allow removal and transportationof any mineral from the area where quarrying is permitted only after obtaining transport permit and facsimiled dispatch slip in the form prescribed to these rules from the officers authorized in this behalf. The person has been permitted to quarry in any area or hi men, in turn shall issue the facsimiled dispatch slips to the vehicles used for removal of transportation of the mineral furnishing the particulars in the dispatch slips specifically indicating the vehicle number, the quantity of mineral allowed to be transported by the vehicle by using that dispatch

slip and the time of issue of the dispatch slips the vehicles.

- 8) The lessee should use mild explosive device for blasting by making shallow holes by using hand jack hammer driller without any hindrance to the public and the adjacent patta lands any other abide to these conditions action will be taken as per the TN Mines and Mineral concession Rules, 1959 and as per the Explosives Act, 1884.
- 9) The lessee should carryout quarrying operations by employing certified Mines Manager, foreman, mine mate and intimate the commencement of the quarrying to the Director of Mines Safety, Chennai.
10. The lessee should not sub-let or sub lease a part or the whole to any one during the lease period.
11. The lessee should maintain 7.5 meter safe distance from all side of the area granted on lease and should cause any hindranceto the adjacent pattadars.
12. The lessee should carryout quarrying operation in systematic andeco friendly manner as per the approved mining plan andalso should make his own arrangement to form approach road to thesubject area at his own cost.
13. The lessee should obtain consent from the Tamil Nadu Pollution Control Board before commencing of quarryingoperation.

14. The lessee should abide to the conditions of the lease agreements and also as per the Tamil Nadu Minor Mineral Concession rules 1959.

Sd/-5.6.2013

Collector,
Kanchipuram

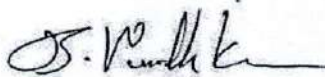
To / By order /

Thiru S Murali,
s/o Thiru Subramanian,
No 20/9 Alamelupuram,
Mudichoor Road, Tambaram West
Chennai 600 045,

-Sd-/5.6.2013
For Collector.

Copy to the Revenue Divisional Officer, Madaurantakam
Copy to the Tahsildar, Madurantakam.

Copy to the Member Secretary,
SEIAA-TN, 3rd Floor, PanagalMaligai,
No 1 1 Jeenis Road, saidapet, Chennai 15.



//TRUE COPY//

ANNEXURE - A/6

NA.KA. VA A.
REVENUE INSPECTOR
JAMINENDAPUTHUR TALUK
RESPECTFULLY SUBMITTED

DATE 14/02/2020

Subject : Minerals and Quarries - Chengalpattu district —
Maduranthakamtaluk, JameenendathurFirka — Avurimedu
village — Seeking permission for Digging ordinary stones
and gravel soil in the punja land comprised in s.nos. 3/1,
3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1,
4/2A2, 4/2A3,4/2A4,4/2A5,4/2A6,4/2C1,4/2C2,4/2C3
measuring an extent of 2.34.50 hectare in total for five years
by S.Mural , Sio Subramanian - sending Report -Regarding

Reference:

1. Maduranthakam RDO Na.Ka.3317/2019 A Dated 09.01.2020
2. Memo Order by Tashildhar, Maduranthagam in Na.Ka. 3527/2019 /A1 dated 20.01.2020 and 13.02.2020
3. Petition by Mr.Munusamy , son of Arumugam of Avurimedu village dated 08.11.2019
4. Petition by Mr. Ko.Gunasekaran , son of Govindhasamy of Avurimedu village dated 08.11.2019
5. Petition by Mr. T. Manavalan , son of Durai of Avurimedu Village dated 08.11.2019
6. No.177 Avurimedu Village VAO report dated 20.01.2020

7. JameenendathurFirka Surveyor report dated 29/01/2020

On the basis of the memo from Tashildhar, Maduranthagam regarding the application for permission for quarry lease digging ordinary stones and gravel soil in the land comprised in S.nos. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 measuring an extent of 2.34.50 hectare situated at Avurimedu village, JameenendathurFirkaMaduranthakamtaluk, Chengalpattu district for fivequarry and if any rules are violated whether any fine was imposed and further regarding the petitions shown in reference No. 2,3 and 4 objecting, I am submitting my report as follows after conducting direct enquiry and field inspection jointly with Village Administration Office , Firka Surveyor in the said village.

That Mr.S.Murali , son of Subramanian was granted five year lease for Stone quarry in the land in S.No. 7/1A1 measuring an extent of 1.50.0 Hectare which is situated adjacent to the applicant's above said land in the Proceedings of District Collector, KanchipuramNa.Ka.No, 575/2010/Q1, dated 05.06.2013.and the same was expired on 05.06.2018 and there is no quarry work is carried out there now. Further, on 25.01.2020 the inspection was carried out by the Surveyor in the stone quarry operated earlier and four boundaries and depth of the expired quarry was measured. On the basis of that the safety perimeter on four sides were as follows:

North	Quarry pit in S.No. 242/11 , 12 situated at No.176 Sirunallur Village of Mr.Kannan
South	8 meter Safety perimeter distance is there
East	6.6 meter Safety perimeter distance is there
West	30 meter slope in S.No. 5 and 6 in Avurimedu Village

It is found in the enquiry that in the above said west side only the Land comprised in S.no 5 and 6 which belongs to one Mr. S. Murali, son of Subramanian which was not permitted for quarrying was used and within 25 days of expiry of quarry license there was 30-meter land slip happened. In the enquiry it is found that the said soil were stored in S.No. 4 and they were not taken out and sold. The JameenendathurFirka surveyor measured that the stones were mined up to 150 meters in the quarry and he submitted FMB. The report is enclosed.

Regarding the objection petition shown in reference 3, 4, 5 statement was obtained from the petitioner. I humbly submit that Petitioners in their statement stated that unlawfully mined up to 320 feet in S.No. 1A1 measuring an extent of 1.50 hectare and caused several crores loss to the Government and the ground water level has gone low because of stone quarry and there is 500 acre forest area and rare animals living in that forest are affected and the above village people could not live with freedom and the explosive materials are used illegally and caused environmental pollution and air pollution and the village soil

would become non habitable and the licensed quarry did not even follow 1% of Rules and the Mineral sources were illegally raided and caused loss to the state government. Hence, the permission should not be given to new quarry.

With regard to the objection petition by the above said persons it is found in the enquiry that the No.177, Avurimedu village is situated at the distance of 1.6 Km from the quarry and there is no cracks in the walls of houses , school , temples and other building and Mr.Lingamuthu , son of Kumarasamy, Mr.Vijay son of Sekar, Mr.Perumal, son of RamasamyMr.Mohan , son of Arumugam, Mr,Dillibabu, son of Lakshmanan, Mrs. Sathyapriya , daughter of Sukumar, Somasundaram, son of Ranganathan, Mr.Nagalingam, Son of Arumugam, Mr.Kasi, son of Munusamy, Mrs.Vijayalakshmi , wife of Angamuthu are all carrying out agriculture in the lands surrounding on the four sides of the quarry using Water Well and the ground water level in their Well has not deleted because of the Quarry and it is not affected and the above said 10 persons have not filed any complaint till date and there is no adjacent spring is seen in the quarry so as to affect the ground water level in the village and it is found in the village enquiry that Goats , cows and wild Pigs and house pet dogs are found in that village.

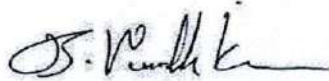
Hence, since Mr.Murali , son of Subramanian has another quarry operated in Survey No.7/1A1 adjacent to the land for

which new quarry permission was sought and that old Quarry Government rules and regulations were properly adhered to and no violation of rules and further on the basis of the objection raised by the petitioners who made objection petition shown in reference No. 3,4,5 in their statement, I humbly submit that further proceedings to give lease rights for the land comprised in S.Nos. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3,4/2A4,4/2A5,4/2A6,4/2C1,4/2C2,4/2C3 measuring an extent of 2.34 hectare situated at 177 Avurimedi village may be taken and I am enclosing the statement of VAO, FMB sketch by Firka Surveyor, copy of the order passed by Kanchipuram District collector for earlier quarry and statement of the petitioners in objection petition.

Enclosure: as above

To
Tahshildar
Maduranthagam

-sd-



//TRUE COPY//

ANNEXURE – A/7

THIRU K.V. GIRIDHAR, I.F.S.,
MEMBER SECRETARY

STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY – TAMIL NADU
3rd Floor, Panagal Maaligai,
No. 1, Jeenis Road, Saidapet,
Chennai – 15.
Phone No. 044-24359973
Fax No. 044-24359975

ENVIRONMENTAL CLEARANCE

Lr. No. SEIAA-TN/F. No. 7553/1(a)/EC.No: 4405/2020 dated: 21.10.2020

To

Thiru.S. Murali,

AFF1, Alayams Thilagavathy Enclave,

Kurinji Nagar 1st Main Road,

Old Perungalathur,

Chennai – 600063.

Sir/Madam,

Sub: SEIAA-TN- Proposed for the Rough Stone and Gravel quarry lease over an extent of 2.34.50 ha at S.F. No. 3/1,3/2,3/3,3/4,4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 of Avirimedu Village, Madhurantakam Taluk, Chengalpattu District, Tamil Nadu by Thiru. S. Murali – issue of Environmental Clearance – Regarding.

Ref: 1. Online Proposal No. SIA/TN/MIN/154943/2020, Dated : 29.05.2020

2. Your Application for Environmental Clearance dated : 01.06.2020.

3. Minutes of the 174th SEAC Meeting held on 12.09.2020.

4. Minutes of the 403rd SEIAA Meeting held on 13.10.2020.

Details of Minor Mineral Activity:-

This has reference to your application second cited. The proposal is for obtaining Environmental Clearance for mining / quarrying of minor materials based on the particulars furnished in your application as shown below.

Sd/-

MEMBER SECRETARY

SEIAA-TN

Lr.No. SEIAA-TN-F. No. 7553/1(a)/EC. No: 4405/2020 dated: 21.10.2020

SEIAA – TN

1	Name of Project Proponent and address	Thiru.S. Murali AFF1, Alayams Thilagavathy Enclave, Kurinji Nagar 1 st Main Road, Old Perungalathur, Chennai – 600063.
2	Location of the Proposed Activity	
	Survey Number	3/1,3/2,3/3,3/4,4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3
	Latitude and Longitude	12°27'07.32``N to 12°27'13.49``N 79°53'28.32``E to 79°53'34.36``E

	Village	Avirimedu
	Taluk	Madhurantakam
	District	Chengalpattu
3	Proposed Activity	
	i. Minor mineral	Rough Stone & Gravel
	ii. Mining Lease Area	2.34.50Ha
	iii. Approved quantity	3,04,181m ³ of Rough Stone 34,354m ³ of Gravel
	iv. Depth of Mining	55m BGL
	v. Type of mining	Opencast Semi Mechanized Mining
	vi. Category (B1/B2)	B2
	vii. Precise area communication approved by the District Collector, Chengalpattu District	Na. Ka. No. 505/Q2/2019 dated 18.03.2020
	viii. Mining plan approval by Assistant Director of Geology and Mining, Chengalpattu District	Rc. No. 505/Q3/2020, dated: 15.05.2020
	ix. Scheme of Mining period	5 Years
4	Whether Project area attracts any General conditions specified in the EIA notification 2006 as amended:-	Not attracted, Affidavit furnished.
5	Man Power requirement per day:	29 Employees
6	Utilities	
	i. Source of Water:	Water Vendors & Existing Borehole
	ii. Quantity of Water Requirement in KLD:	5.80 KLD
	a. Domestic & Drinking purpose	1.80 KLD

	b. Green Belt & Dust Suppression	4.0 KLD
	iii. Power Requirement: a. Domestic Purpose b. Industrial Purpose	TNEB 249074 Litres of HSD
7	Cost i. Project Cost ii. EMP Cost	Rs. 77.25 Lakhs Rs. 5.25 Lakhs
8	<u>Validity:</u> This Environmental Clearance is granted for the production of 3,04,181 m ³ of Rough Stone, 34,354 m ³ of Gravel for the period of 5 years from the date of executive of the mining lease.	

The Proponent has furnished affidavit in Hundred Rupees stamp paper attested by the Notary stating that.

The Proponent, Thiru. S. Murali No. 1/65A-70, AFF1, Alayams Thilagavathy Enclave, Kurinji Nagar, 1st Main Road, Old Perungalathur, Chennai – 600063, solemnly declare and sincerely affirm that:

I have applied for getting prior Environmental Clearance to SEIAA, Tamil Nadu for quarry lease for quarrying of Rough Stone over an extent of 2.34.50 Ha Pattalands in S.F. Nos. 3/1,3/2,3/3,3/4,4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 in Avirimedu Village, Madhurantakam Taluk, Chengalpattu District.

1. I swear to state and confirm that within 10km area of the quarry site, I have applied for Environmental Clearance, none of the following is situated.
 - a) Protected areas notified under the Wild Life (Protection) Act, 1972.
 - b) No Critically polluted areas as notified by the Central Pollution Control Board constituted under Water (Prevention and Control of Pollution) Act, 1974.

- c) No Eco sensitive areas as notified around 10kms radius.
- d) There are no interstate within 10kms radius from the boundary of the proposed site.
- e) There is no coastal zone found around 10 kms radius and this project site doesn't attract CRZ notification, 2011.

2. I will complete the following Corporate Environment Responsibility (CER) activities before commencement of the quarrying activities.

CER Activity	Project Cost (Rs. in Lakh)	CER Cost 2.0% of project cost (Rs. in Lakh)
1. Developing the Library facilities / Drinking water facilities in Avirimedu and nearby village Govt. Higher Secondary School	82.50	1.65
Total Cost Allocation	82.50	1.65

3. The quarries are located within 500m radius from the periphery of our quarry.

i) Details of existing quarries

S.No.	Name of the Owner	Village & Taluk	S.F.No.	Extent	Leas period	Remarks
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ii) Details of Abandoned quarries

S.No.	Name of the Owner	Village & Taluk	S.F.No.	Extent	Leas period	Remarks

iii) Details of proposed quarries

S.No.	Name of the Owner	Village & Taluk	S.F.No.	Extent	Leas period	Remarks
	Thiru.S.Murali s/o. Subramanian AFF1, Alayams Thilgavathy Enclave Kurinji Nagar 1 st Main Road Old Perungalathur Chennai – 600063	Avirimedu Madhurantakam	3/1,3/2,3/3,3/4,4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3	2.34.50 Ha		Under processing (present application)
			Total	2.34.50 Ha		

iv) Lease Expired quarries

S.No.	Name of the Owner	Village & Taluk	S.F.No.	Extent	Leas period	Remarks
1.	Thiru.S.Murali No. 20/9, Alamelupuram, Mudichur road, Tambaram west, Chennai -45	Avirimedu Madhurantakam	7.1A1	1.50.0Ha	05.06.2013 to 04.06.2018	Lease expired
2.	M/s. Stones India, No. 56, Sadhulia Street, T. Nagar, Chennai – 17	Avirimedu Madhurantakam	7.1A1, 7/4A	2.91.50	17.06.2013 to 16.06.2018	Lease expired
			Total	4.41.50		

4. There will not be hindrance or disturbance to the people living no erouted / nearby my quarry site while transporting the mineral and due to quarrying activities.
5. There is no approved habitation within radius of 300m radius from the periphery of our quarry.
6. I swear that greenbelt will be carried out during the course of quarrying operation and maintained.
7. The required insurance will be taken in the name of the labourers working in my quarry site.
8. The existing road from the main road to quarry is in good condition and the same will be maintained and utilized for Transportation of Rough Stone.
9. I will not engage any child labour in our quarry site and I aware that engaging child labour is punishable under the law.
10. All types of safety / protective equipment will be provided to all the labourers working in our quarry.
11. No permanent structures, temples, etc. are located within 500m radius from the periphery of my quarry.

I ensure to do all the social and environment as mentioned in the mining plan to the best of my knowledge.

Details of 500M radius proposed quarry:

The Project Proponent has submitted a copy of the letter obtained from the Assistant Director, Department of Geology & Mining, Chengalpattu District in his letter Rc. No. 505/Q3/2020, dated: 15.05.2020 has stated that the details of other quarries (Proposed / Existing / Abandoned Quarries) within a radius 500m from the boundary of the proposed quarry site as follows:

i) Existing other quarries

S.No.	Name of the Owner	Village & Taluk	S.F.No.	Extent	Leas period	Remarks
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ii) Proposed Area:

S.No.	Name of the Owner	Village & Taluk	S.F.No.	Extent	Leas period	Remarks
	Thiru.S.Murali s/o. Subramanian AFF1, Alayams Thilgavathy Enclave Kurinji Nagar 1 st Main Road Old Perungalathur Chennai – 600063	Avirimedu Madhurantakam	3/1,3/2,3/3,3/4,4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3	2.34.50 Ha		Under processing (present application)
Total				2.34.50 Ha		

Lease Expired and Abandoned Area

S.No.	Name of the Owner	Village & Taluk	S.F.No.	Extent	Leas period	Remarks
1.	Thiru.S.Murali No. 20/9, Alamelupuram, Mudichur road, Tambaram west, Chennai -45	Avirimedu Madhurantakam	7.1A1	1.50.0Ha	05.06.2013 to 04.06.2018	Lease expired
2.	M/s. Stones India, No. 56, Sadhulia Street, T. Nagar, Chennai – 17	Avirimedu Madhurantakam	7.1A1, 7/4A	2.91.50	17.06.2013 to 16.06.2018	Lease expired
			Total	4.41.50		
			Total	6.76.00		

Appraisal by SEAC:

The proposal was placed in the 174th SEAC Meeting held on 12.09.2020. Based on the presentation made by the proponent and the documents furnished, the committee decided to recommend the proposal for grant of Environmental Clearance to SEIAA subject to the following conditions in addition to normal conditions;

1. Groundwater level and quality should be monitored once in six months in few wells around the quarry and the record should be maintained and annual report should be submitted to the TNPCB.

2. After mining is completed, proper leveling should be done by the Project proponent & Environmental Management Plan furnished by the Proponent should be strictly followed.
3. The Project proponent should erect fencing all around the boundary of the proposed area with gates for entry/exit as per the conditions and shall furnish the photographs / map showing the same before obtaining the CTO from TNPCB.
4. Proper barrier to reduce noise level, dust pollution and to hold down any possible fly material (debris) should be established by providing green belt and / or metal sheets along the boundary of the quarrying site and suitable working methodology to be adopted by considering the wind direction.
5. The Project proponent shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of forest, flora, fauna etc.
6. The operation of the quarry should not affect the agriculture activities & water bodies near the project site.
7. Transportation of the quarried materials shall not cause any hindrance to the Village people / Existing Village road.
8. The Project Proponent shall comply with the mining and other relevant rules and regulations where ever applicable.
9. The project proponent shall develop adequate green belt with native species on the periphery of the mine lease area before commencement of

the mining activity, in consultation with DFO of the concern district / agriculture university.

10. The quarrying activity shall be stopped if the entire quantity indicated in the Mining plan is quarried even before the expiry of the quarry lease period and the same shall be monitored by the District Authorities.
11. The recommendation for the issue of Environmental Clearance is subject to the outcome of the Hon'ble NGT, Principal Bench, New Delhi in O.A. No. 186 of 2016 (M.A. No. 350/2016) and O.A. No. 200/2016 and O.A. No. 580/2016 (M.A. No. 1182/2016) and O.A. No. 102/2017 and O.A. No. 404/2016 (M.A. No. 758/2016, M.A. No. 920/2016, M.A. No. 1122/2016, M.A. No. 12/2017 & M.A. No. 843/2017) and O.A. No. 405/2016 and O.A. No. 520 of 2016 (M.A. No. 981/2016, M.A. No. 982/2016 & M.A. No. 384/2017).
12. Prior clearance from Forestry & Wild Life including clearance from committee of the National Board for Wild Life as applicable shall be obtained before starting the quarrying operation, of the project site attracts the NBWL clearance.
13. To ensure safety measures along the boundary of the quarry site, security guards are to be posted during the entire period of mining operation.
14. The mine closure plan submitted by the project proponent shall be strictly followed after the lapse of the mine.
15. The amount of Rs. 1,65,000/- shall be utilized as CER activities to carry out the work for providing the smart class facilities, sanitation, facilities & drinking water facilities for Avirimedu Village Government School as reported before obtaining the CTO from TNPCB.

16. SEAC noted that the proponent has informed that as per MoEF & CC notification S.O. 2269(E) dated 01.07.2016 in the Paragraph (b) (i) (6)

“A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogenous mineral area which shall be applicable to the mine lease or quarry licenses granted on and after 9th September 2013”

“The leases not operative for three years or more and leases which have got environmental clearance as on 15th January 2016 shall not be counted for calculating the area of cluster, but shall be included in the Environmental Management Plan and the Regional Environment Management Plan.”

Discussion by SEIAA and the Remarks:-

The proposal was placed before the SEIAA in its 403rd Meeting held on 13.10.2020. After detailed discussion the Authority noted the followings,

1. As per MoEF&CC Notification dated 01.07.2016, which states the following among other things.

“A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area which shall be applicable to the mine leases or quarry licenses granted on and after 9th September, 2013.”

2. In this case the two expired and abandoned quarries have executed the mining lease in the month of June 2013 which is before 9th September 2013 which may not be considered for the cluster calculation as per the above said notification leaving the two expired and abandoned quarries, the area of cluster is less than 5 hectares.

After detailed discussion the Authority decided to grant Environmental Clearance subject to the conditions as recommended by the SEAC and subject to General conditions in addition to normal conditions.

1. All the condition imposed by the Director of Geology and Mining vide Rc. No. 4067/MM4/2019/Dated 15.10.2019 should be strictly followed.
2. The EMP cost shall be deposited in a nationalized bank by opening separate account and head wise expense statement shall be furnished to TNPCB with a copy to SEIAA annually.
3. The proponent should strictly comply with Tamil Nadu Government Order (Ms) No. 84 Environment and Forests (EC.2) Department dated 25.06.2018 regarding ban on one time use and throw away plastics irrespective of thickness with effect from 01.01.2019 under Environment (Protection) Act, 1986.
4. A detailed post- COVID health management plan for workers as per ICMR and MHA guidelines or the State Govt. guideline may be followed and report shall be furnished.
5. If there is any change in the production or lease area application for amendment has to be submitted to SEIAA for further approval.

PART-A: Conditions to be Complied before commencing mining operations:

1. The project proponent shall advertise in at least two local newspapers widely circulated in the region, one of which shall be in the vernacular language informing the public that
 - I. The project has been accorded Environmental Clearance.

II. Copies of clearance letters are available with the Tamil Nadu Pollution Control Board.

III. Environmental Clearance may also be seen on the website of the SEIAA.

IV. The advertisement should be made within 7 days from the date of receipt of the clearance letter and a copy of the same shall be forwarded to the SEIAA.

2. Mining activity should be reviewed by the District Collector after three years and decide for further extension.
3. NOC from the Standing Committee of the NBWL shall be obtained, if protected areas are located within 10 Km from the proposed project site.
4. The project proponent shall comply the conditions laid down in the Section V Rule 36 of Tamil Nadu Minor Minerals Concession Rules 1959.
5. A copy of the Environment Clearance letter shall be sent by the proponent to the concerned Panchayat, Town Panchayat / Panchayat union / Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions / representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the proponent and also kept at the site, for the general public to see.
6. Quarry lease area should be demarcated on the ground with wire fencing to show the boundary of the lease area on all sides with red flags on every pillar shall be erected before commencement of quarrying.
7. The proponent shall ensure that First Aid Box is available at site.

8. The excavation activity shall not alter the natural drainage pattern of the area.
9. The excavated pit shall be restored by the project proponent for useful purposes.
10. The proponent shall quarry and remove only in the permitted areas as per the approved Mining Plan details.
11. The quarrying operation shall be restricted between 7AM to 5 PM.
12. The proponent shall take necessary measures to ensure that there shall not be any adverse impacts due to quarrying operation on the nearby human habitations, by way of pollution to the environment.
13. A minimum distance of 50mts, from any civil structure shall be kept from the periphery of any excavation area.
14. Depth of quarrying should be as per approved mining plan.
15. The mined out pits should be backfilled where warranted and area should be suitably landscaped to prevent environmental degradation. The mine closure plan as furnished in the proposal shall be strictly followed with back filling and tree plantation.
16. The drilling method is to be adopted to control dust emissions. Delay detonators and shock tube initiation system for blasting shall be used so as to reduce vibration and dust.
17. Drilling and blasting shall be done only either by licensed explosive agent or by the proponent after obtaining required approvals from Competent Authorities.

18. Blasting shall be carried out after announcing to the public adequate through public address system to avoid any accident.
19. A study has to be conducted to assess the optimum blast parameters and blast design to keep the vibration limits less than prescribed levels and only such design and parameters should be implemented while blasting is done. Periodical monitoring of the vibration at specified location to be conducted and records kept for inspection.
20. The Proponent shall take appropriate measures to ensure that the GLC shall comply with the revised NAAQ norms notified by MOEF & CC, GoI on 16.11.2009.
21. The following measures are to be implemented to reduce Air Pollution during transportation of mineral
 - i. Roads shall be graded to mitigate the dust emission.
 - ii. Water shall be sprinkled at regular interval on the main road and other service roads to suppress dust
22. The following measures are to be implemented to reduce Noise Pollution
 - i. Proper and regular maintenance of vehicles and other equipment.
 - ii. Limiting time exposure of workers to excessive noise.
 - iii. The workers employed shall be provided with protection equipment and earmuffs etc.
 - iv. Speed of trucks entering or leaving the mine is to be limited to moderate speed of 25kmph to prevent undue noise from empty trucks.
 - v. All noise generating machinery the compressor, generator to be enclosed in acoustic enclosure so as to reduce noise in working area.
23. Measures should be taken to comply with the provisions laid under Noise Pollution (Regulation and Control) (Amendment) Rules, 2010, dt:

11.01.2010 issued by the MoEF & CC, GoI to control noise to the prescribed levels.

24. Suitable conservation measures to augment groundwater resources in the area shall be planned and implemented in consultation with Regional Director, CGWB, Suitable measures should be taken for rainwater harvesting.
25. Permission from the competent authority should be obtained for drawl of ground water, if any, required for this project.
26. Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.
27. The following measures are to be adopted to control erosion of dumps:-
 - i. Retention / toe walls shall be provided at the foot of the dumps.
 - ii. Worked out slopes are to be stabilized by planting appropriate shrub / grass species on the slopes.
28. Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per Hazardous & other wastes (Management, and Trans Boundary Movement) Rules, 2016 and its amendments thereof to the recyclers authorized by TNPCB.
29. Concealing the factual data or failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
30. Rain water harvesting to collect and utilize the entire water falling in land area should be provided.

31. Rain water getting accumulated in the quarry floor shall not be discharged directly to the nearby stream or water body. If it is to be let into the nearby water body, it has to be discharged into slit trap on the surface within the lease area and only the overflow after allowing setting of soil be let into the nearby waterways. The slit trap should be of sufficient dimensions to catch all the slit water being pumped out during one season. The slit trap should be cleaned of all the deposited slit at the end of the season and kept ready for taking care of the slit in the next season.
32. The lease holder shall undertake adequate safeguard measures during extraction of material and ensure that due to this activity, the hydro-geological regime of the surrounding area shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area during the mining operation. If at any stage, if it is observed that the groundwater table is getting depleted due to the mining activity; necessary corrective measures shall be carried out. District Collector / mining officer shall ensure this,
33. No tree-felling shall be done in the leased area, except only with the permission from competent Authority.
34. To take up environmental monitoring of the proposed quarry site before, during and after the mining activities including vibration study data, water, air & flora / fauna environment, slurry water generated / disposed and method of disposal, involving a reputed academic Institution.
35. It shall be ensured that the total extent of nearby quarries (existing, abandoned and proposed) located within 500 meter radius from the periphery of this quarry is not exceeding 5 hectares within the mining lease period of this application.

36. It shall be ensured that there is no habitation is located within 300 meter radius from the periphery of the quarry site and also ensure that no hindrance will be caused to the people of the habitation located within 300m radius from the periphery of the quarry site.
37. Free Silica test should be conducted and reported to TNPCB, Department of Geology and Mining and Regional Director, MoEF & CC, GoI.
38. Air sampling at intersection point should be conducted and reported to TNPCB, Department of Geology and Mining and Regional Director, MoEF & CC, GOI.
39. Bunds to be provided at the boundary of the project site.
40. The project proponent shall undertake plantation/afforestation work by planting native places on all side of the lease area at the rate of 400/Ha. Suitable tall tree saplings should be planted on the bunds and other suitable areas in and around the work place.
41. Floor of excavated pit to be leveled and sides to be sloped with gentle slope (Except for granite quarries) in the mine closure phase.
42. The Project Proponent shall ensure a minimum of 2.5% of the annual turnover will be utilized for the CSR activity.
43. The Project Proponent shall provide solar lighting system to the nearby villages.
44. Earthen bunds and barbed wire fencing around the pits with green belt all along the boundary shall be developed and maintained.
45. Safety equipments to be provided to all the employees.

46. Safety distance of 50m has to be provided in case of railway, reservoir, canal/odai.
47. The Assistant / Deputy Director, Department of Geology & mining shall ensure that the proponent has engaged the blaster with valid Blasting license / certificate obtained from the competent authority before execution of mining lease.
48. The proponent shall furnish the Baseline data covering the Air, Water, Noise and land environment quality for the proposed quarry site before execution of mining lease.
49. The proponent shall erect the pillars in accordance with the Rules for depicting GPS details in the earmarked boundary of the quarry site to monitor electronically before execution of mining.
50. The proponent has to provide insurance protection to the workers in the case of existing mining or provide the affidavit in case of fresh lease before execution of mining lease.
51. The proponent has to display the name board at the quarry site showing the details of Proponent, lease period, extent, etc., with respect to the existing activity before execution of mining.
52. Heavy earth machinery equipments if utilized, after getting approval from the competent authority.
53. The proponent shall ensure that the project activity including blasting, mining transportation etc should in no way have adverse impact to other forests, such as reserve forests and social forest, tree plantation and bio diversity, surrounding water bodies etc.

54. The proponent shall provide Green Belt development at the rate of not less than 400 trees / Hectare. The tree saplings shall be not less than 3m height.
55. The fugitive emissions should be monitored during the mining activity and should be reported to TNPCB once in a month and the operation of the quarry should no way impact the agriculture activity & water bodies near the project site.
56. All the commitment made by the project proponent in the proposal shall be strictly followed.
57. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
58. The Project proponent has to be strictly comply the outcome / direction of the Hon'ble NGT, Principle Bench, New Delhi in the O.A. No. 186 of 2016 (M.A. No. 350/2016), O.A. No. 200/2016, O.A. No. 580/2016 (M.A. No. 1182/2016), O.A. No. 102/2017, O.A. No. 404/2016 (M.A. No. 758/2016, M.A. No. 920/2016, M.A. No. 1122/2016, M.A. No. 12/2017 & M.A. No. 843/2017), O.A. No. 405/2016 and O.A. No. 520 of 2016 (M.A. No. 981/2016, M.A. No. 982/2016 & M.A. No. 384/2017).

Part B: General Condition:

1. EC is given only on the factual records, documents and the commitment furnished in non judicial stamp paper by the proponent.
2. The Proponent shall obtain the Consent from the TNPC Board before commencing the activity.

3. No change in mining technology and scope of working should be made without prior approval of the SEIAA, Tamil Nadu.
4. No change in the calendar plan including excavation, quantum of mineral (minor mineral) should be made.
5. Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
6. Effective safeguards shall be adopted against health risks on account of breeding of vectors in the water bodies created due to excavation of earth.
7. A berm shall be left from the boundary of adjoining field having a width equal to at least half the depth of proposed excavation.
8. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.
9. Vehicular emissions shall be kept under control and be regularly monitored. The mineral transportation shall be carried out through the covered trucks only and the vehicles carrying the mineral shall not be overloaded.
10. Access and haul roads to the quarrying area should be restored in a mutually agreeable manner where these are considered unnecessary after extraction has been completed.

11. All Personnel shall be provided with protective respiratory devices including safety shoes, masks, gloves etc. Supervisory people should be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
12. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained. For the purpose, schedule of health examination of the workers should be drawn and followed accordingly. The Workers shall be provided with personnel protective measures such as masks, gloved, boots etc.
13. Workers/labourers shall be provided with facilities for drinking water and sanitation facility for Female and Male separately.
14. The project proponent shall ensure that child labour is not employed in the project as per the sworn affidavit furnished.
15. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry of Environment and Forests and its Regional Office located at Chennai.
16. The Environmental Clearance does not absolve the applicant / proponent of his obligation / requirement to obtain other statutory and administrative clearances from other statutory and administrative authorities.
17. This Environmental Clearance does not imply that the other statutory / administrative clearances shall be granted to the project by the concerned authorities. Such authorities would be considering the project on merits and be taking decisions independently of the Environmental Clearance.

18. The SEIAA, Tamil Nadu may alter / modify the above conditions or stipulate any further conditions in the interest of environment protection.
19. The SEIAA, Tamil Nadu may cancel the Environmental Clearance granted to this project under the provisions of EIA Notification, 2006, at any stage of the validity of this Environmental Clearance, if it is found or if it comes to the knowledge of this SEIAA, TN that the project proponent has deliberately concealed and / or submitted false or misleading information or inadequate data for obtaining the Environmental Clearance.
20. Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
21. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability Insurance Act, 1991, along with their amendments, Minor Mineral Conservation & Development Rules, 2010 framed under MMDR Act 1957, National Commission for protection of Child Right Rules, 2006, Wildlife Protection Act, 1972, Forest Conservation Act, 1980, Biodiversity Conservation Act, 2016, the Biological Diversity Act, 2002 and Biological diversity Rules, 2004 and Rules made there under and also any other orders passed by the Hon'ble Supreme Court of India / Hon'ble High Court of Madras and any other Courts of Law relating to the subject matter.
22. Any other conditions stipulated by other Statutory / Government authorities shall be complied.

23. Any appeal against this Environmental Clearance shall lie with the Hon'ble National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
24. The Environmental Clearance is issued based on the documents furnished by the project proponent. In case any documents found to be incorrect / not in order at a later date the Environmental Clearance issued to the project will be deemed to be revoked / cancelled.

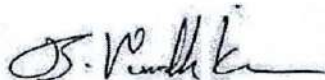
Sd/-

MEMBER SECRETARY

SEIAA-TN

Copy to:

1. The Secretary, Ministry of Mines, Government of India, Shastri Bhawan, New Delhi.
2. The Additional Chief Secretary to Government, Environment and Forests Department, Tamil Nadu.
3. The Additional Chief Secretary to Government, Industries Department, Tamil Nadu.
4. The Additional Principal Chief Conservator of Forests, Regional Office (SZ), 34, HEPC Building, 1st & 2nd Floor, Cathedral Garden Road, Nungambakkam, Chennai – 34.
5. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-Cum-Office Complex, East Arjun Nagar, New Delhi – 110 032.
6. The Chairman, TNPC Board, 76, Mount Salai, Guindy, Chennai – 32
7. The District Collector, Villupuram District
8. The Commissioner of Geology and Mines, Guindy, Chennai – 32
9. EI Division, Ministry of Environment & Forests, Paryavaran Bhawan, New Delhi
10. Spare.



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**Proceedings of the Assistant Director, Dept. of Geology and Mining,
Chengalpattu District,
Present: Thiru. K. Vijayaragavan, M.Sc.,**

Roc. No.505/Mines/2020,

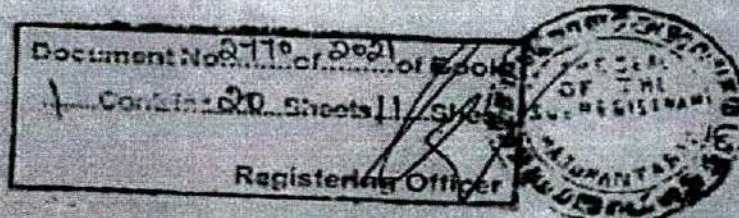
Dated.01.07.2021

Sub: Mines and Minerals - Minor Mineral - Rough Stone quarry - Over an extent of 2.34.50 hectares of patta land in S.F.Nos. 3/1, 3/2, 3/3,3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6 4/2C1, 4/2C2, 4/2C3 of Avurimedu Village - Madhuranthagam Taluk - Chengalpattu District - Quarry Lease granted for a period of Ten years in favour of Thiru. S. Murali S/o. M. Subramanian - Lease deed executed on 24.10.2020 - Lessee Thiru. S. Murali S/o. M. Subramanian expired on 28.05.2021 - Request to change the lease to one among the legal heirs - Representation of Tmt. M. Jayalakshmi W/o. S. Murali for change of lease in his favour - Orders issued.

- Ref:**
1. Proceedings of the Assistant Director (i/c), Geology and Mining, Chengalpattu in Rc.No. 505/Q3/2018, dated.24.10.2020.
 2. Lease agreement executed between the lessee and the Assistant Director (i/c), Geology and Mining, Chengalpattu on 24.10.2020.
 3. Tmt. M. Jayalakshmi W/o. S. Murali, AFF1, Alayam Thilagavathy Enclave, Kurinji Nagar, 1st Main Road, Old Perungalathur, Chennai - 63 representation dated.24.06.2021.

Order:

One Thiru. S. Murali S/o. M. Subramanian was granted a quarry lease for quarrying Rough stone over an extent of 2.34.50 hectares of Patta land in S.F.Nos. 3/1, 3/2, 3/3,3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6 4/2C1, 4/2C2, 4/2C3 of Avurimedu Village, Madhuranthagam Taluk, Chengalpattu District for a period of Ten Years vide proceedings of the Assistant

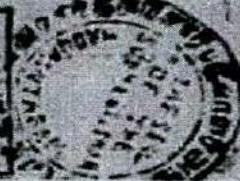


Director (i/c), Geology and Mining, Chengalpattu in Rc.No.505/Q2/2019, dated.24.10.2020.

2) Thiru. S. Murali had executed a lease agreement between the Assistant Director (i/c), Geology and Mining, Chengalpattu on 24.10.2020 in Appendix - IV of the Tamil Nadu Minor Mineral Concession Rules 1959. Therefore the period of lease is from 24.10.2020 to 23.10.2030. The lease agreement was registered as document No.3271 of 2020 at Sub - Registrar Office, Madhuranthagam on 27.10.2020.

3) In the reference 3rd cited Tmt. M. Jayalakshmi W/o. S. Murali has made a representation to the Assistant Director of Geology and Mining, Chengalpattu District wherein he has informed that, a Rough stone quarry lease was granted to Thiru. S. Murali S/o. M. Subramanian in S.F.Nos. 3/1, 3/2, 3/3,3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6 4/2C1, 4/2C2, 4/2C3 Over an Extent 2.34.50 Hect. of patta lands in Avurimedu Village, Madhuranthagam Taluk, Chengalpatu District. Further he has informed that his Husband Thiru. S.Murali has expired on 28.05.2021. Finally Tmt. M. Jayalakshmi W/o. S. Murali has requested to made over the Rough stone quarry lease to his name, since his husband the lessee Thiru. S.Murali was expired on 28.05.2021.

4) Tmt. M. Jayalakshmi W/o. S. Murali has enclosed the Death Certificate issued by the Greater Chennai Corporation in Registration No.D-2021:33-16494-000483, dated 04.06.2021. Further Tmt. M.

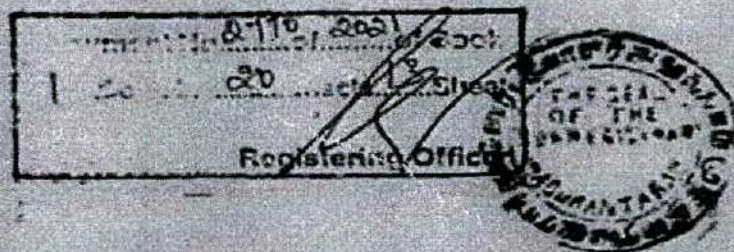
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Page No. 20 of 12 Sheets	
Registered Officer	

Jayalakshmi W/o. S. Murali has also enclosed the Legal Heir Certificate issued by the Thasildar, Tambaram vide Certificate No.TN-7202106102053, dated 17.06.2021. As per the Legal Heir certificate, the followings are the Legal Heirs of the deceased ex-lease Thiru. S. Murali.

Sl.No	Name of the Legal heir	Age	Relationship
1.	Jayalakshmi Murali	46	Wife
2.	Prasanna Shri M	15	Daughter (Minor)

5) The legal heirs are entitled to enjoy the Rough stone quarry lease hold by the deceased lessee as per the lease agreement. In this case out of the two legal heirs, One Prasanna Shri D/o. Murali is minor, hence the another legal heir is Tmt.Jayalakshmi W/o. (late) Murali of the deceased lessee is eligible for the transfer of Rough stone and Gravel quarry lease.

6) Hence, as requested by Tmt. M. Jayalakshmi W/o. S. Murali, son of the deceased ex-lessee Thiru.S.Murali, the Rough stone quarry lease in S.F.Nos. 3/1, 3/2, 3/3,3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6 4/2C1, 4/2C2, 4/2C3 Over an Extent 2.34.50 Hect. of patta lands in Avurimedu Village, Madhuranthagam Taluk, Chengalpatu District granted in the name of the deceased ex-lessee Thiru.S.Murali is hereby ordered to transfer in the name of Tmt. M. Jayalakshmi W/o. S. Murali subject to the following conditions.



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- 1) The legal heir Tmt. M. Jayalakshmi W/o. (Late) S. Murali should execute a supplementary lease deed along with the Assistant Director, Department of Geology and Mining, Chengalpattu in non - judicial stamp paper to the value of Rs.100/- with regard to the transfer of rough stone quarry lease in his favour with in a period of one month from the date of receipt of the order.
- 2) The conditions in the lease agreement dated 27.10.2020 which was registered as document No.3271/2020 at Sub - Registrar office, Madhuranthagam should be followed scrupulously.
- 3) The conditions given in the Environmental Clearance granted in SEIAA-TN-F.No.7553 / 1(a) / EC.NO.4405 /2020, dated.21.10.2020 shall be followed without fail.

[Signature]
 Assistant Director,
 Dept. of Geology and Mining,
 Chengalpattu.

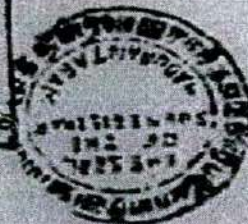
To,
 Tmt. M. Jayalakshmi
 W/o. (Late) S. Murali,
 AFF1, Alayam Thilagavathy Enclave,
 Kurinji Nagar, 1st Main Road,
 Old Perungalathur,
 Chennai - 63.

Ag. 11/12/21

Copy to:

- 1) Revenue Divisional Officer, Madhuranthagam.
- 2) Tahsildar, Madhuranthagam
- 3) Village Administrative Officer, Avurimedu.

Document No. 3271 of 2020 of Book
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 Registering Officer



[Signature]

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ANNEXURE - A/9**SUPPLEMENTARY LEASE DEED**

(Assistant Director (i/c), Dept. of Geology and Mining,
Chengalpattu Proceedings in Rc.No.505/Q2/2019, Dated
24.10.2020)

(Assistant Director, Dept. of Geology and
Mining, Chengalpattu Proceedings in Rc.No.505/Q2/2019,
Dated.01.07.2021)

THIS AGREEMENT MADE THE 1st day of July 2011 between
Tmt. M. Jayalakshmi W/o. (Late) S. Murali, AFF1, Alayam
Thilagavathy Enclave, Kurinji Nagar, 1st Main Road, Old
Perungalathur, Chennai - 63 (hereinafter Called "the lessee"
the legal heir of late Thiru.S.Murali) of the first part.

LEGAL HEIRS/LESSEE

LESSOR

Assistant Director,
Dept.of Geology and Mining,
Chengalpattu.

THE GOVERNOR OF TAMIL NADU represented by the
Assistant Director of Geology and Mining,
Chengalpattu (hereinafter referred to as "the State
Government the lessor/ transferor which expression
shall where the context so admits be include the
successors and assigns) of the second part.

AND WHEREAS the Assistant Director, Geology and Mining. Chengalpattu acting for and on behalf of the Government, has granted a quarry lease for quarrying Rough stone and Gravel for 10 (Ten) years from 24th October 2020 to 23 October, 2030 to Thiru. S. Murali S/o. M. Subramanian, AFF1, Alayam Thilagavathy Enclave, Kurinji Nagar, 1st Main Road, Old Perungalathur, Chennai - 63 vide Assistant Director Dept. of Geology and Mining proceedings in Rc.No.505/Q2/2019, Dated:24.10.2020 and allowed to commence quarrying operation for Rough Stone and Gravel in patta lands.

All that pieces and parcels of land situated in Avurimedu Village in the Sub- Registration District of Madhuranthagam within the Registration District of Chengalpattu.

WHEREAS the lessee Thiru.S. Murali expired due to illness on 28.05.2021, during the tenure of the lease period.

LEGAL HERIS/LESSEE

LESSOR

Assistant Director,
Dept. of Geology and Mining,
Chengalpattu.

WHEREAS the legal heir of the deceased ex-lessee has made a representation to the Assistant Director, Dept.

of Geology and Mining, Chengalpattu with a request to transfer the quarry lease granted in favour of his husband Late Thiru.S.Murali for quarrying Rough Stone and Gravel in patta land as shown in the above schedule, in his favour as per the provisions contained in the lease agreement executed by his husband with the Assistant Director, Dept. of Geology and Mining, Chengalpattu in Appendix-IV to the Tamil Nadu Minor Mineral Concession Rules, 1959.

WHEREAS the Assistant Director of Geology and Mining Chengalpattu, after careful examination, has ordered to transfer the quarry lease granted to the deceased ex-lessee Late Thiru S Mali in favour of Tmt. M. Jayalakshmi, the legal heir of the deceased ex lessee, vide Proceedings Rc.No505/Q2/2020, dated.01.07.2021.

WHEREAS on the order and direction of the Assistant Director, Dept. of Geology and Mining., Chengalpattu this supplementary lease agreement is executed subject to the condition that the Tmt. M.Jayalakshmi in whose name the quarry lease is transferred should strictly follow the terms and conditions in the original lease agreement executed by the deceased ex-lessee Late Thiru.S.Murali with the Assistant Director, Dept. of Geology and Mining, Chengalpattu on 27.10.2020 and registered as document No.3271/2020 at Sub Registrar office, Madhuranthagam.

LEGAL HEIRS/LESSEE

LESSOR

Assistant Director,
Dept. of Geology and Mining,
Chengalpattu.

WHEREAS the conditions given in the Environmental Clearance in SEIAA-TN-F.No.7553/1(a)/ EC.NO.4405/ 2020, dated 21.10.2020 shall be followed strictly.

THE SCHEDULE

Name of the District	: Chengalpattu Maduranthagam
Name of the Taluk	: Maduranthagam
Name of the Village	: Avurimedu
Name of the Sub-Registration District	: Maduranthagam
Period	: Ten years (From 24.10.2020 to 23.10.2030) As per the orders of the Government in G.O.(Ms) No.208, Industries (MMC.1) Department, dated 21.09.2020

S. No	S.F. No.	Extent (in Hect)	North	South	East	West
1	3/1	0.08.5	243/11	3/2	4/1A	244/13
2	3/2	0.04.5	3/1	3/3	4/1B	244/14
3	3/3	0.03.5	3/2	2,3/4	4/1C	2
4	3/4	0.01.5	3/3	2	4/1D	2
5	4/1A	0.15.5	243/11	4/1B	4/1E	3/1
6	4/1B	0.08.0	4/1A	4/1C	4/1E	3/2
7	4/1C	0.08.5	4/1B	4/1D	4/1E	3/3
8	4/1D	0.08.0	4/1C	4/2A1	4/1E	3/4
9	4/1E	0.67.0	243/11, 243/8	4/2A4, 4/2A5, 2A6	6,5	4/1A, 1B, 1C, 1D
10	4/2A1	0.14.0	4/1D	4/2A2	4/2A4	2
11	4/2A2	0.14.5	4/2A1	4/2B	4/2A4 , 2A3	2
12	4/2A3	0.08.0	4/2A4	4/2B 4/2C1	4/2A5	4/2A2
13	4/2A4	0.13.5	4/1D, 4/1E	4/2A3	4/2A5	4/2A1, 2A2
14	4/2A5	0.14.0	4/1E	4/2C2	4/2A6	4/2A4, 4/2A3
15	4/2A6	0.15.0	5	4/2C3	7	4/2A5
16	4/2C1	0.06.5	4/2A3	4/2C4	4/2C2	4/2B
17	4/2C2	0.12.0	4/2A5	4/2C4	4/2C3	4/2C1
18	4/2C3	0.12.0	4/2A6	4/2C4	7	4/2C2

TOTAL	2.34.50				
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INWITNESS WHEREOF Tmt. M. Jayalakshmi W/o. (Late) S. Murali, AFF1, Alayam Thilagavathy Enclave, Kurinji Nagar, 1st Main Road, Old Perungalathur, Chennai - 63 "Legal heirs & Lessee" and Thiru. K. Vijayaragavan, M.Sc., Assistant Director, Dept. of Geology and Mining, Chengalpattu District (Lessor) acting for and on behalf of and by the order and direction of the Governor of Tamil Nadu have here into set their hands.

(LEGAL HEIRS/LESSEE)

ASSISTANT DIRECTOR,
DEPT.OF GEOLOGY AND
MINING,

(Signed by the above named
the Permit holder in the
presence of)

CHENGALPATTU.

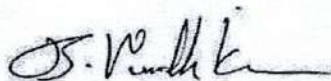
(Signed by the above named
the Lessor in the presence of)

1.

1. Assistant Geologist,
Dept. of Geology and Mining,
Kancheepuram.

2.

2. Spl. Renenue Inspector,
Dept. of Geology and Mining,
Kancheepuram.



//TRUE COPY//

ANNEXURE – A/10**Form –I****(See Rule 8(1))****BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONE BENCH AT CHENNAI****ORIGINAL APPLICATION No. OF 2021**

(Under Section 18(1) read with Sections 14 & 15, of National Green Tribunal Act
2010)

IN THE MATTER OF:

Mr.PasumponAnand

VERSUS

...APPLICANT

1. STATE OF TAMIL NADU

Represented by its Principal Secretary
Environment Forest & Climate Change Department
Secretariat Complex, NamakkalKavignarMaaligai,
Fort St. George, Rajaji Road
Chennai - 600 009
Email: forsec@tn.gov.in, Ph: +91 044 25671511

2. STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY

Represented by its Director
No.1, 3rd Floor, PanagalMaaligai
Jeenis Road, Saidapet
Chennai- 600 015
E-mail: tn doe@tn.nic.in, phone: 044- 24359974

3. THE DISTRICT COLLECTOR

Chengalpattu District
Collector Office, GST Road,

Chengalpattu District, Tamil Nadu Pin – 603 001

Email: collr-cpt@nic.in, Phone: 044-27427412

4. TAMIL NADU POLLUTION CONTROL BOARD

Represented by its Member Secretary

No.76, Mount Road,

Guindy, Chennai-600032.

Email: tnpcb-chn@gov.in, Phone: 044- 22353145

5. DIRECTORATE OF GEOLOGY AND MINING

Represented by its Director

Alandur Road, Guindy Industrial Estate,

Guindy, Chennai-600032.

Email: cgmchennai32@gmail.com, Phone: 044-22501158

6.DISTRICT ENVIRONMENTAL ENGINEER,

Chengalpattu District

MaraimalaiAdigalar Street, Next to Municipal Office,

Maraimalai Nagar,

Kancheepuram District – 603 209

E-mail: tnpcbmmnagar@gmail.com, Phone: +91 27454422

7. REVENUE DIVISIONAL OFFICER

Madurantakam

Tamil Nadu 603306

Email: rdomdm.tnkpm@nic.in, Phone : 044-27552196

8. Mr.S.MURALI

Proprietor Prasanna Blue Metal,

AFF1, Alayams Thilagavathy Enclave,
Kurinji Nagar, 1st Main Road,
Old Perangalathur, Chennai -600063.

Email: prasannablumetal@yahoo.com, Phone: +91 9150066990

...RESPONDENTS

To,

**The Hon'ble Chairman and accompanying members of the
National Green Tribunal**

Humbly submitted by the Applicant above named

1. The address of the applicant as given above for the service of notices of this application and that of his representative is M/s.V.Purushotham, R.Vinayaga Vishnu, T.Surya& K.M.Mrithunjayan Advocate having their offices at No.26 ,Gopalakrishnan street, Pondy Bazaar, T-Nagar , Chennai - 600 117. That the address of the Respondents is as given above for service of notices of the Application.
2. The applicant above named begs to present this original Application against the Project Proponent, Mr.S.Murali, Rough Stone and Gravel Quarry lease holder for violating the terms of the Environmental Clearance granted in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 at Avirimedu Village, Maduranthakam Taluk, Chengalpattu District, Tamil Nadu.

Facts in Brief:

3. The Applicant herein is an Editor in chief of a reputed magazine **"Tamil Nadu Express"** having office at 53/19, Pillayar Kovli Street, Nesapakkam, West KK Nagar, Chennai – 600 0078. The magazine is propounded to create political legal awareness amongst the general public at large, the sole agenda of the magazine is to "make law accessible to every common man and spark the power of law". The copy of the Identity Card possessed by the Applicant is enclosed herewith **ANNEXURE A – 1**. It is submitted that the Applicant, through regular interaction with the villagers of Avirimedu Village for his magazine, came to know about the discrepancies faced by them owing to the presence of rough stone quarry operated by the 8th Respondent. Hence this application is filed.
4. The Respondent No.1 is the Department of Environment Forests & Climate Change in Tamil Nadu empowered to grant Environmental Clearance to any project to be established in the state. Respondent No.2 is the SEIAA empowered to issue environmental clearance to mitigate pollution and to protect environment. The Respondent No.3 is the District Collector, Chengalpattu entrusted with the administration and supervision of the Chengalpattu district, Tamil Nadu. The Respondent No. 4 is Tamil Nadu State Pollution Control (TNPCB) entrusted with the responsibility for ensuring that pollution norms and its related laws are strictly enforced and implemented within its jurisdiction by giving consent to establish and operate. The Respondent No.5 is the authority empowered to approve and regulate mining or exploration activity within the state. The Respondent No.6 is the district authority entrusted and empowered to enforce and implement pollution control norms/laws in the district of Chengalpattu. The Respondent No. 7 is the administrative and executive head of the Mathuranthakam Block,

Chengalpattu District. The Respondent No.8 is the Lease Holder/Project Proponent of the unit engaged in rough stone and gravel quarrying in Avirimeadu Village, Maduranthakam Taluk, Chengalpattu District, Tamil Nadu.

5. The Applicant submits that, the 8th Respondent herein i.e. Mr.S.Murali s/o Late Mr.Subramanian had initially leased lands comprised in Survey No. 7/1A1 at Avirimeadu village, Maduranthagam Taluk, Kancheepuram District measuring an extent of 1.50.0 ha for producing 140725 m³ of Rough Stone & 21962 m³ of Gravel in the name and style of "**Prasanna Blue Metals**". An agreement to that effect was made with the District Collector, Kancheepuram on 05.06.2013 vide Proceedings No. Rc 575/2020/Q1. The copy of the Proceedings dated 05.06.2013 is enclosed herewith as **ANNEXURE A-2**.
6. The project of the 8th Respondent is categorized as "**Non coal mining**" project requiring prior environmental clearance as per the order of the Hon'ble Supreme Court dated 27.02.2012 in SLP (C) No. 19628-19629 of 2009 and MOEF & CC office memorandum dated 18.05.2012. Subsequently, the 8th Respondent obtained environmental clearance vide Lr.No.SEIAATN/F.No.1072/EC/1(a)/299/2013 dated 15.05.2013 to undertake the work as stated herein above for a period of 5 years. The copy of the Environmental Clearance dated 15.05.2013 is enclosed herewith as **ANNEXURE A-3**.
7. It is pertinent to mention that, the excerpts from the Environmental clearance dated 15.05.2013 has given strict approval for open cast semi mechanized mining upto a depth of 27 meters(88.5 ft.) from the ground level. The depth of the mine has

been arrived post careful consideration on the presence of ground water at the depth of 35 meters in normal times and 30meters from the surface during rainy seasons. The copy of the Mining plan for rough stone quarry dated 15.10.2012 is enclosed herewith as **ANNEXURE A-4.**

8. Notwithstanding the conditions set forth in the environmental clearance, the Project Proponent had gouged 48.47 meters (159 ft.) into the ground level to tap the ground water resource in contravention to the conditions of the EC. The same was confirmed through an inspection carried out by the Firka Surveyor of ZaminEndathur, Madhuranthakam, Chengalpet District on 29.01.2020. Consequently, the Report of the surveyor was endorsed by the Taluk Revenue Inspector Zamin Endathur vide Report No. U.M.005/2020/va.A dated 14.02.2020. The copy of the Taluk Revenue Inspector Report dated 14.02.2020 alongwith the photographs of the site is annexed herewith **ANNEXURE A-5.**
9. Thereafter, the 8th Respondent proposed for expansion of its production capacity at Avirimedu Village, Maduranthakam Taluk, Chengalpettu District, Tamil Nadu in the Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 respectively. A mining plan to for enhanced production was submitted by the 8th Respondent on 16.05.2020. The plan proposes to produce 3, 04,181 m³ of Rough Stone and 34,354 m³ for a period of 5 years at the given site. The copy of the Application (Form -2) submitted for environmental clearance is annexed herewith as **ANNEXURE A-6.**

DESCRIPTION OF THE PROJECT & THE PROJECT SITE

10. The project is spread across an extent of 2.34.50 ha and stands strategically located within 1 Km radius of a dense population habitat at Nethapakkam and Avirimedu Village. The site abuts seasonal water stream with its radius of 300mts and stands bounded towards the

East : by Patta Lands comprised in Survey Nos. 6 & 7/1A1
(Quarry Pit)

West: by NH. 176, Sirunallur Village boundary and Government
Land Survey No. 2

North: by NH. 176, Sirunallur Village boundary

South: by Patta Lands comprised in Survey Nos. 2B & 3/A

The project site is also in close proximity with other minor quarrying units within a distance of 500 meters. The geographical location and sketch of the proposed site in the map is annexed herewith as **ANNEXURE A-7.**

11. The Presence of geological resource of rough stone at the project site is estimated to be $10,92,948\text{m}^3$ out of which the 8th Respondent proposes to produce 3, 04,181 m^3 of Rough Stone and 34,354 m^3 upto a depth of 55meters (180 ft.) from the ground level. The water requirement for the project is pegged at 5.8KLD for the purpose of dust suppression and domestic purpose. The copy of the approved mining plan submitted for the fresh EC is annexed herewith as **ANNEXURE A-8.**

12. In pursuance to the above, it is pertinent to mention that, the ground water table in the project site is present within a depth of 70meters (229.6 ft.) during summer and 65 meters (213 ft.) during rainy seasons. Therefore, on careful considerations of the ground water index, a depth of 55meters (180 ft.) below ground level only

was granted permission from the pre-feasibility report submitted by the 8th Respondent. The copy of the Pre-feasibility report is annexed herewith as **ANNEXURE A-9**.

13. Subsequently, the project of the 8th Respondent received sanction through the proceedings of the 3rd Respondent vide Rc No.505/Q2/2019 dated 18.03.2020. In connection with the order of the 3rd Respondent the project was awarded with environment clearance (EC) for a period of five years commencing vide Lr.No.SEIAA-TN/F.No.7553/1(a)/E.C No:4405/2020 dated 21.10.2020 for carrying out minor quarrying operations in the aforementioned site subject to the conditions stipulated hereunder :

- Approved depth of mining at 55 meters (180 ft.) below ground level.
- Groundwater level and quality should be monitored once in 6 months around the quarry
- Proper Barriers to reduce noise level, dust pollution and to hold down fly debris should be established by green belt/metal sheets around the boundary.
- A study on the optimum blast parameters and blast designs to keep the vibration limits within the prescribed limits shall be implemented.
- Periodical monitoring of the vibrations at specific location to be conducted and records kept for inspection
- If at any stage, it is observed that the groundwater table is getting depleted due to the mining activity; necessary corrective measures shall be carried out & such other conditions as stated upon in the EC.

The copy of the Environmental Clearance dated 21.10.2020 vide Lr.No.SEIAA-TN/F.No.7553/1 (a)/E.C No: 4405/2020 is annexed herewith as **ANNEXURE A-10.**

IMPACT ON THE RURAL POPULATION

14. It is pertinent to mention that, the bovine population is high in the District and therefore the District has achieved self-sufficiency in the milk production and the surplus milk can be used to produce dairy products. In addition to the above, the District leads in the production of fruits Vegetables and flowers in the State. The major horticultural crops are Mango, Cashew and Banana. Therefore the lands abutting the quarry site were used for agriculture and cattle grazing. Considering the repercussions of the project, the village population made clear objections to the establishment of the Quarry in the initial stages. The copy of the representation letter addressed to the Revenue Divisional Officer, Maduranthakam dated 08.11.2019 is annexed herewith in proof of the above as **ANNEXURE A-11.**
15. The chief complaints faced by the rural population are due to acute shortage of ground water table which had resulted from excessive mining and irregular blasting. It is submitted that the, agriculture and cattle in the region majorly depend on groundwater resources for domestic and agricultural purposes. It is imperative to note that the 4th Respondent had approved the mining plan on an absolute condition that the ultimate pit limit of the quarry shall be 55 meters below ground level. The depth of the pit limit was arrived after taking into careful consideration the presence of productive aquifers at 70-75 meters and shallow aquifers at 100 meters below ground level. The copy of the hydrological report for

Avirimedu Rough Stone & Gravel Quarry is annexed herewith as **ANNEXURE A-12.**

16. Therefore, on increasing the depth of the Mining site, the rural population is aggrieved by significant drop in ground water table. As a result of which over 100 persons from that village have staged road block on the spot to close the Quarry on 16.02.2021. the copy of the incident published in "**Dinakaran**" newspaper dated 16.02.2021 is annexed herewith as **ANNEXURE A-13.**

17. Further it can also be witnessed from the scheme of the project that the mining site is comprised within the vicinity of 4 villages on a radius of 2 km. The boundary and population index is as given below :

S.No	Village	Direction	Distance from Project	Population
1.	Sirunallur	North	2.0 Kms	2094
2.	Avirimedu	South	1.0 Kms	1948
3.	Endathur	East	1.5 Kms	2212
4.	Nethapakkam	West	1.0 Kms	2015

Considering the close proximity of the mining site, the households in the proximate village face constant threats from vibrations and noise arising out of high intensity explosives and combustibles.

18. Notwithstanding the above, it is also pertinent to mention that, the region surrounding the quarry site is used as forest typically for passage and cattle grazing. In consonance with its usage, the lands

have been put under the classification of "**MeikkalPoramboke**" i.e. the land is meant for grazing of cattle/place of rest. therefore survey Nos. 124A & 124B measuring an extent of 91 hectares was classified under the revenue records as MeikkalPoramboke/social forest for the aforementioned usage. The copy of the Revenue Records for the Survey No. 124 along with the sketch is annexed herewith as **ANNEXURE A-14**. However, with the establishment of the 8th Respondent Quarry site, the access to the grazing lands has become extremely endangering owing to the noise pollution from high intensity explosives and non-availability of fence encircling the pit area. The photographs of the quarry site are annexed herewith as **ANNEXURE A-15**.

19. Given the above circumstances, it is evident that the 8th Respondent has indulged in excessive mining using high intensity explosives more than the prescribed limits (55 meters) thereby resulting in depletion of ground water table , damage to residential buildings and other associated environmental damage. In addition to the above the 8th Respondent has failed to take adequate measures to curtail air and noise pollution in the region. Therefore, as the grievances of the Applicant remains unaddressed, this present original Application is filed.

GROUND

That the present Application is being filed on the following grounds amongst others which may be taken up by the Applicants during the time of hearing:-

- A. The present application raises substantial question relating to environment and the right to life as enshrined under Art 21 of the Constitution as the averments, documents and reports

annexed by the Applicant shows potential hazards faced by the Applicant from the 8th Respondent unit. Therefore all the permissions granted for establishing 8th Respondent's unit must be revoked on this ground alone.

- B. The operation of the 8th respondent unit is illegal, unauthorized, and environmentally unsustainable causing severe pollution, thus liable to be interfered with by this Hon'ble Tribunal.
- C. The operation of the 8th Respondent unit is contrary to the established principles of law and in violation to the mandatory provisions under the scheme of Environmental Protection Act, 1985, the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 among others.
- D. Excessive mining and excavation by the 8th Respondent contrary to the limits prescribed in the Environmental clearance has completely depleted the ground water resources and consequently destroyed the agricultural lands and other related activities in the entire region.
- E. The operation of the 8th respondent unit is being conducted without obtaining mandatory and valid permission for extraction of Ground water that too without assessing the ground water table and sustainability of the same for future and thus is liable to be interfered with.
- F. The operation of the 8th respondent has brought hardships to the rural population surrounding the mining site on account of irregular explosions and excessive excavations. All such actions have resulted in complete loss of livelihood and severe environmental damage to the entire region. The villagers and common public are affected by the uncontrolled pollution.

- G. The unit of the 8th respondent continues to carry on the operations and continues to violate the mandatory provisions of environment clearance granted with no actions forthcoming from the respondent officials and thus is liable to be interfered with.
- H. Irregular explosions are made by the 8th Respondent in total disregard to the ecological relevance of the area. The explosions have resulted in developing cracks in residential buildings of the adjoining village.
- I. The 8th respondent has been found to be a proven violator beyond reasonable doubts from the report of the surveyor dated 14.02.2020.
- J. The operations of the 8th Respondent unit has jeopardized the livestock and cattle in the region thereby rendering the grazing field (S.No 124/B) abutting the mining site redundant.

LIMITATION

The present application is filed within the period of limitation as provided under the NGT Act, 2010. The cause of action for the present dispute is the illegal and indiscriminate pollution caused by the unit which is continuing and recurring one. The 8th respondent unit continues to operate till date. Hence the Application is within the period of limitation. Therefore, this Application is filed well within the contemplations of Section 14 & 15 of the National Green Tribunal Act, 2010' and not barred by the law of limitation.

INTERIM RELIEF

For the reasons set out in the aforesaid paragraphs, the Applicant seeks the following Interim Relief from the Hon'ble Tribunal pending disposal of the present Application and thus render justice.

1. To pass an order of interim injunction, restraining the 8th respondent from carrying out any operations at the mining site situated in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 at Avirimedu Village, Maduranthakam Taluk, Chengalpettu District, Tamil Nadu.
2. To constitute and appoint an independent expert committee or joint committee to study the ground situation in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 at Avirimedu Village, Maduranthakam Taluk, Chengalpettu District, Tamil Nadu where the 8th Respondent's mining quarry is located.
3. To pass an order to constitute and appoint an independent expert committee to assess the environmental damages in Survey No. 7/1A1 (Previous site) at Avirimedu village, Madurantakam Taluk, Chengalpattu District, Tamil Nadu where the Quarry pit is located.
4. To direct the 8th Respondent to fence the quarry site comprised in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 and 7/1A1 (previous site) at Avirimedu Village, Maduranthakam Taluk, Chengalpettu District, Tamil Nadu.
5. To direct the Respondent 1-7 to take action against the 8th Respondent according to law for violating the conditions prescribed in the environmental clearance and mining lease.

6. And such further order or orders as may be fit proper and necessary in the facts and circumstances of the case.

PRAYER

For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

- A. Direct the respondents 1 to 5 to revoke/cancel all licenses/permissions granted to the 8th Respondent unit at Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 at Avirimedu Village, Maduranthakam Taluk, Chengalpettu District, Tamil Nadu.
- B. Pass an order of permanent injunction against the 8th Respondent from carrying out any polluting activity detrimental to the environment and the agriculture fields / grazing fields present surrounding the mining area in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 at Avirimedu Village, Maduranthakam Taluk, Chengalpettu District, Tamil Nadu.
- C. Direct that the entire area be restored to its original condition and to conserve rest of the habitat and bring back the habitat to its original status by applying the polluter pays principle at the cost of the 8th Respondent.
- D. Directing the respondents to pay the cost of the proceedings.

19

E. To pass any order or orders as this Hon'ble Tribunal may deem fit, proper and necessary in the interest of justice.

Dated at Chennai on this 12th day of July, 2021

APPLICANT
APPLICANT

COUNSEL FOR

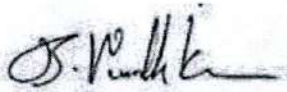
VERIFICATION

I, PasmponAnand S/oBhagavathi, residing at 53/19, PillaiyarKovil Street, Nesapakkam, West KK Nagar, Chennai – 600 0078, do hereby verify that the contents of the paragraphs are true to my personal knowledge that I have not suppressed any material fact and the application is being filled based on the legal advice.

DATE: 12.07.2021

PLACE: CHENNAI

APPLICANT



//TRUE COPY//

ANNEXUER – A/11**Item No.2:-**

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 156 of 2021 (SZ)
(Through Video Conference)

IN THE MATTER OF

B. PasumponAnand
S/o. P. Bhagavathi
53/19, PillayarKovil Street,
Nesapakkam, West KK Nagar,
Chennai – 600 078.

...Applicant(s)

Versus

State of Tamil Nadu
Represented by its Principal Secretary,
Environment Forests & Climate Change Department,
Secretariat Complex, NamakkalKavingarMaaligai,
Fort St. George, Rajaji Road, Chennai and Ors.

.... Respondent(s)

Date of hearing: 27.07.2021.

CORAM:

**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL
MEMBER**

HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): Mr. K.M. Mrithunjayan and
Mr. J. Chandrabose.

For Respondent(s): None.

ORDER

1. The grievance in this application is regarding the violation committed by the 8th respondent in carrying out the rough stone and gravel quarrying activity.
2. It is alleged in the application that initially the 8th respondent had conducted quarrying operation in Sy. No. 7/1A1 at Avirimedu Village, Maduranthagam Taluk, Kancheepuram District, for which, he had obtained Environmental Clearance (EC).
3. It is also alleged in the application that he had committed gravel quarrying in violation of the conditions imposed in the Environmental Clearance (EC). Further, he had also committed excess mining by quarrying to more than the permitted depth, thereby, affecting the environment as well as ground water level in that area. He has not provided necessary pollution control mechanism thereby, huge dust emanated from the quarrying site, affected the agricultural activities as well as health of the people in that locality.
4. Thereafter, he had expanded its quarrying portion to the neighbouring areas namely, Sy. Nos. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 of Avirimedu Village, Maduranthagam Taluk, Chengalpattu District, for which, he had obtained fresh Environmental Clearance (EC), but he had committed violation of conditions imposed in the

Environmental Clearance (EC) and committed large scale violation.

5. Though complaints have been made to the authorities, no action has been taken by them. So, the applicant had no other option, except to approach this Tribunal by filing this application seeking the following reliefs:-

“(a) Direct the respondents 1 to 7 to revoke/cancel all licenses/permissions granted to the 8th respondent unit at Survey Nos. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 and 7/1A1 (Previous site) at Avirimedu Village, Maduranthagam Taluk, Chengalpattu District, Tamil Nadu.

(b) Pass an order of permanent injunction against the 8th respondent from carrying out any polluting activity detrimental to the environment and the agriculture fields/ grazing fields presents surrounding the mining area in Survey Nos. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 and 7/1A1 (Previous site) at Avirimedu Village, Maduranthagam Taluk, Chengalpattu District, Tamil Nadu.

(c) Direct that the entire area be restored to its original condition and to conserve rest of the habitat and bring back the habitat to its original status by applying the polluter pays principle at the cost of the 8th respondent.

(d) Directing the respondents to pay the cost of the proceedings.

(e) To pass any order or orders as this Hon'ble Tribunal may deem fit, proper and necessary in the interest of justice.”

6. When the matter came up for hearing today for admission through Video Conference, Mr. K.M.

Mrithunjayan and Mr. J. Chandrabose appeared for the applicant.

7. On going through the allegations made in the application, this Tribunal feels that there arises a substantial question of environment, which requires the interference of this Tribunal. So, the matter is admitted.
8. The applicant is directed to issue notice to the respondents by Registered Post with Acknowledgment Due and also by e-mail and dusthi if possible and produce proof of such service on them by filing necessary proof affidavit as per Rules.
9. The applicant is also directed to produce necessary requisite along with the postal cover and postal stamps before this Tribunal within a week, so as to enable this Tribunal to send notice to the respondents through Tribunal to ensure service on them and proceed against them, if they did not appear before this Tribunal in their absence in accordance with law.
10. In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a Joint Committee comprising of (i) the District Collector, Chengalpattu District or a Senior Officer not below the rank of Assistant Collector/Sub Divisional Magistrate as deputed by the District Collector, (ii) a Senior Officer from the State Environmental Impact Assessment Authority (SEIAA), Tamil Nadu, (iii) a Senior Officer from the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman and (iv) a Senior Officer from

the Directorate of Geology and Mining, Guindy, Chennai to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

11. The committee is directed to ascertain as to (i) whether there is any violation of conditions imposed in the Environmental Clearance (EC) and Consent to Establish as well as Consent to Operate granted in favour of the 8th respondent, while carrying out the quarrying operation in the earlier quarrying portion and also in the subsequent quarrying portion, (ii) whether any excess mining has been done by the 8th respondent and if so, what is the quantity of excess mining done, (iii) if excess mining is done, what is the nature of action taken by the authorities, including imposition of environmental compensation, apart from realizing royalty and penalty as provided under the respective rules, (iv) whether the pollution control mechanism provided by the 8th respondent is sufficient and whether they are in operation in conformity with the standard prescribed and if there is any deficiency, what is the remedial measure to be provided (v) if the quality of air or water has been affected in that area, then what is the nature of action taken by the regulators including suggestion of remedial measures to rectify the same, (vi) whether the dust emanated from the quarrying area has affected the surroundings including the ground water quality and causing inconvenience to the residents in the nearby area and also damage (if any) caused to the agricultural

properties in the nearby neighbouring area and (vii) whether any environment damage has been caused on account of unscientific manner in which the quarry was conducted by the 8th respondent in both the places where he obtained Environmental Clearance (EC) and if so, the committee is directed to assess the environmental compensation to be recovered from him, apart from providing remedial measures for restoring the damage caused to the environment.

12. The committee is also directed to ascertain the Ambient Air Quality and also the ground water quality in that area and if there is any contamination caused, the committee is directed to suggest the remedial measures to resolve the same.
13. The Department of Geology and Mining will be the nodal agency for coordination and also for providing necessary logistics for this purpose.
14. The applicant is directed to submit a set of papers to the members of the committee within a week so as to enable them to comply with the direction.
15. Though the applicant wants an interim order, restraining the 8th respondent from carrying out the quarrying operation, we feel that it is not proper at this stage to grant an interim order without getting report from the committee regarding the present status and violation (if any) said to have been committed by them as alleged by the applicant.

16. The committee is directed to submit the report to this Tribunal on or before 24.08.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.
17. The respondents are also directed to file their independent responses before this Tribunal to the allegations made in the application.
18. The Registry is directed to communicate this order to the member of the committee and also the official respondents by e-mail immediately so as to enable them to comply with the direction.
19. For appearance of parties, filing independent response and also for consideration of report, post on 24.08.2021.

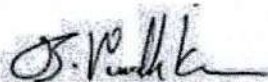
Sd/-

.....J.M.
(Justice K. Ramakrishnan)

Sd/-

.....E.M.
(Dr. K. Satyagopal)

O.A. No.156/2021,
27th July 2021. Mn.



//TRUE COPY//

ANNEXUER – A/12**Item No.6:-**

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 156 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

B. PasumponAnand
S/o. P. Bhagavathi
53/19, PillayarKovil Street,
Nesapakkam, West KK Nagar,
Chennai – 600 078.

...Applicant(s)

Versus

State of Tamil Nadu
Represented by its Principal Secretary,
Environment Forests & Climate Change Department,
Secretariat Complex, NamakkalKavingarMaaligai,
Fort St. George, Rajaji Road, Chennai and Ors.

.... Respondent(s)

Date of hearing: 22.09.2021.

CORAM:

**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL
MEMBER**

HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): Mr. K.M. Mrithunjayan.

For Respondent(s): Dr. D. Shanmuganathan for R1, R3, R5, R7.

Mr. S. Sai Sathya Jith for R4, R6.

Mr. M. Santhanaraman for R8.

ORDER

1. The above case has been posted to today for appearance of parties, filing independent response and consideration of report.
2. Though notice was served on the 2nd respondent, there is no appearance for them today. However, considering the circumstances, we feel that one more opportunity can be given to them to engage their lawyer and make their representation before this Tribunal. Otherwise, this Tribunal will make them ex-parte and proceed against them in their absence.
3. The learned counsel Mr. Santhanaraman entered appearance and submitted that the 8th respondent died on 28.05.2021 and notice was served on 8th respondent wife. So, the applicant is directed to take steps to implead the legal heirs of the 8th respondent, if they want to proceed against them.
4. The committee has not filed the report so far. It is not known as to whether they have inspected the area at all. Time and again, this Tribunal was expressing its displeasure that regulators are not filing the report in time, especially when serious allegations have been made regarding damage caused to the environment and

over exploitation of natural resources causing loss to the exchequer. Further, such instances are being published in the newspaper also and in spite of that the regulators are not taking these issues seriously and taking action independently without any instigation or direction from the Tribunal / Court. Even today, it is seen from the newspaper report that the first bench of the Hon'ble High Court of Madras issued direction to the Mining Department and other official respondents to take immediate action against the persons who are involved in mining operation in violation of the environmental laws, not only to stop their activity but also recover compensation from them for the damage caused to the environment.

5. If the committee members did not submit the report before the next hearing date, then they are directed to appear before this Tribunal to show cause as to why action should not be taken against them for not submitting the report as directed by this Tribunal as contemplated under Section 25 & 28 of the National Green Tribunal Act, 2010.
6. Further, the Mining Department, SEIAA, Tamil Nadu and Tamil Nadu Pollution Control Board are also having their own independent responsibility of filing independent reports whenever serious allegations of violation of conditions were projected. Such independent reports were also not forthcoming in this case.

7. The above said officials as well as the committee members are directed to submit their independent report and also the committee report respectively as directed by this Tribunal on or before 22.10.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.
8. The Registry is directed to communicate this order to the members of the committee, official respondents including, Principal Secretary for Environment and Regional Director, Integrated Regional Office, MoEF&CC, Chennai for their information and also to make necessary arrangement to direct the SEIAA, Tamil Nadu to engage their lawyers whenever notice is received from this Tribunal without delay and submit their report so as to enable this Tribunal to arrive at a just conclusion and pass appropriate orders in accordance with law.
9. For appearance of 2nd respondent, filing independent response, taking steps by the applicant and consideration of report, post on 22.10.2021.

Sd/-

.....J.M.

(Justice K. Ramakrishnan)

Sd/-

.....E.M.

(Dr. K. Satyagopal)

O.A. No.156/2021 (SZ),
22nd September, 2021. Mn.



//TRUE COPY //

ANNEXURE – A/13

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

W.P.(PIL)No. 23756 OF 2021

Mr.B.Pasumpon Anand
S/o P.Bhagavathi
53/19, PillayarKovil Street,
Nesapakkam, West KK Nagar
Chennai – 600 078

.....Petitioners

Vs

1. District Collector
Chengalpattu District
Collector Office, GST Road,
Chengalpattu District,
Tamil Nadu Pin – 603 001
2. Tamil Nadu Pollution Control Board
Represented by its Member Secretary
No.76, Mount Road,
Guindy, Chennai-600032.
3. Directorate of Geology And Mining
Represented by its Director
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai-600032.
4. Revenue divisional officer
Maduranthakam, Taluk
Tamil Nadu 603306
5. Tahsildar
Maduranthakam
National Highway 38,
Maduranthakam,
Tamil Nadu 603306
6. Mr.Kannan
S/o Late Kuppusamy

No.3/125, VinayagarKovil Street,
Thirumudivakkam, Chennai – 44

7. M/s Prasanna Blue Metals
Rep by its Proprietor
No.176, Sirunallur Village,
Maduranthakam,
Tamil Nadu 603306

8. M/s Simplex Infrastructure Limited
Rep by its Manager
New No. 48, Old No. 21,
Casa Major Road, Egmore,
Chennai – 600 008

...Respondents

AFFIDAVIT FILED BY THE PETITIONER

I, B.Pasmpoon Anand s/o Bhagavathi, residing at
53/19, PillayarKovil Street, Nesapakkam, West KK Nagar,
Chennai – 600 078 do hereby solemnly affirm and sincerely
state as follows:

1. I state that, I am the Petitioner herein holding Aadhar card vide Aadhar Number 7717 0054 4038 & Pan No ARNPP8527F and I am filing this Writ Petition under Public Interest Litigation out of my own funds.
2. I submit that, no public interest litigation arising on the same issue has been filed anywhere. Further, I submit that, I give an undertaking that I will pay the costs if any, if it is found to be intended for personal gain or oblique motive.

3. I state that, the present writ petition is filed before this Hon'ble Court seeking to quash the certificate issued by the 5th Respondent dated 10.06.2016 vide P.M No 1691/2016/ A1 issuing no objection certificate to the 7th Respondent unit for establishing rough stone quarry and Crusher unit at Madhurantakam, Chengalpattu.
4. I humbly submit that, I am an Editor in chief of a reputed magazine 'Tamil Nadu Law Express' having office at 53/19, Pillayar Kovil Street, Nesapakkam, West KK Nagar, Chennai - 600 078. I submit that the primary income is sourced from my profession as a reporter and editor to the aforementioned publication. I submit that, the annual gross income from my profession as a press reporter accrues to Rs.4,90,000/- per annum. The magazine is propounded to create political legal awareness amongst the general public at large, the sole agenda of the magazine is to *"make law accessible to every common man and spark the power of law"*.
5. I state that, the grievances faced by the villagers of Avirimedu and Sirinalloor came to be surfaced on regular interaction for magazine related works. The grievances are chiefly attributed on account of the presence of rough stone quarry and crusher unit operated by the 7th & 8th Respondent therein.

6. humbly submit that, the 7thRespondent unit is owned and managed by one Mr.S.Murali s/o Late Mr.Subramanianand Mrs. Jeyalakshmi Murali w/o Mr.S.Murali who had initially leased lands comprised in Survey No. 7/1A1 at Avirimedu village, Maduranthagam Taluk, Kancheepuram District measuring an extent of 1.50.0 ha for producing 140725 m³ of Rough Stone & 21962 m³ of Gravel in the name and style of "*Prasanna Blue Metals*". Given the nature of operations, the 7thRespondent unit is categorized as "Non coal mining" project requiring prior environmental clearance. Subsequently, the said unit obtained environmental clearance vide Lr.No.SEIAATN /F.No.1072/EC/1(a)/299/2013 dated 15.05.2013 for open cast semi mechanized mining upto a depth of 27 meters(88.5 ft.).

7. However, in contravention to the norms prescribed by the environmental clearance aforementioned, the 7thRespondent had gouged upto 48.46 meters (159 ft.) damaging the ground water table present within. The same was also confirmed through an inspection carried out by the Firka Surveyor of ZaminEndathur, MadhuranthakamChengalpet District on 29.01.2020. The report of the Firka Surveyor was consequently endorsed by the Taluk Revenue Inspector ZaminEndathur vide Report No. U.M.005/2020/va.A dated 14.02.2020.

8. Pursuant to the above, I humbly submit that , the 7th Respondent unit had expanded its production capacity at the Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 of Avirimedu Village, Maduranthakam Taluk, Chengalpettu District to produce 34,354 m³ rough stone . It is also pertinent to mention that, the lands comprising the extended quarry site is used as social forest typically for passage and cattle grazing. In consonance with its usage, the lands have been put under the classification of the "*Meikkal Poramboke*" i.e. the land is meant for gracing of cattle/place of rest. Therefore, an extent of 91 hectares circumscribing the region was classified under the revenue records as *Meikkal Poramboke/social forest* for the aforementioned usage. Nevertheless, the revenue records were mutated by the Respondents to accord permission for the unit thereof.

9. In addition to the above, the close proximity of the mining site to the village and grazing field (S.No 124) had adversely affected the passage and grazing of cattle owing to high intensity explosives used by the 7th Respondent unit and Non availability of fence encircling the quarry pit. Also, the residential buildings surrounding the site had developed cracks on account of the above operations. Taking note of the environmental violations committed by the 7th Respondent unit, the National Green Tribunal vide

O.A No. 156/2021 dated 27.07.2021 took cognizance of the issue and formed a joint committee consisting of senior members of the 2nd& 3rd Respondents to inspect and file a report

10. Thereafter, I humbly submit that, the 7th Respondent for the purpose of establishing stone crusher unit along with M-sand and B-sand production unit had entered into lease agreement with one Mr. Kannan s/o Kuppusamy for the survey lands (Designated site) stipulated herein

S.No	Survey No	Category	Extent (hectares)	Patta No & Patta Holder
1.	240/3	Punjai (Dry)	0.07.5	Patta No.539 Kannan S/o Kuppusamy
2.	240/4		0.07.5	
3.	242/6		0.31.0	
4.	242/7		0.31.5	
TOTAL			0.77.5 hectares	

11. I humbly submit that, the lands comprised in aforementioned survey number is owned and possessed by the 6th Respondent herein along with other survey numbers cumulatively measuring an extent of 7.30 Acres, subsequently the same were leased to the 7th Respondent for establishing stone crusher unit. Further in addition to the above the 7th Respondent sub leased the Designated site to the 8th Respondent (M/s Simplex Infrastructure Limited for establishing Blue Metal Crusher plant for their own purpose vide Sub-lease agreement dated

01.08.2017 bearing Doc No.3037/2017 in the Sub registrar office at Madhuranthakam.

12. I humbly submit that, the survey lands assigned for stone crusher unit were primarily allotted for the purpose of amelioration of depressed & oppressed classes. Therefore, the said survey lands were categorized as *D.C. condition* and the same was granted for the purpose of agriculture. It is pertinent that, the land allotted under D.C Conditions cannot be alienated or used for any other purposes by any person from the date of assignment and thereafter, unless with the express and written order from the Deputy Commissioner of Land Administration.

13. However, contravening the spirit and object of the allotment, the said lands were purchased by Mr.K.Chakkarapani & Mani (non-Dalit) from the lawful allottee (Perumal & Ramasamy) and consequently conveyed to the 6th Respondent (Dalit) for commercial purposes. It is submitted that, the conveyance/sale to the 6th Respondent had been made under the pretext of extracting profits by way of commercialization of the said lands. Therefore, a Writ Petition vide W.P No 29425/2014 was filed before this Hon'ble Court challenging the same.

14. In addition to the above, I humbly state that, for the purpose of obtaining consent for a stone crusher unit, it is imperative that the unit shall comply with the pollution

control norms/ guidelines issued by the 2nd Respondent Tamil Nadu Pollution Control Board, vide B.P No.4 dated 02.07.2004. The norms stipulated by the TNPCB are as follows:-

- No new crusher/proposed crusher should be located within 500 meters away from the approved habitations, national highways/state highways or any places of public and religious importance.
- Minimum distance of 1 Km between new/proposed crusher unit and the existing crusher unit.
- All units shall provide compound wall/wind arrestor of 20 ft height all around the unit.

In consonance with the conditions stated above an NOC (No objection certificate) is necessary from the concerned Tahsildar for obtaining Consent to establish/operate for the respective crusher unit. However, in several incidents, the unit has been violating the conditions and norms prescribed by the 2nd& 3rd Respondent causing grievances to the villagers therein.

15. I humbly submit that, the operations of the 7th Respondent unit have jeopardized the lives of both humans and cattle residing in the region owing to acute air pollution and improper fencing of the site. Followed by the above, several petitions for closure of the unit was

submitted before the necessary authorities, however no actions were taken on the same.

16. It is submitted that, through preliminary investigation into the operations of the 7th Respondent unit, it was discovered that the NOC (No objection Certificate) for establishing blue stone crusher unit cum M- Sand , B- Sand unit was obtained by the 7th Respondent byway of forging the signature of the 5th Respondent (Tahsildar, Maduranthakam).

17. I humbly submit that, the 6th Respondent initially obtained No objection certificate (NOC) from the 5th Respondent vide proceedings No Pa.Mu.No. 1691/2014/A1 dated 18.03.2014 for establishing and operating stone crusher unit at the designated site. Consequently, when the lands were leased to the 7th Respondent for establishing blue stone crusher unit along with M-Sand & B-Sand unit, the 7th Respondent had forged the signature of the 5th Respondent leading to creation of a counterfeit NOC vide No Pa.Mu.No. 1691/2016/A1 dated 10.06.2016 (impugned order) to obtain necessary clearances from the Tamil Nadu Pollution control Board.

18. It is submitted that, the impugned NOC dated 10.06.2016 bears the same Proceedings Number of that of the previous certification issued on 18.03.2014. Also, it

is noteworthy to mention that, the signature of the Tahsildar in office on 18.03.2014 was forged on the same in 10.06.2016, while the actual tahsildar in office during 10.06.2016 was different. Therefore having aggrieved by the same a grievance complaint was raised before the 1st Respondent and the Superintendent of Police, Chengalpattu on 05.09.2021 to take necessary action against the forged document and the proprietors of the unit thereof. However, no action has been taken on the same till date.

In the above circumstances, having left with no other option and alternative remedy, the Petitioners are constrained to approach this Hon'ble Court praying to quash the said Impugned order of the 5th Respondent granting No objection for establishment of stone crusher unit at the Designated site for the following among the other grounds;

GROUND

- A. That the impugned order is liable to be quashed as the same has been obtained by way of fraud and forgery.
- B. That the operation of the 7th & 8th respondent unit is illegal, unauthorized, and environmentally unsustainable causing severe pollution, thus liable to be interfered with by this Hon'ble Court.

- C. That the 7th& 8th Respondent does not possess necessary authenticated approvals from the appropriate authority.
- D. That the 7th Respondent under the guise of a legitimate NOC is running the operations while the same was obtained through illicit means.
- E. That the operation of the 7th& 8th Respondent has brought hardships to the rural population surrounding the designated site on account of irregular explosions and excessive pollutions. All such actions have resulted in complete loss of livelihood and severe environmental damage to the entire region. The villagers and common public are unable to access the grazing field adjoining the site and thus is liable to be interfered with.
- F. That the operations of the 7th& 8th Respondent are carried on the lands assigned for the welfare of depressed/oppressed classes which is as such illegal and unauthorized.
- G. That the operations of the 7th& 8th Respondent unit have jeopardized the livestock and cattle in the region by not fencing the site or area surrounding the site.

H. That the unit of the 7th & 6th respondent has been established in violation clear to the mandatory provisions under the scheme of Environmental Protection Act, 1985, the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 among others.

I. The operations of the 7th Respondent unit has jeopardized the livestock and cattle in the region by not fencing the quarry pit or area surrounding the site thereby rendering the grazing field (S.No 124) redundant.

J. The operation of the 7th Respondent has brought hardships to the rural population surrounding the mining site on account of irregular explosions and excessive excavations. All such actions have resulted in complete loss of livelihood and severe environmental damage to the entire region. The villagers and common public are unable to access the grazing field adjoining the site and thus is liable to be interfered with.

K. That the pollution from the unit has affected the agricultural lands and water bodies surrounding the site.

The Petitioner craves leave of this Hon'ble Court to raise additional grounds at the time of arguments.

19. I submit that having left with no other alternative efficacious remedy; I am constrained to approach this Hon'ble Court by way of a Writ, Order or Direction more particularly a Writ of Certiorarified Mandamus calling for the records in relation to the Impugned Order vide No Pa.Mu.No. 1691/2016/A1 dated 10.06.2016 and quash the same as illegal, arbitrary and devoid of merit and consequentially direct the Respondents 1-5 to take necessary criminal action as against the respondents 6-8 and pass such further or other orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case and thus render justice.

20. I submit that, the copy of the impugned order was public document available through RTI and the same was not made available at the time of filing this case, therefore this Hon'ble court may be pleased to dispense with the production of original orders and thus render justice.

21. I am advised to state that pending adjudication of the instant writ petition, this Hon'ble Court may stay all further operations of the 7th & 8th Respondent in relation to the impugned order vide No Pa.Mu.No. 1691/2016/A1 dated 10.06.2016 failing which prejudice would be caused to the Petitioner herein. I state that the petitioner herein has established a prima facie case in its favour and that if no interim orders are passed, irreparable injury would

be caused to the petitioner. I state that the balance of convenience is also in favour of the Petitioner herein.

22. I am advised to state that the Petitioner herein has no alternate remedy and therefore has approached this High Court, in exercise of its powers under Article 226 and its supervisory power and control over the Respondents. I state that the Petitioner herein has not filed any petition seeking similar relief for quashing of the impugned circular before any court of law and as such, the relief sought herein, being based on equity and established principles of law of the Constitution of India, can only be granted by this Hon'ble Court. The Petitioner herein submits that the instant petition is not barred by limitation in any manner whatsoever.

INTERIM PRAYER

In the light of the foregoing, it is humbly prayed that this Hon'ble Court may be pleased to dispense with the production of the original copies of the Impugned order No Pa.Mu.No. 1691/2016/A1 dated 10.06.2016 of the 5th Respondent pending disposal of the Writ Petition and thus render justice.

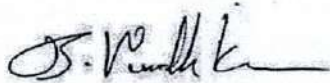
In light of the foregoing, it is most humbly prayed that this Hon'ble Court may be pleased to Stay the operation of the 7th& 8th Respondent in relation to impugned order vide No Pa.Mu.No. 1691/2016/A1 dated 10.06.2016 granting No objection for establishment and operation of Stone Crusher

unit in Survey Nos 240/3, 240/4, 242/6 & 242/7 and pass such further or other orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case and thus render justice.

PRAYER

Under the above circumstances it is humbly prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly a Writ in the nature of Certiorarified Mandamus calling for the records of the 5th Respondent relating to the Impugned Order vide Pa.Mu.No. 1691/2016/A1 dated 10.06.2016 and quash the same as illegal, arbitrary and devoid of merit and consequentially direct the Respondents 1-5 to take necessary criminal action as against the respondents 6-8 and pass such further or other orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case and thus render justice

Solemnly affirmed at Chennai on) BEFORE ME,
this 4th day of October, 2021 and)
signed his name in my presence) ADVOCATE, CHENNAI



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ANNEXURE -A/14

JOINT COMMITTEE REPORT SUBMITTED TO THE
HON'BLE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI

1. PREAMBLE:-

In the matter of Original Application Number 156/2021, among carrying the Hon'ble National Green Tribunal, Southern Zone, Chennai in its order dated 27.07.2021 has appointed a Joint Committee comprising of following officials and direct to inspect the area in questions and submit a factual as well as action taken report, if there is any violation found .

- (i) The District Collector, Chengalpattu District, or a Senior Officer not below the rank of Assistant Collector/Sub-Divisional Magistrate as debuted by the District Collector
- (ii) A senior from the Tamil Nadu State Environment Impact Assessment Authority (TN SEIAA), Tamil Nadu.
- (iii) A senior officer from the Tamil Nadu State Pollution Control Board (TNPCB) as deputed by its Chairman.
- (iv) A senior office from the Director of Geology and Mining, Guindy, Chennai.

Further, the Committee is also directed to ascertain the following facts.

- i) *whether there was any violation of conditions imposed in the environment clearance,(EC) and Consent to Establish as well as Consent to Operate granted in favour of the 8th respondent, while carrying out the quarrying operation in the earlier*

quarrying portion and also in the subsequent quarrying portion.

- ii) *Whether any excess mining done by the 8th respondent and if so, what is the quantity of excess mining done.*
- iii) *If excess mining done, what is the nature of action taken by the authorities, including imposition of environmental compensation, apart from realizing royalty and penalty as provided under the respective rules,*
- iv) *Whether the pollution control mechanisms provided by the 8th respondent is sufficient and whether they are in operation in conformity with the standard prescribed and if there is any deficiency, what is the remedial measure to be provided.*
- v) *If the quality of air or water has been affected in that area, then what is the nature of action taken by the regulators including suggestion of remedial measures to rectify the same.*
- vi) *Whether the dust emanated from the quarrying area has affected the surroundings including the ground water quality and causing inconvenience to the residents in the nearby area and also damage (if any) caused to the agricultural properties in the nearby area and also damage (if any) caused to the agricultural properties in the nearby neighboring area and*
- vii) *Whether any environment damage has been caused on account of unscientific manner in which the quarry was conducted by the 8th respondent in both the*

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places where he obtained Environmental Clearance (EC) and if so, the committee is directed to assess the environmental compensation to be recovered from him apart from providing remedial measures for restoring the damage caused to the environment.

The Committee is also directed to ascertain the Ambient Air Quality and also the ground water quality in that area and if there is any contamination caused, the committee is directed to suggest the remedial measures to resolve the same.

The respondents are also directed to file their independent response before this Tribunal to the allegations made in the application.

1.2. COMPOSITION OF THE COMMITTEE

a) In compliance to the Hon'ble National Green Tribunal [South Zone] order, the District Collector has nominated Tmt.S.Saraswathi, the Revenue Divisional Officer, Madurantakam vide Rc.10050/Mines/2021 dated 18.08.2021 as a member of Joint Committee for conducting inspection and submit detailed report of the subject quarry.
(Annexure- 1)

b) The Nodal Agency, the Director, Department of Geology and Mining vide Rc.No.5116/MM1/2021 dated 12.08.2021 has requested the District Collector, Tamil Nadu State Environment Impact Assessment Authority and the Chairman , Tamil Nadu Pollution Control Board, to nominate an officers from their Department as a member in the Joint

Committee for conducting field inspection over the subject area.

(Annexure - 2)

c) The State Level Environment Impact Assessment Authority vide letter No. SEIAA-TN/NGT/O.A.No.156 of 2021/2021-1 dated 20.09.2021 had deputed Tmt. N.R.Kamala, Assistant Environment Engineer, SEIAA Tamil Nadu, Chennai as a member of the Joint Committee. **(Annexure - 3)**

d) The Member Secretary, Tamil Nadu Pollution Control Board vide letter No.TNPSC/LAW/LA-III/NGT/015570/2021 dated 12.08.2021 has nominated Er.D.Vasudevan, District Environmental Engineer, Chengalpattu District as a member of the Joint committee. **(Annexure - 4)**

e) The Director, Department of Geology and Mining vide Rc.No.5116/MM1/2021/dated 21.08.2021 had nominated Thiru.A. Arumuganainar, Regional Joint Director, Department of Geology and Mining, Villupuram Region as a member of the Joint Committee. **(Annexure - 5)**

f) Accordingly, the nominated members of the joint Committed is given as under.

- | | |
|---|----------|
| 1. Tmt.S.Saraswathi,
Revenue Divisional Officer,
Madurantakam.. | - Member |
| 2. Er.D.Vasudevan,
District Environmental Engineer
Tamil Nadu Pollution Control Board,
ChengalpattuDistrict. | - Member |
| 3. Thiru.A.Arumuganainar
Regional Joint Director,
Department Geology and Mining,
Villupuram Region. | - Member |

4. Tmt.N.R.Kamala, - Member
Assistant Environment Engineer,
SEIAA Tamil Nadu, Chennai.

g) The Director, Department of Geology and Mining vide Rc.No.5116/MM1/2021/dated 12.10.2021 had nominated Thiru.K.Neelakandan, Sub-Inspector of Survey O/o the Deputy Director, Department of Geology and Mining, Krishnagiri as a member of the Joint Committee. (Annexure - 6)

1.3 OBSERVATION OF THE JOINT COMMITTEE

i) The Joint Committee had inspected the area under lease granted to 8th respondent Mr.S.Murali, Prasanna Blue Metals on dated 05.10.2021. During the time of inspection, the Assistant Director and Assistant Geologist, Special Revenue Inspector, Department of Geology and Mining, Kancheepuram. The District Environmental Engineer, Pollution Control Board, Maraimalainagar, Assistant Environmental Engineer, State Environment Impact Assessment Authority, Chennai, Revenue Divisional Officer, Madurantakam, Tahsildar, Madurantakam, Zonal Deputy Tahsildar, Madurantakam, Revenue Inspector, Madurantakam Firka the Head Surveyor, Madurantakam, Firka Surveyor and the Village Administrative Officer, Avarimedu were also present and assisted at the time of inspection.

ii) The Officials of Revenue and Survey Departments i.e., the Firka Surveyor and the Village Administrative Officer, Avarimedu Village and the Sub-Inspector of Survey, O/o the Deputy Director, Department of Geology and Mining, Krishnagiri had identified the boundaries of the area granted under lease in respect of leases mentioned by the petitioner in Avarimedu village and the dimensions of the quarried pit had

been measured with Total Station instruments on 18.10.2021 and the same have been verified by the said Revenue and Survey department officials on 27.10.2021. The Topographical base plan and details of survey carried out by Thiru.K.Neelakandan, Sub-Inspector of Survey and submitted his sketch on 30.10.2021. (Annexure - 7)

iii) In then Kancheepuram District, presently Chengalpattu District a Rough stone and Gravel quarry leases had been granted in S.No.7/1A1 to the 8th respondent vide District Collectors Proceedings Rc.575/2010-Q1 dated 5.6.2013 and lease expired on 4.06.2018. Another a Rough stone and Gravel quarry lease had been granted in SF.Nos. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 of Avarimedu village in Madurantakam Taluk vide Assistant Director, Geology and Mining, Chengalpattu Proceedings Rc. 505/2019-Q2 dated 24.10.2020 and lease period from 24.10.2020 to 23.10.2030. All the leased out areas are merged together and formed a single pit and part of the pit filled with water. Presently the 8th respondent having quarry lease for quarrying rough stone in S.No. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 over an extent of 2.34.50 hect. in Avarimedu village of Madurantakam Taluk and the lease valid upto 23.10.2030. The details of lease granted in Avarimedu village are as follows:-

Sl. No	Name of the lessee and address	SF.Nos.	Extent in hect.	District Collector's Proceedings.	Lease Period.
1	S.Murali, S/o.Subramanian, 20/09, Alamelupuram, Mudichur Road, Tambaram West, Chennai-45.	7/1A1	1.50.0	Rc.575/2010/ Q1 dated 5.06.2013	05.06.2013 To 04.06.2018
2.	S.Murali, S/o.Subramanian, AFF1,Alayam Thilagavathi Enclave, Kurunji Nagar, Ist Main Road, Old Perunglathur, Chennai-63. Since the lessee Thiru.S.Murali expired therefore the lease transfer vide Assistant Director Geology and Mining, Chengalpattu Proceedings Rc.No.505/Q2/2019 dated 01.07.2021 in the name of his wife M.Jayalakshmi W/o.S.Murali AFF1,Alayam Thilagavathi Enclave, Kurunji Nagar, Ist Main Road, Old Perunglathur, Chennai-63.	3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3	2.34.50	Rc.505/2019/ Q2 Dated 24.10.2020.	24.10.2020 To 23.10.2030

1.3(1) Lease I :- S.F.Nos.7/1A1, Over an extent of 1.50.00 Hect.

i) A Rough Stone quarry lease has been granted for the period of five years to S.Murali for quarrying Rough stone and Gravel in patta survey numbers 7/1A1 over an extent of over an extent of 1.50.00 hectares of Avarimedu village, Madurantakam Taluk, Chengalpattu District vide Kanchipuram District Collector Proceedings Rc.No. Rc.575/2010-Q1 dated 05.06.2013. The lease deed was executed on 05.06.2013 and the lease valid upto 04.06.2018. **(Annexure - 8)**

ii) The lessee has obtained Environmental clearance from the State level Environmental Impact Assessment Authority for a period of 5 years from the date of execution of lease deed vide Lr. No. SEIAA-TN/F.No.1072/EC/1(a)/299/2013 Dated. 15.05.2013 subject to the conditions stipulated therein for quarrying of Rough Stone in SF.No.7/1A1., to the tune of Rough stone 140725 cbm & 21962 cbm of Gravel over a period of five years. **(Annexure -9)**

iii) The lessee has also obtained TNPCB consent vide Proc.NO.F.SPR1712/RS/DEE/TNPCB/SPR/W&A/2013 dated 10.09.2013 valid up to Two years subject to comply with the conditions in the EC and quarry lease agreement. **(Annexure - 10)** and subsequently renewed up to 31.03.2018.

iv) The lessee has entered blasting work contract agreement with Thiru.K.Balasundaram Proprietor/Occupier of M/s.Lakshmi Explosives, No.24/A, Panankadu, Suriyampalayam Post, Thiruchenkodu Taluk, Namakkal District for extraction of quarrying mineral. On verification of register maintained by the lessee it is revealed

that the blasting has been carried out by the manager of mines between 2 PM to 4 PM and also local enquiry conformed the blasting has not been done during the night time. (Annexure - 11).

1.3(2) Violations are observed during the inspection within the area granted under lease.

i) As per the lease granting order and lease deed conditions the lessee has not provided safety distance of 7.5 metres to the adjacent land in the west and northern side.

ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area in good condition as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.

iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferrous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.

iv) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the boundary of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.

v) As per the pit measurements, it is estimated that, a quantum of 4,51,710 M3 of rough stone and 23,440 M3 of weathered rock had been quarried within the lease hold area ie., in S.F.Nos.7/1A1 over an extent of over an extent of 1.50.00 hect.

vi) Mining operation is approved up to depth of 27 m (below ground level) in the mining plan / environmental clearance whereas the lessee has carried out the mining operation to maximum depth of 53 metres. The lessee had been removed 1,83,510 M3 of Rough stone and 23,440 M3 of weathered rock over and above the quantity approved in the mining plan from the area granted under lease in S.F.Nos. 7/1A1.

1.4(1) Lease II :- S.F.Nos. 3/1, 3/2 Etc Over an extent of 2.34.50 Hect.

i) A Rough Stone and Gravel quarry lease has been granted for the period of ten years to Tmt.M.Jayalakshmi for quarrying Rough stone and Earth in patta survey numbers 3/1, 3/2, 3/3, 3/4,4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 over an extent of over an extent of 2.34.50 hectares of Avarimedu village, Madurantakam Taluk, Chengalpattu District vide Kanchipuram District Collector Proceedings Rc.No.505/Q2/2019/dated 24.10.2020. The lease deed was executed on 24.10.2020 and will be expired on 23.10.2030.
(Annexure - 12)

ii) The lessee has obtained Environmental clearance from the State level Environmental Impact Assessment Authority for a period of 5 years from State Level the date of execution of lease deed vide Lr.No.SEIAA-/TN/F.No.7553/1(a)/EC.No.4405 /2020 Dated 21.10.2020 subject to the conditions stipulated therein for quarrying of Rough Stone and Gravel in SF.No.3/1, 3/2 etc., to the tune of 3,04,181 cbm and 34,354 cbm respectively. **(Annexure - 13)**

iii) The lessee has also obtained TNPCB consent vide CTO Proc.No.F.3110MMN/RS/DEE/TNPCB/MMN/W&A/2020 dated 19.10.2020 valid up to 31-03-2025 subject to comply with the conditions in the EC and quarry lease agreement. **(Annexure - 14)**

iv) The lessee has entered blasting work contract agreement with Thiru.K.Balasundaram Proprietor/ Occupier of M/s.Lakshmi Explosives, Tiruchengode, Namakkal District for extraction of quarrying mineral. **(Annexure - 15)**

1.4(2) Violations are observed during the inspection within the lease area.

i) As per the lease granting order and lease deed conditions the lessee has not provided safety distance of 7.5 metres to the adjacent patta land in the Eastern side.

ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area in good condition as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.

iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferrous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.

iv) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the bounty of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.

v) As per the permit register of the Department of Geology and Mining, Chengalpattu, the lessee has obtained transport permit for 12,600 cub. of Rough stone and 5,100 cub. of Gravel for the period upto 28.09.2021. Further, as per the pit measurements it is estimated that 1,54,501 cbm of Rough Stone and 23,208 cbm of weathered rock had been removed within the lease hold area. In this connection, it is observed that the lessee has quarried & removed 1,41,901 cbm. of rough stone and 23,208 cbm. of weathered rock exceeding the permitted quantity as per the permit register.

1.5. The quantity of rough stone permitted for production in the Approved Mining Plan / Environmental Clearance, the quantity for which transport permits obtained from the Office of the Assistant Director of Geology and Mining, Chengalpattu and the actual quantum of minerals quarried and removed within the lease hold area granted under lease-I & II of Avarimedu village of Madurantakam Taluk as tabulated below:-

Sl. No	Lease	Quantum of mineral permitted for production in the approved mining plan (in M ³).		Quantum of minerals for which transport permits obtained (in M ³)		Actual quantity of minerals quarried and removed (in M ³)			Quantum of Mineral quarried and transported unlawfully (in M ³)	
		Gravel	Rough stone	Gravel	Rough stone	Gravel	Weathered rock	Rough stone	Weathered rock	Rough stone
	1	2	3	4	5	6	7	8	9	9=(8-5)
1	Lease-I	21,962	1,40,725	Nil	2,68,200	-	23,440	4,51,710	23,440	1,83,510
2	Lease-II	34,354	3,04,181	5,100	12,600	5,100	23,208	1,54,501	23,208	1,41,901
Total		56,316	4,44,906	5,100	2,80,800	5,100	46,648	6,06,211	46,648	3,25,411

Thus, it is estimated that an quantum of 46,648 M³ of weathered rock and 3,25,411 M³ of rough stone has been quarried and removed from the lease hold area without payment of seigniorage fee and without obtaining despatch slips.

2. Illegal quarry in non-lease hold area:

- The lessee has indulged illegal quarrying operation in the adjacent patta in S.F.Nos.5 & 6 over an extent of 0.31.00 hect. and illegally transported to the tune of 5,480 M³ of weathered rock and 12,696 M³ of rough

stone and thereby the lessee contravened the sub section & (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957.

- ii) Dumping of Gravel and weathered rock was noticed in the Southern side i.e, in non lease hold area in S.F.Nos 244/6, 244/11 and 244/13 of Sirunallur village. It is estimated that a quantum of 54078 M³ of gravel and weathered rock was dumped.

**Abstract for Quantity of Minerals Quarried and Transported
Unlawfully/Illegally**

Sl. No.	S.F.Nos.	Extent (in Hec.)	Quantum of the Mineral Illegally quarried (within the lease hold area)		Quantum of the Mineral Illegally quarried (Outside the lease hold area)	
			Weathered rock (in M ³)	Rough stone (in M ³)	Weathered rock (in M ³)	Rough stone (in M ³)
1.	Lease - I	1.50.00	23,440	1,83,510	-	-
2.	Lease - II	2.34.50	23,208	1,41,901	-	-
3.	SF.No.5 & 6	0.31.0	-	-	5,480	12,696
TOTAL			46,648	3,25,411	5,480	12,696

3. Environmental compensation and cost required for environmental damages

As per the CPCB guidelines the Environmental compensation shall be calculated as,
Environmental compensation to be paid (EC) = Pl x N
x R x S x LF Where,

PI Pollution index of industrial sector - For Red category [Sl. No. 1085] it is 60 to 100. An average value of 80 taken

N Number of days of violation took place

(i) For Lease 1 & Lease 2

Actual quantity of minerals (rough stone and gravel) quarried and removed	$475150 \text{ m}^3 + 182809 \text{ m}^3 + 18176 \text{ m}^3 = 676135 \text{ m}^3$
Number of days of quarrying operation from 05.06.2013 to 04.06.2018 and from 24.10.2020 to 05.10.2021	$1826 + 347 = 2173$
Quantity of minerals (rough stone and gravel) quarried per day	$676135 / 2173 = 311.153 \text{ m}^3$
Quantum of minerals (rough stone and gravel) for which transport permits obtained	$(268200 + 5100 + 12600) 285900 \text{ m}^3$
Number of days of quarrying operation carried legally	$285900 / 311.153 = 918.84$ (919 days)
Number of days of quarrying operation carried unlawfully / illegally	$2173 - 919 = 1254$

Hence, it may be considered that the proponent has taken the excess mining days from the date of commissioning from 05.06.2013 to 04.06.2018 & 24.10.2020 to 05.10.2021 (1254 days)

R = A factor in Rupees for EC is minimum of 100 and maximum of 500. An average value of 250 taken for violation

S = Factor for scale of operation (0.5 for small, 1.0 for medium and 1.5 for large scale). Hence 0.5 taken since it is small scale.

LF = Location factor (population from 1 to <5 million LF is 1.25).

$$EC = 80 \times 1254 \times \text{Rs.}250 \times 0.5 \times 1.25 = \text{Rs.}1,56,75,000/$$

(Rupees One Crore Fifty Six Lakhs Seventy Five Thousand only)

It is respectively submitted that the proponent may be issued with directions to remit the Environmental compensation of Rs.1,56,75,000/ **(Rupees One Crore Fifty Six Lakhs Seventy Five Thousand only)** under section 5 of Environmental [Protection] act, 1986 as amended after giving an opportunity to the project proponent.

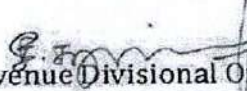
4. Recommendations :-

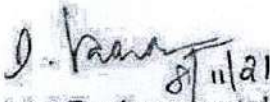
- i) For illegal and unlawful quarrying and transportation of 5,480 M3 of weathered rock and 12,696 M3 of Rough stone in non lease hold area Patta SF.No.5 and 6 of Avarimedu village, Madurantakam Taluk and for the unlawful quarrying and removal of 46,648M3 of weathered rock and 3,25,411M3 of Rough stone from the lease hold area necessary action has to be initiated by the concerned authority as per 36-A of Tamil Nadu Minor Mineral Concession Rules, 1959.
- ii) For the violations of lease deed conditions, penalty action may be imposed in respect of such breach or may cancel the lease after granting an opportunity of hearing to the lessee as per the

Rule 36 (5) (h) of Tamil Nadu Minor Mineral Concession Rules, 1959 after providing opportunity for personal hearing.

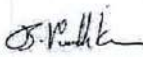
- iii) Since at present further quarrying in the subject area is endanger to the life of the quarry workers, Further, quarrying may be allowed only after taking remedial measures and after getting concurrence from the Director General of Mines Safety and District Collector.
- iv) The committee recommends that the lessee shall deposit Environmental Compensation as appealed by Hon'ble National Green Tribunal (SZ) in the TNPCB - Environmental Compensation Fund payable at Chennai. The amount shall be used for restoration of environment and for necessary remedial and preventive measures in regard to environmental matters.


Regional Joint Director,
Department of Geology and Mining,
Villupuram Region.


Revenue Divisional Officer,
Madurantakam.


District Environmental Engineer,
Maraimalaiagar.


Assistant Environment Engineer,
State Environment Impact
Assessment Authority.


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ANNEXUER – A/15W.P.No.23756 of 2021

IN THE HON'BLE HIGH COURT OF JUDICATURE AT
MADRAS

W.P.No.23756 of 2021

and W.M.P.No.25016 of 2021

THE HON'BLE CHIEF JUSTICE

and

P.D.AUDIKEAVALU, J.

(Order of the Court was made by the Hon'ble Chief Justice)

Mr.P.Muthukumar, learned Government Pleader, takes
notice for respondent Nos.1, 3, 4 and 5.

2. The allegations levelled in the petition, if correct, would amount to serious dereliction of duty on the part of officials down the line in permitting the seventh respondent unit to undertake mining activities at Avirimedu Village in Maduranthagam Taluk of Chengalpattu District.

3. The District Collector, Chengalpattu District should file a report after personally visiting the site and making inquiries, particularly as to the validity of the licence and the no-objection certificate that may have been obtained by the seventh respondent unit for undertaking such mining activities.

4. Issue notice to respondent Nos.2, 6 to 8. Private notice is also permitted.

List on 16.11.2021.

(S.B., C.J.) (P.D.A., J.)

09.11.2021

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W.P.No.23756 of 2021

THE HON'BLE CHIEF JUSTICE

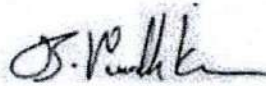
and

P.D.AUDIKEAVALU, J.

bbr

W.P.No.23756 of 2021

09.11.2021



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ANNEXURE – A/16

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No.156 of 2021(SZ)

1. Mr. B. PasumponAnand
S/o. P. Bhagavathi
53/19, PillayarKovil Street,
Nesapakkam, West KK Nagar,
Chennai - 600 078.
Email : anandpasumpon@gmail.com
Ph: +9840817546 ... Applicant

-Versus-

1. STATE OF TAMIL NADU
Represented by its Principal Secretary
Environment Forest & Climate Change Department,
Secretariat Complex, NamakkalKavignarMaaligai,
Fort St. George, Rajaji Road,
Chennai - 600 009.
Email :forsec@tn.gov.in
Ph : +91 044 25671511
2. STATE ENVIRONMENTAL IMPACT ASSESSMENT
AUTHORITY,
Represented by its Director,
No.1, 3rdFloor, PanagalMaaligai,
Jeenis Road, Saidapet,
Chennai.
Email :tndoe@tn.nic.in,
Phone : 044-2435 9974
3. The District Collector,
Chengalpattu District,
Collector Office, GST Road,
Chengalpattu District, Tamil Nadu Pin - 603 001
Email : collr-cpt@nic.in,
Phone : 044-27427412

4. Tamil Nadu Pollution Control Board,
Represented by its Member Secretary,
No.76, Mount Road,
Guindy, Chennai - 600032.
Email :tnpcb-chn@govi.in,
Phone : 044- 22353145
5. Director of Geology and Mining,
Represented by its Director,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai - 600 032.
Email :cgmchennai32@gmail.com,
Phone : 044-22501158
6. District Environmental Engineer,
Chengalpattu District,
MaraimalaiAdigalar Street, Next to Municipal Office,
Maraimalai Nagar,
Kancheepuram District - 603 209.
Email :tnpcbmmnagar@gmail.com,
Phone : 044 - 27454422
7. Revenue Divisional Officer,
Maduranthakam,
Tamil Nadu 603306
Email :rdomdm.tnkpm@nic.in, Phone : 044-27552196
8. Mr. S.Murali
Proprietor Prasanna Blue Metal,
AFF1, AlayamsThilagavathy Enclave,
Kurinji Nagar, 1st Main Road,
Old Perungalathur, Chennai - 600063.
Email :prasannablumetal@yahoo.com,
Phone: +91 9150066990

...Respondent(s)

INDEPENDENT RESPONSES FILED BY THE REVENUE
DIVISIONAL OFFICER, DEPARTMENT OF REVENUE AND
DISASTER MANAGEMENT, MADHURANTHAGAM DIVISION.

I, Tmt. S.Saraswathi D/O Srinivasan, Hindu, aged about 28 years working as Revenue Divisional Officer, Department of Revenue and disaster management, Madhuranthagam Division do hereby solemnly affirm and sincerely state as follows:-

- 2) I am Revenue Divisional Officer, Department of Revenue and disaster management, Madhuranthagam Division has been nominated by the District Collector, Chengalpattu vide Rc.10050/Mines/2021 dated 18.08.2021 as a member of Joint Committee and as such I am well acquainted with the facts and circumstances of the case from the records available with our office. I filed this independent report as per order dated 22.09.2021 of this Hon'ble Tribunal in time.
- 3) It is respectfully submitted that in the matter of Original Application Number 156/2021, among carrying the Hon'ble National Green Tribunal, Southern Zone, Chennai in its order dated 27.07.2021 has appointed a Joint Committee comprising of following officials and direct to inspect the area in questions and submit a factual as well as action taken report, if there is any violation found.

- (i) The District Collector, Chengalpattu District, or a Senior Officer not below the rank of Assistant Collector/Sub-Divisional Magistrate as deputed by the District Collector.
 - (ii) A senior from the Tamil Nadu State Environment Impact Assessment Authority (TN SEIAA), Tamil Nadu.
 - (iii) A senior officer from the Tamil Nadu State Pollution Control Board (TNPCCB) as deputed by its Chairman.
 - (iv) A senior officer from the Director of Geology and Mining, Guindy, Chennai.
- 4) It is respectfully submitted that, the Committee is also directed to ascertain the following facts.
- i) whether there was any violation of conditions imposed in the environment clearance, (EC) and Consent to Establish as well as Consent to Operate granted in favour of the 8th respondent, while carrying out the quarrying operation in the earlier quarrying portion and also in the subsequent quarrying portion.
 - ii) Whether any excess mining done by the 8th respondent and if so, what is the quantity of excess mining done.
 - iii) If excess mining done, what is the nature of action taken by the authorities, including imposition of environmental compensation, apart from realizing

royalty and penalty as provided under the respective rules,

- iv) Whether the pollution control mechanisms provided by the 8th respondent is sufficient and whether they are in operation in conformity with the standard prescribed and if there is any deficiency, what is the remedial measure to be provided.
- v) If the quality of air or water has been affected in that area, then what is the nature of action taken by the regulators including suggestion of remedial measures to rectify the same.
- vi) Whether the dust emanated from the quarrying area has affected the surroundings including the ground water quality and causing inconvenience to the residents in the nearby area and also damage (if any) caused to the agricultural properties in the nearby area and also damage (if any) caused to the agricultural properties in the nearby neighboring area and
- vii) Whether any environment damage has been caused on account of unscientific manner in which the quarry was conducted by the 8th respondent in both the places where he obtained Environmental Clearance (EC) and if so, the committee is directed to assess the environmental compensation to be recovered from him apart from providing remedial

measures for restoring the damage caused to the environment.

The Committee is also directed to ascertain the Ambient Air Quality and also the ground water quality in that area and if there is any contamination caused, the committee is directed to suggest the remedial measures to resolve the same.

The respondents are also directed to file their independent response before this Tribunal to the allegations made in the application.

- 5) It is submitted that, in compliance to the Hon'ble National Green Tribunal [South Zone] order, the Director of Geology and Mining has nominated Thiru. Arumuganainar. S/o.Thiru.S.Arumugan, the Regional Joint Director, Department Of Geology and Mining, Villupuram region vide Rc.5116/MM1/2021 dated.21.08.2021 as a member of Joint Committee for conducting inspection and submit detailed report of the subject quarry.
- 6) It is submitted that the Nodal Agency, the Director, Department of Geology and Mining vide Rc.No.5116/MM1/2021 dated 12.08.2021 has requested the District Collector, Tamil Nadu State

Environment Impact Assessment Authority and the Chairman, Tamil Nadu Pollution Control Board, to nominate an officers from thier Department as a member in the Joint Committee for conducting field inspection over the subject area.

- 7) It is submitted that the State Level Environment Impact Assessment Authority vide letter No. SEIAA-TN/NGT/O.A.No.156 of 2021/2021-1 dated 20.09.2021 had deputed Tmt.N.R.Kamala, Assistant Environment Engineer, SEIAA Tamil Nadu, Chennai as a member of the Joint Committee.
- 8) It is submitted that The Member Secretary, Tamil Nadu Pollution Control Board vide letter No.TNPSC/LAW/LA-III/NGT/015570/2021 dated 12.08.2021 has nominated Er.D.Vasudevan, District Environmental Engineer, Chengalpattu District as a member of the Joint committee.

Accordingly, the nominated members of the joint committee is given as under.

1. Tmt.S.Saraswathi, Revenue Divisional Officer, Madurantakam. Member
2. Er.D.Vasudevan, District Environmental Engineer Tamil Nadu Pollution Control Board, Chengalpattu District. Member
3. Thiru.A.Arumuganainar Regional Joint Director, Department Geology and Mining, Villupuram Region. Member
4. Tmt.N.R.Kamala, Assistant Environment Engineer, SEIAA Tamil Nadu, Chennai. Member
- 9) It is submitted that the Director, Department of Geology and Mining vide Rc.No.5116/MM1/2021/ dated.12.10.2021 had nominated Thiru.K.Neelakandan, Sub-Inspector of Survey O/o the Deputy Director, Department of Geology and Mining, Krishnagiri as a member of the Joint Committee.
- 10) It is submitted that the inspected the area under lease granted to 8th respondent Prasanna Blue Metals on dated 05.10.2021 & 18.10.2021 During the time of inspection, the Assistant Director and Assistant Geologist, Special

Revenue Inspector, Department of Geology and Mining, Kancheepuram, The Sub-Inspector of Survey, O/o the Deputy Director, Department of Geology and Mining, Krishnagiri. The District Environmental Engineer, Pollution Control Board, Maraimalainagar, Assistant Environmental Engineer, State Environment Impact Assessment Authority, Chennai, Revenue Divisional Officer, Madurantakam, Tahsildar, Madurantakam, Zonal Deputy Tahsildar, Madurantakam, Revenue Inspector, Madurantakam Taluk, the Head Surveyor, Madurantakam, Firka Surveyor and the the Village Administrative Officer, Avarimedu were also present and assisted at the time of inspection.

- 11) It is submitted that The Officials of Revenue and Survey Departments i.e., the Firka Surveyor and the Village Administrative Officer, Avarimedu Village had identified the boundaries of the area granted under lease in respect of leases mentioned by the petitioner in Avarimedu village and the dimensions of the quarried pit had been measured with Total Station instruments. The Topographical base plan and details of survey carried out by Thiru.K.Neelakandan, Sub-Inspector of Survey and submitted his sketch on 30.10.2021.
- 12) It is submitted that in then Kancheepuram District, presently Chengalpattu District a Rough stone and Gravelquarry leases had been granted in S.No.7/1A1 to

the 8th respondent vide District Collectors Proceedings Rc.575/2010- Q1 dated 5.6.2013 and lease expired on 4.06.2018. Another a Rough stone and Gravel quarry lease had been granted in SF.Nos. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 of Avarimedu village in Madurantakam Taluk vide Assistant Director, Geology and Mining, Chengalpattu Proceedings Re. 505/2019-Q2 dated 24.10.2020 and lease period from 24.10.2020 to 23.10.2030. All the leased out areas are merged together and formed a single pit and part of the pit filled with water. Presently the 8th respondent having quarry lease for quarrying rough stone in S. No. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 over an extent of 2.34.50 hect. in Avarimedu village of Madurantakam Taluk and the lease valid upto 23.10.2030. The details of lease granted in Avarimedu village are as follows:-

Sl. No	Name of the lessee and address	SF. Nos	Extent in hect.	District Collector's Proceedings	Lease Period
1.	S.Murali, S/o.Subramanian, 20/09, Alamelupuram, Mudichur Road, Tambaram West, Chennai-45.	7/1A1	1.50.0	Rc.575/2010/ Q1 dated 5.06.2013	05.06.2013 TO 04.06.2018
2.	S.Murali, S/o.Subramanian, AFF1, Alayam Thilagavathi Enclave, Kurunji Nagar, 1st Main Road, Old Perunglathur, Chennai-63.	3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1,	2.34.50	Rc.505/2019/ Q2 Dated 24.10.2020.	24.10.2020 TO 23.10.2020

Since the lessee Thiru.S.Murali expired therefore the lease transfervide Assistant Director Geology and Mining, Chengalpattu Proceedings Rc.No.505/Q2/2019 dated 01.07.2019 in the name of his wife M.Jayalakshmi W/o.S.Murali AFF1,Alayam ThilagavathiEnclave,Kurunji Nagar, 1st Main Road, Old Perunglathur, Chennai- 63.	4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3			
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13) It is submitted that the following violations are observed during the inspection within the area granted lease S.F.Nos.7/ 1A1.

- i) As per the lease granting order and lease deed conditions the lessee has not provided safety distance 7.5 metres to the adjacent land in the west and northern side.
- ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area in good condition as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.
- iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferrous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.
- iv) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the boundary of the quarry site in manner to preservation of environment and ecology of the area

as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.

- v) As per the pit measurements, it is estimated that, aquantum of 4,51,710 M3 of rough stone and 23,440 M3 of weathered rock had been quarried within the lease hold area ie., in S.F.Nos. 7/ 1A1 over an extent of over an extent of 1.50.00 hect.
- vi) Mining operation is approved up to depth of 27 m(below ground level) in the mining plan / environmental clearance whereas the lessee has carried out the mining operation to maximum depth of 53 metres. The lessee had been removed 1,83,510 M3 of Rough stone and 23,440 M3 of weathered rock over and above the quantity approved in the mining plan from the area granted under lease in S.F.Nos. 7/1A1.

14) It is submitted that the following violations are observed during the inspection within the area granted lease in S.F.Nos. 3/1, 3/2 Etc.

- i) As per the lease granting order and lease deed conditions the lessee has not provided safety distance 7.5 metres to the adjacent patta land in the Eastern side.
- ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area in good condition as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.

- iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferrous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.
- iv) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the bounty of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.
- v) As per the permit register of the Department of Geology and Mining, Chengalpattu, the lessee has obtained transport permit for 12,600 cub. of Rough stone and 5,100 cbm of Gravel for the period upto 28.09.2021. Further, as per the pit measurements it is estimated that 1,54,501cbm of Rough Stone and 23,208 cbm of weathered rock had been removed within the lease hold area. In this connection, it is observed that the lessee has quarried 1,41,901cbm of rough stone and 23,208 cbm. of weathered rock had been removed over and

above the permitted quantity as per the permit register.

- 15) It is submitted that, an quantum of 46,648 M3 of weathered rock and 3,25,411 M3 of rough stone has been quarried and removed from the lease hold area without payment of seigniorage fee and without obtaining dispatch slips.
- 16) It is submitted that, the lessee, has indulged illegal quarrying operation in the adjacent patta in S.14.Nos.5 & 6 over an extent of 0.31.00 hect. and illegally transported to the tune of 5,480 M3 of weathered rock and 12,696 M3 of rough stone and thereby the lessee contravened the sub section &(1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957, Further, dumping of Gravel and weathered rock was noticed in the Southern side i.e, in non lease hold area in S.F.Nos 244/6, 244/11 and 244/13of Sirunallur village. It is estimated that a quantum of 54078 M3 of gravel and weathered rock was dumped.
- 17) It is submitted that, for illegal and unlawful quarrying and transportation of 5,480 M3 of weathered rock and 12,696 M3 of Rough stone in non lease hold area Patta SF.No.5 and 6 of Avarimedu village, MadurantakamTaluk and for the unlawful quarrying and removal of 46,648M3 of weathered rock and 3,25,411 M3

of Rough stone from the lease hold area necessary action has to be initiated by the concerned authority as per 36-A of Tamil Nadu Minor Mineral Concession Rules, 1959.

- 18) It is submitted that, for the violations of lease deed conditions, penalty action may be imposed in respect of such breach may cancel the lease after granting an opportunity of hearing to the lessee as per the Rule 36 (5) (h) of Tamil Nadu Minor Mineral Concession Rules, 1959 after providing opportunity for personal hearing.
- 19) It is submitted that, since at present further quarrying in the subject area is endanger to the life of the quarry workers. Further, quarrying may be allowed only after taking remedial measures and after getting concurrence from the Director of General of Mines Safety and District Collector.
- 20) It is submitted that, the lessee shall deposit Environmental Compensation as appealed by Hon'ble National Green Tribunal (SZ) in the TNPCB - Environmental Compensation Fund payable at Chennai. The amount shall be used for restoration of environment and for necessary remedial and preventive measures in regard to environmental matters.
- 21) In view of the above, it is therefore humbly prayed that this Hon'ble National Green Tribunal, Southern Zone,

Chennai may be pleased to accept this individual response and may deem fit and proper in the fact and circumstance of this case and thus justice.

Solemnly affirmed at
Maduranthagam On this 10th day
of November 2021 and signed his
name in my presence

-Sd-

BEFORE ME

PERSONAL ASSISTANT
REVENUE DIVISIONAL OFFICE
MADURANTAKAM

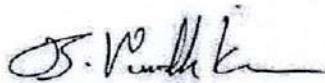
VERIFICATION

I, Tmt. S.Saraswathi, working as a Revenue Divisional Officer, Department of Revenue and Disaster Management, Madhuranthagam Division do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Madhuranthagam on this 10th day of November, 2021

-Sd-

REVENUE DIVISIONAL OFFICER
MADURANTAKAM



//TRUE COPY//

ANNEXURE -A/17**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)**

Writ Petition No.23756 of 2021

Mr.B.PasumponAnand,
S/o P.Bhagavathi,
53/19, PillayarKovil Street,
Nesapakkam, West KK Nagar,
Chennai - 600 078.

---- Petitioners

Versus

- 1 District Collector
Chengalpattu District
Collector Office, GST Road,
Chengalpattu District,
Tamil Nadu Pin- 603 001.
- 2 Tamil Nadu Pollution Control Board
Represented by its Member Secretary
No.76, Mount Road,
Guindy, Chennai-600032.
- 3 Directorate of Geology and Mining
Represented by its Director
Alandur Road, Guindy Industrial
Estate,
Guindy, Chennai-600032.
- 4 Revenue Divisional Officer,
Maduranthakam Taluk,
Tamil Nadu-603 306.
- 5 Tahsildar
Maduranthakam
National Highway 38,
Maduranthakam, Tamil Nadu-603306.


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(e)

- 6 Mr.Kannan
S/o Late Kuppusamy
No.3/125, VinayagarKovil Street,
Thirumudivakkam, Chennai-44.
- 7 M/s Prasanna Blue Metals
Rep by its Proprietor
No.176, Sirunallur Village,
Maduranthakam,
Tamil Nadu- 603306.
- 8 M/s. Simplex Infrastructure Limited Respondents
Rep by its Manager
New No.48, Old No.21,
Casa Major Road, Egmore,
Chennai-600 008.

STATUS REPORT FILED BY THE FIRST RESPONDENT

I, A.R. Rahul Nadh I.A.S., Son of Thiru. Raghu Nadh, Hindu, aged about 33 years residing at the Collector's bungalow, Chengalpattu, do hereby solemnly affirm and sincerely state as follows:

1. I am the District Collector of Chengalpattu district, and the first respondent herein and as such I am well acquainted with the facts of the case from the available


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records. I am filling this status report pursuant to the direction of the Hon'ble High Court of Madras dated:16.11.2021, whereby the District Collector, Chengalpattu district, has been directed to file a report, after personally visiting the site and making inquires, particularly as to the validity of the license the no-objection certificate that may have been obtained by the seventh respondent (M/s) prasanna Blue Metals for undertaking such mining activities.

2. It is submitted that the petitioner has filed the Writ Petition No.23756/2021 in the nature of Public Interest Litigation been filed seeking writ of Certiorarified Mandamus calling for the records of the Fifth Respondent relating to the impugned order vide Pa.Mu.No.1691/2016/A1 dated 10.06.2016 and quash the same as illegal, arbitrary and devoid of merit and consequentially direct the respondents 1-5 to take necessary criminal action against the respondents 6-8 and quash the same.

3. It is submitted that I have inspected the M/s. Prasanna Blue Metals Survey.No. 240/3, 240/4, 242/6, 242/7,


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Sirunallore Village, Maduranthakam Taluk, on 17.11.2021, along with the Revenue Divisional Officer, Maduranthakam, District Environmental Engineer, Tamil Nadu Pollution Control Board, Maraimalai Nagar, Assistant Director (i/c), Geology and Mining, Chengalpattu and Tahsildar, Maduranthakam. During the inspection it was observed that the aforesaid unit was operated in the survey numbers 240/3, 240/4, 242/6 and 242/7 based on the NOC purportedly given by the Tahsildar Maduranthakam and a consent obtained from the Tamil Nadu Pollution Control Board vide the proceedings of the Chairman, TNPCB in F-2838MMN/OS DEE/ TNPCB/MMN/A/2021, dated: 10.02.2021. Moreover, it was observed that the said unit was operating a storage yard in the survey number 243/13 and 243/14 without obtaining any necessary permission as per the Tamil Nadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealers Rules, 2011. Further it was also ordered that the said unit was using the


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government Meikkalporampoke land in survey number 121/B as approached road.

4) It is submitted that the 7th respondent already got a no objection certificate in the year 2014 by proceedings dated 18.03.2014 in Pa. Mu. NO.1691 / 2016/ A1 for running the crushing unit and using the same aforesaid certificate, the 7th respondent forged another one as if issued in the year 2016 by the 7th respondent and applied with the forged NOC to the District Environment Engineer, Tamil Nadu Pollution Control Board, Maraimalainagar, Chengalpattu District, consequently consent been given by the aforesaid District Environment Engineer via OCMMS vide Proceedings No.F0861SPR / RS / DEE / TNPCB / SPR / W &A / 2016 dated 01.03.2018 for manufacturing blue metal of various sizes - 500 tons per day.

5) It is submitted that the 7th respondent subsequent to the above consent, has applied for production of M-sand and for the same installed VSI and pro-wash


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but being the same not been treated as an expansion activity, further no objection is necessary, accordingly applications been placed before the above District Environment Engineer, consequently consent been given vide Proceedings No.F.2838MMN / OS / DEE / TNPCB / MMN / W &A / 2021 dated 10.02.2021 having valid up to 31.03.2030.

- 6) It is submitted that the Tahsildar, Maduranthagam, in his report has stated "The survey no 124/B measuring 71.00.0 hectares of land is classified as MeikalPoramboke in the UDR "A-register" of No.176, Sirunallur village of Madhuranthakamtaluk in Chengalpattu district. In the year 1986, about 90 families belonging to Adi-dravidar and other communities were assigned land in the afore-said piece of land with the assigned survey nos starting from 235 to 247. As per the proceedings of the District Collector, Kancheepuram in RC.1186/1984, 114920/1985/B1 dated 11.11.1985 the classifications of the sub-divisions 240 and 242 have



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been changed into PunjaiTharisu and 28 persons have been assigned land thereon vide TK.8A.96/1996/A8 dated.13.10.1986. Subsequently, survey no 240/3 and certain other survey nos have been sub-divided from survey no 240 and 242 and as per patta no. 539 stand in the village account as under.

Sl.No	Survey No	Classification	Extended	Tax (Theervai)	Patta holders name and Patta number
1.	240/3	Punjai	0.07.5	1.85	539. Kannan S/o Kuppusamy
2.	240/4	Punjai	0.07.5	1.85	
3.	242/6	Punjai	0.31.0	1.85	
4.	242/7	Punjai	0.31.5	1.85	
Total			0.77.5		

An extent of 0.07.5 hectares of land in the afore-said survey nos 240/3 and 0.31.0 hectares of land in survey no 242/6 was assigned to one Perumal S/o Mari (Hindu Adi-dravidar) vide document no 1647/2006 dated.25.03.2006 who, in turn, has conveyed the land assigned to him to one Chakkarapani S/o


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Kannan (MBC) vide execution of a sale deed. Further, an extend of 0.07.5 hectares of land comprised in survey no 240/4 and 0.31.5 hectares of land comprised in survey no 242/7 were assigned to one Ramasamy S/o Narayanasamy who, in turn, conveyed the land assigned to him to one Chakkarapani S/o Kannan vide document no 1649/2006 dated.23.05.2006. Subsequently, the afore-mentioned 0.07.5 hectares of land in survey no 240/4, 0.31.5 hectares of land in survey no 242/7, 0.07.5 hectares of land in survey no 240/3 and 0.31.0 hectares of land in survey no 242/6 were purchased by one Kannan S/o Kuppusamy vide document no 4948/2007 dated.11.07.2007 from the afore-mentioned Chakkarapani S/o Kannan and Ramasamy S/o Narayanasamy. Following this, the afore-said Kannan S/o Kuppusamy has leased out the above said lands to one Murali vide document no.3/2021".

(ii) I submit that the Tahsildar, Maduranthakam, in his report has further stated that a no objection certificate has been issued by the TahsildarMadhuranthakam for running a crusher in the afore-said survey nos, totally comprising 0.77.5 hectares of land in favour of Thiru.Kannan S/o Kuppusamy of


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No. 3/125, Vinayakar Koil Street, Thirumudivakkam, Chennai-44 vide the Tahsildar, Madhuranthakam Pa.Mu.no.1691/2014/A1 dated.18.03.2014, and that one M/s Prasanna blue metal has subsequently obtained permission to run crusher in the afore-said land vide the Tamil Nadu Pollution Control Board Proceedings NoF-2838MMN/OS.DEE/TNPCB/MMN/A/2021 dated.10.02.2021.

(iii) I submit that regarding the establishment of genuiness of the NOC purportedly given by the Tahsildar Maduranthakam, the Tahsildar has stated that a search was done in the records of the Taluk office, Madhuranthakam with a view to establish the genuineness of the document Pa.Mu.no.1691/2014/A1 dated.18.03.2014 which has been mentioned by the petitioner in his petition and that the search has revealed that as per the 'Distribution Register' (DR) of year 2016 of Madhuranthakam Taluk office, the afore-said DR number 1691/2016/A1 dated 10.01.2016 has been received by the B1 clerk instead of the A1 clerk as conveyed by the document number specified by the petitioner. I therefore submit that the inescapable conclusion that can be arrived at is that the certificate bearing file number


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1691/2016/A1 has not been issued from the A1 clerk seat and that in all probability the said certificate is a forged one.

(iv) I Submit that regarding the present status of the survey numbers under consideration the Tahsildar has stated "There is a EB panel room and a transformer stand in the 0.07.5 hectares of land comprised in survey no 240/3. Further, a depression resulting from quarrying occupies 0.05 cents of land in the 0.07.0 hectares of land comprised in survey no 240/4. Moreover, crusher with a crushing machine and an M-sand storage facility is situated in the 0.13.0 hectares of land comprised in survey no 242/6. Survey no.242/7 with the extend of 0.31.5 hectares of land comprises a old quarry depression occupying 0.16 cents of land. Further, a weighing bridge is situated in survey no 243/14, a pile of stones is there in survey no.244/6,7,8 and a container is situated in PunjaiTharisu survey no.244/14. An approach road is available to access the afore-said crusher through the MeikalPoramboke survey no.124/B"

(v) I Submit that the Tahsildar, Madurathakam has further stated that the Statement of Thiru.M.Karthikeyan, S/o.Mr.Manoharan, General Manager of M/s.Jaya & Co. owned


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CHENGAI PATTI

by Tmt.Jayalakshmi, W/o Late Mr.Murali, Proprietor of M/s.Prasanna Blue Metals Ltd residing at No. 21, West Street, Vadamalayampatti Village, Musiri Taluk, Trichy District, as follows:-

I have come to understand that this is an enquiry by the Tahsildar, Maduranthagam, with regard to the case filed before the Hon'ble High Court of Madras in W.P No.2375 of 2021 in respect to the submission of false documents and commission of violations by M/s. Prasanna Blue Metals, situated at S No. 240/3, 240/4, 242/7, 242/6, Sirunallur Village, Maduranthagam Taluk, Chengalpet District.

I state that the name of Mr. Kannan, S/o Mr. Kuppusamy is reflected as the Pattadhar for the property situated at S No.240/3, 240/4,242/7,242/6, Sirunallur Village, Maduranthagam Taluk, Chengalpet District. I state that in the above property, in order to initiate Crusher activity, the said Pattadhar Mr. Kannan had sent a letter to the Maduranthagam Tahsildar requesting a no objection certificate, which was granted vide certificate dated 18/3/2014 in Pa.Mu.No.1691 / 2014/A1. Thereafter the Late Mr.Murali, Proprietor of


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M/s.Prasanna Blue Metals, had executed a lease deed in Doc No. 2018/2017 dated 21.07.2017 with the said Mr. Kannan, for a period of 5 years. Thereafter he obtained Consent to establish vide No.F0861SPR/RS/DEE/TNPCB/SPR/W&A/2016 from the Tamil Nadu Pollution Control Board, and thereafter Consent to Operate the stone crushing unit was obtained vide No. F0861SPR/OS/DEE/TNPCB/SPR/W&A/2018. Thereafter, the 2nd stone crushing unit of Prasanna was leased to M/s.Simplex Infastructure Ltd vide Lease Deed dated 01.08.2017 in Doc No. 3039/2017 and the said crushing unit was being run by the said M/s. Simplex Infastructure Ltd. Thereafter in the year 2018, the said M/s.Simplex Infastructure Ltd stopped the operation of the unit. At that time, the rent to be paid for the machinery taken from Mr. Murali's quarry, is still pending.

In light of the same, I submit that in order to continuously operate and with the intention to commence sales, for the 2nd Prasanna Stone Crusher unit, Consent to Operate has been obtained on 10.02.2021 vide No. 2838MMN/ OS/ DEE/ TNPCB/ MMN/W&A/2021 and Stock Yard Permission has been



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sought from the District collector, Chengalpet vide letter dated 11.12.2020 and the same is pending enquiry.

In light of the same, I submit that we had been carrying out only maintenance activity in the unit and no sales were commenced. Further, we are not aware of any consent obtained in 2016 by the Late Mr. Murali, Proprietor of M/s. Prasanna Blue Metal, and only he is aware of the same. I state that we do not have any related documents for the same in our possession. I state that I have annexed the Lease Deed, GST Receipt, Unregistered Document obtained from the village people dated 23.11.2007 to use the access way at S.No.124B, leading to the crusher unit and the No Objection Certificate obtained by us in 2014.

I state that the above said statements are true and I am aware of the action that will be taken in accordance with the Criminal Law for any false statements that are given.

7. It is submitted that the Revenue Divisional Officer, Maduranthagam, in her proceedings in this regard has ordered that *"One M/s Prasanna blue metal has obtained permission to run crusher in the afore-said land*


DISTRICT COLLECTOR
MADRURANTHAGAM

vide the Tamil Nadu Pollution Control Board Proceedings No F-2838MMN/OS.DEE/TNPCB/MMN/A/2021 dated.10.02.2021. However, as per Tamil Nadu Prevention of Illegal Mining and Storage of Minerals and Minerals Dealers Rules 2011 the afore-said company has not obtained any permission from the District Collector.It is therefore ordered hereby that M/s Prasanna Blue Metals crusher unit-2 running from survey no 240/3,240/4,242/6 and 242/7 of No.176, Sirunallur village of Madhuranthakam taluk be temporarily shut down on account of the violations of rules".

8) It is submitted that District Environment Engineer issued a letter to the first respondent in letter No.DEE / TNPCB / / MWN / High Court W.P PIL NO.23756 / 2021 dated 19.11.2021 stating report been submitted for closure and stoppage of power supply to the 7th respondent unit. The 7th respondent unit been closed and power been also snapped accordingly. It is reiterated that the 7th respondent is not continuing any crushing unit the above site and no activities are there in the site. Also the said unit


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was inspected on 18.11.2021 and the following observations were made

- (a) The unit was not in operation,
- (b) The unit has provided GI sheet cover to the cone Crusher and VSI
- (c) The unit has not provided GI sheet over to the Jaw crusher, conveyors and sieves
- (d) The unit has provided water sprinkling arrangement and the M Sand the P Sand.
- (e) The unit has provided GI sheet cover fencing of 8feet height on 2 sides of the boundary.

9) It is pertinent to state that the 3rd respondent, the Assistant Director(i/c), Geology and Mining, Chengalpattu in his proceeding in Na.Ka. No.1211/2020/Kanimam dated:18.11.2021 has stated that as per the instructions issued by the District Collector during the field inspection to seize the materials stocked without obtaining proper permission from the authorities concerned, all the materials, vehicles and equipments available in the premises of M/s. Prasanna Blue Metal and M/s. Simplex Infrastructure Limited were seized in


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accordance with the Tamil Nadu Prevention of illegal Mining Transportation and Storage of Minerals and Mineral Dealers Rules 2011 and that the seized materials were handover to the Tahsildar Madhuranthakam”.

Seized mines

S no.	Survey nos.	Mines	Measurement (units)
1.	240/3,	M-sand	5
2.	240/4,	P-Sand	10
3.	242/6,	Jalli 20mm	15
4.	242/7	Jalli 40mm	100
5.		Filter residue	50
6.		Wet Mix	75
7.	243/13, 14	Ordinary stones	136

Seized vehicles

S no.	Name of the vehicles	Vehicle no.	Notes
1.	407 van	TN-34E 6076	-
2.	407 van	TN-11 AE 3445	-
3.	POCKLAIN TATA	No registration number	-


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4.	POCKLAIN Hyundai	No registration number	-
5.	Loader XCMG1 W 300 FV	TN 87 A 8777	-
6.	TORRES LORRY	TN 11 P 7987	-
7.	TORRES LORRY	TN 57 J 1273	-
8.	TORRES LORRY	TN- 11 P 7879	-
9.	TORRES LORRY	TN-19 AA5922	-
10.	TORRES LORRY	TN-28 BA 5366	-
11.	TORRES LORRY	TN-11 P 7962	-
12.	TORRES LORRY	TN-R 4651	-
13.	TORRES LORRY	No Registered Number	-
14.	TORRES LORRY	TN-11 F 2072	Vehicle in damaged condition
15.	TORRES LORRY	TN-11 S 2073	
16.	TORRES LORRY	TN-11 E 1299	


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17.	TORRES LORRY	TN-11 R 4695	
18.	TORRES LORRY	TN-11 F 2071	
19.	TORRES LORRY	TN-E 0793	
20.	TORRES LORRY	TN-11 E 1299	
21.	TORRES LORRY	TN-11 F 1937	
22.	TORRES LORRY	TN-11 R 1461	
23.	TORRES LORRY	TN-11 F 2063	
24.	TORRES LORRY	TN-22 BU 3691	
25.	TORRES LORRY	TN-11 E 0866	
26.	Loader	OR 23 B2398	
27.	Tractor	TAS 7061	
28.	Pocklain	NO Registered Number	-
29.	Bore machineries	TN-	
30.	Perkiins diesel power	TN-	


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10. I further submitted the Petitioner filed an Original Application Number 156/2021, before the Hon'ble National Green Tribunal, Southern Zone, Chennai seeks to highlight the violations committed and the resultant damage on the environment by the 8th Respondent Unit. The 8th Respondent is the Lease Holder/Project Proponent of the unit engaged in rough stone and gravel quarrying in Avirimedu Village, Maduranthakam Taluk, Chengalpettu District, Tamil Nadu. Given the nature of the operations carried on by the 8th Respondent, the unit is categorized as "B2" "Non coal mining" project requiring prior environmental clearance as per the order of the Hon'ble Supreme Court dated 27.02.2012 in SLP (C) No.19628-19629 of 2009 and MOEF & CC office memorandum dated 18.05.2012.

The Hon'ble National Green Tribunal, Southern Zone, Chennai in its order dated 27.07.2021 has appointed a Joint Committee, which had inspection of the area under lease which was granted to 8th respondent Mr.S.Murali, Prasanna Blue Metals on dated 05.10.2021 and the recommendation on the joint committee is that

"For illegal and unlawful quarrying and


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transportation of 5,480M3 of weathered rock and 12,696 M3 of Rough stone in non leasehold are a Patta SF.No.5 and 6 of Avarimedu village, Madurantakam Taluk and for the unlawful quarrying and removal of 46,648M3 of weathered rock and 3,25,411M 3 of Rough stone from the lease hold are a necessary action has to be initiated by the concerned authority as per 36-A of Tamil Nadu Minor Mineral Concession Rules, 1959.

i) For the violations of lease deed conditions, penalty action may be imposed in respect of such breach or may cancel the lease after granting an opportunity of hearing to the lessee as per the Rule 36(5)(h) of Tamil Nadu Minor Mineral Concession Rules, 1959 after providing opportunity for personal hearing.

ii) Since at present further quarrying in the subject area is endanger to the life of the quarry workers, Further, quarrying may be allowed only after taking remedial measures and after getting concurrence

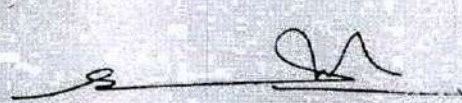

DISTRICT COLLECTOR
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from the Director General of Mines Safety and District Collector.

- iii) *The committee recommends that the lessee shall deposit Environmental Compensation as appealed by Hon'ble National Green Tribunal(SZ) in the TNPCB-Environmental Compensation Fund payable at Chennai. The amount shall be used for restoration of environment and for necessary remedial and preventive measures in regard to environmental matters.*

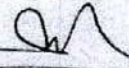
10) It is submitted that after the above said illegal unit has been temporarily shut down and seizure of the unauthorized stocks of materials, vehicles and other equipment therefrom, the following measures have been initiated with the objective of permanently preventing the said illegal unit from functioning in the future.

- i. A letter has been addressed to the Chairman, Tamil Nadu Pollution Control Board, requesting him to revoke the consent of the board granted to the above said illegal crusher unit.

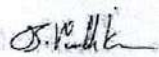

DISTRICT COLLECTOR
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- ii. Further it has been proposed to conduct an enquiry on violation of assignment condition in respect of the subject lands. As these was the lands assigned on condition to the land less poor people.

In the light of the fore going facts and circumstances, this Hon'ble Court may kindly be pleased to accept the status report and thus render justice. Dated at Chengalpattu on this the 30 th day of November, 2021.



DISTRICT COLLECTOR
Chengalpattu


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K. M. Muthu Kumar

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ANNEXURE - A/18

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

W.P. (PIL) No. 23756 of 2021

Mr. B. PasumponAnand
 S/o. P. Bhagavathi
 53/19, PillayarKovil Street
 Nesapakkam, West K K Nagar
 Chennai - 600 078

...Petitioner**-Vs-**

District Collector
 Chengalpattu District
 Collector Office, GST Road
 Chengalpattu District
 Tamil Nadu - 603 001 & 7 Others

...Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF THE 2nd
RESPONDENT - TAMILNADU POLLUTION CONTROL
BOARD

I, J. Josephine Sahayarani, s/o. Thiru Jesurajan, aged about 56 years, having office at 76, Mount Salai, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, of the Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts and circumstances of the case and I am authorized to file this Counter Affidavit on the behalf of 2nd Respondent.

2. I have read the Affidavit filed by the Petitioner and at the outset, I deny all the averments and allegations contained therein including the documents filed by the Petitioner, except those that are specifically admitted hereinafter and put the Petitioner to strict proof of the rest thereof. None of the averments and allegations made by the Petitioners including the documents filed by the Petitioner shall be deemed to be admitted merely for want of specific denial or traverse.
3. It is respectfully submitted that the 7th Respondent unit has applied for Consent for Establishment through OCMMS vide Appl.No.4995810 dated 31.03.2016 for manufacturing Blue Metal of Various size - 500 tons/day. The unit has submitted NOC obtained from VAO, Sirunallur dated 23.03.2016 stating that there is no approved residential habitation, NH/SH exists within 500 m radial distance from the proposed stone crushing unit. The DTCP, Chengalpattu region in its letter dated 17.03.2014 has reported that the above said survey numbers have not been classified (i.e., unclassified used zone). The 7th Respondent's application was placed before the 89th Zonal Level Consent Clearance Committee (ZLCCC) meeting held on 18.05.2016 for the consideration of issue of Consent for Establishment. The application was deferred due to want of Certificate from the

Tahsildhar, Maduranthagam with respect to distance criteria vide Minutes of the 89th ZLCCC Meeting held on 18.05.2016.

3. It is respectfully submitted that 7th Respondent unit resubmitted the application along with the NOC vide letter No. P.M.1961/2016 (A) dated 10.06.2016 obtained from the Tahsildhar, Maduranthagam for the proposed unit of M/s Prasanna Blue Metals, S.F. No. 240/3, 240/4 and 242/7 and Consent for Establishment was issued vide Procs. No. F.0861SPR/RS/DEE/TNPCB/SPR/W&A/2016 dated 22/06/2016 after placing the subject before the 90th ZLCCC meeting held on 20.06.2016. It is further submitted that the unit has obtained Consent to Operate through OCMMS vide Procs. No. F.0861SPR/RS/DEE/TNPCB/SPR/W&A/2016 dated 01.03.2018 for manufacturing Blue Metal of Various size - 500 tons/day. Subsequently the unit has installed the VSI and Pro-wash for M-Sand manufacturing and applied for Consent to operate - Direct through OCMMS to manufacture Blue metal with various size, M - Sand & P - Sand - 500 Tons/day and Sewage - 1.2KLD disposed through septic tank followed by soak pit arrangement and Trade effluent - 7KLD recycled to the process after treated in the ETP

consisting of collection tank, settling tank and treated water tank.

5. It is respectfully submitted that as per the guidelines evolved and recommendations of M-Sand vide B.P.Ms.No.26 dated 30.07.2018, existing stone crushers, manufacturing M-Sand within the consented quantity shall not be treated as expansion activities. Due to process modification, these units shall apply and obtain fresh consents of Board under Water and Air Acts to include M-Sand as one of the products in the consent. Hence the subject was placed before the 191st District Level Consent Clearance Committee (DLCCC) dated 09.02.2021 and the DLCCC decided to issue Consent to Operate and Consent to Operate - Direct was issued vide Procs. No. F.2838M MN/OS/DEE/TNPCB/MMN/W&A/2021 dated 10/02/2021 valid up to 31.03.2030. This be so, the Petitioner has filed the present Writ Petition in the nature of Public Interest Litigation to call for records of the impugned order and quash the same and to consequentially direct Respondent 1-5 to initiate necessary criminal action against the said unit for obtaining Consent of the Board by furnishing of forged document of the Tahsildar, Maduranthagam vide Pa.Mu.No.1691/2016/A1 dated 10.06.2016.

6. It is respectfully submitted that with respect to the above, the Tahsildar, Maduranthagam in his letter Na.Ka.No.2688/2021/A1 dated 18/11/2021 has stated that NOC was issued to the land owner Thiru.K.Kannan vide Pa.Mu.No.1691/2014/A1 dated 18.03.2014 for the premises of the unit but the NOC as stated by the petitioner in the above said writ petition bearing letter Pa.Mu.No.1691/2016/A1 dated 10.06.2016 issued by the Tahsildar, Maduranthagam was verified with the office records and found to be forged and requested to take necessary action. Independent of this, the said unit was inspected on 18/11/2021 and the following observations were made:

1. The stone crusher was not in operation.
2. The unit has provided GI sheet cover to the conecrusher and VSI.
3. The Unit has not provided GI sheet cover to the Jaw crusher, conveyors and sieves.
4. The unit has provided water sprinkling arrangement and the M Sand and P Sand Prowash was provided with inbuilt cyclone separator arrangement.
5. The unit has provided. GI sheet cover fencing of 8feet height on 2 sides of the boundary other than the Quarry side.

7. It is respectfully submitted that the 7th Respondent unit had submitted forged document to obtain consent of the Board and not provided adequate APC measures to the emission sources, it was recommended to the Board for the issue of directions under the Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 & Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 for the closure and stoppage of power supply and for the withdrawal of the said consent orders issued ,to the said unit under the Section 27 of the Water (Prevention and Control of Pollution) Act, 1974 & under the Section 21 of the Air (Prevention and Control of Pollution) Act, 1981. It is humbly submitted that the Board by way of three different proceedings vide (i) Proceeding No. TNPCB/T2/F.024907/MMN/Withdrawal of Consent/Water & Air / 2021 dated 22.11.2021, (ii) Proceeding No, TNPCB/T2/F,024907/MMN/Closure /Water & Air dated 22.11.2021, and (iii) Proceeding No. TNPCB/T2/F.024907/MMN/Closure /Water & Air / EB / 2021 dated 22.11.2021, has issued directions for the withdrawal of consent to operate already issued, closure of the unit and stoppage of power supply to the said unit.
8. It is respectfully submitted that the 2nd Respondent Board had issued the consents based on a forged document and upon knowing of the same, the above actions were taken by the answering Respondent. This

Respondent shall abide by any direction this Hon'ble Court pronounces in this respect.

In the abovementioned circumstances, it is humbly prayed this Hon'ble Court may be pleased to record the above and pass such further or other Order or Orders as this Hon'ble Court deems fit and proper in the circumstances of the case and thereby render Justice.

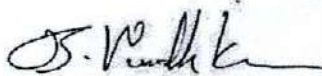
-Sd-

Joint Environmental Engineer
Tamil Nadu Pollution Control Board,
No. 76, Mount Salai, Chennai - 600 032

Solemnly affirmed at Chennai
On this the NIL, day of December, 2021
And signed his name in my presence

BEFORE ME

ADVOCATE CHENNAI



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W.P.No.23756 of 2021**ANNEXURE -A/19**

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.No.23756 of 2021and W.M.P.Nos.25013 and 25016 of 2021

B.Pasumpon Anand

.. Petitioner

VS

1. District Collector,
Chengalpattu District,
Collector Office, GST Road,
Tamil Nadu - 603 001.
2. Tamil Nadu Pollution Control Board,
Rep. by its Member Secretary,
No.76, Mount Road, Guindy,
Chennai 600 032.
3. Directorate of Geology and Mining,
Rep. by its Director, Alandur Road,
Guindy Industrial Estate, Guindy,
Chennai 600 032.
4. Revenue Divisional Officer,
Maduranthakam Taluk, Tamil Nadu 603 306.



W.P.No.23756 of 2021

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5. Tahsildar,
Maduranthakam,
National Highway 38,
Tamil Nadu 603 306.
6. Kannan
7. M/s.Prasanna Blue Metals
Rep. by its Proprietor,
No.176, Sirunallur Village,
Maduranthakam, Tamil Nadu 603 306.
8. M/s.Simplex Infrastructure Limited,
Rep. by its Manager,
Chennai 600 008.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 5th respondent relating to the impugned order vide Pa.Mu.No.1691/2016/A1 dated 10.06.2016 and quash the same as illegal, arbitrary and devoid of merit and consequentially direct the respondents 1 to 5 to take necessary criminal action as against the respondents 6 to 8.

For the Petitioner : Mr.K.M.Mrithun Jayan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for RR 1, 3, 4 and 5
: M/s.Shanmugavallie Sekar
Stdg. Counsel for R-2



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W.P.No.23756 of 2021

Mr.T.N.Rajagopalan
for R-6

: R-7 not ready in notice

: R-8 Retd. as vacated

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

By this writ petition, a challenge is made to the order dated 10.06.2016 with a further direction to respondent nos.1 to 5 to take necessary action against those indulged in illegal excavation of mineral.

2. A status report has been submitted by the learned State Government Pleader to show the action taken pursuant to the representation made by the petitioner. The status report shows not only stoppage of illegal excavation of mineral, but also the action taken to impose penalty against those who have indulged in excavation of mineral illegally.



W.P.No.23756 of 2021

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3. So far as the order dated 10.06.2016 is concerned, it is said to be the No Objection Certificate issued for crushing unit and not for operation of mining lease. In any case, it is submitted that the action initiated against the violators would be completed at the earliest and presently illegal mining has been stopped and hence, the prayer made in the writ petition has been satisfied.

4. We have considered the submission made by the learned counsel for the parties and find that the grievance raised by the petitioner has been redressed by the respondents. The action taken by the respondents have been given in the status report which shows not only stoppage of illegal mining, but an action taken against the violators who have indulged in excavation of the mineral. This also includes the action initiated to impose penalty and recovery of the amount of mineral excavated by the violators.

5. In view of the above, this writ petition is disposed of with a direction to the respondents not to allow illegal excavation of the mineral from the area in question and further to complete the action



W.P.No.23756 of 2021

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initiated against the violators as per the provisions of law as expeditiously as possible so that the amount of mineral as well as the penalty is recovered at the earliest. No costs. Consequently, W.M.P.Nos.25013 and 25016 of 2021 are closed.

(M.N.B., ACJ.)

(P.D.A., J.)

03.01.2022

Index : Yes/No

sra

To:

1. The District Collector,
Chengalpattu District,
Collector Office, GST Road,
Tamil Nadu - 603 001.
2. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy,
Chennai 600 032.
3. The Director,
Directorate of Geology and Mining,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai 600 032.
4. The Revenue Divisional Officer,
Maduranthakam Taluk,
Tamil Nadu 603 306.
5. The Tahsildar,
Maduranthakam,
National Highway 38, Tamil Nadu 603 306.



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W.P.No.23756 of 2021

M.N.BHANDARI, ACJ
AND
P.D.AUDIKESEVALU, J.

(sra)

W.P.No.23756 of 20214

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03.01.2022

Item No.16:-**ANNEXURE -A/20****BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**Original Application No. 156 of 2021 (SZ)*(Through Video Conference)*

IN THE MATTER OF

B. Pasumpon Anand
S/o. P. Bhagavathi
53/19, Pillayar Kovil Street,
Nesapakkam, West KK Nagar,
Chennai - 600 078.

Versus

State of Tamil Nadu
Represented by its Principal Secretary,
Environment Forests & Climate Change Department,
Secretariat Complex, Namakkal Kavingar Maaligai,
Fort St. George, Rajaji Road, Chennai and Ors.

...Applicant(s)

.... Respondent(s)

Date of hearing: 18.02.2022.

CORAM:**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER****HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s): Mr. K.M. Mrithunjayan.

For Respondent(s): Dr. D. Shanmuganathan for R1, R3, R5 & R7.
Mr. G.M. Syed Nurullah Sheriff for R2.
Mr. S. Sai Sathya Jith for R4 & R6.
Mr. Moorthy for R8.

ORDER

1. As per order dated 22.09.2021, this Tribunal had considered the inaction on the part of the officials in not filing the statement and also directed them to file the Joint Committee report and posted the case to 22.10.2021 for that purpose. It was again taken up on 11.11.2021 and at the request of the parties, the matter has been adjourned to 08.12.2021 for completion of pleadings and consideration of report. Thereafter, it was adjourned from time to time by successive notifications and lastly, it was adjourned to today by notification dated 25.01.2022.
2. We have received the Joint Committee report signed by the officials on 08.11.2021, e-filed on 10.11.2021 which reads as follows:-

JOINT COMMITTEE REPORT SUBMITTED TO THE
HON'BLE NATIONAL GREEN TRIBUNAL (SZ),
CHENNAI

1. PREAMBLE:-

In the matter of Original Application Number 156/2021, among carrying the Hon'ble National Green Tribunal, Southern Zone, Chennai in its order dated 27.07.2021 has appointed a Joint Committee comprising of following officials and direct to inspect the area in questions and submit a factual as well as action taken report, if there is any violation found .

(i) The District Collector, Chengalpattu District, or a Senior Officer not below the rank of Assistant Collector/Sub-Divisional Magistrate as deputed by the District Collector

(ii) A senior from the Tamil Nadu State Environment Impact

Assessment Authority (TN SEIAA), Tamil Nadu.

(iii) A senior officer from the Tamil Nadu State Pollution Control Board (TNPCCB) as deputed by its Chairman.

(iv) A senior officer from the Director of Geology and Mining, Guindy, Chennai.

Further, the Committee is also directed to ascertain the following facts.

i) whether there was any violation of conditions imposed in the environment clearance, (EC) and Consent to Establish as well as Consent to Operate granted in favour of the 8th respondent, while carrying out the quarrying operation in the earlier quarrying portion and also in the subsequent quarrying portion.

ii) Whether any excess mining done by the 8th respondent and if so, what is the quantity of excess mining done.

iii) If excess mining done, what is the nature of action taken by the authorities, including imposition of environmental compensation, apart from realizing royalty and penalty as provided under the respective rules,

iv) Whether the pollution control mechanisms provided by the 8th respondent is sufficient and whether they are in operation in conformity with the standard prescribed and if there is any deficiency, what is the remedial measure to be provided.

v) If the quality of air or water has been affected in that area, then what is the nature of action taken by the regulators including suggestion of remedial measures to rectify the same.

vi) Whether the dust emanated from the quarrying area has affected the surroundings including the ground water quality and causing inconvenience to the residents in the nearby area and also damage (if any) caused to the agricultural properties in the nearby area and also damage (if any) caused to the agricultural properties in the nearby neighboring area and

vii) Whether any environment damage has been caused on account of unscientific manner in which the quarry was conducted by the 8th respondent in both the places where he obtained Environmental Clearance (EC) and if so, the committee is directed to assess the environmental compensation to be recovered from him apart from providing remedial measures for restoring the damage caused to the environment.

The Committee is also directed to ascertain the Ambient Air Quality and also the ground water quality in that area and if there is any contamination caused, the committee is directed to suggest the remedial measures to resolve the same.

The respondents are also directed to file their independent response before this Tribunal to the allegations made in the application.

1.2. COMPOSITION OF THE COMMITTEE

a) In compliance to the Hon'ble National Green Tribunal [South Zone] order, the District Collector has nominated Tmt.S.Saraswathi, the Revenue Divisional Officer, Madurantakam vide Rc.10050/Mines/2021 dated 18.08.2021 as a member of Joint Committee for conducting inspection and submit detailed report of the subject quarry. (Annexure- 1)

b) The Nodal Agency, the Director, Department of Geology and Mining vide Rc.No.5116/MM1/2021 dated 12.08.2021 has requested the District Collector, Tamil Nadu State Environment Impact Assessment Authority and the Chairman, Tamil Nadu Pollution Control Board, to nominate an officers from their Department as a member in the Joint Committee for conducting field inspection over the subject area.

(Annexure - 2)

c) The State Level Environment Impact Assessment Authority vide letter No. SEIAA-TN/NGT/O.A.No.156 of 2021/2021-1 dated 20.09.2021 had deputed Tmt. N.R.Kamala, Assistant Environment Engineer, SEIAA Tamil Nadu, Chennai as a member

of the Joint Committee. (Annexure - 3)

d) The Member Secretary, Tamil Nadu Pollution Control Board vide letter No.TNPSC/LAW/LA-III/NGT/015570/2021 dated 12.08.2021 has nominated Er.D.Vasudevan, District Environmental Engineer, Chengalpattu District as a member of the Joint committee. (Annexure - 4)

e) The Director, Department of Geology and Mining vide Rc.No.5116/MM1/2021/dated 21.08.2021 had nominated Thiru.A. Arumuganainar, Regional Joint Director, Department of Geology and Mining, Villupuram Region as a member of the Joint Committee. (Annexure - 5)

f) Accordingly, the nominated members of the joint Committed is given as under.

1. Tmt.S.Saraswathi,
Revenue Divisional Officer,
Madurantakam.. - Member
2. Er.D.Vasudevan,
District Environmental Engineer
Tamil Nadu Pollution Control Board,
Chengalpattu District. - Member
3. Thiru.A.Arumuganainar
Regional Joint Director,
Department Geology and Mining, - Member
Villupuram Region.
4. Tmt.N.R.Kumala, - Member
Assistant Environment Engineer,
SEIAA Tamil Nadu, Chennai.

g) The Director, Department of Geology and Mining vide Rc.No.5116/MM1/2021/dated 12.10.2021 had nominated Thiru.K.Neelakandan, Sub-Inspector of Survey O/o the Deputy Director, Department of Geology and Mining, Krishnagiri as a member of the Joint Committee. (Annexure - 6)

OBSERVATION OF THE JOINT COMMITTEE

i) The Joint Committee had inspected the area under lease granted to 8th respondent Mr.S.Murali, Prasanma Blue Metals on dated 05.10.2021. During the time of inspection, the Assistant Director and Assistant Geologist, Special Revenue Inspector, Department of Geology and Mining, Kancheepuram. The District Environmental Engineer, Pollution Control Board, Maraimalai nagar, Assistant Environmental Engineer, State Environment Impact Assessment Authority, Chennai, Revenue Divisional Officer, Madurantakam, Tahsildar, Madurantakam, Zonal Deputy Tahsildar, Madurantakam, Revenue Inspector, Madurantakam Firkā the Head Surveyor, Madurantakam, Firkā Surveyor and the Village Administrative Officer, Avarimedu were also present and assisted at the time of inspection.

ii) The Officials of Revenue and Survey Departments i.e., the Firkā Surveyor and the Village Administrative Officer, Avarimedu Village and the Sub-Inspector of Survey, O/o the Deputy Director, Department of Geology and Mining, Krishnagiri had identified the boundaries of the area granted under lease in respect of leases mentioned by the petitioner in Avarimedu village and the dimensions of the quarried pit had been measured with Total Station instruments on 18.10.2021 and the same have been verified by the said Revenue and Survey department officials on 27.10.2021. The Topographical base plan and details of survey carried out by Thiru.K.Neelakandan, Sub-Inspector of Survey and submitted his sketch on 30.10.2021. (Annexure - 7)

iii) In then Kancheepuram District, presently Chengalpattu District a Rough stone and Gravel quarry leases had been granted in S.No.7/1A1 to the 8th respondent vide District Collectors Proceedings Rc.575/2010-Q1 dated 5.6.2013 and lease expired on 4.06.2018. Another a Rough stone and Gravel quarry lease had been granted in SF.Nos. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D,

4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 of Avarimedu village in Madurantakam Taluk vide Assistant Director, Geology and Mining, Chengalpattu Proceedings Rc. 505/2019-Q2 dated 24.10.2020 and lease period from 24.10.2020 to 23.10.2030. All the leased out areas are merged together and formed a single pit and part of the pit filled with water. Presently the 8th respondent having quarry lease for quarrying rough stone in S.No. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 over an extent of 2.34.50 hect. in Avarimedu village of Madurantakam Taluk and the lease valid upto 23.10.2030. The details of lease granted in Avarimedu village are as follows:-

Sl. No	Name of the lessee and address	SF.Nos.	Extent in hect.	District Collector's Proceedings.	Lease Period.
1	S.Murali, S/o.Subramanian, 20/09, Akamelupuram, Mudichur Road, Tambaram West, Chennai-45.	7/1A1	1.50.0	Rc.575/2010/ Q1 dated 5.06.2013	05.06.2013 To 04.06.2018
2.	S.Murali, S/o.Subramanian, AFF1, Alayam Thilagavathi Enclave, Kurunji Nagar, Ist Main Road, Old Perunglathur, Chennai-63. Since the lessee	3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1,	2.34.50	Rc.505/2019/ Q2 Dated 24.10.2020.	24.10.2020 To 23.10.2030

Thiru.S.Murali expired therefore the lease transfer vide Assistant Director Geology and Mining, Chengalpattu Proceedings Rc.No.505/Q2/2019 dated 01.07.2021 in the name of his wife M.Jayalakshmi W/o.S.Murali AFF1, Aayam Thilagavathi Enclave, Kurunji Nagar, Ist Main Road, Old Perunglathur, Chennai-63.	4/2C2, 4/2C3			
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1.3(1) Lease I :- S.F.Nos.7/1A1, Over an extent of 1.50.00Hect.

i) A Rough Stone quarry lease has been granted for the period of five years to S.Murali for quarrying Rough stone and Gravel in patta survey numbers 7/1A1 over an extent of over an extent of 1.50.00 hectares of Avarimedu village, Madurantakam Taluk, Chengalpattu District vide Kanchipuram District Collector Proceedings Rc.No. Rc.575/2010-Q1 dated 05.06.2013. The lease deed was executed on 05.06.2013 and the lease valid upto 04.06.2018. (Annexure - 8)

ii) The lessee has obtained Environmental clearance from the State level Environmental Impact Assessment Authority for a period of 5 years from the date of execution of lease deed vide Lr. No. SEIAA-TN/F.No.1072/EC/1(a)/299/2013 Dated. 15.05.2013 subject to the conditions stipulated therein for quarrying of Rough Stone in SF.No.7/1A1., to the tune of Rough stone 140725 cbm & 21962 cbm

of Gravel over a period of five years. (Annexure -9)

iii) The lessee has also obtained TNPCB consent vide Proc.NO.F.SPR1712/RS/DEE/TNPCB/SPR/W&A/2013 dated 10.09.2013 valid up to Two years subject to comply with the conditions in the EC and quarry lease agreement. (Annexure - 10) and subsequently renewed up to 31.03.2018.

iv) The lessee has entered blasting work contract agreement with Thiru.K.Balasundaram Proprietor/Occupier of M/s.Lakshmi Explosives, No.24/A, Panankadu, Suriyampalayam Post, Thiruchenkodu Taluk, Namakkal District for extraction of quarrying mineral. On verification of register maintained by the lessee it is revealed that the blasting has been carried out by the manager of mines between 2 PM to 4 PM and also local enquiry conformed the blasting has not been done during the night time. (Annexure - 11).

1.3(2) Violations are observed during the inspection within the area granted under lease.

i) As per the lease granting order and lease deed conditions the lessee has not provided safety distance of 7.5 metres to the adjacent land in the west and northern side.

ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area in good condition as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.

iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoid untoward incident as per regulation 106(2)(a) of the Metalliferous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.

iv) The lessee has not monitored the quality of the ground

water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the boundary of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.

v) As per the pit measurements, it is estimated that, a quantum of 4,51,710 M3 of rough stone and 23,440 M3 of weathered rock had been quarried within the lease hold area ie., in S.F.Nos.7/1A1 over an extent of over an extent of 1.50.00 hect.

vi) Mining operation is approved up to depth of 27 m (below ground level) in the mining plan / environmental clearance whereas the lessee has carried out the mining operation to maximum depth of 53 metres. The lessee had been removed 1,83,510 M3 of Rough stone and 23,440 M3 of weathered rock over and above the quantity approved in the mining plan from the area granted under lease in S.F.Nos. 7/1A1.

1.4(1) Lease II :- S.F.Nos. 3/1, 3/2 Etc Over an extent of 2.34.50 Hect.

i) A Rough Stone and Gravel quarry lease has been granted for the period of ten years to Tmt.M.Jayalakshmi for quarrying Rough stone and Earth in patta survey numbers 3/1, 3/2, 3/3, 3/4,4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 over an extent of over an extent of 2.34.50 hectares of Avarimedu village, Madurantakam Taluk, Chengalpattu District vide Kanchipuram District Collector Proceedings Rc.No.505/Q2/2019/dated 24.10.2020. The lease deed was executed on 24.10.2020 and will be expired on 23.10.2030. (Annexure - 12)

ii) The lessee has obtained Environmental clearance from the State level Environmental Impact Assessment Authority for a period of 5 years from State Level the date of execution of lease deed vide Lr.No.SEIAA-/TN/F.No.7553/1(u)/ EC.No.4405 /2020 Dated 21.10.2020 subject to the conditions stipulated therein for quarrying of Rough Stone and Gravel in SF.No.3/1, 3/2 etc., to the tune of

3,04,181 cbm and 34,354 cbm respectively. (Annexure - 13)

iii) The lessee has also obtained TNPCB consent vide CTO Proc.No.F.3110MMN/RS/DEE/TNPCB/MMN/W&A/2020 dated 19.10.2020 valid up to 31-03-2025 subject to comply with the conditions in the EC and quarry lease agreement. (Annexure - 14)

iv) The lessee has entered blasting work contract agreement with Thiru.K.Balasundaram Proprietor/ Occupier of M/s.Lakshmi Explosives, Tiruchengode, Namakkal District for extraction of quarrying mineral. (Annexure - 15)

1.4(2) Violations are observed during the inspection within the lease area.

i) As per the lease granting order and lease deed conditions the lessee has not provided safety distance of 7.5 metres to the adjacent patta land in the Eastern side.

ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area in good condition as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.

iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the Metalliferous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.

iv) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions The lessee has not planted any green belt development around the bounty of the quarry site in manner to preservation of environment and ecology of the area as per rule 36

(5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.

v) As per the permit register of the Department of Geology and

Mining, Chengalpattu, the lessee has obtained transport permit for 12,600 cub. of Rough stone and 5,100 cub. of Gravel for the period upto 28.09.2021. Further, as per the pit measurements it is estimated that 1,54,501 cbm of Rough Stone and 23,208 cbm of weathered rock had been removed within the lease hold area. In this connection, it is observed that the lessee has quarried & removed 1,41,901 cbm. of rough stone and 23,208 cbm. of weathered rock exceeding the permitted quantity as per the permit register.

1.5. The quantity of rough stone permitted for production in the Approved Mining Plan / Environmental Clearance, the quantity for which transport permits obtained from the Office of the Assistant Director of Geology and Mining, Chengalpattu and the actual quantum of minerals quarried and removed within the lease hold area granted under lease-I & II of Avarimedu village of Madurantakam Taluk as tabulated below:-

Sl. No	Lease	Quantum of mineral permitted for production in the approved mining plan (in M ³).		Quantum of minerals for which transport permits obtained (in M ³)		Actual quantity of minerals quarried and removed (in M ³)			Quantum of Mineral quarried and transported unlawfully (in M ³)	
		Gravel	Rough stone	Gravel	Rough stone	Gravel	Weathered rock	Rough stone	Weathered rock	Rough stone
	1	2	3	4	5	6	7	8	9	9=(8-5)
1	Lease-I	21,962	1,40,725	Nil	2,68,200	-	23,440	4,51,710	23,440	1,83,510
2	Lease-II	34,354	3,04,181	5,100	12,600	5,100	23,208	1,54,501	23,208	1,41,901
Total		56,316	4,44,906	5,100	2,80,800	5,100	46,648	6,06,211	46,648	3,25,411

Thus, it is estimated that an quantum of 46,648 M³ of weathered rock and 3,25,411 M³ of rough stone has been quarried and removed from the lease hold area without payment of seigniorage fee and without obtaining despatch slips.

2. Illegal quarry in non-lease hold area:

i) The lessee has indulged illegal quarrying operation in the adjacent patta in S.F.Nos.5 & 6 over an extent of 0.31.00 hect. and illegally transported to the tune of 5,480 M³ of weathered rock and 12,696 M³ of rough stone and thereby the lessee contravened the sub section & (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957.

ii) Dumping of Gravel and weathered rock was noticed in the Southern side i.e, in non lease hold area in S.F.Nos 244/6, 244/11 and 244/13 of Sirunallur village. It is estimated that a quantum of 54078 M³ of gravel and weathered rock was dumped.

Abstract for Quantity of Minerals Quarried and Transported Unlawfully/Illegally

Sl. No.	S.F.Nos.	Extent (in Hec.)	Quantum of the Mineral Illegally quarried (within the lease hold area)		Quantum of the Mineral Illegally quarried (Outside the lease hold area)	
			Weath ered rock (in M ³)	Rough stone (in M ³)	Weath ered rock (in M ³)	Rough stone (in M ³)
1.	Lease - I	1.50.00	23,440	1,83,510	-	-
2.	Lease - II	2.34.50	23,208	1,41,901	-	-
3.	SF.No.5 & 6	0.31.0	-	-	5,480	12,696
TOTAL			46,648	3,25,411	5,480	12,696

3. Environmental compensation and cost required for environmental damages

As per the CPCB guidelines the Environmental compensation shall be calculated as,
 Environmental compensation to be paid (EC) = $Pl \times N \times R \times S \times LF$ Where,

Pl Pollution index of industrial sector - For Red category [Sl. No. 1085] it is 60 to 100. An average value of 80 taken
 N Number of days of violation took place

(i) For Lease 1 & Lease 2

Actual quantity of minerals (rough stone and gravel) quarried and removed	$475150 \text{ m}^3 + 182809 \text{ m}^3 + 18176 \text{ m}^3 = 676135 \text{ m}^3$
Number of days of quarrying operation from 05.06.2013 to 04.06.2018 and from 24.10.2020 to 05.10.2021	$1826 + 347 = 2173$
Quantity of minerals (rough stone and gravel) quarried per day	$676135/2173 = 311.153 \text{ m}^3$
Quantum of minerals (rough stone and gravel) for which transport permits obtained	$(268200 + 5100 + 12600) = 285900 \text{ m}^3$
Number of days of quarrying operation carried legally	$285900/311.153 = 918.84$ (919 days)
Number of days of quarrying operation carried unlawfully / illegally	$2173 - 919 = 1254$

Hence, it may be considered that the proponent has taken the excess mining days from the date of commissioning from 05.06.2013 to 04.06.2018 & 24.10.2020 to 05.10.2021 (1254 days)

R = A factor in Rupees for EC is minimum of 100 and

maximum of 500. An average value of 250 taken for violation

S = Factor for scale of operation (0.5 for small, 1.0 for medium and 1.5 for large scale). Hence 0.5 taken since it is small scale.

LF = Location factor (population from 1 to <5 million LF is 1.25).

$$EC = 80 \times 1254 \times \text{Rs.}250 \times 0.5 \times 1.25 = \text{Rs.}1,56,75,000/$$

(Rupees One Crore Fifty Six Lakhs Seventy Five Thousand only)

It is respectively submitted that the proponent may be issued with directions to remit the Environmental compensation of Rs.1,56,75,000/ (Rupees One Crore Fifty Six Lakhs Seventy Five Thousand only) under section 5 of Environmental [Protection] act, 1986 as amended after giving an opportunity to the project proponent.

4. Recommendations :-

- i) For illegal and unlawful quarrying and transportation of 5,480 M3 of weathered rock and 12,696 M3 of Rough stone in non lease hold area Patta SF.No.5 and 6 of Avarimedu village, Madurantakam Taluk and for the unlawful quarrying and removal of 46,648M3 of weathered rock and 3,25,411M3 of Rough stone from the lease hold area necessary action has to be initiated by the concerned authority as per 36-A of Tamil Nadu Minor Mineral Concession Rules, 1959.
- ii) For the violations of lease deed conditions, penalty action may be imposed in respect of such breach or may cancel the lease after granting an opportunity of hearing to the lessee as per the Rule 36 (5) (h) of Tamil Nadu Minor Mineral Concession Rules, 1959 after providing opportunity for personal hearing.
- iii) Since at present further quarrying in the subject area is endanger to the life of the quarry workers, further quarrying may be allowed only after taking

remedial measures and after getting concurrence from the Director General of Mines Safety and District Collector.

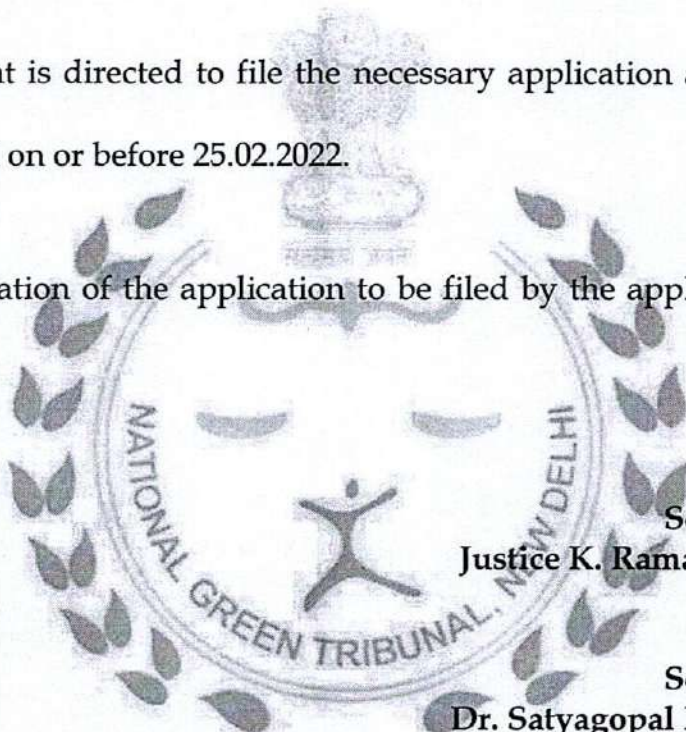
- iv) *The committee recommends that the lessee shall deposit Environmental Compensation as appealed by Hon'ble National Green Tribunal (SZ) in the TNPCB – Environmental Compensation Fund payable at Chennai. The amount shall be used for restoration of environment and for necessary remedial and preventive measures in regard to environmental matters."*

3. The Revenue Divisional Officer, Director of Mines, SEIAA – Tamil Nadu and the District Collector have filed their independent status reports.
4. Though they have quantified the amount for excess mining and also the environmental compensation, they have not mentioned as to whether any steps have been taken to recover the amount.
5. Mr. Moorthy, the learned counsel who proposed to appear for the wife of the 8th Respondent submitted that the 8th Respondent namely, Mr. Murali is no more.
6. When this was pointed out, the learned counsel appearing for the applicant submitted that he will take steps to implead the wife of the original 8th Respondent in whose favour the lease has been transferred and she is conducting the quarry at present.

7. The applicant is directed to file an application for impleading the present lease holder and also amend the application incorporating the nature of violation committed by the subsequent lessee and also explain the nature of violation whether it was done during the period of original lessee's leasehold period or subsequently, in order ascertain the liability of the person and how the liability will have to be fixed.

8. The applicant is directed to file the necessary application as directed by this Tribunal on or before 25.02.2022.

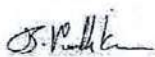
9. For consideration of the application to be filed by the applicant, post on 02.03.2022.



Sd/-
Justice K. Ramakrishnan, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.156/2021 (SZ),
18th February 2022. Mn.


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ANNEXURE – A/21**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI**

Interlocutory Application

(Under Section 19 (1) of National Green Tribunal Act, 2010)

I.A. No.44 of 2022 (SZ)

In

ORIGINAL APPLICATION No.156 OF 2021

IN THE MATTER OF:

Mr.B.Pasumpon Anand

S/o P. Bhagavathi

53/19, PillayarKovil Street,

Nesapakkam, West KK Nagar

Chennai – 600 078

Email: anandpasumpon@gmail.com, Ph: +91 9840817546

...APPLICANT/APPLICANT

VERSUS**1. STATE OF TAMIL NADU**

Represented by its Principal Secretary

Environment Forest & Climate Change Department

Secretariat Complex, NamakkalKavignarMaaligal,

Fort St. George, Rajaji Road

Chennai – 600 009

Email: forsec@tn.gov.in, Ph: +91 04425671511**2. STATE ENVIRONMENTAL IMPACT ASSESMENT
AUTHORITY**

Represented by its Director

No.1,3rd Floor, PanagalMaaligal

Jeenls Road, Saidapet

Cheennai – 600 015

Email: tn doe@tn.nic.in, Phone: 044-2435 9974**3. THE DISTRICT COLLECTOR**

Chengalpattu District

Collector Office, GST Road,

Chengalpattu District, Tamil Nadu Pin – 603001

Email: collr-cpt@nic.in, Phone: 044-27427412

4. **TAMIL NADU POLLUTION CONTROL BOARD**
Represented by its Member Secretary
No.76, Mount Road,
Guindy, Chennai-600032.
Email: tnpcb-chn@gov.in, Phone: 044- 22353145
5. **DIRECTORATE OF GEOLOGY AND MINING**
Represented by its Director
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai-600032.
Email: cgmchennai32@gmail.com, Phone: 044-22501158
6. **DISTRICT ENVIRONMENTAL ENGINEER,**
Chengalpattu District
MaraimalaiAdigalar Street, Next to Municipal Office,
Marimalai Nagar,
Kancheepuram District – 603 209.
Email: tnpcbmmnagar@gmail.com, Phone: 044-27454422
7. **REVENUE DIVISIONAL OFFICER**
Maduranthakam
Tamil Nadu 603306
Email: rdomdm.tnkpm@nic.in Phone: 044-27552196
8. **Mr.S.MURALI**
Proprietor Prasanna Blue Metal
AFF1, AlayamsThilagavathy Enclaves,
Kurinji Nagar, 1st Main Road,
Old Perangalathur, Chennai-600063.
Email: prasannablumetal@yahoo.com,
Phone: +91 9150066990 ...RECONDENTS/RESPONDENTS
9. **Mrs. JAYALAKSHMI MURALI**
W/o Late Mr.S.Murali
Proprietor Prasanna Blue Metal,
AFF1, AlayamsThilagavathy Enclave,
Kurinji Nagar, 1st Main Road,
Old Perangalathur, Chennai – 600063.
Email: prasannablumetal@yahoo.com,
Phone: +91 9150066990 ...PROPOSED RESPONDENT

To,

The Hon'ble Chairman and accompanying members of the National
Green Tribunal

Humbly submitted by the Applicant above named

I, B.Pasmpoon Anand s/o Bhagavathi, residing at 53/19, PillayarKovil Street, Nesapakkam, West KK Nagar, Chennai – 600 078, do hereby solemnly affirm and sincerely state as follows:

1. I am the Applicant herein and as such I am fully acquainted with the facts and circumstances of this case and competent to swear this Interlocutory Application.
2. It is submitted that the present Original Application No. 156 of 2021 (SZ) has been filed seeking to permanently injunct the 8th Respondent and its affiliates from commissioning and operating the Quarry unit at Survey Nos. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 and 7/1A1 (Previous Site) in Avirimedu Village, Maduranthakam Taluk, Chengalpattu District, Tamil Nadu.
3. The Above O.A. No. 156 of 2021 (SZ) had come up for admission on 27.07.2021 before this Hon'ble Tribunal, the matter was admitted and this Tribunal directed the Applicant to issue notice through Court and take private to the Respondents. In pursuance WITH THE DIRECTION of this Hon'ble Tribunal notice was taken to all Respondents on 05.08.2021 and affidavit of service along with acknowledgement cards was filed on 18.08.2021. However it is submitted that the notice to the 8th Respondent was returned with the remarks as "**Deceased**". Further, on 22.09.2021 the learned counsel for the 8th Respondent entered appearance and submitted that the 8th Respondent died on 28.05.2021 and notice was served on the 8th Respondent's wife. Therefore, this Hon'ble Tribunal vide its order dated 22.09.2021 directed the Applicant to take steps to implead the 8th Respondent's wife (Mrs. Jayalakshmi Murali) as the proposed respondent's to the subject case.
4. It is submitted that, the Proposed Respondent (Mrs. Jayalakshmi Murali) had subsequently entered into a supplementary lease agreement vide Doc No 2770/2021 dated 01.07.2021 to undertake mining operations of the Quarry unit (M/s Prasanna Blue Metals) in the survey numbers aforementioned and is currently the proprietor for the said Quarry unit. Therefore this application is filed.

5. The Original Application No. 156 of 2021 (SZ) filed by the Applicant may be treated as part and parcel of this Interlocutory Application also.

PRAYER

For the reasons stated in the above, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

- A. Implead Mrs. Jeyalakshmi Murali W/o Late Mr.S.Murali Proprietor Prasanna Blue Metal,AFF1, AlayamsThilagavathy Enclave, Kurinji Nagar, 1st Main Road, Old Perangalathur, Chennai – 600063 as a necessary party/Respondent in the above OA No. 156 of 2021 (SZ).

And

- B. Pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.

APPLICANT

VERIFICATION

I, B. Pasmpon Anand s/o Bhagavathi, residing at 53/19, PillayarKovil Street, Nesapakkam, West KK Nagar, Chennai – 600 078 do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and that I have not suppressed any material fact.

APPLICANT

Date: 23.02.2022

Place: Chennai



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ANNEXURE – A/22

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

Interlocutory Application

(Under Section 19 (1) of National Green Tribunal Act, 2010)

I.A. No.of 2022 (SZ)

In

ORIGINAL APPLICATION No.156 OF 2021

IN THE MATTER OF:

Mr.B.PasumponAnand
S/o P.Bhagavathi

...APPLICANT/APPLICANT

VERSUS

State of Tamil Nadu & 7 Others

...RESPONDENTS/RESPONDENTS

**AMENDMENT APPLICATION FILED BY THE APPLICANT FOR
AMENDING THE PLEADINGS IN ORIGINAL APPLICATION**

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PLACE: CHENNAI

DATE: 26.02.2022

COUNSEL FOR APPLICANT/APPLICANT

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

Interlocutory Application

(Under Section 19 (1) of National Green Tribunal Act, 2010)

I.A. No.of 2022 (SZ)

In

ORIGINAL APPLICATION No.156 OF 2021

IN THE MATTER OF:

Mr.B.PasumponAnand
S/o P.Bhagavathi
53/19, PillayarKovil Street,
Nesapakkam, West KK Nagar
Chennai – 600 078
Email: anandpasumpon@gmail.com, Ph: +91 9840817546

...APPLICANT/ APPLICANT

VERSUS

1. STATE OF TAMIL NADU

Represented by its Principal Secretary
Environment Forest & Climate Change Department
Secretariat Complex, NamakkalKavignarMaaligai,
Fort St. George,Rajaji Road
Chennai - 600 009
Email: forsec@tn.gov.in, Ph: +91 04425671511

2. STATE ENVIRONMENTAL IMPACT ASSESMENT AUTHORITY

Represented by its Director
No.1, 3rd Floor, PanagalMaaligai
Jeenis Road, Saidapet
Chennai- 600 015
Email: tn doe@tn.nic.in ,Phone: 044-2435 9974

3. THE DISTRICT COLLECTOR

Chengalpattu District
Collector Office, GST Road,
Chengalpattu District, Tamil Nadu Pin – 603001
Email: collr-cpt@nic.in, Phone: 044-27427412

4. TAMIL NADU POLLUTION CONTROL BOARD

Represented by its Member Secretary

No.76, Mount Road,

Guindy, Chennai-600032.

Email: tnpcb-chn@gov.in, Phone: 044- 22353145

5. DIRECTORATE OF GEOLOGY AND MINING

Represented by its Director

Alandur Road, Guindy Industrial Estate,

Guindy, Chennai-600032.

Email: cgmchennai32@gmail.com, Phone: 044-22501158

6. DISTRICT ENVIRONMENTAL ENGINEER,

Chengalpattu District

MaraimalaiAdigalar Street, Next to Municipal Office,

Maraimalai Nagar,

Kancheepuram District - 603 209.

Email: tnpcbmmnagar@gmail.com, Phone: 044 - 27454422

7. REVENUE DIVISIONAL OFFICER

Maduranthakam

Tamil Nadu 603306

Email: rdomdm.tnkpm@nic.in, Phone: 044-27552196

8. Mr.S.MURALI

Proprietor Prasanna Blue Metal,

AFF1, AlayamsThilagavathy Enclave,

Kurinji Nagar, 1stMain Road,

Old Perangalathur, Chennai -600063.

Email: prasannablumetal@yahoo.com, Phone: +91 9150066990

9. Mrs.JAYALAKSHMI MURALI

W/o Late Mr.S.Murali

Proprietor Prasanna Blue Metal,

AFF1, AlayamsThilagavathy Enclave,

Kurinji Nagar, 1stMain Road,

Old Perangalathur, Chennai -600063.

Email: prasannablumetal@yahoo.com, Phone: +91 9150066990

....RESPONDENTS/RESPONDENTS

To,

The Hon'ble Chairman and accompanying members of the National Green Tribunal

Humbly submitted by the Applicant above named

I, B.PasmonAnand s/o Bhagavathi, residing at 53/19, PillayarKovil Street, Nesapakkam, West KK Nagar, Chennai – 600 078, do hereby solemnly affirm and sincerely state as follows:

1. I am the Applicant herein and as such I am fully acquainted with the facts and circumstances of this case and competent to swear this Interlocutory Application.
2. It is submitted that the present Original Application No. 156 of 2021 (SZ) has been filed seeking to permanently injunct the 8th& 9th Respondent from commissioning and operating the Quarry unit at Survey Nos. 3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 ,4/2C3 and 7/1A1(Previous Site) in Avirimedu Village, MaduranthakamTaluk, Chengalpettu District, Tamil Nadu.
3. I humbly submit that, the project proponent (8th Respondent) initially leased lands comprised in Survey No. 7/1A1 at Avirimedu village, MaduranthagamTaluk, Kancheepuram District measuring an extent of 1.50.0 ha for producing 140725 m³ of Rough Stone & 21962 m³ of Gravel at a depth of 27 meters from Ground level in the name and style of "**Prasanna Blue Metals**".
4. Thereafter, to expand its production capacity, the 8th Respondent subsequently leased lands at New Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 adjoining the previous quarry pit (S.No

7/1A1) of Avirimedu Village, Maduranthakam Taluk, Chengalpattu District, Tamil Nadu and consequently obtained Environmental clearance on 21.10.2020 vide Lr.No.SEIAA-TN/F.No.7553/1(a)/E.C No:4405/2020 to produce 3,04,181 m³ of Rough Stone and 34,354 m³ for a period of 5 years. Consequently, the lease deed was also executed on 24.10.2020 upto 23.10.2030 with the 3rd Respondent.

5. All the leased out areas are merged together and formed a single quarry pit along with water pit. The activity undertaken by the Project Proponent is categorized as "**Non coal mining**" project requiring prior environmental clearance as per the order of the Hon'ble Supreme Court dated 27.02.2012 in SLP (C) No. 19628-19629 of 2009 and MOEF & CC office memorandum dated 18.05.2012.
6. The primary allegation as against the Project Proponent is that, the unit has been engaging in excessive & illegal mining by breaching of conditions set forth in the Environmental Clearance and further causing damage to the environment thereof. Therefore, in pursuance with the violations committed by the Project Proponent (8th & 9th Respondent), this original application is filed before this Hon'ble Tribunal on 12.07.2021 and consequently registered as **O.A No.156/2021**.
7. I humbly submit that, when the matter was taken up for admission on 27.07.2021, this Hon'ble Tribunal was pleased to order constitution of joint committee comprising
 - i. The District Collector, Chengalpattu District or a Senior Officer not below the rank of Assistant Collector/Sub Divisional Magistrate as deputed by the District Collector,
 - ii. Senior Officer from the State Environmental Impact Assessment Authority (SEIAA), Tamil Nadu,
 - iii. A Senior Officer from the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman and

- iv. A Senior Officer from the Directorate of Geology and Mining, Guindy, Chennai,

to inspect the area in question and submit a factual as well as action taken report if there is any violation found and also ordered for notice to the Respondents returnable by 24.08.2021.

8. In compliance with the order of this Hon'ble Tribunal, the joint committee was constituted on September, 2021 and inspection on the aforementioned leased quarry site was conducted on 05.10.2021. Therefore, based on the inspection, the joint committee tabled its report before this Hon'ble Tribunal on 30.11.2021 with the following observation that;

- I. The lessee has not provided safety distance of 7.5 meters to the adjacent patta land in the Eastern side.
- II. Boundary pillars have not been erected and maintained all along the boundary of the lease granted area in good condition as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.
- III. The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoid untoward incident as per regulation 106(2)(a) of the Metalliferous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skillful, scientific and systematic manner keeping in view of proper safety of the laborers.
- IV. The lessee has not monitored the quality of the ground water once in 3 months and not conducted any air sampling survey in and around the quarry site.
- V. As per the permit register of the Department of Geology and Mining, Chengalpattu, the lessee has obtained transport permit for **12,600 cub.** of Rough stone and **5,100 cub.** of Gravel for the

period upto 28.09.2021. Further, as per the pit measurements it is estimated that **1,54,501 cbm** of Rough Stone and **23,208 cbm** of weathered rock had been removed within the lease hold area. In this connection, it is observed that the lessee has quarried & removed **1,41,901 cbm.** of rough stone and **23,208 cbm.** Of weathered rock exceeding the permitted quantity as per the permit register.

- VI. The lessee has indulged illegal quarrying operation in the adjacent patta in S.F.Nos.5 & 6 over an extent of 0.31.00 hect and illegally transported to the tune of 5,480 M3 of weathered rock and 12,696 M3 of rough Sl. No Lease Quantum of mineral permitted for production in the approved mining plan (in M3).
9. However, in the meanwhile, it was revealed that, the 8th Respondent had expired on 28.05.2021 through return of notice dated 05.08.2021 and operations of the Quarrying unit had been taken over by the 9th Respondent wife of 8th Respondent. Hence this Hon'ble Tribunal vide its order dated 18.08.2021 directed the Applicant to take steps to implead the 9th Respondent and further amend the application to specify the nature of violations committed by the subsequent lessee(9th Respondent).
10. I humbly submit that, in light of the above, the pleadings need to be amended in a manner to reflect the violations committed during the tenure of the subsequent lessee i.e 9th Respondent. There is also need to carry out a consequential amendment in the cause title of the original application to reflect the joinder of the 9th Respondent and a consequential amendment to the prayer.

- 11.I state that the cause title in the original application may be amended to reflect the addition of the 9th Respondent along with the other Respondents as follows

"Mrs.JAYALAKSHMI MURALI

W/o Late Mr.S.Murali

Proprietor Prasanna Blue Metal,

AFF1, AlayamsThilagavathy Enclave,

Kurinji Nagar, 1st Main Road,

Old Perangalathur, Chennai -600063.

Email: prasannablue-metal@yahoo.com,

Phone: +91 9150066990"

(As per the order of the Hon'ble Tribunal dated 18.02.2021 in O.A.No.156 of 2021) and also permit the applicant to amend relevant paragraphs in the original application to include the role of the 9th Respondent in relation to the violations committed subsequently (As per the order of the Hon'ble Tribunal dated 25.02.2022 in O.A.No.156 of 2021).

- 12.I further state that the Para 4 of the original application may be amended to include the following sentence:

"The Respondent No.9 is the Subsequent Lease Holder/Project Proponent of the unit"**Prasanna Blue Metals**" engaged in rough stone and gravel quarrying inAvirimedu Village, MaduranthakamTaluk, Chengalpettu District, Tamil Nadu."

- 13.I submit that, the averments in Para 9 of the Original Application may be amended to include following sentence:

"Thereafter on demise of the 8th Respondent on 28.05.2021, the 9th Respondent (Mrs.JayalakshmiMurali) w/o Late Mr.Murali (8th Respondent) assumed charge of the Quarry Unit (M/s Prasanna Blue Metals) vide Proceedings Rc.No 505/Q2/2019 of the Assistant Director, Department of Geology & Mining , Chengalpattudated 01.07.2021. Further in addition to the same, Supplementary lease deed dated 01.07.2021 was entered with the said Assistant Director

for quarrying rough stone and gravel for 10 years commencing from 24.10.2020 to 23.10.2030.

14. I submit that , the following Paragraph 10-A may be included before Para 10 of the original application to reads as follows :

"10-A – Pursuant to the execution of the Lease deed on 01.07.2021, the 9th Respondent undertook the business of the unit and entered into an agreement for Blasting works with Mr.K.Balasundaram (Proprietor) of M/s Lakshmi Explosives, Thirunchengode, Nammakkal District for extraction of Quarrying Mineral vide agreement dated 25.08.2021. Thereafter, the 9th Respondent commenced work of mineral extraction in the said site and continued to operate thereafter. In addition to the same, the 9th Respondent had also undertaken illegal quarrying activities in non-lease hold S.Nos 5 & 6 over an extent of 0.31.00 hectares as per the findings of the Joint inspection committee duly constituted by this Hon'ble Tribunal.

15. I state that, Para 18-A of original application may be included to highlight the role of the 9th Respondent in the continuing violations discovered by the joint committee which reads as follows :

18-A" It is pertinent to mention that, the 9th Respondent continued with the illegal operations of the 8th Respondent which can be evidenced from days calculation arrived from the report of the Joint Committee constituted by this Hon'ble Tribunal which as follows

Actual quantity of minerals (rough stone and gravel) quarried and removed	475150 m ³ + 182809 m ³ + 18176 m ³ = 676135
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Number of days of quarrying operation from 05.06.2013 to 04.06.2018 and from 24.10.2020 to 05.10.2021	$1826 + 347 = 2173$
Quantity of minerals (rough stone and gravel) quarried per day	$676135/2173 = 311.153\text{m}^3$
Quantum of minerals (rough stone and gravel) for which transport permits obtained	$(268200 + 5100 + 12600) = 285900 \text{ m}^3$
Number of days of quarrying operation carried legally	$285900/311.153 = 918.84$ (919 days)
Number of days of quarrying operation carried unlawfully / illegally	$2173 - 919 = 1254$

Hence, it is evident that from the findings of the Joint Committee that, the illegal quarrying activities commenced from 05.06.2013 to 04.06.2018 & 24.10.2020 to 05.10.2021 which undoubtedly proves that the 9th Respondent pursuant to the death of 8th Respondent on 28.05.2021 continued with the quarrying activity until valid lease was executed on 01.07.2021 and further continued to mine excessively after getting the Lease in her favour thereof."

15. I state that, Para 19 of original application may be amended to include the role of the 9th Respondent which is as follows

"Given the above circumstances, it is evident that the 8th & 9th Respondent have indulged in excessive and illegal mining by breaching the conditions set forth in the Environmental Clearance and thereby resulting in damage to environment, depletion of ground water table, damage to residential buildings and other associated environmental damage. In addition to the above the 8th & 9th Respondent has failed to take adequate measures to curtail air and noise pollution in the region.

Therefore, as the grievance of the Applicant remains unaddressed, this present original Application is filed".

16.I submit that, Para 20 may be included in the original application to mention additional facts on the 9th Respondent ; which reads as follows :

"20 - The Applicant submits that, the 8th& the 9th Respondents are habitually offenders wherein the signature of the Tahsildar, Maduranthakam has been forged in the Non Objection Certificate dated 10.06.2016 for obtaining statutory permissions like the Consent to establish/operate and consequent EB connections for its M-Sand and Crusher unit present adjacent to the Quarry site. The illegality of the 8th&9th Respondents have been firmly dealt with by the Hon'ble High Court of Madras in W.P No. 23756/2021 (B.PasumponAnandvs District Collector)"

17.In addition to the above, an additional Para 21 may be included in the original petition which reads as follows :

"21 - The 9th Respondent assumed charge over the assets and operations of the 8th Respondent by virtue of Rule 25-A(2) of The Mineral Concession rules, 1960 which reads as follows

Rule 25A. Status of the grant on the death of applicant for mining lease.—

(1) Where an applicant for grant or renewal of mining lease dies before the order granting him a mining lease or its renewal is passed, the application for the grant or renewal of a mining lease shall be deemed to have been made by his legal representative.

(2) In the case of an applicant in respect of whom an order granting or renewing a mining lease is passed, but who dies before the deed referred to in sub-rule (1) of rule 31 is executed, the order shall be deemed to have been passed in the name of the legal representative of the deceased.

Therefore in pursuance with the above rule, it is pertinent to mention that, the 9th Respondent is deemed to be the actual lessee commencing from 24.10.2020 and consequentially liable for all violations & illegal quarrying activities done between 24.10.2020 to 05.10.2021 (347 Days)".

18. I further submit that, the grounds B-K of the original application needs to be amended to inculcate the activities of the 9th Respondent

B. The operation of the 8th & 9th respondent unit are illegal, unauthorized, and environmentally unsustainable causing severe pollution, thus liable to be interfered with by this Hon'ble Tribunal.

C. The operation of the 8th & 9th Respondent unit are contrary to the established principles of law and in violation to the mandatory provisions under the scheme of Environmental Protection Act, 1985, the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 among others.

D. Excessive mining and excavation by the 8th Respondent and further continued by the 9th Respondent herein is contrary to the limits prescribed in the Environmental clearance has completely depleted the ground water resources and consequently destroyed the agricultural lands and other related activities in the entire region.

- E. The operation of the 8th& 9th respondent unit are being conducted without obtaining mandatory and valid permission for extraction of Ground water that too without assessing the ground water table and sustainability of the same for future and thus is liable to be interfered with.
- F. The operations of the 8th respondent and further continued by 9th Respondent have brought hardships to the rural population surrounding the mining site on account of irregular explosions and excessive excavations. All such actions have resulted in complete loss of livelihood and severe environmental damage to the entire region. The villagers and common public are unable to access the grazing field adjoining the site and thus is liable to be interfered with.
- G. The unit of the 9threspondent continues to carry on the operations and continues to violate the mandatory provisions of environment clearance granted with no actions forthcoming from the respondent officials and thus is liable to be interfered with.
- H. Irregular explosions are made by the 9thRespondent in total disregard to the ecological relevance of the area. The explosions have resulted in excessive noise and air pollution in the surrounding village. The residential buildings have developed cracks owing to the same.
- I. The 8th respondent has been found to be a proven violator beyond reasonable doubts from the report of the Taluk Revenue Inspector, ZaminEndathur U.M.005/2020/va.A dated 14.02.2020.And also the allegations of both 8th& 9th Respondent have been confirm through the inspection of the joint committee constituted by the order of this Hon'ble Tribunal

J. The Road Access to the 9th Respondent site passes through the Social Forestry/ MeikkalPorombokke (S.No 124) lands customarily used for cattle grazing and passage.

K. The operations of the 8th & 9th Respondent unit have jeopardized the livestock and cattle in the region by not fencing the quarry pit or area surrounding the site thereby rendering the grazing field (S.No 124) redundant. Also that, the operations of 9th Respondent has been carrying out illegal mining operations during the transition period of lease and other permissions as observed by the Joint Committee.

19.I state that, an additional ground may be included along with other grounds to enshrine the liability of the 9th Respondent ;which reads as follows :

L. The 9th Respondent is liable for the acts and violations of the 8th Respondent by virtue of successor liability enshrined in Rule 25-A of the Minor Minerals Concession Rules,1960by taking over the assets and operations of the 8th Respondent unit through Supplementary Lease Deed entered with Assistant Director, Department of Geology & Mining , Chengalpattudated 01.07.2021.

20.I further state that, the prayer in so far has been made only in relation to the acts of the 8th Respondent herein. Thus there is a need to amend the prayer in the original application which reads as follows :

"INTERIM RELIEF

For the reasons set out in the aforesaid paragraphs, the Applicant seeks the following Interim Relief from the Hon'ble Tribunal pending disposal of the present Application and thus render justice

1. To pass an order of interim injunction, restraining the 9th respondent from carrying out any operations at the mining site situated in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 at Avirimedu Village, MaduranthakamTaluk, Chengalpettu District, Tamil Nadu.
2. To constitute and appoint an independent expert committee or joint committee to study the ground situation in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 at Avirimedu Village, MaduranthakamTaluk, Chengalpettu District, Tamil Nadu where the 9TH Respondent's mining quarry is located.
3. To pass an order to constitute and appoint an independent expert committee to assess the environmental damages in Survey No. 7/1A1 (Previous site) at Avirimedu Village, MaduranthakamTaluk, Chengalpettu District, Tamil Nadu where the Quarry pit is located.
4. To direct the 9TH Respondents to fence the quarry site comprised in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 ,4/2C3 and 7/1A1(Previous Site) at Avirimedu Village, MaduranthakamTaluk, Chengalpettu District, Tamil Nadu.
5. To direct the Respondent 1-7 to take action against the 9TH Respondent according to law for violating the conditions prescribed in the environmental clearance and mining lease.
6. And such further order or orders as may be fit proper and necessary in the facts and circumstances of the case.

PRAYER

For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

- A. Direct the respondents 1 to 7 to revoke/cancel all licenses/permissions granted to the 8th & 9TH Respondent unit at Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 ,4/2C3 and 7/1A1(Previous Site) at Avirimedu Village, MaduranthakamTaluk, Chengalpattu District, Tamil Nadu.
 - B. Pass an order of permanent injunction against the 9TH Respondent from carrying out any polluting activity detrimental to the environment and the agriculture fields / grazing fields present surrounding the mining area in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 ,4/2C3 and 7/1A1(Previous Site) at Avirimedu Village, MaduranthakamTaluk, Chengalpattu District, Tamil Nadu."
18. The Original Application No. 156 of 2021 (SZ) filed by the Applicant may be treated as part and parcel of this Interlocutory Application also.

PRAYER

For the reasons stated in the above, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

- A. Amend the cause title of the Original Application(O.A No 156/2021) to include the 9th Respondent

"Mrs.JAYALAKSHMI MURALI

W/o Late Mr.S.Murali

Proprietor Prasanna Blue Metal,

AFF1, AlayamsThilagavathy Enclave,

Kurinji Nagar, 1st Main Road,

Old Perangalathur, Chennai -600063.
Email: prasannablue-metal@yahoo.com,
Phone: +91 9150066990"

as a party Respondent in the above OA No. 156 of 2021 (SZ).

B. Amend the contents of the Original Application in **Para 4,9& 19** and **Grounds B- K** and further include new additional paragraphs **10-A , 18-A, 20 & 21** and Additional Ground "**L**" to the Original Application.

C. Amend the Prayer of the Original Application to include the 9th Respondent and Pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.

APPLICANT

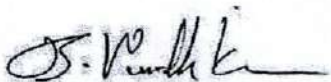
VERIFICATION

I, B.PasmonAnand s/o Bhagavathi, residing at 53/19, PillayarKovil Street, Nesapakkam, West KK Nagar, Chennai – 600 078 do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and that I have not suppressed any material fact.

APPLICANT

Date : 01.03.2022

Place : Chennai



//TRUE COPY//

ANNEXUER – A/23**Item No.9:-****BEFORE THE NATIONAL GREEN TRIBUNAL****SOUTHERN ZONE, CHENNAI**

Original Application No. 156 of 2021 (SZ) &

I.A. No. 44 of 2022 (SZ)

(Through Video Conference)

IN THE MATTER OF

B. PasumponAnand

S/o. P. Bhagavathi

53/19, PillayarKovil Street,

Nesapakkam, West KK Nagar,

Chennai – 600 078.

...Applicant(s)

Versus

State of Tamil Nadu

Represented by its Principal Secretary,

Environment Forests & Climate Change Department,

Secretariat Complex, NamakkalKavingarMaaligai,

Fort St. George, Rajaji Road, Chennai and Ors.

.... Respondent(s)

Date of hearing: 02.03.2022.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. K.M. Mrithunjayan.

For Respondent(s): Dr. D. Shanmuganathan for R1, R3, R5& R7.

Mr. G.M. Syed Nurullah Sheriff for R2.

Mr. S. Sai Sathya Jith for R4 & R6.

Mrs. Renukadevi along with

Mr. Moorthy for R8 & R9.

ORDER

I.A. No.44 of 2022 (SZ):

1. This interlocutory application [I.A. No.44 of 2022 (SZ)] has been filed by the Original Applicant to implead Mrs. Jayalakshmi Murali, wife of the 8th Respondent/Murali who is no more now and in whose favour subsequent lease was granted which according to the applicant in continuation of the lease granted in favour of the original lessee on his death and she is a necessary party to the proceedings.
2. So, the interlocutory application [I.A. No.44 of 2022 (SZ)] is allowed and Mrs. Jayalakshmi Murali is impleaded as additional 9th Respondent in the Original Application. With the above observation and directions, the I.A. No.44 of 2022 (SZ) is allowed and disposed of accordingly.

O.A. No.156 of 2021 (SZ):

3. Additional 9th Respondent is impleaded as per order in I.A. No.44 of 2022 (SZ).
4. The Registry is directed to carry out the amendment in the cause title.
5. The applicant is directed to produce the amended copy of the Original Application.
6. Mr. Moorthy along with Mrs. Renukadevi entered appearance for the newly added 9th Respondent. So, service complete.
7. The learned counsel appearing for the 9th Respondent wanted some time to file their reply to the Original Application and also objections to the Joint Committee report.
8. Though we directed the authorities to file the report regarding the steps taken by them in respect of recovery of the amount for excess mining, they have not filed the report so far.
9. When this was pointed out, the learned counsel appearing for the State Departments submitted that if some time is granted, they may be able to file the further report as directed by this Tribunal regarding the action taken for recovery of amount for the so called excess mining.
10. They are directed to file the report as directed by this Tribunal and parties are directed to complete the

11.I state that the cause title in the original application may be amended to reflect the addition of the 9th Respondent along with the other Respondents as follows

"Mrs.JAYALAKSHMI MURALI
W/o Late Mr.S.Murali
Proprietor Prasanna Blue Metal,
AFF1, AlayamsThilagavathy Enclave,
Kurinji Nagar, 1st Main Road,
Old Perangalathur, Chennai -600063.
Email: prasannabluemetal@yahoo.com,
Phone: +91 9150066990"

(As per the order of the Hon'ble Tribunal dated 18.02.2021 in O.A.No.156 of 2021) and also permit the applicant to amend relevant paragraphs in the original application to include the role of the 9th Respondent in relation to the violations committed subsequently (As per the order of the Hon'ble Tribunal dated 25.02.2022 in O.A.No.156 of 2021).

12.I further state that the Para 4 of the original application may be amended to include the following sentence:

"The Respondent No.9 is the Subsequent Lease Holder/Project Proponent of the unit"**Prasanna Blue Metals**" engaged in rough stone and gravel quarrying inAvirimedu Village, MaduranthakamTaluk, Chengalpettu District, Tamil Nadu."

13.I submit that, the averments in Para 9 of the Original Application may be amended to include following sentence:

"Thereafter on demise of the 8th Respondent on 28.05.2021, the 9th Respondent (Mrs.JayalakshmiMurali) w/o Late Mr.Murali (8th Respondent) assumed charge of the Quarry Unit (M/s Prasanna Blue Metals) vide Proceedings Rc.No 505/Q2/2019 of the Assistant Director, Department of Geology & Mining , Chengalpattudated 01.07.2021. Further in addition to the same, Supplementary lease deed dated 01.07.2021 was entered with the said Assistant Director

for quarrying rough stone and gravel for 10 years commencing from 24.10.2020 to 23.10.2030.

14. I submit that , the following Paragraph 10-A may be included before Para 10 of the original application to reads as follows :

"10-A – Pursuant to the execution of the Lease deed on 01.07.2021, the 9th Respondent undertook the business of the unit and entered into an agreement for Blasting works with Mr.K.Balasundaram (Proprietor) of M/s Lakshmi Explosives, Thirunchengode, Nammakkal District for extraction of Quarrying Mineral vide agreement dated 25.08.2021. Thereafter, the 9th Respondent commenced work of mineral extraction in the said site and continued to operate thereafter. In addition to the same, the 9th Respondent had also undertaken illegal quarrying activities in non-lease hold S.Nos 5 & 6 over an extent of 0.31.00 hectares as per the findings of the Joint inspection committee duly constituted by this Hon'ble Tribunal.

15. I state that, Para 18-A of original application may be included to highlight the role of the 9th Respondent in the continuing violations discovered by the joint committee which reads as follows :

18-A" It is pertinent to mention that, the 9th Respondent continued with the illegal operations of the 8th Respondent which can be evidenced from days calculation arrived from the report of the Joint Committee constituted by this Hon'ble Tribunal which as follows

Actual quantity of minerals (rough stone and gravel) quarried and removed	475150 m ³ + 182809 m ³ + 18176 m ³ = 676135
---	---

Number of days of quarrying operation from 05.06.2013 to 04.06.2018 and from 24.10.2020 to 05.10.2021	$1826 + 347 = 2173$
Quantity of minerals (rough stone and gravel) quarried per day	$676135/2173 = 311.153\text{m}^3$
Quantum of minerals (rough stone and gravel) for which transport permits obtained	$(268200 + 5100 + 12600) = 285900 \text{ m}^3$
Number of days of quarrying operation carried legally	$285900/311.153 = 918.84$ (919 days)
Number of days of quarrying operation carried unlawfully / illegally	$2173 - 919 = 1254$

Hence, it is evident that from the findings of the Joint Committee that, the illegal quarrying activities commenced from 05.06.2013 to 04.06.2018 & 24.10.2020 to 05.10.2021 which undoubtedly proves that the 9th Respondent pursuant to the death of 8th Respondent on 28.05.2021 continued with the quarrying activity until valid lease was executed on 01.07.2021 and further continued to mine excessively after getting the Lease in her favour thereof."

15.I state that, Para 19 of original application may be amended to include the role of the 9th Respondent which is as follows

"Given the above circumstances, it is evident that the 8th & 9th Respondent have indulged in excessive and illegal mining by breaching the conditions set forth in the Environmental Clearance and thereby resulting in damage to environment, depletion of ground water table, damage to residential buildings and other associated environmental damage. In addition to the above the 8th & 9th Respondent has failed to take adequate measures to curtail air and noise pollution in the region.

Therefore, as the grievance of the Applicant remains unaddressed, this present original Application is filed".

16.I submit that, Para 20 may be included in the original application to mention additional facts on the 9th Respondent ; which reads as follows :

"20 - The Applicant submits that, the 8th& the 9th Respondents are habitually offenders wherein the signature of the Tahsildar, Maduranthakam has been forged in the Non Objection Certificate dated 10.06.2016 for obtaining statutory permissions like the Consent to establish/operate and consequent EB connections for its M-Sand and Crusher unit present adjacent to the Quarry site. The illegality of the 8th&9th Respondents have been firmly dealt with by the Hon'ble High Court of Madras in W.P No. 23756/2021 (B.PasumponAnandvs District Collector)"

17.In addition to the above, an additional Para 21 may be included in the original petition which reads as follows :

"21 - The 9th Respondent assumed charge over the assets and operations of the 8th Respondent by virtue of Rule 25-A(2) of The Mineral Concession rules, 1960 which reads as follows

Rule 25A. Status of the grant on the death of applicant for mining lease.—

(1) Where an applicant for grant or renewal of mining lease dies before the order granting him a mining lease or its renewal is passed, the application for the grant or renewal of a mining lease shall be deemed to have been made by his legal representative.

(2) In the case of an applicant in respect of whom an order granting or renewing a mining lease is passed, but who dies before the deed referred to in sub-rule (1) of rule 31 is executed, the order shall be deemed to have been passed in the name of the legal representative of the deceased.

Therefore in pursuance with the above rule, it is pertinent to mention that, the 9th Respondent is deemed to be the actual lessee commencing from 24.10.2020 and consequentially liable for all violations & illegal quarrying activities done between 24.10.2020 to 05.10.2021 (347 Days)".

18. I further submit that, the grounds B-K of the original application needs to be amended to inculcate the activities of the 9th Respondent

B. The operation of the 8th & 9th respondent unit are illegal, unauthorized, and environmentally unsustainable causing severe pollution, thus liable to be interfered with by this Hon'ble Tribunal.

C. The operation of the 8th & 9th Respondent unit are contrary to the established principles of law and in violation to the mandatory provisions under the scheme of Environmental Protection Act, 1985, the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 among others.

D. Excessive mining and excavation by the 8th Respondent and further continued by the 9th Respondent herein is contrary to the limits prescribed in the Environmental clearance has completely depleted the ground water resources and consequently destroyed the agricultural lands and other related activities in the entire region.

- E. The operation of the 8th& 9th respondent unit are being conducted without obtaining mandatory and valid permission for extraction of Ground water that too without assessing the ground water table and sustainability of the same for future and thus is liable to be interfered with.
- F. The operations of the 8th respondent and further continued by 9th Respondent have brought hardships to the rural population surrounding the mining site on account of irregular explosions and excessive excavations. All such actions have resulted in complete loss of livelihood and severe environmental damage to the entire region. The villagers and common public are unable to access the grazing field adjoining the site and thus is liable to be interfered with.
- G. The unit of the 9threspondent continues to carry on the operations and continues to violate the mandatory provisions of environment clearance granted with no actions forthcoming from the respondent officials and thus is liable to be interfered with.
- H. Irregular explosions are made by the 9thRespondent in total disregard to the ecological relevance of the area. The explosions have resulted in excessive noise and air pollution in the surrounding village. The residential buildings have developed cracks owing to the same.
- I. The 8th respondent has been found to be a proven violator beyond reasonable doubts from the report of the Taluk Revenue Inspector, ZaminEndathur U.M.005/2020/va.A dated 14.02.2020.And also the allegations of both 8th& 9th Respondent have been confirm through the inspection of the joint committee constituted by the order of this Hon'ble Tribunal

J. The Road Access to the 9th Respondent site passes through the Social Forestry/ MeikkalPorombokke (S.No 124) lands customarily used for cattle grazing and passage.

K. The operations of the 8th & 9th Respondent unit have jeopardized the livestock and cattle in the region by not fencing the quarry pit or area surrounding the site thereby rendering the grazing field (S.No 124) redundant. Also that, the operations of 9th Respondent has been carrying out illegal mining operations during the transition period of lease and other permissions as observed by the Joint Committee.

19.I state that, an additional ground may be included along with other grounds to enshrine the liability of the 9th Respondent ;which reads as follows :

L. The 9th Respondent is liable for the acts and violations of the 8th Respondent by virtue of successor liability enshrined in Rule 25-A of the Minor Minerals Concession Rules,1960by taking over the assets and operations of the 8th Respondent unit through Supplementary Lease Deed entered with Assistant Director, Department of Geology & Mining , Chengalpattudated 01.07.2021.

20.I further state that, the prayer in so far has been made only in relation to the acts of the 8th Respondent herein. Thus there is a need to amend the prayer in the original application which reads as follows :

"INTERIM RELIEF"

For the reasons set out in the aforesaid paragraphs, the Applicant seeks the following Interim Relief from the Hon'ble Tribunal pending disposal of the present Application and thus render justice

1. To pass an order of interim injunction, restraining the 9th respondent from carrying out any operations at the mining site situated in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 at Avirimedu Village, MaduranthakamTaluk, Chengalpettu District, Tamil Nadu.
2. To constitute and appoint an independent expert committee or joint committee to study the ground situation in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3 at Avirimedu Village, MaduranthakamTaluk, Chengalpettu District, Tamil Nadu where the 9TH Respondent's mining quarry is located.
3. To pass an order to constitute and appoint an independent expert committee to assess the environmental damages in Survey No. 7/1A1 (Previous site) at Avirimedu Village, MaduranthakamTaluk, Chengalpettu District, Tamil Nadu where the Quarry pit is located.
4. To direct the 9TH Respondents to fence the quarry site comprised in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 ,4/2C3 and 7/1A1(Previous Site) at Avirimedu Village, MaduranthakamTaluk, Chengalpettu District, Tamil Nadu.
5. To direct the Respondent 1-7 to take action against the 9TH Respondent according to law for violating the conditions prescribed in the environmental clearance and mining lease.
6. And such further order or orders as may be fit proper and necessary in the facts and circumstances of the case.

PRAYER

For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

A. Direct the respondents 1 to 7 to revoke/cancel all licenses/permissions granted to the 8th & 9TH Respondent unit at Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 and 7/1A1(Previous Site) at Avirimedu Village, Maduranthakam Taluk, Chengalpattu District, Tamil Nadu.

B. Pass an order of permanent injunction against the 9TH Respondent from carrying out any polluting activity detrimental to the environment and the agriculture fields / grazing fields present surrounding the mining area in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 and 7/1A1(Previous Site) at Avirimedu Village, Maduranthakam Taluk, Chengalpattu District, Tamil Nadu."

18. The Original Application No. 156 of 2021 (SZ) filed by the Applicant may be treated as part and parcel of this Interlocutory Application also.

PRAYER

For the reasons stated in the above, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

A. Amend the cause title of the Original Application(O.A No 156/2021) to include the 9th Respondent

"Mrs.JAYALAKSHMI MURALI

W/o Late Mr.S.Murali

Proprietor Prasanna Blue Metal,

AFF1, AlayamsThilagavathy Enclave,

Kurinji Nagar, 1st Main Road,

Old Perangalathur, Chennai -600063.
Email: prasannablue-metal@yahoo.com,
Phone: +91 9150066990"

as a party Respondent in the above OA No. 156 of 2021 (SZ).

B. Amend the contents of the Original Application in **Para 4,9& 19** and **Grounds B- K** and further include new additional paragraphs **10-A , 18-A, 20 & 21** and Additional Ground "**L**" to the Original Application.

C. Amend the Prayer of the Original Application to include the 9th Respondent and Pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.

APPLICANT

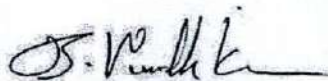
VERIFICATION

I, B.PasmonAnand s/o Bhagavathi, residing at 53/19, PillayarKovil Street, Nesapakkam, West KK Nagar, Chennai – 600 078 do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and that I have not suppressed any material fact.

APPLICANT

Date : 01.03.2022

Place : Chennai



//TRUE COPY//

ANNEXUER – A/23**Item No.9:-****BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 156 of 2021 (SZ) &

I.A. No. 44 of 2022 (SZ)

(Through Video Conference)

IN THE MATTER OF

B. PasumponAnand

S/o. P. Bhagavathi

53/19, PillayarKovil Street,

Nesapakkam, West KK Nagar,

Chennai – 600 078.

...Applicant(s)

Versus

State of Tamil Nadu

Represented by its Principal Secretary,

Environment Forests & Climate Change Department,

Secretariat Complex, NamakkalKavingarMaaligai,

Fort St. George, Rajaji Road, Chennai and Ors.

.... Respondent(s)

Date of hearing: 02.03.2022.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. K.M. Mrithunjayan.

For Respondent(s): Dr. D. Shanmuganathan for R1, R3, R5& R7.

Mr. G.M. Syed Nurullah Sheriff for R2.

Mr. S. Sai Sathya Jith for R4 & R6.

Mrs. Renukadevi along with

Mr. Moorthy for R8 & R9.

ORDER

I.A. No.44 of 2022 (SZ):

1. This interlocutory application [I.A. No.44 of 2022 (SZ)] has been filed by the Original Applicant to implead Mrs. Jayalakshmi Murali, wife of the 8th Respondent/Murali who is no more now and in whose favour subsequent lease was granted which according to the applicant in continuation of the lease granted in favour of the original lessee on his death and she is a necessary party to the proceedings.
2. So, the interlocutory application [I.A. No.44 of 2022 (SZ)] is allowed and Mrs. Jayalakshmi Murali is impleaded as additional 9th Respondent in the Original Application. With the above observation and directions, the I.A. No.44 of 2022 (SZ) is allowed and disposed of accordingly.

O.A. No.156 of 2021 (SZ):

3. Additional 9th Respondent is impleaded as per order in I.A. No.44 of 2022 (SZ).
4. The Registry is directed to carry out the amendment in the cause title.
5. The applicant is directed to produce the amended copy of the Original Application.
6. Mr. Moorthy along with Mrs. Renukadevi entered appearance for the newly added 9th Respondent. So, service complete.
7. The learned counsel appearing for the 9th Respondent wanted some time to file their reply to the Original Application and also objections to the Joint Committee report.
8. Though we directed the authorities to file the report regarding the steps taken by them in respect of recovery of the amount for excess mining, they have not filed the report so far.
9. When this was pointed out, the learned counsel appearing for the State Departments submitted that if some time is granted, they may be able to file the further report as directed by this Tribunal regarding the action taken for recovery of amount for the so called excess mining.
10. They are directed to file the report as directed by this Tribunal and parties are directed to complete the

pleadings on or before 23.03.2022 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules and get ready with the matter on 25.03.2022 for hearing.

11. The Registry is directed to communicate this order to the official respondents by e-mail for their information and compliance of directions.
12. For completion of pleadings, consideration of further report, filing objections (if any) to the report already filed and also for hearing, posted on 25.03.2022.

Sd/-

Justice K. Ramakrishnan, JM

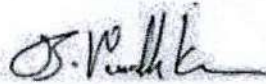
Sd/-

Dr. SatyagopalKorlapati, EM

O.A. No.156/2021 (SZ) &

I.A. No.44/2022 (SZ)

02nd March 2022. Mn.



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ANNEXURE – A/24

Item No.31:-

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 156 of 2021 (SZ) &

I.A. No.53 of 2022 (SZ)

(Through Video Conference)

IN THE MATTER OF

B. PasumponAnand

S/o. P. Bhagavathi

53/19, PillayarKovil Street,

Nesapakkam, West KK Nagar,

Chennai – 600 078.

...Applicant(s)

Versus

State of Tamil Nadu

Represented by its Principal Secretary,

Environment Forests & Climate Change Department,

Secretariat Complex, NamakkalKavingarMaaligai,

Fort St. George, Rajaji Road, Chennai and Ors.

.... Respondent(s)

Date of hearing: 25.03.2022.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL
MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. K.M. Mrithunjayan.

For Respondent(s): Dr. D. Shanmuganathan for R1, R3,
R5& R7.

Mr. G.M. Syed Nurullah Sheriff for R2.

Mr. S. Sai Sathya Jith for R4 & R6.

Mr. E. Manoharan along with

Mr. D. Yeshwanth for R8 & R9.

O R D E R

1. The above case has been posted to today for completion of pleadings, consideration of further report, filing objections (if any) to the report already filed and also for hearing.
2. The Original Applicant had filed an interlocutory application as I.A. No.53 of 2022 (SZ) to amend the original application, in view of the impleading of the 9th Respondent and consequential to the impleading, by substituting the original grounds and also adding further new grounds.

3. Heard the learned counsel appearing for the applicant and also the other respondents including the 9th Respondent.
4. Mr. E. Manoharan submitted that he wants to appear along with Mr. D. Yeshwanth and he wanted to file their counter to the allegations made in the original application. The learned counsel further submitted that he has no objection in allowing the application for amendment, but the liberty of the 9th Respondent to file counter to the amendment application be left open.
5. Since the amendment sought for is consequential to the impleading of the 9th Respondent as a legal heir of the 8th Respondent, the right of the 9th Respondent to file counter including the amended allegations cannot be affected. Since in view of the impleading application already allowed, the amendment application has to be allowed. With the above liberty, the application for amendment is allowed and I.A. No.53 of 2022 (SZ) is disposed of accordingly.
6. Amendment of the original application is allowed as per order in I.A. No.53/2022 (SZ).
7. The Original Applicant is directed to carry out the amendment and also file an amended copy of the original application with a copy to the learned counsel for the respondents including the additional 9th Respondent, so

that they can file their counter (if any) to the new grounds that have been raised in the amended application.

8. They are directed to file the counter and complete the pleadings and also file objections (if any) to the report already filed on or before 06.04.2022 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules and get ready with the matter on 12.04.2022 for hearing.
9. For completion of pleadings, consideration of further report and filing objections (if any) to the report already filed and also for hearing, post on 12.04.2022.

Sd/-

Justice K. Ramakrishnan, JM

Sd/-

Dr. SatyagopalKorlapati, EM

O.A. No.156/2021 (SZ)

I.A. No.53/2022 (SZ)

25th March 2022. Mn.



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ANNEXURE – A/25

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CONTEMPT JURISDICTION)

CONTEMPT PETITION No. OF 2022

In

W.P. (PIL) No. 23756 OF 2021

Mr.B.Pasumpon Anand
S/o P.Bhagavathi
53/19, PillayarKovil Street,
Nesapakkam, West KK Nagar
Chennai – 600 078

.....Petitioner/Petitioner

Vs

1. Mr.A.R.RahulNadh
District Collector
Chengalpattu District
Collector Office, GST Road,
Chengalpattu District,
Tamil Nadu Pin – 603 001
2. R.Kannan
Member Secretary
Tamil Nadu Pollution Control Board
No.76, Mount Road,
Guindy, Chennai-600032.
3. Mr.K.Balasubramanian
Director
Directorate of Geology & Mining
ThiruAlandur Road, Guindy Industrial Estate,
Guindy, Chennai-600032.
4. Tmt.S.Saraswathi
Revenue divisional officer
Maduranthakam, Taluk
Tamil Nadu 603306
5. Mr.Rajesh
Tahsildar
Maduranthakam
National Highway 38,
Maduranthakam,
Tamil Nadu 603306

...Respondents 1-5/Respondents

AFFIDAVIT FILED BY THE PETITIONER

I, B.Pasmpoon Anand s/o Bhagavathi, residing at 53/19, PillayarKovil Street, Nesapakkam, West KK Nagar, Chennai – 600 078 do hereby solemnly affirm and sincerely state as follows:

1. I state that, I am the Petitioner hereinin the above mentioned Writ Petition and as such I am well acquainted with the facts and circumstances of the case.
2. I state that, the aforementioned writ petition was filed before this Hon'ble Court seeking to quash the certificate (NOC) issued by the 5th Respondent dated 10.06.2016 vide P.M No 1691/2016/ A1 issuing no objection certificate to the 7th Respondent unit for establishing rough stone quarry and Crusher unit at Madhurantakam, Chengalpattu. The brief facts of the case is as stated below :

- I. The Writ petition vide W.P No.23756/2021 was filed following consistent grievances faced by the villagers of Arivimedu&Sirinalloor on account of illegal excavation and mining undertaken by the 7th Respondent unit (M/s Prasanna Blue Metals) .
- II. The 7th Respondent unit (M/s Prasanna Blue Metals)in W.P No.23756/2021 is Stone crusher cum M-sand and B-sand production unit having located in Survey Nos. 240/3, 240/4, 242/6, 242/7 &244/7-10 at Sirinallur Village, Maduranthagam, Kancheepuram District.
- III. The unit was initially owned and managed by one Mrs. Jeyalakshmi Murali w/o Mr.S.Muralithrough a proprietary concern under the name & style of M/s Jaya & Co. Thereafterfollowing serious statutory violations & the

guidelines of the board vide B.P Ms No.4 dated 02.07.2004, the unit was ordered to be shut down by the 2nd Respondent vide its order dated 31.10.2011 and consequential order of the District Environment Engineer (TNPCB) dated 20.2.2014.

- IV. Pursuant to the above, the unit commenced illegal operations under new Proprietrix Late Mr.S.Murali h/o Mrs.Jeyalakshmi Murali by forging the impugned certificate of the 5th Respondent vide Pa.Mu.No. 1691/2016/A1 dated 10.06.2016.
- V. The unit is located at a distance of 217.2m from the state highways which is clearly in contravention to the criterion laid down by the 2nd Respondent in B.P Ms. No 4 dated 02.07.2004. Therefore, considering the same, the unit was ordered to be shut down and cease operations thereof. Notwithstanding the same, the 7th Respondent in W.P No.23756/2021 forged the signature of the 5th Respondent(Tahsildar, Maduranthakam) and further created a counterfeit NOC vide Pa.Mu.No. 1691/2016/A1 dated 10.06.2016 (Impugned Order) stating that the unit is *"located at 500 meters away from the approved habitations, national highways/state highways or any places of public and religious importance"*
- VI. Pursuant to the above, the 7th Respondent in W.P No.23756/2021 obtained other necessary clearances from the Tamil Nadu Pollution control Board and statutory bodies and commenced thereof.

VII. Therefore, considering the blatant violation of law and rules, the aforementioned Writ Petition was filed.

3. I humbly submit that, in the aforementioned writ petition(W.P No.23756/2021) it was humbly prayed before this Hon'ble Court for issuance of Writ of Certiorarified Mandamus to call for therecords of the 5th Respondent relating to the impugned order vide Pa.Mu.No.1691/2016/A1 dated 10.06.2016 and quash the same asillegal, arbitrary and devoid of merit and consequentially direct the Respondents 1 to 5 to take necessary criminal action as against the Respondents 6 to 8.

4. Considering the merits of the case, the Hon'ble court admitted the matter vide its order dated 09.11.2021 and passed a direction as follows

"Para 2.The allegations leveled in the petition, if correct, would amount to serious dereliction of duty on the part of officials down the line in permitting the seventh respondent unit to undertake mining activities at Avirimedu Village in Maduranthagam Taluk of Chengalpattu District.

Para 3. The District Collector, Chengalpattu District should file a report after personally visiting the site and making inquiries, particularly as to the validity of the license and the no-objection certificate that may have been obtained by the seventh respondent unit for undertaking such mining activities".

5. Thereafter, pursuant to the field investigation by the 1-5 Respondents, the counter affidavits were filed by the respective respondents with the averments as stated herein

Counter Affidavit of 1st Respondent

"Para 6(iii)

I submit that, regarding the establishment of genuineness of the NOC purportedly given by the Tahsildar Maduranthakam, the Tahsildar has stated that a search was done in the records of the Taluk office Maduranthakam with a view to establish the genuineness of the document Pa.Mu No. 1691/2014/A1 dated 18.03.2014 which has been mentioned by the petitioner in his petition and that the search has revealed that as per the 'Distribution Register' (DR) of the year 2016 of the Madhuranthakam Taluk Office, the aforementioned DR number 1691/2016/A1 dated 10.01.2016 has been received by the B1 clerk instead of the A1 clerk as conveyed by the document number specified by the petitioner. I therefore submit that, the inescapable conclusion that can be arrived at is that the certificate bearing the file number 1691/2016/A1 has not been issued by the A1 clerk seat and that in all probability the said certificate is a forged one"

6. Further, as per Para 10 of the counter dated 30.11.2021, it was expressly undertaken by the 1st Respondent that, illegal unit has been temporarily shut down and the unauthorized stocks of materials, vehicles and other equipment were seized. Also, it was undertaken to permanently prevent the said illegal unit from functioning in future.
7. Considering the evidence on record and the submissions filed through Counter (Status Report), it was confirmed that, the aforementioned persons have indulged in illegal excavation and forgery of government records particularly the NOC to be issued by

the Tahsildar, Maduranthakam Taluk. Therefore, this Hon'ble High Court disposed of the Writ petition with the following directions :

"We have considered the submission made by the learned counsel for the parties and find that the grievance raised by the petitioner has been redressed by the respondents. The action taken by the respondents have been given in the status report which shows not only stoppage of illegal mining, but an action taken against the violators who have indulged in excavation of the mineral. This also includes the action initiated to impose penalty and recovery of the amount of mineral excavated by the violators.

5. In view of the above, this writ petition is disposed of with a direction to the respondents not to allow illegal excavation of the mineral from the area in question and further to complete the action initiated against the violators as per the provisions of law as expeditiously as possible so that the amount of mineral as well as the penalty is recovered at the earliest. No costs. Consequently, W.M.P.Nos.25013 and 25016 of 2021 are closed."

8. Notwithstanding the above directions, the aforesaid Respondents 6-8 in W.P No.23756/2021 are still engaged in running the crusher unit without any action to follow from your end. It is also pertinent to mention that, M/s Jaya & Co represented by Mrs.Jayalakshmi Murali who has now taken over the premises of the "Prasanna Blue Metals" Stone Crusher Unit was previously running the same crusher unit between the years 2008 – 2014. In connection with its location and violations the impugned Unit was ordered to be closed by the 2nd Respondent vide its order dated 30.10.2011 as the unit was comprised within 217.2 m from the State Highways as against

550 m as per the norms for the location of stone crushing industries dated 02.07.2004 vide B.P Ms No.4.

9. As the order stood in force, it is submitted that, the said M/s Jaya & Co had filed an appeal before the Appellate Authority of TNPCB vide Appeal Nos. 12 & 13 of 2012 challenging the above said closure order. Subsequently, as the appeal stands failed before the Appellate Authority , it is stated that the said M/s Jaya & Co had approached this Hon'ble Court vide Writ Petition Nos.17724 and 17725 of 2014praying for issuance of a writ of certiorarified mandamus to quash the order passed in Appeal Nos.12 and 13 of 2012 respectively dated 26.7.2013 and consequently directing the District Environment Engineer to grant consent to operate under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.
10. Therefore, considering the merits of the case , the Hon'ble Chief justice disposed of the Writ(W.P Nos.17724 and 17725 of 2014) with the following directions

"Learned Counsel for the petitioner submits that he does not seek to assail the impugned order of closure, but the limited relief he seeks in the present petitions is that the seals be opened so as to facilitate the removal of the machinery and relocation somewhere else with compliance.

In view of the aforesaid limited prayer, learned Counsel appearing for the respondents 2 and 3 submits that qua the aforesaid aspect, a direction would have to be issued to the District Collector of Kancheepuram District as the sealing is carried out by the said authority".

11. It is evident from the orders of the abovesaid writ petition that, the 7th Respondent unit (M/s Jaya & Co represented by Jayalakshmi Murali) in W.P No.23756/2021 was already put to seal and forbidden from operating the same by the Hon'ble high court and the Pollution Control Board; nevertheless the Unit has been functioning in defiance with the same under the guise of new applicant (Mr.S.Murali husband of Mrs.Jayalakshmi Murali) herein without any valid licenses or statutory compliances thereof.
12. I respectfully submit that on as on date, the directions of the Hon'ble Court have not been complied in true letter and spirit. The actions as against the 6-8 Respondents in W.P No.23756/2021 have not been completed so far. I sent a reminder letter even after the lapse of 6 months from the date of order there is no progress in complying with the order dated 03.01.2022 of this Hon'ble High Court.
13. It is pertinent to mention, that the Propertix (M/s Jaya & Co represented by Jayalakshmi Murali) & (Mr.S.Murali) has still not been charged criminally for forging the government documents and consequent illegal excavation herein. Also as the aforementioned persons still continue with the illegal acts I having lost the hope I had issued a Contempt Notice to the respondent on 04.06.2022 and the same was served on the respondents dated 13.06.2022. Even after the receipt of the contempt notice the respondents have not come forward to comply with the directions of this Hon'ble Court. The act of the respondents 1-5 clearly reflects that they have wilfully disobeyed the orders of this Hon'ble Court.
14. I respectfully state that the act of the respondents in defying the orders of this Hon'ble Court cannot be countenanced at any angle and the same warrants the interference of this Hon'ble Court. I

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humbly state that the respondents who being the Government official wantonly disobeyed the orders of this Hon'ble Court. This Hon'ble Court was pleased to allow the Writ in above terms, now even after a lapse of 6 months the respondents did not comply with the orders of this Hon'ble Court. The wilful disobedience of the authorities has to be deprecated in strong terms. Hence left with no other option again, I am approaching this Hon'ble Court by filing this contempt petition to redress my grievance.

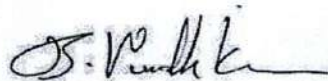
PRAYER

In the above circumstances, it is humbly prayed that this Hon'ble Court may be pleased to punish the Respondents herein for willfully disobedience of the direction of this Hon'ble Court in W.P No.23756/2021 dated 03.01.2022 and pass further or other orders as may be necessary in the circumstances of the case and thus render justice.

Solemnly affirmed at Chennai on)
this 5th day of July, 2022 and)
signed his name in my presence)

BEFORE ME,

ADVOCATE, CHENNAI



//TRUE COPY//

ANNEXURE - A/26

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE BENCH AT CHENNAI

IN

ORIGINAL APPLICATION No.156 of 2021

IN THE MATTER OF:

Mr.B. PasumponAnand
S/o P.Bhagavathi
53/19, PillayarKovil Street,
Nesapakkam, West KK Nagar,
Chennai — 600078
Email: anandpasumpon@gmail.com,
Ph: +91 9840817546

...APPLICANT/

VS

1. STATE OF TAMILNADU
Represented by its Principal Secretary
Environment Forest & Climate Change Department
Secretariat Complex, NamakkalkavignarMaaligai,
Fort St.George, Rajaji Road
Chennai — 600 009
Email: forsec@tn.gov.in, Ph: 044-2435 9974
2. STATE ENVIRONMENTAL IMPACT ASSESMENT
AUTHORITY
Represented by its Director
No.1, 3rd floor, Panagalmaligai
Jeenis Road, Saidapet
Chennai- 600 015
Email: tndoe@tn.nic.in, Phone: 044-24359974
3. THE DISTRICT COLLECTOR
Chengalpattu District,
Collector Office, GST Road,
Chengalpattu District, Tamil Nadu Pin — 603 001
Email: cllr-cpt@nic.in, Phone: 044-27427412

4. TAMIL NADU POLLUTION CONTROL BOARD
Respresented by its Member Secretary
No.76, Mount Road,
Guindy, Chennai — 600032
Email: tripcb-chn@gov.in, Phone: 044-22353145
5. DIRECTORATE OF GEOLOGY AND MINING,
Represented by its Director
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai — 600032
Email: cgmchennai32@gmail.com,
Phone: 044-2250158
6. DISTRICT ENVIRONMENTAL ENGINEER,
Chengalpattu District,
MaraimalaiAdigalar Street, Next to Municipal
Office,Maraimalai Nagar,
Kancheepuram District — 603 209
Email: tnpcbmmnagar@gmail.com,
Phone: 044 – 27454422
7. REVENUE DIVISIONAL OFFICER
Maduranthakam
Tamil Nadu -
603306
Email: rdomdm.tnkpm@nic.in,
Phone: 044-27552196
8. Mr.S.MURALI
Proprietor Prasanna Blue Metal,
AFF1, Alayams Thilagavathy Enclave,
Kurinji Nagar, 1st Main Road,
Old Perungalathur, Chennai 600063
Email: prasannablue-metal@yahoo.com,
Phone: +91 9150066990
9. Mrs.JAYALAKSHMI MURALI
W/o Late Mr.S.Murali
AFF1, Alayams Thilagavathy Enclave,
Kurinji Nagar, 1st Main Road,
Old Perungalathur, Chennai — 600063

Email: prasannablumetal@yahoo.com

Phone: +91 915006699

...RESPONDENTS / RESPONDENTS

REPLY FILED ON BEHALF OF THE 9TH RESPONDENT

I, Mrs. Jayalakshmi, W/o Late Mr. Murali, Hindu, aged about 46 years, AFF1, Alayams Thilagavathy Enclave, Kurinji Nagar, 1st Main Road, Old Perungalathur, Chennai - 600063, do hereby solemnly affirm and state as follows:

1. I am the wife of the 8th Respondent, late S. Murali and as such I have been impleaded as the 9th Respondent in the above application filed by the Applicant wherein he has alleged that my late husband has committed discrepancies in the running/execution of the mining lease regarding rough stone quarries in Madhuranthagam Taluk, Chengalpattu District.
2. At the outset, it is respectfully submitted that the Application filed by applicant is fundamentally not maintainable in law and the allegations raised are also false. Before proceeding further, it is respectfully submitted that the Affidavit filed by the 9th Respondent dated 21.10.2021 be taken as part and parcel of this Counter Affidavit.
3. It is submitted that the Late Thiru. S. Murali (8th Respondent) was granted a quarry lease for

quarrying Rough stone over an extent of 2.34.50 Hectares of patta lands in S.F.Nos. 3/1, 3/2, 3/3,3/4, 4/1A, 4/1B, 4/1C, OD, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4J2C3 Avurimedu Village, Madhuranthagam Taluk, Chengalpattu District for a period of Ten years vide proceedings of the Assistant Director (i/c), Geology and Mining, Chengalpattu in Rc.No.505/Q2/2019, dated 24.10.2020. The 8th Respondent had executed a lease agreement with the Assistant Director (i/c), Geology and Mining, Chengalpattu on 24.10.2020 as per The Tamil Nadu Minor Mineral Concession Rules 1959. Therefore the period of lease was from 24.10.2020 to 23.10. illegible The lease agreement was registered as document No.3271 of 2020 at Sub - Registrar Office, Madhuranthagamon 27.10.2020. The quarry was functioning after obtaining necessary environmental clearance and the consent/approval from the necessary authorities such as the TNPCB.

4. It is also pertinent to mention that on an earlier occasion 8th Respondent was granted a lease for rough stone and gravel quarry in Ryotwari Patta Lands in Survey No: 7/1A1 in the same village for a period from 2013 to 2018. The

said lease was run for the period that it was granted i.e. from 2013 to 2018 and it is reliably understood that there were no complaints, during the tenure of the lease period, against the 8th Respondent in running of the quarry.

5. It is submitted that as stated above the subsequent quarry lease was granted by proceedings dated 24.10.2020 and the period of lease was from 2020 to 2030. While the lease period was running the 8th respondent expired on 28.5.2021. It is submitted that the 9th Respondent was fully dependent on her husband for her livelihood and sustenance and after the death of her husband the 9th Respondent was left with no form of sustenance. The 9th Respondent in order to support herself and her minor daughter addressed a representation to the official Respondent to grant permission to her to run the quarry originally granted to her Husband i.e. 8th Respondent by the Proceedings in RC no. 505/Q2/2019 dated 24.10.2020.
6. It is submitted that thereafter by proceedings dated Roc. No. 505/Q2/2019 dated 1.7.2021, the 9th Respondent granted permission to run the rough stone quarry located in an extent of 2.34.50 Hectares of patta land in S.F.Nos. 3/1,

3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/ 2A3, 4/2A4, 4/ 2A5, 4/ 2A6, 4/2C1.4/2C2, 4/2C3 of Avurimedu Village, Madhuranthagam Taluk, Chengalpattu District. The 9thRespondent was directed to execute a Supplementary Lease Deed along with the Assistant Director, Geology and Mining, Chengalpattu. It is pertinent to mention that at time of entering the agreement that there was no an allegation or liabilities that was raised or established against the 8thRespondent by following due process of law.

7. It is submitted that while the 9thRespondent was in the process of going to start the quarry activities, the current Application herein was filed and brought up for hearing in July 2021, wherein the Applicant had made averments/allegations to the effect that the 8thRespondent was running the quarry in the above mentioned lands and that he was committing violations in the current quarry and also had committed violations while running the quarry granted in S No: 7/1A1 during the period 2013-2018. It is submitted during the hearing on 27.07.2021 before the Hon'ble Tribunal, the Applicant did not bring to the knowledge of the Tribunal that the 8thRespondent was not alive and submissions have been made on the premise that

the 8th Respondent was still running the quarry granted to him.

8. It is submitted that the Tribunal had appointed a Joint Committee comprising of (i) the District Collector, Chengalpattu District or a Senior Officer not below the rank of Assistant Collector/Sub Divisional Magistrate as deputed by the District Collector, (ii) a Senior Officer from the State Environmental Impact Assessment Authority (SEIAA), Tamil Nadu, (iii) a Senior Officer from the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman and (iv) a Senior Officer from the Directorate of Geology and Mining, Guindy, Chennai to inspect the area in question and submit a factual as well as action taken report.

9. It is respectfully submitted that the 9th Respondent after becoming aware of the above Application filed an Affidavit before the Hon'ble Tribunal bringing to their attention that the 8th Respondent had died on 28.05.2021 and that the quarry operated only for a minimum number of days in accordance with procedure. It is submitted that the operation of the quarry was stopped after functioning for a short period and as on date the quarry granted vide Proceedings Dt: 01.07.2022 is not running.

10. It is pertinent to mention herein in that the quarry is closed as on date and that the 9th Respondent only attempted to run the quarry for a short period and thereafter could not run the same, with one of the reasons being that the erstwhile manager of the quarry along with antisocial elements threatened her while demanding money to allow her to operate the quarry. This fact also brought to the attention of the Hon'ble Tribunal through the Affidavit dated 21.10.2021 file by the 9th Respondent before the Tribunal.
11. It is submitted that thereafter vide 1.A No.44/2022, filed by the Applicant the 9th Respondent was impleaded as a party to the proceedings herein by the Order dated 20.03.2022 by the Hon'ble Tribunal. It is pertinent to mention that the Hon'ble Tribunal in its Order dated 18.2.2022 while referring to the Joint Committee Report has observed in so far as the 9th Respondent is concerned, the Applicant herein to explain the nature of violation, whether it was done during the period of original lessee's leasehold period or subsequently, in order to ascertain the liability of the person and how the liability will have to be fixed.

12. It is respectfully submitted that the Applicant has failed to show as to how the 9th Respondent is individually responsible and has merely extracted the observation of the Joint Committee Report which mainly and predominantly dealt with the quarrying period conducted under the supervision of the 8th Respondent, when he was alive. As stated earlier, the 9th Respondent had run the quarry only for a very short period and thereafter it was closed and still remains closed as on date. It is submitted that the Joint Committee Inspection has been done in the absence of 8th Respondent and without the 8th Respondent it will not be possible to answer the allegations raised. It is submitted that for the period after 01.07.2021 the alleged amount said to have been quarried has been arrived based on the transport permit issued. It is relevant to submit that transport permits are issued beforehand for the permitted quarry amount under the lease. The mere issuance of transport permit itself will not automatically mean that the operator has quarried the said amount. The same would have to be entered into the records and cross-checked at the time of actually transport of the quarried materials by the authorities. It is submitted that though permits were issued, the 9th Respondent did not utilize

them as the quarry was run only for few days and closed thereafter. The Respondents have prepared a report, mechanically, based on the documents and failed to note the actual factual situation and connected data. Infact the Joint Committee has taken account as though quarry was conducted till 05.10.2021, time around which the Committee had conducted the inspection, whereas the quarry had been closed several months earlier than that. Nevertheless, it is submitted that these allegations only be answered by the 8th Respondent who is no longer alive and as such in the light of the same these proceedings and action will stand abated.

13. It is respectfully stated that the above Application No.156 of 2021 is fundamentally not maintainable in law. It is submitted that the 9th Respondent was not in any way responsible or in charge of the first quarry in S. No 7/1A1 which ran from 2013 to 2018. It is submitted that the latter quarry was entirely run by the 8th Respondent who is no longer alive. The allegations raised regarding that particular quarry can only be answered by the 8th Respondent and in his absence, it is impermissible in law to conduct a proceeding to ascertain his liability or possibility of an offence being committed and punishment being imposed

as the 8th Respondent is no longer alive to defend himself.

14. It is pertinent to mention that the 9th Respondent was completely unaware of the quarry operations and the details involved therein. It is submitted that she was only forced to apply for the quarry lease, based on the insistence of the persons around her, as a source of livelihood to support herself and her minor child. It is also pertinent to mention that both the quarry sites, involved herein, are in Madhuranthakam Taluk and during period from 2013 to till date, the 9th Respondent had resided in Tambaram and thereafter currently in Old Perungalathur, both the places which are more than 50 kilometres away from the quarry sites and as such the 9th Respondent was never directly or indirectly associated with the quarry activities which was completely under the supervision and control of the 8th Respondent till his demise. It is only on 01.07.2021 the 9th Respondent was given permission and even then, the 9th Respondent was only able to run the quarry for a short period and thereafter it was closed.

15. It is submitted that the Applicant has referred to Rule 25A of the Minerals Concession Rules, 1960 to substantiate his averment that the

9th Respondent is liable for all activities committed by the 8th Respondent from 24.10.2020 to 5.10.2021. At the outset it is submitted that the Rule referred by the Applicant related to Rules framed under Section 13 of the Mines and Minerals Act, 1957 by which the Central Government is given powers to make rules in so far as to certain minerals are concerned, more specifically Major Minerals. It is pertinent to mention that Section 14 of the Mines and Minerals (Development and Regulation) Act, 1957 specifically states that provisions from Section 5 to 13 shall not apply to quarry leases, mining leases and other mineral concession in respect of Minor Minerals. Section 15 of the Act gives powers to the State Government to frame Rules as far as Minor Minerals are concerned. In exercise of these powers the Tamil Nadu Minor Minerals Concession Rules 1959 has been framed, which regulates and relates to Minor Minerals. The quarries (past and present) granted to 8th Respondent was for mining of Rough Stone and Earth, which are categorized as Minor Minerals. Infact the proceedings granting permission, issued by the 3rd Respondent is by invoking Rule 19 of the Tamil Nadu Minor Mineral Concession Rules, 1959. Therefore, in light of Section 14 of 1957 Act and the fact the minerals concerned are Minor Minerals it is evident that Mineral Concession Rules 1960 will not

apply to the case in hand. The Applicant's effort to invoke a provision of law that is not applicable to the current scenario clearly goes to show that they have no grounds to stand and maintain this misconceived Application, filed with ulterior motive.

16. It is respectfully submitted that unlike Rule 25A which is found in the Mineral Concession Rules 1960 there are no such similar provisions found in the TN Minor Mineral Concession Rules, 1959. Therefore, with the absence of such provisions it is clear that the 9th Respondent cannot be held liable for quarrying operations conducted by 8th Respondent. Moreover, with the death of the 8th Respondent all proceedings will stand abated.

17. It is submitted that with the death of the 8th Respondent the lease granted to him and the rights therein will stand reverted back to the Lessor/State and as such with the execution of the subsequent Lease with the 9th Respondent, the same under the Rules would have to be treated as a fresh Lease and as such the liabilities of the previous Lessee cannot be burdened upon the subsequent Lessee. It is submitted that after the death of the original Lessee all rights come to an end and their heirs or legal representatives will have to apply afresh for grant of lease. With the death of the

8th Respondent there is no transference of lease and as such once the lease is resumed by the state under these circumstances the earlier undecided liabilities cannot be put on the subsequent lessee. Infact in the subsequent Lease, the State represented by the Assistant Director, Geology and Mining, Chengalpattu has been arrayed as the Lessor/Transferor, which supports the above proposition and as such the Lease having to be treated as a Fresh lease, the earlier unproven liabilities cannot be burdened upon the subsequent Lessee.

18. It is submitted that the perusal of the Joint Committee Report shows that the same has been done without proper application of mind and in a mechanical manner. The Committee has sought to burden upon 9th Respondent alleged excess quarrying done between the period 2013 and 2018 and also has calculated the last date, in the current quarry, as till 05.10.2021 even though the 9th Respondent had stopped quarry operations within a short period of having obtained the permission in July 2021. It is submitted that the Report of the Joint Committee as such cannot be taken cognizance in light of the death of 8th Respondent and he cannot be prosecuted as he is not in a position to defend himself and as such this Report cannot be relied on especially to prosecute the 9th Respondent herein.

19. It is submitted that it is curious that even though the Application came up for hearing for the first time on 27.07.2021, around 2 months after the death of 8th Respondent, the same has, for reasons unknown, have not been brought to the attention of the Hon'ble Tribunal. It is only when the 9th Respondent approached the Tribunal this fact was brought to light. It is submitted that the Applicant was not even aware that the 8th Respondent was dead and has embarked on a roving enquiry with an attempt to obtain information in order to further his agenda. The Amended Application filed by the Applicant has relied fully on the Joint Committee Report and has now sought to include 9th Respondent and raise allegations as though she was all along with the 8th Respondent in allegedly violating the law. The amended Application filed by the Applicant is not maintainable as the inclusion of 9th Respondent and variation/amendment to facts seeks to change the entire original narrative of Applicant and as such the same is impermissible at this juncture. It is submitted that the 8th Respondent is not alive to defend the charges against him and the 9th Respondent was not the beneficiary of the earlier Lease/EC and as such was not in control/responsible for the running of the said Quarries at the time of the alleged commission of the irregularities. The amendments sought to be

introduced completely change the facts and puts the 9th Respondent in a disadvantage of having to defend the actions of the 8th Respondent and explain events, which she is unaware of and unconnected with and the same is not maintainable in law and therefore the misconceived Petition of the Applicant deserves to be dismissed.

20. It is submitted that the Applicant has also approached the Hon'ble High Court and filed W.P. No: 23756/2021 seeking to quash the proceedings dated 10.6.2016 of the Tahsildar, Madhuranthakam and to take action against the party Respondents therein. The Hon'ble Court taking note of the Status Report filed by the Official Respondent has while directing to not to allow illegal excavation of minerals has directed to complete action against violators as per provision of law. It is pertinent to mention that the Applicant has included the 9th Respondent as the Proprietor of the 7th Respondent concern therein, Prasanna Blue Metals, which is false. In fact the Report of the District Collector shows that the 8th Respondent herein was the Proprietor. It is submitted that with the death of 8th Respondent it would be impermissible under law for the authorities to proceed further to prosecute him as he is not in a position to defend the allegations raised him. In fact, the proceedings of Tahsildar in challenge were issued in favour of the 8th Respondent as early as 2016 and

the 9th Respondent was neither the Proprietor then nor was involved in the issue in concern in the abovesaid W.P. It is submitted that the 9th Respondent cannot be burdened with the unproven liabilities/allegations levelled against the 8th Respondent.

In light of the above submissions, it is humbly submitted the Application No 156/2021 be dismissed and thus render justice.

-Sd-

Counsel for 9th Respondent

9th Respondent

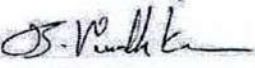
VERIFICATION

I, Jayalakshmi, Wife of Murali, Hindu aged about 46 years, AFF1, Alayams Thilagavathy Enclave, Kurinji Nagar, 1st Main Road, Old Perungalathur, Chennai - 600063, do hereby verify and declare that what are all stated above are true and correct to the best of my knowledge and belief.

Verified at Chennai on this the (NIL) day of August, 2022

-Sd-

(JAYALAKSHMI MURALI)
9th Respondent


//TRUE COPY//

PROCEEDINGS OF THE REVENUE DIVISIONAL OFFICER,
MADURANTAKAM

Present: Tmt S.Saraswathy, B.E.,

R.C.No.3437/2022/B

Date: 30.08.2022

Sub:	Madras High Court Case No.23756/2021 and National Green Tribunal Petition No.156/2021(SZ) – Chingleput District – Madurantakam Taluk – site inspection undertaken jointly in connection with Madras High Court Case No.23756/2021 and National Green Tribunal Petition No.156/ 2021 (SZ) by Thiru P.Pasumpon Anand, S/o.Bagavathy about violation of rules in stone quarry in Avurimedu Village - Madurantakam Taluk – Chingleput District – carried on in the name of Thiru Murali, son of Subramanian, AFF1, Aalaiyam Thilagavathy Enclave, Kurinji Nagar, 1 st Main Road, old Perungalathur, Chennai - 63 – orders issued pursuant to the Report – Reg.
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Ref:	1. Order of the National Green Tribunal Petition No.156/2021 (SZ) in O.A.No.156/2021 (SZ), dated 27.07.2021. 2. Hon'ble Madras High Court Case No.23756/2021. 3. Letter R.C.No.5116/MM1/2021 dated 12.08.2021 of the Director of Geology and Mining Department, Chennai. 4. Proceedings R.C.No.10050/Minerals dated 18.08.2021 of the District Collector, Chingleput. 5. Report dated 08.11.2021 submitted by the Joint Committee to the National Green Tribunal, Southern Zone, in connection with Petition No.156/2021(SZ). 6. Notice R.C.No.3437/2022/B dated 24.03.2022, 27.05.2022 and 25.08.2022 of the Revenue Divisional Officer, Madurantagam. 7. This Office letter of even number dated 26.08.2022. 8. Letter R.C.No.505/Q2/2019 dated 29.08.2022 of the Assistant Director (i/c) Geology and Mining Department, Chingleput. 9. Office of the Engineer – In – Chief, Chief Engineer (General), Chief Engineer, Chennai, Proceeding No.HDO(A)/18064/2022-1 dated 19.07.2022. 10. Government Order (Ms) No.183 (Industries (MME.1) dated 28.12.2017
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In connection with Madras High Court Case No.23756/2021 and National Green Tribunal Petition No.156/2021 (SZ), by Thiru P.Pasumpon Anand, S/o.Bagavathy about violation of rules in stone quarry in Avurimedu Village, Madurantakam Taluk, Chingleput District, carried on in the name of Thiru Murali, son of

Subramanian, AFF1, Aalaiyam Thilagavathy Enclave, Kurinji Nagar, 1st Main Road, old Perungalathur, Chennai – 63, order was passed as per Proceedings cited in the 4th reference, forming a Joint Committee to conduct joint site inspection.

The aforesaid Joint Committee which was formed by the District Collector, Chingleput, had undertaking joint site inspection on 05.10.2021 and 18.10.2021, wherein following details have been ascertained.

The aforesaid Thiru Murali, son of Subramanian has been granted license to undertake quarry work in Survey No.7/1A1, Avurimedu Village Madurantakam Taluk, in an extent of 1.50.0 (Hectares) of lands, as per Proceedings R.C. 575/2010/Q1 dated 05.06.2013 of the District Collector, Chingleput. Further State Environment Impact Assessment Authority (SEIAA), granted permission to undertake quarry work of only 140,725 cubic meter of rough stones and 21,962 cubic meter of gravel, as per Consent letter No.SEIAA-TN/F.No.1072/EC (a)/2013 dated 15.05.2013.

At the time of site inspection by the aforesaid joint Committee, as ascertained, the details of minerals quarried and removed in Avurimedu Village Survey No.7/1A1, without necessary approval, is as per the Schedule hereunder.

Lease	Quantum of Minerals permitted for production in the approved mining plan (in M3)	Quantum of Minerals for which transport permits obtained (in M3)	Actual quantity of minerals quarried and removed (in M3)	Quantum of Minerals quarried and transported unlawfully (in M3)
-------	--	--	--	---

	Grav el	Rough Stone	Grav el	Rough Stone	Gra vel	Weathe red Rock	Rough Stone	Weathe red Rock	Rough Stone
1	2	3	4	5	6	7	8	9	9 = (8-5)
Leas e-1	21,9 62	1,40,7 25	Nil	2,68,2 00	-	23,440	4,51,7 10	23,440	1,83,5 10

At the time of the aforesaid site inspection of joint Committee, adjacent to lease hold area No.71A1 of Avurimedu Village, details of minerals in Survey Nos.5 and 6 quarried and removed outside the lease hold area without necessary approval, is as per the Schedule hereunder,

Quantum of Minerals quarried (outside the lease hold area)	
Weathered Rock	Rough Stone
5,480	12,696

In this connection, as per the recommendation of the joint Committee, in order to impose penalty as contemplated under Rule 36 (A) of the Tamil Nadu Minor Mineral Concession Rules, 1959, Notice cited in the 6th reference, following the death of Thiru Murali, owner of the concerned Quarry on 26.05.2021, was sent to his legal heir (wife) Tmt Jayalakshmi, W/o.Murali (late) and a personal hearing was conducted on 29.08.2022.

Statement of Tmt Jayalakshmi, W/o. Murali (late) during the enquiry on 29.08.2022.

I am residing with my 15 years old daughter. My husband Thiru Murali, was carrying on quarry job in the quarry lease hold lands, in pursuance of Proceedings R.C. 575/2010/Q1 dated 05.06.2013 of the District Collector, Chingleput and SEIAA, TN/F.No.1072/EC/1(a)/2013 dated 15.05.2013 in Patta land Survey Nos.7/1A1 of an extent of 1.50 (Ha) situated in Avarimedu Village, Madurantakam Taluk, Chingleput District. The Quarry lease is for the period from 05.06.2013 to 04.06.2018. My husband died on 28.05.2021 on account of COVID Virus pandemic.

In connection with the aforesaid quarry, I do not have any files. My husband has not consulted me in any manner in connection with the quarry. Therefore, I do not know anything about the violation of Rules in the Quarry which he was running. In connection with the aforesaid Quarry, my husband and Thiru Sarathy, S/o.Natarajan, who was working with him as Manager, knows everything. The aforesaid Sarathy only was looking after our Quarry. This is because my husband had been unwell for the past 10 years. This was informed by Tmt Jayalakshmi, W/o. Murali (late) in the personal hearing of the Revenue Divisional Officer.

At this juncture, as per order cited in the 9th reference, the value of the minerals for 2022-2023 has been fixed as hereunder.

- | | |
|-----------------|-----------|
| 1. Weather Rock | Rs.222.70 |
| 2. Rough Stone | Rs.147.45 |

Based on the same, as per the Report dated 08.11.2021, submitted by the Joint Committee to the National Green Tribunal, Southern Zone in connection with Petition No.156/2021 (SZ), for 28,920 cubic meters of Weather Rock and 196,206 cubic meters of Rough Stone, quarred and removed in Survey Nos.5, 6 and 7/1A1, Avurimedu Village, Madurantakam Taluk, without the permission of the Government, orders passed imposing penalty as contemplated under Rule 4 and 4(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Rules, 1957 and 36(A) of Minor Minerals Rules, 1959, as follows:-

Sl. No.	Minerals	Size of the Mineral in cubic meters	Mineral Amount (Rs.)	Seniorage Charge	Seniorage Charge 2 times (Rs.)	Total Rs.
(1)	(2)	(3)	(4)	(5)	(6)	(7)=(4+5+6)
1.	Weather Rock	28,920 x 222.70	64,40,484/-	28,920 x 33 954,360/-	954,360 x 2 19,08,720/-	93,03,564/-
2.	Rough Stone	196.206 x 147.45	2,89,30,575/-	196.206 x 59 1,15,76,154/-	1,15,76,154 x 2 2,31,52,308/-	6,36,59,037/-
TOTAL						7,29,62,601/-

Sl.No	Item	Amount	Head of Account
1.	Value of the Mineral 1. Weather Rock (28.920 x 222.70) 2. Rough Stone (196.206 x 147.45)	1. Rs.64,40,484/- 2. Rs.2,89,30,575/-	0853-Non - Ferrous mining and metallurgical Industries - 800 Miscellaneous receipts Ac Miscellaneous - Receipts (D.P.Code No.0853 - 00 - 800 AC .0001)
2.	Seniorage amount for quarried and removed stones 28,920 x 33 196,206 x 59	1. Rs.954,360/- 2. Rs.1,15,76,154/-	0853-Non - Ferrous mining and metallurgical Industries - 102 Minerals Concession Fees - Roads and royalties - AB Rents and Royalties (D.P.Code No.0853 - 00 - 102 AB .0000)
3.	Penalty for quarrying of minerals without permission (Seniorage amount x 2 times)	1. Rs.19,08,720/- 2. Rs.2,31,52,308/-	0853-Non - Ferrous mining and metallurgical Industries - 800 Miscellaneous receipts Ac Miscellaneous - Receipts (D.P.Code No.0853 - 00 - 800 AC .0001)
	Total	Rs.7,29,62,601/-	

The aforesaid penalty amount of Rs.7,29,62,601/- (Rupees Seven Crores Twenty Nine lacs Sixty Two Thousand Six Hundred one) is ordered to be paid to the Government in the aforesaid Government Account.

If there is any objection as against this order, Appeal can be filed before the District Collector, Chingleput, within 30 days from the date of receipt of this order.

Sd/.. Revenue Divisional Officer,
Madurantakam.

To

Tmt Jayalakshmi,
W/o. Murali (late),
AFF1, Aalaiyam Thilagavathy Enclave,
Kurunji Nagar, 1st Main Road,
Old Perungalathur, Chennai – 63.

Copy to:

1. The District Collector,

Chingleput. - humbly submitted for information.

PROCEEDINGS OF THE REVENUE DIVISIONAL OFFICER,

MADURANTAKAM

Present: Tmt S.Saraswathy, B.E.,

R.C.No.3437/2022/B

Date: 30.08.2022

Sub: Madras High Court Case No.23756/2021 and National Green Tribunal Petition No.156/2021(SZ) – Chingleput District – Madurantakam Taluk – site inspection undertaken jointly in connection with Madras High Court Case No.23756/2021 and National Green Tribunal Petition No.156/2021(SZ) by Thiru P.Pasumpon Anand, S/o.Bagavathy about violation of rules in stone quarry in Avurimedu Village - Madurantakam Taluk – Chingleput District – carried on in the name of Thiru Murali, son of Subramanian, AFF1, Aalaiyam Thilagavathy Enclave, Kurinji Nagar, 1st Main Road, old Perungalathur, Chennai - 63 – orders issued pursuant to the Report – Reg.

Ref: 1. Order of the National Green Tribunal
Petition No.156/2021 (SZ) O.A.No.156/2021
(SZ), dated 27.07.2021.

2. Letter R.C.No.5116/MM1/2021 dated
12.08.2021 of the Director of Geology and
Mining Department, Chennai.

3. Proceedings R.C.No.10050/Minerals dated
18.08.2021 of the District Collector,
Chingleput.

Hhhhh[4. Report dated 08.11.2021 submitted
by the Joint Committee to the National Green
Tribunal, Southern Zone, in connection with
Petition No.156/2021(SZ).

5. Notice R.C.No.3437/2022/B dated
24.03.2022, 27.05.2022 and 25.08.2022 of
the Revenue Divisional Officer, Madurantagam.

6. This Office letter of even number dated
26.08.2022.

7. Letter R.C.No.505/Q2/2019 dated
29.08.2022 of the Assistant Director (i/c)
Geology and Mining Department, Chingleput.

8. Government Order (Ms) No.183 (Industries
(MME.1) dated 28.12.2017.

In connection with Madras High Court Case
No.23756/2021 and National Green Tribunal Petition
No.156/2021(SZ), by Thiru P.Pasumpon Anand,

S/o.Bagavathy about violation of rules in stone quarry in Avurimedu Village, Madurantakam Taluk, Chingleput District, carried on in the name of Thiru Murali, son of Subramanian, AFF1, Aalaiyam Thilagavathy Enclave, Kurinji Nagar, 1st Main Road, old Perungalathur, Chennai – 63, order was passed as per Proceedings cited in the 3rd reference, forming a Joint Committee to conduct joint site inspection.

The aforesaid Joint Committee which was formed by the District Collector, Chingleput, had undertaking joint site inspection on 05.10.2021 and 18.10.2021, wherein following details have been ascertained.

The aforesaid Thiru Murali, son of Subramanian has been granted license to undertake quarry work in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3 by the Assistant Director (i/c), Geology and Mining Department, Chingleput District, in Proceedings R.C.No.505/Q2/2019 dated 24.10.2020, from 24.10.2020 to 23.10.2030. Further State Environment Impact Assessment Authority (SEIAA), granted permission to undertake quarry work of only 3,04,181 cubic meter of ordinary stones and 34,354 cubic meter of gravel by paying license Tax (Seniorage), as per Consent letter No.SEIAA-TN/F.No.7553/(a)/EC No.4405/2020 dated 21.10.2022.

Meantime, it is seen from the records that following the death of Thiru Murali, S/o.Subramanian on 28.05.2021, the

Assistant Director (i/c) in Proceedings R.C.No.505/Q2/2019 dated 01.07.2021, transferred the quarry license work, in the name of his legal heir (wife) Tmt Jayalakshmi, W/o. Murali (late).

At the time of site inspection by the aforesaid joint Committee, the details of minerals quarried and removed without necessary approval, as ascertained, is as per the Schedule hereunder.

Lea se	Quantum of Minerals permitted for production in the approved mining plan (in M3)		Quantum of Minerals for which transport permits obtained (in M3)		Actual quantity of minerals quarried and removed (in M3)			Quantu m of Mineral s quarrie d and accumu lated (in M3)	Quantum of Minerals quarried and transported unlawfully (in M3)	
	Gra vel	Roug h Stone	Gra vel	Rou gh Sto ne	Gra vel	Weath ered Rock	Roug h Stone	Weathe red Rock and Gravel	Weath ered Rock	Rou gh Sto ne
1	2	3	4	5	6	7	8	9	10	11=(8-5- 9)
Lea se- 1	34,3 54	3,04, 181	5,1 00	12,6 00	5,1 00	23,30 8	1,54, 501	54,078	23,20 8	97,8 23

In this connection, as per the recommendation of the joint Committee, in order to impose penalty as contemplated

under Rule 36 (A) of the Tamil Nadu Minor Mineral Concession Rules, 1959, Notice cited in the 5th reference, was sent to the owner of the concerned Quarry, namely, Tmt Jayalakshmi, W/o.Murali (late) and a personal hearing was conducted on 29.08.2022.

Statement of Tmt Jayalakshmi, W/o. Murali (late) during the enquiry on 29.08.2022.

I am residing with my 15 years old daughter. My husband Thiru Murali had applied for lease of quarrying and removing of new ordinary stones and gravel in the Patta lands of an extent of 2.34.5 (Ha) in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2, 4/2C3, Avadimedu Village, Madurantakam Taluk, Chingleput. The afor3esaid Application, pursuant to the recommendations of the District Revenue and Mining Department Officials was perused and forwarded to State Environment Impact Assessment Authority (SEIAA).

The State Environment Impact Assessment Commission, carefully considered our Application in an appropriate manner and as per Mining Plan, permitted to remove 3,04,181 cubic meter of ordinary stones and 34,354 square meter of gravel vide approval letter No.SEIAA TN/C.No.7553/1(a) EC No.4405/2020 dated 01.10.2020.

In the meantime, my husband Thiru Murali suddenly died on 28.05.2021, on account of Corona Virus Pandemic.

Apart from house and family, I do not know anything. I do not know any details about Quarry related works. In our aforesaid quarry about more than 50 families are working. Since the period of approval for running the quarry is in vogue, the Assistant Director of Geology & Mining Department transferred the lease hold rights of quarry stood in the name of my husband in my name by order No.505/Q2/2019 dated 01.07.2021. Due to COVID Pandemic, the quarry works taken place half of its capacity. Further pursuant to the false information given by some rivals of my husband Murali, on 18.11.2021, an oral order was given to stop the quarry work standing in my name as there is some confusion in giving approval for crusher. Pursuant to the said order, no work has taken place in our Quarry till date. The site of quarry for which approval has been granted in my name is Patta land. The license for quarrying is granted for a period of 10 years from 24.10.2020 to 23.10.2030, out of which 2 years has expired. The quarry was functioning with mineral license. We have not violated the license.

As per permission of the State Environment Impact Assessment Commission, we have been given permission to carry on quarry works up to 55 meters. As on 08.11.2021, we have carried out quarry job only up to 20 meters.

Further as per Mining Plan, apart from the Survey Numbers for which quarrying license has been issued, quarry

works is not done anywhere and we have not violated the mineral size permitted as per the Government Order.

Further, I humbly request to take into consideration, out of about 1,41,901 cubic meter of mineral size, as per the report of the joint site inspection, the stock on hand of 54,078 cubic meter size, as per the report of the joint site inspection.

Further, it is pertinent to bring to your notice, the Assistant Director of Geology and Mining Department, in his Proceedings Order No.505/Q2/2019, has stated that in Survey Numbers 5 and 6, about 30 meters have naturally slumped.

Therefore, at present I am alone without my husband and a mother of 15 years completed girl and therefore, I humbly request Madam, in order to help to the employees, who are working in our Quarry and are dependent on us, to the extent possible, to permit us to continue to run the stone quarry in the Patta lands comprised in Survey Nos.3/1, 3/2, 3/3, 3/4, 4/1A, 4/1B, 4/1C, 4/1D, 4/1E, 4/2A1, 4/2A2, 4/2A3, 4/2A4, 4/2A5, 4/2A6, 4/2C1, 4/2C2 and 4/2C3, of an extent of 2.34.5 (Ha), in Avavimedu Village, Madurantagam Taluk, Chingleput District, which was stopped, pursuant to the joint site inspection taken place on 08.11.2021.

Further if it is considered that either I or my husband has violated the Quarry Regulations, the same may be considered in accordance with 21 of the Mineral Resources

Amendment laws enacted by the Central Government during 2021 as per Difference Royal Tee (SF) and pass orders. I further humbly request you to grant permission to carry on quarry work. This was informed by Tmt Jayalakshmi, W/o. Murali (late) in the personal hearing of the Revenue Divisional Officer.

In this connection, in connection with levying penalty, details was ascertained from the Assistant Director of Geology & Mining vide letter cited in the 6th reference, in pursuance of which the letter cited in the 7th reference was sent, for taking necessary action, in pursuance of the amendment brought on 28.03.2021, in Section 21 of the Mines and Minerals (Development and Regulations) Amendment Act 2021, on the minerals price list and mining.

Section 21 of the aforesaid Mines and Minerals (Development and Regulations) Amendment Act, 2021, contemplates as follow:-

Explanation – on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, the expression, “raising, transporting or causing to raise or transport any mineral without any lawful authority” occurring in this Section, shall mean, raising, transporting or causing to raise or transport any mineral by person without prospecting license, mining lease or composite license or in contravention of the rules made under Section 23C.

Therefore on consideration of the aforesaid site inspection, enquiry records and Mineral Rules, the aforesaid quarry license is obtained with effect from 24.10.2020 to 23.11.2030. Therefore, for the minerals which have been quarried, removed and transported unlawfully, the license Tax (Seniorage Charge) alone is levied as contemplated in the Government Order cited in the 8th reference and orders passed.

Sl. No.	Minerals	Size of the Mineral in cubic meters	Seniorage Value x 1 time (Rupees)
(1)	(2)	(3)	(4)
1.	Weathered Rock	23,208 x Rs.33	Rs.7,65,864/-
2.	Rough Stone	87,823 x Rs.59	Rs.51,81,557/-
TOTAL			Rs.59,47,421/-

At this juncture, it is hereby informed that 54078 cubic meters of minerals accumulated in the aforesaid quarry has to be removed only after payment of license Tax (Seniorage Charge).

Further the aforesaid license Tax (Seniorage Charge) amount is ordered to be paid in the Head of Account of the Government, as per details below:-

Sl. No.	Minerals	Amount (in Rs.)	Seniorage Value x 1 time (Rs.)
1.	Weather Rock (28.920 x 222.70)	Rs.765,964/-	0853-Non - Ferrous mining and metallurgical

	Rough Stone (196.206 x 147.45)	Rs.51,81,557/-	Industries - 102 Minerals Concession Fees - Rotas and Royalties - A B Rents and Royalties (D.P.Code No.0853 - 00 - 102 AB .0000)
	Total	Rs.59,47,421/-	

The aforesaid penalty amount of Rs.59,47,421/- (Rupees Fifty Nine lacs Forty Seven Thousand Four Hundred Twenty one only) is ordered to be paid to the Government in the aforesaid Government Account.

If there is any objection as against this order, Appeal can be filed before the District Collector, Chingleput, within 30 days from the date of receipt of this order.

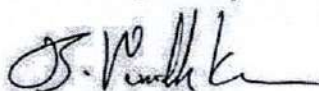
Sd/.. Revenue Divisional Officer,
Madurantakam.

To

Tmt Jayalakshmi,
W/o. Murali (late),
AFF1, Aalaiyam Thilagavathy Enclave,
Kurunji Nagar, 1st Main Road,
Old Perungalathur, Chennai - 63.

Copy to:

1. The District Collector,
Chingleput. - humbly submitted for information.



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WEB COPY

**ANNEXURE -A/28**Order dated 15.09.2022 inCont.P.No.1606 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.09.2022

Coram:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

Cont.P.No.1606 of 2022

Mr.B.Pasumpon Anand

.. Petitioner

Vs.

1. Mr.A.R.Rahul Nadh,
District Collector,
Chengalpattu District,
Collector Office, GST Road,
Chengalpattu District,
Tamil Nadu - 603 001.
2. Mr.R.Kannan,
Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Road,
Guindy, Chennai-600 032.
3. Mr.K.Balasubramanian,
Director,
Directorate of Geology & Mining,
Thiru Alandur Road,
Guindy Industrial Estate,
Guindy, Chennai-600 032.
4. Tmt.S.Saraswathi,
Revenue Divisional Officer,
Madurnthakam, Taluk,
Tamil Nadu-603 306.
5. Mr.Rajesh,
Tahsildar,

Page No.1/5



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Maduranthakam,
National Highway 38,
Maduranthakam,
Tamil Nadu 603 306.



Order dated 15.09.2022 in
Cont.P.No.1606 of 2022

.. Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, praying to punish the respondents herein for wilful disobedience of the direction of this Court in W.P.No.23756 of 2021, dated 03.01.2022.

For petitioner : Mr.K.M.Mrithunjayan

For respondents: Mr.K.V.Sajeev Kumar, Spl.G.P. for RR-1 and 3 to 5

ORDER

(The Order of the Court was made by T.Raja, J)

This Contempt Petition is filed alleging non-compliance of the order of this Court, dated 03.01.2022 passed in W.P.No.23756 of 2021.

2. When the Contempt Petition is taken up for hearing today, learned Special Government Pleader appearing for the respondents 1 and 3 to 5 has filed the compliance report, dated 10.09.2022 of the fourth respondent, and paragraphs 5 and 6 therein read as follows:

"5. It is submitted that pursuant to the above judgment of this Hon'ble of this Court order all the necessary actions were initiated and we have temporarily shut down the crusher unit of the M/s.Prasanna Blue metals till date. It is submitted that, further the quantity of mines excavated without permission in the Quarry site has been determined by the Joint Committee consisting of Revenue Divisional Officer, Assistant Director (i/c), Geology and Mining,

Page No.2/5



Order dated 15.09.2022 in
Cont.P.No.1606 of 2022

Chengalpattu and Tahsildar, Maduranthagam. In continuation to the same, notice had been issued to the Quarry owner and the legal heir of Thiru.S.Murali (deceased on 28.05.2021) Tmt.Jayalakshmi w/o Murali on 08.04.2022, 15.06.2022 and 29.08.2022. Based on the field inspection and enquiry, penalty has been arrived and orders dated 30.08.2021 and 31.08.2022 has been passed by this office.

6. It is submitted that in S.No's 7/A1, 5 and 6 there was excessive mining and hence necessary orders were passed directing Mrs.Jayalakshmi wife of Late Murali to pay the penalty amount of Rs.7,29,62,601/- under rule 36(A) of the Tamil Nadu Minor Mineral Concession rules 1959. It is also submitted that for transporting the mineral without paying seigniorage fees a penalty of a sum of Rs.59,47,421/- was imposed by the order dated: 31.08.2022."

3. In view of the above compliance made by the fourth respondent, the Contempt Petition is closed, taking note of the fact that compliance report has served the purpose.

(T.R., J) (P.D.A., J)
15.09.2022

Speaking Order: Yes/no
CS



Order dated 15.09.2022 in
Cont.P.No.1606 of 2022



To

WEB COPY

1. District Collector,
Chengalpattu District,
Collector Office, GST Road,
Chengalpattu District,
Tamil Nadu - 603 001.
2. Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Road,
Guindy, Chennai-600 032.
3. Director,
Directorate of Geology & Mining,
Thiru Alandur Road,
Guindy Industrial Estate,
Guindy, Chennai-600 032.
4. Revenue Divisional Officer,
Madurnthakam, Taluk,
Tamil Nadu-603 306.
5. Tahsildar,
Maduranthakam,
National Highway 38,
Maduranthakam,
Tamil Nadu 603 306.



Order dated 15.09.2022 in
Cont.P.No.1606 of 2022



WEB COPY

T.RAJA, J
and
P.D.AUDIKEVALU, J

CS

Cont.P.No.1606 of 2022

15.09.2022

//TRUE COPY//

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. No. _____ OF 2022

IN

CIVIL APPEAL NO.

OF 2022

IN THE MATTER OF:

B. Pasumpon Anand

...Appellant

Versus

State of Tamil Nadu

Represented by its Principal Secretary & Ors. ...Respondents

**APPLICATION FOR EXEMPTION FROM FILING CERTIFIED
COPY OF THE IMPUGNED ORDER**

To

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUDGES OF
THE HON'BLE SUPREME COURT OF INDIA

The Humble Application on behalf of
The Petitioner above named

MOST RESPECTFULLY SHOWETH:

1. The present Appeal under Section 22 of the National Green Tribunal Act, 2010 is being filed against the Impugned Judgment dated 29.09.2022 passed by the Hon'ble National Green Tribunal, Southern Zone, Chennai in Original Application No. 156 of 2021.
2. That the circumstances concerning the filing of the Present Civil Appeal have been presented in detail in the accompanying Civil Appeal. That the content of the present Civil Appeal is not being repeated herein for the sake brevity and the Appellant seeks leave of this Hon'ble Court to refer and rely upon the same when required.

3. That the Appellant with the present Civil Appeal is filing a true copy of the impugned order as a certified copy of the impugned order is not readily available. That unless the true copy of the impugned order is taken on record and the present Civil Appeal registered, the Appellant would be put to irreparable loss and hardship. On the other hand, no prejudice whatsoever would be caused to any parties if the Appellant is granted exemption from filing certified copy of the impugned order.

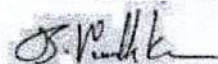
PRAYER

It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a. Exempt the Appellant from filing Certified Copy of the Impugned Judgment and Final Order dated 29.09.2022 passed by the Hon'ble National Green Tribunal, Southern Zone at Chennai in O.A. No. 156 of 2021; and
- b. Pass any further order / orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS YOUR APPELLANT AS IN DUTY BOUND SHALL EVER PRAY

FILED BY



B. VINODH KANNA
Advocate for the

Filed on: 12.11.2022
Appellant

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. No. _____ OF 2022

IN

CIVIL APPEAL NO. _____ OF 2022

IN THE MATTER OF:

B. Pasumpon Anand

...Appellant

Versus

State of Tamil Nadu

Represented by its Principal Secretary & Ors. ...Respondents

**APPLICATION FOR EXEMPTION FROM FILING OFFICIAL
TRANSLATION OF ANNEXURE**

To

The Hon'ble Chief Justice of India and
his companion of judges in the
Supreme Court of India.

Humble petition of the
Petitioner above-named

MOST RESPECTFULLY SHOWETH:

1. The present Appeal under Section 22 of the National Green Tribunal Act, 2010 is being filed against the Impugned Judgment dated 29.09.2022 passed by the Hon'ble National Green Tribunal, Southern Zone, Chennai in Original Application No. 156 of 2021.
2. That the circumstances concerning the filing of the Present Civil Appeal have been presented in detail in the accompanying Appeal. That the content of the present Civil Appeal is not being repeated herein for the sake brevity and the Appellant seeks leave of this Hon'ble Court to refer and rely upon the same when required.
3. That the Appellant with the present Civil Appeal is filing ANNEXURES - A/ 27 which is in vernacular and the

same has been translated in English by a Competent Advocate and the same is the true and correct translation of its original and the same be kindly accepted.

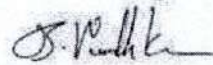
PRAYER

It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a. Exempt the Appellant from filing Official Translation of the ANNEXURE - A/ 27 ; and
- b. Pass any further order / orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS YOUR APPELLANT AS IN DUTY BOUND SHALL EVER PRAY

FILED BY



B. VINODH KANNA
Advocate for the Appellant

Filed on: 12.11.2022

IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)

CIVIL APPEAL NO.

OF 2022

IN THE MATTER OF:

B. Pasumpon Anand

...Appellant

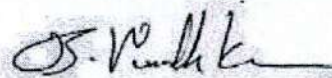
Versus

State of Tamil Nadu

Represented by its Principal Secretary & Ors. ...Respondents

	Copies	Court Fees
1. SLP Paperbook	1+3	
2.		
3.		
4.		
5.		
6.		
9.		
	Total Rs.	

Filed by



B. VINODH KANNA,
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305, NILGIRI
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BARAKHAMBHA ROAD, NEW
DELHI - 110 001
Mob.No: 9810195544.
E-mail : vkoffice@mail.com.

VAKALATNAMA
IN THE SUPREME COURT OF INDIA
(Civil Appellate Jurisdiction)
CIVIL APPEAL NO. OF 2022

IN THE MATTER OF:

B. Pasumpon Anand

...Appellant

VERSUS

State of Tamil Nadu
 Rep by the Principal Secretary & Ors.

...Respondents

VAKALATNAMA

I, B. Pasumpon Anand, Appellant in the above Appeal do hereby appoint and retain

VINODH KANNA.B

Advocate-on-record, Supreme Court of India

to act and appear for me in the above Appeal and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same of any decree order passed therein including proceedings in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on my behalf in the said Appeal and in applications of Review, and to represent me / us and to take all necessary steps on my behalf in the above matter. I agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority. I agree to pay all the fees etc. as per Supreme Court Rules.

Dated this the 7th day of October, 2022

Signature of Client

Identified, Verified and Accepted

SRK

(B. Pasumpon Anand)
 Appellant

VINODH KANNA. B
 Advocate, Supreme Court
CODE No. 1755
 199, DDA Site I
 New Rajinder Nagar, New Delhi - 110060.

MEMO OF APPEARANCE

To
 The Registrar,
 Supreme Court of India,
 New Delhi
 Sir,
 Please enter my appearance on behalf of the Appellants in the matter above mentioned

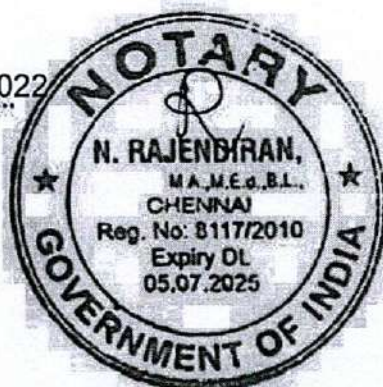
Dated this the 07th of October, 2022

Yours faithfully,

SRK

VINODH KANNA. B
CODE No. 1755
 Advocate for the Petitioner

Date...12.11.2022



N. Rajendiran
N. RAJENDIRAN, M.A., M.Ed., B.L.
 MS No: 1293/1991
 ADVOCATE & NOTARY PUBLIC
 GOVERNMENT OF INDIA
 No. 1, Jothiramalingam II Cross Street,
 West Mambalam, Chennai - 600 033
 Mobile - 98411 22650

26/10/2022

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 156 of 2021 (SZ)

Memo of Parties:

IN THE MATTER OF

Mr. B. Pasumpon Anand,
S/o P. Bhagavathi
53/19, Pillayar Kovil Street,
Nesapakkam, West KK Nagar
Chennai- 600078

...Applicant(s)

Versus

1. State of Tamil Nadu
Represented by its Principal Secretary,
Environment Forest & Climate Change Department,
Secretariat Complex, Namakkal Kavignar Maaligai,
Fort St. George, Rajaji Road,
Chennai- 600 009
2. State Environmental Impact Assessment Authority,
Represented by its Director,
No.1, 3rd Floor, Panagal Maaligai,
Jeenis Road, Saidapet,
Chennai- 600 015
3. The District Collector,
Chengalpattu District,
Collector Office, GST Road,
Chengalpattu District,
Tamil nadu- 603 001
4. Tamil Nadu Pollution Control Board,
Represented by its Member Secretary,
No. 76, Mount Road,
Guindy, Chennai- 600032
5. Directorate of Geology and Mining,
Represented by its Director
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai- 600032

6. District Environmental Engineer,
Chengalpattu District,
Maraimalai Adigalar Street, Next to Municipal Office,
Maraimalai Nagar,
Kancheepuram District- 603 209

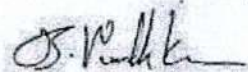
7. Revenue Divisional Officer,
Maduranthakam,
Tamil Nadu- 603306

8. Mr. S. Murali (Deceased),
Proprietor Prasama Blue Metal,
AFF1, Alayams Thilagavathy Enclave,
Kurinji Nagar, 1st Main Raod,
Old Perangalathur, Chennai- 600063

9. Mrs. Jayalakshmi Murali,
W/o late Mrs. Murali,
Proprietor Prasanna Blue Metal,
AFF1, Alayams Thilagavathy Enclave,
Kurinji Nagar, 1st Main Raod,
Old Perangalathur, Chennai- 600063

...Respondent(s)

Filed by



AOR for the Appellant
(B. VINODH KANNA)

Code No. 1755

E-mail: vkoffice@mail.com

Mobile: 9810195544

Place: New Delhi

Date: 12.11.2022

**BEFORE THE NATIONAL
GREEN TRIBUNAL(SZ),
SITTING AT CHENNAI**
(Under Section 18(1) r/w
S. 16 (c) of National Green
Tribunal Act, 2010)
O.A. No. 156 of 2021

ADDITIONAL TYPED SET

COUNSEL FOR RESPONDENT