

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 206 of 2024 (SZ)

In the matter of:

Original application registered suo motu on the basis of the news item titled "Irumangulam villagers boycott poll as stone quarry near hamlet disrupts Water for irrigation".

AND

**1. Tamilnadu State Pollution Control Board,
Through its Member Secretary,
No.76, Mount Salai, Guindy,
Chennai- 600032.**

**2. Central Pollution Control Board.
Through its Member Secretary,
Parivesh Bhavan, East Arjun Nagar,
Delhi- 110032**

**3. The District Collector,
Tenkasi District, Tenkasi**

...Respondent/ Respondents

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Filed on Behalf of 3rd Respondent

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

DATE: 17.03.2025

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

Original Application no: 206/2024

(Principal Bench O.A. No. 596 of 2024)

Original application registered suo motu on the basis of the news item titled "Irumangulam villagers boycott poll as stone quarry near hamlet disrupts Water for irrigation".

Vs

1. Tamilnadu State Pollution Control Board,
Through its Member Secretary,
No.76, Mount Salai, Guindy,
Chennai - 600032.
2. Central Pollution Control Board.
Through its Member Secretary,
Parivesh Bhavan,
East Arjun Nagar,
Delhi - 110032
3. The District Collector,
Tenkasi District,
Tenkas

...Respondent/ Respondents

REPORT FILED BY THIRD RESPONDENT

I A.K.Kamal Kishore, IAS., S/o. Andi.K, Hindu, aged about 40 years, serving as District Collector, Tenkasi District, do hereby solemnly affirm and sincerely state that I am the third respondent to this case and I am well acquainted with the facts of the case from perusing the records available with in the office of Assistant Director of Geology and Mining, Tenkasi.

2) It is submitted that, a roughstone quarry lease was granted to Thiru.Premkumar S/o.Thomas Vaikundamani to quarry roughstone and gravel over an extent of 4.24.0 Hectares of patta land in SF No. 430/2, 431/1A, 431/1B, 431/1C, 432/1A, 432/1B, 432/1C, 432/1D of Ariyur village, Sivagiri taluk vide Assistant Director, Geology and Mines, Tenkasi proceedings M1/36678/2017 dated: 07.09.2020 for a period of 5 years from 14.09.2020 to 13.09.2025.

3) It is submitted that, against the quarry operation, one Thiru.Karuthapandian S/o. Sangaiya on behalf of Thonugalkulam Water Users Association filed W.P (MD) No. 6407 of 2023 at the Hon'ble Madurai Bench of Madras High Court praying that the existence of channel on the southern side of the quarry area has been suppressed and the quarry operation affect the natural flow of water in the odai. In this regard, the area was inspected on 27.06.2023 by Assistant Geologist, Special Deputy Tahsildar (Mines), Special Revenue Inspector (Mines) and Gudalur firka Surveyor and reported that there is a pit in SF. Nos.430/2, 431/1A, 431/1B, 431/1C & 432/1D. The lessee has maintained a safety distance of 50 meters from the odai, which is located on the southern side of the applied area and also maintained 10 meters to the vandipathai situated on northern side of the lease area. The lessee has carried out quarry operations within the premises of lease hold area and maintained the safety distances as stipulated in

the proceedings of the Assistant Director of Geology and Mining, Tenkasi.

4) Based on the report submitted, the court has dismissed the W.P (MD) No. 6407 of 2023, vide order dated 09.08.2023 stating that no violation has been brought to their notice. Against the said order, Mr. Satheeskumar and Mr. S. Sundarayya have filed a review petition. The Hon'ble Madurai Bench of Madras High Court in Review application - REV APLW(MD) No.220 of 562023 in W.P(MD)No.6407 of 2023, dated 05/03/2024 directed the District Collector, Tenkasi to conduct inspection in the quarry site and the surrounding area and submit a report along with sketch before the Court. Report shall indicate if the Odais found in the original topo sketch combining FMB report are still in existence and whether they have been destroyed on account of quarry operations. It may also be confirmed if the quarry operator is still maintaining the safety distance.

5) It is submitted that, As directed by the Hon'ble Madurai Bench of Madras High Court, the area was inspected by me on 17.03.2024, along with Assistant Director of Geology and Mining, Tahsildar Sivagiri, Taluk head Surveyor and VAO and reported to the Hon'ble Madurai Bench of Madras High Court as follows,

- a. *A quarry lease was granted to T.Premkumar for quarry Roughstone and Gravel over an extent of 4.24.0 hectares of patta land in SF No. 430/2 (1.13.5), 431/1A (0.32.0),*

431/1B (0.29.0), 431/1C (0.80.5), 432/1A (0.30.0), 432/1B (0.35.0), 432/1C (0.43.0), 432/1D (0.61.0) of Ariyur Village, Sivagiri Taluk for a period of 5 years vide Assistant Director, Geology and Mining proceeds No.M1/36678/2017, dated 07.09.2020. The lease period is valid from 14.09.2020 to 13.09.2025.

- b. The quarry lease area falls in HACA Village. Hence the quarry lease application preferred by T.Premkumar on 01.09.2017 was forward to the line departments. Reports were received from the following departments 1) Deputy Director, Town and country planning – Tirunelveli. 2) The Principal Chief Conservator of Forest-Chennai. 3) Chief Engineer, Agricultural Engineering-Chennai. 4) Revenue Divisional Officer-Tenkasi and 5) Assistant Geologist, Geology and Mining, Tirunelveli. Based on the recommendations of the said departments, the application was recommended and forwarded to HACA Committee-Chennai. The committee has recommended the said proposal on 31.08.2018. Further after obtaining Environmental Clearance from SEIAA, the quarry lease was granted to T.Premkumar for quarrying Roughstone and Gravel for the period of 5years. The lease deed was executed on 14.09.2020.

- c. A clarification was requested to the RDO- Sankarankovil on existence of Nilavial odai in SF No. 430/2,432/ 1D & 431/ 1A before grant of lease. The RDO vide letter A3/118/2020, dated 28.08.2020 reported that, the area was inspected along with Tahsildar-Sivagiri, Koodaloor surveyor and VAO Ariyur. It is found that a Poromboke odai is existing in SF No.432, 431, 458 & 465. A Nilavial odai shown in patta lands of Sf.No.429, 430/2, 431/1A, 431/1B & 432/1D does not exist on state on ground.
- d. A report was called for from PWD (WRO) Chittar basin on permitting the quarry operation in the lease area. The Assistant Executive Engineer, Chittar basin-Tenkasi has reported vide letter No. K/56/2022/AEE, dated 29.04.2022.
- i. The quarry operation in Sf No.430/2, 431/1A, 431/1B, 431/1C, 432/1B, 432/1C & 432/1D does not affect the water body in Sf No.432/2. A safety distance of 50 meters has been maintained to the poromboke odai.
 - ii. The drained water from Ariyur hillock during rainy season will flow through the poromboke odai in Sf No.432/2 and reach the Thonukal kulam without hindrance and there is no obstruction due to quarry operation in the said area.
 - iii. The drainage water from Ariyur hillock during rainy season is one of the main water sources for Thonukal kulam. Further surplus water from Peikulam and Periyakulam of Irumankulam village is also another source of water for Thonukal kulam.

- iv. Presently about 101.57 hectares of land are utilizing the Thonukal kulam water body.
- e. On verification of the revenue record, a classified odai is found in SF No.432/2, 431/2, 451/2 and 458/2 mentioned as poromboke odai in A -register. The average width of the said odai is of 7-9meters and an adjacent land in SF No.427 is also classified as poromboke odai. As per the FMB records, a three branched Nilaviyal odai is demarked on SF No.429 which confluence at south-east and passes through SF No.430/2(Western corner),432/1D (Eastern corner) SF No.431/1A & 1B and connects to the classified odai is in SF No.431/2. The above said SF No.429, 430/2, 432/1D, 431/1A & 1B are classified as patta land and no remarks were noted as Nilaviyal odai in A-register.
- f. On field observation and verification, it is found that the Nilaviyal odai shown in SF No.429, lying North to the lease area is not visible and no features on Nilaviyal odai were noted at present. The lessee has manually made a ditch to a width of 6-7 meters passing adjoining to the Eastern side of SF No.429 & 428 which connects to the poromboke odai in SF No.427& 432/2. During rainy season, if water drain from the hillock, it may flow through the ditch made manually by lessee and may connect to the poromboke odai in SF No.427 & 432/2. Further the poromboke odai SF

No.432/2,431/2,451/2 & 458/2 are in existence. The average width of the said odai is 7-9meters and to a depth of 0.5 meter is maintained, no encroachments were made in the said poromboke odai.

- g. A safety distance of 50 meters to the said poromboke odai is maintained and no quarry operations were made within the 50 meters from the poromboke odai. The quarry waste and weathered rock are dumped within the safety distance between quarry pit and poromboke odai. The quarry pit was noticed in SF No. 432/1B, 432/1C, 432/1D, 431/1A, 431/1B, 431/1C & 430/2. The lease area was fully fenced. Further, a poromboke odai in SF No.427 lying west to the lease area getting water from the adjacent hill of SF No.467 during rainy season which passes through SF No.427, 432/2, 431/2, 451/2, 458/2 etc., and flows through various fields and finally accumulated at Thonukal kulam.
- h. A crushing unit is existing in SF No.429 and a mineral stockyard is existing in SF No.430/1. The existing quarry is surrounded by old abandoned quarry on three sites located on the foothill of the adjacent hillock and all the quarries are non-operation for the past ten years.
- i. Further, on enquiry about existence of Nilaviyal odai in SF No.429, 430/2, 432/1D & 431/1A before grant of quarry lease, the present VAO of Ariyur village has stated that, she

worked as VAO of Ariyur village during the period of 2014 to 2017 and before grant of said quarry lease, the said SF No. 429, 430/2, 432/1D & 431/1A was barren land with bushes and there was no Nilavial odai in existence in the said area which was recorded during the field inspection.

6) The above said information was reported to the Hon'ble Madurai Bench of Madras High Court in Review application – REV APLW(MD) No.220 of 2023 in W.P(MD)No.6407 of 2023. On 29.08.2024, a division bench of the Madurai Bench of Madras High Court ordered on the review as follows:

“With this direction to restore the nilavial odais that originally existed and a further restraint order imposed on the quarry leaseholder not to undertake any quarrying operations within the prohibited distance, this review application is disposed of. No costs. Connected miscellaneous petitions are closed”

7) It is submitted that, as ordered by the Madurai Bench of Madras High Court in review petition, the Revenue Divisional Officer-Sankarankovil and Assistant Director of Geology and Mining vide letter dated 23.09.2024 was directed to restore the nilavial odais whose existence is mentioned in the original topo sketch in lease area and further not to permit the leaseholder to operate the quarry within the prohibited distance.

8) It is submitted that, the Assistant Director of Geology and Mining vide letter dated 26.09.2024 had reported that, a show cause notice was issued to the lessee on 26.09.2024 directed to restore the nilavial odais whose existence mentioned in the original topo sketch in lease area and no quarry activity should be carried out within 50 meters from the restored nilavial odais. Further informed that, issuing of transport permit to the lease holder is stopped from 23.08.2024.

9) It is humbly submitted that, the quarry activities had been stopped and further action is also been carrying out to restore the nilavial odais mentioned in the original topo sketch in lease area.

Therefore, it is prayed that the Honourable Green Tribunal Southern zone may consider the aforesaid explanation in deciding the suo-motto original application No: 206/2024 in accordance with law and dispose the same and thus render justice.



District Collector
Tenkasi

Date : 27.09.2024



ந.க.எம்1/41/2024

உதவி இயக்குநர் அலுவலகம்,
புவியியல் மற்றும் சுரங்கத்துறை,
தென்காசி.
நாள்: .09.2024

குறிப்பாணை

பொருள்:

நீதிமன்ற வழக்கு - கனிமமும் சுரங்கமும் - தென்காசி மாவட்டம் - சிவகிரி வட்டம் - அரியூர் கிராமம் - புல எண். 430/2 மற்றும் பலவற்றில் மொத்த விஸ்தீரணம் 4.24.0 ஹெக்டேர் நிலத்தில் திரு.பிரேம்குமார் த/பெ.தாமஸ் வைகுண்டமணி என்பவருக்கு கல்குவாரி குத்தகை உரிமம் வழங்கப்பட்டது - சென்னை உயர்நீதிமன்ற மதுரை கிளை சீராய்வு மனு REV APP (MD) No.220/2023 -ல் வரப்பெற்ற தீர்ப்பின்படி நிலவியல் ஓடையினை மறுசீராக்கம் செய்யக் கேட்டல் - தொடர்பாக

பார்வை

1. சென்னை உயர்நீதிமன்ற மதுரை கிளை வழக்கு REV APP (MD) No.220/2023 தீர்ப்புரை நாள் - 29.08.2024
2. மாவட்ட ஆட்சித்தலைவர் அவர்களின் கடிதம் ந.க.எம்1/41/2024 நாள்: 23.09.2024

தென்காசி மாவட்டம், சிவகிரி வட்டம், அரியூர் கிராமம், புல எண். 430/2 (1.13.5), 431/1A (0.32.0), 431/1B (0.29.0), 431/1C (0.80.5), 432/1A (0.30.0), 432/1B (0.35.0), 432/1C (0.43.0), 432/1D (0.61.0) மொத்த விஸ்தீரணம் 4.24.0 ஹெக்டேர் நிலத்தில் திரு.பிரேம்குமார் த/பெ.தாமஸ் வைகுண்டமணி என்பவருக்கு குத்தகை உரிமம் வழங்கப்பட்ட நிலத்தின் ஊடே புலப்படத்தில் உள்ளவாறு நிலவியல் ஓடையினை மறுசீரமைப்பு (restore the nilavial odais) செய்தும், நிலவியல் ஓடைக்கு உரிய பாதுகாப்பு இடைவெளி விட்டு குவாரிப்பணி மேற்கொள்ள பார்வை 1-ல் காணும் சீராய்வு மனு வழக்கின் தீர்ப்புரையில் தெரிவிக்கப்பட்டுள்ளது.

அதன்படி, தங்களுக்கு குத்தகை உரிமம் வழங்கப்பட்ட குவாரியின் ஊடே புலப்படத்தில் உள்ளவாறு நிலவியல் ஓடையினை மறுசீரமைப்பு (restore the nilavial odais) செய்தும், மேற்படி நிலவியல் ஓடைக்கு 50 மீட்டர் பாதுகாப்பு இடைவெளி விட்டு குவாரிப்பணி மேற்கொள்ள உரிய செயல்திட்ட சுரங்க வரைபடம் (Mining Plan) தயார் செய்து இவ்வலுவலகத்தில் சமர்ப்பிக்குமாறு கேட்டுக்கொள்ளப்படுகிறது. மேலும் அதுவரை குவாரி பணிகள் ஏதும் மேற்கொள்ளக்கூடாது என இதன் மூலம் தெரிவிக்கப்படுகிறது.

(6/2)

(Handwritten Signature)
26/09/24
உதவி இயக்குநர்
புவியியல் மற்றும் சுரங்கத்துறை
தென்காசி

(Handwritten Signature)
26/09/24

Rc.No.M1/41/2024

O/o. Assistant Director,
Geology and Mining,
dated: 26.09.2024**Memo**

Sub: **Court Case - Mines and Minerals** - Tenkasi District - Sivagiri Taluk - Ariyur Village - Quarry lease was granted to Thiru.Premkumar S/o.Thomas Vaikundamani in SF Nos. 430/2 and etc., extent 4.24.0 hectares - Hon'ble Madurai Bench of Madras High Court order in Review Petition REV APP (MD) No.220/2023-seeking to restore the nilavial odais - Regarding

- Ref 1. Hon'ble Madurai Bench of Madras High Court order in Review Petition REV APP (MD) No.220/2023 dated: 29.08.2024
2. District Collector, Tenkasi Letter No.M1/41/2024 dated: 23.09.2024

The Hon'ble Madurai bench of Madras High Court vide reference 1st cited ordered that Nilaviyal odais passing through lands granted under rough stone quarry lease to Thiru.Premkumar S/o.Thomas Vaikundamani over an extent 4.24.0 hectares in SF Nos. 430/2(1.13.5), 431/1A(0.32.0), 431/1B(0.29.0), 431/1C(0.80.5), 432/1A(0.30.0), 432/1B(0.35.0), 432/1C(0.43.0), 432/1D(0.61.0) of Ariyur Village, Sivagiri Taluk, Tenkasi District should be restored as shown in the map and quarrying operation should be carried on only after leaving necessary safety to the said nilaviyal odais.

Accordingly, you are hereby instructed to restore the nilavial odais passing through quarry lease granted area as shown in the map, and also instructed to prepare and submit a mining plan by leaving 50m safety distance to the odais for carrying on mining operations. Further it is instructed not to carry on mining operation till the compliance.

,
Assistant Director,
Geology and Mining, Tenkasi.

PROCEEDINGS OF THE ASSISTANT DIRECTOR(I/c) OF GEOLOGY AND

MINING, TENKASI

Present: Tmt. Safiya.S, M.Sc.,

Rc. No. M1/36678/2017

Dated. 07.09.2020

Sub: Mines and Quarries - Minor Mineral - Minor Mineral
- Roughstone - Tenkasi District - Sivagiri Taluk -
Ariyur Village - SF. Nos. 430/2, 431/1A, 431/1B,
431/1C, 432/1A, 432/1B, 432/1C, 432/1D & 458/1B -
over an extent of 4.76.5 hectares of patta land -
Quarry lease application preferred by
Thiru.T.Premkumar - area falls under Hill village -
Environmental Clearance obtained - Quarry lease
granted - Orders issued.

- Ref:**
1. Quarry lease application preferred by Thiru.T.Premkumar dated: 01.09.2017.
 2. Deputy Director, Town and Country Planning (i/c), Tirunelveli letter Rc. No: 3014/2017 திவிம3, dated: 30.10.2017.
 3. Principal Chief Conservator of Forests, Chennai letter No: TS4/1766/2018, dated: 14.05.2018.
 4. The Revenue Divisional Officer, Tenkasi Letter No. Rc.A3/7489/2017, Dated: 13.11.2017.
 5. Chief Engineer, Agriculture Engineering, Chennai letter No: மபாஆ(க)1/37005/2017, dated:12.12.2017.
 6. Inspection report of the Assistant Geologist, Geology and Mining, Tirunelveli, Dated: 23.06.2018.
 7. Member Secretary, Hill Area Conservation Authority, Town and Country Planning, Chennai letter in Roc.No. 13859/2018/HACA,

dated. 31.08.2018.

8. The Revenue Divisional Officer, Tenkasi Letter No. A3/8260/2018, Dated: 30.11.2018.
9. This office Notice No. M1/36678/2017, dated: 04.02.2019
10. This office letter Rc. No. M1/36678/2017, dated. 15.04.2019.
11. State Level Environmental Impact Assessment Authority Clearance Lr. No. SEIAA-TN/F.No.7095/1(a)/EC.No:4226/2020, dated. 16.06.2020.
12. Letter dated. 13.08.2020 received from the applicant Thiru.T.Premkumar.
13. G.O (Ms) No. 169, Industries (MMC-1) Department dated. 04.08.2020.

Order:-

Thiru.T.Premkumar, S/o. Thomas Vaikundamani, 4/123, Main Road, Vadakku pudur Village, Sankarankovii Taluk, Tirunelveli District applied on 01.09.2017 for grant of quarry lease for quarrying Roughstone, Jelly and Gravel over an extent of 4.76.5 hectares of patta land in S.F.Nos: 430/2 (1.13.5), 431/1A (0.32.0), 431/1B (0.29.0), 431/1C (0.80.5), 432/1A (0.30.0), 432/1B (0.35.0), 432/1C (0.43.0), 432/1D (0.61.0) & 458/1B (0.52.5) of Ariyur Village, Sivagiri Taluk, Tirunelveli District for a period of 5 years under Rule 19 (1) of Tamil Nadu Minor Mineral Concession Rules, 1959 vide reference 1st cited.

2. The applicant enclosed the following documents along with the quarry lease application.

1. A sum of Rs. 1500/- remitted in SBI, Tirunelveli branch vide Challan dated: 31.07.2017 towards application fee and produced the original challan.
2. Affidavit for the areas held under quarry lease, applied for but not yet granted and being applied for simultaneously.
3. Affidavit filed towards income tax stating that he has not come under the purview of the Income Tax Act, 1961 and hence he has not filed income tax returns.
4. Affidavit towards no mining dues to be paid to the Government.
5. Copy of the consent obtained from the pattadar pertaining to the patta land applied for quarry lease.
6. Extracts of 10-1 Chitta, "A" Register, Adangal and FMB Sketch of the patta land applied for quarry lease.

3. The patta land applied for quarry lease falls in Ariyur village which is declared as a notified village as per G.O. No: 49, Housing and Urban Development (UD II) department, Chennai, dated: 24.03.2003 and therefore clearance from Hill Area Conservation Authority (HACA) is a pre-requisite for grant of quarry lease in the said patta land. Therefore, the Chief Conservator of Forests, Chennai, Chief Engineer, Agricultural Engineering Department, Chennai and the Deputy Director, Town and Country Planning, Tirunelveli and the Revenue Divisional Officer, Tirunelveli were requested to send their reports on the quarry lease application preferred by the applicant in the said patta land vide this office letter No: M1/36678/2017, dated: 09.10.2017.

4. The Deputy Director, Town and Country Planning (i/c), Tirunelveli, in the reference 2nd cited reported that the applied area is a plain terrain

and not covered under the comprehensive scheme / expansion development scheme area. Sufficient access facility is available to the applied area. No residential houses are located within a radial distance of 500 meters and no buildings and therefore recommended for obtaining clearance from the HACA.

5. The Principal Chief Conservator of Forests, Chennai in the reference 3rd cited reported that there is no objection from Forestry and Wildlife point of view for grant of quarry lease in the applied area subject to the condition that Environment clearance should be obtained from the appropriate authority before granting permission to operate the quarry.

6. The Revenue Divisional Officer, Tenkasi, in the reference 4th cited reported that the applied areas are scrutinized in the report of Tahsildar, Sivagiri. The quarry lease applied land in S.F.Nos:430/2, 431/1A, 1B, 1C, 432/1A, 1B, 1C, 1D are classified as patta and stand registered in the name of the applicant vide Patta No: 1100 and the land in S.F.No. 432/1A is classified as patta and stand jointly registered in the name of Thiru.Rajasekar and Thiru.Premkumar vide patta No. 714 and the land in S.F.No. 458/1B is classified as patta and stand registered in the name of Thiru.Rajasekar vide patta No. 602 of Ariyur village accounts. The joint pattadar Thiru.Rajasekar has given consent from the patta land in S.F.No. 432/1A & 458/1B applied for carrying out quarrying operations. There are no habitations within a radial distance of 300 metres from the applied area. There are no cemeteries, tomb and valuable trees are available to the applied area. There are no railway lines, power lines and ancient

monuments are near the applied area. Approach road is available to the applied area. The land applied for quarry lease has not been entered in the Prohibitory Order Book. "A1" notice was published and no objections were received from the public for grant of quarry lease in the said patta lands. The Revenue Divisional Officer, Tirunelveli recommended for grant of quarry lease in favour of the applicant for quarrying roughstone over an extent of 4.76.5 hectares of patta lands in S.F.Nos: 430/2, 431/1A, 431/1B, 431/1C, 432/1A, 432/1B, 432/1D & 458/1B of Ariyur Village, Sivagiri Taluk, Tirunelveli District.

7. The Chief Engineer, Agricultural Engineering, Chennai, in the reference 5th cited reported that the applied area is a plain terrain and the slop of the area is 1% to 2% and there is no chance for lands slide or soil erosion in view of the proposed stone quarry operation. Further, there is no chance for any damage to the nearby cultivable lands in view of the proposed stone quarry and drainage facilities are available in the proposed area for the free flow of rain water and as well as waste water.

8. The Assistant Geologist, Tirunelveli in the reference 6th cited reported that the applied lands in S.F.Nos: 430/2, 431/1A, 1B, 1C, 432/1A, 1B, 1C, 1D is classified as patta and stand registered in the name of the applicant vide Patta No: 1100 and the lands in S.F.No. 458/1B is classified as patta and stand registered in the name of Thiru.Rajasekar vide patta No. 602 and the land in S.F.Nos. 432/1A is classified as patta and stand jointly registered in the name of the applicant and Thiru.Rajasekar vide patta No. 714 of Ariyur village accounts. The applicant has obtained

consent from the pattadar Thiru.Rajasekar in S.F.No.s 458/1B & 432/1A applied for carrying out quarrying operations and therefore the applicant has got surface rights over the area applied for quarry lease. The applied area is a flat terrain and virgin and it is observed that the odai is passing in S.F.Nos. 427, 431 and 432 on East-West direction on the southern side of the applied area. The rock type found to occur in the area is of Charnockite covered by top soil having 2 meter thickness followed by weathered rock ranging upto 3 meters depth. It is suitable for making roughstone and jelly used for filling, road work and construction activities. There are no residential houses within a radial distance of 300 meters from the boundaries of the applied area and therefore the quarry lease application satisfies Rule 36 (1-A) (a) of Tamil Nadu Minor Mineral Concession Rules, 1959. No power line is passing within a radial distance of 50 meters from the boundaries of the applied area. One cart track is passing East-West direction on the northern side of the applied area in S.F.Nos 430/2 and 431. There are no other permanent structures such as temple, mosque, church, railway lines and historical monuments are seen within a radial distance of 50 meters from the boundaries of the applied area. Approach road is available to the applied area. A odai is passing southern side of the lease applied area in S.F.Nos. 458/1B measuring an extent of 0.52.5 hectares after leaving a 50 meter safety distance from the odai, scientific mining operation cannot be carried in S.F.No. 458/1B. Hence the applied area in S.F.No. 458/1B over an extent of 0.52.5 hectares is not recommended. The Assistant Geologist recommended for grant of quarry lease in favour of the applicant for quarrying Roughstone, Jelly and

Gravel over an extent of 4.24.0 hectares of patta lands in S.F.Nos: 430/2 (1.13.5), 431/1A (0.32.0), 431/1B (0.29.0), 431/1C (0.80.5), 432/1A (0.30.0), 432/1B (0.35.0), 432/1C (0.43.0), 432/1D (0.61.0) of Ariyur Village, Sivagiri Taluk, Tirunelveli District for a period of 5 years subject to the following conditions:-

- i. A safety distance of 7.5 meters should be provided to the adjoining patta lands. ✓
- ii. A safety distance of 50 meters should be provided to the odai passing East-West direction on the southern side of the applied area in S.F.Nos. 431 & 432. ✓
- iii. A safety distance of 10 meters should be provided to the cart track passing East-West direction on the northern side of the applied area in S.F.Nos. 430/2 & 431. ✓
- iv. The applicant is restrained from producing products other than the permitted minerals in this area. ✓
- v. The quarried materials and waste generated during quarrying operation shall be transported without affecting the adjoining odai.
- vi. No hindrance shall be caused to the adjoining pattadars' lands while carrying out quarrying operations.
- vii. No blocks with a size of 30c.m x 30c.m x 30cm suitable for polishing shall be produced.
- viii. Environmental Clearance should be obtained from the District Level Environment Impact Assessment Authority.

9. In view of the above, based on the recommendations of the Deputy Director of Town and Country Planning, Tirunelveli, the Principal Chief Conservator of Forest, Chennai, the Chief Engineer, Agricultural

Engineering, Chennai, The Revenue Divisional Officer, Tirunelveli, and the Assistant Geologist, Tirunelveli, the quarry lease application preferred by Thiru.T.Premkumar for grant of quarry lease for quarrying roughstone, jelly and gravel over an extent 4.24.0 hectares of patta lands in S.F.Nos: 430/2 (1.13.5), 431/1A (0.32.0), 431/1B (0.29.0), 431/1C (0.80.5), 432/1A (0.30.0), 432/1B (0.35.0), 432/1C (0.43.0), 432/1D (0.61.0) of Ariyur Village, Sivagiri Taluk, Tirunelveli District may be forwarded to the Commissioner of Town and Country Planning, Chennai with a request to place the proposal before the committee for obtaining clearance from the Hill Area Conservation Authority.

10. The Ariyur Village falls in Hill Village as notified in G.O. Ms. No. 49, Housing and Urban Development Department, dated: 24.03.2003 and therefore based on the recommendation of the Deputy Director of Town and Country Planning, Tirunelveli, the Principal Chief Conservator of Forest, Chennai, the Chief Engineer, Agricultural Engineering, Chennai, The Revenue Divisional Officer, Tirunelveli, and the Assistant Geologist, Tirunelveli, the quarry lease application was forwarded to the Commissioner of Town and Country Planning, Chennai with a request to place the proposal before the committee for obtaining clearance from the Hill Area Conservation Authority.

11. The Member Secretary, Hill Area Conservation Authority, Chennai in the reference cited stating that, the proposal was placed before the HACA at 65th meeting held on 16.08.2018, as agenda item No. 05, and decided as follows:-

HACA has decided to place the proposal before the committee prior clearance should obtain from the concerned District Level Environment Impact Assessment Authority (DEIAA) or State Level Environment Impact Assessment Authority (SEIAA) as prescribed by the relevant Act/Rules/ regulations in force of the respective departments.

12. The Revenue Divisional Officer, Tenkasi in the reference cited in his report stating that the proposed site in S.F.Nos. 430/2, 431/1A, 1B, 1C, 432/1A, 1B, 1C & 1D measuring an extent of 4.24.0 hectares of Ariyur Village, Sivagiri Taluk inspected on 13.11.2018. The proposed site in S.F.Nos. 430/2, 431/1A, 1B, 1C, 432/1A, 1B, 1C & 1D stand registered in the name of Thiru.Premkumar S/o. Thomas Vaikundamani vide patta No. 1100 of Ariyur village accounts. The proposed site in S.F.No. 432/1A stand jointly registered in the name of Thiru.Rajasekar and Thiru.Premkumar S/o. Vaikundamani vide patta No. 714. The joint pattadar Thiru.Rajasekar has given consent to the applicant for carry out quarrying operation in S.F.No. 432/1A.

13. He has further reported that the proposed site surrounded lands in S.F.Nos. stand registered in the name are as follows:-

SF. Nos	Patta No	Pattadar Name
451, 457, 458/1B	602	Thiru.Rajasekar S/o. Thomas Vaikundamani
458/1A	434	
449, 450/2	434	
448	1104, 715	Thiru.Rajasekar and

		Thiru.Premkumar S/o. Thomas Vaikundamani
--	--	---

The joint pattadar has given consent to the applicant for using the patta lands. The surrounded lands are stand registered in the name of the applicant. The above lands are barren lands. There are no any other agricultural purposes because no water sources. The complaint petitioner saying Irumankulam village is situated 4 km away from the proposed site. In this case, if the quarry permission there is not affected in the agricultural lands in Irumankulam village. The proposed site surrounded in S.F.Nos. 430/1 (0.45.5), 429 (0.95.5) measuring an extent of 1.41.0 hectares is classified as patta and stand registered in the name of the complaint petitioner Thiru.Koothadichi W/o. Thiru.G.Maharajan vide patta No. 1099. The quarry permission is already granted in S.F.No. 430/1 and the lease was cancelled. The complaint petitioner has applied for grant of quarry permission in the name of Tmt.Koothadichi over an extent of 1.41.0 hectares in S.F.Nos. 430/1 (0.45.5), 429 (0.95.5) and the report has to be sent vide this office letter No. A3/4000/17, dated. 07.08.2018. The quarried materials are transported in S.F.Nos. 458 and 466 to reach the Sankarankovil to Puliyanakudi main road. The S.F.Nos. 458 and 466 are joint the poramboke land in S.F.No.467. The applicant has used the pathway of land 175 square feet for the Poramboke land in S.F.No. 467. The applicant has agrees to pay the government lease amount to the government used as pathyway of poramboke land. Therefore

approach road is available to reach the main road from the applied area. There are no residential houses are within a distance of 500m from the boundaries of the applied area. The pathway of land in S.F.Nos. 458 and 466 are stand registered in the name of Thiru.Premkumar S/o. Thomas vaikundamani vide patta No. 602 and 1082 and the land in S.F.Nos. 466/2 (0.25.0) and 466/3 (0.15.06) stand registered in the name of Thiru.Rajasekar and Thiru.Premkumar S/o. Thomasvaikundamani vide patta No. 1067. Therefore the pathway of land used in S.F.Nos. 458 and 466 and the Government Paramboke land in S.F.No. 467. If the quarry permission the agricultural lands are not affected and therefore he has recommended for the quarry permission for the above said applied area.

14. In response to the precise area communicated, the applicant in his letter dated, 14.03.2019 has produced 3 copies of the draft mining plan duly prepared by a Recognized Qualified Person for approval of the Deputy Director of Geology and Mining, Tirunelveli. The Mining Plan produced by the applicant has been accorded approval by the Deputy Director of Geology and Mining, Tirunelveli vide letter No. M1/36678/2017, dated, 15.04.2019 subject to certain conditions.

15. The applicant was further directed to obtain Environmental Clearance from the State Level Environmental Impact Assessment Authority in respect of the precise area communicated as per the orders of the Hon'ble Supreme Court of India Order dated, 27.02.2012 in I.A.No.12-13/2011 in SLP No. 19628-19629/2009 and as per the office Memorandum No. L-11011/47/20112-

1A-11(M), dated.18.05.2012 of Ministry of Environment and Forests, Government of India and as per Rule 42 of the Tamil Nadu Minor Mineral Concession Rules, 1959.

16. The applicant in his letter dated. 13.08.2020 has produced Environmental Clearance issued by the State Level Environmental Impact Assessment Authority in letter No. SEIAA-TN/F.No.7095/1(a)/EC.No:4226/2020, dated. 16.06.2020. The State Level Environmental Impact Assessment Authority has accorded Environmental Clearance to the applicant in the subject area for a quantity of 4,83,480 cbm of roughstone and 47,544 cbm of weathered rock and 24,882 cbm of Gravel upto a depth of 43 meters for a period of 5 years from the date of execution of mining lease period subject to the condition that,

- i. Mining activity should be reviewed by the District Collector after three years and decide for further extension.

17. It is submitted that further, a copy of Environmental Clearance issued by the State Level Environmental Impact Assessment Authority has been published in the thinaboomi on 11.07.2020 & the Times of India, Madurai 11.07.2020 and the applicant has produced the paper cuttings in proof of the publication made in the dailies vide his letter dated. 13.08.2020.

18. Under the circumstances stated above, based on the recommendations of the Deputy Director of Town and Country Planning, Tirunelveli, the Principal Chief Conservator of Forest, Chennai,

the Chief Engineer, Agricultural Engineering, Chennai, The Revenue Divisional Officer, Tirunelveli, and the Assistant Geologist, Tirunelveli the quarry lease application preferred by Thiru.T.Premkumar for quarrying Roughstone, Jelly and Gravel may be granted in favour of the applicant for quarrying and transportation of Roughstone, Jelly and Gravel over an extent of 4.24.0 hectares of patta land in SF. No. 430/2 (1.13.5), 431/1A (0.32.0), 431/1B (0.29.0), 431/1C (0.80.5), 432/1A (0.30.0), 432/1B (0.35.0), 432/1C (0.43.0), 432/1D (0.61.0) of Ariyur Village, Sivagiri Taluk in Tenkasi District for a period of 5 years amended under Rule 19(1) & 20 of Tamil Nadu Minor Mineral Concession Rules, 1959, subject to the following conditions in addition to the usual terms and conditions stipulated in the Annexure to this order:-

1. The SEIAA Environmental Clearance is valid for 5 years from the date of execution of mining lease period. But, the mining activity should be reviewed by the Deputy Director / Assistant Director after three years and decide for further extension. (ie., for the remaining 2 years).
2. A safety distance of 7.5 meters should be provided to the adjoining patta lands.
3. A safety distance of 50 meters should be provided to the odai passing East-West direction on the southern side of the applied area in S.F.Nos. 431 & 432.
4. A safety distance of 10 meters should be provided to the cart track passing East-West direction on the northern side of the applied area in S.F.Nos. 430/2 & 431.

5. The applicant is restrained from producing products other than the permitted minerals in this area.
6. The quarried materials and waste generated during quarrying operation shall be transported without affecting the adjoining odai.
7. No hindrance shall be caused to the adjoining pattadars lands while carrying out quarrying operations.
8. No blocks with a size of 30cm x 30cm x 30cm suitable for polishing shall be produced.
9. The applicant is restrained from producing products other than the permitted minerals in this area.
10. All the conditions stipulated by the State Level Environmental Impact Assessment Authority Lr. No. SEIAA-TN/F.No.7095/1(a)/EC.No:4226/2020, dated. 16.06.2020 should be strictly adhered.
11. 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.
12. Quarrying shall be carried out as per the Approved Mining Plan.
13. The grantee is entitled for production of 4,83,480 cbm of roughstone and 47,544 cbm of weathered rock and 24,882 cbm of gravel as per the Approved Mining Plan.

e/c

27/09/2020
Assistant Director(i/c),
Geology and Mining,
Tenkasi.

27/9/2020

To:

Thiru.T.Premkumar,
S/o. Thomas Vaikundamani,
4/123, Main Road, Vadakku Pudur,
Sankarankovil Taluk,
Tenkasi District.

Copy to:

1. The Sub - Collector, Tirunelveli
2. The Tahsildar, Manur
3. The Village Administrative Officer, Prancheri Village

ANNEXURE

Proceedings of the Assistant Director of Geology and Mining, Tirunelveli

In Rc. No. M1/36678/2017, dated: .09.2020.

1. The grantee shall execute an agreement in the form set out in Appendix IV to Tamil Nadu Minor Mineral Concession Rules, 1959.
2. The agreement executed in the form set out in Appendix IV is compulsorily registerable under section 17 (1) of the Indian Registration Act, 1908 at the cost of the lessee as per Rule 34 of Tamil Nadu Minor Mineral Concession Rule, 1959.
3. The date of commencement of the period of lease shall be the date on which the agreement is executed.
4. The boundary pillars of the lease granted area should be maintained during the currency of entire lease period.
5. The lessee should maintain at her cost proper Name board indicating the details of the order of grant, SF. Nos., Extent, classification of land and the period of lease to the satisfaction of the District Collector, Director of Geology and Mining and maintain it all time at the quarry site.
6. No quarrying activities connected thereto shall be done before the execution of the agreement and registration is at the cost of the lessee.
7. No quarrying shall be done within a distance of 7.5 meters of the boundaries of the permitted area.
8. No hindrance shall be caused to the adjoining pattadars or public.
9. The lessee should make her own arrangements to form the approach road from the public road to the place of her quarry.
10. The lessee shall strictly adhere to the statutory and safety requirements.

11. The lessee should restrict her mining operations strictly within the permitted area as defined in the sketch.
12. The lessee shall apply to the Assistant Director of Geology and Mining for issuance of transport permits after remitting due Seigniorage fee as fixed by the Government in Appendix II of Tamil Nadu Minor Mineral Concession Rule 1959 for the quantum of minerals transported from the lease granted area. All the columns in the dispatch slips should be duly filled in both by the lessee or his agent and by the driver of the vehicle.
13. All the vehicles used for transporting any mineral from the lease granted area shall be in possession of the individual dispatch slips for the quantum of mineral available in the vehicles.
14. The lessee should keep correct accounts showing the quantum of minerals removed from the lease granted area.
15. The lessee shall produce the accounts relating to the details of quantum of minerals quarried from the permitted area on or before 5 of every month for the previous month before the Deputy Director of Geology and Mining, Tirunelveli
16. The lessee shall carry out the quarrying operations in a skilful, scientific and systematic manner keeping in view the proper safety of the labour, conservation of minerals and preservation of environment and ecology.
17. The lessee shall allow any officer authorized by the District Collector or any officer authorized by him in this behalf or any other officer authorized by the State Government in this behalf to inspect the area and verify records and accounts and furnish such information under the terms as may be required by them.
18. Explosives should be handled by a qualified Blaster or Mine mate for blasting and quarrying activities.
19. No blocks with a size of 30c.m x 30c.m x 30cm suitable for polishing shall be produced.

20. The lessee shall, without any delay, send to the District Collector a report of any accident which may occur at or in the said premises and also the discovery therein of any minerals other than the minerals permitted as required under Rule 26 of Tamil Nadu Minor Mineral Concession Rules, 1959.
21. No claim for any compensation shall be made by the lessee for any cause.
22. The lessee shall not assign, sub-let, mortgage, or in any other manner, transfer the quarrying lease, or any right, title or interest therein without the previous consent in writing of the State Government, as per Rule 36-F of Tamil Nadu Minor Mineral Concession Rules, 1959.
23. The terms and conditions are also subject to such further modifications, deletions and additions, alternations as may be ordered by the Government to be included in the agreement to be executed for this purpose.

o/c

Ac 07/09/2020
Assistant Director(i/c),
Geology and Mining,
Tenkasi

11/7/20

2/7/20

Resvd.
[Signature]
7/9/20



W.P.(MD)No.6407 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.6407 of 2023

and

W.M.P(MD)Nos.6065, 6067 & 6068 of 2023

Thonukaalkulam Neerinaipayanpaduthuvor
Sangam,
Rep.by its President,
S.Karuthapandian S/o.Sangaiya,
South Street, Irumankulam,
Vadakkupudhur,
Sankarankovil,
Tenkasi District.

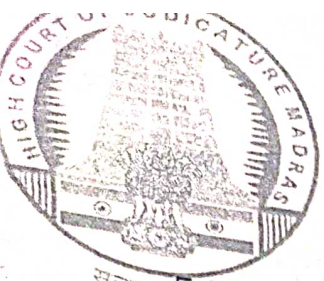
... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District, Tenkasi.
- 2.The Assistant Director,
Geology and Mining,
Tenkasi District, Tenkasi.
- 3.State Level Environment,
Impact Assessment Authority,
3rd Floor, Panagal Maaligai,
No.1, Jennis Road, Saidapet,
Chennai - 600 015.
- 4.The Revenue Divisional Officer,
T.V.Salai, Sankarankovil,
Tenkasi District.



W.P.(MD)No.6407 of 2023



5.Premkumar

WEB COPY
6.Rajasekar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in RC.No. M1/36678/2017 dated 07.09.2020 on the file of the second respondent and quash the same as illegal and consequently direct the first respondent to take necessary action against the 5th and 6th respondents on basis of the petitioner's petition dated 09.11.2022.

For Petitioner : Mr.T.Lajapathi Roy, Senior Counsel


For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by Mr.K.Balasubramani
Special Government Pleader
for R.1, R.2 & R.4

Mr.N.Dilipkumar for R.3

Mr.V.Raghavachari, Senior Counsel
for Mr.S.Ramesh for R.5 & R.6

ORDER

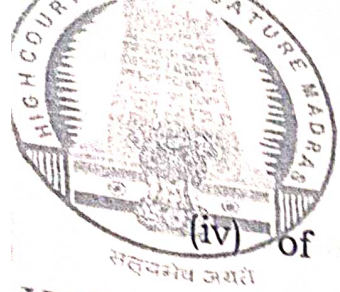
Heard the learned Senior Counsel on either side.



2. The writ petitioner is a registered Water Users Association. They challenge the proceedings dated 07.09.2020 issued by the Assistant Director of Geology and Mining, Tenkasi granting quarry lease in favour of the fifth respondent in respect of the petition-mentioned survey numbers. It is not in dispute that the quarry lease is in respect of patta lands.

3. The ground of attack is two fold : a) the existence of a channel (Odai) on the southern side of the quarry area has been suppressed and b) the quarry operations affect the natural flow of water into the Odai.

4. It is true that there has been a misdescription of the boundaries. This has been strongly highlighted in Paragraph 17 of the affidavit filed in support of this writ petition. That there has been a misdescription is conceded in Paragraph 5 of the counter affidavit filed by the District Collector, Tenkasi District. It is undertaken that the mistake in the village accounts as well as FMB will be rectified. Be that as it may, the impugned order dated 07.09.2020 has taken into account the actual topographical features. It notes that a Odai is passing on the southern side of the lease applied area. Rule 19(2)(c)



(iv) of the Tamil Nadu Minor Mineral Concession Rules, 1959

stipulates that a safety distance of ten meters from a stream course shall be left and maintained. Considering the topography of the area, we called upon the leaseholder to file an affidavit which will address the concerns expressed by the villagers. In the undertaking affidavit, the fifth respondent had stated that he would maintain the safety distance of 50 meters from the outer toe of the bank of the Odai. From the status report filed by the officials, it is seen that the quarry operator has completely fenced the quarry area on the side facing the Odai. The learned Additional Advocate General on instructions confirms that the safety distance of 50 meters is being maintained. Taking note of the fact that water flows from the nearby hills into the Odai, the fifth respondent has given a further undertaking that on account of the quarrying operations, the natural water flow into and in the Odai will not be impeded in any manner. The undertaking given by the fifth respondent is placed on record.

5. We direct the officials to ensure that this undertaking is honoured in letter and spirit. In the event of there being any breach of this undertaking, the officials shall take prompt action in accordance with law.



6. It has not been shown that the process of granting quarry license in favour of the fifth respondent has been otherwise vitiated. Since no statutory violation has been brought to our notice, we decline to quash the impugned proceedings.

7. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] & [B.P., J.]
09.08.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
Mga/Skm

To

- 1.The District Collector, Tenkasi District, Tenkasi.
- 2.The Assistant Director, Geology and Mining, Tenkasi District, Tenkasi.
- 3.State Level Environment, Impact Assessment Authority,
3rd Floor, Panagal Maaligai, No.1, Jennis Road, Saidapet, Chennai –
600 015.
- 4.The Revenue Divisional Officer, T.V.Salai, Sankarankovil, Tenkasi District.



W.P.(MD)No.6407 of 2023

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

Mga/Skm

W.P(MD)No.6407 of 2023

09.08.2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON : 20.08.2024

PRONOUNCED ON : 29.08.2024

CORAM

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**Rev A Writ (MD)No.220 of 2023
and
W.M.P(MD)Nos.18553 & 22933 & of 2023**

1.P.Suresh Kmar

2.S.Sundaraiah

... Petitioners

Vs.

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Assistant Director,
Geology and Mining,
Tenkasi District, Tenkasi.

3.The State Level Environment
Impact Assessment Authority,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai – 15.

4.The Revenue Divisional Officer,
T.V.Salai, Sankarankovil,
Tenkasi District.



WEB COPY

5.Premkumar
TTV High Tech Chambers,
Ariyur.

6.Rajasekar,
TTV High Tech Chambers,
Ariyur.

7.Thonukaalkulam Neerinaipayanpaduthuvor
Sangam,
Rep.by its President,
S.Karuthapandian S/o.Sangaiya,
South Street, Irumankulam,
Vadakkupudhur,
Sankarankovil,
Tenkasi District.

... Respondents

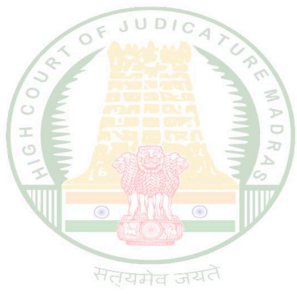
Prayer: Review Application filed under Order XLVII Rule 1 of CPC to review the impugned order dated 09.08.2023 in WP(MD)No.6407 of 2023 passed by this Court.

For Petitioner : Mr.N.Subramaniam for Mr.C.Mutharasu

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by Mr.K.Balasubramani
Special Government Pleader for R1 to R4

Mr.N.Anantha Padmanabhan
Senior Counsel for Mr.S.Srikanth
for R5 & R.6

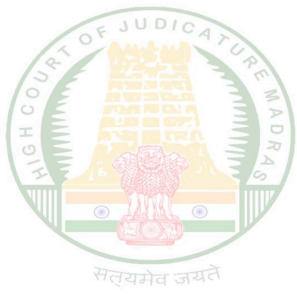
Mr.V.Navaneetha Krishnan for R7

**ORDER**

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Heard both sides.

2.The Assistant Director of Geology and Mining Tenkasi issued proceedings bearing R.C No.M1/36678/2017 dated 07.09.2020 granting quarry lease in favour of T.Premkumar in respect of the petition mentioned patta lands measuring an extent of 4.76.5 hectares. Questioning the same, Thonukaalkulam Neerinaipayanpaduthuvor Sangam filed WP(MD)No.6407 of 2023. The writ petition was disposed of on 09.08.2023 by us. We declined to quash the quarry lease since no statutory violation was brought to our notice. The process of granting quarry license was also not shown to have been vitiated. During the course of hearing, an undertaking was obtained from the leaseholder that on account of the quarry operations, the natural flow of water into the water bodies will not be impeded in any manner. Contending that an incorrect status report was submitted before us by the officials, this review application came to be filed.



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3. On 05.03.2024, the following order was passed :

“2. The learned counsel appearing for the review applicant alleges that the officials did not present the correct facts before this Court on the earlier occasion and that the true dimensions of the water bodies running in the area in question were suppressed.

3. In order to test the veracity of the allegation, we direct the District Collector, Tenkasi to conduct inspection in the quarry site and the surrounding area and submit a report along with sketch before this Court. Report shall indicate if the Odais found in the original topo sketch combining FMB report are still in existence and whether they have been destroyed on account of quarry operations. It may also be confirmed if the quarry operator is still maintaining the safety distance.”

Pursuant to the aforesaid direction, the District Collector filed status report. It is stated therein that the Odais found in the original topo sketch in Survey Nos. 429, 430/2, 432/1D and 431/1A are not in existence as on date. The region has witnessed quarry operations earlier also. It is quite possible that the odais got obliterated on such operations. It is well settled that a water body should be maintained as such for all times to come. It is the duty of the District Administration to ensure that the water bodies are restored.



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4. We, therefore, direct the restoration of the nilaviyal odais whose existence is mentioned in the original topo sketch. The leaseholder cannot carry on any quarry operations within the prohibited distance. This should address the concerns expressed by the learned counsel appearing for the review applicant. A review application cannot be argued like an appeal in disguise. After a careful perusal of the entire materials on record, we are satisfied that the order disposing of the writ petition does not suffer from any error apparent on the face of record.

5. With this direction to restore the nilaviyal odais that originally existed and a further restraint order imposed on the quarry leaseholder not to undertake any quarrying operations within the prohibited distance, this review application is disposed of. No costs. Connected miscellaneous petitions are closed.

[G.R.S., J.] & [B.P., J.]
29.08.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
Skm



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- To
- 1.The District Collector, Tenkasi District, Tenkasi.
 - 2.The Assistant Director, Geology and Mining, Tenkasi District, Tenkasi.
 - 3.State Level Environment, Impact Assessment Authority,
3rd Floor, Panagal Maaligai, No.1, Jennis Road, Saidapet, Chennai –
600 015.
 - 4.The Revenue Divisional Officer, T.V.Salai, Sankarankovil, Tenkasi District.



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

Skm

Rev A Writ (MD)No.220 of 2023

and

W.M.P(MD)Nos.18553 &

22933 & of 2023

29.08.2024

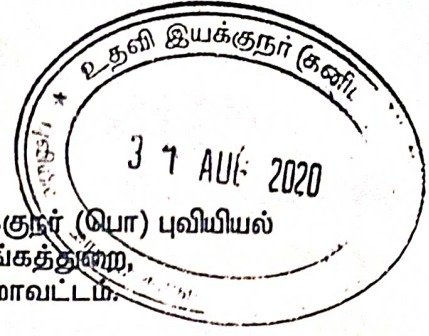
/வருவாய்த்துறை/

உட்புறம்,

திருமதி.எம்.முருகசெல்வி,எம்.ஏ.,
வருவாய் கோட்டாட்சியர்,
சங்கரன்கோவில்.

பெறுநர்,

உதவி இயக்குநர் (பொ) புவியியல்
மற்றும் சுரங்கத்துறை,
தென்காசி மாவட்டம்.



அய்யா,

அ3/118/2020 - நாள்:28.08.2020

பொருள் :- கனிமமும் சுரங்கம் - தென்காசி மாவட்டம் -
சங்கரன்கோவில் கோட்டம் - சிவகிரி வட்டம்,
அரியூர் கிராமம் புல எண்கள்.430/2,431/1A,
1B,1C, 432/1A,1B,1C,1D &458/1B பட்டா
நிலத்தில் சாதாரண கற்கள் வெட்டி எடுக்க
திரு.பிரேம்குமார் என்பவர் மனுச்செய்துள்ளது -
தொடர்பாக

பார்வை :- 1) உதவி இயக்குநர் (பொ) புவியியல் மற்றும்
சுரங்கத்துறை அவர்களின்
ந.க.எண்.எம்.1/36678/2017
நாள்:25.08.2020.
2) சிவகிரி வட்டாட்சியர்
ந.க.எண்.ஆ3/608/2018 நாள்:28.8.2020

பார்வை 1 இல் கண்ட கடிதத்தில், தென்காசி மாவட்டம், சங்கரன்கோவில் கோட்டம்,
சிவகிரி வட்டம், அரியூர் கிராமம் புல எண்கள்.430/2,431/1A, 1B,1C, 432/1A,1B,1C,1D
&458/1B ஆகிய பட்டா நிலங்களில் சாதாரண கற்கள் வெட்டி எடுக்க திரு.பிரேம்குமார்
என்பவர் மனுச்செய்ததில், புல எண். 430/2, 431/1A, 431/1B,432/1D நிலங்களின்
புலப்படத்தில் நிலவியல் ஒடை என உள்ளதால் அப்புலங்களில் கற்குவாரி அமைப்பது குறித்து
கருத்துரு அனுப்ப கேட்கப்பட்டுள்ளது.

பார்வை 2 ல் கண்ட சிவகிரி வட்டாட்சியரின் கடிதத்தில், தனியர் கற்கள்
வெட்டியெடுக்க மனுச்செய்துள்ள நிலங்களில் புல எண். 430/2, 431/1A, 431/1B,432/1D
ஆகிய நான்கு புலங்களின் புலப்படத்தில் மட்டும் நிலவியல் ஒடை விளக்கி பதிவு
செய்யப்பட்டுள்ளது. தற்பொழுது புலங்களை புலத்தணிக்கை மற்றும் நில அளவை
செய்யப்பட்டதில் பூமியில் ஓடையாக இல்லை. இது தொடர்பாக அப்பகுதியில் உள்ள
மக்களிடம் விசாரணை செய்ததில், இந்நிலங்கள் நீண்ட காலமாக விவசாய பயன்பாட்டில்
இல்லாமல் தரிசாக இருந்துள்ளது. ஆடு, மாடு மேய்ப்பவர்களால் நிலவியல் ஒடை
அழிக்கப்பட்டுள்ளது, எனினும் மழை நீர் செல்லுவதற்கு தடைகள் ஏதும் இல்லையென
தெரிவித்து அறிக்கை செய்துள்ளார்.

சிவகிரி வட்டாட்சியரின் அறிக்கையின் பேரில், சிவகிரி வட்டாட்சியர், நில அளவு கிராம நிர்வாக அலுவலர் ஆகியோருடன் புலத்தணிக்கை செய்யப்பட்டதில், புல எண். 429, 432, 431, 458, 465 வழியாக மழைநீர் செல்லும் பெரிய ஓடை செல்கிறது. தனியரின் செலுத்தப்பட்ட புலமான புல எண்.429 ல் நிலவியல் ஓடை காட்டப்பட்டு, புல எண். 430/2, 431/1A, 431/1B,432/1D ஆகியவற்றின் ஓரத்தில் சென்று, புல எண்.431/1B க்கு அருகில் பெரிய ஓடையில், இணையும் நிலவியல் ஓடையாக கிராம கணக்கில் காட்டப்பட்டுள்ளது.

புலத்தணிக்கையில், புல எண். 429, 430/2, 431/1A, 431/1B, ஓரங்களில் நிலவியல் ஓடையாக காட்டப்பட்ட அமைப்பு ஏதும் நிலங்களில் இல்லை. தற்போது புலங்கள் அனைத்தும் தரிசாக உள்ளது.

புல எண். 429, 430/2 431/1A, 431/1B, நிலங்களில் பூஸ்தி ஓடையாக காட்டப்பட்ட நிலவியல் ஓடை ஆடு, மாடு மேய்ப்பவர்களாலும், பருவகால மாற்றத்தாலும், நிலவியல் ஓடை மறைந்து, தற்போது பூமியில் நிலவியல் ஓடை ஏதுமில்லை. இப்புலங்களில் காட்டப்பட்ட நிலவியல் ஓடை (பூஸ்தி ஓடை) பிரஸ்தாப புலத்தில் இல்லை என்றாலும், அருகில் உள்ள மலை மற்றும் சுற்றியுள்ள நிலங்களில் வரும் மழை நீர், பெரிய ஓடைக்கு செல்வதற்கு எவ்வித தடையும் இல்லை.

வருங்காலங்களில் பெரிய மழையால், மழை நீர் மனுதாரர் சொந்த பட்டா புலங்களில் வந்தால், அவர்களது சொந்த பொறுப்பில் மழை நீரினை, பெரிய ஓடையில் இணைத்திட வேண்டும் என அறிவுரை வழங்கிடலாம்.

மனுதாரர் திரு.T.பிரேம்குமார் என்பவர் தன்னுடைய வாக்குமூலத்தில், உரிமம் பெற்று கற்குவாரி தொடங்கிய பிறகு, மழை நீர் செல்வதற்கு, தடங்கள் ஏற்படுமாயின், தன்னுடைய சொந்த செலவில், மழை நீரினை பெரிய ஓடையில் இணைக்கும் மாற்று ஏற்பாடு செய்து விடுவேன் என உறுதி அளித்துள்ளார்.

மேலும் இப்பகுதியில் கடந்த நான்கு, ஐந்து வருடங்களாக மழை வாய்ப்பு குறைவானதால், மழை நீர் வந்து செல்லும் நிலவியல் பதிவுகள் (ஓடை) ஏதும் தென்படவில்லை, என்பதால், திரு.T.பிரேம்குமார் என்பவரின் சொந்த பட்டா நிலங்களில் குவாரி செய்வதற்கு அனுமதிக்கலாம் என பரிந்துரைக்கிறேன்.

/Revenue Department/

From

To

Tmt.M.Murugaselvi, M.A.,
Revenue Divisional Officer,
Sankarankovil.

Assistant Director (I/c),
Dept. of Geology and Mining,
Tenkasi.

A3/118/2020, dated: 28.08.2020

Sir,

Sub: **Mines and Minerals** - Tenkasi District -
Sankarankovil Division - Sivagiri Taluk -
Ariyur Village - patta land- SF Nos. 430/2,
431/1A, 1B, 1C, 432/1A, 1B, 1C, 1D &
458/1B - application filed by
Thiru.Premkumar for the grant of rough stone
quarry lease - Regarding

- Ref 1. Assistant Director(i/c,) Geology and Mining
Letter Rc.No. M1/36678/2017 dated:
25.08.2020
2. Sivagiri Tahsildar Letter No.B3/608/2018
dated: 28.08.2020

In the reference 1st cited, one Thiru. Premkumar has applied for grant of quarrying lease for rough stone in Patta lands SF Nos. 430/2, 431/1A, 1B, 1C, 432/1A, 1B, 1C, 1D & 458/1B of Ariyur Village, Sivagiri Taluk, Sankarankovil Division, Tenkasi District. Since a plan marked canal (Nilaviyal odai) is noticed in the FMBs of SF Nos. 430/2, 431/1A, 431/1B, 432/1D, it has been requested to send an opinion regarding the establishment of a stone quarry in the subject lands.

The Sivagiri Tahsildar vide reference 2nd cited has reported that out of the lands applied for by the applicant for grant of stone quarry, a plan marked canal (Nilaviyal odai) is shown in FMBs of four survey numbers in SF,Nos, 430/2, 431/1A, 432/1B, 432/1D. It is revealed from the inspection

and survey conducted that the nilaviyal odai is not in existence state on ground. On enquiry with nearby village public, it is further revealed that the no cultivation has been done in the subject lands since long back and it is dry in nature. The said nilaviyal odai was destroyed by cattle herders and there are no hindrance/obstacles to the free flow of rain water.

Based on the report of the Tahsildar, Sivagiri, a field inspection was conducted along with Tahsildar, Sivagiri, Firka Surveyor and Village Administrative Officer and it is revealed from the field inspection that a large stream carrying rainwater passes through SF Nos. 430, 432, 431, 458, 465. The nilavial odais shown in SF No. 429, which is the private patta land of the individual, passes along the borders of SF Nos. 430/2, 431/1A, 431/1B, 432/1D and confluences with a big stream near SF.No.431/1B as shown as nilaviyal odai in the village map.

During the field inspection, there is no geographical structure in existence in along the borders of SF Nos. 429, 430/2, 431/1A, 431/1B as shown as nilavial odais. Currently, all the fields are barren /dry lands.

The nilavial odais shown as the Poosthi odai in the lands of SF nos. 429, 430/2, 431/1A, 431/1B has disappeared due to cattle herders and due to monsoonal changes and at present there is no nilavial odai in existence state on ground. Though the nilavial odai (Poosthi odai) shown in these lands is not seen in the said lands, there is no hindrance/obstacle for free flow of rain water from the surrounding hills/fields and to confluence with the main stream.

If, due to heavy rains in the future, rainwater reaches the applicant's own patta lands, he may be advised to make necessary arrangement to connect the rainwater to the main stream at his own.

The applicant, Thiru.T.Premkumar, has also assured in his statement, that if there is any obstruction to the flow of rainwater after obtaining the license and commencing the rough stone quarry, he will make alternate arrangements to connect the rainwater to the large odai at his own expense.

Furthermore, since there has been little rainfall in this area for the last four or five years, and no geographical records (nilavial odais) of rainwater flowing in and out have been observed, it is recommended for grant of quarrying rough stone to Thiru.T.Premkumar in his own land.

I have herewith attached the Sivagiri Tahsildar report, the statement of the applicant Thiru.T.Premkumar and the village accounts.


Enclosure - As above

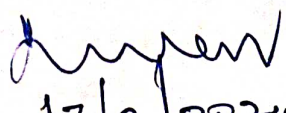
Revenue Divisional Officer
Sankarankovil

தென்காசி மாவட்டம், சிவகாம வட்டம், அரியூர் கிராம நிர்வாக அலுவலர் திருமதி. பொந்தரசலிள் அகியார் கொடுக்கும் வாங்குபிலம்.

நான் தற்போது சிவகாம வட்டம் அரியூர் கிராம நிர்வாக அலுவலராக பணிபுரிந்து வருகிறேன். சிவகாம வட்டம் அரியூர் கிராம புலவணிகள். 429, 430/2, 432/1D, 431/1A ஆகியவற்றினி வசியாக கிராம புலவணர்ப்படங்களிலி காண்ப்பளம் நிலவியல் பூடைகள் இரப்படி நிலங்களிலி அநீதனை அகியுது திமிதிது தடைபெறுபி வசாரணை அகியுது அநீதனை நான் கபதிது 2014ம் ஆண்டு முதல் 2017ம் ஆண்டு வரை அநீதனை அரியூர் கிராமத்திலி கிராமநிர்வாக அலுவலராக பணிபுரிந்துள்ளேன். நான் பணிபுரிந்து இரப்படி காலங்களிலி அரியூர் கிராம புலவணிகள் - 429, 430/2, 432/1D, 431/1A ஆகியவற்றில் அபிபுதர்கள் தினைந்து தரிதாக அநீதிது. இரப்படி தினைகளிலி நிலவியல் பூடைகள் துதம் இல்தலை. இரலை சவரிய அனைத்தும் உண்தாமயாதும். உண்தாமக்கு புறம்பானவை அன்று தெரியவரும் பபசத்திலி அரசு அடுக்கும் துவடிக்கைகக்கு கட்டுப்படுவண அன அறுதனைபுரினேன்.

படித்துப்பார்த்து
படிக்கக் கட்டிடம் சரி


17.03.2024.
கிராம நிர்வாக அலுவலர்.
அரியூர்.

அக் இடம்

17/3/2024
பட்டாட்சியர்
சிவகிரி.

**Statement given by Mrs. Porselvi, Village Administrative
Officer, Ariyur Village, Sivagiri Taluk, Tenkasi District**

I am currently working as the Village Administrative Officer of Ariyur Village, Sivagiri Taluk. I am aware that an enquiry is being conducted to determine as to whether the nilavial odai seen in the village map through the lands in SF Nos. 429, 430/2, 432/1D, 431/1A of Ariyur village, Sivagiri Taluk was in existence state on ground. I had already worked as the Village Administrative Officer of Ariyur village for the period from the year 2014 to 2017. During that period, the SF Nos. 429, 430/2, 432/1D, 431/1A of Ariyur village was barren with full of thorny bushes. There are no nilavial odais in the above lands. All the above stated are true. I undertake to abide by the action taken by the government if it is found to be untrue.

I read/listened to reading.

Village Administrative Officer
Ariyur

In front of me

Tahsildar
Sivagiri

அனுப்புநர்

திரு. A.K. கமல் கிஷோர், இ.ஆ.ப.,
மாவட்ட ஆட்சித்தலைவர்,
தென்காசி.

பெறுநர்

1. வருவாய் கோட்டாட்சியர்,
சங்கரன்கோவில்.
2. உதவி இயக்குநர்,
புவியியல் மற்றும் சுரங்கத்துறை,
தென்காசி.

ந.க.எம்1/41/2024 நாள்: .09.2024

ஐயா/அம்மையர்,

பொருள்:

நீதிமன்ற வழக்கு - கனிமமும் சுரங்கமும் - தென்காசி மாவட்டம் - சிவகிரி வட்டம் - அரியூர் கிராமம் - புல எண். 430/2 (1.13.5), 431/1A (0.32.0), 431/1B (0.29.0), 431/1C (0.80.5), 432/1A (0.30.0), 432/1B (0.35.0), 432/1C (0.43.0), 432/1D (0.61.0) மொத்த விஸ்தீரணம் 4.24.0 ஹெக்டேர் நிலத்தில் திரு.பிரேம்குமார் த/பெ.தாமஸ் வைகுண்டமணி என்பவருக்கு கல்குவாரி குத்தகை உரிமம் வழங்கப்பட்டது - சென்னை உயர்நீதிமன்ற மதுரை கிளை சீராய்வு மனு REV APP (MD) No.220/2023 - ல் வரப்பெற்ற தீர்ப்பின்படி நடவடிக்கை மேற்கொள்ள கேட்டல் - தொடர்பாக

பார்வை

1. உதவி இயக்குநர், புவியியல் மற்றும் சுரங்கத்துறை தென்காசி செயல்முறைகள் ந.க.எம்1/36678/2017 நாள்:07.09.2020
2. சென்னை உயர்நீதிமன்ற மதுரை கிளை வழக்கு W.P (MD) No.6407/2023 தீர்ப்புரை நாள் - 09.08.2023
3. சென்னை உயர்நீதிமன்ற மதுரை கிளை வழக்கு REV APP (MD) No.220/2023 தீர்ப்புரை நாள் - 29.08.2024

தென்காசி மாவட்டம், சிவகிரி வட்டம், அரியூர் கிராமம், புல எண். 430/2 (1.13.5), 431/1A (0.32.0), 431/1B (0.29.0), 431/1C (0.80.5), 432/1A (0.30.0), 432/1B (0.35.0), 432/1C (0.43.0), 432/1D (0.61.0) மொத்த விஸ்தீரணம் 4.24.0 ஹெக்டேர் நிலத்தில் திரு.பிரேம்குமார் த/பெ.தாமஸ் வைகுண்டமணி என்பவருக்கு பார்வை 1-ல் காணும் செயல்முறைகளின்படி 14.09.2020 முதல் 13.09.2025 வரை 5 வருடங்களுக்கு கல்குவாரி குத்தகை உரிமம் வழங்கப்பட்டுள்ளது.

இந்நிலையில் பார்வை 2-ல் கண்டுள்ளவாறு, தோணுகால்குளம் நீரிணைப்பயன்படுத்துவோர் சங்கத்தின் சார்பில் அதன் தலைவர் திரு.கருத்தப்பாண்டியன் த/பெ.சங்கையா என்பவர் குவாரிக்கு தெற்கே செல்லும் ஓடையானது, குவாரி பணி மேற்கொள்வதால் பாதிக்கப்படுவது மட்டுமல்லாமல் மழைநீர் செல்வது தடுக்கப்படுகிறது என தெரிவித்து சென்னை உயர்நீதிமன்ற மதுரைக்கிளையில் W.P (MD) No.6407/2023 வழக்கில் வரப்பெற்ற தீர்ப்பினை ஆட்சேபித்து திரு.P.சுரேஷ்குமார் மற்றும் சுந்தரையா ஆகியோர் சென்னை உயர்நீதிமன்ற மதுரைக்கிளையில் சீராய்வு மனு REV APP (MD) No.220/2023 தாக்கல் செய்து வரப்பெற்ற தீர்ப்புரையில், மேற்கண்ட குவாரி அமைந்துள்ள நிலத்தின் ஊடே புலப்படத்தில் உள்ளவாறு நிலவியல் ஓடையினை மறுசீரமைப்பு (restore the nilavial odais) செய்தும், நிலவியல் ஓடைக்கான பாதுகாப்பு இடைவெளியில் குவாரிப்பணி மேற்கொள்ளக்கூடாது என உத்தரவிடப்பட்டுள்ளது.

அதன்படி, சிவகிரி வட்டம், அரியூர் கிராமம், புல எண். 430/2 (1.13.5), 431/1A (0.32.0), 431/1B (0.29.0), 431/1C (0.80.5), 432/1A (0.30.0), 432/1B (0.35.0), 432/1C (0.43.0), 432/1D (0.61.0) மொத்த விஸ்தீரணம் 4.24.0 ஹெக்டேர் நிலத்தில் திரு.பிரேம்குமார் த/பெ.தாமஸ் வைகுண்டமணி என்பவருக்கு குத்தகை உரிமை வழங்கப்பட்ட குவாரியின் ஊடே புலப்படத்தில் உள்ளவாறு நிலவியல் ஓடையினை மறுசீரமைப்பு (restore the nilavial odais) செய்தும், நிலவியல் ஓடைக்கான பாதுகாப்பு இடைவெளியில் குவாரிப்பணி மேற்கொள்ளாதவாறும் நடவடிக்கை மேற்கொண்டு அறிக்கையினை சமர்ப்பிக்கும்படி கேட்டுக்கொள்ளப்படுகிறது.

இணைப்பு - பார்வையில் கண்டவாறு (ref. 3, court order)

(1/1)

மாவட்ட ஆட்சித்தலைவர்
தென்காசி

23/1/24

From

Thiru.A.K.Kamal Kishore, I.A.S.,
District Collector,
Tenkasi.

To

1. Revenue Divisional Officer,
Sankarankovil.

2 Assistant Director,
Dept. of Geology and Mining,
Tenkasi.

Rc.No.M1/41/2024, dated: 23.09.2024

Sir,

Sub: **Court Case - Mines and Minerals** - Tenkasi District - Sivagiri Taluk - Ariyur Village - Quarry lease granted to Thiru.Premkumar S/o.Thomas Vaikundamani over an extent 4.24.0 hectares in SF Nos. 430/2(1.13.5), 431/1A(0.32.0), 431/1B(0.29.0), 431/1C(0.80.5), 432/1A(0.30.0), 432/1B(0.35.0), 432/1C(0.43.0), 432/1D(0.61.0) - orders of the Hon'ble Madurai Bench of Madras High court in Review Petition in REV APP (MD) No.220/2023 - action taken report called for - Regarding

Ref 1. Proceedings of the Assistant Director, Geology and Mining, Tenkasi Rc. No.M1/36678/2017 dated: 07.09.2020

2. Hon'ble Madurai Bench of Madras High Court order in W.P(MD) No.6407/2023 dated: 09.08.2023

3. Hon'ble Madurai Bench of Madras High Court order in REV APP (MD) No.220/2023 dated: 29.08.2024

A quarrying lease for rough stone has been granted to Thiru. Premkumar, S/o. Thomas Vaikundamani, over an extent of 4.24.0 hectares in SF No. 430/12(1.13.5), 431/1A(0.32.0), 431/1B(0.29.0), 431/1C(0.80.5), 432/1A(0.30.0), 432/1B(0.35.0), 432/1C(0.43.0),

432/1D(0.61.0) of Ariyur Village, Sivagiri Taluk, Tenkasi District for a period of 5 years from 14.09.2020 to 13.09.2025 vide reference 1st cited.

In this regard, on behalf of the Thonukalkulam Water Users Association, its President Mr. Karuthapandian S/o. Sangaiah, objected that stream flowing south of the quarry is not only affected due to quarrying operation, but also the free flow of rainwater is being blocked and he has filed a Writ Petition in W.P (MD) No.6407/2023 before the Madurai Bench of Madras High Court. On the review petition in Rev App (MD) No.220/2023 filed by Thiru. P. Sureshkumar and Sundaraiah against the orders of the Hon'ble Madurai Bench of Madras High Court in W.P (MD) No.6407/2023 (reference-2), Hon'ble Madurai Bench of Madras High Court (vide reference 3rd cited) has ordered to restore the nilavial odais and no quarrying operations shall be carried on within the safety distance.

Hence, it is instructed to take action and submit the report by restoring the nilavial odais passing through the lands granted under quarrying lease to Thiru. Premkumar S/o. Thomas Vaikundamani, over an extent of 4.24.0 hectares in SF No. 430/12(1.13.5), 431/1A(0.32.0), 431/1B(0.29.0), 431/1C(0.80.5), 432/1A(0.30.0), 432/1B(0.35.0), 432/1C(0.43.0), 432/1D(0.61.0), as shown in the map and no quarrying operation shall be carried on within the safety distance.

Enclosure - As above (ref - 3 court order)

District Collector,
Tenkasi.

அனுப்புநர்

T.வினோத், எம்.எஸ்சி.,
உதவி இயக்குநர்,
புவியியல் மற்றும் சுரங்கத்துறை,
தென்காசி.

பெறுநர்

மாவட்ட ஆட்சித்தலைவர்,
தென்காசி.

ந.க.எம்1/41/2024 நாள்: .09.2024

ஐயா,

பொருள்:

நீதிமன்ற வழக்கு - கனிமமும் சுரங்கமும் - தென்காசி மாவட்டம் - சிவகிரி வட்டம் - அரியூர் கிராமம் - புல எண். 430/2 (1.13.5), 431/1A (0.32.0), 431/1B (0.29.0), 431/1C (0.80.5), 432/1A (0.30.0), 432/1B (0.35.0), 432/1C (0.43.0), 432/1D (0.61.0) மொத்த விஸ்தீரணம் 4.24.0 ஹெக்டேர் நிலத்தில் திரு.பிரேம்குமார் த/பெ.தாமஸ் வைகுண்டமணி என்பவருக்கு கல்குவாரி குத்தகை உரிமம் வழங்கப்பட்டது - சென்னை உயர்நீதிமன்ற மதுரை கிளை சீராய்வு மனு REV APP (MD) No.220/2023 - ல் வரப்பெற்ற தீர்ப்பின்படி நடவடிக்கை மேற்கொள்ள கேட்டல் - நடவடிக்கை எடுக்கப்பட்ட விபரம் - தொடர்பாக

பார்வை

1. சென்னை உயர்நீதிமன்ற மதுரை கிளை வழக்கு REV APP (MD) No.220/2023 தீர்ப்புரை நாள் - 29.08.2024
2. மாவட்ட ஆட்சித்தலைவர் அவர்களின் கடிதம் ந.க.எம்1/41/2024 நாள்: 23.09.2024
3. உதவி இயக்குநர், புவியியல் மற்றும் சுரங்கத்துறை தென்காசி குறிப்பாணை நாள்: 26.09.2024

தென்காசி மாவட்டம், சிவகிரி வட்டம், அரியூர் கிராமம், புல எண். 430/2 (1.13.5), 431/1A (0.32.0), 431/1B (0.29.0), 431/1C (0.80.5), 432/1A (0.30.0), 432/1B (0.35.0), 432/1C (0.43.0), 432/1D (0.61.0) மொத்த விஸ்தீரணம் 4.24.0 ஹெக்டேர் நிலத்தில் திரு.பிரேம்குமார் த/பெ.தாமஸ் வைகுண்டமணி என்பவருக்கு குத்தகை உரிமம் வழங்கப்பட்ட நிலத்தின் ஊடே புலப்படத்தில் உள்ளவாறு நிலவியல் ஓடையினை மறுசீரமைப்பு (restore the nilavial odais) செய்தும், நிலவியல் ஓடைக்கு உரிய பாதுகாப்பு இடைவெளி விட்டு குவாரிப்பணி மேற்கொள்ள பார்வை 1-ல் காணும் சீராய்வு மனு வழக்கின் தீர்ப்புரையினை செயல்படுத்தி அறிக்கை சமர்ப்பிக்கும்படி பார்வை 2-ல் காணும் கடிதத்தில் தெரிவிக்கப்பட்டள்ளது.

அதன்படி, குத்தகைதாரர் திரு.பிரேம்குமார் த/பெ.தாமஸ் வைகுண்டமணி என்பவருக்கு குத்தகை உரிமம் வழங்கப்பட்ட குவாரியின் ஊடே புலப்படத்தில் உள்ளவாறு நிலவியல் ஓடையினை மறுசீரமைப்பு (restore the nilavial odais) செய்தும், நிலவியல் ஓடைக்கு உரிய பாதுகாப்பு இடைவெளி விட்டு குவாரிப்பணி மேற்கொள்ள உரிய செயல்திட்ட சுரங்க வரைபடம் (Mining Plan) தயார் செய்து இவ்வலுவலகத்தில் சமர்ப்பித்த பின்பு குவாரி பணி மேற்கொள்ள பார்வை 3-ல் கண்டுள்ளவாறு குறிப்பாணை வழங்கப்பட்டுள்ளது. மேற்கண்ட குவாரிக்கு நடைச்சீட்டு அனுமதி வழங்குவது 24.08.2024 முதல் நிறுத்தம் செய்யப்பட்டுள்ளது என்பதைப் பணிவுடன் தெரிவித்துக்கொள்கிறேன்.

இணைப்பு - பார்வையில் கண்டவாறு

6/10

26/09/24
உதவி இயக்குநர்
புவியியல் மற்றும் சுரங்கத்துறை
தென்காசி

26/09/24

From

T.Vinoth, M.Sc.,
Assistant Director,
Dept. of Geology and Mining,
Tenkasi.

To

District Collector,
Tenkasi.

Rc.No.M1/41/2024, dated: 26.09.2024

Sir,

Sub: **Court Case - Mines and Minerals** - Tenkasi District - Sivagiri Taluk - Ariyur Village - Quarry lease granted to Thiru.Premkumar S/o.Thomas Vaikundamani over an extent 4.24.0 hectares in SF Nos. 430/2(1.13.5), 431/1A(0.32.0), 431/1B(0.29.0), 431/1C(0.80.5), 432/1A(0.30.0), 432/1B(0.35.0), 432/1C(0.43.0), 432/1D(0.61.0) – orders of the Hon'ble Madurai Bench of Madras High court in Review Petition in REV APP (MD) No.220/2023 -action taken report called for - Submitted- Regarding

- Ref
1. Hon'ble Madurai Bench of Madras High Court order in Review Petition REV APP (MD) No.220/2023 dated: 29.08.2024
 2. District Collector, Tenkasi Letter No.M1/41/2024 dated: 23.09.2024
 3. Assistant Director, Geology and Mining, Tenkasi Memo dated: 26.09.2024

Pursuant to orders of the Hon'ble Madurai bench of Madras High Court vide reference 1st cited that Nilaviyal odais passing through lands granted under rough stone quarry lease to Thiru.Premkumar S/o.Thomas Vaikundamani over an extent 4.24.0 hectares in SF Nos. 430/2(1.13.5), 431/1A(0.32.0), 431/1B(0.29.0), 431/1C(0.80.5), 432/1A(0.30.0), 432/1B(0.35.0), 432/1C(0.43.0), 432/1D(0.61.0) of Ariyur Village, Sivagiri Taluk, Tenkasi District should be restored as shown in the map and quarrying

operation to be carried on only after leaving necessary safety to the said nilaviyal odais and it has been instructed by the District Collector to send an action taken report in this regard vide reference 2nd cited.

In this connection, it is submitted that the lessee Thiru. Premkumar S/o.Thomas Vaikundamani was instructed to restore the nilavial odais as shown in the map and also instructed to prepare and submit a mining plan by leaving necessary safety distance to the nilavial odais and to continue the quarry operation thereafter vide memo in the reference 3rd cited. Further it is informed that the issuance of transport permits for the above said quarry has been withheld from 24.08.2024.

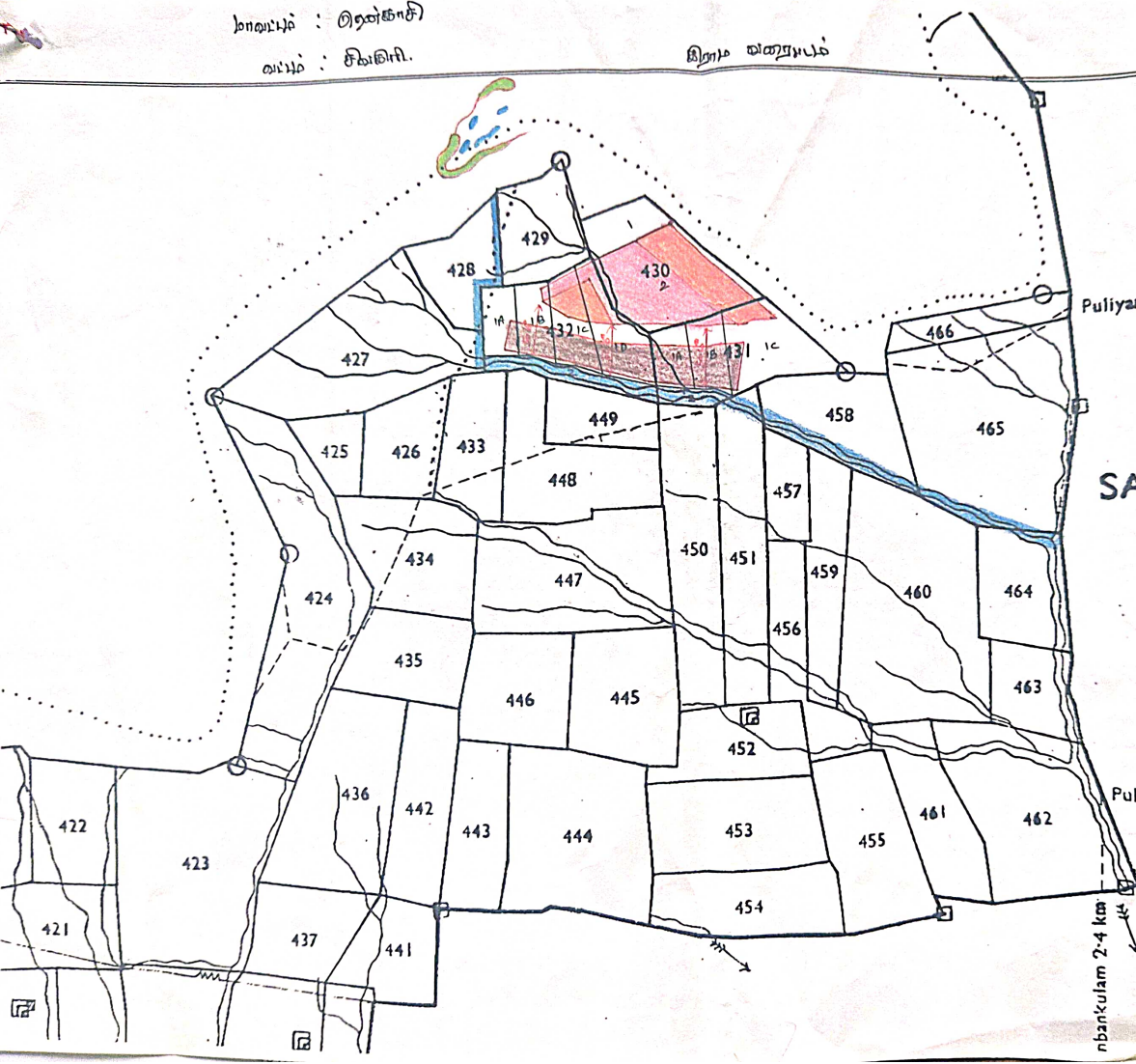
Enclosure - As above

Assistant Director,
Geology and Mining,
Tenkasi.

பாலவட்டம் : திருக்கோட்டி
 வட்டம் : சிவகிரி.

பிரதம வட்டம்

பிரதமம் { எண் : 16
 ரயர் : அரியர்



SANKARANAYINARK TALUK

- கங்கர் வெட்டப்பட்ட பகுதி
- மண் வெட்டப்பட்ட பகுதி
- வெட்டப்பட்ட கங்கர் @ மண் வெட்டப்பட்ட பகுதி
- மதநீர் தொட்டிப் பகுதி
- OLD QUARRY FOR BUDDHIN TEMPLE (2006)
- Safety Distance.

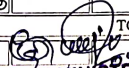
சி. சந்திரசேகரன்
 11, வாசுதேவநல்லூர் கிராமம்
 சிவகிரி வட்டம்

District: Tenkasi Taluk: Sivagiri Village: Ariyur

புல எண்	உட்பிரிவு எண்	பழைய புல எண் உட்பிரிவு எண்	பகுதி	அரசு - ரயத்துவாரி	நிலத்தின் வகை	பாசன ஆதாரம்	இரு போகமர	மண் வயனமும் மரகமும்	மண் தரம்	தீர்வை ஹெக்	பரப்பு		மொத்த தீர்வை		பட்டா எண்	குறிப்பு	
											வெக	எர்	ரூ	பை			
424	2B	-2	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	19.50	0	18	1103-ராஜசேகர் மற்றும் 1 நபர்(கள்)	
424	2C	-2	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	3.50	0	06	1103-ராஜசேகர் மற்றும் 1 நபர்(கள்)	
424	3A	-3	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	1	43.50	1	31	332-முத்துப்பாண்டியன்	
424	3B	-3	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	13.00	0	12	332-முத்துப்பாண்டியன்	
TOTAL FOR SURVEY NUMBER- 424												3	25.00	3	00		
425	-	425		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	54.00	0	49	512-ராமையாத்தேவர்	
426	-	426		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	94.50	0	87	512-ராமையாத்தேவர்	
427	-	427p	P	அரசு	புறம்போக்கு			0 - 0	0	0	00	2	78.50	0	00		மற்றவை
428	-	428		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	80.00	0	80	856-மாடசாமி மற்றும் 2 நபர்(கள்)	
429	-	429		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	95.50	0	87	1200-ராஜசேகர் மற்றும் 1 நபர்(கள்)	
430	1	430-1		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	45.50	0	41	1200-ராஜசேகர் மற்றும் 1 நபர்(கள்)	
430	2	-2		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	1	13.50	1	04	1100-பிரேம்குமார்	
TOTAL FOR SURVEY NUMBER- 430												1	59.00	1	45		
431	1A	431-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	32.00	0	29	1100-பிரேம்குமார்	
431	1B	-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	29.00	0	26	1100-பிரேம்குமார்	
431	1C	-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	80.50	0	75	1100-பிரேம்குமார்	
431	2	431-2		அரசு	புறம்போக்கு			0 - 0	0	0	00	0	6.00	0	00		வாரி
TOTAL FOR SURVEY NUMBER- 431												1	47.50	1	30		
432	1A	432-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	30.00	0	27	714-ராஜசேகர் மற்றும் 1 நபர்(கள்)	
432	1B	-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	35.00	0	32	1100-பிரேம்குமார்	
432	1C	-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	43.00	0	39	1100-பிரேம்குமார்	
432	ID	-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	61.00	0	57	1100-பிரேம்குமார்	
432	2	432-2		அரசு	புறம்போக்கு			0 - 0	0	0	00	0	14.50	0	00		வாரி

VILLAGE ADMINISTRATIVE OFFICE
16, ARIYUR VILLAGE

District: Tenkasi Taluk: Sivagiri Village: Ariyur																	
புல எண்	உட்பிரிவு எண்	பழைய புல எண் உட்பிரிவு எண்	பகுதி	அரசு - ரயத்துவாரி	நிலத்தின் வகை	பாசன ஆதாரம்	இரு போகமா	மண் வயனமும் ரகமும்	மண் தரம்	தீர்வை ஹெக்டர்	பரப்பு	மொத்த தீர்வை	பட்டா எண்	குறிப்பு			
										ரூ	பை	ரூ	பை				
TOTAL FOR SURVEY NUMBER- 450											1	94.50	1	78			
451	1	451-1		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	4.50	0	06	602-இராஜசேகர்	
451	2	451-2		அரசு	புறம்போக்கு			0 - 0	0	0	00	0	4.50	0	00		வாரி
451	3A1	-3A	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	44.00	0	40	602-இராஜசேகர்	
451	3A2	-3A	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	92.50	0	85	434-இராஜசேகர்	
451	3B1	-3B	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	7.50	0	07	514-ராமையாத்தேவர்	
451	3B2	-3B	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	6.50	0	06	486-முத்துகோட்டித்தேவர்	
451	3B3	-3B	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	10.50	0	10	358-பரமசிவத்தேவர்	
TOTAL FOR SURVEY NUMBER- 451											1	70.00	1	54			
452	1	452-1		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	40.00	0	37	512-ராமையாத்தேவர்	
452	2A	-2	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	22.50	0	20	514-ராமையாத்தேவர்	
452	2B	-2	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	1.50	0	06	716-ராமையாத்தேவர் மற்றும் 2 நபர்(கள்)	
452	2C	-2	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	30.00	0	27	359-பரமசுந்தரத்தேவர்	
452	2D	-2	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	24.50	0	22	486-முத்துகோட்டித்தேவர்	
TOTAL FOR SURVEY NUMBER- 452											1	18.50	1	12			
453	-	453		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	1	81.50	1	66	484- வெள்ளத்துரைபாண்டியன்	
454	-	454		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	1	44.50	1	32	603-சங்கரபாண்டித்தேவர் மற்றும் 2 நபர்(கள்)	
455	1	455-1		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	88.50	0	81	604-சங்கையாத்தேவர் மற்றும் 1 நபர்(கள்)	
455	2	-2		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	91.50	0	84	402- வெள்ளத்துரைபாண்டியன்	
TOTAL FOR SURVEY NUMBER- 455											1	80.00	1	65			
456	-	456		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	1	6.00	0	97	512-ராமையாத்தேவர்	
457	-	457		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	53.50	0	49	602-இராஜசேகர்	
458	1A	458-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	66.00	0	60	434-இராஜசேகர்	
458	1B	-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	52.50	0	48	602-இராஜசேகர்	
458	2	458-2		அரசு	புறம்போக்கு			0 - 0	0	0	00	0	18.50	0	00		வாரி
TOTAL FOR SURVEY NUMBER- 458											1	37.00	1	08			
459	-	459		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	1	12.00	1	02	512-ராமையாத்தேவர்	


 REVENUE ADMINISTRATIVE OFFICER
 16, ARIYUR VILLAGE
 SIVAGIRI TALUK

District: Tenkasi Taluk: Sivagiri Village: Ariyur

புல எண்	உட்பிரிவு எண்	பழைய புல எண் உட்பிரிவு எண்	பகுதி	அரசு - ரயத்துவாரி	நிலத்தின் வகை	பாசன ஆதாரம்	இரு போகமா	மண் வயனமும் ரகமும்	மண் தரம்	தீர்வை ஹெக்	பரப்பு			மொத்த தீர்வை	பட்டா எண்	குறிப்பு
											ரூ	பை	எர்			
TOTAL FOR SURVEY NUMBER- 461											1	28.50	1	17		
462	1	462-1		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	1	35.00	1	23	605-முத்தையாத்தேவர் மற்றும் 1 நபர்(கள்)
462	2	-2		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	1	7.00	0	98	858-வெள்ளத்துரைப்பாண்டியன்
462	3	462-3		அரசு	புறம்போக்கு			0 - 0	0	0	00	0	39.50	0	00	வாரி
TOTAL FOR SURVEY NUMBER- 462											2	81.50	2	21		
463	1	463-1		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	72.00	0	66	1068-செல்லத்துரை மற்றும் 1 நபர்(கள்)
463	2	463-2		அரசு	புறம்போக்கு			0 - 0	0	0	00	0	14.50	0	00	வாரி
TOTAL FOR SURVEY NUMBER- 463											0	86.50	0	66		
464	1A	464-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	73.50	0	70	1061-ராஜசேகர் மற்றும் 2 நபர்(கள்)
464	1B	464-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	25.00	0	30	1062-மகாராஜன்
464	2	464-2		அரசு	புறம்போக்கு			0 - 0	0	0	00	0	21.50	0	00	வாரி
TOTAL FOR SURVEY NUMBER- 464											1	20.00	1	00		
465	1A	465-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	1	10.00	1	01	1153-ராஜசேகர் மற்றும் 1 நபர்(கள்)
465	1B1	465-1B	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	14.50	0	10	802-சங்கரமலைதேவர்
465	1B2	465-1B	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	57.50	0	60	1202-மகாராஜன்
465	1C	-1	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	80.00	0	73	435-மகாராஜன்
465	1D1	465-1D	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	55.00	0	60	1201-மகாராஜன்
465	1D2	465-1D	P	ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	55.00	0	60	1064-மகாராஜன்
465	2	465-2		அரசு	புறம்போக்கு			0 - 0	0	0	00	0	7.50	0	00	மற்றவை
TOTAL FOR SURVEY NUMBER- 465											3	79.50	3	64		
466	1	466--		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	20.42	0	20	1082-பிரேம்குமார்
466	2	466--		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	25.00	0	20	1083-பிரேம்குமார் மற்றும் 1 நபர்(கள்)
466	3	466--		ரயத்துவாரி	பஞ்சை			8 - 4	6	0	91	0	15.08	0	20	1067-ராஜசேகர் மற்றும் 1 நபர்(கள்)
TOTAL FOR SURVEY NUMBER- 466											0	60.50	0	60		
467	-	467p	P	அரசு	புறம்போக்கு			0 - 0	0	0	00	314	56.00	0	00	மற்றவை

15-08-22
VILLAGE ADMINISTRATIVE OFFICE
16, ARIYUR VILLAGE

5/18/2022, 11:16 PM