

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No211 of 2021 (SZ)

In the matter of:

P.Palaniappan, Salem District .

... Applicant(s)

Versus

MOEF & CC, Rep. By its
Under Secretary,
New Delhi and Ors.

...Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel of Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

DATE: 05.12.2024

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

in

O.A.No.211 of 2021 (SZ)

IN THE MATTER OF:

P. Palaniappan

.....Applicant(s)

Vs

Union of India and Others

....Respondent(s)

Status Report filed by the 8th Respondent

December, 2024

Status Report on O.A No.211 of 2021 (SZ) filed by 8th Respondent before the Hon'ble National Green Tribunal, Southern Zone, Chennai.

With regard to the O.A.No.211 of 2021(SZ) filed by Thiru.Palaniappan, before the Hon'ble National Green Tribunal, Southern Zone, Chennai, the present status of the penal action initiated against the Respondents herein are submitted as follows:

i. The Revenue Divisional Officer has levied penalty against the Respondents 11 to 15 vide order Rc.No. 175/2022/A2 dated 23.01.2024.

It is submitted that, the details of penalty levied within the lease granted area are as follows;

Sl. No	Name of the lessee	S.F.No, Extent (in ha.), Classification	Excess quantum of Minerals quarried and transported without transport permit with in leased area		Penalty levied		Total (in Rs.)
			Rough stone (in cu.m)	Top soil (in cu.m)	Rough stone (@59 per cu.m) (Rs.)	Top soil (@33 per cu.m) (Rs.)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Tvl. Sri Parasakthi Crusher Private Limited- R11	243/1(Part) - 1.37.0 Hects Patta land	79,325	-	46,80,175	0	46,80,175
2.	Tmt.K.Neela-R-12	199/1(P)- 1.00.0 Hects. Govt. Poramboke	36,604	5,786	21,59,636	1,90,938	23,50,574
3.	Thiru. T.Kasiviswanathan - R-13	219 (Part) 2.00.0 Hects. Govt. Poramboke	86,889	6,111	51,26,451	2,01,663	53,28,114
4.	Thiru.Selvakumar- R14	199/1 (Part)- 3.00.0 Hects. Govt. Poramboke	1,45,566	10,896	85,88,394	3,59,568	89,47,962
5	Thiru. B.Gokulnath -R 15	241/14 (Part)- 1.00.0 Hects Govt. Poramboke	492	491	29,028	16,203	45,231
			3,48,876	23,284	2,05,83,684	7,68,372	2,13,52,056

ii. It is submitted that the Tamil Nadu Mineral Concession Rules, 1959, Rule 36(A) is read as;

"whenever any person contravenes the provisions of (Sub-sections (1) and (1-A) of Section 4) of the Act in any land, enhanced seigniorage fee upto a maximum of fifteen times the normal rate subject to a minimum of (Twenty four thousand rupee) shall be charged and recovered from that person by the District Collector or the District Forest Officer, as the case may be, or in the alternative, he shall be liable to be punished as provided in sub-section (1) of Section 21 of the Act."

iii. It is also submitted that, the Mines and Minerals (Development and Regulation) Amendment Act, 2021, under Section 21, sub-section (5) is read as;

"whenever any person raises, without any lawful authority, any mineral from any land the State Government may recover from such person the mineral so raised, or where such mineral has already been disposed of, the price thereof, and made also recover from such person, rent, royalty or tax, as the case may be, for the period during which the land was occupied by such person without any lawful authority)".

"(Explanation - On and from the date of commencement of the Mines and Minerals causing to raise or transport any mineral without any lawful authority" occurring in this section, shall mean raising, transporting or causing raise or transport any mineral by a person without prospecting license, mining lease or composite license or in contravention of the rules made under section 23 C)."

iv. It is submitted that, as per Section 21(5) of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, the excess removal of mineral within a lease granted area does not

attract cost of mineral as penalty, since the subject area comes under the mining/quarry lease granted under sub-sections (1) and (1-A) of Section 4 of the same Act. Therefore, the cost of mineral was not imposed on quantity of mineral quarried within the lease hold area, as there is no contravention of the sub-sections (1) and (1-A) of Section 4 of the Mines and Minerals (Development and Regulation) Amendment Act, 2021 .

v. It is submitted that, for quarrying Rough stone and Topsoil outside their respective lease granted areas, penalty was levied against the Respondents 12 to 14 and the details of penalty levied are as follows;

Sl. No (1)	Name of the violator (2)	Total quantity of mineral quarried and transported without obtaining permit		Penalty levied						
		Rough stone (in cu.m) (3)	Top soil (in cu.m) (4)	Rough stone			Top soil		Total (in Rs.) (10) (8+9)	Total (in Rs.) (11) (7+10)
				Seigniorage fee @ 59 per cu.m (in Rs.) (5)	Cost of Mineral @ 380 per cu.m (in Rs.) (6)	Total (in Rs.) (7) (5+6)	Seigniorage fee @ 33 per cu.m (in Rs.) (8)	Cost of Mineral@ 380 per cu.m (in Rs.) (9)		
1	Neela-R12	5204	1301	307036	1977520	2284556	42933	208160	251093	2535649
2	T.Kasiviswanathan - R-13	35626	2019	2101934	13537880	15639814	66627	324040	389667	16029481
3	Selvakumar H/o. Lavanya - R-14	198265	10435	11697635	75340700	87038335	344385	1669600	2013955	89052290
									Total	107617420

vi. It is submitted that, among the above three persons, Tmt. Neela (R-12) preferred a representation before the Commissioner of Geology and Mining, Chennai on 23.01.2023. The Commissioner of Geology and Mining, Chennai afforded an opportunity of personal hearing to Tmt. Neela, wherein ordered to


remit the penalty for a sum of Rs. 23,50,574/- for violations committed within the lease hold area and Rs. 25,35,649/-, for violations committed outside the lease hold area. The lessee has remitted the entire amount on 27.03.2024.

vii. It is submitted that, similarly, Appeal was preferred by Thiru.T.Kasiviswanathan, Proprietor, Sri Vijayalakshmi Blue Metals, also before the District Collector, Salem, against the penalty amount of Rs. 53,28,114/- for excess removal of of Rough stone and Top-soil from the lease granted (now, lease expired) area in S.F.No. 219 (Part) and an amount of Rs. 1,60,29,481/- for the illegal removal of Roughstone and Top-soil in the non-leased area. For this, the District Collector, Salem has dismissed the Appeal as devoid of merits and revised penalty amount to Rs. 1,06,56,228/- and Rs. 1,81,98,042/-, respectively, adding the enhanced seigniorage fee as penalty as per extant rule provisions vide proceedings of the District Collector, Salem in Rc. No. 188/2024/Mines-A dated 03.12.2024.

viii. It is submitted that, further, Appeal was also preferred by Tmt.Lavanya, W/o. K.Selvakumar, before the District Collector, Salem, against the penalty amount of Rs.89,47,962/- for excess removal of of Rough stone and Top-soil from the lease granted area in S.F.No. 199/1(Part) and an amount of Rs.8,90,52,290/- for the illegal removal of Rough stone and Top-soil in the non-leased area. The District Collector, Salem has dismissed the Appeal as devoid of merits and revised penalty amount to Rs.1,78,95,924/- and Rs. 10,10,94,280/-, respectively, adding the enhanced seigniorage fee as penalty as per extant rule provisions vide proceedings of the District Collector, Salem in Rc. No. 102/2024/Mines-A dated 03.12.2024.

ix. It is submitted that, the penal action taken by the Revenue Divisional Officer, Salem, as per the Section 21(5) of Mines and Minerals (Development and Regulation) Amendment Act, 2021, for violations within lease granted area is well within the purview of the existing rule provisions. Further, for cases involving violations outside lease granted area by contravening the sub-sections (1) and (1-A) of Section 4 of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, enhanced seigniorage fee was also added by the District Collector, Salem to the existing penalties levied by the RDO, Salem, against the Respondents 13 and 14 while disposing their Appeal Petitions. Hence, the penal action taken has complied the acts and rules in force.

Therefore, it is most respectfully prayed that, this Hon'ble Tribunal may be pleased to accept the same and pass suitable orders.


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