

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

**Original Application No. 238 of 2024 (SZ)**  
[Earlier O.A. No. 878 of 2024 (PB)]

**SUO MOTU** based on the News Item in  
"The Hindu" News paper Dated 25.06.2024,  
under the caption, "*Illegal Sand Mining  
Continues In Cauvery River In Parts Of  
Karur District, Allege Activists*".

*Vs*

Tamil Nadu Pollution Control Board (TNPCB)  
Through its Member Secretary,  
Chennai & other.

...Respondents

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Filed by  
**Thiru.S. Sai Sathya Jith,**  
Advocate, Chennai.



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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**Original Application No. 238 of 2024 (SZ)**  
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With

1. Tamil Nadu Pollution Control Board (TNPCB)  
Through its Member Secretary,  
Chennai.
2. Central Pollution Control Board,  
Through its Member Secretary,  
Parivesh Bhawan, East Arjun Nagar,  
Delhi.
3. Ministry of Environment, Forest  
and Climate Change,  
Through its Regional Office,  
Integrated Regional Office,  
1<sup>st</sup> and 2<sup>nd</sup> Floor, Handloom Export Promotion Council,  
34, Cathedral Garden Road, Nungambakkam,  
Chennai.
4. District Collector, Karur,  
The District Collector, Collectorate,  
Karur – 639 007.

... Respondents

**REPORT FILED ON BEHALF OF THE FIRST RESPONDENT-  
TAMIL NADU POLLUTION CONTROL BOARD.**

I, S. Malarvizhi, D/o. Thiru.Subburam aged about, 58 years, having my office at No.76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the Tamil Nadu Pollution Control Board, I am well acquainted with the facts

*S. Malarvizhi*  
29/03/2025  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

of the case as per records and as such authorized and competent to swear this affidavit.

2. It is respectfully submitted that the O.A has been registered as a Suo Motu on the basis of the news item titled "*Illegal Sand Mining Continues In Cauvery River In Parts Of Karur District, Allege Activists*", published in the Hindu dated 25.06.2024. The following points were highlighted in the news report,

i. *It was alleged that illegal sand mining taking place in few areas in Karur District while the sand quarries on the riverbed of the Cauvery and the Kollidam rivers remain closed. The article highlights that illegal sand mining is taking place at various points from the Cauvery River.*

ii. *Bullock carts are being used to bring loads of sand at secluded places and offload. The sand is subsequently loaded onto the lorries to transport it to the needy places. In some areas, the lorries are driven to the riverbed to smuggle sand. Furthermore, illegal sand mining is taking place at various points from the Cauvery River. Though there is 1 no activity during daytime, the habitual sand miners indulge in smuggling of sand between 11 p.m. and 5 a.m.*

iii. *Further that Maravapalayam, Noyyal, Thottakurichi, Mettupalayam, Seventhipalayam, Nanniyur, Vangal, Mallampalayam, Kulithalai, Mayanur, Nerur South and Nerur North are among the places, where illegal sand mining is taking place.*

iv. *The article highlights those complaints had been lodged before various authorities against those who indulging in sand smuggling. But no action was taken against any of the habitual smugglers.*

3. It is respectfully submitted that the Ministry of Environment, Forest and Climate Change has issued guidelines for "Enforcement & Monitoring Guidelines for sand mining" (EMGSM – 2020) on January, 2020 i.e., supplemental to the existing guidelines i.e. Sustainable Sand

Management 2016 (SSMG – 2016), which focuses on the effective monitoring of the Sand mining, from the identification of sand mineral sources to its dispatch and end-use by consumers and the general public. Further, this guideline helps to collect the critical information for enforcement of the regulatory provisions and also highlights the essential infrastructural requirements necessary for effective monitoring for sustainable sand mining.

4. It is respectfully submitted that the Parliament enacted Mines and Minerals (Development and Regulation) Act, 1957 to control the entire mineral administration in the Country. The Act empowered the State Government to formulate rules in respect of minor minerals under section 15, which reads as follows:

**15. Power of State Governments to make rules in respect of minor minerals.** - (1) *The State Government may, by notification in the Official Gazette, make rules for regulating the grant of quarry leases, mining leases or other mineral concessions in respect of minor minerals and for purposes connected therewith.*

5. It is respectfully submitted that in exercise of the powers conferred by under Section 15 of Mines and Minerals (Regulation and Development) Act, 1957, the Governor of Tamil Nadu has issued "Tamil Nadu Minor Mineral Concession Rules, 1959". Further, the Rule 15 reads as follows:

**Rule 15 - Quarrying or removal of sand in certain river beds:-**

*Quarrying or removal of sand in the State may, however, be prohibited absolutely or regulated by the Conservator of Rivers in the case of lands in river beds to which the Madras Rivers Conservancy Act, 1884 (Madras Act VI of 1884) has been extended and no quarrying or removal shall be sanctioned by the Collector in such cases without consulting the Conservator of Rivers. Quarrying or removal of sands from beds of rivers in charge of the Public Works Department to which that Act does not apply shall not be sanctioned by the Collector without consulting the Executive Engineer of the Division. The District*

*Sreekanth*  
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*Collector or the District Forest Officer, as the case may be, before granting quarrying leases or forwarding applications for quarrying leases or quarrying permits to the State Government or to the Director of Geology and Mining, as the case may be, shall ensure that clearance has been obtained for quarrying in the area from the authority in whose jurisdiction and administrative control the place of quarrying in the river is situated and from the authority in whose control any of the bridges or water supply sources or works are vested and shall also ensure that no objection certificate has been obtained from the Tamil Nadu Water Supply and Drainage Board in respect of an area for quarrying of sand in river beds*

6. It is respectfully submitted that the Rule 38-C of Tamil Nadu Minor Mineral Concession Rules, 1959, states that the departments who are authenticated to issue licence to store, transport the sand and also on violation of the condition which department have authority to cancel the licence. The Rule 38-C reads as follows:

**38-C Storage and transportation of sand –**

*(1)(a) No person shall transport sand without a valid transport permit issued by the Public Works Department or without a sale slip of license duly authenticated by the Taluk headquarters Deputy Tahsildar or Assistant Engineer / Assistant Executive Engineer (Water Resources Department), Public Works Department or Assistant Director / Deputy Director of Geology and Mining Department] of the Jurisdiction from which the sand is transported.*

*(14) The Taluk headquarter Deputy Tahsildar or Assistant Engineer / Assistant Executive Engineer (Water Resources Department), Public Works Department or Assistant Director / Deputy Director of Department of Geology and Mining at the end of each month shall prepare and submit a return on the number of sale slips authenticated, to whom it has been issued*

and the quantum of sand covered therein to the District Collector concerned and such return shall be submitted before 10<sup>th</sup> of succeeding month.

(15) If any violation of condition of licence is found, the District Collector concerned shall cancel the licence after affording opportunity of hearing to the licensee.

**36 A. Penalties:** (1) Whenever any person contravenes the provisions of subsection (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 five thousand rupees 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 liable to be punished as provided in sub- section (1) of section 21 of the Act. **Provided that in respect of minor minerals** namely, building and road construction stones including gravel, **ordinary sand**, earth and turf, ordinary clay including silt, brick and tile clay **the powers and duties exercisable and dischargeable by the District Collectors under this sub-rule shall be exercisable and dischargeable by the Revenue Divisional Officer concerned within their respective jurisdiction**

The Mines and Minerals (Development and Regulation) Act, 1957

**21. Penalties. – (2)** Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five lakh rupees, or with both, and in the case of a continuing contravention, with additional fine which may extend to fifty thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

*Suebnal*

28/02/2025

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7. It is respectfully submitted that further delegation of powers have been given by the Government under G.O.(M.s). No. 170 dated 05.08.2020 as follows:-

- a) Powers have been delegated to the persons holding the post of Revenue Inspector (Mines) to the level of District Collector for effecting seizure of vehicles involved in illicit transportation and to affect seizure of minerals quarried/mined illegally.
- b) Powers have been delegated to Revenue Department, Divisional Officer in their jurisdiction to effect not only seizure but to levy penalty to the offender.
- c) Inherent powers are available to Police personnels for effecting seizure of vehicles and for filing cases in consultation with other departments like Revenue and Mines. Particularly, powers have been delegated to the personnel holding post of Inspector of Police and above to effect provision of Goondas Act on the sand offenders i.e., on the persons involved in illicit quarrying/transportation of sand (G.O.(M.s). No. 114 dated 18.09.2006).

8. It is respectfully submitted that the judgments of the Hon'ble High Court of Madurai and this Hon'ble Tribunal are relevant and noteworthy. The operative portions of the orders state as follows :

A. The Hon'ble High Court of Madurai passed an Order dated 29.10.2018 in WP(MD)No.19936 of 2017, by Hon'ble Mr. Justice M.M.Sundresh & Hon'ble Mr. Justice M.M. Sathish Kumar which was filed for taking adequate action in respect of illegal sand quarrying in the River. W.P (MD) No.7595 of 2018 was filed seeking a comprehensive prayer against the respondents to take effective steps to prevent illegal sand mining. In the said Order the Hon'ble Court held as follows:

***"13. As recorded earlier, illegal mining is carrying on unabatedly under the very nose of the revenue officials, which can be taken judicial note of by this Court with a fond hope***

*that the same can be controlled in future. Hence, we issue the following directions:*

*(i) The District Level Task Forces and Taluk Level Task Forces, constituted pursuant to the order passed in WP(MD)No.9806 of 2018 should follow the G.O.(Ms)No.135 Industries (MMA.1) Department, dated 13.11.2009 in letter and spirit.*

*(ii) As stated in the above said Government Order, periodical meetings will have to be held which is inclusive of action taken / to be taken for the illicit mining.*

*(iii) Steps will have to be taken for dereliction of the duty by the concerned officials.*

*(iv) Taluk Level Task Forces shall also comply with the directions issued in the Government Order by making frequent surprise checks and submit their report to the District Level Task Forces.*

*(v) The Taluk Level Task Forces shall meet every fortnight as mandated in the Government Order.*

*(vi) The responsibility fixed in the Government Order will have to be strictly construed and action will have to be taken against the erring Village Administrative Officer, Tahsildar, Officer in-charge of Department of Geology and Mining at District Level.*

*(vii) Action taken report will have to be sent by the District Collector concerned for the purpose of taking necessary action. The District Collector concerned shall take appropriate departmental action by himself as per the Rules provided so.*

*(viii) Separate records will have to be maintained by the Village Administrative Officer, Tahsildar and Officer in-charge of the*

*Department of Geology and Mining with respect to the cases involving illicit mining.*

*(ix) As and when illicit mining is reported, the same will be recorded in the records.*

*(x) The respective District Collectors will have to ensure by making wide publicity of phone particulars assigned to the District Level Task Forces and the Taluk Level Task Forces, so that, the general public can give their complaints. There should be affixture or display of the phone particulars in the Collectorate, Taluk office, Office of Deputy Director and Assistant Director of Geology and Mining and that of the Village Administrative Officer.*

*(xi) Complainant will have to be intimated on the action taken within a period of one week from the date of receipt of the complaint. A complaint shall also be received even when made through phone calls.*

*(xii) Complaints by an authorised person under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 are to be made immediately and not later than one week from the date of seizure.*

*(xiii) Whenever, a final report is filed for the offence under Section 379 IPC by the jurisdictional police before the jurisdictional Magistrate, the same shall also be committed to the Special Court. This is for the reason that it would be appropriate to deal with both the police case and the private complaint by the same Court and in order to avoid any possible conflict.*

*(xiv) The revenue officials at the time of seizure can issue a memo to the person in-charge of the vehicle, mineral among*

*Suresh*  
28/02/2015

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*other things, indicating the seizure made, along with the date and time.*

*(xv) In so far as the seized vehicles are concerned, they shall be produced before the concerned Magistrate Court by the revenue authorities at the time of filing their respective complaints.*

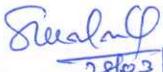
*(xvi) Any application for release of vehicle etc., can only be filed before the Special Court alone.*

*(xvii) Any violation of the above would constitute a contempt of the order passed by this Court, for which, appropriate application can either be filed before the First Bench of this Court or any other Bench as per the direction of the Hon'ble Chief Justice.*

*14. With the above observations and directions, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed”*

**B. The Suo Motu case** registered by Hon'ble National Green Tribunal on the basis of the newspaper report published in the TOI, Chennai Edition dated 28.08.2020 under the caption ***“Thanjavur admin warns of action, but illegal sand mining still thrives.”*** Order dated 17.11.2020 in Original Application No. 161 of 2020 held as follows:

*“6. In order to ascertain the genuineness of the allegations made in the newspaper report, we have appointed a **Joint Committee comprising** of (1) the District Collector, Thanjavur District or a Senior Office not below the rank of Assistant Collector or Submitted Divisional Magistrate as Deputed by the District Collector, (2) the Superintending Engineer, Public Works Department (PWD) and Water Resource Organisation (WRO) and (3) the Director or Senior Officer from the Office of the Director, Geology and Mining to Inspect the area in question*

  
 28/03/2025  
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and submit a factual as action taken report, if there is any violation found including the mechanisms that is being adopted by the District Administration to check such illegal activities which is required for protecting the natural resources like river, sand, etc.

.....

14. So under such circumstances, we feel that the **application can be disposed of by giving certain directions to the authorities to curb illegal sand mining.**

15. So, the application is disposed of as follows:-

i. The concerned departments namely, **Mining Department, District Administration and Police Department are directed to comply strictly with the directions** given by the committee in Para No.14 of the report so as to monitor the illegal sand mining and take action against those persons who are responsible for the same.

ii. If the CCTV Cameras have not been installed in the places where the mining is going on or possibility of illegal mining is likely to occur namely along the river bed, then the District Administration as well as the concerned departments are directed to take steps to install considerable number of CCTV cameras in those areas so as to make the monitoring more effective and also to take action against them in accordance with law.

iii. The Police Department as well as the District Administration and Mining Department are directed to make periodical inspections of those-areas and provide all strict measures to monitor even the permitted mining activities to be carried out in a proper way and to avoid any possibility of committing any violation and doing illegal mining by those persons who have been permitted by the authorities to do mining in accordance with law as well.

*Suealar*

28/01/2015  
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iv. They must also provide certain mechanism to monitor the loading of sand in the vehicles or bullock carts which were permitted by providing necessary passes so as to check as to whether proper quantity of sand permitted alone is being quarried and being transported by those persons.

v. The authorities are also directed to register the mechanized vehicles which are likely to be used for transportation of such mined articles and provide necessary GPS system in them so as to track the movement of the mechanized vehicles so as to ascertain as to whether this is being used for any illegal purpose other than permitted purpose.”

9. It is respectfully submitted that the State Pollution Control Board is the Nodal Authority in the State for dealing with cases related to pollution or environment management under the purview of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act 1986.
10. It is respectfully submitted that as far as State Pollution Control Board is concerned, its role with respect to the process of issuance of Environmental Clearance is limited to being an agency to conduct Public Consultation (Stage 3) and communicate the Minutes to the SEIAA as prescribed in the said Notification. The SEIAA issues Terms of Reference (ToR), processes the application and the minutes of Public Hearing through SEAC and issues Environmental Clearance. After issuance of Environmental Clearance the State Pollution Control Board issues consent under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, as amended.
11. It is respectfully submitted that further it is summarised that the State Pollution Control Board will assist for conducting of Public Consultation for issuance of Environmental Clearance and thereafter issuing the consent under Water and Air Act only for quarrying operation with regard to the sand mining based on the EC issued by the

*Sudalaj*  
28/03/2015

JOINT CHIEF ENVIRONMENTAL ENGINEER  
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SEIAA and the lease agreement made by the applicant with the competent authority. It is respectfully submitted that the Public Works Department (now bifurcated and named as Water Resource Department) is the Government agency having the territorial control over the stretch of the Rivers. The Revenue Department and the Geology & Mining Department are empowered to take appropriate action against illegal mining of sand through various statutes and directions of the State Government.

12. It is respectfully submitted that a letter has been addressed by the DEE, TNPCB, Karur, dated 27.01.2025 to the departments listed below to furnish the details of illegal sand mining that have taken place in the past one year on the River Cauvery in Karur District, action taken, fine imposed and report regarding the same.

The List of Departments are as follows:

- i. The Executive Engineer, Water Resources Department
- ii. The Superintendent of Police, Karur District
- iii. The Tahsildar, Karur Taluk
- iv. The Tahsildar, Krishnarayapuram Taluk
- v. The Tahsildar, Kulithalai Taluk
- vi. The Tahsildar, Manmangalam Taluk
- vii. The Tahsildar, Pugalur Taluk

13. It is respectfully submitted that based on the Suo Motu Original Application taken by the Hon'ble Tribunal, the following locations of River Cauvery were inspected on 16.12.2024 and 17.12.2024 by the officials of the O/o, DEE, TNPCB, Karur.

Sl. No	Locations	Latitude/Longitude
1.	Upstream of Noyyal	11.070289,77.913431
2.	Maravapalayam	11.061916,77.943991
3.	Kattipalayam	11.091858, 77.990889
4.	Thavuttupalayam Bridge	11.095217, 78.003423
5.	PunjaiThottakurichi	11.082107,78.035189
6.	Mettupalayam	11.071377,78.060262
7.	Nanniyur	11.076452,

		78.024247
8.	Sevanthipalayam	11.071633,78.094071
9.	Vangal Bridge	11.048585, 78.124185
10.	Mallampalayam	11.034096, 78.139546
11.	Nerur South	10.998464, 78.166171
12.	Mayanur Check Dam	10.959935, 78.234137
13.	Kulithalai	10.946212, 78.419283

15. It is respectfully submitted that further, during inspection the following observations were made,

- i. There was moderate flow in river Cauvery.
- ii. There was no sand mining that took place in the said locations.

Therefore, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

*S. Malarvizhi*  
28/02/2015  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
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### VERIFICATION

I, S.Malarvizhi, D/o. Thiru. Subburam, working as Joint Chief Environmental Engineer, having my office at No.76, Mount Salai, Guindy, Chennai-600 032, do hereby verify that the contents of above reply are true to the best of my knowledge through records.

*S. Malarvizhi*  
28/02/2015  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
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**REPORT FILED ON BEHALF OF  
THE FIRST RESPONDENT- TAMIL  
NADU POLLUTION CONTROL  
BOARD.**

**Advocate for Respondent: TNPCB  
Thiru.Sai Sathya Jith,  
Advocate, Chennai.**

**Date: .04.2025.**

**Date of hearing on: .04.2025**

