

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 273 of 2024

Tribunal on its own motion **SUO MOTU**

Based on the News Item titled

"Exploited Kathiresan Temple Mount

- Danger awaits the Temple" appeared

in the Dinamalar daily- Chennai edition dated 30.09.2024.

-Vs-

1. The Principal Secretary to Govt. Of Tamil Nadu,
Department Of Environment,
Climate Change and Forests. Chennai.

..... Respondents

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Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.

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..... Respondents

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

I, S. Palanisamy, S/o. S.Santhappan, aged about 59 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely states as follows:

1. I submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600 032 and I am authorized to file this report on behalf of the fourth respondents (TNPCB) and as such I am well acquainted with the facts of the case from the records available in our office.
2. It is submitted that the Hon'ble National Green Tribunal (SZ), Chennai had taken as a Suo motu proceedings based on a news article that appeared in the Dinamalar daily- Chennai edition titled **"Exploited Kathiresan Temple Mount - Danger awaits the Temple"** on 30.09.2024, and directed to file their report before the Hon'ble Tribunal.
3. It is respectfully submitted that the District Collector vide letter no. Rc.No. GM1/569/2024 dated 03.11.2024 addressed to the Chairperson, TNPCB, Chennai has stated the following;

" Upon perusal of the news article titled "Exploited Kathiresan Temple Mount; Danger Awaits the Temple," published in the


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

Dinamalar, Chennai Edition on 30.09.2024, which alleged unauthorized mining activities at Kathiresan Temple Mount in Kovilpatti Taluk, Thoothukudi District, prompt action was undertaken by the respective departments to investigate and address the issue. The land in question spans 52.34 hectares and is classified as Sarkar Poramboke, recorded in the official revenue records as "Kathiresan Kovil Malai Poramboke." This land is under the jurisdiction of the Hindu Religious and Charitable Endowments (HR&CE) Department and is managed by the Executive Officer of Arulmigu Poovanathasamy **Thirukovil, Kovilpatti**. The land described above has been duly entered and recorded in the relevant revenue records as mentioned below

TSLR New S.No	TSLR Old S.No	Extent	Classification	Remarks
1	548	52.34.0 Hec	Sarkar Promboke	Kathiresan Kovilmalaipromboke

4. It is respectfully submitted that, historically, a portion of this land was leased to the Kovilpatti Pasumpon Thevar Charitable Trust for running the Uthandaraman Thevar Poolammal Matriculation School. The HR&CE Department, through Letter No. Roc.1636/2006.V3 dated 08.02.2008, formalized this agreement for 5.04 acres, while the remaining 7 acres were restored to temple management.
5. It is respectfully submitted that on receiving the news of alleged unauthorized mining, the Revenue Divisional Officer (RDO) of Kovilpatti conducted a detailed inquiry, enlisting the assistance of the Kovilpatti Tahsildar, Firka Revenue Inspector, and Village Administrative Officer, an extensive site inspection was carried out on 01.10.2024 to assess the reported activities and the current condition of the land. It was confirmed that illegal gravel extraction had taken place without the necessary permissions from temple authorities.


 JOINT CHIEF ENVIRONMENTAL ENGINEER
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6. It is respectfully submitted that the Executive Officer of Arulmigu Poovanathasamy Thirukovil lodged a formal complaint, which led to the registration of an FIR (No. 565/2024) at Kovilpatti West Police Station on 08.10.2024. The complaint named Pasumpon Thevar Arakattalai, headed by Thiru. Paramasivam, as responsible for the unauthorized mining. The case was filed under Sections 303(2) BNS and 21(1) and (4) of the Mines and Minerals (Development and Regulation) Act, 1957. The Village Administrative Officer also filed a separate complaint that was initially lodged on as a Community Service Register entry but later merged into the existing FIR for comprehensive coverage. In connection with the unauthorized activities, two vehicles a JCB with registration number TN96D6943 and a tipper lorry with registration number TN-52-9006 were seized by the authorities.
7. It is respectfully submitted that the Assistant Director of Geology and Mining, Thoothukudi, was requested to evaluate the seigniorage and mineral value of the illegally extracted material, which amounted to 3,352.586 cubic meters of gravel. The assessment led to the imposition of a penalty under Section 36A (1) (3) of the Tamil Nadu Minor Mineral Concession Rules, 1959. Notices were issued to Thiru. Paramasivam, requiring his presence for inquiries on 30.09.2024 and 21.10.2024. During these proceedings, his statements were documented, and his involvement was substantiated. Based on the collected evidence and in adherence to procedural requirements, penalties were formalized through proceedings dated 25.10.2024. As per Section 36A(1)(3) of the Tamil Nadu Minor Mineral Concession Rules, 1959, a fine amounting to ten times the seigniorage value, totaling Rs. 18,77,440 along with the mineral value of Rs. 5,36,414, was imposed, bringing the overall penalty to Rs. 24,13,854. The HR& CE Department Letter No.Roc.1636/2006 V3 dated 8.2.2008, The registered FIR No.565/2024, Letters from the RDO and Assistant Director of Geology and Mining, Proceeding Na.Ka.A2/10414/24


 JOINT CHIEF ENVIRONMENTAL ENGINEER
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dated 25.10.2024, Maps and revenue records corroborating the findings are also enclosed.

8. It is respectfully submitted that the said site in question was inspected by this office officials on 20.11.2024 and observed the following,
- i. The excavation activity was found that it was stopped.
 - ii. The construction of compound wall around the excavated site was found it was stopped.
9. It is further submitted that the illegal mining extraction does not fall under the purview of TNPCB. However, the District Collector vide letter no. Rc.No. GM1/569/2024 dated: 03.11.2024 addressed to the Chairperson, TNPCB, Chennai has stated that all necessary actions have been initiated by the District Authorities to address the violations, ensure accountability, and safeguard the environmental and cultural heritage of Kathiresan Temple Mount. Preventive measures and monitoring systems are being put in place to avert any recurrence of such unauthorized activities.

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


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
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VERIFICATION

I, S. Palanisamy S/o. S.Santhappan, working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600 032, having office at No.76, Mount Salai, Guindy, Chennai – 32, do hereby verify that the contents of above report are true to the best of my knowledge through records.


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.



சி. சம்புரணர்
கோவில் பட்டி

பிளாட் எண்: 12
கோவில் பட்டி - டவுன்

வார்டு: 3

பிளாட் எண்: 1

டவுன் சர்வெய்: 1

(பரம்பல புவனம்: 548)

41. PANDAVATEMANGALAM



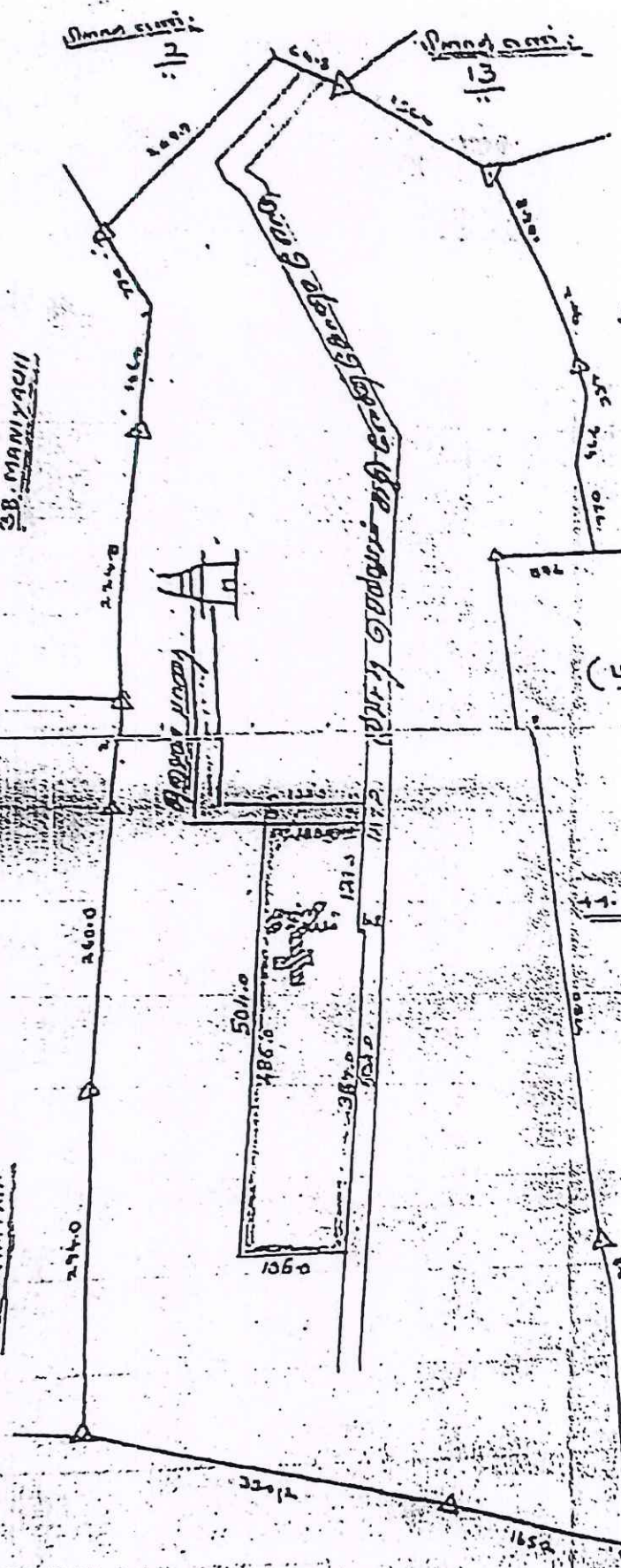
புதுச்சேரி நகராட்சி
நிர்வாககர் அலுவலகம்

புறக்கம்.

12. 15

புறக்கம்.

Princy
Mangaladurai
Gobindapuram



45. MANDIT TOPPO

38. MANIYACHI

37. ALAMPATI

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CONTROL BOARD.**

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

Date:02.01.2025

Date of Hearing on:29.01.2025

