

**BEFORE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH AT CHENNAI**

ORIGINAL APPLICATION No. 9 OF 2022

IN THE MATTER OF:

PISATI INDIRA REDDY & ANR

...Applicants

Versus

UNION OF INDIA & ORS

...Respondents

WRITTEN ARGUMENTS FILED BY THE APPLICANT NO.1 & 2

1. It is submitted that the above case is filed by the Applicant No.1 & 2 invoking the jurisdiction under Section 14 & 15 read with Section 17 & 18 of the National Green Tribunal, raising substantial question relating to environment arising out of large-scale illegal mining, stone crushing and operation of hot mix plants in BandaRavirala, Chinnaravirala, Saddupally and Dekshmukhi villages situated in Ranga Reddy and Yadadri-Bhuvanagiri Districts. The grievance of the Applicants is not confined to an individual injury but pertains to the widespread environmental degradation affecting the agricultural lands, water bodies and public health on a continuous basis.
2. It is submitted that the Applicant No. 1 & 2 are residence of Sadupally Village, Chinnaravirala Village, Abdullapurmet Mandal, Ranga Reddy District, whereas Applicant No.1 is the absolute owner and peaceful possessor of land admeasuring Ac. 15-00 in Sy No. 204,201 of Sadupally Village, Abdullapurmet Mandal, Ranga Reddy District, who is a spiritual person and she has been continuing Meditation Center and a Lord Shiva temple built by her husband. The said temple is worship by all the residents of Sadupally Village. Further, the Meditation centre was actively run by the Applicant No.1 until the environmental damage caused by the Respondent units herein. The said land is surrounded by 6 Stone Crushing Units, 8 Mining Quarries and 11 Hot Mix Plants (in detail annexed below). Further, the Applicant No. 2 is absolute and peaceful owner of land admeasuring Ac. 12 acres , in Sy. No. 217,263 Saddupally & Bandaravirala Villages , Abdullapurmet

Mandal, Ranga Reddy District and the same is surrounded by 4 Stone Crusher Units and 5 Mining Quarries. (in detailed annexed below).

3. It is submitted that the Applicants herein filed the above case for relief and remedy from the Dust, Pm2.5 ,Pm10 pollution by the stone crushers affecting the crop , Land degradation by the quarries, degrading the environment of the villages surrounding survey Number 268 “Mining Zone”, challenging the illegal mining activities, Stone crushers violation of Siting criteria erect the crusher units, challenging the illegal mining activities, exorbitant, Heavy blasting’s at unusual times, with violation of sitting criteria by the Metal quarries of the respondent Units, etc and further illegal mining being conducted by Respondent units without environment clearances.
4. It is submitted that the Respondent units are established in Sy. No. 268 in land admeasuring Ac. 670-29 guntas which is declared as “Mining Zone” vide G.O Ms. No. 89 of 22.03.2006, issued by the State Government of Andhra Pradesh. However, taking undue advantage, the private Respondents have established and are operating mining quarries, stone crushing units, and hot mix plants over the past 15 years, both with and without statutory approvals, resulting in uncontrolled and indiscriminate exploitation of natural resources.
5. It is submitted that the Applicants, who are agriculturists, have specifically pleaded and demonstrated that their lands are surrounded by mining units which are polluting without taking basic precautionary measure and have been severely affected by continuous dust pollution, blasting vibrations and violation of sitting criteria. It is submitted that the environmental impact extends beyond the Applicant’s land and has affected several surrounding villages by causing loss of agricultural productivity, degradation of soil quality and serious health issues such as respiratory ailments.
6. It is respectfully submitted that the core illegality in the present case lies in the operation of mining and allied activities without obtaining prior Environmental Clearance as mandated under the EIA Notification, 2006 and sitting criteria of Stone crushing industries. The Requirement of prior Environmental Clearance is a condition precedent and goes to the root of the legality of the activity. The Hon’ble Supreme Court in ***Deepak Kumar Vs State of Haryana*** has categorically held that even mining of minor minerals requires Environmental Clearance. In the

absence of such clearance, the entire activity becomes illegal ab initio and liable to be stopped forthwith.

7. In addition to the absence of Environmental Clearance, it is evident from the material on record that several Respondent units are operating without valid Consent of Establishment and Consent for Operation from the State Pollution Control Board. The State Pollution Control Board itself has issued closure orders against multiple units and has recorded serious violations, including operation without consent and non-compliance with pollution control norms. Despite such findings, the units continued to operate, thereby demonstrating wilful disobedience of statutory directions and complete disregard towards environmental law.
8. It is further submitted that the Respondent units have also violated the siting guidelines prescribed by the Central and State Pollution Control Board (CPCB & TSPCB), as the units are located in close proximity to residential areas and agricultural lands. The Hon'ble Supreme Court in ***Mohd. Haroon Ansari Vs. District Collector*** has emphasized adherence to safe distances and environmental safeguards in quarry operations. The present case clearly demonstrates violation of such norms, leading to adverse impact on human habitation and ecology. It is submitted that the Joint Committee constituted pursuant to the directions of this Hon'ble Tribunal has failed to discharge its mandate in a comprehensive and legally sustainable manner. The Committee has not evaluated the Respondent units with reference to the prescribed siting criteria, nor does the report disclose any assessment as to whether the said units are located in close proximity of human habitation or the agricultural lands of the Applicant No.1 & 2. The report is conspicuously silent on the crucial aspect of compliance with distance norms and fails to undertake any scientific or empirical evaluation of the environmental and agricultural damage caused to Applicant no.2 and his land, as a consequence of the illegal mining activities, violation of siting criteria, and lack of precautionary measures.
9. It is further submitted that mining activities are required to be regulated strictly in accordance with the District Survey Report (DSR) prepared by the District Collector. In the present case, the District Collector i.e., Respondent no.5 has already conducted a detailed survey report in 2025 and categorically recorded that mining activity is strictly prohibited in Shamshabad, Hayathnagar, Abdullapurmet,

Shankarpally and Serilingampally Mandal on account of urbanization and over-exploitation of mineral resources. Despite such categorical findings, mining operations have been permitted and continue unabated in prohibited areas, rendering the entire regulatory exercise arbitrary and contrary to law.

10. It is submitted that while granting Environmental Clearance, the Competent authorities are mandatorily required to evaluate the project in consonance with DSR Report, the EIA Notification, 2006, and the Standard Operating Procedures (SOP) prescribed by the State Environment Impact Assessment Authority (SEIAA). In this regard, it is pertinent to reply upon the judgement of the Hon'ble Supreme Court in **“State of Uttar Pradesh and Ors Vs. Gaurav Kumar and Ors (MANU/SC/0660/2025)**, wherein it has been unequivocally held that a valid Environmental Clearance can be granted only upon due consideration and prior preparation of a District Survey Report”. The Hon'ble Apex Court has emphasized the mandatory nature of the DSR as a prerequisite for lawful mining operations. In the present case, the District Survey Report having already identified Abdullapurmet and Hayathnagar Mandals as prohibited zones for mining, as such any grant of Environmental Clearance or continuation of mining activities in these areas is ex facie illegal, arbitrary and liable to be set aside.
11. The Respondent industries are categorized as Stone & Metal Quarries, Stone Crushers, & Hot Mix plants situated in the area of Abdullapurmet Mandal, Ranga Reddy District & Pochampally Mandal, Yadadri Bhuvanagiri District. The said industries are categorically listed below for kind perusal of this Hon'ble Court:

INDUSTRIES IN RANGA REDDY DISTRICT:

| RESPONDENT UNIT NAME | CATEGORY OF INDUSTRIES | VIOLATIONS & GRIEVANCE |
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| M/s. Yadadri Stone Crusher R7 | Stone Crusher | Clear violation of siting criteria to erect stone crusher, Adjacent to applicant 2 i.e Akiti Nikhil Kumar reddy land in survey number 263 of Bandaraviryala village, located at distance of Less than 30 mts from the applicants land. |

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| | | <p>The same respondent stone crusher is located just beside the applicant 1 i.e P.Indira Reddy agriculture land in Bandaravirayala village & Sy. No. 252 & 201 of Sadduaply village within at distance of 200 Metres causing serious Dust, Pm 2.5 Pollution.</p> <p>It is submitted that heavy blasting is taken place by this stone crushing industry from the Mine located in survey number 200,199,201 of Saddupally village located within close proximity of 100 meters from the Applicant no.2 land, which is in blatant violation of established siting criteria and buffer zone norms. Due to such heavy blasting, the rock pieces are flying over the land of the Applicants land and causing grave injury to the land and life threat to the Applicants and their family members.</p> |
| <p>M/s. BNR Sand Manufacturing Unit (a unit of BNR Stone Crusher) R8</p> | <p>Stone Crusher</p> | <p>Clear violation of siting criteria to erect stone crusher, Severe Dust emissions is taken place by this Stone crushing industry which located within a close proximity of 100 meters from the Applicant no.2 land i.e Akiti Nikhil kumar reddy which is in blatant violation of established siting criteria and buffer zone norms. Due to such serious Dust and pm2.5 Pollution the , Applicants agriculture land became totally Barren filled with Dust due to stone crushing activities.</p> |

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| | | The stone crusher is been operated by the Minor Mineral Fed from the Mine named BNR Sand Manufacturing Unit Respondent R32 with NO environment clearances since 2016. |
| M/s. Sri Renuka Rock Sand R9 | Stone Crusher | <p>Closure Orders were issued by TSPCB dated 20.02.2020 and Power supply was also disconnected vide Order-15-RR-I/TSPCB/ZO-HYD/TF/2020.</p> <p>Stone crusher operated by the mineral fed from the Respondent Mines Named R13 Padmavathi Metal industry, R14 Sai baba Metal industry , R31 Shona Engineers with No environment clearances from SEIAA since 2017-18.</p> <p>Erected the stone crusher within a distance of 100 Metres from the applicant 2 land , violates siting criteria.</p> |
| M/s. Sai Rohit Metal Industries R10 | Stone & Metal Quarry & Stone crusher | <p>For the Stone crusher Closure Orders were issued by TSPCB dated 20.02.2020 and Power supply was also disconnected vide Order-15-RR-I/TSPCB/ZO-HYD/TF/2020. It is further submitted that the SEIAA (Respondent No. 2) clearly stated vide Order No. SEIAA/TS/OL/RRD-946/2019 dated 17.06.2022, that the industry had been operating and excavating the Mineral from since 2016-17 without obtaining prior EC.</p> <p>Additionally, they have been convicted by the TSPCB for illegal</p> |

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| | | mining and blasting vide C.C. No. 62 of 2023 before 1st Class Judicial Magistrate, Hayathnagar under section 241 Cr.P.C. |
| M/s. Tirumala Rock Sand Manufacturing Unit R11 | Stone Crusher | <p>It is submitted that Severe Dust emissions is taken place by this Stone crushing industry which located within a close proximity of 100 meters from the Applicant no.2 land i.e Akiti Nikhil Kumar Reddy which is in blatant violation of established siting criteria and buffer zone norms. Due to such serious Dust and pm2.5 Pollution the Applicants agriculture land became totally Barren filled with Dust due to stone crushing activities.</p> <p>The stone crusher is been operated by the Minor Mineral i.e., Stone and Metal gravel Fed from the Mine/Quarry named Tirumala Rock Sand Manufacturing Unit R11A with NO environment clearances since 2016. The CFO by TSPCB expired in the year 31.12.2020, issued with closure orders by TSPCB.</p> |
| M/s. KRC Infra Projects R12 | Stone Crusher | <p>The Stone crusher established with violation of Siting criteria. The Unit is located within a distance of 300 Metres from the applicant 1 i.e P. Indira Reddy Meditation centre, Temple & agriculture land. The stone crusher operations caused serious Dust emissions by the stone crushing activity lead to damage of the crop, land damage due to dust settlement, loss of</p> |

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| | | <p>yield, Further the agriculture land became barren.</p> <p>The stone crusher is operated by the Mineral Fed from the Mine named KRC infra projects with NO environment clearances since 2014-15.</p> <p>The CFO issued by TSPCB expired in the year 2017. Further, TSPCB issued show cause notices and closure orders to Stone Crusher.</p> |
| M/s. Tirumala Rock Sand Manufacturing Unit (Mine No. 32A) R11A | Stone & Metal Quarry | <p>It is further submitted that the SEIAA (Respondent No. 2) clearly stated vide Order No. SEIAA/TS/OL/RRD-936/2019 dated 17.06.2022, that the industry had been operating mining operation since 2016 without obtaining prior EC. There is NO Consent for operation from TSPCB and had conducted illegal mining by taking the shelter of M/s. Tirumala Rock Sank manufacturing Unit (Stone Crusher).</p> <p>Additionally, they have been convicted by the TSPCB for illegal mining and blasting vide C.C. No. 59 of 2023 before 1st Class Judicial Magistrate, Hayathnagar under section 241 Cr.P.C.</p> |
| M/s. KRC Infra Projects R12A | Stone & Metal Quarry | <p>It is submitted that the Closure orders were issued dated 26.03.2021 for non-compliance of TSPCB Guidelines and conditions. It is further submitted that the SEIAA (Respondent No. 2) clearly stated vide Order No. SEIAA/TS/OL/RRD-930/2019</p> |

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| | | <p>dated 17.06.2022, that the industry had been operating mining operation since 2014-15 without obtaining prior EC.</p> <p>Additionally, they have been convicted by the TSPCB for illegal mining and blasting vide C.C. No. 71 of 2023 before 1st Class Judicial Magistrate, Hayathnagar under section 241 Cr.P.C.</p> |
| M/s. Padmavathi Metal Industries R13 | Stone & Metal Quarry | <p>It is submitted that the industry has encroached and laid internal roads in Pulcherla Kunta vide Lake ID No. 1907 area of the tank upto Ac. 3-761 shown under Full Tank Level (FTL). It is further submitted that the SEIAA (Respondent No. 2) clearly stated vide Order No. SEIAA/TS/OL/RRD-954/2019 dated 27.06.2022, that the industry had been operating mining operation since 2017-18 without obtaining prior EC.</p> <p>Additionally, they have been convicted by the TSPCB for illegal mining and blasting vide C.C. No. 64 of 2023 before 1st Class Judicial Magistrate, Hayathnagar under section 241 Cr.P.C.</p> |
| M/s. Sai Baba Metal Industry R14 | Stone & Metal Quarry | <p>It is submitted that the quarry did not obtain Consent for Operation from TSPCB and had illegally operated. It is submitted that the SEIAA (Respondent No. 2) clearly stated vide Order No. SEIAA/TS/OL/RRD-954/2019 dated 27.06.2022, that the industry had been operating</p> |

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| | | | <p>mining operation since 2017-18 without obtaining prior EC.</p> <p>Additionally, they have been convicted by the TSPCB for illegal mining and blasting vide C.C. No. 54 of 2023 before 1st Class Judicial Magistrate, Hayathnagar under section 241 Cr.P.C.</p> |
| M/s. Shona Engineers | R31 | Stone & Metal Quarry | <p>It is submitted that the SEIAA (Respondent No. 2) clearly stated vide Order No. SEIAA/TS/OL/RRD-953/2019 dated 27.06.2022, that the industry had been operating mining operation since 2017-18 without obtaining prior EC.</p> <p>Additionally, they have been convicted by the TSPCB for illegal mining and blasting vide C.C. No. 56 of 2023 before 1st Class Judicial Magistrate, Hayathnagar under section 241 Cr.P.C.</p> |
| M/s. BNR Stone Crusher | R32 | Stone & Metal Quarry | <p>It is submitted that the SEIAA (Respondent No. 2) clearly stated vide Order No. SEIAA/TS/OL/RRD-932/2019 dated 27.06.2022, that the industry had been operating mining operation from 2015-16 without obtaining prior EC.</p> <p>Additionally, they have been convicted by the TSPCB for illegal mining and blasting vide C.C. No. 63 of 2023 before 1st Class Judicial Magistrate, Hayathnagar under section 241 Cr.P.C.</p> |

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| M/s. Rock Crushing India Pvt Ltd R30 | Stone & Metal Quarry | It is submitted that the SEIAA (Respondent No. 2) clearly stated vide Order No. SEIAA/TS/OL/RRD-928/2019 dated 17.06.2022, that the industry had been operating mining operation since 2016-17 without obtaining prior EC. Additionally, they have been convicted by the TSPCB for illegal mining and blasting vide C.C. No. 65 of 2023 before 1st Class Judicial Magistrate, Hayathnagar under section 241 Cr.P.C. |
| M/s. Veltech Constructions R18 | Hot Mix Plant | Closure Orders issued dated 05.01.2021 & further Hon'ble High Court directed to shut the Hot Mix Plants as per the closure orders vide W.P. No. 15508 of 2021. Despite there being closure orders and High Court directions, the industry started to operate again. Further, they have not filed any counter till date, as such admitting that they are in violation of High Court order & closure orders. |
| M/s. S.V. Constructions R19 | Hot Mix Plant | Closure Orders issued dated 05.01.2021 & further Hon'ble High Court directed to shut the Hot Mix Plants as per the closure orders vide W.P. No. 15508 of 2021. Despite there being closure orders and High Court directions, the industry started to operate again. Further, they have not filed any counter till date, as such admitting that they are in violation of High Court order & closure orders. |

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| M/s. Ambica Infra Company R20 | Hot Mix Plant | Closure Orders issued dated 05.01.2021 & further Hon'ble High Court directed to shut the Hot Mix Plants as per the closure orders vide W.P. No. 15508 of 2021. Despite there being closure orders and High Court directions, the industry started to operate again. Further, they have not filed any counter till date, as such admitting that they are in violation of High Court order & closure orders. |
| M/s. Mayank Infra R21 | Hot Mix Plant | Closure Orders issued dated 05.01.2021 & further Hon'ble High Court directed to shut the Hot Mix Plants as per the closure orders vide W.P. No. 15508 of 2021. Despite there being closure orders and High Court directions, the industry started to operate again. Further, they have not filed any counter till date, as such admitting that they are in violation of High Court order & closure orders. |
| M/s. P N Constructions R22 | Hot Mix Plant | Closure Orders issued dated 05.01.2021 & further Hon'ble High Court directed to shut the Hot Mix Plants as per the closure orders vide W.P. No. 15508 of 2021. Despite there being closure orders and High Court directions, the industry started to operate again. Further, they have not filed any counter till date, as such admitting that they are in violation of High Court order & closure orders. |

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| M/s. SPR Constructions R23 | Hot Mix Plant | Closure Orders issued dated 05.01.2021 & further Hon'ble High Court directed to shut the Hot Mix Plants as per the closure orders vide W.P. No. 15508 of 2021. Despite there being closure orders and High Court directions, the industry started to operate again. Further, they have not filed any counter till date, as such admitting that they are in violation of High Court order & closure orders. |
| M/s. K. Chandrashekar Hot Mix Plant R24 | Hot Mix Plant | Closure Orders issued dated 05.01.2021 & further Hon'ble High Court directed to shut the Hot Mix Plants as per the closure orders vide W.P. No. 15508 of 2021. Despite there being closure orders and High Court directions, the industry started to operate again. Further, they have not filed any counter till date, as such admitting that they are in violation of High Court order & closure orders. |
| M/s. Venkatesh Hot Mix Plant R25 | Hot Mix Plant | Closure Orders issued dated 05.01.2021 & further Hon'ble High Court directed to shut the Hot Mix Plants as per the closure orders vide W.P. No. 15508 of 2021. Despite there being closure orders and High Court directions, the industry started to operate again. Further, they have not filed any counter till date, as such admitting that they are in violation of High Court order & closure orders. |

INDUSTRIES IN YADADRI BHUVANAGIRI DISTRICT:

| RESPONDENT UNIT NAME | CATEGORY OF INDUSTRIES | VIOLATIONS & GRIEVANCE |
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| M/s. Sai Vikas Stone Crushing Industry R15 | Stone Crusher | <p>Direction issued by the Telangana State Pollution Control Board in 2021 for Non-compliance of the Pollution control Measures, Serious emissions of Dust and pm 2.5 by the stone crusher.</p> <p>Applicant no.1 i.e P. Indira Reddy agriculture land, Temple are located at distance of 400 Metres from the stone crusher lead to total damage of crop, agriculture , Water contamination.</p> <p>The stone crusher fed the Mineral from respondent quarries R15 Sai Vikas Stone Crushing Industry (Mine), R27; Alluri Estates Pvt Ltd (Metal quarry) located within the same survey numbers & adjacent survey numbers of the crushing unit 2013-14 without obtaining prior EC. The CFO from TGPCB for stone crusher are expired in the year 2023 as per records of the TGPCB.</p> <p>The Mines lease given By the Mines and geology department are expired in the year 08-06-2023</p> |
| M/s. Sri Venkata Shiva Metal Industries R16 | Stone & Metal Quarry | <p>Direction issued by the Telangana state pollution control Board in 2021 for Non-compliance of the Pollution control Measures, Serious emissions of Dust and pm 2.5 by the stone crusher.</p> <p>Applicant no. 1 i.e P. Indira Reddy agriculture land, Temple are located at distance of 450 Metres</p> |

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| | | <p>from the stone crusher led to total damage of crop, agriculture, Water contamination.</p> <p>The stone crusher been fed with Mineral from the respondent Mines Named R16 Sri Venkata shiva Metal industry, R26 Guduru Narender Reddy Mine since 2006-07.</p> <p>Violation of siting criteria by the stone crusher and quarry to operate.</p> <p>It is submitted that the SEIAA (Respondent No. 2) clearly stated vide Order No. SEIAA/TS/OL/YBR-143/2019 dated 27.06.2022, that the industry had been operating mining operation since 2008-09 without obtaining prior EC.</p> <p>The CFO from TGPCB for stone crusher are expired in the year 2024 as per records of the TGPCB.</p> <p>The Mines lease given By the Mines and geology department are expired in the year 23-07-2023.</p> |
| <p>M/s. Superfine Sand (Hyderabad) Ltd. R17</p> | <p>Stone Crusher</p> | <p>It is submitted that the SEIAA (Respondent No. 2) clearly stated vide Order No. SEIAA/TS/OL/YBR-149/2022 dated 15.11.2022, that the industry had been operating mining operation since 2006-07 without obtaining prior EC. Have been in clear violation of environmental measures to safeguard and the Respondent no. i.e., TSPCB issued directions for not providing basic environmental</p> |

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| | | <p>measures, as stated by TSPCB in 26.03.2021.</p> <p>The CFO from TGPCB is expired in the year 2022 as per records of the TGPCB.</p> <p>The Mines lease given By the Mines and geology department are expired in the year 28-02-2022</p> |
| M/s. Sai Vikas Stone Crushing Industries R15 (A) | Stone Metal Quarry | <p>The Metal quarry claim Environment clearances given from SEIAA in the year 2018 for extent of 5.645 Ha, for Extent more than 5 ha The Mine had to apply EC with Public hearing there are No records available in the Deshmukhi village area for this quarry establishment. CFO from TSPCB for quarry expired on 30.06.2024.</p> <p>Violates siting criteria to establish quarry within a distance of 400 metres from the applicant-2 i.e P. Indira Reddy land, temple area.</p> <p>Feed the Mineral to the stone crusher names same as the Mine i.e Sai Vikas Stone Crushing Industries in the same survey numbers with expired CFO from TGPCB.</p> |
| M/s. Sri Guduru Narender Reddy R26 | Stone Metal Quarry | <p>The Metal quarry claim Environment clearances given from SEIAA in the year 2019 for extent of 3.65 Ha survey number 74 A. The Respondent Mine had another Mine in survey number 73A with same name with extent of 0.99 ha with No environment clearances from SEIAA.</p> |

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| | | <p>Combined Mine area of both the quarries makes it More than 5.00 ha which clearly shows the Respondents have blatantly submitting with lesser extents by diving the Mine area to overcome the aspects of Environment clearances from SEIAA</p> <p>Violates siting criteria to establish quarry within a distance of 400 metres from the applicant-1 i.e P.Indira Reddy land ,temple area.</p> <p>Feed the Mineral to the stone crusher names same as the Mine i.e Sri Venkata shiva metal industries in the same survey numbers with expired CFO from TGPCB.</p> |
| M/s. Alluri Estates Pvt Ltd R27 | Stone Metal Quarry | <p>It is submitted that the SEIAA (Respondent No. 2) clearly stated vide Order No. SEIAA/TS/OL/DBR-162/2022 dated 13.07.2023, that the industry had been operating mining operation since 2013-14 without obtaining prior EC.</p> |
| M/s. PSK Infrastructure & projects Pvt Ltd R28 | Hot Mix Plant | <p>Erected the Hot mix unit within a distance of less than 100 Metres from the applicant-1 land & temple. Violates siting criteria to establish the Hot Mix unit.</p> <p>Emitted serious foul smell by the Bitumen mix caused damages to the Cattle, and to health of the applicant.</p> <p>No measures are taken to control the pollution where the Telangana State Pollution control board</p> |

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| | | issued directions with show cause notices to the hot Mix unit. |
| M/s. Nagarjuna Hy-Tech Constructions R29 | Hot Mix Plant | Erected the Hot mix unit within a distance of less than 100 Metres from the applicant-1 land & temple. Violates siting criteria to establish the Hot Mix unit. The Consent to operate given by TSPCB expired in July, 2018. Emits serious foul smell by the Bitumen mix caused damages to the Cattle, and to health of the applicant. Damaged the land of the applicant 1 i.e P. Indira Reddy located in survey number 77 of Deshmukhi village area by dumping the Mineral |

12. It is further submitted that the counter affidavits filed by the Respondent units' content that they are operating with valid permissions/leases. It is submitted that mere possession of a mining lease or license does not authorise operation without Environmental Clearance (EC) and in violation of siting criteria without complying to the regulatory norms laid down for their functioning. The averments are merely denied by the Respondents but failed to provide strict proof evidencing that there is no violation of environmental laws. Under the EIA notification, 2006, EC is a condition precedent, not a post-facto formality. Even assuming certain approvals exist, there are either expired or not renewed or under Violation Category, as such obtained without cumulative impact assessment, or vitiate by non-compliance with stipulated conditions. The counter affidavits are evasive, self-serving and contrary to the record of proof submitted by the Applicants & Official respondents, and fail to rebut the substantive environmental violations established by the Applicants. The Respondent units have attempted to justify their operations on the basis of selective compliance, while suppressing material facts relating to continuous violation, illegal blasting, lack of valid consents, and non-compliance with statutory safeguards.

13. It is further submitted that the Respondent units have failed to establish concrete evidence that the units are not located in close proximity to residential areas and agricultural lands of the Applicants, and the activities being conducted within prohibited distances. Blasting operations are causing vibrational damage and health hazards. Such operations are in clear violation of sitting criteria laid down by CPCB/TSPCB & in judgement ***Mohd. Haroon Ansari Vs District Collector***. It is further submitted that the Respondent units have denied environmental impact, however the documentary evidence, photographs, and RTI replies establish severe dust pollution, crop damage, and water body degradation. Pollution levels (PM10 etc) are far beyond permissible limits and consistent impact on the health of villagers. Therefore, their plea in the counter affidavits is contrary to empirical evidence filed by the Applicants, photographic material placed on record and inspection reports.
14. It is submitted that the environmental damage caused by the Respondent units is grave and well documented. The record reflects excessive levels of particulate matter, continuous dust deposition on crops and vegetation, damage to water bodies including Pulicharla Kunta and adverse health effects on villagers. Though certain inspections and closure orders were issued, the same have not been implemented. Such inaction amounted to failure of statutory duty on part of the official respondents, thereby enabling continued environmental violations.
15. The cause of action in the present case is continuous in nature, as the illegal operations are ongoing and the environmental damage persists on a day-to-day basis. Therefore, the plea of delay or limitation, complaints filed by applicants are old or stale, if any, is untenable in law. Each day of violation constitutes a fresh cause of action and entitles the Applicants to seek relief before this Hon'ble Tribunal, as such the Applicants have filed additional affidavits with latest developments and violations by the Respondent units. It is further submitted that the Applicants, i.e., Applicant Nos. 1 and 2, have also filed a Memo dated 12.03.2026 before this Hon'ble Tribunal, pertaining to the reports submitted by the official Respondents which have been duly consolidated and placed on record before this Hon'ble Tribunal, clearly delineating the legal and regulatory status of the Respondent units and their illegal mining without ECs, CFO & CTE, etc, in light of

the applicable statutory framework and governing environmental norms.

16. It is a settled principle of environmental jurisprudence that the “Polluter Pays” principle, the “precautionary principle” and the “Public Trust Doctrine” are integral to environmental governance. The Respondents, having engaged in hazardous and polluting activities, are liable to compensate for the damage caused to the environment and to restore the degraded ecology. The burden lies upon the Respondents to demonstrate compliance and absence of harm, which they have failed to discharge.
17. In view of the facts and circumstances of the present case, it is respectfully submitted that the Applicants have conclusively established persistent and large-scale violations of environmental laws by the Respondent units, including operation without valid Environmental Clearance, non-compliance with statutory consents, breach of siting criteria, and continued degradation of agricultural lands, water bodies and public health. The material placed on record, coupled improper assessment of critical aspects such as proximity to human habitation, damage to Applicant No.1 & 2 lands, siting criteria of the Respondent units in violation of CPCB & TSPCB guidelines and the binding effect of the District Survey Report, clearly demonstrates that the regulatory mechanism has been rendered ineffective on implementing strict action against the respondent units who are in violation, thereby enabling continued environmental harm.
18. It is further submitted that the District Survey Report, prepared by the competent authority, unequivocally prohibits mining activities in the concerned Mandals, and any continuation or grant of permissions in contravention thereof is ex facie illegal and unsustainable in law. The Respondents have failed to discharge their burden of proving compliance with environmental norms, and their actions attract the application of the “Polluter Pays” principle, the “Precautionary Principle” and the doctrine of absolute liability.

Therefore, it is prayed that in this circumstances, this Hon'ble Tribunal may be pleased to allow the present Original Application and grant the reliefs as sought by the Applicants, including directing immediate closure of all illegal mining, stone crushing and hot mix plant operations carried out without valid Environmental Clearance and statutory consents, directing constitution of an appropriate independent Committee for a fresh and comprehensive ground assessment of environmental damage caused and imposing exemplary environmental compensation upon the erring Respondents, as such directing restoration and remediation of the affected agricultural lands and water bodies. As such further pass such order or other orders as this Hon'ble Tribunal may deem fit and proper in the interest of environmental justice.

Date: 31.03.2026
Place: Chennai



COUNSEL FOR APPLICANT NO.1 & 2

**BEFORE NATIONAL GREEN
TRIBUNAL SOUTHERN
BENCH
AT CHENNAI (SZ)**

O.A. No. 09 OF 2022

IN THE MATTER OF:

PISATI INDIRA REDDY & ANR

...Applicants

AND

UNION OF INDIA & ORS

...Respondents

WRITTEN ARGUMENTS FILED BY
THE APPLICANT NO.1 & 2

Filed on: 31.03.2026

Filed by:

**HRITHIK MACHERLA
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