

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

**MEMORANDUM OF
APPLICATION**

**(Under Section 18 (1) read
with Section 14 and 15 of**

**National Green Tribunal Act,
2010) Original Application
No. 116 of 2024**

**MJ Sankar,
.....Applicant.**

V/s

- 1) The State of Tamil Nadu,
Through its Chief Secretary,**
- 2) Tmt. K.M.Sarayu.I.A.S.,**
- 3) Dr.S.Veediappan, M.Sc.,Ph.D.,**
- 4) Thiru.Ganesan,
.....Respondents.**

**MJ Sankar,
No.3/1, Thirumurthy Street,
T.Nagar, Chennai - 600017.**

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- 1) The State of Tamil Nadu,
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Secretariat, Chennai - 600009.
- 2) Tmt. K.M.Sarayu.I.A.S.,
District Collector,
Krishnagiri.
- 3) Dr.S.Veediappan, M.Sc.,Ph.D.,
Deputy Director,
Department of Geology and Mining,
Krishnagiri.
- 4) Thiru.Ganesan,
Revenue Divisional Officer,
Krishnagiri.

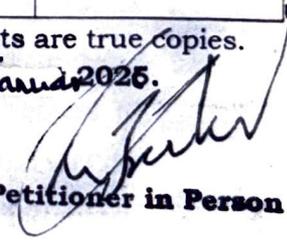
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2.	04.03.2024	Proceedings of Commissioner of Geology and Mining - Tmt.Pooja Kulkarni.I.A.S., with mass difference in remeasurement.	3-21.
3.	28.02.2025	Interim Order in Contempt Petition .No.3330/2024,	22-27.

It is certified that the above mentioned documents are true copies.

Dated at Chennai on this the 13TH day of January 2025.


Petitioner in Person

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**OBJECTION FILED BY THE APPLICANT AGAINST THE 2ND, 3RD & 4TH
RESPONDENT JOINT COMMITTEE REPORT**

I am MJ Sankar application most respectfully submit the following:

1. I submit according to petition to the Principle Bench National Green Tribunal with Roc. No.1148 contains 114 No of illegal Mining pits. which was modified with my own land alone collaborated with another mining pit in S.F.No.774 which was sealed Granite Quarry.
2. I submit to state the said Respondent habitually defend with the extent of around 20,000CBM was robbed despite during the year 2019 to 2021. Later when I pursued the matter illegally through my Writ Petition No.28407/2023 Before the Hon'ble Madras High Court than Commissioner of Geology and Mining namely Tmt. Pooja

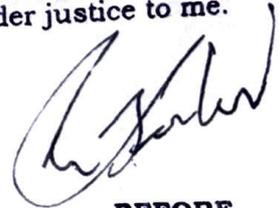


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Kulkarni.I.A.S., passed a Proceeding wide Rc.No.7146/mm4/2022 Date: 04.03.2024 which revealed a massive difference in illegal evacuation with the connivance of the District Administration of around 132000CBM which was briefly elaborated by the Hon'ble SMSJ in the Wp.No.8319/2024 the same was enclosed by the counter filed the District Collector Dt: 27.10.2024. which was not complied by the Authorities. Following their suspicious and inactive towards actionable Order. I preferred my Contempt Petition .CP.No.3330/2024 the interim Order defines the liabilities of the responsibilities of the District Authorities.

3. When I attempted to serve the interim Order in my Contempt Petition the District Collector himself threaten me to silence me and give up my follow up for the same.
4. I further submit my own land purchased by my father B.Mohan bearing S.FNo. 744 /7, 744/8 & 744/9 to the extend of 13 cents was not been measured to cover up major irregularities is proved in the Joint Committee Report filed with the measurement taken in SF.No. 744 / 5 & 15 before this Hon'ble NGT is completely contradictory to my own land, the Joint Committee Report is untrue and biased with malicious intention.

Further I beg this Hon'ble NGT South Zone to initiate serious action against the illegal mining carried out persistently and its major threat caused to me, failed to initiate remeasurement in 114 no of illegal mining, intentionally diluted timely proceedings of Revenue Recovery Act which is mandatory and pass such suitable Orders to the committee to file the Joint Committee Report without further misleading to file my Rejoinder before this Hon'ble National Green Tribunal - South Zone, thus render justice to me.



BEFORE

Solemnly affirmed at Chennai
On this the 13th day of January 2026
And signed his name in my presence.

ADVOCATE::

**Proceedings of Commissioner of Geology and Mining,
Guindy, Chennai-32.**

Present. Tmt. Pooja Kulkarni, I.A.S.,

Rc.No. 7146/MM4/2022

Dated. 04.03.2024

Sub: Mines and Minerals - Krishnagiri District - First appeal filed by Thiru M.J.Shankar, dated 29.06.2023 - remarks obtained from the District Collector - Personal hearing conducted - Orders passed - Revised order issued by cancelling the earlier order - Reg.

- Ref:**
1. Proceedings of the District Collector in Rc.No.862/2020/Mines-2 dated: 27.09.2022.
 2. First appeal petition filed by Thiru M.J.Shankar, dated 29.10.2022
 3. District Collector Lr Rc No 862/2020/Mines dated 09.12.2022
 4. Personal hearing conducted by Director of Geology and Mining dated 28.08.2023
 5. The Director of Geology and Mining Proceedings Rc.No.7146/MM4/2022 dated: 21.09.2023.
 6. The District Collector, Krishnagiri Proceedings Rc.No.862/2020/Mines dated: 05.10.2023.
 7. Inspection report submitted by the team dated 21.10.2023
 8. Writ Petition No 28407/2023 and Writ Petition No 3364/2024 filed by Thiru P.Murugan
 9. Connected records

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Order:

One Thiru M.J.Shankar had filed an appeal petition before the Commissioner of Geology and Mining vide ref 2nd cited against the order of the District Collector, Krishnagiri District in the ref 1st cited with a prayer to set aside the order of the District Collector and to take appropriate action to punish the violators and render justice. In this regard, the District Collector, Krishnagiri has furnished the remarks on the averment of the appeal petitioner vide ref 3rd cited above. On examining the remarks submitted by the District Collector and connected records, the findings are as follows:

- i. One Thiru.M.J.Sankar, had given a representation before the District Collector, Krishnagiri on 06.08.2020 stating that One

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Thiru Murugan who is running a granite quarry in S.F.No.774 of Nagojanahalli Village had encroached his father's property in S.F.No.744/7, 8 & 9 of Nagojanahalli Village Pochampalli Taluk, Krishnagiri District and carried out illicit quarrying of granite in the said land and thereby he purchased the land bearing S.F.No.745/1, 2, 770/1B, 771 and 773 from various persons in the name of Thiru.P.Gandhi who is the brother of the said Murugan. In the petition he had requested to take action against the illicit quarrying carried out in the property belonging to his father and not to grant any quarry lease in favour of Thiru.P.Gandhi and subsequently he had filed W.P.No.13433/2021 before the Hon'ble High Court of Madras.

ii. The Hon'ble High Court of Madras in W.P.No.13433/2021 vide order dated:20.07.2022, has directed the 1st respondent (District Collector) to pass final order on the petitioner's representation dated:06.08.2020 requesting for initiation of legal action against the respondents 5 (P.Murugan) and 6 (P.Gandhi) for the alleged illegal mining committed by them in the property, which the petitioner claims that he is the owner, within a period of twelve weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner and the respondents 5 and 6 including granting them the right of personal hearing.

iii. Based on the order of Hon'ble High Court of Madras in W.P.No.13433/2021 dated:20.07.2022, in order to proceed further personal hearing had been conducted by the District Collector on 12.08.2022 with the petitioner Thiru.M.J.Sankar and also with Thiru.Murugan and Thiru. Gandhi.

2) The petitioner's representation dated: 06.08.2020, Hon'ble High Court of Madras order dated: **20.07.2022 in W.P.No.13433/2021** filed by Thiru.M.J.Sankar, written submission filed by Thiru.M.J.Sankar,

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Thiru.P.Gandhi and Thiru.P.Murugan has been examined by the District Collector, Krishnagiri and the observations are as follows;

- i. The area in S.F.Nos.744/7, 744/8 and 744/9 of Nagojanahalli village were claimed to have been purchased by petitioner's father Thiru.B.Mohan. Thiru.B.Mohan has executed an unregistered sale agreement with Thiru.M.Pandiraj on 15.12.2006 in respect of the lands situated in S.F.No.744/7 (0.02.0), 744/8(0.01.5) and 744/9 (0.03.5) of Nagojanahalli village of Pochampalli Taluk. In the sale agreement in condition No.3 of page No.3 it is mentioned that the purchaser has paid a sum of Rs.1,00,000/- in way of cash and agreed to pay the balance sale consideration (amount of Rs.1,50,000/-) on or before 15th January 2007. But, the petitioner has not submitted any material evidence for the balance sale consideration paid to the vendor or nor the registration of the land for the past 15 years. More over if any dispute about the surface rights, the petitioner may file civil suit before the appropriate Civil Court.
- ii. Further, from the village accounts, patta land in S.F.No.744/7 stands jointly registered in the name of Thiru.Pandiyaraj and Thiru. Vaghuthan vide patta No.284, S.F.No.744/8 stands jointly registered in the name of Thiru.Pandiyaraj and Thiru. Periyanna vide patta No.838 and S.F.No.744/9 stands jointly registered in the name of Thiru.Pandiyaraj and Thiru.Krishnappa Gounder vide patta No.839. All the disputed lands are joint patta lands and on perusal of sale agreement dated: 15.12.2006, the consent of joint pattadars has not been obtained and hence the action of Thiru.Pandiyaraj to execute unregistered sale agreement to the total extent in the joint patta is not in accordance with law.

- iii. Allegation is raised by the petitioner that, Thiru.Murugan was running a granite quarry in S.F.No.774 from 2012 to 2019. Originally the lease was granted in favour of Thiru.A.Anbaruvi to quarry grey granite in Government land S.F.No.774(P) over an extent of 2.02.5 hecets of Nagojanahalli Village of Pochampalli Taluk under erstwhile rule 39 of TNMMCR 1959 for a period of 10 years vide G.O.(3D).No.94 Industries Department dated: 02.05.1995. After the expiry of original lease period on 15.05.2005, the lessee has continued quarry operations on the strength of Hon'ble High Court of Madras order dated: 06.09.2007 in WP.No.25401/2003 etc., batch cases. Further, the veracity of the unregistered documents submitted by the petitioner about the operation of the subject quarry by the sub-lessees Thiru.Murugan, Thiru.Palani and Thiru.C.Krishnan cannot be ascertained and the petitioner may seek relief from the competent Civil Court if he is a party to any of the document submitted.
- iv. Based on the joint inspection report dated: 04.03.2021 and report submitted by the Revenue Divisional Officer, Krishnagiri dated: 13.07.2021, unauthorized quarrying carried out by Thiru.Anbaruvi has been proved including the encroachment and illicit quarrying in S.F.No.744/7 and 744/8, and other violations. Penalty of Rs.67,03,67,169/- has been levied to Thiru.Anbaruvi vide District Collector's proceedings Rc.No.862/2020/Mines dated: 03.11.2021. Further, there is a labour shed of the lessee Thiru.Anbaruvi noticed in S.F.No.744/9. Hence, action has already been initiated against the lessee Thiru.Anbaruvi as per TNMMCR 1959.
- v. Regarding illegal encroachment and mining in the land by Thiru.Murugan without proper permission it is stated that, the lessee Thiru.A.Anbaruvi is solely responsible for the

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quarrying activities carried out in the lease area and the area abutting the lease area. Further, as per lease conditions the lessee should not sublet the lease area to another person. The agreement produced by the petitioner regarding the sub lease is an unregistered document. Further, the veracity of the unregistered documents submitted by the petitioner about the operation of the subject quarry by the said sub - lessees Thiru.Murugan, Thiru.Palani and Thiru.C.Krishnan cannot be verified.

- vi. Regarding allegation made by the petitioner that the quantity of 20,000 cbm of granite robbed by Thiru.Murugan, there is no documentary proof submitted by the petitioner and stated without any material evidence. Action based on Revenue Divisional Officer's report in the subject area is already taken vide District Collector's proceedings Rc.No.862/2020/Mines dated: 03.11.2021.
- vii. As per TNMMCR 1959, seigniorage fee and other relevant fees have to be collected from the lessees who have quarried charges was remitted by the lessee and transported the minor mineral. The detail about the purchaser of granite from the subject quarry is not maintained by the Government. For the unauthorised quarrying and other violations, penalty of Rs.67,03,67,169/- has been levied to Thiru.Anbaruvi vide District Collector's proceedings Rc.No.862/2020/Mines dated: 03.11.2021.
- viii. Transaction done by Thiru.Murugan and Thiru.Gandhi through Syndicate Bank, Geenoor branch and Indian Bank, Dharmapuri Branch was not supported by any documentary proof.
- ix. S.F.Nos.745/1A, 745/2, 770/1B2 and 771/2 over an extent of 1.97.35 hec of patta lands is registered in the name of Thiru.P.Gandhi vide patta No.2770 in

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Nagojanahalli Village.Based on the recommendations of the field officials quarry lease was granted in favour of Thiru.P.Gandhi vide G.O.(3D).No.15 Industries MME-2 Department dated: 03.10.2020. Hence, the encroachment done by the existing lease holder Thiru.Gandhi to the adjacent lands is not supported by documentary evidence. Transactions between Thiru.P.Gandhi and Thiru.Murugan if any are not relevant to the mineral administration under TNMMCR, 1959.

- x. Lands in S.F.Nos.745/1A, 745/2, 770/1B2 and 771/2 over an extent of 1.97.35 hets of patta lands are registered in the name of Thiru.P.Gandhi vide patta No.2770 in Nagojanahalli Village. Based on the recommendations of the field officials, quarry lease was granted infavour of Thiru.P.Gandhi vide G.O.(3D).No.15 Industries MME-2 Department dated: 03.10.2020. Since, quarry lease was already granted by the Government the request of the petitioner does not arise at this stage.

3) In view of the above circumstances, the representation received from the petitioner dated: 06.08.2020 is duly considered by the District Collector and the same was rejected as devoid of merits vide District Collector Proc R.c. No. 862/2020/Kanimam dated: 27.09.2022. The petitioner was also instructed by the District Collector to seek relief from the Civil Court about the unregistered documents submitted by him during the enquiry conducted by the District Collector on 12.08.2022 regarding the surface rights of the patta lands for which sale agreement was purportedly made by his father Thiru.Mohan.

4) Aggrieved by the above order, the petitioner Thiru M.J.Shankar has filed appeal before the Director of Geology and Mining on 29.10.2022 with a prayer to set aside the order of the District Collector and to take appropriate action to punish the violators and render justice.

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5) In the meantime, the District Collector, Krishnagiri had requested the Director of Geology and Mining to depute a team of officials to inspect the subject quarry area of Thiru Anbaruvi in SF No 774 of Nagojanahalli Village and also the adjoining lands in SF Nos 744/7, 8, & 9 of Nagojanahalli Village, Pochampalli Taluk, Krishnagiri District since frequent complaints were received from Thiru M.J.Shankar, the appeal petitioner, who has disputed with the earlier inspection report submitted by the Joint Committee dated 04.03.2021. Further, the appeal petitioner, Thiru M.J.Shankar, has also filed writ petition No **20873/2023** before the Hon'ble High Court of Madras with a prayer to dispose of the first appeal petition pending at the Directorate of Geology and Mining. The Hon'ble High Court in its order dated **14.07.2023** has directed the first respondent, Commissioner of Geology and Mining, to hold an enquiry and hear all those who are likely to be affected by his order and try to dispose of the appeal within a period of 8 weeks and at any rate not later than 12 weeks.

6) In obedience to the Hon'ble High Court order, a personal hearing was conducted on 28.08.2023 by the Director of Geology and Mining. The appellant, Thiru M.J.Shankar and other related people said to be involved in this issue, Thiru C. Krishnan, C. Palani, P.Murugan, R. Nallthambi, P.Gandhi, and Thiru Veera Raagavan, S/o Anbaruvi were appeared during the personal hearing and had submitted their statements before the Director of Geology and Mining. The remarks submitted by the District Collector, the statement submitted by the appellant and others, were examined in details and the findings are as follows.

- i. The appellant, Thiru M.J.Shankar in his written statement has stated that Thiru Murugan and others had stolen the granite from his SF No 744, Nagojanahalli village, Pochampalli taluk, Krishnagiri district and requested to take action against them. In this regard, he had submitted unregistered agreement dated 11.05.2019 executed between Thiru P. Murugan, C.Palani, and

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C. Krishnan to run the granite quarry granted to Thiru Anbaruvi in SF No 774 of Nagojanahalli village, Pochampalli taluk, Krishnagiri district. In the said agreement, it is mentioned that on 23.03.2017, an agreement was made between Thiru P. Murugan and Thiru C. Palani to operate the granite quarry granted to Thiru Anbaruvi. Subsequently vide this agreement dated 11.05.2019, Thiru C. Murugan has stepped out of that agreement and Thiru C. Palani and Thiru C. Krishnan jointly agreed to run the subject granite quarry.

- ii. In the statements submitted by Thiru P. Murugan, s/o Paramasivam, Thiru C. Palani, S/o Chinnasamy, and Thiru C. Krishnan, S/o Chinnasamy it is stated that from 2006 to 2016, the subject granite quarry granted to Thiru Anbaruvi, was operated by Thiru P. Murugan and Thiru C. Krishnan, and financed by Thiru C. Palani. Subsequently, vide unregistered agreement executed between them on 11.05.2019, Thiru P. Murugan was excluded from the quarry operation and Thiru C. Krishnan and Thiru C. Palani only were authorized to continue the quarry operation after getting environmental clearance. Further, they have stated that since there was no environmental clearance, the subject quarry was not in operation since 2016.
- iii. In the statement submitted by Thiru Nallathambi it is stated that he had worked as a quarry manager in the granite quarry granted to Thiru Anbaruvi from the year 2006 to 2016. After that as per the request of the lessee Thiru Anbaruvi, the quarry accounts was handed over to Thiru Veera Raghavan, S/o Anbaruvi and came out from the subject quarry works. During the said period, he handled the money transactions and settled the accounts to the lessee Thiru Anbaruvi.
- iv. In the statement submitted by Thiru A. Veera Raghavan, S/o Late Ex-lessee Thiru Anbaruvi, it is stated that his father Thiru A. Anbaruvi had expired on 13.08.2023 and he does not

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know much details about the quarry operations and Mr. Nallathambi was the power agent and money transactions were done only by him. Since his father was suffering from illness, he stopped the subject quarry operation and in this regard, he had given a representation to DD (Mines) during 2017.

- v. In the statement submitted by Thiru P.Gandhi, S/o Paramasivam, he had stated that he is an IT employee, worked at Chennai based company for a period of 17 years and after that he was transferred to USA and worked there for a period of 8 years upto 2020. With the money earned from his profession, he had purchased the lands in SF Nos 745/1A, 745/2, 770/1B2, 771/2, of Nagojanahalli village, Pochampalli taluk, Krishnagiri district and obtained a granite quarry lease from the Government. Moreover, the allegation levelled by the appeal petitioner Thiru M.J.Shankar is not correct. He further stated that he is in no way connected with his brother Thiru P. Murugan as alleged by the appeal petitioner Thiru M.J.Shankar with regard to illegal quarry operation in the granite quarry granted to Thiru A. Anbaruvi.

7) The statements submitted by the appeal petitioner and others were examined in detail and it is inferred that Thiru P.Murugan, Thiru C. Krishnan, Thiru C. Palani, and Thiru Nallathambi have themselves admitted that they were directly involved in the quarry operation from 2006 to 2016 in the subject granite quarry granted to Thiru Anbaruvi over an extent of 2.02.5 ha of poramboke land in S.F.No 744(P) of Nagojanahalli village, Pochampalli taluk, Krishnagiri district. vide G.O. Ms No 94/Ind Department dated 02.05.1995 under erstwhile Rule 39 for a period of 10 years upto 15.05.2005 and continued the quarry operation on the strength of the Hon'ble High court order dated 06.09.2007 in WP 25401/2003, etc.

8) As per the lease deed conditions, the lessee should not sublet the lease area to another person and hence the agreement to operate the

quarry is in violation of Rule 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959. The lessee, Thiru Anbaruvi, is solely responsible for the alleged illegal quarry activities carried out in the lease area and the abutting patta and poramboke lands. From the statements obtained from Thiru C. Palani, Thiru C. Krishnan, Thiru P. Murugan, and Thiru Nallathambi, it is revealed that the above said persons have themselves admitted that they are directly involved in the subject quarry operation from the year 2006 to 2016. Hence, the allegation levelled by the petitioner is proved beyond doubt that they are directly involved in the quarry operations with the connivance of the lessee Thiru Anbaruvi and hence the lessee and above said four persons are also responsible for the illegal quarrying activities ascertained by the team in and around the subject quarry area.

9) The subject quarry area bearing S. F. No 774/4 and abutting patta and poramboke lands were previously surveyed by the Special Team constituted by the District Collector, and submitted the report on 04.03.2021. In the report it was stated that the quantity of granite excessively removed from the lease area is 17821.470 cbm and a quantity of 1658.020 cbm was quarried illegally in the abutting patta and poramboke lands. Based on the team report, the District Collector vide his Proc. Rc No 862/2020/Mines dated 03.12.2021, a penalty amount of Rs 67,03,67,169/- was levied to the lessee Thiru Anbaruvi.

10) Since the appeal petitioner has disputed the above survey, as per the request of the District Collector, Krishnagiri, the Director of Geology and Mining, vide Proc Rc 7146/MM4/2022 dated 21.09.2023 had constituted a team to resurvey the subject granite quarry granted to Thiru Anbaruvi in S.F. 774 (P) over an extent of 2.02.5 ha of Government Poramboke land in Nagojanahalli village, Pochampalli taluk, Krishnagiri district with drone survey. Accordingly, the team of officials had inspected the subject granite quarry and resurveyed the lease area and abutting areas through drone and reported as follows:

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Sl. No	Category	Volume measured in cbm		
1	Total volume of granite quarried in lease hold area	2,16,467		
2	Total volume of dump	1,03,756		
3	Quantity for which transport permits obtained (as per the report of the DD, Mines, Krishnagiri)	14,045.470		
4	Quantity of granite transported from the leasehold area without permit	98,665.534		
5	Volume of mineral quarried and transported from the non lease hold area	33057		
	Sl. No		S.F.No & Classification	Qty of mineral removed in CBM
	a		743/1B (P) 744/5(P) 744/15 (P) 744/16 (P) 744/17 (P) (patta lands)	26750
	b		774 (P) (grazing ground poramoboke)	6307
c	Total	33,057		
6	Grand Total [Qty transported from the leasehold area without permit + Quantity transported from the non leasehold area (4+5)]	131722.534		

11) Further, the team had observed that the quarry pit in the subject area was water logged and hence the quarried quantity was arrived on the basis of the data obtained from the drone survey pertaining above the water level. Further, the quarry operation was carried out without leaving 7.5 m safety distance to the adjoining patta land on the eastern side and 10 m safety distance to the adjoining Govt poramoboke land on the western side. The quarry operation was not carried out in accordance with the mining plan. Further, it is reported that the lessee had quarried granite illegally beyond the lease boundary

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over an extent of 2644 sq m in the non lease hold patta lands in SF Nos 744/1, 744/2, 744/3, 744/4, 744/5 (P), 744/4, 744/6, 744/7(P), 744/8 (P), 744/10 (P), & 744/15 (P) and transported granites from the above areas and the same area had been backfilled and levelled. Therefore, the volume of mineral excavated in the backfilled area could not be ascertained in the drone survey.

12) From the team survey report, the illegal mining of granite in the alleged lease granted area granted to Thiru Anbaruvi and the abutting patta and government lands is confirmed. Further, the main contention of the appellant Thiru M.J.Shankar, is that one Thiru P.Murugan had encroached his property bearing SF No 744/7,8,9 and indulged in illicit quarrying of granite. On examining the connected revenue records, it is ascertained that the patta land in SF No 744/7 stands jointly registered in the name of Thiru Pandiaraj and Thiru Vaguthan vide patta no 284 and the SF No 744/8 stands joints registered in the name of Thiru P.Pandiarajan and Thiru Periyanna vide patta no 838 and S.F No 744/9 stands joints registered in the name of Thiru P.Pandiarajan and Thiru Krishnappa Gounder vide patta no 839 of Nagojanahalli village records. All the said survey numbers are joint patta lands and on perusal of unregistered sale agreement dated 15.12.2006 executed by one of the pattadar Thiru Pandiarajan with the father of the appellant Thiru B.Mohan, it is ascertained that the consent of the other joint pattadars had not been obtained and hence the action of Thiru Pandiarajan to execute unregistered sale agreement to the total extent in the joint patta is not in accordance with law. Further, no valid title to property is conferred if it is transferred by means of an unregistered agreement vide the provisions of Sec 17 of Registration Act 1908 and Sec 54 of the Transfer of Property Act, 1882. As per the revenue records, at present the patta lands bearing SF Nos 744/7, 744/8 & 744/9 are jointly registered in the name of Thiru Pandiarajan, Thiru Vahuthan, and Thiru Periyannan.

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13) Based on the survey report, it is ascertained that the pits in the lease granted area already granted to Thiru Anbaruvi in poramboke land in SF No 774 (P), is extended to the adjacent patta lands in S.F. Nos 744/1, 744/2, 744/3, 744/4, 744/5 (P), 744/4, 744/6, 744/7(P), 744/8 (P), 744/10 (P), 743/1B (P), 744/5(P), 744/15 (P), 744/16 (P), & 744/17(P), on the eastern side including the alleged survey Nos. 744/7 (P) and 744/8 (P). Without the knowledge or active connivance of the lessee Thiru Anbaruvi and the four persons who were operating the quarry, no one can enter into the lease hold area or indulge in illegal activity in the adjacent areas. Hence the lessee Thiru Anbaruvi and the alleged four others would be solely responsible for the said illegal activities.

14) It is ascertained from the available records that during the quarry operation from 1995, no complaints or criminal cases had been filed by the pattadars concerned, of the abutting fields against the encroachment and illegal quarrying in their lands and subsequent refilling of the quarried areas. Hence it is highly likely that the illegal quarrying operation in the patta lands would have been carried out with the connivance of the said pattadars. Hence a detailed enquiry in this regard is absolutely necessary for fixing the responsibility.

15) From the above, the findings are as detailed below;

a) The alleged persons Thiru P.Murugan, Thiru C. Palani, Thiru C. Krishnan, and Thiru Nallthambi have admitted in the statement given during the personal hearing before the Director of Geology and Mining on 28.08.2023, that they had carried out quarrying operation in the subject area from 2006 to 2016. Hence, both the lessee and the above said four others are jointly responsible for the said illegal quarrying in the lease hold area and non-lease hold patta and poramboke areas.

- b) In the earlier survey report submitted by the special team constituted by the District Collector, it is stated that the quantity of granite removed and transported excessively from the lease hold area is 17821.470 cbm and the quantity of granite illegally removed and transported from the abutting lands is 1658.020 cbm. From the re-survey report, the team had reported that the quantity of granite transported from the lease hold area without transport permit is 98665.534 cbm and the volume of granite quarried and transported from the non-lease hold patta and poramboke area is 33057 cbm. Since there is a vast difference in the quantity reported by the re-survey team, the District Collector, Krishnagiri, has to take penal action against the legal heir of the lessee and four other defaulters involved in illegal removal and transportation of granite from the subject quarry area and abutting lands and the penalty amount has to be collected from the said offenders.
- c) On examining the District Collector's report and connected records, it is ascertained that the pattadars of the adjoining patta lands in S.F. Nos 744/1, 744/2, 744/3, 744/4, 744/5 (P), 744/4, 744/6, 744/7(P), 744/8 (P), 744/10 (P), 743/1B (P), 744/5(P), 744/15 (P), 744/16 (P), & 744/17(P) had not filed any complaint or criminal cases against the lessee and other alleged persons except the appellant. Hence it is construed that the illegal quarrying operation in their patta lands would have been carried out with the pattadars' connivance. Hence, the District Collector, Krishnagiri has to take action against them after conducting detailed enquiry.

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16) In view of the above, the District Collector, Krishnagiri vide Commissioner of Geology and Mining Proc Rc.No 7146/MM4/2022 dated 11.12.2023 was directed to take appropriate penal and criminal action against the offenders, i.e., the lessee and four persons who were operating the quarry as per the provisions contemplated in Sec 21 (5) of the Mines and Minerals (Development and Regulation) Amendment Act 2015, Rule 36-A of Tamil Nadu Mines and Minerals Concession Rules, 1959 and Section 379 of Indian Penal Code.

17) Further, the order passed by the District Collector, Krishnagiri in Proc. Rc. No 862/2020/Mines-2 dated 27.09.2022 was remitted back to the District Collector, Krishnagiri for passing fresh orders against the persons connected with the illegal quarrying of granite in the lease granted Government land in S.F. No 774 (P) over an extent of 2.02.5 ha and the adjoining patta and poramboke lands of Nagojanahalli village, Pochampalli taluk, Krishnagiri district.

18) In the meantime, one Thiru P.Murugan, one of the alleged persons, had filed the following writ petitions in the Hon'ble High Court of Madras.

Sl.No	W.P No and Prayer	Hon'ble High Court order
1	W.P. No 28407/2023 with a prayer to forbear the first respondent, Commissioner of Geology and Mining, from proceeding with the alleged appeal under Rule 36 (c) (2) of Tamil Nadu Minor Mineral Concession Rules, 1959 of Thiru M.J.Shankar dated 29.10.2022 as the same is wholly without jurisdiction.	The Hon'ble High Court of Madras order dated 27.09.2023 had given directions to dispose the appeal filed by Thiru M.J.Shankar by the first respondent. the Commissioner of Geology and Mining, and to ascertain whether the dispute raised by Thiru M.J.Shankar will fall within the purview of

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		Tamil Nadu Minor Mineral Concession Rules, 1959.
2	<p>W.P. No 3364/2024 with a prayer to issue an order staying of the impugned notice in Na.Ka.862/2020/Mines dated 29.01.2024, issued by the 2nd respondent and all connected proceedings initiated by the respondents pursuant to the appeal proceedings order in Na.Ka.No 7146/MM4/2022 dated 11.12.2023 of the first respondent, pending disposal of the writ petition, calling for records of the proceedings relating to impugned notice in Na.Ka.862/2020/Mines dated 29.01.2024 issued by the 2nd respondent and quash the same as arbitrary and illegal, and consequentially direct the 1st respondent to serve the petitioner the appeal proceedings order in Na,Ka. No 7146/MM4/20222 dated 11.12.2023 of the first respondent.</p>	<p>The Hon'ble High Court in order dated 13.02.2024 has stated that "in light of the admitted position that order dated 11.12.2023 passed by the respondents has not been served upon the petitioner, the question of initiation of prosecution in terms of impugned order dated 29.01.2024, does not, prima facie, arise.</p>

19) In compliance with the above Hon'ble High Court orders, it is noted that the petition filed by Thiru M.J.Shankar involves illicit quarrying activity, and hence the dispute raised by the appellant comes

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under the purview of Tamil Nadu Minor Mineral Concession Rules, 1959.

Further it is stated that,

- i) the representation dated 06.08.2020 of Thiru M.J.Shankar given before the District Collector, Krishnagiri is that One Thiru Murugan who had been running a granite quarry in S.F.No.774 of Nagojanahalli Village had encroached his father's property in S.F.No.744/7, 8 & 9 of Nagojanahalli Village Pochampalli Taluk, Krishnagiri District and carried out illicit quarrying of granite in the said land. Further, in the petition the appellant had requested to take action against the illicit quarrying carried out in the property belonging to his father and not to grant any quarry lease in favour of Thiru.P.Gandhi and subsequently he had filed W.P.No.13433/2021 before the Hon'ble High Court of Madras. The illegal quarry activity in and around the said property was the subject matter of the representation given by the appellant. Illegal quarry activity attracts rule 36 of Tamil Nadu Minor Mineral Concession Rules, 1959 and comes under the purview of of Tamil Nadu Minor Mineral Concession Rules, 1959.
- ii) The illegal quarry activity in the adjoining land surrounding the lease land in S.F.774 of Nagajanahalli village as alleged by the petitioner was also ascertained by the drone survey report. The pits in the lease granted area granted to Thiru Anbaruvi in poramboke land in SF No 774 (P), had extended to the adjacent patta lands in S.F. Nos 744/1, 744/2, 744/3, 744/4, 744/5 (P), 744/4, 744/6, 744/7(P), 744/8 (P), 744/10 (P), 743/1B (P), 744/5(P), 744/15 (P), 744/16 (P), & 744/17(P), on the eastern side including the alleged survey Nos. 744/7 (P) and 744/8 (P) said to be owned by the appellant which is an illegal activity and comes under the purview of Tamil Nadu Minor Mineral Concession Rules, 1959.

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20) Therefore, the Commissioner of Geology and Mining vide Proc Rc No 7146/MM4/2022 dated 11.12.2023 had directed the District Collector, Krishnagiri to take appropriate penal and criminal action against the offenders as per the provisions contemplated in Sec 21 (5) of the Mines and Minerals (Development and Regulation) Amendment Act 2015, Rule 36-A of Tamil Nadu Mines and Minerals Concession Rules, 1959 and Section 379 of Indian Penal Code after conducting detailed enquiry with material evidence before passing orders and Thiru M.J.Shankar being the only appellant, the order copy was served only to Thiru M.J.Shankar.

21) The WP No 28407/2023 filed by Thiru P.Murugan and related Hon'ble High Court order dated 27.09.2023 were erroneously not mentioned in the Proc Rc No 7146/MM4/2023 dated 11.12.2023. Further, since the appeal case relates to illegal quarrying, it falls within the purview of Tamil Nadu Minor Mineral Concession Rules, 1959.

22) The District Collector, Krishnagiri is now directed to take appropriate penal and criminal action against the offenders as per the provisions contemplated in Sec 21(5) of the Mines and Minerals (Regulation and Development) Act, 1957, Rule 36-A of Tamil Nadu Minor Mineral Concession Rules, 1959 and Section 379 of Indian Penal code after conducting detailed enquiry for fixing the responsibility with material evidence before passing orders.

23) In the said circumstances, the order passed by the District Collector, Krishnagiri in Proc.Rc.No 862/2020/Mines-2 dated 27.09.2022 is remitted back to the District Collector, Krishnagiri for passing fresh orders after conducting detailed enquiry with the persons connected in the illegal quarrying of granite in the lease granted Government land in S.F.No 774 (P) over an extent of 2.02.5 ha and the adjoining patta and poramboke lands of Nagojanahalli village, Pochampalli taluk, Krishnagiri district. The Commissioner of Geology and Mining Proc. Rc. No 7146/MM4/2022 dated 11.12.2023 is cancelled with immediate effect.

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24) If aggrieved by this order and so desired the appellant may prefer an appeal before the Government as per the rule 36 (C) (2) of Tamil Nadu Minor Mineral Concession Rules, 1959 within 30 days from the receipt of this order.

Encl: Connected documents.

Sd/-Pooja Kulkarni, I.A.S.,
Commissioner of Geology and Mining
Forwarded / By Order


Additional Director

To

1. The District Collector,
Krishangiri District.
2. Thiru. M.J.Sankar,
No.31/1, Thiru Murthy Street,
Thirumalai Road, T.Nagar,
Chennai - 600 017.

Copy To:

1. Thiru A. Veera Raghavan,
S/o Thiru Anbaruvi, (late),
16A, Chinnaiah Street,
T.Nagar, Chennai - 600 017
2. Thiru P.Murugan,
S/o P.Paramasivam,
3/483, Keeranur Village,
Marichettyhalli Post,
Krishnagiri district
3. Thiru Nallathami,
10/1,39, Thambipatti,
Thirupattur Town & Taluk,
Sivaganga District
4. C.Palani,
S/o Chinnasamy,
No A42, Vediappan Koil Street,
Papparapatti, Krishnagiri Town,
Krishnagiri district
5. Thiru C. Krishnan,
S/o Late Chinnasamy,
5/730, Bharathiyar Nagar,
Illrd Cross, Krishnagiri Post,
Krishnagiri Taluk and District



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-02-2025

CORAM

THE HONOURABLE MR. JUSTICE S. M. SUBRAMANIAM

CONT P No. 3330 of 2024

1. MJ.Sankar,

Petitioner(s)

Vs

1. Tmt. Sarayu I.A.S., and 2 others
District Collector Collectorate,
Krishnagiri 635 115.

2.Tmt. Pooja Kulkarni, I.A.S.,
Commissioner Of Geology And Mines,
Thiru Vi.Ka Industrial Estate, Guindy,
Chennai.600 032.

3.Thiru. M.A. Thangadurai,
THE DISTRICT SUPERINTENDENT
OF POLICE,
O/o. Superintendent of Police,
Jakkappan Nagar, Krishnagiri 635 001.

Respondent(s)

PRAYER

To punish the Respondents for committing contempt of this Court for not obeying the order dated 15.04.2024 passed in W.P.No. 8319 of 2024.

23

CONT P No. 3330 of 2024



For Petitioners Mr.MJ.Sankar
For Respondents Mr.Stalin Abhimanyu
 Additional Government Pleader (for R1&2)
 Mr.E.Raj Thilak,
 Additional Public Prosecutor (for R3)

ORDER

The Contempt Petition has been instituted to punish the Respondents for committing contempt of this Court for not obeying the order dated 15.04.2024 passed in W.P.No. 8319 of 2024.

2. The petitioner in person submits that despite the orders of this Court, illegal mining activities are still going on in and around Krishnagiri District.

3. Learned Additional Public Prosecutor would submit that wherever complaints are received, criminal cases are registered and investigations are subsequently launched.

4. Minerals are the nation's property, and any illegal mining would not only result in financial losses to the State Exchequer but also cause environmental damage. Courts have repeatedly held that illegal mining of minerals must be effectively prevented by the State, and the District Collector and Superintendent of Police concerned will be held accountable and

answerable for any instances of illegal mining.

5. As per the judgment of the Division Bench of this Court in Suo Motu PIL W.P. No. 1592 of 2015, dated 17.02.2025, accountability is fixed on the District Collector and the Superintendent of Police to ensure that illegal mining activities are effectively prevented, to protect the nation's wealth. Lessees are bound to carry out mining activities in accordance with the mining plan and the conditions of lease. Any excess mining activities identified will be construed as illegal mining, and criminal prosecutions must be launched under the provisions of the MMDR Act and the rules framed thereunder.

6. It is further brought to the notice of this Court that the competent authorities have initiated actions against illegal mining and show cause notices are yet to be issued. The procedures as contemplated under the Act and rules are to be followed. However, once illegal mining is noticed, the authorities are empowered to stop the mining activities, even for the purpose of conducting an inspection. Whenever an inspection is ordered and illegal mining of minerals is identified, the Government/authorities are empowered to suspend the mining activities for the purpose of completing the inspection. Since powers are contemplated under the Act and rules, it is to be exercised effectively to protect the nation's wealth and prevent illegal mining activities.



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District Collectors are held accountable for any illegal mining in their respective districts. Therefore, the District Collector and Superintendent of Police are expected to take proactive measures to prevent illegal mining activities in the districts. In the event of a complaint, it must be addressed immediately. Additionally, the Mining Department Authorities shall conduct regular inspections

8. Learned Government Pleader submits that an action taken report will be filed before this Court regarding the illegal mining activities. In this regard, the Learned Government Pleaders are expected to effectively defend the cases whenever Writ Petitions are filed challenging the illegal mining activities.

9. Post the matter after four weeks.

28-02-2025

GD

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The District Collector Collectorate,
Krishnagiri 635 115.

2. The Commissioner Of Geology And
Mines, Thiru Vi.Ka Industrial Estate,
Guindy, Chennai.600 032.

3. THE DISTRICT
SUPERINTENDENT OF POLICE,
O/o. Superintendent of Police, Jakkappa
Nagar, Krishnagiri 635 001.

27/2

CONT P No. 3330 of 2024



S.M.SUBRAMANIAM J.
GD

**CONT P No. 3330 of
2024**

28-02-2025

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

**MEMORANDUM OF
APPLICATION**

(Under Section 18 (1) read
with Section 14 and 15 of

National Green Tribunal Act,
2010) Original Application
No. 116 of 2024

MJ Sankar,
.....Applicant.

V/s

- 1) The State of Tamil Nadu,
Through its Chief Secretary,
- 2) Tmt. K.M.Sarayu.I.A.S.,
- 3) Dr.S.Veediappan, M.Sc.,Ph.D.,
- 4) Thiru.Ganesan,
.....Respondents.

MJ Sankar,
No.3/1, Thirumurthy Street,
T.Nagar, Chennai - 600017.

9840544449

Email id:

mjsankar.inperson.b4mhc@
gmail.com