

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

**Original Application No. 80 OF 2022 (SZ)**

T.Karunapandi  
S/o. ThangarajNadar,  
No.5/105, South Street,  
MelaAlwarthoppu  
Sri Parangusanallur Panchayat,  
Srivaikundam Taluk,  
Thoothukudi District.

...Applicant

Vs

1. The District Collector  
Thoothukudi District Tamil nadu.

&19 Others

...Respondents

**AFFIDAVIT OF T.KARUNAPANDI**

I, T.Karunapandi, S/o.ThangarajNadar, Hindu aged about residing at 5/105, South Street, MelaAlwarthoppu, Srivaikundam Taluk, Thoothukudi District, having temporarily come down to Chennai, do hereby solemnly affirm and sincerely states as follows ;

I am the applicant herein and as such I am well acquainted with the facts of the case.

1. I submit that I am I filing the Affidavit with photo to show the functioning of the brick works and chambers illegally in Sriparangusanallur Panchayat.
2. I am hailing from farmer family and living along with family members at my birth place in Alwarthoppu Village, Sriparangusanallur Panchayat, Srivaikundam Taluk, Thoothukudi District. There are 2500 people are living in our village who are all depending upon the income only out of agriculture, cattle and addition of Palm Trees and Tamarind Trees. The geographical of our village that, there is Tamirabarani Canal situated in Northern side with in 100mts., and the River situated in Southern side within 50mts., where our village people are living virtually in River place and its bank of Tamirabarani River. Therefore, it is absolutely restricted

*T. Karunapandi*

all the activities of sand quarry and digging of sands for making bricks thereby the brick chambers are to be prohibited from running in the river bed area. Further, there is long bridge running between my village and another town panchayat namely Alwarthirunagari on the Tamirabarani River and several drinking wells are in Tamirabarani River for public usage, hence the above facts and circumstances, the law strictly prohibited from carrying of any sand quarry and digging of any sand in the River bank for making bricks works.

3. I submit that for the past some years, there are 18 Brick works and chambers in the River bank of Tamirabarani and North water canal of Tamirabarani which are all illegally constructed absolutely contrary to law. They have been occupied nearly about 100 acres of agricultural field of soil with prosperity of River water, such those lands are digging only for taking sands with the deep of 20 to 30 feet by using JCB machine illegally for commercial purpose by way of in name shake run the Bricks Chambers. They have been destroyed many Palm trees and Tamarind trees for their illegal mining operation and they are causing for damaging River bed area by making deep pit with River bed of our village. Thereby, the shoreline are of Tamirabarani River of our village have become weakness and people are living very unsafe manner, due to such illegal digging of sand deeply, the flood water of the River easily flowing into our village and causing endanger to our village people life hood.
4. I submit that in this regard, several complaint given by me and our village people to the District Collector, The A.D. Mines Department, Thoothukudi and The Tahsildar, Srivaikunttam. Even though, all the complaints were received by the concern authorities, but no action was taken against the Brick owners who are involved the crime of illegal sand of mining in our village. Therefore, our village people strongly thought that, such the illegal digging of sand deeply by the culprits only who with help of some other persons belongs to concern departments.

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5. I respectfully submit that I have filed the above O.A.No.80 of 2022(SZ) seeking for reliefs to ; 1. To Direct the Respondents 1 to 4 to inspect the Brick kilns which run by the Respondents 5 to 21 and other brick kiln illegally functioning in AlwarThoppu, Sriparangusanallur Village, Thoothukudi District and cause lock and seal of unauthorized brick kilns ; 2. To Direct the Respondents 1 to 4 to visit the affected areas and take suitable steps for restoration of natural environment in AlwarThoppu, Sriparangusanallur Village, Thoothukudi District and 3. Permanent Injunction restraining the Respondents 1 to 4 from granting any licence / permit to establish brick kiln and mining of sand to any considering the geological location of AlwarThoppu, Sriparangusanallur Village, Thoothukudi District.
6. I submit that I have filed the above O.A/80/2022 before Hon'ble The National Green Tribunal (SZ). The 2<sup>nd</sup> Respondent accompanied by the special Revenue Inspector (Mines) and V.A.O of SriparangusaNallur Village have visited and inspected our village at Country Bricks and Bricks chambers on 11.03.2021 and August of 2022. In their inspection,. They have Identifiedthe illegal sand mining pits which are operated by the bricks and chamber owners and reported to The Sub Collector of Thoothukudi. The Sub Collector has accepted this reports and has imposed the penalty to the following twelve bricks and chambers for their illegal sand – mining.

The details of penalty fixed against the respondents by RDO Thoothukudi as follows.

Sl. No.	SF.NO.	Area in Hectares	Quantity Of Earth Removed In CBM	Name of the Chamber	Name of the Offender	Penalty
1.	64/44	0.22.50	2250	Sri Jeyaram Bricks	Balamagesh	Rs.2,83,500/-
2.	37/8	0.31.0	3100	KPM Bricks	Marinathan	Rs.3,90,600/-
3.	64/8, 64/11, 64/12, 64/13,	1.07.5	4875	Adhithya Bricks	Lingeswaran	Rs.6,14,250/-
4.	59/35	0.15.0	1134	Balaji Bricks	Rathinasamy	Rs.1,42,884/-

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5.	82/7	0.69.5	1761	PPR Bricks	Prabhakaran	Rs.2,21,886/-
6.	107/5, 107/6B, 107/7B	0.59.8	805	Sun Chamber	Vivekanandan	Rs.1,01,430/-
7.	90/2B 90/2A, 2/9B 2/8BQ, 2/BA 2/B2, 2/8B3 2/7		93083	Agni Chamber	Ravi Narayanan	Rs.1,65,68,774/-
8.	59/45, 59/40 59/20		3348	Srinivasan Chamber	Srinivasan	Rs.5,95,944/-
9.	96/15, 96/20 96/25		9840	Sakthi Chamber	Baskaran	Rs.17,51,520/-
10.	63/21, 63/33		7660	Uma Chamber	Sabapathy	Rs.13,63,480/-
11.	5/10, 5/8A 5/21		9904	SKS Chamber	LingaMuniswaran	Rs.18,90,716/-
12.	2/31, 3/2A 2/29, 2/30			Star C.K.R and Sara Chamber	Tirupathy	Rs.3,71,968/-
<b>Total</b>						<b>Rs.2,42,96,952/-</b>

7. I submit that as the above 12 offenders have not remitted the penalty amount this Hon'ble Tribunal on 23/08/2023 asked the district collector, why did they not cancel the Registration certificate and stop order issued to them from further mining and also the District Collector is directed to seize any vehicle being used by the violators and also the collector is asked to file a detailed report in this regard.

8. I submit that the 1<sup>st</sup> Respondent has submitted the report before this Hon'ble Tribunal on 26/09/23. In his report, the 1<sup>st</sup> Respondent mentioned that the following bricks & chambers have been sealed on 26/09/2023 for the reason assigning as not paying the penalty amount and expiring their registration certificate.

1. Agni chambers

T. Adithyan

2. Sun chambers
3. Aditya bricks (ALR bricks)
4. KPM bricks
5. SKS chambers

9. I submit that even after this report of 1<sup>st</sup> Respondent and the Authorities have sealed the chambers, but presently they have removed the seal and opened their chambers and started their illegal sand mining without bothering and order of collector and never minded anybody who are all enforcing authority from preventing illegal quarry and sand.
10. I submit that in these circumstances, heavy rainfall has taken place on 17/12/2023 and 18/12/2023 flood was occurred in Thamirabarani river as a result the coastal river sink was broken and the Flood and out entire village area was flooded which caused only due to the illegal mining.
11. I submit that I have submitted the detailed report on 05/02/2024 before this Hon'ble Tribunal with photos. In this report I have shown that how The north canal wall and the Thamirabarani River wall were broken and How much Flood flown into our village and How many illegal Sand pits are fully filled by the flood water. I further submit that based on this order this Hon'ble Tribunal the 1<sup>st</sup> Respondent filed detailed report on 29.02.2024, in the report of the 1<sup>st</sup> Respondent he has stated that, Agni chamber, SKS bricks, Adithya bricks, KPM bricks were sealed and all other Chambers and Bricks are non-functional. The 1<sup>st</sup> Respondent in his report has also stated that on the basis of the VAO inspection report, S.J. Bricks, Sri (Jeyaram) Bricks are not functional.
12. I submit that the report of the I have taken photographs on 16/03/2024, 28/04/2024, 04/05/2024 and 09/07/2024 to show that the report of the V.A.O. submitted to the 1<sup>st</sup> Respondent is completely false as sealed brick klinsare functioning and taking sand illegally till date.

T. Adithyanarayana

**PHOTO EVIDENCE**

**1.PHOTO 1, 2 and 3 at Page No.1 & 2**

These photos have taken on 16/03/2024, 04/05/2024 and 09/07/2024.

These photos show that the opening and Functioning of SUN BRICKS(R3). The Report of the 1<sup>st</sup> Respondent filed before this Hon'ble Tribunal on 26/09/2023 has stated that, this SUN brick was sealed for expiring Registration Certificate. This Sun Bricks is Constructed and Located on Thamirabarani River, For Hiding his illegal mining, this offender Mr.Vivekanadan has filled into the deep illegal mining pits by dumping of wastage and garbage which were collected in Alwarthirunagari Town Panchayat very near Town of Alwarthoppu.

**2.Photo - 4, 5, 6 and 7 - Pages 3 to 6**

These photos were taken on 16/03/2024, 04/05/2024 and 09/07/2024.

These photos show that the Operation of illegal sand mining of BaraniChamber(R19) by Hittachi and JCB equipments. We can see that from this sand, they make Raw Bricks and stock the sand heavily for making Raw-Bricks. But the District Collector in his Report on 15/02/2024 stated that this Barani Chambers is running a M.Sand crusher unit and say that instead of making ordinary earth brick, M.sand Bricks are manufacturing by M.sand crush and waste.

This Barani Chamber is doing illegal mining in the neighbour lands of their bricks and to escape from the Authorities, They using the M.sand crusher powder to fill the deep pits of illegal mining spot.

T. Gobin. Prasad



These photos show that the opening and functioning of Adhithya Bricks (R16) (A.L.R. Bricks) was sealed by Revenue Authority for not remittance of penalty amount Rs.6,14,250/- for their illegal mining sand. This Bricks is located within 200 meter of north water canal.

**6.PHOTO 19, 20, 21, 22 and 23- Pages 16 to 19**

These photos have taken on 16/03/2024 and 09/07/2024.

These photos show that the opening and functioning of S.K.S. and A.A. Bricks (**R 11 & R12**).

The District Collector in his Report 26/09/2023 stated that the S.K.S. and A.A. Chamber (**R 11 & R12**) have sealed by the revenue Authorities for expiring registration certificate and non - remittance of penalty amount of Rs.18,90,716/-

But here the owner opened its seal and working regularly and operating illegal mining. But the Tahsildar reported on 14/02/2024. These are non-functional. These brick works are located within distance of 200 meters of north water canal.

**7.PHOTO 24, 25 and 26- Pages 20to 22**

These photos have taken on 16/03/2024 and 09/07/2024.

These photos show that the opening and working of Srinivasan Bricks(**R13**).

This Brick works was imposed the penalty amount of Rs.5,95,944/- by Sub-Collector of Thoothukudi for their illegal mining sand on 10/08/2021. The penalty amount was not remitted so far by this Brick works. The District Collector in his report on 15/02/2024 has stated that this Srinivasan Bricks is not functioned and it has been closed.

But we can see here, that they are functioning.It is located within 250 meter of north water canal and in Residential Area.

**8.PHOTO - 27,28 and 29- Pages 23to 24**

These photos were taken on 16/03/2024.

T. S. Manoj

These photos show that the opening and functioning of SRI (Jeyaram) (Owner- Bala Mahesh) Bricks **(R15)**

This SRI Bricks was imposed the penalty amount Rs.2,83,500/- by the sub-collector Thoothukudi for their illegal mining sand. They have not paid the penalty amount so far. But in the V.A.O report on 14.02.2024 they stated that this SRI bricks is not functional. It is locate very close to north water canal.

**9.PHOTO - 30, 31, 32 and 33- Pages 25to 27**

These photos have taken on 16/03/2024 and 09/07/2024.

These photos show that the opening and functioning of Balaji Bricks.

This Balaji Bricks was imposed the penalty amount Rs.1,42,888/- by the Sub-Collector, Thoothukudi for illegal sand mining the owner Rathinasamy has not paid the penalty amount so far. The Collector in his Report on 15/02/2024 stated that this Bricks has been closed for the non-remittance the penalty.

**10.PHOTO - 34, 35, 36, 37, 38 and 39- Pages 28to 33**

These photos were taken on 28/04/2024 and 09/07/2024.

These photos have shown that the opening and operating illegal sand mining quarry by using JCB machines of Uma chambers (Sabapathy and Nanthakumar)**(R-10)**.

This Uma chamber was imposed the penalty amount Rs.13,63,480/- for this illegal sand mining activities on 10/08/2021.

They have not paid the penalty amount so far. But till date now they continuously taking sand illegal by using JCB machine. But here The Tahsildar has reported on 14/02/2024 that no one has involved in illegal sand mining activities in our village.

**11.PHOTO - 40 and 41- Pages 34to 35**

These photos were taken on 09/07/2024.

T. S. Srinivasan

These photo show that the opening and functioning of Sakthi Bricks (Baskar, Rajkumar) **(R-18)** and the photo 41 show that very large and deepest illegal sand mining pit made by Sakthi Bricks.

This Bricks and chamber was imposed the penalty amount Rs.17,51,520/- by the Sub-Collector of Thoothukudi on 10/08/2021 for their illegal sand mining operation in our village.

They have not paid the penalty amount so far. But they involving continuously illegal mining activities. But the District Collector in his Report stated that it has been closed it is located within 200 meter of north water canal.

### **12.PHOTO - 42, 43 and 44- Pages 36to 37**

These photos have taken on 16/03/2024 and 09/07/2024.

These photos show that the opening and functional of S.J. Bricks **(R-14)**. As per the V.A.O. Report on 14/02/2024 it is non-functional Brick work. But here we can see in the photos that the workers are working and the Gate is opened. This Bricks is located within 50 meter distance of North Thamirabarani water canal.

During the heavy rainfall of December 2023, The River flood could not passed other side as this Brick works heavily stocked through illegal mining sand at one place. As the result of this, the heavy River Flood returned opposite side and destroyed north water canal wall.

### **13.PHOTO - 45, 46, 47, 48, 49 and 50- Pages 38to 42**

These photos were taken on 16/03/2024 and 09/07/2024.

These photos show that the opening and functioning of STAR C.K.R. and Sara chambers and Bricks **(R- 6&7)**.

Mr.Tirupathy is the owner of these two chambers. For their illegal mining sand, The Sub-Collector has imposed the penalty amount Rs.3,71,968/- on 10/08/2021. ButTirupathy the owner of this chamber has not paid the penalty amount so far. But he continuously is taking sand illegally in our village. But the District Collector in his Report stated that this two chamber are closed and non-functional.

T. Gobinath

This chambers are located within 100 meter distance from the check dam of the Thamirabarani River and also 100 meter distance from the River Bridge, it is against the Law.

**14.PHOTO – 51, 52, 53 and 54– Pages 43to 44**

These photos were taken on 16/03/2024 and 09/07/2024.

These photos show that illegal sand mining and operation of VNB chamber. It can be seen that one Electrical post height sand is taking here by VNB chambers.

But the 1<sup>st</sup> Respondent in his Report has stated that No Violation made by VNB chambers in our Village.

13.I submit that the above photo evidence shows that, even after imposing fine and sealing their bricksklins, all the owner of the bricks and chambers continuously involving in the activity of illegal carrying & sand quarry in the name of making bricks which causing very huge lose not only to the government but also their act fully insecure to the village people. Further, the photo evidence show that the Revenue Authority have submitted false Report, on 15/02/2024 before this Hon'ble Tribunal. In their report, they stated that all brick works and chambers are closed and non-functional, But all bricks are opening and functioning without paying penalty and with expiring registration certificate.

14.I submit that the photo evidence will come to show that all the above bricks and chambers are situated in Thamirabarani River Bed, and North water canal and are located and constructed within 50 meters or 100 meters distance of Thamirabarani River, North water canal, check dam of the River, River bridge and drinking water infrastructures.

15.I submit that I was informed that as per law of Tamil Nadu Minor Minerals Confession Act, 1959 under Rule(36), the rule quoted that "Tamil Nadu shall be no quarrying & in any River Bed" or adjoin to any other area which is located within 500 meters Radial distance from the location of any bridge, water supply system infrastructure of drinking

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water plant. But the 2<sup>nd</sup> Respondent and Revenue authorities without Consideration of this law they issued the Registration Certificate to Chambers and bricks kiln in our village.

16. I submit that in this regard the several complaints given by me and our village people to the 1<sup>st</sup> Respondent, 2<sup>nd</sup> Respondent and to the other revenue authorities, Even though all the complaints were received by the authorities, but no action was taken against the brick owners who are involved the crime & illegal sand mining in our village. The imposition of penalty and sealing of the bricks only are in paper.

Therefore it is prayed that this Hon'ble Court may be pleased to accept the affidavit of the petitioner and also the typed filed by him and pass any order or direction that is deemed fit and necessary in the facts and circumstances of the case and thus render justice.

Solemnly affirmed at Chennai

On this the 25<sup>th</sup> day of July 2024

And signed his name in my presence

T. Anandalingam

Before me

R. Hemraj  
 Advocate : Chennai  
 201, Law Chambers, High Court,  
 Chennai - 600.

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

O.A.No.: 80 of 2022 (SZ)

**AFFIDAVIT FILED BY THE  
APPLICANT**

**M/s. V.SAKKARAPANI  
R.PRABHAKARAN**

**COUNSEL FOR PETITIONER**

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