

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No.132 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

SUO MOTU – illegal mining undermines
desilting work”

..... Applicant(s)

Versus

1. Union of India,
Rep. by its Secretary,
Ministry of Environment, Forests and Climate Change,
Indira paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003.
2. The Chief Secretary to Govt. of Tamil Nadu,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
3. The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
4. The Additional Chief Secretary to Govt. of Tamil Nadu,
Revenue and Disaster Management Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
5. The Secretary to Govt. of Tamil Nadu,
Department of Environment, Forest & Climate Change,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
6. Additional Chief Secretary to Govt. of Tamil Nadu,
Municipal Administration and Water Supply Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
7. The Principal Secretary to Govt. of Tamil Nadu,
Industries Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.

8. Engineer in Chief (Water Resources Organisation)
And Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 600 005.
9. Directorate of Geology and Mining,
Rep. by its Commissioner,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai - 600 032.
10. State Environment Impact
Assessment Authority Tamil Nadu,
Rep. by its Member Secretary,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai - 600 015.
11. The District Collector,
Ariyalur District,
District Collectorate,
Jayankondam Road,
Ariyalur - 621 704.
12. The District Collector,
Karur District,
District Collectorate,
First Floor, Karur - 639 007.
13. The District Collector,
Pudukottai District,
District Collectorate,
Second Floor, Pudukottai - 622 005.
14. The District Collector,
Tiruchirappalli District,
District Collectorate,
Tiruchirappalli - 620 001.
15. The District Collector,
Thanjavur District,
District Collectorate,
Thanjavur - 613 010.
16. The District Collector,
Thiruvarur District,
District Collectorate,
First Floor, Thiruvarur - 610 004.

17. The District Collector,
Nagapattinam District,
District Collectorate,
First Floor, Nagapattinam - 611 001.

18. The District Collector,
Mayiladuthurai District,
District Collectorate,
Mayiladuthurai Keelavidhi,
Mayiladuthurai - 609 001.

19. The District Collector,
Cuddalore District,
District Collectorate,
First Floor,
New Collectorate Building,
Manjakuppam - 607 001.

..... Respondent(S)

REPORT FILED BY THE DISTRICT COLLECTOR, THANJAVUR.

It is respectfully submitted that the Hon'ble National Green Tribunal Southern Zone Chennai has been registered O.A.No.132/2021 (SZ) on suo-motu based on Newspaper report in the 'Times of India' Chennai Edition dated 03.06.2021 under the caption "Illegal mining undermines desilting work". The Hon'ble National Green Tribunal while observing that there arises a substantial question of environment which requires the interference of the tribunal has directed the District Collectors of the respective Districts to submit their Independent reports regarding the allegations made in the newspaper report and the remedial measures that are to be taken to restore the damage if any caused to the river due to unscientific desilting and Illegal mining. In compliance with the above direction, I submit my report as follows.

2) It is respectfully submitted that in the above mentioned newspaper report published on 03.06.2021, it was alleged that the illegal sand mining has lowered the surface level of the rivers than that of canals, water cannot flow in to the branch rivers and the channels which are on the higher level. Even, after desilting the desired results cannot be achieved, In this regard a detailed report from the superintending Engineer, water resources Department, Lower Cauvery basin circle, Thanjavur District was requested and based on his

instruction the Executive Engineer, WRD, Cauvery Basin division, Thanjavur submitted their status report and as per the orders of the Hon'ble National Green Tribunal the report of this respondent is submitted here under.

3. It is respectfully submitted that as per the GO (2D) No.57 Public Works (W2) Dept dated.17.05.2021, 647 desilting works for an total amount of Rs.6510.50 lakhs were taken up in nine delta district namely Thiruchirapalli, Karur, Ariyalur, Thanjavur, Thiruvarur, Nagapattinam, Mayiladuthurai, Pudukottai and Cuddalore districts, out of which, 185 desilting works were completed in all respects. In the above works Rivers, Supplu channels and drains were desilted. Branch rivers and supply channels offtaking form rivers Cauvery, Vennar and drains were also desilted. Thiru.Pradeep Yadav, IAS., principal secretary / Managing Director, Chennai Metro Rail Limited, Chennai appointed as the special monitoring officer of Thanjavur district vide G.O Rt.No.2129/PUBLIC (SPECIAL =B) DEPARTMENT/Dated:24.05.2021 closely monitored all the works. The WRD Engineers also closely monitored all works and after the completion of desilting work, the water is flowing freely in almost all channels without any obstructions.

4.It is respectfully submitted that the water was released from Mettur Dam for kuruvai crop cultivation on 12th June, the storage in dam had been adequate to irrigate kuruvai crops and water level in dam was aroung 100 feet at the time of release of water. During this year and last year i.e in the year 2021-2022, 2020-2021 water was released from Mettur dam on scheduled opening date of 12th June. In the last two years, water supply for Kuruvai, samba & Thalady Crop cultivation was stopped on the scheduled closure date of 28th January of those years.

5. It is respectfully submitted that the water resources Department officials with the help of police, revenue and Mines department closely monitor all the river including Cauvery and Vennar rivers to avoid illegal sand mining. water is flowing freely in river Cauvery and vennar and its branch rivers and

supply channels without any hindrance. The actual bed levels of rivers Cauvery, vennar branch rivers and its supply channels are not altered as commented in news papers report and free regular flow of water was maintained in branch rivers and supply channels. All desilting works were planned, executed with the strict vigilance of Public Works Department officials, District Collector, District monitoring officers and farmers. The river Cauvery, vennar branch rivers and supply channels are closely monitored by PWD, Revenue, Mining officials and illegal sand mining is almost stopped and usage and availability of M Sand for Government and private works were entertained by the Government officials involved in Construction Works.

6. It is respectfully submitted that in supply channels, branch rivers jungle, scrub and weed growth was removed and alluvial soil, silt and shoals accumulated in bed was removed using excavators, JCB and desilted shoals was deposited on the banks. To whomever the works are awarded, the permission is granted only for desilting and not allowed to convert the desilted earth into illegal sand mining, The desilted silt, Shoals mixed with soil were deposited on banks of branch canals, branch river and this will be evident from the photographs taken before and after the execution of works. In total illicit sand Mining of any nature was completely avoided in all rivers, branch channels, branch rivers in delta districts under the name of desilting.

Desilting of branch channels, branch rivers of Cauvery and vennar rivers was carried out in scientific manner by desilting the silt, shoals and soil accumulated above the bed level of river, supply channels. The bed level of rivers and supply channels was not lowered and also free flow of water is observed in almost all rivers, supply channels during previous and current years.

7. It is respectfully submitted that during the course of District Level Task Force Committee Meetings, the enforcing authorities i.e., Revenue, Police, Public Work Department and Department of Geology and Mining

Officials have been directed to take stringent and immediate action against illegal quarrying and transportation of minerals. Further it has been directed to have constant vigil over the areas of river beds of Thanjavur District so as to arrest the illicit menace if any. As such all the areas are under constant vigil and the illicit quarrying and transportation of mineral have been brought under control.

8. It is respectfully submitted that various measures and decisions had been taken by the Taluk Level Task Force Committee for effective seizure of vehicles indulged in Illicit quarrying and transportation of minerals by forming special teams comprising of Deputy Tahsildars, Revenue Inspectors, Village Administrative Officers and Village Assistants. Further it is submitted that the access to the river beds have been blocked by forming deep trenches by the Public Work Department and criminal cases have also been filed by the Police Department against the offenders involved in illicit quarrying and transportation of minerals.

9. It is respectfully submitted that every Monthly performance of the enforcing authorities i.e., Sub collector, Revenue Divisional officers, Tahsildars, all Deputy Superintendent of Police, Geology and Mining officials and Public Works Department officials are being critically reviewed by the District Collector and strict instructions have been issued to them for effective monitoring and prevention of illicit quarrying and transportation of minerals within their respective jurisdiction.

10. It is respectfully submitted that, frequent surprise raids comprising of Revenue, Police, Mines and Public Works Department officials are being carried out during the day time as well as in night times so as to arrest the illicit removal of sand and the area is under constant vigil and the illegal quarrying and transportation of sand has been brought under control.

11. It is respectfully submitted that in respect of Thanjavur District, the details of seizure of the illegal sand vehicles, number of FIR filed, number of cases booked under Goondas Act and penalty amounts imposed for the years from 2019-2020, 2020-2021 and 2021-22 (up to June) have been tabulated.

Sl. No	Year	Illicit quarrying / storage of Sand detected	No.of vehicles seized for illegal transportation of Sand		No.of FIR Filed	No.of cases booked under Goondas Act.	Penalty collected	
			Vehicles	Bullock carts			Penalty	Penalty collected through
1	2019-2020	3	611	378	879	3	72565	14298423
2	2020-2021	20	691	977	1341	2	42082	1973500
3	2021-2022 (Up to June)	-	217	372	416	4	0	0
TOTAL		23	1519	1727	2636	9	114647	16271923

12. It is respectfully submitted that, effective and stringent action is being taken by the enforcing authorities of Revenue, Police and Department of Geology and Mining so as to curb illegal quarrying and transportation of Minerals. It is submitted the current year total no of 217 Vehicles and 372 number of Bullock Carts have been seized from the month of April 2021 to June 2021. Apart from that, 416 Criminal Cases have been filed against offenders indulged in illicit Quarrying and Transportation of Minerals for the period from April 2021 to June 2021 under section 379 I.P.C along with 21(1) of Mines and Minerals (Development and Regulation) Act 1957. Also Four person was detained under Goondas Act.

13. It is respectfully submitted that 3 habitual offenders have been booked under Goondas Act in Thanjavur District for the illegal quarrying and transportation of minerals during the year 2019-2020, Two person has been booked under Goondas Act during the year 2020 – 2021 and Four person has been booked under Goondas Act during the year 2021 – 2022 (Up to June). The details are submitted below.

DETAILS ON THE CASES BOOKED AGAINST THE SAND OFFENDERS UNDER GOONDAS ACT				
YEAR 2019 - 2020				
Sl. No	Name of the persons booked under Goondas act	Proceedings of the District collector and Date	Details of the offence committed	whether the offenders arrested or not
1	C.Rocket Raja, S/o. Chandran, Main Road, Salaikara Street, Mariyamman Koil, Thanjavur Taluk, Thanjavur District.	The Court of the District Collector and District Magistrate, Thanjavur Order No. P.D.No.35/2019, Dated: 25.11.2019	Sand Offender	Accused in the Central Prision, Tiruchirappalli as a remand Prisoner
2	R.Sarathkumar, S/o. Rajakannu, Adidravidar Theru, Keela Kalakudi, Papanasam Taluk, Thanjavur District.	The Court of the District Collector and District Magistrate, Thanjavur Order No. P.D.No.42/2019, Dated: 16.12.2019	Sand Offender	Accused in the Sub - Jail, Papanasam as a remand Prisoner
3	G.Panni krishnamoorthy @ Krishnamoorthy, S/o. Govindaraj, Saliyakulakarai, Mariyamman Koil, Thanjavur Taluk, Thanjavur District. Now at: Kannithoppu, Aalakudi Village, Papanasam Taluk	The Court of the District Collector and District Magistrate, Thanjavur Order No. P.D.No.02/2020, Dated: 12.01.2020	Sand Offender	Accused in the Central Prision, Tiruchirappalli as a remand Prisoner
YEAR 2020 - 2021				
1	G.Visvanath S/o.Govindaraj, Periya Theru, Kudalur, Thanjavur Taluk, Thanjavur District	Proceedings of the District Collector and District Magistrate, Thanjavur Order No. P.D.No.49/2020, Dated: 31.08.2020	Sand Offender	Accused in the Sub jail, Pattukottai as a remand Prisoner
2	Thiru.Kutty alias chidambaram. S/o. Tadi alias Srinivasan, Thoppu street, Palliyur, Papanasam Taluk, Thanjavur.	Proceedings of the District Collector and District Magistrate, Thanjavur Order No. P.D.No.89/2020, Dated: 17.12.2020	Sand Offender	Accused in the Sub- jail Thiruvaidaimarudur as a remand Prisoner
YEAR 2021-22				
1	Thiru.Vignesh, S/o.Ladaraja alias Raja, Valayapettai, Agraharam, Kumbakonam Taluk, Thanjavur District.	Proceedings of the District Collector and District Magistrate, Thanjavur P.D.No.63/2021 Dated: 23.06.2021	Sand Offender	Accused in the Sub jail Kumbakonam as a remand prisoner

2	Thiru.Selvam S/o. Ladaraja alias Raja, Valayapettai, Agraharam, Kumbakonam Taluk, Thanjavur District	Proceedings of the District Collector and District Magistrate, Thanjavur P.D.No.64/2021 Dated: 23.06.2021	Sand Offender	Accused in the Sub jail Kumbakonam as a remand prisoner
3	Thiru. Rajinin alias Arunpandiyan, S/o.Anbazhagan, Water Tank Street, Valayapettai, Kumbakonam Taluk, Thanjavur District.	Proceedings of the District Collector and District Magistrate, Thanjavur P.D.No.65/2021 Dated: 24.06.2021	Sand Offender	Accused in the Sub jail Kumbakonam as a remand prisoner
4	Thiru.Selvam, S/o. Sukkuru, Valayapettai, Papankulam, Agraharam, Kumbakonam Taluk, Thanjavur District.	Proceedings of the District Collector and District Magistrate, Thanjavur P.D.No.66/2021 Dated: 24.06.2021	Sand Offender	Accused in the Sub jail Kumbakonam as a remand prisoner

14. It is respectfully submitted that nine check posts have already been established in the District Border and also the places where ever necessary and they are functioning properly and effectively.

The details are submitted below.

SL. No	Jurisdiction Police Station	Name of the Check Post	Dist. Border
1.	Vallam	Arputhpuram	Pudukkottai
2.	Thiruvaiyaru	Vilangudi	Ariyalur
3.	Thogur	Kallanai	Trichy
4.	Sengipatti	Puthugudi	Trichy
5.	Sb- Chathiram	Vilangulam	Pudukkottai
6.	TC-Balam	Avanam	Pudukkottai
7.	Swamimalai	Neelathanallur	Ariyalur
8.	Thiruppanandal	Annaikarai	Ariyalur
9.	Thiruneelagudi	S-Pudur	Nagapattinam

15. It is respectfully submitted that further strengthen the monitoring mechanism against the illegal sand transportation closed circuit television cameras were installed in important Check Posts. In this regard it is submitted that the camera was installed in Avanam Check - Post, Pudukudi Check - Post, Vilankulam Check - Post, Neelathanallur Check - Post, Anaikarai Check - Post, Arputhapuram Check - Post and S.Pudhur Check - Post in Thanjavur District and thereby all officials who are in-charge in Check - Posts keenly monitor the vehicle movement round the clock to prevent the illegal sand transportation.

16. It is respectfully submitted that the nature of mechanism adopted to prevent illegal quarrying. We submit the following points for favour of consideration.

- i. The Parliament had enacted Mines and Minerals (Development and Regulation) Act, 1957 to control the entire mineral administration in the Country. Under section 21 of the Act, necessary provisions have been made for effecting seizure of vehicles and mineral involved in illicit mining and transportation.
- ii. Delegations of powers have been given by the Government under section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, as follows:-

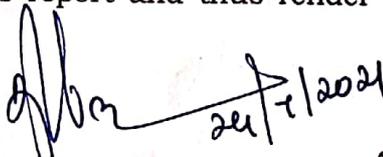
- a. Powers have been delegated to the persons holding the post of Revenue Inspector (Mines) to the level of District Collector for effecting seizure of vehicles involved in illicit transportation and to effect seizure of minerals quarried/mined illegally (vide G.O.Ms.No.167 Industries (MMC1) Department, dated 16.06.1994.)

- b. Powers have been delegated to Revenue Department, Divisional Officer in their jurisdiction to effect not only seizure but to levy penalty to the offender (vide G.O.Ms.No.4 Industries Department, dated 02.01.1998.)
- c. Inherent powers are available to Police personnels for effecting seizure of vehicles and for filing cases in consultation with other departments like Revenue and Mines. Particularly, powers have been delegated to the personnel holding post of Inspector of Police and above to effect provision of Goondas Act on the sand offenders i.e., on the persons involved in illicit quarrying/transportation of sand (Act No.16/2006).
- d. The Government constituted a State Level Task Force to monitor various mining activities and to prevent illegal mining in the State under the Chairmanship of the Secretary to government, Industries Department (vide G.O.Ms.No.33 Industries (MMA.1) department, dated 15.03.2006).
- e. Periodical meetings are conducted by concerned Tahsildars in respect of review of cases of illicit quarrying/transportation of minerals within their geographical jurisdiction i.e., Taluk level Task Force committee meeting twice in a month (vide G.O.135 Industries (MMA.1) department, dated 13.09.2009).

- f. Similarly, periodical meetings are conducted by concerned District Collectors and review the progress of Taluk level Task Force committee and send a periodical report to High level committee/Appellate Forum through the Director of Geology and Mining (vide G.O.135 Industries (MMA.1) department, dated 13.09.2009).
- g. The Government issued directions to the authorities of Revenue, Police, Forest and Geology and Mining Departments on seizure of vehicles and compounding of offences (vide G.O.Ms.No.170 Industries (MMC2) department, dated 05.08.2020).

Further, the District Administration is keen in protecting the mineral wealth of the district and as such it is ensured that mining activities do not undermine the desilting work and the same is monitored

Therefore, it is most respectfully prayed that this Hon'ble National Green Tribunal may be pleased to accept this report and thus render justice.


24/1/2021
DISTRICT COLLECTOR (4/4)
THANJAVUR.