

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No.69 of 2021(SZ)**

Tribunal on its own motion-SUO MOTU Based on the News item in Dinamalar Newspaper, Chennai Dated 05.02.2021, "Landslide in Uthiramerur Stone Quarry: one killed".

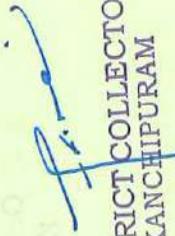
... Applicant(s)

-Versus-

1. The Chief Secretary to Govt.of Tamil Nadu
Govt. Secretariat, Fort St.George,
Chennai, Tamil Nadu-600 009.
2. The Secretary to Govt. of Tamil Nadu,
Department of Environment & Forests,
Govt. Secretariat, Fort St.George,
Chennai, Tamil Nadu-600 009.
3. The Principal Secretary to Govt. of Tamil Nadu,
Industries Department,
Govt. Secretariat, Fort St.George,
Chennai, Tamil Nadu-600 009.
4. Department of Geology and Mining,
Rep. by its Commissioner,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai - 600 032.
5. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu - 600 032.
6. The District Collector,
Kancheepuram District,
First Floor, Collectorate,
Kancheepuram - 631 501.
7. Uthiramerur Town Panchayat,
Rep. by its Executive Officer,
PeriyanasamPettai Street,
Uthiramerur,
Kancheepuram - 603 406.
8. Mr.Muthu,
Aged 60 years,
Madhur Village,
Uthiramerur Panchayat Union,
Kancheepuram - 603 406.

...Respondent(s)


Assistant Director
Geology and Mining
Kancheepuram.


DISTRICT COLLECTOR
KANCHEEPURAM

**STATUS REPORT FILED BY THE 6TH RESPONDENT -
DISTRICT COLLECTOR, KANCHEEPURAM.**

I, Dr. M. Aarthi, I.A.S., D/o. Thiru. Manickavasagam, Hindu, aged about 36, residing at Collector's Bungalow, Kancheepuram do hereby solemnly affirm and sincerely state as follows:-

2) I am the 6th respondent herein and as such I am well acquainted with the facts and circumstances of the case from the records available with office.

3) It is respectfully submitted that, a rough stone lease has been granted to on Thiru.D.Sarathkumar, S/o. Devu, for quarrying rough stone and gravel in patta SF.Nos 325/4, 109/1A1 and 109/1A2 over an extent of 3.01.50 hectare of Sirudhamur village, Uthiramerur Taluk, for a period of five year vide District collector, Kancheepuram proceeding Rc.No.79/U3/2018 dated 20.12.2018. The lease deed was executed on 20.12.2018 and the lease is valid up to 19.12.2023.

4) It is respectfully submitted that, the lessee has obtained Environmental clearance from District level Environmental Impact Assessment Authority for a period of 5 years from the date of execution of lease deed vide Lr. No. DEIAA-DIA/TN/MIN/79/Q3/2018 -KPM EC.No.29-2018 dated: 03.10.2018 subject to the conditions stipulated therein for quarrying of Rough Stone and gravel to the tune of 7,21,040 cu.m and 50,172 cu.m respectively and the permissible depth of mining is 62 m.

5) It is respectfully submitted that, the lessee has also obtained TNPCB consent vide CTO Proc.NO.F. 2029 SPR/ RS/ DEE/ TNPCB/ SPR/W&A/2019 dated 06/02/2019 valid up to 31-03-2023 subject to comply with the conditions in the EC and quarry lease agreement and also he enter blasting work contract agreement with Sri Sivakumar S/o Sri Jawahar Udayam Explosives, Perugalathur for extraction of quarrying mineral.


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6) It is submitted that on 04.02.2021 at 9.00 A.M, a landslide was occurred in the subject quarry resulted in death of two persons. In this connection, The Hon'ble National Green Tribunal, Southern Zone, Chennai on its Suo Motu motion have registered an Original Application No. 69 of 2021 (SZ), under the caption "*Landslide in Uthiramerur Stone Quarry: one Killed*" on the basis of the newspaper report published in Dinamalar Newspaper, Chennai, Edition dated 05.02.2021.

7) It is respectfully submitted that, the Hon'ble National Green Tribunal, Southern Zone, Chennai upon hearing the Suo Motu motion Application No. 69 of 2021 in its order dated 17.02.2021 has directed to appoint a Joint Committee comprising of (i) The District Collector, Thiruvallur District, (ii) a Senior Scientist from Tamil Nadu State Pollution Control Board (TNPSCB) as designated by its Chairman (iii) The Geologist from the Department of Geology and Mining, Chennai to inspect the subject area in question and submit a factual as well as action taken report on the subject matter.

8) It is respectfully submitted that, Commissioner of Geology and Mining vide Rc.No.931/MM1/2021 dated 19.04.2021 has nominated Dr.A.Kalaiselvan, Additional Director of Geology and Mining as a member of the Joint committee. The Member Secretary, Tamil Nadu Pollution Control Board vide letter No.TNPSC/LAW/NGT/007460/2021 dated 29.03.2021 has nominated Thiru.P Ravichandran, District Environmental Engineer, Kanchipuram District as a member of the Joint committee.

9) It is respectfully submitted that, subsequently, the Joint Committee reconstituted with the District Collector, Kancheepuram District instead of District Collector, Tiruvallur District as per the Hon'ble NGT[SZ] order dated 18-06-2021.

10) It is respectfully submitted that, accordingly, the revised Member of the Committee are as follows:-


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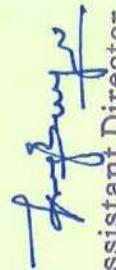
1. Dr. M. Aarthi, I.A.S.,
District Collector
Kancheepuram - Member
2. Dr.A.Kalaiselvan,
Additional Director,
Commissionerate of Geology and Mining,
Chennai-32. - Member
3. Er. P. Ravichandran,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Sriperumbudur - Member

11) It is respectfully submitted that, accordingly the Committee has inspected the subject area on 15.07.2021 and reported their observation in report dated 16.07.2021 as follows:-

- i) As per lease deed conditions the required safety distance of 7.5 and 10mts has not been provided to the adjacent Patta and Poramboke lands and quarrying had been carried out in the safety zone area also.
- ii) Boundary pillars have not been erected and maintained all along the boundary of the lease granted area as per rule 36(4) of Tamil Nadu Minor Mineral Concession Rules 1959.
- iii) The lessee has not maintained the 5m height and width of benches with 45 degree slope from horizontal in order to avoiding untoward incident as per regulation 106(2)(a) of the

Metalliferous Mines Regulation 1961 and also the lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner keeping in view of proper safety of the labourers.

- iv) The lessee has not monitored the quality of the ground water once in 3 month and not conducted any air sampling survey in and around the quarry site as per EC conditions
- The lessee has not planted any green belt development around the bounty of the quarry site in manner to preservation of environment and ecology of the area as per rule 36 (5) (C) of Tamil Nadu Minor Mineral Concession Rules 1959.


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v) Mining operation is approved up to depth of 62 m (below ground level) in the mining plan / environmental clearance whereas the lessee has carried out the mining operation to depth of 62.6 m i.e beyond the approved depth over an extent of 0.22.0 hec out of 3.01.5 hec.

vi) As per the pit measurements, it is estimated that a quantum of 74,205 M³ of gravel and 14, 07,888 M³ of rough stone had been quarried from the area granted under lease in S.F.Nos. 325/4, 109/1A1 and 109/1A2.

12) It is respectfully submitted that, the joint committee has also reported that the lessee has encroached and indulged illegal quarrying operation in the adjacent non lease Government poramboke (Grazing malai) in S.F.Nos. 322 (P) over an extent of 0.63.26 hec and illegally transported to the tune of 15,815 M³ of gravel and 1,62,835 M³ of rough stone.

13) It is respectfully submitted that, the joint committee has also reported that, the lessee has also encroached and indulged illegal quarrying operation in the adjacent non lease Government poramboke (kallankuttu) in S.F.Nos. 325/5 over an extent of 0.29.0 hectrs and illegally transported to the tune of 7250 M³ of gravel and 1,53,839 M³ of rough stone and thereby the lessee contravened the sub section (1) & (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act, 1957.

14) It is respectfully submitted that, the joint committee has also reported that the lessee has unlawfully quarried and transported the rough stone and gravel within the lease hold area to the tune of 24105 and 1340688 respectively.


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Abstract for Quantity of Minerals Quarried and Transported Unlawfully/Illegally

Sl. No.	S.F.Nos.	Extent (in Hec.)	Quantum of the Mineral unlawfully quarried (within the lease hold area)		Quantum of the Mineral Illegally quarried (Outside the lease hold area)	
			Gravel (in M ³)	Rough stone (in M ³)	Gravel (in M ³)	Rough stone (in M ³)
1.	325/4, 109/1A1 & 109/1A2	3.01.50	24,105	13,40,688	--	--
2.	322 (P)	0.63.26	--	--	15,815	1,62,835
3.	325/5	0.29.0	--	--	7250	1,53,839
Total			24,105	13,40,688	23065	316674
Grand Total			1364793		339739	
			1704532 cum			

15) It is respectfully submitted that, the sub rule 41(10) (i) and 41 (10) (ii) of Tamil Nadu Minor Mineral Concession Rules, 1959 have stipulated as follows:-

Sub-Rule 41(10) (i)

“ Every holder of a lease shall carry out the quarrying operation for minor mineral in accordance with the approved mining plan”

Sub-Rule 41(10) (ii)

“ If the mining operations are not carried out in accordance with the mining plan, the District Collector may order suspension of all quarrying operations and permit continuance of quarrying operations, by way of rectification to restore the conditions as may be necessary in the quarry as envisaged under the said mining plan”

16) It is respectfully submitted that, the issuance of transport permits were stopped to the lessee with effect from 04.02.2021 and also the quarrying operation was suspended by the District Collector vide Roc No.79/Q3/2018, dated 15.07.2021 under Rule 41(10)(ii) of Tamil Nadu Minor Mineral Concession Rules 1959.


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17) It is respectfully submitted that, The Deputy Director of Mines Safety, Directorate General of Mines Safety (DGMS), Chennai Region, Chennai had inspected the quarry site on 04.02.2021 and he had issued a notice vide letter.No.CNR/FA/Ta-01/2021/1120, dated 07.04.2021 by pointing out the following violation which are the root cause for the fatal accident occurred in the subject area'

- i. The owner of the mine, failed to appoint a duly qualified manager for overall management, supervision, direction and control of the mine. In contravention of regulation 34 of the Metalliferous Mines Regulation, 1961.
- ii. The quarry owner failed to ensure the sides of the open cast workings been adequately benched, sloped or secured so as to prevent danger from fall of sides before Employing person at the bottom of the bench as require under regulation 106(3) of the Metalliferous Mines Regulations, 1961.
- iii. The quarry owner also failed to appoint mining mate and place workings under the charge of the mining mater in contravention of the regulation 39 read with 116 of the Metalliferous Mines Regulations, 1961.

18) It is respectfully submitted that, Subsequently, the quarry owner requested the Director of the Mine Safety to approve the authorization of Shri Deenapal Pesaramelli as a Manager to his rough stone quarry. Accordingly, DGMS, Chennai vide letter No.518553/Sz/Chennai Region/Perm/2021/8928, dated 16.04.2021 has authorized the request of the lessee. Further, on his request, permission given for using Heavy Earth Moving Machinery without deep whole blasting under regulation 106(2)(b) of the Metalliferous Mines Regulations, 1961 to form benches in overburden and ore bodies in the subject quarry.

19) It is respectfully submitted that, During the accident occurred on 04.02.2021, two workers namely, Sonu Ansary and B.Manikandan were died. The lessee provided a sum of Rs.5,00,000/- each as a compensation amount in the presence of District Collector,


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Kanchipuram on 08.02.2021 to the legal heirs of the deceased persons. Further, as per District Administration observation 12 labours employed in the subject rough stone quarry were made registered under the "Pradhan Mantri Jeevan Jyoti Bima Yojana" insurance scheme and also applied for Tamil Nadu unorganised Welfare Board.

20) It is respectfully submitted that, Consent to operate issued to the quarry vide CTO Proc. NO.F.2029SPR/RS/ DEE/TNPCB/ SPR/W&A/ 2019 dated: 06/02/2019 under the Water (Prevention and Control of Pollution) Act, 1974, as amended and the Air (Prevention and Control of Pollution) Act, 1981 as amended for quarrying of rough stone Rough Stone -7,21,040 Cbm and Gravel - 50,172 Cbm over a period of 5 years withdrawn under the provisions of Section 27 of the Water (Prevention and Control of Pollution) Act, 1974, as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended vide proc. No. T2/ TNPCB /F.10942/Consent withdrawal/W&A/SPR/2021 dated 11-06-2021 by Tamilnadu Pollution Control Board.

21) It is respectfully submitted that, the District Environmental Engineer, Kanchipuram has assessed the Environmental compensation and cost required for environmental damages to the tune of Rs.86,75,000 for the removing of mineral within the lease hold area under section 5 of Environmental [Protection] act, 1986 as amended and the action is being taken to collecting the such amount by Tamil Nadu State Pollution Control Board, Chennai.

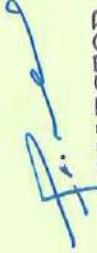
22) It is respectfully submitted that, vide letter No in Roc 79/Q3/2021 dated 20.07.2021 the Revenue Divisional officer, Kancheepuram has requested to take appropriate action as against the lessee for illegal and unlawful quarrying and transportation 17,04,532 Cbm of rough stone and gravel as per G.O 170 industries department dated 05.08.2020. Furthermore, for the violation of lease conditions, the lessee has also been show cause vide Rc.No.79/Q1/2018, dated.22.07.2021 why the report of the Joint Committee shall not be accept and acted upon under Rule 36 (5) (h) of Tamil Nadu Minor Mineral Concession Rules, 1959.


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In view of the above, it is therefore humbly prayed that this Hon'ble National Green Tribunal, Southern Zone, Chennai may be pleased to record the above mentioned facts and dispose of the application or pass such further order as this Hon'ble National Green Tribunal may deem fit and proper in the fact and circumstance of this case and thus justice.


DISTRICT COLLECTOR
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BEFORE ME


Assistant Director
Geology and Mining
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VERIFICATION

I, Dr. M. Aarthi, I.A.S., working as District Collector, Kancheepuram District do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Kancheepuram on this day of July 2021.


DISTRICT COLLECTOR
KANCHEEPURAM

