

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No.254 of 2016 (SZ)

In the matter of

1. R.Seethapathi
No.2/57, Periya Street,
Yesayanoor Village, Arcot,
Vellore District.



.. Applicant

Vs.

1. State of Tamil Nadu
Rep. by its Secretary, PWD,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Member Secretary,
State Level Environment Impact
Assessment Authority,
No.1, Jeenis Road, 3rd Floor,
Panagal Maligai
Saidapet, Chennai 600015
3. The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
No.76, Mount Road, Guindy, Chennai 600032
4. The District Collector,
Collectorate, Sathuvachari,
Vellore 632009
5. The Chief Engineer,
Water Resources Organisation,
Public Works Department,
Chennai Region, Chennai 600005
6. The Revenue Divisional Officer,
Collectorate Building,
Sathuvachari, Vellore 632009
7. The Assistant Director,
Department of Geology and Mining,
Collectorate Building,
Vellore 632009
8. The Executive Engineer,
Public Works Department
Vellore District.
9. The Assistant Engineer
Public Works Department,
Vellore
10. The Assistant Engineer,
Public Works Department,
Ranipettai,
Vellore District.

Respondents

Counsel appearing for the applicants:

M/s.E.Vijay Anand,
G.V.Seethalekshmi & R.Baskaran

Counsel appearing for the respondents

M/s.M.K.Subramanian, E.Manoharan
& P.Velmani for R1, R4 to R10
M/s.G.M.Syed Nurullah Sheriff for R2
Mrs.H.Yasmeen Ali for R3

ORDER

Present

Hon'ble Justice Dr.P.Jyothimani, Judicial Member

Hon'ble Shri P.S.Rao, Expert Member

2nd May, 2017

Whether judgment is allowed to be published on the Internet .. Yes/No

Whether judgment is to be published in the All India NGT Reporter .. Yes/No

We have heard learned counsel appearing for the applicant as well as respondents. The relief sought for in this application is to direct the respondents to stop at once all sand quarrying operations in the entire stretch of Palar river in Vellore District in order to conserve the ecology and environment in and around Palar river, until the river bed is refilled with sand deposition upto the bench mark level and to direct the respondents not to use any machinery for sand quarrying and not to quarry beyond 3 feet as mandated in the entire belt of Palar river in Vellore District and also consequent order of restraint against the respondents in operating sand quarrying in Survey No.59 and 644/1 of Perukaalmedu and Yesayanoor Villages in Vellore District without valid Environmental Clearance (EC) and consent from the Tamil Nadu State Pollution Control Board.

In the reply filed by the 1st respondent, Principal Secretary to Government, Public Works Department (PWD) dated 09.03.2017, by giving details of sand quarries operated from 2013 in Palar river of Vellore District, it is clearly stated as follows:

S. No	Name of Quarry	S.F.No & Extent	SEIAA approval	Period of EC in years	Collector's approval	Status
.	LORRY/					

	TIPPER SAND QUARRIES					
1.	Perungalme du-I	S.F.No.59 (P) 4.90.5 ha	Lr.No.SEIAA TN/F.No.1050/E C/1(a)/293/2013 /date 09.05.2013	1	Collector vide Lr.No.942/2012 (mines) dt. 21.06.2013	Closed due to exhaustion of quantity
2.	Thirumalaicheri	S.F.No.483 4.00.0 ha	Lr.No.SEIAA TN/F.No.1051/E C/1(a)/259/2013 /date 09.05.2013	1	Collector vide Lr.No.943/2012 (mines)/date 21.06.2013	Closed due to exhaustion of quantity
3.	Perungalme du-II	S.F.No.59 (P) 15.90.0 ha	Lr.No.SEIAA, TN/F.No.2307/E C/1(a)1113/2014 date 27.02.2014	1	Collector vide Lr.No.62/2014 (mines) date 03.03.2014	Closed due to exhaustion of quantity
4.	Chinnathottalam & Periyathottalam	S.F.No.101 & S.F.No.276 10.00.0 ha	Lr.No.SEIAA, TN/F.No.2321/E C/1 (a) 1132 / 2014 date 27.02.2014	1	Collector vide Lr.No.944/2012 (mines) date 04.03.2014	Closed due to exhaustion of quantity
5.	Vannivedu	S.F.No.835/P 4.50.0 ha	1) Lr.No.SEIAA, TN/F.NO.2709/E c/1(A)1488/2014 Dt. 11.8.2014 2) Lr.No.SEIAA, TN/F.No.2709E C/1(a)/A/1488/2014 dt. 16.09.2015	1	Collector vide Lr.No.576/2014 (mines) dated 8.11.2014	Closed due to exhaustion of quantity
6.	Perungalme du-III	SF.No.59 (P) 5.25.0 ha	Lr.No.SEIAA, TN/ F.No.3370/E/C/1(a) 1703/2014 dt.04.03.2015	2	Collector vide Lr.No.01/2015 (mines) dated 10.03.2015	Closed due to exhaustion of quantity
7.	Kavanur & Kandanerri	S.F.No.572/P & 305/P 9.60.0 ha	1)Lr.No.SEIAA, TN/ F.No.3389/E C/1(a)/1931/2015 dated 30.03.2015 2) Lr.No.SEIAA, TN/ F No.3489/E C/1(a)/1703/2015/20 16 dt 09.02.2016 3) Lr.No.SEIAA, TN/ F.No.3489/E C/1 (a)/A/ 2016 dt.16.6.16	2	1) Collector vide Lr.No. 39/2015 (mines) /dated 15.06.2015 2) Collector vide Lr.No. 39/2015 (mines) dt. 23.06.2016	Closed due to exhaustion of quantity
8.	Kilambadi	S.F.No.144/P 6.30.0 ha	Lr.No.SEIAA, TN/F.N o.4548/E C/1 a/2612/2015 dated 31.12.2015	1	Collector vide Lr.No. 497/2014 (mines) dated 17.02.2016	Closed due to exhaustion of quantity
9	Valavanur	S.F.No.331/P 8.00.0 ha.	Lr.No.SEIAA, TN/F.No.4967/E C 1(a) 2947/ 2016 dt. 17.02.2016	1	Collector vide Lr.No.498/2015 (mines) dated 03.03.2016	Closed due to exhaustion of quantity
10	Alinjikuppam & Melmurungal	S.F.No.148/P & 113/P 24.40.0 ha	Lr.No.SEIAA TN/F.No.4966/E C 1(a) 2942/2016 dt. 17.02.2016	1	Collector vide Lr.No.573/2015 (mines) dated 03.03.2016	Closed due to exhaustion of quantity
11.	Minnur & Vadakarai	S.F.No.295/P & 98/P 8.75.0 ha	Lr.No.SEIAA, TN/F.No.4549/E C/1 (a)/2587/ 2015 dt. 31.12.2015	1	Collector vide Lr. No.496/2015 (mines) dated 03.03.2016	Closed due to exhaustion of quantity

Bullockcart sand quarry

12	Rangapuram	SF.No.628/1 P 5.60.0 ha	Lr.No.SEIAA TN/F.No.3528/ 2015 /EC/1a /1936/2015 dt. 01.04.2015	2	1) Collector vide Lr.No.41/2015 (mines) dated 18.04.2015 2) Collector vide Lr.No.41/2015 (mines) dated 13.04.2016	Closed due to exhaustion of quantity
13	Marapattu	S.F.No.1/1P 5.60.0 ha.	Lr.No.SEIAA, TN/F.No.3529/E C 1(a) 2609/2016 dated 31.12.2015	2	Collector vide Lr.No.64/2015 (mines) dated 17.02.2016	Closed due to exhaustion of quantity
14	Vadavirinji puram	S.F.No.300/1P 5.12.0 ha	Lr.No.SEIAA TN/F>no.4160/E C 1(a)/3008/2016 dt 19.02.2016	2	Collector vide Lr.No.63/2015 (mines) dated 20.06.2016	Running
15	Veerang kuppam	S.F.No.225/2 P 5.40.0 ha	Lr.No.SEIAA TN/F.No.3564/E C/1 a/2989/2016 dt 19.02.2016	2	Collector vide Lr.No.61/2015 (mines) dated 20.06.2016	Closed due to exhaustion of quantity

A reference to the said details given by the PWD, it shows that in so far as it relates to the quarries effected by maximum means by deploying lorries and tippers in Perungalmedu, Thirumalaicheri, Perungalmedu-II, Chinnathottalam & Periyathottalam, Vannivedu, Perungalmedu-III, Kavanur & Kandaneri, Kilambadi, Valavanur, Alinjikuppam & Melmurungai, Minnur & Vadakarai either the EC granted by the 2nd respondent State Level Environment Impact Assessment Authority (SEIAA) has already expired or / and those units have been closed due to exhaustion of permitted quantity.

In so far as it relates to bullock carts sand quarries which relate to 4 spots viz., Rangapuram, Marapattu, Vadavirinji puram, and Veerangkuppam, the EC granted by SEIAA has expired only in respect of Rangapuram but all the units except Vadavirinji puram, have been closed due to exhaustion of quantity. Thus only the Vadavirinji puram quarry is presently under operation. SEIAA in its reply dated 30.01.2017 has stated that in respect of 4.90.5 ha at S.No.59 (Part) Upper Palar Basin, Perunkaalmedu Village, Arcot Taluk, Vellore District for which the SEIAA has granted EC, the EC has expired on 08.05.2014. Again in respect of S.F.No.59 (Part), Perunkaalmedu Village, Arcot Taluk, Vellore District for an area of in 15.90.0 ha., the EC granted on 27.02.2014 has expired on 26.02.2015. In respect of 5.25.0 ha. quarry at

the same Sy.No. i.e. S.F.No.59 (Part) Perukaalmedu Village, the EC granted on 04.03.2015 also expired on 03.03.2017.

We have directed the SEIAA to explain as to the measures to be taken by the project proponent in respect of sand quarries to avoid damage to the environment. In its reply dated 30.01.2017 and also in the post monitoring, the SEIAA has stated that the EC is granted subject to the following conditions :

- a) “ The proponent shall take necessary measures to ensure that there shall not be any adverse impacts due to quarrying operation on the nearby human habitations, by way of pollution to the environment.
- b) It shall be ensured that excavation of sand do not disturb or change the underlying soil characteristics of the river bed/basin where quarrying is carried out.
- c) Mining activity and the compliance of all the conditions shall be monitored by the taluk level Task Force once in a month by physical inspections and the status of compliance should be recorded by the Committee in the Register maintained at the site.
- d) Taluk level task force committee convened by the Tahsildar should inspect the site to safety that the pre-conditions as above for commencing the mining operations are satisfactorily followed and minute their field inspection as per G.O.Ms.No.135, Industries (MMA-1) Department, dated 13.11.2009.
- e) Taluk level Task force is to submit inspection report to the District Collector who is the Chairman of the District Level Task Force who would examine the report and after satisfying himself would give approval to start mining.
- f) Mining activity and the compliance of all the above conditions shall be monitored by the Taluk level force once in a month by physical inspections and the status of compliance should be recorded by the Committee in the register maintained at the Site.
- g) To take up environmental monitoring of the proposed quarry site before and during the mining activities including traffic density study, sedimentation, air & flora/fauna environment, involving a reputed academic institution.
- h) Restoration of riparian and in stream habitats, restoration of river geometry causing degradation in upstream, downstream and in the mining area, depletion and prevention of contamination of ground water, etc. shall be taken care of by the proponent.
- i) No drilling and blasting operation shall be carried out under any circumstances.
- j) The proponent shall submit within 3 months their policy towards corporate environment responsibility which should inter alia address (i) Standard operation Process/ procedure to bring into focus any infringement/ deviation/ violation of environmental or forest norms/ conditions (ii) Hierarichal system or administrative order of department to deal with environmental issues and ensuring compliance of EC conditions (iii) systems or reporting of non-compliance/violation of environmental norms to the head of department or the state government or stakeholders.

- k) The project proponent shall obtain consent to establish before starting any work and consent to operate after complying the conditions imposed for adherence before starting from the Tamil Nadu Pollution Control Board and effectively implement all the conditions stipulated therein.
- l) A study shall be made out through an expert agency like Central Water Commission relating to replenishment of the mineral (situation study) in this river so as to ensure that the quantity of mineral to be removed does not exceed the situation to avoid over exploitation of mineral which may adversely affect the dynamics of the river. This study shall be steered by the State Government based on which the capacity of the mine will be decided by the concerned department of the State Government while granting mining lease.
- m) The Assistant Engineer exclusively posted to the site should write up and maintain the following registers in addition to any other records prescribed in the mining lease order.
- Daily Progress Register
 - Inspection Register
 - Complaints Register”

In consonance with the said statement made by SEIAA, the Principal Secretary to Government, PWD in his reply has also stated that the steps are taken for the purpose of granting sand mining only after fulfilling certain conditions viz., Precise Area Communication Letter issued by the District Collector to PWD, Preparation of Mining Plan, Submission of Proposal before SEIAA, Obtaining EC and Consent to Establish, Consent to Operate by the State Pollution Control Board followed by permission granted by the District Collector to commence quarry operation.

It is further stated in the reply of the Secretary to the Government, PWD that even after the permission is granted, Post Monitoring mechanism is followed in respect of sand quarries as follows:

“Post Monitoring mechanisms in Sand Quarry

The SEIAA has stipulated various conditions in the Environmental Clearance order to check and monitor the depth of mining, water quality and the ground water level, air quality parameters, noise parameters, flora and fauna of the surrounding areas. The Public Works Department is conducting the Air quality test and Noise test for every three months through renowned Educational Institute. The Ground Water Division records the ground water table for every three months and conducts the water quality test for both surface and ground water. The flora and fauna studies of surrounding areas of quarry site is being conducted by the Environmental Science department of renowned adjoining Educational Institutes. These study reports on Environmental Parameters are being sent to the Regional Office, Ministry of Environment, Forest and Climate Change, Nungambakkam, Chennai for every six months.”

The Tribunal is satisfied about the steps being taken by State Government as well as SEIAA in respect of granting EC for sand quarrying in the rivers and we hope and

trust that such steps will be continued to be followed. We also make it clear that if any further technological developments/advancements are evolved for more favourable scientific extraction of sand, those also may be included by SEIAA as well as State Government so as to regularise and monitor sand quarries in the entire State of Tamil Nadu without causing harm to the environment. We also make it clear that while granting further sand quarrying operations after the deposition of new sediments of sand as and when the Government considers, the quarrying should continue by strictly implementing the conditions. The Government as well as SEIAA shall follow the policy laid down by the MoEF & CC, Government of India in letter and spirit keeping in view the 'Sustainable Sand Mining Guidelines, 2016' issued by the MoEF & CC particularly when the Government of India has made it clear that the Expert Agencies like Central Water Commission should be consulted on the replenishment of the mineral in respect of which study has to be made for the purpose of regularisation of extraction of river sand and to avoid over exploitation which will affect the dynamics of rivers as stated in clause "I" of the conditions imposed by SEIAA while granting EC as enumerated above.

It is also informed by the learned Special Government Pleader for State of Tamil Nadu that further study in respect of Palar river basin has been entrusted to Indian Institute of Technology, Madras and the Tamil Nadu Government will act as per the guidelines and Mines and Minerals Rules and in accordance with suggestions made by SEIAA.

In view of the categorical stand taken by the Secretary to Government, PWD as well as SEIAA as stated above, nothing survives in the prayer made by the applicant and accordingly the application stands closed. There shall be no order as to cost. However, the learned counsel appearing for the applicant has the liberty to approach this forum as and when fresh cause of action arises.

Mr.Syed Nurullah Sheriff, learned counsel appearing for MOEF & CC would submit that District Environment Impact Assessment Authority (DEIAA) has been constituted in the Districts in the State of Tamil Nadu. In view of the same, copy of this order to be communicated by the Secretary to Government, PWD to the District Collector/Chairman of DEIAA in all the Districts wherever DEIAA has been constituted.

We place on record our appreciation for the earnest steps taken by SEIAA as well as State Government in giving proposals for the purpose of framing policies for scientific extraction of important minor mineral viz. sand without causing damage to the environment.



सत्यमेव जयते

Justice Dr.P.Jyothimani
Judicial Member

Shri P.S.Rao
Expert Member



NGT