



सत्यमेव जयते

File No: 10620
Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment Authority(SEIAA),
TAMIL NADU)



Dated 02/12/2024



To,

RAMASAMY KUMAR
RAMASAMY KUMAR
R.Kumar, S/o.Thiru.Ramasamy, Chinnagoundampatti Village, Tharamangalam Post, Omalur Taluk, Salem District, Tamil Nadu State. Pincode- 636502., CHINNAGOUNDAMPATTI , SALEM, TAMIL NADU, 636502
kumarramasamy502@gmail.com

Sub: Rejection of EC to the proposed Project under the EIA Notification 2006-and as amended thereof -regarding.

Sir,

This is in reference to your application submitted to Ministry vide proposal number SIA/TN/MIN/439291/2023 dated 29/11/2024 for Rejection of prior Environmental Clearance(EC) to the project under the provision of the EIA Notification 2006-and as amended thereof.

The particulars of the proposal are as below :

(i) EC Identification No.	EC23C0108TN5762939N
(ii) File No.	10620
(iii) Clearance Type	Environmental Clearance
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a) Mining of minerals
(vi) Name of Project	NADUPATTI VILLAGE ROUGH STONE QUARRY LEASE
(vii) Name of Company/Organization	RAMASAMY KUMAR
(viii) Location of Project (District, State)	SALEM, TAMIL NADU
(ix) Issuing Authority	SEIAA
(xi) Applicability of General Conditions	no

1. In view of the particulars given in the Para 1 above, the project proposal interalia including Form-1(Part A and B) were submitted to the SEIAA for an appraisal under the provision of EIA notification 2006 and its subsequent amendments.
2. The above-mentioned proposal has been considered by SEIAA in the meeting held on 27/11/2024. The minutes of the meeting and all the Application and documents submitted [(viz. Form-1 Part A, Part B)] are available on PARIVESH

portal which can be accessed by scanning the QR Code above.

3. The SEIAA, in its meeting held on 27/11/2024, based on information & clarifications provided by the project proponent and after detailed deliberations recommended the proposal for **Rejection of Environmental Clearance** under the provision of EIA Notification, 2006 and as amended thereof subject to stipulation of specific and general conditions as detailed in the point below.
4. The SEIAA has examined the proposal in accordance with the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and after accepting the recommendations of the State Expert Appraisal Committee, hereby decided Rejection of Environmental Clearance for instant proposal of M/s. RAMASAMY KUMAR under the provisions of EIA Notification, 2006 and as amended thereof.
5. This issues with the approval of the Competent Authority.

Additional EC Conditions

N/A

Annexure 1

Send Approval Copy To (In case of multiple use comma as separator)



SEAC REMARKS:

Proposed Rough Stone quarry over an extent of 1.50.0Ha in S.F. No. 157 (Part) at Nadupatti Village, Kadayampatti Taluk, Salem District, Tamil Nadu by Thiru.R.Kumar - For Environmental Clearance. (SIA/TN/MIN/439291/2023, Dated: 05.08.2023)

Earlier, the proposal was placed in the 448th SEAC meeting held on 08.02.2024. The project proponent has given a detailed presentation. The details of the project furnished by the proponent are given in the website (parivesh.nic.in).

The SEAC noted the following:

1. The Project Proponent, Thiru. R. Kumar has applied for Environmental Clearance for the proposed rough stone quarry over an extent of 1.50.0Ha in S.F. No. 157 (Part) at Nadupatti Village, Kadayampatti Taluk, Salem District, Tamil Nadu.
2. The project/activity is covered under Category "B2" of Item 1(a) "Mining Projects" of the Schedule to the EIA Notification, 2006.
3. Earlier EC was issued by DEIAA vide Lr.No. DEIAA-DIA/TN/MIN/18915/2018-SLM-EC.No.61/2018 Dated: 07.12.2018 for a production quantity of 1,11,583 m³ of Rough Stone & Depth – 45m (40m – AGL + 5m – BGL).
4. The proposed rough stone quarry site is a Government Land - Tender cum auction was held on 10.08.2018.
5. The PP has obtained precise area communication vide Rc.No.585/2018/Mines G, dated: 01.10.2018, issued for 10 years of the S.F.No:157 (part) over an extent of 1.50.0Hectare.
6. Mining plan was approved on 12.11.2018 for a depth of 45m (5m BGL or 45m from highest elevation).
7. As per mining plan, the lease period is for 10 years. The mining plan is for 5 years & production should not exceed 93451 m³ of Rough Stone at 95% Recovery and 4919 m³ of Rejects at 5%. The annual peak production is 19608 m³ of Rough Stone. The ultimate depth of mining is not clearly mentioned whether depth is 45m (40m AGL+ 5m BGL) or 5 m BGL or 45m from highest elevation or 42 m as it has been mentioned differently in various places of approved Mining Plan and CCR.

8. The PP has submitted last permit obtained letter issued by DD/Mines, Salem vide Roc.No.800/2023/Mines-A dated: 05.02.2024.
 - (i) Quantity approved in Mining Plan: 1,11,583 Cbm.
 - (ii) Quantity approved by EC: 1,11,583 Cbm.
 - (iii) Permits obtained so far: 25,904 Cbm.
9. The lease deed executed on 28.07.2020 and the lease period is valid up to 27.07.2030.
10. The AD mines issued the letter about the permit obtained up to 05.02.2024 after examining the records available in office is 25904m³.
11. The PP has obtained certified compliance report from IRO, MoEF&CC vide EP/12.1/2023-24/SEIAA/118/TN/175 Dated: 14.02.2024.

Based on the presentation and documents furnished by the project proponent, SEAC noted the following.

- (a) The proposed mine lease area is a hillock.
- (b) There are habitation/hamlets in the foothills of the proposed site within 300m radius.

In the view of the above, Committee decided to call for additional details as follows.

1. The PP shall submit a conceptual plan indicating safe & eco-friendly mining operation indicating the slope stability action plan, proper accessible road with permissible gradient (1 in 16), provision of safety elements in the haul road (such as parallel berms, median collision berms, escape lanes, stop signs and speed limit signs), sequence of the bench formation, direction of bench not facing towards the village location, dust control measures during the quarrying operation, controlled blast design for controlling fly rock & noise, dust control measures at the crusher.
2. The proponent is requested to carry out a survey and enumerate on the structures located within the radius of (i) 50 m, (ii) 100 m, (iii) 200 m and (iv) 300 m (v) 500m shall be enumerated with details such as dwelling houses with number of occupants, whether it belongs to the owner (or) not, places of worship, industries, factories, sheds, Overhead Water tank, Schools etc with indicating the owner of the building, nature of construction, age of the building, number of residents, their profession and income etc.

3. The PP shall obtain a **clarification from the concerned AD/DD (Mines)** regarding the **exact Ultimate Pit Depth as approved earlier in the Mining Plan in 2018.**
4. The revised EMP facilitating the required environmental measures as discussed and committed by the PP.
5. For the existing quarry, the PP shall obtain a letter from the concerned AD/DD (Mines) for the following information:
 - i. Original pit dimension of the existing quarry
 - ii. Quantity achieved Vs EC Approved Quantity
 - iii. Balance Quantity as per Mineable Reserve calculated.
 - iv. Mined out Depth as on date Vs EC Permitted depth Vs Approved Mine Plan Depth
 - v. Details of illegal/illicit mining carried out, if any
 - vi. Non-compliance/Violation in the quarry during the past working.
 - vii. Quantity of material mined out outside the mine lease area (or) in the adjacent quarry/land.
 - viii. Existing condition of Safety zone/benches
 - ix. Details of any penalties levied on the PP for any violation in the quarry operation by the Department of Geology and Mining

Now the proposal was placed in 510th SEAC meeting held on 14.11.2024. The Project proponent has submitted the reply for the queries raised by SEAC in 448th meeting held on 08.02.2024 as follows,

Sl.No	Query	Reply
1	<p>The committee asked additional documents are as follows:</p> <p>1. The PP shall submit a conceptual plan indicating safe & eco-friendly mining operation indicating the slope stability action plan, proper accessible road with permissible gradient (1 in 16), provision of safety elements in the haul road (such as parallel</p>	<p>Conceptual plan indicating safe & eco- friendly mining operation is enclosed.</p> <p>slope stability action plan enclosed.</p>

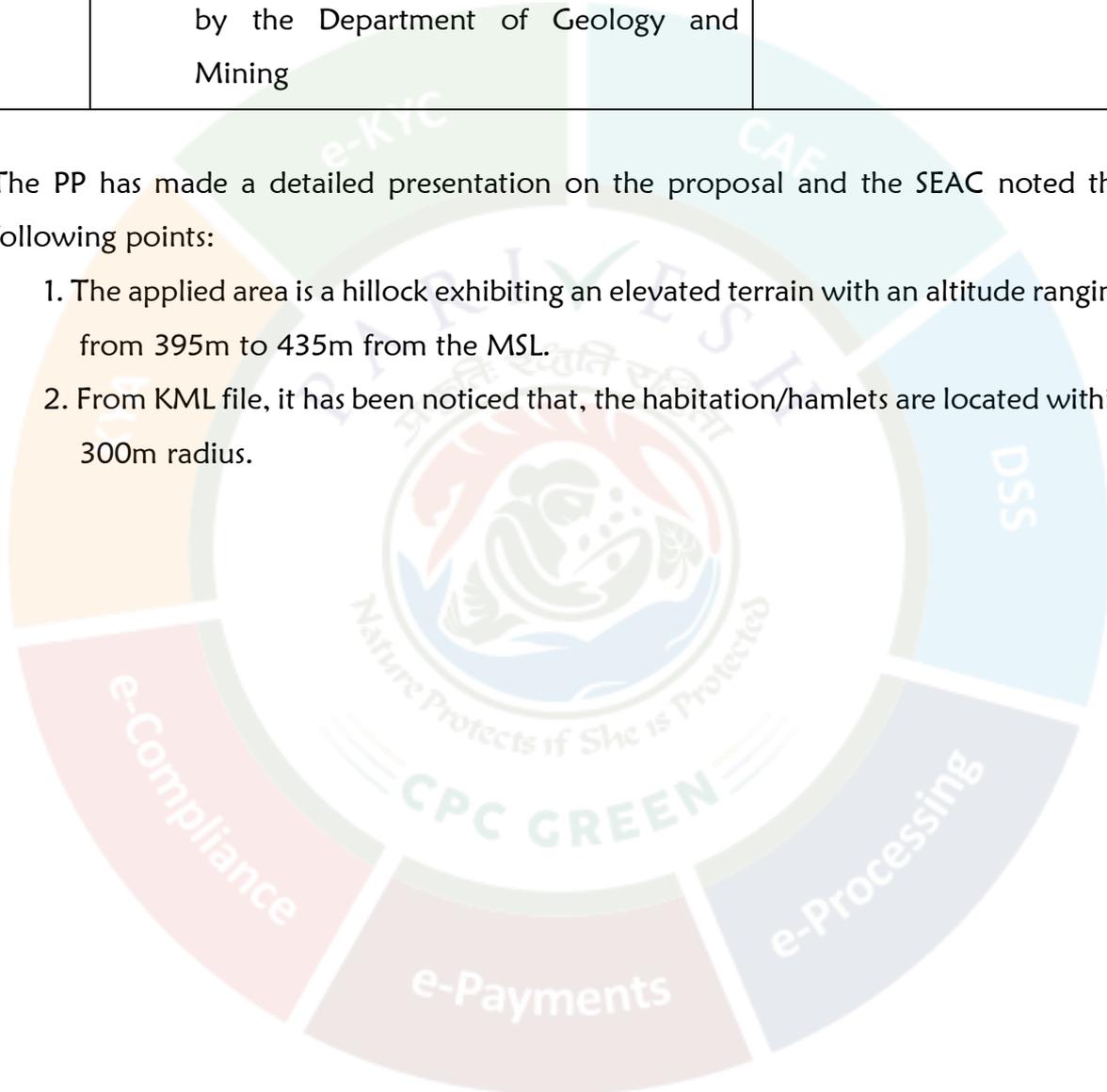
	berms, median collision berms, escape lanes, stop signs and speed limit signs), sequence of the bench formation, direction of bench not facing towards the village location, dust control measures during the quarrying operation, controlled blast design for controlling fly rock & noise, dust control measures at the crusher	
2	The proponent is requested to carry out a survey and enumerate on the structures located within the radius of (i) 50 m, (ii) 100 m, (iii) 200 m and (iv) 300 m (v) 500m shall be enumerated with details such as dwelling houses with number of occupants, whether it belongs to the owner (or) not, places of worship, industries, factories, sheds, Overhead Water tank, Schools etc. with indicating the owner of the building, nature of construction, age of the building, number of residents, their profession and income etc.	The Structure study report Enclosed.
3	The PP shall obtain a clarification from the concerned AD/DD (Mines) regarding the exact Ultimate Pit Depth as approved earlier in the Mining Plan in 2018.	In mining plan plate VII and in tables the number of benches given as VIII. The 1 st bench height and width is 6m including 1m topsoil. There are seven benches of height and width 6m. $7*6=42m$ (1m topsoil and 41m Rough stone).

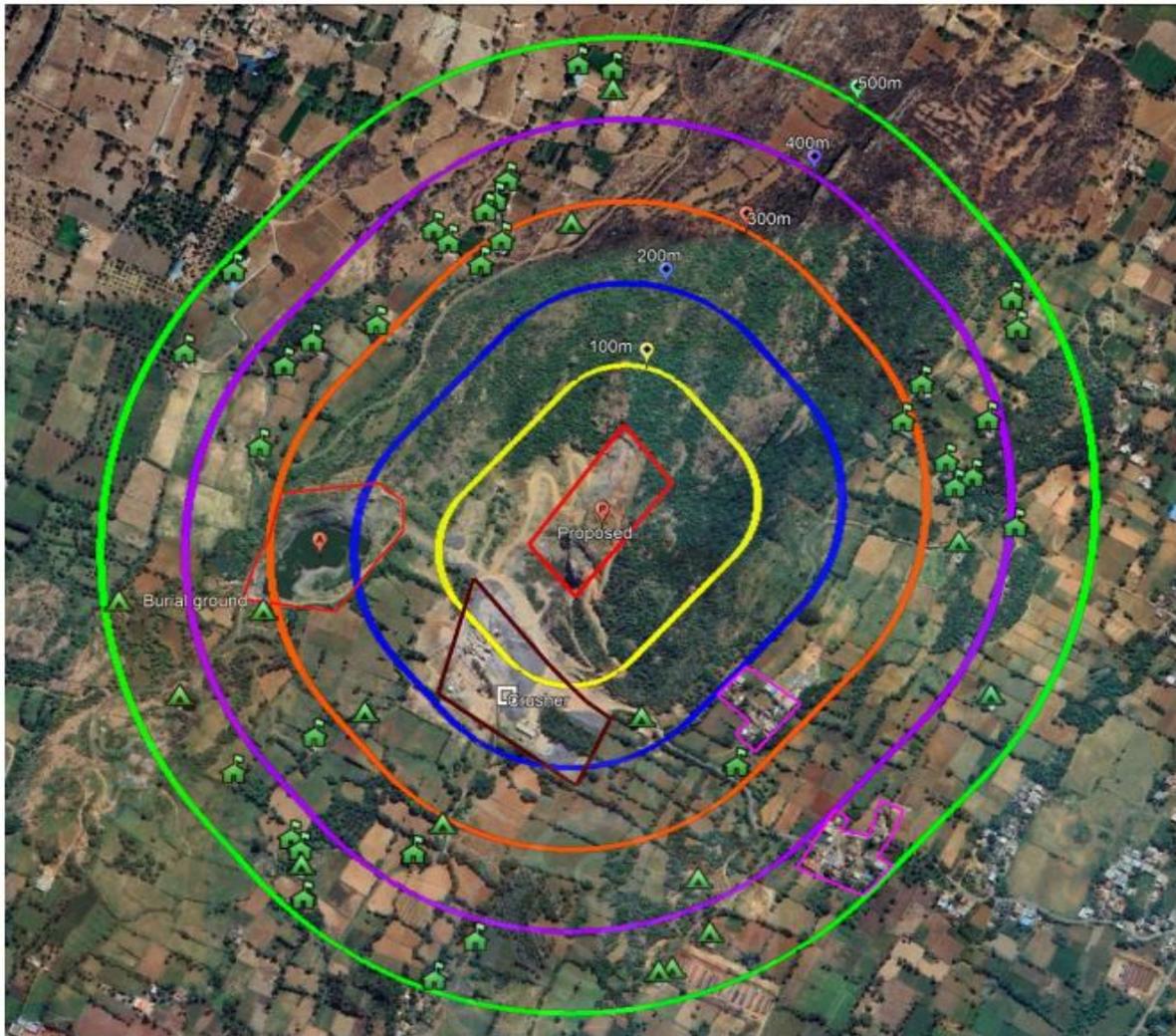
		<p>The ultimate pit limit is given in next slide as given in Plate –VIII.</p> <p>In EC the depth given 45m which is wrong.</p>
4	The revised EMP facilitating the required environmental measures as discussed and committed by the PP.	EMP- revised enclosed.
5	<p>The committee asked additional documents are as follows:</p> <p>5) For the existing quarry, the PP shall obtain a letter from the concerned AD/DD (Mines) for the following information:</p> <ol style="list-style-type: none"> I. Original pit dimension of the existing quarry II. Quantity achieved Vs EC Approved Quantity III. Balance Quantity as per Mineable Reserve calculated. IV. Mined out Depth as on date Vs EC Permitted depth Vs Approved Mine Plan Depth V. Details of illegal/illicit mining carried out, if any VI. Non-compliance/Violation in the quarry during the past working. 	<p>AD mines letter issued based on the surface plan submitted by RQP on 21.08.2024.</p> <p>Rc.No.800/2023/ Mines-A, Dated: 12.09.2024 is enclosed.</p>

	<p>VII. Quantity of material mined out outside the mine lease area (or) in the adjacent quarry/land.</p> <p>VIII. Existing condition of Safety zone/benches</p> <p>IX. Details of any penalties levied on the PP for any violation in the quarry operation by the Department of Geology and Mining</p>	
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The PP has made a detailed presentation on the proposal and the SEAC noted the following points:

1. The applied area is a hillock exhibiting an elevated terrain with an altitude ranging from 395m to 435m from the MSL.
2. From KML file, it has been noticed that, the habitation/hamlets are located within 300m radius.





Hence, this proposal attracts the following legal implications:

As per the amendment to Tamil Nadu Minor Mineral Concession Rules, 1959 issued vide G.O.Ms.No.88 Industries (MMC.1) Department dated 18.10.2002, sub-rule 1-A has been inserted to rule 36 which reads as follows:

*“(a). No lease shall be granted for quarrying **stone** within 300 meters (three hundred meters) from any **inhabited site**.”*

*The terminology of ‘**stone**’ and ‘**inhabited site**’ are defined in sub-rule of TNMMCR 1959 as follows:*

*“(ii-a) ‘**stone**’ shall mean rough stones including khandas, boulders, size-reduced (broken or crushed) materials including metal jelly, ballasts, mill stones, hand chakais and building and road construction stones other than black, red, pink, grey, green, white or other coloured or multi coloured granites or any other rocks suitable for use as ornamental and decorative stones”*

(iii) 'inhabited site' shall mean a village site or town site or a house site as referred to in the revenue records or a house site or layout approved by a Local Body or Town or Country or Metropolitan Planning Authority, where the said Body or Authority is created under a statute and empowered to approve such an area as a house site or layout area.

Similarly, Rule 36 (1-A) (c) also indicates

"... No new layout, building plans falling within 300 metres from any quarry should be given approval by any agency unless prior clearance of the Director of Geology and Mining is obtained. On receipt of proposals for according clearance, the Director of Geology and Mining (DGM) shall decide upon the continuance or closure, as the case may be of any quarry which is situated within 300 metres from the now layout, building sought for such clearance....".

3. The following are observed from the structure study report submitted by the PP,

Distance Range	No. of Structures	Type of Structures (Kuchcha/ Brick/ Cement/ RCC/ Framed Structures)
0m- 50m	-	-
50-100m	1	Crusher- 1
100m- 200m	1	Shed- 1
200m- 300m	2	House- 9 Shed- 3
300m-400m	15	Burial Ground- 1 Farm House- 5 Houses- 10
400m-500m	1	Habitation- 1 House- 15 Shed- 9

4. From the Certified Compliance Report obtained from the IRO, MoEF&CC, it is ascertained that the PP had violated (or) non-complied many of the EC conditions as pointed out by the IRO/MoEF & CC including non-formation of

the benches for ensuring the safety in such a hilly deposit, during the mining operations carried out in the earlier EC period.

Besides the above, the SEAC have strongly noted from the following extracts of the Judgement pronounced by the Honorable MR.JUSTICE G.R.SWAMINATHAN vide the cases pertaining to W.P.(MD)No.18575 of 2019 and W.P.(MD)No.13406 of 2020,

“.....Mountains, forests, hills, hillocks and rivers are Nature's gifts and it is the duty of the Government and the administration to ensure that they are preserved for future generations. This principle of inter-generational equity has been highlighted in a catena of cases. At the same time, we cannot lose sight of the harm caused to the present generation.....”

“.....When we speak of the right to environment, it means that one has the right to retain the advantages and benefits conferred naturally on the environment. It must be conceded that no right can be enforced absolutely. Need may often arise to balance the said right with the right to development. But then the onus lies on the executive to demonstrate that there is a need to subordinate the right to environment to the right to development.....”

“.....it has been contended that the land in question is a poramboke and that the mining activity will not have any adverse impact on the surroundings. This justification is absolutely insufficient. Poramboke land cannot be arbitrarily given away for private exploitation by the Government.....”

Therefore, from the presentation made and documents submitted by the PP, the SEAC after having the detailed discussions and deliberations, decided **not to recommend** the proposal for Environmental Clearance.

SEIAA REMARKS:

The subject was placed in 774th authority meeting held on 27.11.2024. The authority noted that the subject was appraised in 510th SEAC meeting held on 14.11.2024. SEAC has decided not to recommend the proposal for Environmental Clearance.

After detailed discussions, the Authority recommended the following:

1.KML reveals that this project is vulnerable, ecologically sensitive, and will impact agricultural activity and the livelihood of locals.

2.The mining activity may cause soil erosion, changes in underground water, and alteration of drainage patterns.

3.It has been noticed that, the habitation/hamlets are located within 300m radius.

SEIAA agrees with the recommendations of SEAC not to approve the proposal for the grant of Environmental Clearance and has decided not to recommend the proposal for the same.

