



सत्यमेव जयते

File No: 8827
Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment Authority(SEIAA),
TAMIL NADU)



Date 06/12/2024



To,

Rethinam R
R RETHINAM
rethinamrajrs@gmail.com

Subject: Rejection of Environmental Clearance (EC) to the proposed Project under the EIA Notification 2006- and as amended thereof -regarding.

Sir/Madam,

This is in reference to your application submitted to Ministry/SEIAA-TN vide proposal number SIA/TN/MIN/444141/2023 for Rejection of prior Environmental Clearance (EC) to the project under the provision of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC23B0108TN5175149N
(ii) File No.	8827
(iii) Clearance Type	Fresh EC
(iv) Category	B1
(v) Project/Activity Included Schedule No.	1(a) Mining of minerals
(vii) Name of Project	Tmt. R. Rethinam, Rough Stone Quarry over an extent of 2.57.0 Ha in Lembalakudi Village, Thirumayam Taluk, Pudukkottai District, Tamil Nadu
(viii) Name of Company/Organization	R RETHINAM
(ix) Location of Project (District, State)	PUDUKKOTTAI, , TAMIL NADU,
(x) Issuing Authority	SEIAA
(xi) Applicability of General Conditions as per EIA Notification, 2006	No

The SEAC noted the following:

1. The project proponent, Tmt. R. Rethinam has applied for Environmental Clearance for the proposed rough stone quarry over an extent of 2.57.0 Ha at S.F.Nos. 589/1C (Part) & 589/1D of Lembalakudi Village, Thirumayam Taluk, Pudukkottai District, Tamil Nadu.

2. The project/activity is covered under category “B1” of Item 1(a) “Mining of Minerals Projects” of the schedule to the EIA Notification, 2006.
3. The precise area communication was issued for the period of 5 years. The approved mining plan is for 5 years. As per the approved mine plan, the annual peak production shall not exceed 49,377 m³ of Rough Stone for an ultimate depth of 47m below ground level.
4. ToR with Public Hearing was issued vide Lr No. SEIAA-TN/F.No.8827/SEAC/ ToR-1099/2021 Dated:21.03.2022.
5. Public hearing was conducted on 23.03.2023.
6. EIA Report was submitted on 30.11.2023.

Earlier, the proposal was placed for appraisal in the 445th meeting of SEAC held on 15.02.2024. The consultant vide email dated 14.02.2024 has informed that the proponent is absent for the presentation/appraisal for this SEAC meeting since the Proponent is in process of obtaining Certified Compliance Report from the Concern Authority. Hence the SEAC decided to defer the proposal.

Based on the Proponent’s request vide letter dated: 07.10.2024, the proposal was again placed for appraisal in the 511th meeting of SEAC held on 15.11.2024. SEAC had noted the following during the presentation made by the PP;

1. SEAC noted that Aminipatti Village is located within 300m radius from the proposed quarry.
2. In addition, there are considerable number of structures located nearby as below,
 - In 50m -HT line
 - In 200 – 300m radius – 19 residential buildings, 6 cow sheds.

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. Further, a major water body, namely Anthal Kanmoi, is located at a distance of about 50m.
4. The quarry site is located in the water catchment area and hence mining activity will have adverse impact on the inflow of water to the tank.
5. On review of the KML file, it has been noticed that the quarry was earlier worked in an unscientifically & unsystematically manner resulting in high walls standing at a height of 37 m without any benches.
6. From the Certified Compliance Report obtained from the IRO, MoEF&CC, it is ascertained that the proponent has not maintained any safety zone/barrier and there is no further scope for carrying out the mining operations deeply as the benches can not be made in the present pit conditions.

Hence, the SEAC relied upon an earlier Supreme Court judgment in **Common Cause v. Union of India (2017)9SCC499** which was said in para 125, that:

*“.....We are not in agreement with learned counsel for the mining lease holders. There is no doubt that the **grant of an EC cannot be taken as a mechanical exercise. It can only be granted after due diligence and a reasonable care since damage to the environment can have a long-term impact....”***

The SEAC, therefore, after having the detailed discussions, decided **not to recommend** the proposal for Environmental Clearance.

SEIAA Remarks:

The authority noted that the proposal was placed for appraisal in the 511th Meeting of SEAC held on 15.11.2024. SEAC had noted the following during the presentation made by the PP;

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The SEAC, therefore, after having the detailed discussions, decided not to recommend the proposal for Environmental Clearance.

Considering the sensitivity of the area, agricultural land, waterbodies & drainage pattern, the Authority after detailed discussions, decided to accept the decision of SEAC and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the SEAC minutes. Further, Authority decided to close and record this proposal.

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