



सत्यमेव जयते

File No: 10738
Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment Authority(SEIAA),
TAMIL NADU)



Date 19/06/2024



To,

THANGARAJAN JAYAKUMAR
THANGARAJAN JAYAKUMAR
tjayakumar53@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 vide proposal number SIA/TN/MIN/464381/2024 for prior Environmental Clearance (EC) to the project under the provision of the EIA Notification 2006-and as amended thereof-Rejected-Reg.

2. The particulars of the proposal are as below :

(i) EC Identification No.	
(ii) File No.	10738
(iii) Clearance Type	Fresh EC (Mining)
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a)
(vii) Name of Project	MOOLAKKADU VILLAGE ROUGH STONE AND GRAVEL QUARRY LEASE
(viii) Name of Company/Organization	THANGARAJAN JAYAKUMAR
(ix) Location of Project (District, State)	SALEM, , TAMIL NADU,
(x) Issuing Authority	SEIAA
(xi) Applicability of General Conditions as per EIA Notification, 2006	No

1. In view of the particulars given in the Para 1 above, the project proposal interalia including Form-2 and other Reports were submitted to the SEIAA for an appraisal by the SEAC in the SEIAA 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 14/05/2024.The minutes of the meeting and all the Application and documents submitted [(viz. Form-2 and other reports are available on

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

During the deliberations, the SEAC have taken a note of the report “Stanley Reservoir in Mettur reaches full capacity, flood alert sounded” published by the District administration during the month of October 2022. “.....with copious rains being experienced in catchment areas of Karnataka, the inflow into Stanley reservoir in Mettur Dam has increased resulting in water level touching 120 feet, the second time in a month, has resulted in administration to sound a flood alert to the people living in the low-lying areas around the Dam and the banks of the Cauvery river. It was due to the discharge of surplus water from 16 sluice gates increased to 28,000 cusecs, as against the inflow of 33,400 cusecs. It was also informed that it was for the 43rd time in the last 85 years the dam is reaching its full capacity level and water availability stands at a higher level of 93.47 TMC....”

During the deliberations, the SEAC have observed the following key points:

- i. The Stanley Reservoir is one of the largest of its kind in India with a total capacity of (93.47Tmcft) (2,146,071 acre ft). The creation of the reservoir caused the submersion of two villages, all of whose inhabitants were relocated to Mettur.
- ii. Activities interfacing with water bodies – river/reservoir will have risk of spillage of chemicals, construction material, and debris leading to water pollution and impacts on fishes.
- iii. Activities involving mining machinery and equipments will have impacts on physical environment. Transportation of material, debris disposal and labour movement are likely to generate pollution and impact on physical environment. Pollution of freshwater resources and resulting water scarcity increased by the existence of stone quarries involving blasting operations.
- iv. The proposed quarrying operation causing a landslide threat as it is operating on a hillside. Geologically the quarry is planned at the foot hill of a big hill of which a major portion is rock. Already a large quantity of rock has been removed from the bottom of this hill structure in this area through quarrying operations carried out in this village with countless uncontrollable & indiscriminate blasts have made the hill vulnerable to the landslides by weakening its foundation competency.
- v. As per the studies carried out about landslides in similar environmental settings, the rainwater will saturate the soil and later the readily weakened hill structure to make it slide down easily.
- vi. The loud noise of heavy machineries such as jack hammer drilling equipments, excavators and trucks along with sudden shocking blasts has spoiled the peaceful atmosphere at this reputed eco-tourism Mettur dam.

vii. ACTUAL QUANTUM OF DAMAGE TO ENVIRONMENT:

The SEAC have clearly underlined the following significant points in consonance with the environmental aspects:

“... Whenever polluted air is released in air or polluted water is discharged in water or land, it is bound to cause damage to ecological balance of respective air, water or land. When a drop of ink is mixed in a bucketful of water or a drum, the entire water gets contaminated, degree may differ. Similarly, a small amount of poison, if enters in a bucketful of water or bigger drum, the entire water would get infected. Release of pollutant in environment would cause damage to environment in all cases, though degree of impact may differ....”

“...Thus, when we talk of assessment of damage to environment, it does not mean a sheer mathematical computation of such damage. Here assessment includes several aspects as also various principles recognized as part of environmental laws. This aspect can more suitably be demonstrated by referring to law laid by Apex Court in a catena of authorities....”

The SEAC have observed from the case entitled “In Rural Litigation and Entitlement (supra) – Judgement on 30/08/1988” in which the unauthorised and illegal mining in the Mussoorie-Dehradun belt, affecting adversely the ecology and environmental order of the area, were directed to be registered as writ petitions under public interest litigation where Court commented that

“....over thousands of years, man had been successful in exploiting ecological system for his sustenance but with the growth of population, demand for land has increased and forest growth is being cut down. Man has started encroaching upon nature and its assets. Scientific developments have made it possible and convenient for man to approach the places which were hitherto beyond his ken. Consequences of such interference with ecology and environment had now come to be realised. It is necessary that the Himalayas, and Forest growth on mountain range should be left uninterfered with so that there may be sufficient quantity of rain....”

Further, it is noted that “The High Court of Karnataka has banned all types of mining and quarrying activities within a 20-km radius of the historic Krishnarajasagar (KRS) dam in Mandya district.” vide an interim order of Case number W.P. No. 19835/2023 dated 08.01.2024 which inter alia that

“(i) All mining licences/leases comprising any area (whether in private land, government land or otherwise) that lies within a radius of 20 Kms from the periphery of KRS Dam are hereby kept under suspended animation, and as a consequence, no mining or allied activities shall be carried on or continued by any person or agency till after a decision is taken by the statutory committee constituted under the provisions of Dam Safety Act, 2021 on the basis of report of study & research, as discussed above.

(ii) The prohibition of mining or allied activity as directed in the preceding paragraph shall apply to all cases of mining notwithstanding that such activity is being carried on under the orders of this court or of the jurisdictional authority, that were made prior to the date on which the Dam Safety Act, 2021 came into force i.e., 30.12.2021.

(iii) The Authorities such as, the Officials of Dept. of Mines & Geology, Police Dept., Revenue Dept., etc shall enforce the above directions in letter & spirit and criminal cases be filed against the violators. The violation of the said directions shall also be liable to be treated as the contempt of this court.

(iv) The Secretary, Department of Mines & Geology, shall give wide publicity to this order through Print & Electronic Media periodically he shall circulate this order amongst all persons/agencies who hold leases/licences comprising the areas that lie within a radius of 20 kms from the KRS Dam.”

Therefore, considering the location of the Mettur Dam structure and the water spread area of reservoir at 4.0 km and 1.7 km from the proposed quarry respectively, by applying principle of ‘sustainable development’ and ‘precautionary principle’, the SEAC have refuted the quarrying activities involving the blasting operation within the radius of 5 km from the Mettur reservoir dam. Further, the SEAC have strongly felt that it is not advisable to permit large scale quarrying activities in close vicinity of highly sensitive and greatly significant ‘Mettur Dam’ which would have an adverse impact on local ecology besides affecting water level below ground and disturbing the hydrology of the area.

Hence, the SEAC decided not to recommend Environmental Clearance to the proposed quarrying project as mining operation near dams imposes dam safety risks apart from other hazards including the landslide in the hilly terrains, blast-induced ground vibration from the proposed quarrying operations, obstruction of waterflows and loss of stored waters, environmental consequences due to mining, and the structural stability of the Dam.

3. The SEIAA, in its meeting held on 14/05/2024 , based on information & clarifications provided by the project proponent and after detailed deliberations recommended the proposal for Rejection of Environment 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 Authority, after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per 462nd SEAC minutes. Further, Authority decided to close and record this proposal.

5. This issues with the approval of the Competent Authority. As Per section 16,sub-section(I) of NGT Act,2010, If any

person aggrieved by this order of refusing to grant environmental clearance for carrying out any activity may prefer an appeal to the tribunal, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him.

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