



सत्यमेव जयते

File No: 10864
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,

THANGAVEL BALU
THANGAVEL BALU
245, Arthanary Gounder Street, Meyyanur, Salem - 636004, meyyanur , SALEM, TAMIL NADU, meyyanur ,
636004
sukumar.rose@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/431246/2023 dated 29/11/2024 for Rejection of prior Environmental Clearance 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.	EC23C0108TN5871605N
(ii) File No.	10864
(iii) Clearance Type	Environmental Clearance
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a) Mining of minerals
(vi) Name of Project	T.Babu Rough stone quarry project at Deevattipatti Village, Kadaiyampatti Taluk, Salem District
(vii) Name of Company/Organization	THANGAVEL BALU
(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.

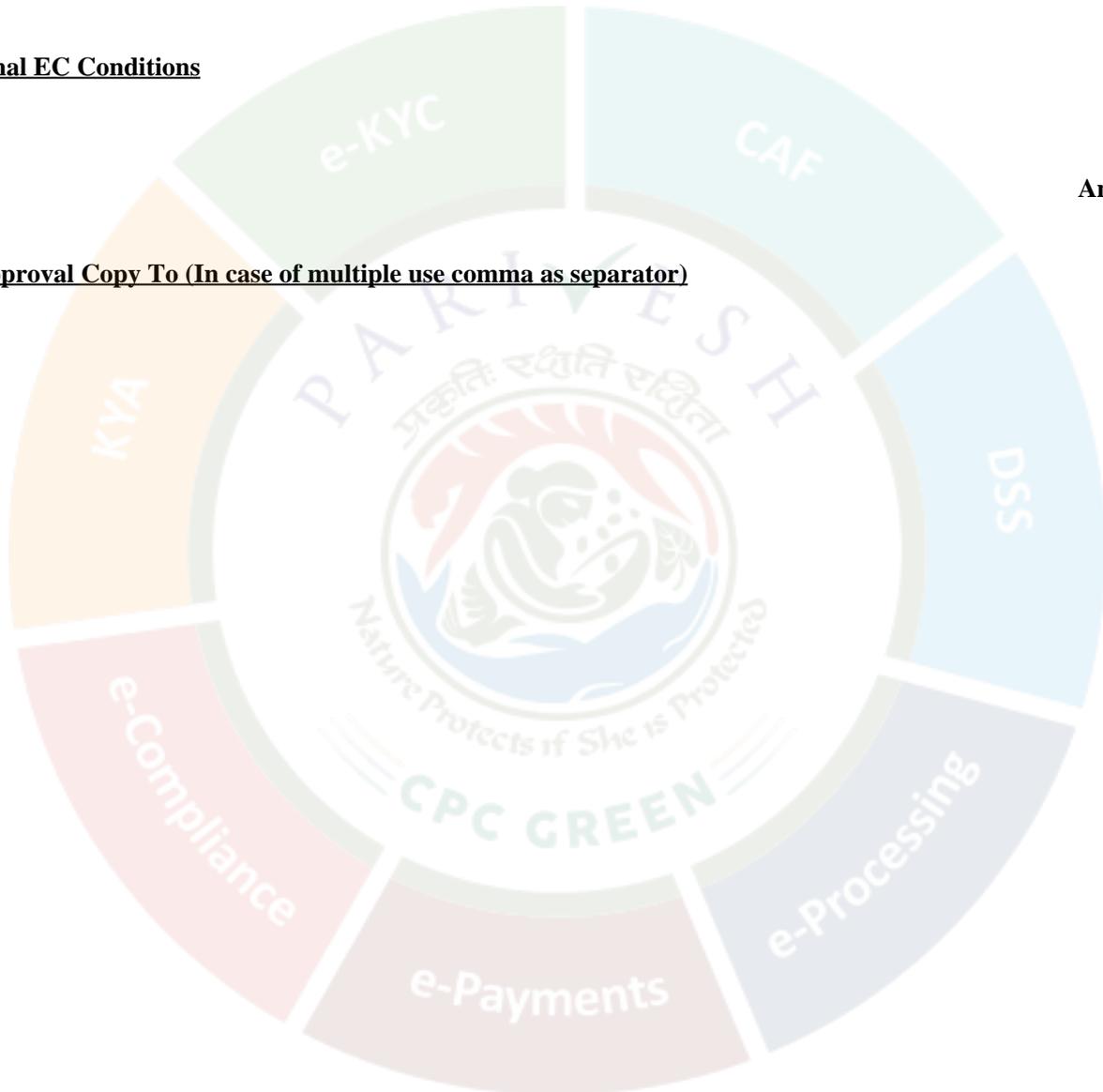
3. The SEAC, based on information & clarifications provided by the project proponent and after detailed deliberations recommended the proposal for **Rejection of Environmental Clearance** under the provision of EIA Notification, 2006 and as amended thereof subject to stipulation of specific and general 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 the instant proposal of M/s. THANGAVEL BALU 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 lease over an extent of 1.00.0Ha at SF.Nos.146/2 (Part) of Deevattipatti Village, Kadayampatti Taluk, Salem District, Tamil Nadu by Thiru.T Balu - For Environmental Clearance. (SIA/TN/MIN/431246/2023, Dated:28.05.2023).

Earlier, the proposal was placed in the 473rd meeting of SEAC held on 06.06.2024. The details of the project furnished by the proponent are available in the website (parivesh.nic.in).

The SEAC noted the following:

1. The Project Proponent, Thiru.T.Balu has applied for Environmental Clearance for the proposed rough stone quarry lease over an extent of 1.00.0Ha at SF.Nos. 146/2 (Part) of Deevattipatti Village, Kadayampatti Taluk, Salem District, Tamil Nadu.
2. It is a Government Poramboke land.
3. The proposed quarry/activity is covered under Category “B2” of Item 1(a) “Mining Projects” of the Schedule to the EIA Notification, 2006.
4. **Earlier, the PP has obtained Environmental Clearance from EC: Lr. No. DEIAA-DIA/TN/MIN/19036/2018-SLM-EC.No.65/2018, Dated: 05.12.2018 for the period of 10 years.**
5. Date of Lease execution: 20.07.2019.
6. Date of application for the Reappraisal: 17.01.2023

Now the proposal was placed in the 473st SEAC meeting held on 06.06.2024. Based on the presentation and details furnished by the project proponent, the Committee noted the following in the matter of dealing with the Environmental Clearances granted by the erstwhile DEIAAs:

1. **The MoEF & CC have issued an OM {F.No.IA3-22/11/2023-IA.III (E 208230)} dated 07.05.2024** has categorically informed that

“...based on the representation requesting for extension of time period provided in the OM dated 28.04.2023 mentioned above, the Ministry vide OM dated 15.03.2024 extended the time period for re-appraisal of ECs issued by DEIAA by a further period of six months till 27.10.2024....”

“...In view of the above direction of Hon’ble National Green Tribunal, it is hereby directed that continuance of mining all over India under mining leases executed on the basis of ECs granted by DEIAA after 13.09.2018 is prohibited with the exception in respect of cases where ECs granted by DEIAA for such mining leases have been reappraised and found valid by SEIAA or fresh ECs have been granted by SEIAA...”

Accordingly, based on the MoEF & CC O.M F.NO.IA3-22/11/2023-IA.III (E208230) dated

7th May, 2024, the Environment Clearances granted by the DEIAA dated. 05.12.2018 stands invalidated and revoked.

However, this proposal is eligible for reappraisal, vide S.O. 1807 (E) dated 12.04.2022 subject to availability of project life as laid down in the Mining Plan (or) Scheme of Mining duly approved and renewed by the competent authority and mineable reserves.

However, during the reappraisal, the Committee decided to call for the following details from the project proponent to consider the proposal for appraisal:

- i) The proponent shall furnish a letter from the AD (Mines) giving the details of the period in which the mining operations were stopped and present physical conditions of the mine including any violations carried out by the PP in the proposal under consideration.
- ii) The project proponent shall submit a Certified Compliance Report for the previous EC obtained from DEIAA dated.05.12.2018.

Now the proposal was placed in 510th SEAC meeting held on 14.11.2024.

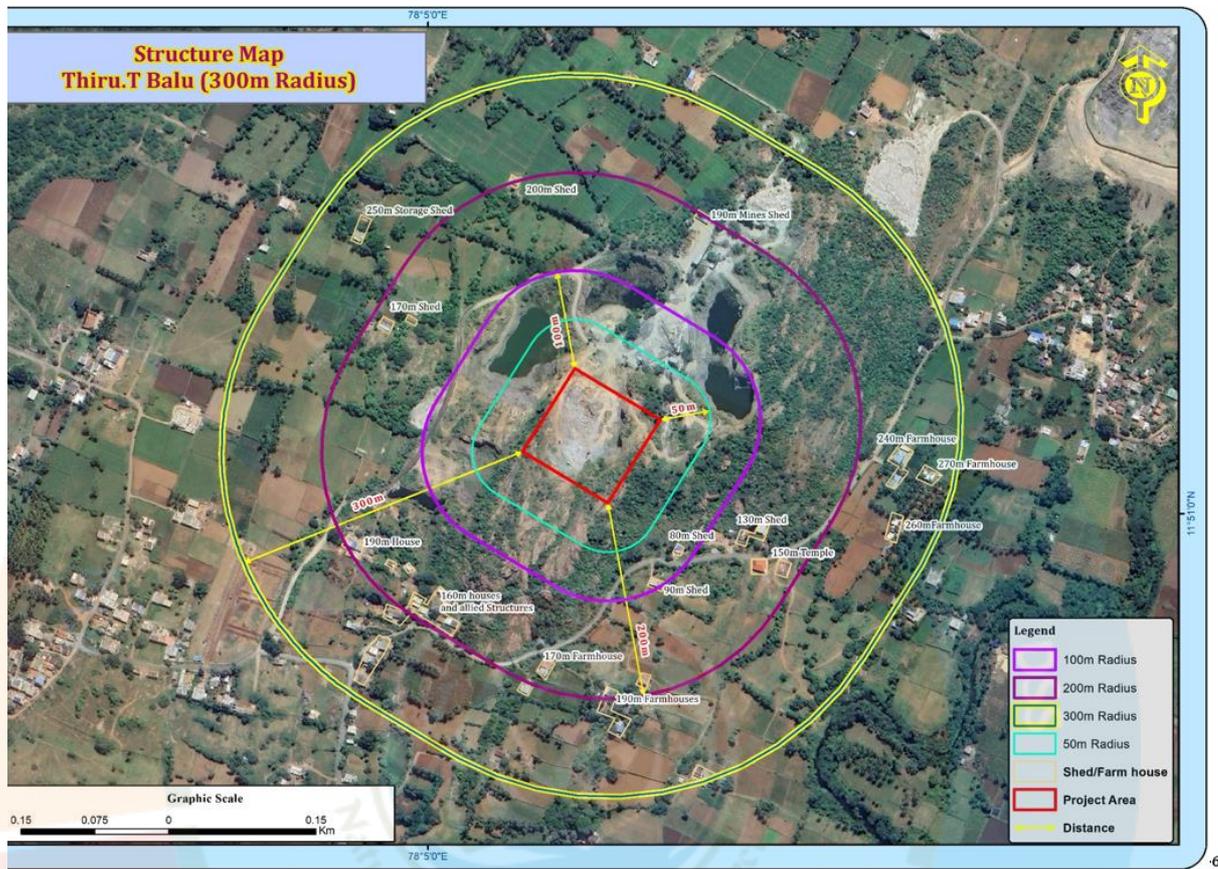
The PP has submitted the additional details as follows,

Sl.No	Additional Details raised by SEAC	Reply from PP
1.	The Proponent shall Submit a Certified Compliance Report for the Previous EC Obtained.	I have obtained Certified Compliance report from the IRO, MoEF & CC, Chennai Vide Letter No EP/12.1/2024-25/SEIAA/69/TN/ 1341 dated: 02.09.2024 The Details of the CCR along with the action taken for the noncompliance is enclosed as Annexure – 1
2.	The Proponent Shall furnish a letter from the AD (Mines) giving the details of the period in which the mining operations were stopped and present physical conditions of the mine including any violations carried out by the PP in the proposal under consideration.	PP has obtained letter for AD (Mines) vide letter no. Roc.No.720/2023/Mines-A dated: 26.09.2024.

The PP has made a detailed presentation on the proposed quarry site & operations.

While observing the presentation made by the PP, the SEAC have deliberated the following points:

1. The applied area is a hillock exhibiting elevated terrain with an altitude ranging from 268m to 264m from the MSL.
2. From Kml , it has been noticed that 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,

Structure Numbers	Distance & Direction from the project site	Structure Details and Usage Purpose	Type of Structure (Kutcha/ Brick/ Cement/ RCC/ Framed Structures)	No. of Occupants	Structure belongs to owner (Yes/No)	Remarks
0-50m - Nil						
1	80m - SE	Shed	Sheet & Brick Structure	Nil	No	Used to store agricultural products
2	90m - SE	Shed	Sheet & Brick Structure	Nil	No	Used for Storage purpose
3	130m - East	Shed	Sheet & Brick Structure	1 No	No	Used to store agricultural products

4	150m - East	Temple	Brick Structure	Nil	No	Used to worship
5	160m - South	Houses & Allied Structure 7 Houses and 9 Allied structures like rest room and cattle sheds	Concrete structure & Sheet structures	10 Nos	No	4 Nos of from this occupants are working in the crusher and mines
6	170m - West	Shed	Sheet Structure	2 Nos	No	Used for Storage purpose
7	170m - SE	Farm House & overhead tank	Concrete Structure	2 Nos	No	Occasional staying to maintain his Agri land
8	190m - North	Mines Shed	Sheet Structure	3 Nos	No	Used to store mines equipment
9	190m - SE	Farm Houses	Concrete Structure	3 Nos	No	1 person staying regularly to maintain the house
10	190m - SW	House	Concrete Structure	2 Nos	No	Mines supervisor & technician

						staying in rental basis
11	200-NE	Shed	Sheet Structure	-	No	Used to store agricultural products
12	250m - NE	Storage Shed	Sheet & Brick Structure	-	No	Used for Storage purpose- No Stay
13	240m - East	Farmhouse	Concrete Structure	3 Nos	No	Used to store agricultural products
14	260m - East	Farmhouse	Concrete Structure	2 Nos	No	Used to store agricultural products
15	270m - East	Farmhouse	Concrete Structure	3 Nos	No	Used to store agricultural products

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 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.....**”*

Further, the SEAC have observed from the photographs enclosed in this minutes clearly show that a substantial part of the hillock had already been blasted away. Further the SEAC understood that permitting quarry operations to continue any further would lead to its total destruction of an important feature of the area.

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 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 indicates that this project is vulnerable, ecologically sensitive, and could impact agricultural activities and the livelihoods of local communities.
2. The site is situated close to the Reserve Forest, and as a result, the mining activity is likely to impact the forest.
- 3.The mining activity may cause soil erosion, changes in underground water, and alteration of drainage patterns.
- 4.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.