

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 19/2018 (SZ)

J. Durairaj

Applicant(s)

Versus

Member Secretary, State Level Environment  
Impact Assessment Authority, Tamil Nadu & Ors.

Respondent(s)

Date of hearing: 01.07.2019

**CORAM : HON'BLE. MR. S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE. MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. C. Prabakaran, Adv

For Respondent (s):

Mr. G M Syed Nurullah Sheff, Adv for R-1

Mr. Kamlesh Kannan, Adv for R-2 to R-6

**ORDER**

1. We have examined the report filed by the Respondent No. 6, The Executive Engineer, Arani River Basin Division, Public Works Division. After careful examination of the said report, we find that the principle question as to whether the Respondent No. 7 had mined in the Tank at Kannigaiper Village or not has not been answered at all as the Report states that the committee found it difficult to ascertain such fact in the field condition. There is, however, a categorical finding that the Respondent No. 7 has not obtained consent from the Tamil Nadu State Pollution Control Board under the Air and Water Act for mining of Savudu.
2. Although on behalf of SEIAA it has been stated that Environmental Clearance (EC) has been granted for the mine, a copy of the Environment Clearance (EC) has not been placed before us. Be that as it may, the fact that no consent to establish and consent to operate has been obtained by the Respondent no. 7 substantiates that that mining is being continued in violation of the Environmental Laws.

3. The appropriate regulatory authority to deal with this matter is the State Pollution Control Board which has unfortunately not been impleaded as a Respondent. We accordingly direct the Tamil Nadu State Pollution Control Board to be impleaded as Respondent No. 8.
4. Issue notice upon the newly added respondent.
5. The Tamil Nadu State Pollution Control Board shall file an affidavit before the next date stating as to whether any action has been taken against the erring mine i.e. Respondent No. 7. As this also amounts to violation of the terms and conditions of the Environmental Clearance, the SEIAA Tamil Nadu shall file an affidavit on the action taken against such violation. Let the reports be filed by the Tamil Nadu State Pollution Control Board and the Respondent No.1, SEIAA, Tamil Nadu before the next date dealing with the aforesaid questions.
6. The applicant shall also serve a copy of the entire records to the Tamil Nadu State Pollution Control Board to enable them to take appropriate steps as directed.
7. The learned counsel for the applicant shall also ensure that the notice is served dasti upon the newly added respondent.
8. List on 16<sup>th</sup> September, 2019

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 01, 2019  
O.A. No. 19/2018 (SZ)  
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