

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Application No. 240 of 2013 (SZ)

IN THE MATTER OF:

Mr. P.K. Ellappan
S/o. Kanniyappan
Pinayur Village
Seethanancheri Post
Uthiramerur Taluk
Kancheepuram District



...

Applicant(s)

AND

1.The Government of Tamil Nadu
Rep. by its Secretary
Public Works Department
Fort St. George
Chennai-600 009

2.The Government of Tamil Nadu
Rep. by its Secretary
Industries Department
Fort St. George
Chennai.600 009

3.The District Collector
Kancheepuram District
Kancheepuram

4. The Chairman
Tamil Nadu Pollution Control Board
Chennai.

5. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Kancheepuram District
Kancheepuram

6.The Assistant Director of
Mines and Geology
Kancheepuram District
Kancheepuram

NGT

7.The Executive Engineer
Public Works Department
Lower Palar Basin Division
Kancheepuram

8. the Tahsildar
Uthiramerur Taluk
Kancheepuram District
Kancheepuram

... Respondent(s)

Counsel appearing for the Applicant:

**M/s. D. Murthy and
V. Elangovan**

Counsel appearing for the Respondents:

**M/s. Aabdul Saleem and
S. Saravanan for R-1, R-2 & R-7
M/s. M.K. Subramanain and
M.R. Gokul Krishnan for R-3, R-6 and R-8
Mrs. H. Yaseem Ali for R-4 and R-5**

ORDER

PRESENT:

HON'BLE SHRI JUSTICE M. CHOCKALINGAM, JUDICIAL MEMBER

HON'BLE SHRI P.S. RAO, EXPERT MEMBER

Dated 7th May, 2015

The counsel for the parties are present. This application is brought forth by a resident of Pinayur Village, Uthiramerur Taluk, Kancheepuram District complaining that illicit sand quarrying is being carried on in Palar river bed at Pinayur Village.

On admission, the respondents entered appearance and filed their respective reply. As it could be seen from the averments made in the application, the only

grievance ventilated by the applicant is that despite representation and protest made by the villagers for quite some time in the past illicit sand quarrying has been going on unabated and no action has been taken to prevent the same either by the Panchayat Administration or by the Revenue Officials and they failed to take care of the situation. It is also further pleaded by the applicant that the said area where the illicit sand quarrying is going on, has already been declared as prohibited area for sand mining by the Tamil Nadu Government. Apart from that water is being drawn from the river and taken away to more than 20 irrigation tanks for irrigation purpose through water channels and thereby there would be serious threat and menace of depletion of ground water levels consequently affecting the agricultural activities, if illicit sand quarrying is allowed to go on in that area. Though the villagers placed representations dated 8.4.2013 and 22.4.2013 to the District Collector, Kancheepuram, the 3rd respondent herein, no action was taken. Under the circumstances, there arose a necessity for filing this application before this Tribunal.

It is submitted by the counsel for the respondents 2, 3, 6 and 8 as found in the common reply, that the sand quarrying in the entire river beds of Kancheepuram District was originally banned for a period of one year from 13.11.2013 as per the District Gazette Notification No.10 dated 13.11.2013 and the said ban order was further extended for one more year from 13.11.2014 as per the District Gazette Notification No.16 dated 13.11.2014 and as such, the grievance ventilated by the applicant that there is an illicit sand mining, is thoroughly unfounded and hence the application has got to be dismissed.

After hearing both sides and in appraisement of the facts and circumstances, it would suffice to give a disposal of the application recording the statement given by the counsel for respondents that the sand quarrying in the entire river beds of Kancheepuram District has been originally banned for a period of one year from 13.11.2013 and the said ban was extended for a further period of one year from 13.11.2014. From the statement made, it would be quite evident that the ban order is now extended and it is in force till 12.11.2015. However, it becomes necessary to issue a direction to the Revenue Officials of the District to see that the ban order is given force effectively and if there is any breach, the Tribunal fervently hopes that they would initiate action if necessary with the assistance of District Police against the wrong doers.

At this juncture, the counsel for the applicant seeks liberty to approach the Tribunal if there is any breach or violation of the ban order by the wrong doers. The Tribunal feels it fit to grant liberty and accordingly it has got to be granted. With the above directions and observations, the application is disposed of.

No cost.

Justice M. Chockalingam
(Judicial Member)

P.S. Rao
(Expert Member)