

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI.**

**Original Application No.119 of 2021**

Suo Motu based on the News Item published  
in Dinamalar Tamil Newspaper, Chennai edition  
dt. 14.04.2021 under the caption "All over the village is  
dust land. It deforms the village along with lives".

**Vs**

The Chief Secretary to Govt. of Tamil Nadu,  
Govt. Secretariat, Fort St. George,  
Chennai, Tamil Nadu – 600 009 & 11 Others.

... Respondents

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**Filed by  
Thiru. C. Kasirajan  
Advocate, Chennai.**



**INDEPENDENT REPORT FOR THE HONOURABLE NGT SOUTH ZONE IN THE MATTER OF O.A.NO.119 OF 2021 SUBMITTED BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI, AS PER THE ORDER DATED JUNE 04, 2021**

**1.0 Background**

The Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A.No. 119 of 2021 has directed as follows in its order dated: 04.06.2021;

“ In order to ascertain the real nature of things going on in that area and how these activities are being regulated, we feel it appropriate to appoint a Joint Committee comprising of (1) The District Collector, Coimbatore District (2) a Senior Officer from Tamilnadu State Environment Impact Assessment Authority (TNSEIAA), designated by its Chairman, (3) a Senior Officer from Tamilnadu Pollution Control Board (TNPCB) designated by its Chairman, (4) a Senior Officer from Department of Geology and Mining deputed by its Commissioner to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

- i. The committee is also directed to consider as to whether environmental clearance are obtained for the purpose of extracting mud for commercial purpose,
- ii. Whether necessary permissions have been obtained from the Mining Department and how the Mining Department is regulating the activities to check over exploitation of minerals,
- iii. Whether there was any excessive mining done by any of the persons who have been authorized to do such work
- iv. Whether any action has been taken against those persons,
- v. Whether there was any violation of excessive mining and if so, what is the nature of action taken against offenders by the regulators
- vi. Whether the brick kiln industries are following the directions issued by the Principle Bench of National Green Tribunal in similar matters in North India, with modification if any, required considering the situation prevailing in these areas to protect environment,
- vii. Whether any damage has been caused to any of the water bodies nearby
- viii. Whether it has affected the water bodies like rivers and streams etc.,
- ix. Whether any depletion in ground water level has happened on account of unscientific manner in which such industries are being run by the persons involving in such

activities. If any damage has been caused to environment, the committee shall indicate what is the nature of damage caused and offer recommendations for restoring the damage caused to the environment and also assess the environmental compensation to be recovered recover from those persons who are responsible for such degradation.

The mining Department will be the nodal agency for co-ordination and also for providing necessary logistics for this purpose.

The committee is directed to submit the report to this Tribunal on or before 16.07.2021”

## 2.0 Introduction

Thadagam valley is located in Periyayakkanpalayam Block in Coimbatore District of Tamil Nadu State, India. It is located 17 KM towards west from District head quarters Coimbatore and 7 KM from Periyayakkanpalayam. There are five Villages located in Thadagam valley namely 1. Pannimadai 2. Somaiyampalayam 3. Nanjundapuram 4. Chinna Thadagam 5. No.24 Veerapandi. Except Pannimadai Village above all the said villages are located in the Hill Area Conservation Authority notified area.

The Hon'ble High Court of Judicature at Madras in it order dated :23.10.2009 in W.P No.1064 of 2009 and M.P.No. 1 of 2009 filed by Thiru.V.K.Mani, Vs 1. The Chairman, TNPC Board, Chennai, 2. The District Environmental Engineer, TNPC Board, Erode & 3. The Velmurugan Brick Chamber, has ordered that

“Brick Kiln should be established preferable at least two kilometers away from the residential areas and fruit gardens.

Installation of brick kiln should not be allowed in sensitive areas as notified by State Pollution Control Boards under National Air Quality Standards.

To avoid clustering of brick kilns in a locality the distance between two kilns should be more than one kilometre.

The Pollution Control Board will ensure that these guidelines are adhered to not only by the third respondent, taut all the brick kilns”

Whereas the brick kiln units located in 1. Pannimadai 2. Somaiyampalayam 3. Nanjundapuram 4. Chinna Thadagam 5. Veerapandi Villages have neither applied in full shape nor obtained the consent of the Board so far. Because most of the brick kiln units were located in HACA villages, not having approved layout plan and not meeting the siting criteria cited in the High Court of Judicature at Madras order dated : 23.10.2009.

Meanwhile, the Hon'ble Minister for Environment, Forest & Climate Change, GOI had visited Coimbatore on 24.08.2019. During the visit the Hon'ble Minister had noticed the emissions from the brick kiln units located in Thadagam valley and informed to CPCB to take necessary action.

Based on the instructions of the Hon'ble Minister for Environment, Forest & Climate Change, GOI to CPCB, the CPCB has deputed Thiru. Rajkumar. R, SEE to carry out the joint inspection of brick kiln units in Coimbatore with officials of TNPCB vide letter dated: 27.08.2019. Accordingly the brick kilns area in Thadagam valley was inspected along with Thiru. Rajkumar.R, SEE/CPCB and officials of TNPCB, Coimbatore North on 29.08.2019 regarding the status of operation of Brick kiln units and for preparation of Action plan. Further a meeting was conducted with the owners of Brick kiln at their Association building located at Thadagam and briefed about the Guidelines of CPCB and SPCB for the operation of Brick kilns. Also, the following two brick kilns were inspected 1. M/s. RSK Chamber Wire cut Bricks, SF No.491 Chinna Thadagam, Coimbatore & 2. M/s. NPK Chamber Bricks, SF No.527 Chinna Thadagam, Coimbatore and few other conventional brick making units.

Mining areas were also inspected in the surroundings. Brick manufacturer's association members have reported that the red soil is being excavated from the patta land. Almost all the brick kiln chambers are operating with fixed chimneys. No movable chimneys are being noticed. All the brick kilns are operating with Natural draft brick kiln and insisted them to convert as Induced Draft Brick Kiln (zig-zag brick setting with rectangular shape of kiln). All the brick kilns were instructed to obtain necessary approvals from the competent authority and to apply for Consent to Operate of the TNPC Board under the Water Act and Air Act.

In this regard, Thiru Rajkumar.R, SEE/CPCB had submitted the inspection report with recommendations to the CPCB as detailed below;

- a) The TNPCB to form a committee involving various departments such as Department of Geology & Mining, HACA, Forest department, SEIAA etc. to implement the following and submit an action plan in abatement of pollution due to brick kiln units within two months:
- b) Inventory of brick kiln chambers and brick block makers and directing them to obtain consents and necessary legal permission from concerned departments like HACA, mining and if required, EC from SEIAA
- c) Preparation & Implementation of guidelines for brick kiln units, which shall includes
  - Siting criteria for establishment of brick kilns such as location of land, plant machinery and brick earth mining. No brick kilns and mining activities in the path of elephants.

- Adopting zig-zag technology
  - Standards to be achieved by Brick Kiln units
  - Pollution control measures required for abatement of pollution such as, approach road within the premises of brick kiln area should be paved, using of crushed coal for better burning efficiency, staging of bricks for better baking, proper designed gravity chamber etc.
  - Green belt development in the units
  - Procedure to apply to obtain consents to establish & operate
- d) Since the manufacturing activities are in clusters, carrying capacity studied of the area is to be carried out and accordingly the activities to be allowed.
- e) Department of Geology & Mining, Govt. of Tamilnadu shall take up a survey of brick earth mining in this valley to assess the quantum of mining and its carrying capacity, to identify & confirm whether mining activities is being carried out in approved patta land as well as to stop mining activities behind 2 mts. Action plan shall be submitted in this regard to regularise mining activity and restoration of the mined area.

### **3.0 Action taken by Tamilnadu Pollution Control Board**

The Member Secretary, TNPCB, Chennai has instructed the DEE, Coimbatore North to carry out inspection and identify all the brick kilns and issue show cause notices for operating without getting consent of the Board and also instructed to carryout AAQ survey in all five Villages in the Thadagam Valley through Board's mobile van continuous AAQ monitoring station vide memo dated: 04.10.2019

#### **3.1 Ambient Air Quality Survey**

Accordingly, Ambient Air Quality survey was conducted from 09.10.2019 to 15.10.2019 through TNPC Board's mobile van continuous AAQ monitoring station for the following locations as requested by the Complainant Thiru.Ganesh S/o. R.Subbaiyan:

- Brindavan Garden S-Bend, No 24 - Veerapandi Village, Veerapandipur, Coimbatore.
- Thaneerpandal junction, Anaikatty road, Coimbatore.
- Anuvavi subramaniam thirukoil pirivu, near Periyathadagam, Anaikatti road Coimbatore.
- Panchayat office, 22 Nanjundapuram, Coimbatore.
- Govt Middle School, No-24, Veerapandi Village.

Report of Analysis of AAQ reveals that the parameters are within the limits prescribed by the Board, except PM10 (average) in the following two locations.

- Thaneerpandal junction, Anaikatty road, Coimbatore.
- Anuvavi subramaniam thirukoil Pirivu, near periya thadagam, Anaikatti Road coimbatore.

### 3.2 Inventorisation of Brick Kiln units

All the five Villages in the Thadagam Valley were inspected on 11.10.2019, 16.10.2019, 17.10.2019, 19.10.2019 & 22.10.2019 and indentified totally 183 numbers of brick kiln units were in operation. Hence, show cause notices were issued to all the 183 units under the Water (P&CP) Acts, 1974 as amended 1988 and the Air (P&CP) Act 1981, as amended in 1987, since the units were established and commissioned without the consent of TNPC Board.

### 3.3 TNPC Board's Joint Committee Inspection and its Recommendations

A committee was constituted by the Board with an objective to study the operation of Brick Kiln units in the Villages of Pannimadai, Somaiyampalayam, Nanjundapuram, ChinnaThadagam, Veerapandi villages located at Thadagam Valley in Periyayakkanpalayam Block in Coimbatore District to furnish a report on Total Pollution Management Plan. The committee consists of the members of Tamilnadu Pollution Control Board, Er. R. Vijayabaskaran, JCEE(M), Madurai, Er. G. Ravichandran, AEE, Hosur, Er. R. Dhilip Kumar, AEE, Nagapattinam, Er. D.M. Krishna Babu, AE, Ramanathapuram. Accordingly the Committee members have randomly inspected 12 Nos of brick kiln units located in Thadagam valley on 08/01/2020 and it was noted that all the brick kilns are modern one with fixed chimneys and has a capacity to produce 15000 – 25000 numbers of bricks on an average daily.

The followings were observed during inspection

- I. The brick kilns were located very near to each other and located near to habitations also.
- II. All the brick kilns were provided with fixed chimneys.
- III. No movable chimneys were noticed.
- IV. It is found that the raw material, i.e. brick earth, for the brick kilns were brought from their own mines located in the two villages namely, ChinnaThadagam and 24. Veerapandi.
- V. It is informed by the mining department that the Mining Department has stopped giving Mining Lease from year, 2012. However, the mines, which are under operation, are still remitting the royalty to Mining Department.

- VI. Most of the chambers were found to be upgraded to wire cut brick making.
- VII. The raw material, i.e. brick earth, was mixed with required amount of water and fed through a mixing machine and cut into maricks through wire cut machine. It is said that the raw bricks will be open dried for a period of 10 – 15 days before stacked in to kiln for baking. After the baking process is over, the bricks were allowed to cool for another, 7 to 10 days and then removed and dispatched to the customers.
- VIII. Both coal and fire woods were utilized as fuel.
- IX. Most of the inspected units were having their own bore wells for extracting ground water for their operation.
- X. During inspection, dust emissions were found in the following places –
  - a. Fugitive sand dust depositions were found in entire premises due to vehicle movement and movement of raw material and products.
  - b. Unloading of raw material.
  - c. Stacking and covering of raw bricks with sand.

In this regard, the committee had submitted the inspection report with recommendations as detailed below;

1. First and foremost all the 183 illegally operating brick kilns shall be closed in view of the following:
  - a. Operating without consent of the Board.
  - b. No permission is obtained for brick kilns/mines operating in HACA Village from Competent Authority.
  - c. Hon'ble High Court direction in W.P.No. 1064 of 2009 is not complied.
  - d. The direction of CPCB is not complied.
  - e. No Environmental Clearance is obtained for mining.
  - f. Ambient Air Quality Survey reveals PM10 is above the Standards.
  - g. Operation of these industries invited complaints and court cases seeking remedy for affected persons.
2. On closure, if these industries apply for Consent of Board along with valid Environmental Clearance, HACA clearance, Local body Clearance, Mining Department clearance and all other statutory authorities along with a Comprehensive Environmental Impact Assessment study followed by on Environmental Management Plan wetted by a reputed Institution, revocation of closure direction can be considered.
3. In the two court cases W.P.No. 27356 of 2019 by Thiru S. Muralidaran, Chennai, before the Hon'ble High Court of Madras and W.P.No. 28475 of 2019 filed by



Thiru.T.M.S.Rajendran,Chennai, all related departments were included. As TNPCB is also a Respondent, it is humbly submitted again to arrange to issue closure Directions to all the Brick Kilns operating illegally by way of disconnection of power supply/seal the Brick kiln through the Revenue Department and to issue necessary Directions to Department of mines to take appropriate actions to stop the illegal mining activities.

#### **3.4 Action taken to comply the TNPC Board's Joint Committee's Recommendations**

The DEE, Coimbatore North vide letter dated: 10.01.2020 has recommended to the Board to issue directions for closure, sealing of machineries and disconnection of power supply connection pertaining to 183 brick kiln units.

#### **3.5 Subsequent Actions by TNPCB**

The Assistant Director, Geology and Mining Department, Coimbatore District was requested to take action against the illegal mining in HACA declared area vide this office letter dated. 17.06.2020

Whereas, the Chairman, TNPCB has requested the Assistant Director, Department of Geology and Mining, Coimbatore to take appropriate action against the brick kiln units under the Mining Acts and Rules vide letter dated:20.02.2020, 27.06.2020 and 17.08.2020.

Further the Chairman, TNPCB has requested the District Collector, Coimbatore, the Commissioner of Town and Country Planning, Chennai and the Principal Chief Conservator of Forests & Chief Wild Life Warden, Chennai to take necessary action against the brick kilns and the mining activities who are operating in the eco sensitive area vide letter dated:09.10.2019.

Whereas, the Central Pollution Control Board had directed all the State Pollution Control Boards to follows certain guidelines for the Brick Kiln units vide letter dated:27.06.2017. Also the CPCB has requested to issue necessary directions to all the Brick Kilns in the entire state of Tamilnadu vide vide letter dated: 21.01.2021 and to furnish a status report on compliance.

In this regard, directions have been issued to all the 183 numbers of Brick Kiln Units located in Thadagam Valley, Coimbatore vide letter dated: 16.02.2021 and requested to furnish the compliance of direction issued to the office of District Environmental Engineer, Tamilnadu Pollution Control Board, Coimbatore North within 7 days time and so far most of the Brick Kilns units have furnished reply letter and requesting one year time for compliance of the directions issued.

Whereas, the Chairman, TNPCB, Chennai has requested the Director, Directorate of Geology and Mining, Chennai vide letter dated:05.03.2021 to issue necessary instructions to Assistant Director, Department of Geology and Mining, Coimbatore to take appropriate action

against the illegal Brick Kiln Units and furnish action taken report to the Tamilnadu Pollution Control Board.

#### 4.0 Court Case

A Writ Petition No.27356 of 2019 filed before the Hon'ble High Court of Madras by Mr. S. Muralidharan, Son of Mr.P.Sivalingam, 2A, 3rd Main Road, Kottur Gardens, Chennai Vs 1. Principal Chief Conservator of Forests & Chief Wildlife Warden, Department of Forests, Govt. of Tamil Nadu, 2. The Chief Secretary, State of Tamil Nadu, 3. District Collector, Coimbatore District, 4. Principal Secretary/The Chairman, The Tamil Nadu Pollution Control Board, 5. The Commissioner, Department of Geology and Mining, Chennai & 6. The Government of India, ministry of Environment, Forest and Climate Change, New Delhi with a prayer to Honorable High Court of Madras to direct the 1st respondent to identify and secure the elephant corridor and to direct the 4th & 5th respondents to close all the illegal brick kilns operating in Thadagam valley.

Further an another Writ Petition No.28475 of 2019 was filed before the Hon'ble High Court of Madras by Mr. T.M.S.Rajendran, Son of late Subbiah Gowder, No.4/15, North Street, Chinnathadagam Post, Coimbatore Vs The Chairman/Principal Secretary, Tamil Nadu Pollution Control Board, Chennai, The District Environmental Engineer, Tamil Nadu Pollution Control Board, Coimbatore and other 11 officials with a prayer to close down the illegal brick kilns functioning in the 5 villages and to direct the 6th & 13th respondents to disconnect power supply to the illegal brick kilns in the 5 villages and to constitute a committee to assess the damage done to the ecology and general public by the illegal brick kilns in all 5 villages.

#### 5.0 Action taken by TNPCB along with the District Administration to comply the orders passed by the Hon'ble Madras High Court dated : 06.01.2021 and 10.02.2021 in W.P.No.27356 of 2019 and 28475 of 2019


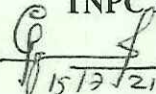
As directed by the Hon'ble First Bench of Madras High Court dated 06.01.2021 and 10.02.2021 in W.P.No.27356 of 2019 and 28475 of 2019, the steps taken by the District Administration for closure of Brick Kilns operating in Veerapandi, Thadagam, Somayampalayam, Nanjundapuram and Pannimadai villages of Coimbatore North Taluk, Coimbatore District and other steps taken are detailed as follows:

- i. In this regard, the District collector Coimbatore has asked the Assistant Director, Geology and Mining vide Roc.No.5329/2021/1 dt: 04/03/2021, with a copy to District Forest Officer, District Environmental Engineer, Revenue Divisional Officer, Tahsildar and Block Development Officer, to take immediate action to identify the units in coordination with Forest Department, Local bodies and Revenue department. A detailed action taken report

after taking action against encroachment should be sent before 10/03/2021 which is to be filed by the Chief Secretary to the Hon'ble High Court within six weeks as the matter has been posted to 31/03/2021.

- ii. Subsequent to this, a meeting was convened by the District Collector, Coimbatore on 08.03.2021. A meeting was again convened by the District Collector on 16/03/2021 and discussed about the action plan to be implemented on the illegal brick kiln units
- iii. The District Collector, Coimbatore vide letter Rc.No.5329/2021 dated 17.03.2021 ordered the Tahsildar, Coimbatore North to close down and seal the Brick Kiln Units functioning in the Elephant corridor Thadagam Valley (Veerapandi, Thadagam, Somayampalayam, Nanjundapuram and Pannimadai villages) Coimbatore North Taluk, Coimbatore District and to furnish the action taken report.
- iv. The Executive Engineer, TANGEDCO has been directed to disconnect the electricity given to the Brick Kiln Units with immediate effect.
- v. The Assistant Director of Geology and Mining, Coimbatore and the District Environmental Engineer, Coimbatore North have been directed to coordinate with the Departments concerned and to submit an action taken report in this regard.
- vi. Closure orders were issued on 19.03.2021, 24.03.2021 and 25.03.2021 to all the 186 brick kiln units operating in the areas without obtaining Registration certificate from the District Collector and without obtaining necessary permission from the District Collector as required under sub-rule(2) of Rule 19 of the Tamil Nadu Minor Mineral Concession Rules, 1959 were banned from carrying out any activities from 19.03.2021 onwards and notices have been properly served/posted in respect of the 186 brick kiln units.

This is submitted for favour of kind information please.

  
District Environmental Engineer  
TNPC Board, Coimbatore North  
  
15/7/21



**THE HON'BLE NATIONAL GREEN  
TRIBUNAL SOUTHERN ZONE,  
CHENNAI.**

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**INDEPENDENT REPORT OF THE  
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OF O.A.NO.119 OF 2021**

**Advocate for Respondent: - TNPCB  
Thiru.C. Kasirajan,  
Advocate, Chennai.**

**Date:15.07.2021.**

**Next date of hearing on :16.07.2021**

