

W.P.No.27356 of 2019
and WMP Nos.9090, 10794 of 2021, 30994 of 2022 and 847 of 2023
and W.P.No.28266 of 2022 & W.M.P.No.27566/2022

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N.SATHISH KUMAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

Order Dated : 19.01.2023

ILLEGAL BRICK KLINS

When the matter was taken up today, the learned counsel Mr.N. Sridhar appearing for the private bricklin owners submitted that as the Appellate Authority viz., The Commissioner, Department of Geology and Mining has passed an order permitting for removal of the bricks which were already manufactured, the blanket stay granted by this Court is causing prejudice. According to him, if the removal of the manufactured bricks is not done, the bricks will go waste and causing huge loss to the manufacturers. Therefore, his contention is that the interim order passed by this Court has to be modified, permitting the manufacturers to remove the bricks as directed by the Commissioner of Geology and Mining Department.



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2. The Status Report filed by the Collector of Coimbatore indicates that Brick Klins have not started operating or functioning, however, some of the Brick Klin owners have started transporting already manufactured bricks based on the order of the Commissioner of Geology and Mining after paying the first instalment of penalty. It is further stated in the report that subsequent to the Orders of this Court, necessary instructions have been given to the Revenue Divisional Officer, Coimbatore North, the Tahsildar, Coimbatore North and the Inspector of Police, Thadagam, to take necessary action to prevent any new manufacturing or the transportation of the bricks. It is relevant to note that the Collector of Coimbatore has passed an order for closure of all Brick Klins operating illegally in the villages around Thadagam.

3. This Court in a batch of writ petitions in W.P.No.9606 of 2021, 9726 of 2021 etc., has passed a detailed order on 30.4.2021 holding that none of the Brick Klins have the pre-requisite licence from various authorities including consent from the Pollution Control Board; Noting that the Brick Klin operators are carrying out the business for many decades without obtaining any licence from any of the authorities as required under



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law, this Court has directed the District Collector of Coimbatore to take action against Brick Klins, including the petitioners in those writ petitions, if it is found that the same are operated without any license/clearance in the manner known to law.

4. Pursuant to the above directions of this Court vide order dated 30.04.2021, the District Collector, Coimbatore, has passed orders noting various violations committed by the manufacturers of bricks and passed an order of closure of illegally operated Brick Klins. Now, it appears some of the aggrieved persons filed appeals before the Director of Geology and Mining under Section 36(c)(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959. Not stopping with that, they have also filed Writ Petitions in W.P.Nos.8694, 8695, 8697, 8698, 8888, 8885, 8867, 8855, 8838, 8846 and 8923 of 2022 for seeking direction for early disposal of the appeals pending before the Director of Geology and Mining. This Court, by Order dated 13.04.2022, has directed the Appellate Authority to dispose of the appeals as expeditiously as possible.

5. Pursuant to the above directions of this Court, the Commissioner of



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Geology and Mining passed an order imposing penalty at various levels to each of the appellants and permitted them to manufacture as well as to transport already manufactured bricks.

6. It is the contention of the learned counsel Mr.SP. Chockalingam, that pursuant to the above order, the illegal mining activities have started again and bricks have been removed and transported to various other areas. It is relevant to note that the issue pertaining to the illegal mining is already seized by the Hon'ble National Green Tribunal in O.A.No.119 of 2021(SZ). After considering the seriousness of the issue, the Hon'ble National Green Tribunal has constituted a Joint Committee and directed submission of a report. The Joint Committee while filing their report has assessed the interim environmental compensation as Rs.376.74 Crores. The above issue is still pending before the National Green Tribunal.

7. In the meanwhile, the Pollution Control Board has also fixed the compensation at various levels depending upon the nature of the mining done by the individual operators. The Status Report filed by the District Collector, Coimbatore also indicates that the order passed by the Director of



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Geology and Mining is kept in abeyance as per the instructions of the
Hon'ble National Green Tribunal.

8. Since, the Brick Klins have been operated for many years, the National Green Tribunal is already seized of the matter and constituted a Committee which has also arrived an interim environmental compensation, the matter has to be decided by the National Green Tribunal. We are of the view that insofar as the issue pertaining to illegal operation of the Brick Klins in Thadagam Valley and other places, the National Green Tribunal can look into the matter and take into consideration of the Report filed by the Joint Committee.

9. In such a view of the matter, the National Green Tribunal is requested to expedite and decide the issue on its own merits. Till such time the interim order passed by this Court shall continue.

10. It is relevant to note that even when the permit has been obtained for quarrying the minerals, as per Rule 36(5)(f) of the Tamil Nadu Minor Mineral Concession Rules, 1959, after the expiry of the period of the



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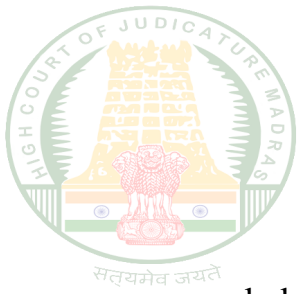
quarrying permit or quarrying lease granted, no one is entitled to remove any materials from any land. Such being the position, the petitioners have quarried without any licence for these years, cannot seek for removal of bricks from the said site.

11. With regard to the filing of the report relating to the nature of pits dug in the area where 171 Brick Klins were operated and closed, the learned Additional Advocate General seeks further time to file report. Hence Post the matter on 14.02.2022

DISCONNECTION OF ELECTRICITY

1. With regard to the disconnection of electricity of the units which were/are under operation without the consent of Pollution Control Board, we have suo motu impleaded the Superintending Engineer (Coimbatore North), Tamilnadu Generation and Distribution Limited (TANGEDCO), Tatabad, Coimbatore, as respondent in W.P.No.27356 of 2019. The Registry is directed to carry out necessary amendment in this regard and post the matter on 14.02.2023

2. Learned Additional Advocate General Mr.R. Ravindran takes notice



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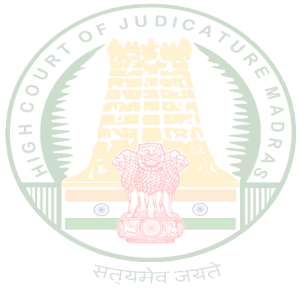
on behalf of the Superintending Engineer, CBE North, TANGEDCO, Coimbatore and seeks time to get instructions whether any action has been taken pursuant to the proceedings of the Tamil Nadu Pollution Control Board dated 20.12.2022, for disconnecting the electricity connection to the illegally operating Brick Klins. The Superintending Engineer, Coimbatore North, can act on the basis of the orders of the Tamil Nadu Pollution Control Board forthwith. The Superintending Engineer, CBE North, TANGEDCO, Coimbatore is directed to file report with regard to the action taken. Post the matter on 14.02.2023

W.M.P.No.847 of 2023

1. This Writ Miscellaneous Petition is filed to implead the Petitioner as Respondent in the main Writ Petition. Since we have already directed the National Green Tribunal to expedite the issue, we are of the view that the petitioner may implead himself in the case pending before the National Green Tribunal. With the above observation this Writ Miscellaneous Petition is closed. No costs.

(N.S.K.,J.) (D.B.C.,J.)
19.01.2023

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