

## DIRECTORATE OF GEOLOGY AND MINING

From  
Thiru L.Nirmal Raj, I.A.S.,  
Director of Geology and Mining,  
Guindy, Chennai-32.

To  
1) All District Collectors,  
2) All Deputy Directors/Assistant  
Directors of Geology and Mining  
in the Districts.

Lr.No.7240/MM6/2019 dated 30.07.2021

Sir,

Sub: Mines and Minerals – Minor Minerals – grant of barrow area permission for Road projects of NHAI – expediting the pending approvals for NHAI - instructions issued by the Government – reg.

- Ref:
1. Orders of the Hon'ble Madurai Bench of Madras High Court dated 12.02.2021 in W.P(MD) No.20903 of 2016, 23452, 24495, 17370 and 18035 of 2019.
  2. Special Leave Petitions (Civil)Nos.006359 to 006363 of 2021 filed by the District Collectors before the Hon'ble Supreme Court.
  3. This office Lr.No.2196/MM1/2021, dated 31.03.2021 addressed to the Government
  4. The Chief Secretary to Government Lr.No.2370/MMC.1/2021-2, Industries Department, dated 27.04.2021 addressed to all District Collectors.
  5. Letter No.NHAI/11015/213/2017/RO Chennai/1626, dated 17.06.2021 received from the Regional Officer, National Highways Authority of India, Chennai.
  6. This office Lr.No.7240/MM6/2019, dated 19.06.2021 addressed to the Government.
  7. Government Lr.No.2370/MMC.1/2021-3, Industries Department, dated 29.07.2021.

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Kind attention is invited to the references cited.

2) The MoEF Notification dated 28.03.2020 provides exemption of certain cases from requirement of environmental clearance. Clause 6 and 7 of Appendix IX of the said notification are extracted below;

*“6. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc.*

*7. Dredging and desilting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.*

3) The National Green Tribunal, Principal Bench, New Delhi by order dated 28.10.2020 in O.A.No. 190 of 2020 has directed the MoEF&CC to revisit the impugned notification in the light of the observations made in respect of exemptions granted under Clauses 6 and 7 of the Appendix IX of the Notification dated 28.03.2020.

4) The Hon'ble Madurai Bench of Madras High Court by Common Order dated 12.02.2021 disposed the Public Interest Litigations in W.P.(MD) No.20903 of 2016, 23452, 24495, 17370 and 18035 of 2019 directed the Government among others that:-

*i. There shall not be any grant of quarry lease without ascertaining the composition / component of the minerals and without obtaining a report from a authorized lab. The Department of Geology and Mining shall establish a lab on its own or shall authorize any lab in this regard.*

*ii. Any quarry operations shall be permitted only by way of lease agreement as per Article 299 (1) of the Constitution of India.*

5) In the reference 5<sup>th</sup> cited, the Regional Officer, National Highways Authority of India, Chennai has furnished the details of District wise and Project wise requirement of borrow earth identified in Patta and Government poromboke lands and requested to expedite the permission of borrow areas and subsequent completion of the project.

6) In the reference 6<sup>th</sup> cited, the Government have been requested to address the Law Department for offering their opinion in the matter of grant of quarry leases/permissions for removal of earth from the borrow areas identified in patta and Government poromboke lands for completion of the projects of NHAI, in the light of the orders passed by the Hon'ble National Green Tribunal dated 28.10.2020 in O.A.No.190 of 2020 and the Common Order passed by the Hon'ble Madurai Bench of Madras High Court dated 12.02.2021 in W.P.(MD)No.20903 of 2016, 23452 of 2019 etc.

7) In the reference 7<sup>th</sup> cited, the Government have informed that the Ministry of Environment, Forest and Climate Change, Government of India has filed a report before the Hon'ble National Green Tribunal reiterating their earlier stand taken in the notification dated 28.03.2020 regarding exemption of certain cases from obtain environmental clearance, particularly revisit of clause 6 & 7 and that no further orders have been passed by the Hon'ble National Green Tribunal in this matter. Further, clauses 6 & 7 have not been setaside by the National Green Tribunal and the Ministry of Environment and Forest and Climate Change has also not withdrawn the said clauses. Moreover, it is considered that the bonafide public purpose works such as the projects of NHAI/State High Ways are not covered in the order of the Hon'ble Court.

8) The Government have requested to pursue necessary action to clear the bonafide public purpose works including the projects of NHAI/State Highways and to get the soil tested in the regional laboratories of Highways Research Station (HRS), Highways Department, Tamil Nadu or other testing labs authorized by the Director of Geology and Mining.

9) In this connection, the following instructions are issued in connection with the disposal of applications preferred by NHAI/State Highways for grant of quarry leases for minor minerals.

- i. Necessary action has to be initiated to clear the bonafide public purpose works including the Projects of NHAI/State High Ways and to get the soil tested in the Regional Laboratories of Highways Research Station (HRS), Highways Department, Tamil Nadu or other testing labs authorized by the Director of Geology and Mining.
- ii. The laboratories of the State and Union Government authorized for testing of samples and for obtaining of report on the composition/component of the minerals in the samples are enclosed in the Annexure to this letter.
- iii. No quarry lease shall be granted in areas where the test results indicates the presence of Sand in the composition.
- iv. No quarry leases shall be granted in the patta lands adjoining to the rivers, streams, canals etc.,
- v. The minimum period for grant of quarry lease for quarrying Gravel and Earth from patta lands in respect of the applications preferred under Rule 19 (1) shall not be less than one year and the maximum period shall not exceed three years as stipulated under Rule

20 of Tamil Nadu Minor Mineral Concession Rules, 1959.

- vi. No permission shall be granted for quarrying Gravel, Earth etc., in patta lands for a period less than one year.
- vii. Lease deed shall be executed in the Form set out in Appendix IV or Appendix V to the Tamil Nadu Minor Mineral Concession Rules, 1959 wherever applicable and got registered as stipulated under Rule 34 of TNMMCR, 1959.

**Encl:** Annexure

**Sd/-L.Niramal Raj,  
Director of Geology and Mining**

**/Forwarded/By Order/**

*S. J.* 30.7.2021  
**Deputy Director**

Copy submitted to

1. The Principal Secretary to Government,  
Industries Department,  
Secretariat,  
Chennai-600 009.
2. The Principal Secretary to Government,  
Highways Department,  
Secretariat,  
Chennai-600 009.

Copy to

The Regional Officer,  
National Highways Authority of India,  
Chennai

## Annexure

S.No.	Name of the Laboratory
1	Department of Geology and Mining, Government of TamilNadu, Industries Department, Alandur road, Guindy Industrial Estate, Chennai.32 Phone: 044 2250 1873/74 Email: <a href="mailto:cgmchennai32@gmail.com">cgmchennai32@gmail.com</a>
2	Chemical Testing And Analytical Laboratory, Dept. of Industries and Commerce, Government of Tamil Nadu Guindy Industrial Estate, Chennai.32 Phone: 044 2250 1641 Email: <a href="mailto:jd.ctal@gmail.com">jd.ctal@gmail.com</a>
3	Regional Testing Laboratory, Mellur, Industrial Estate, K.Pudur, Madurai 625 020 Ph.0452 2566588 Email: <a href="mailto:rtlmadurai@gmail.com">rtlmadurai@gmail.com</a>
4	Regional Testing Laboratory, Avinashi Road, Civil Aerodrome Post, Coimbatore 641 014 Ph.0422 2627065 Email: <a href="mailto:rtlcoimbatore@gmail.com">rtlcoimbatore@gmail.com</a>
5	Regional Testing Laboratory, Beach road, Thoothukudi – 638 001 Ph. 0461 2320944 Email: <a href="mailto:rtlthoothukudi@gmail.com">rtlthoothukudi@gmail.com</a>
6	Regional Testing Laboratory, Anaimedu, Salem – 635 001 Ph. 0427 2295218 Email: <a href="mailto:rtlsalem@gmail.com">rtlsalem@gmail.com</a>
7	Regional Testing Center (SOUTH) Ministry of MSME,GOI 65, 1, Grand Southern Trunk Rd, opposite Road To balaji hospital, Guindy Industrial Estate, Poomagal Nagar, Guindy, Chennai, Tamil Nadu 600032

	Ph.9092256629 044 - 22500634/539
8	National Test House (SR) CSIR Road, Tharamani, Chennai, Tamil Nadu 600113 Phone: 044 2243 2374 Email: <a href="mailto:nthsr@tn.nic.in">nthsr@tn.nic.in</a>
9	Department of Civil Engineering , Division of soil mechanics and foundation engineering Anna university, Guindy, Chennai.25 Email: <a href="mailto:muttharam@annauniv.edu">muttharam@annauniv.edu</a>
10	Dept of Civil Engineering , National Institute of Technology Trichy -620015 04312503168 9443651836 Email: <a href="mailto:kmk@nitt.edu">kmk@nitt.edu</a> & <a href="mailto:drkmkritt@gmail.com">drkmkritt@gmail.com</a>
11	Dept of Civil Engineering, University College of Engineering, (Constituent college of Anna university) , Maangarai Pirivu, Reddiyarchatram, Dindigul-624622 Ph.0451 2554066 Web: <a href="http://www.auucedgl.ac.in">www.auucedgl.ac.in</a>
12	Govt College of Technology , Thadagam Main Rd, Tamil Nadu Agricultural University, Coimbatore, Tamil Nadu 641013 Phone: 0422 243 2221
13	Government College of Engineering, NH 44, Karuppur, Salem Tamil Nadu 636011 Phone: 0427 234 6157
14	Government College of Engineering, Chettikarai, Dharmapuri Tamil Nadu 636704 Phone: 04342 295 004
15	Bureau of Indian Standards, Southern Regional Office laboratory, 4 <sup>th</sup> Cross Road, CIT Campus, Taramani, Chennai 600 113 Mobile 8838145765 Email: <a href="mailto:srol@bis.gov.in">srol@bis.gov.in</a>