

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI
APPLICATION No.10 OF 2021

BETWEEN

PHINTO P.A & ANOTHER

: APPLICANTS

Vs.

UNION OF INDIA AND OTHERS

: RESPONDENTS

REPLY STATEMENT BY THE 6TH RESPONDENT REPRESENTED BY
MANAGING DIRECTOR

T.H.Abdul Azeez (A-3)K/149/70

&

Mohammed Sadique.T.A. (M-635)K/171/2002

M/s T.H.Abdul Azeez & Associates,

Advocates, Ashirwad, M.M.Road,

Kochi – 682 018

Counsel for the 6th Respondent



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI
APPLICATION No.10 OF 2021

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PHINTO P.A & ANOTHER

: APPLICANTS

Vs.

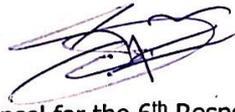
UNION OF INDIA AND OTHERS

: RESPONDENTS

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Dated this the 04th day of August, 2021


Counsel for the 6th Respondent
Mohammed Sadique.T.A.

For EDATHADAN GRANITES PVT. LTD.


Managing Director



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI
APPLICATION No.10 OF 2021

IN THE MATTER BETWEEN

1. Phinto.P.A, aged 31 years, S/o Alppu,
Residing at Panokaran House, Ombathungal,
P.O Mattathur, Thrissur district, Kerala – 680 684
Ph: 09747332687, Email: legalfriend@gmail.com
2. Rijoy K.J, aged 27 years, S/o Joseph,
Kannampuzha, Ombathungal,
P.O Mattathur, Thrissur district, Kerala – 680 684
Ph: 09747332687, Email: legalfriend@gmail.com

.....**APPLICANTS**

AND

1. Union of India represented by the Secretary,
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhavan, Jor Bagh, New Delhi – 110 003
Ph: 011-24695265, Email: secy-moef@nic.in
2. State of Kerala, represented by Additional Chief Secretary,
Department of Forests and Wildlife, Secretariat,
Thiruvananthapuram, Kerala – 695 001
Ph: 0471-2330363 Email: acs.forest@kerala.gov.in
3. Principal Chief Conservator of Forests (Head of Forest Force)
Forest Headquarters, Vazhuthacaud, Thiruvananthapuram,
Kerala – 695 014
Ph: 0471-2339593 Email: pccf.for@kerala.gov.in
4. Director of Mining and Geology,
Directorate of Mining and Geology,
Kesavadasapuram, Pattom Palace.P.O,
Thiruvananthapuram, Kerala – 695 004
Ph: 0471-2556119 Email: director.dir.dmg@kerala.gov.in
5. Divisional Forest Officer, Chalakkudy.P.O,
Thrissur district, Kerala – 680 307
Ph: 0480-2701340 Email: dfo.clkdy.for@kerala.gov.in
6. M/s Edathadan Granites (Private) Limited,
Represented by its Managing Partner, Ombathungal,



For EDATHADAN GRANITES PVT. LTD.


Managing Director

Mattathur.P.O, Thrissur district, Kerala – 680 684

Ph: 0480-2655200 Email: edathadan.granites@gmail.com

.....**RESPONDENTS**

**REPLY STATEMENT BY THE 6TH RESPONDENT REPRESENTED BY
MANAGING DIRECTOR**

I, Ananthakrishnan Shajan, aged 26 years, S/o Late Shajan E. N., residing at Edathadan House, Aloor P. O., Thrissur district, Kerala – 680 683, Managing Director, Edathadan Granites, do solemnly state as follows:-

1. I am the Managing Director in the 6th Respondent firm in OA 10 OF 2021 and I am duly authorised to sign this affidavit. I know the facts of the case and as such I am duly competent to swear to this affidavit.
2. That all the averments contained in the original application and the grounds stated therein save those that which are specifically admitted hereunder are denied.
3. That the 6th respondent is conducting a granite quarry in the impugned site since 2015. The 6th respondent is conducting the quarry holding valid Environment Clearance granted by the MoEF & CC on 12.03.2015. The 6th respondent quarry also has valid consent to operate from the Kerala State Pollution Control Board. The Panchayath licence, quarrying lease and all other clearances and licences required from various statutory authorities are held by the 6th respondent. The said EC, CTE, CTO, Panchayath license, copy of lease, licence from Explosive Department, Health Department clearance, are attached herewith that is **Annexure – R6- 1 to R6 -9**.
4. The main grievance in the OA seems to be on the ground that Environment Clearance Annexure A1 granted by the 1st respondent is vitiated due to the reason that the 6th respondent had deliberately suppressed material information regarding the land which according to the Applicant is still holding the status of a *reserve forest*. The Applicants have gone on to further raise the contention that the said land being a reserved forest, the mining conducted therein violates Section 2 of the Forest (Conservation) Act,1980 as well as the Kerala Land Assignment (Regularization of Occupation of Forest Lands prior to 01.01.1977) Special Rules,1993.

PRELIMINARY OBJECTION



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5. (i) It is humbly submitted that the Original Application is not maintainable as any grievance of the **R6 1** Environmental Clearance issued to the 6th respondent has to be challenged by way of an appeal before the Hon'ble NGT under section 16 (h) of the NGT Act, 2010. The Applicant has in grounds D, E & F specifically pleaded that the issue of the Environmental Clearance granted to the 6th Respondents by the 1st Respondent MoEF as illegal and hence has to be cancelled. As stated above any challenge to the Environmental Clearance has to be challenged only by way of appeal and not otherwise.

(ii) Further, it is humbly submitted that the time frame for filing appeals as per Section 16 of the NGT Act, 2010 provides for thirty days from the date of the order/clearance granted or from date of communication of the order/communication. A further period of sixty days is also granted to the aggrieved persons at the discretion of the Hon'ble Tribunal. The Annexure **R6-1** Environmental Clearance was granted to the 6th Respondent on 12.3.2015. The 6th respondent has been continuing quarrying activity since then. Being so the period of limitation to file an appeal starts from 12.3.2015 and ends on 11. 4.2015. The Applicants therefore have missed the bus and can no longer challenge the Environment Clearance under any circumstance. Further, paragraph 12 of the Annexure A1 clearance states clearly that any appeal against the EC will lie before the Hon'ble NGT under Section 16 within a period of 30 days. Therefore, by no stretch of imagination will an Application filed under Section 14 & 15 read with Section 18 of the NGT Act lie challenging the validity of an Environmental Clearance. The Applicant further has relied on the Civil Appeal 12251 of 2018 Hanuman Laxman Aroskar v UOI filed before the Supreme Court u/s 22 of the NGT Act which is the provision under which the Supreme Court exercises its appellate jurisdiction over the NGT. Therefore, the Applicant is well aware that he can only challenge the Environmental Clearance granted to the 6th Respondent by way of an appeal and not otherwise.

(iii) Further, to invoke the original jurisdiction of the Hon'ble Tribunal under section 14, the Applicant should have filed the application within six months from the date in which the cause of action first arose as stated in Section 14 sub clause(3) of the NGT Act,2010. **Annexure A 5** produced by the Applicant is a letter communication dated 24.4.2014 by the 5th Respondent Divisional Forest Officer, Chalakudy, Kerala addressed to the District Collector, Thrissur, Kerala wherein he mentions about the complaint raised by residents of Mattathoor Panchayat wherein the quarry is located. This shows that the

For EDATHADAN GRANITES PVT. LTD.




Managing Director

Applicants were aware of the working of the quarry since 2014. Therefore, they have no locus whatsoever to approach at this late stage stating continuous violation as the NGT Act does not allow such a Application.

(iii) Further, it is humbly submitted that the Applicant has nowhere stated the nature of the pollution caused or any instance of damage caused to the environment due to the working of the industry. This shows that the Application is only limited to the challenge of statutory licenses and clearances given by the Authorities. Challenge to the clearances and other statutory licenses are provided under the various acts and rules under which they are issued and since every statutory license or permits or clearances have an appeal provision there exists an effective alternate remedy for the Applicants. Invoking of original jurisdiction of this Hon'ble Tribunal is therefore unwarranted and need not be granted under any circumstances.

(iv) The Applicants further have pleaded that the 6th respondent is carrying on quarrying activities in violation of Section 2 of the Forest (Conservation) Act, 1980 and the Kerala Land Assignment (Regularization of Occupation of Forest Lands prior to 01.01.1977) Special Rules, 1993. The said section and rules pertain to the assignment of lands which were previously marked as forest areas in the forest records to be converted into revenue lands and given to the persons who have occupied it since a particular date for use for non-forest purposes. The Applicant has rightly pointed out that the Kerala Land Assignment (Regularization of Occupation of Forest Lands prior to 01.01.1977) Special Rules, 1993 was passed after getting the prior approval from the Central Government. Accordingly, the lands that were previously *reserved forests* were de- reserved and treated as revenue lands and *patta* or title deed was given to the same. But then the Applicant goes on state that even though the land was given by virtue of *pattayams*, the said land remains as a forest land where no non forest activities can be conducted. To substantiate this contention the Applicant relies on Travancore Forest Act, II of 1068, Travancore-Cochin Forest Act, 1951 (III of 1952) both of which were replaced by the Kerala Forest Act, 1962 and arrives at the conclusion that reserve notifications issued under the Travancore Forest Act, II of 1068 and the Travancore-Cochin Forest Act, 1951 (III of 1952) are invariably still in force and hence the lands assigned under the Kerala Land Assignment (Regularization of Occupation of Forest Lands prior to 01.01.1977) Special Rules, 1993 are still *reserve forests*. It is humbly submitted that this Hon'ble Tribunal being a statutory tribunal is bound by the Statutes specified



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under Schedule II of the NGT, Act, 2010. Being so none of the statutes relating to the forests laws specific to the state of Kerala can be adjudicated upon by this Hon'ble Tribunal and the Hon'ble Tribunal has rightly held so in a plethora of decisions and has been echoed by the Hon'ble Supreme Court as well. The nature of the land whether it still continues to be forest or otherwise can be decided only by the jurisdictional High Court of Kerala by deciding on the vires of the Kerala Land Assignment(Regularization of Occupation of Forest Lands prior to 01.01.1977) Special Rules,1993.

(v) It is humbly submitted that the impugned land had been assigned to the 6th respondents predecessors well before the Special Rules, 1993 and well before the Forest (Conservation) Act of 1980 came into force. Being so the said land is in the hands of the revenue department and tax is being paid by the 6th respondent for the same. The Applicant through this Application is also challenging the title conferred on the *patterdars* by the State of Kerala by stating that this land belongs to the *reserved forest* category. Such a challenge again cannot be entertained by this Hon'ble Tribunal under Section 14,15 and 18 of the NGT Act,2010.

(vi) It is humbly submitted further that the Applicant is challenging the interpretation of '*non-forest activity*' as defined in Kerala Land Assignment (Regularization of Occupation of Forest Lands prior to 01.01.1977) Special Rules,1993. The Applicant goes on to quote the Hon'ble High Court of Kerala in Mahindra Holiday Resorts India Ltd v State of Kerala &Ors ,2019(2) KLT 978 wherein it was held that *patta* granted could be cancelled if there was a breach of purpose of assignment and commercial activity. This decision by the learned single bench has been challenged by way of writ appeal and is pending before the Hon'ble High Court of Kerala. Further, the decision on the validity of *pattayams* cannot be challenged before this forum as it involves interpretation of a State legislation and hence does not find place in Schedule II of NGT Act, 2010 as stated earlier.

(vii) Further, it is humbly submitted that the Applicants have not approached this Hon'ble Tribunal with clean hands. Apart from the fact that the Applicants have no locus to file this Application seven years from the date of cause of action and the other grounds that have been enumerated above , the Applicants and their friends have filed a WP (C) No.24806 of 2019 and vide judgement dated 6.8.2020 the same was partly allowed. Copy of the WP and the judgement are attached to herewith as **Annexure R6-10 and R6 -11**. The Petitioners in the WP and the Applicants in the OA are closely associated with one another by the simple fact that in Exhibit R13 produced by the them



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also is seen to be signed by the Applicant Pinto herein. Further, pursuant to the orders of this Hon'ble Tribunal dated 12.1.2021 the expert formed had called for a hearing and one Mr. Sajin John, S/o John, Poonkavanam House, Pady P.O, Thrissur Dist, represented the 1st Applicant Pinto P.A. It is to be noted that the said Sajin John is the 2nd Petitioner in the Writ Petition produced as **Annexure R6-10**. The 6th respondent further has filed a WA No.1145/2020 before the Hon'ble High Court of Kerala challenging the **Annexure R6- 11** judgement. Vide order dated 26.8.2020 the said judgement of the single judge in the WP was stayed by the Chief Court through a detailed order. Copy of the WA and the interim order are produced herewith as **Annexure R6-12 &R6-13**. The said WA is pending before the Hon'ble High Court. The Hon'ble High Court is seized of the same issues raised herein in the said WA.

(viii) It is humbly submitted that the 6th respondent has filed a WP (C) NO.641 of 2020 challenging a stop memo issued by the DFO, Chalakudy/5th respondent herein to the 6th respondent against the working of the quarry without NOC from the 5th respondent. Vide order dated 6.2.2020 the said stop memo was quashed holding that no clearance from the DFO is needed to operate the impugned quarry. The copy of the stop memo issued by the 5th respondent and the order of the Hon'ble High Court are produced herein as **Annexure R6-14 & 15**. The said order has reached finality as no appeal has been filed by the 5th respondent against the same. It is humbly submitted that the Annexure **R6-13** interim order also incorporates the finding in **AnnexureR6-15** judgement.

(ix) It is trite law that once the Superior Court is seized of a matter then the lower forums may not interfere with the same subject matter until disposal by the High Court. In the instant case the Annexure R6 -12 WA is pending before the Hon'ble High Court hence the present Application may not be entertained so that contrary orders may not be passed in the same subject matter.

WITHOUT PREJUDICE

6. It is humbly submitted that the 6th respondent project proponent has been conducting mining in the impugned area since 2015 following all the condition laid down in the mining plain and all the other licences and clearances issued by the various concerned authority. The said land on which the quarry is being conducted was being transferred from the forest department the revenue department of the government of Kerala.



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7. The lands in question were transferred from the forest department to the revenue department of the Government of Kerala. The revenue department had issued *pattas* to the predecessors in interest of the project proponent well before the coming into force of the Forest (Conservation) Act, 1980. The quarrying operations are being carried out under the strength of a valid Environmental Clearance issued by the MoEF & CC as back as in 12.03.2015. Moreover, a valid quarrying Lease was executed after remitting prescribed stamp duty between the Governor of Kerala and this project proponent based on the proceedings of the Director of Mining and Geology dated 07.05.2015, a copy of which was marked to various authorities including the District Collector, Thrissur and the Tahsildar, Chalakkudy.

8. The 6th Respondent further submits the following on merits as a preliminary counter to the allegations raised by the Applicants as well as to the questions posed by the Hon'ble Tribunal and states:

- 1) The *patta* documents does not specify any such specific purpose for assignment. Reliance is placed on Condition No. 15 of the *patta* document which reads as:

The existing and customary rights of Government and the public in roads and paths and rivers, streams and channels, running through of bounding the land and the right of Government to a share in mines and quarries subjacent to the said land are reserved and are in no way affected by the grant.

It is humbly submitted that it is by virtue of this that the Government could have issued a valid Quarrying Lease in favour of this project proponent.

- 2) The project proponent procured the lands from various pattadars on the strength of assignment deeds issued in their favour by the Revenue department of the Government of Kerala before the coming into force of Forest (Conservation) Act, 1980. The project proponent was holding the land on the strength of valid registered title deeds and was remitting the statutory land tax to the Revenue authorities. There was nothing prompting the project proponent to make any false representation with regard to the land owned and held by him. In **Annexure A6** the answer to query number 3 given by the State Public Information Officer & Senior Superintendent,



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Divisional Forest Office, Chalakkudy to the applicant no. 1 in O. A. 10/2021 in his application under the Right to Information Act, 2005 substantiates this aspect. The said reply dated 23.11.2020 reads as: "The mentioned Survey Nos. were forest land and was assigned through pattayams". The Forest department themselves admit in the Counter Affidavit filed before the Hon'ble High Court of Kerala in W. P. (C) 641 of 2020 (@ page 2 paragraph 5) that the land was transferred to the Revenue department and pattas were issued to the lands in question invoking provisions of the Kerala Land Assignment Rules, 1964.

- 3) It is submitted that the assignment was not after the coming into force of the Forest (Conservation) Act, 1980. Assignment was prior to 25.10.1980 and hence it cannot be made applicable. The Forest department themselves have come on record before the Hon'ble High Court of Kerala that the assignment was under the Kerala Land Assignment Rules, 1964 as stated earlier.
- 4) It is submitted that all the issues raised herein were already investigated by different authorities including the District Collector, Thrissur and the Deputy Director of Mining and Geology, Government of Kerala and nothing adverse had been reported.
9. It is humbly submitted that the said OA is liable to be dismissed based on the facts and law enumerated above and that the said OA has been filed for the sole purpose of causing harm to the 6th Respondent for not agreeing to the extraordinary demands of the Applicants and that said OA has been filed only in search of forums seeking better reliefs since the said OA has been filed just as soon as the Hon'ble High Court granted an interim order in favour of the 6th Respondent.
10. That the 6th respondent reserves his right to file an additional counter and documents with the permission of the Hon'ble Tribunal if thought necessary at a later stage.

It is humbly prayed that the Hon'ble Tribunal may dismiss the OA with costs at the earliest and thus render justice.

All the facts stated above are true and correct to the best of my knowledge and information and belief



For EDATHADAN GRANITES PVT. LTD.

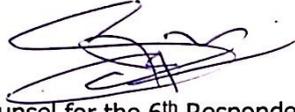
Managing Director



For EDATHADAN GRANITES PVT. LTD.


Managing Director
6th Respondent

Solemnly affirm and signed before me by the deponent who is personally known to me in my office at Ernakulam, on this the 04th day of August, 2021.


Counsel for the 6th Respondent
Mohammed Sadique.T.A.

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ലൈസൻസ് നമ്പർ : എ3-761/2020-21 -.. 291

തീയതി : 27/05/2020

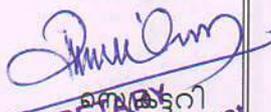
മറ്റത്തൂർ ഗ്രാമപഞ്ചായത്തിൽനിന്നും
 1994ലെ കേരള പഞ്ചായത്ത് രാജ് ആക്ട് (1994ലെ 13) 232, 233, 234, 254 എന്നീ വകുപ്പുകളും
 അതേ തുടർന്നുള്ള ചട്ടങ്ങളും അനുസരിച്ച്
 ഫാക്ടറികൾ, വ്യാപാരങ്ങൾ, സംരംഭങ്ങൾ, മറ്റു സേവനങ്ങൾ എന്നിവയ്ക്കായി നൽകുന്ന

ലൈസൻസ്

| | | |
|--|--|---|
| ലൈസൻസിയുടെ പേരും മേൽവിലാസവും | അനന്തകൃഷ്ണൻ ഷാജൻ മാനേജിങ്ങ് പാർട്ണർ ഒമ്പതുങ്ങൾ മറ്റത്തൂർ | |
| സ്ഥാപനത്തിന്റെ പേരും സ്ഥലനാമവും | എട്ടത്താടൻ ഗ്രാനൈറ്റ്സ് , ഒമ്പതുങ്ങൾ | |
| ലൈസൻസ് നൽകിയിട്ടുള്ള പ്രവർത്തനങ്ങൾ | 300HP ഉപയോഗിച്ച് കരിങ്കൽ ഖനനം നടത്തുന്നതിന് | |
| കെട്ടിടത്തിന്റെ നമ്പരും വാർഡ് നമ്പരും | 16 / 778 | |
| ലൈസൻസ് കാലയളവ് | 26-05-2020 മുതൽ 31-03-2025 വരെ | |
| ഈടാക്കിയ ലൈസൻസ് ഫീസ് | 25,000 + 15,000/- രൂപ | രസീത് നമ്പർ 120030100486 തീയതി 26-05-2020 |
| | തൊഴിൽക്കരം | 1250 + 1250 Rt.No.120030100487 Dt : 26-05-2020 |
| ലൈസൻസ് അനുവദിക്കുന്നതിനായി ഹാജരാക്കിയ നിരാക്ഷേപപത്രങ്ങളുടെ വിശദാംശങ്ങൾ (നമ്പർ, തീയതി, കാലയളവ്, നൽകിയ അധികാരസ്ഥാനം) | 1. മലിനീകരണനിയന്ത്രണ ബോർഡിൽനിന്നുള്ള അനുമതി ... PCB/TSR/119/08(1/12/2023) ... 23-02-2016 2. അഗ്നിസുരക്ഷാവകുപ്പിൽനിന്നുള്ള നിരാക്ഷേപപത്രം ... G/2768/2019 ... 19-06-2019 3. പ്ലാസ്റ്റിക് നിരോധനം, സ്ഥലനാമം എന്നിവ സംബന്ധിച്ച സത്യവാങ്മൂലം 4. ജില്ലാ മെഡിക്കൽ ഓഫീസറുടെ നിരാക്ഷേപപത്രം ... C6/23930/06 ... 11-05-2011 5. ജില്ലാ കളക്ടറുടെ / ഫീഫ് കൺട്രോളർ ഓഫ് എക്സ്പ്ലോസിവിന്റെ അനുവാദപത്രം ... E/SC/KL/22/877(31/3/2020) ... 27-03-2019 6. മൈനിംഗ് & ജിയോളജി വകുപ്പിൽനിന്നുള്ള അനുമതി ... 775/2018-19/4669/M3/2015(19/5/2027) ... 13-02-2019 7. കേന്ദ്ര വനംപരിസ്ഥിതി മന്ത്രാലയത്തിന്റെ അനുമതി ... J11015/477/2014 ... 12-03-2015 (ലീസ് ഡീഡ് - 12/03/2015 മുതൽ 19/05/2027 വരെ) | |



ഓഫീസ് മുദ്ര


 മറ്റത്തൂർ ഗ്രാമപഞ്ചായത്ത്
SECRETARY
 Mattathur Grama Panchayat
 Mattathur P.O, Thrissur (Dt), Kerala 680684
 Mob: 9496046125, Ph: 0480 2740534

ലൈസൻസി താഴെപ്പറയുന്ന വ്യവസ്ഥകൾ അനുസരിക്കേണ്ടതാകുന്നു

1. കേരള പഞ്ചായത്ത് രാജ് ആക്ടും അതേത്തുടർന്നുള്ള ചട്ടങ്ങളും ബൈലോകളും അനുസരിച്ചു പ്രവർത്തിക്കേണ്ടതാകുന്നു.
2. തൊഴിൽസ്ഥലവും അതിലുള്ള സാധനസാമഗ്രികളും പഞ്ചായത്ത് അധികാരികൾക്കോ / സെക്രട്ടറി അധികാരപ്പെടുത്തുന്ന മറ്റ് ഉദ്യോഗസ്ഥർക്കോ പരിശോധിക്കുന്നതിന് ലൈസൻസി വേണ്ട സൗകര്യങ്ങൾ നൽകേണ്ടതും അവർ ആവശ്യപ്പെട്ടാൽ ഈ ലൈസൻസ് കാണിക്കേണ്ടതുമാകുന്നു.
3. ഏതു സ്ഥലത്തിന്റെ കാര്യത്തിൽ ലൈസൻസ് നൽകിയിരിക്കുന്നുവോ ആ സ്ഥലത്ത് എല്ലാവരും കാണത്തക്കവിധത്തിലുള്ള ഒരു ഭാഗത്ത് ലൈസൻസി തന്റെ പേരും ലൈസൻസിന്റെ നമ്പരും ഉദ്ദേശ്യവും കാണിക്കുന്ന ഒരു അടയാളപ്പലക വെച്ചിരിക്കേണ്ടതാണ്.
4. പഞ്ചായത്തിൽനിന്നും അനുവാദം സിദ്ധിച്ച ശേഷമല്ലാതെ തൊഴിൽസ്ഥലം മാറ്റാൻ പാടില്ലാത്തതും തൊഴിൽ നിർത്തുന്ന പക്ഷം വിവരം മുൻകൂട്ടി പഞ്ചായത്തിൽ അറിയിക്കേണ്ടതുമാകുന്നു.
5. തൊഴിൽസ്ഥലവും പരിസരങ്ങളും വൃത്തിയായും സാംക്രമികരോഗാണുക്കൾ ഉണ്ടാകാത്തവിധത്തിലും പൊതുജനോപദ്രവമാകാത്ത വിധത്തിലും വ്യാപാരത്തിനു വെച്ചിട്ടുള്ള ഭക്ഷണപദാർത്ഥങ്ങൾ ഈച്ച, അണുക്കൾ, പൊടി മുതലായവയുടെ ശല്യം ഉണ്ടാകാത്ത വിധത്തിലും സൂക്ഷിക്കേണ്ടതാണ്.
6. ഏതൊരു പ്രവൃത്തിദിവസത്തിന്റെയും ഒടുവിൽ സ്ഥലം വൃത്തിയാക്കേണ്ടതാണ്.
7. ആ സ്ഥലത്തിന്റെയോ പരിസരത്തിന്റെയോ ഏതെങ്കിലും ഭാഗത്ത് വീഴുകയോ നിക്ഷേപിക്കപ്പെടുകയോ ചെയ്യുന്ന ചപ്പുചവറോ മൃഗങ്ങളുടെ അവശിഷ്ടങ്ങളോ മറ്റു പദാർത്ഥമോ ശേഖരിച്ച് സെക്രട്ടറിക്ക് തൃപ്തികരമായ രീതിയിൽ നീക്കം ചെയ്യിക്കേണ്ടതാണ്.
8. ലൈസൻസി ഏതൊരു കെട്ടിടത്തിന്റെയും ചുമരുകളുടെ അകവശത്തിന്റെ ഏതൊരു ഭാഗവും മേൽപ്പറഞ്ഞ പരിസരത്തിലുള്ള തറയും നടപ്പാതയും അവിടെ തെറിച്ചുവിഴാനിടയുള്ള ഏതെങ്കിലും ദ്രാവകമോ, മാലിന്യമോ ചപ്പുചവറോ അസഹ്യവും ഉപദ്രവകരവുമായ ഏതെങ്കിലും പദാർത്ഥമോ അവിടെ ലയിക്കുന്നത് തടയത്തക്കവിധം എപ്പോഴും നന്നായി കേടുപാടു തീർത്തു നിലനിർത്തേണ്ടതാണ്.
9. ലൈസൻസി മേൽപ്പറഞ്ഞ സ്ഥലത്തോ, പരിസരത്തോ അതോടുചേർന്നുള്ള ഏതൊരു ഓവുചാലും അഴുക്കുജലം കളയുന്നതിനുള്ള ഉപകരണവും എപ്പോഴും നന്നായി കേടുപാടുതീർത്തും വെപ്പിക്കേണ്ടതാണ്.
10. അയിത്തം ആചരിക്കുന്ന കടകളുടെ ലൈസൻസ് റദ്ദ് ചെയ്യുന്നതാണ്.
11. ഏതെങ്കിലും തരത്തിലുള്ള ത്വക്ക് രോഗമോ കുഷ്മാരോഗമോ, വ്രണമോ പകർച്ചവ്യാധികളോ ഉള്ള യാതൊരാളും കച്ചവടം നടത്തുന്നതിന് ഉപയോഗിക്കുന്ന സ്ഥലത്തും പരിസരത്തും പ്രവർത്തിക്കുവാൻ പാടില്ലാത്തതാകുന്നു.
12. നിരോധിത പ്ലാസ്റ്റിക് ഇനങ്ങൾ ഉൽപ്പാദിപ്പിക്കുകയോ ശേഖരിക്കുകയോ വിൽക്കുകയോ കൈകാര്യം ചെയ്യുകയോ പാടില്ല.
13. സ്ഥാപനത്തിന്റെ ബോർഡിൽ സ്ഥലനാമം മലയാളത്തിലും ഇംഗ്ലീഷിലും രേഖപ്പെടുത്തേണ്ടതാണ്.
14. 20 സീറ്റിൽ കൂടുതലുള്ള എല്ലാ ഹോട്ടലുകൾക്കും റെസ്റ്റോറന്റുകൾക്കും ടോയിലെറ്റ് സൗകര്യം ഏർപ്പെടുത്തേണ്ടതാണ്.
15. നിരോധിത ഉൽപ്പന്നങ്ങളായ പാൻമസാല, ഗുഡ്ക തുടങ്ങിയവ സംഭരിച്ചു വെക്കുവാനോ വിൽക്കുവാനോ പാടില്ല.
16. ബാലവേല അനുവദിക്കുവാൻ പാടില്ല.
17. മുകളിൽ കാണിച്ചിരിക്കുന്ന വ്യവസ്ഥകളുടെ ലംഘനം ഈ ലൈസൻസ് റദ്ദ് ചെയ്യുന്നതിന് കാരണമാകാവുന്നതാണ്.
18. മറ്റ് വകുപ്പുകളിൽ നിന്നും അനുവദിച്ചിട്ടുള്ള പെർമിഷൻ, ലൈസൻസ്, മറ്റ് ക്ലിയറൻസുകൾ എന്നിവ അതത് സമയങ്ങളിൽ പുതുക്കേണ്ടതാകുന്നു. അല്ലാത്ത പക്ഷം പഞ്ചായത്ത് അനുവദിച്ചിട്ടുള്ള ലൈസൻസ് സ്വമേധയാ റദ്ദാകുന്നതാണ്.



N.B. ഈ ലൈസൻസ് അവസാനിക്കുന്ന തീയതിക്ക് മുമ്പതു ദിവസം മുൻ ലൈസൻസ് പുതുക്കുന്നതിനുള്ള അപേക്ഷ സമർപ്പിക്കേണ്ടതാണ്.

സെക്രട്ടറി
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 SECRETARY
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No. J-11015/477/2014-IA.II (M)
 Government of India
Ministry of Environment, Forests and Climate Change
 Impact Assessment Division

Indira Paryavaran Bhavan,
 Aliganj, Jor Bagh Road
 New Delhi-110 003

Dated: 12th March, 2015

To,

M/s Edathadan Granites (P) Ltd.

Mattathur P.O., Ombathungal,
 Kodakara, Thrissur,
 Kerala - 680684

Ph. 0480-2655200; Mobile No. 09447239393/ 09946539393
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Sub.: Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA(ROM) of Stone in the Mine Lease Area of 4.7065ha by M/s Edathadan Granites Pvt. Ltd. located at Kodassery village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala- Environmental Clearance regarding.

Sir,

This has reference to your letter no. Nil, dated 17.11.2014 and subsequent letter dated 29.01.2015 on the above mentioned proposal of Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA (ROM) of Stone in the Mine Lease Area of 4.7065ha. The mine is located at Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala.

2. The proposal is for Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA (ROM) of Stone in the Mine Lease Area of 4.7065ha. The mine is a new Building Stone mining project. The mine is located at Survey Nos. 1270/4, 1270/5, 1270/7, 1270/8, 1271/2, 1271/3, 1271/4, 1273/1, 1273/2, 1272/1, Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala. The geographical co-ordinates of the lease area are Latitude (N): 10°21'54.16" to 10°21'43.68" and Longitude (E): 76°21'37.84" to 76°21'29.53" and is covered by Survey of India Toposheet No. 58B4. This is a category "B" project as the tenure of SEIAA, Kerala has expired and the proposal is being examined in the MoEF&CC. Project Proponent has informed that there is no pending application with SEIAA/SEAC for this proposal.

3. The proposal was appraised by the EAC in its meeting held during January 29-30, 2015. The Committee was informed by Project Proponent that they have submitted Form-1 and Pre-feasibility Report online treating the project as B category as per the EIA Notification, 2006. Environmental Impact assessment as well as Public Consultation is not required. The EAC viewed that these prescribed exemptions and recommendations are based on provisions of the EIA Notification, 2006 vide para Clause 7.0 sub clause 7(i) I under stage (1) - Screening it provides

that "In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior Environmental Clearance made in Form-1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of Environmental Clearance depending up on the nature and location specificity of the project." The Committee felt that TOR is not required, nor any formal EIA/ EMP is to be prepared in the instant case nor any Public Hearing is to be conducted in light of negligible impact of the Project activity on Environment.

4. The total Mining Lease area of 4.7065ha which is private land. No forest land is involved. Mining will be carried out through semi-mechanized open-cast method using drilling, blasting of small diameter holes and loading of mineral by tyre mounted excavator. Out of the total 4.7065 ha lease area, about 4.6265 ha area will be excavated and will be reclaimed & plantation will be done. The remaining area of 0.08 ha which is left for stripping limits along the periphery will also be developed with plantation. It was reported by the project proponent that at the conceptual stage, total waste material will be sold to road construction vendors. The estimated total water requirement is about 17 KLD in which 2 KLD is for domestic which would be sourced from open well, 12 KLD for dust suppression system in mine as well as ancillary unit (Crusher Unit) and 3 KLD for plantation purposes and will be sourced from storm water pond. Ultimate working depth is 52 m. MSL (mining will not intersect ground water table level). Ground water table is 0.5 to 5.0 m BGL. Life of mine is 13 years (@1,90,000 TPA).

5. Project Proponent has informed that a certificate issued as Letter of Intent by the State Government of Kerala vide letter no. 99/C2/TDO/2015 dated 19-01-2015 for mining of stone in the MLA of 4.7065ha. Eco-friendly Mining Plan for mining of stone (minor mineral) has been approved by Mines and Geology Department of the State Government vide letter no. 99/C2/TDO/2015 dated 23-01-2015.

6. Project Proponent reported that there is no National Park, Wild Life Sanctuary, Habitat for Migratory Birds, Tiger Reserve, Elephant Reserve, Biosphere Reserve located within 10 km radius of the mine lease. Project Proponent has informed that the mine site is not located in the Critically Polluted area as identified by CPCB etc. Project Proponent has submitted the details of other mines including lease area located within 500m of the mine lease area duly authenticated by the Mining Department of the State Govt. vide letter no. 2958/C2/TDO/2014 dated 05-12-2014.

7. The total cost of the project is Rs. 3.0 Crore. The Project Proponent has earmarked Rs 9 Lakhs per annum as recurring cost towards Environmental protection measures. An amount of Rs. 3 Lakh per annum has been earmarked towards Socio-economic Welfare measures for the nearby village. Proponent has informed that there is no court case /litigation pending against the project and also submitted an affidavit vide dated 29.01.2015.

8. The Ministry of Environment, Forests and Climate Change has examined the proposal in accordance with the Environmental Impact Assessment Notification, 2006 and further amendments thereto and hereby accords the environmental clearance under the provisions thereof to the above mentioned proposal of **M/s Edathadan Granites Pvt. Ltd. for Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA(ROM) of Stone in the Mine Lease Area of 4.7065ha in the Mine Lease Area of 4.7065ha, located at**

Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala subject to compliance of the followings terms and conditions and environmental safeguards mentioned below:-

A. Specific conditions

- (i) Environmental Clearance is subject to final outcome of any Court case relevant to this project in Hon'ble Supreme Court, Hon'ble High Court of Kerala and Hon'ble NGT or any other Court of Law, if any, as may be applicable to this project.
- (ii) Environmental clearance is subject to obtaining clearance, if any, under the Wildlife (Protection) Act, 1972 from the competent authority, as may be applicable to this project.
- (iii) No mining activities will be allowed in forest area, if any, for which the Forest Clearance is not available.
- (iv) The Project Proponent shall obtain Consent to Operate from the State Pollution Control Board, Kerala and effectively implement all the conditions stipulated therein.
- (v) Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the Project and maintain records accordingly; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smoking, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. The Recommendations of National Institute for ensuring good occupational environment for mine workers shall be implemented.
- (vi) The mining operations shall be restricted to above ground water table and it should not intersect groundwater table. In case of working below ground water table, prior approval of the Ministry of Environment, Forests and Climate Change and Central Ground Water Authority shall be obtained, for which a detailed hydro-geological study shall be carried out; The Report on six monthly basis on changes in Ground water level and quality shall be submitted to the Regional Office of the Ministry.
- (vii) The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly. Vehicles with PUC only will be allowed to ply. The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Project should obtain 'PUC' certificate for all the vehicles from authorized pollution testing centres.
- (viii) There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
- (ix) Use of effective sprinkler system to suppress fugitive dust on haul roads and other transport roads shall be ensured.

- (x) Washing of all transport vehicles should be done inside the mining lease.
- (xi) Survey of existing vegetation and ecological status to be made based on scientific survey and RET species conservation plan may be implemented.
- (xii) Implementation of Environment Management Policy of the Company w.r.t. judicious use of Mineral resources for growth & development synchronizing mining & environment with prosperity.
- (xiii) The Project Proponent shall take all precautionary measures during mining operation for conservation and protection of endangered flora/fauna, if any, spotted in the study area. The Proponent shall implement the Wildlife Conservation Plan along with the funds so allocated with consultation of Chief Wild Life Warden of the State Govt. A copy of action plan shall be submitted to the Ministry of Environment, Forests & Climate Change and its Regional Office, Bangalore and the Chief Wild Life Warden of the State Govt.
- (xiv) The illumination and sound at night at project site, disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. Project Proponent must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day light/night hours.
- (xv) Where ever blasting is undertaken as part of mining activity, the Project Proponent shall carry out vibration studies well before approaching any such habitats or other buildings, to evaluate the zone of influence and impact of blasting on the neighbourhood. Within 500 meters of such sites vulnerable to blasting vibrations, avoidance of use of explosives and adoption of alternative means of mineral extraction, such as ripper/dozer combination/rock breakers/ surface miners etc. should be seriously considered and practiced wherever practicable. A provision for monitoring of each blast should be made so that the impact of blasting on nearby habitation and dwelling units could be ascertained. The covenant of lease deed under Rule 31 of MCR 1960 provides that no mining operations shall be carried out within 50 meters of public works such as public roads and buildings or inhabited sites except with the prior permission from the competent authority.
- (xvi) Main haulage road in the mine should be provided with permanent water sprinklers and other roads should be regularly wetted with water tankers fitted with sprinklers.
- (xvii) The Project Proponent shall ensure that the productivity of agricultural crops is not affected due to mining operations. Crop Liability Insurance Policy has to be taken by the Project Proponent as a precaution to compensate for any crop loss. The impact zone shall be 5km from the boundary of mine lease area for such insurance policy.
- (xviii) Transportation of the minerals by road passing through the village shall not be allowed. A 'bypass' road should be constructed (say, leaving a gap of at least 200 meters) for the purpose of transportation of the minerals so that

the impact of sound, dust and accidents could be mitigated. The Project Proponent shall bear the cost towards the widening and strengthening of existing public road network in case the same is proposed to be used for the Project. No road movement should be allowed on existing village road network without appropriately increasing the carrying capacity of such roads.

- (xix) CSR activities by Companies including the Mining Establishments has become mandatory up to 2% of their financial Turn-over, Socio Economic Development of the neighborhood Habitats could be planned and executed by the Project Proponent more systematically based on the 'Need based door to door survey' by established Social Institutes/Workers. The report shall be submitted to the Ministry of Environment & Forests and its Regional Office located at Bangalore on six monthly basis.
- (xx) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- (xxi) A Final Mine Closure Plan along with details of Corpus Fund shall be submitted to the Ministry of Environment, Forests & Climate Change 5 years in advance of final mine closure for approval.

B. General conditions

- (i) No change in mining technology and scope of working should be made without prior approval of the Ministry of Environment, Forests & Climate Change.
- (ii) No change in the calendar plan including excavation, quantum of mineral ore and waste should be made.
- (iii) The Project Proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of surface water and ground water for the project.
- (iv) There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
- (v) Regular monitoring of ground water table to be carried out at the upstream and depth of water available in the dug well is to be measured. Monitoring to be done by establishing a network of existing wells and constructing new piezometers.
- (vi) Monitoring of Ambient Air Quality to be carried out based on the Notification 2009, as amended from time to time by the Central Pollution Control Board. Water sprinkling should be increased at places loading and unloading points & transfer point to reduce fugitive emissions.

- (vii) The upliftment of scheduled caste/scheduled tribe population, specific programmes have been taken in to consideration specially with respect to education, health care, livelihood generation, infrastructure development & promotion of sports & culture for SC/ST population and that these will be intensified in future.
- (viii) The top soil, if any, shall temporarily be stored at earmarked site(s) only and it should not be kept unutilized for long. The topsoil shall be used for land reclamation and plantation. The over burden (OB) generated during the mining operations shall be stacked at earmarked dump site(s) only and it should not be kept active for a long period of time. The maximum height of the dumps shall not exceed 8m and width 20 m and overall slope of the dumps shall be maintained to 45°. The OB dumps should be scientifically vegetated with suitable native species to prevent erosion and surface run off. In critical areas, use of geo textiles shall be undertaken for stabilization of the dump. The entire excavated area shall be backfilled and afforested. Monitoring and management of rehabilitated areas should continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Ministry of Environment, Forests & Climate Change and its Regional Office located at Bangalore on six monthly basis.
- (ix) Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, mineral and OB dumps to prevent run off of water and flow of sediments directly into the river and other water bodies. The water so collected should be utilized for watering the mine area, roads, green belt development etc. The drains shall be regularly desilted particularly after monsoon and maintained properly. The drains, settling tanks and check dams of appropriate size, gradient and length shall be constructed both around the mine pit and over burden dumps to prevent run off of water and flow of sediments directly into the river and other water bodies and sump capacity should be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity should also provide adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and desilted at regular intervals.
- (x) Plantation shall be raised in a 7.5m wide green belt in the safety zone around the mining lease, backfilled and reclaimed area, around water body, along the roads etc. by planting the native species in consultation with the local DFO/Agriculture Department. The density of the trees should be around 2500 plants per ha. Greenbelt shall be developed all along the mine lease area in a phased manner and shall be completed within first five years.
- (xi) Dimension of the retaining wall at the toe of over burden dumps and OB benches within the mine to check run-off and siltation shall be based on the rain fall data.
- (xii) Effective safeguard measures such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of PM₁₀ and PM_{2.5} such as haul road, loading and unloading point and transfer points. It shall be ensured that the Ambient Air Quality parameters conform

to the norms prescribed by the Central Pollution Control Board in this regard.

- (xiii) Regular monitoring of the flow rate of the springs and perennial nallahs flowing in and around the mine lease shall be carried out and records maintained. Regular monitoring of water quality upstream and downstream of water bodies shall be carried out and record of monitoring data should be maintained and submitted to the Ministry of Environment, Forests & Climate Change, its Regional Office, Bangalore, Central Groundwater Authority, Regional Director, Central Ground Water Board, State Pollution Control Board and Central Pollution Control Board.
- (xiv) Regular monitoring of ground water level and quality shall be carried out in and around the mine lease by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year – pre- monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected may be sent regularly to Ministry of Environment, Forests & Climate Change and its Regional Office, Bangalore, Central Ground Water Authority and Regional Director, Central Ground Water Board.
- (xv) The critical parameters such as PM_{10} (size less than 10 micro meter), $PM_{2.5}$ (size less than 2.5 micro meter), NO_x in the ambient air within the impact zone, peak particle velocity at 300m distance or within the nearest habitation, whichever is closer shall be monitored periodically. Further, quality of discharged water shall also be monitored [(TDS, DO, PH and Total Suspended Solids (TSS)]. The monitored data shall be uploaded on the website of the company as well as displayed on a display board at the project site at a suitable location near the main gate of the Company in public domain. The circular No. J-20012/1/2006-IA.II (M) dated 27.05.2009 issued by Ministry of Environment, Forests & Climate Change, which is available on the website of the Ministry www.envfor.nic.in shall also be referred in this regard for its compliance.
- (xvi) Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for PM_{10} , $PM_{2.5}$, SO_2 & NO_x monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. Data on ambient air quality should be regularly submitted to the Ministry including its Regional office located at Bangalore and the State Pollution Control Board / Central Pollution Control Board once in six months.
- (xvii) Fugitive dust emissions from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- (xviii) Measures should be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. should be provided with ear plugs / muffs.

- (xix) Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th May, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap should be installed before discharge of workshop effluents.
- (xx) Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- (xxi) Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
- (xxii) A separate environmental management cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
- (xxiii) The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry and its Regional Office located at Bangalore.
- (xxiv) The project authorities should inform to the Regional Office located at Bangalore regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
- (xxv) The Regional Office of this Ministry located at Bangalore shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information / monitoring reports.
- (xxvi) The project proponent shall submit six monthly reports on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment, Forests & Climate Change, its Regional Office, Bangalore, Central Pollution Control Board and State Pollution Control Board.
- (xxvii) The project proponent shall submit six monthly report on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment and Forests, its Regional Office, Bangalore, Central Pollution Control Board and State Pollution Control Board.
- (xxviii) A copy of clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom suggestion / representation has been received while processing the proposal.
- (xxix) State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/ Tehsildar's Office for 30 days.
- (xxx) The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the

locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the Ministry of Environment, Forests & Climate Change at <http://envfor.nic.in> and a copy of the same should be forwarded to the Regional Office of this Ministry located Bangalore .

9. The Ministry or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.

10. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.

11. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court of Kerala and any other Court of Law relating to the subject matter.

12. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Yours faithfully,


(Dr. U. Sridharan)
Director (S)

Copy to:

- 1). **The Secretary**, Ministry of Mines, Government of India Shastri Bhawan, New Delhi.
- 2). **The Secretary**, Department of Mines & Geology, Government of Kerala, Secretariat, Thiruvananthapuram.
- 3). **The Secretary**, Department of Environment, Government of Kerala, Secretariat, Thiruvananthapuram.
- 4). **The Secretary**, Department of Forests, Government of Kerala, Secretariat, Thiruvananthapuram.
- 5). **The Additional Principal Chief Conservator of Forests (C)**, Ministry of Environment, Forests and Climate Change, Regional Office(SZ), Kendriya Sadan, IVth Floor, E&F Wings, 17th Main Road, Koramangala II Block, Bangalore-560034, Karnataka

- 6). **The Principal Chief Conservator of Forests & Chief Wildlife Warden** Forest Headquarters, Vazhuthacud, Thiruvananthapuram -695014.
- 7). **The Member Secretary**, Kerala State Pollution Control Board, Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram - 695004
- 8). **State Environmental Impact Assessment Authority, Kerala**, Directorate of Environment and Climate Change, Pallimukku, Pettah PO, Trivandrum-695024
- 9). **The Member Secretary**, Central Ground Water Authority, A2, W- 3 Curzon Road Barracks, K.G. Marg, New Delhi-110001.
- 10). **The District Collector**, District- **Thrissur**, State of Kerala.
- 11). **Guard File.**
- 12). **MoEF &CC website.**


(Dr. U. Sridharan)
Director (S)



भारत सरकार | Government of India

वाणिज्य और उद्योग मंत्रालय | Ministry of Commerce & Industry

पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन (पेसो) | Petroleum & Explosives Safety Organisation (PESO)

पूर्व नाम- विस्फोटक विभाग | Formerly- Department of Explosives

केन्द्रीय भवन, ब्लॉक सी-2, तीसरी मंजिल | Kendriya Bhavan, Block C-2, 3rd Floor
CSEZ पी.ओ.कक्कानाड कोच्ची | CSEZ PO Kakkanad Dist. Ernakulam Ernakulam 682037

फोन (Phone):- 2427286 | फैक्स (Fax):- 2427276

ई-मेल Email: dycceernakulam@explosives.gov.in

संख्या (No.): E/SC/KL/22/877(E41012)

दिनांक (Date): 10/03/2020

सेवा में | To,

Shri Ananthkrishnan, Managing Partner Edathadan Granites,
M/s. Edathadan Granites, Mattathur Post, Ombathungal, Kodakara, Town/Village -
Kodassery
District-THRISSUR, State-Kerala, Pincode - 680684

विषय : Survey No(s).1265/Part,1267/Part and 1268/Part 6F, ग्राम Kodassery, Mukundapuram taluk, जिला THRISSUR, राज्य Kerala में विस्फोटक के मैगजीन में उपयोग के लिए कब्जा हेतु विस्फोटक नियम, 2008 के अंतर्गत LE-3 में जारी अनुज्ञप्ति सं E/SC/KL/22/877(E41012) के नवीनीकरण संदर्भ में।

Subject: Possession for Use of of Explosives from magazine situated at Survey No (s).:1265/Part,1267/Part and 1268/Part 6F, Kodassery, Mukundapuram taluk, Dist. THRISSUR, Kerala -Licence No.: E/SC/KL/22/877(E41012) granted in Form LE-3 of Explosives Rules, 2008 - Renewal regarding

महोदय | Sir,

आपका उपर्युक्त विषय पर पत्र संख्या Nil दिनांक 13/02/2020 का संदर्भ ग्रहण करें। विस्फोटक नियम, 2008 के अंतर्गत प्ररूप LE-3 में जारी अनुज्ञप्ति दिनांक 31/3/2025 तक नवीनीकृत कर इस पत्र के साथ भेजी जा रही है।

Reference to your letter No.: Nil dated: 13/02/2020, the subject licence duly renewed upto 31/3/2025 and issued in Form LE-3 of Explosives Rules, 2008 is forwarded herewith.

अनुज्ञप्ति के आगामी नवीकरण हेतु कृपया निम्नलिखित दस्तावेज दिनांक 31/03/ 2025 से पहले इस कार्यालय को भेजे जाएं।

For further renewal of licence, please submit the following documents so as to reach **this office** on or before 31/3/2025.

- प्ररूप आरई-1 में विधेवत पूणे एवं हस्ताक्षरेत आवेदन।
Application in Form RE-1 duly filled in and signed.
- एक से पाँच वर्ष के अनुज्ञप्ति शुल्को का, विस्फोटक नियम, 2008 के तहत ऑनलाइन आवेदन पोर्टल पर उपलब्ध ई-भुगतान सुविधा के माध्यम से लाइसेंस शुल्क ऑनलाइन जमा किया जाना है।
Licence fees renewable for one to five years, to be submitted online through e-payment facility available on online application portal under the Explosives Rules, 2008.
- अनुमोदित प्लान के साथ मूल अनुज्ञप्ति।
Original licence with approved plan.
- कृपया इस संबंध में विस्फोटक नियम, 2008 के नियम 112 का भी संदर्भ ग्रहण करें।
In this connection, please also refer to Rule 112 of Explosives Rules, 2008.
- विस्फोटकों के क्रय हेतु आरई-11 में मांगपत्र (इंडेंट) आपूर्तिकर्ता को दिया जाए और उसी की एक प्रति इस कार्यालय को भेजी जाएं (आतिशबाजी गोदाम के लिए लागू नहीं)।
Indent for purchase of explosives shall be placed in RE-11 with the supplier and copy of the

same shall be sent to this office.(Not applicable for fireworks store house)

- कृपया विस्फोटकों की त्रैमासीक विवरणी हर तिमाही के अंत में आरई-7 में प्रस्तुत की जाएं। विवरणी इस कार्यालय के कार्यालय में आगामी तिमाही के 10 तारीख से पहले पहुंच जानी चाहिए (आतिशबाजी गोदाम के लिए लागू नहीं)। □Please submit quarterly returns of explosives in RE-7 at the end of every quarter so as to reach this office by 10th of the succeeding quarter.(Not applicable for fireworks store house)
- सभी ब्लास्टिंग आपरेशन एक सक्षम द्वारा की जाएगी जो उपरोक्त नियमों के तहत एक वैध शॉट फायर प्रमाणपत्र धारक हो। हालांकि, खान अधिनियम 1952 के अधीन आने वाले खानों में ब्लास्टिंग आपरेशन करने वाले ब्लास्टर की योग्यता उसी अधिनियम से निर्धारित हो।

All blasting operations shall be carried out by a competent person holding a valid shot firer's permit granted under above rules. However, blasting operations in mines coming under the purview of the Mines Act 1952, the blaster shall have qualifications prescribed in the regulations framed under the said Act.

भवदीय | Your's faithfully

(आर.वेणुगोपाल | Dr. R.Venugopal)

उप मुख्य विस्फोटक नियंत्रक | Deputy Chief Controller of Explosives

उप मुख्य विस्फोटक नियंत्रक
कोच्ची | Ernakulam
Deputy Chief Controller of Explosives
एरनाकुलम | Ernakulam

प्रतिलोपे प्रेषित | Copy Forwarded to:

1. ज़िला मजिस्ट्रेट (District Magistrate), THRISSUR (Kerala)- सूचना के लिए (for information.)

उप मुख्य विस्फोटक नियंत्रक | Deputy Chief Controller of Explosives
कोच्ची | Ernakulam

(अधिक जानकारी जैसे आवेदन की स्थिति, शुल्क आदि के लिए हमारी वेबसाइट <http://peso.gov.in> देखें.)
(For more information regarding status, fees and other details please visit our website
<http://peso.gov.in>)

अनुज्ञापते प्ररूप एल. ई.-3 | LICENCE FORM LE-3

(विस्फोटक नियम, 2008 की अनुसूची 4 के भाग 1 के अनुच्छेद 3(क) से (घ) देखिए।)

(See article 3(a) to (d) of Part 1 of Schedule IV of Explosives Rules, 2008)

(ग) उपयोग के लिए एक समय पर वर्ग 1,2,3,4,5 या वर्ग 7 के विस्फोटक या किसी मैगजीन में वर्ग 6 के विस्फोटक रखने के लिए अनुज्ञापति

Licence to possess : (c) for use,explosives of class 1, 2,3,4,5,6 or 7 in a magazine

अनुज्ञापति सं. (Licence No.) : E/SC/KL/22/877(E41012)

वार्षिक फीस रूपए (Annual Fee Rs): 2400/-



Licence
Photo w

1. Licence is hereby granted to

Shri Ananthakrishnan, Managing Partner Edathadan Granites (अधिभोगी / Occupier : Shri Ananthakrishnan), M/s.Edathadan Granites, Mattathur Post, Ombathungal, Kodakara, Town/Village - Kodassery, District-THRISSUR, State-Kerala, Pincode - 680684

को अनुज्ञापति अनुदत्त की जाती है।

2. अनुज्ञापतिधारी की प्रास्थिति | Status of licensee : **Partnership Firm**

3. अनुज्ञापति निम्नलिखित प्रयोजनों के लिए विधिमान्य है।
Licence is valid only for the following purpose. : possess for use of **Safety Fuse, Ordinary Detonator, Nitrate Mixture, Electric Detonators,** के उपयोग के लिए

4. अनुज्ञापति विस्फोटकों के निम्नलिखित किस्मों, प्रकार और मात्रा के लिए विधिमान्य है।

Licence is valid for the following kinds and quantity of explosives: -- (क) (a)

| क्र Sr. No. | नाम और विवरण Name and Description | वर्ग और प्रभाग Class & Division | उप-प्रभाग Sub-division | मात्रा किसी एक समय में Quantity at any one time |
|----------------|--------------------------------------|------------------------------------|---------------------------|--|
| 1. | Nitrate Mixture | 2,0 | 0 | 150 Kg. |
| 2. | Electric Detonators | 6,3 | 0 | 2000 Nos. |
| 3. | Safety Fuse | 6,1 | 0 | 3000 Mtrs |
| 4. | Ordinary Detonator | 6,3 | 0 | 3000 Nos. |

(ख) किसी एक कलेंडर मास में खरीदे जाने वाले विस्फोटक की मात्रा [अनुच्छेद 3(ख) और (ग) के अधीन अनुज्ञापति के लिए]

(b) Quantity of explosives to be purchased in a calendar month[applicable for licence under article 3(b) and (c)] :

**20 times
as above.**

5. निम्नलिखित रेखाचित्र (रेखाचित्रों) से अनुज्ञापति परिसर की पुष्टि होती है।

The licensed premises shall conform to the following drawing(s): .

रेखाचित्र क्र. (Drawing No.) E/SC/KL/22/877
: (E41012)
दिनांक (Dated) 21/05/2007

6. अनुज्ञापति परिसर निम्नलिखित पते पर स्थित है। The licensed premises are situated at following address:

Survey No(s). 1265/Part,1267/Part and 1268/Part 6F , ग्राम (Town/Village) : Kodassery,Mukundapuram taluk

ज़िला (District)

THRISSUR

राज्य (State)

Kerala

पिनकोड (Pincode)

दूरभाष (Phone)

ई. मेल (E-Mail)

फैक्स (Fax)

पुलिस थाना (Police Station) : Vellikulangara

7. अनुज्ञापति परिसर में निम्नलिखित सुविधाएं अंतर्विष्ट हैं।

The licensed premises consist of following facilities.

: **Three Portable Magazines T-1104 & G-745&600**

8. अनुज्ञापति समय – समय पर यथासंशोधित विस्फोटक अधिनियम, 1884 और उनके अधीन विरचित विस्फोटक नियम, 2004 के उपबंधों, शर्तों और अतिरिक्त शर्तों और निम्नलिखित उपाबंधों के अधीन रहते हुए अनुदत्त की जाती है।

The licence is granted subject to the provision of Explosives Act 1884 as amended from time to time and the Explosives Rules, 2008 framed there under and the conditions, additional conditions and the following Annexures.

1. उपर्युक्त क्रम सं. 5 में यथा कथित रेखाचित्र (स्थान, सन्निर्माण संबंधी और अन्य विवरण दर्शित करते हुए)।

Drawings (showing site, constructional and other details) as stated in serial No. 5 above.

2. अनुज्ञापति प्राधिकारी द्वारा हस्ता.क्षरित इस अनुज्ञापति की शर्तों और अतिरिक्त शर्तों।

Conditions and Additional Conditions of this licence signed by the licensing authority.

3. दूरी प्ररूप DE-2 | Distance Form DE-2.

9. यह अनुज्ञापति तारीख **31 मार्च 2009** तक विधिमान्य रहेगी। This licence shall remain valid till **31st day of March**

2009.

यह अनुज्ञप्ति, अधिनियम या उसके अधीन विरचित नियमों या अनुसूची V के भाग 4 के प्रति निर्दिष्ट सेट-VII के अधीन तथा उपवर्णित इस अनुज्ञप्ति की शर्तों का अधिक्रमण करने या यदि अनुज्ञप्त परिसर योजना या उससे संलग्न उपबंध में दर्शित विवरण के अनुरूप नहीं पाए जाने पर निलंबित या प्रतिसंहत की जा सकती है, जहां वह लागू हो।

This licence is liable to be suspended or revoked for any violation of the Act or Rules framed there under or the conditions of this licence as set forth under Set VIII, wherever applicable, referred to in Part 4 of Schedule V or if the licensed premises are not found conforming to the description shown in the plans and Annexure attached hereto.

Sd/-

तारीख | The Date - 21/05/2007

संयुक्त मुख्य विस्फोटक नियंत्रक | Joint Chief Controller of
Explosives
South Circle, Chennai

Amendments :

- Amendment of Quantity of Explosives/Monthly Purchase Limit dated : 03/12/2010
- Amendment of Quantity of Explosives/Monthly Purchase Limit dated : 01/01/2013
- Amendment of Quantity of Explosives/Monthly Purchase Limit dated : 18/08/2015

Transfers :

- Change in Licensee Name/Address/Status dated : 06/03/2019

नवीनीकरण के पृष्ठांकन के लिए स्थान
Space for Endorsement of Renewal

| नवीकरण की तारीख Date of Renewal | समाप्ति की तारीख Date of Expiry | अनुज्ञापन प्राधिकारी के हस्ताक्षर और स्टाम्प Signature of licensing authority and stamp |
|------------------------------------|------------------------------------|--|
| 10/03/2020 | 31/03/2025 | Dy. Chief Controller of Explosives, Ernakulam उप मुख्य विस्फोटक नियंत्रक Deputy Chief Controller of Explosives एरनाकुलम Ernakulam |

कानूनी चेतावनी : विस्फोटकों को गलत ढंग से चलाने या उनका दुरुपयोग विधि के अधीन गंभीर दांडिक अपराध होगा।

Statutory Warning : Mishandling and misuse of explosives shall constitute serious criminal offence under the law.

(सेट VIII | Set VIII)

मैगजीन में वर्ग 1,2,3,4,5,6, और 7 के विस्फोटकों को बिक्री या प्रयोग हेतु रखने के लिए प्ररूप एल.ई. 3 [अनुच्छेद 3 (ख) से (ग)] में मुख्य विस्फोटक नियंत्रक या विस्फोटक नियंत्रक द्वारा प्रदान किए जाने वाले अनुज्ञप्ति सं. E/SC/KL/22/877(E41012) की शर्तें निम्नलिखित हैं।

The following are the conditions of licence number E/SC/KL/22/877(E41012) to possess for sale or use, explosives of Class 1,2,3, 4, 5, 6 and 7 in a magazine in Form LE-3 (articles 3(b) to (c)) granted by Chief controller of Explosives or Controller of Explosives.

1. परिसर में किसी भी समय विस्फोटकों की मात्रा अनुज्ञापन योग्य सामर्थ्य से अधिक नहीं होगी।
The quantity of explosives on the premises at any one time shall not exceed the licensable capacity.
2. विस्फोटकों के भंडारण के लिए प्रयुक्त होने वाली मैगजीन अनुसूची III और अनुज्ञप्ति के उपाबंध में विनिर्दिष्ट सुरक्षा दूरी बनाए रखना होगा।
The magazine used for storage of explosives shall maintain safety distance specified in Schedule III and annexure to the licence.
3. मैगजीन का प्रयोग उन सभी विस्फोटकों के, जो इस अनुज्ञप्ति में विनिर्दिष्ट है, रखे जाने के लिए और ऐसे रखे जाने से संबद्ध आधान या औजार या उपकरणों के रखे जाने के लिए ही किया जाएगा; अन्यथा नहीं।
The magazine shall be used only for keeping all explosives specified in this licence and of receptacles for, or tools or implements for work connected with the keeping of such explosives.
4. पैकजों को खोलने का कार्य और विस्फोटकों को तोलने तथा पैक करने का कार्य मैगजीन में नहीं किया जाएगा।
The opening of packages and the weighing and packing of explosives shall not be carried on in the magazine.
5. दो या दो से अधिक वर्णन के विस्फोटकों को, जिन्हें मैगजीन में रखे जाने की अनुज्ञा दी जा सकती है, मैगजीन में तभी रखे जाएंगे जब उनमें से प्रत्येक को, ऐसे पदार्थ या स्वरूप का कोई मध्यवर्ती विभाजक लगाकर या उनके बीच ऐसा मध्यवर्ती स्थान छोड़कर, परस्पर पृथक कर दिया जाए कि किसी वजह से विस्फोटक में लगने वाली आग या होने वाला विस्फोट किसी अन्य वर्णन के विस्फोटक तक न पहुंच सके : परंतु—
(घ) 2 (नाइट्रेट मिश्रण), वर्ग 3 (नाइट्रो योगिक) के विभिन्न विस्फोटक, वर्ग 6 प्रथम प्रभाग के अंतर्गत आने वाले सुरक्षा पत्तीते और वर्ग 6 प्रभाग 2 के अंतर्गत आनेवाले विस्फोटक प्रेरक पत्तीते, जिनमें कोई खुला लोहा या इस्पात नहीं है, एक दूसरे के साथ बिना किसी मध्यवर्ती विभाजक या स्थायन के रखे जा सकते हैं।
(ड) वर्ग 6 प्रभाग 3 के अंतर्गत आनेवाले विस्फोटक प्रेरक अलग रखे जाएंगे।
(च) वर्ग 1 के अंतर्गत आने वाले बारूद को अलग रखा जाएगा।
Two or more description of explosives which may be permitted to be kept in the magazine shall be kept only if they are separated from each other by an intervening partition of such substance or character, or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other; Provided that—
(d) the various explosives of Class 2 (nitrate-mixture), Class 3 (nitro-compound), safety fuses belonging to Class 6 Division 1 and detonating fuses belonging to Class 6 Division 2 as do not contain any exposed iron or steel, may be kept with each other without any intervening partition or space ;
(e) Detonators belonging to Class 6 Division 3 shall be kept separately.
(f) Gun powder belonging to Class 1 shall be kept separately.
6. वर्ग 3 (नाइट्रो योगिक) के विस्फोटकों को, उनके विनिर्माण की तारीख से एक वर्ष बीत जाने के पश्चात सिवाय अनुज्ञापन प्राधिकारी की विशेष मंजूरी के मैगजीन में नहीं रखा जाएगा।
Explosives of Class 3 (nitro compound) shall not be kept in the magazine after the expiration of one year from the date of their manufacture except with the special sanction of licensing authority.
7. वर्ग 3 (नाइट्रो योगिक) के विस्फोटकों को, उनके विनिर्माण की तारीख से एक वर्ष बीत जाने के पश्चात मैगजीन में तभी रखा जाएगा जब कि किसी विस्फोटक नियंत्रक ने इसके लिए विशेष मंजूरी दे दी हो।
(i) जब ऐसी मंजूरी दे दी गई हो तो प्रत्येक निरीक्षण पर किसी विस्फोटक नियंत्रक से ऐसा लिखित प्रमाणपत्र अभिप्राप्त कर लिया जाए जिसमें दी गई मंजूरी के अंतर्गत आनेवाली अवधि दर्शित की गई हो और ऐसे प्रमाणपत्र के अनुज्ञप्तिधारी अपने पास रखेगा और मांग की जाने पर प्रस्तुत करेगा।
(ii) जब कोई विस्फोटक मानक शुद्धता का न रह जाने के कारण या द्रवणीकरण या नाइट्रो ग्लीअसरीन या द्रव नाइट्रो योगिक के निकल जाने के चिन्ह प्रकट होने के कारण मैगजीन में भण्डारित किए जाने के उपयुक्त नहीं रह जाता है तो अनुज्ञप्तिधारी अपने ही व्यय पर ऐसे विस्फोटक के निपटारे के लिए ऐसे निदेशों का अनुपालन करेगा जो मुख्य नियंत्रक या विस्फोटक नियंत्रक जारी करें।
Explosives of Class 3 (nitro compound) shall not be kept in the magazine after the expiration of one year from the date of their manufacture except with the special sanction of the Controller of Explosives.
(i) When such sanction has been given, a written certificate showing the period covered by the sanction shall be obtained from the Controller of Explosives at each inspection, and shall be kept by the licensee and produced on demand.
(ii) When an explosive owing to its being no longer of standard purity or owing to signs of liquefaction or of exuded nitro-glycerin or liquid nitro-glycerin or liquid nitrocompound is no longer fit for storage in the magazine or store house the licensee shall comply, at his own expense, with such directions as to its disposal as the Chief Controller or Controller of Explosives may issue.
8. मैगजीन के भीतरी भाग या उसमें लगी बेंचों, शैल्फों और उसकी फिटिंग का इस प्रकार सन्निर्माण किया जाएगा या उन्हें इस प्रकार अंतरित या अवतरित किया जाएगा कि विस्फोटक का किसी लोहे या इस्पात के साथ संपर्क रोका जा सके। भीतरी भाग में लगी बेंचे, शैल्फें और फिटिंग यथासाध्य ग्रिट से मुक्त एवं साफ रखे जाएंगे तथा ऐसे विस्फोटक, जो जल से खतरनाक रूप में प्रभावित हो सकते हैं, इस बाबत सम्यक सावधानी बरती जाएगी कि वहां कोई जल मौजूद न रहे : परंतु किसी लोहे या इस्पात के खुले होने के विरुद्ध सावधानी से संबंधित इस शर्त का वह भाग ऐसे किसी भवन में बाधेकर नहीं होगा जिसमें वर्ग 6 (गोला बारूद) के प्रथम के विस्फोटक से भिन्न कोई विस्फोटक रखा गया है।

उप मुख्य विस्फोटक नियंत्रक
Deputy Chief Controller of Explosives
एरनाकुलम Ernakulam

The interior of the magazine and the benches, shelves and fittings therein shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel contact with the explosives. Such interior, benches, shelves and fittings shall so far as is reasonably practicable, be kept free from grit and shall otherwise be clean; and in the case of any explosives liable to be dangerously affected by water, due precautions shall be taken to exclude water there from; Provided that so much of this condition as relates to precautions against the exposure of any iron or steel shall not be obligatory in a building in which no explosive other than explosive of the 1st Division 6th (Ammunition) Class is kept.

9. यदि तडित चालक का परीक्षण विस्फोटक नियंत्रक करता है तो अनुज्ञापिधारी ऐसे परीक्षण के लिए विहित फीस का संदाय करेगा यदि परीक्षण असमाधानकारी साबित होता है तो उतनी ही फीस अनुज्ञापिधारी द्वारा पश्चात्वर्ती प्रत्येक परीक्षण के लिए तब तक दी जाती रहेगी जब तक कि परीक्षण अधिकारी तडित चालक को समाधानप्रद घोषित नहीं कर देता :
परंतु किसी एक परीक्षण के लिए देय फीस किसी एक दिन के दौरान किसी चालक के किए गए सभी परीक्षणों के लिए प्रभाय होगा :
परंतु यह और कि यदि दो या अधिक तडित चालक एक ही मैगजीन से संबद्ध हैं तो ऐसे सभी चालकों के परीक्षण के लिए फीस ऐसी किसी फीस से अधिक नहीं होगी जो किसी एक तडित चालक के परीक्षण के लिए हर स्थिति में विहित की गई है ।
If the lighting conductor is tested by the Controller of Explosives, the licensee shall pay the fees prescribed for test. In the even of the test proving unsatisfactory, the same fees shall be payable by the licensee for each subsequent test until the lighting conductor is passed by the testing officer as satisfactory:
Provided that the fees payable for a single test shall be charged for all tests made on a conductor during any one day :

Provided further that where two or more lighting conductors are attached to one and the same magazine, the fee for the testing of all such conductors shall not exceed the fee prescribed in this condition for testing a single lighting conductor.

10. उपयुक्त तथा जेब रहित कार्यकरण वस्त्रों, उपयुक्त जूतों के प्रयोग द्वारा तथा तलाशी लेकर या अन्यथा अथवा ऐसे किन्हीं साधनों द्वारा इस बाबत सम्यक उपबंध किया जाएगा कि फैक्ट्री परिसर में अग्नि, दियासलाई अथवा ऐसी कोई वस्तुएं या पदार्थ, जिससे विस्फोट हो सकता है या आग लग सकती हो, किन्तु इस शर्त के कारण ऐसी संरचना, स्थिति या स्वरूप में किसी कृत्रिम बत्ती का प्रवेश वर्जित नहीं है जिससे आग लगने या विस्फोट होने का खतरा न हो :
परंतु इस शर्त का वह भाग, जो लोहे या इस्पात के अपवर्जन को लागू होता है, ऐसे किसी भवन के संबंध में बाध्य कर नहीं होगा जिससे भिन्न कोई विस्फोटक नहीं रखा गया है ।

Due provisions shall be made, by the use of suitable working clothes without pockets, suitable shoes and by searching or otherwise or by such means, for preventing the introduction into danger area of the factory premises of fire, Lucifer matches or any substance or article likely to cause explosion or fire, but this condition shall not prevent the introduction of an artificial light of such construction, position or character as not to cause any danger of fire or explosion:

- Provided that so much of this condition as applies to the exclusion of iron or steel, shall not be obligatory in a building in which no explosive other than an explosive of the 1st Division of the 6th (Ammunition) Class is kept.
11. अनुज्ञापिधारी प्ररूप आर.ई.-3 और आर.ई.-4 या आर.ई.-5, जैसी स्थिति हो, में सभी विस्फोटकों का अभिलेख और लेखा रखेगा और विस्फोटक नियम, 2008 के अधीन प्राधिकृत किसी भी अधिकारी के समक्ष उसके द्वारा ऐसा करने की मांग की जाने पर स्टाक पुस्तक और अभिलेख प्रस्तुत करेगा । स्टाक पुस्तक विहित प्रोफार्मा में पृष्ठ संख्यांकित होगी ।
The licensee shall keep records and accounts of all explosives in Forms RE-3 and RE-4 or RE-5, as the case may be, and exhibit the stock books and records to any of the officers authorised under the Explosives Rules, 2008 whenever such officer may call upon him to do so. The stock books in the prescribed proforma shall be page numbered.
12. परिसरों में कोई परिवर्तन या तबदीली अनुज्ञापन प्राधिकारी के पूर्वानुमोदन बिना नहीं की जाएगी और अनुज्ञापिधारी ऐसी किसी शर्त का अनुपालन करेगा जो इस निमित्त अनुज्ञापन प्राधिकारी विनिर्दिष्ट करें ।
No changes or alterations shall be carried out to the premises without prior approval of the licensing authority and the licensee shall comply with any condition that may be specified by the licensing authority in this behalf.
13. मैगजीन सभी समयों पर अच्छी मरम्मत की स्थिति में बनाई रखी जाएगी (या अच्छी हालत में बनाई रखी जाएगी) यदि किसी कारणवश किसी विस्फोटक के भण्डारण के लिए मैगजीन अनुपयुक्त हो जाती है तो अनुज्ञापिधारी इस बात की सूचना अनुज्ञापन प्राधिकारी को तुरंत देगा ।
Magazine shall at all times be kept in state of good repair (or maintained in good condition). The licensee shall report to licensing authority forthwith, if the magazine becomes unfit for storage of any explosives for any reason whatsoever.
14. मैगजीन का अनुज्ञापिधारी इन नियमों के नियम 24 के उप-नियम 3 के अनुसार त्रैमासिक विवरणी प्रस्तुत करेगा ।
The licensee of the magazine shall submit quarterly return as per sub-rules (3) and (4) of rule 24 of these rules.
15. यदि सुरक्षा दूरी का कोई अधिक्रमण होता है तो उसकी सूचना अनुज्ञापन प्राधिकारी को आवश्यक सलाह और कार्यवाही के लिए तुरंत दी जाएगी ।
Any encroachment of the safety distance shall be immediately communicated to the licensing authority for necessary advice and action.
16. यदि कोई विस्फोटक विनष्ट हुआ अथवा अनुपयोगी जाया जाता है तो उसकी सूचना अनुज्ञापन प्राधिकारी को, सलाह प्राप्त करने के लिए, तुरंत दी जाएगी ।
The licensing authority shall be immediately informed for advice if any explosive is found deteriorated or unserviceable.
17. विस्फोटकों के पैकेटों के चट्टे इस प्रकार लगाए जाएंगे कि कम से कम एक व्यक्ति भण्डार किए गए सभी पैकेजों की हालत की जांच करने और प्रत्येक पैकेज की विनिर्माण विशिष्टियों को पढ़ने के लिए उनके बीच से होकर आ जा सके ।
The explosive packages shall be stocked in such a way so as to allow movement of at least one person to check the condition of all packages stored and to read the manufacture particulars of each package.
18. तडित चालकों की भूमि के लिए प्रतिरोध यथासंभव न्यूनतम होगा और किसी भी दशा में 10 ओह्म से अधिक नहीं होगा ।
The resistance of the lightning conductor to earth shall be as low as possible and in no case be more than 10 ohms.
19. मैगजीन के चारों ओर 15 मीटर की दूरी के अंतर्गत कोई शुल्क घास या झाड़ी या ज्वलनशील सामग्री नहीं रहने दी जाएगी ।

A distance of 15 meters surrounding the magazine or store house shall be kept clear of dried grass or bush or flammable materials.

18. विस्फोटकों के प्रत्येक पैकेट की, जब उसे मैगजीन के भीतर लिया जा रहा हो, ठीक दशा जानने के लिए परीक्षा की जाएगी।
Every package of explosive at the time of bringing inside the magazine shall be examined for its sound condition.
19. किसी मैगजीन / भंडारगृह में किसी एक समय में चार व्यक्तियों से अधिक को नहीं रहने दिया जाएगा।
Not more than 4 persons shall be allowed inside the magazine or store house at any one time.
20. विस्फोटकों के खाली पैकेजों को शीघ्रतिशीघ्र वहां से हटा दिया जाएगा और नष्ट कर दिया जाएगा।
Empty packages of the explosives shall be removed at the earliest and destroyed.
21. अनुज्ञप्तिधारी और कर्मचारीयों को परिसर के भीतर आपातकाल के दौरान की जाने वाली प्रक्रियाओं से अवगत होना चाहिए।
The licensee and the employee shall be conversant with procedure to be taken during the emergency within the premises.
22. निरीक्षण या नमूना अधिकारी को सभी युक्तियुक्त समयों पर अनुज्ञत परिसर में अबाध रूप से पहुंचने दिया जाएगा और यह सुनिश्चित करने के लिए कि अधिनियम और इन नियमों के उपबंधों और सुरक्षा स्थितियों को सम्यक्तः अनुपालन किया जा रहा है, अधिकारी को प्रत्येक सुविधा प्रदान की जाएगी।
Free access to the licensed premises shall be given at all reasonable times to any inspecting or sampling officer and every facility shall be afforded to the officer for ascertaining that the provisions of the Act and these rules and the safety conditions are duly observed.
23. यदि अनुज्ञापन प्राधिकारी या विस्फोटक नियंत्रक अनुज्ञप्तिधारक को अनुज्ञात परिसरों या मशीनरी, टूल या उपकरण में ऐसी कोई मरम्मत या परिवर्धन या परिवर्तन करने या सिफारिशों को लागू करने को लिखित रूप में सूचित करता है जो परिसर के अंदर या बाहर या व्यक्तियों की सुरक्षा के लिए आवश्यक है, अनुज्ञप्तिधारक सिफारिशों को निष्पादित करेगा और विनिर्दिष्ट अवधि के भीतर अनुपालन रिपोर्ट ऐसे प्राधिकारी को देगा।
If the licensing authority or a Controller of Explosives informs in writing, the holder of the licence to execute any repairs or to make any additions or alterations to the licensed premises or machinery, tools or apparatus or carry out recommendations, which are in the opinion of such authority may pose unacceptable risk and so necessary for the safety of either on-site or off-site of the premises or persons, the holder of the license shall execute the recommendations and report compliance within the period specified by such authority.
24. अनुज्ञप्तिधारी मैगजीन में रखने और बिक्री के लिए प्राधिकृत विस्फोटक सूची में उल्लिखित अनुज्ञत फैक्टरी या कंपनी से प्राधिकृत विस्फोटक / आतिशबाजी या सुरक्षा पलीते खरीदेगा।
The licensee shall purchase authorised explosives/ fireworks or safety fuse as mentioned in the list authorised explosives from a licensed factory or company for possession and sale from the magazine.
25. निम्न से अधिक ध्वनि स्तर उत्पादित करने वाले आतिशबाजियों पटाखों की बिक्री और रखने के लिए –
(क) जो फटने की जगह से चार मीटर की दूरी पर है, 125 डी.बी.(ए1) या 145 डी.बी.(सी)पी.के. प्रतिबंधित होंगे;
(ख) श्रृंखला (जुड़े हुए पटाख) को गठन करने वाले व्यक्तिगत पटाखों के लिए उपर्युक्त उल्लिखित सीमा 5 लॉग.10(एन) डी.बी. (सी) पी.के. प्रतिबंधित होंगे;
The possession and sale of fire-crackers generating noise level exceeding;
a) 125 dB(AI) or 145 dB(C)pk at 4 meters distance from the point of bursting shall be prohibited;
b) For individual fire-cracker constituting the series (joined fire-crackers), the above mentioned limit be reduced by 5 log₁₀ (N) dB, where N = number of crackers joined together.
26. आग या विस्फोट द्वारा दुर्घटना या नुकसान पटाखों की कमी या चोरी, तुरंत पास के पुलिस थाने और अनुज्ञापन प्राधिकारी और अनुज्ञापन प्राधिकारी के स्थानीय कार्यालय को रिपोर्ट की जाएगी।
Accidents by fire or explosion and losses, shortage or theft of explosives shall be immediately reported to the nearest police station and the licensing authority and local office of the licensing authority.

अतिरिक्त शर्तें / Additional Conditions :

1. अनुज्ञप्तिधारी विदेशी मूल के आतिशबाजी को ना प्रदर्शित करेगा, ना रखेगा और ना ही उसकी बिक्री करेगा।
The licensee shall not exhibit, possess and sell fireworks of foreign origin.

कृते संयुक्त मुख्य विस्फोटक नियंत्रक
For Joint Chief Controller of Explosives
दक्षिणचल, चेन्नै। South Circle, Chennai
Deputy Chief Controller of Explosives
एरनाकुलम Ernakulam

Sub : Mines & Minerals - Minor Minerals – Granite(Building Stone) – Quarrying lease to **M/s.Edathadan Granites, Mattathur.P.O. Ombathungal, Kodakara, Thrissur-680 684 (Represented by Sri.E.N.Shajan, Managing Partner)**-sanction– orders issued.

Ref :

1. Application dated 24/3/2015 from **M/s.Edathadan Granites, Mattathur.P.O. Ombathungal, Kodakara, Thrissur-680 684 (Represented by Sri.E.N.Shajan, Managing Partner)**
2. Letter No.849/C2/TDO/15 dt 28/4/15 from the Geologist, District Office: Thrissur
3. Kerala Minor Mineral Concession Rules,2015.
4. Letter No.J-11015/477/2014-1A.11(M) dtd 12/3/2015 of Director, Ministry of Environment, Forest and Climate Change, New Delhi.

No. 91/2015-16/4669/M3/2015

Dated, Thiruvananthapuram, 07/05/2015

ORDER

A quarrying lease is granted to **M/s.Edathadan Granites, Mattathur.P.O. Ombathungal, Kodakara, Thrissur-680 684 (Represented by Sri.E.N.Shajan, Managing Partner)** to quarry Granite (Building Stone) over an area of 4.7065 hectares of private land comprised in Survey Nos. **1270/4,5,7,8, 1271/2,3,4, 1273/1,2, 1272/1** of **Kodassery Village, Chalakudy Taluk, Thrissur District** for 12 (Twelve) years from the date of execution of the quarrying lease deed under the Kerala Minor Mineral Concession Rules, 2015 and as per the survey map issued by the Tahsildar, **Chalakkudy** and the approved Mining Plan and environmental clearance submitted by the applicant subject to the under mentioned condition.

1. Royalty is payable to Government as per Rule 32 of the Kerala Minor Mineral Concession Rules, 2015 in respect of minor mineral quarried and moved out of the quarry subject to revision from time to time on the basis of amendments to the schedule I of the said Rules.
2. Dead rent is realizable under of the said rules subject to revision from time to time on the basis of amendments to the schedule II of the said rules.
3. Surface rent realizable under of the said rules will be equal to the land revenue assessed by the Revenue Department subject to revision from time to time on the basis of the land revenue.
4. The lessee shall execute a quarrying lease deed within a period of six months from the date of this order in form 'H' as per Rule 43 of the Kerala Minor Mineral Concession Rules, 2015.
5. The lessee shall also deposit an amount of ₹. 10,000/- (Rupees Ten Thousand only) per hectare as security deposit for the observance of the terms and conditions of the lease before the deed is executed as per rule 42 of the said rules. The lessee shall commence quarrying operation only after the deed is executed and registered.
6. The quarrying area shall be demarcated and boundary stones fixed at the lessee's expenses before execution of the quarrying lease deed.
7. The lessee shall not win and dispose of any type of dimension and decorative stones from the area over which the quarrying lease has been sanctioned on the strength of this order
8. The production of Granite (Building Stone) from the area covered under this grant shall be subject to the quantity specified in the Mining Plan submitted by the lessee. (1,90,000 Metric Tonnes per year)
9. (i) The lessee shall erect a notice board in Malayalam at a prominent place with a minimum size of 1 metre X 1.5 metres in a metallic board near to the entrance of the quarry to the effect that it shall contain the name and address of the permit holder, mineral concession number and date, the mineral to extracted, permit number and date and its date of expiry,

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quantity of extraction permitted (if applicable). Area of extraction permitted, explosives used (if any), etc.

- (ii) The lessee shall erect a warning board with danger sign regarding operation of the quarry, 100 metres away by the side of the road leading to it.
10. The lessee should provide retention wall/barricade/fencing compound wall surrounding the quarry before the commencement of the quarrying operation for preventing accidents by falling of human being animals, vehicles and material into the quarry. The lessee should take effective preventive measures for the safety of labourers as well as the general public.
 11. The lessee should leave a distance of 7.5m from the adjacent boundary lands including government puramboke land while carrying out quarrying operations.
 12. The lessee should not assign, sublet or transfer his lease or any right or interest therein to any person without previous permission of the Director of Mining & Geology.
 13. The lessee shall pay tax related to Revenue Department, if any, as directed by them and the details should be furnished to the Geologist periodically.
 14. The lessee shall operate the quarry in accordance with the condition stipulated in the environmental clearance and mining plan submitted by him.
 15. The lessee shall obtain all other statutory licences/clearances/No Objection Certificates from other authorities concerned including Explosive licence, consent from Pollution Control Board and D & O licence from the Local Self Government Department concerned.
 16. The quarrying lease will become invalid if the lessee fails to renew the Environmental clearance after 5 years.
 17. The lessee shall produce a financial guarantee of ₹. 1,17,663/- (**Rupees One lakh Seventeen thousand six hundred sixty three only**) as stipulated in rule 62 of KMMC Rules 2015, before execution of lease deed.
 18. The lessee shall pay 10% of the amount of royalty/consolidated royalty as the case may be paid by him, being the quarry safety fund in addition to the royalty/consolidated royalty, as per rule 63 of KMMC rules, 2015.
 19. The lessee shall carryout mining operations as per the approved mining plan.

The terms and conditions stated in this order will be subjected to such further modifications as may be made by the State Government from time to time.

Sd/-
D.P.SREEKUMAR
DIRECTOR OF MINING & GEOLOGY

To :
M/s.Edathadan Granites,
Mattathur.P.O. Ombathungal,
Kodakara, Thrissur-680 684
(Represented by Sri.E.N.Shajan, Managing Partner)

Copy to :

1. The Deputy Director General, Directorate General of Mines Safety, Southern Zone, Bangalore-560 029
2. The District Collector, Thrissur
3. The Geologist, District Office, Thrissur
4. The Tahsildar, Chalakudy
5. Stock File (2), File Copy

(BY ORDER)

Handwritten signature and date: 08/05/2015

SENIOR SUPERINTENDENT



No 1954/12315 (Handwritten)

भारतीय गैर न्यायिक

Certified that the deficit Stamp Duty of Rs 400 Rupees Four hundred with which this instrument is chargeable has been remitted at Sub Treasury Thrissur as per Chalan no: 92 dated 26/5/15

एक सौ रुपये

Rs. 100

ONE HUNDRED RUPEES

the 26th day of May 2015

Thissur District Registrar collector

I hereby certify that I have satisfied with myself that the original of this deed has a stamp duty of 548396/- Rupees five lakhs four thousand three hundred and ninety six only therefore

शुद्धी के दिनांक 26 मई 2015

Sam C. Jomil
Sub Registrar



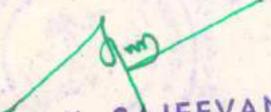
AT 025332

കേരളം केरल KERALA

FORM H (See rule 43) QUARRYING LEASE

This deed of lease made on this the 20th day of May 2015 between the Governor of Kerala (hereinafter referred to as the "State Government" which expression shall, where the context so admits be deemed to include his successors and assigns) of the one part and M/s Edathadan Granites, Ombathungal, P.O.Mattathur, Kodakara, Dist : Thrissur- 680684 (Represented by Shri E.N. Shajan, aged 50 Managing Partner, Son of Edathadan Narayanan resident of Edathadan House, in the Aloor village of Chalakudy taluk of Thrissur district (herein after called the "lessee/lessees" which expression shall where the context so admits, include his/their heirs, executors, administrators, representatives and permitted assigns) of the other part,

Witnesseth that in consideration of the rents and royalties and lessee's/Lessees' covenants, hereinafter reserved and contained the State Government hereby give on lease to the lessee/lessees the land measuring 4.7065 hectares described in the schedule hereunder and delineated on the plan hereto annexed and therein coloured red(hereinafter called the "said lands") to hold the same for a period of 12(twelve) years commencing from the 20/5/2015 and ending on the 19/5/2027 for the purpose of extracting minor mineral/minerals and subject to the terms and conditions contained in the Kerala Minor Mineral Concession Rules, 2015 (hereinafter referred to as "the Rules" and to terms and conditions hereinafter appearing.


K. K. SAJEEVAN
GEOLOGIST
DEPT. OF MINING AND GEOLOGY
DISTRICT OFFICE, THRISSUR

For Edathadan GRANITES

Managing Partner



Handwritten notes at the bottom of the page, including a reference number 'A.O. 1461/14.5.15/KS1001' and a signature 'E.N. Shajan'.

This instrument contains

7 sheets 1 sheet

Thrissur District Registrar
Collector



No 1054 / I / 2015 [DUPLICATE]

PRESENTED IN THE OFFICE OF THE SUB-REGISTRAR OF CHALAKUDY WITH THE PHOTOGRAPHS AND FINGER PRINTS OF THE EXECUTANT AND CLAIMANT AFFIXED UNDER SECTION 22 & AND A FEE OF RS. 184.89/- PAID AT..... ON THE DAY OF BY.....

2.10.15
K.N. Shajam Sundar
Edathodan Himm
Sh. Jaff June 2015

EXECUTION ADMITTED BY

K.N. Shajam
Sh. Edathodan N. Rajan
Mangus brother
Sundar Edathodan Himm Alloor

Sam C. John
Sub Registrar



IDENTIFIED BY

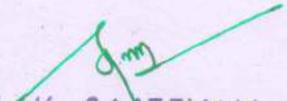
- 1 Mundayasa Jameendranathan s/o M.T. Karunakutty
- 2 Parumbi Kuttal s/o Panthakrishnan Surveyor Chal...

Document No. of _____ of B. _____

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1. The lessee/lessees shall have the right in and upon the said lands to extract Granite Building Building Stone(hereinafter called the said mineral/minerals) and to do all acts necessary for the extraction of the said mineral/minerals including the erection on the said lands, buildings and plant required for the purposes and also to take lead and carry away over the said lands and to dispose of the said minerals extracted as aforesaid.
2. The lessee/lessees shall during the subsistence of this lease have the liberty to work the said mineral/minerals and remove the same from the leasehold on permits issued by the State Government/competent authority or any other officer authorised by him in this regard. The permits shall be issued only on the basis of prepaid royalty at the rates specified in schedule I to these Rules. The royalty rates shall be subject to revision from time to time as the State Government may order.
3. The lessee/lessees shall pay to the State Government a yearly surface rent equal to the land revenue if any, assessable under the rules for the time being in force, or if the land be the property of Government or in reserve forest then equal to the land revenue plus cess, if any, per hectare of the land surface whereof shall be occupied or used by the lessee/lessees for any of the purposes of this deed and so in proportion for any area less than one hectare. The said surface rent shall be paid by yearly payments; the first of such payments to be made on or before the last day of the first year of occupation provided always that no such rent shall be paid or demanded in respect of any roads or ways now in existence.
4. The lessee/lessees shall at all times during the currency of this lease keep correct and intelligible books of account showing accurately the quantity of the said minerals extracted and the weight and value of the said mineral sold or exported together with the names of the purchasers or consignees. The lessee shall also maintain a register of employees showing therein separately men, women employed daily and shall at reasonable times allow the competent authority appointed under the rules (hereinafter referred to as "competent authority") or the officer authorised by him to examine the said books of account and register of employees and to take copies and extracts therefrom. The lessee/lessees shall submit reports in Forms F and G on the specified dates.
5. All sums found due under or by virtue of this deed from the lessee/lessees may be recovered from him jointly and severally from them and his/their properties movable and immovable under the provisions of the Revenue Recovery Act for the time being in force as though such sums are arrears of land revenue or in any other manner as the State Government may deem fit.
6. The lessee/lessees shall at the lessee's/ lessees' own expense erect and all times maintain and keep in repair boundary marks and pillars along the boundaries of the said lands according to the demarcation shown in the plan hereto annexed.
7. In cases where explosives are not used for quarrying the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 75 meters from any railway line except with the previous written permission of the Railway Administration concerned; and any bridge on National High way or 50 metres from any


K. K. SAJEEVAN
 GEOLOGIST
 DEPT. OF MINING AND GEOLOGY
 DISTRICT OFFICE, THRISSUR

For EDATHADAN GRANITES


 Managing Partner



This instrument contains
7 sheets 2 sheet
Thrissur District Registrar
Collector

I am satisfied with myself as to the
execution of this instrument by the Sr. Geologist
Deputy Registrar who is exempted from
personal appearance as per sub-section 1 of Section
1908

5th day of June 2015

Sam C. John
Sub Registrar

REGISTERED AS DOCT. No. 1954
OF 2015 IN BOOK 1 VOLUME 204
FROM PAGES 391 TO 398
7 SHEETS 2 SHEETS DAY
SUB REGISTRAR

5th day of June 2015

Sam C. John
Sub Registrar



For TECHNICAL GRANTES
[Signature]

DISTRICT OFFICE, THRISUR
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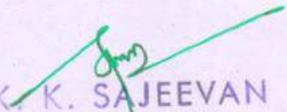
reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or any Government protected monuments or forest lands which do not conform to the category of wild life forests except with the previous permission of the authorities concerned or State Government or competent authority or any other officer authorised by the State Government in this behalf.

In cases where explosives are used for quarrying, the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 100 metres from any railway line, bridge, reservoir, tanks, residential buildings, Government protected monuments, canals, rivers, public roads having vehicular traffic, other public works or the boundary walls of places of worship or 50 metres from any burial grounds or burning ghats or village roads or forest lands which do not conform to the category of wild life forests.

The above said distances shall be measured in the case of a railway, reservoir or canal horizontally from outer edge of the cutting or outer edge of the bank, as the case may be and in the case of a building horizontally from the plinth thereof.

For the purposes of this clause the expression 'railway' and 'railway administration' shall have the same meaning as defined in sub sections (4) and (6) of section 3 of Indian Railway Act, 1890 (IX of 1890)

8. The sides of open workings shall be sloped, stepped or secured by the lessee in such a manner as to prevent slope failure, when an open working is worked in steps, steps shall be of sufficient breadth in relation to their height to secure safety. In open workings trees liable to fall and all loose ground and material shall be removed by the lessee sufficiently far from the edge or otherwise made source in order to prevent danger to persons employed in the quarry.
9. If a working place is found to be unsafe all persons shall be withdrawn by the lessee/lessees immediately from the dangerous area and all access to such working place except for the purpose of removing the danger of saving life shall be prevented by securely fencing the full width of all entrances to the place.
10. The lessee/lessees shall at all reasonable times allow any officer authorised by The Central Government or by the State Government in that behalf to inspect the said lands and the buildings and plants erected thereon and the lessee/lessees shall assist such persons in conducting the inspection and afford them all information they may reasonably require, and shall conform to and observe all orders which the Central and State Governments as the result of such inspection or otherwise, may from time to time pass.
11. The lessee shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry.
12. The lessee/lessees shall not assign or underlet the said lands or any part thereof or the rights or privileges, therein hereby granted or any of them without the previous permission in writing of the State Government/ competent authority.


K. K. SAJEEVAN
GEOLOGIST
DEPT. OF MINING AND GEOLOGY
DISTRICT OFFICE, THRISSUR

For EDATHADAN GRANITES

Managing Partner



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Chittoor District Registrar
Collector

Document No. --- of --- of Book ---
Contains --- Sheets --- Sheet

REGISTRAR

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13. Where the lease or any right, title or interest therein has been assigned, subject or transferred as provided in rule 45 read with condition 12, then the person in whose favour such assignment, sublease or transfer has been made shall be responsible for implementing the provisions of various labour laws applicable, from time to time, to the quarry.
14. The lease may be surrendered by the lessee/lessees at any time after 3 months notice in writing to the State Government/competent authority.
- Provided the lessee/lessees has/have paid all sums due on account of the lease.
- Provided that if the lessee/lessees elects/elect to determine this lease before the expiry of the term of the lease, shall pay in addition to other dues a sum equal to the dead rent payable for the remaining part of the term of the lease deed
15. If the lessee/lessees shall be desirous of taking a further lease of the said lands for a further term of.....years he/they shall give three months' previous notice in writing of such desire to the State Government/competent authority and if the lessee/lessees has/have duly observed all the conditions of this lease for such further term and on such terms and conditions as the State Government/Competent authority may determine which shall be in accordance with the provisions of these rules.
16. If the lessee/lessees shall at any time during the said term use the said lands or any part thereof in any manner other than as authorised by this lease or fail to carry on quarrying operations continuously without sufficient cause of which the State Government/Competent authority shall be the Judge or shall commit a breach of any of the conditions of this lease it shall be lawful for the State Government/Competent authority to cancel this lease and take possession of the said lands or the alternative to receive from the lessee/lessees such penalty not exceeding Rs. 25,000/- for the breach as the State Government/Competent authority may fix.
17. If at the expiration of three calendar months after the expiry of the lease or its sooner determination, there shall remain in or the said lands, any engines, machinery, plant buildings, structures and other works erections and conveniences the said minerals or other property which the lessee/lessees are entitled to remove from the said lands, the same shall, if not removed by the lessee/lessees within one calendar month after notice in writing requiring their removal be given to the lessee/lessees by the State Government/Competent authority be deemed to become the property of the State Government in such manner as they may deem fit without liability to pay any compensation or to account to the lessee/lessees/lessees in respect thereof.
18. This lease subject to all rules and regulations which may from time to time be issued by the State Government regulating the working of the quarries and other matters affecting safety, health and convenience of the lessee's/lessees' employees or of the public, whether under the Indian Mines Act or otherwise.


K. K. SAJEEVAN
 GEOLOGIST
 DEPT. OF MINING AND GEOLOGY
 DISTRICT OFFICE, THRISSUR

For EDATHADAN GRANITES

 Managing Partner



This Instrument contains
7 sheets 3/4 sheet

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Thirissur District Registrar
Collector

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Contains _____ Sheets _____ Sheet

REGISTRAR

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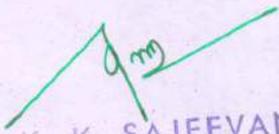
FOR EDITORIAL PURPOSES
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REGISTRAR
OFFICE
THIRISSUR

19. The lessee/lessees shall without delay send to the District Collector and the competent authority or the officer authorised by him in this regard report of any accident causing loss of life or serious bodily injuries or seriously affecting or endangering life or property which may at any time occur at or in the said lands in the course of operations under this lease.
20. The lessee/lessees shall furnish such reports and returns relating to output, labourers employed and other matters as the State Government may prescribe.
21. The lessee/lessees shall make and pay such reasonable compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damages, injury or disturbance which may be done by him/them in exercise of the powers granted by this lease and shall indemnify and shall keep indemnified fully and completely the State Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.
22. The lessee shall renew the Environmental Clearance within the periods as stipulated in the Environmental Clearance produced by the lessee for granting this lease.
23. Any condition prescribed in the Kerala Minor Mineral Concession Rules, 2015 but left out in this lease which may be found applicable to the lessee/lessees shall be treated as binding on the lessee/lessees.

In this case anticipated royalty for the mineral at the rate of Rs. 24/- (Rupees Twenty four only) per tone for a period of one year Rs 45,60,000/- (Rupees Forty Five lakh Sixty thousand Only)

24. Dead Rent realizable at the rate of Rs. I year- Nil, II year – Rs. 300/- , III Year onwards – Rs. 1200/- Per hectare subject to revision from time to time. Surface rent at the rate of Rs. 200/- (two hundred rupees only) per hectare for One Year is Rs. 941/- (Rupees nine hundred forty one only) security deposit is Rs. 47065/- (Rupees forty seven thousand sixty five only).


K. K. SAJEEVAN
GEOLOGIST
DEPT. OF MINING AND GEOLOGY
DISTRICT OFFICE, THRISSUR

For EDATHADAN GRANITES

Managing Partner

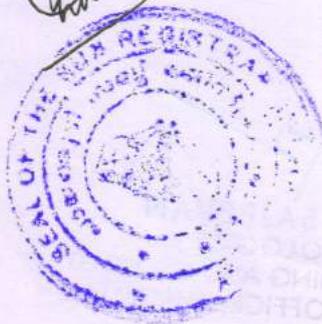


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Thrissur District Registrar/
Collector

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REGISTRAR

[Signature]



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The Schedule above referred to Description of Land

| District / Taluk | Village Or Amsam | Re-Survey/ Survey No. of the area. | Area in Hectares |
|--------------------|------------------|--|------------------|
| Thrissur Chalakudy | Kodassery | 1270/4,5,7,8 1271/2,3,4 1273/1,2, 1272/1 | 4.7065 H |

Bounded by Sy. Nos.

- On the North by : 954, 1266, 1267
- On the East by : 1272/4, 956, 967, 1273/4
- On the South by : 1270/2, 6.
- On the West by : 1266, 1267, 1268, 1270/1

In witness whereof the parties hereto have set their hands hereunto on the day and year first above written.

Signed by

For and on behalf of the Government of Kerala.

In the presence of:

1. AJITH R, Mineral Revenue Inspector
District Office, Dept. of Mining & Geology, Thrissur
2. M. Jondakumar, Clerk, District Office
Dept. of Mining & Geology, TSR

Signed by
Managing Partner

For and on behalf of the lessee/lessees

1. M. U. Janeandran
Mandanthera House
P.O. Anjoor, Mandanthera
2. Suresh Kumar S
Sree Vihara
Nannikara
680301

മൈനിങ് & ജിയോളജി അഡീഷണൽ ഡയറക്ടറുടെ നടപടി ക്രമം

വിഷയം : ഖനിയും ഖനിജങ്ങളും ചെറുകിട ധാതു - കരിങ്കല്ല് - ക്വാറിയിംഗ് ലീസ് - M/s എടത്താടൻ ഗ്രാനൈറ്റ്സ്, മറ്റത്തൂർ പി.ഒ, കൊടകര, തൃശൂർ എന്ന സ്ഥാപനത്തിന്റെ മാനേജിംഗ് പാർട്ടണർ ശ്രീ. ഇ.എൻ ഷാജൻ മരണപ്പെട്ടതിനാൽ മാനേജിംഗ് പാർട്ടണർ ശ്രീ. അനന്തകൃഷ്ണൻ ഷാജൻ ക്വാറിയുടെ പ്രവർത്തനാനുമതി നൽകി ഉത്തരവാകുന്നത് സംബന്ധിച്ച്.

- സൂചന :
1. 07/05/2015 തീയതി 91/2015-16/4669/എം3/15 നമ്പറിൽ മൈനിങ് & ജിയോളജി ഡയറക്ടർ അനുവദിച്ച ക്വാറിയിംഗ് ലീസ്
 2. തൃശൂർ ജില്ലാ ജിയോളജിസ്റ്റിന്റെ 06/02/19 തീയതിയിലെ 241/സി2/ടിഡിഒ/19 നമ്പരായ കത്തും ഉള്ളടക്കവും.
 3. 2015 ലെ കെഎംഎംസി ചട്ടങ്ങൾ

നമ്പർ : 775/2018-19/4669/എം3/2015/ഡിഎംജി തീയതി തിരുവനന്തപുരം: 13/02/2019

ഉത്തരവ്

തൃശൂർ ജില്ലയിൽ ചാലക്കുടി താലൂക്കിൽ കോടശ്ശേരി വില്ലേജിൽ സർവ്വെ നമ്പർ 1270/4, 5, 7, 8, 1271/2,3,4, 1273/1,2, 1272/1 - ൽ പെട്ട 4.7065 ഹെക്ടർ സ്ഥലത്തു നിന്നും കരിങ്കല്ല് ഖനനം ചെയ്യുന്നതിന് സൂചന (1) പ്രകാരം M/s എടത്താടൻ ഗ്രാനൈറ്റ്, മറ്റത്തൂർ പി.ഒ, കൊടകര, തൃശൂർ എന്ന സ്ഥാപനത്തിന് സൂചന (1) പ്രകാരം ക്വാറിയിംഗ് ലീസ് അനുവദിച്ചിരുന്നു. ടി ലീസിന് 19/05/2027 വരെ കാലാവധിയുള്ളതും ടി ലീസ് പ്രകാരം മേൽ സ്ഥാപനത്തിന്റെ ക്രഷർ യൂണിറ്റ് രജിസ്റ്റേർഡ് മെറ്റൽ ക്രഷർ യൂണിറ്റായി പ്രവർത്തിച്ചു വരുന്നതുമാണ്. ടി സ്ഥാപനത്തിന്റെ മാനേജിംഗ് ഡയറക്ടർ ആയിരുന്ന ഇ.എൻ ഷാജൻ 06/01/19 തീയതി മരണപ്പെട്ടതിനെ തുടർന്ന് പുതിയ പാർട്ടണർഷിപ്പ് ഡീഡ് 24/1/2019 തീയതി 284/2019 നമ്പരായി രജിസ്റ്റർ ചെയ്തിട്ടുള്ളതുമാണ്. എക്സിക്യൂട്ട് ചെയ്ത പാർട്ടണർഷിപ്പ് ഡീഡിലെ ഖണ്ഡിക (6) പ്രകാരം ശ്രീ. അനന്തകൃഷ്ണൻ ഷാജൻ, ശ്രീമതി പ്രതിഭ പുത്തൻപുര എന്നിവർ ടി സ്ഥാപനത്തിന്റെ പുതിയ മാനേജിങ് പാർട്ടണർമാരാണ്. 14/01/19 തീയതി M/s എടത്താടൻ ഗ്രാനൈറ്റ്സ് എന്ന സ്ഥാപനത്തിന്റെ ബോർഡ് മീറ്റിംഗിൽ ശ്രീ. അനന്തകൃഷ്ണൻ ഷാജനെ മാനേജിംഗ് പാർട്ടണർമാരുടെ ചുമതലകൾ നിർവ്വഹിക്കുന്നതിന് അധികാരപ്പെടുത്തിയിട്ടുള്ളതുമാണ്.

മേൽ സാഹചര്യത്തിൽ സൂചന (1) പ്രകാരം അനുവദിച്ചിരുന്ന ക്വാറിയിൽ ലിസ്റ്റ് പ്രകാരം ക്വാറി പ്രവർത്തിക്കുവാൻ ശ്രീ. അനന്തകൃഷ്ണൻ ഷാജൻ മാനേജിംഗ് പാർട്ട്ണറായി രജിസ്റ്റർ ഓഫ് ഫോസിൽ 284/2019 നമ്പരായി രജിസ്റ്റർ ചെയ്തിട്ടുള്ള M/s എടത്താടൻ ഗ്രാനൈറ്റ്സ് എന്ന സ്ഥാപനത്തിന് അനുമതി നൽകിക്കൊണ്ട് ഉത്തരവാകുന്നു.

ഒപ്പ്
റ്റി.കെ രാമകൃഷ്ണൻ
അഡീഷണൽ ഡയറക്ടർ

- 1. ശ്രീ. അനന്തകൃഷ്ണൻ ഷാജൻ, എടത്താടൻ ഹൗസ്, ആളൂർ പി.ഒ. തൃശൂർ - 680683
- 2. മാനേജിംഗ് പാർട്ട്ണർ,
M/s എടത്താടൻ ഗ്രാനൈറ്റ്സ്, മറ്റത്തൂർ പി.ഒ, കൊടകര, തൃശൂർ 680684
(Represented by sri. Anantha Krishnan Shajan, Managing Partner)

പങ്കെടുപ്പ്

- 1. സീനിയർ ജിയോളജിസ്റ്റ്, ജില്ലാ ഓഫീസ്, തൃശൂർ
- 2. സീനിയർ സൂപ്രണ്ട്, മൈനിംഗ് ലിഡ്,
- 3. എം3 സെക്ഷൻ
- 4. സ്റ്റോക്ക് ഫയൽ
- 5. ഫയൽ കോപ്പി.

ഉത്തരവിൻ പ്രകാരം
Handwritten signature and date: 13/02/2019
സീനിയർ സൂപ്രണ്ട്

Pm13/02/19



ജില്ലാ ഫയർ ഓഫീസറുടെ കാര്യാലയം,
അഗ്നിരക്ഷാസേവനം, തൃശ്ശൂർ.
തീയതി: 19.06.2019

നം: ജി-2768/2019

നിരാക്ഷേപ സാക്ഷ്യപത്രം

തൃശ്ശൂർ ജില്ലയിൽ, ചാലക്കുടി താലൂക്കിൽ, കോടശ്ശേരി വില്ലേജിൽ, സർവ്വേ നം: 1266/1,3&4,1265/3,1267/2&3,1268/1 -ൽ, മറ്റത്തൂർ ഗ്രാമപഞ്ചായത്തിൽ, ശ്രീ.അനന്തകൃഷ്ണൻ ഷാജൻ, മാനേജിംഗ് പാർട്ട്നർ, എടത്താടൻ ഗ്രാമനെറ്റ്, ഒമ്പതുങ്ങൽ, മറ്റത്തൂർ.പി.ഒ., തൃശ്ശൂർ - 680 684 എന്നിവർ ഇതോടൊപ്പമുള്ള പ്ലാനിൽ പറഞ്ഞിരിക്കുന്ന പ്രകാരം 1043 എച്ച്. പി. മോട്ടോറുകൾ ഉപയോഗിച്ച് എടത്താടൻ ഗ്രാമനെറ്റ് എന്ന പേരിൽ ക്വാറി & മെറ്റർ ക്രഷർ യൂണിറ്റ് നടത്തുന്നതിന് നിർമ്മിച്ചിട്ടുള്ള കെട്ടിടം 19.06.2019 ന് ഡി ആന്റ് ഒ ട്രേഡ് റൂൾ അനുസരിച്ച് ഞാൻ നേരിൽ പരിശോധിക്കുകയും പരിശോധനാ സമയത്ത് ആവശ്യമായ അഗ്നിശമന ഉപാധികൾ സ്ഥാപിച്ചിട്ടുള്ളതായി കാണുകയും അഗ്നി പ്രതിരോധവീക്ഷണത്തിൽ അനുയോജ്യമാണെന്ന് ബോധ്യപ്പെടുകയും ചെയ്തു

ആയതിനാൽ ശ്രീ.അനന്തകൃഷ്ണൻ ഷാജൻ, മാനേജിംഗ് പാർട്ട്നർ, എടത്താടൻ ഗ്രാമനെറ്റ്, ഒമ്പതുങ്ങൽ, മറ്റത്തൂർ.പി.ഒ., തൃശ്ശൂർ - 680 684 എന്നവർ ഇതോടൊപ്പമുള്ള പ്ലാനിൽ പറഞ്ഞിരിക്കുന്ന പ്രകാരം 1043 എച്ച്. പി. മോട്ടോറുകൾ ഉപയോഗിച്ച് എടത്താടൻ ഗ്രാമനെറ്റ് എന്ന പേരിൽ ക്വാറി & മെറ്റർ ക്രഷർ യൂണിറ്റ് നടത്തുന്നതിന് ഡി ആന്റ് ഒ ട്രേഡ് റൂൾ അനുസരിച്ച് ഈ വകുപ്പിന് ആക്ഷേപമില്ലെന്ന സാക്ഷ്യപത്രം ഇതിനാൽ അനുവദിക്കുന്നു.



ജില്ലാ ഫയർ ഓഫീസർ,
അഗ്നിരക്ഷാസേവനം, തൃശ്ശൂർ

സെക്രട്ടറി,
മറ്റത്തൂർ ഗ്രാമപഞ്ചായത്ത്
(കത്ത് നമ്പർ എ3/4381/2019 തീയതി 24.05.2019 പ്രകാരം)



KERALA STATE POLLUTION CONTROL BOARD

FILE NO. :PCB/TSR/IC/1119/08

Date of issue :2019-02-18

CONSENT VARIATION ORDER

Consent No : PCB/TSR/RI/ICO/8265/2019

Ref : 1) Your Online application no:9944856 dated 05-02-2019

2) Consent No:PCB/TSR/RI/ICO/8265/2018 dated 24/10/2018 with validity up to 01/12/2023

The ' Integrated Consent to Operate' issued as per reference above to M/s Edathadan Granites (Quarry), Ombathungal, Mattathur P.O., Thrissur is hereby modified & issued to M/s Edathadan Granites (Quarry), Ombathungal, Mattathur P.O., Thrissur. The consent(s)/ variation order(s) cited under reference are integral part of this consent variation order and this order is subject to the conditions stipulated therein and the following modifications/ additions.

I. GENERAL

| S.No. | Items | Description |
|-------|--------------------------------------|--|
| 1 | Name and designation of the Occupier | Sri. Ananthkrishnan Shajan Managing Partner |

II. CONDITIONS

All other conditions of the Integrated Consent to Operate issued as per reference above remain unchanged.

DATE :18/02/2019

SUSEELA NAIR V A Digitally signed by SUSEELA NAIR V A
Date: 2019.02.18 00:58:01 +05'30'

SIGNATURE & SEAL OF ISSUING AUTHORITY
ENVIRONMENTAL ENGINEER



To
Sri. Ananthakrishnan Shajan,
Managing Partner,
Edathadan Granites,
Ombathungal,
Mattathur P.O.,
Thrissur-680684

- 1. This digitally signed document is legally valid as per the Information Technology Act 2000**
2. For verifying this document please go to krocmms.nic.in and search using date of issue/name of the unit/Application Number in "Consent Granted Applications" link in the home page of the Board's Online Consent Management and Monitoring System.



KERALA STATE POLLUTION CONTROL BOARD

FILE NO. :PCB/TSR/IC/1119/08

Date of issue :24/10/2018

INTEGRATED CONSENT TO OPERATE - RENEWAL

Consent No : PCB/DO/TSR/R1/ICO/8265/2018

Ref : 1. Your online application no.8736033 dated 29.09.2018.

2. Consent No.O16TRICTOA1751470 dtD 23.02.2016 valid up to 01.12.2018

The ' Integrated Consent to Operate' issued as per reference above to M/s Edathadan Granites (Quarry), Ombathungal, Mattathur P.O., Thrissur is hereby renewed up to 01/12/2023 and issued to M/s Edathadan Granites (Quarry), Ombathungal, Mattathur P.O., Thrissur. The consent(s)/ variation order(s) cited under reference are integral part of this renewal order and this order is subject to the conditions stipulated therein and the following modifications/ additions.

I. GENERAL

| S.No. | Items | Description |
|-------|--------------|-------------|
| 1 | Fee remitted | Rs.175000/- |
| 2 | Annual fee | Rs.35000/- |
| 3 | Validity | 01.12.2023 |

II. Stack Details

| Stack No. | Source of Emission | Emission Rate(Nm3/Hr) | Stack Height above | | Control Equipment |
|-----------|--------------------|-----------------------|-------------------------|-----------------------|-------------------|
| | | | Ground Level(In Meters) | Roof Level(In Meters) | |
| | | | | | |

III. CONDITIONS

3.1 Application for renewal of consent shall be submitted online (krocmms.nic.in) two months in advance of the date of expiry of validity of the consent. Late application will be accepted only with fine as applicable.

3.2 Fee arrears of Rs.16250/- as per G.O (P) No.2/2017/ENV T dated 04/11/2017, shall be remitted as DD drawn in favour of Kerala state pollution control Board, within one month from the date of issue of this consent.

All other conditions of the Integrated Consent to Operate issued as per reference above remain unchanged.

SUSEELA NAIR V A Digitally signed by SUSEELA NAIR V A
Date: 2018.10.24 16:26:30 +05'30'

DATE :24/10/2018

SIGNATURE & SEAL OF ISSUING AUTHORITY
ENVIRONMENTAL ENGINEER



To
Sri. E. N. Shajan,
Managing Partner,
Edathadan Granites,
Ombathungal,
Mattathur P.O.,
Thrissur-680684.

1. This digitally signed document is legally valid as per the Information Technology Act 2000
2. For verifying this document please go to krocmmms.nic.in and search using date of issue/name of the unit/Application Number in "Consent Granted Applications" link in the home page of the Board's Online Consent Management and Monitoring System.

0
3-9-16

FILE NO : PCB/RO-EKM/TSR/OL-373/16

Date of issue : 23/02/2016



KERALA STATE POLLUTION CONTROL BOARD

CONSENT TO

OPERATE/AUTHORISATION/REGISTRATION

ISSUED UNDER

The Water (Prevention & Control of Pollution) Act, 1974

The Air (Prevention & Control of Pollution) Act, 1981

and

The Environment (Protection) Act, 1986

As per Application No. :1751470

Dated:01-12-2015

TO

**M/s EDATHADAN GRANITES
OMBATHUNGAL, MATTATHUR P. O.
THRISSUR DIST., KERALA
680684**

Consent No. :016TRICTOA1751470

Valid Upto :01/12/2018





1. GENERAL

1.1. This integrated consent is granted subject to the power of the Board to withdraw consent, review and make variation in or revoke all or any of the conditions as the Board deems fit.

| | | |
|----|---------------------------------------|---|
| 1 | VALIDITY | 01/12/2018 |
| 2 | Name and Address of the establishment | EDATHADAN GRANITES OMBATHUNGAL, MATTATHUR P. O. THRISSUR DIST., KERALA 680684 |
| 3 | Communication | Telephone :0480-2655200 Fax :- E-mail:edathadan.granites@gmail.com |
| 4 | Occupier Details | E. N. SHAJAN MANAGING PARTNER EDATHADAN GRANITES OMBATHUNGAL, MATTATHUR P. O. THRISSUR DIST. PIN 680684 |
| 5 | Local Body | MATTATHUR |
| 6 | Survey Number | 1270/4,5,7,8; 1271/2,3,4; 1272/1; 1273/1,2 |
| 7 | Village | KODASSERY |
| 8 | Taluk | CHALAKUDY |
| 9 | District | THRISSUR |
| 10 | Capital Investment(Rs in Lakhs) | 300 |
| 11 | Scale | Small |
| 12 | Category | RED |
| 13 | Annual fee(Rs) | 20,000/- |
| | Total Fee remitted(Rs) | 1,30,000/- |
| 14 | RAW MATERIAL | PRODUCTS |
| | NATURAL ROCK @190000 Metric Tonnes | AGGREGATES @190000 Metric Tonnes |
| 15 | Total Power Required (HP) | - |

2. CONDITIONS AS PER

The Water(Prevention and Control of Pollution)Act, 1974

- 2.1 In case of generation of trade effluent from the industry, effluent treatment system consisting of treatment units having adequate capacity established as per the Integrated Consent to Establish issued shall be operational at all times during which the industry is functional. Additional facilities required, if any, to achieve the standards laid down by the Board u/s 17(1) (g) of the Water Act shall also be made along with.
- 2.2 Water consumption: 17,000 liters per day
- 2.3 Effluent generation: NA
- 2.4 The characteristics of effluent after treatment shall confirm to the following tolerance limits:





| Sl.No. | Characteristics | Unit | Tolerance Limit | |
|--------|-----------------|------|-----------------|----------------|
| | | | Sewage | Trade Effluent |

2.5 Mode of disposal of treated effluent:

3. CONDITIONS AS PER The Air(Prevention and Control of Pollution)Act, 1981

3.1 Adequate air pollution control measures shall be operational at all times during the functioning of the industry. Additional facilities required, if any, to achieve the standards laid down by the Board shall also be made along with.

| Stack No. | Sources of Emission | Emission Rate(Nm3/Hr) | Stack Height above | | Control Equipment |
|-----------|---------------------|-----------------------|--------------------|------------|-------------------|
| | | | Ground Level | Roof Level | |

3.2 Emission characteristics shall not exceed the following:

| Sl.No. | Parameter | Limiting Standards (mg/Nm3) |
|--------|-----------|-----------------------------|
|--------|-----------|-----------------------------|

4. CONDITIONS AS PER The Environment (Protection) Act, 1986.

- 4.1 The operation of the industry shall be strictly in compliance with the provisions of the Noise Pollution (Regulation and Control) Rules 2000.
- 4.2 Used lead acid batteries shall be disposed of as per the Batteries (Management and Handling) Rules, 2001
- 4.3 Hazardous waste generated, if any, shall be handled as per the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008.
- 4.3.1 Activities for which Authorisation is granted

| | |
|------------|-----------------------|
| Collection | transport |
| Reception | Storage |
| Treatment | Reprocessing/Disposal |

4.3.2 Type, quantity and mode of storage/collection/disposal of hazardous wastes shall be as follows:

| Sl.No. | Hazardous Waste | Schedule Category | Quantity Tonne/year |
|----------------|-----------------|-------------------|---------------------|
| Mode of | | | |
| Storage | | Disposal | |

4.4 e-waste shall be disposed off safely as per the e-waste (Management and Handling) Rules, 2011.

5. SPECIFIC CONDITIONS

5.1. This consent, unless withdrawn earlier is valid up to the validity of permit/lease issued by the Department of Mining and Geology or 01.12.2018, whichever is earlier. In case of operation of the quarry is



to be continued thereafter, application in the prescribed form shall be submitted through the web portal of the Board for Online Consent Management & Monitoring System on or before 01.09.2018 with valid permit issued by the Department of Mining and Geology for operation after 01.12.2018. Late application will be accepted with a fine or late fee as applicable.

5.2. The consent issued will be valid only for a period, during the period when all other statutory or necessary clearances from other concerned authorities valid. Quarrying operations shall be started only after obtaining Mining permit/lease from Mining & Geology Department and D & O Licence under the Kerala Panchayat Raj Act from the concerned Local Self Government.

5.3. There shall not be any quarrying activity between 6 pm to 6 am

5.4. Mining activities shall be done only in the area marked by Department of Mining & Geology.

5.5. The PM 10 in ambient air at the boundary shall not exceed 100 microgram/m³.

5.6. The PM 2.5 in ambient air at the boundary shall not exceed 60 microgram/m³.

5.7. The sound level (Leq) at 1 m outside the boundary of the site should not exceed the ambient noise Standard applicable to the adjoining areas.

5.8. A minimum distance of 100 m shall be kept from the boundary of quarry operation area to residential buildings, places of worship, public buildings, public road having vehicular traffic, river or lake, railway line and bridges.

5.9. No other machineries shall be operated without prior Consent of the Board.

5.10. The applicant shall put up sign boards near the main entrance of the plant to display consent number & validity.

5.11. The validity of this Consent is subject to subsequent Government Orders & directions/judgements of Honourable High Court and National Green Tribunal.

5.12. Blasting & quarrying shall be done without causing any nuisance or damage to occupants of adjoining or neighboring land or building or posing damage to health, life or property.

5.13. After excavation at the site is completed the land may be used for rain water harvesting with protective barriers/any other suitable approved purpose or may be reclaimed.

5.14. The depth of excavation below the highest point shall not exceed 6m.

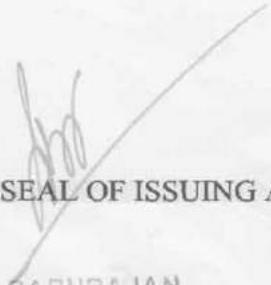
5.15. Fencing shall be provided around the boundary of quarry operation and shall be maintained properly.



5.16. This consent is granted for quarrying of exposed rock only.

DATE :23/02/2016

SIGNATURE & SEAL OF ISSUING AUTHORITY



OFFICE SEAL



P.K. BABURAJAN
ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, THRISSUR

To

Sri. E. N. SHAJAN
MANAGING PARTNER
EDATHADAN GRANITES
OMBATHUNGAL
MATTATHUR P. O
THRISSUR - 680 684

Copy to: 1. Member Secretary, Head Office, Trivandrum
2. Environmental Engineer, District Office, Thirissur





UDYAM REGISTRATION CERTIFICATE

Our small hands to
make you LARGE



| TYPE OF ENTERPRISE | SMALL | MANUFACTURING | | | | | | | | | | | | | | | | | | | | |
|--|--|--|------------------------------|--------------------|----------------------------|-------------|--------------|--------------------|---------------------------------|--|------------------------------|---------------|------|----------|-------|--------|----------|-----------------------|--------|------------|--------|------------------------------|
| UDYAM REGISTRATION NUMBER | UDYAM-KL-13-0004911 | | | | | | | | | | | | | | | | | | | | | |
| NAME OF ENTERPRISE | M/S EDATHADAN GRANITES | | | | | | | | | | | | | | | | | | | | | |
| SOCIAL CATEGORY OF ENTREPRENEUR | General | | | | | | | | | | | | | | | | | | | | | |
| NAME OF UNITS | <table border="1"> <thead> <tr> <th>SNo.</th> <th colspan="3">Units Name</th> </tr> </thead> <tbody> <tr> <td>1</td> <td colspan="3">EDATHADAN GRANITES</td> </tr> </tbody> </table> | | SNo. | Units Name | | | 1 | EDATHADAN GRANITES | | | | | | | | | | | | | | |
| SNo. | Units Name | | | | | | | | | | | | | | | | | | | | | |
| 1 | EDATHADAN GRANITES | | | | | | | | | | | | | | | | | | | | | |
| OFFICAL ADDRESS OF ENTERPRISE | <table border="1"> <thead> <tr> <th>Flat/Door/Block No.</th> <th>EDATHADAN GRANITES</th> <th>Name of Premises/ Building</th> <th>16/778</th> </tr> </thead> <tbody> <tr> <td>Village/Town</td> <td>OMPATHUNGAL</td> <td>Block</td> <td>MATTATHUR</td> </tr> <tr> <td>Road/Street/Lane</td> <td>THRISSUR</td> <td>City</td> <td>THRISSUR</td> </tr> <tr> <td>State</td> <td>KERALA</td> <td>District</td> <td>THRISSUR , Pin 680684</td> </tr> <tr> <td>Mobile</td> <td>9745339393</td> <td>Email:</td> <td>edathadan.granites@gmail.com</td> </tr> </tbody> </table> | | Flat/Door/Block No. | EDATHADAN GRANITES | Name of Premises/ Building | 16/778 | Village/Town | OMPATHUNGAL | Block | MATTATHUR | Road/Street/Lane | THRISSUR | City | THRISSUR | State | KERALA | District | THRISSUR , Pin 680684 | Mobile | 9745339393 | Email: | edathadan.granites@gmail.com |
| Flat/Door/Block No. | EDATHADAN GRANITES | Name of Premises/ Building | 16/778 | | | | | | | | | | | | | | | | | | | |
| Village/Town | OMPATHUNGAL | Block | MATTATHUR | | | | | | | | | | | | | | | | | | | |
| Road/Street/Lane | THRISSUR | City | THRISSUR | | | | | | | | | | | | | | | | | | | |
| State | KERALA | District | THRISSUR , Pin 680684 | | | | | | | | | | | | | | | | | | | |
| Mobile | 9745339393 | Email: | edathadan.granites@gmail.com | | | | | | | | | | | | | | | | | | | |
| DATE OF INCORPORATION / REGISTRATION OF ENTERPRISE | 06/10/2006 | | | | | | | | | | | | | | | | | | | | | |
| DATE OF COMMENCEMENT OF PRODUCTION/BUSINESS | 06/10/2006 | | | | | | | | | | | | | | | | | | | | | |
| NATIONAL INDUSTRY CLASSIFICATION CODE(S) | <table border="1"> <thead> <tr> <th>SNo.</th> <th>NIC 2 Digit</th> <th>NIC 4 Digit</th> <th>NIC 5 Digit</th> <th>Activity</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>08 - Other mining and quarrying</td> <td>0810 - Quarrying of stone, sand and clay</td> <td>08102 - Quarrying of granite</td> <td>Manufacturing</td> </tr> </tbody> </table> | | SNo. | NIC 2 Digit | NIC 4 Digit | NIC 5 Digit | Activity | 1 | 08 - Other mining and quarrying | 0810 - Quarrying of stone, sand and clay | 08102 - Quarrying of granite | Manufacturing | | | | | | | | | | |
| SNo. | NIC 2 Digit | NIC 4 Digit | NIC 5 Digit | Activity | | | | | | | | | | | | | | | | | | |
| 1 | 08 - Other mining and quarrying | 0810 - Quarrying of stone, sand and clay | 08102 - Quarrying of granite | Manufacturing | | | | | | | | | | | | | | | | | | |
| DATE OF UDYAM REGISTRATION | 27/01/2021 | | | | | | | | | | | | | | | | | | | | | |

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For any assistance, you may contact:

- DIC THRISSUR
- MSME-DI THRISSUR

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Presented On: 18.09. 2019

Sub: The Minor Mineral Concession Rules 2015 Writ Petition filed seeking directions to stop the illegal functioning of granite quarry by the 12th respondent in violation of laws and mandatory conditions of Environmental Clearance.

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM

W.P. (C) No. ²⁴⁸⁰⁶ of 2019

Peter & others : Petitioners

Vs.

Union of India & others : Respondents

WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

GEORGEKUTTY MATHEW (G- 136)

COUNSEL FOR THE PETITIONERS

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(C). No. 24806 of 2019

Peter & others : Petitioners

Vs.

Union of India & others : Respondents

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| 18 | <u>Exhibit.P15:</u> True copy of the relevant extract of the map showing the red disastrous red zone with regard to quarry site prepared by the 2 nd respondent and laid in the 'google earth' | 76 |

Dated this the 16th day of September, 2019.

Counsel for the Petitioners

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM

W.P.(C) No. 24806 of 2019

Peter & others : Petitioners

Vs.

Union of India & others : Respondents

SYNOPSIS

The writ petition is filed seeking direction to stop the illegal operation of the granite quarry by the 12th respondent. The quarry is in the top of a hillock. As it is evident from Ext.P1 photographs, large quantity of water is collected in the quarry pits. This water collection along with loose surface soil collected in the quarry site may collapse at any time and slide towards the residential houses and agricultural lands at the bottom of the hillock as happened at 'Kavalappara' and 'Puthumala' this year. In fact, the water collection in the quarry threatening is as 'water bomb' over the heads of the petitioners and other neighbours. The quarry of 12th respondent is functioning in violation several laws and mandatory conditions of Ext.P3 EC.

Main points to be urged:

- 1 The quarry site is erstwhile forest lands assigned for agricultural purposes. The use of these lands for quarrying is violating Rule 3 of the Kerala Land Assignment (Regulation of Occupation of Forest Lands prior to 01.01.1977) Sub Rules 1993 as well as Forest Conservation Act, 1918
- 2 As it is evident from Ext.P10 and P11 there is government land and public road in the quarry site. It is by encroaching and enclosing the government land and public road that the quarry is operated. The quarry site is fenced including government lands and public road. The survey and boundary marks of the quarry site comprised in several survey sub divisions including government land and public road are destroyed. The official respondents are duty bound to recover the government lands and public road as well as to take penal actions for illegal extraction of minerals in public lands and for destroying survey and boundary marks.
- 3 Ext P3 environmental clearance is obtained by suppression of several material facts. The pendency of Writ Petitions were deliberately suppressed and false affidavit was submitted stating that no litigations are pending. Besides, it was wrongly submitted before the 1st respondent that no forest land is involved in the quarry site. Hence,

—

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Ext.P3 is liable to be set aside under Clause 8(vi) of EIA Notification for deliberate suppression of material facts.

4 The Ext.P9 order granting mining lease is liable to be cancelled as the same is issued without noticing that the quarry site is erstwhile forest lands as well as government lands and public road are included.

5 The quarry site is surrounded by forest land and irrigation canal. The only access to the quarry site is through the culvert over the canal of the Irrigation Department. This is not permissible as per Ext.P3 EC. That apart, the mandatory NOC from Irrigation Department is also is not obtained

6 The 12th respondent is trying to reclaim the mine out pits before taking measurements by the geologist with the assistance of Taluk Surveyor to assess the illegal extraction. This reclaiming of pits is to be permitted only after taking measurements of the pits.

Date & Events.

20.08.2019 - The petitioners submitted Ext.P12 representation before the 1st respondent.

03.09.2019 - The petitioners submitted Ext.P13 mass petition before the 3rd respondent.

Provisions of Law involved in this case:

Clause 8(vi) of Environmental Impact Assessment Notification 2006.

Dated this the 16th day of September, 2019.


 Counsel for the Petitioners.

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM

(Special Original Jurisdiction)

W.P.(C) No. 24806 of 2019

PETITIONERS:

1. Peter, S/o Devassy,
Naduviliveetil House,
Mattathoor P.O., Thrissur District,
Pin - 680684.
2. Sajin John,
S/o John, Poonkavanam House,
Pady P.O., Thrissur District,
Pin-680699.
3. Isacc Cheriyan,
Ponnai House,
Mattathoor P.O., Thrissur District,
Pin- 680684.

Vs.

RESPONDENTS:

1. Union of India, represented by its Secretary,
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhavan, Aliganj,
Jorbagh Road, New Delhi-110003.
2. The Director of Mining & Geology,
Kesavadasapuram P.O.,
Thiruvananthapuram, Pin-695001.
3. The Kerala Disaster Management Authority,
Represented by its Member Secretary,
Thiruvananthapuram, Pin-695001.
4. The District Collector,
Collectorate, Thrissur District, Pin-680001.
5. The Geologist, Office of Mining & Geology,
Thrissur District, Pin-680001.
6. The Divisional Forest Officer,
Chalakkudy, P.O, Thrissur District, Pin-680307.
7. Kerala State Pollution Control Board,
Represented by its Environmental Engineer,
District Office of Pollution Control Board,
Chembukavu, Thrissur P.O., Pin-680020.

←

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8. The Taluk Surveyor,
Taluk Office, Chalakkudy,
Chalakkudy P.O., Thrissur District, Pin-680307.
9. The Executive Engineer,
Irrigation Department, Sub Division I,
Chalakkudy P.O., Thrissur District, Pin-680307.
10. The Mattathur Grama Panchayat
Represented by its Secretary,
Mattathoor P.O., Thrissur District, Pin-680684.
11. The Circle Inspector of Police,
Vellikulangara Police station,
Thrissur District, Pin-680699.
12. M/s. Edathadan Granites (Private) Limited,
Represented by its Managing Partner,
Ombathungal, Mattathur P.O.,
Thrissur District, Pin-680684.

The address for service of all process and notice to the petitioners is that of their Counsel Georgékutty Mathew & Lijo James, Advocates, Chamber No. 745, 7th floor, Kerala High Court Advocates' Association Golden Jubilee Chamber Complex, Near High Court, Ernakulam, Cochin - 31.

The address for service of all notices and processes to the respondents is as shown above.

WRIT PETITION (CIVIL) UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

STATEMENT OF FACTS

The Petitioners respectfully submits as follows:-

1. The petitioners, either residing with families or having landed properties near to the quarry of 12th respondent, are approaching this Honourable Court being aggrieved by the acute environmental crisis including nuisance and pollution from the granite quarry in the lands comprised in Sy.No.1270/4, 5, 7, 8, 1271/2, 3, 4, 1273/1, 2 and 1272/1 of the Kodassery Village, Thrissur District.
2. The quarry of the 12th respondent is being operated for more than 10 years. The quarry site is a very steep hillock. Top of the hillock is vanished by the mining. Consequently, a very huge water pond is formed in the mine out surface of the hillock. True photographs showing

/s/

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the present quarry site are produced herewith and marked as Exhibit.P1.

3. As it is seen from Ext.P1 photographs, the quarry appears as a 'water bomb' endangering the life of the people residing in the bottom of the hillock namely 'Kunjalipara'. The water collected in the quarry ponds is being penetrated into the inner layers of the hillock. It is apprehended that the water so collected will explode during the rainy seasons, as happened at 'Kavalappara' in Malappuram District and 'Puthumala' in Wayanad District this year. It is pertinent to point out that there were occurred land sliding in the previous year at the other side of this 'Kunjalipara' hillock also, causing severe damages to the agricultural lands at the bottom.

4. The Quarry site is erstwhile forest lands in which huge trees were standing. The roots of large number of trees are found in the quarry site and these pits will cause the water penetrating phenomena called "Soil Piping" in this area. The petitioners herein and other neighbours living at the bottom of the quarry are under eminent threat to their life as well as their agricultural lands.

5. There is an irrigation canal passing at the distance of only 200 m from the quarry and crusher unit of the 12th respondent. As per Section 40(2) of the Kerala Irrigation and Conservation of Water Act, 2003, no quarrying operation can be done without obtaining NOC from the Irrigation Department within the radius of 1 km from the structures of Irrigation Department. It is learned that 12th respondent have not obtained NOC from the Irrigation Department for running the quarry.

6. There is a public water tank at the distance of about 200 m from the quarry site. True photographs of the public water tank is produced herewith and marked as Exhibit.P2. There is every possibility of causing damages to the water tank due to the blasting in the quarry.

7. The 12th respondent obtained environmental clearance (EC) from the 1st respondent suppressing about the existence of canal and tank near to the quarry as well as suppressing several other relevant materials. True copy of the said EC dated 07.05.2015 issued by the 1st respondent is produced herewith and marked as Exhibit.P3. It is clear from Ext.P3

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6

EC that the same is obtained without disclosing the existence of water tank and canal near to the quarry.

8. This Honourable Court in similar cases have stopped the operation of quarries for want of NOC from Irrigation Department, as stipulated in Section 40(2) of the above said Act. True copy of the judgment dated 01.11.2017 in WP(C) No.23565 of 2017 is produced herewith and marked as Exhibit.P4. This Honourable Court was also pleased even to quash the environmental clearance for the non-consideration of the existence of canal and water tank near to the quarry site in Ext.P4 judgment. Hence the petitioners herein are also entitled for similar reliefs as in Ext.P4, the cancellation of Ext, P3 EC.

9. That apart, the Ext.P3 EC is obtained by suppression of other relevant material facts also before the 1st respondent. As per clause 8 (VI) of the Environmental Impact assessment Notification (E.I.A.) 2006, as well as general condition No.X of Ext.P3, any deliberate suppression of material facts and submission of false or misleading data will invalidate the environmental clearance. In para 7 of Ext.P3 it is seen that the proponent has informed the 1st respondent that there is no court cases/litigations pending against the project and also submitted an affidavit dated 29.01.2015 in this regard. But, W.P@.No. 37773/2010 was pending as on 29.01.2015, which was filed by the 12th respondent challenging the prohibitory orders of the 6th respondent against the running quarry in the erstwhile forest lands. The said Writ Petition was later dismissed for default on 25.02.2019.

10. Besides, W.P@.No.7344/2014, filed by the neighbours against the functioning of the quarry of the 12th respondent was also pending as on 29.01.2015, while the 12th respondent filed affidavit before the 1st respondent stating that no litigation is pending against the quarry. W.P.(C).No.7344/2014 is still pending before this Honourable Court. In view of the suppression of existence of these litigations before the 1st respondent, Ext.P3 EC is liable to be cancelled as per Clause 8 (VI) of the EIA Notification 2006 as well as condition No.10 of Ext.P3.

12. As it is seen in para 4 of Ext. P3, the 12th respondent submitted before the 1st respondent that, no forest land is involved in the quarry



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site. This is incorrect. The entire quarry site is erstwhile forest land assigned for agricultural purposes. Therefore, the operation of quarry in these lands is in violation of Rule 3 of Kerala Land Assignment (Regulation of Occupation of Forest Lands prior to 01.01.1977) special rules 1993 as well as Forest Conservation Act 1980.

13. The 6th respondent DFO submitted letter dated 24.04.2014 before the 4th respondent District Collector reporting about the illegal functioning of the quarry by the 12th respondent in the forest lands. True copy of the said letter obtained under the RTI Act is produced herewith and marked as Exhibit.P5. In Ext.P5 it is categorically stated that the quarry site is erstwhile forest lands assigned only for agricultural and allied purposes. It is also stated in Ext.P5 that the quarry is being operated in violation of Forest Conservation Act as well as special Rules 1993. It is specifically stated in Ext.P5 that no NOC is being issued from the Forest Department for the functioning of the quarries in the lands having agricultural 'Patta's. It is further requested in Ext.P5 to take steps for cancellation of the quarrying lease of the 12th respondent. In view of submission of false information that no forest land is involved in the project area by the 12th respondent before the 1st respondent in the application for Ext.P3 EC, the same is liable to be cancelled as per Clause 8(VI) of the EIA Notification 2006 as well as condition No.10 of Ext.P3. Besides, the assignments of land for agricultural purposes are to be cancelled for the misuse of assigned land for quarry.

14. That apart, there are several violations of EC conditions in the quarry of the 12th respondent. It is directed in General conditions No.VIII of Ext.P3 that the collection of over burden is to the maximum height of 7 meters and width of 20 meters with the slop of 45°. In violation of this condition, huge quantity of overburden is stored by the side of the nillock. This unstable collection of over burden may collapse and spreads into neighbouring agricultural lands and residential houses. The collection of large quantity of water in the mined out pit will accelerate the land sliding.

15. Clause No. XVIII of Ext.P3 is the prohibition of use of village road for the Transportation of minerals. In violation of this specific condition, the



minerals are being transported through the village road. In fact this road is not fit for the plying of heavy vehicles. The road is in a dilapidated condition. True photographs showing the damages of the village road is produced herewith and marked as Exhibit.P6. There is no bye pass road as provided in the EC. It is pertinent to point out that the quarry site is fully covered by forest lands and water canal. There is no point of road access to the quarry site without crossing the water canal or forest lands. But the 1st respondent failed to notice this while processing application for Ext.P3 EC. In fact EC would not have been granted to this quarry for want of required road access as stipulated in Ext.P3 EC.

16. The 12th respondent is running the quarry even in violation of other mandatory conditions of Ext.P3 EC. In Clause XV of Ext.P3 it is mandated that the project proponent shall carry out vibration studies well before approaching any such habitats or other buildings to evaluate the zone of influence and impact of blasting on the neighbourhood, within 500 m of such sites vulnerable to blasting vibrations, avoidance of use of explosives and adoption of alternative means of mineral extractions to be practiced. The residential houses of the petitioners and other members are damaged due to the blasting in the quarry. That apart, even the public canal walls are also in dilapidated condition due to the shakes of blasting in the quarry. True photographs showing the damages in the residential house of 1st petitioner is produced herewith and marked as Exhibit.P7. Ext.P7 proves that the 12th respondent is violating condition No.XV of the EC.

17. In Clause XVII of specific condition of Ext.P3 make it mandatory to obtain Crop Liability Insurance Policy by the proponent. It is suspected that no such policy is obtained by the 12th respondent. That apart, the mandatory public liability insurance policy is also seems not taken by the 12th respondent. These violations make Ext.P3 as liable to be cancelled.

18. The extractions of minerals beyond ground water level is not permissible in the light of Ext.P3. As it is seen from Ext.P1 photographs, large quantity of ground water is seen collected in the quarry. This may be due to the crossing of ground water level. Condition No.VI in Ext.P3



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is not to cross the ground water level. No inspection is conducted from the office of the 1st respondent or its subordinate officers for verifying violations of environmental clearance.

19. The quarrying lease to the 12th respondent was granted in the light of Ext.P3 environmental clearance. The 12th respondent obtained quarry lease without following the recommendations of Ext.P5. True copy of the order dated 07.05.2015 issued by the 2nd respondent granting mining lease in favour of the 12th respondent is produced herewith and marked as Exhibit.P8. Ext.P8 order is highly arbitrary and illegal. The grant of mining lease in erstwhile forest land is not legally permissible. Therefore, Ext.P6 is liable to be set aside.

20. The proponent is reclaiming the quarry pit by using the over burden previously removed from the top of the hillock. If these huge pits are filled with soil, the depth of illegal extraction cannot be assessed by geologist and revenue authorities. Consequently, heavy financial loss will be caused to the public exchequer. Therefore, the measurement of the quarry pits are to be taken with the assistance of 8th respondent Taluk Surveyor, before reclaiming the pits and the 12th respondent is to be prosecuted under law for illegal extractions of minerals beyond the permitted depth and exceeding boundaries of lease area.

21. The road access is very narrow to the quarry site. This panchayath road is having a width of nearly 4 m which is not fit for plying of heavy vehicles. The petitioners and other neighbours are unable to take their vehicles to their houses due to want of space in this canal road while the vehicles are plying to the quarry. In fact, this village road is not fit for plying of heavy vehicles. It seems that the Torres and other heavy vehicles are not permitted to be used in such unfit roads. That apart, the access road is through a culvert constructed over the canal of the 9th respondent. In fact, this culvert is not fit for the plying of Torres. In fact the quarry site is covered by forest lands and water canal. There is no access to the quarry site except over the water canal. This aspect is not considered by the 1st respondent while issuing Ext.P3 or 2nd respondent passing Ext.P8 order.



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22. The culvert over the canal was constructed with the undertaking before the 9th respondent that no damage and hindrance will be caused to the road, canal system and canal abutments. True typed copy of the order dated 10.10.2010 with regard to the formation of culvert over the canal is produced herewith and marked as Exhibit.P9. As it is evident from Ext.P6 photographs, the road and culvert are damaged by the plying of heavy vehicles to the quarry. But the 9th respondent did not taking any actions for the violations of Ext.P9 so far.

23. The dangerous and contaminated waste water including chemicals from the crusher unit of the 12th respondent is reaching to the nearby paddy fields. On account of this pollution, the nearby people are unable to continue their paddy cultivation. The 3rd Petitioner is having paddy field comprised in Sy.No.496/3 of the Mattathur Village, which became unfit for cultivation due to the contaminated waste reached from the units of the 12th respondent. The 3rd petitioner and other farmers are entitled to get compensation for crop loss as provided in Ext.P3 EC.

24. The quarry site includes government "Puramboke" lands also. The relevant extract of Porambok book of Kodassery Village with regard to the area under Sy.No.1270 is produced herewith and marked as Exhibit.P10. The Exhibit P10 shows that there is 11.12 Ares of government land in Sy.No.1270/2 and a road in Sy.No.1270/3. The quarry site includes Sy.No.1270/4, 5, 7 & 8 as seen from Ext.P8. Ext.P10 further shows that the lands in 1270/4, 1270/5 is assigned lands. It is respectfully submitted that the government land of Sy.No.1270/2 and the road in Sy.No.1270/3 are encroached and enclosed by the 12th respondent as his quarry site. He had laid fencing including this Government land and road. In fact this government land and public road are not identifiable at present.

25. Previously, the Mining Department imposed fine from the 12th respondent for illegal extraction of minerals from Government lands. True copy of the letter dated 15.12.2014 issued by the 2nd respondent in this regard under the RTI Act is produced herewith and marked as Exhibit.P11. As it is seen from Ext.P11, there is a government road in Sy No 1267/5 and 1271/1. But this government road is disappeared



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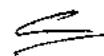
30. The 12th respondent had dig numerous bore wells in the quarry site for obtaining water for the use in crusher unit. These bore wells are dig without obtaining permit from the concerned authorities. The heavy extraction of ground water by the 12th respondent diminishes the ground water level and the people live in the area are under threat of acute water scarcity. The authorities are not considering these aspects.

31. No fencing is done in the quarry of the 12th respondent. The boundaries of the lease area are not demarcated. Hence there is every chance of causing accident to the neighbours and their animals by falling into the quarry pits. But the authorities have not taken any action against these violations.

32. The quarry site is having several sandalwood trees. The sandalwood trees are growing only on specific conditions. This area is fit for the growing of sandalwood trees. Therefore, this quarry site is liable to be protected as a sandalwood resort. The 6th respondent is not taking any steps for the protection of sandalwood trees in the quarry site.

33. It is learned from the District Disaster Management Authority that the quarry site falls under 'red zone' in the disaster management map of the district. This area falls under the category of 'red zone' because this is a land sliding prone area. The true copy of the relevant extract of the map showing the red disastrous red zone with regard to quarry site prepared by the 2nd respondent and laid in the 'google earth' is produced herewith and marked as Exhibit,P15. But the District Disaster Management Authority under the 4th respondent is closing their eyes with ulterior motive of illegally permitting the 12th respondent to continue the quarry operations. Hence urgent interference is necessary from this Honourable Court.

34. As per the Regulation No.164 of the Mettalliferous Mine Regulations, the radius of 300 m from the quarry site is declared as a danger zone and mandated that the blasting in the quarry can be done only after ensuring that all the person in danger zone have taken to proper shelter. There are numerous residential houses including that of the petitioners within the dangerous zone. Therefore, the 12th respondent is not



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entitled to operate the quarry within the radius of 300 m from the adjacent neighbouring houses. This Honourable Court in several judgment held that quarry can be permit to operate in the state only after ensuring the compliance of Regulation 164.

35. The quarry of the 12th respondent is operated in violation of conditions of 7th respondent Pollution Control Board (PCB). The level of dust emanated from the quarry exceeds permitted limit. Similarly the sound generated from the machineries also exceeds permitted limit. Contaminated waste from the quarry crusher reaches nearby 'thode', canal and other water courses. But no actions are taken by the 7th respondent PCB to ensure the compliances of their conditions in the unit of 12th respondent. Though it is mandatory to have inspections from PCB within 2 weeks, the 7th respondent is sleeping over his statutory duties.

36. The quarry of the 12th respondent is functioning with license issued by the respondent panchayat. It is the duty of the licensing authority also to see that the quarry is operated strictly following the conditions of environmental clearance. The State Government have made the Grama Panchayat has been nodal agency for implementing conditions of statutory authorities by the proponents of dangerous and offensive trades. That the 10th respondent panchayat is sleeping over its statutory duties.

In these circumstances petitioner is having no other effective and aternate remedy than to approach this Honorable Court under Article 226 of the Constitution of India, on the following among other:

GROUNDS

A. Ext.P3 environmental clearance is arbitrary, illegal and liable to be set aside. The 12th respondent obtained Ext.P3 by suppression of material facts as well as submission of false and misleading datas before the 1st respondent.

B. As it is seen from para 7 of Ext.P3, it was submitted that there is no litigations are pending against the proposed quarry. This is a wrong submission. W.P(C).No.37773/2010 filed by the 12th respondent

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challenging the prohibitory order of forest authorities against the quarry in the erstwhile forest land was pending as on 29.01.2015 on which the 12th respondent submitted affidavit saying that no litigation is pending against the project. That apart, W.P@.No.7344/2014 was also pending before this Honourable Court as on 29.01.2015. These deliberate suppressions invalidate Ext.P3 as per Clause 8(VI) of the EIA notification 2006 as well as condition No.10 of Ext.P3.

C. In para 4 of Ext.P3 it is stated that the proponent submitted that no forest land is involved in the project. This is also a wrong submission. As it is admitted by the 6th respondent in Ext.P5 letter that the project site is erstwhile forest land. On this ground also Ext.P3 EC is liable to be quashed.

D. There is an irrigation canal passing at the distance of 200 m from the quarry site. Besides there is a public water tank also near to the quarry. In view of Section 40(2) of the Kerala Irrigation and Conservation of Water Act, 2003, no quarry operation can be done without obtaining NOC from the concerned authorities if there is water tank, canal etc., within the radius of 1km. The 12th respondent is operating the quarry without obtaining the required NOC. This Honourable Court, in Ext.P4 judgment directed to stop the operation of quarry for want of NOC under Section 40(2). This Honourable Court, in Ext.P4 judgment even cancelled the environmental clearance granted without considering the existence of canal as well as public water tank near to the quarry. The petitioners herein are also entitled for similar reliefs of prohibiting the operation of the quarry of the 12th respondent as well as the cancellation of Ext.P3 environmental clearance.

E. There are numerous violations of Ext.P3 EC in the quarry of 12th respondent. In violation of Clause VIII of Ext.P3, excess quantity of over burden is collected in quarry site. This unstable collection of loose soil may collapse and may fall upon the adjacent agricultural land and residential houses along with rain water.

F. Clause No.XVIII of Ext.P3 is the prohibition of use of village road for the transportation of minerals. As seen from Ext.P6 photographs the



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Village road is damaged due to the plying of heavy vehicles to the quarry

G. Clause No.XV of Ext.P3 prohibits the blasting near to the residential houses and other buildings. This condition is discarded by the 12th respondent. The residential houses of the petitioners and other neighbours are damaged due to heavy blasting. Ext.P7 photograph shows the damages on the house of the 1st petitioner.

H. Condition No.17 of Ext.P3 is for obtaining Crop Liability Insurance Policy as well as Public Liability Insurance Policy. The paddy fields of petitioners and other neighbours became unfit for cultivation on account of contaminated waste reaching from the quarrying and crusher unit of the 12th respondent. As it is provided in Ext.P3, fields within the radius of 5 km are entitled for insurance protection. But it seems that the 12th respondent is not availed the mandatory insurance policy. That apart, the Public Liability Insurance Policy is also not taken by the quarry proponent. These violations invalidate Ext.P3 environmental clearance itself

I. Condition No.6 in Ext.P3 is not to cross the ground water level. As it is seen from Ext.P1 photographs, large quantity of ground water is seen collected in the quarry site. This is because of crossing of ground water level of the area. But no inspections have done in this regard by the authorities. If the unit of the 12th respondent is permitted to continue, the area will become unfit for human habitation as well as cultivations for want of water. But the authorities are sleeping over on this issue.

J. The period of statutory appeal against Ext.P3 EC is expired. The operation of quarry under Ext.P3 is adversely affecting the fundamental rights of the petitioners and other neighbours to live in pollution free atmosphere. The petitioners are left with constitutional remedies under Article 226 against Ext.P3 for the protection of their fundamental rights. That apart, it is the fundamental duty of the petitioners to protect the environment from illegal exploitations.

K. Ext P8 order granting mining lease in favour of 12th respondent is arbitrary and illegal. In Ext.P5 it is informed by the 6th respondent that the quarry site is erstwhile forest land in which the commercial activities



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like quarry is not permitted. Quarrying in this site is in violation of Rule 3 of Kerala Land Assignment (Regulation of Occupation of Forest Lands prior to 01.01.1977) special rules 1993 which permit the use of lands only as cultivation lands or house site or shop sites. It is further stated in Ext.P5 that the grant of quarrying lease to the 12th respondent especially done only with the recommendations of the joined inspection of concerned authorities. This procedure is not follow on by granting Ext.P8.

L The present access to the quarry through the culvert over the irrigation canal is highly unsafe. This culvert and canal road is not fit for the plying of heavy vehicles. The conditions in Ext.P9 are also violated. But the 9th respondent is closing eyes on these violations. In fact the quarry site is covered by forest lands and water canal. There is no access to the quarry site except over the water canal. This aspect is not considered by the 1st respondent while issuing Ext.P3 or 2nd respondent passing Ext.P8 order.

M The 12th respondent is reclaiming the mine out pits with the over burden. If the actual depth of mine pits is not measured with the assistance of 8th respondent Taluk Surveyor, the gravity of illegal extraction will not come out. If the 12th respondent permitted to fill the pits before taking the measurement of the extraction, heavy financial loss will be caused to the public exchequer. It is suspected that the authorities especially the 5th respondent is permitting the proponent to level the pits so as to evade the payment of loyalty and fine to the government. Hence it is necessary to direct the 5th respondent to ensure that the mine out pits are reclaimed only after taking the measure of the mine out pits with the assistance of the 8th respondent Taluk Surveyor.

N As it is evident from Ext.P10 & P11 there is government road and road in the quarry site. This public road and attached government lands are not identifiable at present due to the uncontrolled operation of quarry. As per the provisions of Kerala Mining Mineral Construction Rule, no quarry operation can be done within the distance of 50 m from the public road. It is to defeat this statutory condition that the 12th



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respondent had dismantled the public road mentioned in Ext.P10 & P11. Hence necessary directions are to be issued from this Honourable Court to the 4th respondent with the assistance of its subordinates restoring the public road and take appropriate legal action against the wrong doers who had destroyed the government road and adjacent government lands as per law.

O. The 4th respondent is duty bound to consider Ext.P12 representation and pass necessary orders prohibiting the operation of quarry of the 12th respondent so as to safeguard the life of the people in the area.

P. The police is duty bound to enforce law and order in the area. This includes the duty to see that no violations are done in the quarry of 12th respondent that the 11th respondent herein is sleeping over the matter.

Q. The numerous bore wells dig in the quarry site were done without obtaining required permit. Large quantity of extract of ground water in the bore wells will accelerate the scarcity of drinking water in the area. But no actions are taken by the 5th respondent against the illegal digging of wells by the 12th respondent.

R. The boundary and survey marks of the quarry site including government land and public road are dismantled by the operation of the quarry. This dismantling of survey and boundary marks are penal offences. Even the government land and public road mentioned in Ext.P10 & P11 are also disappeared. The 12th respondent has enclosed government land and public road as quarry site while laying quarry fence. But no actions are taken by the 8th respondent in the matter so far.

S. The quarry site is having good collection of sandalwood trees. The sandalwood trees are growing only on special circumstances. The quarry site is one of the sandalwood trees growing site. Hence this area is to be protected. But the 6th respondent or other concerned authorities are sleeping over the matter.

T. As it is seen from Ext.P15, the quarry site is in 'red zone' as per the map published by the 3rd respondent. But the concerned Disaster Management authorities are not taking step to prevent the illegal

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operation of the 12th respondent in the environmental fragile and land sliding prone area.

U. The present operation of quarry by the 12th respondent is violating Regulation 164 of the Metalliferous Mines Regulations. As it is held by this Honourable Court in several judgments, the operation of the quarry in violating Regulation No.164 is not legally permissible.

V. The quarry is being functioned violating conditions imposed by 7th respondent PCB. But no inspections are done by the 7th respondent for ensuring the compliance of mandatory conditions.

W. The quarry of the 12th respondent is functioning with license issued by the respondent panchayat. It is the duty of the licensing authority also to see that the quarry is operated strictly following the conditions of environmental clearance. The State Government have made the Grama Panchayat has been nodal agency for implementing conditions of statutory authorities by the proponents of dangerous and offensive trades. That the 10th respondent panchayat is sleeping over its statutory duties.

For these and other grounds to be urged at the time of hearing it is most humbly prayed that this Hon'ble court may be pleased to:-

RELIEFS

- (i) Issue a writ in the nature of certiorari calling for the records leading to Ext.P3 and quash the same as arbitrary and illegal.
- (ii) Issue a writ in the nature of certiorari calling for the records leading to Ext.P9 order and quash the same as arbitrary and illegal.
- (iii) Issue a writ in the nature of mandamus directing the 3rd respondent to consider Ext.P13 mass petition and issue prohibitory orders against the functioning of quarry of 12th respondent immediately, within the time limit fixed by this Honourable Court, in the interest of justice.
- (iv) Issue a writ in the nature of mandamus directing the 1st respondent to conduct immediate inspection in the quarry of the 12th respondent and issue prohibitory orders in view of the violations of mandatory conditions of Ext.P3 and to fix the damages caused to the residential houses of the petitioners and other neighbours as well as the loss of crops due to the

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- quarry of the 12th respondent and disburse adequate compensation realizing from the 12th respondent or the Crop Insurance and Public Liability Insurance Policies if any taken by him in this regard, immediately, within the time limit fixed by this Honourable Court, in the interest of justice.
- (v) Issue a writ in the nature of mandamus directing the 4th respondent to consider Ext.P12 representation and take necessary steps to prevent the illegal operation of the quarry of 12th respondent, to cancel the assignment of lands for violation of Rule 3 of Kerala Land Assignment (Regulation of Occupation of Forest Lands prior to 01.01.1977) special rules 1993 and to recover the public road and the government lands in the quarry site immediately, within the time limit fixed by this Honourable Court, in the interest of justice.
- (vi) Issue a writ in the nature of mandamus directing the 5th respondent to ensure that mine out pits in the quarry of the 12th respondent are reclaimed only after the measurement of the extraction are taken with the assistance of the 8th respondent and imposing royalty and fine for illegal extraction and to prohibit the extraction of ground water from the unauthorized bore wells in the quarry site, in the interest of justice.
- (vii) Issue a writ in the nature of mandamus directing the 6th respondent to see that no quarrying operations done by the 12th respondent in erstwhile forest lands as well as sandal wood growing areas, in the interest of justice.
- (viii) Issue a writ in the nature of mandamus directing the 7th respondent to immediate inspection in the quarry of the 12th respondent and issue prohibitory orders for the violations of consent conditions immediately, within the time limit fixed by this Honourable Court, in the interest of justice.
- (ix) Issue a writ in the nature of mandamus directing the respondents' No. 4 and 5 to ensure that the quarry of the 12th respondent is not violating Regulation 164 and other regulations of the Metalliferous Mines Regulations, in the interest of justice.
- (x) Issue a writ in the nature of mandamus directing 8th respondent to take steps for the restoration of boundary and survey marks in the quarry site of the 12th respondent including government lands and public road and initiate penal proceedings as per laws against 12th respondent for destroying boundary and survey marks immediately within the time limit fixed by this Honourable Court, in the interest of justice.



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- xii) Issue a writ in the nature of mandamus directing the 9th respondent to prohibit the use of heavy vehicles through the canal road and culvert to the quarry of the 12th respondent.
- xiii) Issue a writ in the nature of mandamus directing the respondents 10 & 11 to prevent the operation of quarry of 12th respondent in violation of laws and conditions immediately, within the time limit fixed by this Honourable Court, in the interest of justice.
- xiv) Issue such other appropriate writs, orders or directions that this Hon'ble Court may deem fit and proper to meet the ends of justice, in the circumstances of the case.

INTERIM RELIEF

For the reasons stated in the writ petition and accompanying affidavit it is most humbly prayed that this Hon'ble court may be pleased to pass an order prohibiting the operation of quarry by the 12th respondent and all works for the reclamation of mine out pits, without taking the measurements by respondents Nos.5 & 8, pending disposal of this Writ Petition (civil), in the interest of justice.

Dated this the 16th day of September, 2019.


Counsel for the Petitioners


 Petitioners
 1. sdf
 2. sdf
 3. sdf

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM

W.P.(C). No. 24806 of 2019

Peter & others : Petitioners

Vs.

Union of India & others : Respondents

AFFIDAVIT

I, Peter, S/o Devassy, aged 57 years residing at Naduvileveetil House, Mattathoor P.O., Thrissur District, Pin-680684, do hereby solemnly affirm and state as follows:-

1. I am the 1st petitioner in the above Writ Petition (Civil) and I am conversant with the facts of the case. I am swearing this affidavit on behalf of the other petitioners also for which I am duly authorised.

2. It is submitted that the facts stated in the writ petition are true to best of our knowledge, information and belief and the legal grounds are taken from the advice of their counsel. The petitioners herein have not previously filed any petitions before this Hon'ble court for the reliefs sought in this writ petition. The Exhibits produced in the writ petition are the true copies of the original.

All the facts stated above are true and correct to the best of our knowledge, information and belief.

Dated this the 16th day of September, 2019.

sd/ 
DEPONENT.

Solemnly affirmed and signed before me by the Deponent, who is personally known to me on this the 16th day of September, 2019.


GORGEKUTTY MATHEW

Advocate.

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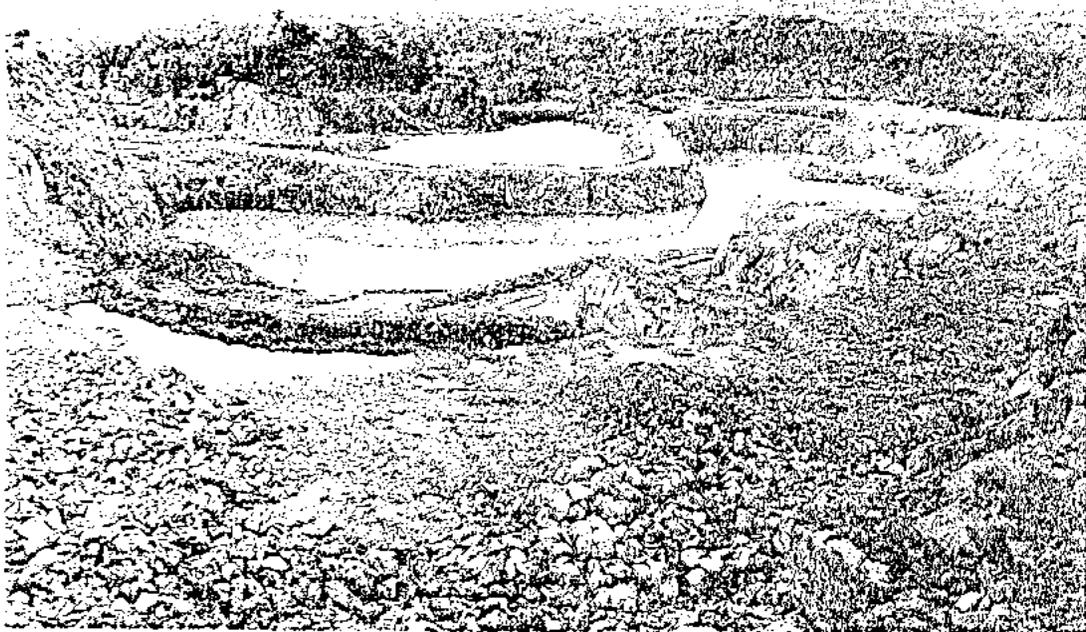
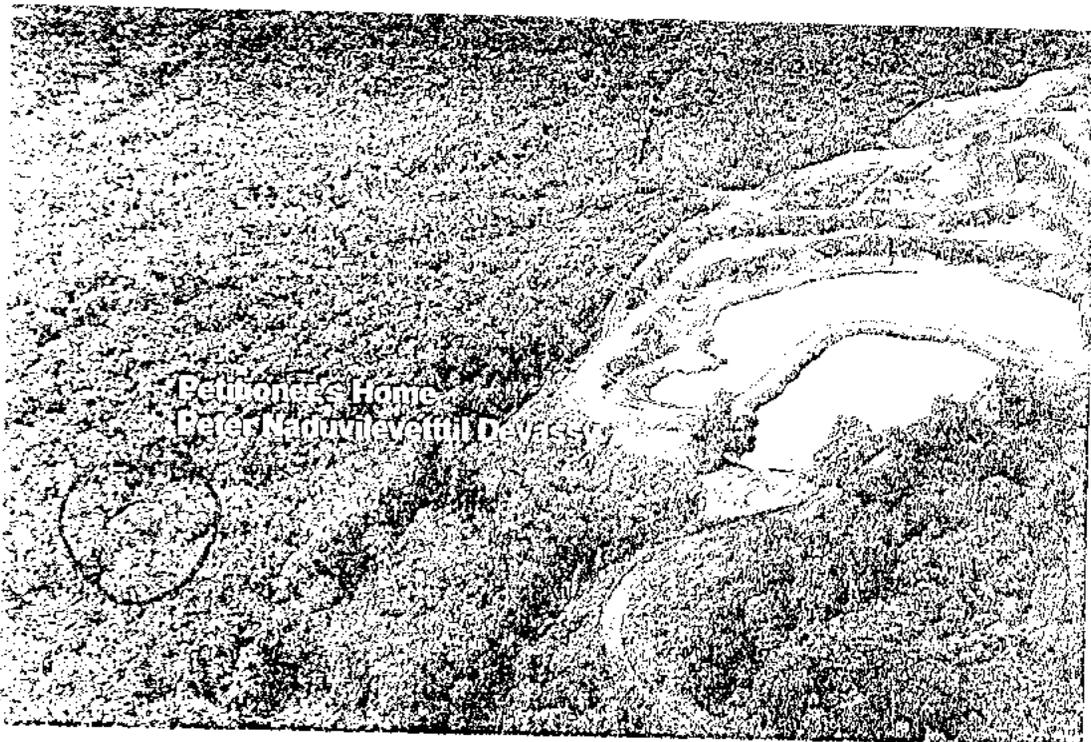
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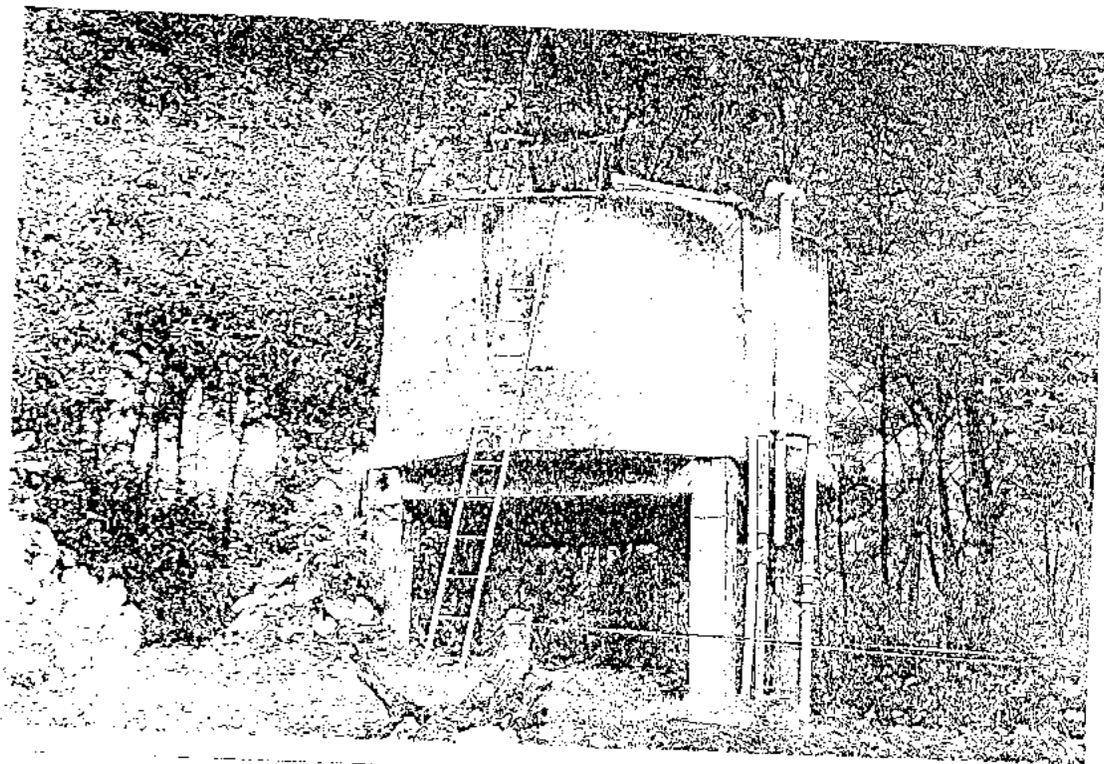
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Advocate

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No. J-11015/X/1/2014-IA, II (M)
Government of India
Ministry of Environment, Forests and Climate Change
Impact Assessment Division

Indira Paryavaran Bhavan,
Aliganj, Jor Bagh Road
New Delhi-110 003

Dated: 12th March, 2015

To
M/s Edathadan Granites (P) Ltd.
Mattathur P.O., Ombathungal,
Kodakara, Thrissur,
Kerala - 680684

Ph. 0480-2655200; Mobile No. 09447239393/ 09946539393
Email: edathadangranites@gmail.com

Sub.: Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA(ROM) of Stone in the Mine Lease Area of 4.7065ha by M/s Edathadan Granites Pvt. Ltd. located at Kodassery village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala- Environmental Clearance regarding.

Sr.
This has reference to your letter no. Nil, dated 17.11.2014 and subsequent letter dated 29.01.2015 on the above mentioned proposal of Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA (ROM) of Stone in the Mine Lease Area of 4.7065ha. The mine is located at Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala.

1. The proposal is for Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA (ROM) of Stone in the Mine Lease Area of 4.7065ha. The mine is a new Building Stone mining project. The mine is located at Survey Nos. 1270/4, 1270/5, 1270/7, 1270/8, 1271/2, 1271/3, 1271/4, 1273/1, 1273/2, 1272, 1. Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala. The geographical co-ordinates of the lease area are Latitude (N): 10°21'54.16" to 10°21'43.68" and Longitude (E): 76°21'37.84" to 76°21'29.53" and is covered by Survey of India Toposheet No. 58B4. This is a category "B" project as the tenure of SEIAA, Kerala has expired and the proposal is being examined in the MoEF&CC. Project Proponent has informed that there is no pending application with SEIAA/SEAC for this proposal.

2. The proposal was appraised by the EAC in its meeting held during January 29-30, 2015. The Committee was informed by Project Proponent that they have submitted Form-1 and Pre-feasibility Report online treating the project as B category as per the EIA Notification, 2006. Environmental Impact assessment as well as Public Consultation is not required. The EAC viewed that these prescribed exemptions and recommendations are based on provisions of the EIA Notification, 2006 vice para Clause 7.0 sub-clause 7.1 under stage (1) - Screening it provides

Signature.....
Date..... 136 Page 1 of 10

SECRET

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that in case of Category 'B' project activities, this stage will entail the scrutiny of an application seeking prior Environmental Clearance made in Form-1 by the concerned State level Environmental Approval Committee (SEAC) for determining whether or not the project activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of Environmental Clearance depending up on the nature and location specificity of the project. The Committee felt that TOR is not required, nor any formal EIA/ EMP is to be prepared in the instant case nor any Public Hearing is to be conducted in light of negligible impact of the Project activity on Environment.

4 The total Mining Lease area of 4.7065ha which is private land. No forest land is involved. Mining will be carried out through semi-mechanized open-cast method using drilling, blasting of small diameter holes and loading of mineral by tyre mounted excavator. Out of the total 4.7065 ha lease area, about 4.6265 ha area will be excavated and will be reclaimed & plantation will be done. The remaining area of 0.08 ha which is left for stripping limits along the periphery will also be developed with plantation. It was reported by the project proponent that at the conceptual stage, total waste material will be sold to road construction vendors. The estimated total water requirement is about 17 KLD in which 2 KLD is for domestic which would be sourced from open well, 12 KLD for dust suppression system in mine as well as ancillary unit (Crusher Unit) and 3 KLD for plantation purposes and will be sourced from storm water pond. Ultimate working depth is 5 m. MSL (mining will not intersect ground water table level). Ground water table is 0.5 to 5.0 m BGL. Life of mine is 13 years (@1,90,000 TPA).

5 Project Proponent has informed that a certificate issued as Letter of Intent by the State Government of Kerala vide letter no. 99/C2/TDO/2015 dated 19-01-2015 for mining of stone in the MLA of 4.7065ha. Eco-friendly Mining Plan for mining of stone (minor mineral) has been approved by Mines and Geology Department of the State Government vide letter no. 99/C2/TDO/2015 dated 23-01-2015.

6 Project Proponent reported that there is no National Park, Wild Life Sanctuary, Habitat for Migratory Birds, Tiger Reserve, Elephant Reserve, Biosphere Reserve located within 10 km radius of the mine lease. Project Proponent has informed that the mine site is not located in the Critically Polluted area as notified by CPCB etc. Project Proponent has submitted the details of other mines including lease area located within 500m of the mine lease area duly authenticated by the Mining Department of the State Govt. vide letter no. 2958/C2/TDO/2014 dated 05-12-2014.

7 The total cost of the project is Rs. 3.0 Crore. The Project Proponent has earmarked Rs 9 Lakhs per annum as recurring cost towards Environmental protection measures. An amount of Rs. 3 Lakh per annum has been earmarked towards Socio-economic Welfare measures for the nearby village. Proponent has informed that there is no court case/litigation pending against the project and also submitted an affidavit vide dated 29.01.2015.

8 The Ministry of Environment, Forests and Climate Change has examined the proposal in accordance with the Environmental Impact Assessment Notification, 2006 and further amendments thereto and hereby accords the environmental clearance under the provisions thereof to the above mentioned proposal of M/s Edathadan Granites Pvt. Ltd. for Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA (ROM) of Stone in the Mine Lease Area of 4.7065ha in the Mine Lease Area of 4.7065ha, located at

supplied under RTI Act
Sd/-
Date: 26/11/2014

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M/S EDATHADAN GRANITES PVT. LTD.

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Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala Subject to compliance of the followings terms and conditions and environmental safeguards mentioned below:-

A. Specific conditions

- i) Environmental Clearance is subject to final outcome of any Court case relevant to this project in Hon'ble Supreme Court, Hon'ble High Court of Kerala and Hon'ble NGT or any other Court of Law, if any, as may be applicable to this project.
- ii) Environmental clearance is subject to obtaining clearance, if any, under the Wildlife (Protection) Act, 1972 from the competent authority, as may be applicable to this project. ✓
- iii) No mining activities will be allowed in forest area, if any, for which the Forest Clearance is not available. ✓
- iv) The Project Proponent shall obtain Consent to Operate from the State Pollution Control Board, Kerala and effectively implement all the conditions stipulated therein.
- v) Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the Project and maintain records accordingly; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smoking, etc. shall be undertaken, once in six months and necessary remedial/preventive measures taken accordingly. The Recommendations of National Institute for ensuring good occupational environment for mine workers shall be implemented.
- vi) The mining operations shall be restricted to above ground water table and it should not intersect groundwater table. In case of working below ground water table, prior approval of the Ministry of Environment, Forests and Climate Change and Central Ground Water Authority shall be obtained, for which a detailed hydro-geological study shall be carried out; The Report on six monthly basis on changes in Ground water level and quality shall be submitted to the Regional Office of the Ministry.
- vii) The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly. Vehicles with PUC only will be allowed to ply. The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Project should obtain 'PUC' certificate for all the vehicles from authorized pollution testing centres.
- viii) There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
- ix) Use of effective sprinkler system to suppress fugitive dust on haul roads and other transport roads shall be ensured.

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- Washing of all transport vehicles should be done inside the mining lease.
- Survey of existing vegetation and ecological status to be made based on identified sensitive RFL species conservation plan may be implemented.
- Implementation of Environment Management Policy of the Company w.r.t. judicious use of Mineral resources for growth & development synchronizing mining & environment with prosperity.
- (xiii) The Project Proponent shall take all precautionary measures during mining operation for conservation and protection of endangered flora/fauna, if any, spotted in the study area. The Proponent shall implement the Wildlife Conservation Plan along with the funds so allocated with consultation of Chief Wild Life Warden of the State Govt. A copy of action plan shall be submitted to the Ministry of Environment, Forests & Climate Change and its Regional Office, Bangalore and the Chief Wild Life Warden of the State Govt.
- (xiv) The illumination and sound at night at project site, disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. Project Proponent must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day light/night hours.
- (xv) Where ever blasting is undertaken as part of mining activity, the Project Proponent shall carry out vibration studies well before approaching any such habitats or other buildings, to evaluate the zone of influence and impact of blasting on the neighbourhood. Within 500 meters of such sites vulnerable to blasting vibrations, avoidance of use of explosives and adoption of alternative means of mineral extraction, such as ripper/dozer combination/rock breakers/ surface miners etc. should be seriously considered and practiced wherever practicable. A provision for monitoring of each blast should be made so that the impact of blasting on nearby habitation and dwelling units could be ascertained. The covenant of lease deed under Rule 31 of MCR 1960 provides that no mining operations shall be carried out within 50 meters of public works such as public roads and buildings or inhabited sites except with the prior permission from the competent authority.
- (xvi) Main haulage road in the mine should be provided with permanent water sprinklers and other roads should be regularly wetted with water tankers fitted with sprinklers.
- (xvii) The Project Proponent shall ensure that the productivity of agricultural crops is not affected due to mining operations. Crop Liability Insurance Policy has to be taken by the Project Proponent as a precaution to compensate for any crop loss. The impact zone shall be 5km from the boundary of mine lease area for such insurance policy.
- (xviii) Transportation of the minerals by road passing through the village shall not be allowed. A 'bypass' road should be constructed (say, leaving a gap of at least 200 meters) for the purpose of transportation of the minerals so that

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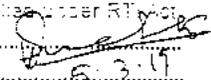
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The impact of sound, dust and accidents could be mitigated. The Project Proponent shall bear the cost towards the widening and strengthening of existing public road network in case the same is proposed to be used for the Project. No road movement should be allowed on existing village road network without appropriately increasing the carrying capacity of such roads.

- (xix) CSR activities by Companies including the Mining Establishments has become mandatory up to 2% of their financial Turn-over, Socio Economic Development of the neighborhood Habitats could be planned and executed by the Project Proponent more systematically based on the 'Need based door to door survey' by established Social Institutes/Workers. The report shall be submitted to the Ministry of Environment & Forests and its Regional Office located at Bangalore on six monthly basis.
- (xx) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- (xxi) A Final Mine Closure Plan along with details of Corpus Fund shall be submitted to the Ministry of Environment, Forests & Climate Change 5 years in advance of final mine closure for approval.

B. General conditions

- (i) No change in mining technology and scope of working should be made without prior approval of the Ministry of Environment, Forests & Climate Change.
- (ii) No change in the calendar plan including excavation, quantum of mineral ore and waste should be made.
- (iii) The Project Proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of surface water and ground water for the project.
- (iv) There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
- (v) Regular monitoring of ground water table to be carried out at the upstream and depth of water available in the dug well is to be measured. Monitoring to be done by establishing a network of existing wells and constructing new piezometers.
- (vi) Monitoring of Ambient Air Quality to be carried out based on the Notification, 2009, as amended from time to time by the Central Pollution Control Board. Water sprinkling should be increased at places loading and unloading points & transfer point to reduce fugitive emissions.

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Date: 6.3.11

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- (v) The up-coming scheduled caste/scheduled tribe population, specific programmes have been taken in to consideration specially with respect to education, health care, livelihood generation, infrastructure development & promotion of sports & culture for SC/ST population and that these will be intensified in future.
- (vi) The top soil, if any, shall temporarily be stored at earmarked site(s) only and it should not be kept unutilized for long. The topsoil shall be used for land reclamation and plantation. The over burden (OB) generated during the mining operations shall be stacked at earmarked dump site(s) only and it should not be kept active for a long period of time. The maximum height of the dumps shall not exceed 8m and width 20 m and overall slope of the dumps shall be maintained to 45°. The OB dumps should be scientifically vegetated with suitable native species to prevent erosion and surface run off. In critical areas, use of geo textiles shall be undertaken for stabilization of the dump. The entire excavated area shall be backfilled and afforested. Monitoring and management of rehabilitated areas should continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Ministry of Environment, Forests & Climate Change and its Regional Office located at Bangalore on six monthly basis.
- (vii) Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, mineral and OB dumps to prevent run off of water and flow of sediments directly into the river and other water bodies. The water so collected should be utilized for watering the mine area, roads, green belt development etc. The drains shall be regularly desilted particularly after monsoon and maintained properly. The drains, settling tanks and check dams of appropriate size, gradient and length shall be constructed both around the mine pit and over burden dumps to prevent run off of water and flow of sediments directly into the river and other water bodies and sump capacity should be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity should also provide adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and desilted at regular intervals.
- (viii) Plantation shall be raised in a 7.5m wide green belt in the safety zone around the mining lease, backfilled and reclaimed area, around water body, along the roads etc. by planting the native species in consultation with the local DFO/Agriculture Department. The density of the trees should be around 2500 plants per ha. Greenbelt shall be developed all along the mine lease area in a phased manner and shall be completed within first five years.
- (ix) Dimension of the retaining wall at the toe of over burden dumps and OB benches within the mine to check run-off and siltation shall be based on the rain fall data.
- (x) Effective safeguard measures such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of PM₁₀ and PM_{2.5} such as haul road, loading and unloading point and transfer points. It shall be ensured that the Ambient Air Quality parameters conform

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submitted to the

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to the norms prescribed by the Central Pollution Control Board in this regard.

- (xiii) Regular monitoring of the flow rate of the springs and perennial nullahs flowing in and around the mine lease shall be carried out and records maintained. Regular monitoring of water quality upstream and downstream of water bodies shall be carried out and record of monitoring data should be maintained and submitted to the Ministry of Environment, Forests & Climate Change, its Regional Office, Bangalore, Central Groundwater Authority, Regional Director, Central Ground Water Board, State Pollution Control Board and Central Pollution Control Board.
- (xiv) Regular monitoring of ground water level and quality shall be carried out in and around the mine lease by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year - pre-monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected may be sent regularly to Ministry of Environment, Forests & Climate Change and its Regional Office, Bangalore, Central Ground Water Authority and Regional Director, Central Ground Water Board.
- (xv) The critical parameters such as PM₁₀ (size less than 10 micro meter), PM_{2.5} (size less than 2.5 micro meter), NO_x in the ambient air within the impact zone, peak particle velocity at 300m distance or within the nearest habitation, whichever is closer shall be monitored periodically. Further, quality of discharged water shall also be monitored [(TDS, DO, PH and Total Suspended Solids (TSS))]. The monitored data shall be uploaded on the website of the company as well as displayed on a display board at the project site at a suitable location near the main gate of the Company in public domain. The circular No. J-20012/1/2006-IA.II (M) dated 27.05.2009 issued by Ministry of Environment, Forests & Climate Change, which is available on the website of the Ministry www.epyfor.nic.in shall also be referred in this regard for its compliance.
- (xvi) Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for PM₁₀, PM_{2.5}, SO₂ & NO_x monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. Data on ambient air quality should be regularly submitted to the Ministry including its Regional office located at Bangalore and the State Pollution Control Board, Central Pollution Control Board once in six months.
- (xvii) Fugitive dust emissions from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- (xviii) Measures should be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. should be provided with ear plugs / muffs.

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- (xv) Industrial waste water (workshop) and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSA 422 (1) dated 19th May, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap should be installed before discharge of workshop effluents.
- (xvi) Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- (xvii) Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
- (xxii) A separate environmental management cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
- (xxiii) The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry and its Regional Office located at Bangalore.
- (xxiv) The project authorities should inform to the Regional Office located at Bangalore regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
- (xxv) The Regional Office of this Ministry located at Bangalore shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information / monitoring reports.
- (xxvi) The project proponent shall submit six monthly reports on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment, Forests & Climate Change, its Regional Office, Bangalore, Central Pollution Control Board and State Pollution Control Board.
- (xxvii) The project proponent shall submit six monthly report on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment and Forests, its Regional Office, Bangalore, Central Pollution Control Board and State Pollution Control Board.
- (xxviii) A copy of clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom suggestion / representation has been received while processing the proposal.
- (xxix) State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/ Tehsildar's Office for 30 days.
- (xxx) The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the

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Page 8 of 10

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Date: 5.3.19

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xx) A copy of clearance letter will be marked to concerned Panchayat / local NGO / any from whom suggestion / representation has been received while processing the proposa

xxi) State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office / Tensidar's Office for 30 days.

xxx) The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the Ministry of Environment, Forests & Climate Change at <http://envfor.nic.in> and a copy of the same should be forwarded to the Regional Office of this Ministry located Bangalore .

9 The Ministry or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.

10. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.

11 The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court of Kerala and any other Court of Law relating to the subject matter.

12 Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Yours faithfully,

(Dr. U. Sridharan)
Director (S)

Copy to:

- 1). The Secretary, Ministry of Mines, Government of India Shastri Bhawan, New Delhi.
- 2). The Secretary, Department of Mines & Geology, Government of Kerala, Secretariat, Thiruvananthapuram.
- 3). The Secretary, Department of Environment, Government of Kerala, Secretariat, Thiruvananthapuram.

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Date.....

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- 4. The Secretary, Department of Forests, Government of Kerala, Secretariat, Thiruvananthapuram
- 5. The Additional Principal Chief Conservator of Forests (C), Ministry of Environment, Forests and Climate Change, Regional Office(SZ), Kendriya Sadan, 14th Floor, E&F Wings, 17th Main Road, Koramangala II Block, Bangalore-560034, Karnataka
- 6. The Principal Chief Conservator of Forests & Chief Wildlife Warden Forest Headquarters, Vazhuthacud, Thiruvananthapuram -695014.
- 7. The Member Secretary, Kerala State Pollution Control Board, Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram - 695004
- 8. State Environmental Impact Assessment Authority, Kerala, Directorate of Environment and Climate Change, Pallimukku, Pettah PO, Trivandrum-695024
- 9. The Member Secretary, Central Ground Water Authority, A2, W- 3 Curzon Road Barracks, K.G. Marg, New Delhi-110001.
- 10. The District Collector, District- Pathanamthitta, State of Kerala.
- 11. Guard File.
- 12. MoEF &CC website.

(Signature)
 (Dr. U. Sridharan)
 Director (S)

(Signature)
 5-3-19

This is the true copy of the document marked as
 Ex.1 related to in the above I.C.E.S. No
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 1ST DAY OF NOVEMBER 2017/10TH KARTHIKA, 1939

WP(C).No. 23565 of 2017 (U)

PETITIONER(S):

A.K.VELAYUDHAN,
S/O KUNJAYYAPPAN, ALAPPAT VEEDU, AYYAMPUZHA P.O,
MUNDOPURAM, ERNAKULAM-683581.

BY ADVS.SRI.P.RAMAKRISHNAN
SMT.PREETHI KESAVAN
SRI.T.C.KRISHNA
SRI.C.ANIL KUMAR
SMT.ASHA K.SHENOY
SRI.PRATAP ABRAHAM VARGHESE

RESPONDENT(S):

1. M/S BLACK DIAMOND ROCK PRODUCTS,
MANJAPRA, ALUVA, ERNAKULAM-683581, REPRESENTED
BY MANAGING DIRECTOR GEORGE V. MANJALY.
2. DISTRICT ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY,
ERNAKULAM, REPRESENTED BY ITS CHAIRMAN, THE
DISTRICT COLLECTOR, ERNAKULAM, CIVIL STATION,
KAKKANAD, KOCHI-682030.
3. THE EXECUTIVE ENGINEER,
IRRIGATION DEPARTMENT ERNAKULAM, CIVIL STATION,
KAKKANAD, KOCHI-682030.

R1 BY ADVS. SRI.GRASHIOUS KURIAKOSE (SR.)
SRI.C.S.BALAGANGADHARAN
R2 & R3 BY GOVERNMENT PLEADER SRI.B.VINOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-11-2017, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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K. VINOD CHANDRAN, J

W.P(C) No.23565 of 2017-U

Dated this the 01st day of November, 2017

J U D G M E N T

The petitioner seeks for a declaration that the prior sanction of the 3rd respondent under Section 10(2) of the Kerala Irrigation and Water Conservation Act, 2003 is mandatory for the functioning of the 1st respondent's quarry for which Ext.P3 Environmental Clearance has been issued. The petitioner's challenge against the quarrying carried on by the 1st respondent is on two counts. The petitioner submits that the Edamalayar Irrigation Canal passes to the left of the quarry at a distance of 169.13 meters as evidenced by Ext.P1 Google map. It is also contended that a Water Tank supplying drinking water under the Thattupara - Amalapuram Drinking Water Scheme is also within a distance of 717.44 meters as

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WPC.No.23565/2017

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seen from Ext.P2.

2. The 1st respondent admittedly has not obtained any permission under the Kerala Irrigation and Water Conservation Act which under Section 40(2) provides as under:-

"Notwithstanding anything contained in any other law for the time being in force, no person shall, without the written permission of the Irrigation Officer, conduct mining or quarrying operation using explosives within a radius of one kilometre of any bridge, dam, check dam or any other work, structure or construction, owned, controlled or maintained by the Government, a local authority or any other authority."

3. It is also submitted that the 1st respondent on making an application for environmental clearance made a false declaration insofar as indicating Canal or Check Dams or



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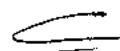
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reservoirs or lake or ponds being only at a distance of 5.5km; specifically the Periyar River.

4. The learned Senior Counsel specifically draws attention to Ext.R1(f) wherein the Executive Engineer had informed the 1st respondent that there is no requirement for such a clearance for reason of the District Environmental Assessment Committee (DEAC) chaired by the Executive Engineer, Irrigation having granted a recommendation based on which the District Environmental Impact Assessment Authority (DEIAA) issued environmental clearance. The learned Government Pleader also supports the grant of EC pointing out that Rule 10(f) of the Kerala Minor Mineral Concession Rules, 2015 prescribes only a distance of 50 meters from any reservoirs, tanks, canals, rivers, bridges, other public works etc.

5. Ext.R1(f) itself is indicative of the violation



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headed by the Executive Engineer, Irrigation, is without looking into the impact of the quarry being conducted within the prohibited distance as indicated in the Conservation Act. The further finding in Ext.R1(f) that there is an unused quarry which can be used for water preservation is of no consequence insofar as the permission under the Water Conservation Act.

6. It is also pertinent that the 1st respondent had applied as per Ext.P5 without specifically declaring the canal and water tank existing within the prohibited area as per the Conservation Act. In such circumstance, the recommendation of the DEAC was without looking at the relevant facts and considering the impact of the conduct of the quarry within the prohibited distance as provided under the Conservation Act. In such circumstance, despite there being no challenge to the EC as per Ext.P3, the declaration sought for would require this Court to set aside Ext.P3. Ext.P3 hence would stand set aside.

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WPC.No.23565/2017

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The 1st respondent would be entitled to approach the Competent Officer under the Conservation Act for a permission under Section 40(2) and then approach the District Environment Impact Assessment Authority with a proper application specifically showing the water bodies or structures for irrigation or drinking water supply; existing within the prohibited distance and the consent if obtained under the Conservation Act.

Writ petition is allowed setting aside Ext.P3 with the above reservation in the nature of a liberty. No order as to costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge

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WP(C).No. 23565 of 2017 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF GOOGLE MAP WHICH REVEAL THE DISTANCE FROM THE PROPOSED MINING PROJECT TO THE CANAL.
- EXHIBIT P2: TRUE COPY OF GOOGLE MAP WHICH REVEAL THE DISTANCE FROM THE PROPOSED MINING PROJECT TO THE WATER TANK.
- EXHIBIT P3: TRUE COPY OF PROCEEDINGS OF THE 2ND RESPONDENT DATED 2.5.2017.
- EXHIBIT P4: TRUE COPY OF REPRESENTATION DATED 3.7.2017 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXHIBIT P5:- TRUE COPY OF APPLICATION DATED 19.10.2016 SUBMITTED BY THE 1ST RESPONDENT.
- EXHIBIT P6:- TRUE COPY OF DECISION DATED 4.7.2017 TAKEN BY THE PANCHAYATH.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R1(A):- TRUE COPY OF THE INTEND OF LEASE ISSUED TO THIS RESPONDENT FROM MINING AND GEOLOGY DEPARTMENT.
- EXHIBIT R1(B):- TRUE COPY OF THE CONSENT TO ESTABLISH ISSUED BY POLLUTION CONTROL BOARD.
- EXHIBIT R1(C):- TRUE COPY OF THE ORDER PASSED BY THE DISTRICT COLLECTOR DATED 27.3.2017.
- EXHIBIT R1(D):- TRUE COPY OF THE EC ISSUED TO THE RESPONDENT BY THE DEIAA DATED 02.5.2017.
- EXHIBIT R1(E):- TRUE COPY OF THE PLAINT IN OS.107/17,PENDING BEFORE THE HON'BL ALUVA MUNSIF COURT.
- EXHIBIT R1(F):- TRUE COPY OF THE COMMUNICATION SEND TO THE RESPONDENT BY THE EXECUTIVE ENGINEER.
- EXHIBIT R1(G):- TRUE COPY OF THE MEMORANDUM OF WRIT PETITION, IN WPC 2906/2017.

/TRUE COPY/

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PS TO JUDGE

This is the true copy of the document marked as
Ex. P7 referred to in the above (C.M.S)

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Advocate

96 3 43 136 EAPS

ഭരണത്തലവിയുടെ - മാതൃഭാഷ

ബി.എസ്.എസ്. കൗൺസിലർ കൃഷി വിഭാഗം, എ.എസ്.എസ്. വെബ്സൈറ്റ് കൺസൾട്ടന്റ് ഓഫീസ്, ഹൈന്ദവ്.

ഓഫീസ് ഓഫ് റീ ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസർ ചാലക്കുടി Pin : 680 307 ഫോൺ: 0480 2701340 (O) മൊബൈൽ: 9447979052 E-mail: info.elkdy.for@kerala.gov.in

നം.സി.എ2-3738/13



തീയതി : 24.04.2014.

സർക്കാർ ഓഫീസ് ജില്ലാ കളക്ടർ, തൃശ്ശൂർ.

സർ,

- വിഷയം : മറ്റത്തിൽ പഞ്ചായത്തിൽ എടത്താടൻ ഗ്രാമപഞ്ചായത്ത് പ്രവർത്തിക്കുന്നതിനെതിരെയുള്ള പരാതി - സംബന്ധിച്ച്.
- സൂചന : - 1) അങ്ങയുടെ 17.3.14 ലെ ബി6-48094/14 നമ്പർ കത്ത്.
- 2) ഈ ഓഫീസിലെ 02.07.13 ലെ സിഎ2-3608/13 നമ്പർ കത്ത്.
- 3) ഈ ഓഫീസിലെ 3.9.13 ലെ സിഎ2-5382/13 നമ്പർ കത്ത്.

സൂചനകളിലേക്ക് അങ്ങയുടെ ശ്രദ്ധ സാദരം ക്ഷണിക്കുന്നു. എടത്താടൻ ഗ്രാമപഞ്ചായത്തിന്റെ പ്രവർത്തനത്തിനെതിരെ 02.05.13 ന് പരമേശ്വരൻ, വർഗ്ഗീസ് എന്നിവർ സമർപ്പിച്ച പരാതിയിന്മേലും, 23.05.13 ൽ മനോജ് പുലിക്കൽ സമർപ്പിച്ച പരാതിയിന്മേലും, ഇതേ വിഷയം സംബന്ധിച്ച് 26.8.13 ൽ അഡീഷണൽ ഡി.വൈ.എസ്.പി. വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോയിൽ നിന്നും ലഭിച്ചിട്ടുള്ള പരാതിയിന്മേലും അന്വേഷണം നടത്തി സൂചന (2), (3) പ്രകാരം അങ്ങയ്ക്ക് റിപ്പോർട്ട് സമർപ്പിച്ചിരുന്നു.

മുക്തപുരം താലൂക്ക് മറ്റത്തൂർ പഞ്ചായത്തിലെ സ്ഥിരതാമസക്കാർ, അന്യധികൃതമായി പ്രവർത്തിക്കുന്ന എടത്താടൻ ഗ്രാമപഞ്ചായത്തിനെതിരെ 16.01.13 ൽ സമർപ്പിച്ച പരാതി അങ്ങയ്ക്കും പ്രിൻസിപ്പൽ ചീഫ് ഫോറസ്റ്റ് കൺസൾട്ടന്റേയ്ക്കും (സംരക്ഷണം) സമർപ്പിച്ചിട്ടുള്ളതാണ്. ഈ പരാതിയിലും അന്വേഷണം നടത്തി റിപ്പോർട്ട് അഡീഷണൽ പ്രിൻസിപ്പൽ ചീഫ് ഫോറസ്റ്റ് കൺസൾട്ടന്റ് (സംരക്ഷണം) സമർപ്പിച്ചിട്ടുണ്ട്. ഇതേ പരാതി സംബന്ധിച്ച് അങ്ങയുടെ ഓഫീസിൽ നിന്നും കിട്ടിയ നിർദ്ദേശപ്രകാരം ജില്ലാ സർവ്വെ സൂപ്രണ്ട് ഈ സ്ഥലം 2014 ജനുവരി 16,17,18 തീയതികളിൽ നടത്തുന്ന ഫീൽഡ് പരിശോധനയിൽ പങ്കെടുക്കാൻ ഈ കാര്യലയത്തിലേക്ക് അറിയിച്ചിരുന്നു. സൂചന (1) പ്രകാരം അങ്ങയുടെ ഓഫീസിൽ നിന്നും ലഭിച്ചിട്ടുള്ള കത്തിലും,

Signature..... Date.....

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2. 25.04.2014

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ജില്ലാ സുപ്രണ്ടിന്റെ കത്തിലും പരാമർശിച്ചിട്ടുള്ള കാര്യങ്ങളെ സംബന്ധിച്ച് എന്റെ അഭിപ്രായം ചുവടെ കൊടുക്കുന്നു.

1. 16.01.14, 17.01.14 എന്നീ തീയതികളിൽ നടത്തിയ ഫീൽഡ് പരിശോധനകളിൽ വനം വകുപ്പിൽ നിന്നും റെയിഞ്ചാഫീസർ, ഡിവിഷൻ സർവ്വെയർമാർ എന്നിവർ പങ്കെടുത്തിരുന്നു. എന്നാൽ ജില്ലാ സർവ്വെ സുപ്രണ്ട് വനം വകുപ്പിന്റെ അഭിപ്രായങ്ങൾ ഒന്നും ആവശ്യപ്പെടാതെ റിപ്പോർട്ട് തയ്യാറാക്കിയിരിക്കുന്നത് ശരിയല്ല.

2. ജില്ലാ സർവ്വെ സുപ്രണ്ടിന്റെ റിപ്പോർട്ടു പ്രകാരം ഇപ്പോൾ കാഠി നടന്നുവരുന്ന സർവ്വെ നമ്പർ 1267/3, 1267/4, 1266/3, 1266/4 എന്നിവ (Kerala land assignment (Regulation of occupation of forest lands prior to 1.1.1977) Special Rules 1993 പ്രകാരം പതിച്ചുകൊടുത്ത സ്ഥലങ്ങളാണ്. ഇത്തരം സ്ഥലങ്ങൾ റൂൾ 3 പ്രകാരം മേൽപറഞ്ഞ നിയമപ്രകാരം കൃഷി ചെയ്യാനും, വീടു വയ്ക്കാനും, കടമുറി തുടങ്ങാനും മാത്രമാണ് ഉപയോഗിക്കാൻ പാടുള്ളൂ. മേൽ നിയമത്തിന്റെ ഭേദഗതി നിയമപ്രകാരം (ജി.ഒ.പി. നം.456/2010 തീയതി 16.11.10) ഇത്തരം സ്ഥലങ്ങൾ മറ്റൊരാൾക്ക് കൈമാറ്റം ചെയ്താലും സ്ഥലം വാങ്ങുന്ന ആൾക്കും ഈ നിയമം ബാധകമാണ്. ഈ നിയമപ്രകാരം പതിച്ചുകൊടുത്ത സ്ഥലങ്ങൾ ഇപ്പോഴും റിസർവ് ഫോറസ്റ്റാണ്. ആയതിനാൽ ഇങ്ങനെയുള്ള സ്ഥലങ്ങളിൽ കാഠി നടത്താൻ ലൈസൻസുകൾ നൽകുന്നത് കേരള ലാൻഡ് അസൈൻമെന്റ് സ്പെഷ്യൽ റൂൾ 1993 ന്റെ ലംഘനമാണ്. കൂടാതെ ഇത്തരം സ്ഥലങ്ങളുടെ സ്റ്റാറ്റസ് റിസർവ് ഫോറസ്റ്റ് ആയതിനാൽ 1980 ഫോറസ്റ്റ് കൺസർവേഷൻ ആക്ടിന്റെയും ലംഘനമാണ്. ഈ നിയമപ്രകാരം ലൈസൻസ് കൊടുക്കുന്നത് ശിക്ഷാർഹമാണ്.

ഇത്തരം സ്ഥലങ്ങളിലെ കാഠി പ്രവർത്തനങ്ങൾ നിർത്തിവയ്ക്കാനായി ടി ഓഫീസിൽ നിന്നും 9.11.10 ൽ സിഎ2-6488/10 പ്രകാരം ശ്രീ.ഇ.എൻ.ഷാജൻ നോട്ടീസ് കൊടുത്തിരുന്നു. ഇതിനെതിരെ ബഹു.ഹൈക്കോടതിയിൽ ഫയൽ ചെയ്ത ഡബ്ല്യു.പി.സി.37773/10 നമ്പർ കേസ് ഇപ്പോഴും ഹൈക്കോടതിയുടെ പരിഗണനയിലാണ്.

കൂടാതെ ശ്രീമതി.മോളി സണ്ണിഫയൽ ചെയ്ത ഡബ്ല്യു.പി.സി.26846/05 നമ്പർ കേസിലെ 27.08.08 ലെ വിധിയുടെ അടിസ്ഥാനത്തിൽ, 02.02.09 ന് അങ്ങയുടെ ഓഫീസിൽ വച്ച് ബന്ധപ്പെട്ട വകുപ്പുകളെ ഉൾപ്പെടുത്തിക്കൊണ്ട് കൃത്യ യോഗത്തിലെ തീരുമാനപ്രകാരം കാഠിയിൽ ലിസ്റ്റ് കാലാവധി തീരുന്നു.

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മുറയ്ക്ക് പുതുക്കി നൽകുന്നതിനു മുൻപ് ബന്ധപ്പെട്ട വകുപ്പുകൾ സംയുക്ത പരിശോധന നടത്തി പുതുക്കി നൽകുന്നതു സംബന്ധിച്ച് ഉചിതമായ തീരുമാനം എടുക്കാനും നിർദ്ദേശിച്ചിരുന്നു. എന്നാൽ വിവിധ വകുപ്പുകളുമായി സംയുക്ത പരിശോധന നടത്താതെയാണ് കാറികളുടെ ലീസ് കാലാവധി പുതുക്കി നൽകുന്നത്. പുതിയ കാറികൾ തുടങ്ങുന്നതിനു എൻ.ഒ.സി. ആവശ്യപ്പെടാറുണ്ടെങ്കിലും എൽ.എ.പട്ടയം ലഭിച്ച കാറികൾക്ക് വനം വകുപ്പിൽ നിന്നും എൻ.ഒ.സി അനുവദിക്കാറില്ല. മേൽ സാഹചര്യങ്ങളിൽ റിസർവ്വ് ഫോറസ്റ്റിന്റെ സ്റ്റാറ്റസ്സുള്ള ഭൂമിയ്ക്ക് അനുവദിച്ചിട്ടുള്ള ലൈസൻസ് റദ്ദ് ചെയ്യുന്നതിനുള്ള നിർദ്ദേശങ്ങൾ ബന്ധപ്പെട്ട വകുപ്പുകൾക്ക് നൽകുവാൻ അപേക്ഷിക്കുന്നു.

വിശ്വസ്തതയോടെ,

ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസർക്കു വേണ്ടി

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 Date..... 5.3.19

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 Ex. P referred to in the above I.C.C.P.

98(a)

EXHIBIT

PST/y

"Administrative language - mother tongue"

B. N. Anjan Kumar I.F.S.,
Deputy Conservator of Forest

Office of the Divisional Forest Officer
Chalakkudi, PIN- 680 307
Tel: 0480 2701340 (0)
(Mobile): 9441919052
Email: dfo.clkdy.for@kerala.gov.in

No. CA2-3738/13

Date: 24.04.2014

To

District Collector,
Thrissur.

Sir,

Subject: Complaint against the functioning of Edathanadan
Granites in Mattathil Panchayath - Regarding

Reference: 1) Your letter No. B6-48094/14 dated 17.03.14

2) Letter No. CA2-3608/13 dated 02.07.13 from this
office

3) Letter No. CA2-5382/13 dated 3.9.13 from this office

Your attention is respectfully drawn to the references. Investigation was conducted and report was submitted to you vide references (2) and (3) on the complaints against the functioning of Edathanadan Granites by Parameswaran and Varghese on 02.05.13, Manoj Pulikkal dated 23.0.13 and from the additional Dy. S. P, Vigilance and Anticorruption Bureau dated 26.8.13 on the same subject.

The complaint dated 16.01.13 given by the permanent residents of Mattathoor Panchayat, Mukundapuram Taluk, against the unauthorised functioning of Edathanadan Granites was forwarded to you and Principal Chief Forest Conservator (Protection). The Additional Principal Chief Forest Conservator (Protection) had conducted an enquiry into this also and had

98(b)

EXHIBIT 1 P5/5

filed the report. Based on the instructions received from your office on this same complaint, the District Survey Superintendent had informed to this office to participate in the field inspection in this land on 2014 January 16, 17, 18. My opinion on the issues mentioned in the letter from your office referred to as number 1 above and the letter from District Superintendent is given hereunder.

1. In the field inspections conducted on 16.01.14 and 17.01.14 Range Officer and Division Surveyors from the Forest Department had participated. The report prepared by the District Survey Superintendent without seeking the opinion of Forest Department is not correct.
2. As per the report of the District Survey Superintendent Sy. No.'s 1267/3, 1267/4, 1266/3, 1266/4 where the quarry is being functioning our land assignment under Kerala Land Assignment (Regulation of Occupation of Forest Lands Prior to 1.1.1977) Special Rules 1993. According to Rule 3, these lands, as per the above-mentioned back law, can be utilised only for cultivation, construction of house, to run a shop. As per the amendment of the above law (G.O.P. No. 456/2010 dated 16.11.10) even if these lands are transferred to another person, this law is applicable to the person buying the land. The lands assigned under this law are still reserve forest. Thus, giving license to run a quarry in such lands is a violation of Kerala Land Assignment Special Rule, 1993. Moreover, since the status of these lands are reserve forest, it is also a violation of the Forest Conservation Act, 1980. As per this law, giving a license is punishable.

Sri. E. N. Shajan was given a notice as per CA2-6488/10 dated 9.11.10 from this office to stop quarrying activities in these lands. WP(C)37773/10 filed against this in the honourable High Court is still under consideration of High Court.

Apart from this, based on the Judgement dated 27.08.08 in WP(C)26846/05 filed by Smt. Molly Sunny meeting was held in your office by including related departments. As per the decision in that meeting, as and when the quarrying lease validity gets over, before renewing the same,

98(e)

EXHIBIT - 105/6

a joint inspection should be conducted by the concerned departments and an appropriate decision should be taken regarding the renewal. But validity of quarrying lease is renewed without the joint inspection of various departments. Even though NOC is demanded for starting new quarries, for quarries which had obtained LA pattayam, no NOC is given. In the circumstances given above it is requested that directions be given to cancel the license granted to the lands having the status of reserve forest.

Sincerely

for Divisional Forest Officer

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Advocate

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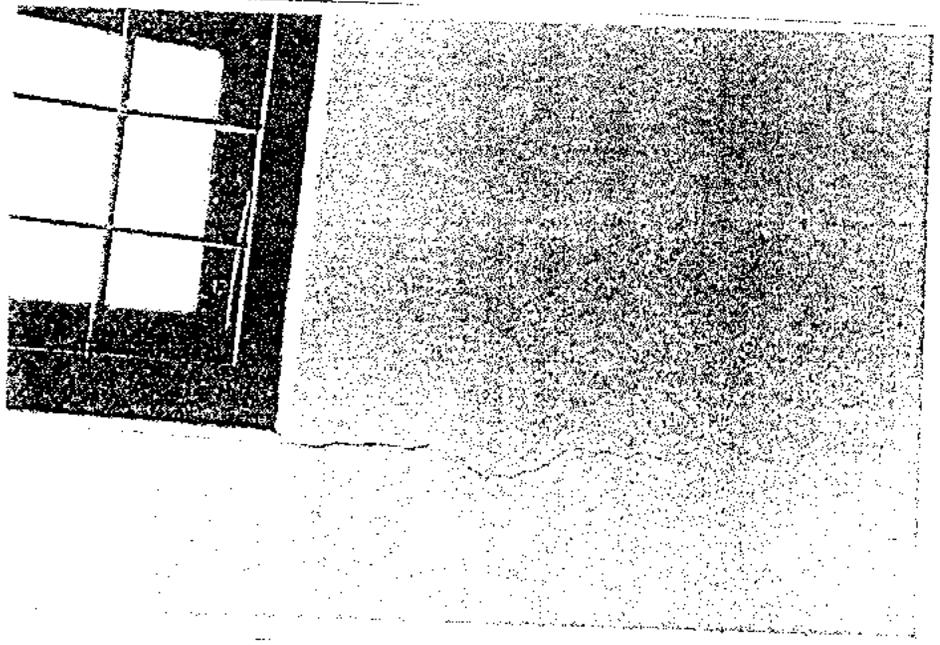
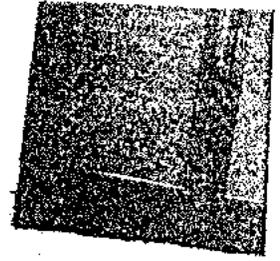
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- quantity of extraction, details of tools used, area of extraction permitted, explosive used (if any), etc.
- 9) The lessee shall erect a warning board with danger sign regarding operation of the quarry, 100 metres away by the side of the road leading to it.
- 10) The lessee should provide retention wall/barricade/fencing compound wall surrounding the quarry before the commencement of the quarrying operation for preventing accidents by falling of human being animals, vehicles and material into the quarry. The lessee should take effective preventive measures for the safety of labourers as well as the general public.
- 11) The lessee should leave a distance of 7.5m from the adjacent boundary lands including government puramboke land while carrying out quarrying operations.
- 12) The lessee should not assign, sublet or transfer his lease or any right or interest therein to any person without previous permission of the Director of Mining & Geology.
- 13) The lessee shall pay tax related to Revenue Department, if any, as directed by them and the details should be furnished to the Geologist periodically.
- 14) The lessee shall operate the quarry in accordance with the condition stipulated in the environmental clearance and mining plan submitted by him.
- 15) The lessee shall obtain all other statutory licences/clearances/No Objection Certificates from other authorities concerned including Explosive licence, consent from Pollution Control Board and D & O licence from the Local Self Government Department concerned.
- 16) The quarrying lease will become invalid if the lessee fails to renew the Environmental clearance after 5 years.
- 17) The lessee shall produce a financial guarantee of ₹. 1,17,663/- (Rupees One lakh Seventeen thousand six hundred sixty three only) as stipulated in rule 52 of KMMC Rules 2015, before execution of lease deed.
- 18) The lessee shall pay 10% of the amount of royalty/consolidated royalty as the case may be paid by him, being the quarry safety fund in addition to the royalty/consolidated royalty, as per rule 63 of KMMC rules, 2015.
- 19) The lessee shall carryout mining operations as per the approved mining plan.

The terms and conditions stated in this order will be subjected to such further modifications as may be made by the State Government from time to time.

Sd/-
D.P.SREEKUMAR
DIRECTOR OF MINING & GEOLOGY

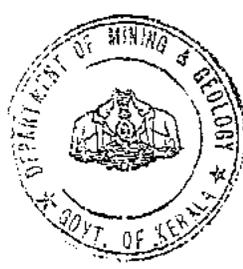
M/s.Edathadan Granites,
Mattathur.P.O. Ombathungal,
Kodakara, Thrissur-680 684
(Represented by Sri.E.N.Shajan, Managing Partner)

Copy to

- 1. The Deputy Director General, Directorate General of Mines Safety, Southern Zone, Bangalore-560 029
- 2. The District Collector Thrissur
- 3. The Geologist, District Office, Thrissur
- 4. The Tahsildar, Chalakudy
- 5. Stock File (2), File Copy

(BY ORDER)
[Signature]
08/03/2015

SENIOR SUPERINTENDENT



[Signature]

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2. 12.1.15

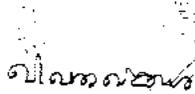
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- 1. The lessee/lessees shall have the right in and upon the said lands to extract Granite Building Building Stone(hereinafter called the said mineral/minerals) and to do all acts necessary for the extraction of the said mineral/minerals including the erection on the said lands, buildings and plant required for the purposes and also to take lead and carry away over the said lands and to dispose of the said minerals extracted as aforesaid.
- 2. The lessee/lessees shall during the subsistence of this lease have the liberty to work the said mineral/minerals and remove the same from the leasehold on permits issued by the State Government/competent authority or any other officer authorised by him in this regard. The permits shall be issued only on the basis of prepaid royalty at the rates specified in schedule I to these Rules. The royalty rates shall be subject to revision from time to time as the State Government may order.
- 3. The lessee/lessees shall pay to the State Government a yearly surface rent equal to the land revenue (if any, assessable under the rules for the time being in force, or if the land be the property of Government or in reserve forest then equal to the land revenue plus cess, if any, per hectare of the land surface whereof shall be occupied or used by the lessee/lessees for any of the purposes of this deed and so in proportion for any area less than one hectare. The said surface rent shall be paid by yearly payments; the first of such payments to be made on or before the last day of the first year of occupation provided always that no such rent shall be paid or demanded in respect of any roads or ways now in existence.
- 4. The lessee/lessees shall at all times during the currency of this lease keep correct and intelligible books of account showing accurately the quantity of the said minerals extracted and the weight and value of the said mineral sold or exported together with the names of the purchasers or consignees. The lessee shall also maintain a register of employees showing therein separately men, women employed daily and shall at reasonable times allow the competent authority appointed under the rules (hereinafter referred to as "competent authority") or the officer authorised by him to examine the said books of account and register of employees and to take copies and extracts therefrom. The lessee/lessees shall submit reports in Forms F and G on the specified dates.
- 5. All sums found due under or by virtue of this deed from the lessee/lessees may be recovered from him jointly and severally from them and his/their properties movable and immovable under the provisions of the Revenue Recovery Act for the time being in force as though such sums be arrears of land revenue or in any other manner as the State Government may deem fit.
- 6. The lessee/lessees shall at the lessee's/ lessees' own expense erect and all times maintain and keep in repair boundary marks and pillars along the boundaries of the said lands according to the demarcation shown in the plan hereto annexed.
- 7. In cases where explosives are not used for quarrying the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 75 metres from any railway line except with the previous written permission of the Railway Administration concerned; and any bridge on National High way or 50 metres from any



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reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or any Government protected monuments or forest lands which do not conform to the category of wild life forests except with the previous permission of the authorities concerned or State Government or competent authority or any other officer authorised by the State Government in this behalf.

In cases where explosives are used for quarrying, the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 100 metres from any railway line, bridge, reservoir, tanks, residential buildings, Government protected monuments, canals, rivers, public roads having vehicular traffic, other public works or the boundary walls of places of worship or 50 metres from any burial grounds or burning ghats or village roads or forest lands which do not conform to the category of wild life forests.

The above said distances shall be measured in the case of a railway, reservoir or canal horizontally from outer edge of the cutting or outer edge of the bank, as the case may be and in the case of a building horizontally from the plinth thereof.

For the purposes of this clause the expression 'railway' and 'railway administration' shall have the same meaning as defined in sub sections (4) and (6) of section 3 of Indian Railway Act, 1900 (IX of 1890)

- 3. The sides of open workings shall be sloped, stepped or secured by the lessee in such a manner as to prevent slope failure, when an open working is worked in steps, steps shall be of sufficient breadth in relation to their height to secure safety. In open workings trees liable to fall and all loose ground and material shall be removed by the lessee sufficiently far from the edge or otherwise made secure in order to prevent danger to persons employed in the quarry.
- 9. If a working place is found to be unsafe all persons shall be withdrawn by the lessee/lessees immediately from the dangerous area and all access to such working place except for the purpose of removing the danger of saving life shall be prevented by securely fencing the full width of all entrances to the place.
- 10. The lessee/lessees shall at all reasonable times allow any officer authorised by The Central Government or by the State Government in that behalf to inspect the said lands and the buildings and plants erected thereon and the lessee/lessees shall assist such persons in conducting the inspection and afford them all information they may reasonably require, and shall conform to and observe all orders which the Central and State Governments as the result of such inspection or otherwise, may from time to time pass.
- 11. The lessee shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry.
- 12. The lessee/lessees shall not assign or underlet the said lands or any part thereof or the rights or privileges therein hereby granted or any of them without the previous permission in writing of the State Government/competent authority.



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13. Where the lease or any right, title or interest therein has been assigned, subject or transferred as provided in rule 45 read with condition 12, then the person in whose favour such assignment, sublease or transfer has been made shall be responsible for implementing the provisions of various labour laws applicable, from time to time, to the quarry.

14. The lease may be surrendered by the lessee/lessees at any time after 3 months notice in writing to the State Government/competent authority.

Provided the lessee/lessees has/have paid all sums due on account of the lease.

Provided that if the lessee/lessees elects/elect to determine this lease before the expiry of the term of the lease, shall pay in addition to other dues a sum equal to the dead rent payable for the remaining part of the term of the lease deed

15. If the lessee/lessees shall be desirous of taking a further lease of the said lands for a further term of years he/they shall give three months' previous notice in writing of such desire to the State Government/competent authority and if the lessee/lessees has/have duly observed all the conditions of this lease for such further term and on such terms and conditions as the State Government/Competent authority may determine which shall be in accordance with the provisions of these rules.

16. If the lessee/lessees shall at any time during the said term use the said lands or any part thereof in any manner other than as authorised by this lease or fail to carry on quarrying operations continuously without sufficient cause of which the State Government/Competent authority shall be the Judge or shall commit a breach of any of the conditions of this lease it shall be lawful for the State Government/Competent authority to cancel this lease and take possession of the said lands or the alternative to receive from the lessee/lessees such penalty not exceeding Rs. 25,000/- for the breach as the State Government/Competent authority may fix.

17. If at the expiration of three calendar months after the expiry of the lease or its sooner determination, there shall remain in or on the said lands, any engines, machinery, plant, buildings, structures and other works erections and conveniences the said minerals or other property which the lessee/lessees are entitled to remove from the said lands, the same shall, if not removed by the lessee/lessees within one calendar month after notice in writing requiring their removal be given to the lessee/lessees by the State Government/Competent authority be deemed to become the property of the State Government in such manner as they may deem fit without liability to pay any compensation or to account to the lessee/lessees/lessees in respect thereof.

18. This lease subject to all rules and regulations which may from time to time be issued by the State Government regulating the working of the quarries and other matters affecting safety, health and convenience of the lessee's/lessees' employees or of the public, whether under the Indian Mines Act or otherwise.

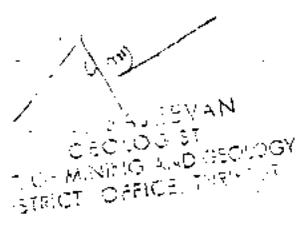
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- 19. The lessee/lessees shall without delay send to the District Collector and the competent authority or the officer authorised by him in this regard report of any accident causing loss of life or serious bodily injuries or seriously affecting or endangering life or property which may at any time occur at or in the said lands in the course of operations under this lease.
- 20. The lessee/lessees shall furnish such reports and returns relating to output, labourers employed and other matters as the State Government may prescribe.
- 21. The lessee/lessees shall make and pay such reasonable compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damages, injury or disturbance which may be done by him/them in exercise of the powers granted by this lease and shall indemnify and shall keep indemnified fully and completely the State Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.
- 22. The lessee shall renew the Environmental Clearance within the periods as stipulated in the Environmental Clearance produced by the lessee for granting this lease.
- 23. Any condition prescribed in the Kerala Minor Mineral Concession Rules, 2015 but left out in this lease which may be found applicable to the lessee/lessees shall be treated as binding on the lessee/lessees.
In this case anticipated royalty for the mineral at the rate of Rs. 24/- (Rupees Twenty four only) per tone for a period of one year Rs. 45,60,000/- (Rupees Forty Five lakh Sixty thousand Only)
- 24. Dead Rent realizable at the rate of Rs. 1 year- Nil, II year - Rs. 300/-, III Year onwards - Rs. 200/- Per hectare subject to revision from time to time. Surface rent at the rate of Rs. 200/- (two hundred rupees only) per hectare for One Year is Rs. 941/- (Rupees nine hundred forty one only) security deposit is Rs. 47065/- (Rupees forty seven thousand sixty five only).



 DEPARTMENT OF MINING AND GEOLOGY
 TECHNICAL OFFICE
 TRIPUNITHURUR


 Managing Director



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The Schedule above referred to Description of Land

| District / Taluk | Village Or Amsam | Re-Survey/ Survey No. of the area | Area in Hectares |
|--------------------|------------------|--|------------------|
| Thrissur Charakudy | Kedassery | 1270/4, 5, 7, 8 1271/2, 3, 4 1273/1, 2, 1272/1 | 4.7065 H |

Bounded by Sy. Nos.

- On the North by 954, 1266, 1267
- On the East by 1272/4, 956, 957, 1273/4
- On the South by 1270/2, 6.
- On the West by 1266, 1267, 1268, 1270/1

In witness whereof the parties hereto have set their hands hereunto on the day and year first above written.

Signed by *[Signature]*

For and on behalf of the Government of Kerala.

OFFICE OF MINING AND GEOL. SURVY

Director of Mining & Geology, Thrissur
District Office, Charakudy
District Office, Charakudy, Thrissur

Signed by *[Signature]* Managing Partner

For and on behalf of the lessee/lessees

- 1. Mr. Jansandran
- 2. Mr. Suresh Kumar
- 3. Mr. Nandhan

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[Signature]

True typed copy of Ext.P 29

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E. 29

Proceedings of the Executive Engineer Sub Division No.1, Chalakkudy

Present: Sri N.M. Thampi

Sub: Permission for constg. Culvert net.ch.11/100km and 11/300 km of Mattathoor Branch canal road-reg.

Ref: 1. Application from E.N. Shajan, Managing Partner, Edathadan Granites, Mattathoor.

2. Lr.No.D1-56/09 dated 04.10.2010 of Asst. Executive Engineer, Irrgn. Sub Dn.No.1, Chalakkudy.

Order No.As-1321-10 dated 10.10.2010

Sanction is hereby accorded to E.N. Shajan, Edathadan Granites Mattathoor for constructing Net.ch.11/100km and 11/300 km of Mattathoor Branch canal at his own expenses subject to the following conditions.

1. The work should be executed as directed by the officers of water resources Dpt. at the full expenses of the applicant as per the approved plan and standards of O15.
2. The work should be carried out without causing any damage and hindrance to the road, canal system and canal abutments.
3. The entire works in this regard should be carried out as per the strict direction of the Asst. Executive Engineer or higher officers of the water resources Dept., and their decisions if any, will be undisputedly accepted by the applicant.
4. The applicant should dismantle the structures at the cost of the authority, if any future development work is proposed in this road by the Water Resources Department.
5. An agreement should be executed incorporating all the above conditions between the applicant and the Asst. Exe. Engineer, Irrigation Sub Division No.1, Chalakkudy after which only this order will come into force.
6. Violation if any, in the strict compliance of the conditions stipulated above shall lead to cancellation of this order.

The applicant Sri. E.N. Shajan, Managing Partner, Edathadan Granites, Mattathoor shall be held full responsible for any such violations and the Water Resources Department shall make good, losses if any, such damage if any, made by the Water Resources Department shall be final, undisputable liable to the government compensating the losses sustained by the government.

Sd/-

Executive Engineer

To
The applicant Sri. E.N. Shajan,
Managing Partner, Edathadan Granite, Mattathoor.

Copy to:

The Asst. Executive Engineer, Irrigation Sub Division No.1, Chalakkudy.

The Asst. Engineer, Irrigation Section, Kodakara.

This is the true copy of the document contained in
Ext.P 29 referred to in the above (C.O. 1321-10)

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Board of Revenue

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of the officer under the provisions of the designation and date

| 1966-70 | 1970-71 | 1971-72 | 1972-73 |
|---------|---------|---------|---------|
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Authenticated that this book contains the details of the municipal leave

[Signature]

No. *[Stamp]*

Principal Magistrate Kodag

Naras

[Signature]

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മൈനിംഗ് & ജിയോളജി ഡയറക്ടറേറ്റ്
കേശവദാസപുരം, പട്ടം പാലസ്, പി.ഒ.
തിരുവനന്തപുരം-4, Phone/Fax: 0471-2447429
e-mail: director.dir.dmg.@kerala.gov.in
Web : www.dmg.kerala.gov.in

നമ്പർ : 10227/എം4/2014

തീയതി : 15-12-2014

മൈനിംഗ് & ജിയോളജി ഡയറക്ടർ

ശ്രീ. മാജ്കുമാർ രാജുനാഥ്,
പൊലിയേടത്ത് ഹൗസ്,
മൂന്നുമുനി, പി.ഒ. മറ്റത്തൂർ,
തൃശൂർ

സർ

വിഷയം- ഖനിയും ഖനികളും - സ്വകാര്യവ്യക്തി ഭൂമി കയ്യേറി അനധികൃത ഖനനം നടത്തുന്നുവെന്ന പരാതി - മറുപടി നൽകുന്നത് - സംബന്ധിച്ച്.

- സൂചന:-
1. 22-07-2014-ലെ 21476/എ3/14/വ്യവ നമ്പർ സർക്കാർ കത്തും ഉള്ളടക്കം ചെയ്ത താങ്കളുടെ പരാതിയും.
 2. 10-11-2014 തീയതിയിലെ തൃശൂർ ജില്ലാ ജിയോളജിസ്റ്റിന്റെ 2446/സി2/ടിഡിഒ/14 നമ്പർ റിപ്പോർട്ട്.

* * * * *

മേൽ സൂചനയിലേയ്ക്ക് താങ്കളുടെ ശ്രദ്ധ ക്ഷണിക്കുന്നു. സൂചന (1) കത്തിനോടൊപ്പം ഉള്ളടക്കം ചെയ്തിട്ടുള്ള താങ്കളുടെ പരാതിയുടെ അടിസ്ഥാനത്തിൽ തൃശൂർ ജില്ലാ ആഫീസിൽ നിന്നും മെ: എടത്താടൻ ഗ്രാനൈറ്റ്സ് എന്ന സ്ഥാപനം നടത്തി വരുന്ന കരിങ്കൽ ക്വാറി പരിശോധിക്കുകയുണ്ടായി. ടി ക്രഷർ യൂണിറ്റിന് ശ്രീ. ഇ.എൻ. ഷാജൻ, മെ: എടത്താടൻ ഗ്രാനൈറ്റ്സ്, മറ്റത്തൂർ പി.ഒ., എന്ന പേരിൽ മൈനിംഗ് & ജിയോളജി ഡയറക്ടർ 04-04-2008-ലെ പ്രൊസീഡിംഗ്സ് ഓർഡർ നമ്പർ 14/2008-09/3488/M3/2008, പ്രൊ: ഓർഡർ നമ്പർ 18/2008-09/3491/M3/2008, പ്രൊ: ഓർഡർ നമ്പർ 16/2008-09/3489/M3/2008 എന്നീ നബരുകളിലായി മൂന്ന് ക്വാറിയിംഗ് ലീസുകൾ അനുവദിച്ചിട്ടുള്ളതാണ്. ടി ക്വാറിയിംഗ് ലീസുകൾക്ക് 14-04-2018 വരെ കാലാവധിയുള്ളതാണ്. ടി ലീസുകളുടെ അടിസ്ഥാനത്തിൽ 1967-ലെ കേരള മൈനർ മിനറൽ കൺസർവ്വേഷൻ ചട്ടങ്ങൾ റൂൾ 48(R) പ്രകാരം റജിസ്റ്റേർഡ് മെറ്റൽ ക്രഷർ യൂണിറ്റായി 2013-14 സാമ്പത്തിക വർഷത്തേയ്ക്ക് കോമ്പൗണ്ട് ചെയ്തിട്ടുള്ളതുമാണ്.

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കൂടാതെ മുമ്പ് ജില്ലാ ആഫീസിൽ ലഭിച്ചിട്ടുള്ള പരാതിയുടെയും ജില്ലാ കളക്ടറുടെ നിർദ്ദേശത്തിന്റെയും അടിസ്ഥാനത്തിൽ പൊല്യൂഷൻ കൺട്രോൾ ബോർഡ് ഉദ്യോഗസ്ഥർ, മറ്റത്തൂർ പഞ്ചായത്ത് സെക്രട്ടറി എന്നിവരോടൊപ്പം പ്രസ്തുത കാനിയും പരിസരവാസികളുടെ വീടുകളും സംയുക്തമായി പരിശോധിച്ചിട്ടുള്ളതാണ്.

ജില്ലാ സർവ്വേ സൂപ്രണ്ട് നമ്പർ 15-02-2014-ലെ റിപ്പോർട്ട് പ്രകാരം സർവ്വേ നമ്പർ 1267/3, 1271/1 എന്നിവയിൽ ഉൾപ്പെട്ട സർക്കാർ പുറമ്പോക്ക് വഴി സ്ഥലത്തുനിന്നും (14.43 സെന്റ്) പാറ പൊട്ടിച്ചതായി റിപ്പോർട്ട് ചെയ്തതിനെ തുടർന്ന് അനധികൃതമായി ഖനനം നടത്തിയതായി കാണപ്പെട്ട 9812 ക്യൂബിക് മീറ്റർ പാറയുടെ റോയൽറ്റിയിനത്തിൽ ₹ 3,92,480/- രൂപയും പിഴയിനത്തിൽ ₹ 5,000/- രൂപയും 1967-ലെ കെ.എം.എം.സി. ചട്ടങ്ങൾ പ്രകാരം ലീസുടമയിൽ നിന്നും ഈടാക്കിയിട്ടുള്ളതുമാണ്. കുഞ്ഞലിപ്പാറയും കരിങ്കൽ കാനിയും തമ്മിൽ 100 മീറ്റർ അകലമുള്ളതായും ജില്ലാ സർവ്വേ സൂപ്രണ്ട് റിപ്പോർട്ട് ചെയ്തിട്ടുള്ളതുമാണ്. പുറമ്പോക്ക് (കുഞ്ഞലിപ്പാറ) കയ്യേറി കാനി പ്രവർത്തനം നടത്തുന്നില്ലായെന്നും ജില്ലാ സർവ്വേ സൂപ്രണ്ട് റിപ്പോർട്ട് ചെയ്തിട്ടുണ്ട്.

ക്രമം ഉടമ ജില്ലാ ആഫീസിൽ സമർപ്പിച്ചിട്ടുള്ള രേഖകൾ പരിശോധിച്ചതിൽ നിന്നും ഈ ക്രഷർ യൂണിറ്റിന് പ്രവർത്തിക്കുന്നതിനാവശ്യം വേണ്ടതായിട്ടുള്ള:- (1) കേരള സ്റ്റേറ്റ് പൊല്യൂഷൻ കൺട്രോൾ ബോർഡിന്റെ കൺസന്റ്, (2) എക്സ്പ്ലോസിവ് ലൈസൻസ് (3) പഞ്ചായത്ത് നൽകിയിട്ടുള്ള ഡി & ടി ലൈസൻസ് എന്നിവ ഉണ്ടെന്ന് ബോധ്യപ്പെട്ടിട്ടുള്ളതാണ്. കൂടാതെ ടി കാനി ഡയറക്ടർ ജനറൽ ഓഫ് മൈൻ സെഹ്റ്റിയുടെ അനുമതിയോടെയും കാളിഫ്രെഡ് മൈൻ മാനേജർ, മൈൻ മേറ്റ് എന്നിവരുടെ നിരീക്ഷണത്തിലും ആവശ്യമായ സുരക്ഷാമാനദണ്ഡങ്ങൾ പാലിച്ചുകൊണ്ടുമാണ് ഖനന പ്രവർത്തനം നടത്തിവരുന്നത് എന്നും ജിയോളജിസ്റ്റ് അറിയിച്ചിട്ടുണ്ട്.

വിശ്വസ്തതയോടെ

[Signature]
16/12/2014

മൈനിംഗ് & ജിയോളജി ഡയറക്ടർക്കുവേണ്ടി

[Signature]
16/12/14

15 5 12

This is the true copy of the document attached as per referred to in the above I.C.M. No. 11

114(a)

EXHIBIT 2 P11/3

Mining and Geology Directorate,
 Kesavadaspuram, Pattom Palace P.O.,
 Tiruvananthapuram-4 Phone/ Fax: 0471-2447429
 Email: director.dir.dmg@kerala.gov.in
 Web: www.dmg.kerala.gov.in

Number:10227/M4/2014

Date: 15-12-2014

Mining and Geology Director

Mr. Rajkumar Reghunath,
 Poliyedath House,
 Moonnumuri, P. O. Mattathoor,
 Thrissur.

Sir,

Subject: Mines and Minerals - complaint regarding quarrying operations
 by encroaching by private individual - regarding

Reference: 1) Government letter No. 21476/A3/14/vyava dated
 22-07-2014 and your complaint enclosed therein
 2) Report No. 2446/C2/TDO/14 dated 10-11-2014 by the
 Thrissur District Geologist. Thrissur District.

Your attention is drawn to the above references. Site inspection of the granite quarry conducted by M/s Edathadan Granites was carried out by the Thrissur district office on the basis of your complaint enclosed with the letter referred to as item 1 above. The said crusher unit has been issued three quarrying leases under the name of Mr. E. N. Shajan, M/s Edathadan granites, Mattathoor P. O. by the Mining and Geology Director on 04-04-2008 under the numbers: Proceeding order number 14/2008-09/3488/M3/2008; Pro. Order number 18/2008-09/3491/M3/2008 and Pro. Order No. 16/2008-09/3489/M3/2008. The leases are valid upto 14-04-2008. On the basis of the said leases it is compounded as a Registered Metal Crusher unit for the financial year 2013-14 as per Rule 48(R) of the Kerala Minor Mineral Concessions Rules, 1967.

Further, based on the complaint received at the district office and on the direction by the District Collector; the officials of the pollution Control Board and the secretary of Mattathoor Panchayat conducted a joint inspection of the Quarry and the neighbouring residential houses.

114 (b)

EXHIBIT Dully

According to the report dated 15-02-2014 by the District Survey Superintendent; there was quarrying from Government puramboke land (14.43 cent) included in Sy. No. 1267/5 and 1272/1. Based on the report and a fine of ₹ 5000 and royalty of ₹ 392,480 was realised and the KMMC Rules, 1967 from the leaseholder towards 9812 m³ of rock found to be unauthorisedly quarried. The District Survey Superintendent has reported that the distance between Kunjaalippara and the granite quarry is 170 metres. It is also reported by the District Survey Superintendent that no quarrying activity is being conducted by encroaching 'puramboke' (Kunjaalippara).

Upon verification of the documents submitted by the crusher owner at the district office, it was convinced that the following documents required to operate this crusher unit are available.

1. Consent from the Kerala State Pollution Control Board
2. Explosive License
3. D & O license issued by the Panchayat

Apart from all these, the geologist has also informed that the said quarry is functioning with the permission of the director-general of mine safety and under the supervision of the qualified mine manager and mines mate by complying all safety standards.

Sincerely

for Mining and Geology Director

JS1612

This is the true English translation of *EX 011*

Advocate

116ce)

EXHIBIT - 1012/3

Before the Honourable District Collector, Thrissur

The Mass Petition submitted by the members of Kunjalippara Samrakshana Samithy Ombathungal desom, Mattathoor Grama Panchayat, Thrissur District permanently residing at the below mentioned address:

Sir,

An establishment named Edathanadan Granites is running a Crusher/Quarry and conducts quarrying of granite and manufacture of other granite products using huge machineries near Kunjalippara in Mattathoor Gramapanchayat in for many years with a claim that they possess all permits. The quarrying activities of the said establishment has caused a threat to the people and their property in the surroundings.

You are aware of the landslides and loss of life and property due to the quarrying activities of a majority of quarries in Kerala. In order for you to realise that the impact created on the environment by the said quarry is not less, it is imperative for you to verify the below mentioned facts by personal visit. It is requested that the functioning of the said quarry should be stopped and the life and property of the neighbouring people shall be protected by conducting an immediate enquiry and by taking action. The relevant facts in support of the same is as follows:

1. As a result of the quarrying carried out by Edathanadan Granites till date, a huge lake like reservoir is formed within its unit extending to about 1 kilometre. Due to the huge explosions, cracks are formed in this reservoir and water flows through such cracks and hence there is a likelihood of landslide and loss of life and damage to houses and agricultural lands.
2. As a result of the huge explosions conducted by the said Edathanadan Granites for quarrying, cracks are formed on the houses in the vicinity. This has adversely affected the peace and safety of people there.
3. The water sources in this area are polluted due to the wastewater generated and flown into the nearby low lying agricultural lands as a result of washing of M-Sand manufactured by crushing quarried granite in huge crusher machinery. Not only that, there is also severe shortage of drinking water being felt during peak summer due to the drying up of nearby wells and ponds.
4. The vehicles used for the transportation of the M-Sand manufactured there is plying at a high speed and violating Motor Vehicle Laws. The plying of heavy vehicles through the narrow Panchayath Road starting from Moonnumuri PWD Road to the crusher unit is illegal and poses a danger to the people living in that area.
5. The health at the people of this area is dangerously affected due to the dust and waste emitted from the explosions taking place there. Presently, numerous people of the locality have died on account of the severe lung diseases

116ce)

EXHIBIT - B/12/13

Before the Honourable District Collector, Thrissur

The Mass Petition submitted by the members of Kunjalippara Samrakshana Samithy Ombathungal desom, Mattathoor Grama Panchayat, Thrissur District permanently residing at the below mentioned address:

Sir,

An establishment named Edathanadan Granites is running a Crusher/Quarry and conducts quarrying of granite and manufacture of other granite products using huge machineries near Kunjalippara in Mattathoor Gramapanchayat in for many years with a claim that they possess all permits. The quarrying activities of the said establishment has caused a threat to the people and their property in the surroundings.

You are aware of the landslides and loss of life and property due to the quarrying activities of a majority of quarries in Kerala. In order for you to realise that the impact created on the environment by the said quarry is not less, it is imperative for you to verify the below mentioned facts by personal visit. It is requested that the functioning of the said quarry should be stopped and the life and property of the neighbouring people shall be protected by conducting an immediate enquiry and by taking action. The relevant facts in support of the same is as follows:

1. As a result of the quarrying carried out by Edathadan Granites till date, a huge lake like reservoir is formed within its unit extending to about 1 kilometre. Due to the huge explosions, cracks are formed in this reservoir and water flows through such cracks and hence there is a likelihood of landslide and loss of life and damage to houses and agricultural lands.
2. As a result of the huge explosions conducted by the said Edathadan Granites for quarrying, cracks are formed on the houses in the vicinity. This has adversely affected the peace and safety of people there.
3. The water sources in this area are polluted due to the wastewater generated and flown into the nearby low lying agricultural lands as a result of washing of M-Sand manufactured by crushing quarried granite in huge crusher machinery. Not only that, there is also severe shortage of drinking water being felt during peak summer due to the drying up of nearby wells and ponds.
4. The vehicles used for the transportation of the M-Sand manufactured there is plying at a high speed and violating Motor Vehicle Laws. The plying of heavy vehicles through the narrow Panchayath Road starting from Moonnumuri PWD Road to the crusher unit is illegal and poses a danger to the people living in that area.
5. The health at the people of this area is dangerously affected due to the dust and waste emitted from the explosions taking place there. Presently, numerous people of the locality have died on account of the severe lung diseases

116 (b)

EXHIBIT - 7 B12/4

like Asthma, Cancer, Skin Diseases etc. The testimony of a Cancer Patient named Justine Mamkuzhy who was affected by the chemical silica emitted from the crusher/quarry unit is to be noted.

6. The vehicles used for the transportation of granite products and M-Sand from the quarry are overweight and are taken through the Canal Service Road of the Irrigation Department for which there is no legal permission. These violations are not noticed by the law enforcement agencies.
7. The accidental deaths happened in this quarry in the recent times as well as in the past shows that the safety rules are not followed here. The FIRs prepared regarding the said deaths under the supervision of the Tahasildar was received by you is to be looked into? It is also to be verified whether the concerned authorities have conducted inspection and any remedial measures were taken.
8. It is to be verified that, as a company, whether Edathadan Granites comply with the wage conditions subject to the existing labour laws.
9. The agricultural sector of the nearby areas are weakened by the functioning of the quarry. It is necessary to conduct a scientific study whether the insects responsible for pollination is destroyed or not.
10. As a wildlife sanctuary, Kodassery mountain and Kunjaalippara and the forest lands therein are a part of the western ghats. It will be understood that the quarrying is carried out in a manner affecting the peaceful life of peacock.
11. It is desired that a medical survey be ordered with respect to the health issues of the nearby children, old age citizens, couples and youth.

Owing to the above-mentioned facts, the disaster posed by Edathadan Granites functioning in Mattathoor panchayat will be understood by you upon conducting a personal visit and inspection by you. It is most humbly requested that Edathadan granites which is functioning as a threat to the health and peaceful life of the people of Mattathoor panchayat who lives presently in near should be closed down and legal action should be taken to restore the quarried areas and thereby save us.

1. Peter
 2. Sajitha
 3. Joy Kunju
 4. A. P. Pilappan
- Etc...

This is the true English translation of E-2A B12

Advocate

- 117 - 64

P1213

(A10) File No: 2019/1592/8

Collectorate, Thrissur
Date:20/08/2019

From
District Collector
Thrissur

To
GEOLOGIST, THRISSUR

Sir/Madam,

Sub:- COMPLAINT AGAINST CRUSHER UNIT - reg:
Ref:-

A petition received from PETER , S/o. DEVASSY, NADUVILEVEETTIL HOUSE,
16/287-B, OMBATHUNGAL CANAL ROAD, P.O. MATTATHUR, THRISSUR - 680 684
relating to COMPLAINT AGAINST CRUSHER UNIT is enclosed herewith in original, for
necessary action as per law and report in 2 weeks.

A copy of the reply given to the petitioner and the petition in original may be returned
along with your report.

Yours faithfully
Punya
for District Collector

This is the true copy of the document mentioned in
Ref. 2 referred to in the above (C.O. 2019/1592/8)

Document 2019/1592/8 - PG Dept of P. No. 2019/1592/8

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Ex 13

മെമ്പർ സെക്രട്ടറി,
കേരള ദുരന്ത നിവാരണ അതോറിറ്റി
തിരുവനന്തപുരം

പരിഷ്കാരിക്കുവേണ്ടി

- 1. പീറ്റർ നടുവിലവീട്ടിൽ ദേവസ്സി
നടുവിലവീട്ടിൽ ഹൗസ്,
ബെന്യാമിൻ, മറ്റത്തൂർ - 680684

വിഷയം : - എടത്താടൻ ഗ്രാനൈറ്റ്സ് കുഞ്ഞാലിപ്പാറ - നിയമവിരുദ്ധമായ
പാഠവനനത്തെക്കുറിച്ചുള്ള പരാതി

സർ,

ഞങ്ങൾ മേൽ സൂചന പാഠമടയുടെ സമീപത്തെ സ്ഥിരതാമസക്കാരാണ്. നിയമ
വിരുദ്ധമായ പാഠമടയുടെ പ്രവർത്തനം മൂലം സമീപവാസികളായ ഞങ്ങൾക്ക് ജീവി
ക്കാൻ സാധിക്കാത്ത ഒരു സാഹചര്യം സംജാതമായിരിക്കുകയാണ്.

പാഠമട പ്രവർത്തിക്കുന്ന കുഞ്ഞാലിപ്പാറയുടെ മുകളിൽ തടാകം പോലെ വലിയൊരു
ജലസാഭരണി രൂപപ്പെട്ടിരിക്കുന്നു. ഈ തടാകത്തിൽ കോടിക്കണക്കിന് ലിറ്റർ വെള്ളം
സംഭരിക്കപ്പെട്ടിരിക്കുന്നു. അനുവദനീയമായ ആറ് മീറ്ററിൽ കൂടുതൽ താഴ്ചയിൽ മണ്ണ്
മാറ്റി ചെന്നും നടത്തിയതുമൂലമാണ് ഈ ഗർത്തങ്ങൾ രൂപപ്പെട്ടിരിക്കുന്നത്.

ഈ കൃത്രിമ ജലാശയത്തിനോട് ചേർന്ന് ധാരാളമായി മേൽമണ്ണ് കുന്നുകളായി
കൂട്ടിയിട്ടിരിക്കുന്നു. വളരെ ഉയരത്തിൽ അശാസ്ത്രീയമായി കൂട്ടിയിട്ടിരിക്കുന്ന ഈ
ഇളകിയ മേൽമണ്ണ് ഏത് സമയത്തും കൃഷിയിടങ്ങളിലേക്കും വാസസ്ഥലങ്ങളിലേക്കും
ജലസാഭരണിയിലെ വെള്ളത്തോടൊപ്പം ഒലിച്ചിറങ്ങുന്നതിന് സാധ്യതയുണ്ട്. ഭീമ
മായ മണ്ണൊലിപ്പിന് വരെ ഇത് കാരണമായേക്കാം. അപകടകരമായ ഒരു ജലബോംബ്
കണക്കെ സ്ഥിതിചെയ്യുന്ന ഈ ജലാശയം, അതിന്റെ പാഠവനനത്തിന്റെ വ്യൂപതി
അളന്ന് തിട്ടപ്പെടുത്തി അതിലെ വെള്ളം സ്വരക്ഷിതമായി നീക്കം ചെയ്ത് ചെന്ന
ശേഷം രൂപപ്പെട്ട ഈ പാഠക്കുഴി തുടിക്കളഞ്ഞ് MoEF വ്യവസ്ഥ പ്രകാരം ചെന്നപ്ര
ദേശം പൂർവ്വസർവ്വീലാക്കണമെന്ന് അപേക്ഷിക്കുന്നു. അല്ലാത്തപക്ഷം പരിഹരിക്കാൻ
പറ്റാത്ത ദുരന്തങ്ങൾക്ക് ഇത് കാരണമാകുന്നതാണ്. ഏതെങ്കിലും അപകടങ്ങൾ ഉണ്ടാ
യാൽ രക്ഷാപ്രവർത്തനങ്ങൾക്ക് പായർ & സെഫ്റ്റ് പോലുള്ള റെസ്ക്യൂ ഓപ്പറേഷന്
സഹായകമാകുന്ന വഴികൾ വളരെ ഇടുങ്ങിയതാണ്. അതായത് ഇറിഗേഷൻ ഡിപ്പാർട്ട്മെന്റിന്

This copy of the document submitted
to the...

119-66 PRBh

മെന്റിന്റെ കനാൽബണ്ട് റോഡ് അത്തരം പ്രവർത്തനങ്ങൾക്ക് അപര്യാപ്തമാണ്. MoEF വ്യവസ്ഥ പ്രകാരം വാസഗൃഹങ്ങൾക്ക് നാശമുണ്ടാകാത്ത രീതിയിൽ വേണം സ്ഫോടനങ്ങൾ നടത്താൻ. എന്നാൽ ശാസ്ത്രീയമായ യാതൊരു പഠനവും നടത്താതെ അതിഭീമമായ സ്ഫോടനങ്ങൾ നടക്കുന്നതുമൂലം ഞാനുൾപ്പെടെയുള്ള ഹർജിക്കാരുടെ ഭവനങ്ങൾ വിണ്ടുകീറി അപകടത്തിൽ ആയിരിക്കുകയാണ്.

ഇപ്രകാരം ഈ പാഠമട പ്രവർത്തനം തുടർന്നാൽ വയനാട്ടിലെ പുത്തുമലയിലും മലപ്പുറത്തെ കവളപ്പാറയിലും കേരളത്തിലെ മറ്റുഭാഗങ്ങളിലും ഉണ്ടായ പ്രകൃതിദുരന്തങ്ങൾക്ക് സമാനമായ നാശനഷ്ടങ്ങൾ ഉണ്ടാകാനിടയുണ്ട്.

അങ്ങ് മെമ്പർ സെക്രട്ടറിയായിരിക്കുന്ന കേരള ദുരന്ത നിവാരണ അതോറിറ്റിയും ജില്ലാ ജോയോളജിസ്റ്റിന്റെയും സർവ്വ അധികാരികളെയും റവന്യൂ ഉദ്യോഗസ്ഥരെയും പ്രദേശവാസികളായ ഉൾപ്പെടുത്തിക്കൊണ്ട് ഒരു മോണിറ്ററിംഗ് സമിതി ഉടനെ നിയോഗിച്ച് അടിയന്തിര സ്ഥലപരിശോധന നടത്തുകയും അപകടസാധ്യതയും ദുരന്തങ്ങളും ഒഴിവാക്കുന്നതിനുള്ള നിർദ്ദേശങ്ങൾ നൽകുകയും പാഠമടയുടെ തുടർ പ്രവർത്തനങ്ങൾ നിരോധിക്കുന്നതിനായി അവർ കയ്യാളിയിട്ടുള്ള പാഠമട ലൈസൻസുകൾ റദ്ദ് ചെയ്ത് പാഠമട നിർത്തലാക്കി ടി സ്ഥലം പൂർവ്വസ്ഥിതിയിലാക്കി ഈ നാടിനെയും ജനങ്ങളെയും സംരക്ഷിക്കണമെന്ന് താഴ്മയായി അപേക്ഷിക്കുന്നു.

- Copy to:
- 1) The Chairman, Disaster Management Authority, Thrissur
 - 2) Tahasildar, Chalakudy
 - 3) RDO, Thrissur
 - 4) Village Officer, Mattathur

എന്ന് ഹർജിക്കാർ

- 2) ഫിന്റോ, പനോക്കാരൻ ഹൗസ്, ബെതുങ്ങൽ
- 3) ഫിന്റോ ലാസർ, കൈതാരത്ത് ഹൗസ്, ബെതുങ്ങൽ
- 4) ജോൺസൻ, ചക്കാലക്കൽ ഹൗസ്, ബെതുങ്ങൽ
- 5) ഐസക് ചെറിയാൻ, പൊന്നാൽ ഹൗസ്, ബെതുങ്ങൽ

Handwritten signatures and initials:
 1. *Shahid*
 2. *John*
 3. *Lino*
 4. *John*
 5. *Isaac*

≡

119(a)

EXHIBIT 78/3/3

To

Member Secretary,
Kerala State Disaster management Authority,
Thiruvananthapuram.

For-the Petitioners

Peter Naduvileveetil Devassy,
Naduvileveetil House,
Ombathungal, Mattathoor -680684

Subject: Edathadan Granites Kunjalippara - Complaint regarding
illegal quarrying.

Sir.

We are residents near the above subject quarry. Due to the functioning of the illegal quarry, a situation has arisen whereby it has become impossible for us, the neighbouring residents, to live.

On top of the Kunjalippara where the quarry is functioning, a lake like water reservoir has been formed. This lake stores crores of litres of water. These chasms are formed due to quarrying after removing soil more than the permissible 6 metres.

Close to this artificial lake, large amounts of top soil is deposited in the form of small hills. This loose topsoil stacked in large height in a unscientific manner along with the water in the reservoir may at any time slip down to the agricultural land and dwelling places. This may cause huge landslides. It is requested to restore the quarrying area as per MoEF conditions upon safely removing the water and filling this rock pit after measuring and ascertaining the volume of quarrying from this lake which is situated dangerously like a water bomb. Otherwise it may be a reason for not solvable tragedies.

In the event of any accidents, the roads that may be helpful for rescue operations like that of fire and safety is very narrow. Which means the Canal Bund Road of the Irrigation Department is inadequate for such activities. As per MoEF regulations explosions has to be carried out without causing any damages to dwelling houses. But due to the huge explosions carried out without any scientific study, houses of petitioners like me are cracked and is in danger.

If the quarry continues to function like this, there are chances for damages similar to the natural disasters occurred in 'Puthumala' in Wayanad, Kavalappara in Malappuram and other parts of Kerala.

119(B)

EXHIBIT - 013/9

It is most humbly requested that a monitoring committee may be immediately constituted by including the Kerala disaster Management authority of which you are the member secretary, Distict geologist, all authorities, revenue officials and local residents. The committee may conduct immediate site inspection and give directions to avoid accidents and dangers. The quarrying licenses should be cancelled, and the further functioning of the quarry should be prohibited the said land should be restored and thereby protect this land and people.

Copy to:

1. The Chairman, Disaster Management Authority, Thrissur
2. Tahsildar, Chalakudy
3. RDO, Thrissur
4. Village Officer, Mattathur

Petitioners:

2. Finto, Panokaran House, Ombathungal.
3. Linto Lasar, Kaitharath House, Ombathungal.
4. Johnson, Chakkalakkal House, Ombathungal
5. Issac Cherian, Ponnaal House, Ombathungal

This is the true English translation of Ex 013

Advocate

-120-67

- 6. ന.ഓ. വർദ്ധിപ്പിക്കൽ അനുകൂലമായി D. P. 13/8
- 7. വോട്ടർ വർദ്ധിപ്പിക്കൽ " a
- 8. വിവിധ നഗരങ്ങൾ അനുകൂലമായി D. P. 13/8
- 9. വിവിധ പട്ടണങ്ങൾ അനുകൂലമായി D. P. 13/8
- 10. വോട്ടർ .. അനുകൂലമായി D. P. 13/8
- 11. നഗര വികസന അനുകൂലമായി D. P. 13/8
- 12. പൊതുമരാമത്ത് പ്രവർത്തനങ്ങൾ C.K. Pan
- 13. വിവിധ പൊതുമരാമത്ത് f
- 14. വിവിധ കൃഷി പദ്ധതികൾ mas
- 15. ശില കൃഷി പദ്ധതികൾ R -
- 16. (ജൈവ) കൃഷി പദ്ധതികൾ S.M.
- 17. പരിസ്ഥിതി കൃഷി പദ്ധതികൾ D. P. 13/8
- 18. ശുദ്ധീകരണ കൃഷി പദ്ധതികൾ R
- 19. വനവൽക്കരണ കൃഷി പദ്ധതികൾ D. P. 13/8
- 20. പൊതുമരാമത്ത് പ്രവർത്തനങ്ങൾ D. P. 13/8
- 21. പൊതുമരാമത്ത് പ്രവർത്തനങ്ങൾ D. P. 13/8
- 22. T.M. നഗര വികസന പദ്ധതികൾ K. R. Murali
- 23. K.R. Murali, വിവിധ പദ്ധതികൾ D. P. 13/8

⇐

- 121 - 68
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P1315

- 24 സാമ്പ്യൻ്റെ നില അനുഭവം
- 25 സുഖിയുടെ നില അനുഭവം
- 26 ഇ.എ.സി. വി.സി.സി.സി. വി.സി.സി.സി.സി. U.G
- 27 വി.സി.സി.സി.സി.സി.സി.സി.സി.സി.സി. Ph.D
- 28 വി.സി.സി.സി.സി.സി.സി.സി.സി.സി.സി. Ph.D
- 29 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
- 30 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
- 31 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
- 32 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
- 33 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
- 34 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
- 35 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
- 36 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
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- 38 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
- 39 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
- 40 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
- 41 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D
- 42 സുഖിയുടെ സാമ്പ്യൻ്റെ നില Ph.D



122 - 69

- 42 സിന്റോ തോമസ് - മലയാളം P1315 P1315
- 43 JOSEPH MALAKUDYIL JMS
- 44 സിന്റോ തോമസ് - മലയാളം P1315
- 45 (എ)സി. മലയാളം P1315

- 46 സിന്റോ. മലയാളം - V.H.
- 47 (എ)സി. M.V. മലയാളം P1315
- 48 സിന്റോ. മലയാളം General
- 49 സിന്റോ. മലയാളം St. John
- 50 സിന്റോ. മലയാളം P1315
- 51 സിന്റോ. U.K. മലയാളം P1315
- 52 സിന്റോ. U.R. മലയാളം Janeth
- 53 സിന്റോ. U.R. മലയാളം Janeth
- 54 സിന്റോ. മലയാളം Janeth

- 55 Long Joseph മലയാളം Janeth
- 56 ~~XXXXXXXXXXXXXXXXXXXX~~ Janeth
- 57 Santo Thomas മലയാളം Janeth
- 58 Santo Thomy മലയാളം Janeth
- 59 Santo Thomy മലയാളം Janeth
- 60 Long Joseph മലയാളം K.V.D.

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- 61 ദിക്ഷിതാരി തിരുക്കോല 70 p13126
- 62 സുലോചനാ ഭാരതം - മനോരമ 10000
- 63 ചിത്രകലാശാസ്ത്രം ഭാരതത്തിൽ 4
- 64 ശ്രീലോകം സമീപം മേഴ്സിനാടൻ Alamy
- 65 കേൾവേ പാലക്കാട്. (10)
- 66 ശ്രീലോകം ശ്രീലോകം 2
- 67 സുലോചനാരി സമീപം - മനോരമ 100
- 68 സമീപം മേഴ്സിനാടൻ 100
- 69 ശ്രീലോകം ശ്രീലോകം 10000
- 70 സമീപം മേഴ്സിനാടൻ 10000
- 71 സമീപം മേഴ്സിനാടൻ 10000
- 72 സമീപം മേഴ്സിനാടൻ 10000
- 73 സമീപം മേഴ്സിനാടൻ 10000
- 74 10000
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- 77 Benson DEVASI Perappadan 10000
- 78 10000
- 79 10000
- 80 10000

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- 81 അടവ് കിട്ടി
- 82 അടവ് കിട്ടി
- 83 വി.പി.സി. അടവ്
- 84 വി.പി.സി. അടവ്
- 85 അടവ് കിട്ടി
- 86 അടവ് കിട്ടി
- 87 അടവ് കിട്ടി
- 88 അടവ് കിട്ടി
- 89 അടവ് കിട്ടി
- 90 അടവ് കിട്ടി
- 91 അടവ് കിട്ടി
- 92 അടവ് കിട്ടി

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P13/8

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P13/8

- 602 ദിനം പള്ളത്തൂരി (H) Mary
- 27 മിനാ ഗ്രാമം നവം പള്ളത്തൂരി Jing
- 28 ന്യൂ മിനാ ഗ്രാമം Suelhi
- 29 ന്യൂ മിനാ ഗ്രാമം H
- 30 മിനാ ഗ്രാമം RK
- 31 മിനാ ഗ്രാമം 60
- 32 ന്യൂ മിനാ ഗ്രാമം 200
- 33 മിനാ ഗ്രാമം 100
- 34 മിനാ ഗ്രാമം 6
- 35 മിനാ ഗ്രാമം Mary
- 36 മിനാ ഗ്രാമം Mary
- 37 മിനാ ഗ്രാമം John
- 38 Alex Joseph. John
- 39 Kochuthressia RK
- 40 K.M. മിനാ ഗ്രാമം Mary

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P13/109

- 1. അമ്മി ജിനൽ മിറാബിഖ് M/ly
- 2. സമീൻ " Case -
- 3. ഞാൻ " (Signature)
- 4. ദാജ് " M/ly
- 5. ജിനൻ " Amir
- 6. സുഹ്റ ദ.എസ് Suapra
- 7. സോമിയ മുട്ടി " M/ly
- 8. ഹിബ്ബ് ഓർമ്മിൻ ഓമിൻ Shylo
- 9. സരില സമീൻ ഓമിൻ M/ly
- 10. സർജ്ജ് മുഹമ്മദ് " Sorraj
- 11. ഓമിൻ മുഹമ്മദ് " (Signature)
- 12. സമീൻ മുഹമ്മദ് " (Signature)

This is the true copy of the document marked as
 Ex. 13 referred to in the above (C.I. 13)

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EDP 14

Uda A. Dossy
No. 3, Naduvilvettil House
C. V. Road, Co. Road,
Madhavu, P. C.

Sole Inspector
Kollikulangan Police
Station

சமீபத்தில் இடம் பெற்றுள்ள
கொடும்புளியில் உள்ள கிராம
பகுதியில் காவல்துறை
பிரிவுக்கு உட்பட்ட காவலர்கள்
செயல்பாட்டில் ஈடுபட்டுள்ளனர்.
காவலர்கள் காவல்துறை
பிரிவுக்கு உட்பட்ட காவலர்கள்
செயல்பாட்டில் ஈடுபட்டுள்ளனர்.
காவலர்கள் காவல்துறை
பிரிவுக்கு உட்பட்ட காவலர்கள்
செயல்பாட்டில் ஈடுபட்டுள்ளனர்.
காவலர்கள் காவல்துறை
பிரிவுக்கு உட்பட்ட காவலர்கள்
செயல்பாட்டில் ஈடுபட்டுள்ளனர்.

22/08/2019

[Signature]
S. Dossy

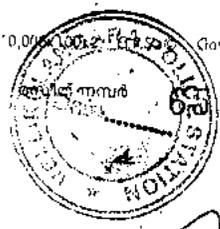
- 128 -

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P412

23/276/2013. 10,000 Govt of Kerala.

പൊതുവിലെ പണമുപയോഗത്തിൽ



547/DPTN/13/19

മാഹിസ്/സാഹിസ് നമ്പർ ON 547/DPTN/13/19

തീയതി 22/8/19

മുൻകരുതലില്ലാതെ പ്രാദേശികമായി നടന്ന കള്ളി
പണ കടമയ്ക്ക് വിചാരിച്ചുകൊണ്ടു കള്ളി
കുറയ്ക്കി അടയ്ക്കുകയും ചെയ്ത കാര്യം
കാണുകയും ചെയ്തു.

പ്രാദേശിക പണമുപയോഗത്തിൽ/പൊതുവിലെ പണമുപയോഗത്തിൽ അന്വേഷിക്കുകയും ചെയ്തു.

മുൻകരുതലില്ലാതെ പ്രാദേശികമായി നടന്ന കള്ളി
പണ കടമയ്ക്ക് വിചാരിച്ചുകൊണ്ടു കള്ളി
കുറയ്ക്കി അടയ്ക്കുകയും ചെയ്ത കാര്യം
കാണുകയും ചെയ്തു.

This is the true copy of the document marked as
Ex. P referred to in the charge (C.A.S.S.)
Advocate

128(a)

EXHIBIT - 014/3

From

Peter M. Devassy
16/287B, Naduvilveetil House,
Ombathungal Canal Road,
Mattathur P.O.

To

Sub- Inspector,
Vellikulangara station,
Mattathur.

Sir,

It is learned that it is not permissible to use Munnuri to approximately Ombathungal Canal road of Mattathur Gramapanchayat by vehicles used to transport crushed granite and M-Sand from the granite quarry - Edathadan Granites. There is no regulation permitting vehicles loaded with heavy weight other than irrigation department and non domestic vehicles through the further canal bund road to Edathadan Granites unit.

Hence, it is most humbly requested that such vehicles may be stopped from plying and legal action may be taken.

Ombathungal
22/08/2019

Peter M. Devassy

128 (b)

EXHIBIT - 014/14

Temporary

Receipt for Accepting Petition

547/DPTN/D3/19

Office/Police Station: Vellikulangara

Place:

Date: 22/8/19

Subject: Passage of overloaded vehicles from Edathadan Granites through
Ombathungal - Moonnumuri Road

Reference:

The above referred collector/petition/representation/memorandum received from
you. It is under consideration.

Peter M. Devassy

S/o Devassy

16/287B, Naduvilveetil (H),

Ombathungal

This is the true English translation of Ext 014

Advocate

- 129 - 76

EXHIBIT



This is the true copy of document
 marked as Exhibit/Annexure ... PIS
 Advocate

BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM

W.P.(C)No. 3012 /2020

C.K. Raghunath : Petitioner
Vs.
Union of India & others : Respondents

I N D E X

| Sl. No. | Description | Pages |
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| 1. | Synopsis | A |
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| 3. | Affidavit | 9 |
| 4. | Ext. P1 :- True copy of the Environmental Clearance obtained by the 9 th respondent dated 12-03-2015 from the first respondent | 10 - 19 |
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| 6. | Ext. P3 :- True copy of the counter affidavit (without Exhibits) filed by the Range Forest Officer, 4 th respondent in W.P.(C)No. 641/2020 dated 27-01-2020 | 28 - 34 |
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Dated this the 31st day of January, 2020


COUNSEL FOR THE PETITIONER

- A -

BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM

W.P.(C)No. 3012 /2020

C.K. Raghunath : Petitioner
Vs.

Union of India & others : Respondents

SYNOPSIS

The petitioner is a citizen of India and he is permanently residing at the address shown above. He is espousing the cause of the entire people of the locality in respect of quarrying and crusher unit run by the 9th respondent in total violation of the existing rules and norms prescribed by the Government. Thus this Writ Petition is filed as a Public Interest Litigation. The 9th respondent by misrepresentation and suppressing relevant aspects obtained an environmental clearance certificate. Using the same is running a quarry and crusher unit in the assigned land which is inalienable. Similarly the survey sketch also does not disclose the relevant locations. Government land is purposely suppressed. Now on the basis of the public protest the 8th respondent conducted a site inspection and gave a report to the 5th respondent to take appropriate action for preventing the unit run by the 9th respondent. The petitioner and the inhabitants of the locality have approached the authorities to prevent the illegality committed by the 9th respondent. But respondents 3 to 7 and 10 are not taking any action. Hence this Writ Petition.

Chronology of dates and events:-

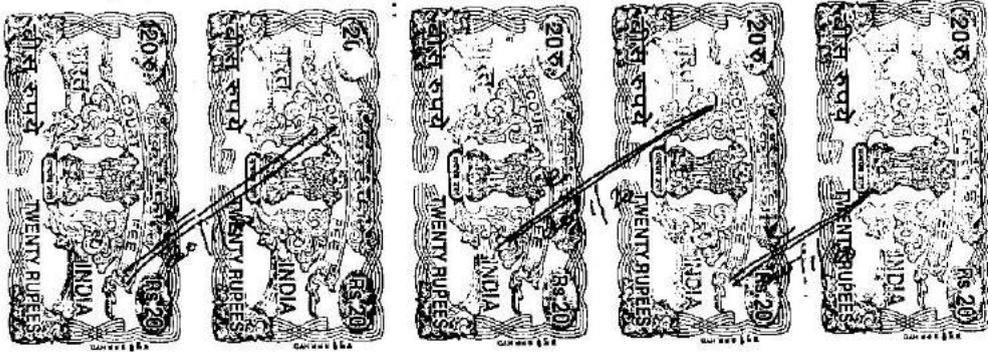
- 12-03-2015 - EC is obtained by the 9th respondent from the 1st respondent
- 01-11-2017 - Judgment in W.P.(C)No. 23565/2017
- 07-01-2020 - Report given by the 8th respondent to the 5th respondent
- 27-01-2020 - Counter affidavit filed by the Forest Officer
in W.P.(C)No. 641/2020 filed by the 9th respondent

Points to be urged:-

In the facts and circumstances of the case respondents 3 to 7 and 10th respondent may be directed to take appropriate action to prevent the quarry and crusher unit run by the 9th respondent as it is in violation of law and affecting the entire people of the locality.

Dated this the 31st day of January, 2020


COUNSEL FOR THE PETITIONER



BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM
(Special Original Jurisdiction)

W.P.(C)No. 3012 /2020

PETITIONER:-

C.K. Raghunath,
Poliyedath House, Moonnumuri,
Mattathoor P.O., Thrissur – 680 684.

Vs.

RESPONDENTS:-

1. Union of India,
Represented by the Secretary,
Ministry of Environment, Forest and Climate Change,
(Impact Assessment Division), Indira Paryavaran Bhavan,
Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. State of Kerala,
Represented by the Secretary,
Industries Department, Government Secretariat,
Thiruvananthapuram – 695 001.
3. The Director of Mining and Geology,
Kesavadasapuram P.O., Thiruvananthapuram – 695 004.
4. The Kerala Disaster Management Authority,
Represented by its Member Secretary,
Thiruvananthapuram – 695 001.
5. The District Collector,
Civil Station, Thrissur – 680 001.
6. The Geologist,
Office of the Mining and Geology, Thrissur – 680 001.
7. Kerala State Pollution Control Board,
Represented by its Environmental Engineer,
Office of the Pollution Control Board,
Chembukkavu, Thrissur – 680 020.

8. The Tahsildar,
Taluk Office, Chalakudy Taluk, Thrissur – 680 307.
9. Edathadan Granites Pvt. Ltd.,
Represented by its Managing Partner,
Ombathungal, Mattathoor P.O., Thrissur – 680 684.
10. Mattathur Grama Panchayat,
Represented by its Secretary, Mattathur P.O., Thrissur – 680 684.

WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

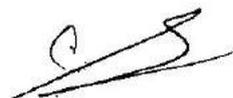
All notices to the Petitioner may be served on his Counsel
M/s. P. Mohandas, S. Vibheeshanan, S.K. Adhithyan, Sabu Pullan &
Gokul D. Sudhakaran, Advocates, 'Dwaraka', Chittoor Road, Ernakulam,
Kochi – 682 018 and to the Respondents in the addresses mentioned above.

The Petitioner most humbly submits as follows:-

1. The petitioner is a citizen of India and he is permanently residing at the address shown above. He is espousing the cause of the entire people of the locality in respect of quarrying and crusher unit run by the 9th respondent in total violation of the existing rules and norms prescribed by the Government. Thus this Writ Petition is filed as a Public Interest Litigation. The petitioner has not filed earlier petitions *as public interest litigation* before this Hon'ble Court. The petitioner undertakes that he will not file any other petition for the same relief during the pendency of this Writ Petition.

2. The 9th respondent is running a quarrying unit at close proximity to a residential area. There are a number of families residing within a distance of 100 to 150 metres from the quarrying unit. The site of the quarry is a very steep hillock. Top of the hillock is vanished by the mining. Consequently, a very huge water pond is formed in the mine out surface of the hillock.

3. The water collected in the top of the hill is always a threat and danger to the people residing at the bottom of the hillock namely 'Kunjalipara'. The water collected in the quarry ponds is being infiltrated into the inner layers of the hillock during the rainy season. The explosion takes place and then the water from the top of the hillock is causing danger to the life and property of the people. Landslide occurred in the previous year at the other side of this Kunjalipara hillock causing severe damages to the agricultural lands at the bottom of the hillock. The petitioner as well as the inhabitants are mostly agriculturists.

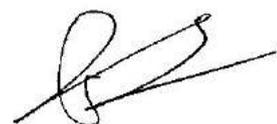


4. The quarry site is erstwhile forest land in which huge trees were standing. The roots of large number of trees are found the quarry site and these pits causes the water penetrating phenomena called 'soil piping' in this area. The petitioner and others living at the bottom of the quarry are always under the threat to their life as well as their properties.

5. The 9th respondent obtained Environmental Clearance (EC) suppressing about the existence of canal and tank near to the quarry and suppressing various other relevant materials. True copy of the Environmental Clearance obtained by the 9th respondent dated 12-03-2015 from the first respondent is produced herewith and marked as Ext. P1. Ext. P1 EC is obtained by the 9th respondent suppressing various relevant aspects. As per clause 8(vi) of the Environmental Impact Assessment Notification (EIA) 2006 as well as general condition No. X of Ext. P1, any deliberate suppression of material facts and submission of false and misleading data will invalidate the Environmental Clearance. In Ext. P1 it is stated that the 9th respondent submitted that there is no forest land near to the quarry. This is incorrect. The entire quarry site is erstwhile forest land assigned for agricultural purposes. Therefore, the operation of quarry in this land is against the provisions of Kerala Land Assignment Act and Rules.

6. As per the Kerala Land Assignment Act when the land is assigned to a particular purpose the same can be used only for that purpose. Any use of the land other than what is permitted is illegal. Similarly the assigned land is not alienable. Therefore the transfer of the assigned land to subsequent owners is without any authority of law and the change of ownership is unsustainable. It is known that the 9th respondent purchased these assigned land not from the assignees but from subsequent transferors. This is legally impermissible.

7. It is humbly submitted that there are canals and tanks near to the quarry which was suppressed by the 9th respondent for getting Ext. P1 EC. The same is obtained by the 9th respondent without disclosing these facts of existence of canal and tanks. As per Section 40(2) of the Kerala Irrigation and Water Conservation Act 'Notwithstanding anything contained in any other law for the time being in force, no person shall, without the written permission of the



Irrigation Officer, conduct mining or quarrying operation using explosives within a radius of one kilometer of any bridge, dam, check dam or any other work, structure or construction, owned, controlled or maintained by the Government, a local authority or any other authority'. Invoking this provision this Hon'ble Court has already passed an order in a similar place the grant of EC. True copy of the Judgment dated 1-11-2017 in W.P.(C)No. 23565/2017 is produced herewith and marked as **Ext. P2**.

8. The District Forest Officer also submitted a letter to the 5th respondent reporting that the quarry is functioning within the forest land. The quarry is being operated in violation of Forest Conservation Act as well as the special rules 1993. It is necessary in this circumstance to prove the operation of the quarry as long as the same is functioning within the forest area. In fact the 9th respondent filed W.P.(C)No. 641/2020 challenging the notice given by the Forest Officer. In the said Writ Petition, the Forest Officer who is the 4th respondent filed counter affidavit and an application to vacate the interim order. True copy of the counter affidavit (without Exhibits) filed by the Range Forest Officer, 4th respondent in W.P.(C)No. 641/2020 dated 27-01-2020 is produced herewith and marked as **Ext. P3**.

9. A perusal of Ext. P3 would show the illegality committed by the 9th respondent. The Forest Officer specifically says that the land is a part of 'Kodassery Koomban Reserve Forest' in Kodassery Village. This reserve forest was encroached by various persons and they obtained 'patta' from the Revenue Department under the Land Assignment Rules. But the 'patta' was granted on the specific conditions that the same shall be used only for agricultural purposes. Therefore the 9th respondent has no authority to do the quarrying operations at the present premises. It is also contended that even if, it is a private land the same cannot be used for quarrying operations. This is so declared by this Hon'ble Court in the Judgment reported in **2018 (4) KHC 827**.

10. Ext. P1 prohibits the use of village road for the transportation of minerals. In violation of this specific condition, the minerals are being transported through the village road. This village road is not fit for operating heavy vehicles. The road is already damaged and is in a dilapidated condition. There is no point of road access to the quarry site without crossing the water canal or forest land.



The project proponent shall carry out vibration studies before approaching any such habitats or other buildings to evaluate the zone of influence and impact of blasting on the neighbourhood, within 500 metres. There are a number of residential houses within 100 and 150 metres. Most of these houses have already been damaged. The village road is completely dilapidated due to the passage of heavy vehicles operated by the 9th respondent. Thus the entire area is in a mess and the public are the sufferers.

11. The extractions minerals beyond the ground water level is not permissible. But the 9th respondent had already collected large quantity of mineral even beyond the ground water level. The environmental clearance was given to the 9th respondent without considering any of these aspects. That apart even the survey sketch produced by the 9th respondent was a manipulated one by giving extraneous consideration to the then Village Officer. Even the location map as well as the sketch showing the survey number are manipulated. Using these fraudulent documents the 9th respondent could obtain permits from the 6th respondent and also from the Mattathoor Grama Panchayat.

12. When the operations are started the entire people of the locality started mass protest against the functioning of the unit. Due to the public agitation the 8th respondent again conducted a site inspection of the unit run by the 9th respondent and gave a report to the 5th respondent. True copy of the report given by the 8th respondent to the 5th respondent dated 7-1-2020 is produced herewith and marked as **Ext. P4**. English translation of the same is produced herewith and marked as **Ext. P4(a)**. In Ext. P4 it is stated that the 'patta' was granted only for agricultural purposes. Similarly the sketch used in the application for permit contain different survey numbers. Again on the southern side there is Government land and a road is passing through this 'purambokku' land. Thus various manipulations are done in the sketch. Accordingly the 8th respondent recommended to take appropriate action by the 5th respondent against the illegalities committed by the 9th respondent. In spite of repeated requests, respondents 3 to 7 are not taking any action to prevent the illegal quarry and crusher unit run by the 9th respondent under the name and style 'Edathadan Granites' in survey No.1270/4, 5, 7, 8, 1271/2, 3, 4, 1272/1, 1273/1, 2.



13. Even prior to Ext. P4 report by the 8th respondent the petitioner being the Chairman of 'Kunjalipara Protection Council' submitted a mass petition signed by more than 1500 persons of the locality to the Hon'ble Chief Minister of Kerala. True copy of the mass petition filed by the petitioner to the Hon'ble Chief Minister of Kerala dated 22-10-2019 is produced herewith and marked as Ext. P5. English translation of the same is produced herewith and marked as Ext. P5(a).

Aggrieved by the inaction of respondents 3 to 7 and 10 in taking appropriate action to stop the quarry as well as the crusher unit run by the 9th respondent, this Writ Petition is filed on the following among other:-

GROUND S

A) The conduct of respondents 3 to 7 and 10 are arbitrary, illegal and unjust.

B) The 9th respondent obtained the license including environmental clearance suppressing all relevant facts. Even fraud is committed by the 9th respondent for obtaining the license. The statutory authorities issued the license to the 9th respondent only because of his money and political power. The poor people of the locality are the sufferers. Therefore, respondents 3 to 7 and 10 are legally liable to take appropriate action to stop the unit run by the 9th respondent. Refusal to do so is arbitrary and violative of Article 14 of the Constitution of India.

C) The quarrying operations are conducted by the 9th respondent suppressing all the relevant facts. Ext. P3 affidavit would show the clear position of the land in question. Similarly Ext. P4 report prepared by the 8th respondent after conducting the site inspection would show that the operation is done by the 9th respondent in violation of all the existing laws. Even though these aspects were brought to the notice of respondents 3 to 7 and 10, they are not taking any action against the unit run by the 9th respondent. Thus the respondents 3 to 7 and 10 is vitiated with malafides and ill motives.

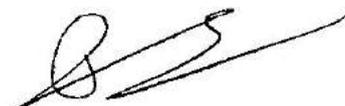


D) The petitioner and the inhabitants of the area are very much aggrieved by the functioning of the unit by the 9th respondent. They have been espousing the cause before the authorities continuously. But respondents 3 to 7 and 10 take a hostile attitude for reasons best known to them only. The petitioner and the inhabitants are entitled to have a peaceful living as guaranteed by Article 21 of the Constitution of India. Inaction on the part of respondents 3 to 7 and 10 to take appropriate action for stopping the unit amounts to clear dereliction of duty apart from illegal.

E) The Petitioner has no other efficacious speedy remedy than to approach this Hon'ble Court under Article 226 of the Constitution of India.

It is therefore humbly prayed that this Hon'ble Court may be pleased to call for the records of the case and:-

- i) to issue a Writ of Mandamus or order or direction to respondents 3 to 7 and 10 to see that the 'Edathadan Granites' run by the 9th respondent is not allowed to function the quarry situated in survey No. 1270/4, 5, 7, 8, 1271/2, 3, 4, 1273/1, 2 and 1272/1 of Kodassery Village, Chalakudy Taluk in Thrissur District;
- ii) to issue a Writ of Mandamus or order or direction to the 5th respondent to take appropriate action pursuant to Ext. P4 report given by the 8th respondent within a time limit that may be fixed by this Hon'ble Court;
- iii) to issue a Writ of Mandamus or order or direction to the 10th respondent to take appropriate action against the 9th respondent for stopping the quarry and crusher unit since the license is obtained by misrepresentation and suppressing relevant facts;
- iv) to declare that the 9th respondent has no authority to function the quarry or the crusher unit under the name and style 'Edathadan Granites' on the basis of the license obtained by fraudulent methods;
- v) to issue such other appropriate Writ, Order or direction as is deemed just and necessary in the circumstances of the case.



INTERIM RELIEF:-

For the reasons stated in the Writ Petition and accompanying affidavit it is most humbly prayed that this Hon'ble Court may be pleased to issue an interim direction to the 5th respondent to see that the 'Edathadan Granites' run by the 9th respondent is not allowed to function at the present premises pending disposal of the Writ Petition.

Dated this the 31st day of January, 2020



PETITIONER



COUNSEL FOR THE PETITIONER

BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM

W.P.(C)No. 3012 /2020

C.K. Raghunath : Petitioner
Vs.

Union of India & others : Respondents

AFFIDAVIT

I, C.K. Raghunath, aged 71 years, S/o. Kesava Menon, residing at Poliyedath House, Moonnumuri, Mattathoor P.O., Thrissur District do hereby solemnly affirm and state as follows:-

1. I am the Petitioner in the above Writ Petition and am conversant with the facts of the case.

2. The averments in the Writ Petition are true and correct.

3. The Exhibits produced and marked are the true copies of the originals. The Interim order prayed for is just and necessary.

4. The petitioner has not filed earlier petitions seeking similar and identical reliefs in respect of the same subject matter.

5. This Writ Petition is filed by the petitioner not for any personal gain nor he has any private interest in the matter. There is no authoritative pronouncement by the Hon'ble Supreme Court or the High Court on the question raised and the result of the litigation will not lead to any undue gain to the petitioner or to anyone associated with him. He is interested to see that a pure atmosphere is maintained in a residential area used by the public. The respondents are legally liable to see that illegal quarry and crusher unit run by the 9th respondent is stopped forthwith.

All the facts stated above are true and correct.

Dated this the 31st day of January, 2020



Deponent

Solemnly affirmed and signed before me by the deponent who is personally known to me on this the 31st day of January, 2020 in my office at Ernakulam.



Advocate
(P. Mohandas)

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EXHIBIT - P1

No. J-11015/477/2014-IA.II (M)
 Government of India
Ministry of Environment, Forests and Climate Change
 Impact Assessment Division

Speed Post

Indira Paryavaran Bhavan,
 Ailganj, Jor Bagh Road
 New Delhi-110 003

Dated: 12th March, 2015

To,

M/s Edathadan Granites (P) Ltd.
 Mattathur P.O., Ombathungal,
 Kodakara, Thrissur,
 Kerala - 680684

Ph. 0480-2655200; Mobile No. 09447239393/ 09946539393
 Email: edathadan.granites@gmail.com

Sub.: Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA(ROM) of Stone in the Mine Lease Area of 4.7065ha by M/s Edathadan Granites Pvt. Ltd. located at Kodassery village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala- Environmental Clearance regarding.

Sir,

This has reference to your letter no. Nil, dated 17.11.2014 and subsequent letter dated 29.01.2015 on the above mentioned proposal of Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA (ROM) of Stone in the Mine Lease Area of 4.7065ha. The mine is located at Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala.

2. The proposal is for Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA (ROM) of Stone in the Mine Lease Area of 4.7065ha. The mine is a new Building Stone mining project. The mine is located at Survey Nos. 1270/4, 1270/5, 1270/7, 1270/8, 1271/2, 1271/3, 1271/4, 1273/1, 1273/2, 1272/1, Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala. The geographical co-ordinates of the lease area are Latitude (N): 10°21'54.16" to 10°21'43.68" and Longitude (E): 76°21'37.84" to 76°21'29.53" and is covered by Survey of India Toposheet No. 58B4. This is a category "B" project as the tenure of SEIAA, Kerala has expired and the proposal is being examined in the MoEF&CC. Project Proponent has informed that there is no pending application with SEIAA/SEAC for this proposal.

3. The proposal was appraised by the EAC in its meeting held during January 29-30, 2015. The Committee was informed by Project Proponent that they have submitted Form-1 and Pre-feasibility Report online treating the project as B category as per the EIA Notification, 2006. Environmental Impact assessment as well as Public Consultation is not required. The EAC viewed that these prescribed exemptions and recommendations are based on provisions of the EIA Notification, 2006 vide para Clause 7.0 sub clause 7(i) I under stage (1) - Screening It provides



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Ext-P1

3

that "In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior Environmental Clearance made in Form-1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of Environmental Clearance depending up on the nature and location specificity of the project." The Committee felt that TOR is not required, nor any formal EIA/ EMP is to be prepared in the instant case nor any Public Hearing is to be conducted in light of negligible impact of the Project activity on Environment.

4. The total Mining Lease area of 4.7065ha which is private land. No forest land is involved. Mining will be carried out through semi-mechanized open-cast method using drilling, blasting of small diameter holes and loading of mineral by tyre mounted excavator. Out of the total 4.7065 ha lease area, about 4.6265 ha area will be excavated and will be reclaimed & plantation will be done. The remaining area of 0.08 ha which is left for stripping limits along the periphery will also be developed with plantation. It was reported by the project proponent that at the conceptual stage, total waste material will be sold to road construction vendors. The estimated total water requirement is about 17 KLD in which 2 KLD is for domestic which would be sourced from open well, 12 KLD for dust suppression system in mine as well as ancillary unit (Crusher Unit) and 3 KLD for plantation purposes and will be sourced from storm water pond. Ultimate working depth is 52 m. MSL (mining will not intersect ground water table level). Ground water table is 0.5 to 5.0 m BGL. Life of mine is 13 years (@1,90,000 TPA).

5. Project Proponent has informed that a certificate issued as Letter of Intent by the State Government of Kerala vide letter no. 99/C2/TDO/2015 dated 19-01-2015 for mining of stone in the MLA of 4.7065ha. Eco-friendly Mining Plan for mining of stone (minor mineral) has been approved by Mines and Geology Department of the State Government vide letter no. 99/C2/TDO/2015 dated 23-01-2015.

6. Project Proponent reported that there is no National Park, Wild Life Sanctuary, Habitat for Migratory Birds, Tiger Reserve, Elephant Reserve, Biosphere Reserve located within 10 km radius of the mine lease. Project Proponent has informed that the mine site is not located in the Critically Polluted area as identified by CPCB etc. Project Proponent has submitted the details of other mines including lease area located within 500m of the mine lease area duly authenticated by the Mining Department of the State Govt. vide letter no. 2958/C2/TDO/2014 dated 05-12-2014.

7. The total cost of the project is Rs. 3.0 Crore. The Project Proponent has earmarked Rs 9 Lakhs per annum as recurring cost towards Environmental protection measures. An amount of Rs. 3 Lakh per annum has been earmarked towards Socio-economic Welfare measures for the nearby village. Proponent has informed that there is no court case /litigation pending against the project and also submitted an affidavit vide dated 29.01.2015.

8. The Ministry of Environment, Forests and Climate Change has examined the proposal in accordance with the Environmental Impact Assessment Notification, 2006 and further amendments thereto and hereby accords the environmental clearance under the provisions thereof to the above mentioned proposal of M/s Edathadan Granites Pvt. Ltd. for Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA (ROM) of Stone in the Mine Lease Area of 4.7065ha in the Mine Lease Area of 4.7065ha, located at

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EXT-PI
(3)

Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala subject to compliance of the followings terms and conditions and environmental safeguards mentioned below:-

A. Specific conditions

- (i) Environmental Clearance is subject to final outcome of any Court case relevant to this project in Hon'ble Supreme Court, Hon'ble High Court of Kerala and Hon'ble NGT or any other Court of Law, if any, as may be applicable to this project.
- (ii) Environmental clearance is subject to obtaining clearance, if any, under the Wildlife (Protection) Act, 1972 from the competent authority, as may be applicable to this project.
- (iii) No mining activities will be allowed in forest area, if any, for which the Forest Clearance is not available.
- (iv) The Project Proponent shall obtain Consent to Operate from the State Pollution Control Board, Kerala and effectively implement all the conditions stipulated therein.
- (v) Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the Project and maintain records accordingly; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smoking, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. The Recommendations of National Institute for ensuring good occupational environment for mine workers shall be implemented.
- (vi) The mining operations shall be restricted to above ground water table and it should not intersect groundwater table. In case of working below ground water table, prior approval of the Ministry of Environment, Forests and Climate Change and Central Ground Water Authority shall be obtained, for which a detailed hydro-geological study shall be carried out; The Report on six monthly basis on changes in Ground water level and quality shall be submitted to the Regional Office of the Ministry.
- (vii) The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly. Vehicles with PUC only will be allowed to ply. The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Project should obtain 'PUC' certificate for all the vehicles from authorized pollution testing centres.
- (viii) There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
- (ix) Use of effective sprinkler system to suppress fugitive dust on haul roads and other transport roads shall be ensured.



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(4)

- (x) Washing of all transport vehicles should be done inside the mining lease.
- (xi) Survey of existing vegetation and ecological status to be made based on scientific survey and RET species conservation plan may be implemented.
- (xii) Implementation of Environment Management Policy of the Company w.r.t. judicious use of Mineral resources for growth & development synchronizing mining & environment with prosperity.
- (xiii) The Project Proponent shall take all precautionary measures during mining operation for conservation and protection of endangered flora/fauna, if any, spotted in the study area. The Proponent shall implement the Wildlife Conservation Plan along with the funds so allocated with consultation of Chief Wild Life Warden of the State Govt. A copy of action plan shall be submitted to the Ministry of Environment, Forests & Climate Change and its Regional Office, Bangalore and the Chief Wild Life Warden of the State Govt.
- (xiv) The Illumination and sound at night at project site, disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. Project Proponent must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day light/night hours.
- (xv) Where ever blasting is undertaken as part of mining activity, the Project Proponent shall carry out vibration studies well before approaching any such habitats or other buildings, to evaluate the zone of influence and impact of blasting on the neighbourhood. Within 500 meters of such sites vulnerable to blasting vibrations, avoidance of use of explosives and adoption of alternative means of mineral extraction, such as ripper/dozer combination/rock breakers/ surface miners etc. should be seriously considered and practiced wherever practicable. A provision for monitoring of each blast should be made so that the impact of blasting on nearby habitation and dwelling units could be ascertained. The covenant of lease deed under Rule 31 of MCR 1960 provides that no mining operations shall be carried out within 50 meters of public works such as public roads and buildings or inhabited sites except with the prior permission from the competent authority.
- (xvi) Main haulage road in the mine should be provided with permanent water sprinklers and other roads should be regularly wetted with water tankers fitted with sprinklers.
- (xvii) The Project Proponent shall ensure that the productivity of agricultural crops is not affected due to mining operations. Crop Liability Insurance Policy has to be taken by the Project Proponent as a precaution to compensate for any crop loss. The impact zone shall be 5km from the boundary of mine lease area for such insurance policy.
- (xviii) Transportation of the minerals by road passing through the village shall not be allowed. A 'bypass' road should be constructed (say, leaving a gap of at least 200 meters) for the purpose of transportation of the minerals so that

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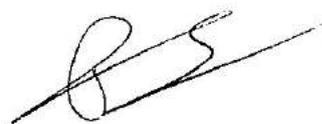
the impact of sound, dust and accidents could be mitigated. The Project Proponent shall bear the cost towards the widening and strengthening of existing public road network in case the same is proposed to be used for the Project. No road movement should be allowed on existing village road network without appropriately increasing the carrying capacity of such roads.

- (xix) CSR activities by Companies including the Mining Establishments has become mandatory up to 2% of their financial Turn-over, Socio Economic Development of the neighborhood Habitats could be planned and executed by the Project Proponent more systematically based on the 'Need based door to door survey' by established Social Institutes/Workers. The report shall be submitted to the Ministry of Environment & Forests and its Regional Office located at Bangalore on six monthly basis.
- (xx) Provision shall be made for the housing of construction labour within the site with all necessary Infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- (xxi) A Final Mine Closure Plan along with details of Corpus Fund shall be submitted to the Ministry of Environment, Forests & Climate Change 5 years in advance of final mine closure for approval.

B. General conditions

- (i) No change in mining technology and scope of working should be made without prior approval of the Ministry of Environment, Forests & Climate Change.
- (ii) No change in the calendar plan including excavation, quantum of mineral ore and waste should be made.
- (iii) The Project Proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of surface water and ground water for the project.
- (iv) There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
- (v) Regular monitoring of ground water table to be carried out at the upstream and depth of water available in the dug well is to be measured. Monitoring to be done by establishing a network of existing wells and constructing new piezometers.
- (vi) Monitoring of Ambient Air Quality to be carried out based on the Notification 2009, as amended from time to time by the Central Pollution Control Board. Water sprinkling should be increased at places loading and unloading points & transfer point to reduce fugitive emissions.

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(6)

- (vii) The upliftment of scheduled caste/scheduled tribe population, specific programmes have been taken in to consideration specially with respect to education, health care, livelihood generation, infrastructure development & promotion of sports & culture for SC/ST population and that these will be intensified in future.
- (viii) The top soil, if any, shall temporarily be stored at earmarked site(s) only and it should not be kept unutilized for long. The topsoil shall be used for land reclamation and plantation. The over burden (OB) generated during the mining operations shall be stacked at earmarked dump site(s) only and it should not be kept active for a long period of time. The maximum height of the dumps shall not exceed 8m and width 20 m and overall slope of the dumps shall be maintained to 45°. The OB dumps should be scientifically vegetated with suitable native species to prevent erosion and surface run off. In critical areas, use of geo textiles shall be undertaken for stabilization of the dump. The entire excavated area shall be backfilled and afforested. Monitoring and management of rehabilitated areas should continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Ministry of Environment, Forests & Climate Change and its Regional Office located at Bangalore on six monthly basis.
- (ix) Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, mineral and OB dumps to prevent run off of water and flow of sediments directly into the river and other water bodies. The water so collected should be utilized for watering the mine area, roads, green belt development etc. The drains shall be regularly desilted particularly after monsoon and maintained properly. The drains, settling tanks and check dams of appropriate size, gradient and length shall be constructed both around the mine pit and over burden dumps to prevent run off of water and flow of sediments directly into the river and other water bodies and sump capacity should be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity should also provide adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and desilted at regular intervals.
- (x) Plantation shall be raised in a 7.5m wide green belt in the safety zone around the mining lease, backfilled and reclaimed area, around water body, along the roads etc. by planting the native species in consultation with the local DFO/Agriculture Department. The density of the trees should be around 2500 plants per ha. Greenbelt shall be developed all along the mine lease area in a phased manner and shall be completed within first five years.
- (xi) Dimension of the retaining wall at the toe of over burden dumps and OB benches within the mine to check run-off and siltation shall be based on the rain fall data.
- (xii) Effective safeguard measures such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of PM₁₀ and PM_{2.5} such as haul road, loading and unloading point and transfer points. It shall be ensured that the Ambient Air Quality parameters conform

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(7)

to the norms prescribed by the Central Pollution Control Board in this regard.

- (xiii) Regular monitoring of the flow rate of the springs and perennial nallahs flowing in and around the mine lease shall be carried out and records maintained. Regular monitoring of water quality upstream and downstream of water bodies shall be carried out and record of monitoring data should be maintained and submitted to the Ministry of Environment, Forests & Climate Change, its Regional Office, Bangalore, Central Groundwater Authority, Regional Director, Central Ground Water Board, State Pollution Control Board and Central Pollution Control Board.
- (xiv) Regular monitoring of ground water level and quality shall be carried out in and around the mine lease by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year - pre- monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected may be sent regularly to Ministry of Environment, Forests & Climate Change and its Regional Office, Bangalore, Central Ground Water Authority and Regional Director, Central Ground Water Board.
- (xv) The critical parameters such as PM_{10} (size less than 10 micro meter), $PM_{2.5}$ (size less than 2.5 micro meter), NO_x in the ambient air within the impact zone, peak particle velocity at 300m distance or within the nearest habitation, whichever is closer shall be monitored periodically. Further, quality of discharged water shall also be monitored [(TDS, DO, PH and Total Suspended Solids (TSS))]. The monitored data shall be uploaded on the website of the company as well as displayed on a display board at the project site at a suitable location near the main gate of the Company in public domain. The circular No. J-20012/1/2006-IA.II (M) dated 27.05.2009 issued by Ministry of Environment, Forests & Climate Change, which is available on the website of the Ministry www.envfor.nic.in shall also be referred in this regard for its compliance.
- (xvi) Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for PM_{10} , $PM_{2.5}$, SO_2 & NO_x monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. Data on ambient air quality should be regularly submitted to the Ministry including its Regional office located at Bangalore and the State Pollution Control Board / Central Pollution Control Board once in six months.
- (xvii) Fugitive dust emissions from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- (xviii) Measures should be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. should be provided with ear plugs / muffs.

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- (xix) Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th May, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap should be installed before discharge of workshop effluents.
- (xx) Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- (xxi) Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
- (xxii) A separate environmental management cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
- (xxiii) The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry and its Regional Office located at Bangalore.
- (xxiv) The project authorities should inform to the Regional Office located at Bangalore regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
- (xxv) The Regional Office of this Ministry located at Bangalore shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information / monitoring reports.
- (xxvi) The project proponent shall submit six monthly reports on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment, Forests & Climate Change, its Regional Office, Bangalore, Central Pollution Control Board and State Pollution Control Board.
- (xxvii) The project proponent shall submit six monthly report on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment and Forests, its Regional Office, Bangalore, Central Pollution Control Board and State Pollution Control Board.
- (xxviii) A copy of clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom suggestion / representation has been received while processing the proposal.
- (xxix) State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/ Tehsildar's Office for 30 days.
- (xxx) The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the



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Ext-P1
(9)

locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the Ministry of Environment, Forests & Climate Change at <http://envfor.nic.in> and a copy of the same should be forwarded to the Regional Office of this Ministry located Bangalore.

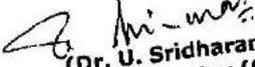
9. The Ministry or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.

10. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.

11. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court of Kerala and any other Court of Law relating to the subject matter.

12. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Yours faithfully,


(Dr. U. Sridharan)
Director (S)

Copy to:

- 1). **The Secretary**, Ministry of Mines, Government of India Shastri Bhawan, New Delhi.
- 2). **The Secretary**, Department of Mines & Geology, Government of Kerala, Secretariat, Thiruvananthapuram.
- 3). **The Secretary**, Department of Environment, Government of Kerala, Secretariat, Thiruvananthapuram.
- 4). **The Secretary**, Department of Forests, Government of Kerala, Secretariat, Thiruvananthapuram.
- 5). **The Additional Principal Chief Conservator of Forests (C)**, Ministry of Environment, Forests and Climate Change, Regional Office(SZ), Kendriya Sadan, IVth Floor, E&F Wings, 17th Main Road, Koramangala II Block, Bangalore-560034, Karnataka

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EXH-PI

(10)

- 6). **The Principal Chief Conservator of Forests & Chief Wildlife Warden**
Forest Headquarters, Vazhuthacud, Thiruvananthapuram -695014.
- 7). **The Member Secretary, Kerala State Pollution Control Board, Piamoodu**
Junction, Pattam Palace P.O. Thiruvananthapuram - 695004
- 8). **State Environmental Impact Assessment Authority, Kerala,**
Directorate of Environment and Climate Change, Pallimukku, Pettah PO,
Trivandrum-695024
- 9). **The Member Secretary, Central Ground Water Authority, A2, W- 3**
Curzon Road Barracks, K.G. Marg, New Delhi-110001.
- 10). **The District Collector, District- Thrissur, State of Kerala.**
- 11). **Guard File.**
- 12). **MoEF &CC website.**

(Dr. U. Sridharan)
Director (S)

This is the true copy of documents
marked as EXHIBIT-PI referred
ANNEXURE
In the above case.

ADVOCATE

20 EXHIBIT-92

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 1ST DAY OF NOVEMBER 2017/10TH KARTHIKA, 1939

WP(C).No. 23565 of 2017 (U)

PETITIONER(S):

A.K.VELAYUDHAN,
S/O KUNJAYAPPAN, ALAPPAT VEEDU, AYYAMPUZHA P.O.,
MUNDOPURAM, ERNAKULAM-683581.

BY ADVS.SRI.P.RAMAKRISHNAN
SMT.PREETHI KESAVAN
SRI.T.C.KRISHNA
SRI.C.ANIL KUMAR
SMT.ASHA K.SHENOY
SRI.PRATAP ABRAHAM VARGHESE

RESPONDENT(S):

1. M/S BLACK DIAMOND ROCK PRODUCTS,
MANJAPRA, ALUVA, ERNAKULAM-683581, REPRESENTED
BY MANAGING DIRECTOR GEORGE V. MANJALY.
2. DISTRICT ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY,
ERNAKULAM, REPRESENTED BY ITS CHAIRMAN, THE
DISTRICT COLLECTOR, ERNAKULAM, CIVIL STATION,
KAKKANAD, KOCHI-682030.
3. THE EXECUTIVE ENGINEER,
IRRIGATION DEPARTMENT ERNAKULAM, CIVIL STATION,
KAKKANAD, KOCHI-682030.

R1 BY ADVS. SRI.GRASHIOUS KURIAKOSE (SR.)
SRI.C.S.BALAGANGADHARAN
R2 & R3 BY GOVERNMENT PLEADER SRI.B.VINOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-11-2017, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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21 EXT-P2
 K. VINOD CHANDRAN, J (2)

 W.P(C) No.23565 of 2017-U

Dated this the 01st day of November, 2017

J U D G M E N T

The petitioner seeks for a declaration that the prior sanction of the 3rd respondent under Section 10(2) of the Kerala Irrigation and Water Conservation Act, 2003 is mandatory for the functioning of the 1st respondent's quarry for which Ext.P3 Environmental Clearance has been issued. The petitioner's challenge against the quarrying carried on by the 1st respondent is on two counts. The petitioner submits that the Edamalayar Irrigation Canal passes to the left of the quarry at a distance of 169.13 meters as evidenced by Ext.P1 Google map. It is also contended that a Water Tank supplying drinking water under the Thattupara - Amalapuram Drinking Water Scheme is also within a distance of 717.44 meters as



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EXT-P2
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seen from Ext.P2.

2. The 1st respondent admittedly has not obtained any permission under the Kerala Irrigation and Water Conservation Act which under Section 40(2) provides as under:-

“Notwithstanding anything contained in any other law for the time being in force, no person shall, without the written permission of the Irrigation Officer, conduct mining or quarrying operation using explosives within a radius of one kilometre of any bridge, dam, check dam or any other work, structure or construction, owned, controlled or maintained by the Government, a local authority or any other authority.”

3. It is also submitted that the 1st respondent on making an application for environmental clearance made a false declaration insofar as indicating Canal or Check Dams or



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:3:Ext-P2
(4)

reservoirs or lake or ponds being only at a distance of 5.5km; specifically the Periyar River.

4. The learned Senior Counsel specifically draws attention to Ext.R1(f) wherein the Executive Engineer had informed the 1st respondent that there is no requirement for such a clearance for reason of the District Environmental Assessment Committee (DEAC) chaired by the Executive Engineer, Irrigation having granted a recommendation based on which the District Environmental Impact Assessment Authority (DEIAA) issued environmental clearance. The learned Government Pleader also supports the grant of EC pointing out that Rule 10(f) of the Kerala Minor Mineral Concession Rules, 2015 prescribes only a distance of 50 meters from any reservoirs, tanks, canals, rivers, bridges, other public works etc.

5. Ext.R1(f) itself is indicative of the violation



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pointed out by the petitioner. Ext.R1(f) indicates that the canal is within 125 meters of the quarry site. In such circumstance, despite the prescription under the Kerala Minor Mineral Rules, the petitioner has to obtain a permission under the Conservation Act, 2003. Sub-Section (2) of Section 40 speaks of a written permission of the irrigation officer to conduct mining and quarrying operation using explosives within a radius of 1 KM interalia of any structure or construction, owned controlled and maintained by the Government. In the aforesaid case, it is admitted that there is a canal and a water tank within the prohibited distance, as per the Conservation Act. The opinion of the Executive Engineer in Ext.R1(f) that the recommendation of the Executive Engineer, Irrigation would override the permission required under the Conservation Act, cannot be sustained. It is also to be noticed that the recommendation made by the Committee

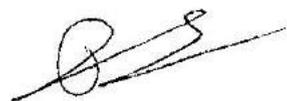


WPC.No.23565/2017

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headed by the Executive Engineer, Irrigation, is without looking into the impact of the quarry being conducted within the prohibited distance as indicated in the Conservation Act. The further finding in Ext.R1(f) that there is an unused quarry which can be used for water preservation is of no consequence insofar as the permission under the Water Conservation Act.

6. It is also pertinent that the 1st respondent had applied as per Ext.P5 without specifically declaring the canal and water tank existing within the prohibited area as per the Conservation Act. In such circumstance, the recommendation of the DEAC was without looking at the relevant facts and considering the impact of the conduct of the quarry within the prohibited distance as provided under the Conservation Act. In such circumstance, despite there being no challenge to the EC as per Ext.P3, the declaration sought for would require this Court to set aside Ext.P3. Ext.P3 hence would stand set aside.



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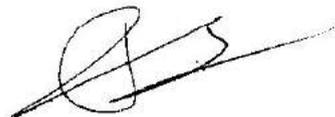
The 1st respondent would be entitled to approach the Competent Officer under the Conservation Act for a permission under Section 40(2) and then approach the District Environment Impact Assessment Authority with a proper application specifically showing the water bodies or structures for irrigation or drinking water supply; existing within the prohibited distance and the consent if obtained under the Conservation Act.

Writ petition is allowed setting aside Ext.P3 with the above reservation in the nature of a liberty. No order as to costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge



WP(C).No. 23565 of 2017 (U)

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EXH - P2
(8)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** TRUE COPY OF GOOGLE MAP WHICH REVEAL THE DISTANCE FROM THE PROPOSED MINING PROJECT TO THE CANAL.
- EXHIBIT P2:** TRUE COPY OF GOOGLE MAP WHICH REVEAL THE DISTANCE FROM THE PROPOSED MINING PROJECT TO THE WATER TANK.
- EXHIBIT P3:** TRUE COPY OF PROCEEDINGS OF THE 2ND RESPONDENT DATED 2.5.2017.
- EXHIBIT P4:** TRUE COPY OF REPRESENTATION DATED 3.7.2017 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXHIBIT P5:-** TRUE COPY OF APPLICATION DATED 19.10.2016 SUBMITTED BY THE 1ST RESPONDENT.
- EXHIBIT P6:-** TRUE COPY OF DECISION DATED 4.7.2017 TAKEN BY THE PANCHAYATH.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R1(A):-** TRUE COPY OF THE INTEND OF LEASE ISSUED TO THIS RESPONDENT FROM MINING AND GEOLOGY DEPARTMENT.
- EXHIBIT R1(B):-** TRUE COPY OF THE CONSENT TO ESTABLISH ISSUED BY POLLUTION CONTROL BOARD.
- EXHIBIT R1(C):-** TRUE COPY OF THE ORDER PASSED BY THE DISTRICT COLLECTOR DATED 27.3.2017.
- EXHIBIT R1(D):-** TRUE COPY OF THE EC ISSUED TO THE RESPONDENT BY THE DEIAA DATED 02.5.2017.
- EXHIBIT R1(E):-** TRUE COPY OF THE PLAINT IN OS.107/17,PENDING BEFORE THE HON'BL ALUVA MUNSIF COURT.
- EXHIBIT R1(F):-** TRUE COPY OF THE COMMUNICATION SEND TO THE RESPONDENT BY THE EXECUTIVE ENGINEER.
- EXHIBIT R1(G):-** TRUE COPY OF THE MEMORANDUM OF WRIT PETITION, IN WPC 2906/2017.

/TRUE COPY/

TS

This is the true copy of document marked as EXHIBIT-P2 referred ANNEXURE in the above case.

PS TO JUDGE

ADVOCATE

EXHIBIT- P3

28

BEFORE THE
HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

Writ Petition (C) No. 641 of 2020

Edathadan Granites

Vs.

>>> Petitioner

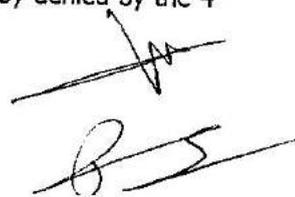
The State of Kerala and others

>>> Respondents

COUNTER AFFIDAVIT
FILED FOR AND ON BEHALF OF THE 4TH RESPONDENT

I, Vijin Dev A, S/o. Vasudevan A, aged 31 years, residing at Chalakkudy and now at office of the Advocate General, Ernakulam, do hereby solemnly affirm and state as follows;

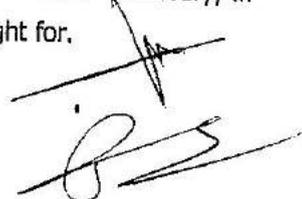
1. I am the the Range Forest Officer, Vellikulangara Range, Chalakkudi Division. I am well conversant with the facts of the case, as disclosed from the relevant records. I have read and understood the contents of the above Writ Petition. I am fully authorised and competent to swear this affidavit, in my official capacity, for and on behalf of the 4th respondent.
2. All the allegations, contentions and averments in the above Writ Petition except to those which are specifically admitted hereunder are hereby denied by the 4th respondent as incorrect and baseless. Any averments and allegations in the above Writ Petition which are not specifically denied hereunder may be treated to have been rejected by the 4th respondent as incorrect and baseless.
3. At the outset, it is respectfully submitted that the petitioner is not entitled for any of the reliefs, as sought for, in the above Writ Petition. Petitioner has no bonafides and has not made out any case, so as to warrant interference of this Hon'ble Court, invoking the extra ordinary jurisdiction, under Article 226 of the Constitution of India. The pleadings, averments and contentions in the above Writ Petition being incorrect and baseless are hereby denied by the 4th



2 29 EXHIBIT-P3 (2)

respondent, in toto. The above Writ Petition is neither maintainable in law nor on facts.

4. It is true that petitioner was Issued with Exhibit P2 quarrying lease so as to extract granite building stone, from an extent of 4.7065 hectares of land, comprised in Survey No's. 1270/4, 5, 7, 8, 1271/2,3, 4, 1273/1, 2 and 1272/1 of Kodassery Village, Chalakkudi Taluk, Thrissur District. The said extent of land is part of Kodassery Koomban Reserve Forest in Kodassery village. The above land is in the old Survey No. 436 of Kodassery village. A true copy of the Reserve Notification dated 09.10.1909 of the Cochin Government is produced herewith and marked as **Exhibit R4(a)**.
5. The above part of the reserve forest was encroached by various persons and the above reserve forest was transferred to the Revenue Department and pattas were issued to the above land, invoking the provisions of the Kerala Land Assignment Rules of 1964. Nevertheless, transfer of reserve forest to Revenue Department and further assignment will not take away the status of reserve forest pertaining to the said extent of land.
6. The above reserve forest, where patta has been granted still continues to be having the status of reserve forest and the above land has not been de-reserved by the State Government or by the Central Government. Patta has been issued by the Special Tahsildar for agricultural purpose, alone and any other activity, including operating of crusher unit and carrying out quarrying operations therein is in violation of Section 2 of the Forest Conservation Act, 1980 and that of patta conditions. Any violation of the said condition is to be treated as violation of Section 2 of the Forest Conservation Act and that of the patta conditions. A true copy of the patta bearing No. LA (P) No. 1789/Kdy dated 07.01.1980 issued to the predecessor in interest of the petitioner is produced herewith and marked as **Exhibit R4 (b)**. A true copy of the patta bearing No. LA(P)/1921/Kdy dated 15.02.1980 issued to the predecessor in interest of the petitioner is produced herewith and marked as **Exhibit R4 (c)**. Copies of other pattas available at this office being not legible is not produced herewith, for the sake of convenience and shall be produced if necessary, in due course. Leave in the said regard is also humbly sought for.



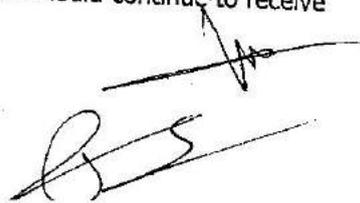
30 EXHIBIT-P3 (3)
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7. The Mahazar and files pertaining to Exhibits R4 (b) and R4 (c) and other pattas pertaining to the property covered by Exhibit P2 clearly demonstrate that the land covered by the same is forest land and is categorized as Non Revert able Forest (NRF). Exhibit P2 has been issued overlooking the statutory prescription in Rule 27 of the Kerala Minor Mineral Concession Rules of 2015.
8. Moreover, this Honourable Court in 2019 (2) KLT 978 has categorically held that when top soil rights are given for a specific purpose, the moment there is breach of such purpose the assignment of land has to be revoked. When land is assigned for a specific purpose, the assignee cannot use the assigned land for commercial activities (2016 (5) KHC 615).
9. Be that as it may, petitioner has willfully suppressed the above facts and the fact that the above property is a patta land before all the authorities including the Central Government and therefore Exhibit P3 environmental clearance obtained from the Central Government is a nullity and cannot be acted upon. As seen from the recitals of Exhibit P3, the same was issued by the Central Government on account of the false information given by the petitioner that no forest land is involved and the same is a private land.
10. Since Exhibit P3 environmental clearance was obtained by the petitioner on the basis of suppression of material facts and fraud, Exhibit P3 environmental clearance cannot be considered as a valid permission for conducting quarry. But for the suppression and fraud played by the petitioner, no Environmental Clearance could have been issued to him.
11. The interpretation now stands assigned to Rule 40 of the Rules of 2015 by the petitioner is erroneous and is highly misplaced. The same is liable to be rejected in limine. Going by the recitals of Exhibit P2 lease deed coupled with second proviso to Rule 40 (i) of the Kerala Minor Mineral Concession Rules of 2015 (hereinafter referred as Rules, for short and convenience), where explosives are used for quarrying operations, the lessee *shall not* carry on or allowed to be carried on any quarrying operations at or to any points within 50 meters from forest land.

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EXHIBIT-P3 (4)

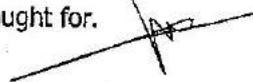
12. Therefore, even if it is assumed, without admitting that the area covered by Exhibit P1 is a private land, as contended by the petitioner, no quarrying operations can be permitted therein in the light of the specific recitals of Exhibit P2 and that of the statutory prescriptions as contemplated under the Rules of 2015. It was overlooking the specific statutory prescriptions, as contemplated under the Rules of 2015 that Exhibit P2 was issued. The property comprised in Survey No. 436 of Kodassery Village, which is still continuing as reserve forest, even going by the revenue records, is lying at a distance of 27.5 meters from the boundary of the property covered by Exhibit P2.
13. At any rate, petitioner cannot be permitted to carry out quarry and crusher unit in the land covered by Exhibit P2. No permission was obtained from the forest department by the petitioner to carry out quarrying and crushing operations in the said property.
14. It was in the said circumstances that Exhibit P9 was issued by the 4th respondent, more so, on the ground that the land in the Sy. No's. mentioned above, where quarrying operations are conducted are part of Kodassery reserve and therefore Exhibit P9 order of the Divisional Forest Officer, Chalakkudi is in accordance with law and in order. Exhibit P9 cannot be treated as violative of any of the rules and the same is to be issued as per the provisions of the forest Conservation Act, 1980 and the Kerala Forest Act, 1961.
15. In an identical situation, where quarrying activities were carried out in Kodassery reserve forest where limited rights were granted to the encroachers by issuing patta under the Special Rules of 1993, it was held by this Hon'ble Court that the quarrying for minerals in the above land is certainly a non-forest activity and therefore without securing prior permission from the Central Government, such non-forest activity cannot be permitted in the land declared as reserve forest.
16. This Hon'ble Court in the judgment reported in 2018 (4) KHC 827 has held that the area which is declared to be reserve forest should continue to receive



32 EXHIBIT-P3₍₅₎

the protective cover of law, notwithstanding the settlement and assignment over the areas and those land will be treated as forest land and that quarrying operations could not be encouraged, since, it will cause permanent damage to the area.

- 17.** Since, in the *ibid* case, as there is no de-notification, no commercial activity can be permitted therein. The 4th respondent has acted only in accordance with law. Exhibit P9 is legal and in order. Though Exhibit P9 is dated 29.10.2019, petitioner has chosen to challenge the same in the present Writ Petition only on 09.01.2020. At any rate, petitioner cannot harp on Exhibits P11 to P13. The further contention of the petitioner that Exhibit P9 is without jurisdiction is made without any basis and is hereby denied by the 4th respondent.
- 18.** Allegations and averments made contrary to the above made by the petitioner in the above Writ Petition being illegal, improper and incorrect are hereby denied by the 4th respondent. Furthermore, the *ibid* Writ Petition is not maintainable in the light of the principles of *resjudicata*, as well. None of the fundamental rights pertaining to the petitioner has been infringed at the instance of the 4th respondent. All along the 4th respondent has been acting in good faith, coupled with bonafides.
- 19.** Grounds raised therein are devoid of any merits and are liable to be rejected, summarily. There are no averments or pleadings in the above Writ Petition (Civil), so as to grant the respective reliefs, as sought for. Further averments and allegations in the above Writ Petition (Civil) though do not require specific rebuttal, in abundant caution are hereby denied by the 4th respondent as incorrect and baseless, for the reasons stated in the preceding paragraphs. The same are not reproduced hereunder for the sake of convenience and brevity, alone. Nevertheless, the 4th respondent may be permitted to file additional counter affidavit in the above Writ Petition, if found necessary, in due course. Leave in the said regard is also humbly sought for.

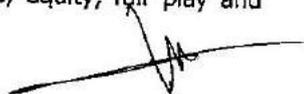




33

EXHIBIT-P3₁₆

20. For these and other grounds that may be urged at the time of hearing, it is most humbly prayed that this Hon'ble Court may be pleased to dismiss the above Writ Petition, with compensatory cost to the 4th respondent.
21. This Hon'ble Court, by Interim order dated 13.01.2020 has permitted the petitioner to continue with quarrying operations therein. This Hon'ble Court was pleased to pass interim order dated 13.01.2020, since the facts stated above were not brought to the notice of this Hon'ble Court. The contention of the petitioner that there are no forest lands within one kilometer from his property is factually incorrect and is hereby denied. Any permission, as granted by this Hon'ble Court to the petitioner to continue with quarrying operations therein is against equity as it will lead to environmental degradation.
22. The interim order dated 13.01.2020 is still in force and is causing substantial hardship and prejudice to the State as well as to the Forest Department. Furthermore, by virtue of interim order referred above, petitioner was permitted to restart his operations, which were interdicted for the past 6 months.
23. If petitioner is permitted to restart his operations, the same will cause serious depletion of the natural wealth of the country and the same will cause irreparable loss to the ecology and the environment which cannot be compensated. Order referred above was passed, since the facts stated in the preceding paragraphs were not brought to the notice of this Honourable Court.
24. In the given circumstances and facts, as stated hereinabove, the interim order dated 13.01.2020 is liable to be vacated. Circumstances being so, for the reasons stated in the preceding paragraphs and for those to be urged, it is most humbly prayed that this Hon'ble Court may be pleased to vacate the interim order dated 13.01.2020 granted in the above Writ Petition, pending disposal of the same. For which a separate application is filed herewith. The same may kindly be allowed in the interest of justice, equity, fair play and



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EXHIBIT-P3(7)

good conscious. Lest, the 4th respondent as well as the State, will be put to untold, hardship and loss. It is accordingly humbly prayed for.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 27th day of January, 2020.


(Vijin Dev A)
DEPONENT

Solemnly affirmed and signed before me by the literate deponent, who have read and understood the contents of the above affidavit, whom I know, on this the 27th day of January, 2020 at the office of the Advocate General, Ernakulam.

S. KANNAN (GP 49)
GOVERNMENT PLEADER WITH AG

This is the true copy of document
marked as EXHIBIT-P3 referred
ANNEXURE
in the above case.


ADVOCATE



35

EXHIBIT-P4

ഭരണഭാഷ - മാതൃഭാഷ

ബി2-10278/19-(1)

താലൂക്ക് ഓഫീസ്, ചാലക്കുടി
തീയതി : 07.01.2020
ഇ-മെയിൽ : thlrckdy.ker@nic.in
ഫോൺ: 0480 2705800, Pin: 680 307.

പ്രേഷകൻ
തഹസീൽദാർ,
ചാലക്കുടി.

സ്വീകർത്താവ്
ജില്ലാ കളക്ടർ,
തൃശ്ശൂർ.

സർ,

വിഷയം : ചാലക്കുടി താലൂക്ക് കോടശ്ശേരി വില്ലേജിൽ പാഠവനനത്തിന് എടത്താടൻ ഗ്രാനൈറ്റ്സിന് സ്കെച്ച് അനുവദിച്ചതിലെ അപാകത സംബന്ധിച്ച് പരാതി - റിപ്പോർട്ട് സമർപ്പിക്കുന്നത് - സംബന്ധിച്ച്.

- സൂചന :
- 1) ശ്രീ. സജിൻ ജോൺ, പുകാവനം ഹൗസ്, പാഡി പി.ഒ. എന്നയാൾ സമർപ്പിച്ച 11.10.19 തീയതിയിലെ പരാതി.
 - 2) കോടശ്ശേരി വില്ലേജ് ഓഫീസറുടെ 26.12.19 തീയതിയിലെ 180/19 നമ്പർ റിപ്പോർട്ട്.
 - 3) ആ കാര്യവലയത്തിലെ 12.11.19 ലെ ബി6-12280/19 നമ്പർ കത്ത്.
 - 4) ആർ.ഡി.ഒ. ഇരിങ്ങാലക്കുടയുടെ 16.10.19 ലെ സി3-9156/19

സൂചനകളിലേയ്ക്കും വിഷയത്തിലേയ്ക്കും ശ്രദ്ധ ക്ഷണിക്കുന്നു. സൂചന (1) പ്രകാരമുള്ള പരാതി സംബന്ധിച്ച് അന്വേഷണം നടത്തിയതിൽ കോടശ്ശേരി വില്ലേജിൽ പ്രവർത്തിച്ചിരുന്ന എടത്താടൻ ഗ്രാനൈറ്റ്സ് എന്ന സ്ഥാപനത്തിന് ക്വാറിയിംഗ് ചീസ് അനുവദിക്കുന്നതിന്റെ ഭാഗമായി അനുവദിച്ചിട്ടുള്ള സ്കെച്ചിനെ സംബന്ധിച്ചാണ് പരാതിയിൽ പരാമർശിച്ചിട്ടുള്ളതെന്ന് കാണുന്നു.

കോടശ്ശേരി വില്ലേജ് സർവ്വെ 1270/4,5,8, 1271/2,3,4, 1272/1, 1273/1,2 എന്നിവയിൽപ്പെട്ട 4.7565 ഹെക്ടർ പട്ടയഭൂമിക്ക് എടത്താടൻ ഗ്രാനൈറ്റ്സിന് പാഠവനനത്തിന് അനുമതി ലഭിച്ചിട്ടുള്ളതാണ്. താമസത്തിനും കൃഷി ആവശ്യത്തിനുമുള്ള ആവശ്യത്തിനാണ് ടി പട്ടയങ്ങൾ അനുവദിച്ചിട്ടുള്ളത്. പാഠവനനത്തിന് അനുമതിക്കായി അനുവദിച്ച സ്കെച്ചിൽ താഴെ നൽകിയിട്ടുള്ള പ്രകാരം നാലതിരുകളിൽ വ്യത്യാസം ഉള്ളതായി കാണുന്നു. സ്കെച്ചിന്റെ തെക്ക് ഭാഗത്ത് 1270/6, 1270/2 എന്നീ സർവ്വെ നമ്പറുകളാണ് കാണിച്ചിരിക്കുന്നതെങ്കിലും ബി.ടി.ആർ., എഫ്.എം. സ്കെച്ച്

36 EX-1-P4

എന്നിവ പരിശോധിച്ചതിൽ ടി സ്ഥലങ്ങളുടെ തെക്ക് വശത്ത് 1270/3 ൽ പ്ലാൻ പുറമ്പോക്ക് വഴി ഉള്ളതായി കാണുന്നു. ടി വഴിക്ക് തെക്ക് ഭാഗത്തായിട്ടാണ് സർവ്വെ 1270/6, 1270/2 എന്നീ സർവ്വെ നമ്പറുകൾ സ്ഥിതി ചെയ്യുന്നത്.

സ്കെച്ചിന്റെ പടിഞ്ഞാറ് ഭാഗത്ത് 1270/1 എന്ന് കാണിച്ചിട്ടുള്ളതാണ്. വില്ലേജ് രേഖകൾ പ്രകാരം ടി ഭാഗത്ത് 1270/3 ൽ പ്ലാൻ പുറമ്പോക്ക് റോഡ് ഉള്ളതായി കാണുന്നു.

സ്കെച്ചിൽ സർവ്വെ 1271/2 ന്റെ വടക്ക് ഭാഗത്ത് സർവ്വെ 1266 എടത്താടൻ ഗ്രാനൈറ്റ്സ് എന്നാണ് കാണിച്ചിട്ടുള്ളത്. എഫ്.എം.ബി. പ്രകാരം 1271/2 ന്റെ വടക്ക് ഭാഗത്ത് സർവ്വെ 1271/1 ൽ പ്ലാൻ പുറമ്പോക്ക് റോഡ് ഉള്ളതായി കാണുന്നു. ടി റോഡിന് വടക്ക് ഭാഗത്തായിട്ടാണ് സർവ്വെ 1266 ൽ പ്ലാൻ ഭൂമി സ്ഥിതി ചെയ്യുന്നത്.

പരമതിയിൽ സൂചിപ്പിച്ചിട്ടുള്ള കാര്യങ്ങൾ പരിശോധിച്ചതിൽ പാറവനത്തിന് അനുമതിക്കായി അനുവദിച്ച സ്കെച്ചിൽ അതിരുകളിൽ വരുന്ന 1270/3, 1271/1 ഇവയിൽ പ്ലാൻ പുറമ്പോക്ക് റോഡുകൾ ഉൾപ്പെടുത്താതെയാണ് സ്കെച്ച് തയ്യാറാക്കിയിട്ടുള്ളത് എന്ന് കാണുന്നു.

സ്കെച്ചിന്റെ തെക്കെ അതിർത്തിയിൽ കാണിച്ചിട്ടുള്ള 1270/2, 1270/6, 1273/5 എന്നിവയിൽ പ്ലാൻ ഭൂമിയുടെ തെക്കെ അതിർത്തിയിൽ സർവ്വെ 436 ൽ പ്ലാൻ റിസർവ്വ് ഫോറസ്റ്റ് നിലവിലുള്ളതായി കാണുന്നു. ബഹു. ഹൈക്കോടതിയിൽ ഫയൽ ചെയ്യപ്പെട്ടിട്ടുള്ള WP(C)24806/19 നമ്പർ കേസിന്റെ ആവശ്യത്തിലേക്കായി ക്വാറിയിംഗ് ലീസന് അനുവദിച്ച ഭൂമിയിൽ നിന്നും വനഭൂമിയിലേക്കും പുറമ്പോക്കിലേക്കുമുള്ള ദൂരം അളന്ന് സ്കെച്ച് ലഭ്യമാക്കണമെന്ന് ജിയോളജി വകുപ്പ്, തൃശൂർ കത്ത് സമർപ്പിച്ചിട്ടുള്ളതിന്റെ അടിസ്ഥാനത്തിൽ ഫെബ്രുവരി 3, 4, 5, 6, 7, 10, 11 തീയതികളിൽ ടോട്ടൽ സ്റ്റേഷൻ ഉപയോഗിച്ച് സർവ്വെ ചെയ്യുന്നതിന് തീരുമാനിച്ചിട്ടുള്ളതാണ്.

കോടശ്ശേരി വില്ലേജ് സർവ്വെ 1272/1 ൽ പ്ലാൻ 1.2552 ഹെക്ടർ ഭൂമി പി.1758, പി.2363 എന്നീ തണ്ടപ്പേരുകൾ പ്രകാരം എടത്താടൻ ഗ്രാനൈറ്റ്സ് പേരിൽ നിലവിലുള്ളതാണ് എന്നു കാണുന്നു.

സർവ്വെ 1271/1 ൽ പ്ലാൻ പുറമ്പോക്ക് വഴി സംബന്ധിച്ച് ജില്ലാ സർവ്വെ സൂപ്രണ്ട് മുൻപ് പരിശോധന നടത്തിയിട്ടുള്ളതായും ആയത് സംബന്ധിച്ച് ജില്ലാ സർവ്വെ സൂപ്രണ്ട് മുമ്പാകെ എൽ.ആർ.ബി.2-1494/13 നമ്പറായി ഫയൽ ഉള്ളതായും അറിവായിട്ടുള്ളതാണ്.

മേൽ വിവരങ്ങൾ അനന്തര നടപടികൾക്കായി റിപ്പോർട്ട് ചെയ്തു കൊള്ളുന്നു.

വിശ്വസ്തതയോടെ,

തഹസിൽദാർ

പകർപ്പ് : റവന്യൂ ഡിവിഷണൽ ഓഫീസർ, ഇരിങ്ങാലക്കുട.

ഉള്ളടക്കം : ബി.ടി.ആർ.പകർപ്പ്

B2-10278/19-(1)

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EXHIBIT-P4(a)

Taluk Office, Chalakudy

Date: 07-01-2020

E-mail: thlrckdy.ker@nic.in

Ph: 0480 270 5800, Pin: 680 307

From,

Thahsildar
Chalakudy

To,

District Collector,
Thrissur

Sir,

Sub: The complaint related to the deficiency in allowing sketch to Edathadan Granites in Kodassery Village, Chalakudy for rock-mining-submitting report - regarding.

Ref: 1) The complaint submitted by Sri. Saji John, Poonkavaram House, Pady P. O. dated 11-10-2019.

2) The report of Kodassery village Officer No: 180/19 dated 26-12-2019.

3) B6-12280/19 No: letter of the office dated 12-11-19.

4) C3-9156/19 of RDO Irinjalakuda dated 16.10.19.

Attention is invited to the reference and subject.

It is seen through the enquiry that complaint under reference is about the sketch that is allowed as part of giving quarrying lease to the company Edathadan Granites operating in Kodassery village.



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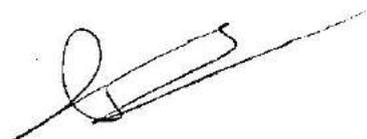
Edathadan Granites has obtained license for rock-quarrying in the 4.7565 hector Pattaya land in the Kodassery village survey 1270/4, 5, 8, 1271/2, 3, 4, 1272/1 and 1272/1, 2. These pattayas have been allowed for the purpose of housing and farming. In the sketch that is allowed for rock-quarrying, difference is seen in the four borders as shown below. Although in the south part of the sketch the survey no's shown are 1270/16, 1270/2, on examining BTR, FM. sketch, on the southern part of these places, Puramboke road is found in survey 1270/3. The survey numbers 1270/6, 1270/2 exist in the south part of this road.

In the western part of the sketch 1270/1 is shown. As per the village records there is Puramboke road in this part in 1270/3.

In the sketch, in the north part of survey 1271/2, it is shown survey 1266 Edathadan Granites. According to FMB on the north part of 1271/2, it is seen there is Puramboke road in the survey 1271/1. It is in the north part of the road, the land in the survey 1266 is situated.

On examining the matters mentioned in the complaint it is seen that the sketch allowed for rock-quarrying has been prepared without including Puramboke in the border of 1270/3, 1271/1.

In the South border of the sketch in the land shown as 1270/2, 1270/6, 1273/5, in this survey 436, it is seen there is Reserve Forest. For the purpose of case No: WP(C) 24806/19 filed in the High Court. Thrissur District Geology Department has submitted a letter requesting to make available sketch measuring the distance from the land allowed for quarrying lease to forest land and to puramboke. On this basis it has been decided to conduct survey using total station on 3, 4, 5, 6, 7, 10 and 11 February.



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EXHIBIT-P4(A)(3)

As per the 'thandapers' P.1758, P.2363, 1.2552 hectors of land in the survey 1272/1 in Kodassery village, exist in the name of Edathadan Granites.

Further, it is known that the District Survey Supt. had inspected about the Puramboke road in survey 1271/1 and related to it there is a file No: L.R.B. 2-1494/13 with the District Survey Supt.

The above information is reported for further measures.

Yours faithfully

Sd/-

Thahsildar

Copy: Revenue Divisional Office, Irinjalakuda

Enclosed: B.T.R copy

This Ext. P4(A) is the true English translation of Ext. P4 referred in the W.P.(C)

Advocate

ഒമ്പതുങ്ങൾ
22-10-
26-09-2019

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EXHIBIT - P5

പ്രേഷിതൻ

സി.കെ.രഘുനാഥ്
ചെയർമാൻ, കുഞ്ഞാലിപ്പാറ സംരക്ഷണസമര സമിതി
ഒമ്പതുങ്ങൾ, മറ്റത്തൂർ പി.ഒ. 680684

സ്വീകർത്താവ്

സഖാവ് പിണറായി വിജയൻ,
കേരള മുഖ്യമന്ത്രി

സർ,

വിഷയം : മറ്റത്തൂർ പഞ്ചായത്ത് കുഞ്ഞാലിപ്പാറയിലെ എടത്താടൻ ഗ്രാനൈറ്റ്സ് ക്വാറി/ക്രഷർ യൂണിറ്റ് പ്രവർത്തനം നിർത്തിവെപ്പിക്കുന്നതിനുള്ള അപേക്ഷ

മറ്റത്തൂർ പഞ്ചായത്തിലെ കോടശ്ശേരിമലയുടെ അടിവാരത്തിൽ സ്ഥിതിചെയ്യുന്ന എടത്താടൻ ഗ്രാനൈറ്റ്സ് എന്ന ക്വാറി/ക്രഷർ യൂണിറ്റിന്റെ പ്രവർത്തനത്തിനെതിരെ പ്രദേശവാസികൾ ഒരു മാസത്തിനിടയിൽ സമരം നടത്തിവരികയാണ്. എല്ലാ നിയമങ്ങളേയും കാറ്റിൽപറത്തി നടത്തുന്ന ഈ സ്ഥാപനത്തെ സംബന്ധിച്ച താഴെ പറയുന്ന വസ്തുതകൾ അങ്ങയുടെ അറിവിലേക്കും അനന്തര നടപടികൾക്കുമായി സമർപ്പിക്കുന്നു.

കോടശ്ശേരിമലയുടെ ഉയരം കുടിയ ഭാഗത്ത് മലയുടെ ഒരു അടിത്തറയായി സ്ഥിതി ചെയ്യുന്ന പ്രദേശമാണ് കുഞ്ഞാലിപ്പാറ. ഇവിടെ പത്ത് വർഷത്തോളമായി അവധി ദിവസങ്ങളിൽപ്പോലും പ്രവർത്തിക്കുന്ന ഈ സ്ഥാപനം മൂലം പ്രദേശവാസികളുടെ സ്വയംരക്ഷിതം പൊരുതിമുട്ടിയിരിക്കുകയാണ്. ബന്ധപ്പെട്ട വകുപ്പുകൾ അനുമതി നൽകിയതിനേക്കാൾ വളരെ കൂടുതൽ ചെലവും നടത്തിയതിനാൽ ഇവിടെ അഗാധവും വിസ്തൃതിയേറിയതുമായ ഗർത്തങ്ങൾ രൂപപ്പെട്ടിരിക്കുന്നത് പേടിപ്പെടുത്തുന്ന കാര്യമാണ്. ഈ ഗർത്തങ്ങളിൽ വൻതോതിൽ വെള്ളം ശേഖരിച്ചുനിർത്തിയിരിക്കുന്നു. കൂടാതെ 30 അടിയിലധികം ഉയരത്തിൽ മൺകുന്നു കളും വളരെയധികം പാറക്കല്ലുകളും കുന്നിൻമുകളിൽ ശേഖരിച്ചുവെച്ചിരിക്കുന്നു. പാറപൊട്ടിക്കുമ്പോൾ ഉണ്ടാകുന്ന വൻ സ്ഫോടനങ്ങളുടെ പ്രകമ്പനം ഇവിടെ കെട്ടിനിർത്തിയിരിക്കുന്ന വെള്ളവും സംഭരിച്ചിരിക്കുന്ന മണ്ണും പാറക്കല്ലുകളും പൊട്ടിത്തകർന്ന് ഉരുൾപൊട്ടലും മലയിടിച്ചിലും ഉണ്ടാകാനുള്ള സാധ്യത ഏറെയാണ്.

അമിതമായി സ്ഫോടകവസ്തുക്കൾ ഉപയോഗിച്ചുള്ള പാറഖനനം മൂലം ഈ പ്രദേശത്തെ വീടുകൾക്കെല്ലാം കേടുപാടുകൾ സംഭവിച്ചിരിക്കുന്നു. ഇതുസംബന്ധിച്ചുള്ള പരാതികൾ അധികാരികൾക്ക് നൽകിയെങ്കിലും ശാശ്വതമായ പരിഹാരം ഇതുവരെ ഉണ്ടായിട്ടില്ല.

വൻതോതിലുള്ള സ്ഫോടനവും ക്രഷർ യൂണിറ്റ് പ്രവർത്തനവും മൂലം ഉണ്ടാകുന്ന പൊടിപടലങ്ങൾ മൂലം തദ്ദേശവാസികൾക്ക് ക്യാൻസർ, ആസ്ത്മ, അലർജി തുടങ്ങിയ രോഗങ്ങൾ പിടിപെട്ടിട്ടുണ്ട്. ഗർഭാവസ്ഥയിലുള്ള കുഞ്ഞുങ്ങളെ

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പോലും ഈ സ്ഫോടനങ്ങൾ ബാധിക്കുന്നുണ്ട്. സ്കൂൾ സമയത്തുപോലും ക്യാമ്പിൽ നിന്ന് അമിതഭാരം നിറച്ച ടിപ്പറുകളും ടോറസ്സുകളും അമിതവേഗത്തിൽ പോകുന്നതിനാൽ വിദ്യാർത്ഥികളും നാട്ടുകാരും ഭീതിയിലാണ്.

സിലിക്കയും സ്ഫോടകമാലിന്യങ്ങളും പാറമണൽ കഴുകിയ മലിനജലവും മൂലം സമീപപ്രദേശങ്ങളിലെ ജലസ്രോതസ്സുകൾ മലിനമായിരിക്കുകയാണ്. ഇതിന്റെ ഫലമായി ധാരാളം പേർക്ക് ത്വക്ക് രോഗങ്ങളും പിടിപെട്ടിരിക്കുന്നു. മലിനജലം കൃഷിയിടങ്ങളിലേക്കും സമീപത്തുള്ള കനാലിലേക്കും തുറന്ന് വിടുന്നതുമൂലം വൻതോതിൽ കൃഷിനാശവും സംഭവിച്ചിരിക്കുന്നു. സമീപപ്രദേശത്തെ കർഷകർക്ക് വിള ഇൻഷുറൻസ് ഏർപ്പെടുത്തണമെന്ന വ്യവസ്ഥയും ഇവർ പാലിച്ചിട്ടില്ല.

ഈ ക്യാമ്പി/ക്രഷർ യൂണിറ്റ് സ്ഥിതിചെയ്യുന്നത് കനാൽബണ്ടിൽ നിന്ന് കോടശ്ശേരി മലയിലേക്ക് നീണ്ടുകിടക്കുന്ന പൊതുവഴിയിലാണ്. ഈ വഴി പഞ്ചായത്തിന്റെ ആസ്തി രജിസ്റ്ററിലും റവന്യൂ രേഖകളിലും ഉൾപ്പെടുത്തിയിട്ടുള്ളതുമാണ്. പൊതുവഴി ഇവർ കയ്യേറുകയും അടച്ചുകെട്ടി പൊതുജനങ്ങളുടെ സഞ്ചാര സ്വാതന്ത്ര്യത്തെ തടസ്സപ്പെടുത്തിക്കൊണ്ട് സ്വന്തമാക്കിയിരിക്കുന്നതും ചെയ്തിരിക്കുന്നത് ഗുരുതരമായ നിയമലംഘനമാണ്. വർഷങ്ങളായി തുടർന്നുവരുന്ന ഈ നിയമലംഘനത്തിനെതിരെയും ബന്ധപ്പെട്ട അധികൃതർ നടപടികൾ സ്വീകരിച്ചിട്ടില്ല.

കൂടാതെ പുറമ്പോക്ക് ഭൂമിയും പൊതുവഴിയും കൈയേറി ഖനനം നടത്തിയിട്ടുള്ളത് ജിയോളജി വകുപ്പ് കണ്ടെത്തുകയും ക്യാമ്പി ഉടമയിൽ നിന്ന് പിഴ ഈടാക്കുകയും ചെയ്തിട്ടുള്ളതാണ്. എന്നാൽ ഈ നിയമലംഘനം ഇവർ തുടർന്നുകൊണ്ടേയിരിക്കുന്നു. തന്നെയുമല്ല, ഇവർ കൈയേറി കൈവശം വെച്ചിരിക്കുന്ന പുറമ്പോക്ക് ഭൂമിയും പൊതുവഴിയും വീണ്ടെടുക്കുന്നതിനോ, ഈ പൊതുവഴിയിൽക്കൂടി പൊതുജനങ്ങൾക്ക് സഞ്ചാരസ്വാതന്ത്ര്യം പുനസ്ഥാപിക്കുന്നതിനോ പഞ്ചായത്ത് സെക്രട്ടറിയും റവന്യൂ ഉദ്യോഗസ്ഥരും മറ്റ് ബന്ധപ്പെട്ട അധികാരികളും നാളിതുവരെ നടപടികൾ സ്വീകരിച്ചിട്ടില്ല.

വനഭൂമിയോട് ചേർന്നുകിടക്കുന്ന ഈ സ്ഥാപനം ധാരാളം വന്യജീവികളുടെ ആവാസ സ്ഥലമായ വനഭൂമി കൈയേറിയിട്ടുണ്ട്. ക്യാമ്പി പ്രവർത്തിക്കുന്ന സ്ഥലം കേരള Kerala Land Assignment (Regulation of occupation of forest lands prior to 1.1.1977) Special rules 1993 പ്രകാരം പതിച്ചുകൊടുത്ത സ്ഥലങ്ങളാണെന്ന് ജില്ലാ സർവ്വെ സുപ്രണ്ട് റിപ്പോർട്ട് ചെയ്തിട്ടുള്ളതാണ്. ഇതിന്റെ അടിസ്ഥാനത്തിൽ പതിച്ചുകൊടുത്ത സ്ഥലം റിസർവ്വ് ഫോറസ്റ്റ് ആണെന്നും ഇവിടെ ക്യാമ്പിക്ക് ലൈസൻസ് കൊടുക്കുന്നത് ശിക്ഷാർഹമാണെന്നും, റിസർവ്വ് ഫോറസ്റ്റിന്റെ സ്റ്റാറ്റസ്സുള്ള ഭൂമിയിൽ ക്യാമ്പി നടത്താൻ അനുവദിച്ചിട്ടുള്ള ലൈസൻസ് റദ്ദുചെയ്യേണ്ടതാണെന്നും വനം വകുപ്പ് ബന്ധപ്പെട്ട വകുപ്പുകൾക്ക് നിർദ്ദേശം നൽകിയിട്ടുള്ളതുമാണ്.

ഈ നിർദ്ദേശങ്ങളും ഗുരുതരമായ നിയമലംഘനങ്ങളും ബന്ധപ്പെട്ട അധികാരികൾ കണ്ടില്ലെന്ന് നടിക്കുകയും ക്യാമ്പിക്ക് അനുമതി പുതുക്കിക്കൊണ്ടിരിക്കുകയുമാണ്.

ഉപയോഗിച്ചുകഴിഞ്ഞ ഖനനസ്ഥലം പൂർവ്വസ്ഥിതിയിലാക്കാതെ ഉപേക്ഷിച്ച് അപകടാവസ്ഥയിൽ നിലനിറുത്തിയിരിക്കുന്നു. ബന്ധപ്പെട്ട വകുപ്പുകൾ അനുവദിച്ചതിനേക്കാൾ കൂടുതൽ സ്ഥലത്തും അളവിലും ഖനനം നടത്തുകയും അനധികൃതമായി ഖനനവസ്തുക്കൾ കടത്തുകയും ചെയ്തതുമൂലം സർക്കാർ ഖജനാവിന് വലിയ നഷ്ടവും സംഭവിച്ചിട്ടുണ്ട്.

42 EXH-P5
(3)

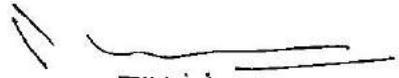
കാർഷിക ആവശ്യങ്ങൾക്ക് മാത്രമായി ഗതാഗതം അനുവദിച്ചിട്ടുള്ള ഇറിഗേഷൻ കനാൽബണ്ടിലൂടെ ക്വാറിയിൽ അമിതഭാരം കയറ്റിയ വാഹനങ്ങൾ പോകുന്നതുമൂലം കനാൽബണ്ടിന് കേടുപാടുകൾ സംഭവിച്ചിട്ടുണ്ടെന്നും അനധികൃതമായി കനാലിനുകുറുകെ പാലം നിർമ്മിച്ചിട്ടുണ്ടെന്നും ഇറിഗേഷൻ വകുപ്പ് ഉദ്യോഗസ്ഥർ കണ്ടെത്തിയിട്ടുണ്ട്. ക്രഷർ പരിസരത്ത് കുഴിച്ചിട്ടുള്ള കുഴൽകിണറുകളിൽ നിന്ന് അമിതമായി ജലചൂഷണം നടത്തുന്നതിനാൽ പരിസരവാസികൾക്ക് കുടിവെള്ളം ലഭിക്കാത്ത സ്ഥിതിയാണുള്ളത്.

പരിസ്ഥിതിലോലപ്രദേശമായ കുഞ്ഞാലിപ്പാറയിൽ ഖനനം നടത്തിയാൽ സമ്പന്നമായ ജൈവ ആവാസവ്യവസ്ഥ തകർക്കപ്പെടുമെന്നും ഇവിടെ നടക്കുന്ന സ്ഫോടനങ്ങൾ തൊട്ടടുത്ത് സ്ഥിതിചെയ്യുന്ന കോടശ്ശേരിമലയുടെ അടിത്തട്ടിന് ബലക്ഷയം ഉണ്ടാക്കുകയും മലയിടിച്ചിലിന് തന്നെ കാരണമാവുകയും ചെയ്യുമെന്ന് വിദഗ്ദ്ധർ മുന്നറിയിപ്പ് നൽകിയിട്ടുള്ളതാണ്. ഈ പ്രദേശത്തുനിന്നും ഒന്നര കിലോമീറ്ററോളം ദൂരെയുള്ള രണ്ടുസ്ഥലങ്ങളിൽ ഉരുൾപൊട്ടലും മണ്ണിടിച്ചിലും സംഭവിച്ചിട്ടുള്ളത് റവന്യൂ ഉദ്യോഗസ്ഥർക്ക് തന്നെ അറിവുള്ളതാണ്. ഇവിടെ പാറഖനനം ഇനിയും തുടർന്നാൽ കുഞ്ഞാലിപ്പാറ മറ്റൊരു കവളപ്പാറയോ പുത്തുമലയോ ആകുമെന്നും ജനങ്ങൾ ഭയപ്പെടുന്നു.

ആയതിനാൽ ഈ പ്രദേശത്തെ നൂറിലധികം കുടുംബങ്ങളുടെ സുരക്ഷയെ മുൻനിർത്തി കുഞ്ഞാലിപ്പാറയിലെ ക്വാറി-ക്രഷർ യൂണിറ്റിന്റെ പ്രവർത്തനം ശാശ്വതമായി അവസാനിപ്പിക്കുന്നതിനുവേണ്ട നടപടികൾ എത്രയും വേഗം സ്വീകരിക്കണമെന്ന് ഞങ്ങൾ അങ്ങയോട് അപേക്ഷിക്കുന്നു.

എന്ന്

കുഞ്ഞാലിപ്പാറ സംരക്ഷണ സമരസമിതിക്കുവേണ്ടി



സി.കെ. രാഘുനാഥ് (ചെയർമാൻ)
ഫോൺ: 9400245879

This is the true copy of documents marked as EXHIBIT-P5 referred ANNEXURE in the above case.
ADVOCATE

From,

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EXHIBIT-P5(a)Ombathungal
22-10-2019

C K Raghunath,
Chairman, Kunjaliparasamrakshana Samithi,
Ombathungal, Mattathur PO, Thrissur District

To,

Shri. Pinarayi Vijayan,
Honourable Chief Minister.
Secretariat, Thiruvananthapuram.

Sir,

Subject :- Prayer for the work of the
Edathaadan Granates Quarry/crusher unit at
Mattathur Grama Panchayath to be stopped.

The residents here are struggling for more than two months against operation of the quarry/ crusher unit of the Edathadan granites located in Kunjalipara at the foot of Kodasseri mountain, Mattathurgrama Panchayath, Chalakudy Thaluk. We would like to bring to your kind attention the following facts about this company which is running the quarry /crusher unit throwing overboard all the existing laws. We would like to bring these serious violations and serious apocalyptic damages to the public safety and nature to your kind attention and request immediate action to stop this company's activities.

Kunjalipara hillock is situated at the base of Kodasseri Mountain. The lives of the residents have been plagued by this company, which has been working even on holidays for ten years here. It is a scary sight to see that deep and widespread chasms have been formed here because they have mined much more than those approved by the relevant departments (Mining and Geology). In addition to this, a great deal of water has been collected, and the soil removed from the surface of the earth for mining has been collected in more than 40 feet above the height of the hillock. The vibration as a result of the explosion and the large quantity of water stored in the quarry pits increases of the risk of land slide. Almost all houses in the area have



44 EXHIBIT-P5(a) (2)

been damaged due to mining with overblown explosions. Complaints regarding this have been given to the authorities, but there has not yet been a permanent solution. The emission of dust caused by the large scale explosion and functioning of the crusher unit causes serious diseases like cancer, asthma and Alzheimer's to local residents. These explosions are affecting even the unborn infants and the pregnant women. Students, parents and residents are terrified because of the over speeding and overloading of Tipper lorries and Torreses, from the quarry, even during school time.

The water sources in the nearby areas are being polluted due to the washed rock sand and waste water with silica and other chemicals. As a result, a large number of nearby residents have been diagnosed with cancer, allergy, and asthma. There has been large scale damage of crops due to letting out the polluted water to the farms and the nearby canal.

The above said Quarry owner has not been keeping the insurance for crop loss under 17th condition of the Ministry of Forests and Climate Change. Because of the mining work in the hillock, the wild boars are coming down and the crops in the valley of this mountain are being widely destroyed. This quarry/crusher unit is located in the public road stretching from the canal bund to the hillock. This way has been mentioned as puramboke road in revenues records. It is a serious violation that quarry company has been holding the public roads as his private property and blocking the public's freedom of movement. The authorities concerned have not taken any action against this violation which has been going on for years. In addition, the Department of Geology has found out the encroachments and illegal mining in the government land. For this violation, the Geology has also levied and fined Rs. 9,92480 from the quarry owner. But these violations continue. Furthermore, the Panchayat Secretary, the revenue officers and other relevant departments have not taken any action to recover the public road from the company. Immediate actions have to be taken by the department concerned (Revenue, panchayath and village) in order to retain the encroached land and the public road. Authorities have not taken any action till date. The quarry owner has earned licence the basis of vague revenue records. This



45 EXHIBIT- P5(a)(3)

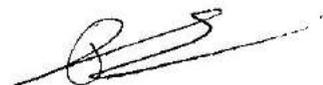
company has encroached into the forest land which is the abode of several wild species.

It has been certified in the report of the district survey superintendent that the places where the quarry/crusher unit is functioning have been assigned as per the special rules of Kerala Land Assignment (Regulation of Occupation of Forest Land prior to 1/1/1977) 1993. The authorities concerned have not seen these serious violations and the forest department has reported and instructed that it is in the reserve forest the quarry licence has been given and such act is punishable and that the licence issued to do quarrying in the land which has forest status has to be cancelled. The authorities concerned has been blind to these serious violation and instruction of the forest department. Still they are renewing approval of mining.

The abandoned quarry site has been left in a state of danger. The government Treasury has also suffered major loss due to the mining in more space and quantity. The irrigation department has found that due to unauthorized transporting of mining materials the canal bund road has been severely damaged. It is especially due to passing of overloaded Torres vehicles. The irrigation department has also discovered that a bridge has been unauthorizedly built across the canal. The neighbourhood is not receiving drinking water due to overexploitation of water by digging tube wells in the crusher vicinity. The wells that had not dried up even during the summer in old days are now dry.

The experts have warned that if mining in this environmentally sensitive Kunjalipara is carried on, the rich bio diversity will be damaged and that the large scale explosions for the mining will weaken the base of Kodasseri mountain and it will cause large scale soil erosion and landslides. The revenue officials are aware of the fact that there has taken by landslides in two places just one and half kilometres from the quarry site. The people here are under the fear that if the mining is continued, another kavalapara or puthumala will be repeated.

The plight being this, in view of the safety and security of the hundreds of inhabitants in this locale, we request to you to take the



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EXHIBIT-P5(a) (4)

necessary measures as soon as possible to close down the quarry/crusher unit once and for all

For Kunjalipara Protection Committee

C. K Reghunath (Chairman)
Mobile: 9400245879

This Text-P5(a) is the true English translation of Text-P5 referred in the N.P.C


Advocate

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 06TH DAY OF AUGUST 2020 / 15TH SRAVANA, 1942

WP(C).No.24806 OF 2019(A)

PETITIONERS:

- 1 PETER,
S/O.DEVASSY, AGED 57 YEARS
NADUVILEVEETIL HOUSE,
MATTATHOOR.P.O., THRISSUR DISTRICT, PIN-680684.
 - 2 SAJIN JOHN
S/O.JOHN, POONKAVANAM HOUSE, PADY.P.O.,
THRISSUR DISTRICT, PIN-680699
 - 3 ISACC CHERIYAN
PONNAL HOUSE, MATTATHOOR.P.O,
THRISSUR DISTRICT, PIN-680684
- BY ADVS.
SRI.GEORGEKUTTY MATHEW
DR.K.P.SATHEESAN (SR.)

RESPONDENTS:

- 1 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
INDIRA PARYAVARAN BHAVAN, ALIGANJ,
JORBAGH ROAD, NEW DELHI-110003
- 2 THE DIRECTOR OF MINING AND GEOLOGY
KESAVADSAPURAM.P.O., THIRUVANANTHAPURAM PIN-695001
- 3 THE KERALA DISASTER MANAGEMENT AUTHORITY
REPRESENTED BY ITS MEMBER SECRETARY,
THIRUVANANTHAPURAM PIN-695001
- 4 THE DISTRICT COLLECTOR
COLLECTORATE, THRISSUR DISTRICT, PIN-680001
- 5 THE GEOLOGIST
OFFICE OF MINING AND GEOLOGY,
THRISSUR DISTRICT, PIN-680001
- 6 THE DIVISIONAL FOREST OFFICER,
CHALAKKUDY.P.O., THRISSUR DISTRICT, PIN-680307
- 7 KERALA STATE POLLUTION CONTROL BOARD
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE OF POLLUTION CONTROL BOARD,
CHEMBUKAVU, THRISSUR.P.O, PI-680020.

- 8 THE TALUK SURVEYOR,
TALUK OFFICE, CHALAKKUDY,
CHALAKKUDY.P.O., THRISSUR DISTRICT, PIN-680307
- 9 THE EXECUTIVE ENGINEER
IRRIGATION DEPARTMENT, SUB DIVISION I, CHALAKKUDY.P.O.,
THRISSUR DISTRICT, PIN-680307
- 10 THE MATTATHUR GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY,
MATTATHOOR.P.O., THRISSUR DISTRICT, PIN680684
- 11 THE CIRCLE INSPECTOR OF POLICE
VELLIKULANGARA POLICE STATION,
THRISSUR DISTRICT, PIN-680699
- 12 M/S.EDATHADAN GRANITES (PRIVATE)LIMITED,
REPRESENTED BY ITS MANAGING PARTNER, OMBATHUNGAL,
MATTATHUR.P.O., THRISSUR DISTRICT, PIN-680684
- 13 THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001,
- 14 THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF INDUSTRIES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001
- 15 THE STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(SEIAA), K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR,
THAMPANOR, THIRUVANANTHAPURAM - 695 001 REPRESENTED BY
ITS MEMBER SECRETARY

ADDITONAL R13 TO R15 ARE IMPLEADED SUO MOTU

R1 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA
R2-6, R8-9, R11 BY SRI.RANJITH THAMPAN, ADDL.ADVOCATE GENERAL
R10 BY ADV. SRI.M.R.VENUGOPAL
R10 BY ADV. SMT.DHANYA P.ASHOKAN
R12 BY ADV. SRI.T.H.ABDUL AZEEZ
R12 BY ADV. SRI.MOHAMMED SADIQUE.T.A

OTHER PRESENT:

SRI. S. KANNAN, GP, SRI. T. NAVEEN (SC)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-07-2020, THE COURT ON 06-08-2020 DELIVERED THE FOLLOWING:

'C.R.'

J U D G M E N TDated this the 6th Day of August, 2020Gopinath, J:

This writ petition is filed challenging the operation of a granite stone quarry by the 12th respondent, on the basis of an Environmental Clearance (hereinafter also referred to as 'E.C') allegedly obtained through suppression of material facts. It is also alleged that certain other permissions granted to the 12th respondent are illegal and that the 12th respondent has not obtained all the permissions required under the law. There are certain other allegations such as violation of E.C conditions, encroachment into Government lands, accumulation of water in pits and heaping of overburden etc. In short, the petitioners allege rampant violations of law in the matter of the operation of the quarry.

2. The 12th respondent was granted Ext.P8 mining lease in respect of an extent of 4.7065 hectares of land comprised in Sy Nos.1270/4, 5, 7, 8, 1271/2, 3,4, 1273/1, 2, 1272/1 of Kodassery Village in Chalakudy, Thrissur. The petitioners in the writ petition are residents in properties adjoining to or near to the aforesaid lands in respect of which Ext.P8 mining lease has been issued. They contend **(i)** that the Ext.P3 Environmental Clearance was obtained by suppression of several material facts and especially the fact that the lands were 'Forest' lands assigned to the predecessors-in-interest of the 12th respondent for specified purposes and therefore that an

Environmental Clearance obtained by suppression of several material facts is liable to be quashed.; **(ii)** that the Environmental Clearance is bad for the reason that a no objection certificate in respect of the nearby water tank and irrigation canal has not been obtained as mandated under Section 40 (2) of the Kerala Irrigation and Conservation of Water Act, 2003 (hereinafter referred to as 'Conservation of Water Act'); **(iii)** that the operation of the quarry is in violation of several conditions imposed in the Environmental Clearance; **(iv)** that a huge quantity of topsoil removed from the land for enabling mining activities have been unscientifically stored causing threat of landslide etc. which may affect the houses of the petitioners which are situated at a lower level than the quarry operated by the 12th respondent; **(v)** that huge pits which have been formed on account of the mining activities are filled with water and this may cause extreme danger to persons like the petitioners who live at lower level; **(vi)** that there is violation of Rule 164 of the Metalliferous Mines Regulations, 1961; **(vii)** that the activities of the 12th respondent has resulted in destruction of a public road **(viii)** that there is illegal extraction of rock from the Government land and destruction of boundary and survey mark etc.; and **(ix)** that the operation of the quarry is in violation of the orders issued by the National Green Tribunal in O.A No. 304/2019 on 21.7.2020 whereby the Tribunal has directed that blasting operations shall not be permitted if there are residential buildings within a radius of 200 Meters of a quarry

[This contention is not one taken in the writ petition and has been raised only in the additional affidavit filed in support of I.A Nos.5 & 6 of 2020, in the above Writ Petition.]

3. The 12th respondent has filed a counter-affidavit refuting the allegations levelled by the petitioners. Some of the official respondents have filed statements/counter-affidavits setting out their stand in the matter. The 12th respondent contends, *inter alia*, **(i)** that the Environmental Clearance cannot be challenged before this Court as the Writ Petitioners have an effective alternate remedy before the National Green Tribunal; **(ii)** that the writ petition is barred by delay and laches; **(iii)** that there is absolutely no suppression of facts in the application for Environment Clearance; **(iv)** that the land in question is not 'Forest' land; **(v)** that the quarry is functioning with all requisite permissions; **(vi)** that there is absolutely no danger caused on account of functioning of the quarry to the petitioners or anybody else; **(vii)** that there is no illegality in permitting the 12th respondent to construct / use the culvert in question; **(viii)** that N.O.C has been obtained from the Executive Engineer, Edamalayar Irrigation project as contemplated in the Kerala Irrigation and Water Conservation Act, 2003 and therefore that Ext.P4 judgment has no application to the facts of the case; **(ix)** that there is no damage to the Village Road, as alleged, and that the said road was strengthened to PWD standards at the cost of the 12th respondent; **(x)** that the mining activities

are carried out strictly in accordance with the approved mining plan; **(xi)** that there is no threat of pollution; **(xii)** that no Government land has been encroached and **(xiii)** that the 12th respondent has not destroyed boundary marks etc. The learned Government Pleader would also state that the Writ Petition is not maintainable. However, he also contends that the mining activity cannot be carried on in lands which were part of a reserve forest (originally) without permission from the Government and further that this issue is now before the Government in terms of the directions issued by this Court in W.P (C) 641/2020.

4. The writ petitioners have filed a reply affidavit producing certain documents to show that the land in question is part of a reserve forest and forms part of Old Sy.No 436 of Kodassery Village which was declared as a reserve forest by Notification dated 9.10.1909 of the Cochin Government. They state that this notification is part of the Counter Affidavit filed by the Forest Department in W.P (C) 641/2020 which was filed by the 12th Respondent challenging a stop memo issued by the Forest officials. They also reiterate their contentions in the Writ Petition.

5. In furtherance to an interim order issued by this court on 18-02-2020, the District Collector, Thrissur along with Divisional Forest Officer, Chalakudy and the District Geologist Thrissur conducted an inspection at the quarry site. A report of the inspection has been placed on record by the Government Pleader through a memo dated 12-03-2020.

6. I have heard Sri. Georgekutty Mathew learned counsel appearing for the petitioners, Sri. PK. Suresh Kumar, learned Senior Advocate instructed by Sri. T.A. Mohammed Sadique for the 12th respondent, the Learned Assistant Solicitor General for the 1st respondent, Sri. S. Kannan, learned Government Pleader appearing on behalf of Respondents 2 to 6, 8, 9 & 11 & Sri.T.Naveen Learned Standing Counsel for the Kerala State Pollution Control Board. On 30.7.2020, when I.A Nos. 5 & 6 were taken up for consideration, I heard Dr. K.P. Sateeshan, Learned Senior Advocate instructed by Sri. Georgekutty Mathew learned counsel appearing for the petitioners.

7. At the outset, it is necessary to deal with two contentions raised by the learned Senior Counsel appearing on behalf of the 12th respondent as well as the Learned Government Pleader that the writ petition itself is not maintainable on account of (i) the fact that the Environmental Clearance granted to the 12th respondent has to be challenged, if at all, only through appropriate proceedings initiated before the National Green Tribunal; and (ii) that the Writ Petition is barred by delay and laches. It is to be noticed that Ext.P3 Environmental Clearance was issued as early on 12-03-2015. This writ petition was filed only on 18-09-2019. It is no doubt true that delay is one of the grounds that will have to be considered in the exercise of discretionary jurisdiction under Article 226 of the Constitution of India. The learned counsel for the petitioner would contend that an earlier writ

petition against the functioning of the quarry is pending consideration of this Court as W.P(C) 7344/2014 and further that the present Writ Petition was filed only when the operation of the quarry became so objectionable and dangerous to persons living nearby (like the petitioners). In a matter like this where violations of environmental law and other gross statutory violations are alleged, it would not be proper for this Court to refuse consideration of the issue on merits, on the ground of delay. The issue as to whether the delay will disentitle the petitioners to any discretionary relief is certainly a matter for consideration at the stage when this court considers the reliefs, if any, that are required to be granted. As far as the question of alternate remedy is concerned it is to be noticed that at the time when the Writ Petition was filed any remedy under the National Green Tribunal Act, 2010, was barred¹. It is settled law that this court cannot extend the statutory period of limitation fixed by a statute. However, that does not mean that this Court cannot independently examine the validity of the Environment Clearance under Article 226 of the Constitution of India. The question to be considered is whether the existence of an alternative remedy of appeal before the National Green Tribunal should act as a complete bar to the entertainment of this writ petition. It is settled law that existence of an alternative remedy is not a bar to exercise of jurisdiction under Article 226 of the Constitution of India and that relegation of a party to a statutory appeal or other alternative remedy is only a self-imposed limitation. [See

¹ Vide Section 16 of the National Green Tribunal Act, 2010

Commissioner of Income Tax v. Chhabil Dass Agarwal, (2014) 1 SCC 603]. This writ petition was admitted on 19-09-2019. The parties have filed their respective pleadings. Pursuant to interim orders inspections have been carried out and reports filed before this court. The fact that a Writ Petition has been admitted and interim orders have been issued is not in itself a ground which would compel this Court to examine the matter on merits despite the existence of effective alternate remedy. [See ***State of U.P. v. U.P. Rajya Khanij Vikas Nigam Sangharsh Samiti, (2008) 12 SCC 675 & Genpact India Private Limited v. Deputy Commissioner of Income Tax and Another, (2019 SCC Online SC 1500)***]. It is true that the petitioner had an alternative remedy of filing an appeal against Ext.P3 Environmental Clearance before the National Green Tribunal. However, it is also to be noticed apart from questioning the Environmental Clearance various other reliefs have been sought for in this writ petition. At least some of the reliefs sought for cannot obviously be granted by the National Green Tribunal when examining the validity of Ext.P3. Therefore, I reject the contentions raised regarding the maintainability of the writ petition, I hold that the writ petition is maintainable notwithstanding the availability of alternate remedy against Ext.P3 before the National Green Tribunal.

8. In view of the finding that the Writ Petition is maintainable, the following issues arise for consideration:-

- (i) *Is Ext.P3 Environmental Clearance illegal and unsustainable in law on account of suppression of material facts especially the fact that the lands in question were 'forest' lands assigned for agricultural/residential purposes after obtaining permission of the Central Government ?*
- (ii) *Is Ext.P3 Environmental Clearance illegal and unsustainable in law on account of failure to obtain no-objection certificates required under the provisions of the Kerala Irrigation and Water Conservation Act, 2003 ?*
- (iii) *Whether Ext.P8 order granting mining lease is liable to be cancelled on account of the fact that it was issued on the assumption that the lands in question are not lands assigned by the Government for specified purposes?*
- (iv) *Whether directions are required to be issued regarding the following issues / allegations raised by the petitioners:-*
- (a) *Filling up of mined areas with 'overburden' which is now stacked unscientifically at the mining site and the possibility of land slide;*
 - (b) *The apprehension of landslide due to water collection in pits formed due to mining and stacking of overburden in an unscientific manner;*
 - (c) *The alleged destruction of public road;*
 - (d) *The alleged destruction of a culvert over the canal near the mining area;*
 - (e) *violation of E.C conditions;*
 - (f) *illegal extraction of minerals from Government (puramboke) lands;*
 - (g) *destruction of boundary and survey marks;and*
 - (h) *alleged violation of Regulation 164 of the Metalliferous Mines Regulations, 1961.*

- (v) *What is the effect of the directions issued by the National Green Tribunal in O.A No. 304/2019 on 21.7.2020 whereby the Tribunal has directed that blasting operations shall not be permitted if there are residential buildings within a radius of 200 Meters of a quarry?*
- (vi) *If the Environmental Clearance is found to be illegal and unsustainable what relief must be granted in this Writ Petition considering the delay (if any) in approaching this Court and also considering the fact that the issue as to whether mining should be permitted in the areas in question is pending consideration of the Government by virtue of directions issued by this Court in W.P(C) 641 of 2020 ?*

Re. Issue (i)

9. Ext.P3 Environmental Clearance is one granted in terms of the provisions contained in the Environmental Impact Assessment Notification 2006. It is clear from a reading of Ext.P3 that it was issued on the premise that no forest land is involved in the area proposed for mining activity. That the site in question is part of Kodassery Koomban Reserve Forest in view of the Reserve Forest notification published in the Cochin Government Gazette as early as on 09-10-1909 is not seriously disputed before me by the 12th respondent. This fact is also clear from the affidavit dated 27-01-2020 filed by the Divisional Forest Officer, Chalakkudy in W.P (C) No.641/2020 which, has been placed on record by the petitioners along with their reply affidavit, as Ext.P16. The Reserve Forest notification issued

on 09-10-1909 is part of Ext.P16. It is also clear from the report dated 11-03-2020 filed by the District Collector enclosing the report of the Divisional Forest Officer, Chalakudy that the land on which the mining activity was permitted through Ext.P3 Environmental clearance is a Reserve Forest and part of the Kodassery Koomban Reserve by virtue of the notification of 1909, referred to above. In paragraph 4 of Ext.P3 it is stated:-

"The total mining lease area of 4.7065 ha which is private land. No forest land is involved"

It is settled law that once a particular land has been notified as a forest under any provision enabling the authorities to do so, the land does not lose the character of forest land and notwithstanding any purpose for which it may be subsequently put to use, it will still carry the nature and character of forest land [vide *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267]. In *State of Uttarakhand v. Kumaon Stone Crusher*, (2018) 14 SCC 537 it was held:-

"XIII. Meaning of "forest"

124. Safeguarding of forest has also been recognised by our Constitution under Article 48-A which obliges the State to protect and improve the environment and to safeguard the forests and wildlife of the country. Article 51-A clause (g) enumerates the fundamental duty of every citizen of India to protect and improve the natural environment including the forests, lakes, rivers, wildlife.

125. *The Forest (Conservation) Act, 1980 is another parliamentary enactment which has been specifically enacted to provide for the conservation of the forest and for matters connected therewith. The definition of “forest” cannot be confined only to reserved forests, village forests and protected forests as enumerated in the 1927 Act. This Court has already held in T.N. Godavarman Thirumulpad v. Union of India [T.N. Godavarman Thirumulpad v. Union of India, (1997) 2 SCC 267] that the word “forest” must be understood according to its dictionary meaning, in para 4 the following is stated: (SCC pp. 269-70)*

“4. ... The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest (Conservation) Act. The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest (Conservation) Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof.”

126. *Thus, forest shall include all statutorily recognised forests, whether designated as reserved, protected or otherwise. The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area*

recorded as forest in the government records irrespective of the ownership. The restrictive meaning of forest as given by the Uttarakhand High Court in M/s Gupta Builders cannot be approved."

Applying the ratio of **Godavarman Thirumulpad** as well as that of **Kumaon Stone Crusher** the contention of the Learned Senior Counsel for the 12th respondent that no Forest Land is involved cannot be accepted.

10. The learned Senior Counsel for the 12th respondent would then contend, on the *ratio* of the judgment of this Court in **Omana v. Anil Kumar**, 2017 (2) KLT 481, that notwithstanding the wide definition of 'forest' in **Godavarman Thirumulpad (supra)**, once the land is assigned, the land loses its character as a forest land. In **Omana** this Court held:-

"Thereafter, the said lands were assigned in terms of the Assignment Rules that were framed under the 1960 Act. The assignments, having been effected to the predecessors in interest of the present land owners, also had the effect of transferring the title over the said lands to the said persons. The question then arises, as to whether, after a transfer of registry in respect of the land, whereby the State Government relinquished its title over the land in favour of the assignee, the notification declaring the lands as reserved forests would continue to apply in respect of the said lands, so as to impose restrictions with regard to the manner of use of the lands. In my view, the transfer of registry in respect of the land effectively divested the title over the land from the State

Government and vested it in the assignee. The land in question, upon assignment and thereafter, ceased to be Forest land for the purposes of the Kerala Forest Act and Rules, as also for the purposes of the Forest Conservation Act, 1980. Consequently, the notification that once included the said lands in the category of reserved forests, ceased to have any application to the said lands after their assignment to the predecessors in interest of the present land owners."

After referring to the fact that the assignments in question in that case were prior to coming into force of the Forest Conservation Act, 1980, the learned Judge proceeded to hold as follows:-

"17. The upshot of the aforesaid discussion, therefore, is that the lands, in respect of which the quarrying leases covered by these Writ Petitions have been granted, cannot be seen as Forest Lands for the purposes of invoking the provisions of the Forest Conservation Act, 1980. This issue is answered accordingly, in favour of the said petitioners."

The view taken by the learned Single Judge has been doubted by another learned Judge of this court in W.P (C) No.8244/2019 and the issue is now pending in reference before the Division Bench. The Learned Senior Counsel for the 12th respondent would however contend that the law laid down in ***Omana (supra)*** has been affirmed by the Division Bench in ***One Earth One Life v. Ministry of Environment and Forests***, 2018 (3) KLT 683. I find it difficult to accept the contention of the learned Senior Counsel for the 12th respondent that the judgment of the learned

Single Judge in ***Omana (supra)*** has been affirmed in ***One Earth One Life (surpa)***. Though the judgment in ***Omana*** has been extensively referred to, the Division Bench, after referring to ***Godavarman Thirumulpad (supra)***; ***Haridas R. v. State of Kerala***, 2016 (4) KLT 707, ***Nature Lovers Movement v. State of Kerala***, AIR 2000 Ker.131 (FB), the judgment of the Apex Court in the Special Leave Petition challenging the aforesaid Full Bench judgment of this court viz. ***Nature Lovers Movement v. State of Kerala***, (2009) 5 SCC 373 and; ***State of Kerala v. New World Investments***, ILR 2016 (1) Ker. 817 held:-

"38. The quarrying for minerals is certainly a non-forest activity and therefore, without securing prior permission from the Central Government, such non-forest activity cannot be permitted in the lands declared as Reserve Forest which continue to be categorized so, in the revenue records. But, no attention appears to have been paid to this aspect, when the quarry permits were granted to the respondents 13 - 23. The protection of the environment and soil conservation is paramount in public interest, as otherwise, the right to enjoyment of life, guaranteed under Art.21 of the Constitution, would be impacted for the inhabitants of the area. While the development needs may also have to be accounted for, the courts must bear in mind that environment must be protected and pollution be minimized for greater interest of mankind."

39. to 43.....

"44. Obviously, the quarrying lease was being executed between the Geologist coming under the Department of Mining

and Geology, representing the State Government, without any involvement of the Forest or Revenue authorities. This was only with reference to the Kerala Minor Mineral Concession Rules, 1967, framed in terms of the relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957. **As such, permission was being granted without ascertaining the nature or purpose of assignment of land involved.** The lacuna in this regard was taken note of by the Government, who, accordingly, filled up the gap while framing the new Rules (Rule 4 of the Kerala Minor Mineral Concession Rules, 2015), whereby production of the relevant certificate from the Village Officer is insisted, for granting/renewing the leasehold right. **As it stands now, no lease can be granted, contrary to the purpose of the assignment.**

45 & 46.....

47. Consequent to above, we are of the considered opinion that the Public Trust doctrine must also be made applicable in the present case. It is thus declared that whenever the Government decides to grant quarry permit or renew such permits, it must always take into account the availability of natural resources and the ecological impact and other environmental factors. Very often, quarry permits are granted on the basis of one sided self serving project reports which may not give a clear picture of the ground realities. This, in our considered opinion, is a significant lacuna to be addressed by State authorities.

48.....

49. Following the above discussion and having regard to the ratio in *T.N.Godavarman Thirumalpad v. Union of India* (supra), as also the doctrine of Public Trust enunciated by the

Supreme Court in *M.C.Mehta v. Kamal Nath (supra)*, **we are of the considered opinion that the concerned areas which are declared to be Reserve Forest, should continue to receive the protective cover of law, notwithstanding the settlement and assignment over the areas. In other words, these lands should be treated as forest lands. The assignment of these lands, for the limited purpose of settlement and agriculture in the already denuded lands, can be permitted. But, quarrying activities should not be encouraged, since it will cause permanent damage to the area.** The removal of granite stones even from the rocky areas, will lead to loosening of the surface soil with its attendant problems of landslide and destruction of the green cover and these can hardly be permitted, if one takes into account the future needs of the mankind. Therefore, answering the issue Nos. (A), (B) and (C), we say that assignment of the land for limited purpose, envisaged under Rule 3 of the Special Assignment Rules, can be permitted. **However, quarrying activities in those lands should either be prohibited altogether or should be permitted only under strict regulatory measures.** The first three issues are answered accordingly." (emphasis is supplied)

11. Therefore the decision in ***Omana (supra)*** cannot be applied in the facts of this case. The findings of the Division Bench in ***One Earth One Life***, in so far as it is relevant for this case are:-

- (i) that only activities permitted at the time of assignment can be normally permitted in forest lands assigned for

agricultural/residential purposes;

- (ii) that a land which is treated as Reserve Forest will continue to be characterized as such and any non-forest activity including quarrying for minerals can be permitted only with the permission of the Central Government;
- (iii) Quarrying activities in Reserve Forest lands should either be prohibited altogether or permitted only under strict regulatory measures.

Since it is not disputed before me that the lands in question in this case were forest lands assigned for agricultural purposes and this fact is also borne out from the documents/pleadings already referred to, I hold that the fact that the lands in question in this case were forest lands assigned for agricultural purposes was certainly was a relevant factor for consideration while issuing the Environmental Clearance especially in the light of the provisions in the Forest Conservation Act, 1980 and in view of the law laid down by a Division Bench of this Court in ***One Earth One Life (supra)***.

Re. Issue (ii)

12. This court in judgment dated 1.11.2017 in W.P (C) No.23565/2017 had quashed an Environmental Clearance on account of the failure of the project proponent to obtain a no objection certificate under the provisions of Kerala Irrigation and Water Conservation Act, 2003. Ext.R12 (a) no objection certificate was obtained only on 01-11-2019

which is much after the date of obtaining Ext.P3 Environmental Clearance. The existence of an irrigation canal at a distance of 172.86 meters and a public water tank at a distance of 563.50 meters of quarry site is evident from the report of the District Collector. A Division Bench of this court in ***Sobin P.K. v. District Geologist, Ernakulam and others, 2020 (1) KHC 1*** held that the provisions of the ***Kerala Irrigation and Water Conservation Act, 2003*** would extend to canals, water tanks etc., even if they are not owned and operated by the Irrigation Department. The learned counsel for the petitioners is therefore right in contending that a no objection certificate was mandatory in view of the existence of the irrigation canal at a distance of 172.86 meters and the public water tank at a distance of 563.50 meters of quarry site. Section 40 (2) states that such no objection will be required in respect of mining or quarrying activity within a radius of one kilometer of any bridge, dam, check dam or any other work structure or construction owned, controlled or maintained by the Government, local authority or other authority. In view of the law laid down in ***Sobin P.K*** (supra) it is clear that the failure to obtain a no objection certificate from the Irrigation Department in respect of the water tank is clearly an aspect which would affect the validity of Ext.P3 Environmental clearance. Even if Ext.R12 (a) is taken into consideration the same is only in respect of the irrigation canal not in respect of the water tank. Therefore the failure of the 12th respondent to obtain a no objection

certificate under the provisions of Kerala Irrigation and Water Conservation Act, 2003 affects the validity of Ext.P3.

Re. Issue (iii)

13. The lands forming part of the aforesaid Kodassery Koomban Reserve Forest have been subject matter of encroachment over several years. After obtaining permission of the Government of India, lands forming part of the aforesaid reserve forest were assigned to various persons for the purpose of carrying out agricultural activities. Though this assignment is expressed as one under the provisions of the *Kerala Land Assignment Rules, 1964*, it is the assertion of the learned Government Pleader that the assignment is under the provisions of the *Arable Forest Assignment Rules, 1970* which have also been framed in terms of the provisions contained in the *Kerala Government Land Assignment Act, 1960*. It is seen from the *pattayams* issued to the predecessors in interest of the 12th respondent [produced as Ext.R12 (m) to R12 (s)] that reference is made to the provisions of Rule 9 (2) of the *Kerala Land Assignment Rules of 1964* which according to the Government Pleader was an inadvertent error or the wrong use of forms by the officials concerned. In view of the fact that the *Arable Forest Assignment Rules of 1970* were already in place as on the date of issuance of *pattayams* referred to above it is clear that these *pattayams* which have been issued in January, February and March of 1980 will have to be taken as one under the *Arable Forest Assignment*

Rules, 1970 and not an assignment in terms of the *Kerala Land Assignment Rules of 1964*. The mention of the 1964 Rules can only be taken as a wrong quoting of the relevant provisions.

14. This court in ***Mahindra Holidays and Resorts India Ltd. v. State of Kerala***, 2019 (2) KLT 978 after referring to the provisions of the *Land Assignment Rules 1964* and in particular Rule 4 thereof found that assignment can only be for the purpose of personal cultivation or house sites. A reference to Rule 3 of the *Arable Forest Land Assignment Rules, 1970* also shows that the assignment can only be for the purpose of personal cultivation or for house sites or for cultivation on co-operative basis. Paragraph 16 of the judgment in **Mahindra Holidays** (supra) reads as follows:

"16. As adverted above, in private law, positive obligations or covenants will not run with the land and will not bind subsequent assignee. In public law, the assignment itself was on public interest. The moment, the object of the public law is defeated, the assignment becomes revocable. The original assignment would not have been possible for any other purposes other than the purpose for which it was assigned. The purpose for the assignment would equally bind the patta holder as well as his assignee. This is the reflection of public trust doctrine. There is no requirement to have conditions in patta that the patta holder or its assignee should cultivate the land all the time. The very basis of such assignment was for cultivation. The patta holder or assignee if commits any act defeating the object of the assignment, is bound to restore the land to the assignor."

The same view was taken by this court in ***Haridas R. v. State of Kerala and others***, 2016 (4) KLT 707. Clause 8 of all the *pattayams* issued to the predecessor in interest of the 12th respondent [Ext.R12 (m) to Ext.R12 (s)] reads as follows:-

"The assignee or any member of his family or successor-in-interest shall reside in/cultivate the land and such residence/cultivate shall commence effectively within a period of one year from the date of receipt of patta."

Clause 9 of all the *pattayams* referred to above categorically provides that the registry shall be liable to be cancelled for contravention of any of the '*aforsaid conditions*' which obviously includes Clause 8. The form of patta under the Arable Forest Land Assignment Rules (Form No.5) contains almost identical provisions in clauses 2 & 3. Therefore the question as to whether the assignment was under the *Kerala Land Assignment Rules, 1964* or under the *Arable Forest Land Assignment Rules 1970* need not detain this court from holding that the use of the land for purposes other than residence or cultivation by either the original assignee or the successor-in-interest will be a violation of the condition of assignment. The non-disclosure of the fact that the lands in question were Forest Lands assigned for agricultural / residential purposes clearly amounts to non-disclosure of material facts, affecting the validity of Ext.P3.

Re. Issue (iv)

15. The statement dated 11-10-2019 filed by the 5th respondent in this Court on 12-10-2019 states that mining activity by the 12th respondent has been going on upon the lands in question for the past 10 years. The photographs produced by the petitioner as well as the 12th respondent show that huge pits have been formed on account of the mining. The State of Kerala has reported several accidents on account of the huge pits formed on account of mining activity on sites which are abandoned by the project proponents. Precious lives have been lost due to such accidents. It is rather unfortunate that the authorities have failed to address this issue effectively. It is the need of the hour to ensure that the pits formed due to mining activity are restored. In the facts of this case it is seen that huge quantities of overburden are stocked at the site. Though fresh mining leases have been issued from time to time, the Mining & Geology Department appears to have done little to ensure that the pits formed at points where the mining activity has been abandoned is restored using the overburden. Therefore necessary directions have to be issued to ensure that the pits at points where the mining activity has been abandoned is restored immediately. The 12th Respondent has undertaken before me that this will be done within a period of six months. The 12th respondent has also undertaken to take steps for afforestation of the restored areas within the same period. The officials of the forest department will have to be directed

to ensure that afforestation activities are also undertaken by the 12th respondent, completely at its cost, by planting trees of such type and in such number as may be required to restore the natural flora and fauna of the site, in such manner as may be directed by the 6th respondent. The restoration/afforestation will have to be completed by 31-12-2020.

16. The apprehension of landslide due to water collection in pits formed due to mining and stacking of overburden in an unscientific manner is definitely a matter to be considered by the 3rd respondent. It is stated before me that Ext.P13 complaint filed before the 3rd Respondent has been referred to the District Level Disaster Management Authority for consideration. This is recorded.

17. The complaints of the petitioners regarding destruction of public road; destruction of a culvert over the canal near the mining area; illegal extraction of minerals from Government (puramboke) lands; destruction of boundary and survey marks; and alleged violation of Regulation 164 of the Metalliferous Mines Regulations, 1961 are matters which have to be considered by the respective authorities on the matter being brought to their notice by the petitioners. These are essentially questions of fact which cannot be determined in these proceedings.

Re. Issue (v)

18. Through an order dated 21-07-2020 in O.A 304/2019, the National Green Tribunal appears to have taken on record a report

submitted by the Central Pollution Control Board that a minimum distance of 100m (when blasting is not involved) and 200m (when blasting is involved) should be maintained between residential/public buildings and quarrying sites. Referring to Ext.P.19, it is submitted that there are several residential houses within the aforesaid 200 Mts and therefore that the activities must be ordered to be stopped forthwith. It is to be noticed that the distance prescribed in the Kerala Minor Minerals Concession Rules, 2015 is only 50 mts. The National Green Tribunal has not struck down the Rules. Further this is not a point raised in the Writ Petition. Therefore I refrain from issuing any directions on the basis of the order of the National Green Tribunal in O.A 304/2019.

Re. Issue (vi)

19. The findings on issues (i), (ii) and (iii) would have normally resulted in an order setting aside Ext.P3 Environmental Clearance. However I refrain from doing so on account of the fact that there is considerable delay in approaching this court challenging Ext.P3 Environmental Clearance. As already noticed, Ext.P3 was issued on 12-03-2015 and this writ petition was filed only on 18-09-2019. Delay is certainly a factor which will have to be considered when the grant of a discretionary relief is sought. Judicial Review on a writ of *certiorari* is not a matter of right, but of judicial discretion and I believe that there are sound reasons to refuse *certiorari* to quash Ext.P.3, in this case. I must notice

that the issue as to whether mining activity can be permitted on the lands in question is pending consideration before the Government of Kerala by virtue of the judgment of this Court in W.P (C) 641/2020 [Ext.R.12(L) judgment dated 06-02-2020]. In W.P (C) 641/2020 this Court was examining the validity of a stop memo dated 29-10-2019 issued to the 12th Respondent by the Divisional Forest Officer, Chalakkudy. This Court through Ext.R.12(L) judgment dated 06-02-2020 has found that the stop memo could not have been issued by the Divisional Forest Officer and has directed the Government of Kerala in the Industries Department to take a decision as to whether mining activity should be permitted in the area in question. A reading of Ext.R12(L) judgment shows that this Court had only examined the issue relating to the competence of the Divisional Forest Officer to issue a stop memo and had directed the Government of Kerala in the Industries Department to take a decision in the matter on account of the fact that mining lease is issued by the Director of Mining & Geology who functions under the administrative control of the Industries Department. Though Ext.P3 Environmental clearance is not being set aside, the decision to be taken by the Government of Kerala, as directed in Ext.R2(L) judgment in W.P (C) 641/2020 will have a bearing on the issue. The activity in respect of which the E.C was issued is a Category 'B' project under the EIA Notification, 2006. The question of granting Environmental clearance was considered by the Ministry of Environment and Forests as

the tenure of the State Level Environment Impact Assessment Authority (SEIAA) had expired at that time. Since the SEIAA is now in place in the State of Kerala necessary directions will have to be issued to the SEIAA, Kerala to take note of the observations and findings in this judgment and consider/re-consider the matter of grant of Environmental Clearance to the 12th respondent. Directions will also have to be issued in respect of matters considered under issue No.5.

20. In order to ensure compliance with the directions to be issued by this Court, (i) The State of Kerala, represented by the Chief Secretary to Government, Government Secretariat, Thiruvananthapuram-695 001, (2) The Principal Secretary to Government, Department of Industries, Government Secretariat, Thiruvananthapuram-695 001 and the (3) The State Level Environment Impact Assessment Authority (SEIAA), K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor, Thiruvananthapuram - 695 001 represented by its Member Secretary, are *suo motu* impleaded as additional respondents 13, 14 & 15 to this writ petition. Registry shall carry out necessary corrections to the cause title.

21. In view of the findings on issues (i) to (vi), this Writ Petition will stand disposed of with the following directions:-

- (i) The Government of Kerala, shall take up for consideration the question as to whether the 12th respondent should be permitted to conduct quarrying operations in land having an extent of 4.7065

hectares of land comprised in Sy Nos.1270/4, 5, 7, 8, 1271/2, 3,4, 1273/1, 2, 1272/1 of Kodassery Village in Chalakudy, Thrissur which was identified as a Reserve Forest in terms of the notification issued by the Cochin Government on 09-10-1909, as directed by this Court in the Judgment dated 06-02-2020 in W.P(c) 641/2020. In view of the findings on issues (i), (ii) and (iii) the Chief Secretary to the Government of Kerala shall ensure that reports from the Principal Secretary/Secretary to Government, Department of Revenue & the Principal Secretary / Secretary to Government, Department of Forests and Wild Life shall be obtained and placed before the Principal Secretary / Secretary to Government, Department of Industries in order to enable him to take a proper decision in the matter. The Principal Secretary / Secretary to Government, Department of Industries shall also take note of the observations of a Division Bench of this Court in ***One Earth One Life v. Ministry of Environment and Forests*** [2018 (3) KLT 683] and especially the findings in paragraphs 38, 44, 47 & 49 of that judgment and the observations/findings in this judgment, while passing orders, as directed in W.P (C) 641/2020. He shall also take into consideration the reports to be placed before him by the Department of Revenue and the Department of Forests and Wildlife, as directed above. Orders shall be passed as aforesaid within a period

of one month from the date of receipt of a copy of this judgment. A copy of the order to be passed shall also be communicated to the Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority. Unless and until orders are passed permitting the mining activity, the 12th respondent shall not conduct any mining operations pursuant to Ext.P3 and P8. However the 12th respondent will be permitted to use the material which was already mined and extracted and to operate its stone crusher unit using such materials;

- (ii) the 2nd Respondent, namely the Director of Mining & Geology and the 6th Respondent, namely the Divisional Forest Officer, Chalakudy shall ensure that restoration of the mined out areas and afforestation as directed in paragraph 15 of this judgment shall be commenced **immediately** and completed at the earliest and at any rate within the time permitted i.e. 31-12-2020;
- (iii) the Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority shall take up the issue of Environmental Clearance granted to the 12th respondent, after receipt of a copy of the order from the Government of Kerala, as directed herein before and consider the strict measures to be imposed additionally in Ext.P.3 clearance as observed by a Division Bench of this Court in paragraph 49 of the judgment in ***One Earth***

One Life v. Ministry of Environment and Forests [2018 (3)

KLT 683]. The additional conditions shall include a condition regarding restoration and afforestation. This exercise shall be completed at the earliest and at any rate on or before 31-12-2020;

- (iv) The 3rd respondent, namely the Kerala State Disaster Management Authority shall ensure that necessary action is taken on Ext.P13 and that necessary steps are taken to ensure that the accumulation of water/ overburden does not result in any untoward incident as apprehended by the petitioners. The concerned officials of the Kerala State Disaster Management Authority or the District Disaster Management Authority, Thrissur District, shall **forthwith** cause inspection of the mining area of the 12th respondent which is subject matter of this writ petition and necessary instructions/directions shall be issued to the 12th Respondent. The needful shall be done within a period of 2 weeks from the date of receipt of a copy of this judgment;
- (v) The 12th respondent shall obtain fresh no objection certificates as required under the provisions of the Kerala Irrigation and Water Conservation Act, 2003 and produce the same before the the Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority within one month from the date of receipt of a copy of this Judgment;

(vi) The 12th respondent will be permitted to operate the quarry in question in strict compliance with the conditions in Ext.P3 till 31-12-2020 if, the Government of Kerala permits mining activity upon the land in the decision to be taken in furtherance of the directions issued by this Court in W.P (C) 641/2020 and in this judgment. The operations by the 12th respondent after 31-12-2020 will be subject to all the additional conditions and stipulations to be imposed by the Additional 15th Respondent, as directed herein before.

(Sd/-)
GOPINATH P.
Judge

AMG

APPENDIX**PETITIONERS 'EXHIBITS :**

- EXHIBIT P1 TRUE PHOTOGRAPHS SHOWING THE QUARRY SITE
- EXHIBIT P2 TRUE PHOTOGRAPHS SHOWING THE PUBLIC WATER TANK
- EXHIBIT P3 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE DATED 07.05.2015 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P4 TRUE COPY OF THE JUDGMENT DATED 01.11.2017 IN WP(C)NO.23565/2017 OF THIS HONOURABLE COURT
- EXHIBIT P5 TRUE COPY OF THE LETTER DATED 24.04.2014 OF THE DFO OBTAINED UNDER RTI ACT
- EXHIBIT P6 TRUE PHOTOGRAPHS SHOWING THE DAMAGES OF THE VILLAGE ROAD
- EXHIBIT P7 TRUE PHOTOGRAPHS SHOWING THE DAMAGES IN THE RESIDENTIAL HOUSE OF THE 1ST PETITIONER
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 07.05.2015 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT P9 TRUE TYPED COPY OF THE ORDER DATED 10.10.2010 OF THE 9TH RESPONDENT WITH REGARD TO THE FORMATION OF CULVERT OVER THE CANAL
- EXHIBIT P10 TRUE COPY OF THE RELEVANT EXTRACT OF THE PORAMBOK BOOK OF KODASSERY VILLAGE
- EXHIBIT P11 TRUE COPY OF THE LETTER DATED 15.12.2014 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT P12 TRUE COPY OF THE REPRESENTATION DATED 20.08.2019 FILED BEFORE THE 4TH RESPONDENT BY THE PETITIONERS AND OTHER NEIGHBOURS
- EXHIBIT P13 TRUE COPY OF THE MASS PETITION DATED 03.09.2019 SUBMITTED BEFORE THE 3RD RESPONDENT BY THE PETITIONERS AND OTHER NEIGHBOURS
- EXHIBIT P14 TRUE COPY OF THE COMPLAINT DATED 22.08.2019 FILED BEFORE THE 11TH RESPONDENT BY THE 1ST PETITIONER
- EXHIBIT P15 TRUE COPY OF THE RELEVANT EXTRACT OF THE MAP SHOWING THE RED DISASTROUS RED ZONE WITH REGARD TO QUARRY SITE PREPARED BY THE 2ND RESPONDENT AND LAID IN THE GOOGLE EARTH

- EXHIBIT P16 TRUE COPY OF THE COUNTER AFFIDAVIT DATED 27.1.2020 FILED ON BEHALF OF THE 6TH RESPONDENT IN WP(C) NO.641/2020
- EXHIBIT P17 TRUE COPY OF THE CERTIFICATE DATED 24.3.2015 ISSUED BY THE VILLAGE OFFICER, KODASERY
- EXHIBIT P18 TRUE COPY OF THE REPORT DATED 7.1.2020 SUBMITTED BY THE TAHSILDAR, CHALAKKUDY TO THE DISTRICT COLLECTOR THRISSUR.
- EXHIBIT P19 TRUE COPY OF THE LOCATION SKETCH DATED 25.9.2019 ISSUED BY THE VILLAGE OFFICER, KODASSERY.
- EXHIBIT P20 TRUE COPY OF THE PROCEEDINGS DATED 27.2.2017 OF THE SUPERINTEND OF POLICE, VIGILANCE AND ANTI-CORRUPTION BUREAU EASTERN CIRCLE KOTTAYAM
- EXHIBIT P21 TRUE COPY OF PLAN OF DISASTER PROBABILITY AREAS PUBLISHED BY THE 3RD RESPONDENT ON 26/02/2020.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R12 A TRUE COPY OF THE NO-OBJECTION CERTIFICATE (NOC) ISSUED BY THE EXECUTIVE ENGINEER, IDAMALAYAR IRRIGATION PROJECT, DIVISION NO.II, CHALAKKUDY ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 B TRUE COPY OF THE CERTIFICATE DATED 19/6/2018 ISSUED BY THE ASSISTANT ENGINEER OF THE 10TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 C TRUE COPY OF THE APPLICATION DATED 9/5/2019 SUBMITTED BY THIS RESPONDENT TO THE 10TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 D TRUE COPY OF THE APPROVAL DATED 15/5/2019 GIVEN BY THE 10TH RESPONDENT TO THE EXHIBIT R12 (A) APPLICATION GIVEN BY THIS RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT R 12E TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONERS AND A GROUP OF PEOPLE TO THE 10TH RESPONDENT AGAINST EXHIBIT R12 (D) APPROVAL ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 F TRUE COPY OF THE PUBLIC LIABILITY INDUSTRIAL INSURANCE POLICY VALID UPTO 12/11/2019
- EXHIBIT R12 G TRUE COPY OF THE ORDER DATED 22/10/2019 BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, MATTATHUR ALONG WITH ITS ENGLISH TRANSLATION

- EXHIBIT R12 H TRUE COPY OF THE ORDER DATED 18/12/2019 BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, MATTATHUR ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 I TRUE COPY OF THE STOP MEMO DATED 24/8/2019 ISSUED BY THE 5TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 J TRUE COPY OF THE ENQUIRY REPORT DATED 30/9/2019 SUBMITTED BY THE DEPUTY DIRECTOR, DIRECTORATE OF MINING AND GEOLOGY OBTAINED UNDER THE RIGHT TO INFORMATION ACT
- EXHIBIT R12 K TRUE COPY OF ORDER NO.341/19-20/1981/GS/C2/TDO/19 DATED 30/12/2019 ISSUED BY THE 5TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION

Subject: **MMDR Act**

Filed on: **17/08/2020**

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

Writ Appeal No. of 2020

(Against the Judgment dated 06.08.2020 in W. P. (C) No. 24806/2019 of the learned Single Judge of this Hon'ble Court)

M/s. Edathadan Granites (Private) Limited,
Represented by its Managing Director : Appellant/12th Respondent

Vs.

Peter & others : Respondents/Writ
Petitioners &
Respondents 1 to 11 &
13 to 15.

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**MEMORANDUM OF WRIT APPEAL FILED UNDER SECTION 5 OF THE
KERALA HIGH COURT ACT**

Court Fee Rs.200/- paid.

T. H. Abdul Azeez (A-3) K/149/70

&

Mohammed Sadique T. A. (M-635) K/171/2002

M/s. T. H. Abdul Azeez & Associates,
Advocates, Ashirwad, M. M. Road, Kochi - 682 018.

Counsel for the Appellant/12th Respondent

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| | | |
|-----|---|------------------|
| 9. | Copy of the Memo dated 12.03.2020 filed by the Government Pleader to produce the Interim Inspection Report of the District Collector, Thrissur in W. P. (C) No. 24806 of 2019 | 263 - 293 |
| 10. | Copy of the Petition dated 20.05.2020 filed by the Petitioners in W. P. (C) No. 24806 of 2019 | 294 - 298 |
| 11. | Copy of the Counter Affidavit dated 22.06.2020 filed by 12 th Respondent (Appellant herein) to the Petition dated 20.05.2020 filed by the Petitioners in W. P. (C) No. 24806 of 2019 | 299 - 330 |
| 12. | Copy of the Petition dated 23.06.2020 to accept additional documents filed by the Petitioners in W. P. (C) No. 24806 of 2019 | 331 - 337 |
| 13. | Copy of the Petition dated 06.07.2020 to accept additional documents/photographs filed by 12 th Respondent (Appellant herein) in W. P. (C) No. 24806 of 2019 | 338 - 349 |
| 14. | Copy of the Petition dated 24.07.2020 to accept additional document filed by the Petitioners in W. P. (C) No. 24806 of 2019 | 350 - 359 |
| 15. | Copy of the Affidavit dated 13.07.2020 filed by 12 th Respondent (Appellant herein) in W. P. (C) No. 24806 of 2019 | 360 - 362 |

Dated this the 17th day of August 2020.

Counsel for the Appellant.

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Appellant on the ground that it was not permissible to use the land assigned from forest for quarry. The said Writ Petition where the 1st Respondent herein had intervened was disposed of as per Ext.R12(L) Judgment by which the Forest Officer's stop memo was quashed and the Government was directed to examine the question.

The learned Single Judge ought to have therefore left the issue to be decided by the Government as directed in Ext.R12(L) Judgment. But the learned Judge ventured to decide the question on his own. The decision in 2017 (2) KLT 481 was refused to be followed and it was held that in view of the decision of the Hon'ble Supreme Court in Godavarman Thirumulpad (1997) 2 SCC 267 and the subsequent decision in (2018) 14 SCC 537, the land in question is liable to be held to be forest. It may be noted that it was after considering the dictum in Godavarman Thirumulpad the learned Judge who rendered the Judgment in 2017 (2) KLT 481 came to the conclusion that a land assigned prior to the Forest Conservation Act cannot any longer be considered to be forest. Godavarman and the decision in (2018) 14 SCC 537 which reiterated the observations therein were considering the question as to what all would come under the term 'forest' in the background of the Forest Conservation Act. It was after considering the dictum therein this hon'ble Court rendered the decision in 2017 (2) KLT 481. The learned Judge ought to have referred the matter to a Division Bench if he found himself unable to agree with the said decision as has been done by another learned Judge in a similar case.

The learned Judge went further and held that the SEIAA should reconsider the Environmental Clearance because there was non-disclosure of the existence of forest land and it affects the validity of the EC. The SEIAA has no authority to meddle with the Environmental Clearance issued by the Ministry. The Regulatory Authority which issued the Environmental Clearance continues to be the Regulatory Authority as far as that Environmental Clearance till it comes to an end.

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It was further held that the decision of the Government pursuant to Ext.R12(L) Judgment should be in the light of the findings and observations in the present Judgment. It was further ordered that the Appellant shall close down his quarry till the decision comes from the Government. It may be noted that the learned Judge who passed Ext.R12(L) Judgment had not passed any order prohibiting the quarry. But, the learned Judge in the present case issued such an Order by substantially reviewing and modifying the previous Judgment for which he has no authority. A calamitous situation has now been created by the learned Judge as far as a running unit is concerned.

Dates & Events:

| | |
|------------|---|
| 12.03.2015 | Environmental Clearance issued to Appellant by 4 th Respondent |
| 20.07.2015 | Mining Lease executed between Appellant and the State Government for 4.7065 hectares of land |
| 18.09.2013 | W. P. (C) 24806 of 2019 filed by the 1 st , 2 nd and 3 rd Respondents herein |
| 21.01.2020 | Counter Affidavit filed by Appellant herein to W. P. (C) 24806 of 2019 |
| 06.08.2020 | W. P. (C) 24806 of 2019 disposed off |
| 17.08.2020 | Aggrieved by the Judgement dated 06.,08.2020 in W. P. (C) 24806 of 2019, the Appellant herein (12 th Respondent in W. P. (C) 24806 of 2019) prefers this Writ Appeal |

Dated this the 17th day of August, 2020.

Counsel for the Appellant.

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8. The Geologist, Office of Mining and Geology,
Thrissur District, PIN - 680 001.
9. The Divisional Forest Officer,
Chalakkudy P.O., Thrissur District, PIN - 680 307.
10. Kerala State Pollution Control Board,
Represented by its Environmental Engineer,
District Office of Pollution Control Board,
Chembukavu, Thrissur P.O., Thrissur District, PIN - 680 020.
11. The Taluk Surveyor,
Taluk Office, Chalakkudy,
Chalakkudy P.O., Thrissur District, PIN - 680 307.
12. The Executive Engineer,
Irrigation Department, Sub Division - I, Chalakkudy P.O.,
Thrissur District, PIN - 680 307.
13. The Mattathur Grama Panchayat,
Represented by its Secretary,
Mattathoor P.O., Thrissur District, PIN - 680 684.
14. The Circle Inspector of Police
Vellikulangara Police Station,
Thrissur District, PIN - 680 699.
15. The State of Kerala,
Represented by the Chief Secretary to Government,
Government Secretariat,
Thiruvananthapuram District, PIN - 695 001.
16. The Principal Secretary to Government,
Department of Industries,
Government Secretariat,
Thiruvananthapuram District, PIN - 695 001.
17. The State Level Environment Impact Assessment Authority
(SEIAA), Represented by its Member Secretary,
K.S.R.T.C. Bus Terminal Complex, 4th Floor,
Thampanoor, Thiruvananthapuram District, PIN - 695 001.

**MEMORANDUM OF WRIT APPEAL FILED UNDER SECTION 5 OF THE
KERALA HIGH COURT ACT**

- I. All processes and notices to the Appellant may be served on
its Counsel Sri. T. H. Abdul Azeez & Mohammed Sadique T.A., M/s. T. H.

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Abdul Azeez & Associates, Advocates, Ashirwad, M. M. Road, Kochi - 682 018,

II. All processes and notices to the Respondents may be served on their addresses as shown above.

STATEMENT OF FACTS

The above-named appellants respectfully submit as follows:

1. The 12th Respondent in the Writ Petition is the appellant. The challenge in the Writ Petition was mainly against Ext.P3 Environmental Clearance (EC for short) issued to the Appellant on 12.03.2015 for establishing a stone quarry. The main contention of the Petitioner in the Writ Petition was that the land where the quarry was sought to be established was once forest land which was assigned by the Government in favour of the Appellant's predecessors in interest and technically they continue to be forest land and the EC was obtained suppressing the above fact.

2. The Appellant contended that the land though originally was part of forest, was later on transferred to the Revenue Department and was thereupon assigned in favour of its predecessors in interest during the months of January to May of 1980 and thereupon ceased to be forest land. This assignment took place prior to the coming into force of the Forest Conservation Act. Still, as evident from the report of the Divisional Forest Officer, the State Government had obtained sanction from the Central Government for making the assignment. It was also contended that this Hon'ble court as per its decision reported in 2017 (2) KLT 481 has held that wherever such assignments had taken place the land could not be considered as forest land.

3. It was also contended by the Appellant that the Divisional Forest Officer had issued a stop memo to the Appellant citing the same reason viz. the land being forest land assigned for cultivation cannot be used for mining purposes and that the said memo was quashed by this

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Hon'ble Court as per its Judgment in W. P. (C) No. 641 of 2020 and that by the said Judgment the Government has been directed to consider the question as to whether quarrying is possible in a land assigned in the manner in question. It was contended that in view of the said Judgment, the question cannot be considered in the present Writ Petition. It was also contended that as the correctness of the Judgment in 2017 (2) KLT 481 is doubted by another single Judge and the same is pending before the Division Bench, the matter should either be referred to Division Bench or should be left to the consideration of the Government as directed in the Judgment in W. P. (C) No. 641 of 2020.

4. The learned Single Judge, however, ventured to decide the issue as to whether the land in question was forest land and decided that it was forest land. While doing so, the learned Judge refused to follow the dictum laid down in the decision reported in 2017 (2) KLT 481 and held that as per the decisions of the Hon'ble Supreme Court in (1997) 2 SCC 267 and (2018) 14 SCC 537, the land has to be held to be forest land. It was also held that the decision dt. 03.08.2018 of the Division Bench in One Earth One Life viz. 2018 (3) KLT 683 also is to the effect that no quarrying is permissible in forest and the law laid down therein ought to have been considered while issuing the EC on 12.03.2015.

5. It is submitted that the decision in 2017 (2) KLT 481 was rendered after taking note of the observations in Godavarman Thirumulpad (1997) 2 SCC 267. There the Hon'ble Supreme Court was generally considering the question as to what could be considered as forest in the light of the provisions of the Forest Conservation Act. The decision in (2018) 14 SCC 537 had only reiterated the observations in Godavarman and both decisions were considering what all lands would come within the definition of 'Forest'. But, after considering the dictum in Godavarman, a learned Judge held that a land though originally formed part of forest cannot be called to be so after assignment. The following is the dictum laid down therein:

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"Re: Issue 1

The contention advanced on behalf of the official respondents of the State Government, as well as the petitioners in W.P.(C).Nos. 14639/2012, 17088/2011, 20532/2010, 32619/2015 and 40532/2016, that the lands on which quarrying activities are being carried on, are essentially lands that have been notified as reserved forests, is premised on the Notification dated 08.08.1896 that declares the areas in question to be reserved forests. The notification in question is one that is issued in terms of Section 18 of the Trivandrum Forest Regulation of 1068. Subsequent legislative measures have seen the enactment of the Kerala Forests Act, a State Legislation, and the Forests Conservation Act, 1980, a Central Legislation, both relatable to Entry 17A in List III of the Seventh Schedule to the Constitution of India. A working plan prepared by the Forest Department of the State in 1968 reveals that more than 2 Square Kilometers of land, that was notified as reserved forest, was clear felled at the instance of the State Government and earmarked for allotment to landless persons for rubber cultivation. Thereafter, the said lands were assigned in terms of the Assignment Rules that were framed under the 1960 Act. The assignments, having been effected to the predecessors in interest of the present land owners, also had the effect of transferring the title over the said lands to the said persons. The question then arises, as to whether, after a transfer of registry in respect of the land, whereby the State Government relinquished its title over the land in favour of the assignee, the notification declaring the lands as reserved forests would continue to apply in respect of the said lands, so as to impose restrictions with regard to the manner of use of the lands. In my view, the transfer of registry in respect of the land effectively divested the title over the land from the State Government and vested it in the assignee. The land in question, upon assignment and thereafter, ceased to be Forest land for the purposes of the Kerala Forest Act and Rules, as also for the purposes of the Forest Conservation Act, 1980."

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Moreover, in the above quoted case and the present case the assignment took place prior to the coming into force of the Forest Conservation Act. But, the decision of the Division Bench in 2018 (3) KLT 683 was in respect of a case where a forest land was assigned much after the Forest Conservation Act and where some historical caves were excavated. Still, the Division Bench did only say that the Government should either prohibit mining in such areas or should permit it only with stringent conditions. The decision is no authority for the proposition that a land even after assignment would continue to be forest in all cases, especially when the assignment took place prior to the Forest Conservation Act.

6. It was also held by the learned Judge that the non-disclosure of the fact that the lands in question were forest lands assigned for cultivation amounts to non-disclosure of material facts affecting the validity of the Environmental Clearance. The learned Judge further directed that the SEIAA (State Environment Impact Assessment Authority) should reconsider the grant of EC in the light of the observations and findings in the Judgment. This was done despite the fact that the EC was issued by the Ministry of Environment and Forests and that the SEIAA does not have any jurisdiction to meddle with the same. And the learned Judge went on adding SEIAA as an additional party to the Writ Petition.

7. The learned Judge further went ahead and interfered with the Judgment rendered in W. P. (C) No. 641 of 2020. He issued direction as to how the Government should deal with the question directed to be considered in W. P. (C) No. 641 of 2020. He directed the Government to decide the matter in the light of the findings and observations in the impugned Judgment and the observations in 2018 (3) KLT 683 and further directed that the Appellant shall not be permitted to operate the quarry till then. This is absolutely without jurisdiction. The learned single Judge has virtually interfered with a previous Judgment of another Judge; reviewed the same and modified the directions issued by

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him and has re exercised the discretion already exercised by the previous Judge. The learned Judge who disposed of W. P. (C) No. 641 of 2020 had not prohibited the operation of the quarry. That means the learned Judge had exercised the discretion in favour of the Appellant in that regard. But, by the present Judgment, another learned Judge has interfered with the exercise of such discretion. This is opposed to all known principles of justice and fair play. The learned single Judge has no authority to meddle with a previous Judgment.

8. There are other directions also issued by the learned single Judge without any basis and authority and they are dealt with in the grounds in detail. It is only the basic flaws in the Judgment that are pointed out above. They would show that the Judgment suffers from illegality and impropriety. The learned single Judge, if was not able to agree with the decision in 2017 (2) KLT 481, ought to have referred the matter to a Division Bench or should have abstained from deciding the issue as another Judge had already directed the Government to look into the issue and to take a decision. Now, the discretion exercised by the learned single Judge has been substantially interfered with and his decision is materially altered. And the discretion given to the Government as per the Judgment in W. P. (C) No. 641 of 2020 has been completely taken away by answering the question. As per the impugned Judgment, now the SEIAA will have to cancel the EC though it does not have any authority; the Government will have to hold that the quarry for which they had given the lease is inoperative and the land is still forest despite its assignment through the revenue department.

9. A calamitous situation has been created by the learned single Judge and it is submitted that his Judgment is utterly wrong and unsustainable on the following among other:-

GROUNDS

(A) The impugned Judgment of the learned single Judge is wrong, opposed to law and the facts and circumstances of the case.

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(B) The learned single Judge has acted without jurisdiction in interfering with the discretion exercised by another learned Judge while disposing of W. P. (C) No. 641 of 2020 vide Ext. R12(H) Judgment. The said Judgment has been substantially modified and interfered with in the present Judgment. This is absolutely unlawful and improper.

(C) While disposing of W. P. (C) No. 641 of 2020, the learned Judge had not directed the stoppage of operation of the quarry till the Government decided the issue that was directed to be considered. But, now the learned single Judge as per the present Judgment has granted such an order stopping the operation of the quarry till the Government takes a decision based on the Judgment in W. P. (C) No. 641 of 2020. This amounts to a review of the Judgment in W. P. (C) No. 641 of 2020 and is unsustainable.

(D) The question involved in W. P. (C) No. 641 of 2020 was as to whether the objection raised by the Forest Department with regard to the conduct of quarry in an assigned land which used to be part of a forest was correct or not. It is this question that was directed to be considered by the Government. This Hon'ble Court refrained from making any observations while doing so. But, by the present Judgment, the learned single Judge not only decided the issue that is referred to the Government but also imposed various kinds of fetters on the discretion to be exercised by the Government. The learned single Judge refused to follow the decision reported in 2017 (2) KLT 481 which holds the field in its entirety and chose to hold that the land in question is to be considered to be forest land. Thus, there is nothing more to be decided by the Government on the basis of the direction issued in W. P. (C) No. 641 of 2020. Thus, the impugned Judgment has got the effect of virtually nullifying Ext. R12(h) Judgment.

(E) The learned single Judge ought to have seen that there was no forest land involved in the present case. It is of course true that it was once part of a forest land. But it was transferred to the Revenue

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Department and was assigned to private individuals much before the coming into force of the Forest Conservation Act. This Hon'ble Court in the decision reported in 2017 (2) KLT 481 has clearly held that where the land is assigned in favour of private individuals, the State loses its title and cannot any longer call it a forest land.

(F) The learned single Judge ought to have further seen that in the decision reported in 2017 (2) KLT 481 the question whether an assigned land could be used for the purpose of operating a stone quarry was also considered. And it was held that the Government being the owner of the sub soil rights was free to grant leases and permits for mining in respect of such lands. This view of the learned single Judge is affirmed by the Division Bench in the decision reported in 2018 (3) KLT 683. Therefore, the indication in the impugned Judgment that quarrying is not possible in an assigned land is absolutely baseless.

(G) It seems the learned single Judge was under the mistaken impression that in view of the decisions reported in 1997 (2) SCC 67, 2018 (14) SCC 537 and 2018 (3) KLT 683, a quarry is not permissible in a land which used to be forest land. It is submitted that it is an absolute misconception. There is no Judgment of the Hon'ble Supreme Court which says that quarrying is not permissible within a forest. All the decisions are to the effect that such activity is permissible only if permission is obtained under the Forest Conservation Act. Those decisions would apply only to lands continued to be forest on the date of coming into force of the Forest Conservation Act. It is in the backdrop of that Act the Hon'ble Supreme Court considered the definition of forest in the decision reported in 1997 (2) SCC 67 which was followed in 2018 (14) SCC 537. This aspect was considered by this Hon'ble court in the decision reported in 2017 (2) KLT 481 and it come to the conclusion that the lands which were assigned long back to individuals would not continue to be forest lands. The learned single Judge proceeded as though 2017 (2) KLT 481 is against the decision in Godavarman Thirumulpad and the later decision of the Hon'ble

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Supreme Court. But it may be noted that it is after considering the impact of the decisions of the Hon'ble Supreme Court, the decision in 2017 (2) KLT 481 was rendered.

(H) The decision in 2018 (3) KLT 683 was in respect of a forest land assigned in 1993 i.e., 13 years after the coming into force of the Forest Conservation Act. In that case the land was held to be forest land for all other purposes in view of the decision Godavarman Thirumulpad. Even in that decision this Hon'ble Court did not say that mining was a totally impermissible activity. The decision only says that the Government, in such land, should either prohibit quarrying or should allow the quarrying with stringent conditions. So, there is nothing in that decision which would uproot the decision in 2017 (2) KLT 481. The learned single Judge therefore should have followed the dictum in 2017 (2) KLT 481 in consonance with the principles of judicial discipline.

(I) If the learned Judge was not agreeing with the decision rendered in 2017 (2) KLT 481 he could have or should have referred the matter to the Division Bench especially in view of the fact that there is already a reference pending before the Division Bench. Without doing that the learned single Judge ventured to decide the question against the Appellant that too by virtually nullifying Exhibit R12(h) Judgment as mentioned earlier.

(J) The direction issued by the learned single Judge that consideration of the issue as directed in Ext. R12(h) Judgment shall be in the light of the findings and observations in the present Judgment is absolutely unlawful and unjust. By doing so the learned single Judge has reviewed or modified a previous Judgment rendered by a co-equal Bench. The action in this regard is arbitrary and illegal.

(K) The learned single Judge has further directed the SEIAA to reconsider Exhibit P3 Environmental Clearance in the light of his findings, observations etc. It is submitted that SEIAA does not have any

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authority to meddle with Ext. P3 Environmental Clearance. The Regulatory Authority in respect of Ext. P3 is the Ministry of Environment and Forests. It is of course true that the process of granting Environmental Clearance was taken up by the Central Government in the absence of SEIAA in Kerala. But, having functioned as a Regulatory Authority in the present case, the MoEF continues to be the Regulatory Authority for all purposes in relation to the Environmental Clearance in question. It is not as if the entire follow up action is shifted to SEIAA when that is constituted. That is sufficiently indicated by the Environmental Clearance itself and also the 2006 Notification under which Environmental Clearance is issued.

(L) The finding with regard to issue No. (ii) is absolutely wrong and opposed to law. The learned single Judge held that Ext. R12(a) No Objection Certificate issued under the Kerala Irrigation and Water Conservation Act does not take within its sweep a small water tank existing within 1 km. radius. For each structure, a separate No Objection Certificate is not warranted by Sec. 40(2) of the said Act. One single NOC is enough to cover all the structures mentioned in the said provision and such certificate is required only when the operations get to begin.

(M) The view taken by the learned single Judge that the failure of the 12th respondent to obtain a No Objection Certificate with respect to the water tank affects the validity of the Environmental Clearance does not have the support of law. When a project is conceived, the first document to be obtained is the Environmental Clearance. It is only after the issuance of EC, the project proponent can apply for grants and permits from other authorities. The observation of the learned single Judge that the absence of No Objection Certificate from the Irrigation Departments makes Ext. P3 Environmental Clearance invalid is therefore opposed to law. It is further submitted that the observation that there was absence of such a certificate is opposed to facts, Ext.

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R12(a) is a certificate which could cover all kinds of structures mentioned in Sec. 40(2).

(N) The finding on issue No. (iii) that the non-disclosure of the fact that the lands in question were forest lands assigned for agricultural/residential purposes clearly amounts to non-disclosure of material facts affecting the validity of Ext. P3 EC is absolutely baseless and incorrect. This question as submitted earlier is covered by the dictum laid down in 2017 (2) KLT 481. There was no necessity for any particular disclosure with regard to that.

(O) The points covered by issue No. (iv) do not exist as the 12th respondent had taken necessary steps for the rectification of all minor defaults pointed out by the authorities. With regard to the above, it is submitted that the learned single Judge has omitted to consider the reports submitted by the District Collector pursuant to an Order issued by this Hon'ble Court and also a previous report submitted by the Deputy Director of Mining and Geology. All the reports would indicate that the quarry in question is being conducted clearly in accordance with law and in accordance with approved mining plan.

(P) The learned single Judge has gone wrong in going beyond the pleadings in the Writ Petition and making the State of Kerala represented by its Chief Secretary, the SEIAA, Principal Secretary to Department of Industries etc. as parties to the Writ Petition while rendering the judgment. The learned single Judge has unnecessarily enlarged the scope of the Writ Petition. He should have seen that the limited challenge in the Writ Petition was against Ext. P3 Environmental Clearance and the same could not have been entertained in the light of the dictum laid down by the Hon'ble Supreme Court of India in the decision reported in 2013 (2) KLT 235. The rest of the issues did not arise in the matter and the learned single Judge has gone wrong in unnecessarily venturing to decide those issues.

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(Q) The observation by the learned Judge that the 1st respondent ought to have considered the Judgment in 2018 (3) KLT 683 before issuing Ext. P3 stands testimony for non-application of mind.

(R) While dealing with issue no. (iii), the learned Judge relied on the decision reported in Mahindra Holidays 2019 (2) KLT 978 without knowing that its operation was stayed by a Division Bench in W. A. No. 1453 of 2019.

(S) Having found that the Writ Petition suffers from huge delay the learned Judge ought to have dismissed the same.

For these and other grounds to be urged at the time of hearing, it is humbly prayed that this Hon'ble Court be pleased to set aside the Judgment dated 06.08.2020 in W. P. (C) No. 24806 of 2019 of the learned single Judge and to dismiss the said Writ Petition.

INTERIM RELIEF

For the reasons stated in the memorandum of Writ Appeal, it is respectfully prayed that this Hon'ble Court be pleased to stay the operation of the Judgment dated 006.8.2020 in W. P. (C) No. 24806 of 2019 of the learned single Judge until the disposal of the above Writ Appeal.

Court Fee Rs. 200/- is paid under Schedule II Article 3(iii) A (2) of the Kerala Court Fees and Suit Valuation Act.

Dated this the 17th day of August, 2020.

COUNSEL FOR THE APPELLANT.

Subject: **MMDR Act**

Filed on: **17/08/2020**

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

Writ Appeal No. of 2020

(Against the Judgment dated 06.08.2020 in W. P. (C) No. 24806/2019 of the learned Single Judge of this Hon'ble Court)

M/s. Edathadan Granites (Private) Limited,
Represented by its Managing Director : Appellant/12th Respondent

Vs.

Peter & others : Respondents/Writ
Petitioners &
Respondents 1 to 11 &
13 to 15.

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**MEMORANDUM OF WRIT APPEAL FILED UNDER SECTION 5 OF THE
KERALA HIGH COURT ACT**

Court Fee Rs.200/- paid.

T. H. Abdul Azeez (A-3) K/149/70

&

Mohammed Sadique T. A. (M-635) K/171/2002

M/s. T. H. Abdul Azeez & Associates,
Advocates, Ashirwad, M. M. Road, Kochi - 682 018.

Counsel for the Appellant/12th Respondent

- 2 -

| | | |
|-----|---|------------------|
| 9. | Copy of the Memo dated 12.03.2020 filed by the Government Pleader to produce the Interim Inspection Report of the District Collector, Thrissur in W. P. (C) No. 24806 of 2019 | 263 - 293 |
| 10. | Copy of the Petition dated 20.05.2020 filed by the Petitioners in W. P. (C) No. 24806 of 2019 | 294 - 298 |
| 11. | Copy of the Counter Affidavit dated 22.06.2020 filed by 12 th Respondent (Appellant herein) to the Petition dated 20.05.2020 filed by the Petitioners in W. P. (C) No. 24806 of 2019 | 299 - 330 |
| 12. | Copy of the Petition dated 23.06.2020 to accept additional documents filed by the Petitioners in W. P. (C) No. 24806 of 2019 | 331 - 337 |
| 13. | Copy of the Petition dated 06.07.2020 to accept additional documents/photographs filed by 12 th Respondent (Appellant herein) in W. P. (C) No. 24806 of 2019 | 338 - 349 |
| 14. | Copy of the Petition dated 24.07.2020 to accept additional document filed by the Petitioners in W. P. (C) No. 24806 of 2019 | 350 - 359 |
| 15. | Copy of the Affidavit dated 13.07.2020 filed by 12 th Respondent (Appellant herein) in W. P. (C) No. 24806 of 2019 | 360 - 362 |

Dated this the 17th day of August 2020.

Counsel for the Appellant.

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Appellant on the ground that it was not permissible to use the land assigned from forest for quarry. The said Writ Petition where the 1st Respondent herein had intervened was disposed of as per Ext.R12(L) Judgment by which the Forest Officer's stop memo was quashed and the Government was directed to examine the question.

The learned Single Judge ought to have therefore left the issue to be decided by the Government as directed in Ext.R12(L) Judgment. But the learned Judge ventured to decide the question on his own. The decision in 2017 (2) KLT 481 was refused to be followed and it was held that in view of the decision of the Hon'ble Supreme Court in Godavarman Thirumulpad (1997) 2 SCC 267 and the subsequent decision in (2018) 14 SCC 537, the land in question is liable to be held to be forest. It may be noted that it was after considering the dictum in Godavarman Thirumulpad the learned Judge who rendered the Judgment in 2017 (2) KLT 481 came to the conclusion that a land assigned prior to the Forest Conservation Act cannot any longer be considered to be forest. Godavarman and the decision in (2018) 14 SCC 537 which reiterated the observations therein were considering the question as to what all would come under the term 'forest' in the background of the Forest Conservation Act. It was after considering the dictum therein this hon'ble Court rendered the decision in 2017 (2) KLT 481. The learned Judge ought to have referred the matter to a Division Bench if he found himself unable to agree with the said decision as has been done by another learned Judge in a similar case.

The learned Judge went further and held that the SEIAA should reconsider the Environmental Clearance because there was non-disclosure of the existence of forest land and it affects the validity of the EC. The SEIAA has no authority to meddle with the Environmental Clearance issued by the Ministry. The Regulatory Authority which issued the Environmental Clearance continues to be the Regulatory Authority as far as that Environmental Clearance till it comes to an end.

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It was further held that the decision of the Government pursuant to Ext.R12(L) Judgment should be in the light of the findings and observations in the present Judgment. It was further ordered that the Appellant shall close down his quarry till the decision comes from the Government. It may be noted that the learned Judge who passed Ext.R12(L) Judgment had not passed any order prohibiting the quarry. But, the learned Judge in the present case issued such an Order by substantially reviewing and modifying the previous Judgment for which he has no authority. A calamitous situation has now been created by the learned Judge as far as a running unit is concerned.

Dates & Events:

| | |
|------------|---|
| 12.03.2015 | Environmental Clearance issued to Appellant by 4 th Respondent |
| 20.07.2015 | Mining Lease executed between Appellant and the State Government for 4.7065 hectares of land |
| 18.09.2013 | W. P. (C) 24806 of 2019 filed by the 1 st , 2 nd and 3 rd Respondents herein |
| 21.01.2020 | Counter Affidavit filed by Appellant herein to W. P. (C) 24806 of 2019 |
| 06.08.2020 | W. P. (C) 24806 of 2019 disposed off |
| 17.08.2020 | Aggrieved by the Judgement dated 06.,08.2020 in W. P. (C) 24806 of 2019, the Appellant herein (12 th Respondent in W. P. (C) 24806 of 2019) prefers this Writ Appeal |

Dated this the 17th day of August, 2020.

Counsel for the Appellant.

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8. The Geologist, Office of Mining and Geology,
Thrissur District, PIN - 680 001.
9. The Divisional Forest Officer,
Chalakkudy P.O., Thrissur District, PIN - 680 307.
10. Kerala State Pollution Control Board,
Represented by its Environmental Engineer,
District Office of Pollution Control Board,
Chembukavu, Thrissur P.O., Thrissur District, PIN - 680 020.
11. The Taluk Surveyor,
Taluk Office, Chalakkudy,
Chalakkudy P.O., Thrissur District, PIN - 680 307.
12. The Executive Engineer,
Irrigation Department, Sub Division - I, Chalakkudy P.O.,
Thrissur District, PIN - 680 307.
13. The Mattathur Grama Panchayat,
Represented by its Secretary,
Mattathoor P.O., Thrissur District, PIN - 680 684.
14. The Circle Inspector of Police
Vellikulangara Police Station,
Thrissur District, PIN - 680 699.
15. The State of Kerala,
Represented by the Chief Secretary to Government,
Government Secretariat,
Thiruvananthapuram District, PIN - 695 001.
16. The Principal Secretary to Government,
Department of Industries,
Government Secretariat,
Thiruvananthapuram District, PIN - 695 001.
17. The State Level Environment Impact Assessment Authority
(SEIAA), Represented by its Member Secretary,
K.S.R.T.C. Bus Terminal Complex, 4th Floor,
Thampanoor, Thiruvananthapuram District, PIN - 695 001.

**MEMORANDUM OF WRIT APPEAL FILED UNDER SECTION 5 OF THE
KERALA HIGH COURT ACT**

- I. All processes and notices to the Appellant may be served on
its Counsel Sri. T. H. Abdul Azeez & Mohammed Sadique T.A., M/s. T. H.

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Abdul Azeez & Associates, Advocates, Ashirwad, M. M. Road, Kochi - 682 018,

II. All processes and notices to the Respondents may be served on their addresses as shown above.

STATEMENT OF FACTS

The above-named appellants respectfully submit as follows:

1. The 12th Respondent in the Writ Petition is the appellant. The challenge in the Writ Petition was mainly against Ext.P3 Environmental Clearance (EC for short) issued to the Appellant on 12.03.2015 for establishing a stone quarry. The main contention of the Petitioner in the Writ Petition was that the land where the quarry was sought to be established was once forest land which was assigned by the Government in favour of the Appellant's predecessors in interest and technically they continue to be forest land and the EC was obtained suppressing the above fact.

2. The Appellant contended that the land though originally was part of forest, was later on transferred to the Revenue Department and was thereupon assigned in favour of its predecessors in interest during the months of January to May of 1980 and thereupon ceased to be forest land. This assignment took place prior to the coming into force of the Forest Conservation Act. Still, as evident from the report of the Divisional Forest Officer, the State Government had obtained sanction from the Central Government for making the assignment. It was also contended that this Hon'ble court as per its decision reported in 2017 (2) KLT 481 has held that wherever such assignments had taken place the land could not be considered as forest land.

3. It was also contended by the Appellant that the Divisional Forest Officer had issued a stop memo to the Appellant citing the same reason viz. the land being forest land assigned for cultivation cannot be used for mining purposes and that the said memo was quashed by this

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Hon'ble Court as per its Judgment in W. P. (C) No. 641 of 2020 and that by the said Judgment the Government has been directed to consider the question as to whether quarrying is possible in a land assigned in the manner in question. It was contended that in view of the said Judgment, the question cannot be considered in the present Writ Petition. It was also contended that as the correctness of the Judgment in 2017 (2) KLT 481 is doubted by another single Judge and the same is pending before the Division Bench, the matter should either be referred to Division Bench or should be left to the consideration of the Government as directed in the Judgment in W. P. (C) No. 641 of 2020.

4. The learned Single Judge, however, ventured to decide the issue as to whether the land in question was forest land and decided that it was forest land. While doing so, the learned Judge refused to follow the dictum laid down in the decision reported in 2017 (2) KLT 481 and held that as per the decisions of the Hon'ble Supreme Court in (1997) 2 SCC 267 and (2018) 14 SCC 537, the land has to be held to be forest land. It was also held that the decision dt. 03.08.2018 of the Division Bench in One Earth One Life viz. 2018 (3) KLT 683 also is to the effect that no quarrying is permissible in forest and the law laid down therein ought to have been considered while issuing the EC on 12.03.2015.

5. It is submitted that the decision in 2017 (2) KLT 481 was rendered after taking note of the observations in Godavarman Thirumulpad (1997) 2 SCC 267. There the Hon'ble Supreme Court was generally considering the question as to what could be considered as forest in the light of the provisions of the Forest Conservation Act. The decision in (2018) 14 SCC 537 had only reiterated the observations in Godavarman and both decisions were considering what all lands would come within the definition of 'Forest'. But, after considering the dictum in Godavarman, a learned Judge held that a land though originally formed part of forest cannot be called to be so after assignment. The following is the dictum laid down therein:

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"Re: Issue 1

The contention advanced on behalf of the official respondents of the State Government, as well as the petitioners in W.P.(C).Nos. 14639/2012, 17088/2011, 20532/2010, 32619/2015 and 40532/2016, that the lands on which quarrying activities are being carried on, are essentially lands that have been notified as reserved forests, is premised on the Notification dated 08.08.1896 that declares the areas in question to be reserved forests. The notification in question is one that is issued in terms of Section 18 of the Trivandrum Forest Regulation of 1068. Subsequent legislative measures have seen the enactment of the Kerala Forests Act, a State Legislation, and the Forests Conservation Act, 1980, a Central Legislation, both relatable to Entry 17A in List III of the Seventh Schedule to the Constitution of India. A working plan prepared by the Forest Department of the State in 1968 reveals that more than 2 Square Kilometers of land, that was notified as reserved forest, was clear felled at the instance of the State Government and earmarked for allotment to landless persons for rubber cultivation. Thereafter, the said lands were assigned in terms of the Assignment Rules that were framed under the 1960 Act. The assignments, having been effected to the predecessors in interest of the present land owners, also had the effect of transferring the title over the said lands to the said persons. The question then arises, as to whether, after a transfer of registry in respect of the land, whereby the State Government relinquished its title over the land in favour of the assignee, the notification declaring the lands as reserved forests would continue to apply in respect of the said lands, so as to impose restrictions with regard to the manner of use of the lands. In my view, the transfer of registry in respect of the land effectively divested the title over the land from the State Government and vested it in the assignee. The land in question, upon assignment and thereafter, ceased to be Forest land for the purposes of the Kerala Forest Act and Rules, as also for the purposes of the Forest Conservation Act, 1980."

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Moreover, in the above quoted case and the present case the assignment took place prior to the coming into force of the Forest Conservation Act. But, the decision of the Division Bench in 2018 (3) KLT 683 was in respect of a case where a forest land was assigned much after the Forest Conservation Act and where some historical caves were excavated. Still, the Division Bench did only say that the Government should either prohibit mining in such areas or should permit it only with stringent conditions. The decision is no authority for the proposition that a land even after assignment would continue to be forest in all cases, especially when the assignment took place prior to the Forest Conservation Act.

6. It was also held by the learned Judge that the non-disclosure of the fact that the lands in question were forest lands assigned for cultivation amounts to non-disclosure of material facts affecting the validity of the Environmental Clearance. The learned Judge further directed that the SEIAA (State Environment Impact Assessment Authority) should reconsider the grant of EC in the light of the observations and findings in the Judgment. This was done despite the fact that the EC was issued by the Ministry of Environment and Forests and that the SEIAA does not have any jurisdiction to meddle with the same. And the learned Judge went on adding SEIAA as an additional party to the Writ Petition.

7. The learned Judge further went ahead and interfered with the Judgment rendered in W. P. (C) No. 641 of 2020. He issued direction as to how the Government should deal with the question directed to be considered in W. P. (C) No. 641 of 2020. He directed the Government to decide the matter in the light of the findings and observations in the impugned Judgment and the observations in 2018 (3) KLT 683 and further directed that the Appellant shall not be permitted to operate the quarry till then. This is absolutely without jurisdiction. The learned single Judge has virtually interfered with a previous Judgment of another Judge; reviewed the same and modified the directions issued by

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him and has re exercised the discretion already exercised by the previous Judge. The learned Judge who disposed of W. P. (C) No. 641 of 2020 had not prohibited the operation of the quarry. That means the learned Judge had exercised the discretion in favour of the Appellant in that regard. But, by the present Judgment, another learned Judge has interfered with the exercise of such discretion. This is opposed to all known principles of justice and fair play. The learned single Judge has no authority to meddle with a previous Judgment.

8. There are other directions also issued by the learned single Judge without any basis and authority and they are dealt with in the grounds in detail. It is only the basic flaws in the Judgment that are pointed out above. They would show that the Judgment suffers from illegality and impropriety. The learned single Judge, if was not able to agree with the decision in 2017 (2) KLT 481, ought to have referred the matter to a Division Bench or should have abstained from deciding the issue as another Judge had already directed the Government to look into the issue and to take a decision. Now, the discretion exercised by the learned single Judge has been substantially interfered with and his decision is materially altered. And the discretion given to the Government as per the Judgment in W. P. (C) No. 641 of 2020 has been completely taken away by answering the question. As per the impugned Judgment, now the SEIAA will have to cancel the EC though it does not have any authority; the Government will have to hold that the quarry for which they had given the lease is inoperative and the land is still forest despite its assignment through the revenue department.

9. A calamitous situation has been created by the learned single Judge and it is submitted that his Judgment is utterly wrong and unsustainable on the following among other:-

GROUNDS

(A) The impugned Judgment of the learned single Judge is wrong, opposed to law and the facts and circumstances of the case.

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(B) The learned single Judge has acted without jurisdiction in interfering with the discretion exercised by another learned Judge while disposing of W. P. (C) No. 641 of 2020 vide Ext. R12(H) Judgment. The said Judgment has been substantially modified and interfered with in the present Judgment. This is absolutely unlawful and improper.

(C) While disposing of W. P. (C) No. 641 of 2020, the learned Judge had not directed the stoppage of operation of the quarry till the Government decided the issue that was directed to be considered. But, now the learned single Judge as per the present Judgment has granted such an order stopping the operation of the quarry till the Government takes a decision based on the Judgment in W. P. (C) No. 641 of 2020. This amounts to a review of the Judgment in W. P. (C) No. 641 of 2020 and is unsustainable.

(D) The question involved in W. P. (C) No. 641 of 2020 was as to whether the objection raised by the Forest Department with regard to the conduct of quarry in an assigned land which used to be part of a forest was correct or not. It is this question that was directed to be considered by the Government. This Hon'ble Court refrained from making any observations while doing so. But, by the present Judgment, the learned single Judge not only decided the issue that is referred to the Government but also imposed various kinds of fetters on the discretion to be exercised by the Government. The learned single Judge refused to follow the decision reported in 2017 (2) KLT 481 which holds the field in its entirety and chose to hold that the land in question is to be considered to be forest land. Thus, there is nothing more to be decided by the Government on the basis of the direction issued in W. P. (C) No. 641 of 2020. Thus, the impugned Judgment has got the effect of virtually nullifying Ext. R12(h) Judgment.

(E) The learned single Judge ought to have seen that there was no forest land involved in the present case. It is of course true that it was once part of a forest land. But it was transferred to the Revenue

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Department and was assigned to private individuals much before the coming into force of the Forest Conservation Act. This Hon'ble Court in the decision reported in 2017 (2) KLT 481 has clearly held that where the land is assigned in favour of private individuals, the State loses its title and cannot any longer call it a forest land.

(F) The learned single Judge ought to have further seen that in the decision reported in 2017 (2) KLT 481 the question whether an assigned land could be used for the purpose of operating a stone quarry was also considered. And it was held that the Government being the owner of the sub soil rights was free to grant leases and permits for mining in respect of such lands. This view of the learned single Judge is affirmed by the Division Bench in the decision reported in 2018 (3) KLT 683. Therefore, the indication in the impugned Judgment that quarrying is not possible in an assigned land is absolutely baseless.

(G) It seems the learned single Judge was under the mistaken impression that in view of the decisions reported in 1997 (2) SCC 67, 2018 (14) SCC 537 and 2018 (3) KLT 683, a quarry is not permissible in a land which used to be forest land. It is submitted that it is an absolute misconception. There is no Judgment of the Hon'ble Supreme Court which says that quarrying is not permissible within a forest. All the decisions are to the effect that such activity is permissible only if permission is obtained under the Forest Conservation Act. Those decisions would apply only to lands continued to be forest on the date of coming into force of the Forest Conservation Act. It is in the backdrop of that Act the Hon'ble Supreme Court considered the definition of forest in the decision reported in 1997 (2) SCC 67 which was followed in 2018 (14) SCC 537. This aspect was considered by this Hon'ble court in the decision reported in 2017 (2) KLT 481 and it come to the conclusion that the lands which were assigned long back to individuals would not continue to be forest lands. The learned single Judge proceeded as though 2017 (2) KLT 481 is against the decision in Godavarman Thirumulpad and the later decision of the Hon'ble

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Supreme Court. But it may be noted that it is after considering the impact of the decisions of the Hon'ble Supreme Court, the decision in 2017 (2) KLT 481 was rendered.

(H) The decision in 2018 (3) KLT 683 was in respect of a forest land assigned in 1993 i.e., 13 years after the coming into force of the Forest Conservation Act. In that case the land was held to be forest land for all other purposes in view of the decision Godavarman Thirumulpad. Even in that decision this Hon'ble Court did not say that mining was a totally impermissible activity. The decision only says that the Government, in such land, should either prohibit quarrying or should allow the quarrying with stringent conditions. So, there is nothing in that decision which would uproot the decision in 2017 (2) KLT 481. The learned single Judge therefore should have followed the dictum in 2017 (2) KLT 481 in consonance with the principles of judicial discipline.

(I) If the learned Judge was not agreeing with the decision rendered in 2017 (2) KLT 481 he could have or should have referred the matter to the Division Bench especially in view of the fact that there is already a reference pending before the Division Bench. Without doing that the learned single Judge ventured to decide the question against the Appellant that too by virtually nullifying Exhibit R12(h) Judgment as mentioned earlier.

(J) The direction issued by the learned single Judge that consideration of the issue as directed in Ext. R12(h) Judgment shall be in the light of the findings and observations in the present Judgment is absolutely unlawful and unjust. By doing so the learned single Judge has reviewed or modified a previous Judgment rendered by a co-equal Bench. The action in this regard is arbitrary and illegal.

(K) The learned single Judge has further directed the SEIAA to reconsider Exhibit P3 Environmental Clearance in the light of his findings, observations etc. It is submitted that SEIAA does not have any

14

authority to meddle with Ext. P3 Environmental Clearance. The Regulatory Authority in respect of Ext. P3 is the Ministry of Environment and Forests. It is of course true that the process of granting Environmental Clearance was taken up by the Central Government in the absence of SEIAA in Kerala. But, having functioned as a Regulatory Authority in the present case, the MoEF continues to be the Regulatory Authority for all purposes in relation to the Environmental Clearance in question. It is not as if the entire follow up action is shifted to SEIAA when that is constituted. That is sufficiently indicated by the Environmental Clearance itself and also the 2006 Notification under which Environmental Clearance is issued.

(L) The finding with regard to issue No. (ii) is absolutely wrong and opposed to law. The learned single Judge held that Ext. R12(a) No Objection Certificate issued under the Kerala Irrigation and Water Conservation Act does not take within its sweep a small water tank existing within 1 km. radius. For each structure, a separate No Objection Certificate is not warranted by Sec. 40(2) of the said Act. One single NOC is enough to cover all the structures mentioned in the said provision and such certificate is required only when the operations get to begin.

(M) The view taken by the learned single Judge that the failure of the 12th respondent to obtain a No Objection Certificate with respect to the water tank affects the validity of the Environmental Clearance does not have the support of law. When a project is conceived, the first document to be obtained is the Environmental Clearance. It is only after the issuance of EC, the project proponent can apply for grants and permits from other authorities. The observation of the learned single Judge that the absence of No Objection Certificate from the Irrigation Departments makes Ext. P3 Environmental Clearance invalid is therefore opposed to law. It is further submitted that the observation that there was absence of such a certificate is opposed to facts, Ext.

15

R12(a) is a certificate which could cover all kinds of structures mentioned in Sec. 40(2).

(N) The finding on issue No. (iii) that the non-disclosure of the fact that the lands in question were forest lands assigned for agricultural/residential purposes clearly amounts to non-disclosure of material facts affecting the validity of Ext. P3 EC is absolutely baseless and incorrect. This question as submitted earlier is covered by the dictum laid down in 2017 (2) KLT 481. There was no necessity for any particular disclosure with regard to that.

(O) The points covered by issue No. (iv) do not exist as the 12th respondent had taken necessary steps for the rectification of all minor defaults pointed out by the authorities. With regard to the above, it is submitted that the learned single Judge has omitted to consider the reports submitted by the District Collector pursuant to an Order issued by this Hon'ble Court and also a previous report submitted by the Deputy Director of Mining and Geology. All the reports would indicate that the quarry in question is being conducted clearly in accordance with law and in accordance with approved mining plan.

(P) The learned single Judge has gone wrong in going beyond the pleadings in the Writ Petition and making the State of Kerala represented by its Chief Secretary, the SEIAA, Principal Secretary to Department of Industries etc. as parties to the Writ Petition while rendering the judgment. The learned single Judge has unnecessarily enlarged the scope of the Writ Petition. He should have seen that the limited challenge in the Writ Petition was against Ext. P3 Environmental Clearance and the same could not have been entertained in the light of the dictum laid down by the Hon'ble Supreme Court of India in the decision reported in 2013 (2) KLT 235. The rest of the issues did not arise in the matter and the learned single Judge has gone wrong in unnecessarily venturing to decide those issues.

16

(Q) The observation by the learned Judge that the 1st respondent ought to have considered the Judgment in 2018 (3) KLT 683 before issuing Ext. P3 stands testimony for non-application of mind.

(R) While dealing with issue no. (iii), the learned Judge relied on the decision reported in Mahindra Holidays 2019 (2) KLT 978 without knowing that its operation was stayed by a Division Bench in W. A. No. 1453 of 2019.

(S) Having found that the Writ Petition suffers from huge delay the learned Judge ought to have dismissed the same.

For these and other grounds to be urged at the time of hearing, it is humbly prayed that this Hon'ble Court be pleased to set aside the Judgment dated 06.08.2020 in W. P. (C) No. 24806 of 2019 of the learned single Judge and to dismiss the said Writ Petition.

INTERIM RELIEF

For the reasons stated in the memorandum of Writ Appeal, it is respectfully prayed that this Hon'ble Court be pleased to stay the operation of the Judgment dated 006.8.2020 in W. P. (C) No. 24806 of 2019 of the learned single Judge until the disposal of the above Writ Appeal.

Court Fee Rs. 200/- is paid under Schedule II Article 3(iii) A (2) of the Kerala Court Fees and Suit Valuation Act.

Dated this the 17th day of August, 2020.

COUNSEL FOR THE APPELLANT.

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 06TH DAY OF AUGUST 2020 / 15TH SRAVANA, 1942

WP(C).No.24806 OF 2019(A)PETITIONERS:

- 1 PETER,
S/O.DEVASSY, AGED 57 YEARS
NADUVILEVEETIL HOUSE,
MATTATHOOR.P.O., THRISSUR DISTRICT, PIN-680684.
- 2 SAJIN JOHN
S/O.JOHN, POONKAVANAM HOUSE, PADY.P.O.,
THRISSUR DISTRICT, PIN-680699
- 3 ISACC CHERIYAN
PONNAL HOUSE, MATTATHOOR.P.O.,
THRISSUR DISTRICT, PIN-680684

BY ADVS.
SRI.GEORGEKUTTY MATHEW
DR.K.P.SATHEESAN (SR.)

RESPONDENTS:

- 1 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
INDIRA PARYAVARAN BHAVAN, ALIGANJ,
JORBAGH ROAD, NEW DELHI-110003
- 2 THE DIRECTOR OF MINING AND GEOLOGY
KESAVADSAPURAM.P.O., THIRUVANANTHAPURAM PIN-695001
- 3 THE KERALA DISASTER MANAGEMENT AUTHORITY
REPRESENTED BY ITS MEMBER SECRETARY,
THIRUVANANTHAPURAM PIN-695001
- 4 THE DISTRICT COLLECTOR
COLLECTORATE, THRISSUR DISTRICT, PIN-680001
- 5 THE GEOLOGIST
OFFICE OF MINING AND GEOLOGY,
THRISSUR DISTRICT, PIN-680001
- 6 THE DIVISIONAL FOREST OFFICER,
CHALAKKUDY.P.O., THRISSUR DISTRICT, PIN-680307
- 7 KERALA STATE POLLUTION CONTROL BOARD
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE OF POLLUTION CONTROL BOARD,
CHEMBUKAVU, THRISSUR.P.O, PI-680020.

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- 8 THE TALUK SURVEYOR,
TALUK OFFICE, CHALAKKUDY,
CHALAKKUDY.P.O., THRISSUR DISTRICT, PIN-680307
- 9 THE EXECUTIVE ENGINEER
IRRIGATION DEPARTMENT, SUB DIVISION I, CHALAKKUDY.P.O.,
THRISSUR DISTRICT, PIN-680307
- 10 THE MATTATHUR GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY,
MATTATHUR.P.O., THRISSUR DISTRICT, PIN-680684
- 11 THE CIRCLE INSPECTOR OF POLICE
VELLIKULANGARA POLICE STATION,
THRISSUR DISTRICT, PIN-680699
- 12 M/S.EDATHADAN GRANITES (PRIVATE)LIMITED,
REPRESENTED BY ITS MANAGING PARTNER, OMBATHUNGAL,
MATTATHUR.P.O., THRISSUR DISTRICT, PIN-680684
- 13 THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001,
- 14 THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF INDUSTRIES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001
- 15 THE STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(SEIAA), K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR,
THAMPANOR, THIRUVANANTHAPURAM - 695 001 REPRESENTED BY
ITS MEMBER SECRETARY

ADDITIONAL R13 TO R15 ARE IMPEADED SUO MOTU

R1 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA
R2-6, R8-9, R11 BY SRI.RANJITH THAMPAN, ADDL.ADVOCATE GENERAL
R10 BY ADV. SRI.M.R.VENUGOPAL
R10 BY ADV. SMT.DHANYA P.ASHOKAN
R12 BY ADV. SRI.T.H.ABDUL AZEEZ
R12 BY ADV. SRI.MOHAMMED SADIQUE.T.A

OTHER PRESENT:

SRI. S. KANNAN, GP, SRI. T. NAVEEN (SC)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-07-2020, THE
COURT ON 06-08-2020 DELIVERED THE FOLLOWING:

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C.R.

JUDGMENTDated this the 6th Day of August, 2020Gopinath, J:

This writ petition is filed challenging the operation of a granite stone quarry by the 12th respondent, on the basis of an Environmental Clearance (hereinafter also referred to as 'E.C') allegedly obtained through suppression of material facts. It is also alleged that certain other permissions granted to the 12th respondent are illegal and that the 12th respondent has not obtained all the permissions required under the law. There are certain other allegations such as violation of E.C conditions, encroachment into Government lands, accumulation of water in pits and heaping of overburden etc. In short, the petitioners allege rampant violations of law in the matter of the operation of the quarry.

2. The 12th respondent was granted Ext.P8 mining lease in respect of an extent of 4.7065 hectares of land comprised in Sy Nos.1270/4, 5, 7, 8, 1271/2, 3,4, 1273/1, 2, 1272/1 of Kodassery Village in Chalakudy, Thrissur. The petitioners in the writ petition are residents in properties adjoining to or near to the aforesaid lands in respect of which Ext.P8 mining lease has been issued. They contend (i) that the Ext.P3 Environmental Clearance was obtained by suppression of several material facts and especially the fact that the lands were 'Forest' lands assigned to the predecessors-in-interest of the 12th respondent for specified purposes and therefore that an

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Environmental Clearance obtained by suppression of several material facts is liable to be quashed.; **(ii)** that the Environmental Clearance is bad for the reason that a no objection certificate in respect of the nearby water tank and irrigation canal has not been obtained as mandated under Section 40 (2) of the Kerala Irrigation and Conservation of Water Act, 2003 (hereinafter referred to as 'Conservation of Water Act'); **(iii)** that the operation of the quarry is in violation of several conditions imposed in the Environmental Clearance; **(iv)** that a huge quantity of topsoil removed from the land for enabling mining activities have been unscientifically stored causing threat of landslide etc. which may affect the houses of the petitioners which are situated at a lower level than the quarry operated by the 12th respondent; **(v)** that huge pits which have been formed on account of the mining activities are filled with water and this may cause extreme danger to persons like the petitioners who live at lower level; **(vi)** that there is violation of Rule 164 of the Metalliferous Mines Regulations, 1961; **(vii)** that the activities of the 12th respondent has resulted in destruction of a public road **(viii)** that there is illegal extraction of rock from the Government land and destruction of boundary and survey mark etc.; and **(ix)** that the operation of the quarry is in violation of the orders issued by the National Green Tribunal in O.A No. 304/2019 on 21.7.2020 whereby the Tribunal has directed that blasting operations shall not be permitted if there are residential buildings within a radius of 200 Meters of a quarry

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[This contention is not one taken in the writ petition and has been raised only in the additional affidavit filed in support of I.A Nos.5 & 6 of 2020, in the above Writ Petition.]

3. The 12th respondent has filed a counter-affidavit refuting the allegations levelled by the petitioners. Some of the official respondents have filed statements/counter-affidavits setting out their stand in the matter. The 12th respondent contends, *inter alia*, **(i)** that the Environmental Clearance cannot be challenged before this Court as the Writ Petitioners have an effective alternate remedy before the National Green Tribunal; **(ii)** that the writ petition is barred by delay and laches; **(iii)** that there is absolutely no suppression of facts in the application for Environment Clearance; **(iv)** that the land in question is not 'Forest' land; **(v)** that the quarry is functioning with all requisite permissions; **(vi)** that there is absolutely no danger caused on account of functioning of the quarry to the petitioners or anybody else; **(vii)** that there is no illegality in permitting the 12th respondent to construct / use the culvert in question; **(viii)** that N.O.C has been obtained from the Executive Engineer, Edamalayar Irrigation project as contemplated in the Kerala Irrigation and Water Conservation Act, 2003 and therefore that Ext.P4 judgment has no application to the facts of the case; **(ix)** that there is no damage to the Village Road, as alleged, and that the said road was strengthened to PWD standards at the cost of the 12th respondent; **(x)** that the mining activities

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are carried out strictly in accordance with the approved mining plan (xi) that there is no threat of pollution; (xii) that no Government land has been encroached and (xiii) that the 12th respondent has not destroyed boundary marks etc. The learned Government Pleader would also state that the Writ Petition is not maintainable. However, he also contends that the mining activity cannot be carried on in lands which were part of a reserve forest (originally) without permission from the Government and further that this issue is now before the Government in terms of the directions issued by this Court in W.P (C) 641/2020.

4. The writ petitioners have filed a reply affidavit producing certain documents to show that the land in question is part of a reserve forest and forms part of Old Sy.No 436 of Kodassery Village which was declared as a reserve forest by Notification dated 9.10.1909 of the Cochin Government. They state that this notification is part of the Counter Affidavit filed by the Forest Department in W.P (C) 641/2020 which was filed by the 12th Respondent challenging a stop memo issued by the Forest officials. They also reiterate their contentions in the Writ Petition.

5. In furtherance to an interim order issued by this court on 18-02-2020, the District Collector, Thrissur along with Divisional Forest Officer, Chalakudy and the District Geologist Thrissur conducted an inspection at the quarry site. A report of the inspection has been placed on record by the Government Pleader through a memo dated 12-03-2020.

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6. I have heard Sri. Georgekutty Mathew learned counsel appearing for the petitioners, Sri. PK. Suresh Kumar, learned Senior Advocate instructed by Sri. T.A. Mohammed Sadique for the 12th respondent, the Learned Assistant Solicitor General for the 1st respondent, Sri. S. Kannan, learned Government Pleader appearing on behalf of Respondents 2 to 6, 8, 9 & 11 & Sri.T.Naveen Learned Standing Counsel for the Kerala State Pollution Control Board. On 30.7.2020, when I.A Nos. 5 & 6 were taken up for consideration, I heard Dr. K.P. Sateeshan, Learned Senior Advocate instructed by Sri. Georgekutty Mathew learned counsel appearing for the petitioners.

7. At the outset, it is necessary to deal with two contentions raised by the learned Senior Counsel appearing on behalf of the 12th respondent as well as the Learned Government Pleader that the writ petition itself is not maintainable on account of (i) the fact that the Environmental Clearance granted to the 12th respondent has to be challenged, if at all, only through appropriate proceedings initiated before the National Green Tribunal; and (ii) that the Writ Petition is barred by delay and laches. It is to be noticed that Ext.P3 Environmental Clearance was issued as early on 12-03-2015. This writ petition was filed only on 18-09-2019. It is no doubt true that delay is one of the grounds that will have to be considered in the exercise of discretionary jurisdiction under Article 226 of the Constitution of India. The learned counsel for the petitioner would contend that an earlier writ

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petition against the functioning of the quarry is pending consideration of this Court as W.P(C) 7344/2014 and further that the present Writ Petition was filed only when the operation of the quarry became so objectionable and dangerous to persons living nearby (like the petitioners). In a matter like this where violations of environmental law and other gross statutory violations are alleged, it would not be proper for this Court to refuse consideration of the issue on merits, on the ground of delay. The issue as to whether the delay will disentitle the petitioners to any discretionary relief is certainly a matter for consideration at the stage when this court considers the reliefs, if any, that are required to be granted. As far as the question of alternate remedy is concerned it is to be noticed that at the time when the Writ Petition was filed any remedy under the National Green Tribunal Act, 2010, was barred¹. It is settled law that this court cannot extend the statutory period of limitation fixed by a statute. However, that does not mean that this Court cannot independently examine the validity of the Environment Clearance under Article 226 of the Constitution of India. The question to be considered is whether the existence of an alternative remedy of appeal before the National Green Tribunal should act as a complete bar to the entertainment of this writ petition. It is settled law that existence of an alternative remedy is not a bar to exercise of jurisdiction under Article 226 of the Constitution of India and that relegation of a party to a statutory appeal or other alternative remedy is only a self-imposed limitation. [See

¹ Para Section 16 of the National Green Tribunal Act, 2010

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Commissioner of Income Tax v. Chhabil Dass Agarwal (2014) 1 SCC 603]. This writ petition was admitted on 19-09-2019. The parties have filed their respective pleadings. Pursuant to interim orders inspections have been carried out and reports filed before this court. The fact that a Writ Petition has been admitted and interim orders have been issued is not in itself a ground which would compel this Court to examine the matter on merits despite the existence of effective alternate remedy. [See **State of U.P. v. U.P. Rajya Khanij Vikas Nigam Sangharsh Samiti, (2008) 12 SCC 675 & Genpact India Private Limited v. Deputy Commissioner of Income Tax and Another, (2019 SCC Online SC 1500)**]. It is true that the petitioner had an alternative remedy of filing an appeal against Ext.P3 Environmental Clearance before the National Green Tribunal. However, it is also to be noticed apart from questioning the Environmental Clearance various other reliefs have been sought for in this writ petition. At least some of the reliefs sought for cannot obviously be granted by the National Green Tribunal when examining the validity of Ext.P3. Therefore, I reject the contentions raised regarding the maintainability of the writ petition, I hold that the writ petition is maintainable notwithstanding the availability of alternate remedy against Ext.P3 before the National Green Tribunal.

8. In view of the finding that the Writ Petition is maintainable, the following issues arise for consideration:-

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- (i) *Is Ext.P3 Environmental Clearance illegal and unsustainable in law on account of suppression of material facts especially the fact that the lands in question were 'forest' lands assigned for agricultural/residential purposes after obtaining permission of the Central Government ?*
- (ii) *Is Ext.P3 Environmental Clearance illegal and unsustainable in law on account of failure to obtain no-objection certificates required under the provisions of the Kerala Irrigation and Water Conservation Act, 2003 ?*
- (iii) *Whether Ext.P8 order granting mining lease is liable to be cancelled on account of the fact that it was issued on the assumption that the lands in question are not lands assigned by the Government for specified purposes?*
- (iv) *Whether directions are required to be issued regarding the following issues / allegations raised by the petitioners:-*
- (a) *Filling up of mined areas with 'overburden' which is now stacked unscientifically at the mining site and the possibility of land slide;*
 - (b) *The apprehension of landslide due to water collection in pits formed due to mining and stacking of overburden in an unscientific manner;*
 - (c) *The alleged destruction of public road;*
 - (d) *The alleged destruction of a culvert over the canal near the mining area;*
 - (e) *violation of E.C conditions;*
 - (f) *illegal extraction of minerals from Government (puramboke) lands;*
 - (g) *destruction of boundary and survey marks;and*
 - (h) *alleged violation of Regulation 164 of the Metalliferous Mines Regulations, 1961.*

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- (v) *What is the effect of the directions issued by the National Green Tribunal in O.A No. 304/2019 on 21.7.2020 whereby the Tribunal has directed that blasting operations shall not be permitted if there are residential buildings within a radius of 200 Meters of a quarry?*
- (vi) *If the Environmental Clearance is found to be illegal and unsustainable what relief must be granted in this Writ Petition considering the delay (if any) in approaching this Court and also considering the fact that the issue as to whether mining should be permitted in the areas in question is pending consideration of the Government by virtue of directions issued by this Court in W.P(C) 641 of 2020 ?*

Re. Issue (i)

9. Ext.P3 Environmental Clearance is one granted in terms of the provisions contained in the Environmental Impact Assessment Notification 2006. It is clear from a reading of Ext.P3 that it was issued on the premise that no forest land is involved in the area proposed for mining activity. That the site in question is part of Kodassery Koomban Reserve Forest in view of the Reserve Forest notification published in the Cochin Government Gazette as early as on 09-10-1909 is not seriously disputed before me by the 12th respondent. This fact is also clear from the affidavit dated 27-01-2020 filed by the Divisional Forest Officer, Chalakkudy in W.P (C) No.641/2020 which, has been placed on record by the petitioners along with their reply affidavit, as Ext.P16. The Reserve Forest notification issued

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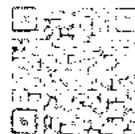
on 09-10-1909 is part of Ext.P16. It is also clear from the report dated 11-03-2020 filed by the District Collector enclosing the report of the Divisional Forest Officer, Chalakudy that the land on which the mining activity was permitted through Ext.P3 Environmental clearance is a Reserve Forest and part of the Kodassery Koomban Reserve by virtue of the notification of 1909, referred to above. In paragraph 4 of Ext.P3 it is stated:-

"The total mining lease area of 4.7065 ha which is private land. No forest land is involved"

It is settled law that once a particular land has been notified as a forest under any provision enabling the authorities to do so, the land does not lose the character of forest land and notwithstanding any purpose for which it may be subsequently put to use, it will still carry the nature and character of forest land [vide *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267]. In *State of Uttarakhand v. Kumaon Stone Crusher*, (2018) 14 SCC 537 it was held:-

"XIII. Meaning of "forest"

124. Safeguarding of forest has also been recognised by our Constitution under Article 48-A which obliges the State to protect and improve the environment and to safeguard the forests and wildlife of the country. Article 51-A clause (g) enumerates the fundamental duty of every citizen of India to protect and improve the natural environment including the forests, lakes, rivers, wildlife.



125. The Forest (Conservation) Act, 1980 is another parliamentary enactment which has been specifically enacted to provide for the conservation of the forest and for matters connected therewith. The definition of "forest" cannot be confined only to reserved forests, village forests and protected forests as enumerated in the 1927 Act. This Court has already held in *T.N. Godavarman Thirumulpad v. Union of India* [*T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267] that the word "forest" must be understood according to its dictionary meaning, in para 4 the following is stated: (SCC pp. 269-70)

"4. ... The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest (Conservation) Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest (Conservation) Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof."

126. Thus, forest shall include all statutorily recognised forests, whether designated as reserved, protected or otherwise. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area

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recorded as forest in the government records irrespective of the ownership. The restrictive meaning of forest as given by the Uttarakhand High Court in *M/s Gupta Builders* cannot be approved."

Applying the ratio of *Godavarman Thirumulpad* as well as that of *Kumaon Stone Crusher* the contention of the Learned Senior Counsel for the 12th respondent that no Forest Land is involved cannot be accepted.

10. The learned Senior Counsel for the 12th respondent would then contend, on the ratio of the judgment of this Court in *Omana v. Anil Kumar*, 2017 (2) KLT 481, that notwithstanding the wide definition of 'forest' in *Godavarman Thirumulpad (supra)*, once the land is assigned, the land loses its character as a forest land. In *Omana* this Court held:-

"Thereafter, the said lands were assigned in terms of the Assignment Rules that were framed under the 1960 Act. The assignments, having been effected to the predecessors in interest of the present land owners, also had the effect of transferring the title over the said lands to the said persons. The question then arises, as to whether, after a transfer of registry in respect of the land, whereby the State Government relinquished its title over the land in favour of the assignee, the notification declaring the lands as reserved forests would continue to apply in respect of the said lands, so as to impose restrictions with regard to the manner of use of the lands. In my view, the transfer of registry in respect of the land effectively divested the title over the land from the State

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Government and vested it in the assignee. The land in question upon assignment and thereafter, ceased to be Forest land for the purposes of the Kerala Forest Act and Rules, as also for the purposes of the Forest Conservation Act, 1980. Consequently, the notification that once included the said lands in the category of reserved forests, ceased to have any application to the said lands after their assignment to the predecessors in interest of the present land owners."

After referring to the fact that the assignments in question in that case were prior to coming into force of the Forest Conservation Act, 1980, the learned Judge proceeded to hold as follows:-

"17. The upshot of the aforesaid discussion, therefore, is that the lands, in respect of which the quarrying leases covered by these Writ Petitions have been granted, cannot be seen as Forest Lands for the purposes of invoking the provisions of the Forest Conservation Act, 1980. This issue is answered accordingly, in favour of the said petitioners."

The view taken by the learned Single Judge has been doubted by another learned Judge of this court in W.P (C) No.8244/2019 and the issue is now pending in reference before the Division Bench. The Learned Senior Counsel for the 12th respondent would however contend that the law laid down in *Omana (supra)* has been affirmed by the Division Bench in *One Earth One Life v. Ministry of Environment and Forests*, 2018 (3) KLT 683. I find it difficult to accept the contention of the learned Senior Counsel for the 12th respondent that the judgment of the learned

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Single Judge in *Omana (supra)* has been affirmed in *One Birth One Life (supra)*. Though the judgment in *Omana* has been extensively referred to, the Division Bench, after referring to *Godavarman Thirumulpad (supra)*; *Haridas R. v. State of Kerala*, 2016 (4) KLT 707; *Nature Lovers Movement v. State of Kerala*, AIR 2000 Ker.131 (FB), the judgment of the Apex Court in the Special Leave Petition challenging the aforesaid Full Bench judgment of this court viz. *Nature Lovers Movement v. State of Kerala*, (2009) 5 SCC 373 and; *State of Kerala v. New World Investments*, ILR 2016 (1) Ker. 817 held:-

"38. The quarrying for minerals is certainly a non-forest activity and therefore, without securing prior permission from the Central Government, such non-forest activity cannot be permitted in the lands declared as Reserve Forest which continue to be categorized so, in the revenue records. But, no attention appears to have been paid to this aspect, when the quarry permits were granted to the respondents 13 - 23. The protection of the environment and soil conservation is paramount in public interest, as otherwise, the right to enjoyment of life, guaranteed under Art.21 of the Constitution, would be impacted for the inhabitants of the area. While the development needs may also have to be accounted for, the courts must bear in mind that environment must be protected and pollution be minimized for greater interest of mankind."

39. to 43.....

"44. Obviously, the quarrying lease was being executed between the Geologist coming under the Department of Mining

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and Geology, representing the State Government, without the involvement of the Forest or Revenue authorities. This was only with reference to the Kerala Minor Mineral Concession Rules, 1967, framed in terms of the relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957. **As such, permission was being granted without ascertaining the nature or purpose of assignment of land involved.** The lacuna in this regard was taken note of by the Government, who, accordingly, filled up the gap while framing the new Rules (Rule 4 of the Kerala Minor Mineral Concession Rules, 2015), whereby production of the relevant certificate from the Village Officer is insisted, for granting/renewing the leasehold right. **As it stands now, no lease can be granted, contrary to the purpose of the assignment.**

45 & 46.....

47. Consequent to above, we are of the considered opinion that the Public Trust doctrine must also be made applicable in the present case. It is thus declared that whenever the Government decides to grant quarry permit or renew such permits, it must always take into account the availability of natural resources and the ecological impact and other environmental factors. Very often, quarry permits are granted on the basis of one sided self serving project reports which may not give a clear picture of the ground realities. This, in our considered opinion, is a significant lacuna to be addressed by State authorities.

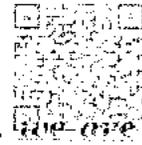
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49. Following the above discussion and having regard to the ratio in T.N.Godavarman Thirumalpad v. Union of India (supra), as also the doctrine of Public Trust enunciated by the

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Supreme Court in *M.C.Mehta v. Kamal Nath (supra)*. of the considered opinion that the concerned areas which are declared to be Reserve Forest, should continue to receive the protective cover of law, notwithstanding the settlement and assignment over the areas. In other words, these lands should be treated as forest lands. The assignment of these lands, for the limited purpose of settlement and agriculture in the already denuded lands, can be permitted. But, quarrying activities should not be encouraged, since it will cause permanent damage to the area. The removal of granite stones even from the rocky areas, will lead to loosening of the surface soil with its attendant problems of landslide and destruction of the green cover and these can hardly be permitted, if one takes into account the future needs of the mankind. Therefore, answering the issue Nos. (A), (B) and (C), we say that assignment of the land for limited purpose, envisaged under Rule 3 of the Special Assignment Rules, can be permitted. However, quarrying activities in those lands should either be prohibited altogether or should be permitted only under strict regulatory measures. The first three issues are answered accordingly." (emphasis is supplied)

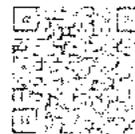
11. Therefore the decision in *Omana (supra)* cannot be applied in the facts of this case. The findings of the Division Bench in *One Earth One Life*, in so far as it is relevant for this case are:-

- (i) that only activities permitted at the time of assignment can be normally permitted in forest lands assigned for

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agricultural/residential purposes;

- (ii) that a land which is treated as Reserve Forest will continue to be characterized as such and any non-forest activity including quarrying for minerals can be permitted only with the permission of the Central Government;
- (iii) Quarrying activities in Reserve Forest lands should either be prohibited altogether or permitted only under strict regulatory measures.

Since it is not disputed before me that the lands in question in this case were forest lands assigned for agricultural purposes and this fact is also borne out from the documents/pleadings already referred to, I hold that the fact that the lands in question in this case were forest lands assigned for agricultural purposes was certainly was a relevant factor for consideration while issuing the Environmental Clearance especially in the light of the provisions in the Forest Conservation Act, 1980 and in view of the law laid down by a Division Bench of this Court in *One Earth One Life (supra)*.

Re. Issue (ii)

12. This court in judgment dated 1.11.2017 in W.P (C) No.23565/2017 had quashed an Environmental Clearance on account of the failure of the project proponent to obtain a no objection certificate under the provisions of Kerala Irrigation and Water Conservation Act, 2003. Ext.R12 (a) no objection certificate was obtained only on 01-11-2019

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which is much after the date of obtaining Ext.P3 Environmental Clearance. The existence of an irrigation canal at a distance of 172.86 meters and a public water tank at a distance of 563.50 meters of quarry site is evident from the report of the District Collector. A Division Bench of this court in ***Sobin P.K. v. District Geologist, Ernakulam and others, 2020 (1) KHC 1*** held that the provisions of the ***Kerala Irrigation and Water Conservation Act, 2003*** would extend to canals, water tanks etc., even if they are not owned and operated by the Irrigation Department. The learned counsel for the petitioners is therefore right in contending that a no objection certificate was mandatory in view of the existence of the irrigation canal at a distance of 172.86 meters and the public water tank at a distance of 563.50 meters of quarry site. Section 40 (2) states that such no objection will be required in respect of mining or quarrying activity within a radius of one kilometer of any bridge, dam, check dam or any other work structure or construction owned, controlled or maintained by the Government, local authority or other authority. In view of the law laid down in ***Sobin P.K*** (supra) it is clear that the failure to obtain a no objection certificate from the Irrigation Department in respect of the water tank is clearly an aspect which would affect the validity of Ext.P3 Environmental clearance. Even if Ext.R12 (a) is taken into consideration the same is only in respect of the irrigation canal not in respect of the water tank. Therefore the failure of the 12th respondent to obtain a no objection

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certificate under the provisions of Kerala Irrigation and Water Conservation Act, 2003 affects the validity of Ext.P3.

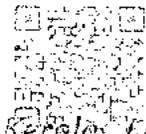
Re. Issue (iii)

13. The lands forming part of the aforesaid Kodassery Koomban Reserve Forest have been subject matter of encroachment over several years. After obtaining permission of the Government of India, lands forming part of the aforesaid reserve forest were assigned to various persons for the purpose of carrying out agricultural activities. Though this assignment is expressed as one under the provisions of the *Kerala Land Assignment Rules, 1964*, it is the assertion of the learned Government Pleader that the assignment is under the provisions of the *Arable Forest Assignment Rules, 1970* which have also been framed in terms of the provisions contained in the *Kerala Government Land Assignment Act, 1960*. It is seen from the *pattayams* issued to the predecessors in interest of the 12th respondent [produced as Ext.R12 (m) to R12 (s)] that reference is made to the provisions of Rule 9 (2) of the *Kerala Land Assignment Rules of 1964* which according to the Government Pleader was an inadvertent error or the wrong use of forms by the officials concerned. In view of the fact that the *Arable Forest Assignment Rules of 1970* were already in place as on the date of issuance of *pattayams* referred to above it is clear that these *pattayams* which have been issued in January, February and March of 1980 will have to be taken as one under the *Arable Forest Assignment*

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Rules, 1970 and not an assignment in terms of the ~~Kerala Land~~ *Land Assignment Rules of 1964*. The mention of the 1964 Rules can only be taken as a wrong quoting of the relevant provisions.

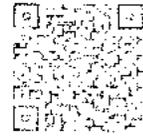
14. This court in ***Mahindra Holidays and Resorts India Ltd. v. State of Kerala***, 2019 (2) KLT 978 after referring to the provisions of the *Land Assignment Rules 1964* and in particular Rule 4 thereof found that assignment can only be for the purpose of personal cultivation or house sites. A reference to Rule 3 of the *Arable Forest Land Assignment Rules, 1970* also shows that the assignment can only be for the purpose of personal cultivation or for house sites or for cultivation on co-operative basis. Paragraph 16 of the judgment in **Mahindra Holidays** (supra) reads as follows:

"16. As adverted above, in private law, positive obligations or covenants will not run with the land and will not bind subsequent assignee. In public law, the assignment itself was on public interest. The moment, the object of the public law is defeated, the assignment becomes revocable. The original assignment would not have been possible for any other purposes other than the purpose for which it was assigned. The purpose for the assignment would equally bind the patta holder as well as his assignee. This is the reflection of public trust doctrine. There is no requirement to have conditions in patta that the patta holder or its assignee should cultivate the land all the time. The very basis of such assignment was for cultivation. The patta holder or assignee if commits any act defeating the object of the assignment, is bound to restore the land to the assignor."

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The same view was taken by this court in ***Haridas R. v. State of Kerala and others***, 2016 (4) KLT 707. Clause 8 of all the *pattayams* issued to the predecessor in interest of the 12th respondent [Ext.R12 (m) to Ext.R12 (s)] reads as follows:-

"The assignee or any member of his family or successor-in-interest shall reside in/cultivate the land and such residence/cultivate shall commence effectively within a period of one year from the date of receipt of patta."

Clause 9 of all the *pattayams* referred to above categorically provides that the registry shall be liable to be cancelled for contravention of any of the 'aforesaid conditions' which obviously includes Clause 8. The form of patta under the Arable Forest Land Assignment Rules (Form No.5) contains almost identical provisions in clauses 2 & 3. Therefore the question as to whether the assignment was under the *Kerala Land Assignment Rules, 1964* or under the *Arable Forest Land Assignment Rules 1970* need not detain this court from holding that the use of the land for purposes other than residence or cultivation by either the original assignee or the successor-in-interest will be a violation of the condition of assignment. The non-disclosure of the fact that the lands in question were Forest Lands assigned for agricultural / residential purposes clearly amounts to non-disclosure of material facts, affecting the validity of Ext.P3.

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**Re. Issue (iv)**

15. The statement dated 11-10-2019 filed by the 5th respondent in this Court on 12-10-2019 states that mining activity by the 12th respondent has been going on upon the lands in question for the past 10 years. The photographs produced by the petitioner as well as the 12th respondent show that huge pits have been formed on account of the mining. The State of Kerala has reported several accidents on account of the huge pits formed on account of mining activity on sites which are abandoned by the project proponents. Precious lives have been lost due to such accidents. It is rather unfortunate that the authorities have failed to address this issue effectively. It is the need of the hour to ensure that the pits formed due to mining activity are restored. In the facts of this case it is seen that huge quantities of overburden are stocked at the site. Though fresh mining leases have been issued from time to time, the Mining & Geology Department appears to have done little to ensure that the pits formed at points where the mining activity has been abandoned is restored using the overburden. Therefore necessary directions have to be issued to ensure that the pits at points where the mining activity has been abandoned is restored immediately. The 12th Respondent has undertaken before me that this will be done within a period of six months. The 12th respondent has also undertaken to take steps for afforestation of the restored areas within the same period. The officials of the forest department will have to be directed

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to ensure that afforestation activities are also undertaken by the 12th respondent, completely at its cost, by planting trees of such type and in such number as may be required to restore the natural flora and fauna of the site, in such manner as may be directed by the 6th respondent. The restoration/afforestation will have to be completed by 31-12-2020.

16. The apprehension of landslide due to water collection in pits formed due to mining and stacking of overburden in an unscientific manner is definitely a matter to be considered by the 3rd respondent. It is stated before me that Ext.P13 complaint filed before the 3rd Respondent has been referred to the District Level Disaster Management Authority for consideration. This is recorded.

17. The complaints of the petitioners regarding destruction of public road; destruction of a culvert over the canal near the mining area; illegal extraction of minerals from Government (puramboke) lands; destruction of boundary and survey marks; and alleged violation of Regulation 164 of the Metalliferous Mines Regulations, 1961 are matters which have to be considered by the respective authorities on the matter being brought to their notice by the petitioners. These are essentially questions of fact which cannot be determined in these proceedings.

Re. Issue (v)

18. Through an order dated 21-07-2020 in O.A 304/2019, the National Green Tribunal appears to have taken on record a report

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submitted by the Central Pollution Control Board that a minimum distance of 100m (when blasting is not involved) and 200m (when blasting is involved) should be maintained between residential/public buildings and quarrying sites. Referring to Ext.P.19, it is submitted that there are several residential houses within the aforesaid 200 Mts and therefore that the activities must be ordered to be stopped forthwith. It is to be noticed that the distance prescribed in the Kerala Minor Minerals Concession Rules, 2015 is only 50 mts. The National Green Tribunal has not struck down the Rules. Further this is not a point raised in the Writ Petition. Therefore I refrain from issuing any directions on the basis of the order of the National Green Tribunal in O.A 304/2019.

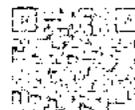
Re. Issue (vi)

19. The findings on issues (i), (ii) and (iii) would have normally resulted in an order setting aside Ext.P3 Environmental Clearance. However I refrain from doing so on account of the fact that there is considerable delay in approaching this court challenging Ext.P3 Environmental Clearance. As already noticed, Ext.P3 was issued on 12-03-2015 and this writ petition was filed only on 18-09-2019. Delay is certainly a factor which will have to be considered when the grant of a discretionary relief is sought. Judicial Review on a writ of *certiorari* is not a matter of right, but of judicial discretion and I believe that there are sound reasons to refuse *certiorari* to quash Ext.P.3, in this case. I must notice

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that the issue as to whether mining activity can be permitted on the lands in question is pending consideration before the Government of Kerala by virtue of the judgment of this Court in W.P (C) 641/2020 [Ext.R.12(L) judgment dated 06-02-2020]. In W.P (C) 641/2020 this Court was examining the validity of a stop memo dated 29-10-2019 issued to the 12th Respondent by the Divisional Forest Officer, Chalakkudy. This Court through Ext.R.12(L) judgment dated 06-02-2020 has found that the stop memo could not have been issued by the Divisional Forest Officer and has directed the Government of Kerala in the Industries Department to take a decision as to whether mining activity should be permitted in the area in question. A reading of Ext.R12(L) judgment shows that this Court had only examined the issue relating to the competence of the Divisional Forest Officer to issue a stop memo and had directed the Government of Kerala in the Industries Department to take a decision in the matter on account of the fact that mining lease is issued by the Director of Mining & Geology who functions under the administrative control of the Industries Department. Though Ext.P3 Environmental clearance is not being set aside, the decision to be taken by the Government of Kerala, as directed in Ext.R2(L) judgment in W.P (C) 641/2020 will have a bearing on the issue. The activity in respect of which the E.C was issued is a Category 'B' project under the EIA Notification, 2006. The question of granting Environmental clearance was considered by the Ministry of Environment and Forests as

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the tenure of the State Level Environment Impact Assessment Authority (SEIAA) had expired at that time. Since the SEIAA is now in place in the State of Kerala necessary directions will have to be issued to the SEIAA, Kerala to take note of the observations and findings in this judgment and consider/re-consider the matter of grant of Environmental Clearance to the 12th respondent. Directions will also have to be issued in respect of matters considered under issue No.5.

20. In order to ensure compliance with the directions to be issued by this Court, (i) The State of Kerala, represented by the Chief Secretary to Government, Government Secretariat, Thiruvananthapuram-695 001, (2) The Principal Secretary to Government, Department of Industries, Government Secretariat, Thiruvananthapuram-695 001 and the (3) The State Level Environment Impact Assessment Authority (SEIAA), K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor, Thiruvananthapuram - 695 001 represented by its Member Secretary, are *suo motu* impleaded as additional respondents 13, 14 & 15 to this writ petition. Registry shall carry out necessary corrections to the cause title.

21. In view of the findings on issues (i) to (vi), this Writ Petition will stand disposed of with the following directions:-

- (i) The Government of Kerala, shall take up for consideration the question as to whether the 12th respondent should be permitted to conduct quarrying operations in land having an extent of 4.7065

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hectares of land comprised in Sy Nos.1270/4, 5, 7, 8, 1271/3,4, 1273/1, 2, 1272/1 of Kodassery Village in Chalakudy, Thrissur which was identified as a Reserve Forest in terms of the notification issued by the Cochin Government on 09-10-1909, as directed by this Court in the Judgment dated 06-02-2020 in W.P(c) 641/2020. In view of the findings on issues (i), (ii) and (iii) the Chief Secretary to the Government of Kerala shall ensure that reports from the Principal Secretary/Secretary to Government, Department of Revenue & the Principal Secretary / Secretary to Government, Department of Forests and Wild Life shall be obtained and placed before the Principal Secretary / Secretary to Government, Department of Industries in order to enable him to take a proper decision in the matter. The Principal Secretary / Secretary to Government, Department of Industries shall also take note of the observations of a Division Bench of this Court in ***One Earth One Life v. Ministry of Environment and Forests*** [2018 (3) KLT 683] and especially the findings in paragraphs 38, 44, 47 & 49 of that judgment and the observations/findings in this judgment, while passing orders, as directed in W.P (C) 641/2020. He shall also take into consideration the reports to be placed before him by the Department of Revenue and the Department of Forests and Wildlife, as directed above. Orders shall be passed as aforesaid within a period

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of one month from the date of receipt of a copy of this judgment. A copy of the order to be passed shall also be communicated to the Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority. Unless and until orders are passed permitting the mining activity, the 12th respondent shall not conduct any mining operations pursuant to Ext.P3 and P8. However the 12th respondent will be permitted to use the material which was already mined and extracted and to operate its stone crusher unit using such materials;

- (ii) the 2nd Respondent, namely the Director of Mining & Geology and the 6th Respondent, namely the Divisional Forest Officer, Chalakkudy shall ensure that restoration of the mined out areas and afforestation as directed in paragraph 15 of this judgment shall be commenced **immediately** and completed at the earliest and at any rate within the time permitted i.e. 31-12-2020;
- (iii) the Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority shall take up the issue of Environmental Clearance granted to the 12th respondent, after receipt of a copy of the order from the Government of Kerala, as directed herein before and consider the strict measures to be imposed additionally in Ext.P.3 clearance as observed by a Division Bench of this Court in paragraph 49 of the judgment in **One Earth**

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One Life v. Ministry of Environment and Forests (3)

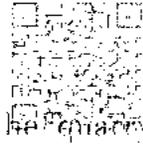
KLT 683]. The additional conditions shall include a condition regarding restoration and afforestation. This exercise shall be completed at the earliest and at any rate on or before 31-12-2020;

- (iv) The 3rd respondent, namely the Kerala State Disaster Management Authority shall ensure that necessary action is taken on Ext.P13 and that necessary steps are taken to ensure that the accumulation of water/ overburden does not result in any untoward incident as apprehended by the petitioners. The concerned officials of the Kerala State Disaster Management Authority or the District Disaster Management Authority, Thrissur District, shall **forthwith** cause inspection of the mining area of the 12th respondent which is subject matter of this writ petition and necessary instructions/directions shall be issued to the 12th Respondent. The needful shall be done within a period of 2 weeks from the date of receipt of a copy of this judgment;
- (v) The 12th respondent shall obtain fresh no objection certificates as required under the provisions of the Kerala Irrigation and Water Conservation Act, 2003 and produce the same before the the Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority within one month from the date of receipt of a copy of this Judgment;

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(vi) The 12th respondent will be permitted to operate the quarry in question in strict compliance with the conditions in Ext.P3 till 31-12-2020 if, the Government of Kerala permits mining activity upon the land in the decision to be taken in furtherance of the directions issued by this Court in W.P (C) 641/2020 and in this judgment. The operations by the 12th respondent after 31-12-2020 will be subject to all the additional conditions and stipulations to be imposed by the Additional 15th Respondent, as directed herein before.

(Sd/-)
GOPINATH P.
Judge

AMG

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APPENDIX

PETITIONERS' EXHIBITS:

- EXHIBIT P1 TRUE PHOTOGRAPHS SHOWING THE QUARRY SITE
- EXHIBIT P2 TRUE PHOTOGRAPHS SHOWING THE PUBLIC WATER TANK
- EXHIBIT P3 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE DATED 07.05.2015 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P4 TRUE COPY OF THE JUDGMENT DATED 01.11.2017 IN WP(C)NO.23565/2017 OF THIS HONOURABLE COURT
- EXHIBIT P5 TRUE COPY OF THE LETTER DATED 24.04.2014 OF THE DFO OBTAINED UNDER RTI ACT
- EXHIBIT P6 TRUE PHOTOGRAPHS SHOWING THE DAMAGES OF THE VILLAGE ROAD
- EXHIBIT P7 TRUE PHOTOGRAPHS SHOWING THE DAMAGES IN THE RESIDENTIAL HOUSE OF THE 1ST PETITIONER
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 07.05.2015 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT P9 TRUE TYPED COPY OF THE ORDER DATED 10.10.2010 OF THE 9TH RESPONDENT WITH REGARD TO THE FORMATION OF CULVERT OVER THE CANAL
- EXHIBIT P10 TRUE COPY OF THE RELEVANT EXTRACT OF THE PORAMBOK BOOK OF KODASSERY VILLAGE
- EXHIBIT P11 TRUE COPY OF THE LETTER DATED 15.12.2014 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT P12 TRUE COPY OF THE REPRESENTATION DATED 20.08.2019 FILED BEFORE THE 4TH RESPONDENT BY THE PETITIONERS AND OTHER NEIGHBOURS
- EXHIBIT P13 TRUE COPY OF THE MASS PETITION DATED 03.09.2019 SUBMITTED BEFORE THE 3RD RESPONDENT BY THE PETITIONERS AND OTHER NEIGHBOURS
- EXHIBIT P14 TRUE COPY OF THE COMPLAINT DATED 22.08.2019 FILED BEFORE THE 11TH RESPONDENT BY THE 1ST PETITIONER
- EXHIBIT P15 TRUE COPY OF THE RELEVANT EXTRACT OF THE MAP SHOWING THE RED DISASTROUS RED ZONE WITH REGARD TO QUARRY SITE PREPARED BY THE 2ND RESPONDENT AND LAID IN THE GOOGLE EARTH

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- EXHIBIT P16 TRUE COPY OF THE COUNTER AFFIDAVIT DATED 27.11.2020 FILED ON BEHALF OF THE 6TH RESPONDENT IN WP (C) NO.641/2020
- EXHIBIT P17 TRUE COPY OF THE CERTIFICATE DATED 24.3.2015 ISSUED BY THE VILLAGE OFFICER, KODASERY
- EXHIBIT P18 TRUE COPY OF THE REPORT DATED 7.1.2020 SUBMITTED BY THE TAHSILDAR, CHALAKKUDY TO THE DISTRICT COLLECTOR THRISSUR.
- EXHIBIT P19 TRUE COPY OF THE LOCATION SKETCH DATED 25.9.2019 ISSUED BY THE VILLAGE OFFICER, KODASSERY.
- EXHIBIT P20 TRUE COPY OF THE PROCEEDINGS DATED 27.2.2017 OF THE SUPERINTEND OF POLICE, VIGILANCE AND ANTI-CORRUPTION BUREAU EASTERN CIRCLE KOTTAYAM
- EXHIBIT P21 TRUE COPY OF PLAN OF DISASTER PROBABILITY AREAS PUBLISHED BY THE 3RD RESPONDENT ON 26/02/2020.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R12 A TRUE COPY OF THE NO-OBJECTION CERTIFICATE (NOC) ISSUED BY THE EXECUTIVE ENGINEER, IDAMALAYAR IRRIGATION PROJECT, DIVISION NO.II, CHALAKKUDY ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 B TRUE COPY OF THE CERTIFICATE DATED 19/6/2018 ISSUED BY THE ASSISTANT ENGINEER OF THE 10TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 C TRUE COPY OF THE APPLICATION DATED 9/5/2019 SUBMITTED BY THIS RESPONDENT TO THE 10TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 D TRUE COPY OF THE APPROVAL DATED 15/5/2019 GIVEN BY THE 10TH RESPONDENT TO THE EXHIBIT R12 (A) APPLICATION GIVEN BY THIS RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT R 12E TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONERS AND A GROUP OF PEOPLE TO THE 10TH RESPONDENT AGAINST EXHIBIT R12 (D) APPROVAL ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 F TRUE COPY OF THE PUBLIC LIABILITY INDUSTRIAL INSURANCE POLICY VALID UPTO 12/11/2019
- EXHIBIT R12 G TRUE COPY OF THE ORDER DATED 22/10/2019 BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, MATTATHUR ALONG WITH ITS ENGLISH TRANSLATION

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- EXHIBIT R12 H TRUE COPY OF THE ORDER DATED 18/12/2019 BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, MATTATHUR ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 I TRUE COPY OF THE STOP MEMO DATED 24/8/2019 ISSUED BY THE 5TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION
- EXHIBIT R12 J TRUE COPY OF THE ENQUIRY REPORT DATED 30/9/2019 SUBMITTED BY THE DEPUTY DIRECTOR, DIRECTORATE OF MINING AND GEOLOGY OBTAINED UNDER THE RIGHT TO INFORMATION ACT
- EXHIBIT R12 K TRUE COPY OF ORDER NO.341/19-20/1981/GS/C2/TDO/19 DATED 30/12/2019 ISSUED BY THE 5TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION

Validity unknown

Digitally signed by C M SABIDA
Date: 2020.08.10 13:44:51 +05:30

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Presented On: 18.09. 2019

Sub: The Minor Mineral Concession Rules 2015 Writ Petition filed seeking directions to stop the illegal functioning of granite quarry by the 12th respondent in violation of laws and mandatory conditions of Environmental Clearance.

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM

W.P. (C) No. ²⁴⁸⁰⁶ of 2019

Peter & others : Petitioners

Vs.

Union of India & others : Respondents

WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

GEORGEKUTTY MATHEW (G- 136)

COUNSEL FOR THE PETITIONERS

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(C). No. 24806 of 2019

Peter & others : Petitioners

Vs.

Union of India & others : Respondents

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| 6 | <u>Exhibit.P3:</u> True copy of the Environmental Clearance dated 07.05.2015 issued by the 1 st respondent. | 25-34 |
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| 8 | <u>Exhibit.P5:</u> True copy of the letter dated 24.04.2014 of the DFO obtained under RTI Act. | 43-45 |
| 9 | <u>Exhibit.P6:</u> True Photographs showing the damages of the village road. | 46-47 |
| 10 | <u>Exhibit.P7:</u> True Photographs showing the damages in the residential house of the 1 st petitioner. | 48 |
| 11 | <u>Exhibit.P8:</u> True copy of the order dated 07.05.2015 issued by the 2 nd respondent. | 49-56 |
| 12 | <u>Exhibit.P9:</u> True typed copy of the order dated 10.10.2010 of the 9 th respondent with regard to the formation of culvert over the canal. | 57 |
| 13 | <u>Exhibit.P10:</u> True copy of the relevant extract of the pottambok book of Kodassery Village. | 58-59 |
| 14 | <u>Exhibit.P11:</u> True copy of the letter dated 15.12.2014 issued by the 2 nd respondent. | 60-61 |
| 15 | <u>Exhibit.P12:</u> True copy of the representation dated 20.08.2019 filed before the 4 th respondent by the petitioners and other neighbours. | 62-64 |
| 16 | <u>Exhibit.P13:</u> True copy of the mass petition dated 33.08.2019 submitted before the 3 rd respondent by the petitioners and other neighbours. | 65-73 |
| 17 | <u>Exhibit.P14:</u> True copy of the complaint dated 22.08.2019 filed before the 11 th respondent by the 1 st petitioner. | 74-75 |
| 18 | <u>Exhibit.P15:</u> True copy of the relevant extract of the map showing the red disastrous red zone with regard to quarry site prepared by the 2 nd respondent and laid in the 'google earth'. | 76 |

Dated this the 16th day of September, 2019.

Counsel for the Petitioners

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM

W.P.(C) No. 24806 of 2019

Peter & others : Petitioners

Vs.

Union of India & others : Respondents

SYNOPSIS

The writ petition is filed seeking direction to stop the illegal operation of the granite quarry by the 12th respondent. The quarry is in the top of a hillock. As it is evident from Ext.P1 photographs, large quantity of water is collected in the quarry pits. This water collection along with loose surface soil collected in the quarry site may collapse at any time and slide towards the residential houses and agricultural lands at the bottom of the hillock as happened at 'Kavalappara' and 'Puthumala' this year. In fact, the water collection in the quarry threatening is as 'water bomb' over the heads of the petitioners and other neighbours. The quarry of 12th respondent is functioning in violation several laws and mandatory conditions of Ext.P3 EC.

Main points to be urged:

- 1 The quarry site is erstwhile forest lands assigned for agricultural purposes. The use of these lands for quarrying is violating Rule 3 of the Kerala Land Assignment (Regulation of Occupation of Forest Lands prior to 01.01.1977) Sub Rules 1993 as well as Forest Conservation Act, 1918
- 2 As it is evident from Ext.P10 and P11 there is government land and public road in the quarry site. It is by encroaching and enclosing the government land and public road that the quarry is operated. The quarry site is fenced including government lands and public road. The survey and boundary marks of the quarry site comprised in several survey sub divisions including government land and public road are destroyed. The official respondents are duty bound to recover the government lands and public road as well as to take penal actions for illegal extraction of minerals in public lands and for destroying survey and boundary marks.
- 3 Ext P3 environmental clearance is obtained by suppression of several material facts. The pendency of Writ Petitions were deliberately suppressed and false affidavit was submitted stating that no litigations are pending. Besides, it was wrongly submitted before the 1st respondent that no forest land is involved in the quarry site. Hence,

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Ext.P3 is liable to be set aside under Clause 8(vi) of EIA Notification for deliberate suppression of material facts.

4 The Ext.P9 order granting mining lease is liable to be cancelled as the same is issued without noticing that the quarry site is erstwhile forest lands as well as government lands and public road are included.

5 The quarry site is surrounded by forest land and irrigation canal. The only access to the quarry site is through the culvert over the canal of the Irrigation Department. This is not permissible as per Ext.P3 EC. That apart, the mandatory NOC from Irrigation Department is also is not obtained

6 The 12th respondent is trying to reclaim the mine out pits before taking measurements by the geologist with the assistance of Taluk Surveyor to assess the illegal extraction. This reclaiming of pits is to be permitted only after taking measurements of the pits.

Date & Events.

20.08.2019 - The petitioners submitted Ext.P12 representation before the 1st respondent.

03.09.2019 - The petitioners submitted Ext.P13 mass petition before the 3rd respondent.

Provisions of Law involved in this case:

Clause 8(vi) of Environmental Impact Assessment Notification 2006.

Dated this the 16th day of September, 2019.


Counsel for the Petitioners.

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM

(Special Original Jurisdiction)

W.P.(C) No. 24806 of 2019

PETITIONERS:

1. Peter, S/o Devassy,
Naduviliveetil House,
Mattathoor P.O., Thrissur District,
Pin - 680684.
2. Sajin John,
S/o John, Poonkavanam House,
Pady P.O., Thrissur District,
Pin-680699.
3. Isacc Cheriyan,
Ponnai House,
Mattathoor P.O., Thrissur District,
Pin- 680684.

Vs.

RESPONDENTS:

1. Union of India, represented by its Secretary,
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhavan, Aliganj,
Jorbagh Road, New Delhi-110003.
2. The Director of Mining & Geology,
Kesavadasapuram P.O.,
Thiruvananthapuram, Pin-695001.
3. The Kerala Disaster Management Authority,
Represented by its Member Secretary,
Thiruvananthapuram, Pin-695001.
4. The District Collector,
Collectorate, Thrissur District, Pin-680001.
5. The Geologist, Office of Mining & Geology,
Thrissur District, Pin-680001.
6. The Divisional Forest Officer,
Chalakkudy, P.O, Thrissur District, Pin-680307.
7. Kerala State Pollution Control Board,
Represented by its Environmental Engineer,
District Office of Pollution Control Board,
Chembukavu, Thrissur P.O., Pin-680020.

←

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8. The Taluk Surveyor,
Taluk Office, Chalakkudy,
Chalakkudy P.O., Thrissur District, Pin-680307.
9. The Executive Engineer,
Irrigation Department, Sub Division I,
Chalakkudy P.O., Thrissur District, Pin-680307.
10. The Mattathur Grama Panchayat
Represented by its Secretary,
Mattathoor P.O., Thrissur District, Pin-680684.
11. The Circle Inspector of Police,
Vellikulangara Police station,
Thrissur District, Pin-680699.
12. M/s. Edathadan Granites (Private) Limited,
Represented by its Managing Partner,
Ombathungal, Mattathur P.O.,
Thrissur District, Pin-680684.

The address for service of all process and notice to the petitioners is that of their Counsel Georgékutty Mathew & Lijo James, Advocates, Chamber No. 745, 7th floor, Kerala High Court Advocates' Association Golden Jubilee Chamber Complex, Near High Court, Ernakulam, Cochin - 31.

The address for service of all notices and processes to the respondents is as shown above.

WRIT PETITION (CIVIL) UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

STATEMENT OF FACTS

The Petitioners respectfully submits as follows:-

1. The petitioners, either residing with families or having landed properties near to the quarry of 12th respondent, are approaching this Honourable Court being aggrieved by the acute environmental crisis including nuisance and pollution from the granite quarry in the lands comprised in Sy.No.1270/4, 5, 7, 8, 1271/2, 3, 4, 1273/1, 2 and 1272/1 of the Kodassery Village, Thrissur District.
2. The quarry of the 12th respondent is being operated for more than 10 years. The quarry site is a very steep hillock. Top of the hillock is vanished by the mining. Consequently, a very huge water pond is formed in the mine out surface of the hillock. True photographs showing

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the present quarry site are produced herewith and marked as Exhibit.P1.

3. As it is seen from Ext.P1 photographs, the quarry appears as a 'water bomb' endangering the life of the people residing in the bottom of the hillock namely 'Kunjalipara'. The water collected in the quarry ponds is being penetrated into the inner layers of the hillock. It is apprehended that the water so collected will explode during the rainy seasons, as happened at 'Kavalappara' in Malappuram District and 'Puthumala' in Wayanad District this year. It is pertinent to point out that there were occurred land sliding in the previous year at the other side of this 'Kunjalipara' hillock also, causing severe damages to the agricultural lands at the bottom.

4. The Quarry site is erstwhile forest lands in which huge trees were standing. The roots of large number of trees are found in the quarry site and these pits will cause the water penetrating phenomena called "Soil Piping" in this area. The petitioners herein and other neighbours living at the bottom of the quarry are under eminent threat to their life as well as their agricultural lands.

5. There is an irrigation canal passing at the distance of only 200 m from the quarry and crusher unit of the 12th respondent. As per Section 40(2) of the Kerala Irrigation and Conservation of Water Act, 2003, no quarrying operation can be done without obtaining NOC from the Irrigation Department within the radius of 1 km from the structures of Irrigation Department. It is learned that 12th respondent have not obtained NOC from the Irrigation Department for running the quarry.

6. There is a public water tank at the distance of about 200 m from the quarry site. True photographs of the public water tank is produced herewith and marked as Exhibit.P2. There is every possibility of causing damages to the water tank due to the blasting in the quarry.

7. The 12th respondent obtained environmental clearance (EC) from the 1st respondent suppressing about the existence of canal and tank near to the quarry as well as suppressing several other relevant materials. True copy of the said EC dated 07.05.2015 issued by the 1st respondent is produced herewith and marked as Exhibit.P3. It is clear from Ext.P3

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EC that the same is obtained without disclosing the existence of water tank and canal near to the quarry.

8. This Honourable Court in similar cases have stopped the operation of quarries for want of NOC from Irrigation Department, as stipulated in Section 40(2) of the above said Act. True copy of the judgment dated 01.11.2017 in WP(C) No.23565 of 2017 is produced herewith and marked as Exhibit.P4. This Honourable Court was also pleased even to quash the environmental clearance for the non-consideration of the existence of canal and water tank near to the quarry site in Ext.P4 judgment. Hence the petitioners herein are also entitled for similar reliefs as in Ext.P4, the cancellation of Ext, P3 EC.

9. That apart, the Ext.P3 EC is obtained by suppression of other relevant material facts also before the 1st respondent. As per clause 8 (VI) of the Environmental Impact assessment Notification (E.I.A.) 2006, as well as general condition No.X of Ext.P3, any deliberate suppression of material facts and submission of false or misleading data will invalidate the environmental clearance. In para 7 of Ext.P3 it is seen that the proponent has informed the 1st respondent that there is no court cases/litigations pending against the project and also submitted an affidavit dated 29.01.2015 in this regard. But, W.P@.No. 37773/2010 was pending as on 29.01.2015, which was filed by the 12th respondent challenging the prohibitory orders of the 6th respondent against the running quarry in the erstwhile forest lands. The said Writ Petition was later dismissed for default on 25.02.2019.

10. Besides, W.P@.No.7344/2014, filed by the neighbours against the functioning of the quarry of the 12th respondent was also pending as on 29.01.2015, while the 12th respondent filed affidavit before the 1st respondent stating that no litigation is pending against the quarry. W.P.(C).No.7344/2014 is still pending before this Honourable Court. In view of the suppression of existence of these litigations before the 1st respondent, Ext.P3 EC is liable to be cancelled as per Clause 8 (VI) of the EIA Notification 2006 as well as condition No.10 of Ext.P3.

12. As it is seen in para 4 of Ext. P3, the 12th respondent submitted before the 1st respondent that, no forest land is involved in the quarry



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site. This is incorrect. The entire quarry site is erstwhile forest land assigned for agricultural purposes. Therefore, the operation of quarry in these lands is in violation of Rule 3 of Kerala Land Assignment (Regulation of Occupation of Forest Lands prior to 01.01.1977) special rules 1993 as well as Forest Conservation Act 1980.

13. The 6th respondent DFO submitted letter dated 24.04.2014 before the 4th respondent District Collector reporting about the illegal functioning of the quarry by the 12th respondent in the forest lands. True copy of the said letter obtained under the RTI Act is produced herewith and marked as Exhibit.P5. In Ext.P5 it is categorically stated that the quarry site is erstwhile forest lands assigned only for agricultural and allied purposes. It is also stated in Ext.P5 that the quarry is being operated in violation of Forest Conservation Act as well as special Rules 1993. It is specifically stated in Ext.P5 that no NOC is being issued from the Forest Department for the functioning of the quarries in the lands having agricultural 'Patta's. It is further requested in Ext.P5 to take steps for cancellation of the quarrying lease of the 12th respondent. In view of submission of false information that no forest land is involved in the project area by the 12th respondent before the 1st respondent in the application for Ext.P3 EC, the same is liable to be cancelled as per Clause 8(VI) of the EIA Notification 2006 as well as condition No.10 of Ext.P3. Besides, the assignments of land for agricultural purposes are to be cancelled for the misuse of assigned land for quarry.

14. That apart, there are several violations of EC conditions in the quarry of the 12th respondent. It is directed in General conditions No.VIII of Ext.P3 that the collection of over burden is to the maximum height of 7 meters and width of 20 meters with the slop of 45°. In violation of this condition, huge quantity of overburden is stored by the side of the nillock. This unstable collection of over burden may collapse and spreads into neighbouring agricultural lands and residential houses. The collection of large quantity of water in the mined out pit will accelerate the land sliding.

15. Clause No. XVIII of Ext.P3 is the prohibition of use of village road for the Transportation of minerals. In violation of this specific condition, the



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minerals are being transported through the village road. In fact this road is not fit for the plying of heavy vehicles. The road is in a dilapidated condition. True photographs showing the damages of the village road is produced herewith and marked as Exhibit.P6. There is no bye pass road as provided in the EC. It is pertinent to point out that the quarry site is fully covered by forest lands and water canal. There is no point of road access to the quarry site without crossing the water canal or forest lands. But the 1st respondent failed to notice this while processing application for Ext.P3 EC. In fact EC would not have been granted to this quarry for want of required road access as stipulated in Ext.P3 EC.

16. The 12th respondent is running the quarry even in violation of other mandatory conditions of Ext.P3 EC. In Clause XV of Ext.P3 it is mandated that the project proponent shall carry out vibration studies well before approaching any such habitats or other buildings to evaluate the zone of influence and impact of blasting on the neighbourhood, within 500 m of such sites vulnerable to blasting vibrations, avoidance of use of explosives and adoption of alternative means of mineral extractions to be practiced. The residential houses of the petitioners and other members are damaged due to the blasting in the quarry. That apart, even the public canal walls are also in dilapidated condition due to the shakes of blasting in the quarry. True photographs showing the damages in the residential house of 1st petitioner is produced herewith and marked as Exhibit.P7. Ext.P7 proves that the 12th respondent is violating condition No.XV of the EC.

17. In Clause XVII of specific condition of Ext.P3 make it mandatory to obtain Crop Liability Insurance Policy by the proponent. It is suspected that no such policy is obtained by the 12th respondent. That apart, the mandatory public liability insurance policy is also seems not taken by the 12th respondent. These violations make Ext.P3 as liable to be cancelled.

18. The extractions of minerals beyond ground water level is not permissible in the light of Ext.P3. As it is seen from Ext.P1 photographs, large quantity of ground water is seen collected in the quarry. This may be due to the crossing of ground water level. Condition No.VI in Ext.P3



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is not to cross the ground water level. No inspection is conducted from the office of the 1st respondent or its subordinate officers for verifying violations of environmental clearance.

19. The quarrying lease to the 12th respondent was granted in the light of Ext.P3 environmental clearance. The 12th respondent obtained quarry lease without following the recommendations of Ext.P5. True copy of the order dated 07.05.2015 issued by the 2nd respondent granting mining lease in favour of the 12th respondent is produced herewith and marked as Exhibit.P8. Ext.P8 order is highly arbitrary and illegal. The grant of mining lease in erstwhile forest land is not legally permissible. Therefore, Ext.P6 is liable to be set aside.

20. The proponent is reclaiming the quarry pit by using the over burden previously removed from the top of the hillock. If these huge pits are filled with soil, the depth of illegal extraction cannot be assessed by geologist and revenue authorities. Consequently, heavy financial loss will be caused to the public exchequer. Therefore, the measurement of the quarry pits are to be taken with the assistance of 8th respondent Taluk Surveyor, before reclaiming the pits and the 12th respondent is to be prosecuted under law for illegal extractions of minerals beyond the permitted depth and exceeding boundaries of lease area.

21. The road access is very narrow to the quarry site. This panchayath road is having a width of nearly 4 m which is not fit for plying of heavy vehicles. The petitioners and other neighbours are unable to take their vehicles to their houses due to want of space in this canal road while the vehicles are plying to the quarry. In fact, this village road is not fit for plying of heavy vehicles. It seems that the Torres and other heavy vehicles are not permitted to be used in such unfit roads. That apart, the access road is through a culvert constructed over the canal of the 9th respondent. In fact, this culvert is not fit for the plying of Torres. In fact the quarry site is covered by forest lands and water canal. There is no access to the quarry site except over the water canal. This aspect is not considered by the 1st respondent while issuing Ext.P3 or 2nd respondent passing Ext.P8 order.



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22. The culvert over the canal was constructed with the undertaking before the 9th respondent that no damage and hindrance will be caused to the road, canal system and canal abutments. True typed copy of the order dated 10.10.2010 with regard to the formation of culvert over the canal is produced herewith and marked as Exhibit.P9. As it is evident from Ext.P6 photographs, the road and culvert are damaged by the plying of heavy vehicles to the quarry. But the 9th respondent did not taking any actions for the violations of Ext.P9 so far.

23. The dangerous and contaminated waste water including chemicals from the crusher unit of the 12th respondent is reaching to the nearby paddy fields. On account of this pollution, the nearby people are unable to continue their paddy cultivation. The 3rd Petitioner is having paddy field comprised in Sy.No.496/3 of the Mattathur Village, which became unfit for cultivation due to the contaminated waste reached from the units of the 12th respondent. The 3rd petitioner and other farmers are entitled to get compensation for crop loss as provided in Ext.P3 EC.

24. The quarry site includes government "Puramboke" lands also. The relevant extract of Porambok book of Kodassery Village with regard to the area under Sy.No.1270 is produced herewith and marked as Exhibit.P10. The Exhibit P10 shows that there is 11.12 Ares of government land in Sy.No.1270/2 and a road in Sy.No.1270/3. The quarry site includes Sy.No.1270/4, 5, 7 & 8 as seen from Ext.P8. Ext.P10 further shows that the lands in 1270/4, 1270/5 is assigned lands. It is respectfully submitted that the government land of Sy.No.1270/2 and the road in Sy.No.1270/3 are encroached and enclosed by the 12th respondent as his quarry site. He had laid fencing including this Government land and road. In fact this government land and public road are not identifiable at present.

25. Previously, the Mining Department imposed fine from the 12th respondent for illegal extraction of minerals from Government lands. True copy of the letter dated 15.12.2014 issued by the 2nd respondent in this regard under the RTI Act is produced herewith and marked as Exhibit.P11. As it is seen from Ext.P11, there is a government road in Sy No 1267/5 and 1271/1. But this government road is disappeared



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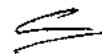
30. The 12th respondent had dig numerous bore wells in the quarry site for obtaining water for the use in crusher unit. These bore wells are dig without obtaining permit from the concerned authorities. The heavy extraction of ground water by the 12th respondent diminishes the ground water level and the people live in the area are under threat of acute water scarcity. The authorities are not considering these aspects.

31. No fencing is done in the quarry of the 12th respondent. The boundaries of the lease area are not demarcated. Hence there is every chance of causing accident to the neighbours and their animals by falling into the quarry pits. But the authorities have not taken any action against these violations.

32. The quarry site is having several sandalwood trees. The sandalwood trees are growing only on specific conditions. This area is fit for the growing of sandalwood trees. Therefore, this quarry site is liable to be protected as a sandalwood resort. The 6th respondent is not taking any steps for the protection of sandalwood trees in the quarry site.

33. It is learned from the District Disaster Management Authority that the quarry site falls under 'red zone' in the disaster management map of the district. This area falls under the category of 'red zone' because this is a land sliding prone area. The true copy of the relevant extract of the map showing the red disastrous red zone with regard to quarry site prepared by the 2nd respondent and laid in the 'google earth' is produced herewith and marked as Exhibit,P15. But the District Disaster Management Authority under the 4th respondent is closing their eyes with ulterior motive of illegally permitting the 12th respondent to continue the quarry operations. Hence urgent interference is necessary from this Honourable Court.

34. As per the Regulation No.164 of the Mettalliferous Mine Regulations, the radius of 300 m from the quarry site is declared as a danger zone and mandated that the blasting in the quarry can be done only after ensuring that all the person in danger zone have taken to proper shelter. There are numerous residential houses including that of the petitioners within the dangerous zone. Therefore, the 12th respondent is not



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entitled to operate the quarry within the radius of 300 m from the adjacent neighbouring houses. This Honourable Court in several judgment held that quarry can be permit to operate in the state only after ensuring the compliance of Regulation 164.

35 The quarry of the 12th respondent is operated in violation of conditions of 7th respondent Pollution Control Board (PCB). The level of dust emanated from the quarry exceeds permitted limit. Similarly the sound generated from the machineries also exceeds permitted limit. Contaminated waste from the quarry crusher reaches nearby 'thode', canal and other water courses. But no actions are taken by the 7th respondent PCB to ensure the compliances of their conditions in the unit of 12th respondent. Though it is mandatory to have inspections from PCB within 2 weeks, the 7th respondent is sleeping over his statutory duties.

36. The quarry of the 12th respondent is functioning with license issued by the respondent panchayat. It is the duty of the licensing authority also to see that the quarry is operated strictly following the conditions of environmental clearance. The State Government have made the Grama Panchayat has been nodal agency for implementing conditions of statutory authorities by the proponents of dangerous and offensive trades. That the 10th respondent panchayat is sleeping over its statutory duties.

In these circumstances petitioner is having no other effective and aternate remedy than to approach this Honorable Court under Article 226 of the Constitution of India, on the following among other:

GROUNDS

A. Ext.P3 environmental clearance is arbitrary, illegal and liable to be set aside. The 12th respondent obtained Ext.P3 by suppression of material facts as well as submission of false and misleading datas before the 1st respondent.

B. As it is seen from para 7 of Ext.P3, it was submitted that there is no litigations are pending against the proposed quarry. This is a wrong submission. W.P(C).No.37773/2010 filed by the 12th respondent

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challenging the prohibitory order of forest authorities against the quarry in the erstwhile forest land was pending as on 29.01.2015 on which the 12th respondent submitted affidavit saying that no litigation is pending against the project. That apart, W.P@.No.7344/2014 was also pending before this Honourable Court as on 29.01.2015. These deliberate suppressions invalidate Ext.P3 as per Clause 8(VI) of the EIA notification 2006 as well as condition No.10 of Ext.P3.

C. In para 4 of Ext.P3 it is stated that the proponent submitted that no forest land is involved in the project. This is also a wrong submission. As it is admitted by the 6th respondent in Ext.P5 letter that the project site is erstwhile forest land. On this ground also Ext.P3 EC is liable to be quashed.

D. There is an irrigation canal passing at the distance of 200 m from the quarry site. Besides there is a public water tank also near to the quarry. In view of Section 40(2) of the Kerala Irrigation and Conservation of Water Act, 2003, no quarry operation can be done without obtaining NOC from the concerned authorities if there is water tank, canal etc., within the radius of 1km. The 12th respondent is operating the quarry without obtaining the required NOC. This Honourable Court, in Ext.P4 judgment directed to stop the operation of quarry for want of NOC under Section 40(2). This Honourable Court, in Ext.P4 judgment even cancelled the environmental clearance granted without considering the existence of canal as well as public water tank near to the quarry. The petitioners herein are also entitled for similar reliefs of prohibiting the operation of the quarry of the 12th respondent as well as the cancellation of Ext.P3 environmental clearance.

E. There are numerous violations of Ext.P3 EC in the quarry of 12th respondent. In violation of Clause VIII of Ext.P3, excess quantity of over burden is collected in quarry site. This unstable collection of loose soil may collapse and may fall upon the adjacent agricultural land and residential houses along with rain water.

F. Clause No.XVIII of Ext.P3 is the prohibition of use of village road for the transportation of minerals. As seen from Ext.P6 photographs the



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Village road is damaged due to the plying of heavy vehicles to the quarry

G. Clause No.XV of Ext.P3 prohibits the blasting near to the residential houses and other buildings. This condition is discarded by the 12th respondent. The residential houses of the petitioners and other neighbours are damaged due to heavy blasting. Ext.P7 photograph shows the damages on the house of the 1st petitioner.

H. Condition No.17 of Ext.P3 is for obtaining Crop Liability Insurance Policy as well as Public Liability Insurance Policy. The paddy fields of petitioners and other neighbours became unfit for cultivation on account of contaminated waste reaching from the quarrying and crusher unit of the 12th respondent. As it is provided in Ext.P3, fields within the radius of 5 km are entitled for insurance protection. But it seems that the 12th respondent is not availed the mandatory insurance policy. That apart, the Public Liability Insurance Policy is also not taken by the quarry proponent. These violations invalidate Ext.P3 environmental clearance itself

I. Condition No.6 in Ext.P3 is not to cross the ground water level. As it is seen from Ext.P1 photographs, large quantity of ground water is seen collected in the quarry site. This is because of crossing of ground water level of the area. But no inspections have done in this regard by the authorities. If the unit of the 12th respondent is permitted to continue, the area will become unfit for human habitation as well as cultivations for want of water. But the authorities are sleeping over on this issue.

J. The period of statutory appeal against Ext.P3 EC is expired. The operation of quarry under Ext.P3 is adversely affecting the fundamental rights of the petitioners and other neighbours to live in pollution free atmosphere. The petitioners are left with constitutional remedies under Article 226 against Ext.P3 for the protection of their fundamental rights. That apart, it is the fundamental duty of the petitioners to protect the environment from illegal exploitations.

K. Ext P8 order granting mining lease in favour of 12th respondent is arbitrary and illegal. In Ext.P5 it is informed by the 6th respondent that the quarry site is erstwhile forest land in which the commercial activities



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like quarry is not permitted. Quarrying in this site is in violation of Rule 3 of Kerala Land Assignment (Regulation of Occupation of Forest Lands prior to 01.01.1977) special rules 1993 which permit the use of lands only as cultivation lands or house site or shop sites. It is further stated in Ext.P5 that the grant of quarrying lease to the 12th respondent especially done only with the recommendations of the joined inspection of concerned authorities. This procedure is not follow on by granting Ext.P8.

L The present access to the quarry through the culvert over the irrigation canal is highly unsafe. This culvert and canal road is not fit for the plying of heavy vehicles. The conditions in Ext.P9 are also violated. But the 9th respondent is closing eyes on these violations. In fact the quarry site is covered by forest lands and water canal. There is no access to the quarry site except over the water canal. This aspect is not considered by the 1st respondent while issuing Ext.P3 or 2nd respondent passing Ext.P8 order.

M The 12th respondent is reclaiming the mine out pits with the over burden. If the actual depth of mine pits is not measured with the assistance of 8th respondent Taluk Surveyor, the gravity of illegal extraction will not come out. If the 12th respondent permitted to fill the pits before taking the measurement of the extraction, heavy financial loss will be caused to the public exchequer. It is suspected that the authorities especially the 5th respondent is permitting the proponent to level the pits so as to evade the payment of loyalty and fine to the government. Hence it is necessary to direct the 5th respondent to ensure that the mine out pits are reclaimed only after taking the measure of the mine out pits with the assistance of the 8th respondent Taluk Surveyor.

N As it is evident from Ext.P10 & P11 there is government road and road in the quarry site. This public road and attached government lands are not identifiable at present due to the uncontrolled operation of quarry. As per the provisions of Kerala Mining Mineral Construction Rule, no quarry operation can be done within the distance of 50 m from the public road. It is to defeat this statutory condition that the 12th



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respondent had dismantled the public road mentioned in Ext.P10 & P11. Hence necessary directions are to be issued from this Honourable Court to the 4th respondent with the assistance of its subordinates restoring the public road and take appropriate legal action against the wrong doers who had destroyed the government road and adjacent government lands as per law.

O. The 4th respondent is duty bound to consider Ext.P12 representation and pass necessary orders prohibiting the operation of quarry of the 12th respondent so as to safeguard the life of the people in the area.

P. The police is duty bound to enforce law and order in the area. This includes the duty to see that no violations are done in the quarry of 12th respondent that the 11th respondent herein is sleeping over the matter.

Q. The numerous bore wells dig in the quarry site were done without obtaining required permit. Large quantity of extract of ground water in the bore wells will accelerate the scarcity of drinking water in the area. But no actions are taken by the 5th respondent against the illegal digging of wells by the 12th respondent.

R. The boundary and survey marks of the quarry site including government land and public road are dismantled by the operation of the quarry. This dismantling of survey and boundary marks are penal offences. Even the government land and public road mentioned in Ext.P10 & P11 are also disappeared. The 12th respondent has enclosed government land and public road as quarry site while laying quarry fence. But no actions are taken by the 8th respondent in the matter so far.

S. The quarry site is having good collection of sandalwood trees. The sandalwood trees are growing only on special circumstances. The quarry site is one of the sandalwood trees growing site. Hence this area is to be protected. But the 6th respondent or other concerned authorities are sleeping over the matter.

T. As it is seen from Ext.P15, the quarry site is in 'red zone' as per the map published by the 3rd respondent. But the concerned Disaster Management authorities are not taking step to prevent the illegal

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operation of the 12th respondent in the environmental fragile and land sliding prone area.

U. The present operation of quarry by the 12th respondent is violating Regulation 164 of the Metalliferous Mines Regulations. As it is held by this Honourable Court in several judgments, the operation of the quarry in violating Regulation No.164 is not legally permissible.

V. The quarry is being functioned violating conditions imposed by 7th respondent PCB. But no inspections are done by the 7th respondent for ensuring the compliance of mandatory conditions.

W. The quarry of the 12th respondent is functioning with license issued by the respondent panchayat. It is the duty of the licensing authority also to see that the quarry is operated strictly following the conditions of environmental clearance. The State Government have made the Grama Panchayat has been nodal agency for implementing conditions of statutory authorities by the proponents of dangerous and offensive trades. That the 10th respondent panchayat is sleeping over its statutory duties.

For these and other grounds to be urged at the time of hearing it is most humbly prayed that this Hon'ble court may be pleased to:-

RELIEFS

- (i) Issue a writ in the nature of certiorari calling for the records leading to Ext.P3 and quash the same as arbitrary and illegal.
- (ii) Issue a writ in the nature of certiorari calling for the records leading to Ext.P9 order and quash the same as arbitrary and illegal.
- (iii) Issue a writ in the nature of mandamus directing the 3rd respondent to consider Ext.P13 mass petition and issue prohibitory orders against the functioning of quarry of 12th respondent immediately, within the time limit fixed by this Honourable Court, in the interest of justice.
- (iv) Issue a writ in the nature of mandamus directing the 1st respondent to conduct immediate inspection in the quarry of the 12th respondent and issue prohibitory orders in view of the violations of mandatory conditions of Ext.P3 and to fix the damages caused to the residential houses of the petitioners and other neighbours as well as the loss of crops due to the

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- quarry of the 12th respondent and disburse adequate compensation realizing from the 12th respondent or the Crop Insurance and Public Liability Insurance Policies if any taken by him in this regard, immediately, within the time limit fixed by this Honourable Court, in the interest of justice.
- (v) Issue a writ in the nature of mandamus directing the 4th respondent to consider Ext.P12 representation and take necessary steps to prevent the illegal operation of the quarry of 12th respondent, to cancel the assignment of lands for violation of Rule 3 of Kerala Land Assignment (Regulation of Occupation of Forest Lands prior to 01.01.1977) special rules 1993 and to recover the public road and the government lands in the quarry site immediately, within the time limit fixed by this Honourable Court, in the interest of justice.
- (vi) Issue a writ in the nature of mandamus directing the 5th respondent to ensure that mine out pits in the quarry of the 12th respondent are reclaimed only after the measurement of the extraction are taken with the assistance of the 8th respondent and imposing royalty and fine for illegal extraction and to prohibit the extraction of ground water from the unauthorized bore wells in the quarry site, in the interest of justice.
- (vii) Issue a writ in the nature of mandamus directing the 6th respondent to see that no quarrying operations done by the 12th respondent in erstwhile forest lands as well as sandal wood growing areas, in the interest of justice.
- (viii) Issue a writ in the nature of mandamus directing the 7th respondent to immediate inspection in the quarry of the 12th respondent and issue prohibitory orders for the violations of consent conditions immediately, within the time limit fixed by this Honourable Court, in the interest of justice.
- (ix) Issue a writ in the nature of mandamus directing the respondents' No. 4 and 5 to ensure that the quarry of the 12th respondent is not violating Regulation 164 and other regulations of the Metalliferous Mines Regulations, in the interest of justice.
- (x) Issue a writ in the nature of mandamus directing 8th respondent to take steps for the restoration of boundary and survey marks in the quarry site of the 12th respondent including government lands and public road and initiate penal proceedings as per laws against 12th respondent for destroying boundary and survey marks immediately within the time limit fixed by this Honourable Court, in the interest of justice.



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- xii) Issue a writ in the nature of mandamus directing the 9th respondent to prohibit the use of heavy vehicles through the canal road and culvert to the quarry of the 12th respondent.
- xiii) Issue a writ in the nature of mandamus directing the respondents 10 & 11 to prevent the operation of quarry of 12th respondent in violation of laws and conditions immediately, within the time limit fixed by this Honourable Court, in the interest of justice.
- xiv) Issue such other appropriate writs, orders or directions that this Hon'ble Court may deem fit and proper to meet the ends of justice, in the circumstances of the case.

INTERIM RELIEF

For the reasons stated in the writ petition and accompanying affidavit it is most humbly prayed that this Hon'ble court may be pleased to pass an order prohibiting the operation of quarry by the 12th respondent and all works for the reclamation of mine out pits, without taking the measurements by respondents Nos.5 & 8, pending disposal of this Writ Petition (civil), in the interest of justice.

Dated this the 16th day of September, 2019.


Counsel for the Petitioners


 Petitioners
 1. sdf
 2. sdf
 3. sdf

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM

W.P.(C). No. 24806 of 2019

Peter & others : Petitioners

Vs.

Union of India & others : Respondents

AFFIDAVIT

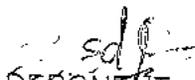
I, Peter, S/o Devassy, aged 57 years residing at Naduvileveetil House, Mattathoor P.O., Thrissur District, Pin-680684, do hereby solemnly affirm and state as follows:-

1. I am the 1st petitioner in the above Writ Petition (Civil) and I am conversant with the facts of the case. I am swearing this affidavit on behalf of the other petitioners also for which I am duly authorised.

2. It is submitted that the facts stated in the writ petition are true to best of our knowledge, information and belief and the legal grounds are taken from the advice of their counsel. The petitioners herein have not previously filed any petitions before this Hon'ble court for the reliefs sought in this writ petition. The Exhibits produced in the writ petition are the true copies of the original.

All the facts stated above are true and correct to the best of our knowledge, information and belief.

Dated this the 16th day of September, 2019.


DEPONENT.

Solemnly affirmed and signed before me by the Deponent, who is personally known to me on this the 16th day of September, 2019.


GORGEKUTTY MATHEW

Advocate.

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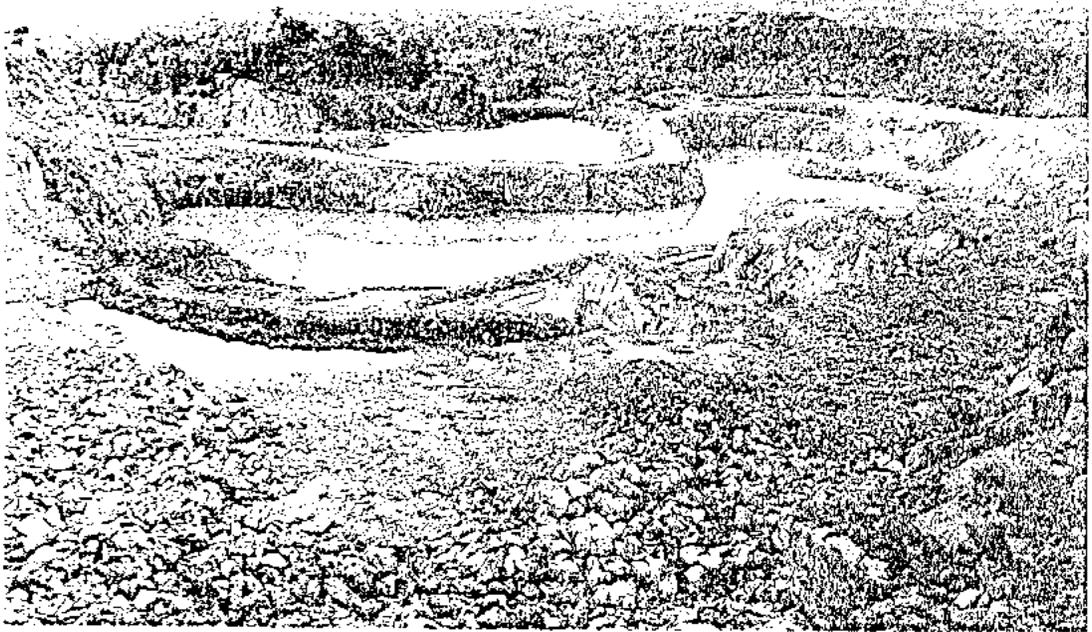
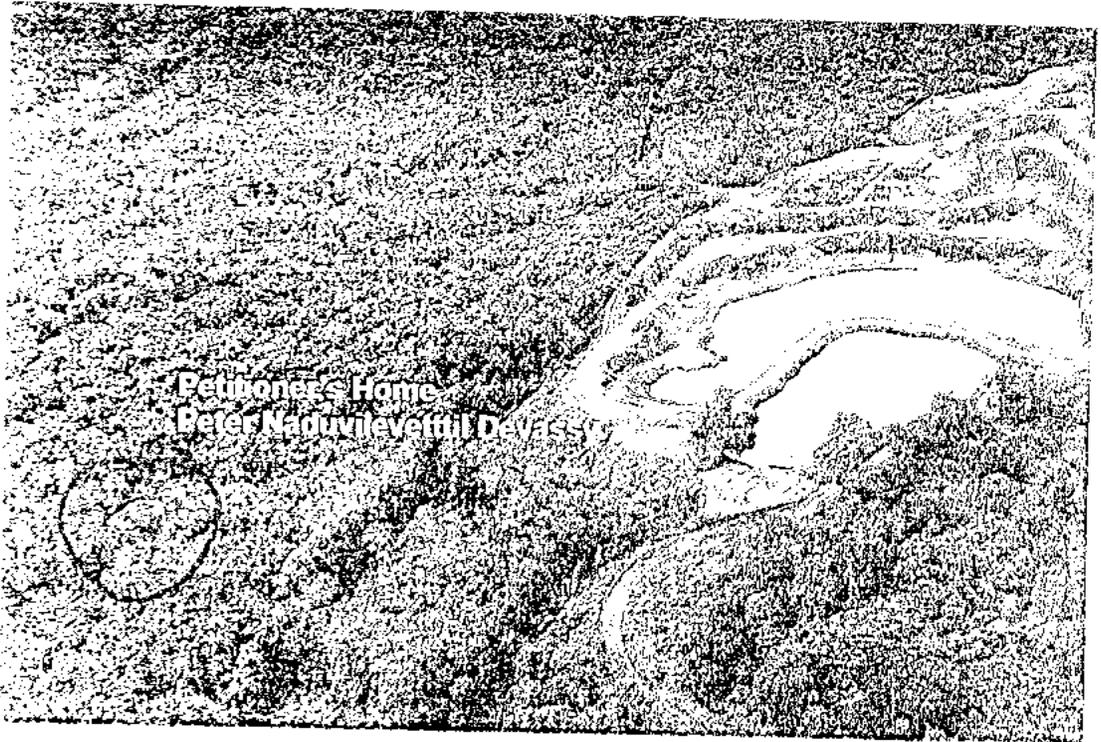
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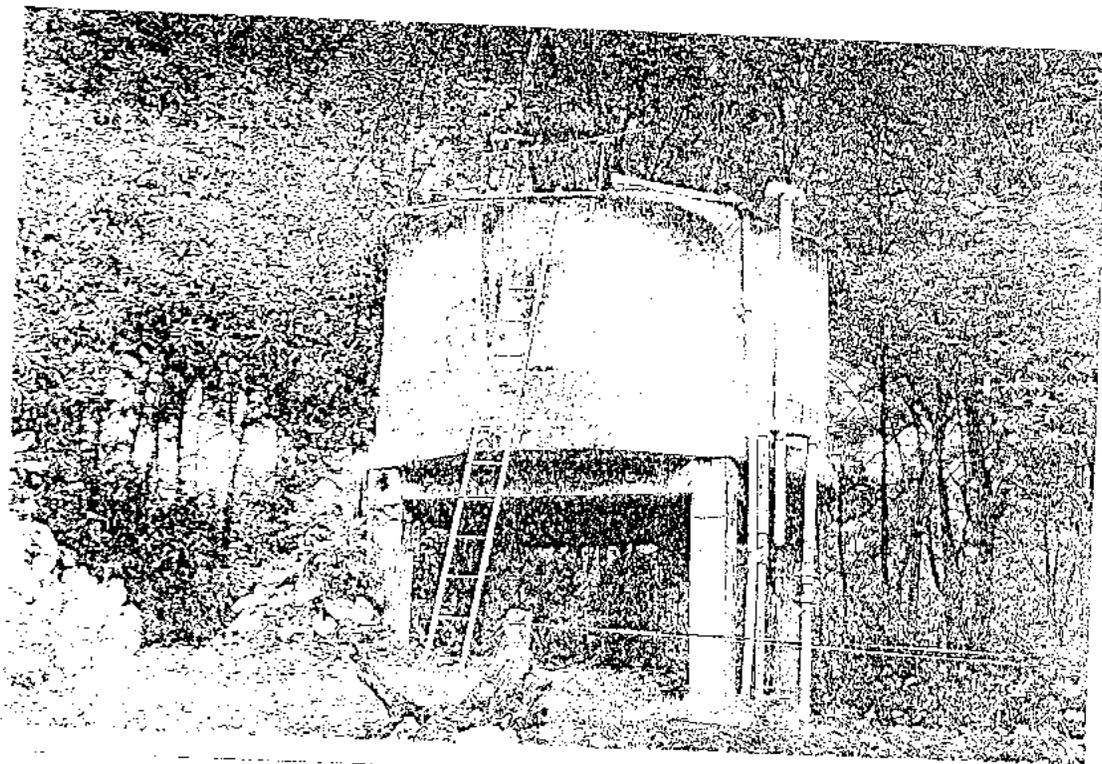
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Advocate

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This is the true copy of document
marked as Exhibit/Annexure

[Signature]
Advocate

No. J-11015/X/1/2014-IA, II (M)
Government of India
Ministry of Environment, Forests and Climate Change
Impact Assessment Division

Speed Post

Indira Paryavaran Bhavan,
Aliganj, Jor Bagh Road
New Delhi-110 003

Dated: 12th March, 2015

To
M/s Edathadan Granites (P) Ltd.
Mattathur P.O., Ombathungal,
Kodakara, Thrissur,
Kerala - 680684

Ph. 0480-2655200; Mobile No. 09447239393/ 09946539393
Email: edathadangranites@gmail.com

Sub.: Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA(ROM) of Stone in the Mine Lease Area of 4.7065ha by M/s Edathadan Granites Pvt. Ltd. located at Kodassery village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala- Environmental Clearance regarding.

Sr.
This has reference to your letter no. Nil, dated 17.11.2014 and subsequent letter dated 29.01.2015 on the above mentioned proposal of Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA (ROM) of Stone in the Mine Lease Area of 4.7065ha. The mine is located at Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala.

1. The proposal is for Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA (ROM) of Stone in the Mine Lease Area of 4.7065ha. The mine is a new Building Stone mining project. The mine is located at Survey Nos. 1270/4, 1270/5, 1270/7, 1270/8, 1271/2, 1271/3, 1271/4, 1273/1, 1273/2, 1272, 1. Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala. The geographical co-ordinates of the lease area are Latitude (N): 10°21'54.16" to 10°21'43.68" and Longitude (E): 76°21'37.84" to 76°21'29.53" and is covered by Survey of India Toposheet No. 58B4. This is a category "B" project as the tenure of SEIAA, Kerala has expired and the proposal is being examined in the MoEF&CC. Project Proponent has informed that there is no pending application with SEIAA/SEAC for this proposal.

2. The proposal was appraised by the EAC in its meeting held during January 29-30, 2015. The Committee was informed by Project Proponent that they have submitted Form-1 and Pre-feasibility Report online treating the project as B category as per the EIA Notification, 2006. Environmental Impact assessment as well as Public Consultation is not required. The EAC viewed that these prescribed exemptions and recommendations are based on provisions of the EIA Notification, 2006 vice para Clause 7.0 sub-clause 7.1 under stage (1) - Screening it provides

Signature.....
Date..... 136 Page 1 of 10

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that in case of Category 'B' project activities, this stage will entail the scrutiny of an application seeking prior Environmental Clearance made in Form-1 by the concerned State level Environmental Approval Committee (SEAC) for determining whether or not the project activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of Environmental Clearance depending up on the nature and location specificity of the project. The Committee felt that TOR is not required, nor any formal EIA/ EMP is to be prepared in the instant case nor any Public Hearing is to be conducted in light of negligible impact of the Project activity on Environment.

4 The total Mining Lease area of 4.7065ha which is private land. No forest land is involved. Mining will be carried out through semi-mechanized open-cast method using drilling, blasting of small diameter holes and loading of mineral by tyre mounted excavator. Out of the total 4.7065 ha lease area, about 4.6265 ha area will be excavated and will be reclaimed & plantation will be done. The remaining area of 0.08 ha which is left for stripping limits along the periphery will also be developed with plantation. It was reported by the project proponent that at the conceptual stage, total waste material will be sold to road construction vendors. The estimated total water requirement is about 17 KLD in which 2 KLD is for domestic which would be sourced from open well, 12 KLD for dust suppression system in mine as well as ancillary unit (Crusher Unit) and 3 KLD for plantation purposes and will be sourced from storm water pond. Ultimate working depth is 5 m. MSL (mining will not intersect ground water table level). Ground water table is 0.5 to 5.0 m BGL. Life of mine is 13 years (@1,90,000 TPA).

5 Project Proponent has informed that a certificate issued as Letter of Intent by the State Government of Kerala vide letter no. 99/C2/TDO/2015 dated 19-01-2015 for mining of stone in the MLA of 4.7065ha. Eco-friendly Mining Plan for mining of stone (minor mineral) has been approved by Mines and Geology Department of the State Government vide letter no. 99/C2/TDO/2015 dated 23-01-2015.

6 Project Proponent reported that there is no National Park, Wild Life Sanctuary, Habitat for Migratory Birds, Tiger Reserve, Elephant Reserve, Biosphere Reserve located within 10 km radius of the mine lease. Project Proponent has informed that the mine site is not located in the Critically Polluted area as notified by CPCB etc. Project Proponent has submitted the details of other mines including lease area located within 500m of the mine lease area duly authenticated by the Mining Department of the State Govt. vide letter no. 2958/C2/TDO/2014 dated 05-12-2014.

7 The total cost of the project is Rs. 3.0 Crore. The Project Proponent has earmarked Rs 9 Lakhs per annum as recurring cost towards Environmental protection measures. An amount of Rs. 3 Lakh per annum has been earmarked towards Socio-economic Welfare measures for the nearby village. Proponent has informed that there is no court case/litigation pending against the project and also submitted an affidavit vide dated 29.01.2015.

8 The Ministry of Environment, Forests and Climate Change has examined the proposal in accordance with the Environmental Impact Assessment Notification, 2006 and further amendments thereto and hereby accords the environmental clearance under the provisions thereof to the above mentioned proposal of M/s Edathadan Granites Pvt. Ltd. for Mining of Building Stone (Minor Mineral) with production capacity of 1,90,000 TPA (ROM) of Stone in the Mine Lease Area of 4.7065ha in the Mine Lease Area of 4.7065ha, located at

supplied under RTI Act
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Date: 26/11/2014

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Kodassery Village, Mattathur Panchayat, Ombathungal Desam, Chalakudy Taluk, Thrissur District, Kerala Subject to compliance of the followings terms and conditions and environmental safeguards mentioned below:-

A. Specific conditions

- i) Environmental Clearance is subject to final outcome of any Court case relevant to this project in Hon'ble Supreme Court, Hon'ble High Court of Kerala and Hon'ble NGT or any other Court of Law, if any, as may be applicable to this project.
- ii) Environmental clearance is subject to obtaining clearance, if any, under the Wildlife (Protection) Act, 1972 from the competent authority, as may be applicable to this project. ✓
- iii) No mining activities will be allowed in forest area, if any, for which the Forest Clearance is not available. ✓
- iv) The Project Proponent shall obtain Consent to Operate from the State Pollution Control Board, Kerala and effectively implement all the conditions stipulated therein.
- v) Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the Project and maintain records accordingly; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smoking, etc. shall be undertaken, once in six months and necessary remedial/preventive measures taken accordingly. The Recommendations of National Institute for ensuring good occupational environment for mine workers shall be implemented.
- vi) The mining operations shall be restricted to above ground water table and it should not intersect groundwater table. In case of working below ground water table, prior approval of the Ministry of Environment, Forests and Climate Change and Central Ground Water Authority shall be obtained, for which a detailed hydro-geological study shall be carried out; The Report on six monthly basis on changes in Ground water level and quality shall be submitted to the Regional Office of the Ministry.
- vii) The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly. Vehicles with PUC only will be allowed to ply. The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Project should obtain 'PUC' certificate for all the vehicles from authorized pollution testing centres.
- viii) There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
- ix) Use of effective sprinkler system to suppress fugitive dust on haul roads and other transport roads shall be ensured.

Signature: [Signature] Date: 5-3-19/34

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- Washing of all transport vehicles should be done inside the mining lease.
- Survey of existing vegetation and ecological status to be made based on identified survey area. RFL species conservation plan may be implemented.
- Implementation of Environment Management Policy of the Company w.r.t. judicious use of Mineral resources for growth & development synchronizing mining & environment with prosperity.
- (xii) The Project Proponent shall take all precautionary measures during mining operation for conservation and protection of endangered flora/fauna, if any, spotted in the study area. The Proponent shall implement the Wildlife Conservation Plan along with the funds so allocated with consultation of Chief Wild Life Warden of the State Govt. A copy of action plan shall be submitted to the Ministry of Environment, Forests & Climate Change and its Regional Office, Bangalore and the Chief Wild Life Warden of the State Govt.
- (xiii) The illumination and sound at night at project site, disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress, may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. Project Proponent must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day light/night hours.
- (xiv) Where ever blasting is undertaken as part of mining activity, the Project Proponent shall carry out vibration studies well before approaching any such habitats or other buildings, to evaluate the zone of influence and impact of blasting on the neighbourhood. Within 500 meters of such sites vulnerable to blasting vibrations, avoidance of use of explosives and adoption of alternative means of mineral extraction, such as ripper/dozer combination/rock breakers/ surface miners etc. should be seriously considered and practiced wherever practicable. A provision for monitoring of each blast should be made so that the impact of blasting on nearby habitation and dwelling units could be ascertained. The covenant of lease deed under Rule 31 of MCR 1960 provides that no mining operations shall be carried out within 50 meters of public works such as public roads and buildings or inhabited sites except with the prior permission from the competent authority.
- (xv) Main haulage road in the mine should be provided with permanent water sprinklers and other roads should be regularly wetted with water tankers fitted with sprinklers.
- (xvi) The Project Proponent shall ensure that the productivity of agricultural crops is not affected due to mining operations. Crop Liability Insurance Policy has to be taken by the Project Proponent as a precaution to compensate for any crop loss. The impact zone shall be 5km from the boundary of mine lease area for such insurance policy.
- (xvii) Transportation of the minerals by road passing through the village shall not be allowed. A 'bypass' road should be constructed (say, leaving a gap of at least 200 meters) for the purpose of transportation of the minerals so that

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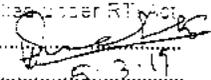
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The impact of sound, dust and accidents could be mitigated. The Project Proponent shall bear the cost towards the widening and strengthening of existing public road network in case the same is proposed to be used for the Project. No road movement should be allowed on existing village road network without appropriately increasing the carrying capacity of such roads.

- (xix) CSR activities by Companies including the Mining Establishments has become mandatory up to 2% of their financial Turn-over, Socio Economic Development of the neighborhood Habitats could be planned and executed by the Project Proponent more systematically based on the 'Need based door to door survey' by established Social Institutes/Workers. The report shall be submitted to the Ministry of Environment & Forests and its Regional Office located at Bangalore on six monthly basis.
- (xx) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- (xxi) A Final Mine Closure Plan along with details of Corpus Fund shall be submitted to the Ministry of Environment, Forests & Climate Change 5 years in advance of final mine closure for approval.

B. General conditions

- (i) No change in mining technology and scope of working should be made without prior approval of the Ministry of Environment, Forests & Climate Change.
- (ii) No change in the calendar plan including excavation, quantum of mineral ore and waste should be made.
- (iii) The Project Proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of surface water and ground water for the project.
- (iv) There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
- (v) Regular monitoring of ground water table to be carried out at the upstream and depth of water available in the dug well is to be measured. Monitoring to be done by establishing a network of existing wells and constructing new piezometers.
- (vi) Monitoring of Ambient Air Quality to be carried out based on the Notification, 2009, as amended from time to time by the Central Pollution Control Board. Water sprinkling should be increased at places loading and unloading points & transfer point to reduce fugitive emissions.

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Date: 23/11

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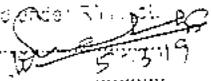
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- (v) The up-coming scheduled caste/scheduled tribe population, specific programmes have been taken in to consideration specially with respect to education, health care, livelihood generation, infrastructure development & promotion of sports & culture for SC/ST population and that these will be intensified in future.
- (vi) The top soil, if any, shall temporarily be stored at earmarked site(s) only and it should not be kept unutilized for long. The topsoil shall be used for land reclamation and plantation. The over burden (OB) generated during the mining operations shall be stacked at earmarked dump site(s) only and it should not be kept active for a long period of time. The maximum height of the dumps shall not exceed 8m and width 20 m and overall slope of the dumps shall be maintained to 45°. The OB dumps should be scientifically vegetated with suitable native species to prevent erosion and surface run off. In critical areas, use of geo textiles shall be undertaken for stabilization of the dump. The entire excavated area shall be backfilled and afforested. Monitoring and management of rehabilitated areas should continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Ministry of Environment, Forests & Climate Change and its Regional Office located at Bangalore on six monthly basis.
- (vii) Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, mineral and OB dumps to prevent run off of water and flow of sediments directly into the river and other water bodies. The water so collected should be utilized for watering the mine area, roads, green belt development etc. The drains shall be regularly desilted particularly after monsoon and maintained properly. The drains, settling tanks and check dams of appropriate size, gradient and length shall be constructed both around the mine pit and over burden dumps to prevent run off of water and flow of sediments directly into the river and other water bodies and sump capacity should be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity should also provide adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and desilted at regular intervals.
- (viii) Plantation shall be raised in a 7.5m wide green belt in the safety zone around the mining lease, backfilled and reclaimed area, around water body, along the roads etc. by planting the native species in consultation with the local DFO/Agriculture Department. The density of the trees should be around 2500 plants per ha. Greenbelt shall be developed all along the mine lease area in a phased manner and shall be completed within first five years.
- (ix) Dimension of the retaining wall at the toe of over burden dumps and OB benches within the mine to check run-off and siltation shall be based on the rain fall data.
- (x) Effective safeguard measures such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of PM₁₀ and PM_{2.5} such as haul road, loading and unloading point and transfer points. It shall be ensured that the Ambient Air Quality parameters conform

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to the norms prescribed by the Central Pollution Control Board in this regard.

- (xiii) Regular monitoring of the flow rate of the springs and perennial nullahs flowing in and around the mine lease shall be carried out and records maintained. Regular monitoring of water quality upstream and downstream of water bodies shall be carried out and record of monitoring data should be maintained and submitted to the Ministry of Environment, Forests & Climate Change, its Regional Office, Bangalore, Central Groundwater Authority, Regional Director, Central Ground Water Board, State Pollution Control Board and Central Pollution Control Board.
- (xiv) Regular monitoring of ground water level and quality shall be carried out in and around the mine lease by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year - pre-monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected may be sent regularly to Ministry of Environment, Forests & Climate Change and its Regional Office, Bangalore, Central Ground Water Authority and Regional Director, Central Ground Water Board.
- (xv) The critical parameters such as PM₁₀ (size less than 10 micro meter), PM_{2.5} (size less than 2.5 micro meter), NO_x in the ambient air within the impact zone, peak particle velocity at 300m distance or within the nearest habitation, whichever is closer shall be monitored periodically. Further, quality of discharged water shall also be monitored [(TDS, DO, PH and Total Suspended Solids (TSS)]. The monitored data shall be uploaded on the website of the company as well as displayed on a display board at the project site at a suitable location near the main gate of the Company in public domain. The circular No. J-20012/1/2006-IA.II (M) dated 27.05.2009 issued by Ministry of Environment, Forests & Climate Change, which is available on the website of the Ministry www.epyfor.nic.in shall also be referred in this regard for its compliance.
- (xvi) Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for PM₁₀, PM_{2.5}, SO₂ & NO_x monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. Data on ambient air quality should be regularly submitted to the Ministry including its Regional office located at Bangalore and the State Pollution Control Board, Central Pollution Control Board once in six months.
- (xvii) Fugitive dust emissions from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- (xviii) Measures should be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. should be provided with ear plugs / muffs.

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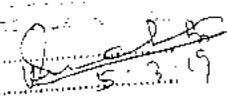
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- (xv) Industrial waste water (workshop) and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSA 422 (1) dated 19th May, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap should be installed before discharge of workshop effluents.
 - (xvi) Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
 - (xvii) Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
 - (xviii) A separate environmental management cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
 - (xix) The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry and its Regional Office located at Bangalore.
 - (xx) The project authorities should inform to the Regional Office located at Bangalore regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
 - (xxi) The Regional Office of this Ministry located at Bangalore shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information / monitoring reports.
 - (xxii) The project proponent shall submit six monthly reports on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment, Forests & Climate Change, its Regional Office, Bangalore, Central Pollution Control Board and State Pollution Control Board.
 - (xxiii) The project proponent shall submit six monthly report on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment and Forests, its Regional Office, Bangalore, Central Pollution Control Board and State Pollution Control Board.
 - (xxiv) A copy of clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom suggestion / representation has been received while processing the proposal.
 - (xxv) State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/ Tehsildar's Office for 30 days.
 - (xxvi) The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the

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Signature: 
Date: 5.3.19

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xx) A copy of clearance letter will be marked to concerned Panchayat / local NGO / any from whom suggestion / representation has been received while processing the proposa

xxi) State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office / Munsif's Office for 30 days.

xxx) The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the Ministry of Environment, Forests & Climate Change at <http://envfor.nic.in> and a copy of the same should be forwarded to the Regional Office of this Ministry located Bangalore .

9. The Ministry or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.

10. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.

11. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court of Kerala and any other Court of Law relating to the subject matter.

12. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Yours faithfully,

(Dr. U. Sridharan)
Director (S)

Copy to:

- 1). The Secretary, Ministry of Mines, Government of India Shastri Bhawan, New Delhi.
- 2). The Secretary, Department of Mines & Geology, Government of Kerala, Secretariat, Thiruvananthapuram.
- 3). The Secretary, Department of Environment, Government of Kerala, Secretariat, Thiruvananthapuram.

Signature.....
Date.....

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- 4. The Secretary, Department of Forests, Government of Kerala, Secretariat, Thiruvananthapuram
- 5. The Additional Principal Chief Conservator of Forests (C), Ministry of Environment, Forests and Climate Change, Regional Office(SZ), Kendriya Sadan, 14th Floor, E&F Wings, 17th Main Road, Koramangala II Block, Bangalore-560034, Karnataka
- 6. The Principal Chief Conservator of Forests & Chief Wildlife Warden Forest Headquarters, Vazhuthacud, Thiruvananthapuram -695014.
- 7. The Member Secretary, Kerala State Pollution Control Board, Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram - 695004
- 8. State Environmental Impact Assessment Authority, Kerala, Directorate of Environment and Climate Change, Pallimukku, Pettah PO, Trivandrum-695024
- 9. The Member Secretary, Central Ground Water Authority, A2, W- 3 Curzon Road Barracks, K.G. Marg, New Delhi-110001.
- 10. The District Collector, District- Pathanamthitta, State of Kerala.
- 11. Guard File.
- 12. MoEF &CC website.

(Signature)
 (Dr. U. Sridharan)
 Director (S)

(Signature)
 5-3-19

This is the true copy of the document marked as
 Ex.1 related to in the above I.C.E.S. No
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 1ST DAY OF NOVEMBER 2017/10TH KARTHIKA, 1939

WP(C).No. 23565 of 2017 (U)

PETITIONER(S):

A.K.VELAYUDHAN,
S/O KUNJAYYAPPAN, ALAPPAT VEEDU, AYYAMPUZHA P.O,
MUNDOPURAM, ERNAKULAM-683581.

BY ADVS.SRI.P.RAMAKRISHNAN
SMT.PREETHI KESAVAN
SRI.T.C.KRISHNA
SRI.C.ANIL KUMAR
SMT.ASHA K.SHENOY
SRI.PRATAP ABRAHAM VARGHESE

RESPONDENT(S):

1. M/S BLACK DIAMOND ROCK PRODUCTS,
MANJAPRA, ALUVA, ERNAKULAM-683581, REPRESENTED
BY MANAGING DIRECTOR GEORGE V. MANJALY.
2. DISTRICT ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY,
ERNAKULAM, REPRESENTED BY ITS CHAIRMAN, THE
DISTRICT COLLECTOR, ERNAKULAM, CIVIL STATION,
KAKKANAD, KOCHI-682030.
3. THE EXECUTIVE ENGINEER,
IRRIGATION DEPARTMENT ERNAKULAM, CIVIL STATION,
KAKKANAD, KOCHI-682030.

R1 BY ADVS. SRI.GRASHIOUS KURIAKOSE (SR.)
SRI.C.S.BALAGANGADHARAN
R2 & R3 BY GOVERNMENT PLEADER SRI.B.VINOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-11-2017, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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K. VINOD CHANDRAN, J

W.P(C) No.23565 of 2017-U

Dated this the 01st day of November, 2017

J U D G M E N T

The petitioner seeks for a declaration that the prior sanction of the 3rd respondent under Section 10(2) of the Kerala Irrigation and Water Conservation Act, 2003 is mandatory for the functioning of the 1st respondent's quarry for which Ext.P3 Environmental Clearance has been issued. The petitioner's challenge against the quarrying carried on by the 1st respondent is on two counts. The petitioner submits that the Edamalayar Irrigation Canal passes to the left of the quarry at a distance of 169.13 meters as evidenced by Ext.P1 Google map. It is also contended that a Water Tank supplying drinking water under the Thattupara - Amalapuram Drinking Water Scheme is also within a distance of 717.44 meters as

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seen from Ext.P2.

2. The 1st respondent admittedly has not obtained any permission under the Kerala Irrigation and Water Conservation Act which under Section 40(2) provides as under:-

"Notwithstanding anything contained in any other law for the time being in force, no person shall, without the written permission of the Irrigation Officer, conduct mining or quarrying operation using explosives within a radius of one kilometre of any bridge, dam, check dam or any other work, structure or construction, owned, controlled or maintained by the Government, a local authority or any other authority."

3. It is also submitted that the 1st respondent on making an application for environmental clearance made a false declaration insofar as indicating Canal or Check Dams or



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reservoirs or lake or ponds being only at a distance of 5.5km; specifically the Periyar River.

4. The learned Senior Counsel specifically draws attention to Ext.R1(f) wherein the Executive Engineer had informed the 1st respondent that there is no requirement for such a clearance for reason of the District Environmental Assessment Committee (DEAC) chaired by the Executive Engineer, Irrigation having granted a recommendation based on which the District Environmental Impact Assessment Authority (DEIAA) issued environmental clearance. The learned Government Pleader also supports the grant of EC pointing out that Rule 10(f) of the Kerala Minor Mineral Concession Rules, 2015 prescribes only a distance of 50 meters from any reservoirs, tanks, canals, rivers, bridges, other public works etc.

5. Ext.R1(f) itself is indicative of the violation



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headed by the Executive Engineer, Irrigation, is without looking into the impact of the quarry being conducted within the prohibited distance as indicated in the Conservation Act. The further finding in Ext.R1(f) that there is an unused quarry which can be used for water preservation is of no consequence insofar as the permission under the Water Conservation Act.

6. It is also pertinent that the 1st respondent had applied as per Ext.P5 without specifically declaring the canal and water tank existing within the prohibited area as per the Conservation Act. In such circumstance, the recommendation of the DEAC was without looking at the relevant facts and considering the impact of the conduct of the quarry within the prohibited distance as provided under the Conservation Act. In such circumstance, despite there being no challenge to the EC as per Ext.P3, the declaration sought for would require this Court to set aside Ext.P3. Ext.P3 hence would stand set aside.

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The 1st respondent would be entitled to approach the Competent Officer under the Conservation Act for a permission under Section 40(2) and then approach the District Environment Impact Assessment Authority with a proper application specifically showing the water bodies or structures for irrigation or drinking water supply; existing within the prohibited distance and the consent if obtained under the Conservation Act.

Writ petition is allowed setting aside Ext.P3 with the above reservation in the nature of a liberty. No order as to costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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WP(C).No. 23565 of 2017 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF GOOGLE MAP WHICH REVEAL THE DISTANCE FROM THE PROPOSED MINING PROJECT TO THE CANAL.
- EXHIBIT P2: TRUE COPY OF GOOGLE MAP WHICH REVEAL THE DISTANCE FROM THE PROPOSED MINING PROJECT TO THE WATER TANK.
- EXHIBIT P3: TRUE COPY OF PROCEEDINGS OF THE 2ND RESPONDENT DATED 2.5.2017.
- EXHIBIT P4: TRUE COPY OF REPRESENTATION DATED 3.7.2017 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXHIBIT P5:- TRUE COPY OF APPLICATION DATED 19.10.2016 SUBMITTED BY THE 1ST RESPONDENT.
- EXHIBIT P6:- TRUE COPY OF DECISION DATED 4.7.2017 TAKEN BY THE PANCHAYATH.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R1(A):- TRUE COPY OF THE INTEND OF LEASE ISSUED TO THIS RESPONDENT FROM MINING AND GEOLOGY DEPARTMENT.
- EXHIBIT R1(B):- TRUE COPY OF THE CONSENT TO ESTABLISH ISSUED BY POLLUTION CONTROL BOARD.
- EXHIBIT R1(C):- TRUE COPY OF THE ORDER PASSED BY THE DISTRICT COLLECTOR DATED 27.3.2017.
- EXHIBIT R1(D):- TRUE COPY OF THE EC ISSUED TO THE RESPONDENT BY THE DEIAA DATED 02.5.2017.
- EXHIBIT R1(E):- TRUE COPY OF THE PLAINT IN OS.107/17,PENDING BEFORE THE HON'BL ALUVA MUNSIF COURT.
- EXHIBIT R1(F):- TRUE COPY OF THE COMMUNICATION SEND TO THE RESPONDENT BY THE EXECUTIVE ENGINEER.
- EXHIBIT R1(G):- TRUE COPY OF THE MEMORANDUM OF WRIT PETITION, IN WPC 2906/2017.

/TRUE COPY/

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PS TO JUDGE

This is the true copy of the document marked as
Ex.17 referred to in the above (C.M.S)

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Advocate

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അന്വേഷണ - മാതൃഭാഷ

ബി.എസ്.എസ്. ക്ലാർ ഐ.എഫ്.എസ്. വെബ്സൈറ്റ് കൺസൾട്ടന്റ് ഓഫീസ്

ഓഫീസ് ഓഫ് റീ ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസർ ചാലക്കുടി Pin : 680 307 ഫോൺ: 0480 2701340 (O) മൊബൈൽ: 9447979052 Email: info.elkdy.for@kerala.gov.in

നം.സി.എ2-3738/13



തീയതി : 24.04.2014.

സൂചകർത്താവ് ജില്ലാ കളക്ടർ, തൃശ്ശൂർ.

സർ,

വിഷയം : മറ്റത്തിൽ പഞ്ചായത്തിൽ എടത്താടൻ ഗ്രാമനെറ്റ് പ്രവർത്തിക്കുന്നതിനെതിരെയുള്ള പരാതി - സംബന്ധിച്ച്.

- സൂചന : - 1) അങ്ങയുടെ 17.3.14 ലെ ബി6-48094/14 നമ്പർ കത്ത്.
- 2) ഈ ഓഫീസിലെ 02.07.13 ലെ സിഎ2-3608/13 നമ്പർ കത്ത്.
- 3) ഈ ഓഫീസിലെ 3.9.13 ലെ സിഎ2-5382/13 നമ്പർ കത്ത്.

സൂചനകളിലേക്ക് അങ്ങയുടെ ശ്രദ്ധ സാദരം ക്ഷണിക്കുന്നു. എടത്താടൻ ഗ്രാമനെറ്റിന്റെ പ്രവർത്തനത്തിനെതിരെ 02.05.13 ന് പരമേശ്വരൻ, വർഗ്ഗീസ് എന്നിവർ സമർപ്പിച്ച പരാതിയിന്മേലും, 23.05.13 ൽ മനോജ് പുലിക്കൽ സമർപ്പിച്ച പരാതിയിന്മേലും, ഇതേ വിഷയം സംബന്ധിച്ച് 26.8.13 ൽ അഡീഷണൽ ഡി.വൈ.എസ്.പി. വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോയിൽ നിന്നും ലഭിച്ചിട്ടുള്ള പരാതിയിന്മേലും അന്വേഷണം നടത്തി സൂചന (2), (3) പ്രകാരം അങ്ങയ്ക്ക് റിപ്പോർട്ട് സമർപ്പിച്ചിരുന്നു.

മുക്തപുരം താലൂക്ക് മറ്റത്തൂർ പഞ്ചായത്തിലെ സ്ഥിരതാമസക്കാർ, അന്വേഷകയായി പ്രവർത്തിക്കുന്ന എടത്താടൻ ഗ്രാമനെറ്റിനെതിരെ 16.01.13 ൽ സമർപ്പിച്ച പരാതി അങ്ങയ്ക്കും പ്രിൻസിപ്പൽ ചീഫ് ഫോറസ്റ്റ് കൺസൾട്ടന്റേക്കും (സംരക്ഷണം) സമർപ്പിച്ചിട്ടുള്ളതാണ്. ഈ പരാതിയിലും അന്വേഷണം നടത്തി റിപ്പോർട്ട് അഡീഷണൽ പ്രിൻസിപ്പൽ ചീഫ് ഫോറസ്റ്റ് കൺസൾട്ടന്റ് (സംരക്ഷണം) സമർപ്പിച്ചിട്ടുണ്ട്. ഇതേ പരാതി സംബന്ധിച്ച് അങ്ങയുടെ ഓഫീസിൽ നിന്നും കിട്ടിയ നിർദ്ദേശപ്രകാരം ജില്ലാ സർവ്വെ സൂപ്രണ്ട് ഈ സ്ഥലം 2014 ജനുവരി 16,17,18 തീയതികളിൽ നടത്തുന്ന ഫീൽഡ് പരിശോധനയിൽ പങ്കെടുക്കാൻ ഈ കാര്യലയത്തിലേക്ക് അറിയിച്ചിരുന്നു. സൂചന (1) പ്രകാരം അങ്ങയുടെ ഓഫീസിൽ നിന്നും ലഭിച്ചിട്ടുള്ള കത്തിലും,

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ജില്ലാ സുപ്രണ്ടിന്റെ കത്തിലും പരാമർശിച്ചിട്ടുള്ള കാര്യങ്ങളെ സംബന്ധിച്ച് എന്റെ അഭിപ്രായം ചുവടെ കൊടുക്കുന്നു.

1. 16.01.14, 17.01.14 എന്നീ തീയതികളിൽ നടത്തിയ ഫീൽഡ് പരിശോധനകളിൽ വനം വകുപ്പിൽ നിന്നും റെയിഞ്ചാഫീസർ, ഡിവിഷൻ സർവ്വെയർമാർ എന്നിവർ പങ്കെടുത്തിരുന്നു. എന്നാൽ ജില്ലാ സർവ്വെ സുപ്രണ്ട് വനം വകുപ്പിന്റെ അഭിപ്രായങ്ങൾ ഒന്നും ആവശ്യപ്പെടാതെ റിപ്പോർട്ട് തയ്യാറാക്കിയിരിക്കുന്നത് ശരിയല്ല.

2. ജില്ലാ സർവ്വെ സുപ്രണ്ടിന്റെ റിപ്പോർട്ടു പ്രകാരം ഇപ്പോൾ കാഠി നടന്നുവരുന്ന സർവ്വെ നമ്പർ 1267/3, 1267/4, 1266/3, 1266/4 എന്നിവ (Kerala land assignment (Regulation of occupation of forest lands prior to 1.1.1977) Special Rules 1993 പ്രകാരം പതിച്ചുകൊടുത്ത സ്ഥലങ്ങളാണ്. ഇത്തരം സ്ഥലങ്ങൾ റൂൾ 3 പ്രകാരം മേൽപറഞ്ഞ നിയമപ്രകാരം കൃഷി ചെയ്യാനും, വീടു വയ്ക്കാനും, കടമുറി തുടങ്ങാനും മാത്രമാണ് ഉപയോഗിക്കാൻ പാടുള്ളൂ. മേൽ നിയമത്തിന്റെ ഭേദഗതി നിയമപ്രകാരം (ജി.ഒ.പി. നം.456/2010 തീയതി 16.11.10) ഇത്തരം സ്ഥലങ്ങൾ മറ്റൊരാൾക്ക് കൈമാറ്റം ചെയ്താലും സ്ഥലം വാങ്ങുന്ന ആൾക്കും ഈ നിയമം ബാധകമാണ്. ഈ നിയമപ്രകാരം പതിച്ചുകൊടുത്ത സ്ഥലങ്ങൾ ഇപ്പോഴും റിസർവ് ഫോറസ്റ്റാണ്. ആയതിനാൽ ഇങ്ങനെയുള്ള സ്ഥലങ്ങളിൽ കാഠി നടത്താൻ ലൈസൻസുകൾ നൽകുന്നത് കേരള ലാൻഡ് അസൈൻമെന്റ് സ്പെഷ്യൽ റൂൾ 1993 ന്റെ ലംഘനമാണ്. കൂടാതെ ഇത്തരം സ്ഥലങ്ങളുടെ സ്റ്റാറ്റസ് റിസർവ് ഫോറസ്റ്റ് ആയതിനാൽ 1980 ഫോറസ്റ്റ് കൺസർവേഷൻ ആക്ടിന്റെയും ലംഘനമാണ്. ഈ നിയമപ്രകാരം ലൈസൻസ് കൊടുക്കുന്നത് ശിക്ഷാർഹമാണ്.

ഇത്തരം സ്ഥലങ്ങളിലെ കാഠി പ്രവർത്തനങ്ങൾ നിർത്തിവയ്ക്കാനായി ടി ഓഫീസിൽ നിന്നും 9.11.10 ൽ സിഎ2-6488/10 പ്രകാരം ശ്രീ.ഇ.എൻ.ഷാജൻ നോട്ടീസ് കൊടുത്തിരുന്നു. ഇതിനെതിരെ ബഹു.ഹൈക്കോടതിയിൽ ഫയൽ ചെയ്ത ഡബ്ല്യു.പി.സി.37773/10 നമ്പർ കേസ് ഇപ്പോഴും ഹൈക്കോടതിയുടെ പരിഗണനയിലാണ്.

കൂടാതെ ശ്രീമതി.മോളി സണ്ണിഫയൽ ചെയ്ത ഡബ്ല്യു.പി.സി.26846/05 നമ്പർ കേസിലെ 27.08.08 ലെ വിധിയുടെ അടിസ്ഥാനത്തിൽ 02.02.09 ന് അങ്ങയുടെ ഓഫീസിൽ വച്ച് ബന്ധപ്പെട്ട വകുപ്പുകളെ ഉൾപ്പെടുത്തിക്കൊണ്ട് കൃത്യ യോഗത്തിലെ തീരുമാനപ്രകാരം കാഠിയിൽ ലിസ്റ്റ് കാലാവധി തീരുന്നു

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മുറയ്ക്ക് പുതുക്കി നൽകുന്നതിനു മുൻപ് ബന്ധപ്പെട്ട വകുപ്പുകൾ സംയുക്ത പരിശോധന നടത്തി പുതുക്കി നൽകുന്നതു സംബന്ധിച്ച് ഉചിതമായ തീരുമാനം എടുക്കാനും നിർദ്ദേശിച്ചിരുന്നു. എന്നാൽ വിവിധ വകുപ്പുകളുമായി സംയുക്ത പരിശോധന നടത്താതെയാണ് കാറികളുടെ ലീസ് കാലാവധി പുതുക്കി നൽകുന്നത്. പുതിയ കാറികൾ തുടങ്ങുന്നതിനു എൻ.ഒ.സി. ആവശ്യപ്പെടാറുണ്ടെങ്കിലും എൽ.എ.പട്ടയം ലഭിച്ച കാറികൾക്ക് വനം വകുപ്പിൽ നിന്നും എൻ.ഒ.സി അനുവദിക്കാറില്ല. മേൽ സാഹചര്യങ്ങളിൽ റിസർവ്വ് ഫോറസ്റ്റിന്റെ സ്റ്റാറ്റസ്സുള്ള ഭൂമിയ്ക്ക് അനുവദിച്ചിട്ടുള്ള ലൈസൻസ് റദ്ദ് ചെയ്യുന്നതിനുള്ള നിർദ്ദേശങ്ങൾ ബന്ധപ്പെട്ട വകുപ്പുകൾക്ക് നൽകുവാൻ അപേക്ഷിക്കുന്നു.

വിശ്വസ്തതയോടെ,

ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസർക്കു വേണ്ടി

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 Date..... 5.3.19

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 Encl. referred to in the above (C.A.C.P)

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EXHIBIT

D/S/y

"Administrative language - mother tongue"

B. N. Anjan Kumar I.F.S.,
Deputy Conservator of Forest

Office of the Divisional Forest Officer
Chalakkudi, PIN- 680 307
Tel: 0480 2701340 (0)
(Mobile): 9441919052
Email: dfo.clkdy.for@kerala.gov.in

No. CA2-3738/13

Date: 24.04.2014

To

District Collector,
Thrissur.

Sir,

Subject: Complaint against the functioning of Edathanadan
Granites in Mattathil Panchayath - Regarding

- Reference: 1) Your letter No. B6-48094/14 dated 17.03.14
2) Letter No. CA2-3608/13 dated 02.07.13 from this
office
3) Letter No. CA2-5382/13 dated 3.9.13 from this office

Your attention is respectfully drawn to the references. Investigation was conducted and report was submitted to you vide references (2) and (3) on the complaints against the functioning of Edathanadan Granites by Parameswaran and Varghese on 02.05.13, Manoj Pulikkal dated 23.0.13 and from the additional Dy. S. P, Vigilance and Anticorruption Bureau dated 26.8.13 on the same subject.

The complaint dated 16.01.13 given by the permanent residents of Mattathoor Panchayat, Mukundapuram Taluk, against the unauthorised functioning of Edathanadan Granites was forwarded to you and Principal Chief Forest Conservator (Protection). The Additional Principal Chief Forest Conservator (Protection) had conducted an enquiry into this also and had

98(b)

EXHIBIT

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filed the report. Based on the instructions received from your office on this same complaint, the District Survey Superintendent had informed to this office to participate in the field inspection in this land on 2014 January 16, 17, 18. My opinion on the issues mentioned in the letter from your office referred to as number 1 above and the letter from District Superintendent is given hereunder.

1. In the field inspections conducted on 16.01.14 and 17.01.14 Range Officer and Division Surveyors from the Forest Department had participated. The report prepared by the District Survey Superintendent without seeking the opinion of Forest Department is not correct.
2. As per the report of the District Survey Superintendent Sy. No.'s 1267/3, 1267/4, 1266/3, 1266/4 where the quarry is being functioning our land assignment under Kerala Land Assignment (Regulation of Occupation of Forest Lands Prior to 1.1.1977) Special Rules 1993. According to Rule 3, these lands, as per the above-mentioned back law, can be utilised only for cultivation, construction of house, to run a shop. As per the amendment of the above law (G.O.P. No. 456/2010 dated 16.11.10) even if these lands are transferred to another person, this law is applicable to the person buying the land. The lands assigned under this law are still reserve forest. Thus, giving license to run a quarry in such lands is a violation of Kerala Land Assignment Special Rule, 1993. Moreover, since the status of these lands are reserve forest, it is also a violation of the Forest Conservation Act, 1980. As per this law, giving a license is punishable.

Sri. E. N. Shajan was given a notice as per CA2-6488/10 dated 9.11.10 from this office to stop quarrying activities in these lands. WP(C)37773/10 filed against this in the honourable High Court is still under consideration of High Court.

Apart from this, based on the Judgement dated 27.08.08 in WP(C)26846/05 filed by Smt. Molly Sunny meeting was held in your office by including related departments. As per the decision in that meeting, as and when the quarrying lease validity gets over, before renewing the same,

98(e)

EXHIBIT - 105/6

a joint inspection should be conducted by the concerned departments and an appropriate decision should be taken regarding the renewal. But validity of quarrying lease is renewed without the joint inspection of various departments. Even though NOC is demanded for starting new quarries, for quarries which had obtained LA pattayam, no NOC is given. In the circumstances given above it is requested that directions be given to cancel the license granted to the lands having the status of reserve forest.

Sincerely

for Divisional Forest Officer

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Advocate

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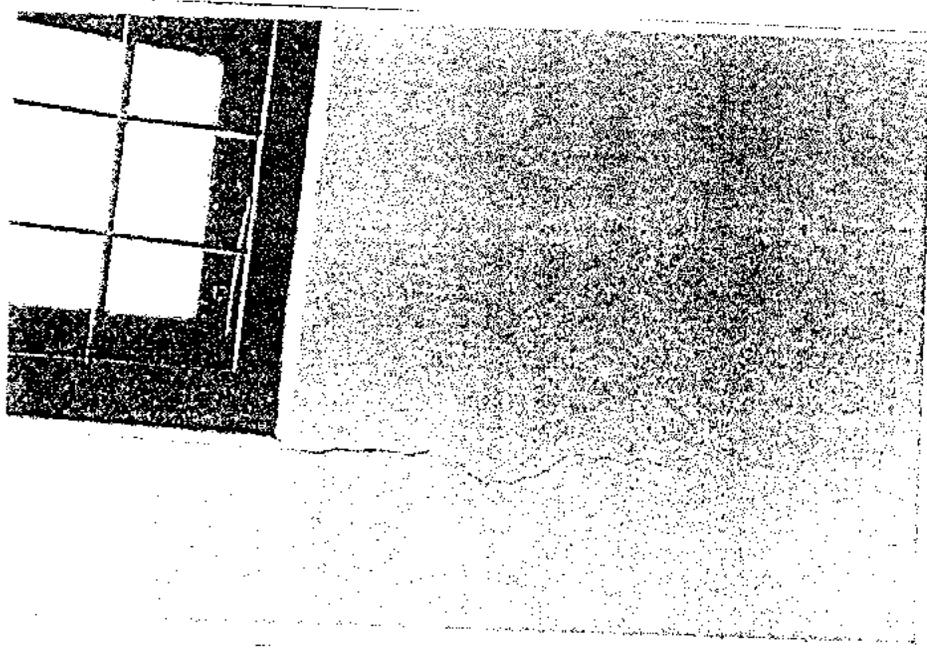
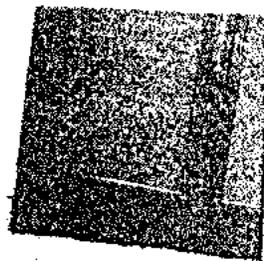
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 Архив

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EXP 8
[Signature]

PROCEEDINGS OF THE DIRECTOR OF MINING & GEOLOGY

Subj: Mines & Minerals - Minor Minerals - Granite (Building Stone) - Quarrying lease to M/s.Edathadan Granites, Mattathur.P.O. Ombathungal, Kodakara, Thrissur-680 684 (Represented by Sri.E.N.Shajan, Managing Partner)-sanction- orders issued.

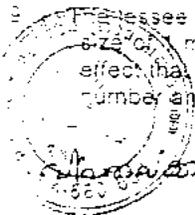
- Ref 1. Application dated 24/3/2015 from M/s.Edathadan Granites, Mattathur.P.O. Ombathungal, Kodakara, Thrissur-680 684 (Represented by Sri.E.N.Shajan, Managing Partner)
- 2. Letter No.849/C2/TDO/15 dt 25/4/15 from the Geologist, District Office, Thrissur
- 3. Kerala Minor Mineral Concession Rules, 2015.
- 4. Letter No.J-11015/477/2014-1A.11(M) dtd 12/3/2015 of Director, Ministry of Environment, Forest and Climate Change, New Delhi.

No. 91/2015-16/4869/M3/2015 Dated, Thiruvananthapuram, 07/05/2015

ORDER

A quarrying lease is granted to M/s.Edathadan Granites, Mattathur.P.O. Ombathungal, Kodakara, Thrissur-680 684 (Represented by Sri.E.N.Shajan, Managing Partner) to quarry Granite (Building Stone) over an area of 4.7065 hectares of private land comprised in Survey Nos 1270/4,5,7,8, 1271/2,3,4, 1273/1,2, 1272/1 of Kodassery Village, Chalakudy Taluk, Thrissur District for 12 (Twelve) years from the date of execution of the quarrying lease deed under the Kerala Minor Mineral Concession Rules, 2015 and as per the survey map issued by the Tansidar Chalakudy and the approved Mining Plan and environmental clearance submitted by the applicant subject to the under mentioned condition.

- 1. Royalty is payable to Government as per Rule 32 of the Kerala Minor Mineral Concession Rules, 2015 in respect of minor mineral quarried and moved out of the quarry subject to revision from time to time on the basis of amendments to the schedule I of the said Rules.
- 2. Dead rent is realizable under of the said rules subject to revision from time to time on the basis of amendments to the schedule II of the said rules.
- 3. Surface rent realizable under of the said rules will be equal to the land revenue assessed by the Revenue Department subject to revision from time to time on the basis of the land revenue.
- 4. The lessee shall execute a quarrying lease deed within a period of six months from the date of this order in form 'H' as per Rule 43 of the Kerala Minor Mineral Concession Rules, 2015.
- 5. The lessee shall also deposit an amount of ₹.10,000/- (Rupees Ten Thousand only) per hectare as security deposit for the observance of the terms and conditions of the lease before the deed is executed as per rule 42 of the said rules. The lessee shall commence quarrying operation only after the deed is executed and registered.
- 6. The quarrying area shall be demarcated and boundary stones fixed at the lessee's expenses before execution of the quarrying lease deed.
- 7. The lessee shall not win and dispose of any type of dimension and decorative stones from the area over which the quarrying lease has been sanctioned on the strength of this order.
- 8. The production of Granite (Building Stone) from the area covered under this grant shall be subject to the quantity specified in the Mining Plan submitted by the lessee. (1,90,000 Metro Tonnes per year)
- 9. The lessee shall erect a notice board in Malayalam at a prominent place with a minimum 625 mm X 1.5 metres in a metallic board near to the entrance of the quarry to the effect that it shall contain the name and address of the permit holder, mineral concession number and date, the mineral to be extracted, permit number and date and its date of expiry.



[Signature] Director of Mining & Geology, Thiruvananthapuram
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- quantity of extraction, details of tools used, area of extraction permitted, explosive used (if any), etc.
- 9) The lessee shall erect a warning board with danger sign regarding operation of the quarry, 100 metres away by the side of the road leading to it.
 - 10) The lessee should provide retention wall/barricade/fencing compound wall surrounding the quarry before the commencement of the quarrying operation for preventing accidents by falling of human being animals, vehicles and material into the quarry. The lessee should take effective preventive measures for the safety of labourers as well as the general public.
 - 11) The lessee should leave a distance of 7.5m from the adjacent boundary lands including government puramboke land while carrying out quarrying operations.
 - 12) The lessee should not assign, sublet or transfer his lease or any right or interest therein to any person without previous permission of the Director of Mining & Geology.
 - 13) The lessee shall pay tax related to Revenue Department, if any, as directed by them and the details should be furnished to the Geologist periodically.
 - 14) The lessee shall operate the quarry in accordance with the condition stipulated in the environmental clearance and mining plan submitted by him.
 - 15) The lessee shall obtain all other statutory licences/clearances/No Objection Certificates from other authorities concerned including Explosive licence, consent from Pollution Control Board and D & O licence from the Local Self Government Department concerned.
 - 16) The quarrying lease will become invalid if the lessee fails to renew the Environmental clearance after 5 years.
 - 17) The lessee shall produce a financial guarantee of ₹. 1,17,663/- (Rupees One lakh Seventeen thousand six hundred sixty three only) as stipulated in rule 52 of KMMC Rules 2015, before execution of lease deed.
 - 18) The lessee shall pay 10% of the amount of royalty/consolidated royalty as the case may be paid by him, being the quarry safety fund in addition to the royalty/consolidated royalty, as per rule 63 of KMMC rules, 2015.
 - 19) The lessee shall carryout mining operations as per the approved mining plan.

The terms and conditions stated in this order will be subjected to such further modifications as may be made by the State Government from time to time.

Sd/-
D.P.SREEKUMAR
DIRECTOR OF MINING & GEOLOGY

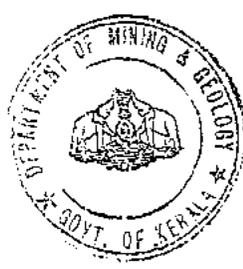
M/s.Edathadan Granites,
Mattathur.P.O. Ombathungal,
Kodakara, Thrissur-680 684
(Represented by Sri.E.N.Shajan, Managing Partner)

Copy to

1. The Deputy Director General, Directorate General of Mines Safety, Southern Zone, Bangalore-560 029
2. The District Collector Thrissur
3. The Geologist, District Office, Thrissur
4. The Tahsildar, Chalakudy
5. Stock File (2), File Copy

(BY ORDER)
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SENIOR SUPERINTENDENT



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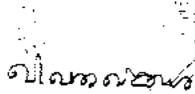
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- 1. The lessee/lessees shall have the right in and upon the said lands to extract Granite Building Stone (hereinafter called the said mineral/minerals) and to do all acts necessary for the extraction of the said mineral/minerals including the erection on the said lands, buildings and plant required for the purposes and also to take lead and carry away over the said lands and to dispose of the said minerals extracted as aforesaid.
- 2. The lessee/lessees shall during the subsistence of this lease have the liberty to work the said mineral/minerals and remove the same from the leasehold on permits issued by the State Government/competent authority or any other officer authorised by him in this regard. The permits shall be issued only on the basis of prepaid royalty at the rates specified in schedule I to these Rules. The royalty rates shall be subject to revision from time to time as the State Government may order.
- 3. The lessee/lessees shall pay to the State Government a yearly surface rent equal to the land revenue (if any, assessable under the rules for the time being in force, or if the land be the property of Government or in reserve forest then equal to the land revenue plus cess, if any, per hectare of the land surface whereof shall be occupied or used by the lessee/lessees for any of the purposes of this deed and so in proportion for any area less than one hectare. The said surface rent shall be paid by yearly payments; the first of such payments to be made on or before the last day of the first year of occupation provided always that no such rent shall be paid or demanded in respect of any roads or ways now in existence.
- 4. The lessee/lessees shall at all times during the currency of this lease keep correct and intelligible books of account showing accurately the quantity of the said minerals extracted and the weight and value of the said mineral sold or exported together with the names of the purchasers or consignees. The lessee shall also maintain a register of employees showing therein separately men, women employed daily and shall at reasonable times allow the competent authority appointed under the rules (hereinafter referred to as "competent authority") or the officer authorised by him to examine the said books of account and register of employees and to take copies and extracts therefrom. The lessee/lessees shall submit reports in Forms F and G on the specified dates.
- 5. All sums found due under or by virtue of this deed from the lessee/lessees may be recovered from him jointly and severally from them and his/their properties movable and immovable under the provisions of the Revenue Recovery Act for the time being in force as though such sums were arrears of land revenue or in any other manner as the State Government may deem fit.
- 6. The lessee/lessees shall at the lessee's/ lessees' own expense erect and all times maintain and keep in repair boundary marks and pillars along the boundaries of the said lands according to the demarcation shown in the plan hereto annexed.
- 7. In cases where explosives are not used for quarrying the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 75 metres from any railway line except with the previous written permission of the Railway Administration concerned; and any bridge on National High way or 50 metres from any



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reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or any Government protected monuments or forest lands which do not conform to the category of wild life forests except with the previous permission of the authorities concerned or State Government or competent authority or any other officer authorised by the State Government in this behalf.

In cases where explosives are used for quarrying, the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 100 metres from any railway line, bridge, reservoir, tanks, residential buildings, Government protected monuments, canals, rivers, public roads having vehicular traffic, other public works or the boundary walls of places of worship or 50 metres from any burial grounds or burning ghats or village roads or forest lands which do not conform to the category of wild life forests.

The above said distances shall be measured in the case of a railway, reservoir or canal horizontally from outer edge of the cutting or outer edge of the bank, as the case may be and in the case of a building horizontally from the plinth thereof.

For the purposes of this clause the expression 'railway' and 'railway administration' shall have the same meaning as defined in sub sections (4) and (6) of section 3 of Indian Railway Act, 1900 (IX of 1890)

- 3. The sides of open workings shall be sloped, stepped or secured by the lessee in such a manner as to prevent slope failure, when an open working is worked in steps, steps shall be of sufficient breadth in relation to their height to secure safety. In open workings trees liable to fall and all loose ground and material shall be removed by the lessee sufficiently far from the edge or otherwise made secure in order to prevent danger to persons employed in the quarry.
- 9. If a working place is found to be unsafe all persons shall be withdrawn by the lessee/lessees immediately from the dangerous area and all access to such working place except for the purpose of removing the danger of saving life shall be prevented by securely fencing the full width of all entrances to the place.
- 10. The lessee/lessees shall at all reasonable times allow any officer authorised by The Central Government or by the State Government in that behalf to inspect the said lands and the buildings and plants erected thereon and the lessee/lessees shall assist such persons in conducting the inspection and afford them all information they may reasonably require, and shall conform to and observe all orders which the Central and State Governments as the result of such inspection or otherwise, may from time to time pass.
- 11. The lessee shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry.
- 12. The lessee/lessees shall not assign or underlet the said lands or any part thereof or the rights or privileges therein hereby granted or any of them without the previous permission in writing of the State Government/competent authority.



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13. Where the lease or any right, title or interest therein has been assigned, subject or transferred as provided in rule 45 read with condition 12, then the person in whose favour such assignment, sublease or transfer has been made shall be responsible for implementing the provisions of various labour laws applicable, from time to time, to the quarry.

14. The lease may be surrendered by the lessee/lessees at any time after 3 months notice in writing to the State Government/competent authority.

Provided the lessee/lessees has/have paid all sums due on account of the lease.

Provided that if the lessee/lessees elects/elect to determine this lease before the expiry of the term of the lease, shall pay in addition to other dues a sum equal to the dead rent payable for the remaining part of the term of the lease deed

15. If the lessee/lessees shall be desirous of taking a further lease of the said lands for a further term of years he/they shall give three months' previous notice in writing of such desire to the State Government/competent authority and if the lessee/lessees has/have duly observed all the conditions of this lease for such further term and on such terms and conditions as the State Government/Competent authority may determine which shall be in accordance with the provisions of these rules.

16. If the lessee/lessees shall at any time during the said term use the said lands or any part thereof in any manner other than as authorised by this lease or fail to carry on quarrying operations continuously without sufficient cause of which the State Government/Competent authority shall be the Judge or shall commit a breach of any of the conditions of this lease it shall be lawful for the State Government/Competent authority to cancel this lease and take possession of the said lands or the alternative to receive from the lessee/lessees such penalty not exceeding Rs. 25,000/- for the breach as the State Government/Competent authority may fix.

17. If at the expiration of three calendar months after the expiry of the lease or its sooner determination, there shall remain in or on the said lands, any engines, machinery, plant buildings, structures and other works erections and conveniences the said minerals or other property which the lessee/lessees are entitled to remove from the said lands, the same shall, if not removed by the lessee/lessees within one calendar month after notice in writing requiring their removal be given to the lessee/lessees by the State Government/Competent authority be deemed to become the property of the State Government in such manner as they may deem fit without liability to pay any compensation or to account to the lessee/lessees/lessees in respect thereof.

18. This lease subject to all rules and regulations which may from time to time be issued by the State Government regulating the working of the quarries and other matters affecting safety, health and convenience of the lessee's/lessees' employees or of the public, whether under the Indian Mines Act or otherwise.

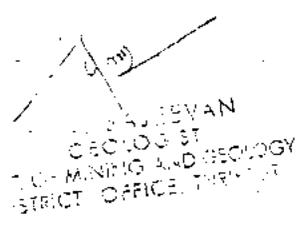
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- 19. The lessee/lessees shall without delay send to the District Collector and the competent authority or the officer authorised by him in this regard report of any accident causing loss of life or serious bodily injuries or seriously affecting or endangering life or property which may at any time occur at or in the said lands in the course of operations under this lease.
- 20. The lessee/lessees shall furnish such reports and returns relating to output, labourers employed and other matters as the State Government may prescribe.
- 21. The lessee/lessees shall make and pay such reasonable compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damages, injury or disturbance which may be done by him/them in exercise of the powers granted by this lease and shall indemnify and shall keep indemnified fully and completely the State Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.
- 22. The lessee shall renew the Environmental Clearance within the periods as stipulated in the Environmental Clearance produced by the lessee for granting this lease.
- 23. Any condition prescribed in the Kerala Minor Mineral Concession Rules, 2015 but left out in this lease which may be found applicable to the lessee/lessees shall be treated as binding on the lessee/lessees.
In this case anticipated royalty for the mineral at the rate of Rs. 24/- (Rupees Twenty four only) per tone for a period of one year Rs. 45,60,000/- (Rupees Forty Five lakh Sixty thousand Only)
- 24. Dead Rent realizable at the rate of Rs. 1 year- Nil, II year - Rs. 300/-, III Year onwards - Rs. 200/- Per hectare subject to revision from time to time. Surface rent at the rate of Rs. 200/- (two hundred rupees only) per hectare for One Year is Rs. 941/- (Rupees nine hundred forty one only) security deposit is Rs. 47065/- (Rupees forty seven thousand sixty five only).



 DEPARTMENT OF MINING AND GEOLOGY
 TECHNICAL OFFICE, TRIPUNITHURAY
 KERALA STATE


 Managing Director



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The Schedule above referred to Description of Land

| District / Taluk | Village Or Amsam | Re-Survey/ Survey No. of the area | Area in Hectares |
|--------------------|------------------|--|------------------|
| Thrissur Charakudy | Kedassery | 1270/4, 5, 7, 8 1271/2, 3, 4 1273/1, 2, 1272/1 | 4.7065 H |

Bounded by Sy. Nos.

- On the North by 954, 1266, 1267
- On the East by 1272/4, 956, 957, 1273/4
- On the South by 1270/2, 6.
- On the West by 1266, 1267, 1268, 1270/1

In witness whereof the parties hereto have set their hands hereunto on the day and year first above written.

Signed by *[Signature]*
SREEVAN

For and on behalf of the Government of Kerala.
OFFICE OF MINING AND GEOL. SURVY

In the presence of OFFICE, THRASSUR

Director of Mining & Geology, Thrissur
District Office, Thrissur
FOR EMERALD GRANITES

Signed by *[Signature]*
Managing Partner

For and on behalf of the lessee/lessees

- 1. Mr. Jansandran
- 2. Mr. Sankar Das
- 3. Mr. Suresh Kumar
- 4. Mr. S. S. Suresh
- 5. Mr. S. S. Suresh

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E. 29

Proceedings of the Executive Engineer Sub Division No.1, Chalakkudy

Present: Sri N.M. Thampi

Sub: Permission for constg. Culvert net.ch.11/100km and 11/300 km of Mattathoor Branch canal road-reg.

Ref: 1. Application from E.N. Shajan, Managing Partner, Edathadan Granites, Mattathoor.

2. Lr.No.D1-56/09 dated 04.10.2010 of Asst. Executive Engineer, Irrgn. Sub Dn.No.1, Chalakkudy.

Order No.As-1321-10 dated 10.10.2010

Sanction is hereby accorded to E.N. Shajan, Edathadan Granites Mattathoor for constructing Net.ch.11/100km and 11/300 km of Mattathoor Branch canal at his own expenses subject to the following conditions.

1. The work should be executed as directed by the officers of water resources Dpt. at the full expenses of the applicant as per the approved plan and standards of 015.
2. The work should be carried out without causing any damage and hindrance to the road, canal system and canal abutments.
3. The entire works in this regard should be carried out as per the strict direction of the Asst. Executive Engineer or higher officers of the water resources Dept., and their decisions if any, will be undisputedly accepted by the applicant.
4. The applicant should dismantle the structures at the cost of the authority, if any future development work is proposed in this road by the Water Resources Department.
5. An agreement should be executed incorporating all the above conditions between the applicant and the Asst. Exe. Engineer, Irrigation Sub Division No.1, Chalakkudy after which only this order will come into force.
6. Violation if any, in the strict compliance of the conditions stipulated above shall lead to cancellation of this order.

The applicant Sri. E.N. Shajan, Managing Partner, Edathadan Granites, Mattathoor shall be held full responsible for any such violations and the Water Resources Department shall make good, losses if any, such damage if any, made by the Water Resources Department shall be final, undisputable liable to the government compensating the losses sustained by the government.

Sd/-

Executive Engineer

To
The applicant Sri. E.N. Shajan,
Managing Partner, Edathadan Granite, Mattathoor.

Copy to:

The Asst. Executive Engineer, Irrigation Sub Division No.1, Chalakkudy.

The Asst. Engineer, Irrigation Section, Kodakara.

This is the true copy of the document contained in
Ext.P 29 referred to in the above (C.O. No. 1321-10)

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Board of Revenue

BOOK

Kodiyam

Name of the officer in charge of the panchayat
Designation and date

| 1966-70 | 1970-71 | 1971-72 | 1972-73 |
|---------|---------|---------|---------|
| | 6 | | 10 |

Authenticated that this book
contains the correct
municipal data

[Signature]

No. *[Stamp]*

Principal Magistrate
Nars

[Signature]
Kodiyam
Municipal Office

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മൈനിംഗ് & ജിയോളജി ഡയറക്ടറേറ്റ്
കേശവദാസപുരം, പട്ടം പാലസ്, പി.ഒ.
തിരുവനന്തപുരം-4, Phone/Fax: 0471-2447429
e-mail: director.dir.dmg.@kerala.gov.in
Web : www.dmg.kerala.gov.in

നമ്പർ : 10227/എം4/2014

തീയതി : 15-12-2014

മൈനിംഗ് & ജിയോളജി ഡയറക്ടർ

ശ്രീ. മാജ്കുമാർ രാജുനാഥ്,
പൊലിയേടത്ത് ഹൗസ്,
മൂന്നുമുനി, പി.ഒ. മറ്റത്തൂർ,
തൃശൂർ

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വിഷയം- ഖനിയും ഖനികളും - സ്വകാര്യവ്യക്തി ഭൂമി കയ്യേറി അനധികൃത ഖനനം നടത്തുന്നുവെന്ന പരാതി - മറുപടി നൽകുന്നത് - സംബന്ധിച്ച്.

- സൂചന:-
1. 22-07-2014-ലെ 21476/എ3/14/വ്യവ നമ്പർ സർക്കാർ കത്തും ഉള്ളടക്കം ചെയ്ത താങ്കളുടെ പരാതിയും.
 2. 10-11-2014 തീയതിയിലെ തൃശൂർ ജില്ലാ ജിയോളജിസ്റ്റിന്റെ 2446/സി2/ടിഡിഒ/14 നമ്പർ റിപ്പോർട്ട്.

* * * * *

മേൽ സൂചനയിലേയ്ക്ക് താങ്കളുടെ ശ്രദ്ധ ക്ഷണിക്കുന്നു. സൂചന (1) കത്തിനോടൊപ്പം ഉള്ളടക്കം ചെയ്തിട്ടുള്ള താങ്കളുടെ പരാതിയുടെ അടിസ്ഥാനത്തിൽ തൃശൂർ ജില്ലാ ആഫീസിൽ നിന്നും മെ: എടത്താടൻ ഗ്രാനൈറ്റ്സ് എന്ന സ്ഥാപനം നടത്തി വരുന്ന കരിങ്കൽ ക്വാറി പരിശോധിക്കുകയുണ്ടായി. ടി ക്രഷർ യൂണിറ്റിന് ശ്രീ. ഇ.എൻ. ഷാജൻ, മെ: എടത്താടൻ ഗ്രാനൈറ്റ്സ്, മറ്റത്തൂർ പി.ഒ., എന്ന പേരിൽ മൈനിംഗ് & ജിയോളജി ഡയറക്ടർ 04-04-2008-ലെ പ്രൊസീഡിംഗ്സ് ഓർഡർ നമ്പർ 14/2008-09/3488/M3/2008, പ്രൊ: ഓർഡർ നമ്പർ 18/2008-09/3491/M3/2008, പ്രൊ: ഓർഡർ നമ്പർ 16/2008-09/3489/M3/2008 എന്നീ നബരുകളിലായി മൂന്ന് ക്വാറിയിംഗ് ലീസുകൾ അനുവദിച്ചിട്ടുള്ളതാണ്. ടി ക്വാറിയിംഗ് ലീസുകൾക്ക് 14-04-2018 വരെ കാലാവധിയുള്ളതാണ്. ടി ലീസുകളുടെ അടിസ്ഥാനത്തിൽ 1967-ലെ കേരള മൈനർ മിനറൽ കൺസർവ്ഷൻ ചട്ടങ്ങൾ റൂൾ 48(R) പ്രകാരം രജിസ്റ്റേർഡ് മെറ്റൽ ക്രഷർ യൂണിറ്റായി 2013-14 സാമ്പത്തിക വർഷത്തേയ്ക്ക് കോമ്പൗണ്ട് ചെയ്തിട്ടുള്ളതുമാണ്.

- 114 -

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pull

കൂടാതെ മുമ്പ് ജില്ലാ ആഫീസിൽ ലഭിച്ചിട്ടുള്ള പരാതിയുടെയും ജില്ലാ കളക്ടറുടെ നിർദ്ദേശത്തിന്റെയും അടിസ്ഥാനത്തിൽ പൊല്യൂഷൻ കൺട്രോൾ ബോർഡ് ഉദ്യോഗസ്ഥർ, മറ്റത്തൂർ പഞ്ചായത്ത് സെക്രട്ടറി എന്നിവരോടൊപ്പം പ്രസ്തുത കാനിയും പരിസരവാസികളുടെ വീടുകളും സംയുക്തമായി പരിശോധിച്ചിട്ടുള്ളതാണ്.

ജില്ലാ സർവ്വേ സൂപ്രണ്ട് 15-02-2014-ലെ റിപ്പോർട്ട് പ്രകാരം സർവ്വേ നമ്പർ 1267/3, 1271/1 എന്നിവയിൽ ഉൾപ്പെട്ട സർക്കാർ പുറമ്പോക്ക് വഴി സ്ഥലത്തുനിന്നും (14.43 സെന്റ്) പാറ പൊട്ടിച്ചതായി റിപ്പോർട്ട് ചെയ്തതിനെ തുടർന്ന് അനധികൃതമായി ഖനനം നടത്തിയതായി കാണപ്പെട്ട 9812 ക്യൂബിക് മീറ്റർ പാറയുടെ റോയൽറ്റിയിനത്തിൽ ₹ 3,92,480/- രൂപയും പിഴയിനത്തിൽ ₹ 5,000/- രൂപയും 1967-ലെ കെ.എം.എം.സി. ചട്ടങ്ങൾ പ്രകാരം ലീസുടമയിൽ നിന്നും ഈടാക്കിയിട്ടുള്ളതുമാണ്. കുഞ്ഞലിപ്പാറയും കരിങ്കൽ കാനിയും തമ്മിൽ 100 മീറ്റർ അകലമുള്ളതായും ജില്ലാ സർവ്വേ സൂപ്രണ്ട് റിപ്പോർട്ട് ചെയ്തിട്ടുള്ളതുമാണ്. പുറമ്പോക്ക് (കുഞ്ഞലിപ്പാറ) കയ്യേറി കാനി പ്രവർത്തനം നടത്തുന്നില്ലായെന്നും ജില്ലാ സർവ്വേ സൂപ്രണ്ട് റിപ്പോർട്ട് ചെയ്തിട്ടുണ്ട്.

ക്രമം ഉടമ ജില്ലാ ആഫീസിൽ സമർപ്പിച്ചിട്ടുള്ള രേഖകൾ പരിശോധിച്ചതിൽ നിന്നും ഈ ക്രഷർ യൂണിറ്റിന് പ്രവർത്തിക്കുന്നതിനാവശ്യം വേണ്ടതായിട്ടുള്ള:- (1) കേരള സ്റ്റേറ്റ് പൊല്യൂഷൻ കൺട്രോൾ ബോർഡിന്റെ കൺസന്റ്, (2) എക്സ്പ്ലോസിവ് ലൈസൻസ് (3) പഞ്ചായത്ത് നൽകിയിട്ടുള്ള ഡി & ടി ലൈസൻസ് എന്നിവ ഉണ്ടെന്ന് ബോധ്യപ്പെട്ടിട്ടുള്ളതാണ്. കൂടാതെ ടി കാനി ഡയറക്ടർ ജനറൽ ഓഫ് മൈൻ സേഫ്റ്റിയുടെ അനുമതിയോടെയും കാളിഫ്രെഡ് മൈൻ മാനേജർ, മൈൻ മേറ്റ് എന്നിവരുടെ നിരീക്ഷണത്തിലും ആവശ്യമായ സുരക്ഷാമാനദണ്ഡങ്ങൾ പാലിച്ചുകൊണ്ടുമാണ് ഖനന പ്രവർത്തനം നടത്തിവരുന്നത് എന്നും ജിയോളജിസ്റ്റ് അറിയിച്ചിട്ടുണ്ട്.

വിശ്വസ്തതയോടെ

[Signature]
16/12/2014

മൈനിംഗ് & ജിയോളജി ഡയറക്ടർക്കുവേണ്ടി

[Signature]
16/12/14

15 5 12

This is the true copy of the document attached as per referred to in the above I.C.M. No. 11

114(a)

EXHIBIT 2 P11/3

Mining and Geology Directorate,
 Kesavadaspuram, Pattom Palace P.O.,
 Tiruvananthapuram-4 Phone/ Fax: 0471-2447429
 Email: director.dir.dmg@kerala.gov.in
 Web: www.dmg.kerala.gov.in

Number:10227/M4/2014

Date: 15-12-2014

Mining and Geology Director

Mr. Rajkumar Reghunath,
 Poliyedath House,
 Moonnumuri, P. O. Mattathoor,
 Thrissur.

Sir,

Subject: Mines and Minerals - complaint regarding quarrying operations
 by encroaching by private individual - regarding

Reference: 1) Government letter No. 21476/A3/14/vyava dated
 22-07-2014 and your complaint enclosed therein
 2) Report No. 2446/C2/TDO/14 dated 10-11-2014 by the
 Thrissur District Geologist. Thrissur District.

Your attention is drawn to the above references. Site inspection of the granite quarry conducted by M/s Edathadan Granites was carried out by the Thrissur district office on the basis of your complaint enclosed with the letter referred to as item 1 above. The said crusher unit has been issued three quarrying leases under the name of Mr. E. N. Shajan, M/s Edathadan granites, Mattathoor P. O. by the Mining and Geology Director on 04-04-2008 under the numbers: Proceeding order number 14/2008-09/3488/M3/2008; Pro. Order number 18/2008-09/3491/M3/2008 and Pro. Order No. 16/2008-09/3489/M3/2008. The leases are valid upto 14-04-2008. On the basis of the said leases it is compounded as a Registered Metal Crusher unit for the financial year 2013-14 as per Rule 48(R) of the Kerala Minor Mineral Concessions Rules, 1967.

Further, based on the complaint received at the district office and on the direction by the District Collector; the officials of the pollution Control Board and the secretary of Mattathoor Panchayat conducted a joint inspection of the Quarry and the neighbouring residential houses.

114 (b)

EXHIBIT Dully

According to the report dated 15-02-2014 by the District Survey Superintendent; there was quarrying from Government puramboke land (14.43 cent) included in Sy. No. 1267/5 and 1272/1. Based on the report and a fine of ₹ 5000 and royalty of ₹ 392,480 was realised and the KMMC Rules, 1967 from the leaseholder towards 9812 m³ of rock found to be unauthorisedly quarried. The District Survey Superintendent has reported that the distance between Kunjaalippara and the granite quarry is 170 metres. It is also reported by the District Survey Superintendent that no quarrying activity is being conducted by encroaching 'puramboke' (Kunjaalippara).

Upon verification of the documents submitted by the crusher owner at the district office, it was convinced that the following documents required to operate this crusher unit are available.

1. Consent from the Kerala State Pollution Control Board
2. Explosive License
3. D & O license issued by the Panchayat

Apart from all these, the geologist has also informed that the said quarry is functioning with the permission of the director-general of mine safety and under the supervision of the qualified mine manager and mines mate by complying all safety standards.

Sincerely

for Mining and Geology Director

JS1612

This is the true English translation of *EX 011*

Advocate

116ce)

EXHIBIT - 1012/3

Before the Honourable District Collector, Thrissur

The Mass Petition submitted by the members of Kunjalippara Samrakshana Samithy Ombathungal desom, Mattathoor Grama Panchayat, Thrissur District permanently residing at the below mentioned address:

Sir,

An establishment named Edathanadan Granites is running a Crusher/Quarry and conducts quarrying of granite and manufacture of other granite products using huge machineries near Kunjalippara in Mattathoor Gramapanchayat in for many years with a claim that they possess all permits. The quarrying activities of the said establishment has caused a threat to the people and their property in the surroundings.

You are aware of the landslides and loss of life and property due to the quarrying activities of a majority of quarries in Kerala. In order for you to realise that the impact created on the environment by the said quarry is not less, it is imperative for you to verify the below mentioned facts by personal visit. It is requested that the functioning of the said quarry should be stopped and the life and property of the neighbouring people shall be protected by conducting an immediate enquiry and by taking action. The relevant facts in support of the same is as follows:

1. As a result of the quarrying carried out by Edathanadan Granites till date, a huge lake like reservoir is formed within its unit extending to about 1 kilometre. Due to the huge explosions, cracks are formed in this reservoir and water flows through such cracks and hence there is a likelihood of landslide and loss of life and damage to houses and agricultural lands.
2. As a result of the huge explosions conducted by the said Edathanadan Granites for quarrying, cracks are formed on the houses in the vicinity. This has adversely affected the peace and safety of people there.
3. The water sources in this area are polluted due to the wastewater generated and flown into the nearby low lying agricultural lands as a result of washing of M-Sand manufactured by crushing quarried granite in huge crusher machinery. Not only that, there is also severe shortage of drinking water being felt during peak summer due to the drying up of nearby wells and ponds.
4. The vehicles used for the transportation of the M-Sand manufactured there is plying at a high speed and violating Motor Vehicle Laws. The plying of heavy vehicles through the narrow Panchayath Road starting from Moonnumuri PWD Road to the crusher unit is illegal and poses a danger to the people living in that area.
5. The health at the people of this area is dangerously affected due to the dust and waste emitted from the explosions taking place there. Presently, numerous people of the locality have died on account of the severe lung diseases

116ce)

EXHIBIT - B/12/13

Before the Honourable District Collector, Thrissur

The Mass Petition submitted by the members of Kunjalippara Samrakshana Samithy Ombathungal desom, Mattathoor Grama Panchayat, Thrissur District permanently residing at the below mentioned address:

Sir,

An establishment named Edathanadan Granites is running a Crusher/Quarry and conducts quarrying of granite and manufacture of other granite products using huge machineries near Kunjalippara in Mattathoor Gramapanchayat in for many years with a claim that they possess all permits. The quarrying activities of the said establishment has caused a threat to the people and their property in the surroundings.

You are aware of the landslides and loss of life and property due to the quarrying activities of a majority of quarries in Kerala. In order for you to realise that the impact created on the environment by the said quarry is not less, it is imperative for you to verify the below mentioned facts by personal visit. It is requested that the functioning of the said quarry should be stopped and the life and property of the neighbouring people shall be protected by conducting an immediate enquiry and by taking action. The relevant facts in support of the same is as follows:

1. As a result of the quarrying carried out by Edathadan Granites till date, a huge lake like reservoir is formed within its unit extending to about 1 kilometre. Due to the huge explosions, cracks are formed in this reservoir and water flows through such cracks and hence there is a likelihood of landslide and loss of life and damage to houses and agricultural lands.
2. As a result of the huge explosions conducted by the said Edathadan Granites for quarrying, cracks are formed on the houses in the vicinity. This has adversely affected the peace and safety of people there.
3. The water sources in this area are polluted due to the wastewater generated and flown into the nearby low lying agricultural lands as a result of washing of M-Sand manufactured by crushing quarried granite in huge crusher machinery. Not only that, there is also severe shortage of drinking water being felt during peak summer due to the drying up of nearby wells and ponds.
4. The vehicles used for the transportation of the M-Sand manufactured there is plying at a high speed and violating Motor Vehicle Laws. The plying of heavy vehicles through the narrow Panchayath Road starting from Moonnumuri PWD Road to the crusher unit is illegal and poses a danger to the people living in that area.
5. The health at the people of this area is dangerously affected due to the dust and waste emitted from the explosions taking place there. Presently, numerous people of the locality have died on account of the severe lung diseases

116 (b)

EXHIBIT - 7 B12/4

like Asthma, Cancer, Skin Diseases etc. The testimony of a Cancer Patient named Justine Mamkuzhy who was affected by the chemical silica emitted from the crusher/quarry unit is to be noted.

6. The vehicles used for the transportation of granite products and M-Sand from the quarry are overweight and are taken through the Canal Service Road of the Irrigation Department for which there is no legal permission. These violations are not noticed by the law enforcement agencies.
7. The accidental deaths happened in this quarry in the recent times as well as in the past shows that the safety rules are not followed here. The FIRs prepared regarding the said deaths under the supervision of the Tahasildar was received by you is to be looked into? It is also to be verified whether the concerned authorities have conducted inspection and any remedial measures were taken.
8. It is to be verified that, as a company, whether Edathadan Granites comply with the wage conditions subject to the existing labour laws.
9. The agricultural sector of the nearby areas are weakened by the functioning of the quarry. It is necessary to conduct a scientific study whether the insects responsible for pollination is destroyed or not.
10. As a wildlife sanctuary, Kodassery mountain and Kunjaalippara and the forest lands therein are a part of the western ghats. It will be understood that the quarrying is carried out in a manner affecting the peaceful life of peacock.
11. It is desired that a medical survey be ordered with respect to the health issues of the nearby children, old age citizens, couples and youth.

Owing to the above-mentioned facts, the disaster posed by Edathadan Granites functioning in Mattathoor panchayat will be understood by you upon conducting a personal visit and inspection by you. It is most humbly requested that Edathadan granites which is functioning as a threat to the health and peaceful life of the people of Mattathoor panchayat who lives presently in near should be closed down and legal action should be taken to restore the quarried areas and thereby save us.

1. Peter
 2. Sajitha
 3. Joy Kunju
 4. A. P. Pilappan
- Etc...

This is the true English translation of E-2A B12

Advocate

- 117 - 64

P1213

(A10) File No: 2019/1592/8

Collectorate, Thrissur
Date:20/08/2019

From
District Collector
Thrissur

To
GEOLOGIST, THRISSUR

Sir/Madam,

Sub:- COMPLAINT AGAINST CRUSHER UNIT - reg:
Ref:-

A petition received from PETER , S/o. DEVASSY, NADUVILEVEETTIL HOUSE,
16/287-B, OMBATHUNGAL CANAL ROAD, P.O. MATTATHUR, THRISSUR - 680 684
relating to COMPLAINT AGAINST CRUSHER UNIT is enclosed herewith in original, for
necessary action as per law and report in 2 weeks.

A copy of the reply given to the petitioner and the petition in original may be returned
along with your report.

Yours faithfully
Punya
for District Collector

This is the true copy of the document mentioned in
Ref. 2 referred to in the above (C.O. 2019/1592/8)

Document 2019/1592/8 - PG Dept of P. No. 2019/1592/8

Digitized by: www.ijke.in



118 - 65

Ex 13

മെമ്പർ സെക്രട്ടറി,
കേരള ദുരന്ത നിവാരണ അതോറിറ്റി
തിരുവനന്തപുരം

പരിഷ്കാരിക്കുവേണ്ടി

- 1. പീറ്റർ നടുവിലവീട്ടിൽ ദേവസ്സി
നടുവിലവീട്ടിൽ ഹൗസ്,
ബെന്തൂങ്ങൽ, മറ്റത്തൂർ - 680684

വിഷയം : - എടത്താടൻ ഗ്രാനൈറ്റ്സ് കുഞ്ഞാലിപ്പാറ - നിയമവിരുദ്ധമായ
പാഠവനനത്തെക്കുറിച്ചുള്ള പരാതി

സർ,

ഞങ്ങൾ മേൽ സൂചന പാഠമടയുടെ സമീപത്തെ സ്ഥിരതാമസക്കാരാണ്. നിയമ
വിരുദ്ധമായ പാഠമടയുടെ പ്രവർത്തനം മൂലം സമീപവാസികളായ ഞങ്ങൾക്ക് ജീവി
ക്കാൻ സാധിക്കാത്ത ഒരു സാഹചര്യം സംജാതമായിരിക്കുകയാണ്.

പാഠമട പ്രവർത്തിക്കുന്ന കുഞ്ഞാലിപ്പാറയുടെ മുകളിൽ തടാകം പോലെ വലിയൊരു
ജലസാഭരണി രൂപപ്പെട്ടിരിക്കുന്നു. ഈ തടാകത്തിൽ കോടിക്കണക്കിന് ലിറ്റർ വെള്ളം
സംഭരിക്കപ്പെട്ടിരിക്കുന്നു. അനുവദനീയമായ ആറ് മീറ്ററിൽ കൂടുതൽ താഴ്ചയിൽ മണ്ണ്
മാറ്റി ചെന്നും നടത്തിയതുമൂലമാണ് ഈ ഗർത്തങ്ങൾ രൂപപ്പെട്ടിരിക്കുന്നത്.

ഈ കൃത്രിമ ജലാശയത്തിനോട് ചേർന്ന് ധാരാളമായി മേൽമണ്ണ് കുന്നുകളായി
കൂട്ടിയിട്ടിരിക്കുന്നു. വളരെ ഉയരത്തിൽ അശാസ്ത്രീയമായി കൂട്ടിയിട്ടിരിക്കുന്ന ഈ
ഇളക്കിയ മേൽമണ്ണ് ഏത് സമയത്തും കൃഷിയിടങ്ങളിലേക്കും വാസസ്ഥലങ്ങളിലേക്കും
ജലസാഭരണിയിലെ വെള്ളത്തോടൊപ്പം ഒലിച്ചിറങ്ങുന്നതിന് സാധ്യതയുണ്ട്. ഭീമ
മായ മണ്ണൊലിപ്പിന് വരെ ഇത് കാരണമായേക്കാം. അപകടകരമായ ഒരു ജലബോംബ്
കണക്കെ സ്ഥിതിചെയ്യുന്ന ഈ ജലാശയം, അതിന്റെ പാഠവനനത്തിന്റെ വ്യൂപതി
അളന്ന് തിട്ടപ്പെടുത്തി അതിലെ വെള്ളം സ്വരക്ഷിതമായി നീക്കം ചെയ്ത് ചെന്ന
ശേഷം രൂപപ്പെട്ട ഈ പാഠക്കുഴി തുടിക്കളഞ്ഞ് MoEF വ്യവസ്ഥ പ്രകാരം ചെന്നപ്ര
ദേശം പൂർവ്വസർവ്വീലാക്കണമെന്ന് അപേക്ഷിക്കുന്നു. അല്ലാത്തപക്ഷം പരിഹരിക്കാൻ
പറ്റാത്ത ദുരന്തങ്ങൾക്ക് ഇത് കാരണമാകുന്നതാണ്. ഏതെങ്കിലും അപകടങ്ങൾ ഉണ്ടാ
യാൽ രക്ഷാപ്രവർത്തനങ്ങൾക്ക് പായർ & സെഫ്റ്റ് പോലുള്ള റെസ്ക്യൂ ഓപ്പറേഷന്
സഹായകമാകുന്ന വഴികൾ വളരെ ഇടുങ്ങിയതാണ്. അതായത് ഇറിഗേഷൻ ഡിപ്പാർട്ട്മെന്റിന്

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to the...

119-66

PBR

മെന്റിന്റെ കനാൽബണ്ട് റോഡ് അത്തരം പ്രവർത്തനങ്ങൾക്ക് അപര്യാപ്തമാണ്. MoEF വ്യവസ്ഥ പ്രകാരം വാസഗൃഹങ്ങൾക്ക് നാശമുണ്ടാകാത്ത രീതിയിൽ വേണം സ്ഫോടനങ്ങൾ നടത്താൻ. എന്നാൽ ശാസ്ത്രീയമായ യാതൊരു പഠനവും നടത്താതെ അതിഭീമമായ സ്ഫോടനങ്ങൾ നടക്കുന്നതുമൂലം ഞാനുൾപ്പെടെയുള്ള ഹർജിക്കാരുടെ ഭവനങ്ങൾ വിണ്ടുകീറി അപകടത്തിൽ ആയിരിക്കുകയാണ്.

ഇപ്രകാരം ഈ പാഠമട പ്രവർത്തനം തുടർന്നാൽ വയനാട്ടിലെ പുത്തുമലയിലും മലപ്പുറത്തെ കവളപ്പാറയിലും കേരളത്തിലെ മറ്റുഭാഗങ്ങളിലും ഉണ്ടായ പ്രകൃതിദുരന്തങ്ങൾക്ക് സമാനമായ നാശനഷ്ടങ്ങൾ ഉണ്ടാകാനിടയുണ്ട്.

അങ്ങ് മെമ്പർ സെക്രട്ടറിയായിരിക്കുന്ന കേരള ദുരന്ത നിവാരണ അതോറിറ്റിയും ജില്ലാ ജോയോളജിസ്റ്റിന്റെയും സർവ്വ അധികാരികളെയും റവന്യൂ ഉദ്യോഗസ്ഥരെയും പ്രദേശവാസികളായ ഉൾപ്പെടുത്തിക്കൊണ്ട് ഒരു മോണിറ്ററിംഗ് സമിതി ഉടനെ നിയോഗിച്ച് അടിയന്തിര സ്ഥലപരിശോധന നടത്തുകയും അപകടസാധ്യതയും ദുരന്തങ്ങളും ഒഴിവാക്കുന്നതിനുള്ള നിർദ്ദേശങ്ങൾ നൽകുകയും പാഠമടയുടെ തുടർ പ്രവർത്തനങ്ങൾ നിരോധിക്കുന്നതിനായി അവർ കയ്യാളിയിട്ടുള്ള പാഠമട ലൈസൻസുകൾ റദ്ദ് ചെയ്ത് പാഠമട നിർത്തലാക്കി ടി സ്ഥലം പൂർവ്വസ്ഥിതിയിലാക്കി ഈ നാടിനെയും ജനങ്ങളെയും സംരക്ഷിക്കണമെന്ന് താഴ്മയായി അപേക്ഷിക്കുന്നു.

- Copy to:
- 1) The Chairman, Disaster Management Authority, Thrissur
 - 2) Tahasildar, Chalakudy
 - 3) RDO, Thrissur
 - 4) Village Officer, Mattathur

എന്ന് ഹർജിക്കാർ

- 2) ഫിന്റോ, പനോക്കാരൻ ഹൗസ്, ബെതുങ്ങൽ
- 3) ഫിന്റോ ലാസർ, കൈതാരത്ത് ഹൗസ്, ബെതുങ്ങൽ
- 4) ജോൺസൻ, ചക്കാലക്കൽ ഹൗസ്, ബെതുങ്ങൽ
- 5) ഐസക് ചെറിയാൻ, പൊന്നാൽ ഹൗസ്, ബെതുങ്ങൽ

Handwritten signatures and initials:
 1. *Shahid*
 2. *John*
 3. *Lino*
 4. *John*
 5. *Isaac*

5

119(a)

EXHIBIT 78/3/3

To

Member Secretary,
Kerala State Disaster management Authority,
Thiruvananthapuram.

For-the Petitioners

Peter Naduvileveetil Devassy,
Naduvileveetil House,
Ombathungal, Mattathoor -680684

Subject: Edathadan Granites Kunjalippara - Complaint regarding
illegal quarrying.

Sir.

We are residents near the above subject quarry. Due to the functioning of the illegal quarry, a situation has arisen whereby it has become impossible for us, the neighbouring residents, to live.

On top of the Kunjalippara where the quarry is functioning, a lake like water reservoir has been formed. This lake stores crores of litres of water. These chasms are formed due to quarrying after removing soil more than the permissible 6 metres.

Close to this artificial lake, large amounts of top soil is deposited in the form of small hills. This loose topsoil stacked in large height in a unscientific manner along with the water in the reservoir may at any time slip down to the agricultural land and dwelling places. This may cause huge landslides. It is requested to restore the quarrying area as per MoEF conditions upon safely removing the water and filling this rock pit after measuring and ascertaining the volume of quarrying from this lake which is situated dangerously like a water bomb. Otherwise it may be a reason for not solvable tragedies.

In the event of any accidents, the roads that may be helpful for rescue operations like that of fire and safety is very narrow. Which means the Canal Bund Road of the Irrigation Department is inadequate for such activities. As per MoEF regulations explosions has to be carried out without causing any damages to dwelling houses. But due to the huge explosions carried out without any scientific study, houses of petitioners like me are cracked and is in danger.

If the quarry continues to function like this, there are chances for damages similar to the natural disasters occurred in 'Puthumala' in Wayanad, Kavalappara in Malappuram and other parts of Kerala.

119(6)

EXHIBIT - 013/9

It is most humbly requested that a monitoring committee may be immediately constituted by including the Kerala disaster Management authority of which you are the member secretary, Distict geologist, all authorities, revenue officials and local residents. The committee may conduct immediate site inspection and give directions to avoid accidents and dangers. The quarrying licenses should be cancelled, and the further functioning of the quarry should be prohibited the said land should be restored and thereby protect this land and people.

Copy to:

1. The Chairman, Disaster Management Authority, Thrissur
2. Tahsildar, Chalakudy
3. RDO, Thrissur
4. Village Officer, Mattathur

Petitioners:

2. Finto, Panokaran House, Ombathungal.
3. Linto Lasar, Kaitharath House, Ombathungal.
4. Johnson, Chakkalakkal House, Ombathungal
5. Issac Cherian, Ponnaal House, Ombathungal

This is the true English translation of Ex 013

Advocate

-120-67

- 6. ന.ഓ. വർദ്ധിപ്പിക്കൽ അനുകൂലമായി D. P. 13/8
- 7. വോട്ടർ വർദ്ധിപ്പിക്കൽ " a
- 8. വിവിധ നഗരങ്ങൾ അനുകൂലമായി D. P. 13/8
- 9. വിവിധ പട്ടണങ്ങൾ അനുകൂലമായി D. P. 13/8
- 10. വോട്ടർ .. അനുകൂലമായി D. P. 13/8
- 11. നഗര വികസന അനുകൂലമായി D. P. 13/8
- 12. പൊതുമരാമത്ത് പ്രവർത്തനങ്ങൾ " D. P. 13/8
- 13. വിവിധ പദ്ധതികൾ " D. P. 13/8
- 14. വിവിധ കൃഷി പദ്ധതികൾ " D. P. 13/8
- 15. ശീത കൃഷി പദ്ധതികൾ " D. P. 13/8
- 16. (ജൈവ) കൃഷി പദ്ധതികൾ " D. P. 13/8
- 17. പശു കൃഷി പദ്ധതികൾ " D. P. 13/8
- 18. ശിശു കൃഷി പദ്ധതികൾ " D. P. 13/8
- 19. വാണിജ്യ കൃഷി പദ്ധതികൾ " D. P. 13/8
- 20. പൊതുമരാമത്ത് പ്രവർത്തനങ്ങൾ " D. P. 13/8
- 21. വിവിധ പദ്ധതികൾ " D. P. 13/8
- 22. T.M. നഗര വികസന പദ്ധതി " D. P. 13/8
- 23. K.R. Murali, മിഷൻ " D. P. 13/8

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- 121 - 68
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P1315

- 24 സാമ്പ്യൂ വിനീ അമ്മ
- 25 സുരീത ദാമ്യ അമ്മ അമ്മ
- 26 ഇ.എ.സി. വി.വി.സി.സി. വി.വി.സി.സി. U.G.
- 27 വി.എ.സി. വി.വി.സി.സി. വി.വി.സി.സി.
- 28 കുമാരൻ അമ്മ
- 29 സുരീത ദാമ്യ അമ്മ അമ്മ
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- 122 - 69
- 42 സിന്റോ തോമസ് - മലപ്പുറം P1315 P1315
 - 43 JOSEPH MALAKUDYIL JMS
 - 44 സിന്റോ തോമസ് - മലപ്പുറം P. M. K.
 - 45 (എ)സി. മലപ്പുറം P.
 - 46 സിന്റോ. തോമസ് - മലപ്പുറം V. H.
 - 47 (എ)സി. M. V. മലപ്പുറം P. M. K.
 - 48 സിന്റോ തോമസ് - മലപ്പുറം General
 - 49 സിന്റോ തോമസ് - St. Paul
 - 50 സിന്റോ തോമസ് P. M. K.
 - 51 സിന്റോ U.K. മലപ്പുറം P.
 - 52 സിന്റോ U.R. മലപ്പുറം Janeth
 - 53 സിന്റോ U.R. മലപ്പുറം Janey
 - 54 സിന്റോ തോമസ് മലപ്പുറം Janeth
 - 55 Long Joseph മലപ്പുറം P. M. K.
 - 56 ~~XXXXXXXXXXXXXXXXXXXX~~ P. M. K.
 - 57 Santo Thomas മലപ്പുറം St. Paul
 - 58 Sinto Thomy മലപ്പുറം St. Paul
 - 59 Sani Thumer St. Paul
 - 60 St. Paul മലപ്പുറം K.V.D.

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- 61 ദിക്ഷിതാരി തിരുക്കോല 70 p13126
- 62 സുലോചനാ ഭാരതം - മനോരമ 10000
- 63 ചിത്രകലാശാസ്ത്രം ഭാരതത്തിൽ 4
- 64 ശ്രീലതാ സമീപം മേഴ്സിനാടൻ Alamy
- 65 കെ. പാലക്കാട്. (10)
- 66 ശ്രീലതാ ശ്രീലതാ 2
- 67 സുലോചനാ സമീപം - മനോരമ 10000
- 68 സമീപം മേഴ്സിനാടൻ 10000
- 69 ശ്രീലതാ ശ്രീലതാ 10000
- 70 സമീപം മേഴ്സിനാടൻ 10000
- 71 സമീപം മേഴ്സിനാടൻ 10000
- 72 സമീപം മേഴ്സിനാടൻ 10000
- 73 സമീപം മേഴ്സിനാടൻ 10000
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- 77 Benson DEVASI pereppadan 10000
- 78 10000
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P13/8

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- 126 -

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P13/109

- 1. അമ്മി ജിസൽ മി. അ. ടി. കെ. M. J.
- 2. സമൂഹം " Case -
- 3. കമ്മി " (S)
- 4. മേജർ " M. J.
- 5. ജി. സി. " J. S.
- 6. സി. ടി. " S. T.
- 7. സി. ടി. " M. J.
- 8. സി. ടി. " M. J.
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- 19. സി. ടി. " M. J.
- 20. സി. ടി. " M. J.

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 Ex. 13 referred to in the above (C.I. 13)

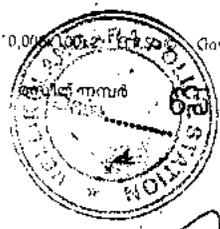
- 128 -

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P412

23/276/2013. 10,000 Govt of Kerala.

പൊതുവിലെ പണമുദ്രകൾ
പൊതുവിലെ പണമുദ്രകൾ



547/DPTN/13/19

മാഹിസ്/മാഹിസ് സ്റ്റേഷൻ ON

തീയതി 22/8/19

മുൻകരുതലില്ലാതെ പ്രാദേശികമായി നടന്ന കമ്മീഷൻ
പ്രകാരം കൈമാറ്റം ചെയ്ത ക്രമീകരണങ്ങൾ
മൂന്നരൂപ അടച്ചു കൂട്ടി നൽകി കമ്മീഷൻ
കാർഡുകൾ.

മുൻകരുതലില്ലാതെ പ്രാദേശികമായി നടന്ന കമ്മീഷൻ
പ്രകാരം കൈമാറ്റം ചെയ്ത ക്രമീകരണങ്ങൾ
മൂന്നരൂപ അടച്ചു കൂട്ടി നൽകി കമ്മീഷൻ
കാർഡുകൾ

മുൻകരുതലില്ലാതെ പ്രാദേശികമായി നടന്ന കമ്മീഷൻ
പ്രകാരം കൈമാറ്റം ചെയ്ത ക്രമീകരണങ്ങൾ
മൂന്നരൂപ അടച്ചു കൂട്ടി നൽകി കമ്മീഷൻ
കാർഡുകൾ

This is the true copy of the document marked as
Ex. P referred to in the above I.C.M.S.
Advocate

128(a)

EXHIBIT - 014/3

From

Peter M. Devassy
16/287B, Naduvilveetil House,
Ombathungal Canal Road,
Mattathur P.O.

To

Sub- Inspector,
Vellikulangara station,
Mattathur.

Sir,

It is learned that it is not permissible to use Munnuri to approximately Ombathungal Canal road of Mattathur Gramapanchayat by vehicles used to transport crushed granite and M-Sand from the granite quarry - Edathadan Granites. There is no regulation permitting vehicles loaded with heavy weight other than irrigation department and non domestic vehicles through the further canal bund road to Edathadan Granites unit.

Hence, it is most humbly requested that such vehicles may be stopped from plying and legal action may be taken.

Ombathungal
22/08/2019

Peter M. Devassy

128 (b)

EXHIBIT - 014/14

Temporary

Receipt for Accepting Petition

547/DPTN/D3/19

Office/Police Station: Vellikulangara

Place:

Date: 22/8/19

Subject: Passage of overloaded vehicles from Edathadan Granites through
Ombathungal - Moonnumuri Road

Reference:

The above referred collector/petition/representation/memorandum received from
you. It is under consideration.

Peter M. Devassy

S/o Devassy

16/287B, Naduvilveetil (H),

Ombathungal

This is the true English translation of Ext 014

Advocate

- 129 - 76

EXHIBIT



This is the true copy of document
 marked as Exhibit/Annexure ... PIS
 Advocate

- 130 -

BEFORE THE HONOURABLE HIGH COURT OF KERALA
ERNAKULAM

W.P.(C) No. 24806/2019 A

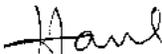
Peter and others : Petitioners

Vs.

Union of India and others : Respondents

✓
15/09/19

**STATEMENT FILED BY THE FIFTH RESPONDENT IN THE ABOVE
WRIT PETITION AS DIRECTED BY THIS HONOURABLE COURT
ON 19.09.2019**


M.H. HAMIL KUMAR
SPECIAL GOVERNMENT PLEADER TO AAG

131

**BEFORE THE HONOURABLE HIGH COURT OF KERALA
ERNAKULAM**

W.P.(C) No. 24806/2019

Peter and others : Petitioners

Vs.

Union of India and others : Respondents

I N D E X

| Sl.No. | Particulars | Page No. |
|--------|---|----------|
| 1 | Statement filed by the 5 th Respondent | 1 - 7 |
| 2 | Annexure-R5(a) :- True copy of the stop memo dated 24.08.2019 issued by the Geologist | 8 - 9 |
| 3 | Annexure-R5(b) :- True copy of the communication No.1981/C2/TDO/19 dated 03.10.19 to the Tahsildar, Land Records, Chalakkudy | 10 - 12 |

Dated this the 11th day of October, 2019

M.H.HANIL KUMAR
SPECIAL GOVERNMENT PLEADER TO AAG

132

**BEFORE THE HONOURABLE HIGH COURT OF KERALA
ERNAKULAM**

W.P.(C) No. 24806/2019

Peter and others : Petitioners

Vs.

Union of India and others : Respondents

**STATEMENT FILED BY THE FIFTH RESPONDENT IN THE ABOVE
WRIT PETITION AS DIRECTED BY THIS HONOURABLE COURT
ON 19.09.2019**

1. The above statement is filed reserving the right of the 2nd respondent to file a detailed counter affidavit, if found necessary at a later stage.

2. It is submitted that the petitioners filed the writ petition challenging Exhibit P-5 Environmental Clearance and Exhibit P-9 proceedings of the Executive Engineer, Sub Division I, Chalakkudy. The petitioner has also sought a direction to the 3rd respondent to consider Exhibit P-3 mass petition within a time limit.

3. The petitioner has contended in the writ petition that the 12th respondent is conducting a quarrying operation in the top of hillock as shown in Exhibit P-1 photograph and the large quantity of water is collected in the quarry pits. The application of the petitioner is that water collected in the pits along with loose surface soil may collapse at any time and slide towards the residential houses and agricultural lands at the bottom of hillock.

4. It is humbly submitted that the 12th respondent has been operating the quarry for more than 10 years. Four quarrying leases were granted to the 12th respondent on 04.04.2018. One was expired in the year 2013 and the remaining 3 were expired in the year 2018. It is submitted that the 2nd respondent granted another quarrying lease vide No.91/2015-2016/4669/M3/2015 dated 07.05.2015 to M/s.Edathadan Granites, Mattathur. P.O., 12th respondent over an area of 4.7065 Hectares comprised in survey No.1270/4,5,7,8, 1271/2,3,4, 1273/1, 2

- 133 -
2

of Kodassery Village, Chalakkudy Taluk, Thrissur District. The quarrying lease is valid upto 19.05.2027.

5. It is also submitted that the Metal Crusher Unit of the 12th respondent was operated in attachment with the lease quarry by opting Consolidated Royalty Payment System. Relating to the complaint raised against the 12th respondent alleging that the water is being stored in the quarrying lease area. This respondent inspected the above site as per instruction of District Collector, Thrissur, 4th respondent and issued stop memo to 12th respondent instructing to take all necessary measures for overcoming the dangerous situation resulted due to the storage of water in the quarrying area. True copy of the stop memo dated 24.08.2019 issued by the Geologist is produced herewith and marked as **Annexure R5(a)**.

6. It is also submitted that an expert team headed by the Deputy Director of Department of Mining & Geology has visited the above site as per the direction of Government. It is also submitted that no occurrence of landslide has been reported in the lease area of 12th respondent during the flood in the previous years and heavy rainfall in the current year.

7. It is submitted that along with the application for quarrying lease M/s.Edathadan Granites, the 12th respondent produced all the necessary documents such as Possession Certificate, Non assignment Certificate, Demarcation Certificate issued by the Village Officer, Kodassery and Survey Map countersigned by Taluk Tahsildar, (as stipulated in Kerala Minor Mineral Concession Rules 2015). The 12th respondent produced Environmental Clearance vide No.J-11015/477/2014/IA II(M) obtained from Ministry of Environment Forests and Climate Change, New Delhi. In the Non-assignment Certificate vide No.558/15 dated 24.03.15 issued by Village Officer, Kodassery it was mentioned that the above land has not been assigned for any special purposes and does not come under the limit of reserve forest. However, the veracity of the Certificate is to be verified with the assistance of the Tahsildar in the light of the allegations made by the petitioners.

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8. On the site inspection conducted by this respondent on 01.10.2019 it is found that the irrigation canal is situated at the distance of **172.86 metre** from the quarry and crusher unit of the 12th respondent. As per rule 10 (f) of Kerala Minor Mineral Concession Rules 2015, the permit holder shall not carry on or allow to be carried on any quarrying operations at or to any points within a distance of 50 metres from any reservoir, tanks, canals, rivers, bridges, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or Village roads.

9. On site inspection conducted by the office of this 5th respondent, it is found that the public water tank is situated at the distance of about 563.50 metre from the quarry site of the 12th respondent. The quarrying site of the 12th respondent has the clearance of the distance as stipulated in Kerala Minor Mineral Concession Rule 2015.

10. It is submitted that environmental clearance is mandatory for granting quarrying permit or quarrying lease in order to do quarrying operation as per Kerala Minor Mineral Concession Rules 2015. The 12th respondent produced Environmental Clearance vide No. J-11015/477/2014/IA II(M) obtained from Ministry of Environment Forests and Climate Change, New Delhi.

11. It is further submitted that this respondent has sent a communication vide No.1981/C2/TDO/2019 dated, 05.10.19 to the Divisional Forest Officer, Chalakkudy, 6th respondent seeking clarification as to quarrying operation as per quarrying lease has been extended to the forest area nearby.

12. It is submitted that the office of this respondent received a communication vide No.A10-2019/1592/8 dated, 20.08.2019 from the District Collector, Thrissur, 4th respondent relating to complaint against the 12th respondent. Following this communication this respondent conducted urgent site inspection in the quarrying lease and crusher site of the 12th respondent on 24.08.2019. On inspection it was found that the ordinary earth, excavated as part of quarrying activity of granite building stone, was accumulated in huge heaps resulting in the formation of bund and rain water was stored there largely. Hence this



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respondent issued stop memo vide No.2029/C2/TDO/19 dated 24.08.19 to M/s.Edathadan Granites, 12th respondent with instruction to stop all quarrying activity at once and take necessary measures for overcoming such dangerous situation.

13. It is submitted that the 2nd respondent granted another quarrying lease vide No.91/2015-2016/4669/M3/2015 dated, 07.05.2015 to M/s.Edathadan Granites, Mattathur. P.O., 12th respondent over an area of 4.7065 Hectares comprised in survey No.1270/4,5,7,8, 1271/2,3,4, 1273/1,2 of Kodassery Village, Chalakudy Taluk, Thrissur District. The quarrying lease is valid upto 19.05.2027.

14. As per Rule 15 of Kerala Minor Mineral Concession Rule 2015 "A person who has obtained quarrying permit under these rules or extraction of minerals other than ordinary earth may extract overburden from the area under the permit without obtaining a quarrying permit for extraction of the same where such extraction is inevitable for the extraction of the minerals under the permit.

Provided that in such cases the permit holder shall stack overburden at a safer distance away from the quarrying area and the overburden so stacked shall be used for back filling the pits in future. Hence the lease holder, 12th respondent can statutorily reclaim quarry pit by using the overburden as per rule. It is submitted that the Director of Mining & Geology, 2nd respondent has granted a quarrying lease vide No.91/2015-2016/4669/M3/2015 dated, 07.05.2015 to M/s.Edathadan Granites, Mattathur.P.O., Thrissur District over an area of 4.7065 Hectares comprised in survey No.1270/4,5,7,8, 1271/2,3,4,1273/1,2 of Kodassery Village, Chalakkudy Taluk, Thrissur District.

As per Rule 62 Kerala Minor Mineral Concession Rule 2015, every the 12th respondent, the lease holder has furnished financial guarantee for the purpose of performance of quarry closure plan. Further the lease holder has submitted mining plan as per rule and all other statutory licenses such as Explosive Licence, Pollution Control Board Consent, D&O licence of Panchayath have to be obtained before commencing quarrying operation.

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5

15. It is submitted that the quarrying lease has been granted to the 12th respondent on the basis of production all required revenue documents as stipulated in Kerala Minor Mineral Concession Rules 2015. On the site inspection conducted by this respondent on 01.10.2019, it is found that the irrigation canal is situated at the distance of 172.86 metre from the quarry and crusher unit of the 12th respondent.

16. It is submitted that the Director of Mining & Geology, 2nd respondent has granted a quarrying lease vide No.91/2015-2016:4669/M3/2015 dated, 07.05.2015 to M/s.Edathadan Granites, Mattathur.P.O., Thrissur District over an area of 4.7065 Hectares comprised in survey No.1270/4,5,7,8, 1271/2,3,4,1273/1,2 of Kodassery Village, Chalakkudy Taluk, Thrissur District. The above quarrying lease has been granted to the 12th respondent on the basis of production all required revenue documents as stipulated in Kerala Minor Mineral Concession Rules 2015. As per the Possession Certificate No.554/2015 dated, 24.03.2015 issued by Village Officer, Kodassery and produced before the office of this respondent the above land is possessed by the 12th respondent vide document No.5409/2012, 5411/2012, 3056/1/14 of SRO, Chalakkudy.

17. On the basis of the averments in the Writ Petition filed by the petitioner, this respondent sent communication vide No.1981/C2/TDO/19 dated 03.10.19 to Tahsildar, Land Records, Chalakkudy for conveying convenient date and time for conducting joint inspection in the above area to clarify as to the quarrying activity of the 12th respondent has been extended to the nearby Government Paramboke land and public road. True copy of the communication No.1981/C2/TDO/19 dated 03.10.19 to the Tahsildar, Land Records, Chalakkudy is produced herewith and marked as **Annexure R5(b)**. Accordingly joint inspection was conducted on 09.10.2019 in the above area in the presence of Taluk Tahsildar, Taluk Surveyor and Village Officer concerned. At the time of inspection, the revenue officials intimated that the comprehensive digital survey has to be conducted in the above area to have vivid idea whether the quarrying activity of 12th respondent has been extended into Government land and public road and it will take sufficient time to complete the process of survey.

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6

18. It is submitted that the District Survey Superintendent reported that the 12th respondent extracted granite building stone from the puramboke road, having an extent of 0.0584 Hectares comprised in survey 1267/5, 1271 of Kodassery Village. Accordingly the office of this respondent conducted joint site inspection in the above area on 05.03.2014 and found that 9812 Cubic metre of granite building stone was extracted from the above puramboke land. Hence, the office of this respondent realized Rs.3,97,480/- being royalty and fine for the office committed by 12th respondent as per Kerala Minor Mineral Concession Rules 1967.

19. The office of this respondent received a communication vide No. A10-2019/1592/8 dated, 20.08.2019 from the District Collector, Thrissur. 4th respondent relating to complaint against the 12th respondent. By the above communication this office was instructed to take necessary action as per law in respect of the complaint submitted by the petitioners on behalf of Kunjalipara Samrakshna Samithi. In the light of the above complaint and also as per the instruction of the District Collector, Thrissur this respondent conducted urgent site inspection in the quarrying lease and crusher site of the 12th respondent on 24.08.2019. On inspection it was convinced that the site granted for quarrying lease has not been marked in the field by erecting boundary pillars and it was the violation of quarrying lease conditions as stipulated in Kerala Minor Mineral Concession Rules 2015. Hence this respondent issued stop memo vide No.2029/C2/TDO/19 dated 24.08.19 to M/s.Edathadan Granites, 12th respondent with instruction to stop all quarrying activity at once.

20. The office of this respondent received a communication vide No.A10-2019/1592/8 dated, 20.08.2019 from the District Collector, Thrissur. 4th respondent relating to complaint against the 12th respondent. By the above communication this office was instructed to take necessary action as per law in respect of the complaint submitted by the petitioners on behalf of Kunjalipara Samrakshna Samithi. In the light of the above complaint and also as per the instruction of the District Collector, Thrissur this respondent conducted urgent site inspection in the quarrying lease and crusher site of the 12th respondent on 24.08.2019.



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21. On inspection it was found that the ordinary earth, excavated as part of quarrying activity of granite building stone, was accumulated in huge heaps resulting in the formation of bund and rain water was stored there largely. Further it was convinced that the site granted for quarrying lease has not been marked in the field by erecting boundary pillars and it was the violation of quarrying lease conditions as stipulated in Kerala Minor Mineral Concession Rules 2015. On site inspection conducted on 01.10.2019 and 09.10.2019 by the office of this respondent it is noticed that fencing has been done in the boundaries of the quarrying lease area of 12th respondent. It is submitted that only the southern corner of quarrying site of the 12th respondent falls in moderate zone.

In the said circumstances, it is only just and proper, that this Hon'ble Court be pleased to uphold the contentions raised and dismiss the writ petition with cost.

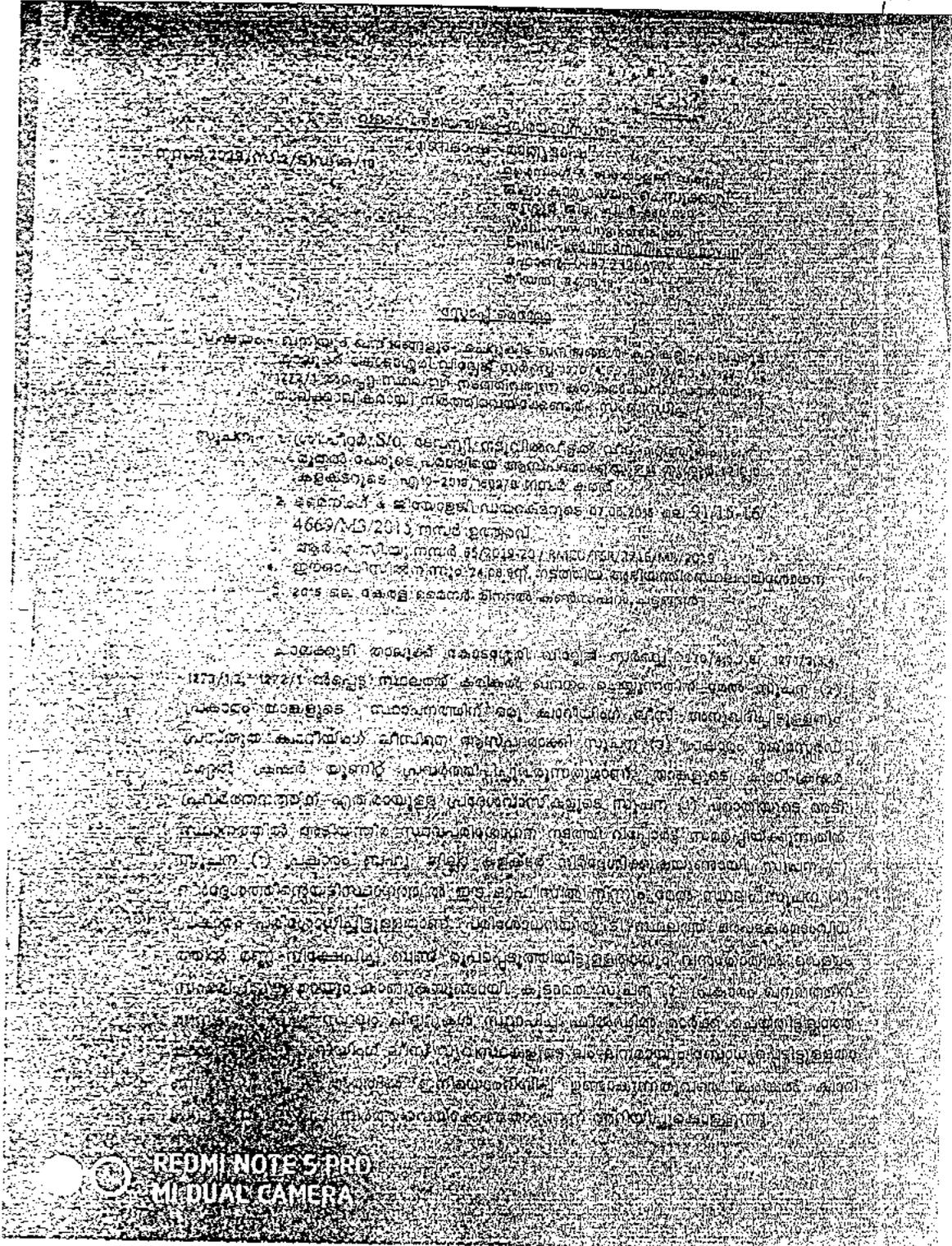
Dated this the 11th day of October, 2019.


KISHOR M.C.
GEOLOGIST
MINING & GEOLOGY DEPARTMENT
THRISSUR

M.H.HANIL KUMAR
SPECIAL GOVERNMENT PLEADER TO AAG

B: 11/10/19

139



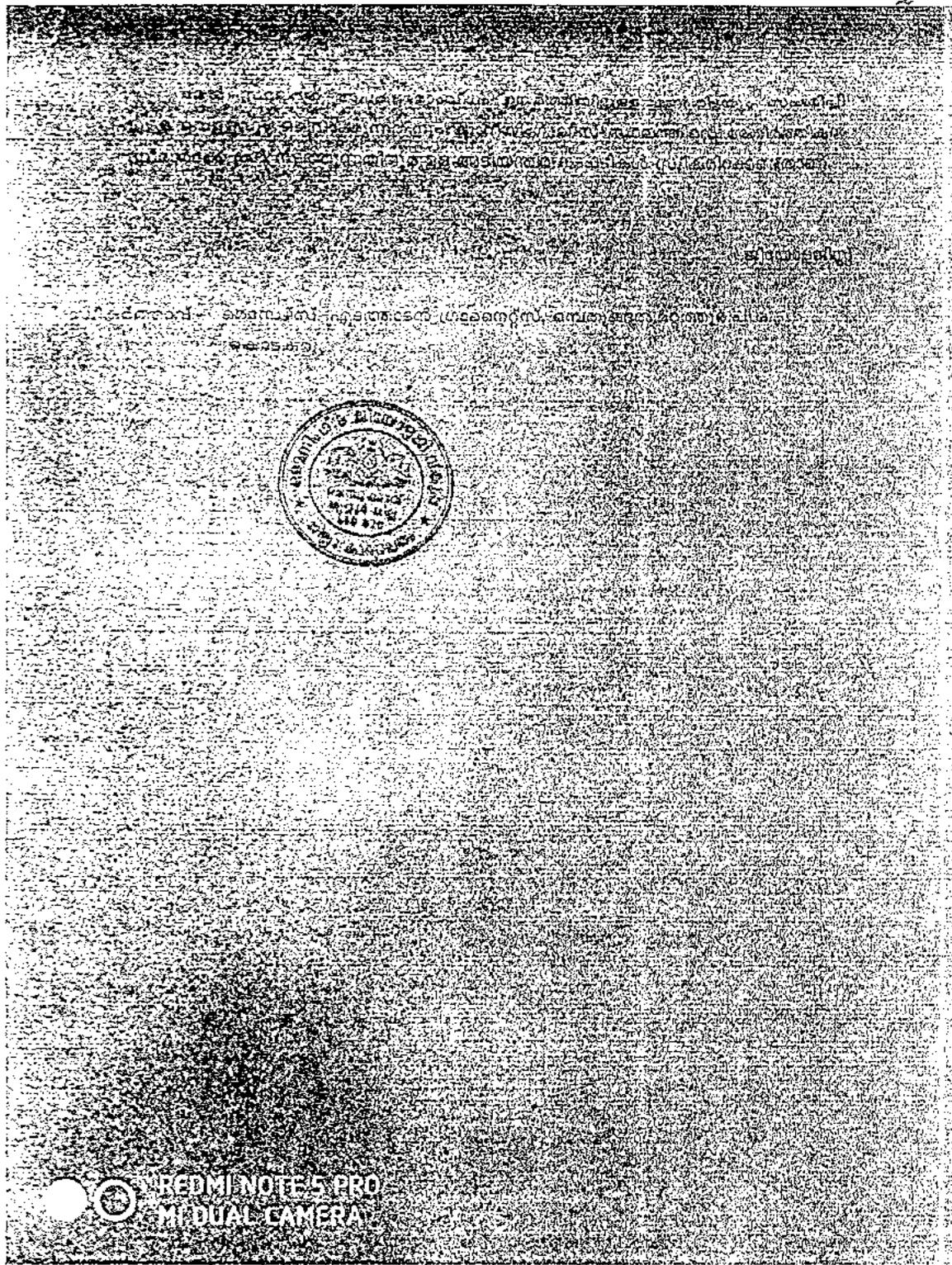
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GP

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Annexure R₅(a)
2



REDMI NOTE 5 PRO
DUAL CAMERA

...reference=16messageParId=0.1 10

Certified that this is the true copy
of the original document produced
& marked as Exhibit/Annexure R₅(a)

Genl. Fleeder

140 a

Most urgent-time bound**ANNEXURE**

"Administrative language - mother tongue"

R5@/3

No.2029 / C2 / TDO/19

Department of Manning & Geology
 District Office,
 Chembukkavu, Thrissur District, PIN - 680 020
 Web: -www.dmg.kerala.gov.in
 E-mail: - geo.thr.dmg@kerala.gov.in
 Phone: 0487 2320677
 Date: 24.08.19

Stop Memo

Subject: Mines & Minerals - minor Minerals - Granite - temporary stoppage of granite mining activities in the land included in Sy. Nos. 1270/4, 5, 7, 8, 1271/2, 3, 4, 1273/1, 2, 1272/1 of Kodassery village, Chalakkudy Taluk - regarding

Reference:

1. Letter No. A10-2019/1592/8 of the District Collector, Thrissur, based on the complaint of Sri. Peter, S/o. Devassi, Naduvilveetil House, Mattathur P.O. and others
2. Order No. 91 / 15- 16/4669/M3/2015 dated 07.05.2015 of the Director of Mining & Geology
3. R.A.C.U. No. 65 / 2019-20/ RMCU / TSR / 2716 / M3 / 2019
4. Urgent site inspection conducted from this office on 24.08.19
5. Kerala Minor Mineral Concession Rules, 2015

A quarrying lease has been granted to your establishment under reference (2) above for extraction of granite at Sy. Nos. 1270/4, 5, 7, 8, 1271/2, 3, 4, 1273/1, 2, 1272/1 of Kodassery village, Chalakkudy Taluk and based on the said quarrying lease, a registered metal crusher unit is also operated as per reference (3). The honourable District collector, based on the complaint by the local residents against the functioning of your quarry-crusher as per reference (1), had directed to conduct an urgent site inspection and to submit the report. Based on reference (1) direction, this office had inspected the above site as per reference (4). At the time of inspection it was seen that a bund was formed by depositing sand in a dangerous manner and huge quantity of water is being stored. Moreover, the land permitted for mining as per reference (2) is not seen as marked on the field by fixing pillars. It is convinced that this is a violation

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ANNEXURE: R5@
4

of the conditions of quarrying lease. Under these circumstances, it is informed that the functioning of granite quarry has to be stopped immediately until further notice.

Urgent steps needs to be taken to remove the sand-bund that has been raised dangerously and to avoid the accumulated water and to demarcate the quarrying lease area boundaries.

Geologist

Recipient: M/s Edathadan Granites, Ombathungal, Mattathur P.O., Kodakara

This is the true English translation of Annexure R5@.

Advocate

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- 10 -

അടിയന്തിര

Annexure R5 (b)

നമ്പർ 1081 | ഡി 2 | ടി പി 3 | 19.

മിറ്റാ കാര്യാലയം
മൈസൂർ & മിസോറയിൻ്റെ
ഡെപ്യൂട്ടി കമ്മീഷണർ
പിൻ - 580 020
തീയതി: 3.10.19

പേരെക്കണ്ട്

ജി.ഡോ.ജി.ജി.ജി.
ടി.ജി.ജി.

സ്റ്റീ.കാർമ്മാൻ

താഹിയിൻ നൂർ
(ശ്യാമല)
ചാലക്കി

സർ

വിഷയം - വനിക വനികരുടേ - പൊതു വനികരുടെ
കിട്ടൽ - ചാലക്കി ന:കൂർ, കോടശ്ശേരി
വില്ലേജ് സർക്കാർ 1270/4, 5, 7, 8, 1271/2,
3, 4, 1273/1, 2, 1272/1 - ക്വറിയിൽ ലിസ്റ്റ്
അനുവദിച്ചത് - ബഹു. കേരള ഗവണ്മെന്റ്,
തിരുവനന്തപുരം W.P (C) 24806 | 2019 നമ്പർ 11
കേസ് ഫയൽ ചെയ്തത് - സർക്കാർ പുറം
കമ്പോളിലേക്ക് പൊതു കോഡിഫിക്കേഷൻ
വനനം പ്രവർത്തനം വ്യാപിപ്പിച്ചിട്ടു
അല്ലെങ്കിൽ - പ്രകൃത ലിംഗം സർക്കാർ
സർക്കാർ കമ്മീഷണർ നടത്തേണ്ടത്
സംബന്ധിച്ച്

മുഖ്യം: ① മെമ്പർ റെഗുലർ ജി.ഡോ.ജി.ജി.ജി.ജി.
അനുവദിച്ച 7.5.2015 ലെ 91/2015-16
4669 | 103 | 2015 നമ്പർ ക്വറിയിൽ ലിസ്റ്റ്
ഉത്തരവ്

② ബഹു കേരള ഗവണ്മെന്റിൽ ഫയൽ

GIP

143
- 12.

Annexure R₅(b)
3

സംയുക്ത പ്രിസോഡന നടത്തുന്നതിന് സഹായക
പ്രദമായ നിലവിലുള്ള സാക്ഷ്യം ഇത്ര കാര്യം ലഭിക്കുന്നു
അറിയിക്കുന്നതിന് താല്പര്യപ്പെടുന്നു.



നിവൃത്തിക്കായം
Handwritten signature
3/10/16 MS
ജി.പി.പി.സി.

Certified that this is the true copy
of the original document produced
& marked as Exhibit/Annexure R₅(b)

Govt. Pleader

143(a)

UrgentANNEXURE - R5
@/y

Number 1981/C2/TDO/19

District office
Department of Mining and Geology
Chembukkavu, Thrissur district,
PIN 680 020

Date: 3.10.19

From

Geologist
Thrissur

To

Tahsildar
(Land Records)
Chalakkudy

Sir,

Subject:- Mines & Minerals - Minor Minerals - Granite - Sy. Nos. 1270/4, 5, 7, 8, 1271/2, 3, 4, 1273/1, 2, 1272/1 of Chalakkudy Taluk, Kodassery village - grand of quarrying lease - case number WP (C) 24806 of 2019 filed before the honourable Kerala High Court - whether mining activities extended to government land and public road - conducting of a joint inspection to get clarity - regarding

Reference:- 1) Order No. 91 / 15- 16/4669/M3/2015 dated 07.05.2015 of the Director of Mining & Geology
2) WP (C) 24806 of 2019 filed before the honourable Kerala High Court

Attention is drawn to the above references. Quarrying lease granted to M/s Edathadan Granites to extract granite from 4.7065 ha land included in Sy. Nos. 1270/4, 5, 7, 8, 1271/2, 3, 4, 1273/1, 2, 1272/1 of Chalakkudy Taluk, Kodassery village as per reference number 1 above and the same is valid up to 19.05.2027. However, owing to complaints the granite quarrying in the above referred land is temporarily stopped.

143(b)

ANNEXURE

R5(b)

WP (C) 24806 of 2019 is filed before the honourable High Court of Kerala against the granite quarrying activities of the leaseholder as referred to as number 2 above. Detailed facts concerning the case has been directed to be filed before the honourable court at the earliest. In order to verify whether the quarrying activities as per reference number 1 quarrying lease has extended to government lands and public roads and to inform the honourable court of the same, the joint inspection on the said lands is to be conducted at the earliest. A convenient date and time may be intimated to this office for the same.

Yours truly

Geologist

This is the true English translation of ...ANN...R5(b)...

Advocate

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

Wednesday, the 26th day of August 2020/4th Bhadra, 1942

WA No.1145/2020

Against Judgment dated 06-08-2020 in WP(C) No.24806/2019 of this Court.

APPELLANT/ 12th Respondent in W. P. (C):-

M/s. Edathadan Granites (Private) Limited,
Represented by its Managing Director, Ombathungal,
Mattathur P.O., Thrissur District, PIN-680684.

BY SRI.P.K.SURESH KUMAR(SR)& M/S.T.H.ABDUL AZEEZ & MOHAMMED SADIQUE T.A.

**RESPONDENTS/ Writ Petitioners & Respondents 1 to 11 & 13 to 15
in W. P. (C):-**

1. Peter,
S/o. Devassy, aged 57 years
Naduvileveetil House,
Mattathoor P.O., Thrissur District, PIN - 680 684.
2. Sajin John,
S/o. John, Poonkavanam House, Pady P.O.,
Thrissur District, PIN - 680 699.
3. Isacc Cheriyan,
Ponnal House, Mattathoor P.O.,
Thrissur District, PIN - 680 684.
4. Union of India,
Represented by its Secretary, Ministry of Environment,
Forest and Climate Change,
Indira Paryavaran Bhavan, Aliganj,
Jorbagh Road, New Delhi, PIN -110 003.
5. The Director of Mining and Geology,
Kesavadsapuram P.O., Thiruvananthapuram, PIN - 695 001.
6. The Kerala Disaster Management Authority,
Represented by its Member Secretary,
Thiruvananthapuram, PIN - 695 001.
7. The District Collector,
Collectorate, Thrissur District, PIN - 680 001.

8. The Geologist, Office of Mining and Geology,
Thrissur District, PIN - 680 001.
9. The Divisional Forest Officer,
Chalakkudy P.O., Thrissur District, PIN - 680 307.
10. Kerala State Pollution Control Board,
Represented by its Environmental Engineer,
District Office of Pollution Control Board,
Chembukavu, Thrissur P.O., Thrissur District, PIN - 680 020.
11. The Taluk Surveyor,
Taluk Office, Chalakkudy,
Chalakkudy P.O., Thrissur District, PIN - 680 307.
12. The Executive Engineer,
Irrigation Department, Sub Division - I, Chalakkudy P.O.,
Thrissur District, PIN - 680 307.
13. The Mattathur Grama Panchayat,
Represented by its Secretary,
Mattathoor P.O., Thrissur District, PIN - 680 684.
14. The Circle Inspector of Police
Vellikulangara Police Station,
Thrissur District, PIN - 680 699.
15. The State of Kerala,
Represented by the Chief Secretary to Government,
Government Secretariat,
Thiruvananthapuram District, PIN - 695 001.
16. The Principal Secretary to Government,
Department of Industries,
Government Secretariat,
Thiruvananthapuram District, PIN - 695 001.
17. The State Level Environment Impact Assessment Authority
(SEIAA), Represented by its Member Secretary,
K.S.R.T.C. Bus Terminal Complex, 4th Floor,
Thampanoor, Thiruvananthapuram District, PIN - 695 001.

BY ADVS. SRI. GEORGEKUTTY MATHEW FOR R1 TO R3. (B/O)
SRI. M. R. VENUGOPAL FOR R13.
SRI. SURIN GEORGE IPE, SENIOR GOVERNMENT PLEADER FOR R5 TO R9,
R11 & R12, R14 TO R16.

Prayer for interim relief in the writ Appeal stating that in the circumstances stated in the appeal memorandum the High Court be pleased to stay the operation of the Judgment dated 06.08.2020 in W.P.(C) No.24806 of 2019 of the learned single Judge until the disposal of the above writ Appeal.

This writ Appeal coming on for admission on 26.08.2020 upon perusing the appeal memorandum, the court on the same day passed the following:

P.T.O.

SK

S.MANIKUMAR, CJ
&
SHAJI P. CHALY, J.

 W.A.No.1145 of 2020

Dated this the 26th day of August, 2020

ORDER

S.Manikumar, CJ.

Writ appeal is directed against the judgment in W.P.(C).No.24806 of 2019 dated 06.08.2020. While disposing of the writ petition No.24806 of 2019, learned single Judge has issued following directions:

"20. In order to ensure compliance with the directions to be issued by this Court, (i) The State of Kerala, represented by the Chief Secretary to Government, Government Secretariat, Thiruvananthapuram-695 001, (2) The Principal Secretary to Government, Department of Industries, Government Secretariat, Thiruvananthapuram-695 001 and the (3) The State Level Environment Impact Assessment Authority (SEIAA), K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor, Thiruvananthapuram - 695-001 represented by its Member Secretary, are suo motu impleaded as additional respondents 13, 14 & 15 to this writ petition. Registry shall carry out necessary corrections to the cause title.

21. In view of the findings on issues (i) to (vi), this Writ Petition will stand disposed of with the following directions:-

(i) The Government of Kerala, shall take up for ~~consideration~~ the question as to whether the 12th respondent should be permitted to conduct quarrying operations in land having an extent of 4.7065 W.P (C) No.24806/2019 -29- hectares of land comprised in Sy Nos.1270/4, 5, 7, 8, 1271/2, 3,4, 1273/1, 2, 1272/1 of

Kodassery Village in Chalakudy, Thrissur which was identified as a Reserve Forest in terms of the notification issued by the Cochin Government on 09-10-1909, as directed by this Court in the Judgment dated 06-02-2020 in W.P(c) 641/2020. In view of the findings on issues (i), (ii) and (iii) the Chief Secretary to the Government of Kerala shall ensure that reports from the Principal Secretary/Secretary to Government, Department of Revenue & the Principal Secretary / Secretary to Government, Department of Forests and Wild Life shall be obtained and placed before the Principal Secretary / Secretary to Government, Department of Industries in order to enable him to take a proper decision in the matter. The Principal Secretary / Secretary to Government, Department of Industries shall also take note of the observations of a Division Bench of this Court in *One Earth One Life v. Ministry of Environment and Forests* [2018 (3) KLT 683] and especially the findings in paragraphs 38, 44, 47 & 49 of that judgment and the observations/findings in this judgment, while passing orders, as directed in W.P (C) 641/2020. He shall also take into consideration the reports to be placed before him by the Department of Revenue and the Department of Forests and Wildlife, as directed above. Orders shall be passed as aforesaid within a period W.P (C) No.24806/2019 -30- of one month from the date of receipt of a copy of this judgment. A copy of the order to be passed shall also be communicated to the Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority. Unless and until orders are passed permitting the mining activity, the 12th respondent shall not conduct any mining operations pursuant to Ext.P3 and P8. However the 12th respondent will be permitted to use the material which was already mined and extracted and to

operate its stone crusher unit using such materials;

(ii) the 2nd Respondent, namely the Director of Mining & Geology and the 6th Respondent, namely the Divisional Forest Officer, Chalakkudy shall ensure that restoration of the mined out areas and afforestation as directed in paragraph 15 of this judgment shall be commenced immediately and completed at the earliest and at any rate within the time permitted i.e. 31-12-2020;

(iii) the Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority shall take up the issue of Environmental Clearance granted to the 12th respondent, after receipt of a copy of the order from the Government of Kerala, as directed herein before and consider the strict measures to be imposed additionally in Ext.P.3 clearance as observed by a Division Bench of this Court in paragraph 49 of the judgment in One Earth W.P (C) No.24806/2019 -31- One Life v. Ministry of Environment and Forests [2018 (3) KLT 683]. The additional conditions shall include a condition regarding restoration and afforestation. This exercise shall be completed at the earliest and at any rate on or before 31-12-2020;

(iv) The 3rd respondent, namely the Kerala State Disaster Management Authority shall ensure that necessary action is taken on Ext.P13 and that necessary steps are taken to ensure that the accumulation of water/ overburden does not result in any untoward incident as apprehended by the petitioners. The concerned officials of the Kerala State Disaster Management Authority or the District Disaster Management Authority, Thrissur District, shall forthwith cause inspection of the mining area of the 12th respondent which is subject matter of this writ petition and necessary instructions/directions shall be issued to the 12th

Respondent. The needful shall be done within a period of 2 weeks from the date of receipt of a copy of this judgment;

(v) The 12th respondent shall obtain fresh no objection certificates as required under the provisions of the Kerala Irrigation and Water Conservation Act, 2003 and produce the same before the the Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority within one month from the date of receipt of a copy of this Judgment;

The 12th respondent will be permitted to operate the quarry in question in strict compliance with the conditions in Ext.P3 till 31-12- 2020 if, the Government of Kerala permits mining activity upon the land in the decision to be taken in furtherance of the directions issued by this Court in W.P (C) 641/2020 and in this judgment. The operations by the 12th respondent after 31-12-2020 will be subject to all the additional conditions and stipulations to be imposed by the Additional 15th Respondent, as directed herein before."

2. Though several grounds have been raised, assailing correctness of the impugned judgment, Mr.P.K.Suresh Kumar, learned Senior Counsel for the appellant submitted that during the pendency of the writ petition, learned single Judge directed the District Collector, Thrissur to conduct an enquiry as to whether the mining activity carried on by the appellant/12th respondent in the writ petition is dangerous. Nothing adverse has been noticed in the report.

3. The learned Senior Counsel further submitted that a stop memo was issued by the District Collector, Thrissur, and the same was questioned before this Court. After hearing the rival submissions of the

parties therein, stop memo was quashed by a learned single Judge of this Court. No appeal has been filed by the State or the other respondents therein, questioning the correctness of the judgment quashing the stop memo.

4. Learned Senior Counsel further submitted that one of the decisions relied on by the Learned single Judge when disposing of W.P. (C).No.24806 of 2019 is **Mahindra Holidays and Resorts India Ltd. v. State of Kerala reported in [2019 (2) KLT 978]**. In W.A.No.1453 of 2019 the Hon'ble Division Bench of this Court has stayed the operation of **Mahindra Holidays and Resorts India Ltd.**

5. Learned Senior counsel for the appellant also submitted that the correctness of the judgment in **Omana v. Anil Kumar reported in [2017(2) KLT 481]** has been referred to the Larger Bench and that writ appeals arising on the said issue are pending on the files of this Bench.

6. Writ petition (C) Nos.8244 of 2019, 8913 of 2019 and 10754 of 2019, referred by the learned single Judge, are also before this Bench. For the above said reasons, Mr.P.K.Suresh Kumar, learned senior counsel submitted that the issue as to whether there could be a quarrying activity in a land belonging to Forest Department but assigned to various persons is pending before this Court in several writ petitions and that in the above said circumstances, instant writ appeal deserves to be admitted and adjudicated.

7. Though Mr.Georgekutty Mathew, learned counsel for respondent Nos.1, 2 and 3 made serious objections for entertaining writ appeal and for grant of stay, having regard to the facts set out earlier, we are not inclined to accept the said submission.

8. Mr.Surin George Ipe, learned Senior Government Pleader appearing for the various Government Departments does not dispute the position with regard to the reference made by a learned single Judge, report of the District Collector, Thrissur and the pendency of the similar writ petitions before this Bench.

9. Taking note of the entirety of the facts placed at this time, we are of the view that the writ appeal has to be admitted. Accordingly, writ appeal is admitted. For the reasons stated supra, there shall be an interim stay of operation of the interim judgment in W.P.(C).No.24806 of 2019.

Post this writ appeal along with connected cases on 05.10.2020.

14/9/20
14/9/2020

/true copy/

SD/- S. MANIKUMAR, CHIEF JUSTICE
SD/- SHAJI P. CHALY, JUDGE

14/9/20
ASSISTANT REGISTRAR

WA No.1145/2020

EXT.P3: TRUE COPY OF THE ENVIRONMENTAL CLEARANCE DATED 07.05.2015 ISSUED BY THE 1ST RESPONDENT.

EXT.P8: TRUE COPY OF THE ORDER DATED 07.05.2015 ISSUED BY THE 2ND RESPONDENT.

EXT.P13: TRUE COPY OF THE MASS PETITION DATED 03.09.2019 SUBMITTED BEFORE THE 3RD RESPONDENT BY THE PETITIONERS AND OTHER NEIGHBOURS.

English Translation of Exhibit P9

Received on 14.11.2019

Registered A.D.

OFFICIAL LANGUAGE – MOTHER TOUNGUEMAYA. N. I.F.S.
DIVISIONAL FOREST OFFICERDIVISIONAL FOREST OFFICE
CHALAKUDY, PIN – 680307.
0480 2701340 (O)
9447979052 (M)
email: dfo.clkdy.for@kerala.gov.in

No. C.A2-5978/19

Dated: 29.10.2019

NOTICE

Sub:- Regarding functioning of Edathadan Granites in Matthathur Panchayat.

Ref:-

The lands comprised in Survey Nos. 1270/4,5,7,8, 1271/2,3,4, 1273/1, 2 and 1272/1 of Kodassery Village are part of Kodassery Kumban Reserve. The court order that there shall not be any mining in forest land is in force. It is necessary to obtain NOC from Forest Department for conducting quarries in proximity to forest land or within 1 km. of forest land. But it is without obtaining this permission the Geology Department granted permission for the quarry in your ownership which is comprised in the above survey numbers. In the circumstances, you are informed that the functioning of this quarry shall be stopped immediately.

Sd/-
Divisional Forest Officer
Chalaky Division.

To

1. Sri. E.M. Shajan, Edathadan Granites, Mattathur P.O.,
2. Vellikulangara Range Forest Officer – To hand over the notice enclosed herewith to Mr. Shajan and initiate action for stopping quarrying operation and submit a report in that regard.

*This is the true copy of the document
marked as EXHIBIT P referred
ANNEXURE
in the above case*

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

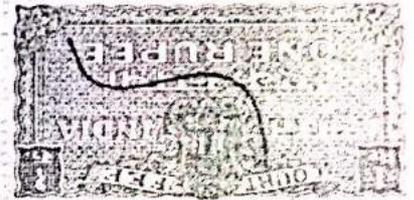
THURSDAY, THE 06TH DAY OF FEBRUARY 2020 / 17TH MAGHA, 1947

WP(C).No.641 OF 2020(E)

PETITIONER/S:

EDATHIDAN GRANITES
A FIRM REPRESENTED BY ITS MANAGING PARTNER,
ANANTHAKRISHAN SHAJAN, MATTATHUR P. O., OMBATHUNGAL,
KODAKARA, THRISSUR DISTRICT, PIN - 680 684.

BY ADVS.
SRI.P.K.SURESH KUMAR (SR.)
SRI.K.P.SUDHEER
SMT.ANJALI MENON



RESPONDENT/S:

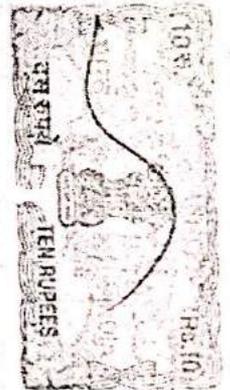
- 1 THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY
DIRECTORATE OF MINING AND GEOLOGY, PATTOM PALACE P.
O., THIRUVANANTHAPURAM - 695 004.
- 3 THE DISTRICT GEOLOGIST
THRISSUR DISTRICT, DISTRICT OFFICE, DEPARTMENT OF
MINING AND GEOLOGY, MINI CIVIL STATION, 1ST FLOOR,
CHEMPOOKAVU, THRISSUR - 680 020.
- 4 THE DIVISIONAL FOREST OFFICER
DIVISIONAL FOREST OFFICE, CHALAKUDY DIVISION,
CHALAKUDY - 680 307, THRISSUR DISTRICT.

R1-4 BY GOVERNMENT PLEADER SRI.KANNAN S.
R5 BY ADV. GEORGEKUTTY MATHEW

OTHER PRESENT:

GP SRI KANNAN S

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06.02.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



WP(C).No. 641 OF 2020(E)

2

JUDGMENT

The challenge in the present writ petition is Ext.P9 notice issued by the 4th respondent, whereby the Divisional Forest Officer suo motu restrained from carrying out the mining/quarrying activity purportedly on a land belonging to forest stating that a No Objection Certificate has to be obtained from the Forest Department, where mining is done in a land lying close to forest area.

2. Sri.P.K.Suresh Kumar, learned Senior Counsel assisted by Sri. K.P.Sudheer, learned Counsel submitted that by virtue of Ext.P1 lease deed petitioner was given permission to carryout the mining for a period of 12 years with effect from 28.5.2015. For carrying out the aforementioned activity, Ext.P3 permission from the Ministry of Environment and Forests and permission from other authorities as per Exts.P4 to P7 has been taken. As per Ext.P8 the Grama Panchayat has also granted NOC. Based on the above documents and permits petitioner has been running the quarry.

3. Learned Counsel for the petitioner submits that Rule 40 (1) (i) of the Kerala Minor Mineral Concession Rules had earlier prescribed for a no objection certificate from the competent authority if the quarrying operation is to be done within 50 meters of a forest)

WP(C) No. 641 OF 2020(E)

3

land and that Rule has been amended. So it is only in cases where the mining is near a National Park or a Wild Life Sanctuary a permission is required. Immediately on receipt of Ext.P9, another stop memo was issued by the Geologist on account of an enquiry ordered by him. Challenging the same, petitioner submitted a representation before the Minister for Forests, as per Ext.P10. Along with Ext.P10 the petitioner submitted a reply obtained under the Right to Information Act of another Divisional Officer stating that there was no need of any NOC from the forest authorities. The land in question is already assigned in the year 1980 as evident from Annexure R3 (b) and R3(c) accompanied by an affidavit of 3rd respondent.

4. Per contra, learned Government Pleader submitted that it would be the domain of the Government to take decision with regard to the location of the quarry and permission to be obtained from the Government, and not from the Divisional Forest Officer in view of Ext.R3(b) and R3 (c).

5. Having heard respective Counsel across the Bar, I am of the view that Prima facie, Ext.P9 is not sustainable under law, in view of Exts.R3 (b) and R3 (c).

6. Learned Counsel for the petitioner submits that a representation would be submitted before the Government seeking for a direction as to whether the permission of the Divisional Forest

WP(C) No. 641 OF 2020 (E)

4

Officer is required for continue the mining activity in an assigned land in view of Exts.R3 (b) and R3(c).

Accordingly, I quash Ext.P9 and there will be a further direction to the 1st respondent, ie. Department of Industries, to consider the position as to whether petitioner can be permitted to carry out the mining activity in an assigned land and also consider any violation thereof under Regulation 164 of Metalferous Regulation,1961 or not.

The writ petition is disposed of accordingly.

Sd/

AMIT RAWAL

JUDGE

Jm/

WP(C) No. 641 OF 2020 (E)

5

APPENDIX OF WP (C) 641/2020

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF ORDER NO.91/2015-16/4669/M3/2015 DATED 7.5.2015 ISSUED BY THE 2ND RESPONDENT BY WHICH THE LEASE WAS GRANTED TO THE PETITIONER.
- EXHIBIT P2 TRUE COPY OF QUARRYING LEASE DEED DATED 20.5.2015 EXECUTED BY AND BETWEEN THE PETITIONER AND THE GOVERNMENT OF KERALA BASED ON EXT. P1 ORDER.
- EXHIBIT P3 TRUE COPY OF ENVIRONMENTAL CLEARANCE NO.J-11015/477/2014-IA.II(M) DATED 12.3.2015 ISSUED BY THE MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE, GOVERNMENT OF INDIA TO THE PETITIONER.
- EXHIBIT P4 TRUE COPY OF INTEGRATED CONSENT TO OPERATE RENEWAL DATED 21.3.2019 ISSUED BY KERALA STATE POLLUTION CONTROL BOARD.
- EXHIBIT P5 TRUE COPY OF LETTER DATED 13.12.2011 ISSUED BY DIRECTOR OF MINES SAFETY TO THE PETITIONER.
- EXHIBIT P6 TRUE COPY OF COMMUNICATION DATED 18.8.2015 ISSUED BY THE CONTROLLER OF EXPLOSIVES TO THE PETITIONER GRANTING LICENCE.
- EXHIBIT P7 TRUE COPY OF RENEWED LICENCE ISSUED BY CONTROLLER OF EXPLOSIVES DATED 27.3.2019.
- EXHIBIT P8 TRUE COPY OF LICENCE DATED 1.4.2019 ISSUED BY MATTATHUR GRAMA PANCHAYAT TO THE PETITIONER.
- EXHIBIT P9 TRUE COPY OF NOTICE NO.C.A2-5978/19 DATED 29.10.2019 ISSUED BY THE 4TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT P10 TRUE COPY OF REPRESENTATION DATED 20.11.2019 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE MINISTER FOR FORESTS, GOVERNMENT OF KERALA.
- EXHIBIT P11 TRUE COPY OF REPLY DATED 7.11.2019 ISSUED

WP(C).No.641 OF 2020(E)

6

DIVISION UNDER RIGHT TO INFORMATION ACT AND APPLICATION ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P12

TRUE COPY OF ORDER DATED 30.12.2019 ISSUED BY THE 3RD RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P13

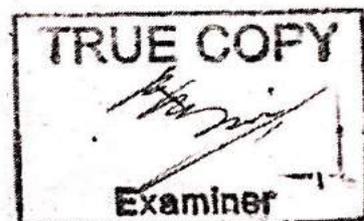
TRUE COPY OF INFORMATION ISSUED UNDER RIGHT TO INFORMATION ACT BY THE VILLAGE OFFICER, KODASSERY DATED 18.11.2019 ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P14

TRUE COPY OF LATEST LAND TAX RECEIPTS (5 NOS.) ISSUED IN THE NAME OF THE PETITIONER IN RESPECT OF THE LAND IN QUESTION.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R4 (A) TRUE COPY OF THE RESERVE NOTIFICATION DATED 9.10.1909 OF THE COCHIN GOVERNMENT -
RELEVANT PAGES
- EXHIBIT R4 B TRUE COPY OF THE PATTA BEARING NO. LA (P) NO.1789/KDY DATED 7.1.1980 ISSUED TO THE PREDECESSOR IN INTEREST OF THE PETITIONER.
- EXHIBIT R4 C TRUE COPY OF THE PATTA BEARING NO.1921/KDY DATED 15.2.1980 ISSUED TO THE PREDECESSOR IN INTEREST OF THE PETITIONER.





2

HIGH COURT OF KERALA AT ERNAKULAM

Year and Number of Suit or other Proceedings : WP(C) 641 / 2020
Name of Applicant/Advocate : K.P.SUDHEER
Application Number : A 10526/2020
Application Date : 06-02-2020
Date of Calling for Stamp : 13-02-2020
Date of Production of Stamp : 13-02-2020
Date When copy was Ready : 13-02-2020
Date Notified for appearance to receive the copy : 24-02-2020
Date when copy was delivered : 13/02/2020

[Signature]
Examiner

ഭരണഭാഷ - മാതൃഭാഷ

മാധ്യമ ഐ.ഡി. ഐ.എഫ്.എസ്.,
ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസർ.



ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസർ,
ചാലക്കുടി Pin : 680 307
0480 2701340 (O)
9447979052(M)

e-mail: dfo.clkdy.for@kerala.gov.in

തീയതി : 29.10.2019

നം. സി.എ2-5978/19

നോട്ടീസ്

വിഷയം : മറ്റത്തൂർ പഞ്ചായത്തിൽ എടത്താടൻ ഗ്രാമനേറ്റ് - എന്ന സ്ഥാപനത്തിന്റെ പ്രവർത്തനം - സംബന്ധിച്ച്.

സൂചന : *****

കോടശ്ശേരി വില്ലേജ് സർവ്വെ നമ്പർ 1270/4,5,7,8 1271/2,3,4 1273/1,2 & 1272/1 എന്നീ സർവ്വെ നമ്പരുകളിൽപ്പെട്ട സ്ഥലങ്ങൾ കോടശ്ശേരി കുമ്പൻ എന്ന റിസർവ്വിലുമാണ്. വനഭൂമിയിൽ ഖനനം പാടില്ല എന്ന കോടതി ഉത്തരവ് നിലവിലുള്ളതാണ്. വനഭൂമിയോടു ചേർന്നോ, വനഭൂമിയിൽ നിന്നും ഒരു കിലോമീറ്റർ ദൂരത്തിലോ ക്വാറികൾ തുടങ്ങുന്നതിന് അനുമതി ലഭിക്കുന്നതിന് വനം വകുപ്പിന്റെ എൻ.ഒ.സി. ആവശ്യമാണ്. എന്നാൽ ഈ അനുമതി ലഭ്യമാക്കാതെയാണ് ജിയോളജി വകുപ്പ് മേൽ സർവ്വെ നമ്പരിൽപ്പെട്ടതും താങ്കളുടെ ഉടമസ്ഥതയിലുള്ളതുമായ ക്വാറി തുടങ്ങുന്നതിന് അനുമതി നൽകിയിട്ടുള്ളത്. മേൽ സാഹചര്യത്തിൽ ഈ ക്വാറിയുടെ പ്രവർത്തനം ഉടൻ നിർത്തി വയ്ക്കേണ്ടതാണ് എന്ന് ഇതിനാൽ താങ്കളെ അറിയിക്കുന്നു.

ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസർ
ചാലക്കുടി ഡിവിഷൻ

സീകർത്താവ്,

1. ശ്രീ. ഇ.എം. ഷാജൻ, എടത്താടൻ ഗ്രാമനേറ്റ്സ്, മറ്റത്തൂർ പി.ഒ.
2. വെള്ളിക്കുളങ്ങര, റെയ്ഞ്ച് ഫോറസ്റ്റ് ഓഫീസർക്ക് ഇതോടൊപ്പം ഉള്ളടക്കം ചെയ്തിരിക്കുന്ന നോട്ടീസ് ശ്രീ. ഷാജൻ നൽകി ക്വാറിയുടെ പ്രവർത്തനം നിർത്തി വയ്ക്കുന്നതിനുള്ള നടപടി സ്വീകരിച്ച് വിവരം റിപ്പോർട്ട് ചെയ്യേണ്ടതാണ്.