

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

ORIGINAL APPLICATION NO.142 OF 2023

BETWEEN

S.Unnikrishnan

...Appellant

v.

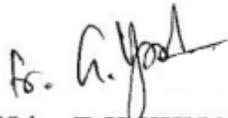
Union of India Rep. by its Secretary MoEF&CC, New Delhi and Ors.

...Respondents

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Dated at Chennai on this 11th day of February, 2024



M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench



Action Taken Report filed by Secretary to Government, Environment Department, Government of Kerala, before the Hon'ble National Green Tribunal in OA No.142/2023(SZ)(Earlier OA 333/2022(PB))

It is submitted that this Hon'ble NGT vide order dated 13.10.2023 in OA142/2023, directed the State Government to forward a factual report showing compliance to the order of the Hon'ble NGT. It is submitted that the factual report sought vide the directions of the Hon'ble NGT is as follows;

1. The Hon'ble National Green Tribunal had registered the application based on a complaint received by post from the applicant, Sri. Unnikrishnan. The prayer of the applicant was to take required measures to protect and maintain Pandavanpara, a hillock of great historic and mythological significance is located in Neyyattinkara of the district of Thiruvananthapuram. The applicant had alleged that companies were using huge explosive material near the Pandavanpara adversely affecting the same and destroying its supportive rocks and that in case the same is continued, Pandavanpara will collapse.
2. The Hon'ble National Green Tribunal Principal Bench, New Delhi had registered the petition as application No. 333/2022. On considering O.A. No.333/2022 on 11.05.2022 the Hon'ble Principal Bench had issued the following directions:

"In view of the averments made in the application, we consider it appropriate to have a factual and action taken report from a Joint Committee comprising of Archaeological Survey of India, SEIAA, State PCB and Collector, Thiruvananthapuram. State PCB will be the Nodal agency for coordination and compliance."


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 Additional Secretary to Govt.
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3. In respectful compliance of the above directions, a joint committee was constituted including the officers such as Deputy Collector, Disaster Management, Thiruvananthapuram Member, State Level Expert Appraisal Committee, SEIAA, Member, Directorate of Archaeology, Thiruvananthapuram, and Environmental Engineer, District Office, KSPCB, Thiruvananthapuram.
4. The Joint Committee members had conducted the joint inspection of the site on 23/08/2022 and the draft inspection report was forwarded by the nodal officer among the members of the committee for their remarks.

5. Report of the site inspection by the Joint Committee:

The Joint Committee that had inspected the site had reported as follows:

"The Joint Committee had visited the site on 23/08/2022. The 'Pandavanpara', a hillock of great historic and mythological significance is located in Neyyattinkara of the district of Thiruvananthapuram. The hillock consists of tall granite boulders and the same is currently intact. The Department of Archaeology had taken initiatives to protect the 3.15 acres of land surrounding the place including the Pandavanpara. The Archaeological Department of State of Kerala has declared the Pandavanpara, in Perumkadavila Village, Neyyattinkara Taluk, Thiruvananthapuram District as protected monument as per S.R.O. No.1279/87 dated 08.09.1987 marked as ANNEXURE 1. The area is now under Police Protection. A few rocks that were mined in the past were found at the site. The field inspection team could not find any evidence of environmental damages currently in the area. Moreover, the area is now monitored by the police and the entry of the public to the site is also restricted. No mining and blasting activities were found in the region. The nearest active quarry i.e. quarry of M/s. Delta M Sand Private Ltd was located at approximately 550 meters from the buffer zone of the site and an abandoned quarry was existing at around 110 meters beyond the buffer zone of the location. The Kerala State

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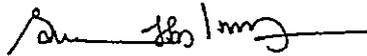
Pollution Control Board or SEIAA had not granted any clearance for mining projects in that location.

6. The Joint Committee meeting was convened on 07/07/2023. The Committee observed that measures need to be taken to ensure the protection of Pandavanpara as the same is of great historic and archaeological significance. The recent study in Kerala to monitor the effect of granite quarrying was carried out during the period from December 2022 to January 2023 by the Expert Committee constituted by the Hon^{ble} NGT in O.A. No. 304 of 2019. Considering the effects of the factors like vibrations, pollution etc. the Expert Committee had submitted its recommendations regarding the minimum distance to be maintained from quarries to neighboring residences, structures etc. which are currently under the kind consideration of the Hon^{ble} NGT.

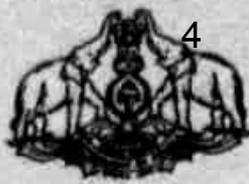
7. In this regard, it is most humbly submitted that necessary actions had been taken by the departments concerned to ensure protection of Pandavanpara and as per the site inspection report, there are no active mining projects currently in the location as alleged by the applicant in his petition.

8. Thus it is humbly requested that the above factual report in compliance to the orders dated 13.10.2023 of this Hon^{ble} tribunal may be accepted.

Dated this 2nd December 2023.



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GOVERNMENT OF KERALA
Cultural Affairs (B) Department
NOTIFICATION

No. 2320/B1/86/CAD.

Dated, Trivandrum, 8th September 1987.

S. R. O. No. 1279/87.—In exercise of the powers conferred by sub-section (3) of section 4 of the Kerala Ancient Monuments and Archaeological Sites and Remains Act, 1968 (26 of 1969), the Government of Kerala hereby declare the "Pandavanpara" in Perumkadavila Village, Neyyattinkara Taluk, Trivandrum District and more particularly described in the Schedule given below, to be a protected monument and protected area within the meaning of the said Act, the notice of the same having been previously issued under notification No. 2320/B1/86/CD. dated 6th September, 1986 and published as S. R. O. No. 1555/86 in Part I of the Kerala Gazette No. 41 dated 21st October, 1986 as required under sub-section (1) of the said section namely:—

<i>Sl. No.</i>	<i>Name of Village/ Taluk and District</i>	<i>Name of Monument and Extent of site</i>	<i>Sy. No.</i>	<i>Boundaries</i>
1.	Perumkadavila Village Neyyattinkara Taluk, Trivandrum District.	Pandavanpara As per Re-survey 1.2590 Hect- ares.	Old Survey No. 450/ 1/LB 1/22 Re-survey No. 544/2 of Block No. 26	North—Survey No. 538 (as per Re-survey) South—Survey No. 545 (as per Re-survey) East—Survey No. 546 (as per Re-survey) West—Survey No. 544 (as per Re-survey)

By order of the Governor,
V. KRISHNA MOORTHY,
Secretary to Government.