

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ)
CHENNAI**

Original Application No 151 of 2020

Akhila Kerala Dheevara Sabha
Rep. by it General Secretary
Mr. V. Dinakaran -

Applicant

Versus

State Of Kerala & Others

Respondents

**REJOINDER FILED BY THE APPLICANT TO THE
COUNTER FILED BY 7th RESPONDENT**

The Applicant Respectfully submits as follows:

1. The Applicant had read the counter filed by the 7th Respondent and is filing its rejoinder to the counter as follows:
2. It is submitted that the documents submitted by the Applicant are crystal clear and the 7th Respondent cannot deny the same.
3. It is submitted that the beach sand mining and operation of mineral separation is completely against the provisions of the Environment protection Act 1986 and back filling after separation of mineral is not correct. As a matter of fact no back filling process is going on in that place. *Kerala*



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GENERAL SECRETARY

A. M. ASHRAF
ADVOCATE & NOTARY
ROLL NO: K/148/1977
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OPP. DISTRICT COURT, ALAPPUZHA-1



4. It is submitted that from 2015 onwards the 7th Respondent is mining in the mouth of Thottapally Fishing Harbour and fishing boat or country crafts are not able to enter the Harbour till now.
5. It is submitted that 7th Respondent is doing sand mining as the sand has Atomic Minerals contained in it. That is primarily the reason why the 7th Respondent is continuously extracting sand from the Harbour and from the adjoining areas. This mining activity is preventing the Fishing boats from entering the Harbour area.
6. It is submitted that the deepening of Thottapally Pozhi mouth is conducted by 8th Respondent illegally and it does not concern the 7th Respondent in any manner.
7. It is submitted and made clear that it is not desilting which is being carried out on the other hand, what is being carried out is a continuous process of sand mining from the year 2015 onwards without mining license and Environmental clearance.
8. It is submitted that the allegation under the head "Facts in Brief" are perfectly correct. The contents of paragraph are correct and mining will affect the people residing in the Ambalapuzha, Purakkad, Thrikunnappuzha and Arattupuzha coastal Panchayaths.

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9. It is submitted that the government has given consent only to remove the sand from the Harbour mouth. But 7th Respondent is mining continuously from the year 2015 onwards in order to extract as much mineral sand as possible from Thottapally Harbour and adjoining places.
10. It is submitted that the 7th Respondent is mining at Thottapally without mining License and Environmental clearance. Any way they admit that they are not removing the sand from the Harbour but they are mining as the sand contains minerals.
11. It is submitted that the government of Kerala has given permission to remove the sand from the mouth of the Harbour and not for mining and separating minerals from the sand.
12. It is submitted that the Purakkd Panchayath has given a stop work memo on 06/11/2017 but 7th Respondent has not given reply to the same till now.
13. It is submitted that the 7th Respondent is Mining around 20 meter depth and not around a depth of 2-3 meters as alleged by the 7th Respondent. It is utterly false to allege that the 7th Respondent is doing De-Silting by dredging and what is being done by the 7th Respondent is a clear sand mining both in Thottapally and Azheekal Harbours. There are serious



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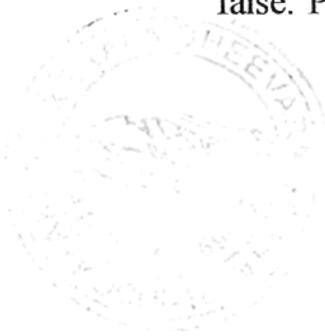


environmental degradation and there is no back filling in the mined area. Mining is going on from the year 2015 but till now the fishing boats are not able to enter the Thottapally Harbour.

14.It is submitted that as per the Mines And Minerals (Development And Regulation) Act, 1957, "mining operations" means any operations undertaken for the purpose of winning any mineral, but here the mining operation is carried out by the 7th Respondent to collect as much sand as possible in order to protect their business. So this process is grossly in violation of the provisions of the said Act.

15.It is submitted that there is no dredging in the Harbour mouth and what is being carried on is continuous mining activity from the year 2015 onwards. Approval under the Environment Protection Act is necessary for mining but the 7th Respondent has not obtained any approval till now and they have agreed that they are conducting mining without the approval under the Environment Protection Act.

16.It is submitted that the G.O dated 31-05-2019 issued by the Irrigation Department to the 8th Respondent is to deepen the spillway channel and the 7th Respondent cannot be heard saying that the said contention is false. Paragraph Nos.22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37 of



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the reply filed by the 7th Respondent are repetitions and the actual facts are stated in the forgoing paragraphs. Most of the contents are related to 8th Respondent and not in respect of the 7th Respondent. The interim Relief and main relief as sought for in the above application are necessary considering the destruction caused by mining activities carried on by the 7th Respondent.

17. It is submitted that the permission granted by the Kerala Government is for removing the sand from the Harbour mouth but the 7th Respondent is doing mining activities from the year 2015 onwards because of which till now the fishing boats are not able to enter the Harbour.

In the light of the above facts it is humbly prayed that the Honourable Tribunal may be pleased to dismiss their arguments and take action to stop the illegal mining without delay.

Dated at Alappuzha on the 15th day of July 2021.

COUNSEL FOR THE APPLICANT



6-7m
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GENERAL SECRETARY



APPLICANT

Signature attested
A.M. Ashraf
15/07/2021

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