

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

**APPEAL No. 21 of 2020 (SZ)
With
APPEAL No. 22 of 2020 (SZ)**

**REMARKS SUBMITTED BY THE 5TH RESPONDENT IN RESPECT OF THE
REPLY STATEMENT FILED BY THE 7TH RESPONDENT**

Index

S.No	Particulars	Page No.
1.	Reply	1-3

Dated at Chennai on this the 17th day of August, 2022.

M/s. E.K.KUMARESAN

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

**REMARKS SUBMITTED BEFORE THE HONOURABLE
NATIONAL GREEN TRIBUNAL BY THE 5TH RESPONDENT,
DIRECTOR OF MINING AND GEOLOGY IN RESPECT OF THE
REPLY STATEMENT FILED BY THE 7TH RESPONDENT,
IN APPEAL NUMBER 21/2020**

Paragraphs : No Comments
1- 5

Paragraph 6 : It is most respectfully submitted that a quarrying lease for the extraction of granite (building stone) was granted in favour of the 7th Respondent by the 5th Respondent for an area of 4.5572 Hectares of land comprised in Block No. 56, Survey No. 76/8, 77/1, 77/2, 78/9, 97/1, 97/2 (Govt. Land) in Mancode Village, Kottarakkara Taluk, Kollam District for a period of 10 (Ten) years with an annual production of 1,45,000 metric tonnes/year vide Proceedings Order No. 27/2020 - 21/11640/M3/2018/DMG Dated 13.05.2020. A no Objection Certificate was granted by the District Collector, Kollam in favour of the 7th Respondent with respect to the Government Land with a condition to provide 50% of the rubbles produced in the quarry shall be provided to the construction of Vizhinjam Port, one of the flagship projects of the State. The 7th Respondent has all statutory licenses/consents viz. (1) Environmental Clearance issued by the State Environmental Impact Assessment Authority with a validity upto 13.10.2024, (2) Consent to operate by the Kerala Pollution Control Board with a validity upto 30.09.2014, (3) Explosive License with a validity upto 31.03.2025, and (4) D&O Licence, which is treated as deemed as per the direction of the Honourable Tribunal for Local Self Government Institute by ordering the Panchayath not to interfere with the functioning of the quarry. It is reported by the 6th Respondent that the 6th Respondent's office received a clarification letter dated 28.04.2022 from the Honourable Tribunal for Local Self Government Institutions, Thiruvananthapuram that the quarry can work.

Paragraphs
7 & 8

: It is most humbly submitted that the house of Smt. Swathy, the Appellant, is nowhere near the quarry as per the report of the 6th Respondent. The property of Smt. Swathy shares boundary with the lease area. But a no mining zone with 7.5 meter width exists as buffer between the lease area and property of Smt. Swathy. According to the site inspection conducted by the 6th Respondent, the buffer zone between the lease area and property of Smt. Swathy is intact and mining has not affected the property of Smt. Swathy as the quarrying is being taken place without any interference in the buffer zone. It is humbly submitted further that the stipulations laid down in Rule 40(i) of the Kerala Minor Mineral Concession Rules, 2015 mandate to keep 50m distance clearance from any reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worships, burial grounds, burning ghats or any Government protected monuments. No river is seen flowing through the applied area or within 50m of the boundary of the quarrying lease.

Paragraph 9

: There is no working quarry with in 500 meter radius of the averred quarry. Only an abandoned quarry exists within 500 meter radius.

Paragraphs
10-14:

: No comments

Paragraph 15

: It is most respectfully submitted that the averred quarry has got valid Environmental Clearance. According to the inspection conducted by the 6th Respondent, the quarrying lease area does not form part of the area under landslide susceptibility as far as the hazard zonation map prepared by the Kerala State Disaster Management Authority is concerned. It is further submitted by the 6th Respondent that there is no chance of affecting the stability of land owned by Smt. Swathy.

Paragraphs : No Comments.
16 & 17

Paragraph 18 : It is most respectfully submitted that there is no landslide/debris flow reported in the vicinity of the quarrying lease area, even during the time of extreme rainfall events occurred during the past few years.

Paragraphs : No Comments
19-22

It is most humbly submitted that according to the report of the 6th Respondent, there had been excess extraction of granite (building stone) from the quarrying lease area by the 7th Respondent and the office of the 6th Respondent has realised an amount of Rs. 32,64,060/- being the royalty, price and fine of thus extracted 41,167.5 metric tonnes of granite (building stone. Now no violation has been noticed by the office of the 6th Respondent.

Dated this on 15th day of July, 2022

Hruw
16/7/22

Director of Mining and Geology
5th Respondent