

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application no. 242/2020

Sri. Aliyarukutty : Applicant

Vs

State of Kerala & Others : Respondent(s)

**Report filed by the Joint Committee constituted
in Original Application No. 242/2020**

Adv. Remasmrithi.V.K

ADDITIONAL STANDING COUNSEL

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Dated this the 2nd day of March 2021.

Remasmrithi. V.K., Advocate
Additional Standing Counsel

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Dated this the 2nd day of March 2021.

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Vs

State of Kerala & Others : Respondent(s)

Report filed by the Joint Committee Members, Chief Environmental Engineer, Kerala State Pollution Control Board (KSPCB), Divisional Forest Officer, Punalur Kollam and Revenue Divisional Officer, Punalur, Kollam in the matter of Original Application No. 242/2020.

1. This report is submitted in continuation to the report filed on 05.01.2021 by the Joint Committee in OA No. 242/2020. The issue for consideration in the O.A No.242/2019 is the grievance about the mining activity in and around the site at Sy no. 88/22/30/40 and 88/22/30/49 of Edamon Village of Punalur Taluk, Kollam District by the 7th respondent, Managing Partners of M/s Prime Sands and Aggregates.
2. In the report, the committee had filed, the site inspection details, the observations as well as comments from Divisional Forest Office, Revenue Divisional Office, KSPCB, Department of Mining & Geology, Kollam and Panchayat Office, Thenmala. No violation was reported from any of the departments. However there was a disparity in the report submitted by the department of Mining and Geology and Thenmala Panchayat. Hence it was requested to allow two months time to conduct a hearing of the concerned departments as to whether any violation has been done by the unit.
3. The hearing was conducted by the committee on 10.02.2021 at the Revenue Divisional Office, Punalur. The committee members and officials from Department of Mining and Geology, Thenmala Grama Panchayat, and District Industries Centre (DIC) were present. The representation from Thenmala Police Station was also invited but they did not attend the meeting.
4. The Chief Environmental Engineer explained the ambiguity in the reports from the two offices. The Geologist had previously reported that there was no violation regarding earth removal from the site of the proposed

industry M/s. Prime Sand at Thenmala. The Thenmala Panchayat Secretary had reported that the unit had removed the earth from the property and deposited on the nearby road side and that the Panchayat had not given license for land development works for want of approval from Town Planning Department.

5. The ambiguity noticed in the reports submitted by Mining and Geology department and Thenmala Panchayat Office was discussed.
 - a. It was explained by the Geologist that as per the report from Tahsildar, Punalur, there was removal of earth from the site to the adjacent Edamon - Pappannur road side. Since it does not involve transportation of earth from the site in vehicle it is not a violation as per the Department of Mining and Geology.
 - b. The Thenmala panchayat Secretary clarified that the unit has MSME Certificate and does not require Panchayat License for 3 years. The Assistant District Industries Officer confirmed this statement. However the unit has applied for clearance for land development works from Panchayat, for which clearance from Town planning Department, Department of Fire & Safety, Department of Factories and Boilers etc. are required. This clearance is not yet issued.
 - c. During the discussion it was made clear by both the Geologist & Panchayat Secretary that no violation has been done by the industry according to their prevailing statutes. The minutes of the meeting is produced herewith as Annexure
6. As per the site observations and discussions with various departments conducted by the committee no violation has been done by the industry as per the prevailing statutes. The works so far carried out were for construction purpose for establishing the industry. No damage to the environment could be noticed. Further environmental damage is not expected if the unit complies with the conditions of the licences issued.

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

Dated 02nd day of March 2021.

T.C. Thyagaraj,
Divisional Forest Officer,
Punalur

Sindhu Radhakrishnan
Chief Environmental Engineer
KSPCB

B. Sasikumar
Revenue Divisional Officer,
Punalur

Solemnly affirmed and signed by the deponent who is known to me on this the 2nd day of March 2021.

Minutes of meeting conducted on 10/02/2021 at Punalur regarding
Prime sands (P) Limited

The meeting commenced at 11.15 am. All committee members, Sri. T.C. Thyagaraj, Divisional Forest Officer, Punalur, Sri. B. Sasikumar, Revenue Divisional Officer, Punalur and Smt. Sindhu Radhakrishnan, Chief Environmental Engineer, Regional Office, Kerala State Pollution Control Board were present. Sri. Krishnendu.N.R., Geologist in charge of Kollam District, Sri. Easwaradas, Panchayat Secretary, Sri.Vinod.L., Assistant District Industries Officer from DIC, Smt. Simi. P Environmental Engineer Pollution Control Board, Kollam, and Smt. Sreetha.A.M. Assistant Environmental Engineer, Regional Office, Thiruvananthapuram, were also present. The Sub Inspector, Thenmala Police Station did not attend the meeting.

The Chief Environmental Engineer explained the situation for the hearing. She informed that the Hon'ble NGT had directed the committee to assess the violations and environmental damage if any caused by the industry M/s. Prime sands & Aggregates located in Survey No. 88/22/30/40, 88/22/30/49 Edamon Village of Thirumala Panchayat. Accordingly the committee had inspected the site, collected details and evaluated the same. There was some ambiguity in the reports from Panchayat & Geologist. The Geologist vide letter No. 1710/DOQ/S2/2020 dated 31/12/2020 had reported that there was no violation regarding earth removal from the site of proposed industry M/s. Prime Sand at Thenmala. The Panchayat Secretary had reported that the unit had removed the earth from the property and deposited on the nearby road side and that the Panchayat had not given license for land development works for want of approval from Town Planning Department.

In the hearing it was explained that as per the report of Tahsildar there was removal of earth from the site to the adjacent Edamon - Pappannur road side. Since it does not involve transportation of earth from the site in vehicle it is not a violation as per the Department of Geology. Since the unit has MSME Certificate it does not require Panchayat License for 3 years. However the unit has applied for clearance for land development works, for which clearance from Town planning Department of Fire & Safety, Department of Factories and Boilers etc. are required. This clearance is not yet issued. During the discussion it was made clear by both the Geologist & Panchayat Secretary that no violation has been done by the industry according to their prevailing statutes.

The committee decided to report the matter to the Hon'ble NGT prior to the next date of hearing. The meeting came to an end by 12.15 pm.

CHIEF ENVIRONMENTAL ENGINEER