

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 242 OF 2020 (SZ)**

**REPORT FILED BY THE 4TH RESPONDENT / DISTRICT GEOLOGIST,
KOLLAM**

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Dated at Chennai on this the 3rd day Of February, 2022

M/s. E.K.KUMARESAN

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

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI

Original Application No. 242/2020(SZ)

Aliyarukutty : Petitioner

Vs

Union of India & Others : Respondents

REPORT FILED BY THE 4TH RESPONDENT AS DIRECTED BY THE HON.BLE NATIONAL GREEN TRIBUNAL ON 12.8.2021

I, Simila Rani, aged 48 years, D/o. K. Sasidharan, residing at Thiruananthapuram, do hereby solemnly affirm and state as follows:

1. I am the District Geologist, Kollam and I have taken charge with effect from FN of 28.4.2021. I am fully authorized and competent to swear this Affidavit in my officiating capacity. I am conversant with the facts of the case as disclosed from the relevant records.
2. It is humbly submitted that as per direction of Hon.ble National Green Tribunal in judgment dated 12th August 2021 in OA No. 242 of 2020, to ascertain as to whether the earth as well as rocks extracted from the area, which was supposed to be used for other purpose of construction and foundation is really required for that purpose, and the quantum required for that purpose. If any excess

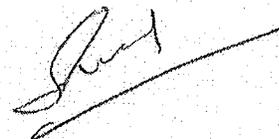
quantity of earth and rock were excavated, assess the quantity of earth and rock were excavated and realize the necessary royalty and environmental compensation if any to be imposed after giving opportunity to 7th respondent to answer that aspect. Accordingly this respondent inspected the averred property comprised in Sy. No.88/22/30/49, 88/22/30/40 in Edamon village, Punalur Taluk of Kollam District together with Assistant Engineer, LSGD Thenmala Grama Panchayat. Assistant Engineer found it necessary to take levels to find out whether the quantity of earth and rock extracted was used for the purpose of construction and foundation at the site. So after taking levels it was reported by the Asst. Engineer that the earth extracted was used there and from the inspection it is also found that rock extracted has been used for building foundation. Report of LSGD Asst. Engineer submitted as Exhibit -1. No mineral is transported outside the area and used at the site itself. There is no violation of Kerala Minor Mineral Concession Rules 2015, regarding extraction of earth and rocks. So there was no requirement of realizing any royalty.

3. It is also submitted that this respondent has communicated with State Pollution Control Board regarding environmental compensation as Pollution Control Board is the implementing authority, for Environment Protection Act and received reply which is enclosed as (Exhibit -2). It clearly mentioned that if there is no violation of the matters specified in the Judgment of the Hon.ble National Green Tribunal, no environmental compensation is applicable.

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4. It is further submitted that there is no instance of imposing penalty and Environmental Compensation for illegal extraction involved in this case. Hence this office has issued Dealer's License for processing, stocking and selling Granite Aggregates in the averred area. The application for Dealer's Licence was under process in this office. After complying all direction in the judgment of Hon.ble National Green Tribunal and as the applicant produced consent to operate M-sand unit from Pollution Control Board, this office has issued transit passes also as per Dealer's Licence issued in the said area to one Mr. KrishnaKumar, Managing Partner, Prime Sands & Aggregates. Edamon, Punalur.

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



GEOLOGIST(4th RESPONDENT)

Dated this the 13th Day of December 2021.

No. AE/LSCAD/TML/2021/09 Exhibit-1

ഭാഗ്യചിത്രം

അസിസ്റ്റന്റ് കമ്മീഷണർ
ജനറൽ. എസ്.ജി.ഡി സെക്ഷൻ
തൊണ്ടിപ്പള്ളി ഗവണ്മെന്റ് ഓഫീസ്



പ്രസിദ്ധീകരണവ്

സംഭരണ
തൊണ്ടിപ്പള്ളി ഗവണ്മെന്റ് ഓഫീസ്

സർ

വിഷയം :- തൊണ്ടിപ്പള്ളി ഗവണ്മെന്റ് ഓഫീസ് - ഭൂമി കമ്മ്യൂണിറ്റി - മണ്ണു
ചാനൽ നിർമ്മാണ പദ്ധതിക്ക് സാമ്പത്തിക

- മുഴുവൻ :- (1) തൊണ്ടിപ്പള്ളി ഗവണ്മെന്റ് ഓഫീസിലൂടെ
03/09/2021 ലെ റി2/6253/21 നമ്പർ കത്ത്
- (2) ജില്ലാ ജിയോളജിക്കൽ സർവ്വേ 31/08/2021 ലെ
1589/ഡിജെ/എസ്/2021 നമ്പർ കത്ത്

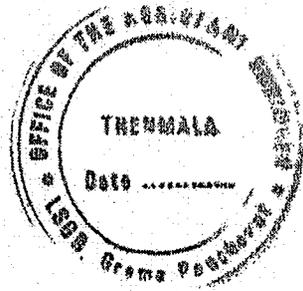
അതേസമയം (1), (2) കമ്മീഷണർ വേണ്ടി എ. കൃഷ്ണകൃഷ്ണൻ
മേനോൻ ചാർട്ടർഡ്, ട്രെയ്ഡ് സൗകര്യം, അസിസ്റ്റന്റ് കമ്മീഷണർ,
തൊണ്ടിപ്പള്ളി ഗവണ്മെന്റ് ഓഫീസ് നിർമ്മാണം നടക്കുന്ന
വേളയിൽ 06/09/2021 ന് മൂല പരിശോധന നടത്തി.
ഈ പരിശോധനയിൽ കമ്മീഷണർ ഓഫീസിലെ ട്രെയ്ഡ് വാലയം
60 മീറ്റർ നീളത്തിലും 110 മീറ്റർ വീതിയിലും മൂല പദ്ധതി
കട്ടിൻ & മിറ്റിംഗ് നടത്തിയ നിലയിലാണ് കാണപ്പെടുന്നത്

(P.T.O)

പത്തുപതിരുകൾ നിന്നും കട്ട് ചെയ്ത മരണ ഭൂമി 3)
 നിർമ്മാണ ന്യൂനതകൾ ഉള്ളതിനെ പറ്റി ഉപയോഗിച്ച് ചിട്ടയായും
 കൃത്യമായ രേഖപ്പെടുത്തൽ നൽകണമെന്നായി നിർമ്മിതി
 നിർമ്മാണത്തിൽ വാർ, രേഖപ്പെടുത്തൽ രാജ്യസർക്കാർ ഉന്നിവ
 പാറ ഉപയോഗിച്ചാണ് നിർമ്മാണം നടത്തിയതെന്നും
 മനസ്സിലാക്കേണ്ട വിവരം നിർമ്മാണ ഉപയോഗം.

വിവരങ്ങൾ

തീയതി
14/09/21




 Assistant Engineer
 L.S.G.D Section
 Thenmala Grama Panchayath

Exhibit 1 (Translated) 7

No. AE/LSGD/TML/2021/09

From

The Assistant Engineer
LSGD Section,
Thenmala Grama Panchayat.

To

The Secretary,
Thenmala Grama Panchayat.

Sir,

Sub : Thenmala Grama Panchayat – Land Development – removal of soil and
rock – reg

Ref : 1. Lr. No. T2/6253/21 of Thenmala Grama Panchayat Secretary dated 3.9.21
2. Letter No 1589/DOQ/S1/2021 of District Geologist dated 31.8.21

As per reference (1) (2) cited above, inspected the site on 6.9.21, where the construction works of crusher unit of Mr. Krishnakumar, Managing Partner, Prime Sand Aggregates was undergoing. From the site inspection it was revealed that for construction of crusher unit, cutting and filling has been done in an average length of 60m and breadth of 110m. Therefore it is not possible to take initial levels at this stage. By examining the topography of adjacent or adjoining properties it was found that the area is having a slope from top to bottom. On detailed study, it was revealed that the construction site also has the same sloping topography as adjacent or adjoining properties. So ordinary earth quantity calculation was carried out by assuming the initial levels of construction site same as the initial levels of adjoining properties and the present level after cutting and filling as the final level. Thereby levels calculation on the basis of

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initial levels and final levels it was revealed that the quantity of ordinary earth excavated is $2981.77M^3$ and the quantity used for filling is $3014.48M^3$. From the quantity calculation as per levels it is confirmed that, excavated soil is fully used for filling at proposed construction area. It is also reported that retaining walls, building foundations are constructed by using rock.

Yours faithfully,

sd-

Asst.Engineer.

Thenmala

14.9.2021

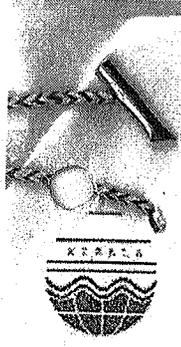


Exhibit - 2

Office Phone: 0474- 2762117
Office email: kspcbklm@gmail.com
Website : www.keralapcb.nic.in
Help Desk : 0474- 2950617
Help Desk email : kspcbkollam.hd@gmail.com

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

DISTRICT OFFICE

ജില്ലാ ഓഫീസ്

USHUS BUILDING, BIG BAZAR, KOLLAM - 691 001

ഉഷസ്സ് ബിൽഡിംഗ്, ബിഗ് ബസാർ, കൊല്ലം - 691 001

In reply please refer to PCB/KO/NOC/120/2020

Date: 03.11.2021

From

The Environmental Engineer

To

2835

The Geologist
Department of Mining and Geology
District Office
Kollam

Sub: M/s. Prime Sands and Aggregates, Edamon P.O., Kollam - Environmental Compensation- reg

Ref: 1) The Judgment of the Hon'ble NGT dated 12.08.2021 in O.A.No.242/2020
2) That office letter no. 1589/DOQ/S2/2020 dated 30.10.2021

Madam,

This has reference to the above. As per the Judgment of the Hon'ble NGT cited (1) above, the Geology Department and the Local Body were directed to ascertain as to whether the earth as well as rock extracted from that area, which was supposed to be used for the purpose of construction and foundation was really required for that purpose, the quantum required for that purpose and, if any, excess quantity of earth and rock were excavated, then they were directed to assess the excess quantity and take proper steps to realise the necessary royalty and environment compensation (EC), if any, to be imposed after giving opportunity to the 7th respondent to answer that aspect. Vide that office letter cited (2), no violation of the above matters specified in the Judgment of the Hon'ble NGT were reported. If so, no EC is applicable as per the same. This is for information and further necessary action.

Yours faithfully

ENVIRONMENTAL ENGINEER