

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

APPEAL NO. 25 of 2023

IN THE MATTER OF: -

Alex Paul

.... Applicant

Versus

The Member Secretary, SEIAA and Anr

.... Respondent

**ADDITIONAL REPLY FILED ON BEHALF OF STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)**



Filed by:
G.M. SYED NURULLAH SHERIFF
Senior Standing Counsel
MoEF & Cc.
Mob. No. 9444015330
Counsel for Respondent no.1

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Appeal No. 25 of 2023

Alex Paul

Vs

State Level Environment Impact Assessment Authority (SEIAA),

&

State Level Expert Appraisal Committee (SEAC)

INDEX

S.No.	Description	Page No.
1.	Additional Affidavit on behalf of Respondent No I, II Responded by the Member Secretary , State Level Environment Impact Assessment Authority – Tamil Nadu, Third Floor, Panagal Maaligai, No.1, Jeenis Road, Saidapet, Chennai – 600 015.	1 - 3
2.	ANNEXURE 1 – Sketch demarcating the distance between proposed site and Eco Sensitive Zone	4
3.	ANNEXURE 2 – Site Elevation Profile	5
4.	ANNEXURE 2 – MoEF&CC Eco Sensitive Zone Notification of Kanyakumari Wildlife Sanctuary	6 - 7

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

Appeal No. 25 of 2023

IN THE MATTER OF:

Alex Paul

Son of K.C. Paulose aged about 51 years

Kottalil House,

Kunnekal Post, Muvattupuzhal,

Ernakulam District,

Kerala state – 682316

Email id: alexapaulkoottalil@gmail.com

Phone: 9447107434

..... Applicant

Versus

1. STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, TAMIL NADU (SEIAA),

Third Floor, Panagal Maligai,

No.1, Jeenis Road, Saidapet, Chennai- 600015.

Phone: 044- 24359973

Email.: mstnseiaa@yahoo.com

2. STATE LEVEL EXPERT APPRAISAL COMMITTEE (SEAC),

Through the Member Secretary

Third Floor, Panagal Maligai,

No.1, Jeenis Road, Saidapet, Chennai- 600015.

Phone: 044- 24359973

Email: mstnseiaa@yahoo.com

..... Respondents

**ADDITIONAL AFFIDAVIT FILED ON BEHALF OF SEIAA – TAMILNADU,
THE FIRST & SECOND RESPONDENTS**

I, A.R. Rahul Nadh, I.A.S., aged about 36 years, working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Maaligai, Saidapet, Chennai – 600015 do hereby solemnly affirm and sincerely state as follows:

1. I am filing this additional counter affidavit on behalf of the First & Second Respondent/SEIAA-TN herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.



Member Secretary

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN

Panagal Maligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

2. I deny all the averments and allegations stated in this Appeal No.25 of 2023 except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. It is respectfully submitted that; the project proponent has applied to the State Level Environment Impact Assessment Authority – Tamil Nadu (**SEIAA-TN**) seeking prior Environmental Clearance for the proposed Filed before Respondent No.1 on 01.12.2022 under the category ‘B2’ of item No.1 (a) “Mining of Minerals” of the Schedule to the EIA notification, 2006 for the Rough Stone and Gravel quarry over an extent of 4.52.0 ha in Patta land bearing S.F.Nos. 531/1B (Part) of Ponmanai ‘A’ Village , Thiruvattar Taluk , Kanyakumari District , Tamil Nadu vide proposal No.SIA/TN/MIN/408810/2022 dated 01.12.2022.
4. I respectfully submit that; as per the approved mining plan furnished by the project proponent, the applied lease area falls in the toposheet Number 58- H/07 Latitude between 08° 19’ 30.6006” N to 08° 19’ 39.8331” N and Longitude between 77° 20’ 25.7969” E to 77° 20’ 39.3373” E.
5. I respectfully submit that; as per the approved mining plan furnished by the project proponent, it was ascertained that the lease applied area is a hilly terrain. The area has gentle sloping towards Western side and altitude of the area varies between 170m to 300 m above from the Mean Sea Level. The Water level in the surrounding area is 50m in summer and at 53m in rainy seasons below general ground profile.
6. I respectfully submit that; based on the KML file uploaded by the proponent in the Parivesh Portal, with the aid of the **Decision Support System (DSS)** developed by MoEF&CC, it was ascertained that the proposed site is **2.75 Km “approximately”** from the Kanyakumari Wildlife Sanctuary.
7. I respectfully submit that; the sketch demarcating the distance between the project site and the Eco Sensitive Zone is annexed as **Annexure I**.
8. I respectfully submit that; **Watershed** - any surface area from which runoff resulting from rainfall is collected and drained through a common point. The Proposed site is located at the top of a hill. Naturally, the precipitated water from the hilltop will drain in the nearby channel or river as the case may be. The natural terrain from the proposed site to the nearest channel, captured based on the KML file submitted by

the proponent in Parivesh Portal, using Google Earth Pro is annexed – (**Annexure-II**).

9. I respectfully submit that; there is a Major District Road (MDR - 488) located at a distance of 443 metres from the foothill of the proposed mine lease area which falls within 500m danger zone as stipulated by the DGMS for the blasting operations and it could possibly pose a threat to the vehicles plying on the road.
10. I respectfully submit that; As per the Metalliferous Mines Regulations, 1961 **Chapter – XIV – Explosives and Shot firing**

Taking Shelter etc.-

- (2) In the case of an **opencast working**, the blaster shall not charge or fire a shot–
- (a) Unless he has taken the precautions laid down in sub-regulation (1);
- (b) Unless sufficient warning, by efficient signals or other means approved by the manager, is given over the entire area falling within **a radius of 500 meters** from the place of firing (hereinafter **referred to as the danger zone**) and also, he has ensured that all persons within such area have taken proper shelter;
- (c) **Where any part of a public road or railway lies within the danger zone**, unless two persons are posted, one each in either direction at the two extreme points of such road or railway which fall within the danger zone who have, by an efficient system of telephonic communication or hooter or loudspeakers or other means intimated clearance of traffic to the blaster and have also warned the passers-by and whenever possible the vehicle also, if any, which have passed by such road or railway.

Therefore, humbly prayed that this Hon'ble Tribunal may be pleased to record and pass orders as this Hon'ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.



Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeeris Road,
Saidapet, Chennai - 16
Before me,

Solemnly affirmed in Chennai
On this the 20th day of May 2024
And signed his name in my presence

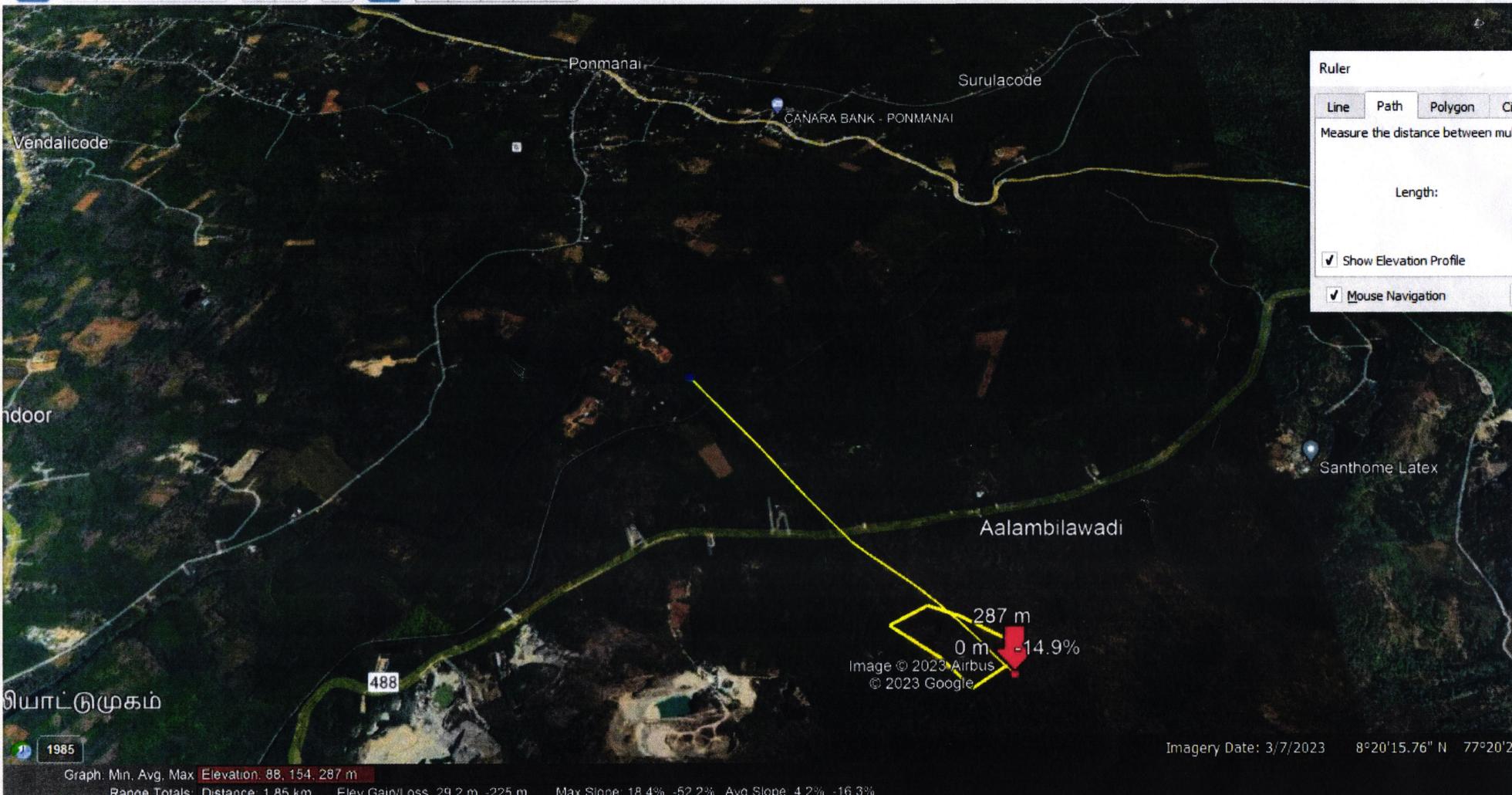
Advocate, Chennai

Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Pargal Maliga, No. 7, Jeevan Road
Saidpet, Chennai - 16

ANNEXURE-2 - KML = Keyhole markup Language



tions History



Ruler

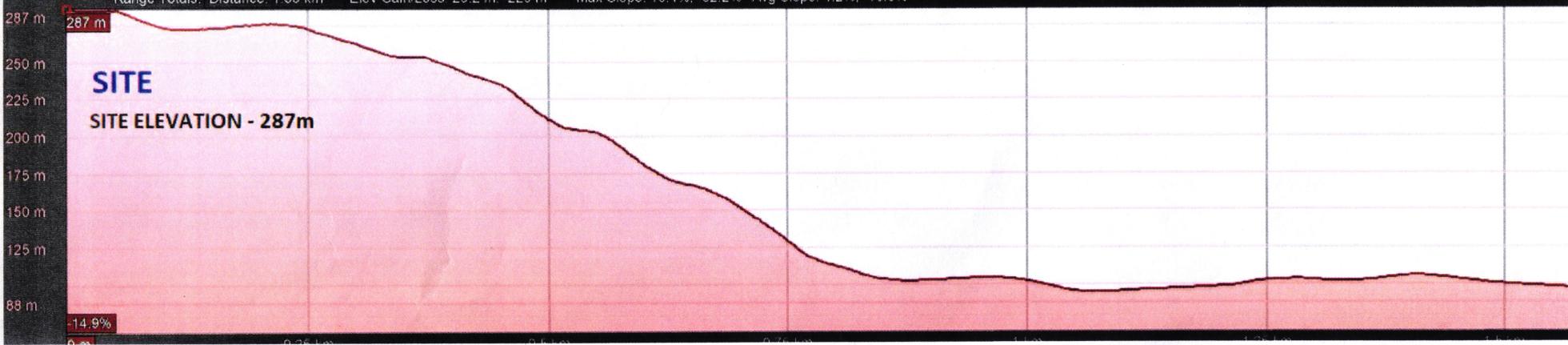
Line Path Polygon Ci

Measure the distance between mul

Length:

Show Elevation Profile

Mouse Navigation



MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 20th February, 2020

S.O. 795(E).—In supersession of Ministry's draft notification S.O. 3545(E), dated 20th July, 2018, the following draft of the notification, which the Central Government proposes to issue in exercise of the powers conferred by sub-section (1), read with clause (v) and clause (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette containing this notification are made available to the public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi-110 003, or send it to the e-mail address of the Ministry at esz-mef@nic.in

Draft Notification

WHEREAS, the Kanniyakumari Wildlife Sanctuary is spread over an area of 402.395 square kilometers and is situated in Agastheeswaram, Thovalai, Kalkulam and Vilavancode Taluks of Kanniyakumari District in the State of Tamil Nadu. In due recognition of the tremendous biological potential, major chunk of Kanniyakumari forest division was declared as Kanniyakumari Wildlife Sanctuary comprising an area of 402.395 square kilometers *vide* G.O. (Ms) No.128 (E&F) dated 20th November, 2007;

AND WHEREAS, floristically, the Western Ghats is one of the richest areas in our country harboring not less than 3500 species of flowering plants which is 27% of the Flowering plants in India. There are 58 endemic genera of which 47 are monotypic. The Agasthiyamalai hills (Ariyankavu pass to Aralvaimozhi pass) have approximately 189 endemic species. The genetic resources of endemics like *Piper sp*, *Garcinia*, *Eugenia*, *Ixora*, *Hiptage*, *Calamus*, *Amorphophallus* and *Dioscorea* are recorded in the Sanctuary while endemic medicinal and endangered plants are also some of the natural wealth of this place;

AND WHEREAS, important flora available in the Sanctuary are karuvelam (*Acacia nilotica*), seyakkai (*Acacia concinna*), parambai (*Acacia ferruginea*), kattumaram (*Albizia falcataria*), chilavagai (*Albizia odoratissima*), velvagai (*Albizia procera*), vekkali (*Anogeissus latifolia*), kola niyila or vellakkadambu (*Anthocephalus cadamba*), moongil (*Bambusa bambos*), kondapanai (*Bentinckia condapanna*), perambu (*Calamus rotang*), kalakkai (*Carissa carandas*), moongil (*Dendrocalamus strictus*), ruthraksham (*Elaeocarpus tuberculatus*), kodapuli (*Garcinia cambogia*), kathadi (*Grevillea robusta*), thanukku (*Gyrocarpus jacquini*), acha (*Hardwickia binata*), nannari (*Hemidesmus indicus*), koduka puli (*Holarrhena antidysenterica*), avi (*Holoptelia intergrifolia*), maravetti (*Hydnocarpus laurifolia*), venteak (*Lagerstroemia lanceolata*), iluppai (*Madhuca latifolia*), maglam (*Mimusops elengi*), kattujathika (*Myristica attenuata*), irul (*Ochlandra travancorica*), vengai (*Pterocarpus marsupium*), senchandanam (*Pterocarpus santalinus*), sandanam (*Santalum album*), naval (*Syzygium cumini*), teak (*Tectona grandis*), nirmarudhu (*Terminalia arjuna*), karimarudhu (*Terminalia tomentosa*), palai (*Wrightia tinctoria*), elandai (*Zizyphus mauritiana*), etc;

AND WHEREAS, Kanniyakumari Wildlife Sanctuary being a part of Western Ghats is rich in wildlife with at least 40 types of mammals, about 120 species of birds including 14 species of migratory birds and rich diversity of fishes, reptiles and amphibians. There are more than 2272 species of flowering plants recorded here apart from 62 species of orchids and 91 species of ferns. The major fauna recorded from the Sanctuary are Asian elephant (*Elephas maximus*), golden jackal (*Canis aureus*), barking deer / Indian muntjak (*Muntiacus muntjak*), Indian leopard (*Panthera pardus fusca*), common palm civet (*Paradoxurus hermaphroditus*), gaur (*Bos gaurus*), Indian crested porcupine (*Hystrix indica*), Indian fox (*Vulpes bengalensis*), Indian giant squirrel (*Ratufa indica*), Indian grey

AND WHEREAS, it is necessary to conserve and protect the area, the extent and boundaries of Kanniyakumari Wildlife Sanctuary which are specified in paragraph 1 as Eco-sensitive Zone from ecological, environmental and biodiversity point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of Section 3 of the Environment (Protection) Act 1986 (29 of 1986) (hereafter in this notification referred to as the Environment Act) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area to an extent varying from 0 (zero) to 3.0 kilometres around the boundary of Kanniyakumari Wildlife Sanctuary, in Kanniyakumari District in the State of Tamil Nadu as the Eco-sensitive Zone (hereafter in this notification referred to as the Eco-sensitive Zone) details of which are as under, namely: -

- 1. Extent and boundaries of Eco-sensitive Zone.** - (1) The Eco-sensitive Zone shall be to an extent of 0 (zero) to 3.0 kilometres around the boundary of Kanniyakumari Wildlife Sanctuary and the area of the Eco-sensitive Zone is 117.7772 square kilometres. The extent of Eco-sensitive Zone at various direction of the Protected Area are given below:-

Direction	Maximum Extent (kilometer)
North	0
North-East	0
East	1.0
South-East	1.0
South	3.0
South-West	1.25
West	2.8
North-West	0

Zero extent of Eco-sensitive Zone in the North, North-East and East directions of Kanniyakumari Wildlife Sanctuary is due to the bordering Kalakkad Mundanthurai Tiger Reserve. Similarly, Eco-sensitive Zone extent is zero in the West and North-west as it is bordering Neyyar Wildlife Sanctuary of Kerala state. In the south, it is zero along the Poigaimalai Reserve Forest.

- (2) The boundary description of Kanniyakumari Wildlife Sanctuary and its Eco-sensitive Zone is appended in **Annexure-I**.
- (3) The maps of the Kanniyakumari Wildlife Sanctuary demarcating Eco-sensitive Zone along with boundary details and latitudes and longitudes are appended as **Annexure-IIA, Annexure-IIB, Annexure-IIC and Annexure-IID**.
- (4) List of geo-coordinates of the boundary of Kanniyakumari Wildlife Sanctuary and Eco-sensitive Zone are given in Table A and Table B of **Annexure III**.
- (5) The list of villages falling in the proposed Eco-sensitive Zone along with their geo co-ordinates at prominent points is appended as **Annexure-IV**.
- 2. Zonal Master Plan for Eco-sensitive Zone.**-(1) The State Government shall, for the purposes of the Eco-sensitive Zone prepare a Zonal Master Plan within a period of two years from the date of publication of this notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification for approval of the competent authority of State.
- (2) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in such manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.