

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

ORIGINAL APPLICATION No. 271 OF 2017

1. ASHOK. G,
2. VASANTHA DEVADIGA
3. ANANDA. P,
4. KRISHNAPPA POOJARY

...Applicants

-Versus-

1. State of Karnataka,
2. The Deputy Commissioner,  
D.K.District, cum The Chairman,  
Dakshina Kannada District Stone  
Crusher Regulation Committee,
3. Karnataka State Pollution Control Board,
4. The Secretary,  
Dept. of Environment & Ecology,
5. The Chief Conservator of Forest,  
Dept. of Forests, State of Karnataka,
6. The Director,  
Department of Mines & Geology,
7. The Deputy Director,  
Department of Mines & Geology,
8. Mangalore Electricity Supply Company,
9. The Grama Panchayath, Andinje,
10. Sri N.Santhosh Kumar Shetty,
11. Sri D.Harshendra Kumar,

...Respondents

OBJECTION TO THE JOINT COMMITTEE REPORT  
KSPCB/EO(MNG)/NGT-OA No.271 of 2017 /2020-2021 /1135/  
DATED 04/11/2020

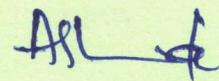
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The Applicants to beg to submit as follows :-

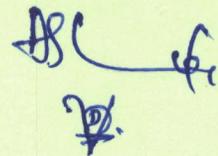
- 1) One of the main directions of this Hon'ble Tribunal in the order dated 06/03/2020 calling for the status report on the functioning of the Crusher Units of the 10<sup>th</sup> and 11<sup>th</sup> Respondent was to report if the offending crusher units are compliant of the citing criteria as provided under the statute. Unfortunately the Expert Committee which is said to have inspected the offend units, have side stepped this main issue as also the other main grievance of the applicants about the illegal mine blasting engaged in by the Offending Units while quarrying the site.
- 2) The report of the Expert Committee deserves to be rejected by this Hon'ble Committee for the following reasons among the many :-
  - a) The Distance from the House of the 2<sup>nd</sup> Applicant and the Safer Zone in which the 11<sup>th</sup> Respondent's Crushing cum Quarry Unit operates is falsely recorded as 125M from the so called SAFER ZONE (Para 5.1 of the Report). The distance from the so called SAFER ZONE and the House of the 2<sup>nd</sup> Applicant is only about 35M to 45M which is clearly violative of the criteria as laid out in Sec.6 of the THE KARNATAKA REGULATION OF STONE CRUSHERS ACT, 2011, Karnataka Act 8 of 2012 (as amended by the 2013 amendment Act)

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- b) Similarly the Report does not disclose or record the distance between the nearest Revenue Village and the SAFER ZONES where the Offending Crusher Units are located. As per section 6 of the THE KARNATAKA REGULATION OF STONE CRUSHERS ACT, 2011, Karnataka Act 8 of 2012 (as amended by the 2013 amendment Act) The distance between a SAFER ZONE and the nearest Revenue Village shall not be less than 500M whereas in this case the so called SAFER ZONE where the Offending Crusher cum Quarry units are located is actually sharing their boundary with Village ANDINJE and Village MUDUKODY.
- c) Similarly section 6 of the THE KARNATAKA REGULATION OF STONE CRUSHERS ACT, 2011, Karnataka Act 8 of 2012 (as amended by the 2013 amendment Act) clearly stipulates SAFER ZONE shall not be situated at a distance less than 100M of any major road whereas in the case of the offending crusher unit of the 11<sup>th</sup> Respondent the SAFER ZONE is right on the main road running through the ADINJE & MUDUKODY Villages of which the applicants are residents. This is the reason why the distance between the nearest road and the SAFER ZONE has been safely been avoided to be recorded in the Report when pertaining to the Crusher of 11<sup>th</sup> Respondent.



- d) It is pertinent to note here that though the Quarry as well as the Crusher Units are situated in different Survey Nos., the entire Unit including the quarry is one contiguous property in the case of the 10<sup>th</sup> as well as the 11<sup>th</sup> Respondent.
- e) It is seen from the Report that at the time of the Inspection by the Joint Committee neither the Crusher units nor the quarry was functioning due to COVID 19 Pandemic but the fact remains that the Crusher unit as well as the quarrying activities of the 10<sup>th</sup> and the 11<sup>th</sup> Respondent were fully operational and this easily verifiable upon calling for the various relevant statutory records.
- f) There is no statement in the Report regarding the blasting activities taken out by the 10<sup>th</sup> and 11<sup>th</sup> Respondents in the Quarrying Site. The blasting is done almost on a daily basis and sometimes even twice a day and noise from the blast can be heard and felt for a radius of more than 10km and the impact/vibration of the blast could be felt strongly throughout the neighbouring villages but unfortunately no data regarding this aspect finds place in this report and the same is skimmed over by falsely recording that quarry cum crusher unit remained closed during the COVID 19 period.
- g) It is also pertinent to note that the water sample has not been drawn from the nearby lake Nagarkatte Lake though referred



to in Para 8.1 of the report. This Lake provides all the water for the irrigation of the agricultural activities of ANDINJE Village. The Lake is at a higher terrain from the Crusher Unit and the Village is at a lower level from the Crusher Unit thus water from the lake flows through the Crusher site into the Village and in this course of flow, the water gets polluted by the Crush units' dust. Thus drawing of water sample from agricultural fields in Andinje Village would have clearly shown the pollution levels in the water due to the crusher cum quarry units' operations.

- h) It is most pertinent to note that though this Hon'ble Tribunal did not explicitly direct the Committee to involve the Applicants in the entire process of inspection it would have only been fair for the Committee to allow the Applicants and other Villagers to effectively participate in the inspection process and give their inputs and also record their presence which the committee failed to do. This has obviously resulted in the above flaws in the inspection done by the Committee.
- 3) Hence it is just and necessary that this Hon'ble Tribunal rejects the above said report date 04/11/2020 and direct a fresh inspection under the supervision of a Tribunal Appointed Advocate Commissioner directing such commissioner to issue due notice to the Applicants herein above and include the

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Applicants also in the inspection process in the interest of bringing out a clear and objective status report about the functioning of the crusher cum quarry report of the 10<sup>th</sup> and 11<sup>th</sup> Respondents to enable a just decision in this case.

Hence it is prayed that this Hon'ble Tribunal may please to reject the report dated 04/11/2020 filed by the committee, and pass appropriate further orders as this Hon'ble Tribunal Considers fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai this the 18<sup>th</sup> day of February 2021

**Counsel for Applicants**

**VERIFICATION**

We, ASHOK. G & VASANTHA DEVADIGA the First and Second Applicants herein above do herein verify and confirm that the averments and statements made in Paras 1 to 3 herein above are true and correct to the best of our knowledge and belief.

Verified at Chennai on this 18<sup>th</sup> day of February 2021.

ASHOK G  
VASANTHA DEVADIGA

**Applicants 1 & 2**









Offline Maps



K-GIS Topo Map



K-GIS Satellite Map



ESRI Topo Map



ESRI Satellite Map



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

O.A.No. 271 OF 2017

In the matter of:

1. Ashok.G  
...Applicants

-Versus-

1. State of Karnataka,  
Rep. by its Principal Secretary &  
Others  
...Respondents

OBJECTION FOR THE  
JOINT COMMITTEE REPORT  
DATED 04/11/2020 WITH  
ANNEXURES

M/s.B.MOHAN  
V.EZHILAN &  
SAJAN VARGESHE  

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