

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 /2021-2022 /700/  
DATED 01/09/2021

*Swamy . J*  
ms.3253/09

The Applicants to beg to submit as follows :-

1) The Further report of the Expert Committee deserves to be rejected by this Hon'ble Committee for the following reasons among the many :-

a) **Report Pertaining to Sanidhya Crusher Owned by R-11 - Main Para 2 of the Further Report:-**

- i. At Para 2.1 of the further report it stated that the distance between the Crusher Unit and the house of Complainant No.2 was measured in the presence of the Complainants which is partially true but at that time the Measurement was taken from the GI Sheet fencing of the outer boundary of the Crusher Unit upto the House of the Complainant No.2 and at that time the reading was shown as 44 mts. Similarly the distance from the GI Sheet fencing of the Crusher unit to the Zilla Panchayat Road shown as 16 Mts.,
- ii. But now it is seen from the Table given below Para 2.4 of the Further report that the distance between the Crusher unit to the house of Complainant No.2 is recorded as 125 mts to 140 mts and the distance from the Crusher unit to the Zilla Pachayat Road is recorded as 51 mts., which is shocking to say the least.
- iii. On closer scrutiny of the further report it is seen that manipulation of the distance has been done by the Committee to hoodwink this Hon'ble Tribunal as well as the

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Complainants. The committee after convincing the gullible complainants during the field inspection day by showing the reading in there GPS instrument has reworked the measurement and drawing to falsely record the distance as measured from the shed housing crusher machine to the house of the Complainant No.2 and again from the shed housing crusher machine to the Zilla Panchayat Road. Whereas the actual measurement in terms of Section 6 of the Karnataka Regulation Of Stone Crushers (Amendment) Act, 2013 ought to be taken from the perimeter of the Safer Zone to the Road, House, School etc., and not from the location where the Crush Machine Shed is located within the Safer Zone. This manipulation is apparent from the Google map photo filed alongwith the table in Para 2.4 of the Further report as well as the official sketches found in Annexure 19 Quarry Lease of R-11 (page 165) and also Annexure 44 (Joint Inspection Report for issuing licence to Crusher Unit of R-11) page 356 of the further report.

- iv. Similarly the Report has completely suppressed the fact that the Quarry of R-11 is right adjacent to the Andinje Reserve Forest as well as the Bramharapadavu Forest which are comprised in Sy.No.95/1 of Andinje Village and Sy.No.102 of Mudukodi Village respectively as seen from the RTC Form 16 for these Sy.Nos. in the said Villages. Thus there has been

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gross violation of Section 6 of the said Act as it existed prior to December 2013 when the Lease was originally obtained by R-11.

- v. In any case in terms of Section 6 of the Amended Act, 2013 the Safe Zone shall be located 500 mts away from a revenue village whereas in this case the R-11 Crusher Unit and Quarry are situated right inside the jurisdiction of Andinje Revenue Village which fact has been conveniently skimmed over in the Further Report by the committee.
- vi. In the matter of Blasting Test in so far as R-11's Quarry is concerned blasting test was done only in the new quarry in No.95/1 measuring about 6.50 acres whereas the committee conveniently omitted to carry out the blasting test in the old quarry in the same Sy No.95/1 measuring about 1.20 acres which is the one which is closest to the residential houses including that of the Complainant No.2. Hence the blasting test done in the far off quarry is in fact no compliance at all of the order of this Hon'ble Tribunal in this regard.
- vii. It has been clearly recorded as per Annexure 22 at Page 278 of the Further Report Second Para that QL area 117, 392 & 360 have been water logged and hence no Vibration Test done and that QL area 391 alone which is far away is done. Thus the entire Vibration Test proceedings carried doubt is an empty formality.

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viii. The dust collecting in the water channels to the agricultural and on the crops has been spoken to in the Annexures 25, 26 and 27 of the Further Report at pages 305 to 308. It is amply clear from the letter dated 18/08/2021 @ page 308 addressed to JD, Agriculture AD and DD Agriculture regarding the field inspection in the channels and the agricultural lands that dust were found in the water channels on ocular observation and heaps of such dust were found by the authorities having been collected and kept separately which according to the Farmers were removed and kept from the crops. In spite of this the water quality test reports annexures 25, 26, 27 incredibly show that the water samples drawn to be of top quality which is seriously undermines very integrity and credibility of these reports.

b) **Report Pertaining to Durgamba Constructions Crusher Owned by R-10 - Main Para 3 of the Further Report :-**

i. The Report has completely suppressed the fact that the Quarry of R-10 is right adjacent to the Andinje Reserve Forest as well as the Bramharapadavu Forest which are comprised in Sy.No.3/2 of Andinje Village and Mudukodi Village respectively as seen from the RTC Form 16 for these Sy.Nos. in the said Villages. Thus there has been gross violation of Section 6 of the said Act as it existed prior to December 2013 when the Lease was originally obtained by R-10.

*MS.3258/09*

- ii. In any case in terms of Section 6 of the Amended Act, 2013 the Safe Zone shall be located 500 mts away from a revenue village whereas in this case the R-10 Crusher Unit and Quarry are situated right inside the jurisdiction of Andinje Revenue Village which fact has been conveniently skimmed over in the Further Report by the committee.
- iii. Similarly as per the very committee report no quarrying activity accompanied with blasting can be done within 200 mts of any public road, building etc., as per the Karnataka Minor mineral concession rules 1994 as seen in S.No.7 in the Parawise reply of the committee at page 31 which has been violated by R-10 as his quarry lies within 200 mts from the Zilla Panchayath Road which distance has been wrongly recorded in the further report by the Committee.
- iv. In the case of R-10's crusher no blasting tests were conducted for the reason that the quarry was filled with water.
- v. In so far as the Grievance of the farmers regarding flow of dust through the storm water drain of the crusher into the Nagabana Katta pond the committee relies on the Test report Annexure-38 at page 345 which has some values mentioned but no report as to what those values in the report states regarding the dust found in the water.
- vi. Similarly regarding the loss of agricultural yields on account of the crusher unit of R-10 report in Annexure-39 @ page 346 to

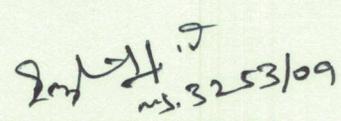
*S. H. 9*  
*MS. 3253/09*

348 is relied which is completely inconclusive and in fact recommends a detail expert study during the summer to assess the impact.

- 2) The Applicants further state that the Respondents 10 & 11 are politically well connected through their families and are powerful persons in the society and hence been able to influence the view and assessments of the committee and bring about this perfunctory further report which has to be rejected outright.
- 3) Hence it is just and necessary that this Hon'ble Tribunal rejects the above said report date 01/09/2021 and direct a fresh inspection by an advocate commissioner appointed by this Hon'ble Tribunal directing such commissioner to issue due notice to the Applicants herein above and include the 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 01/09/2021 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 24<sup>th</sup> day of November 2021

  
COUNSEL FOR APPLICANTS

**RECORD OF RIGHTS, TENANCY AND PAHANI FORM (R.T.C.) Form No. 16 Print Page No.1/2**  
**Taluk Seal Taluk :Belthangadi Hobli : Venuru Village :Andinje Valid from 13-05-2021 -06-07-2021 16:56:24**

1. Survey No. <b>95</b>	3. Khetwaru Total Extent 2.79.29.00.00 Phut Kharab (A) Phut Kharab (B) Balance	A.G	4. Tax Land Tax - 1,99.68 Jodi - 0.00 Cesses - 0.00 Water Rate-0.00 Total 1.99.68	Rs. P.	9. Name of Khatedar of Occupant, Father's Name and address Forest Dept.	Extent A.G 162.90.00.00	<b>Katha No.</b> 99 95	10. Khata or type of Ownership Hereditary	11. Other Rights & alienations Rights Nanandamal e Mesalu Forest															
5. Colour of Mud <b>Red mix</b>	7. No. of trees	8. Extent of Wet land as per Khetawar	<table border="1"> <thead> <tr> <th>Name</th> <th>No.</th> <th>S.L.</th> <th>Water Source</th> <th>Mon-Soon</th> <th>Winter</th> <th>Garden</th> <th>Total A.G.</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Name	No.	S.L.	Water Source	Mon-Soon	Winter	Garden	Total A.G.												
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6. Patta Govt. Anadeena																								
12. Details of Tenancy																								
Year And Period	Name of Cultivator and his Address	Type of Cultivation	Details of Tenancy		Use of land	Dry, Wet, Garden	Name of Crop	Half Mix A.G.	Extent		Source of water	Product per are (approx.) Bengal Mands	Total of mixed crops											
			Extent	Tenancy					Cat egory	6			7	8	9	10	Mix A.G.	Total	Name of Mixture	Extent A.G				
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Sd/-

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			Rs. P.		Rights	alienations									
<b>95</b>							Forest Dept.	95.68.00.00	9995	MUT 19/98-99 21-11-98 FFD & FAF64, 4-1-85 FAJ 54-SS 04/01/65 MUT 21/98-99 21-11-98 FFD & FAF64, 4-1-85 FAJ 54-SS 04/01/65 Annalgamation MUT 21/98-99 21-11-98 FFD & FAF64, 4-1-85 FAJ 54-SS 04/01/65 Annalgamation MUT 21/98-99 21-11-98 FFD & FAF64, 4-1-85 FAJ 54-SS 04/01/65 Annalgamation MUT 21/98-99 21-11-98 FFD & FAF64, 4-1-85 FAJ 54-SS 04/01/65 Annalgamation	Notification No. FFD & FAJ 54-SS 04/01/65 Annalgamation MUT 21/98-99 21-11-98 FFD & FAF64, 4-1-85 FAJ 54-SS 04/01/65 Annalgamation MUT 21/98-99 21-11-98 FFD & FAF64, 4-1-85 FAJ 54-SS 04/01/65 Annalgamation				
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6. Patta Govt. Anadeena	Name	No.	S.L.	Water Source	Mon-Soon	Winter	Garden	Total A.G.							
12. Details of Tenancy															
Year And Period	Name of Cultivator and his Address	Type of Cultivation	Details of Tenancy		Use of land	Dry, Wet, Garden	Name of Crop	Half Mix A.G.	Extent		Source of water	Produce per are (approx) Bengal Mands	Total of mixed crops		
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2021-2022 Mon soon	Forest Department Forest Department Forest Department								0.00.00.00 0.00.00.00 0.00.00.00 0.00.00.00 0.00.00.00 0.00.00.00	0.00.00.00 0.00.00.00 0.00.00.00 0.00.00.00 0.00.00.00 0.00.00.00			0.00		

13. Use of land and Details of Crop

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1. Survey No.	3. Kethawaru Total Extent 2.79.19.00.00 Phut Kharab (A) <b>0.00.00.00</b> Phut Kharab (B) 0.00.00.00 Balance <b>2.79.19.00</b>	A.G	4. Tax Rs. P.				9. Name of Khatedar of Occupant, Father's Name and address	Extent A.G	Katha No.	10. Khata or type of Ownership	11. Other Rights & alienations	
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95						Government	416.81.00 .00	99 99			D.No.792/ 08-09 This document include the condition D 15-07- 17 4.5 acre /UrniMa/K agaru/DK D 117(1) 01273/19- 20 2016- 22-07- 2019 Extent 5- 56 Acre Harshend ra Kumar S/o The Land To Rathnavar D. Harshendr a Kumar Hegade & S/o The Rathnavar Land ma Hegade Gani & Land Dept. 10 years stones Mortgage Dept. Mangaluru Grant No. DKD- Agremen t LND (3)C Building 06-02-19 Sub Stone D 01-10-18 to 20 years Mortgage	
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									0.00.00.00	0.00.00.00			0.00		
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M/s.B.MOHAN  
V.EZHILAN &  
SAJAN VARGESHE

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COUNSEL FOR APPLICANTS

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