

**BEFORE THE HONORABLE NATIONAL GREEN
TRIBUNAL SOUTHERN BENCH - CHENNAI**

IN

**ORIGINAL APPLICATION NUMBER 93/2024 (SZ)
OLD OA No. 770/2023 (PB)**

Sajimon Joseph

: Applicant

V/S

State of Kerala & Ors

: Respondents.

**INTERIM STATUS REPORT SUBMITTED BY THE
JOINT COMMITTEE CONSTITUTED BY HON'BLE NGT
VIDE ORDER DATED 31-01-2024 IN OA No.770/2023 (PB).
RENAMED AS OA:93 OF 2024 (SZ).**

**BEFORE THE HONORABLE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH – CHENNAI.**

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State of Kerala & Ors VS : Respondents.

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**ORIGINAL APPLICATION NUMBER 93/2024 (SZ)
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Sajimon Joseph

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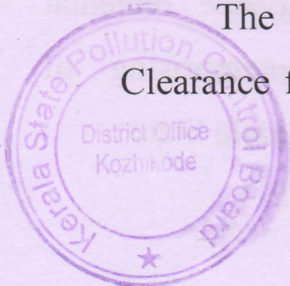
: Respondents.

**INTERIM STATUS REPORT SUBMITTED BY THE JOINT
COMMITTEE CONSTITUTED BY HON'BLE NGT VIDE ORDER
DATED 31-01-2024 IN ORIGINAL APPLICATION NUMBER 770 OF
2023 (PB). RENAMED AS OA: 93 OF 2024 (SZ)**

Background in brief:

Original Application No: 770/2023 has been registered based on a letter petition received by the Hon'ble NGT Principal Bench by e mail from Shri. Sajimon Joseph. The grievances of the applicant were regarding unlawful, illegal quarry mining operations and related activities carried out by Mr. Thankachan Sebastian alias Mathalikkunnel Thankachan at Koombara, Punnakkadave village, Koombara bazaar P.O, Koodaranhi (via), Thamarassery Taluk, Kozhikode District, Kerala State, Pin 673604.

The quarry owner Shri. Thankachan is having a valid Environmental Clearance from SEIAA, by number 212/SEIAA/KL/252/2014 dated 04/11/2019,



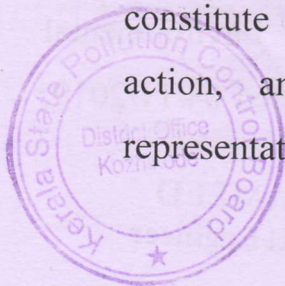

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for the quarry project in sy no 2442(pt) at Koodaranhi village, Koodaranhi grama panchayath, Thamarassery Taluk, Kozhikode District, Kerala for an area of 4.6963 hectares valid for a period of 5 years, up to 04/12/2024. A copy of the Environmental Clearance is produced here with and marked as **Annexure I**. As of now, there are two valid consents owned by Thankachan issued from KSPCB District Office, Kozhikode, the details are as given below.

- 1) The Integrated Consent to Operate – Renewal Order issued is **M/S Mathalikunnel Quarry No.1, dated 04/01/2020, by number PCB/KKD/DO/ICO-R3/1507/R16KOZ4227391/12274532/2019 valid up to 04/12/2024.** (ie, till the expiry of validity of EC), for quarrying in **8.35 acres (3.3791 hectares)** of land in survey number 2442(pt), Koodaranhi village, Thamarassery Taluk, Koodaranhi panchayath.
- 2) The Integrated Consent to Operate - Renewal Order issued to **M/S Mathalikunnel Quarry No.2, dated 16/07/2021, by number PCB/KKD/DO/ICO-R3/11302/R17 KOZ5674911/13972542/2021 valid up to 30/09/2024,** for quarrying in the same survey number 2442(pt) of the same village, same panchayath, of Kozhikode District, from an area of **0.8710 hectares** of land. Copies of the consents are enclosed here with and marked as **Annexure II** and **Annexure III** respectively.

Both Quarry 1 and Quarry 2 are under the same Environmental Clearance vide **Annexure I**. Out of the **4.6963 hectares** having EC, **0.8710 hectares** of quarry land is on permit (Quarry2) and the rest is on lease (Quarry 1).

Hon'ble NGT vide order dated 31/01/2024, considered appropriate to constitute a Joint Committee to verify the factual position and take remedial action, and accordingly constituted a Joint Committee, comprising of representatives of the Central Pollution Control Board (CPCB), Kerala State



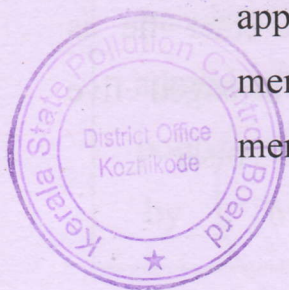
Signature

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Pollution Control Board (KSPCB), The Collector, Kozhikode and directed to meet within two weeks, undertake visits to the site, look in to the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due course of law. KSPCB was made the Nodal agency for co-ordination and compliance.

Status of actions so far is respectfully submitted herewith.

1. In pursuant to the Hon'ble NGT Order vide above, the Kerala State Pollution Control Board Chairman had issued Orders vide proceedings No: KSPCB/611/2024-SEE-1 dated 23/03/2024, appointing Environmental Engineer, Kerala State Pollution Control Board District Office Kozhikode as Nodal Officer for Co-ordination and compliance. Copy of the proceedings by the Board Chairman is produced herewith and marked as **Annexure IV**.
2. The matter was intimated to the District Collector Kozhikode through an official letter from the Member Secretary of the Board, and also requesting to urgently nominate a representative to the Joint Committee and to co-ordinate with Environmental Engineer Kerala State Pollution Control Board District Office Kozhikode for compliance. A copy of the above letter by number KSPCB/611/2024-SEE-1 dated 22/03/2024 is produced here with and marked as **Annexure V**.
3. Central Pollution Control Board (CPCB) has nominated Dr. Deepesh.V Scientist - C, CPCB Regional Directorate - Bengaluru as member in the Joint Committee. A copy of the letter of nomination by number CM-13011/02/2024-TECH-RO-BENGALURU dated 16th February 2024 is produced here with marked as **Annexure VI**.
4. Accordingly, the District Environmental Engineer Kozhikode who is appointed as the nodal officer had contacted the other Joint Committee members in person. The Central Pollution Control Board (CPCB) member was contacted over phone, and the District Collector



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Kozhikode was met at his chamber and the matter was discussed in detail. The District Collector nominated the Assistant Collector (u/t), Shri.Prateek Jain (IAS), as his representative in the Joint Committee. Site inspection was fixed, on 25/03/2024 to be conducted by the Joint Committee, after intimating the petitioner Shri.Sajimon Joseph as well as the quarry owner Shri.Thankachan Sebastian.

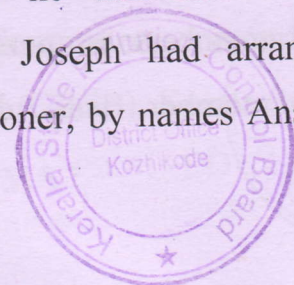
Site Inspection

5. The quarry site was inspected on 25/03/2024, at 11.30 am. The name and designation of the officers participated in the site inspection are given below.

- i. Shri. Prateek Jain(IAS)
Assistant Collector (u/t) (Representing District Collector)
Kozhikode.
- ii. Dr. Deepesh.V
Scientist - C, Regional Directorate,
Central Pollution Control Board
Bengaluru (Member from CPCB)
- iii. Smt. Sauma Hameed
Environmental Engineer,
Kerala State Pollution Control Board,
District Office Kozhikode (Member & Nodal Officer)
- iv. Shri.Bijesh.K
Assistant Engineer,
Kerala State Pollution Control Board,
District Office Kozhikode.

On intimation over phone, the quarry owner Shri. Thankachan Sebastian was present at the site during inspection. The petitioner Shri. Sajimon Joseph, though contacted over phone, he informed that he is residing at Mysore, his work place. Shri. Sajimon Joseph had arranged five local residents of the area for representing the petitioner, by names Ansar

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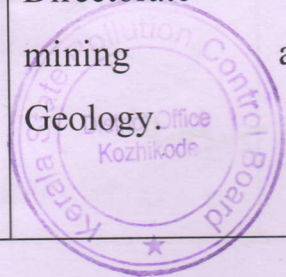
Meleparambil, Harris Palliyalil, Noufal Kalliyil, Faisal K.P and Hamsa Kadakkadan. The above local representatives presented the issues before the Committee, at the quarry office, at the site. The quarry owner Shri. Thankachan Sebastian presented his reply to the allegations leveled against his quarry. He stated that the complaints are fictitious in nature made by the complainants to harass him. After hearing the representatives of complainant, and the quarry proponent it could be ascertained that there are some previous issues between them. It is learnt that the complaint was made by Mr. Sajimon Joseph who is living in Mysore, Karnataka. A copy of the original complaint submitted by Shri. Sajimon Joseph to Hon'ble NGT was collected from the representatives for the petitioner at the time of inspection to look into the detail of grievances of the applicant, and to verify the factual position.


The photographs taken during site inspection are produced here with and marked as **Annexure VII**.

6. The major observations of the Joint Committee, with respect to each alleged complaint in the petition are summarized along with remarks, and are respectfully submitted herewith.

Alleged Complaint	Observations	Remarks
1) Illegal quarry mining in ecologically sensitive zone :- Koombara - Punnakadave village is part of Western Ghats and many quarries are operating in this reserved forest area illegally by exercising undue influence on panchayath, Revenue, administrative officials and politicians which are owned by Mr. Mathalikunnel	The existing quarry owned by Mr. Mathalikunnel Thankachan at Koombara - Punnakadave area is operating with EC No.212/SEIAA/KL/251/2014, dated 04-11-2019 (Annexure I) validity of the EC granted by SEIAA is up to 04.12.2024. Prima facia,	The legality of quarry operation in ecologically sensitive area needs to be verified by members from SEIAA and Directorate of mining and Geology.

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<p>Thankanchan at Koombara – Punnakadave area, in Koodaranhi Panchayath and village, Thamarassery Taluk, Calicut District, Kerala 673604.</p>	<p>there are violations with respect to EC conditions. EC is granted after considering the fact that the project location is within an ecological sensitive zone or not.</p>	
<p>2) Public Nuisance and Safety:- Consequent to the quarry operations and its transportation, the narrow road has broken and not able to walk due to heavy vehicle, sludge on the road since quarry operator is being pouring water on the road, Air, Sound and Water Pollution etc. the vehicles are seen transporting boulders, mud, quarry waste etc. beyond the allowable limit and capacity of vehicles without covering it for public safety specified by the MVD and it makes terrible sound, serious health hazardous & safety concern to public and damaged the entire road etc.</p>	<p>The quarry was operating at the time of inspection. It was observed that no effective counter measures are adopted by the quarry owner to reduce pollution from dust, and water. No effective water sprinkling provided. The access roads leading to quarry were not tarred or concreted, appeared to be muddy, broken, and in a dilapidated condition. The sedimentation /siltation tanks provided are not utilised and the mine pit water is discharged directly in to private lands. The manager of the quarry agreed that they are transporting</p>	<p>Kerala State Pollution Control Board and Central Pollution Control Board may jointly conduct site monitoring and verification of consent conditions.</p> <div style="text-align: right;">  <p><i>V. Sauma Hameed</i> SAUMA HAMEED Environmental Engineer</p> </div>

	boulders beyond permissible limits in the vehicles. The vehicles are not properly covered during transportation. Air, Noise and water pollution, to be assessed by the Committee.	
3) Threat on health & safety of life, property and disasters by negligence: - The copious quarry waste and gallons of polluted water have been stored on the hilly area of the sites and it is a big threat to our life, drinking water and our agricultural property.	Water pollution due to mine pit water to be assessed and probed. Sample was collected from the quarry mine pit for analysis and transferred to the Regional Laboratory of KSPCB Kozhikode.	Kerala State Pollution Control Board and Central Pollution Control Board may jointly conduct site monitoring and verification of consent conditions.
4) Mischief/Unlawful activities of Quarry Operator Thankanchan Mathalikunnel and negligence or failure on part of administrative Authorities in taking proper legal actions: - The quarry operator blocked the path of river by dumping quarry waste and flow of water has been completely blocked which is a source of water for the citizens. Also, made an attempt to divert the panchayath road to maintain	Observed that the path way of a natural seasonal stream entering the quarry site from the nearby hill, was obstructed by dumping large amount of quarry waste blocking the pathway of the seasonal stream. This will affect the nearby water bodies as they will be deprived of their original source, which may lead to water scarcity on a long run.	Directorate of Mining & Geology to address the issue



Signature

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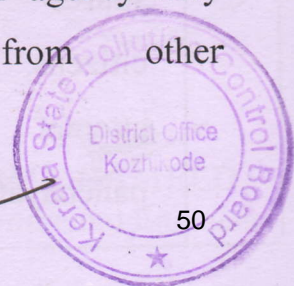
<p>the distance between quarry and road but no case has been registered despite of the same was reported to the Koodaranhi panchayath President at the night on the same day.</p>	<p>Also the distance between the panchayath road and quarry area seems to be inadequate.</p>	
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Recommendations:

7. Based on the preliminary field inspection findings, the following recommendations are respectfully submitted by the Joint Committee before the Hon'ble Tribunal.
- i. The nature of the complaint is largely on the illegal quarry mining, encroachment of forest land/mining in ecologically sensitive area and transportation of quarry products without the mandatory pass from Kompass portal of Dept. of Mining and Geology. To look into the above aspects, the committee has to co-opt members from the Dept. of Mining and Geology, Forest Department and member from the local panchayath to look into alleged illegal mining.
 - ii. On preliminary site inspection, it is observed that many of the EC conditions are not complied by the quarry proponent and this has to be assessed by a member from SEIAA. The committee needs to co-opt a member to ascertain the EC compliance verification.
 - iii. The issue of Air, Noise and Water pollution from the quarry needs to be monitored by KSPCB and CPCB.
 - iv. The committee may co-opt expert members from other stake holder departments/agencies and may plan for a comprehensive joint field monitoring to ascertain the ground realities. Nodal agency may initiate activities to obtain nominations from other departments/agencies to the Joint Committee.

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Environmental Engineer

V. Hameed



It is humbly prayed before the Hon'ble Tribunal that reasonable time extension be granted (at least 3 months), to complete the whole exercise.

Dated this 5th day of April 2024.

Joint Committee Members.

- 1. Shri. Prateek Jain (IAS)
Assistant Collector (u/t)
Kozhikode

(Representing District Collector)

PRATEEK JAIN, IAS
PEN No: 954846
Assistant Collector (U/T)
Collectorate, Kozhikode

- 2. Dr. Deepesh.V
Scientist - C,
CPCB Regional Directorate,
Bengaluru

- 3. Smt. Sauma Hameed
Environmental Engineer & Nodal Officer
KSPCB DO Kozhikode

(Representing **SAUMA HAMEED**
Environmental Engineer
KSPCB)

