

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

Original Application No. 44 of 2022 (SZ)

**ACTION TAKEN REPORT FILED BY THE DISTRICT COLLECTOR,
ERNAKULAM**

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Dated at Chennai on this the 21st day of July, 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. 44 of 2022 (SZ)
(Earlier OA No.445 of 2021 (PB) (LP))**

Eldo Elias : Applicant(s)

Vs

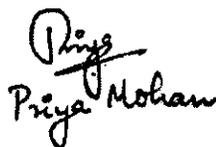
The Chairman KSPCB Thiruvananthapuram and others : Respondents

**ACTION TAKEN REPORT FILED BY THE RESPONDENT IN COMPLIANCE
WITH THE ORDER OF THE HONOURABLE NATIONAL GREEN TRIBUNAL
DATED 25.05.2022.**

I, Jafar Malik, IAS, aged 33 years, S/o Abrar Ahmed residing at Collectors Bungalow, Club Road, Ernakulam, Kochi-682011 do hereby solemnly affirm and state as follows:

1. I am the District Collector, Ernakulam, who is the respondent in the above Original Application. I am the Nodal officer to the Joint Committee, constituted by the Hon'ble National Green Tribunal in OA 445/2021 dated. 27.01.2022.
2. It is submitted that the Hon'ble National Green Tribunal directed the Nodal Officer, Joint Committee, to file an Action Taken Report before the Tribunal. Joint Committee meeting was conducted on 11.07.2022 and the Committee heard the petitioner, the M/s Megha Granites delegates, Secretary LSGI and Environment Engineer. Pollution Control Board on the same day.
3. It is submitted that the Director of Mining and Geology had granted a quarrying lease to Sri.V.N.Pavithran, M/s Megha Granites, Vattapara Veedu, Karattupalikkara, Perumbavoor. for extraction of Granite Building Stone from 4.18 Hectares comprised in survey numbers 273/1-2,1-3,2,3, 282/1,2 in Mazhuvannoor village, Kunnathunad Taluk vide order No:


M/s Megha Granites


Priya Mohan



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648/2011-12/5692/M3/2011 dated 23-12-2011. As per the quarrying lease order the lessee can extract only 15,000 Metric Tonnes of Granite per year for a period from 04-01-2012 to 03-01-2024. The quarrying lease was later transferred to the name of his son, Sri.Gowtham V Pavithran due to the demise Sri.V.N.Pavithran.

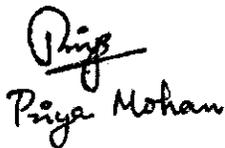
5. Though M/s Megha Granites has obtained Environmental Clearance from SEIAA (State Environmental Impact Assessment Authority) for an area of 9.7 Hectares in survey Nos. 274/2, 274/3, 282/1, 282/2, 274/1-2, 273/3, 273/2, 273/1-2, 273/1-3, but the consent was renewed to the 4.18 Hectares only (area for which quarrying lease obtained). The validity of the consent to operate is up to 26/02/2023.

6. The Environmental Engineer in the District Office- II (Ernakulam) of the Kerala State Pollution Control Board renewed the consent to operate up to 30/06/2023 for the 4.18 Hectares (area for which quarrying lease obtained).

7. The Geologist conducted site inspection on 05-08-2021 and 10-09-2021 and noticed that the lessee had conducted illicit mining in survey numbers 267/1 and 267/2 of Arackkappady village (The property coming under two Village boundaries ie, Mazhuvannur and Arckappady) which falls outside the permitted lease area. Then the quarry owner was penalised for an amount of Rs.7,86,832/- (Rupees Seven lakhs eighty six thousand eight hundred and thirty two only) for illicitly mining 10,581 Metric Tonnes of granite from outside the permitted quarrying lease area.

8. The Geologist conducted site inspection on 25-01-2022 and noticed that the quarrying operations were being carried out in violation of the conditions stipulated in the quarrying lease. The quarry was being subjected to ruthless and unscrupulous mining without formation of benches making the quarry quite unsafe for workers. Even the 7.5 meter no-


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mining zone has been mined out. The quarry owner was then directed to produce the plan and demarcated area of the lease as per Rule 75 of the Kerala Minor Mineral Concession Rules, 2015. As per the plan and section submitted by the quarry owner, he had illicitly mined 2,18,916.88 Metric Tonnes of granite during the period from 2017 to 2022 and for this illicit mining he was penalised Rs.1,62,62,015/- (Rupees One crore sixty two lakhs sixty two thousand fifteen only) as per Rule 108 (2) of the Kerala Minor Mineral Concession Rules, 2015.

9. The Nodal officer directed the Village officer Arackappady and Village Officer Mazhuvannur to inspect the site and submit a report. The Village Officers reported that the petitioner is residing with his family in survey 268/9-3, 4-3 Arackappady Village, Kunnathunad Taluk and house number XVI/224. The house is situated at a distance of more than 100 meters from the northern boundary of the quarry. Some portion of the petitioner's concrete house roof is peeled off and his house was built 20 to 30 years ago.

10. M/s. Megha Granites has entitled to extract only 15,000 Metric Tonnes per year, and has not procured additional quarrying lease from the Director of Mining and Geology. So the quantity of granite permitted to be extracted during the twelve-year quarrying lease period has been exhausted. Then the Director of Mining and Geology issued a stop notice on 23.04.2022 to the quarry and has also ordered a survey the quarry with the help of the Revenue Department to accurately estimate the total quantity of granite that has been illegally extracted from the quarry till date. A direction was issued to District Geologist and Tahsildar, Kunnathunad to conduct a joint inspection on 23-07-2022 and to prepare sketch regarding the quarry of M/s. Megha Granites. After preparing the survey sketch the total


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Priya Mohan



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quantity illicitly extracted from the quarry will be calculated and direction has been issued to the District Geologist to initiate proceedings against the quarry owner for violation of the Kerala Minor Mineral Concession Rules, 2015.

11. It is submitted that on the basis of the stop notice of the Director of Mining and Geology, the functioning of the quarry is stopped from 23.04.2022 onwards and presently no quarrying is carried out at the said place.

In these circumstances, it is humbly submitted that the Honourable Court may be pleased to accept the Action Taken Report of this respondent.

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

Dated this the 18th day of July 2022.



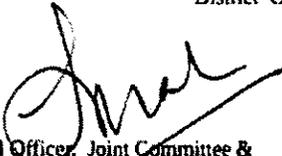
Beena Govindan, SEIAA,

Thiruvananthapuram



Priya Mohan, District Geologist,

District Office, Ernakulam



Nodal Officer, Joint Committee &
District Collector, Ernakulam

