

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

**Appeal No: 48 of 2022**

In the matter of:  
Roy Thomas,  
S/o Thomas Joshu

-----Appellant

-VS-

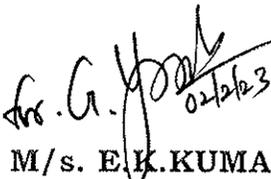
Union of India,  
MoEF &CC, Rep by its  
Deputy Director General of Forest,  
Banglore and Ors. -----Respondent(s)

**REPORT FILED BY THE DISTRICT COLLECTOR,  
PATHANAMTHITTA/4<sup>TH</sup> RESPONDENT**

**Index**

<b>S.No</b>	<b>Particulars</b>	<b>Page No.</b>
1.	Report filed by District Collector	1-4
2.	Letter issued to SEIAA (Annexure-1)	5-6
3.	Site Inspection Photographs	7-10

Dated at Chennai on this the 02<sup>nd</sup> day of February, 2022.

  
02/2/23

**M/s. E.K. KUMARESAN**

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

**REPORT**

The water reservoir (Quarry Pond) having an approximate length of 90M,width of 24 M,depth of 6 M situated in the Government Quarry land located in Survey No:146 in V-Kottayam Village in Konni Taluk,had over brimmed on 04.10.2018 afternoon due to the torrential rainfall. This flood water flowed through the adjacent land which is jointly owned by Mr.K .Sadanandan ,Ambadiyil New Bunglow and his son Mr A.S Vipin,and this flood water reached an adjacent stream .As a result of this the stream overflowed causing nearby landholdings,houses were flooded and 200 Metres of Mesirimuruppu- Mookkanvila road became inconvenient for passengers.

Along with this flood water an approximate of 15 loads of cobblestones deposited through out the land having an area of 84.40 Are in Resurvey No: 145/6 and in the stream flowing nearby. This heavy run off of water shattered the both sides of the protection wall of Mesirimuruppu stream.

As a result of this ,the flood water along with mud entered the houses of the Sheeja-Vishnu Bhavanam,Vasanthiyamma -Niravathu Veedu,Byju George and Binu George-Ezhuthukaranttayyathu Veedu,Sarasamma-Kaichirakkal,Gireesh-GeethaBhavan,Savithri Karunakaran -Savi Sadanam and the landholdings of Chandrasekharan Nair-Lakshmi Nivas. A letter was sent from this office to Administrator SEIAA pointing out these events to conduct an inspection there. Translated copy of this letter is attached herewith as Annexure - 1.

I authorised Mr.Raji.G,Junior Superintendent (LR Section) to conduct site inspection there. On the basis of site inspection conducted from this office at the above said quarry site on 21.01.2023 , the following facts have been found out.

Up to half the height of this cliff, the rock has been quarried bench wise , but above it, the rock has been quarried steeply. However no safety precautions are taken to avoid accidents . There are two Quarry ponds located in this Quarry .One Quarry Pond is located

at the bottom of the quarry and the other Quarry Pond is located at the upper middle portion of the quarry. The Quarry Pond located at the upper middle portion is much deeper than the other and it contains large amount of water.

There is a small stream is formed from the bottom Quarry pond. Currently there is no water flow in this stream. Although the water level in the Quarry pond is low in summer, there is a possibility of flooding in the small stream nearby due to the overflow of water from the Quarry ponds during the monsoon season.

In addition to this, since this small stream flowing through the middle of two hills, during the rainy season the water from the hill on the opposite side of this quarry also reaches this small stream through the slopes. As this small stream is too narrow to contain the excess water flowing in this way, there is a possibility of flooding in the low lying areas and it may cause damages to the houses and landholdings there. Therefore it is advisable to build a strong retaining wall around the pond to prevent excess water from flowing into the stream from the Quarry Pond. The construction of retaining wall should be as per the guidelines determined by Disaster Management Authority.

The Tahsildar Konni reported that Sri Aji.K, Secretary Thudiyurulippara Sree Hanuman Swamy Temple administrative Committee complained that Thudiyurulippara Sree Hanuman Swamy Temple is situated in 15 meters away from the quarry but the existence of such a temple was not mentioned by Sri.K.Sadanandan, Managing Director of J&S Granites and Ambadyil Granites for obtaining various sanctions. Tahsildar Konni also reported that the temple was established in 2017 and the distance between the above said temple is more than 50 meters distance from the Buffer Zone in Mining Area.

The site inspection from this office has revealed that the Thudiyurulippara Sree Hanuman Swamy Temple is located within 15 meters of where the quarrying has been stopped. There is no buffer zone is seen between the temple and the quarried boundary but the temple is seen to have been constructed recently. After verifying the documents from this office it is found that The District Collector Pathanamthitta issued No Objection Certificate (B1-8136/2016) to Sree Hanuman Swamy Temple on 17.01.2017. The site inspection photographs are attached herewith as Annexure -2

The Chairman and Convener V-Kottayam<sup>3</sup> Grama Raksha Samithi also complained that the quarry illegally seeks mining license for Land Assignment for agricultural patta land during revalidation of the Environmental Clearance application. As per the letter no:C4-6971/2020 dated 01.02.2021 The Tahsildar Konni reported that the private lands involved in the complaint raised by V-Kottayam Gramaraksha Samithi had been purchased by Mr.K.Sadanandan and his son Mr.Abin A.S from various individuals by virtue of sale deeds from time to time. Upto the financial year of 2016-17 Plantation tax had been paid by the landowners Mr.K.Sadanandan and his son Mr.Abin A.S as defined under the Kerala Plantation Act -1960 by counting the number of rubber trees being tapped.

These lands had been handed over to J&S Granite Company by Mr.K.Sadanandan and his son Mr. Abin A.S . As per the revenue records this land is owned and Possessed by J&S Granite Company. If there is a change in ownership of land, the Plantation tax must be reassessed as per the provisions of Kerala Plantation Act -1960. But on site inspection, there are no taxable plantation crops are found there. Konni Tahsildar also reported that as per The Kerala Land Reforms Act-1963 no measures were taken to exclude from ceiling area from being considered as a commercial site and no orders were issued to exclude it from the ceiling area.

By pointing out these facts reported by The Tahsildar Konni a report C7-266728/2020 was sent from this office to The Administrator,SEIAA,Kerala on 29.07.2021

The license Number :41/2022-2023/C9/975/2022 issued on 04.04.2022 the Secretary,Pramadom Grama Panchayath to Sri.K Sadanandan for quarrying in Resurvey No.147/1,147/2,147/3,147/4,147/5,147/8,147/9,147/10,148,149/4 in V-Kottayam Village in Pramadom Grama Panchayath . Sri.Roy Thomas ,Chairman of V-Kottayam Gramaraksha Samithi filed a review petition before the Hon'ble high Court of Kerala in R.P No.397/2020 on 18.06.2020 to recall the Environmental Clearance issued to K.Sadanandan . Sri.Roy Thomas filed a complaint on 11.04.2022 before the Secretary ,Pramadom Grama Panchayath .After considering the Hon'ble High Court Order as well as the reply submitted by Sri.K Sadanandan ,the license Number :41/2022-2023/C9/975/2022 issued on 04.04.2022 to Sri.K Sadanandan was repealed and declared null and void.

As per the letter no:DCPTA/2606/2022-C7 dated 07.07.2022 the above information was conveyed to the Administrator ,SEIAA Thiruvananthapuram.

In addition to this as per the order of The Hon'ble High Court of Kerala in WP©-11249/2010 dated 25.05.2022 which specifically ordered the State Government of Kerala to stop all mining activities in the LA Patta Land under the Kerala Land Assignment Rules-1964.

In order to comply with the order of the Hon'ble High Court of Kerala, all the Tahsildars were directed to verify and report whether the quarries located on private land are included in the LA Patta Land under the Kerala Land Assignment Rules-1964. On 10.01.2023 Village Officer V-Kottayam has asked Mr.K Sadanandan to produce the documents and prior documents of his own land to verify whether the lands located in Re Survey No:s 143/2,144/1,144/2,146/1,152/6,152/8 ,152/10,152/12,152/14,152/15 are assigned under the Kerala Land Assignment Rules-1964 or not.

The information is also conveyed before the Hon'ble National Green Tribunal that presently none of Mr. Sadanandan's quarries, which are either in government land or in private land, are working in the V-Kottayam Village.



  
District Collector

## Annexure-1

C7-186928/2018

Collectorate, Pathanamthitta

Date: .2018

District Collector  
Pathanamthitta

The Member Secretary  
State Environment Impact Assessment Authority(SEIAA)  
Thampanoor  
Thiruvananthapuram-695001

Sir;

Subject: Quarrying-Destructions occurred near Mupramon in V-Kottayam Village on  
04.10.2018 afternoon due to flash flood -reg

Ref: 1.Konni Tahsildar's letter no:C4-13278/2017 dated 06.10.2018  
2. Your Proceedings No:200/SEIAA/EC4/86/2014 dated 10.08.2015

Inviting your attention to the reference cited. As per the reference (1) Konni Tahsildar reported that the water reservoir (Quarry Pond) having an approximate length of 90M,width of 24 M,depth of 6 M situated in the Government Quarry land located in Survey No:146 in V-Kottayam Village in Konni Taluk,had over brimmed on 04.10.2018 afternoon due to the torrential rainfall. This flood water flowed through the adjacent land having an area of 84.40 Are which is jointly owned by Mr.K .Sadanandan ,Ambadiyil New Bungalow and his son Mr A.S Vipin,and this flood water reached an adjacent stream as a result of this which overflowed causing nearby landholdings,houses were flooded and 200 M of Mesirimuruppu- Mookkanvila road became inconvenient to passengers.

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The above said water reservoir (Quarry Pond) located in a quarry land has an inclination of more than 80 degree with strenuous and steep hills. This quarry land is unscientifically mined by K.Sadanandan in a vertical rising method instead of bench quarrying. If another heavy rainfall occurs in this area water and rocks will discharge to the low lying areas ,it may cause damages there. It is already reported that huge amount of soil has been deposited in this quarry land as well as the adjacent places of Thudiyurulippara Temple.

The Tahsildar conducted an inspection there and reported that above said disaster had occurred as a result of misuse of unauthorised land utilisation and the water reservoir built for the water resource reserve is in a dangerous situation .At present the quarry pond is filled to its maximum capacity hence a short downpour of rain may cause another disaster. So I request you to conduct an inspection at the above quarry land and take necessary legal proceedings to prevent an another disaster from happening .

Faithfully

(Sd)

Deputy Collector (L.R)

For District Collector

Dispatched on 14.11.2018

## ANNEXURE -2

## 1. QUARRY SITE







## 2.Thudiyurulippara Sree Hanuman Swamy Temple



**BEFORE THE HON'BLE NATIONAL  
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**REPORT FILED BY THE**  
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**PATHANAMTHITTA/4<sup>TH</sup>**  
**RESPONDENT**

**E.K. KUMARESAN,**  
**Standing Counsel for Government**  
**of kerala**

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