

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

APPEAL NO. 55 OF 2022 (SZ)

IN THE MATTER OF:

1. Lukose K T Alias Luka,
2. Emmanuel T M,

...Appellants

v.

Ministry of Environment, Forests & Climate Change & Others

...Respondents

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Dated at Chennai on this the 07th day of March 2024



COUNSEL OF RESPONDENT NO.2 TO 4

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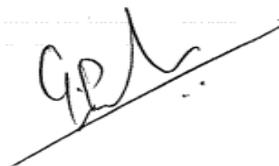
MEMO FILED ON BEHALF OF THE 2 TO 4 RESPONDENTS

I am G.Prabhu, Standing Counsel for State Environmental Impact Assessment Authority, Kerala.

1. I state that I am filing this Memo along with Report as instructed by the State Environmental Impact Assessment Authority, Kerala herein.
2. I state that the matter came up for hearing on 02/02/2024 before this Hon'ble Tribunal, Southern Zone, Chennai and this Hon'ble Tribunal had directed "the District Collector-Kannur to file a report regarding existence of "Munnoorkulam Thodu" after making a personal inspection and also furnish a sketch relating to the quarry area and the proximity of the Munnoorkulam Thodu to the project site".
3. That in compliance of the directions of this Hon'ble Tribunal, the report is being filed with this memo.

Under the above circumstances, it is respectfully prayed that this Hon'ble Tribunal may be pleased to take on file the report and pass further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai on this 07th day of March, 2024



COUNSEL FOR THE RESPONDENT NOS.2 TO 4



Office of the District Collector, Kannur

Dated : 06-03-2024

e-mail: dcknr.ker@nic.in

Phone: 0497-2700645

No.DCKNR/3324/2024-DM6

From

District Collector

Kannur

To

Advocate General

Kerala

Sir,

Sub:- National Green Tribunal, Chennai- Appeal No.55/2022- Lukose A T Vs Ministry of Environment, Forest and Climate Change- Report Submitting-Reg-

Ref:- 1. Order dated 02.02.2024 of the National Green Tribunal

2. E Mail dated 05.02.2024 of Standing Counsel, National Green Tribunal

3. Letter dated 07.02.2024 of the Advocate General, Kerala

Kind attention is invited to the reference. While considering the matter related to potential environmental issues resulting from the quarry, which is about to start in Talavil Desam at Timiri Village, Kannur District, Kerala, the National Green Tribunal had given the direction to file a report regarding the existence of a '*Munnoorkulam Thodu*', within the prohibited distance of the quarry site. The report was to be filed after making a personal inspection and with a sketch relating to the quarry area showing the proximity of the Munnoorkulam Thodu to the project site. In compliance of the same, a site visit was undertaken on March 1, 2024 and the observations are submitted as follows:

LOCATION OF QUARRY

1. The proposed quarry is located on 0.702 hectares of the 5.7346 hectares that Arpattanath Lijo John and Illimootil Anthony possess in Thimiri Amsham Talavil Desam, in R/S 5. On August 2, 2022, Sri Rajeevan P received the environmental clearance for the quarry under SEIAA's ECNo 83/Q/2022.

2. Sri Mayilatur Manoj and Sri Alexander, the complainant's father, are among the parties who claim to the water sources (small pools/tanks) for drinking water.
3. The nearest house to the quarry area is located at a distance of 107.2 meters from the BP6 pillar. (House No. 597, Ward 2, C.P. Kurinirappalli Lukose).
4. *Munnoorkulam* is the local name for the area. The land is hilly in terrain and is on the western edge of the quarry area owned by Pumangalan Damodaran and Kurinjirappalli Lukose.

DESCRIPTION OF WATER SOURCES

1. On the west side of the quarry area, there are four minor water sources in the form of water pools in the region. The dimensions of these sources are appended as annexure in a tabular format.
2. These sources seem to be seasonal in nature on inspection.
3. The nearest water pool is at a distance of 98 m from the nearest boundary pillar of the quarry (BP6, marked on the survey map). A little further away from it, there are three other small pools and a well.
4. Two of the aforementioned pools which overflow during the monsoon, were still filled with water on inspection.
5. The sources appear to be natural and have been fortified by the locals with concrete or stones.

EXISTENCE OF 'THODU' (BROOK)

1. During the rainy season, a small, narrow brook that is also seasonal moves water downstream from the top portions of this hill (*Monoorkulam*).
2. During the rainy season, when the pools fill up, the water runs in an easterly direction as a shallow brook.
3. Eventually, it joins the *Eruvatti stream*, which is 560 meters (aerial distance) away, and empties into a neighboring river.
4. On inspection, the stream was dry, and the only thing visible was an empty natural channel that carried water.
5. This channel has an average width of 1.5 meters. The width of the channel near BP6 was found to be around 0.5 meters gradually widening to around 2 meters near the point it joins the stream downhill.
6. The aforementioned brook is dry in non monsoon seasons. It was reported that only in the four to five months of the monsoon season see the majority of the stream and water sources filled with water.
7. The landowners of the quarry area, Anthony and Lijo, have their property bordered by this brook. The pillars BP4, BP3, and BP2, which are positioned along the quarry

I/346549/2024

area's perimeter, are present in the said channel itself.

Photographs, details of the water sources and survey Map of the area are appended herewith.

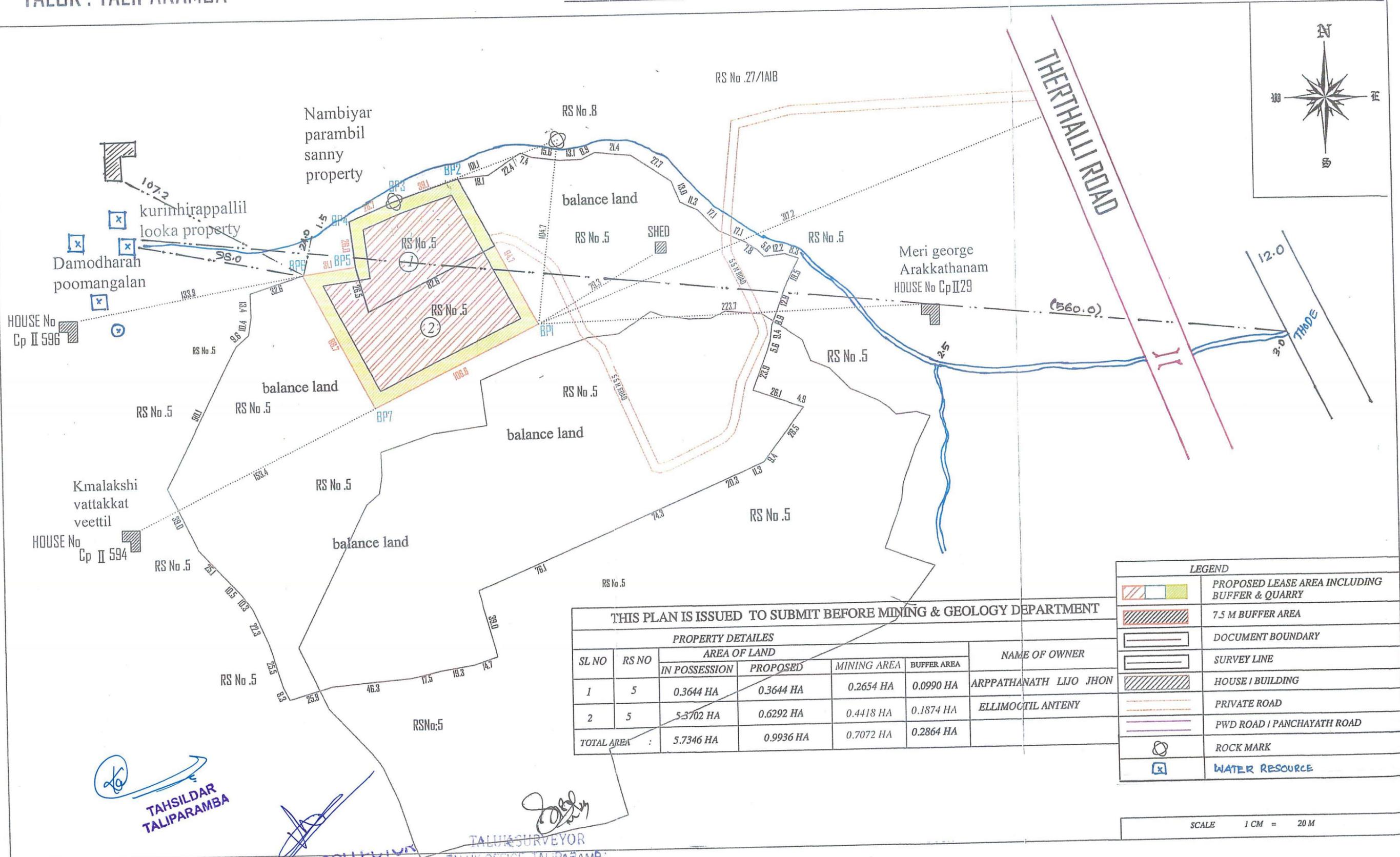
Signed by
Arun K Vijayan I A S
Date: 06-03-2024 21:43:45

Yours Faithfully
District Collector
Kannur
DISTRICT COLLECTOR

DISTRICT : KANNUR
TALUK : TALIPARAMBA

RS NO : 5
SURVEY MAP

VILLAGE : THIMIRI
DESOM : THALAVIL



THIS PLAN IS ISSUED TO SUBMIT BEFORE MINING & GEOLOGY DEPARTMENT

SL NO	RS NO	AREA OF LAND				NAME OF OWNER
		IN POSSESSION	PROPOSED	MINING AREA	BUFFER AREA	
1	5	0.3644 HA	0.3644 HA	0.2654 HA	0.0990 HA	ARPPATHANATH LIJO JHON
2	5	5.3702 HA	0.6292 HA	0.4418 HA	0.1874 HA	ELLIMOCTIL ANTENY
TOTAL AREA :		5.7346 HA	0.9936 HA	0.7072 HA	0.2864 HA	

LEGEND	
	PROPOSED LEASE AREA INCLUDING BUFFER & QUARRY
	7.5 M BUFFER AREA
	DOCUMENT BOUNDARY
	SURVEY LINE
	HOUSE / BUILDING
	PRIVATE ROAD
	PWD ROAD / PANCHAYATH ROAD
	ROCK MARK
	WATER RESOURCE

TAHSILDAR
TALIPARAMBA

DISTRICT COLLECTOR
KANNUR

TALUK SURVEYOR
TALUK OFFICE, TALIPARAMBA

SCALE 1 CM = 20 M





























DETAILS OF WATER SOURCES

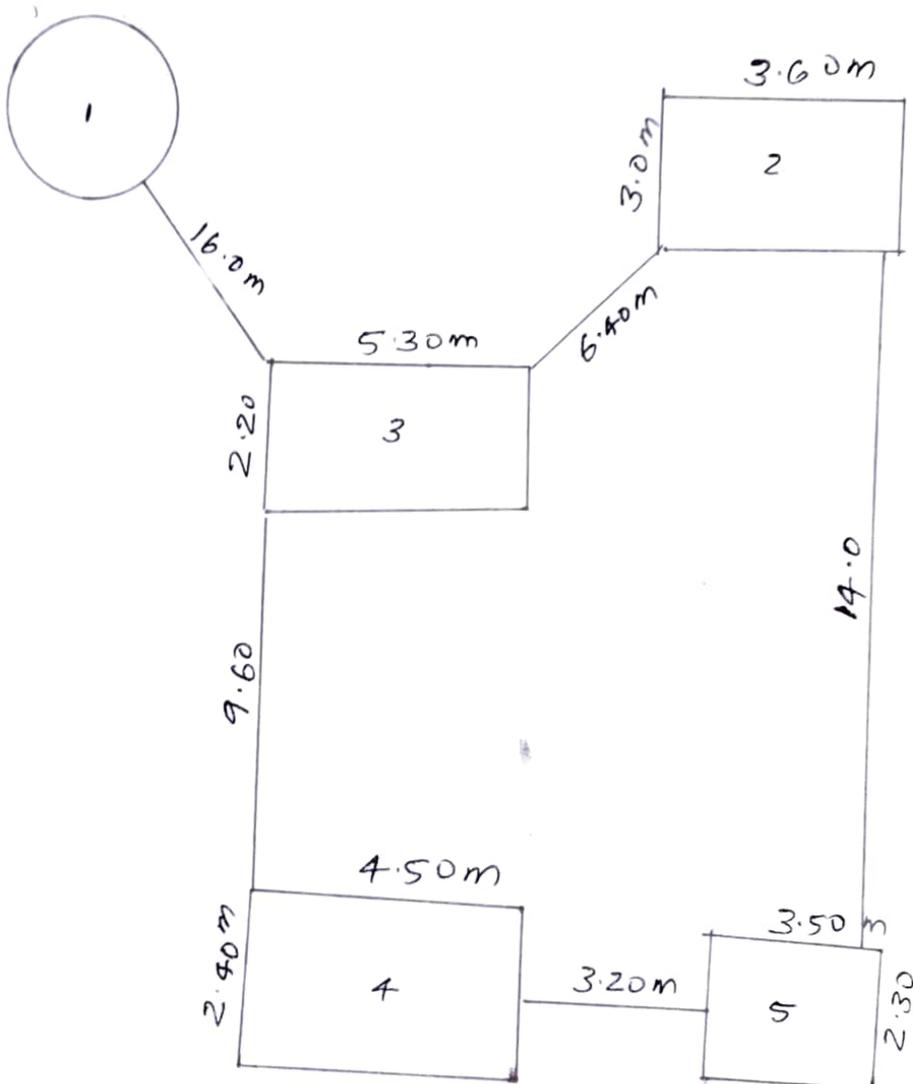
(1) WELL

DEPTH (In Meters)	RADIUS (In Meters)	WATER LEVEL (In Meters)
2.6	1.35	0.80

(2) WATER POOLS

SI No	DEPTH (In Meters)	LENGTH (In Meters)	WIDTH (In Meters)	WATER LEVEL (In Meters)
1	2.5	3.6	3.0	0.30
2	1.90	5.30	2.2	0.10
3	1.0	4.5	2.4	0.90
4	1.70	3.5	2.3	0.20

Remarks:- Water pools with Serial Nos 1 and 3 with water levels 0.30m and 0.90m are relatively more water-filled.



1	ടാങ്ക്	രീതി	2.6m, ബ്രാഡ് - 1.35m	Water Level 0.80m
2	ടാങ്ക്	രീതി	2.5m, നീളം 3.6m, വീതി 3.0m	0.30m
3	"	രീതി	1.90m, നീളം 5.30m, വീതി 2.2m	0.10m
4	"	രീതി	1.0m, നീളം 4.5m, വീതി 2.4m	0.90m
5	"	രീതി	1.70m, നീളം 3.5m, വീതി 2.3m	0.20m

Not in scale

[Signature]
 Village Officer, Thimil,
 P.O. Eruvatty-67058
 P.P. post