

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

**Original Application No. 56 of 2022**

In the matter of  
Stanley Joseph and Others : Applicants

Vs.

Union of India, MoEF and CE New Delhi and Ors.: Respondents

**REJOINDER SUBMITTED BY THE APPLICANT TO THE REPORT FILED BY  
THE GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY/THE 3RD  
RESPONDENT**

---

**SAJEEV KUMAR K.GOPAL(K-168/94)**

**&**

**ASWATHY BABU(K/165/2014)**

**Advocate,**

**Chamber No.148**

**KHCAA Golden Jubilee Chamber Complex**

**Ernakulam**

**COUNSEL FOR THE APPLICANT**

---

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

**Original Application No. 56 of 2022**

In the matter of  
Stanley Joseph and Others : Applicants

Vs.

Union of India, MoEF and CE New Delhi and Ors.: Respondents

**REJOINDER SUBMITTED BY THE APPLICANT TO THE REPORT FILED BY  
THE GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY/THE 3RD  
RESPONDENT**

I, Stanley Joseph, aged 48 years, S/o M.J.Scaria, Mundattuchundayil House, Chengalam P.O., Kottayam 686 585, do solemnly affirm and states as follows;

1. I am the 1st Applicant in the above O.A. I know the facts of the case. I am competent to swear the contents of this affidavit. I am swearing this affidavit on behalf of the 2nd petitioner also as duly instructed.
2. In the above O.A. the 3rd respondent had filed a report. The said report is not fully correct and hence this filing of Rejoinder has become absolutely essential.
3. It is submitted that the specific allegations raised by the applicants in the O.A. is to the effect that the 4<sup>th</sup> respondent quarried Granite building stones within and outside the permitted area in excess of what have been permitted. The environmental clearance was granted with respect to survey No.403/1, 403/2 in Chengalam East Village having an extent of 1.88.51HA.



However the applicant had quarried granite building stones from resurvey No.402/1, 403/1-1, 403/2-2, 403/2-3, 405/1 and 404/1. Apart from this the 4<sup>th</sup> respondent quarried more than what is permitted in Resurvey No.403/1 and 403/2 for which the EC was issued. This contention had taken in paragraph No.15 of the O.A. It was also contended that the mine pits are lying in an abandoned condition without being filled it up. It is pertinent to see that paragraph No.3 of the report the Geologist only dealt with the excess quarrying done with respect to the survey numbers mentioned in the EC. There is no whisper with respect to the mining that was conducted beyond the permitted area and in other survey numbers. This violation was ignored by the 3<sup>rd</sup> respondent. A rough calculation of excess mining from the permitted survey numbers alone was given. It can be seen that the extent mentioned as 503764.775MT as excess is arrived without mentioning any report as to how the quantification has been done. It is also not specified as to from which survey numbers this excess extraction of minor mineral has been done. The petitioner got a definite case that the excess quarrying done is much more than what was specified by the Geologist in the report. The mining conducted in other survey numbers which was not permitted in the EC also should be calculated and royalty should be levied based on that. No such attempt has been made by the respondents in this regard. The extent of damages caused to the environment has also not been looked into by the Geologist. An evasive report has been submitted without actually verifying the illegal mining and without mentioning any details regarding the survey numbers where measurement has been conducted. Apart from royalty the 4<sup>th</sup> respondent is liable to pay compensation also for their illegal activities. The excess mining found by the Geologist is hence not accurate and it is without substantiating anything

A handwritten signature in black ink, appearing to be 'S. M. S.', written over a horizontal line.

regarding the survey numbers from where the actual mining activities were carried out by the 4<sup>th</sup> respondent. Hence a detailed and thorough enquiry regarding the actual extent of illegal mining conducted by the 4<sup>th</sup> respondent, in all the survey numbers mentioned by the applicants in the petition is absolutely essential.

4. It is submitted that the area where the quarrying was done is a highly sensitive area. The proposal for environmental clearance for buildings stone minor mineral mining (quarry) project at Chengalam East Village submitted by the 5<sup>th</sup> respondent was considered by the EAC in its 48<sup>th</sup> meeting as item No.3.5. held on 28 to 30 March 2022. The committee made the following recommendation in Clause No.8.

#### **8: Observations and recommendations of the committee**

The proposal for environmental clearance was considered in the 48<sup>th</sup> EAC meeting held during 28 to 30 March 2022. After the detailed presentation made by the Project proponent and the consultant, the committee observed that the area being ecologically sensitive and fragile because of its close proximity to the western Ghats ESA ( around 9.62 kilometer away from the instant mine sight, after verification location of the project has been done by way of super imposing the KML file of the project vis a vis shape file of western Ghats ESA). Further, the grant of environmental clearance the stone mines of small mine leases will ultimately lead to the fragmentation of habitat leading to creation of many adjust which will over time act as point of entry of destructive factors resulting in the over all ecological destruction of the area. It was also observed



that some of the mines which were earlier in operation have left a scar of the green lushed area. Therefore the committee returned the proposal in the present form.

The above finding will clearly reveals that the area is a highly sensitive area where no mining activities can be undertaken. It will substantially affect the ecological fragile area. So no more quarrying lease can be granted in any survey number of this particular village to any other company.

5. It is relevant to note that the closure plan has not been implemented by the 4<sup>th</sup> respondent. The mine pits are is still remaining as in an abandoned condition. The Geologist has not given any specific report regarding how the closure plans to be implemented and as to whether the mine pits are filled up and closed. The contention that no land slide was reported in the nearby area is not a ground for taking further action to see that the mining pits are properly filled up and closed. The contention that the complaint of the petitioner addressed since the offence has been compounded is not fully correct. The complaint of the applicant is to be enquired through an expert agency,. The averment that no revenue puramboke is involved in the mining done by the 4<sup>th</sup> respondent is not answer to the specific contention raised by the applicant to the effect that quarrying was done in other survey numbers. Details of the survey numbers verified through the joint inspection was also not mentioned anywhere in the report.
6. The averments in paragraph No.6 are not fully correct and hence it is denied. The writ petition as W.P.(c) No.828/2023 filed by the 2nd applicant to provide an opportunity for hearing to him while considering the



application for EC submitted by M/s Palathara Constructions Pvt.Ltd will not in any way prevent from this Hon'ble Tribunal in considering as to whether any further quarrying can be allowed in this area.

7. It is submitted that as long as the report of the 3rd respondent is highly evasive and since it does not contain any substantial materials in tune with the contentions taken in the O.A, the real facts can be brought to the notice of this Hon'ble Court by appointing a committee consisting of environmental experts as requested by the petitioner in relief No.A to this O.A. Hence kind interference of this Hon'ble Tribunal in the matter is absolutely necessary.

Dated this the 12<sup>th</sup> day of September,2023.



DEPONENT

Solemnly affirm and signed before me on this the 12<sup>th</sup> day of September, 2023 by the deponent at my office at Ernakulam.



**SAJEEVKUMAR K.GOPAL,  
ADVOCATE**