

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

OA No 76 OF 2024

IN THE MATTER OF:

G VENKATA RAMANAI AH & ORS

Vs

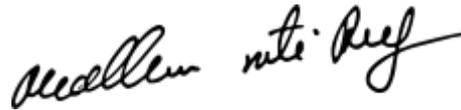
..... Applicant

CHIEF SECRETARY GOVT OF ANDHRA PRADESH AND OTHERS

..... Respondents

REPORT FILED BY THE JOINT COMMITTEE

DATE- 20.05.2024



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

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DETAILED REPORT SUBMITTED ON THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH (PB), NEW DELHI, REGISTERED AN APPLICATION BASED ON A LETTER PETITION RECEIVED BY POST, HON'BLE NGT (PB) ORDER DATED 24TH JANUARY 2024 IN O.A.764 OF 2023 RENUMBERED IN O.A. NO. 76 OF 2024(SZ) IN HON'BLE NGT, CHENNAI "SRI.G VENKATA RAMANAIAH & ORS. VERSUS STATE OF ANDHRA PRADESH & ORS."

I. Preamble

The Hon'ble National Green Tribunal (NGT), Principal Bench (PB), New Delhi has registered the Original Application (O.A.) No.764 of 2023 (PB) based on a letter petition of "Mr. G Venkata Ramanaiah, resident of 7-125-2, Kothapeta, Palukuru Village, Banaganapalle Mandal, Nandyal District, Andhra Pradesh regarding Mining Activities near Zilla Parishad High School, Palukuru Village, Banaganapalle Mandal, Nandyal District, Andhra Pradesh".

II. Orders of the Hon'ble National Green Tribunal dated 24.01.2024

The Hon'ble National Green Tribunal, (NGT), Principal Bench (PB), New Delhi has passed an order dated 24.01.2024 to appoint a Joint Committee comprising of representatives of the Andhra Pradesh State Wetland Authority; Andhra Pradesh State Pollution Control Board (APPCB) and the Collector, Kurnool (now Nandyal) and directed the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action.

In compliance to the Hon'ble NGT order, the Joint Committee comprising of following officers inspected the site & its surrounding areas as directed by the Hon'ble NGT on 13.03.2024:

S.No.	Name and Designation
1	Sri T. Rahul Kumar Reddy Joint Collector, Nandyal.
2	Sri B.Y. Muni Prasad, Environmental Engineer, APPCB, Regional Office, Kurnool.
3	Sri M. Surya Chandra Raju, Sub-District Forest Officer, Dhone, Nandyal District.
4	Sri K. Raja Gopal, Divisional Mines & Geology officer, Banaganapalle, Nandyal District.
5	Sri G. Ravindra Reddy, Tahsildar, Banaganapalle, Nandyal District.

III. Site Visit by the Committee:

The Joint Committee inspected the Zilla Parishad High School in Palukuru Village, Banaganapalle Mandal, Nandyal District, Mine leases of Sri M. Kiran Kumar Reddy located at

Sy.No.148 of Palukur Village of Banaganapalle Mandal. Further the Joint Collector, Nandyal and surrounding mining activity areas on 13.03.2024.

Further the Joint Collector, Nandyal has directed to submit remarks on the petitioner affidavit pertaining to i). Revenue Department along with location sketch showing the distances between ZP High School and alleged Mining Portion of Palukur Village of Banaganapalle Mandal, ii). the EE, R& B department on structural integrity of the school building and remarks from Mines and Geology & APPCB. As per the instructions the concerned departments have submitted the information and the details are mentioned below:

IV. History of the Case:-

- Sri. M. Kiran Kumar Reddy has filed an application before Mines & Geology Department for grant of quarry lease for extraction of Limestone slabs (Blacks) over an extent of 0.602 hectares in Sy.No.148 of Palukur Village of Banaganapalle. In turn the Assistant Director. Mines and Geology. Banaganapalle requested the Tahsildar, Banaganapalle for issue of NOC for the said land.
- **The Tahsildar, Banaganapalle** in his letter No.Rc.B /2018 dated: 15.02.2019 replied that No objection Certificate sought for in Sy.No.252, 297, 437, 438, 475/1, 182/1, 180, 148 and 75 of Palukur Village of Banaganapalle Mandal from this division **is not acceptable at this juncture as the Sy.No.252, 297, 437, 438, 475/1, 182/1, 180, 148 and 75 of Palukur(V), Baganapalli (M) are classified as "Vagu Poramboke". The No Objection Certificate of land shall be assessed by the Executive Engineer, W.R Dept, M.I Works Division, Nandyal, Kurnool (Dt) department only.**
- Accordingly after examination, **the EE, W.R. Dept, M.I.(Works) Division, Nandyal** in his Letter No.TW/JT02/F.No.A.77.No. 113M dated:08.03.2019 has issued No Objection Certificate in favour of Sri. M. Kiran Kumar Reddy for Black Napa Stone quarry lease in Sy.No.148 of Palukur Village in Banaganapalle Mandal to an extent of 2.97 Hectares only as against 3.00 Hectares by stating that **"the Vagu is noticed on the topographic sheet as a very tiny stream, but traces of the stream are not found on the ground"**. Further the Assistant Director, Mines & Geology is requested to obtain an undertaking from the applicant, that as & when the said land is required for the Irrigation & CAD Department, the applicant should vacate the land and inform to the Executive Engineer, Minor Irrigation Division, Nandyal.

- In this regard, Mines Department, Banaganapalle has submitted the grant proposals to the Deputy Director of Mines and Geology, Kurnool and granted the (02) two Limestone slabs (Black) quarry leases in the name of Sri M. Kiran Kumar Reddy and the Assistant Director of Mines and Geology, Banaganapalle has executed the two quarry leases i.e., 1) over an extent of 0.602 Hectares in Sy.No.148/Part of Palkur (V), Banaganapalli (M), Kurnool District (New Nandyal District) for a period of 10 years Vide Proceeding No. 2836/QL/2018, Dated: 30.09.2022 and 2) over an extent of 1.252 Hectares in Sy.No.148/Part of Palkur (V), Banaganapalli (M), Kurnool District (New Nandyal District) for a period of 10 years Vide Proceeding No. 1376 /QL/2019, Dated: 30.09.2022.
- Further the applicant Sri. M. Kiran Kumar Reddy obtained Environmental Clearance for the proposed 0.602 Ha. for Limestone Slabs (Black) Mine at Sy.No.148/1, Palukur Village, Banaganapalle Mandal from State Level Environment Impact Assessment Authority (SEIAA), Andhra Pradesh vide Order No. SEIAA/AP/MIN/KNL/11/2020/2385/158.21 & 153.37.371 dt:28.06.2021 with a special condition that **“Not to take up blasting activity as per NGT guidelines in view of that the distance from habitation is only 100 mts”**.
- Also, obtained Consent Order for Establishment of Mining activity in Sy.No.148/1 to an extent 0.602 Ha of Palukur Village of Banaganapalle Mandal vide Order No.KNL-16/PCB/ZO-KNUCFE/2021 dated:13.08.2021 from the Joint Chief Environmental Engineer, APPCB, Zonal Office, Kurnool with the following special conditions to comply with.
 - i. The project authority shall provide GI sheets of 20 ft height along the boundary towards the nearest human habitation i.e. Palkur Village in North eastern direction and ZPHS school in south western direction to control dust emissions.
 - ii. The project authority shall leave buffer zone of 50 mts towards Palkur and Gollagutta village road to comply the order/ direction of Hon’ble NGT in O.A.No.304 of 2019 dt. 21.07.2020.
 - iii. There shall not be any blasting in the mining operations except use of low explosives/ chemicals without detonator as there is a village nearer to the mine lease area.
- The Deputy Director of Mines & Geology, Kurnool in his proceedings no.1831/Q2/2019 dated: 28.10.2021 granted Quarry Lease for a period of 10 years for extraction of Limestone slabs (black) over an extent of 0.602 Hect., in Sy.No.148/P of Palukur Village. Banaganapalle Mandal in favour of Sri. M. Kiran Kumar Reddy under rules 12(1), 13(1) & 15(1) of APMMC Rules.1996 subject to the satisfaction of terms and conditions laid down in APMMC rules and other conditions.

- Further, based on the above permissions the Board has issued Consent for Operation (CFO) vide order dated: 29.09.2022 for the Mining of Lime stone Slabs (Black) – 1230.12 M3/annum or 3,075.3 TPA in 0.602 Ha., with a validity upto 31.07.2023.
- The Assistant Director of Mines and Geology, Banaganapalle has issued work order Proceedings No.2836/QL/2018 dated:30.09.2022 and permitted the lessee M. Kiran Kumar Reddy to commence the quarrying operations for Limestone Slabs (Black) over an extent of 0.602 hectares /1.487 Acres in Sy.No.148/1 of Palukur Village of Banaganapalle Mandal for a period of 10 years with effect from 30.09.2022 to 29.09.2032.
- Subsequently the lessee M. Kiran Kumar Reddy started quarrying operations for extraction of Limestone Slabs (Blacks) in Sy.No.148 of Palurkur (V), Banaganapalle (M), Nandyal District.

The Production and Dispatch details of Limestone Slab (Black) over an extent of 0.602 Hectares in Sy.No.148/Part of Palkur Village, Banaganapalle Mandal, Nandyal District of Sri M. Kiran Kumar Reddy.

Sl. No.	Permit No	Mineral	Date	Dispatch Quantity in Sq.mts
1.	PR13212213340001	LSS (Black)	25.03.2023	6,999
2.	PR13212213340002	LSS (Black)	02.04.2023	7,000
3.	PR13212213340003	LSS (Black)	09.05.2023	7,000
4.	PR13212213340004	LSS (Black)	04.06.2023	7,000
Total Dispatch Quantity				27,900

- On 24-07-2023, a complaint was given by Sri .G.Venkata Ramanaiah & Others, to the District Mines and Geology Officer, Nandyal District through Spandana Program bearing request No. NND202307242O46 on illegal mining activities within 100 mts of ZP High School, Palkur. On receipt of the complaint, technical Staff of Mines and Geology Office, Banaganapalle have inspected the complaint area on 24.07.2023 and statement recorder in presence of Village Revenue Officer, Palkur and the Royalty Inspector has intimated to the complainant Sri G. Venkataramaiah and Others to attend the inspection but he has not attended but petitioner's representative Sri G. Arun Kumar has attended and shown the complaint area. The Village Revenue Officer said that, the area falls under Sy.No. 148/Part of Palkur Revenue Village and as per revenue records the land is Government land of Vanka Porambok.

- Further, the licensed surveyor has verified the lease boundaries as per lease deed sketch. As per deed sketch, the quarry operations done away from the school building wall at a distance of 94 metres South-Western and quarry operations in between the School Building is at a distance of 113 metres. Further, the inspection officers enquired the School Head Master and he stated that, presently no damages Caused to School Buildings and no issue.
- On 04.08.2023, the A.P. Pollution Control Board, Regional Office, Kurnool has issued Notice to the 0.602 Ha. & 1.252 Ha. Limestone Slabs (Black) Mining units of Sri. M. Kiran Kumar Reddy and directed to apply for CFE/CFO of the Board under Water and Air Acts.
- On 14.09.2023, the legal cell, A.P. Pollution Control Board, Vijayawada has forwarded the e-mail received from the Deputy Registrar, National Human Right Commission (NHRC), New Delhi on the complaint lodged by G. Venkata Ramanaiah and Others with Case No. 1491/1/35/2023 regarding illegal mining activities at Survey. No. 148 &148/2 near Zilla Parishad High School, Palkur Village, Banaganapalli Mandal, Nandyal District and requested to take necessary action & file the report as directed by the NHRC.
- On 27.10.2023, the Board Officials have inspected the complaint area and also verified GPS Co-ordinates mentioned in EC order and noted that, the distance between the nearest compound wall of educational institution i.e., Zilla Parishad High School to nearest boundary of the mine lease area in Sy.No.148/P of extent 1.252 Ha., is 73 mtrs and the distance between the nearest compound wall of educational institution i.e., Zilla Parishad High School to nearest boundary of the mine lease area in Sy.No.148/P of extent 0.602 Ha., is 70 mtrs.

During the inspection the following observations were made:

- i. The project authority has not provided GI sheets of 20 ft height along the boundary towards the nearest human habitation i.e. Palkur Village in North eastern direction and ZPHS school in south western direction to control dust emissions.
- ii. The project authority has not maintained buffer zone of 50 mts towards Palkur and Gollagutta village road to comply the order/ direction of Hon'ble NGT in O.A.No.304 of 2019 dt. 21.07.2020.
- iii. The Mining unit has not constructed retention wall for the dump, not constructed garland drain, siltation pond for the diversion of the storm water.
- iv. The Mining unit has not developed greenbelt.

- On 15.11.2023, the Regional Office, Kurnool has issued Show cause cum legal hearing Notice and directed to SHOW CAUSE why legal should not be initiated against the mining units for operating the mines without obtaining the Consent for Operation of the Board, without adequate air pollution control measures, thereby causing air pollution in the surrounding area. Further requested the Zonal Office, Kurnool to place before the ensuing monitoring committee meeting at Zonal Office, Kurnool & take necessary action. Also requested the Divisional Mines and Geology Office, Banaganapalli, Nandyal for kind information and necessary action and requested not to allow the mining activity by the mining unit and not to issue work permits to the units until the mine operator obtains valid Consent to Operation (CTO) of the Board. The copy is attached for kind perusal.
- On 08.12.2023 one G. Venkata Ramanaiah & others have filed petition before the Hon'ble National Green Tribunal Principal Bench. New Delhi to stop unauthorized mining activities in Sv.No.148 of Palukur Village and Initiate necessary actions to mitigate the environmental impact and disturbances caused by the illegal mining operations.
- On 14.12.2023, the APPCB, Zonal Office, Kurnool has issued legal/personal hearing Notice and directed the mining units to appear hearing before the Consent Management & Monitoring Committee meeting of Zonal Office, Kurnool on 15.12.2023 at 4:00 PM in the chamber of Joint Chief Environmental Engineer, A.P. Pollution Control Board, Zonal Office, Dr. Y.S.R. Paryavaran Bhavan, Road No.2, Labour Colony, Venkata Ramana Colony, Kurnool along with all relevant information, documents & photographic evidence.
- On 15.12.2023, the Zonal Office, Kurnool has conducted monitoring committee meeting and after reviewing the mining units the committee recommended to conduct AAQ monitoring to assess the air quality in and around the ZPHS, Palkur.
- Again, on 21.12.2023, APPCB, Regional Office, Kurnool has addressed a letter to Divisional Mines and Geology Office, Banaganapalli, Nandyal to furnish a detailed report on the issue for onward submission to NHRC & Board Office, Vijayawada to take further course of Action.
- On 15.12.2023, the APPCB, Zonal office, Kurnool had conducted the monitoring committee meeting and recommended to conduct AAQ monitoring to assess the air quality in and around the ZPHS, Palkur.

As per the instruction, the Board Officials have conducted Ambient Air Quality monitoring on the terrace of Zilla Parishad High School, Palkur for 24 hours. As per the Analysis reports the values as follows:

Parameter	Unit	Sample Code			24 Hrs Average	Test Method	National Ambient Air Quality Standards (24 Hrs)
		Analysis Result					
		KNL2401040					
		7 PM	7 PM to 3AM	3 AM to 11AM			
Particulate Matter (PM ₁₀)	µg/m ³	60.8	73.6	44.5	59.6	IS:5182 (Part- 23) 2006 (Reaffirmed) 2017	100

As per the Analysis report it was observed that the Particulate Matter (PM₁₀) is within the National Ambient Air Quality standards (24 Hrs).

- Also, the Board officials have conducted noise monitoring at Zilla Parishad High School, Palkur Village during operation of mine and non-operations of mine and the details are as follows:

Locations, Date & Timing	During the operation of mine dB(A)	Avg dB(A)	During the non operation of mine dB(A)	Avg dB(A)	Standards for Day time	
					Residential Zone	Silence Zone
Zilla Parishad High School, Palkur.	47.8	55.6	48.9	52.7	55	50
	52.2		56.9			
	58.9		64.4			
	52.9		45.4			
	55.8		49.9			
	59.7		47.8			
	63.4		51.6			
	53.8		54.7			
55.6	54.1					

From the above it is noted that, the noise levels are exceeding the standards prescribed for Residential & Silence Zones during daytime

- The Ambient Air quality standards in respect of Noise as per the Notification S.O.No.1046(E) Dated.22.11.2000 are as follows:

Area Code	Category of Area/Zone	Limits in dB(A) Leq*	
		Day time	Night time
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

Note:

- Day time shall mean from 6.00 am to 10.00 pm
- Night time shall mean from 10.00 pm to 6.00 am
- Silence zone is defined as an area comprising not less than 100 meters around hospitals, educational institutions and courts. The silence zones are zones which are declared as such by the competent authority, i.e. town planning department.
- Mixed categories of areas may be declared as the four above mentioned categories by the competent authority.

- On 26.12.2023 the APPCB, Regional office, Kurnool has submitted a report to Board Office, Vijayawada for onward submission to NHRC. The Member Secretary, APPCB, Board Office, Vijayawada has submitted a report to Hon'ble NHRC on 10.01.2024.
- On 01.02.2024, the CTO renewal application of the mining unit was forwarded to ZO, Kurnool and reported that the Renewal of Consent to Operation may be examined as a petition with Case No. 1491/1/35/2023 is pending with NHRC New Delhi based on the complaint lodged by G. Venkata Ramanaiah and Others regarding illegal mining activities at Survey. No. 148 &148/2 near Zillah Perished High School, Palkur Village, Banaganapalli Mandal, Nandyal District. The Zonal Office, Kurnool has placed the renewal application of the mining unit in the CTO committee meeting held on 14.02.2024 and the Zonal Office, Kurnool has rejected the renewal of CTO application on 15.02.2024.
- Further, the Regional Office, Kurnool has requested the Board Office, Vijayawada to conduct legal hearing before the Consent Management & Monitoring Committee (Task Force) at the Board Office, Vijayawada to initiate action against the 0.602 Ha., & 1.252 Ha., Lime Stone Slabs (Black) Mining units of Sri M/s. M. Kiran Kumar Reddy located at Sy.No.148/P of Palkur (V), Banaganapalle (M) Nandyal District in the interest of public health and Environment for non-compliance of EC/CTE/CTO conditions and also for non-compliance of compulsorily and necessary measures should be taken to minimize the impact on environment and the regulations for a danger zone (500 m) prescribed by the Directorate General of Mines safety.

Observations of the Joint Committee:

1. As per the Revenue records, the land in Sy.No.148 to an total extent Ac.7.34Cts is Government Land and the particulars are as follows:

As per RSR

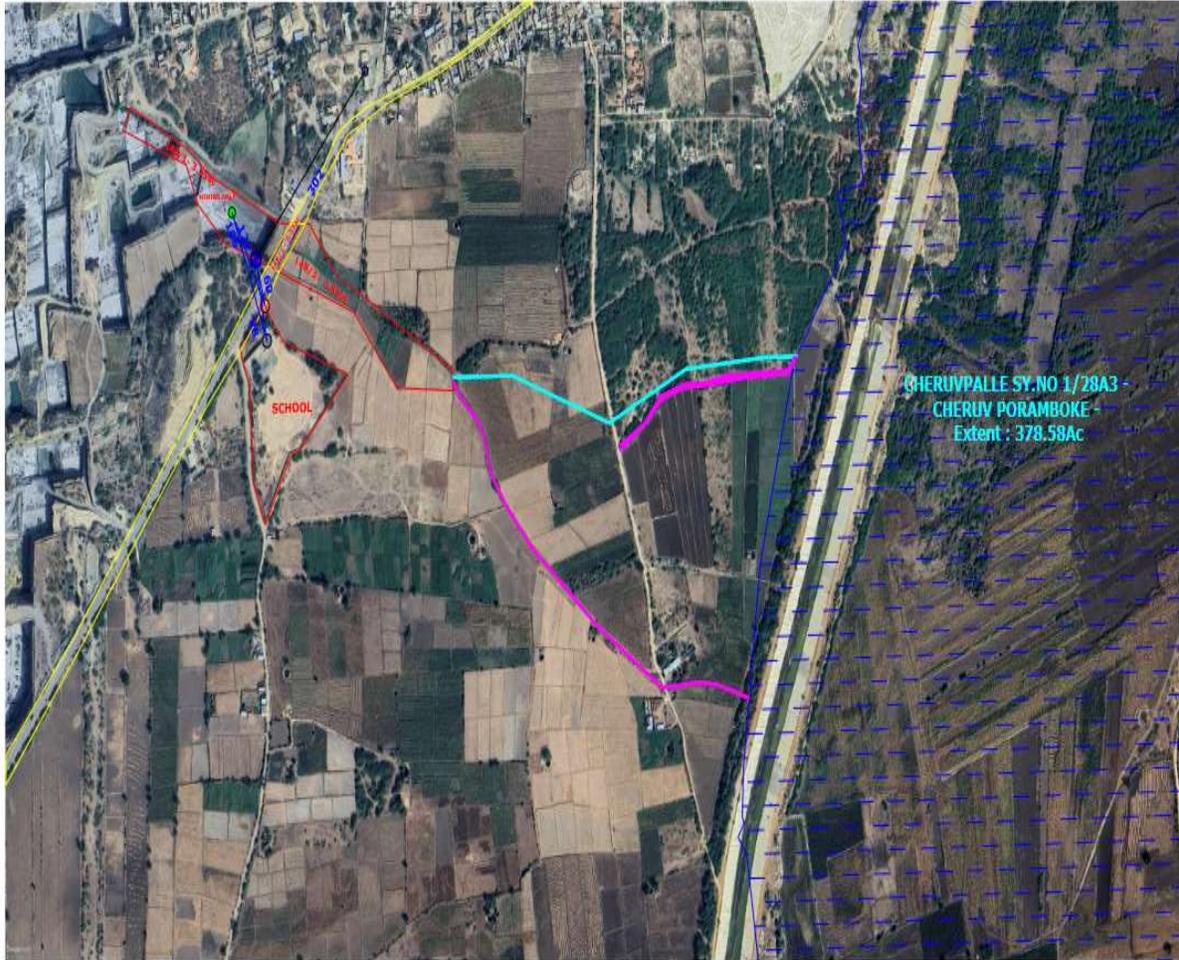
Sy. No	Extent (Ac. Cts)	Classification	Remarks
148	7.34	G.P (Government Poramboke)	Hill stream is noted in 14th coloumn of RSR

As per Current web-land Adangal

SI. No.	Sy. No Sub-Division	Extent (Ac. Cts.)	Khata No.	Pattadar Name	Enjoydar Name	Extent (Ac.Cts.)
1	148	7.34	20001202	Vagu	Vagu Poramboke	7.34

2. It is further submitted that the Mandal Revenue Inspector, Banaganapalle and Village Revenue officer, Palukur have enquired with Villagers of Palukur and Head Master of Z.P High School, Palukur Village and reported that as per revenue records the land in question in Sy.No.148 is a Government Land and it is classified as Vagu Poramboke and it is Called as "Bandla Vagu".
3. Further, due to conduct of mining activities in the northern part of the said survey number for the past years, there are very big pits have been formed and all the rainy water coming from above in this stream is being stored in the large mining pits. Currently there is no flow of water in the stream of Sy.No. 148 and it's flown only at the time of heavy rains and joined at Akkajamma Cheruvu of Cheruvupalle Village. Further this vagu can't cater the water to the fields of Palukuru Village as it is located at lower part of Palukuru Village. Further, the Head Master of ZP High School, Palukuru has stated that at the time of mining operations. dust particles are coming into the premises of High School.
4. Further the Mandal Surveyor, Baganapalle submitted Location Sketch, with different place of Distances particulars in between of ZP High School and Mining Portion are detailed as follows.
 - Distance from School compound to centre of Mining point — **127m**
 - Distance from School compound to LEASE starting of Mining point — **60m**
 - Distance from School building corner to LEASE starting of Mining point- **98m**
 - Distance from habitation to LEASE starting of Mining point — **302 m**
 - Distance from School building corner to centre of Mining point — **166 m**
5. Further as per the F.M.B the Sy.No.148 full extent Ac.7.34Cts is subdivided into Sy.No.148/1 with an extent of Ac.3.15Ctc (Mining Quarries), Sy.No.148/2 with an extent of Ac.0.37Cts (R&BRoad) and Sy.No.148/3 with an extent of Ae.3.82(very tiny passage or canal and unauthorized encroachers). At present there is no passage of canal (Vagu) existed from upward direction (i.e., from Sy.No.148/1) to downward direction (i.e. to Sy.No.148/3).
6. The detailed location sketch showing the distances between ZP High School and Mining Portion, Combined sketch stream position in Palukur Village of Banaganapalle Mandal is as follows:

LOCATION SKETCH SHOWING THE DISTANCE BETWEEN SCHOOL AND MINING PORTION IN PALUKUR (V) OF BANAGANAPALLE (M)



INDEX:-

- Stream position as per village Map
- Stream position on Ground
- School compound corner
- Centre of Mining
- LEASE starting of Mining
- School building corner
- Palukur cross road to Nandivargam road
- Habitation

INDEX:-

- Distance from School compound to centre of Mining point - 127m
- Distance from School compound to LEASE starting of Mining point- 60m
- Distance from School building corner to LEASE starting of Mining point- 98m
- Distance from Habitation to LEASE starting of Mining point - 302m
- Distance from school building corner to centre of Mining point - 166m

ALL DIMENSIONS ARE IN METRES

The above figure indicating the places mentioned in the Hon'ble NGT order dt.24.01.2024

COMBINED SKETCH SHOWING STREAM POSITION IN PALUKUR (V) OF BANAGANAPALLE (M)

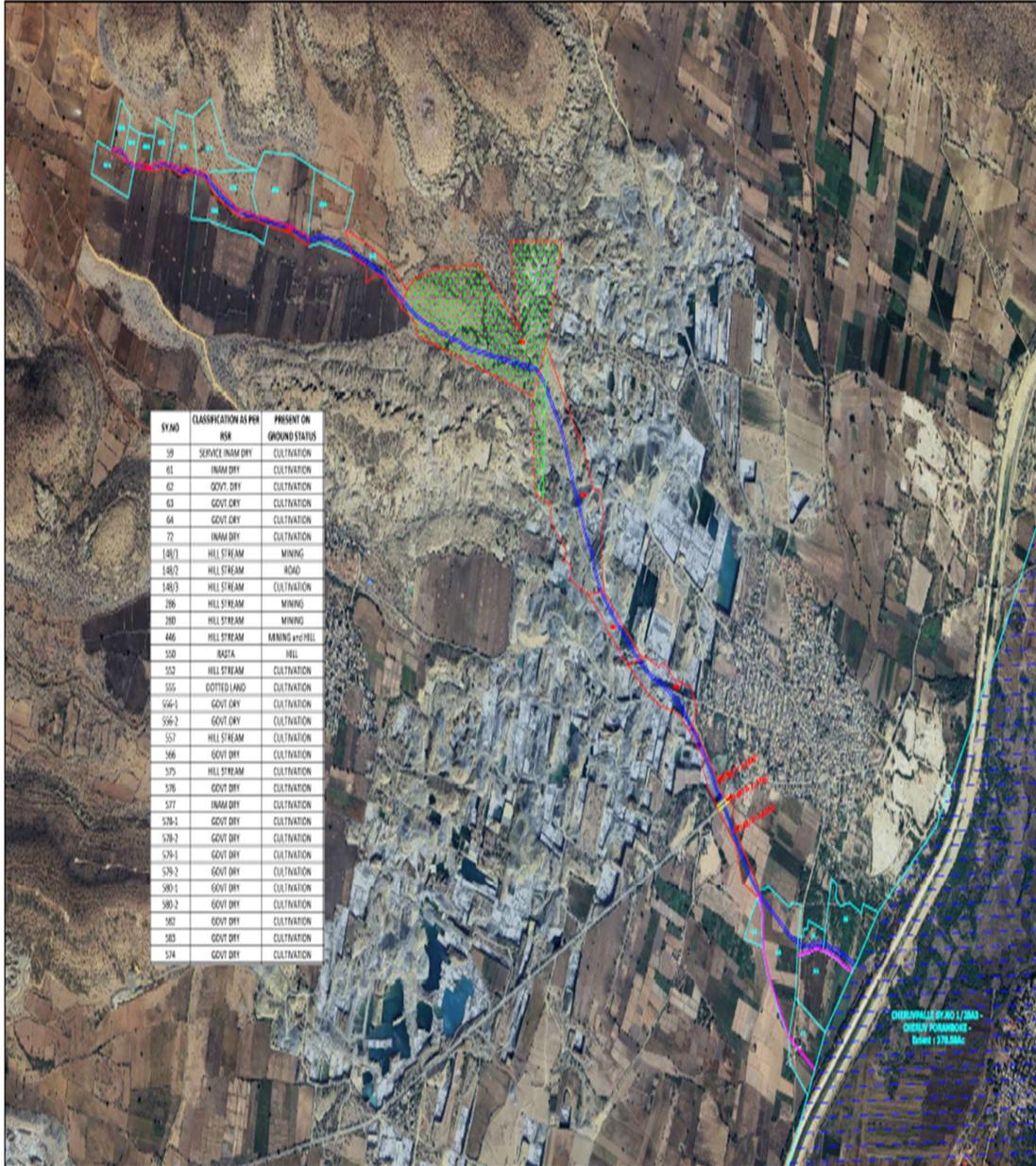


SY.NO	CLASSIFICATION AS PER RSR	PRESENT ON GROUND STATUS
59	SERVICE INAM DRY	CULTIVATION
61	INAM DRY	CULTIVATION
62	GOVT. DRY	CULTIVATION
63	GOVT. DRY	CULTIVATION
64	GOVT. DRY	CULTIVATION
72	INAM DRY	CULTIVATION
148/1	HILL STREAM	MINING
148/2	HILL STREAM	ROAD
148/3	HILL STREAM	CULTIVATION
286	HILL STREAM	MINING
280	HILL STREAM	MINING
446	HILL STREAM	MINING and HILL
550	RASTA	HILL
552	HILL STREAM	CULTIVATION
555	DOTTED LAND	CULTIVATION
556-1	GOVT. DRY	CULTIVATION
556-2	GOVT. DRY	CULTIVATION
557	HILL STREAM	CULTIVATION
566	GOVT DRY	CULTIVATION
575	HILL STREAM	CULTIVATION
576	GOVT DRY	CULTIVATION
577	INAM DRY	CULTIVATION
578-1	GOVT DRY	CULTIVATION
578-2	GOVT DRY	CULTIVATION
579-1	GOVT DRY	CULTIVATION
579-2	GOVT DRY	CULTIVATION
580-1	GOVT DRY	CULTIVATION
580-2	GOVT DRY	CULTIVATION
582	GOVT DRY	CULTIVATION
583	GOVT DRY	CULTIVATION
574	GOVT DRY	CULTIVATION

- INDEX:-**
- GOVERNMENT PORAMBOKE LAND SURVEY NUMBERS
 - FOREST LAND SURVEY NUMBERS
 - PATTA LAND SURVEY NUMBERS
 - STREAM POSITION AS PER VILLAGE MAP
 - STREAM POSITION ON GROUND



COMBINED SKETCH SHOWING STREAM POSITION IN PALUKUR (V) OF BANAGANAPALLE (M)



- Legend**
- GOVERNMENT PONDURU LAND SURVEY NUMBER
 - PONDURU LAND SURVEY NUMBER

CHERUPALLE BY NO 1/2003 -
CHENBY PONDURU -
Dist: 1378.00m

i)



Joint Committee visit on 13.03.2024

ii)



Joint Committee visit on 13.03.2024

iii)



Joint Committee visit on 13.03.2024

Grievances of the Applicant as per the letter petition and remarks submitted by the concerned departments:

S. No.	Points mentioned in O.A. No. 764 of 2023 vide order dt.24.01.2024	Remarks/Reply
1.	We would like to emphasize that the Zilla Parishad High School holds significant importance in our community, serving around 430 students from economically backward and below poverty line backgrounds. This government school has been a beacon of hope for the students in and around the vicinity of Banaganapalle Mandal, including areas like Beeravolu, Devanagar, Rama Krishnapuram, Govindinne, Cheruvupalli, and Palukuru.	During the Joint inspection, the Head Master, ZPHS, Palukur informed that, as per records of Zilla Parishad High School Palukur Village, Banaganapalle Mandal, Nandyal District having strength of 560 students and the extent of the school is about 6.0 Acres.
2.	On 15th July 2023, individuals identified as 1. M. Kishore Kumar Reddy, 2. Dudekula Edursa, Cell No.9989782264, 3. Dudekula Eedur Basha, 4. Dudekula Dastagiri, Cell No.9989865093, R/o Kothapeta Colony, Near Lalswami Darga, Palukuru Village and 5. Kuruva Krishna, R/o Vaddepeta Colony, Palukuru Village, Banaganapalle Mandal, Nandyal District, Cell No.7702737178	It is submitted that, the Joint Committee was conducted survey on 13.03.2024 in the presence of the Joint Collector, Nandyal, Mandal Revenue Officials of Banaganapalle, Environmental Engineer, Pollution Control Board, Kurnool and Mines and Geology, Department Officials and the Mandal Surveyor, Baganapalle recorded the

	<p>commenced unauthorized mining activities on Survey. No. 148 & 148/2, which is situated less than 100 meters from the school building. They claim to have obtained a lease from the State Mining Authorities on 9th March 2022, but their actions include illegal blasting in the black stone mines in close proximity to the school, endangering the lives of the students.</p>	<p>distances of different places in between ZP High School and Mining Portion are detailed as follows.</p> <ul style="list-style-type: none"> • Distance from School compound to centre of Mining point — 127m • Distance from School compound to LEASE starting of Mining point — 60m • Distance from School building corner to LEASE starting of Mining point- 98m • Distance from habitation to LEASE starting of Mining point — 302 m • Distance from School building corner to centre of Mining point — 166 m 																														
3.	<p>The mining operations have resulted in cracks developing in the school building, and there are legitimate fears that these structural damages might lead to a collapse in the future.</p> <p>Furthermore, the continuous blasting noise is severely disturbing the regular academic activities of the school children. The continuous disruptions and fear caused by mining activities can have a negative psychological impact on the students, affecting their mental wellbeing and emotional development. The constant noise from mining operations significantly disturbs the regular academic activities of the school children, affecting their ability to concentrate and learn effectively.</p>	<p>The EE, R & B Department has inspected the Zilla Parishad High School, Palkur and its surrounding areas and observed that, no blasting operations are carried out there. The cracks developed in Building was minor and these are plastering cracks. The building was constructed with load bearing walls with roof beams.</p> <p>The EE, R & B Department reported that, the building is structurally sound if there are no further blasting operations. The repairs to be taken up duly removing plastering at cracked places and to be laid new plastering.</p>																														
4.	<p>The mining activities generate dust and debris, leading to air pollution in the school area. This poses health hazards to the students and staff, potentially causing respiratory issues and other health problems.</p>																															
	<p>➤ The APPCB, Zonal office, Kurnool had conducted Ambient Air Quality monitoring on the terrace of Zilla Parishad High School, Palkur for 24 hours to assess the air quality in and around the ZPHS, Palkur. As per the Analysis reports of the AAQ monitoring values as follows:</p> <table border="1" data-bbox="253 1524 1455 1856"> <thead> <tr> <th rowspan="3">Parameter</th> <th rowspan="3">Unit</th> <th colspan="3">Sample Code</th> <th rowspan="3">24 Hrs Avarage</th> <th rowspan="3">Test Method</th> <th rowspan="3">National Ambient Air Quality Standards (24 Hrs)</th> </tr> <tr> <th colspan="3">Analysis Result</th> </tr> <tr> <th colspan="3">KNL2401040</th> </tr> <tr> <th></th> <th></th> <th>7 PM</th> <th>7 PM to 3AM</th> <th>3 AM to 11AM</th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>Particulate Matter (PM₁₀)</td> <td>µg/m³</td> <td>60.8</td> <td>73.6</td> <td>44.5</td> <td>59.6</td> <td>IS:5182 (Part-23) 2006 (Reaffirmed) 2017</td> <td>100</td> </tr> </tbody> </table>		Parameter	Unit	Sample Code			24 Hrs Avarage	Test Method	National Ambient Air Quality Standards (24 Hrs)	Analysis Result			KNL2401040					7 PM	7 PM to 3AM	3 AM to 11AM				Particulate Matter (PM ₁₀)	µg/m ³	60.8	73.6	44.5	59.6	IS:5182 (Part-23) 2006 (Reaffirmed) 2017	100
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	<p>As per the Analysis report it was observed that the Particulate Matter (PM₁₀) is within the National Ambient Air Quality standards (24 Hrs).</p> <p>During the inspection the committee noted that there are no potentially causing respiratory issues and health problems to the students and staff of ZPH School.</p> <p>However, the Mining units shall take all precautionary dust suppression measures to avoid dust nuisance to the surrounding areas especially ZPHS as there is a chance of dust particles coming into school during continuous mining operations.</p>
5.	<p>The illegal mining activities have also extended to the passage of Bandala vaagu (brook) to Charuvu (Lake), a major water resource for agriculture in the area, causing obstruction to the water flow and affecting around 500 acres of agricultural land, thereby impacting the livelihoods of many farmers. The farmers in the surrounding villages like Cheruvupalli, Beeravolu, Thimmapuram, Nandivargam, Palukuru are depending upon this water resource for their agriculture activities.</p> <p>As per the Revenue authorities the Sy.No.148 full extent Ac.7.34Cts is sub-divided into Sy.No.148/1 with an extent of Ac.3.15Ctc (Mining Quarries), Sy.No.148/2 with an extent of Ac.0.37Cts ((R&B Road) and Sy.No.148/3 with an extent of Ac.3.82(very tiny passage of canal and unauthorized encroachers). At present there is no passage of canal (Vagu) existed from upward direction (i.e., from Sy.No.148/1) to downward direction (i.e, to Sy.No.148/3).</p> <p>Further, the Mandal Revenue Inspector, Banaganapalle and Village Revenue Officer, Palukur have enquired with Villagers of Palukur and Head Master of Z.P High School, Palukur Village and reported that as per revenue records the land in question in Sy.No.148 is a Government Land and it is classified as Vagu Poramboke. But on ground, there is no Vagu existed in and around the land in question for many years as the north direction of land in Sy.No.148 and its adjacent Sy.No's land being used for mining activities. Hence there is no chance for flow of water from the Vagu except heavy rainstorm.</p> <p>Further it is reported that the villagers of Palukuru are stated that the canal is not major water resource for their fields and surrounding villages from many years no canal was existed and most of the canal land in upward direction is covered with Mining Quarries.</p>
6.	<p>Unregulated mining can lead to soil erosion, loss of vegetation, and disturbance to local wildlife, causing irreversible damage to the delicate ecosystem of the region.</p> <p>As per the directions of APPCB the Mines and Geology department has not issued any dispatch permits from 01.08.2023 to till date.</p> <p>During the visit of Joint Committee, the committee has not observed any unregulated mining activities leading to soil erosion and loss of vegetation as most of the area is occupied by scattered sparse</p>

		<p>vegetation of thorny Trees and small bushes. No disturbance was observed to local wildlife as no wild animals are witnessed as per the information received from local public. Not caused any irreversible damage to the ecosystem.</p> <p>There will not be any significant negative impacts are anticipated as the involved mining activities are very small. However, the mining operator shall carry mining operations in such a manner so as to cause least damage to the flora of the mining area and nearby areas. He shall take immediate measures for planting in the same area or any other area selected by authorities not less than twice the number of trees going to be felled by mining operations. He shall also take measures for restoration of other flora /fauna if damaged by mining operations.</p> <p>The following measures are to be adopted to control erosion of dumps:-</p> <ul style="list-style-type: none"> • Retention/toe walls shall be provided at the foot of the dumps. • Worked out slopes are to be stabilized by planting appropriate shrub/grass species on the slopes.
7.	<p>It has come to our attention that the village Panchayat meeting to discuss the sanction of the mine did not take place, and the Panchayat Authorities did not follow the necessary protocols because of high political pressures. It is very surprising to state that this particular mining activity is being done within 100mts of distance to the adjacent village which may lead to irreparable loss.</p> <p>On 24-07-2023 a complaint was given by Sri G.Venkata Ramaiah & Others to the District Mines and Geology Officer, Nandyal District through Spandana Program bearing request no.NND202307242046 and the same was closed without proper action advising the aforesaid</p>	<p>The Mandal Surveyor, Baganapalle submitted Location Sketch, with different place of Distances particulars in between of ZP High School and Mining Portion are detailed as follows.</p> <ul style="list-style-type: none"> • Distance from School compound to centre of Mining point – 127m • Distance from School compound to LEASE starting of Mining point – 60m • Distance from School building corner to LEASE starting of Mining point- 98m • Distance from Habitation to LEASE starting of Mining point – 302 m • Distance from School building corner to centre of Mining point – 166 m

	<p>members to do blasting with proper license instead of cancelling the permission to do mining activities which again endangers the lives of school children, staff and people of nearby village.</p>	<p>On receipt of the complaint, technical Staff of Mines and Geology Office, Banaganapalle have inspected the complaint area on 24.07.2023 and statement recorder in presence of Village Revenue Officer, Palkur and the Royalty Inspector has intimated to the complainant Sri G. Venkataramaiah and Others to attend the inspection but he has not attended but petitioner's representative Sri G.Arun Kumar has attended and shown the complaint area. The Village Revenue Officer said that, the area falls under Sy.No. 148/Part of Palkur Revenue Village and as per revenue records the land is Government land of Vanka Porambok.</p> <p>Further, the licensed surveyor has verified the lease boundaries as per lease deed sketch. As per deed sketch, the quarry operations done away from the School building wall at a distance of 94 metres South-Western and quarry operations in between the School Building is at a distance of 113 metres. Further, the inspection officers enquired the School Head Master and he stated that, presently no damages Caused to School Buildings and no issue.</p> <p>Further it is submitted that, once again the Joint Inspection was conducted on 13.03.2024 in the presence of the Joint Collector, Nandyal, Mandal Revenue Officials of Banaganapalle, Environmental Engineer, Pollution Control Board, Kurnool and Mines and Geology, Department Officials and verified the quarry lease area boundary pillars with a distance of the school building is 100 metres and school compound wall was 60 metres were noticed.</p>
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As per the Hon'ble NGT Order dt.24.01.2024, the Complainant/ Petitioner requested the authorities to take immediate action to address the following by considering the serious repercussions of these mining activities and remarks are as follows:

S. No.	Grievances	Remarks
a)	Investigate the legitimacy of the permission or lease obtained by the aforementioned individuals from the State Mining Authorities.	The mining department has granted quarry leases as per APMMC Rules, 1966 based on NOC obtained from the Concerned Authority.

b)	Halt all mining activities in close proximity to the Zilla Parishad High School and ensure the safety and well-being of the students and staff.	As per the directions of APPCB the Mines and Geology department has not issued any dispatch permits from 01.08.2023 to till date. Further, the Divisional Mines and Geology Office, Banaganapalle has issued notices to the mining units for stoppage of mining activities in close proximity to Zilla Parishad High School.
c)	Direct the issuing authorities not to give any permission for mining activities in and around the vicinity of the Zilla Parishad High School, Palukuru, Banaganapalle Manal, Nandyal District.	The Mining Department will not grant any quarry leases in and around the vicinity of the Zilla Parishad High School in future. The Andhra Pradesh Pollution Control Board has rejected the renewal of CTO application of 0.602 Ha. for Limestone Slabs (Black) Mine of Sri. M. Kiran Kumar Reddy and not issuing any consents to the mining units in and around the vicinity of the Zilla Parishad High School, Palukuru, Banaganapalle Manal, Nandyal District.
d)	Assess the structural integrity of the school building and take appropriate measures to repair the damages caused by the mining activities.	The EE, R & B Department has inspected the Zilla Parishad High School, Palkur and its surrounding areas and observed that, no blasting operations are carried out there. The cracks developed in Building was minor and these are plastering cracks. The building was constructed with load bearing walls with roof beams. The EE, R & B Department reported that, the building is structurally sound if there are no further blasting operations. The repairs to be taken up duly removing plastering at cracked places and to be laid new plastering.
e)	Initiate necessary actions to mitigate the environmental impact and disturbances caused by the illegal mining operations.	The A.P. Pollution Control Board while issuing the consent orders stipulated special conditions that: i. The project authority shall provide GI sheets of 20 ft height along the boundary towards the nearest human habitation i.e. Palkur Village in North eastern direction and ZPHS school in south western direction to control dust emissions.

		<p>ii. The project authority shall provide water spraying arrangement on haul roads, loading and unloading and at transfer points for dust suppressions.</p> <p>For non-compliance of consent conditions the Andhra Pradesh Pollution Control Board has rejected the renewal of CTO application of 0.602 Ha. for Limestone Slabs (Black) Mine of Sri. M. Kiran Kumar Reddy and as per the directions of APPCB the Mines and Geology department has not issued any dispatch permits from 01.08.2023 to till date.</p> <p>In addition to the above the APPCB, Regional Office, Kurnool has requested the Board Office, Vijayawada to conduct legal hearing before the Consent Management & Monitoring Committee (Task Force) at the Board Office, Vijayawada to initiate action against the 0.602 Ha., & 1.252 Ha., Lime Stone Slabs (Black) Mining units of Sri M/s. M. Kiran Kumar Reddy located at Sy.No.148/P of Palkur (V), Banaganapalle (M) Nandyal District in the interest of public health and Environment and for compliance of the consent conditions to avoid any disturbances to the surrounding areas.</p>
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V. Remarks of the Joint Committee:

1. The mine operator shall comply with the mining methodology mentioned in approved mining plan and Form-l.
2. Once in an year mine operator shall conduct impact analysis on environment by reputed institute recognized by Director General, Mines and Safety.
3. The mine operator shall ensure that no natural watercourse and/or water resources shall be obstructed due to any mining operations. Necessary safeguard measures to protect the first order streams, if any, originating from the mine lease shall be taken.
4. Greenbelt shall be developed along the boundary of mining lease area and also in back filled and reclaimed areas with tall growing native species in consultation with the local DFO/Agriculture Department.
5. The mine operator shall take all the environment pollution prevention measures and shall operate as per the mining plan only and implement measures proposed in EMP.

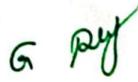
6. M/s. M. Kiran Kumar Reddy shall operate the mining unit only after obtaining the valid statutory permissions from the concerned departments.
7. The mine operator shall scrupulously comply with conditions stipulated by the SEIAA (AP), MoEF & CC, GoI, in the Environmental Clearance order Dt. 28.06.2021, CFE order dt. 13.08.2021 & CTO order dt.29.09.2022 and also to comply the directions issued by the Hon'ble NGT in O.A.No.304/2019 with regard to mining operations.
8. The mine operator shall carry mining operations in such a manner so as to cause least damage to the flora of the mining area and nearby areas. He shall take immediate measures for planting in the same area or any other area selected by authorities not less than twice the number of trees going to be felled by mining operations. He shall also take measures for restoration of other flora /fauna if damaged by mining operations. In case any felling or damage to fauna and flora is involved, prior permission shall be taken from the concerned regulatory authority, by the proponent, without which mining shall not be taken up.
9. The Divisional Mines and Geology Office, Banaganapalle to be verified the quarry leases in and around the Zilla Parishad High School, Palkur in close proximal and to issue the mining stoppage notices to the leaseholders.
10. The concerned line department may make regular inspection of mines and quarries in close proximal of Zilla Parishad High School, Palkur to verify safety measures taken up by the leaseholders to avoid further damage to the Zilla Parishad High School, Palkur and to avoid illegal/unauthorized quarrying operations.


(Sri T. Rahul Kumar Reddy)
Joint Collector & Additional District
Magistrate, Nandyal


(Sri M. Surya Chandra Raju)
Sub-District Forest Officer,
Dhone, Nandyal District.
(Member from the Wetland
Committee)


(Sri B.Y. Muni Prasad)
Environmental Engineer,
APPCB, Regional Office,
Kurnool


(Sri K. Raja Gopal)
Divisional Mines and Geology Officer,
Bangnapalle


(Sri G. Ravindra Reddy)
Tahsildar, Banaganapalle.