

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

Original Application No. 87 of 2015

BETWEEN

Sir.Ramakrishnan N

...Applicant

AND

Union of India and others.

....Respondent(s)

**REPORT SUBMITTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT /
2nd RESPONDENT.**

It is submitted that Principal Secretary to Government, 2nd Respondent herein has filed a report in the above Original Application as per order dated 25.07.2019.

Kindly take the report on record and place the same before the Hon'ble Tribunal.


(P.A. KUMARESAN)

Counsel for Respondent 2,3, 4
and 5

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



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URGENT

GOVERNMENT OF KERALA
Environment (A) Department

No.A3/144/2016/Envt

Thiruvananthapuram
Dated:16.09.2019

From
Principal Secretary to Government.

To
The Advocate General,
Ernakulam
Kerala.

Sir,
Sub : Environment Department - O.A.No.87/2015 filed by
Sri.Ramakrishnan before the Hon'ble National Green
Tribunal, Chennai - Instructions forwarding of- Reg.
Ref : Your letter No.W4/OA87/2015 dated 25-07-2019.



.....
I am to invite your attention to the reference cited and to forward the instructions in this regard as cited below:

Government in Industries Department have granted a mining lease to M/s KCCPL, the 9th respondent in this case extract Laterite from area of 20.242 Hectares of land comprised in Survey No.89/1A of Karinthalam Village of Hosdurg Taluk of Kasargod District. The company executed the lease deed on 15-03-2005 and it is valid upto 26-06-2025. From the beginning itself there was public protest in the area against mining operation conducted by the petitioner company. Two writ petition were filed before the Hon'ble High Court of Kerala, WP(C)3971/2015 and 6493/2015. Though there is immense potential of Laterite in the area under lease, the company could extract only in a small area due to public agitations. Besides this, the company had not obtained Environmental Clearance for mining. In the above circumstance as per the order dated 27-02-2012 of the Hon'ble Supreme Court, Environmental Clearance had been made mandatory for any kind of mining irrespective of the area under mining lease. In such circumstances the Director of Mining & Geology directed the company to stop all mining activities in the area and also directed not to operate the said mine without obtaining Environmental Clearance for mining.

Vide para 5 of the order dated 03-07-2019 in O.A.No.87/2015, the Hon'ble Tribunal has directed to constitute a committee comprising of (i) Senior Engineer form Central Pollution Control Board (ii) Senior Engineer from State Pollution Control Board and (iii) an expert from the Department of Mining & Geology, Kerala to undertake a study to assess the damage caused by mining in the area in question, the cost of remediation and the cost to be incurred toward restoration of the mined area. Accordingly the

assistance of Sri. V. Divakaran, Senior Geologist of the Department of Mining Geology, Kasargod was rendered to the State Pollution Control Board, the nodal agency appointed by the Hon'ble Tribunal in the case.

In para 6 of the order, the Hon'ble Tribunal has directed the State Government to inform the Tribunal as to whether any decision has been taken for cancellation of the lease granted in favour of M/s Kerala Clays and Ceramics Products Ltd, Pappinissery, the 9th respondent in the O.A.

No action has been taken to cancel the mining lease as there is no mining operation in the leasehold.

In compliance with the order of Hon'ble National Green Tribunal, the committee constituted with Sri. H.D.Varalakshmi (Central Pollution Control Board, Bangalore), Sri. V. Divakaran (Senior Geologist, Department of Mining & Geology, Kasargod) and Smt. Sheeba.M.S (Chief Environmental Engineer,Kerala State Pollution Control Board, Kozhikode) visited the Quarry site on 19-07-2019. The date of inspection was informed in advance to applicant Sri.Rakakrishnan. N as well as M/s Kerala Clays & Ceramic Products Ltd. During inspection applicant was not present and Sri.Bharathan, consultant Geologist of M/s Kerala Clays & Ceramic Products Ltd. was present.

1)The Kerala Clays & Ceramic Products Ltd, a company fully owned by Government of Kerala is registered under Companies Act 1956 and has its registered office at Pappinissery, Kannur District, Kerala and is engaged in the mining and processing of China Clay for the last several years. They have a mining lease deed for extracting Laterite Mineral for a period of 20 years over an area of 20.242 Hectares of land comprised in Re- Survey No.89/1A/Part of Karinthalam Village of Hosdurg Taluk of Kasargod District. Later the company has accorded sanction for the inclusion of Bauxite in the existing of mining lease for a period of 1 year as they have encountered the Bauxite while mining.

2) During inspection of the committee no mining activity was observed. The representative of the company has informed that they have executed mining operation in about 4.046 Hectares (10 Acres) only against approved are of 20.242 Hectares. The site is a flat terrain with little over burden.

3) The representative of the company informed that they have done mining for the period 2005 -2015 and the mining was stopped due to public protest. The Laterite mined were transported to M/s Malabar Cements at Palakkad, Kerala which is the only Cement manufacturing unit in Kerala and also is a public sector undertaking. He also informed that the Bauxite mined was transported only after obtaining temporary permit from the Government of Kerala.

4) Due to the prevailing monsoon season in the State of Kerala, there was stagnated water in the Quarry and hence the depth of quarry could not be measured. Seepage pattern of the area could not be observed because the monsoon season.

5) The applicant Sri. Ramakrishnan.N was met at his residence. He informed the committee that he has not given any individual complaint before any authority or petition to any court and has only signed a mass petition due to cracks on the walls of his house and water level in his well has gone down. He also informed that the mining had stopped since 2015. During inspection it was observed that the water level in the well is almost at 3 meters from the ground level.

6) The committee has asked the company to submit the mine plan, copy of the explosive license. They have submitted the required copies and the committee is verifying the conditions of mine plan and lease deed. Also due to the prevailing heavy rains and monsoon season in the State of Kerala further field investigations could not be done.

7) It is most respectfully submitted that the committee is in the process of preparing report which requires verification of documents related to mining activity as well as some more field data.

Yours faithfully,



SANTHOSH.R
Under Secretary

for Principal Secretary to Government