

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

Original Application No. 87 of 2015

BETWEEN

Sir.Ramakrishnan N

...Applicant

AND

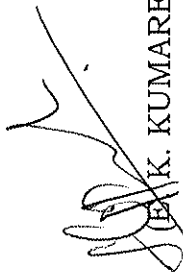
Union of India and others.

....Respondent(s)

**REPORT SUBMITTED BY THE DIRECTOR OF MINING , / 5TH
RESPONDENT.**

It is submitted that Department of Mining, 5th 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.


(K. KUMARESAN)

Counsel for Respondent 2,3, 4
and 5

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

Directorate of Mining & Geology
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Dated : 16-09-2019

The Director of Mining & Geology

The Advocate General,
Kerala, Ernakulam

Sub:- Mining Lease granted vide G.O. (MS) No. 111/2004/ID dt. 25.09.2004 – Quarrying without Environmental Clearance – O.A. 87/2015 before the Hon'ble National Green Tribunal, Chennai – instructions – forwarding of –
red.

1. Letter No. W4/OA 87/2015 dt. 25/07/2019
2. Order dt. 27.02.2012 of the Hon'ble Supreme Court in Deepak Kumar vs State of Haryana Case.
3. FIA Notification dt. 14.09.2006

Kind attention is invited to the above reference. Government in Industries Department vide G.O. (MS) No. 111/2014/ID dt. 25.09.2004 have granted a mining lease to M/s. KCCPL, the 9th respondent in O.A 87/2015 to extract laterite from area of 20.242 Hectares of land comprised in Survey No. 89/1A of Karinthalam Village of Hosdurg Taluk of Kasaragod 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 agitation. Besides this, the company had not obtained Environmental Clearance in the area for mining. In the above circumstances, as per the order dt. 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 and

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to
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from Dr. J. H. Brown.
Groveport, Ohio 14.
a) 1st paper

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 in the said area vide letter No. 2026/M3/2015 dt. 23/06/2016.

Vide para 5 of the order dt. 03.07.2019 in O.A. No 87/2015, the Hon'ble Tribunal has directed to constitute a committee comprising of (i) Senior Engineer from Central Pollution Control Board and (ii) Senior Engineer from State Pollution Control Board and (iii) an expert from the Department of Mining and 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 towards restoration of the mined area. Accordingly the assistance of Sri. V. Divakaran, Senior Geologist of the Department of Mining and Geology, Kasaragod 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.

The Government have been informed by the Director of Mining and Geology that no action has been taken to cancel the mining lease as there is no mining operation in the leasehold.

It is informed that steps are being taken to cancel the mining lease.

Yours faithfully,


For DIRECTOR OF MINING & GEOLOGY