

**BEFORE THE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH AT CHENNAI)**

(Under Section 16 (f) of the National Green Tribunal Act, 2010)

Appeal No. 35 of 2024

Kasim Alayan : Appellant
Vs.

Kerala State Pollution Control Board & 3 Ors. : Respondents

INDEX TO ADDITIONAL TYPED SET FILED BY THE APPELLANT

Sl. No.	Date	Particulars	Pg.No.
1.	16.12.1995	NOC given by the DFO to Assistant District Industrial Officer granting permission to the Appellant to start the saw mill.	1
2.	01.02.1997	Building Tax receipt issued by the Panchayat in respect of the Appellant's saw mill building bearing No.XIII/548-A for period 1996-97	2
3.	13.05.1997	Professional Tax receipt issued by the Panchayat in respect of the saw mill of the Appellant	3
4.	19.05.1997	D&O licence issued by the Panchayat to the Appellant (16HP) for the period 1997-98.	4
5.	14.05.1998	Lease Deed executed by the father of the Appellant in favour of the Appellant in respect of the land on which saw mill was constructed	6
6.	04.05.2000	D&O licence issued by the Panchayat to the Appellant (36HP) for the period 2000-01.	15
7.	29.10.2002	Order of the Hon'ble Supreme Court in T.N. Godavarman Thirumulpad Vs. Union of India, reported in (2008) 16 SCC 337.	17
8.	09.08.2004	Circular No.PCB/TAC/18/2004 issued by the Kerala State Pollution Control Board	30

9.	12.02.2008	Settlement Deed executed by the Appellant's father in favour of the Appellant in respect of the land on which saw mill was constructed	32
10.	12.02.2008	Settlement Deed executed by the Appellant's father in favour of the 5 th Respondent (Abdul Rasheed) in respect of the adjacent land to the saw mill	44
11.	27.08.2011	Circular No.PCB/T4/115/97 issued by the Kerala State Pollution Control Board	55
12.	17.10.2015	No objection certificate issued by the DFO, Mannarkkad	56
13.	15.03.2017	Certificate issued by the Panchayat stating that the Appellant's saw mill was functioning with 36 HP from 2001 onwards.	57
14.	19.10.2022	RTI information from the Panchayat stating that the residential house of the 5 th Respondent (Abdul Rasheed) was assessed during 2008-09.	59
15.	17.04.2023	Review Petition filed by the Appellant to review the Order dated 17.03.2023 in IA 43/2022 in impugned Appeal No.21/2022	62
16.	2023	Arguments notes of the Appellant filed before the Water/Air Appellate Authority in the impugned Appeal No. 21/2022	66
17.		Consolidated Siting Criteria of Kerala State Pollution Control Board	

Dated at Chennai on this the day of December, 2024

COUNSEL FOR APPELLANT

A7

Exhibit-8

Office of the
Divisional Forest Officer,
Mannarkkad.

Date : 16-12-95.

A1.9483/95.

From

E. Pradeep Kumar,
Divisional Forest Officer,
Mannarkkad.

To

The Asst. Dist. Industries Officer,
Mannarkkad.

Sir,

Sub:- Inds. - SSI - regu - request for NCG - reg.
Ref:- That Office No. A/427/95 dated 30-10-95.

Referring to the above, it is informed that there is no objection in starting a Saw Mill and Wooden Furniture Unit in Sy. No. 112/2 of Alannallur Village, P. S. S. Kappam Alayan, Kattukulam Alannallur P. O. as far as Mannarkkad Forest Division is concerned.

This N.O.C. will be cancelled at any time without notice, if the department rules are seen violated by the above applicant or by his men.

Yours faithfully,

extended Pradeep Kumar

Oct 10
Agricultural Officer
Krishi Bhavan
Alannallur
Palakkad-678 601

DIVISIONAL FOREST OFFICER,
Mannarkkad.



Re. 16-12-

This is the true and correct copy as referred to in the W.P.(C)

Associate 1/24 + 1/11/95

Filed to

30

Exhibit P2

ബുക്ക് നമ്പർ 29884

പേജ് നമ്പർ XXXIII
(30-ാം പേജ് നമ്പർ)

രസീത് നമ്പർ



Manattur

പഞ്ചായത്ത്

ആളുടെ പേര്: ടി. Mayan Kuttan s/o Kanna

മേൽവിലാസം: Kattukulam

നോട്ടീസ് ബുക്ക് നമ്പർ	വിലാസങ്ങൾ	കുറഞ്ഞവില	തുക		ആകെ	
			രൂ.	പ.	രൂ.	പ.
XIII 548-1	6574 B1 K	96.97			113.40	9
					5.60	119.00
	ആകെ				119.00	119.00

മേൽപ്പറഞ്ഞ തുക കൈപ്പറ്റിയിരിക്കുന്നു. (അക്ഷരത്തിൽ)

one hundred and nineteen only

തീയതി 1/2/97

എക്സിക്യൂട്ടീവ് ഓഫീസർ

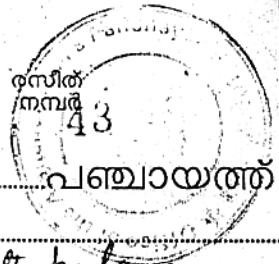
[Handwritten Signature]

3 B/92

This is the true copy of Exhibit P as referred to in the W.P.(C) Advocate

പകർപ്പ്

പകർപ്പ്
 ഫോറം നമ്പർ XXXIII
 (36-00 ചട്ടം പ്രകാരം)



29399 *Alamallur*

ആളുടെ പേര്

Kasim Alayam

മേഖല

Alayam Timbers, Kattukulam

തൊട്ടിൻ രിൽ തമ്പൽ	വിവരങ്ങൾ	കാലാവധി	തുക		ആകെ	
			കൃത്രിമ രൂ. പ.	തന്നാണു് രൂ. പ.	രൂ. പ.	രൂ. പ.
	<i>Profession tax</i>	<i>97-98</i>		<i>250 രൂ.</i>		

ആകെ

250 രൂ. 250 രൂ.

പുറം തുക കൈപ്പറ്റിയിരിക്കുന്നു. (അക്ഷരത്തിൽ)

Rs 250 only

Two hundred and fifty

തി

13/5/99

എക്സിക്യൂട്ടീവ് ഓഫീസർ

[Signature]

This is the true copy of
 Exhibit P as referred
 to in the W.E (C)

Advocate

59

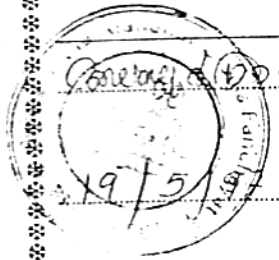
Exhibit P11

നമ്പർ A. 37/97 ശ്രീമതി ശൈലജ പഞ്ചായത്ത്

1990 ലെ കേരളാ പഞ്ചായത്ത് ആക്ട് 96, 97, 98, 129 വകുപ്പുകൾ പ്രകാരവും അതേ തുടർനൂതന ചട്ടങ്ങളും അനുസരിച്ചു കൊടുത്ത

ലൈസൻസ്

ലൈസൻസുടമസ്ഥന്റെ പേരും വാങ്ങിയ തീയതിയും	ശ്രീമതി. ശൈലജ ശൈലയാർ ടി.പി.പി. കാട്ടുകുളം
എന്താവശ്യത്തിന് ലൈസൻസ് അനുവദിച്ചു എന്ന്	ലോ മിൽ നടത്തുന്നതിനു (6 HP)
കടമടയ്ക്കേണ്ട തുകയും	500/- രൂപ
ലൈസൻസിന്റെ കാലാവധി	1-4-97 - 31-3-98
ലൈസൻസ് ഫീസ്	500/- രൂപ പൈസ
റിമാർക്ക്	Rt. No. 42 / 29399 / dt. 13.5.97.



പഞ്ചായത്ത്
[Signature]
PRESIDENT,
ALANALLUR GRAMA PANCHAYAT.

എക്സക്യൂട്ടീവ് ഓഫീസർ
SECRETARY
Alanallur Grama Panchayat.

(മറുവശം)

This is the true copy of Exhibit P as related to in the W.P.(C)
[Signature]
Advocate

EXHIBIT P11

No. A1. 37/97

Alanallur Grama Panchayath

LICENSE

Issued under Sections 96,97,98, 129 of Kerala Panchayath Act 1960 and rules thereof.

Name and address of the Licensee	Kasim, Alayan Alayan Timbers, Kattukulam.
Purpose of License	For purpose of Saw Mill (16 H.P)
Building No.	AP. XIII / 548A.
Validity of the License	1.4.97 to 31.3.98
License Fee	Rs. 500/-.
Remarks	Rt No. 42/29 399/ dt 13.5.97

Alanallur Grama Panchayath

Secretary (Sd.)

Alanallur Grama Panchayath

President (Sd.)

Alanallur Grama Panchayath

Date: 19/5/97 (Seal)

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Pir

5853

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31 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

[Handwritten signature]



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4.

P/15

നമ്പ്രക്കോണ് നാലമളാർ മുതൽക്കു നമ്പ്രക്കു നമ്പ്രക്കു
 (ഭവ) 5% ഭരണാലിങ്കുഭാഗി (ഭവ) നാലമളാർ 1998-02 =
 യു 14 നാലമളാർ രജിസ്റ്റർ ചെയ്ത. ഓരോലു ഭാഗി (ഭവ)
 1998-ന 100 മുതൽ കം 28600 വാലു 183 മുതൽ 185 വരെ
 വശമുതൽ 74100 നമ്പ്രക്കു രജിസ്റ്റർ ചെയ്തിരിക്കു
 നം. 4 നാലു 100 നാലു 1998-02 യു 14 നാലമളാർ രജിസ്റ്റർ
 ചെയ്ത. ഓരോലു ഭാഗി (ഭവ) (മുള) നമ്പ്രക്കു നമ്പ്രക്കു
 നമ്പ്രക്കു മുതലായതിലു. പകർച്ചയിൽ ചെയ്തു. (1) (2)
 മുതൽക്കു പകർച്ച നമ്പ്രക്കു ചെയ്ത. ഓരോലു
 ഭാഗി (ഭവ) (മുള) നമ്പ്രക്കു നമ്പ്രക്കു മുതലായ
 ഭാഗി പകർച്ച മുതൽക്കു. ഭരണ ഭാഗി
 നമ്പ്രക്കു. വാലി ചെയ്തു. വി. വാലി ചെയ്തു. ഓരോലു
 ഭാഗി ചെയ്തു. ചെയ്തു. ഓരോലു ഭാഗി (ഭവ) നാലമളാർ
 രജിസ്റ്റർ ചെയ്തു. ഓരോലു ഭാഗി (ഭവ) ചെയ്തു വാ
 രജിസ്റ്റർ ചെയ്തു. 15.5.98 നാലമളാർ.

(True Copy on. 4 Rolls)

Corrections: 3

Total Corrections: 6 (six only)

Copy prepared by. V. Harilal. Harilal

Copy Compared & Reader N. Soman. Soman
by Examiner. V. Harilal. Harilal

SRo. Alauallur
26-9-98



Harilal
SUB REGISTRAR
ALAUALLUR

This is the true copy of Exhibit P as referred to in the W.R.(C)

EXHIBIT P1

Rs.20



Document No. 741/98/I

This LEASE DEED is executed on this the 14th day of May in the Year 1998 corresponding to Malayalam date 31st day of Medam in the year 1177 **By HAMSA**, Age 59 years, Agriculturist, S/o late Alayan Kunhalavi, Alanallur Amsam Desam, Mannarkkad Taluk, **To and In Favour of, KASIM**, Age 30 years, Business, residing at the same Amsam and Desam. The below mentioned schedule property of an extent of 20 cents, which is in my ownership, possession and enjoyment, I am transferring the same in favour of my son the afore mentioned Hamsa to start a Saw Bill for him and to install the necessary machineries there for the purpose of the proposed saw mill there for a period of 15 (fifteen) years with effect from today, and upto the date of 14th May 2013 with an understanding that he would pay me Rs. 150/- (Rupees one hundred fifty) per month as rent. In the conveyed plot of land, he can erect a saw bill and run the same on his own responsibility and cost and in his own name. Accordingly, I have signed this Deed in the presence of the following witnesses:

Schedule

Palakkad	District
Alanallur	Sub District
Mannarkkad	Taluk
-do-	Farka
Alanallur	Amsam
Alanallur	Desam
112	Survey
2	No.
	No.
0	Acre
20	Cents

Description of Property

20 cents equivalent to 8 Ares in Sy No. 112/2, 2.15 in the south west corner of Kodath Karikara Kudiyiruppu Parambu,

Boundaries:

East	The rest of my property
South	Road
West	My own road to my Kudiyiruppu property
North	The rest of my property.

Hamsa (Signed).

Witnesses:

- (1) Kunnath Muralidharan, S/o U. Raghavan Nair, Alanallur (Signed).
- (2) Abdul Azeez. M, S/o Muthukutty Kunhalikutty, Alanallur (Signed).

Deed prepared by the licensee C.K. Gopalakrishnan having License No. DAP 36 SAP. --- (Signed).

Hamsa (Sd.) Treasury Stamp dated 4.5.98 No. 1445 Value Rs. 100. Place Alanallur. Name Alayil Kasim date 14.5.98 (Sd.). K. Jayakrishnan, Acting Stamp Vendor SRO Alanallur. Treasury Stamp 4.5.98 No. 14.5.98 (Sd.) K. Jayakrishnan, Acting Stamp Vendor SRO Alanallur. Treasury Seal, 4.5.98 No.1447 Value Rs. 100, Place Alanallur. Name Alayan Kasim. Date 14.5.98 (Sd.) K. Jayakrishnan Acting Stamp Vendor Rs. 100. Alanallur Treasury Stamp 4.5.98 No. 1448 Value Rs. 100 Place Alanallur Treasury Stamp. Name Alayan Kasim. Date 14.5.98 (Sd.). K. Jayachandran Acting Stamp Vendor SRO Alanallur. Four stamp papers. Rupees four hundred. Copy of certifications and endorsements. In the year 1998 May 14th at 12.10 pm document presented before the Alanallur S.R.O and paid a fee of Rs. 72/- . Alayan Hamsa (Sd.). 1998 May 14th Sub Registrar N. Jamaludheen (Sd). Contents of the deed admitted by Alayan Hamsa, S/o Kunhalavi, Agriculturist (Sd.). (Finger print). Identified by Kunnathu Muralidharan S/o U. Raghavan (Sd.). Witnesses - Advocate Alanallur Muthukutty Azees S/o Kunhalikutty (Sd). --- 1998 May 14th Sub Registrar N. Jamaludheen (Sd.) 1998, Book 1, Vol. 286 Pages 183 to 185, Document registered as No. 741. 1st page out of 4 pages. Sub Registrar N. Jamaludheen (Sd.). Office Seal. No corrections in the Deed. In copy correction (1)(2). Endorsement copied by N. Jamaludheen (Sd.). (Seal) True copy and endorsement compared by V. Harilal (Sd.). Examined by N, Jamaludheen (Sd). Document returned to the presenter on 15.5.98

(True copy on 4 Rolls).

Corrections : 3

Total corrections 6 (six only)

Copy compared by / Reader. N. Jamaludheen (Sd).

Copy examined by Examiner V. Harilal (Sd).

S.R.O Alanallur (Seal) Sub Registrar, Alanallur (Sd).

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Exhibit-P11 @



നമ്പർ 6

അലയൂർ

ഗ്രാമ പഞ്ചായത്ത്

1994 ലെ കേരളാ പഞ്ചായത്ത് രാജ് ആക്ട് (1994 ലെ 13) 232, 233, 234, 254 എന്നീ വകുപ്പുകൾ പ്രകാരവും അതേ തുടർന്നുള്ള ചട്ടങ്ങളും അനുസരിച്ചു കൊടുത്ത

ലൈസൻസ്

ലൈസൻസുകൾക്കുവേണ്ടി പേരും മേൽവിലാസവും	ബി.സി.പി. അലയൂർ അലയൂർ
എന്താവശ്യത്തിന് ലൈസൻസ് അനുവദിച്ചു എന്ന്	36-A-P. ഇലക്ട്രിക്കൽ കോർപ്പറേഷൻ ഉപയോഗിച്ചു മോട്ടോർ വെഹിക്കിൾ
കെട്ടിടത്തിന്റെ നമ്പരും വാർഡു നമ്പരും	AP. 31/548A
ലൈസൻസിന്റെ കാലാവധി	1-A-2000/31-3-2001
ലൈസൻസ് ഫീസ്	500 രൂപ - പൈസ
റിമാർക്ക് :-	RI-No. 39/35387 dt-24.2.2000

അലയൂർ

തീയതി 4.5.2000



Handwritten signature and name of the Secretary, Alayur Grama Panchayat.

GLM 44G/96

This is the true copy of Exhibit P as referred to in the W.P.(C) Advocate

EXHIBIT P11(a)

No. 6

Alanallur Grama Panchayath

LICENSE

Issued under Sections 96,97,98, 129 of Kerala Panchayath Act 1960 and rules thereof.

Name and address of the Licensee	Kasim, Alayan Alayan Timbers, Kattukulam.
Purpose of License	36 H.P. Electric Motor for the purpose of running a Saw Mill
Building No.	AP. XIII / 548A.
Validity of the License	1.4.2000 to 31.3.2001
License Fee	Rs. 500/-.
Remarks	Rt No. 38/35387 dated 24.2.2000.

Alanallur

Secretary (Sd.)

Alanallur Grama Panchayath

Date: 4.5.2000 (Seal)

T.N. GODAVARMAN THIRUMULPAD (57) v. UNION OF INDIA

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(2008) 16 Supreme Court Cases 337

(Record of Proceedings)

a (BEFORE B.N. KIRPAL, C.J. AND Y.K. SABHARWAL AND
ARIJIT PASAYAT, JJ.)

T.N. GODAVARMAN THIRUMULPAD (57) Petitioner;

Versus

b UNION OF INDIA AND OTHERS Respondents.

IA No. 566 in WP (C) No. 202 of 1995 with IA No. 276 with 413, 437, 453, 454 in WP (C) No. 202 of 1995, IA No. 703 in WP (C) No. 202 of 1995, Monitoring Report (First) of Central Empowered Committee in WP (C) No. 202 of 1995, IA No. 756 in WP (C) No. 202 of 1995 etc., decided on October 29, 2002

c **A. Environment Protection and Pollution Control — Forests — Encroachment of forest land — Action to be taken — Tatokola Reserved Forest in State of Karnataka — R.M.N. Sahay, Conservator of Forests, appointed as Commissioner by Supreme Court — Court Commissioner's Report about forest area under encroachment, as confirmed by Survey of India Report, to be treated as final and all encroachments reported therein**
d **to be removed forthwith — Notice to be published in local newspapers at least seven days before removal of actual encroachments specifying details of the encroacher and the area under encroachment — Encroacher continuing to remain in occupation of the encroached land even after three months from the date of the present order liable to pay compensation for the losses caused due to encroachments, especially when the land encroached upon utilised for commercial purposes — Chief Secretary to personally ensure removal of encroachments and DG, Police to ensure police protection and help — Action-taken report to be filed by Chief Secretary before Central Empowered Committee (Para 12)**

e **B. Environment Protection and Pollution Control — Forests — Compensatory Afforestation Funds — Compensatory afforestation in cases where permission granted for diverting forest area for non-forest purpose — Money received from user agencies — Utilisation of — Recommendations of Central Empowered Committee considered — Rules regarding constitution of a body and management of the Funds to be framed by Union of India — Further directions in respect of the Funds issued by Supreme Court on the basis of recommendations of Central Empowered Committee in its report (Paras 31 and 35)**

g *T.N. Godavarman Thirumulpad (18) v. Union of India, (2000) 10 SCC 494; T.N. Godavarman Thirumulpad (45) v. Union of India, (2007) 15 SCC 288; T.N. Godavarman Thirumulpad (9) v. Union of India, (1998) 2 SCC 59; T.N. Godavarman Thirumulpad (43) v. Union of India, (2007) 15 SCC 283, referred to*

h **C. Environment Protection and Pollution Control — Forests — Felling of trees — Cutting of trees for erection of transmission lines through Rajaji National Park by Power Grid Corporation allowed — Trees to be cut and sold by public auction by Forest Department of the State under supervision**

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SUPREME COURT CASES

(2008) 16 SCC

of Central Empowered Committee — Amount so realised as well as sums payable by the Corporation for afforestation, etc. to be kept by Central Empowered Committee in a fixed deposit for three months and after constitution of the body for management of Compensatory Afforestation Funds, transfer the principal amount so realised to the said body (Para 40) a

D. Environment Protection and Pollution Control — Sawmills and wood-based industries in North-Eastern States — Ban on — Ban imposed with regard to opening of new sawmills and other wood-based industries by Supreme Court's order dated 15-1-1998 in State of Nagaland extended by a further period of five years — High Powered Committee allowed to dispose of assets of such defaulting units who had not paid penalty imposed by the Committee of the wood-based units of North-Eastern States (Para 43) b

R-D/27499/S

*Chronological list of cases cited**on page(s)*

- | | | |
|---|--------|---|
| 1. (2007) 15 SCC 288, <i>T.N. Godavarman Thirumulpad (45) v. Union of India</i> | 344f-g | c |
| 2. (2007) 15 SCC 283, <i>T.N. Godavarman Thirumulpad (43) v. Union of India</i> | 349d | |
| 3. (2000) 10 SCC 494, <i>T.N. Godavarman Thirumulpad (18) v. Union of India</i> | 339a | |
| 4. (1998) 2 SCC 59, <i>T.N. Godavarman Thirumulpad (9) v. Union of India</i> | 348c | |

ORDER

Report of the Central Empowered Committee regarding transfer of funds and related issues d

1. Further report of the Central Empowered Committee regarding transfer of funds and related issues has been filed. Copy of the same is being given to Mr A.D.N. Rao. To come up for appropriate orders on 1-11-2002.

IA No. 756

2. To be listed for hearing after three weeks before a Bench of which the Hon'ble Mr Justice Y.K. Sabharwal and the Hon'ble Mr Justice Arijit Pasayat are members. e

IA No. 276 with IAs Nos. 413, 437, 453 and 454

3. Mr Kapil Sibal, learned Senior Counsel commenced his arguments at 2.45 p.m. and was on his legs when the Court rose for the day leaving the matter as part-heard. f

Coram & appearance: same as on 29-10-2002

4. Mr Kapil Sibal resumed his arguments at 10.35 a.m. and concluded at 11.15 a.m. Thereafter, Mr G.L. Sanghi and Mr Ranjit Kumar made their submissions for 15 minutes each. Mr Harish N. Salve, learned amicus curiae made his submissions from 11.45 a.m. to 12.05 p.m. Arguments concluded. The Court then made the following order: g

IA No. 276 with IAs Nos. 413, 437, 453 and 454

5. We are here concerned with the alleged encroachment into Tatokola Forest in the State of Karnataka.

h

6. On 29-7-1998¹ this Court directed the State of Karnataka to indicate the extent of encroachment in the forest land in the State. With regard to
 a Tatokola Reserved Forest there were allegations regarding large-scale deforestation. Shri R.M.N. Sahay, Conservator of Forests was appointed as the Commissioner of this Court and directed to go to Tatokola Reserved Forest and to give a report about the present state of affairs in that forest.

7. Subsequently, on 7-5-1999 this Court passed another order on the receipt of the report of Shri Sahay. In the said report, Mr Sahay had stated
 b that there were large-scale encroachments and the State of Karnataka was required to give its response to the position indicated in the said report. What is, however, important is that this Court took note of the fact that survey was being conducted in Chikmangalur area by the Survey of India, and this Court by its order dated 7-5-1999 directed the Survey of India to continue with the survey operations and to give a report regarding encroachment in the
 c Chikmangalur area of the forest.

8. The Survey of India then submitted its report which has been placed on record here. The said report describes the manner in which the actual survey of the reserved forest was carried out and along with the report a map of the area has been filed indicating the boundaries of the forest as well as the land therein which has been encroached upon. A list of the encroachers has
 d also been included.

9. IA No. 453 filed by Mr B.L. Shankar was that he was the owner of a coffee estate in Survey No. 3 and that land was not part of the Reserved Forest.

10. This application along with the other applications was forwarded to
 e the Central Empowered Committee for consideration and report.

11. After hearing the applications in IAs Nos. 413, 437, 453 and 454 on 12-7-2002 and 5-8-2002, the Empowered Committee submitted its report on 5-9-2002. The Empowered Committee accepted the survey and the report of the Survey of India and came to the conclusion that as per the said report as well as the report of Shri Sahay, 611.23 acres of forest land had been
 f encroached upon and came to the following conclusions:

(1) The report given by the Survey of India about boundaries of Tatokola Reserved Forest and the extent of encroachment inside it should be accepted as the final report as the Survey of India is the apex survey organisation on survey matters in the country. The survey has been done by it using the latest equipments in a scientific manner. The authenticity and reliability of the survey report cannot be challenged.
 g

(2) As reported by the Court Commissioner and confirmed by the Survey of India Report, 611.23 acres of forest land has been encroached inside Tatokola Reserved Forest. Out of this, 556.04 acres has been encroached for coffee cultivation and 55.19 acres for other purposes.

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¹ T.N. Godavarman Thirumulpad (18) v. Union of India, (2000) 10 SCC 494

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(3) The encroachments which have taken place inside Tatokola Reserved Forest need to be immediately evicted specially as these encroachments are for commercial gains. a

(4) Adequate steps have not been taken by the State Government for removal of encroachments in the past. In spite of appointment of a Court Commissioner and deep concern shown by this Court in the matter, the encroachments have been allowed to continue on one pretext or another such as pendency of joint survey report, Survey of India's Report and pendency of the cases filed in various courts. b

(5) After removal of encroachments, it is necessary to rehabilitate the encroached area by afforestation and other conservation measures.

(6) Compensation for environmental losses caused due to encroachment should be recovered from the encroachers specially as these encroachments are for commercial gains. Similarly, compensation should also be recovered from the State Government if it does not take effective steps immediately for removal of encroachments. c

12. The Empowered Committee then made the following recommendations:

“(a) Shri R.M.N. Sahay, Court Commissioner's report about the forest area under encroachment in Tatokola Reserved Forest as confirmed by the Survey of India Report shall be treated as final and all encroachments reported therein shall be removed forthwith. d

(b) A notice shall be published in the local/vernacular newspapers at least seven days before the actual removal of encroachment is undertaken specifying to the extent feasible, the name of the encroacher, area under encroachment, the compartment number/survey number and the forest range from where the encroachments are to be removed in compliance with this order. e

(c) The Chief Secretary, Karnataka shall be personally responsible to ensure removal of such encroachments. The Director General of Police, Karnataka shall be responsible to ensure that police protection and help needed for removal of encroachments is provided as and when required. f

(d) Compensation for environmental losses caused due to encroachments which have taken place in the instant case for commercial purposes, shall be recovered from the encroachers identified by the Court Commissioner @ Rs 5 lakhs per hectare as an exemplary punishment. For any encroachments not removed by the State Government for any reason whatsoever within three months, compensation for continued environmental losses shall also be paid by the State Government @ Rs 10,000 per hectare per month. The money so recovered shall be kept in a separate account and shall be used exclusively for forest protection and rehabilitation of encroached area with the concurrence of the Central Empowered Committee. g

(e) The action-taken report shall be filed by the Chief Secretary, Karnataka before the Central Empowered Committee every month till the h

encroachments are completely removed and all the compensation payable by the encroachers/State Government are recovered/deposited.

a (f) The earlier orders made in the matter shall be read, modified wherever necessary to this extent. This order will operate and be complied with by all concerned, notwithstanding any order at variance, made or which may be made hereafter, by any authority, including the Central or any State Government or any court (including the High Court) or tribunal.”

b **13.** On behalf of Shri Shankar it was contended by Mr Kapil Sibal that he was the owner of 32 acres and 26 guntas of land which is a part of Survey No. 3 which was not a part of the Reserved Forest. He drew our attention to a Government Notification issued by the Maharajah of Mysore dated 25-4-1936 whereby Tatokola block was created. The boundaries of the forest were set out in the enclosure to the said Notification and the schedule described the boundaries in greater detail. The said Notification also mentioned that the land mentioned in Enclosure Nos. I, II, III and IV were not to form part of the forest. The case of Mr Shankar was that Enclosure No. III clearly stipulated that Survey No. 3 of Kanchegowda Coffee Estate was not to be regarded as a part of the forest. Mr Kapil Sibal submitted that Mr Shankar is entitled to retain 32 acres and 26 guntas of land in Survey No. 3 and the report of the Survey of India does not indicate this area of land which belongs to him. Grievance was also sought to be made that his client had not been heard.

c **14.** What has been done by the Survey of India is to identify the boundaries of Tatokola Reserved Forest. These boundaries have been identified in accordance with the terms of the Notification of 1936. The said Notification provided that in the north the supporting point of the boundary was from the south-west corner of Survey No. 181 of Kundur Village of Chikmangalur Taluk. Report of the Survey of India, states that it was not possible to identify this point at the time when the work of demarcation was commenced. It then describes the manner in which it commenced the work from the nearest available Survey of India geographical control point. This point was identified and on that basis it proceeded to determine the said south-west corner of Survey No. 181 of Kundur Village, the starting point of the Tatokola village boundary. The report indicates that when this point was determined, embedded stone at that place was found. The correctness of this point was cross-checked and when it tallied the Survey of India then also found old pillars indicating the boundary of the forest. Some new pillars were also erected by the Survey of India and on this basis the boundary lines were drawn out, the encroachers identified and a plan was drawn up which has now been placed on record in this Court.

d **15.** According to this plan of the Survey of India Survey No. 3 is clearly shown as not being included in the Tatokola Reserved Forest, but what this plan does indicate is that certain area of Survey No. 4 which forms part of the Reserved Forest has been encroached upon along with the boundary of Survey No. 4 and Survey No. 3 This seems to indicate that persons in

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possession of land in Survey No. 3 could be those who have encroached into the adjoining area forming part of Survey No. 4 which is included in Tatokola Forest.

16. In our opinion, report of the Survey of India and the map drawn by it is not open to challenge. The State of Karnataka has in its affidavit stated that it accepts the correctness of the report. Survey of India is an organisation (the apex one), whose duty it is to prepare the plans after carrying out such surveys. It is on the basis of the aforesaid Survey of India Report that the Central Empowered Committee recommended that the encroachers should be removed from the forest. Keeping this report in mind, the State of Karnataka in its affidavit of Smt S.R. Vatsala dated 18-10-2002 has stated that the survey report of the Survey of India has been accepted and action has been initiated to evict the encroachers in Tatokola Forest.

17. It is stated by Mr G.L. Sanghi on behalf of the State of Karnataka that according to Section 64-A of the Karnataka Forest Act, 1963 summary procedure can be adopted for evicting the encroachers. The said section of the Act, inter alia, provides that any person who has unauthorisedly grabbed land in the Reserved Forest may be summarily evicted by the Forest Reserve Officer but before evicting the person under this sub-section has to be given a reasonable opportunity of being heard.

18. There can be no manner of doubt that any land which forms part of Tatokola Reserved Forest could only belong to the Government. Once the forest was established in the year 1936, all other rights therein came to an end. The survey numbers of the forest are indicated in the plan prepared by the Survey of India and there is no dispute that Survey No. 4 forms part of the said forest. It has not been contended by any one that Survey No. 3 was part of the forest and, therefore, any person who owns land which forms part of Survey No. 3 as identified by the Survey of India would be entitled to enjoy the same and that land did not form part of the Reserved Forest. What the Survey of India had to do was really to demarcate the boundary of the Reserved Forest and to indicate which portion of land fell in Survey No. 4 and which portion of the land in that area fell outside the said Reserved Forest including Survey No. 3. In the plan filed, this has been indicated and according to the said plan portions of Survey No. 4 have been shown to be encroached upon. The total area in occupation of the encroachers in the said forest is stated to be more than 611.2309 acres. It may also be noticed that though in the Notification of 1936 it was stated that the total area of the forest area was 2312 acres and 38 guntas, but as per the report of the Survey of India the survey which was conducted with the help of the latest scientific instruments show that the correct area of the forest was 2269.198 acres. This area of land stands identified in the plan now drawn up by the Survey of India.

19. From the aforesaid, it is quite clear that all encroachers into the Tatokola Forest have to be evicted. It is no doubt true that according to Section 64-A a show-cause notice has to be issued. But that can only be with a view to enable the person to whom notice is issued to show that his land

does not fall within the boundaries of the forest as drawn up by the Survey of India. If the land is identified as falling within the Survey of India boundary then there could be no other defence open to the person concerned and the State would be under an obligation and duty to evict the encroacher, by force if necessary.

20. Mr Ranjit Kumar, the learned Senior Counsel appearing on behalf of Mr Seshagowda submitted that his client is the owner of the land which formed part of Enclosure No. II and that was also excluded from the forest.

As we have already indicated, the determination of the forest boundaries by the Survey of India is final and binding on all. An area which falls within the said forest is forest land and cannot be encroached upon. If the area which is in physical occupation of Seshagowda falls within that forest then the same has to be vacated by him and he has to be evicted.

21. We accept the report of the Central Empowered Committee of September 2002. Result of this is that the report of Shri Sahay regarding encroachment in Tatokola Reserved Forest as confirmed by the Survey of India Report shall be treated as final and all encroachments reported therein shall be removed.

22. In conclusion:

(a) Shri R.M.N. Sahay, Court Commissioner's Report about the forest area under encroachment in Tatokola Reserved Forest as confirmed by the Survey of India Report shall be treated as final and all encroachments reported therein shall be removed forthwith.

(b) A notice shall be published in the local/vernacular newspapers at least seven days before the actual removal of encroachments is undertaken specifying to the extent feasible, the name of the encroacher, area under encroachment, the compartment number/survey number and the forest range from where the encroachments are to be removed in compliance with this order.

(c) Chief Secretary, Karnataka shall be personally responsible to ensure removal of such encroachments. The Director General of Police, Karnataka shall be responsible to ensure that police protection and help needed for removal of encroachments is provided as and when required.

(d) The encroachers are liable to compensate for the losses caused due to the encroachments especially when the land encroached upon has been utilised for commercial purposes. We, however, take a lenient view and direct that if the encroachers voluntarily vacate the encroached land and hand over the same to the Chief Conservator of Forests within three months from today i.e. on or before 31-1-2003, they will not be liable to pay any compensation but if they continue to remain in occupation then they will have to pay Rs 5 lakhs per hectare per month to the State Government. Money so recovered shall be kept in a separate account and shall be used exclusively for forest protection and rehabilitation of the encroached area with the concurrence of the Central Empowered Committee.

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(e) Action-taken report shall be filed by the Chief Secretary, Karnataka before the Central Empowered Committee every month till the encroachments are completely removed and all the compensation payable by the encroachers has been deposited. Copy of the action-taken report also be filed in this Court. a

23. Liberty is given to the Central Empowered Committee to seek further directions.

24. The Court records its appreciation for the commendable work done by Shri R.M.N. Sahay, presently the Chief Conservator of Forests, Karnataka. b

25. This order will not prevent the Survey of India from carrying out any other survey as may be necessary.

26. IAs are, accordingly, disposed of.

IA No. 703

27. List after four weeks before a Bench of which the Hon'ble Mr Justice Y.K. Sabharwal and the Hon'ble Mr Justice Arijit Pasayat are members. c

IA No. 780

28. Learned amicus curiae has submitted a fourth report of the Central Empowered Committee. As per this report thirty-one additional advertisements have been found to be painted on the rocks in the Kullu-Manali area. Details of this are contained in an annexure to the report. Let notice be issued to the concerns specified in column 2 of the said Annexure A requiring them to show cause why they should not be liable to pay damages as well as costs, returnable in the last week of November, 2002. List it before a Bench of which the Hon'ble Mr Justice Y.K. Sabharwal and Mr Justice Arijit Pasayat are members. d e

IA No. 566

29. On 23-11-2001 Mr Kirit N. Raval, the learned Additional Solicitor-General during the hearing of IAs Nos. 419 and 420 had placed on record a statement showing the position of the cases approved for diverting forest area for non-forest purposes, compensatory afforestation stipulated and what was actually done, funds to be received and were actually received and utilised. This Court then issued notices to the defaulting States which had recorded poor progress in utilisation of the said funds and had not submitted quarterly progress reports. f

30. The order of 23-11-2001² envisaged a scheme being formulated by the Ministry of Environment and Forests, inter alia, for ensuring proper utilisation of the funds for compensatory afforestation in respect of permission granted for user-agency of forest land. g

31. The Central Empowered Committee examined this question while dealing with IA No. 566 and after notice to all State Governments and hearing the learned counsel has submitted a report dated 5-9-2002. The report, inter alia, provides that there should be a change in the manner in h

² *T.N. Godavarman Thirumulpad (45) v. Union of India*, (2007) 15 SCC 288

a which the funds are released by the State Governments relating to compensatory afforestation. It has, therefore, been observed in this report by the Central Empowered Committee that it is desirable to create a separate fund for compensatory afforestation wherein all the monies received from the user-agencies are to be deposited and subsequently released directly to the implementing agencies as and when required. The funds received from a particular State would be utilised in the same State.

b **32.** There was also consensus amongst the States and the Union Territories that the funds for compensatory afforestation which were to be recovered from the user-agencies as well as the unutilised funds lying with the States should be transferred to such a fund. This fund will not be part of general revenues of the Union, of the States or part of the Consolidated Fund of India.

c **33.** The said report of the Central Empowered Committee contemplates the involvement of user-agencies for compensatory afforestation. The report also refers to the permissible activities under compensatory afforestation, adequate compensation to be received for loss of forest land and funds for catchment area treatment plant. The Committee has also made eight recommendations. Copy of the report of September 2002 of the Central Empowered Committee was given to the counsel for the parties. An affidavit on behalf of the Union of India in response to the said report has been filed.

d In para 5 of the same, it is being submitted by the Ministry of Environment and Forests that it accepts the recommendations of the Central Empowered Committee in principle. It is, further, mentioned in this affidavit that major institutional reorganisation of the present mechanism has to be undertaken and that it was proposed that comprehensive rules would be framed which

e will inter alia also relate to the procedure and compensation. It is also proposed that there will be a body for the management of the Compensatory Afforestation Funds (CAF). The proposal in this affidavit of the Union of India is that the said body of management would be composed of a Director General of Forests and Special Secretary who will be the ex officio Chairman and Inspector General of Forests who will be the ex officio Member

f Secretary. Comprehensive rules, etc. will be placed before this Court for examination.

34. No other State has filed any response to the said report of the Central Empowered Committee. It is, therefore, presumed that the State Governments are not opposed to the said report and like the Union of India, they have accepted the same.

g **35.** We have examined the said report and are of the opinion that it merits acceptance by us as well. As recommended by the Central Empowered Committee we direct as follows:

h (a) The Union of India shall within eight weeks from today frame comprehensive rules with regard to the constitution of a body and management of the Compensatory Afforestation Funds in concurrence with the Central Empowered Committee. These rules shall be filed in this

Court within eight weeks from today. Necessary notification constituting this body will be issued simultaneously.

(b) Compensatory Afforestation Funds which have not yet been realised as well as the unspent funds already realised by the States shall be transferred to the said body within six months of its constitution by the respective States and the user-agencies. a

(c) In addition to above, while according transfer under the Forest Conservation Act, 1980 for change in user-agency from all non-forest purposes, the user-agency shall also pay into the said fund the net value of the forest land diverted for non-forest purposes. The present value is to be recovered at the rate of Rs 5.80 lakhs per hectare to Rs 9.20 lakhs per hectare of forest land depending upon the quantity and density of the land in question converted for non-forest use. This will be subject to upward revision by the Ministry of Environment and Forests in consultation with the Central Empowered Committee as and when necessary. b

(d) “Compensatory Afforestation Fund” shall be created in which all the monies received from the user-agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value of forest land, Catchment Area Treatment Plan Funds, etc. shall be deposited. The rules, procedure and composition of the body for management of the Compensatory Afforestation Fund shall be finalised by the Ministry of Environment and Forests with the concurrence of the Central Empowered Committee within one month. c

(e) The funds received from the user-agencies in cases where forest land diverted falls within protected areas i.e. area notified under Sections 18, 26-A or 35 of the Wild Life (Protection) Act, 1972, for undertaking activities related to protection of biodiversity, wildlife, etc. shall also be deposited in this fund. Such monies shall be used exclusively for undertaking protection and conservation activities in protected areas of the respective States/Union Territories. d

(f) The amount received on account of compensatory afforestation but not spent or any balance amount lying with the States/Union Territories or any amount that is yet to be recovered from the user-agency shall also be deposited in this fund. e

(g) Besides artificial regeneration (plantations), the fund shall also be utilised for undertaking assisted natural regeneration, protection of forests and other related activities. For this purpose, site-specific plans should be prepared and implemented in a time-bound manner. f

(h) The user-agencies, especially the large public sector undertakings such as Power Grid Corporation, NTPC, etc. which frequently require forest land for their projects should also be involved in undertaking compensatory afforestation by establishing special purpose vehicle. Whereas the private sector user-agencies may be involved in monitoring and most importantly, in protection of compensatory afforestation. Necessary procedure for this purpose would be laid down by the Ministry g

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of Environment and Forests with the concurrence of the Central Empowered Committee.

a (i) Plantations must use local and indigenous species since exotics have long-term negative impacts on the environment.

(j) An independent system of concurrent monitoring and evaluation shall be evolved and implemented through the Compensatory Afforestation Fund to ensure effective and proper utilisation of funds.

b **36.** Place it before a Bench of which the Hon'ble Mr Justice Y.K. Sabharwal and the Hon'ble Mr Justice Arijit Pasayat are members for examination of the rules.

IAs Nos. 634-35, 697 and 698-L

37. IAs Nos. 697 and 698 are taken on board.

c **38.** These applications have been filed for permission to erect transmission lines by Power Grid Corporation, which lines are to pass through the Rajaji National Park.

d **39.** Since the filing of these applications lot of discussion has taken place, ground situation examined and now it is reported by the learned counsel for the applicant that through the proposed corridor where the transmission lines will be erected 14,739 trees will have to be cut. Permission for erecting the lines through the Rajaji National Park and cutting these trees had been accorded by the Union of India as well as the State of Uttaranchal. Permission was not made operative because of the earlier orders of this Court.

e **40.** Taking all circumstances into consideration, these applications are allowed. Permission is granted to Power Grid Corporation to erect the transmission lines through the Rajaji National Park. The aforesaid 14,739 trees will be cut by the Forest Department of the State of Uttaranchal under the supervision of the Central Empowered Committee. Trees so cut shall be sold by the Forest Department under the supervision of the Central Empowered Committee by public auction. The amount so realised as well as the sums payable by Power Grid Corporation for afforestation, etc. will be kept by the Central Empowered Committee in a fixed deposit initially for a period of three months and with the constitution of the body for the management of the Compensatory Afforestation Funds, the principal amount so realised by the Central Empowered Committee shall be transferred to the said body. This permission which is granted will be operational on Rs 50 crores being deposited with the Central Empowered Committee who shall deposit the same in fixed deposit and after twelve weeks transfer the same to the body constituted for the purpose of managing the Compensatory Afforestation Funds.

Monitoring report (First) of the Central Empowered Committee

h **41.** We have perused the first monitoring report of the Central Empowered Committee. Three suggestions have been made in the said report. First is that the ban with regard to issue of licence for establishment of

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new sawmills or establishment of new wood-based industries in the North-Eastern States should be extended by a further period of five years. The second prayer is that the High-Powered Committee may be allowed to dispose of all the assets of the defaulting units who have not paid the penalty imposed by the said Committee on the wood-based units in North-Eastern States. It is stated that only a small fraction of the penalty imposed has so far been realised. The other recommendation is that the ban of issuing further permission or licence to all unlicensed sawmills, veneer and plywood industries now imposed in the State of Maharashtra and in the State of Uttar Pradesh should be extended to all other States in India. a
b

42. Despite notice, there is no opposition to this report. Affidavit has been filed by the Union of India accepting this report.

43. We, accordingly, direct as follows:

(1) The ban imposed with regard to the opening of the new sawmills and other wood-based industries by this Court's order dated 15-1-1998³ in the State of Nagaland is extended by a further period of five years. c

(2) The High Powered Committee is allowed to dispose of the assets on such defaulting units, including plants, machinery, land, shed, timber and timber products who have not paid the penalty imposed by the High Powered Committee of the wood-based units of North-Eastern States. This will be subject to such orders which may be passed by the Central Empowered Committee. d

44. No State or Union Territory shall permit any unlicensed sawmills, veneer, plywood industry to operate and they are directed to close all such unlicensed unit forthwith. No State Government or Union Territory will permit the opening of any sawmills, veneer or plywood industry without prior permission of the Central Empowered Committee. The Chief Secretary of each State will ensure strict compliance with this direction. There shall also be no relaxation of rules with regard to the grant of licence without previous concurrence of the Central Empowered Committee. e

45. It shall be open to apply to this Court for relaxation and or appropriate modification or orders qua plantations or grant of licences. f

With respect to files received in original from Damoh and inspection report submitted by Mr M.K. Sharma, Additional Director General of Forest and enquiry officer

46. Twenty-one files referred to in the office report of 10-10-2002 as per Item 8 at p. 16 be sent to the Central Empowered Committee. g

Illegal mining in Aravallis

47. The second monitoring report of the Central Empowered Committee dated 28-10-2002, has been received from the Central Empowered Committee. This report deals with the mining which is termed as illegal in the Aravalli Hills. It is stated in this report that the members of the Central h

3 *T.N. Godavarman Thirumulpad (9) v. Union of India*, (1998) 2 SCC 59

- Empowered Committee visited the affected areas on 27-10-2002, namely, the forest area in the Aravalli Hills — Kote and Alampur Villages. The report states that mining operations are being carried out in this area which is a forest area which was being re-created by plantations under the Aravalli Mining Programme funded by the Japanese Government in the early nineties. We, prohibit and ban all mining activity in the entire Aravalli Hills. This ban is not limited only to the hills encircling Kote and Alampur Villages but extends to the entire hill range of Aravalli from Haryana⁴ to Rajasthan. The Chief Secretary, State of Haryana and Chief Secretary, State of Rajasthan are directed to ensure that no mining activity in the Aravalli Hills is carried out, especially, in that part which has been regarded as forest area or protected under the Environment (Protection) Act.

IAs Nos. 776, 791, 792 and 800

- 48.** Issue notice returnable after four weeks. List before a Bench of which the Hon'ble Mr Justice Y.K. Sabharwal and the Hon'ble Mr Justice Arijit Pasayat are members.

Second report of the Central Empowered Committee

- 49.** The second report of the Empowered Committee for the State of Madhya Pradesh constituted by this Court's order dated 12-5-2001⁵ has been submitted. The same is taken on record.

50. The Court records its appreciation to the members of the Committee comprising:

1. R. Rajamani — Chairman
2. R.D. Sharma — Member
3. Mahendra Vyas — Member
4. Dr. Ram Prasad — Member
5. A.R. Chadha — Member

for the good work done.

Rest of the IAs

- 51.** Adjourned. List after four weeks before a Bench of which the Hon'ble Mr Justice Y.K. Sabharwal and the Hon'ble Mr Justice Arijit Pasayat are members.

Court Masters

g

⁴ **Ed.:** The word "Dholpur" replaced by "Haryana" vide *T.N. Godavarman Thirumulpad (59) v. Union of India*, (2009) 17 SCC 760, para 1 thereof.

⁵ *T.N. Godavarman Thirumulpad (43) v. Union of India*, (2007) 15 SCC 283

Email: kspcb@asianetindia.com
Telephone: 318153, 318154 & 318155
Annex: 304642, 304643
FAX: 318152



KERALA STATE POLLUTION CONTROL BOARD
PATTOM P.O., THIRUVANANTHAPURAM - 695 004

www.keralapcb.org

In reply please refer to: No. PCB/TAC/18/2004

Date: 9-8-2004

CIRCULAR

Sub:- Siting criteria for industries other than stone crushers.

Ref:- 1) Minutes of the meeting of the Committee held on 17.5.2004.
2) Decision of the 143rd Board meeting held on 23-7-2004.

The Committee constituted to study and recommend norms for siting criteria of industries other than stone crushers have finalised the criteria in the meeting held on 17.5.2004. In the 143rd meeting of the Board held on 23.7.2004 it was decided to implement the siting criteria in consent administration as stated below:

Criteria for industries other than stone crushers

❖ Distance from:

- i. In the case of industry having air pollution (including sound pollution) potential, distance shall be measured from the main building or the building housing the equipment, operation or process of most pollution potential.
- ii. In the case of industry having water pollution potential, distance shall be measured from the major wastewater outlet.
- iii. In the case of industry having air and water pollution potential, the shorter of the above two distances shall be taken.

❖ Distance to:

- i. The horizontal distance to the nearest residence shall be measured and denoted d_R .
- ii. The horizontal distance to the nearest educational institution / court / public office / hospital / place of worship / community hall / similar establishment (excluding other industries) shall be measured and denoted d_O .



NOTE: Where d_R and/or d_O are/is considerably more than the minimum distance mentioned below, it is not necessary to measure the same but it is sufficient to state as \gg the minimum distance mentioned.

SI No	Industry		Minimum distance, m	
	Scale	Category	d_R	d_O
1	SMALL	Red	25	50
		Orange	10	15
		Green	3	5
2	MEDIUM	Red	50	100
		Orange	15	25
		Green	6	10
3	LARGE	Red	100	100
		Orange	40	60
		Green	15	30

For industries having noise potential, proposed in silence zones as per the Noise (Management and Handling) Rules, the minimum distance shall be two times the d_O subject to a minimum of 100m.

It is desirable to have a minimum set back of 3m between the boundary and the plant building to avoid construction of factory building along or too close to the boundary wall. The setback can be utilised for the development of greenbelt. In case of industries falling in green/orange categories of Small Scale Industries, the requirement of minimum set back may be dispensed with.


Where necessary, the minimum distance may be enhanced for reasons to be recorded in writing.

The above criteria will be implemented with immediate effect and will be reviewed after 6 months.

Sd/-
MEMBER SECRETARY

To

1. CEE, RO, EKM/KKD
2. EE, DO., TVPM/KLM/PTA/ALPA/TSR/IDK/PLKD/MLPM/KNR
3. All Technical staff in the Head Office.

FORWARDED/BY ORDER,

ENVIRONMENTAL ENGINEER.



केरल KERALA

166121

6

ഓട്ടിനോട്ടം

മാന



കൊല്ലം 1183 മകരം 29-ാം-2008 ഫിബ്രുവരിമാസം 12-ാം
 ന രണ്ടാമിനത്തി ഓട് ഫിബ്രുവരിമാസം പത്രം കിഴക്കി.
 മറ്റൊരാൾക്ക് താല്പര്യം അപേക്ഷിക്കാൻ അംഗം ദേശത്തു താമസി
 ക്കും ആലാലൻ മരിച്ച ക്ഷണലവി മകൻ കൃഷി 68 വയസ്സ്

Handwritten notes in Malayalam script, including the number '2500' and '1500'.



Handwritten signature and the Malayalam word 'മാന' (Man).

37

4573



केरल KERALA

2

166125

ഹംസ. എന്റെ മകനും ടി. ദേശമുക്ക് (പി. അലനല്ലൂർ PIN. 678601) താമസവും ഭ്രമ ബിസിനസ്സ് 40 വയസ്സ് കാണിം ലേക്ക് എഴുതിക്കൊടുത്ത "ധനനിവൃദ്ധിയാരം".

സാമ്രാജ്യ പരിമിത വിവരങ്ങൾ വലിയ ചെറിയ ലിഖിത ഭാവനയും ജീവനായിരുന്നതും വെറുവാടം പുറകുപിള്ളി ചെറിയവകുപ്പായിരുന്ന ഭ്രമയൻ അഹമ്മദ് മുതലായവരോട് മമ്മാർക്കാട് സ.റ.ആയിരിക്ക 1916ൽ 1201-ാം നമ്പർ ഭ്രമയൻ കിരം വെള്ളത്തോടുകൂടി പാത്തുക്കിര വാങ്ങിയതും ടി. പാത്തുക്കിരയുടെ മരണശേഷം വിത്തർച്ച വഴിക്ക് മകളായ കുട്ടിയോടുകൂടി കണ്ണലവി, അപ്പു, ഭ്രമിച്ച മമ്മാർക്കാട് മമ്മാർക്കാട് അഹമ്മദ്കുട്ടി ഭ്രമയൻ കിരയോടുകൂടി നിലവിലും ടി. കണ്ണലവി, അപ്പു, ഭ്രമിച്ച എ



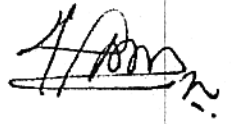
ഹംസ 

EXHIBIT P5

INDIA NON JUDICIAL
ONE THOUSAND RUPEES
RS. 1000

KERALA

166121

SETTLEMENT DEED

<u>EXECUTANT:</u>
HAMSA
(Photo)
(Finger Print)

Executed on the 12th of February 2008 corresponding to Malayalam date 29th of Makaram 1183 (12.02.2008) **By HAMSA**, Age 68 years, Agriculturist, S/o late Kunhalavi, Alanallur Amsam Desam, Marnakkad Taluk, ***To and In Favour Of, my Son KASIM***, Age 40 years, Business, residing at same Desam, P.O. Alanallur, Pin 678601).

Hamsa (Signed)

Back Page of 1st Page.

No. 18449

Value: Rs. 1000/-

Document No. 528 / 08

Place: Alanallur

Name : Alayan Hamsa

Date: 12.2.08.

Document presented before the Alanallur S.R.O at 1 pm on 14th February 2008. The presenter has paid a fee of Rs. 1000/-.

Alayan Hamsa (Signed).

2008 February 14th. Sub Registrar (Signed).

Contents of the deed admitted by Alayan Hamsa, S/o Kunhalavi, Agriculturist, Alanallur (Signed and thumb impression affixed).

Person identified by –

Alayan Ummer, S/o Kunhalavi, Agriculturist, Alanallur (Signed).

Alayan Abdul Rasheed, S/o Hamsa, Alanallur (Signed)

2008 February 14th. Sub Registrar (Signed).

2008 – Book 1, Vol. 539, Pages 229 onwards. Document registered as No. 528. 1st Page Out of 5 Pages.

Sub Registrar (Signed) under his Office Seal.

Document returned to Authorized Representative Kalangattil Jayakrishnan on 25.2.08.

INDIA NON JUDICIAL
ONE THOUSAND RUPEES
RS. 1000

KERALA

166122

The below mentioned schedule property was originally the Janmam property of Chanlitha Devaswom, which was in possession of Alayan Ahamed and others under Verumpattam lease, who made improvements from time to time in the property, which was later conveyed to Vengathodiyil Pathumma by the said Ahamed and others by way of sale by deed No. 1201 of 1916 registered at the Mannarkad S.R.O. On the death of Pathumma, the said property devolved upon her children Kuttikkodan Kunhalavi, Abu, Alippa and Mammad as her legal heirs. Later, I purchased the shares of the said Kunhalavi, Abdu, Alippa in the said property vide Deed No. 1971 of 1965.

INDIA NON JUDICIAL
FIVE HUNDRED RUPEES
RS. 500

And the share standing in the name of Mammad, also obtained by me along with some other extent vide a Relinquishment Deed No. 1993 of 1996. Since then, the said properties have been in my absolute ownership, possession and enjoyment. The schedule property is a part of those parcels of properties. The schedule property as measured and detailed out as below, which I have already put the same into your possession by a settlement deed in order to enable you to start there a saw mill in your name, and you have subsequently constructed a saw mill therein, which property I now settle in your name by this deed. The value estimated for the schedule property is Rs. 50,000/-.

Hamsa (Signed).

Since you are my son and you lead your life depending on me, and in view of the love and affection that you have for me and I have for you in return, I am hereby settling the schedule property in your favour absolutely inclusive of all my right, title and interest therein. You may therefore take absolute of possession of same with ownership and enjoyment to the exclusion of all others, and start paying the tax in your name and get the property mutated in your name and hold and enjoy the schedule property with right of alienation at your free will, Hereafter, I shall have no manner of right of interest or claim in the schedule property, which has become your absolute property effective from today. There are no liabilities created on the schedule property and therefore the same is encumbrance free. As agreed and consented to above, I have signed in this document in the presence of the following witnesses.

Hamsa (Signed).

Schedule Property

Alanallur	Amsam
-Do-	Desam
112	Sy No.
2	Sub Division No.
Verumpattam	Right
1	Number
<u>Description of Property:</u>	
25 cents in Kodathil Kudiyiruppu land, including the saw mill constructed by you along with all the rights and privileges appurtenant thereto. In Sy No. 112/2 – 2.15 share 25 Cent (10 Are 11 sq. meter)	
<u>Boundaries:</u>	
East	Property of Alayil Muhammadali.
South	P.W.D. Road
West	Pathway
North	The property which I transferred to Rasheed today.

Hamsa (Signed).

Witnesses:

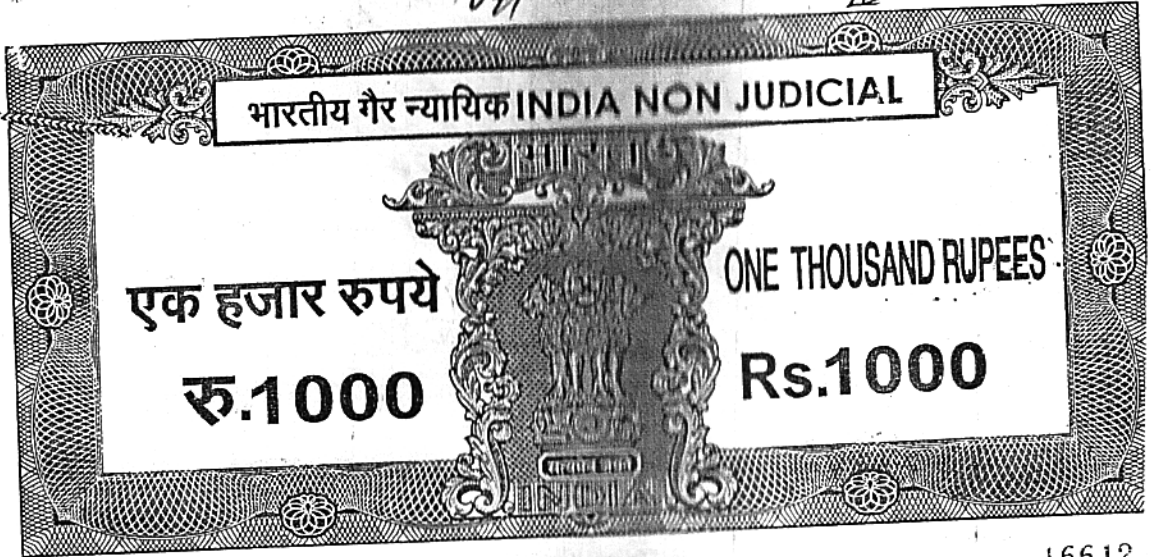
1. Ummer, Alanallur (Sd.)
2. V.P. Muhammed Ashraf, S/o Kunhahamamed Haji, Valiya Peedikakkal, Aranguparamba (Sd.)

Deed prepared by – N. Gopalakrishnan, License No. DAP48 SAP No. 3.

(Signed).

44

Exhibit P6



16612

केरल KERALA

എഴുതിക്കൊടുക്കുന്നു

വിംഗ



കൊല്ലം 1183 ഉകരം 29.10.08 2008 ഫിബ്രുവരിമാസം 12ാം നു രണ്ടാമിരത്തി എട്ട് ഫിബ്രുവരിമാസം പത്രം കിഴക്കി. ഉള്ളാർക്കാട്ട് താലൂക്ക് അലനല്ലൂർ അംഗം ദേശത്ത് താമസിക്കും ആലാലൻ മരിച്ച ദത്താലവി ഉകരം തൃച്ചി 68 വയസ്സ് വിംഗ. എന്റെ ഉകരം ടി. ദേശത്ത് (പി. അലനല്ലൂർ PIN. 678601)



വിംഗ *[Signature]*

N 18406 42 Pb 12
 VALUE: 1000.00
 PLACE: Membar
 NAME: M. M. M. M. M.
 DATE: 12-2-08
 C. ABDUL SALAM,
 STAMP VENDOR,
 1 B. K. LAKSHMI

527
 08

2008... 14...
 12.50...
 32A
 400/-
 രാജലായൻ
 M. M. M. M. M.

രാജലായൻ
 M. M. M. M. M.
 മേൽപ്പറഞ്ഞവർക്ക്

രാജലായൻ
 M. M. M. M. M.
 മേൽപ്പറഞ്ഞവർക്ക്

2008...
 27-2-08
 28

2008...
 295...
 S. M. M. M. M.
 2008...



സംസ്ഥാന രജിസ്ട്രാർ

...

HH 3

P6/4

ഉത്തരവും ഭേദപാലുക്കളു തന്റെ രജിസ്ട്രേഷൻ നിർവ്വഹിക്കുകയും തിരുത്തലിന്
 നന്നു വേണ്ടിയിട്ടു മേൽനോട്ടം ക്രമപരമായി പ്രകാരം എന്തെങ്കിലും
 നഷ്ടപ്പെട്ടു സിദ്ധിച്ച വീട്ടുവളപ്പിൽ തനിക്കുള്ള ഭാഗം എന്തെന്നു നില
 ക്കു കൂടി പട്ടിക വഹിക്കുകയും അതിലേക്ക് എന്തെങ്കിലും ഏർപ്പാട്
 പെട്ട അവകാശങ്ങളെയും കൂടി ഉടമസ്ഥൻ ഞാൻ തരികുന്ന
 നിരവധി വിവരങ്ങൾ തന്റെ കീഴിലുള്ള തന്നിരിക്കുകയാണു്
 അതിലേക്ക് ഉന്നമിക്കുകയും തന്റെ ബോധ്യപ്രകാരം നടക്കുന്ന
 തന്നു നടത്തിക്കുന്നതിന്നു ഭേദപാൽ നിർദ്ദേശിച്ചാൽ റ
 ഷീതിവാങ്ങുന്നതിന്നു ഇടവകാശം തന്റെ ചേരിയ്ക്ക് പകർച്ച
 വാങ്ങുന്നതിന്നു തന്റെ ബോധ്യപ്രകാരമുള്ള ഭവനങ്ങളിലേക്കു
 പെട്ടെന്നതിന്നു ഉടമസ്ഥൻ എന്തെങ്കിലും ഏർപ്പാടും തേച്ച
 ഴ്കു ചോദിച്ചാൽ ഉല്ല. പട്ടിക വഹിക്കുകയും ചാത്താരു
 കിടക്കുകയും വേറെ അവകാശികളും ഉല്ല. ഇളവുകൾ
 സമ്മതിച്ച് താഴെ സാക്ഷികൾ കീഴെ ഞാൻ ഇതിൽ ഒ
 ചിരിക്കുന്നു.

ചാത്താരു *[Signature]*

EXHIBIT P6

**INDIA NON JUDICIAL
ONE THOUSAND RUPEES
RS. 1000/-**

SETLOR
HAMSA (Photo) (Thump Impression)

This SETTLEMENT DEED is executed on 12th February 2008 corresponding to the Malayalam date 29th Makaram 1183 (12.02.2008).

By HAMSA, Age 68 years, Agriculturist, S/o late Alayan Kunhalavi, Alanallur Amsam Desam, Mannarkad Taluk, P.O. Alanallur, Pin 678 601,

To and In Favour Of, my son **ABDUL RASHEED**, Age 37 years, residing at the same address

Hamsa (Signed)

Back Page of 1st Page:

No. 18406

Value: Rs. 1000/-

Document No. 527 / 08

Place: Alanallur

Name : Alayan Hamsa

Date: 12.2.08.

Document presented before the Alanallur S.R.O at 12 noon, on 14th February 2008. The presenter has paid a fee of Rs. 1000/-.

Alayan Hamsa (Signed).

2008 February 14th. Sub Registrar (Signed).

Contents of the deed admitted by Alayan Hamsa, S/o Kunhalavi, Agriculturist, Alanallur (Signed and thumb impression affixed).

Person identified by –

Alayan Ummer, S/o Kunhalavi, Agriculturist, Alanallur (Signed).

Alayan Kasim, S/o Hamsa, Alanallur (Signed)

2008 February 14th. Sub Registrar (Signed).

2008 – Book 1, Vol. 539, Pages 507 onwards. Document registered as No. 527. 1st Page Out of 4 Pages.

Sub Registrar (Signed) under his Office Seal.

Document returned to Authorized Representative Kalangattil Jayakrishnan on 27.2.08.

The below mentioned schedule property was originally a part of the Janmam property of Chanlitha Devaswom, which was in possession of Alayan Ahamed and others under Verumpattasm lease, who made improvements in the property from time to time, which was later conveyed to Vengathodiyil Pathumma by the said Ahamed and others by way of sale by deed No. 1201 of 1916 registered at the Mannarkad S.R.O. On the death of Pathumma, the said property devolved upon her children Kuttikkodan Kunhalavi, Abu, Alippa and Mammad as her legal heirs. Later, I purchased the shares of the said Kunhalavi, Abdu, Alippa in the said property vide Deed No. 1971 of 1965. And the share standing in the name of Mammad, also obtained by me along with some other extent of land vide Relinquishment Deed No. 1993 of 1996. Since then, the said properties have been in my absolute ownership, possession and enjoyment. The schedule property is a part of those parcels of properties. The schedule property as measured out and detailed out separately as seen in the schedule below. By this Deed I am transferring the schedule property in your favour and you have now taken possession thereof. The value estimated for the schedule property is Rs. 20,000/-, .

Hamsa (Signed).

Since you are my son and you lead your life depending on me, and in view of the mutual love and affection we have between us, I am hereby settling the schedule property in your favour absolutely inclusive of all my right, title and interest hitherto enjoyed by me therein. You may therefore take absolute of possession of same with ownership and enjoyment to the exclusion of all others, and start paying the tax in your name and get the property mutated in your favour and hold and enjoy the same with right of alienation at your free will, Hereafter, I shall have no manner of right or interest or claim in the schedule property, which has become your absolute property effective from today. There are no liabilities created on the schedule property and therefore the same is encumbrance free. As agreed and consented to above, I have signed and sealed in this deed in the presence of the following witnesses.

Hamsa (Signed).

Schedule Property

Palakkad	District
Alanallur	Sub District
Alanallur	Amsam
-Do-	Desam
112	Sy No.
2	Sub Division No.
Verumpattam	Right
1	Number
<u>Description of Property:</u>	
8 Are 39 Square meter in Kodathil Kudiyiruppu land along with all the rights and privileges appurtenant thereto.	
In Sy No. 112/2 – 2.15	
Share	
8 Are 39 Sq. meters.	
<u>Boundaries:</u>	
East	Rest of my property and Muhammad Ali's property.
South	The land which I settled in favour of my son Kasim.
West	Pathway / Road
North	The property remaining in my name.

Hamsa (Signed).

Witnesses:

1. Ummer, S/o Alayan Kunhalavi, Alanallur (Sd.)

2. V.P. Muhammed Ashraf, S/o Kunhahamamed Haji, Valiya Peedikakkal,
Aranguparamba (Sd.)

Deed prepared by – N. Gopalakrishnan, License No. DAP42 SAP No. 3.
(Signed).

55



General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
E-mail: keralapcb@asianetindia.com FAX: 0471 - 2318134, 2318152 web: www.keralapcb.org

KERALA STATE POLLUTION CONTROL BOARD
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram - 695 004
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

Dated: 27.08.2011

PCB/T4/115/97

CIRCULAR

Sub: New guidelines for PLYWOOD INDUSTRIES, HOLLOW BLOCK UNITS, FURNITURE,

SAWMILL, LATERITE QUARRY & PIG FARM

Ref: This office circular of even no. dated 20.07.2011

Subsequent to the issue of the circular referred above, petitions have been received for clarifications on the same from representatives of the industries and hence the following clarification is issued.

The guidelines for Plywood Industries specified in the circular issued vide reference is also applicable to Veneer units.

Also in cases where consents/permits were already issued before 1.07.2011, from District Industries Centre / panchayats / local bodies / other relevant forums, for setting up of the units, Board's siting criteria applicable before 1.07.2011 shall be followed.


CHAIRMAN

Copy To: All ROs/DOs/Technical Officers in Head Office

FORM NO II C

[See Rule 11 (5)]

License for Sawmill or other Wood Based Industrial Unit
(on Renewal)

Licence No : DFO/MKD/II C-23

Date : 17/10/2015

1	Name and address of the licensee	Sri. KASIM ALAYAN ALAYAN HOUSE, ALANALLOOR MANNARKKAD		
2	Father's Name	HAMZA		
3	Nature of Ownership	OWN		
4	Name of the Unit	ALAYAN TIMBERS		
5	Postal address of the unit 9/406, 407 (XIII/548 A-AP) OLD KATTUKULAM ALANALLOOR MANNARKKAD	Building No.	9/406, 407 (XIII/548 A-AP)OLD	
		Location	KATTUKULAM	
		Corporation /Municipality /Panchayath.	ALANALLOOR	
		Division/Ward	ALANALLOOR	
		Village	ALANALLOOR -I	
		District	PALAKKAD	
		6	Category of Unit	CATEGORY-I
7	Details of Machinery & Power Sanctioned.	Sl. No.	Machinery	Power
		1	RE SAW	16 HP
		2	PLANER	05 HP
		Total		21 HP
8	Annual Consumption of Wood	80 m ³		
9	Validity of license	From : 17/10/2015	To : 16/10/2018	
10	License fee Paid	₹. 1000/- for renewal		
11	Details of License issued previously	DFO\MKD\II A-02 dated 17/10/2012		
12	Remarks	File No. A1-5735/2012		


 K. RAJU THOMAS,
 DIVISIONAL FOREST OFFICER, MANNARKKAD
 (Signature, Name and Designation of the Licensing Authority)

(Seal)



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35
Exhibit- P10

നമ്പർ. എ4-1862/17

അലനല്ലൂർ ഗ്രാമപഞ്ചായത്ത് കാര്യാലയം

അലനല്ലൂർ പി. ഒ. 687601

തീയതി 15/03/2017

സാക്ഷ്യപത്രം

അലനല്ലൂർ ഗ്രാമപഞ്ചായത്തിലെ 9-ാം വാർഡിൽ 406, 407 നമ്പർ കെട്ടിടത്തിൽ കാസിം, ആലായൻ ഹൗസ്, അലനല്ലൂർ എന്നയാളുടെ ഉടമസ്ഥതയിലുള്ള ആലായൻ ടിബേഴ്സ് എന്ന സ്ഥാപനം 1997-98 മുതൽ 16 എച്ച് പി വൈദ്യുതി ഉപയോഗിച്ച് പ്രവർത്തിപ്പിക്കാനുള്ള ലൈസൻസ് എടുത്ത് പ്രവർത്തിപ്പി വരുന്നുണ്ട് എന്നും 2000-01 വർഷത്തിൽ വൈദ്യുതിയുടെ ലോഡ് 36 എച്ച് പി ആക്കി വർദ്ധിപ്പിച്ചിട്ടുണ്ടെന്നും നാളിതുവരെ ലൈസൻസ് പുതുക്കി വരുന്നുണ്ടെന്നുമുള്ള വിവരം സാക്ഷ്യപ്പെടുത്തുന്നു.

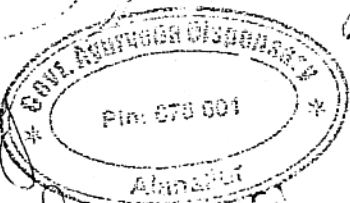
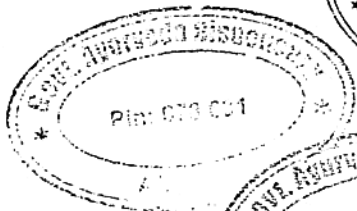
ഈ സാക്ഷ്യപത്രം മണ്ണാർക്കാട് ഡിവിഷണൽ ഫോറസ്റ്റ് ഓഫീസിൽ ഹാജരാക്കുന്ന ആവശ്യത്തിന് വേണ്ടി മൂത്രം അനുവദിച്ചതാകുന്നു.

85



[Handwritten Signature]

Secretary
Alanallur Grama Panchayath



Truecopy
Abdullah
Senior Medical Officer (N.C.)
Ayurveda Dispensary
Alanallur

Truecopy
Abdullah
Senior Medical Officer (N.C.)
Govt. Ayurveda Dispensary
Alanallur

This is the true copy of
Exhibit P as referred
to in the W.P.(C)
[Signature]
Advocate

EXHIBIT P10

No.M-862/17

Office of the Alanallur Grama Panchayath
Alanallur P.O, 687601
Date: 15/05/17

CERTIFICATE

It is certified that Alayan Timbers, functioning in Building Nos. 406 and 407 in Ward No. 9 of Alanallur Grama Panchayath, which is under the ownership of Sri. Kasim, Alayan House, Alanallur, has obtained license for using 16 H.P load of Electricity from the year 1996-97, and effective from 2000-01 the electricity load is increased to 36 H.P. The license is renewed from time to time.

This Certificate is issued for producing before the Forest Office, Mannarkkad Division.

(Signed)
Secretary
Alanallur Grama Panchayath.

(Seal)

// true copy //
(Signed)
Attested by
Senior Medical Officer (N.C)
Govt. Ayurveda Dispensary
Alanallur.

46

Exhibit- P7



അലനല്ലൂർ ഗ്രാമപഞ്ചായത്ത് കാര്യാലയം
അലനല്ലൂർ പി.ഒ, പാലക്കാട് ജില്ല, 678601, ഫോൺ 04924-262235
email:- ddpalanallurpkd@dpal.gov.in

തയ്യാറാക്കിയ തീയതി: 3225 ജെസി-4-2225/22
പ്രകാശിതം

തീയതി: 19/10/2022

സ്റ്റേറ്റ് പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസർ &
ഹെഡ്ക്വാർട്ടേഴ്സ്, അലനല്ലൂർ ഗ്രാമ പഞ്ചായത്ത്
ബീക്കർത്താവ്

ശ്രീ.കാസിം ആലായൻ,
ആലായൻ ഹൗസ്,
അലനല്ലൂർ പി.ഒ

സർ.

വിഷയം: അലനല്ലൂർ ഗ്രാമപഞ്ചായത്ത്-വിവരവാകാശ തീയതി 2008-09-
ലഭ്യമാക്കുന്നത് സംബന്ധിച്ച്
സൂചന: താങ്കളുടെ 24/09/2022 ലെ ജെസി-4/3225/22 തയ്യാർ അപേക്ഷ.

മേൽ സൂചന പ്രകാരം ആവശ്യപ്പെട്ട വിവരം ചുവടെ ചേർക്കുന്നു.

1. പഞ്ചായത്തിലെ വസ്തു നികുതി വിവരങ്ങൾ അടങ്ങിയ സഞ്ചയ സോഫ്റ്റ്‌വെയർ പ്രകാരം 9/397 നമ്പർ കെട്ടിടം ശ്രീ.അബ്ദുൾ റഷീദ്, ആലായൻ, അലനല്ലൂർ എന്നവരുടെ ഉടമസ്ഥതയിലാകുന്നു. പ്രസ്തുത രേഖകൾ പഞ്ചായത്തിൽ ലഭ്യമല്ല.
2. പഞ്ചായത്തിലെ അസസ്സ്മെന്റ് രജിസ്റ്റർ പരിശോധിച്ചതിൽ 51 കെട്ടിടം 2008-09 കാലഘട്ടത്തിൽ അസസ്സ്മെന്റില്ലാതെയാണ്. പ്രസ്തുത വർഷത്തെ ഫയലുകൾ ഒന്നും നിലവിൽ പഞ്ചായത്തിൽ ലഭ്യമല്ല.
3. ഉത്തരം 2 കാണുക.

അപ്പീൽ അധികാരി
സിനിയർ സൂപ്രണ്ട്
& പെർഫോമൻസ് ഓഡിറ്റ്
യൂണിറ്റ് 4
തെങ്കര ഗ്രാമപഞ്ചായത്ത്
തെങ്കര പി.ഒ

നിശ്ചിതതയോടെ,

Reshma
19/10/2022

സ്റ്റേറ്റ് പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസർ
ഹെഡ് ക്വാർട്ടേഴ്സ്, അലനല്ലൂർ ഗ്രാമപഞ്ചായത്ത്

Head Clerk & State Public Information Officer
Alanallur Grama Panchayath Office
Alanallur Po., Palakkad DL
Pin: 678601, Ph: 04924 262235



This is the true copy of
Exhibit P as referred
to in the W.P (C)

Advocate

EXHIBIT P7

OFFICE OF THE ALANALLUR GRAMA PANCHAYATH
Alanallur P.O, Palakkad District, 678501, Phone: 0924-262235
Email: ddpalanallurpkd@gmail.com

No. JC3225/22

Dated, 19/10/2022

From:

State Public Information Officer &
Head Clerk, Alanallur Grama Panchayath.

To:

Sri. Kasim Alayan
Alayan House
Alanallur P.O

Sir,

Sub: Alanallur Grama Panchayath – Information under Right to Information Act, 2005.

Ref: Your Application No. JC-4/1225/22 dated 24/09/2022.

The information sought above is provided herein below:

1. On examination of the records available in the Sanjaya Software regarding the building tax, it is found that the said building No. 9/397 is under the ownership of Sri. Abdul Rasheed Alayan, Alanallur. However, no documents are in the Panchayath.
2. On examination of the Panchayath Assessment Register, the building in question was assessed last during 2008-09.

However, no files are available for the said year in the Panchayath Office.

3. Please see Answer 2.

Yours faithfully
(Signed by Rajesh dt. 19.10.22)
State Public Information Officer &
Head Clerk, Alanallur Panchayath
(Seal).

Appellate Authority
Civil Superintendent &
Performance Audit Unit 4
Thengara Grama Panchayath
Thengara P.O.

BEFORE THE HONOURABLE AIR APPELLATE AUTHORITY, THIRUVANANTHAPURAM
 Review Petition No. of 2023
 In
 IA No. 43/2022 of Appeal No. 21 / 2022

Kasim Alayan : Review Petitioner / Appellant
 Vs.
 Kerala State PCB and others : Opposite parties / Respondents

Name and address of the Review Petitioner / Appellant:

Kasim Alayan,
 S/o Hamsa,
 Alayan house,
 Koottukulam,
 Alanallur PO,
 Palakkad - 678601

Name and address of the Opposite parties / Respondents:

1. Kerala State Pollution Control Board (KSPCB),
 Pattom, Thiruvananthapuram - 695004
2. Environmental Engineer,
 Kerala State Pollution Control Board
 District Office,
 Palakkad - 678001
3. Secretary,
 Alanallur Grama Panchayat,
 Alanallur PO,
 Palakkad - 678601
4. Abdul Rasheed Alayan
 S/o Hamsa,
 Alayan House,
 Alanallur PO,
 Palakkad - 678601

PETITION TO REVIEW THE ORDER DATED 17.03.2023 IN IA.No.43/2022 OF
 A.21/2022 FILED UNDER ORDER 47 RULE 1 READ WITH
 SECTION 151 OF THE CODE OF CIVIL PROCEDURE

STATEMENT OF FACTS

1. Review petitioner is the appellant and the counter petitioners are the respondents in Appeal No. 21/2022 on the file of this Honourable Authority. It is submitted that, the review petitioner is filed the above said original petition inter alia for an interim order staying the operation and the implementation of Annexure A8 order bearing No. PCB/PLKD/TG-180/2012 dated 31-10-2022 to withdraw the consent to operate, till the disposal of appeal. The above review petition is filed for reviewing the order of this Authority dated 17-03-2023 directing the appellant to take steps for appointing an advocate commissioner

for assessing the distance. The above order was received by the review petitioner 28-03-2023.

2. It is submitted that, the review petitioner / appellant is running a sawmill since the year 1995 by complying all the legal formalities. When the load demand was increased, he enhanced the capacity of the sawmill to the requirements up to 36 HP in the year 2001 and obtained the D & O license for the same from the 3rd respondent. As the petitioner is not in good terms with his brother, the 4th respondent, he has filed false complaints alleging some violations and pollutions during the operation of the sawmill before various authorities including 3rd respondent, who forwarded the complaint to PCB. Based on the complaint, without giving an opportunity for hearing, without making an inspection of the sawmill in review petitioner's/appellant's presence or without going through the documents available at PCB, PCB passed the Annexure A8 order bearing No. PCB/PLKD/TG-180/2012 dated 31-10-2022 to withdraw the Annexure A2 series, ie, consent to operate issued on 01-11-2015 & Integrated Consent to Operate - renewal on 17-12-2022 which are valid up to 31-08-2026.
3. Challenging the Annexure A8 order, the review petitioner had filed the appeal. Along with this appeal he had filed an interim application (IA No.43/2022) to stay the operation of the Annexure A8 order till the disposal of the appeal. Unfortunately, this Honourable Authority passed an order in IA No.43/2022 directing the review petitioner / appellant to take steps to appoint an advocate commissioner for ascertaining the real distance from the house of 4th respondent within 3 weeks.
4. It is submitted that, this review petitioner had no such case regarding the distance. The sawmill was functioning from 1995 onwards whereas the 4th respondent had admitted that he had constructed the house in 2008. As the petitioner and the 4th respondent were not in good terms regarding the partition of their paternal property, the 4th respondent had submitted false complaints before various authorities against the sawmill with an ulterior motive to lock down the sawmill.
5. It is submitted that, the review petitioner has no case regarding the distance criteria; there is no need to inspect or measure the premises with the help of a Commissioner and the same will defeat the very purpose of the case. Moreover, due to the closure of the sawmill, the review petitioner / appellant is facing huge financial crisis. It is pertinent to note that, due to the financial crisis, the review petitioner/appellant couldn't arrange the amount for remitting commissioner bata. There are sufficient reasons to review the order in the above case.
6. In view of the aforementioned contentions, the impugned order dated 17-03-2023 passed by this Honourable Authority is liable to be reviewed by this Honourable Authority on the following among other:

G R O U N D S

- A. It is submitted that the specific case of the review petitioner/appellant is that being an old unit, shifting, siting & distance criteria and consent conditions for new saw mills issued by the PCB were not applicable to the review petitioner's/appellant's sawmill, since the review petitioner/appellant had commenced the firm long back in the year 1995 and it is uninterruptedly functioning for the last 27 years. The review petitioner / appellant has not

made any alteration or modification and the sawmill is still existing as in the site plan submitted at the time of establishment.

- B. It is pertinent to note that the review petitioner has no case regarding the distance criteria of the 1st respondent and the sawmill is functioning since 1995 and the 4th respondent had admitted that he had constructed the house in the year 2008. There is no need to ascertain the distance with the help of a commissioner, it would make no improvement in the case of the review petitioner and it would defeat the very purpose of the case.
- C. It is further submitted that, due to the financial instability, the review petitioner / appellant is not in a position to pay the commissioner bata as the sawmill had not been working for the last 5 - 6 months, which is the only source of income for the review petitioner / appellant and his family and the labours.
- D. It is submitted that, the impugned order in IA No.43/2022 dated 17-03-2023 is liable to be reviewed since it is an error apparent on the face of the record.

Hence, it is humbly prayed that, this Honourable Authority may be pleased to review the order dated 17.03.2023 in IA No.43/2022 passed by this Honourable Authority, otherwise the petitioner would be put to irreparable injury and hardships.

Dated this the 17th day of April, 2023

Counsel for the Review Petitioner /
Appellant

o/c

Filed on: 17.04.2023

BEFORE THE HONOURABLE AIR APPELLATE
AUTHORITY, THIRUVANANTHAPURAM

IA-36/23

Review Petition No. of 2023

in

IA. No. 43/2022 of A.21/2022

Kasim Alayan : Petitioner / Appellant

Kerala State PCB and others : Opposite
parties/Respondents

PETITION TO REVIEW THE ORDER DATED 17-
03-2023 IN IA No.43/2022 of A.21/2022
FILED UNDER ORDER 47 RULE 1 READ WITH
SECTION 151 OF THE CODE OF CIVIL
PROCEDURE

ABDUL SHUKKUR ARAKKAL
MANU MOHAN

Counsel for the Review Petitioner / Appellant

29/06

**BEFORE THE HON. AIR APPELLATE
AUTHORITY, THIRUVANANTHAPURAM**

Appeal No. 21 / 2022

KasimAlayan : Appellant

Kerala State PCB & Others : Respondents

ARGUMENT NOTES FILED FOR AND ON BEHALF OF THE APPELLANT

The Case of the Appellant is as follows:

1. The appellant is the owner of the sawmill unit by the name "Alayan Timbers", which is situated in RS.No.112/2 at Alanallur Village owned by the appellant. This property was allotted to the appellant in the partition deed in which his brother Abdul Rasheed (4th respondent herein) was a party. At first, the sawmill was leased out for fifteen years by his father, Alayan Hamsa to the appellant. After the partition, this property is in the peaceful possession of the appellant. The above sawmill is functioning at Ward No.9 in Alanallur Grama Panchayat in building Nos.9/406 & 9/407 having an area of 231.681 square meters. The appellant had obtained D & O License from the Alanallur Grama Panchayat, it is renewed periodically and the same is valid up to 31-03-2023. The true copy of the D & O License dated 09-05-2022 bearing No. B2-1630/22/2022-23-190 is produced herewith as **Annexure A-1**.
2. It is submitted that the sawmill "Alayan Timbers" was started in 1995 and had obtained license from all concerned authorities which are renewed periodically. The appellant had obtained the following documents:
 - i) Consent to Operate issued on 01-11-2015 & Integrated Consent to Operate-renewal on 17-12-2021 and is valid upto 31-08-2026. **Annexure A-2 series**
 - ii) License for Sawmill or other wood Industrial Unit from Divisional Forest Officer, Mannarkkad on 23-11-2021 which is valid from 17-10-2021 to 16-11-2026. **Annexure A-3**
 - iii) Permission granted by the Assistant Engineer, K S E B, Electrical section, Alanallur on 22-10-2001 for enhanced connected load of 26.7 kW for operating the 36 HP power machine. **Annexure A-4**
 - iv) License bearing No. N/OTP/09/612/1998 issued by Department of Factories and Boilers for the manufacturing process valid upto 31-12-2024. **Annexure A-5**
3. While so on 26.07.2022, the 4th respondent submitted a false complaint before the 3rd respondent alleging some violations and

pollutions during the operation of the sawmill. The 3rd respondent without making any proper enquiry forwarded the complaint to the 2nd respondent. On receipt of the complaint, the 2nd respondent issued a notice on 14.09.2022 directing the appellant to replace the machinery to 25 m distance from the 4th respondent's house and to stop the functioning of the sawmill till the replacement of the machinery. The appellant submitted a detailed reply to the 2nd respondent by denying the allegation and stating the real facts. The true copy of the notice dated 14.09.2022 issued by the 2nd respondent and the explanation given by the appellant are produced herewith as **Annexure A-6 series**.

4. Thereafter, the 2nd respondent issued a showcause notice on 13.10.2022 under section 33 A of The Water (Prevention and Control of Pollution) Act, 1974 and Section 31 A of the Air (Prevention and Control of Pollution) Act, 1981, which states that the explanation given by the appellant is not satisfactory; on examination by the Board, officials were convinced that the band-saw had not been replaced and thereby violating the conditions stipulated in the Annexure A2 series, Consent to Operate & Integrated Consent to Operate, it further states that the reason for not withdrawing the Consent to Operate to be produced within 7 days. The appellant submitted explanation on 21.10.2022 before the 2nd respondent with request to give an opportunity to produce documents to substantiate appellant's case and to provide an opportunity for personal hearing. The true copy of the notice dated 13.10.2022 issued by the 2nd respondent and the explanation dated 21.10.2022 given by the appellant are produced herewith as **Annexure A-7 series**.

5. But, to the surprise of the appellant, no opportunity for personal hearing was granted by the 2nd respondent. Without appreciating the factual circumstances and records maintained in his office, the 2nd respondent passed impugned **Annexure A-8 order** by withdrawing the consent to operate.

AGAINST THIS "ANNEXURE A-8" IMPUGNED ORDER, THIS APPEAL HAS BEEN FILED.

The respondents appeared and filed their statements. While going through the statement of 2nd Respondent, it is seen that the consent to operate issued by the PCB is valid upto 31-08-2026. All other allegations stated in the statement of R2 & R4 were false and against facts.

The sawmill "AlayanTimbers" was started in 1995 and had obtained license from all concerned authorities which are renewed periodically. The appellant had obtained *Annexure-A1* D&O license from Village Panchayat, *Annexure-A2 series* Consent to Operate & Integrated Consent to Operate, *Annexure A3* license for Sawmill or other wood Industrial Unit from Divisional Forest officer, Mannarkkad, *Annexure A4* permission granted by the Assistant Engineer, KSEB, Electrical section, Alanallur for enhanced connected load of 26.7 kW for operating the 36 HP power machine and *Annexure A5* License from Department of Factories and Boilers for the manufacturing process. The finding of the 2nd respondent that the unit has not complied the conditions prescribed by the Pollution Control Board (PCB) is absolutely wrong and against the facts.

Being an old unit, siting criteria for new saw mills were not applicable to this unit. The 2nd respondent ought to have seen that the present shifting, siting & distance criteria and consent conditions issued by the PCB are not

applicable to the appellant's sawmill. Since the appellant had commenced the firm long back in the year 1995 and it is uninterruptedly functioning for the last 27 years. The appellant has not made any alteration & modification and the sawmill is still existing as in the siteplan submitted at the time of establishment.

The 2nd respondent ought to have seen that the 4th respondent is the younger brother of the appellant, *they are not in terms and a dispute is existing between them for a long period regarding the partition of their paternal property.* The entire property in which the sawmill and residential building are situated was owned by AlayanHamsa, the father of appellant and 4th respondent. The appellant had commenced operation of the sawmill in the year 1995, thereafter the land containing the sawmill was assigned in favour of the appellant, the rest of the property was apportioned to other siblings and **there was no dispute among the siblings with regard to the functioning of sawmill, when it was commenced.** The appellant's father had executed a settlement deed in the year 2008 in favour of the appellant, it is specifically mentioned in the details of the property in page no. 5 of settlement deed that "THANNIL THAN UNDAKKIYA SAWMILL KETTIDAM" and deed shows that there existed property without building of the 4th respondent on northern side of the sawmill. The true copy of the settlement deed dated 12-02-2008 having No.528/2008 is produced herewith as **Annexure A-9.**

It is pertinent to note that since the 4th respondent has constructed his house in the year 2008; there was no dwelling unit in 30 meter vicinity at the time of commencement of the sawmill. At the very beginning of the opening of the sawmill, a 16 HP electric motor was erected and subsequently in 2001, the connected load was enhanced as 36HP as per the requirement after completing all the inspections by the officials from KSEB as well as by the Local Body. Thereafter, the machineries are functioning uninterruptedly, without any pollution and there was no complaint from any corner regarding the working of the sawmill. Annexure A8 was issued by the 2nd respondent without considering these aspects.

The appellant had enhanced the connected load in the year 2001, the finding in the Annexure A8 regarding the load capacity of 21 HP is absolutely false and ***it is evident from Annexure A4 permission granted by Assistant Engineer, K S E B that the load has been enhanced to 26.7 kW (36 HP, 1 HP = 0.746 kW) in 2001 itself.*** Moreover, **it can be evident from the Annexure A10 D & O license dated 04.05.2000 issued by the 3rd respondent that the license was issued for the functioning of sawmill by using a 36 H P electric motor.** Now, the 4th respondent is filing false complaints before various authorities solely with ulterior motive to detriment the functioning of the sawmill due to political rivalry and property disputes with the appellant.

In the light of the documents and evidence produced before the Honourable Authority, it is clear that the 4th Respondent has played some unfair political play against this appellant and thereupon 2nd Respondent had issued this impugned order. Hence for the grounds argued above, it is humbly prayed that Honourable Authority may be pleased to allow the appeal as prayed for.

Advocate

Filed on:

BEFORE THE HONOURABLE
AIR APPELLATE AUTHORITY,
THIRUVANANTHAPURAM

Appeal No: 21 OF 2022

Between

KasimAlayanAppellant

And

Kerala State PCB & others.
.....Respondents

ARGUMENT NOTE SUBMITTED
ON BEHALF
OF THE APPELLANT

ABDUL SHUKKUR ARAKKAL
Advocate for the Appellant

KERALA STATE POLLUTION CONTROL BOARD

SITING CRITERIA

- i) Siting criteria for industrial units other than stone crushers, quarry, high rise buildings, hospitals, hotels, plywood industries, hollow/ solid cement bricks units, furniture, saw mill, laterite quarry and pig farm shall be as per PCB/TAC/18/2004 dated 9-8-2004.

No.	Industry		Minimum distance in m	
	Scale	Category	Distance to the nearest residence, dR (m)	Distance to the nearest educational institution/court/public office/hospital/place of worship/community hall/similar establishment excluding other industries dO (m)
1.	Small	Red	25	50
		Orange	10	15
		Green	3	5
2.	Medium	Red	50	100
		Orange	15	25
		Green	5	10
3.	Large	Red	100	100
		Orange	40	60
		Green	15	30

For industries having noise potential, proposed in silence zones as per the Noise (Management and Handling) Rules, the minimum distance shall be two times the dO subject to a minimum of 100m.

It is desirable to have a minimum set back of 3m between the boundary and the plant building to avoid construction of factor building along or close to the boundary wall. The setback can be utilised for the development of green belt. In case of industries falling in green/orange categories of Small Scale Industries, the requirement of minimum set back may be dispensed with.

- ii) Siting criteria for plywood industries, hollow/ solid cement bricks units, furniture, saw mill, laterite quarry and pig farm shall be as per circular no. PCB/T4/115/97 dated 20-7-2011.

No.	Industry	Minimum distance to residences and other establishments (m)	Minimum set back(m)
1	Plywood industries	50	25
2	Hollow block units, Furniture and saw mill	25	10
3	Laterite quarry	50	25
4	Pig farm	100	25

	iii)	<p>Siting criteria for crusher shall be as per circular no. PCB/TAC/St.Cr.Com/65/2005 dated 17-10-2007</p> <ol style="list-style-type: none"> 1. There should be a minimum clear distance of 200 m from the centre of the proposed crusher unit to the periphery of the structure of any residence, public building or place of worship. Exception is allowed for store room and office room. 2. In cases where environmental factors such as terrain and greenery are conducive to reduce spread of pollution and where advanced technology that reduces noise and dust is employed, the minimum distance may be further reduced to 150m with stringent control measures such as enclosure of crushers, classifiers, screens and other noise/dust producing units with 40 cm thick solid wall (not hollow brick), false roofing and dust extraction system. 3. There should be a minimum clear distance of 100 m from the centre of crusher of one industry to the centre of crusher of another industry. 4. There should be a clear distance of 200 m from the centre of the proposed crusher to State or National Highway. For crushers fulfilling the requirements of 2nd above, the minimum distance is reduced to 150m. 5. Crushers, classifiers, screens and other noise and/or dust producing units should be housed in buildings with solid wall (not hollow block) of minimum 23 cm thickness and with suitable roofing. 6. To establish a crusher unit with a crushing capacity ≤ 30HP, the applicant should own the site at least to an extent of 0.5 hectare. For a crusher unit with crushing capacity > 30HP, the applicant should own the site at least to an extent of 1 hectare. The capacities (HP) of the auxiliary units like screen, conveyor etc., are not taken into account. 7. The crusher unit should be located within the applicant's own site providing a minimum distance of 30 m in the case of crushers of capacity ≤ 30 HP and 50 m in the case of crushers of capacity > 30 HP from the centre of the crusher unit to the boundary of the site. 8. Permanent source of adequate water supply (minimum 6000l/day for crushers of capacity < 30HP and 10000 l/day for those > 30HP) has to be identified at the site and specified in the consent to establish.
	iv)	<p>Siting criteria for quarry shall be as per circular no. PCB/TAC/WP/236/2006 dated 13-6-2007. The minimum distance from boundary of quarry operation area to residential buildings, places of worship, public buildings, public road, river or lake, railway line and bridges is 100m</p>
	v)	<p>Stringent control measures shall be provided for the following industries permitted to be operated in rented buildings, commercial and in industrial areas. In such cases, minimum distance criteria as well as set back may not be insisted.</p> <ol style="list-style-type: none"> a) Industries with no discharge or discharge < 250 litre/day with facilities for treatment and disposal. b) Chicken stall c) Bakery

			<p>d) Industries with machinery capacity $\leq 10\text{HP}$</p> <p>d) Flour mill with machinery capacity $\leq 10\text{HP}$</p> <p>e) $\leq 5\text{HP}$ for furniture (without plainer or drill)/ particle board units. Set back need not be insisted.</p> <p>f) $\leq 5\text{HP}$ for engineering work shop, automobile work shop without spray painting and water servicing.</p> <p>g) Tyre vulcanizing units.</p> <p>h) Oil mills without copra dryer.</p> <p>i) Restaurants with seating capacity < 36.</p> <p>j) Industries with no hazardous waste generation.</p>
CONDITIONS PRESCRIBED FOR DIFFERENT INDUSTRIAL UNITS AND ESTABLISHMENTS			
I	GENERAL CONDITIONS		
1.1	CONSENT TO ESTABLISH	1.1.1	At the end of the validity period if the construction is in progress, the same shall be got renewed. If the construction is not started in the consent period, the applicant shall apply afresh for consent to establish.
		1.1.2	The applicant shall comply with the instructions that the Board may issue from time to time regarding the prevention and control of air, water, land and sound pollution.
		1.1.3	The date of commissioning shall be intimated, at least one month in advance, to the District Office of the Board.
		1.1.4	Consent to Operate / Authorisation shall be obtained, before commissioning the industry, under the Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981 and the relevant Rules under Environment (Protection) Act 1986
		1.1.5	The location of all buildings and structures shall be as per the approved site plan. No change or alteration of the industrial plant is to be made without the prior written permission of the Board. Any change in the particulars furnished and/or in the identity of the occupier/authorised agent is to be intimated to the Board forthwith.
		1.1.6	The D. G. sets shall be provided with a minimum chimney height $0.2\sqrt{\text{KVA}}$ meters above roof level of the highest nearby building (Where KVA is the capacities of all DG sets). The D. G. sets shall be placed at a minimum distance of $\sqrt{\text{KVA}/2}$ meters from the neighbouring residences / worship places / institutions (where KVA is the capacity of DG sets).
		1.1.7	Water consumption returns under the Water (Prevention and Control of Pollution) Cess Act shall be furnished on or before 5th of every calendar month in Form-I showing the quantity of water consumed in the previous month if the consumption is more than 10 kilolitre/day or if there is generation of hazardous wastes.