

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

APPEAL NO. 40 OF 2024 (SZ)

Noble M Paikada
Kannur District.

...Appellant

Versus

SEIAA Represented by its Chairman,
Kerala and Anr..

....Respondents

**REPORT SUBMITTED BY THE ADDITIONAL DIRECTOR , DEPARTMENT
OF MINING AND GEOLOGY/3rd RESPONDENT**

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Dated at Chennai on this the 24th day of January, 2025

Mr. G. K. K. Kumaresan
24/1/25

M/s. E.K.KUMARESAN

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

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Report submitted before Hon'ble National Green Tribunal (South Zone) in connection with Appeal No. 40/2024, filed by Sri. Noble M Paikada.

It is most humbly submitted that a quarrying lease was granted to Sri. John Thomson, Proprietor, M/s Tropical Granites, Tropical Estate, Kuthanur (P.O) Alathur, Palakkad by the Director of Mining & Geology, Thiruvananthapuram over an area of 1.9320 hectares of land comprised in Re-Survey No. 651/8 of Kuthannur – I Village, Alathur Taluk, Palakkad District for 12 years from the date of execution of the Quarrying Lease Deed under the Kerala Minor Mineral Concession Rules, 1967, vide proceedings order No. 492/2008-09/9439/M3/2008, dated 15/11/2008. The Quarrying Lease Deed was executed on 05/01/2009 with a validity upto 04/01/2021. On the strength of the quarrying lease and other statutory licenses, movement permits were issued to for extracting and transporting Granite Building Stone and the same was expired on 04/01/2021.

It is most respectfully submitted that Sri. John Thomson, Proprietor, M/s Tropical Granites, Tropical Estate, Kuthanur (PO) Alathur, Palakkad submitted a new application for quarrying lease before the Geologist, Department of Mining & Geology, Palakkad in Form-B on 06/01/2021 vide Kerala Minor Mineral Concession Rules, 2015 for extracting Granite (Building Stone from a total extent of 2.6262 hectares, comprised in Block No. 12, Re-survey No. 649/2, 649/3, 651/1, 651/2, 651/3, 651/4, 651/5, 651/6, 652/2, 652/20 of Kuthanur – I Village, Alathur Taluk, Palakkad District along with the demarcated survey map issued by Tahsildar, Alathur; Possession Certificate issued by Village Officer, Kuthanur – I; and



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Certificates issued by the Village Officer, Kuthanur – I regarding the non-assignment of land as well as the demarcation of the boundaries of applied area and other necessary documents as per rule.

It is submitted that on receipt of the application the Geologist, District Office of the Department of Mining and Geology Palakkad inspected the applied area on 17/09/2021 and found that the applied area is having the distance clearance as stipulated by the Kerala Minor Mineral Concession Rules, 2015. Hence, the application along with relevant documents and inspection report were forwarded to the Director of Mining & Geology. After scrutinizing the application and verifying inspection report, the Director of Mining & Geology issued a Letter of Intent on 30/05/2022 vide No.780/M3/2022 to the Sri. John Thomson, Proprietor, M/s. Tropical Granites, Tropical Estate, Kuthanur (P.O) Alathur, Palakkad wherein it was instructed to produce Mining Plan and Environmental Clearance as stipulated by the Kerala Minor Mineral Concession Rules, 2015 with respect to the applied area; consent from the Pollution Control Board; Explosive license from the authorities concerned, License from the Local Self Government Authorities concerned; NOC from National Board of Wild Life for taking further steps in the application.

It is submitted that Mining Plan with progressive Mine Closure Plan with respect to the applied area was approved by the Geologist, District Office, Palakkad on 14/11/2022. Thereafter, Sri. John Thomson submitted an application for the issuance of Cluster Certificate along with the affidavit issued by the Village Officer, Kuthannur – I village. In the said affidavit of

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the Village Officer dated 28/11/2022, it was mentioned that there is no working quarries within the distance of 500 meters of the applied area. Accordingly, the Geologist, District Office of the Department of Mining and Geology, Palakkad issued Cluster Certificate on 29/11/2022 after verification. In the said cluster Certificate, it was mentioned only regarding the working quarry and the abandoned quarry was not included.

It is respectfully submitted that Sri. John Thomson has not submitted all the documents prescribed in the Letter of Intent, especially the No Objection Certificate from the National Board of Wild Life. On scrutiny of the documents submitted by the applicant certain rectifications have been suggested by the Director of Mining and Geology vide letter No. DMG/780/2022-M3 dated.04/10/2024. The main rectifications suggested are as follows.

1. The Re-Survey No of 651/6 and 651/2 have been changed to 651/11 and 651/9 respectively. The documents submitted from the Revenue Department are to be changed accordingly.
2. The Re-survey No 649/2 has been changed to 649/2, 649/6, 649/7, 649/8, 649/9, 649/10. Hence, the sub-divisions in Re-survey No. 649/2 has made the already submitted survey map, based on which the Letter of Intent was issued, irrelevant.
3. As per the possession certificate of Survey No 651/3, 651/4, 652/2, 649/2 are "Converted Lands". So a report from the village officer concerned is required to classify whether the land is suitable for mining.
4. As per the specific condition No. 5 of the Environmental



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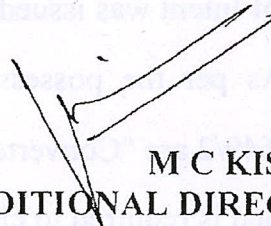
Clearance granted in favour of the applicant firm, it has to produce NOC from National Board of Wild Life.

5. As per the specific condition No. 4 of the Environmental Clearance, the applicant has to produce a modified mining plan in accordance with the restriction on depth of extraction.

It is most humbly submitted that the applied area 2.6262 hectares, comprised in Block No. 12, Re. Survey No. 649/2, 649/3, 651/1, 651/2, 651/3, 651/4, 651/5, 651/6, 652/2, 652/20 of Kuthanur – I Village is situated at a distance of 56.1 metres from the forest land, which is on the South – West side as per the survey map issued by Tahsildar, Alathur (Annexure -1). It is also respectfully submitted that as per the direction of the Director of Mining and Geology, the Geologist, District Office of the Department of Mining and Geology, Palakkad has inspected the site on 02/11/2024. During the inspection, it is found that 1.9320 hectares of land comprised in Re-survey No. 651/8 of Kuthanur-I Village, Alathur Taluk is remaining waterlogged, and no quarrying operation is being conducted at the site.

Dated this the 23rd day of November, 2024




M C KISHOR
ADDITIONAL DIRECTOR

Signed by Kishor M C
Date: 24-11-2024 08:22:53

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FG-2021/7814/9/100

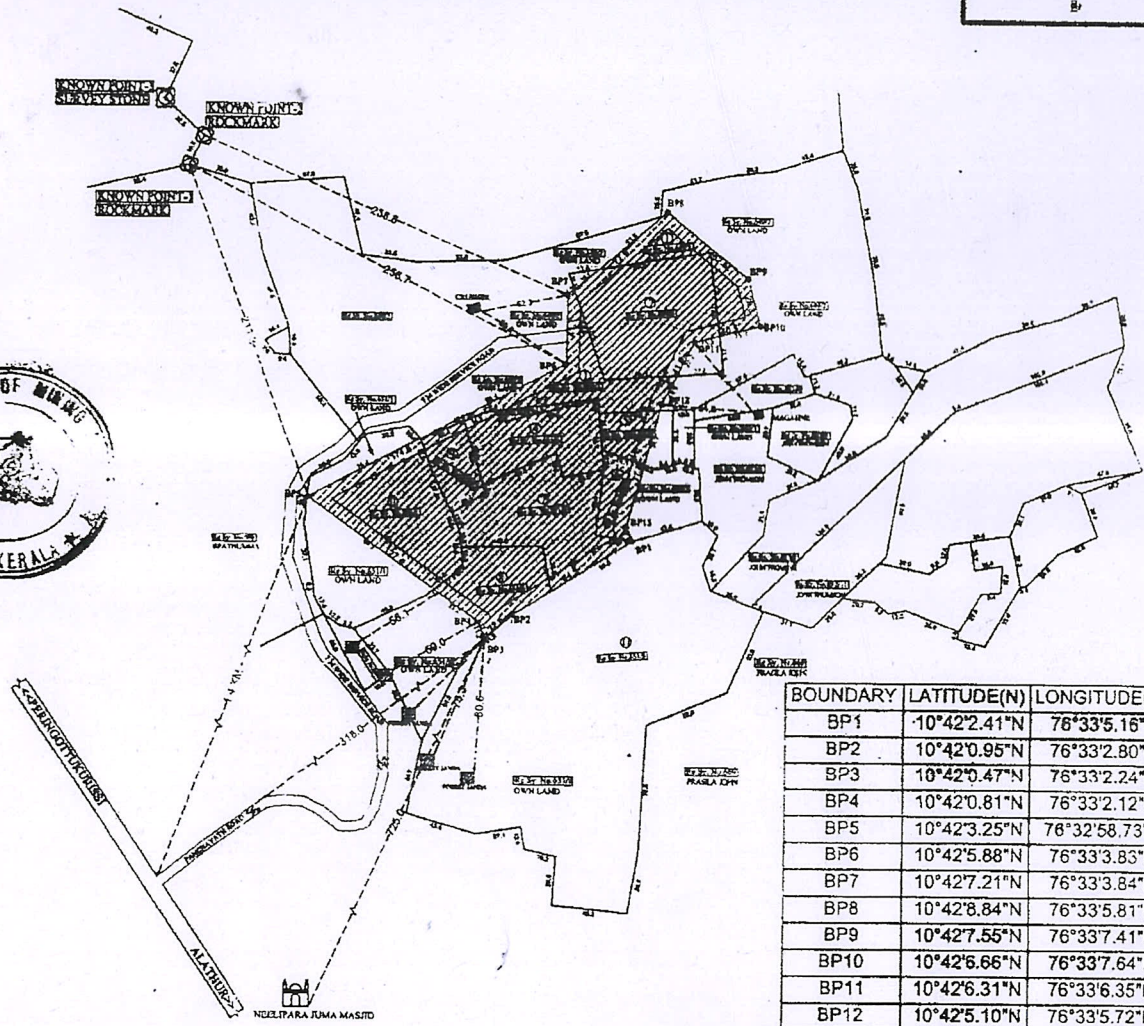
F. & NO : 132/21
 DISTRICT : PALAKKAD
 TALUK : ALATHUR
 VILLAGE : KUTHANUR-I

SURVEY MAP

BLOCK NO : 12
 RE SURVEY NO : 649/2,649/3,651/1,651/2,
 651/3,651/4,651/5,651/6,652/20,652/2
 PROPOSED LEASE AREA = 2.6262 Ha



SURVEY MAP OF PROPOSED LEASE AREA OF Mr. JOHN THOMSON, PROPRIETOR TROPICAL GRANITES, CHENNANGODE, KUTHANUR P O, PALAKKAD, KERALA-678721



BOUNDARY	LATITUDE(N)	LONGITUDE(E)
BP1	10°42'2.41"N	76°33'5.16"E
BP2	10°42'0.95"N	76°33'2.80"E
BP3	10°42'0.47"N	76°33'2.24"E
BP4	10°42'0.81"N	76°33'2.12"E
BP5	10°42'3.25"N	76°32'58.73"E
BP6	10°42'5.88"N	76°33'3.83"E
BP7	10°42'7.21"N	76°33'3.84"E
BP8	10°42'8.84"N	76°33'5.81"E
BP9	10°42'7.55"N	76°33'7.41"E
BP10	10°42'6.66"N	76°33'7.64"E
BP11	10°42'6.31"N	76°33'6.35"E
BP12	10°42'5.10"N	76°33'5.72"E
BP13	10°42'2.68"N	76°33'5.03"E

DETAILS OF PROPERTY

No.	DOC. No.	RE SY. No.	TP. NO.	BLOCK NO.	TOTAL LAND AREA	BUFFER ZONE AREA	MINING AREA	TOTAL LEASE AREA	NAME OF OWNER
1	2338/1/2003	649/2	1347	12	2.5411 Ha	0.2075 Ha	0.2351 Ha	0.4426 Ha	SHERLY JOHN
2		649/3	1347		0.5520 Ha	0.0561 Ha	0.4336 Ha	0.4897 Ha	
3		651/3	7508		0.0212 Ha	0.0002 Ha	0.0210 Ha	0.0212 Ha	
4	2335/1/2003	651/4	7508		0.2410 Ha	0.0084 Ha	0.2326 Ha	0.2410 Ha	JOHN THOMSON
5		652/20	7508		0.1322 Ha	0.0245 Ha	0.0627 Ha	0.0872 Ha	
6		652/2	208		0.2520 Ha	0.0367 Ha	0.0666 Ha	0.1033 Ha	
7		651/5	208		0.4520 Ha	0.0421 Ha	0.4099 Ha	0.4520 Ha	
8	647/1/2018	651/6	1703		0.4581 Ha	0.0645 Ha	0.1698 Ha	0.2343 Ha	FRASILA JOHN
9		651/2	2356		0.1214 Ha	0.0176 Ha	0.1038 Ha	0.1214 Ha	
10		651/1	6794		0.8240 Ha	0.1193 Ha	0.3142 Ha	0.4335 Ha	
TOTAL LAND					5.5950 Ha	0.5769 Ha	2.0493 Ha	2.6262 Ha	

LEGEND

	PROPOSED LEASE AREA
	7.5 M WIDTH BUFFER AREA
	FMB
	FOREST JANDA
	CRUSHER/MAGAZINE
	MAIN ROAD
	PANCHAYATH ROAD
	7 M WIDE SERVICE ROAD
	MASJID
	SURVEY STONE/ROCK MARK
PROPOSED LEASE AREA = 2.6262 Ha	

SCALE 1CM:30M
 ALL DIMENSIONS ARE IN METERS

THIS PLAN IS ISSUED TO SUBMIT BEFORE MINING AND GEOLOGY / STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY

Signature
 Village Officer
 Kuthanur-I

Signature
 10/12-2021
 BALAKRISHNAN.K
 TAHSILDAR
 ALATHUR



DATE

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of kerala

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