

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

APPEAL NO. 43 OF 2022 (SZ)

IN THE MATTER OF:

Ratheesh Karattu and Anr.

... Appellants

Versus

Ministry of Environment, Forests and Climate Change and Ors.

... Respondents

ADDITIONAL TYPEDSET OF DOCUMENTS FILED BY THE 5TH
RESPONDENT

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Dated at Chennai on this the 10th day of January, 2025.

COUNSEL FOR 5TH RESPONDENT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
Principal Bench, New Delhi**

**In
Original Application No. 304/2019**

In the Matter of: -

M. Haridasan & Ors.

Applicant (s)

Vs.

State of Kerala

Respondent(s)

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(Nazimuddin)

Scientist 'E'
Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar
Delhi-110032

Place: Delhi

Date: 9th July, 2020

REPORT

Hon'ble NGT OA No. 304/2019 in the matter of M. Haridasan & Ors. Vs. State of Kerala observed that the Kerala SPCB has permitted stone quarrying beyond 50 m from residence and public roads, and directed the SPCB to revisit the existing criterion based on an appropriate study. Further, in its order dated-28.02.2020 the NGT noted that "a report has been filed by the Kerala State PCB on 17.12.2019 reitreating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB", and the NGT expressed that "We are of the view, as earlier observed that the distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.", and directed CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards

In compliance of Hon'ble NGT order dt.-28.08.2020, CPCB examined the matter and prepared the report on **Distance Criteria For Permitting Stone Quarrying** (Annexure I) and forwarded it to SPCBs/PCCs vide E-mail dt.-12.05.2020 due to prevalent COVID 19 conditions. Further, the report has been sent to SPCBs/PCCs by post also through letter dt.-06.07.2020.

DISTANCE CRITERIA FOR PERMITTING STONE QUARRYING

1.0 Preamble:

Hon'ble National Green Tribunal vide order dated-28.02.2020 in the matter of M. Haridasan & Ors. Vs. State of Kerala in OA No. 304/2019 observed that a distance of 50 metres for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health and accordingly, directed Central Pollution Control Board (CPCB) to examine and lay down more stringent conditions and appropriately longer distance.

2.0 Stone Quarrying:

Stone is classified as minor minerals under Section 3(e) of the Mines and Minerals (Development and Regulations) Act, 1957. As per provisions of MMDR Act, the administrative and legal control over minor minerals vests with State Governments and empowered to make rules to govern minor minerals.

Stone Quarrying / Mining is an activity where extraction of stone is done from hillocks or mountain or ground surface having geological mineral deposits. The stone extracted from stone quarry are used either as construction materials or in stone crushers to produce rori/bajri and dust.

Systematic Mining (formation of benches) is done by blasting and drilling, to loosen up the rock materials followed by fragmentation of large size into smaller size. The reduced size material is then loaded and transferred to stone crushers for further processing in order to obtain necessary sizes required for final use. The blasting and drilling during mining operation have environmental impacts and requires mitigation measures to minimise the impacts on environment and nearby habitations.

3.0 Minor Mineral Concession Rules

As per sub-section (1) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), State Government has to make Rules for regulating the grant of quarry lease, mining lease/permit, mineral concessions and purposes connected in respect of minor minerals.

Accordingly, State Governments have framed rules and defined the criteria of minimum distance of minor mineral mining from different locations based on the type of mining used. (Annexure I).

Minimum distance prescribed by various states is vary with respect to mining operation of minor mineral involved. In general, minimum distance prescribed by states such as Rajasthan, Madhya Pradesh, Punjab, Tamil Nadu, Orissa, Bihar, Uttar Pradesh, Himachal Pradesh, West Bengal, Sikkim, Meghalaya and Manipur are:

- In the range of **45 - 200 m** from any reservoir, canal, public works such as public roads and **buildings**
- In the range of **45 - 100 m** from any railway line / area
- In the range of **60 - 100 m** from National Highway, State Highway and other roads and **10 m** from village roads

Various states have further prescribed minimum distance based on the use of blasting in mining operation of minor mineral, as follow:

Kerala:

When blasting is involved, no mining within a range of **50 – 100 m** from the boundary line of any railway line, bridges, reservoirs, tanks, **residential buildings**, Government protected monuments, canals, rivers, public roads having vehicular traffic, any other public works or the boundary walls of places of worship whereas, when no blasting is involved, range of **50-75 m** is prescribed as minimum distance.

Karnataka, Maharashtra, Goa, Gujarat:

When blasting is involved, no mining within a distance of **200 m** from the boundary line of any railway line reservoir, tank bund, canal, or other public works and **public structures** or any public road or building whereas, when no blasting is involved, minimum distance of **50 m** is defined.

Jammu & Kashmir:

When blasting is involved, no mining within a distance of **500 m** from the outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs) whereas, when no blasting is involved, minimum distance of **150 m** is defined.

Assam:

When blasting is involved, no mining within a distance of **250 m** from the outer periphery of the defined limits of any **village habitation**, National Highway, State Highway and other roads whereas, when no blasting is involved, minimum distance of **50 m** is defined.

Note: Distance criteria defined by various states, has been defined from the outer edge of the cutting or outer edge of the bank, as the case may be and in the case of a building horizontally from the plinth thereof.

4.0 Criteria of Danger Zone: Directorate General of Mines Safety

As per Directorate General of Mines Safety circular no. - DGMS (SOMA)/ (Tech) Cir No. 2 of 2003 Dt. 31/01/2003 (**Annexure II**), on subject of **Dangers due to blasting projectiles**, all places within the radius of **500 m** from the place of firing to be treated as danger zone and accordingly, all person in danger zone to take protection in substantially built shelter at the time of blasting.

Further, mine manager to control the throw and to prevent ejection of flying fragments within a safe distance with the use of refined blasting practices as well as developed explosives and accessories such as controlled blasting Technique with milli-second delay detonators / electric shock tubes/ cord relays or use of sequential blasting machines or by adequately muffling of holes etc.

5.0 Criteria of no blasting distance around blast sites: Indiana Department of Natural Resource, USA

(Source: Citizen Guide to Coal Mine Blasting in Indiana)

Indiana Department of Natural Resource, USA has stated that the blasting not to be conducted within **300 feet (~ 91 m)** of an **occupied dwelling** or school, church or hospital, public building, community or institutional building.

6.0 Conclusion:

In view of available information, following minimum distance criteria may be considered for permitting stone quarrying by SPCBs:

Mining Type		Minimum Distance	Locations
A.	When Blasting is not involved	100 m	Residential/Public buildings, Inhabited sites, Protected monuments, Heritage sites, National / State Highway, District roads, Public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dams, Reservoirs, River, Canals, or Lakes or Tanks, or any other locations to be considered by States.
B.	When Blasting is involved	200 m **	

****Note:** The regulations for danger zone (500 m) prescribed by Directorate General of Mines Safety also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment.

However, if any states is already having stringent criteria than the above for minor mineral mining (i.e. more prescribed distances than the above), the same shall be applicable.

Annexure I

State	Type of Mining	Distance	Location	Remarks	
Kerala	Quarry	100 m	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.	Quarry distance as per SPCB circular no. PCB/TAC/WP/236/2006 dated 13-6-2007.	
	Laterite Quarry	50 m	Minimum distance to residences and other establishments (m)	Laterite Quarry distance as per SPCB circular no. PCB/T4/115/97 dated 20-7-2011	
	Quarrying where explosives are used	100 m	Minimum distance from any railway line, bridges, reservoirs, tanks, residential buildings, Government protected monuments, canals, rivers, public roads having vehicular traffic, any other public works or the boundary walls of places of worship	Kerala Minor Mineral Concession Rules 1967	
		50 m	Minimum distance from any burial grounds or burning ghats or forest lands		
	Quarrying where explosives are not used	75 m	Minimum distance from any railway line and any bridge on National Highway		
		50 m	Minimum distance from any reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or any Government protected monuments or forest lands		
Karnataka	Blasting is involved	200 m	Minimum distance from the boundary line of any railway line reservoir, tank bund, canal, or other public works and public structures or any public road or building.		Karnataka Minor Mineral Concession Rules 1994
	No blasting is involved	50 m			
Maharashtra	Blasting is involved	200 m	Minimum distance from the boundary of any railway line, any reservoir, canal, road, river, nallah, irrigation works or public works or building.	Maharashtra Minor Mineral Extraction (Development and Regulation) Rules 2013	
	No blasting is involved	50 m			
Goa and Daman & Diu	Blasting is involved	200 m	Minimum distance from the boundary of any railway line, any reservoir, canal, road or public works or buildings	The Goa, Daman and Diu Minor Mineral Concession Rules 1985	
	No blasting is involved	50 m			
Gujarat	Blasting is involved	200 m	Minimum distance from any road, notified reservoirs, canal, national highway, state highway, boundary of any railway line, public works, cities, towns, villages and other approved continuous habitations.	Gujarat Minor Mineral Concession Rules 2017	
	No blasting is involved	50 m	Minimum distance from any road (excluding a village road or other district road), notified reservoirs, canal, national highway, state highway, boundary of any railway line, public works, cities, towns, villages and other approved continuous habitations.		

Rajasthan	Minor Mineral Mining	45 m	Minimum distance from any railway line, under or beneath any ropeway or ropeway trestle or station or from any public roads (excluding mines approach road or village roads), reservoir, canal or other public place or buildings, pillars of railway and road bridge or inhabited site.	Rajasthan Minor Mineral Concession Rules 2017
Madhya Pradesh	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, canal or other public works such as public roads and buildings or inhabited site	Madhya Pradesh Minor Mineral Rules 1996
Punjab	Minor Mineral Mining	75 m	Minimum distance from any railway line or bridges	Punjab Minor Mineral Concession Rules 1964
		60 m	Minimum distance from national highway	
		50 m	Minimum distance from any reservoir tank canal roads or other public works or buildings or inhabited sites	
Tamil Nadu	Minor Mineral Mining	50 m	Minimum distance from any railway line or under or beneath any ropeway or any ropeway trestle or station or from any reservoir, canal or other public works such as public roads and buildings	Tamil Nadu Minor Mineral Concession Rules 1959
Orissa	Minor Mineral Mining	100 m	Minimum distance from any railway line, National Highway, late Highway or any reservoir	Orissa Minor Minerals Concession Rules 2004
		50 m	Minimum distance from any tank, canal, road (other than a National or State Highway or other public works of buildings or inhabited sites), public roads, public buildings, temples, reservoirs, dams, burial ground, railway track monuments, heritage sites, etc.	
Chhattisgarh	Minor Mineral Mining	300 m	Minimum distance from sensitive area like radio station, doordarshan kendra, defence establishment etc. of the Central and State Government	Chhattisgarh Minor Mineral Rules 1996
		100 m	Minimum distance from abadi, school, hospital and other public places, buildings and habited sites	
		75 m	Minimum distance from any railway line, bridge or highway	
		50 m	Minimum distance from tank, river banks, reservoir, canal	
		10 m	Minimum distance from grameen kachcha road	
Bihar	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, public road, canal or other public work or buildings or inhabited site	Bihar Minor Mineral Concession Rules 1972
		10 m	Minimum distance from any village roads	
Uttar Pradesh	Minor Mineral Mining	50 m	Minimum distance from any railway line or from any reservoir, canal or other public works, such as public roads and buildings or inhabited site	Uttar Pradesh Minor Minerals (Concession) Rules 1963
		10 m	Minimum distance from any village roads	
Himachal Pradesh	Minor Mineral Mining	75 m	Minimum distance from any railway line or bridges	Himachal Pradesh Minor Minerals (Concession) Revised Rules 1971
		60 m	Minimum distance from National Highway	
		50 m	Minimum distance from any reservoir, tank, canal, roads or other public works or buildings or inhabited sites	
		50 m	Minimum distance for all type of mining from any river banks (except in cases of ordinary sand)	

Jammu & Kashmir	Mining where excavation require use of explosives	500 m	Minimum distance from outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs)	Jammu & Kashmir Minor Mineral Concession Rules, 1962
	Mining where excavation does not require use of explosives	150 m	Minimum distance from outer periphery of the defined limits of a National Highway, Railway line, State Highway, Major District Roads (MDR) and Other District Road (ODRs)	
	Minor Mineral Mining	100 m	Minimum distance from any other public roads	
		50 m	Minimum distance from upstream as well as downstream of water works, head works or hydraulic works as defined under the J&K Water Resources (Regulation and Management) Act, 2010.	
		25 m	Minimum distance from any 'embankment' or 'flood embankment' as defined under the J&K Water Resources (Regulation and Management) Act, 2010.	
West Bengal	Minor Mineral Mining	5000 m	Minimum distance from a barrage axis or dam or a river	West Bengal Minor Minerals Rules 2002
		200 m	Minimum distance from any hydraulic structure, reservoir, bridge, canal, road and other public works or buildings	
		200 m	Minimum distance from both sides of any river bridge or culvert over any waterway or from any embankment and structural works of the Irrigation and Waterways Department	
		100 m	Minimum distance from any Railway land	
Sikkim	Minor Mineral Mining	60 m	Minimum distance from bridges oh highways	Sikkim Minor Mineral Concession Rules 2016
		50 m	Minimum distance from any railway line or any reservoirs, canals or other public works, or buildings	
Assam	Mining where excavation require use of explosives	250 m	Minimum distance from the outer periphery of the defined limits of any village habitation, National Highway, State Highway and other roads	Assam Minor Mineral Concession Rules 2013
	Mining where excavation does not require use of explosives	50 m	Minimum distance from outer periphery of the defined limits of any village habitation, National Highway, State Highway and other roads	
	Minor Mineral Mining	500 m	Minimum distance from major structures like R.C.C. bridges, Guide bund etc.	
75 m		Minimum distance from any railway line or bridges		
Meghalaya	Minor Mineral Mining	50 m	Minimum distance from any railway line or under or beneath any rope way or any ropeway trestle or station, or from any reservoir, canal or other public works such as public roads and buildings or inhabited site	Meghalaya Minor Mineral Concession Rules 2016
		10 m	Minimum distance from any village roads	
Manipur	Minor Mineral Mining	50 m	Minimum distance from any reservoir, canal or other public works, or buildings.	Manipur Minor Mineral Concession Rules 2012

No.DGMS (SOMA)/(Tech)Cir.No.2 of 2003

Dhanbad, Dated the 31st January 2003.

To All Owners, Agents & Managers of mines.

Subject: Dangers due to blasting projectiles.

Accidents due to projectiles ejecting from blasting had been a major source of accident in both below ground and opencast workings. Under the existing provisions of Coal Mines Regulations, 1957 and the Metalliferous Mines Regulations, 1961, before a shot is charged, stemmed or fired the shotfirer/blaster is required, amongst other things to ensure that all persons within a radius of 300m from the place of firing (referred to hereinafter as danger Zone) have taken proper shelter, apart from giving sufficient warning by efficient signals or other means approved by the manager over the entire zone. There had been, however, a number of instances where flying fragments due to blasting had ejected not only within but also beyond the danger Zone, resulting into serious and even fatal accidents.

This Directorate from time to time had drawn the attention of all concerned about the dangers from flying projectiles through issue of DGMS Circulars Viz. Circular Tech. 15/1977 and 8/1982. Recently, however, another fatal accident occurred due to same reason.

Enquiry into the accident revealed that in an open cast coal mine, overburden had been kept dumped against the free face of OB bench, 12 No. first row of holes were left uncharged because of spontaneous heating in the seam below, 17 holes of 150mm 6.5m Depth drilled in 7m x 5m Pattern (spacing & burden) charged with 75 kg/hole and 42 holes of 6.5m depth 250mm dia drilled in 6m x 6m pattern charged with 130 kg/hole were blasted. The projectiles ejected due to blasting travelled for a distance of about 412m in the reverse direction away from the free face and hit a mechanical supervisor. The enquiry further revealed that the deceased had taken proper shelter in a blasting shelter but had come out of the shelter immediately on hearing to the sound of blast and was subsequently hit by the projectiles.

Over years there had been refinement of blasting practices as well as development in explosives and accessories, whereby it is possible to control the throw and prevent ejection of flying fragments within a safe distance, with relative ease. There is, therefore, no reason why such type of accident should continue to occur.

The matter is brought to your attention so that following corrective measures are taken in case similar conditions exists in any mine under your control.

(1) In the interest of safety to treat all the places within a radius of 500m of the place of firing as the danger zone, all persons who are required to remain within the danger zone at the time of blasting should take protection in substantially built shelter.

(2) Formulate a code of practice for controlled blasting Technique with milli-second delay detonators/ electric shock tubes/ cord relays or use of sequential blasting machines or by adequately muffling of holes including precautions to be taken during blasting operation until all clear signal given by blaster.

(3) Training of persons and their helpers engaged in such blasting operation.

(Dashrath Singh)
Director-General of Mines Safety.



E-Mail

No. CPCB/IPC-II/NGT-OA 304 of 2019/2020/

May 12, 2020

To,

The Member Secretary,
State Pollution Control Boards / Pollution Control Committees,
(As per list enclosed)

Sub.: In reference to Hon'ble NGT OA No. 304/2019 order dated-28.02.2020-reg.

Sir/Ma'am,

Hon'ble NGT in its order dated-09.10.2019 in OA No. 304/2019 observed that the Kerala SPCB has permitted stone quarrying beyond 50 m from residence and public roads, and directed the SPCB to revisit the existing criterion based on an appropriate study. Further, in its order dated-28.02.2020 the NGT noted that "a report has been filed by the Kerala State PCB on 17.12.2019 reiterating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB", and the NGT expressed that "We are of the view, as earlier observed that the distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.", and directed CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards.

Accordingly, in compliance of Hon'ble NGT Order dt.-28.02.2020 in OA No. 304/2019, CPCB has examined the matter and prepared a report on **Distance Criteria for Permitting Stone Quarrying**, which is enclosed for consideration and adoption by SPCB in consent mechanism.

Yours faithfully,

(Nazimuddin)

**Additional Director &
Divisional Head - IPC - II**

Encl.: As above

SPCBs / PCCs	E-mails
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Item No.04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 304/2019

(With report dated 17.12.2019)

M. Haridasan&Ors.

Applicant(s)

Versus

State of Kerala

Respondent(s)

Date of hearing: 28.02.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Respondent(s): Mr. Jogy Scaria, Advocate and Mr.
Keerthipriyan, Advocate for Kerala SPCB
Mr. Nishe Rajen Shonker, Advocate for State
of Kerala
Mr. Rajkumar, Advocate for CPCB

ORDER

1. Issue for consideration is the safeguards in operation of stone quarries close to residence and public roads. At present, the Kerala State PCB has permitted the stone quarry beyond 50 mtrs. from residence and public roads. This Tribunal vide order dated 09.10.2019 considered the matter and observed:

“3. We find that the environmental norms require assessment of impact of such activities and mere distance of 50 mtrs. By itself is not enough to dispense with such norms. In absence of any study, any stone quarry near the residence and public road is bound to cause air and noise pollution even beyond 50 mtrs. In this regard, reference may be made of observations in the judgments of the Hon'ble Supreme Court in *M.C. Mehta v. Union of India*, (1996) 8 SCC 496 and *Mohammed Haroon Ansari v. District Collector, Ranga Reddy District*, (2004) 1 SCC 491. In granting EC, this

consideration has to be kept in mind in view of the fact that clean and safe environment is a part of right to life.

4. *Accordingly, we direct State PCB to revisit the existing criteria based on an appropriate study. CPCB may give its view in the matter to the State PCB within two weeks in light of available expert studies on the subject. The State PCB may furnish its action taken report in the matter by e-mail at judigical-ngt@gov.in before the next date."*
2. Accordingly, a report has been filed by the Kerala State PCB on 17.12.2019 retreating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB.
3. We are of the view, as earlier observed that the distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.
4. In view of above, we direct the CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards. The State Board may take further action accordingly. Compliance reports be filed before the next date by email at judicial-ngt@gov.in.

List again on 08.05. 2020.

Adarsh Kumar Goel, CP

Dr.Nagin Nanda, EM

Siddhanta Das, EM

February 28, 2020
Original Application No. 304/2019
AK

Item No. 09

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 304/2019

(With report dated 09.07.2020)

M. Haridasan & Ors.

Applicant(s)

Versus

State of Kerala

Respondent(s)

Date of hearing: 21.07.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent(s): Ms. Soni Singh, Advocate for CPCB
Mr. Jogy Scaria, Advocate for KSPCB

ORDER

1. The Issue for consideration is the safeguards in operation of stone quarries close to residences and public roads. At present, the Kerala State PCB has permitted the stone quarry beyond 50 mtrs. from residences and public roads.

2. The Tribunal considered the matter on 28.02.2020. Finding the distance to be inadequate, CPCB was required to consider the matter and report. It was observed:

“2. Accordingly, a report has been filed by the Kerala State PCB on 17.12.2019 retreating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB.

3. We are of the view, as earlier observed that the **distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.**
4. In view of above, we direct the **CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards.** The State Board may take further action accordingly. Compliance reports be filed before the next date by email at [judicial-ngt@gov.in.](mailto:judicial-ngt@gov.in)”

3. Accordingly, the CPCB has filed its report on 09.07.2020 concluding as follows:

“6.0 Conclusion:

In view of available information, following minimum distance criteria may be considered for permitting stone quarrying by SPCBs:

Mining Type		Minimum Distance	Locations
A.	When Blasting is not involved	100 m	<i>Residential/Public buildings, Inhabited sites, locations to be considered by States.</i>
B.	When Blasting is involved	200 m **	

****Note: The regulations for danger zone (500 m) prescribed by Directorate General of Mines Safety also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment.**

However, if any states is already having stringent criteria than the above for minor mineral mining (i.e. more prescribed distances than the above), the same shall be applicable.”

4. In view of the above, the said criteria be followed throughout India.
The CPCB may monitor compliance.

A copy of this order be sent to the CPCB and all the State PCBs/PCCs by email for compliance.

The application is disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

July 21, 2020
Original Application No. 304/2019
AK

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 12122-12123 OF 2018

MUNICIPAL CORPORATION OF GR. MUMBAI

Appellant(s)

VERSUS

ANKITA SINHA & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 86 OF 2019

CIVIL APPEAL NO. 6273 OF 2021

CIVIL APPEAL NO. 6274 OF 2021

CIVIL APPEAL NO. 6275 OF 2021

CIVIL APPEAL NO. 6276 OF 2021

CIVIL APPEAL NOS. 6277-6278 OF 2021

CIVIL APPEAL NO. 6279 OF 2021

CIVIL APPEAL NOS. 6280-6281 OF 2021

CIVIL APPEAL NOS. 6282 OF 2021

CIVIL APPEAL NO. 6283 OF 2021

CIVIL APPEAL NO. 6284 OF 2021

CIVIL APPEAL NO. 6285 OF 2021

CIVIL APPEAL NO. 6286 OF 2021

CIVIL APPEAL NO. 2897 OF 2021

CIVIL APPEAL NO. 6262 OF 2021

CIVIL APPEAL NO. _____ OF 2021

(ARISING OUT OF SLP(C) No. 13934 of 2021)

O R D E R

C.A. Nos. 12122-12123 of 2018 and 86 of 2019

The principal issue as to whether the National Green Tribunal (in short "the Tribunal") can exercise *suo motu* jurisdiction or initiate *suo motu* action, has already been answered in the present appeal(s) vide decision reported in 2021(12) SCALE 184.

The other plea of the appellant-Corporation, which remains to be dealt with, is that, the proceedings were pending before the High Court concerning the very issue wherein elaborate mechanism had been directed by the High Court vide order dated 02.04.2013 in Writ Petition (C) No. 1740 of 1998 and connected cases (Annexure-A1) and the High Court is continually monitoring the progress thereof.

It is urged that this aspect was brought to the notice of the Tribunal by way of a review petition. However, it appears that the Tribunal has not dealt with this plea specifically in the order passed on 05.12.2018 in the review petition, which is the subject matter of challenge in the present appeals.

We permit the appellant to once again move a formal

application before the Tribunal and to raise all contentions as may be permissible on facts and in law. The Tribunal may deal with said submissions/objections appropriately and if any part of the decision of the Tribunal is adverse to the appellant, it would be open to the appellant to approach this Court afresh.

In other words, we are not dealing with other contentions raised by the appellant in the present appeals but giving liberty to the appellant to approach the Tribunal afresh and raise all contentions as may be permissible in law. The Tribunal may decide that proceeding expeditiously.

The direction given by the Tribunal, which has been stayed by this Court, will remain in abeyance till appropriate order is passed on the proposed application to be filed by the appellant before the Tribunal. That application be filed within two weeks from today.

The civil appeals are disposed of in the above terms.

Pending application, if any, stands disposed of.

C.A. Nos. 6273, 6274, 6275, 6276, 6277-6278, 6279, 6280-6281, 6282, 6283, 6284, 6285, 6286 of 2021 and Civil Appeal @ SLP(C) No. 13934 of 2021

Mr. Jaideep Gupta, learned senior counsel submits that there is one more matter arising out of the judgment of the Kerala High Court in which aforesaid common order has been passed, being SLP(C) No. 13934 of 2021. The same is taken on board and heard alongwith connected cases.

Leave granted in SLP(C) No. 13934 of 2021.

In light of the issue answered by this Court in Civil Appeal Nos. 12122-12123 of 2018 and connected cases titled as "*Municipal Corporation of Gr. Mumbai Vs. Ankita Sinha & Ors.*" reported in 2021(12) SCALE 184, it would be appropriate to permit the appellant(s) to raise all contentions/objections as may be available and permissible in law before the National Green Tribunal (In short "the Tribunal") in the first place. The Tribunal may consider those contentions/objections and record reasons for accepting or rejecting the same, so that the appellant(s) if dis-satisfied may have further remedy of appeal(s) before this Court.

In other words, all contentions raised in the present appeal(s) on these aspects, including on merits are left open, to be considered by the Tribunal afresh.

We say so because the judgment rendered by this Court

predicates that even if the Tribunal intends to initiate *suo motu* action, must give opportunity to the parties likely to be affected before passing any adverse order against them. Viewed thus, the *ex-parte* preemptory order(s) passed by the Tribunal without giving opportunity to the person(s) likely to be affected by such order(s), be treated as effaced from the record.

Keeping that principle in mind, we deem it appropriate to relegate the appellant(s) before the Tribunal with liberty to raise all contentions as may be permissible in law, to be decided by the Tribunal afresh on its own merits.

Notably, the decision of the High Court assailed in these appeal(s) also gives that liberty to the appellant(s). However, we expressly grant such liberty to the appellant(s), as aforesaid, in terms of this order.

The appellant(s) may, therefore, file a formal application to take up all contentions before the Tribunal which may be considered by the Tribunal afresh on its own merits and in accordance with law, including raised in this appeal(s) and in respect of matters, referred to by the Tribunal in the earlier order. The

Tribunal to decide the proposed application expeditiously.

Learned counsel for the appellant(s) submits that before the Tribunal finally answers the issues raised by the appellant(s), the Tribunal may consider of issuing appropriate interim order to enable the appellant(s) to give effect to the contract/lease agreement in respect of the project in question. We accede to this prayer.

All appellants/applicants or any other interested person are at liberty to approach the Tribunal.

The appeals are disposed of in the above terms.

Pending applications, if any, stand disposed of.

C.A. Nos. 2897 and 6262 2021

The appellants have raised diverse grounds which need not detain us.

In light of the judgment rendered in Civil Appeal Nos. 12122-12123 of 2018 titled as "*Municipal Corporation of Gr. Mumbai Vs. Ankita Sinha & Ors.*" and connected cases, reported in 2021(12) SCALE 184, even these appellants need to be relegated before the Tribunal, where they can file a formal application raising all contentions, as may be permissible in law, to be decided

afresh by the Tribunal. For, the appellants were not heard before the Tribunal had passed the subject order(s).

As stated in the companion cases listed today, the spirit of judgment of this Court is to make it amply clear that the Tribunal is obliged to hear the party before issuing any adverse directions, which is likely to be directly affected by it, including an action initiated *suo motu*.

Accordingly, we relegate the appellants before the Tribunal to file a formal application and raise all contentions including the grounds taken in the present appeal(s).

The Tribunal may consider the said application appropriately and record reasons for accepting or not accepting the grounds urged before it, so that it will be open to the appellants to assail the same before this Court, if required.

Nothing more is required to be said in these appeals.

All contentions and issues raised in the present appeals are left open, to be decided by the Tribunal afresh.

The appeals are disposed of in the above terms.

Pending applications, if any, stand disposed of.

....., J.
(A.M. KHANWILKAR)

....., J.
(C.T. RAVIKUMAR)

NEW DELHI;
October 25, 2021.

ITEM NO.40+42-44 Court 3 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 12122-12123/2018

MUNICIPAL CORPORATION OF GR. MUMBAI

Appellant(s)

VERSUS

ANKITA SINHA & ORS.

Respondent(s)

([FOR DIRECTION])

WITH

C.A. No. 86/2019 (XVII)

C.A. No. 6273/2021

([FOR DIRECTION]

IA No. 76250/2021 - AMENDMENT OF APPEAL / PETITION / I.A.

IA No. 66635/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 111471/2021 - INTERVENTION APPLICATION

IA No. 71482/2021 - INTERVENTION/IMPLEADMENT

IA No. 66630/2021 - INTERVENTION/IMPLEADMENT

IA No. 60454/2021 - INTERVENTION/IMPLEADMENT

IA No. 59582/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 71555/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 6274/2021 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
51526/2021

FOR AMENDMENT OF THE PETITION ON IA 76363/2021

IA No. 76363/2021 - AMENDMENT OF THE PETITION

IA No. 51526/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

C.A. No. 6275/2021 (XI-A)

(FOR AMENDMENT OF THE PETITION ON IA 77177/2021

IA No. 77177/2021 - AMENDMENT OF THE PETITION)

C.A. No. 6276/2021 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
61227/2021

IA No. 61227/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

C.A. No. 6277-6278/2021 (XI-A)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
70827/2021

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
70828/2021

IA No. 70828/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 70827/2021 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 6279/2021 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 70079/2021

IA No. 70079/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 6280-6281/2021 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 70708/2021

IA No. 70708/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 6282/2021 (XI-A)

C.A. No. 6283/2021 (XI-A)

C.A. No. 6284/2021 (XI-A)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 96991/2021

IA No. 96991/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 6285/2021 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 100745/2021

FOR PERMISSION TO FILE LENGTHY LIST OF DATES ON IA 100747/2021

FOR APPLICATION FOR PERMISSION ON IA 100967/2021

IA No. 100967/2021 - APPLICATION FOR PERMISSION

IA No. 100745/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 100747/2021 - PERMISSION TO FILE LENGTHY LIST OF DATES)

C.A. No. 6286/2021 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 104426/2021

FOR EXEMPTION FROM FILING O.T. ON IA 104427/2021

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 104430/2021

IA No. 104430/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 104426/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 104427/2021 - EXEMPTION FROM FILING O.T.)

C.A. No. 2897 of 2021

C.A. No. 6262 of 2021

Date : 25-10-2021 These appeals were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Parties:

Mr. Atmaram N.S. Nadkarni, Sr. Adv

Mr. Ashish Wad, Adv

Ms. Tamali Wad, Adv

Mr. Pimple Sharad, Adv

Ms. Sukriti Jaggi, Adv

Mr. Sidharth Mahajan, Adv

Mr. Santosh Rebello Salvador, Adv
Mr. Arzu Paul, Adv
Mr. Adiraj Bali, Adv
M/S. J S Wad And Co, AOR

Mr. Krishnan Venugopal, Sr. Adv
Mr. Shivendra Singh, Adv

Mr. Gopal Sankarnayanan, Sr. Adv
Mr. Harish Vasudevan, Adv
Ms. Nishtha Kumar, AOR

Mr. Jaideep Gupta, Sr. Adv
Mr. Abdullah Naseeh, Adv
Ms. Meena K.P, Adv
Mr. C. K. Sasi, AOR

Mr. Aaditya A. Pande, Adv
Mr. Rahul Chitnis, Adv
Mr. Geo Joseph, Adv
Mr. Sachin Patil, AOR

Mr. Dhruv Mehta, Sr. Adv
Mr. Md. Shahid Anwar, AOR
Mr. Satish Solanki, Adv.
Mohd. Naseem Mughal, Adv.
Mr. Naeem Ilyas, Adv.

Mr. Mukesh Verma, Adv
Mr. Yash Pal Dhingra, AOR

Ms. Astha Sharma, AOR
Mr. Abhimanue Shrestha, AOR

Mr. Abhilash M.R, Adv
Mr. Sayooj Mohandas. M, Adv
Mr. Sandeep Singh, AOR

Mr. A. Karthik, AOR
Mr. E. C. Agrawala, AOR
Ms. Usha Nandini. V, AOR

Mr. Bijo Mathew Joy, Adv
Mr. Manuu Krishnan G, Adv
Mr. Seshatalpa Sai Bandaru, AOR

Mr. E. M. S. Anam, AOR

Mr. Tahir Ashraf Siddiqui, AOR

Mr. Jogy Scaria, AOR
Ms. Beena Victor, Adv.
Ms. Prirya, Adv.
Mr. Ravi Lomod, Adv.

Mr. K. Parameshwar, AOR
Ms. A. Sregurupriya, Adv.
Mr. Prasad Hegde, Adv.

Mr. Jobi Jose Kondody, Adv
Mr. Alex M Scaria, Adv
Mr. Biju Praman, Adv
Ms. Saritha Thomas, Adv
Ms. Usha Nandini. V, AOR

Mr. Bobby Thomas, Adv
Mr. K K Vinosh Adv
Mr. Md Apzal Ansari Adv
Mr. James P. Thomas, AOR

Mr. V. K. Biju, AOR
Mr. Amlendu Kumar Akhilesh Kumar Jha, Adv.
Mr. Abhay Pratap Singh, Adv.
Mr. Shaji George, Adv.
Ms. Vijay Laxmi, Adv.

Ms. Vijayalakshmi Raju, Adv
Mrs. Anu B, Adv
Mrs. Dhanya C., Adv
Mr. Suvidutt M.s., AOR

Mr. Faisal M. Aboobacker, Adv
Ms. Lakshmi Sree P, Adv
Ms. Sadiya Shakeel, Adv
Mr. Zulfiker Ali P. S, AOR

Mr. Darpan Km. Adv
Ms. Amrita Sharma, Adv
Mr. Prakash s Rao, Adv
Mr. Rajat Jonathan Shaw, Adv
Ms. Rashi Bansal, AOR

Mr. Purushottam Sharma Tripathi, AOR

Ms. Sanjoli Mehrotra, Adv
Mr. Aditya, Adv
Mr. Aakarsh Kamra, AOR

Mr. S. Thananjayan, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted in SLP(C) No. 13934 of 2021.

The appeals are disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]

Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

M.A. Nos. 80 to 83, 85 to 88, 95 and 96/2021

IN

Original Application No. 304/2019

M. Haridasan

Applicant

Versus

State of Kerala & Ors.

Respondent(s)

Poabs Granites (Pvt.) Ltd. & Anr.
Kuthirakulam P.O., Vellanand,
Thiruvanthapuram District,
Kerala State

Applicants in M.A.
Nos. 80 & 81/2021

M/s. Panachayil Industries
West Othara P.O.,
Thiruvalla Taluk,
Pathanamthitta District
Kerala State

Applicant in M.A.
Nos. 82 & 83/2021

Crystal Granites Ltd. & Anr.
Chulli P.O., Thathupara,
Ernakulam,
Kerala State-683581

Applicants in M.A.
Nos. 95 & 96/2021

Raju K. Thomas & Ors.
Vadasserikkara Post,
Pathanamthitta District,
Kerala-689662

Applicants in M.A.
No. 85/2021

Reji Joseph & Anr.
Narikkattu House,
Chamampathal Post,
Vazhoor, Kottayam District
Kerala-686517

Applicants in M.A.
No. 86/2021

Thomsun Aggregates
Kuttipparambil (H),
Vadaathoor P.O., Kottayam District
Kerala State-686010

Applicants in M.A.
No. 87/2021

Michael Granites & Ors.
Kanjirathumkunnu House,
Ramapuram Bazar Post,
Kottayam District,
Kerala State-686576

Applicants in M.A.
No. 88/2021

Date of hearing: 09.12.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Nishtha Kumar Advocate for original applicant

Respondent(s): Mr. Krishnan Venugopal, Senior Advocate with
Mr. E.M.S. Anam, Advocate for Applicant in M.A 80-81/2021
Mr. E.M.S. Anam, Advocate for Applicant in
M.A. 82,83,95&96/2021
Mr. Abhilash M.R., Advocate for Applicant in M.A 85 to 88/2021
Mr. Jogy Scaria, Advocate for KSPCB

ORDER

1. These applications have been filed by mining lessees (project proponents) undertaking quarry mining at various locations in Kerala, which also involves blasting. Mining is beyond 50 meters while according to the original applicant longer distance has to be maintained, following precautionary principle having regard to the right of inhabitants, who are affected by air and noise pollution generated in the course of mining operations. This Tribunal earlier passed order dated 21.7.2020 laying down longer distance in the light of report of the CPCB by which the present PPs are aggrieved.

2. The PPs have drawn attention to the order of the Hon'ble Supreme Court dated 25.10.2021 in a batch of matters permitting filing of

applications before this Tribunal by the parties affected by the order of this Tribunal. The said batch of matters involved *inter-alia* the issue whether this Tribunal has jurisdiction to initiate *suo motu* action against violation of environmental norms which stands concluded by the judgment reported in *Municipal Corporation of Gr. Mumbai Vs. Ankita Sinha & Ors.*, 2021 (12) SCALE 184. Therein, it was held that the affected parties are entitled to be heard and they had not been heard in the present matter. The operative part of the order is reproduced below:

“In light of the issue answered by this Court in Civil Appeal Nos. 12122-12123 of 2018 and connected cases titled as "Municipal Corporation of Gr. Mumbai Vs. Ankita Sinha & Ors." reported in 2021(12) SCALE 184, it would be appropriate to permit the appellant(s) to raise all contentions/objections as may be available and permissible in law before the National Green Tribunal (In short "the Tribunal") in the first place. The Tribunal may consider those contentions/objections and record reasons for accepting or rejecting the same, so that the appellant(s) if dis-satisfied may have further remedy of appeal(s) before this Court.

In other words, all contentions raised in the present appeal(s) on these aspects, including on merits are left open, to be considered by the Tribunal afresh.

We say so because the judgment rendered by this Court predicates that even if the Tribunal intends to initiate suo motu action, must give opportunity to the parties likely to be affected before passing any adverse order against them. Viewed thus, the ex-parte preemptory order(s) passed by the Tribunal without giving opportunity to the person(s) likely to be affected by such order(s), be treated as effaced from the record.

Keeping that principle in mind, we deem it appropriate to relegate the appellant(s) before the Tribunal with liberty to raise all contentions as may be permissible in law, to be decided by the Tribunal afresh on its own merits.

Notably, the decision of the High Court assailed in these appeal(s) also gives that liberty to the appellant(s). However, we expressly grant such liberty to the appellant(s), as aforesaid, in terms of this order.

The appellant(s) may, therefore, file a formal application to take up all contentions before the Tribunal which may be considered by the Tribunal afresh on its own merits and in accordance with law, including raised in this appeal(s) and in respect of matters, referred to by the Tribunal in the earlier order. The Tribunal to decide the proposed application expeditiously.

Learned counsel for the appellant(s) submits that before the Tribunal finally answers the issues raised by the appellant(s), the Tribunal may consider of issuing appropriate interim order to enable the appellant(s) to give effect to the contract/lease agreement in respect of the project in question. We accede to this prayer.”

3. All the Applications are identical and relief sought is impleadment and directions not to interfere with the distance presently being followed as per rules laid down by the mining department and Kerala PCB.

4. We have heard learned Counsel for the parties.

5. As far as impleadment is concerned, the said prayer is granted, as the applicant has no objection to such a course being adopted in the light of order of the Hon’ble Supreme Court.

6. On merits also, stand in all the applications is almost same. The PPs claim to be carrying on quarry mining, using blasting at various locations under leases granted by the Mines Department of Kerala under the Kerala Minor Mineral Concession Rules, 1967. Minimum safety distance of 50m is maintained from nearest dwelling units. Grievance of the original applicant that 50m distance is not enough and reliance on observations of the Hon’ble Supreme Court in *M.C. Mehta v. Union of India*, (1996) 8 SCC 462 and *Mohammaed Haroon Ansari v. District Collector, Ranga Reddy District*, (2004) 1 SCC 491 is uncalled for.

7. To complete the narration, we may record that the Tribunal sought a report from CPCB and as per report dated 09.07.2020, it was suggested

that minimum distance should be 100m where blasting is not involved and 200m where blasting is involved. The Tribunal accepted the said view and, vide order dated 21.07.2020, issued directions in terms thereof which are reproduced for ready reference, as follows:

“3. Accordingly, the CPCB has filed its report on 09.07.2020 concluding as follows:

“6.0 Conclusion:

In view of available information, following minimum distance criteria may be considered for permitting stone quarrying by SPCBs:

Mining Type		Minimum Distance	Locations
A.	When Blasting is not involved	100 m	<i>Residential/Public buildings, Inhabited sites, Protected monuments, Heritage sites, National / State Highway, District roads, Public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dams, Reservoirs, River, Canals, Lakes or Tanks, or any other locations to be considered by States.</i>
B.	When Blasting is involved	200 m **	

****Note: The regulations for danger zone (500 m) prescribed by Directorate General of Mines Safety also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment.**

However, if any states is already having stringent criteria than the above for minor mineral mining (i.e. more prescribed distances than the above), the same shall be applicable.”

4. In view of the above, the said criteria be followed throughout India. The CPCB may monitor compliance.”

8. In view of rival submissions, question is whether there is any scope for interference by this Tribunal.

9. Original applicant has opposed the applications of the PPs and submitted that minimum distance of 200m must be maintained in the interest of safety of the inhabitants as well as flora and fauna in the area. The Tribunal must follow the ‘Precautionary’ principle and, if any, further

study is undertaken, mining may not be allowed within 200m pending such study. It was also submitted that mining is continuing illegally in violation of orders of Hon'ble Supreme Court and on that aspect the matter is being further raised before the Hon'ble Supreme Court by the applicant.

10. Stand of learned Counsel for the PPs is that distance of 50m is laid down under the Mines and Mineral Rules as well as under the orders of the State PCB. Any longer distance is beyond the jurisdiction of this Tribunal. CPCB also has no jurisdiction as powers under the EP Act are only with MoEF&CC.

11. Further submission is that due to topography of the State of Kerala, longer distance will obstruct the legitimate mining activities in violation of sustainable development principle. With the use of Nonel Detonation technology, 50m distance is adequate and does not cause any adverse impact.

12. Reliance has also been placed on a CSIR-Central Institute of Mining & Fuel Research study conducted in June 2021 on "SCIENTIFIC STUDIES FOR DESIGN OF SAFE BLAST PARAMETERS AT PEROORKADA STONE MINE, KUTHIRAKALAM P.O. VELLANADU, THIRUVANANTHAPURAM, KERALA" concluding and recommending as follows:

"8. CONCLUSIONS AND RECOMMENDATIONS

8.1 Conclusions:

The following conclusions can be drawn from the results of the study on blast vibration analysis:

- i) From the blasting trials, with the designed blast patterns, it was observed that blast induced ground vibrations; air overpressure and fly rock were within safe limits*
- ii) The use of bottom hole-initiation systems like shock tubes in conjunction with noiseless trunk line delays (NTLD) during trial blasts kept the vibration and air over-pressure to the allowable limits.*

- iii) *Proper stemming with coarse grained sand reduced the chances of flyrock and limited to bare minimum within the quarry area.*
- iv) *The throw of the muck was found to be favourable for easy removal and handling by machines*
- v) *The maximum value of blast induced ground vibration (PPV) level recorded at the south eastern boundary from where the closest civil structure (water tank), is 1.024 mm/s with dominant excitation frequency as 82.25 Hz at a distance of 125 m.*
- vi) *The maximum projectiles range of flyrock was observed as 10-15 m from the blast site and the air overpressure levels recorded were within the safe limits (<128 dB).*
- vii) *This clearly indicates that the blast design parameters followed during the studies at the mine are quite safe to the nearby habitats and structures.*

8.2 Recommendations:

On the basis of data analysis and results of the study the following points are recommended for consideration and strict adherence for controlled blasting and safety of structures:

1. *It is recommended to practice the blast design parameters as burden = 1 m spacing = 1.2m, hole depth = 1.8 m to 3m and specific charge = 0.35 kg/m³.*
2. *Maximum hole depth can be upto 3m. Holes of lesser depth may have a tendency of generating more flyrock.*
3. *In case of varying hole depth, charge per holes should be calculated on the basis of specific charge (0.35 kg/m³)*
4. *The hole diameter should be kept at 32mm and there should be no variation in diameter of the drilled holes.*
5. *Typical blast designs shown in the figure 6 and 7 should be followed for safe blasting practice*
6. *The safe maximum charge per delay for the distances of 45m and above, from the dwellings/structures is mentioned in Table-5, and Figure 16, which should be followed to contain the ground vibrations and flyrock within the limits.*
7. *Although, the nearest house not belonging to quarry owner, is towards South-east direction of the mine at a distance of 250 m and the safe maximum charge per blast for that distance, as per the Table-4, is 8.29 kg*
8. *Prilled Ammonium Nitrate Fuel Oil (ANFO) and Cartridge emulsion explosive of 25mm diameter to be used for all production blast rounds. Care should be taken to ensure utilization of explosive within the prescribed shelf-life period.*
9. *Blast rounds should be planned in such a manner that at least one free face is available*
10. *Maximum four rows are to be fired in each blast round to avoid cumulative confinement and flyrock problem.*
11. *Top of the face should be cleaned for any debris. The face should be cleared of muck of the previous blast as it creates flyrock.*
12. *The free face direction should be, as far as possible, opposite from the hutments/ structures (temporary or*

permanent). The propagation of the initiation should be opposite to the structures/ habitats.”

13. We have duly considered the above submissions. We do not find any merit in the objection of the PPs that this Tribunal has no jurisdiction in view of distance laid down under the Mines and Mineral Rules. in view of law laid down *inter-alia* in *Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors.*,¹ and *the Director General (Road Development) NHAI v. Aam Aadmi Lok Manch.*² There is also no merit in the contention that CPCB has no jurisdiction under the EP Act. CPCB has jurisdiction under EP Act, as per delegation under section 23 of the said Act as well statutory powers under the Air and Water Acts and also under directions of this Tribunal. Plea of the PPs that the study relied upon clinches the matter in their favour is also not born out from the said study. There is also no merit in the contention that even at the cost of environment mining must be allowed having regard to peculiar topography of Kerala.

14. Thus, while the stand of the PPs cannot be accepted, out of abundant caution, we are inclined to consider further expert study on the subject of safe distance for mining from habitations.

15. Accordingly, we constitute a seven-member joint Committee comprising CPCB, Indian Institute of Mines/ IIT, Dhanbad, CSIR - Central Institute of Mining & Fuel Research (CIMFR), Dhanbad, CSIR-Central Building Research Institute (CBRI), Roorkee, IIT Roorkee, Wadia Institute of Himalayan Geology, Dehradun and Directorate General of Mines Safety, GoI. The nodal agency will be CPCB for coordination and compliance. The cost of the study will be initially borne by CPCB and thereafter as may be decided by this Tribunal. The Committee may undertake visit to the

¹ 2019 SCC online SC 322, Para 43-47

² AIR 2020 (SC) 3471, Para 75

relevant sites and except for such visits, conduct proceedings online, if necessary. The Committee will be at liberty to take assistance from any other expert/institution. The Committee may inter-alia study the impact of blasting with Nonel Detonation technology at distances of 50m, 75m, 100m, 125m, 150m, 200m and 250m. The study will include the impact caused by vibrations on different soil strata /earth profile in the area and on noise and air levels, on building and human and wildlife. The study may be completed within three months and report furnished within four months. Any stakeholder will be at liberty to give their respective view point to the Committee. State of Kerala and Kerala State PCB will facilitate undertaking of above study. The report may be furnished to this Tribunal within four months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF and also upload the same on website of CPCB simultaneously so that the concerned parties/Departments can access the same for further course of action.

M.A. Nos. 80/2021, 82/2021, 95/2021 stand disposed of.

List OA 304/2019 for further consideration on 11.05.2022.

A copy of this order be forwarded to CPCB, Indian Institute of Mines/ IIT, Dhanbad, CSIR - Central Institute of Mining & Fuel Research (CIMFR), Dhanbad, CSIR-Central Building Research Institute (CBRI), Roorkee, IIT Roorkee, Wadia Institute of Himalayan Geology, Dehradun, Directorate General of Mines Safety, GoI, State of Kerala and Kerala State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

December 09, 2021

M.A. No. 80/2021 to M.A. No. 83/2021,

M.A. No. 95/2021, M.A. No. 96/2021,

M.A. No. 85/2021 to M.A. No. 88/2021

DV

Item No.14

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.304/2019
(MA No. 81/202, I A No. 443/2023, IA No. 150/2024, IA No. 173/2024,
IA No. 440/2023, MA No. 83/2021, MA No. 96/2021, IA No. 444/2023,IA
No. 441/2023, IA No. 175/2024, IA No. 184/2022)

M. Haridasan & Ors.

Applicant(s)

Versus

State of Kerala & Ors.

Respondent(s)

Date of hearing: 21.10.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Raj Panjwani, Senior Advocate (Amicus Curiae) with Mr. Aayushman Aeron, Adv.

Respondent: Mr. Pallav Sisodia, Senior Advocate with Mr. Nishe Rajen Shonker, Adv. for the State of Kerala
Mr. Jogy Scaria & Mr. Ashwani Kumar Soni, Advs. for KSPCB
Mr. Atmaram N.S. Nadkarni, Senior Advocate with Mr. Mahesh Agarwal, Mr. Arshit Anand & Ms. Geetika Sharma, Advs. for Adani Vizhinjam Port Pvt. Ltd.
Mr. Abu John Mathew, Adv. for Rockfield Estates (Through VC)
Mr. E.M.S. Anam, Mr. M.S. Vishnu Shankar & Mr. Thomas Joceb, Advs. in I.A No. 81/2021 & 83/2021
Mr. Enoch David, Mr. Derick Mathai Saji, Mr. Karan Scaria & Mr. A. Karthik, Advs. in I.A 660- 662/2023
Mr. Vivek Chib, Senior Advocate with Mr. Alex M. Scaria, Mr. Biju P. Raman, Ms. Saritha Thomas & Mr. John Thomas Arakal, Advs. in I.A 439- 441/2023
Mr. Anshuman Shrivastava, Mr. Abhijeet Shrivastava & Ms. Usha Nandini Advs. in I.A 442-444/2023
Ms. Usha Nandini & Mr. John Thomas Arakdi, Advs. in I.A 173/2024
Mr. Abhilash M.R & Mr. Sayooj Mohandas, Advs. in M.A No. 85 to 88/2021
Ms. Soni Singh, Adv. for CPCB (Through VC)
Mr. P.B. Sahasranaman, Adv. (Through VC)

ORDER

1. Learned Counsel for the applicant has concluded his arguments.
2. List for further hearing on 03.02.2025 at 2:00 PM.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

October 21, 2024
Original Application No.304/2019
JG..

**SLOPE STABILITY AND POSSIBILITY OF SOIL PIPING
AROUND THE PROPOSED QUARRY OF
SRI. K. K. PREMKUMAR IN THOLAMBRA VILLAGE
THALASSERRY TALUK, KANNUR DISTRICT**

WESTCON

DR.P.K.THAMPI, JOHN MATHAI AND DR.D.S.SURESHBABU

DECEMBER, 2024

**REPORT ON SLOPE STABILITY AND POSSIBILITY OF SOIL
PIPING AROUND THE PROPOSED QUARRY OF SRI. K. K.
PREMKUMAR IN THOLAMBRA VILLAGE, THALASSERRY
TALUK, KANNUR DISTRICT**

BACKGROUND

Shri. K K Premkumar intends to operate an open pit granite rock quarry in an area of 1.4621 ha falling in Survey No 1/100, 1 and 9 of Tholambra village, Thalasserry taluk, Kannur district for which necessary clearances are sought from authorities. The quarry is planned to be operated with benches by semi-mechanized opencast method of mining. The Proponent with an intention to maintain all possible aspects of safety in the operational stage of the quarry approached Dr. P K. Thampi, Team Leader, WESTCON to carry out an evaluation of slope stability and possibility of soil piping within the proposed quarry and its adjoining area and to prepare a report. Subsequently, a team comprising of Dr.P.K.Thampi, Scientific Advisor (Rtd), Centre for Earth Science Studies Trivandrum, Sri.John Mathai, Scientist G (Rtd), National Centre for Earth Science Studies Trivandrum and Dr. D S. Suresh Babu, Principal Scientist (Rtd), National Centre for Earth Science Studies Trivandrum, Govt of India visited the quarry and surrounding area on 02.10.2024 and collected information on the terrain parameters and causative factors that promotes slope instability and soil piping in a given area. The details of this study are given in this report.

GENERAL OBSERVATIONS OF THE QUARRY SITE AND SURROUNDINGS

The proposed quarry site is about 4.5 km east of Sivapuram. The site is approachable through an all-weather road deviating to north from Sivapuram-Peravoor road at Panambatta. The locality falls on the southern part of a major denudational hill ridge known as Peralimala. This hill ridge is a major landform of Kannur district with an E-W orientation and reaching to a peak elevation of 489 m above mean sea level. The crestal part of the hill ridge is relatively flat while the upper slopes are steep with a rectilinear aspect. The lower slope below 200 m elevation is less steep but with an undulating topography having low level spurs and valleys. Sporadic rock outcrops are seen where the degree of mass wasting was on the higher side. The upper and lower slopes are mostly covered by rubber plantations. The hill ridge and slopes are provided with a fairly good network of roads. Many residential units are also

seen on the upper slopes. The quarry area is located on the lower south facing slopes of the hill- ridge below 180 m elevation (Fig 1). There are at least four quarry pits in the eastern part of the proposed quarry site.

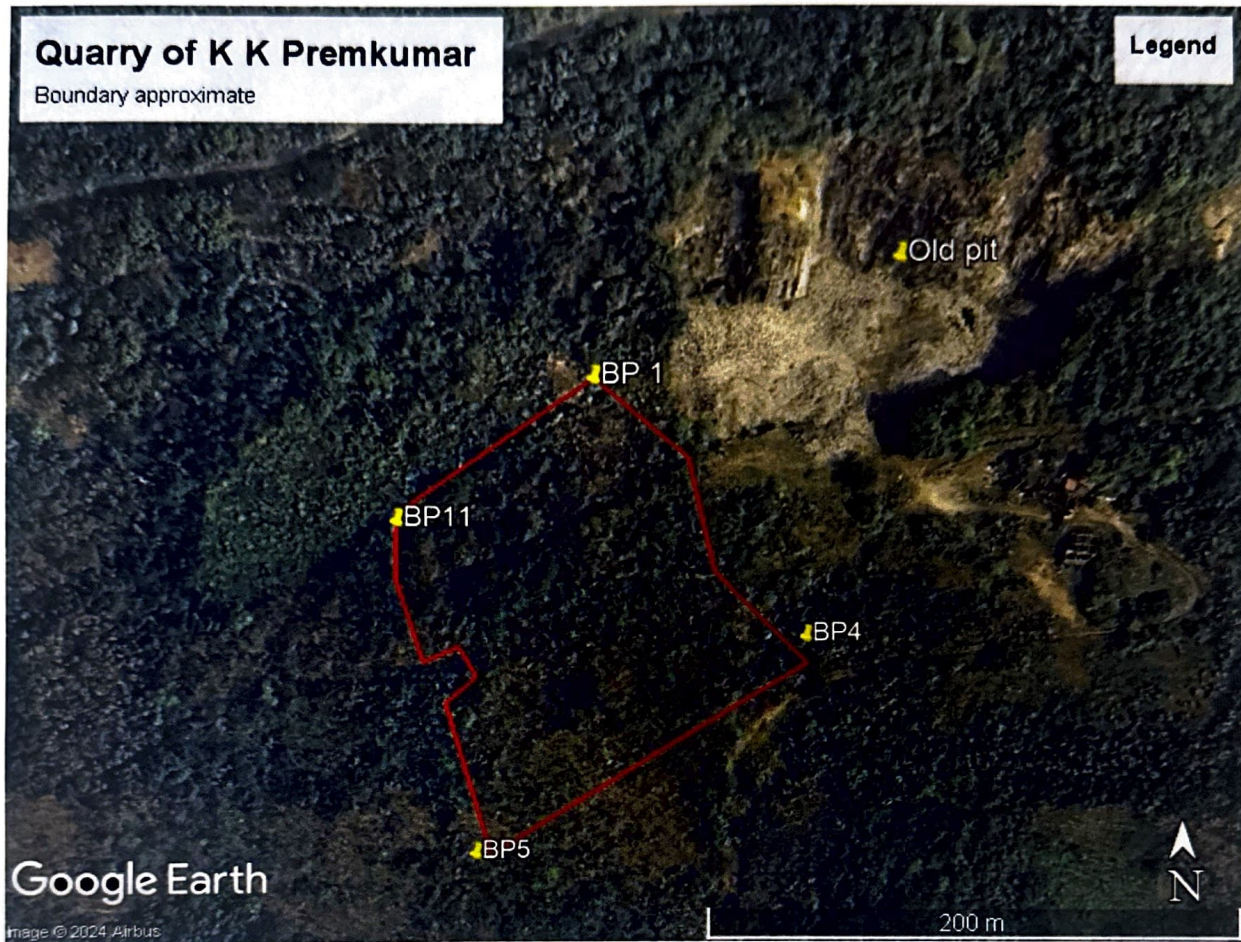


Fig 1: Google image of the proposed quarry site of Sri. K K Premkumar (out lined in red colour). An old worked out pit is seen on the northeastern side. There are three other quarry pits further east of the proposed site.

TERRAIN EVALUATION OF THE QUARRY SITE

The location of the proposed quarry site is given in Fig. 1. As per the Survey of India topographic sheet, the elevation of the quarry site lies between 180 m and 140 m amsl. The general slope of the site is towards south but with undulations giving rise to minor spurs and linear imperfect valleys. The slope varies from 15° - 20° . Granite gneiss and its migmatitic variants form the dominant rock type in the site. Presence of potash feldspar gives a pinkish appearance to the freshly cut surfaces. ENE-WSW trending and sparsely spaced fracture planes with moderate dip to SE direction are observed in the adjacent quarry. The degree of

weathering is mostly limited to the top surface. Overburden is mostly a boulder bed with lateritic soil. The thickness of overburden varies from point to point and is less than 2 m. Rocky outcrops are exposed but not in continuous sections. Large sized boulders are also seen indicating shallow basement conditions (Fig.2). Well defined drainage channels are absent and the surface runoff is mostly as overland flow. On lower part of the site a slight depression is seen. Even though the site visit was carried out during the end of monsoon season, surface flow or the presence of springs was not observed in the site. The approach road to the quarry is provided with side drains that channelize storm water to the lower elevations. The proposed quarry site and its surroundings support rubber plantations. Man made modifications to the area is limited to the quarry pits. An all-weather road on the upper slope can also be considered as an anthropogenic activity, but steep road cuttings are not observed in the vicinity of the proposed quarry.



Fig. 2: General lay out of the proposed quarry site is indicated in the photograph on the left hand side. Slope of the area is moderate. Presently it is under rubber plantation. Note the slight linear depression through which overland flow is channelized in peak rainfall period. Photograph on the right hand side shows the large sized boulder in the site indicative shallow basement condition.

A detailed inspection of the adjacent quarry kept as part of closure plan indicate that Pink granite gneiss is the dominant rock type here also. Sub vertical quarried faces with a height of about 20 m are seen to the northern side of the quarry. These appear to be stable and has not reported rock fall in the recent past. The worked-out pit in the centre presently has a collection of rainwater. The site is also filled with broken quarried rock fragments that can be removed and used as building material. On the southern side of the quarry a heap of quarry

waste dump is seen that can be removed and used for eco-restoration/regeneration of vegetation within the mined out pit.



Fig..3 View of the sub-vertical face of the old quarry pit awaiting closure. Though there are damp patches on the lower part of the cliff, distinct seepage of water was not seen. However, through a depression on the top, storm water from the upper road section was found to enter into the pit creating a pool of water in the central part.

SLOPE STABILITY OF THE QUARRY SITE

RELEVANT LANDSLIDE SUSCEPTIBILITY MAP

Evaluation of the terrain in terms of its landform, slope, nature of overburden, geology, drainage, vegetation cover etc. is essential to elucidate the natural stability of a region and to determine the possibility of landslides. Based on the regional evaluation of the region, landslide susceptibility maps have been prepared. The extract of the landslide susceptibility map of Kannur district relevant to Tholambra village is given in figure 4.

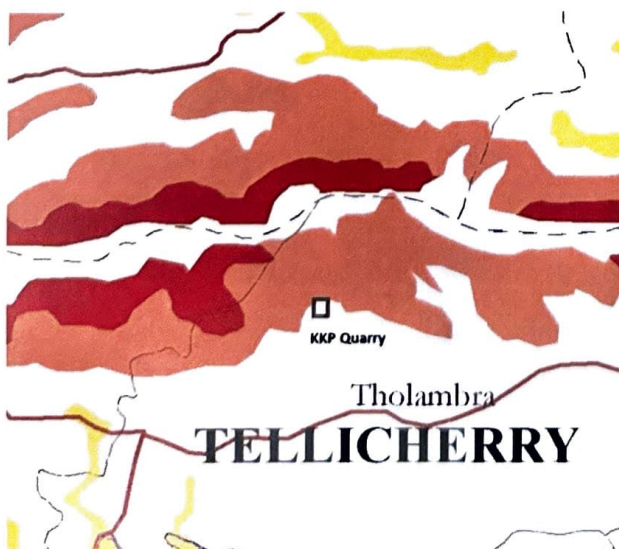


Figure 4: The crestal part of Peralimala is safe. The upper slopes of the hill ridge falling in Tholambra village falls in the moderate hazard zone. The quarry site is located in the lower slope mostly within the safe area.

The east-west trending Peralimala is the dominant hill ridge in the area. The crestal part by virtue of its relatively gently undulating nature is considered to be stable devoid of landslide occurrences. The upper slopes of the hill ridge with steep slopes exceeding 50% or 27° along with other causative parameters like thicker over burden, degraded vegetation, positive drainage and presence of planes of discontinuity is considered as a zone of high susceptibility to landslides (marked in red colour) while the slopes between 35% and 50% (20° - 27°) is considered as zone of moderate susceptibility (marked in pink). Rest of the area is considered to be of low susceptibility or safe. The segment of Peralimalain Tholambra village does not have very steeply sloping segments with thick over burden. The upper slopes fall within the moderate susceptibility while the lower slopes are in low to safe category. The quarry site is located in the lower slope mostly within the safe area in regional evaluation.

NATURE OF SLOPE FAILURES IN KERALA AND MACRO ZONATION

In Kerala, debris flow or *Urulpottal* is the dominant type of landslide where in the overburden in a water saturated condition flows down the slope under the influence of gravity. Earth slumps/slides and rock slides are much less frequent to be of concern. The red zone given in the District level Landslide hazard zonation map is from macro-zonation attempted on 1:50,000 scale following the methodology adopted by BIS (assigning weights to each landslide hazard evaluation factor). In this study, the entire area is divided into 250 x 250 m grids and the assigned weights of individual parameters for each grid are summed up. Based on the total value, each grid area is categorized into different zones of stability. It means that for each grid of 250 x 250 m on ground or 6.25 ha area, only one value is considered. The scale of mapping does not allow sampling at closer interval than this value. Since the quarry site is less than 6.25 ha, taking a decision on the instability of this site based on the product of macro-zonation is incorrect. In addition, some of the parameters considered for macro-zonation are based on secondary data and inference based on remote sensing products.

MICRO-ZONATION OF QUARRY SITE

To evaluate the slope stability status of quarry site micro-zonation based on detailed ground data collection on all causative parameters is required. Micro-zonation is often carried out in cadastral scale of around 1: 5000. A rapid semi quantitative micro-zonation, based on dominance of causative factors at micro-level, is carried out in this area to understand the slope stability of this quarry site.

CAUSATIVE PARAMETERS EVALUATED

Slope

The position of the site in the overall landform, the magnitude of slope and its length is a dominant factor. The quarry site falls in the lower slope with less than 20° slope. The elevation difference between the upper and lower part is just 40 m only. The continuity in the slope is segmented by break in slope and manmade features like road. Taking these factors the site is unlikely to cause slope instability.

Type and Thickness of overburden

Estimation of the thickness of the overburden and its type are significant in assessing the landslide potential of a given area. In most cases of debris flows, the thick loose material is dislodged while the underlying hard rock is left intact. Over burden thickness at the site is less than 2 m. The presence of rocky out crops in the site further reduces the average thickness of over burden. The nature of over burden is boulder rich pebbly soil with very low clay content. This adds to the capacity of the surface material to drain out water without saturating the over burden. In times of intense rains, the material is unlikely to fail as higher pore water pressure buildup is absent.

Geology and structure

The parent rock is pink granite gneiss that is more massive in nature. The degree of weathering is low in this area. The rock has sparsely spaced fractures only. The orientation of these fractures trend across the slope and not parallel to it to aid failure. The presence of the rock at shallow depth adds to the stability of the region.

Drainage

Drainage is another important parameter. There are no well-defined drainage channels to carry storm water to the lower slopes without saturating the existing over burden. The storm water mostly flows as overland flow. In order to enhance the stability of the quarry faces and to reduce entry of water into the working area, garland drains are to be provided to the proposed quarry which is mandatory. In addition, catch water drains are also to be provided on the lower part to regulate the flow of storm water from the working pit.

Vegetation cover

The quarry area and its surroundings are presently covered with rubber trees. The tree cover within the proposed quarry pit will be removed prior to the operational stage of the quarry while the tree cover in the surroundings will be maintained. The buffer zone around the pit will be provided with additional vegetation cover. The additional vegetation cover provided is expected to enhance the stability of the buffer zone. The overburden and other loose material will be removed before commencement of mining operation

Stormwater channels

The entry of storm water into the quarry pit from the upper elevations and lateral sides will be prevented by providing garland drains. The side walls of the drains in the upper area will be strengthened with proper reinforcement to support the slope and to prevent any kind of slumping.

SUMMATION ON SLOPE STABILITY

The hard rock with steep cuttings is often stable unless there are closely spaced planes of discontinuity or shear zones traversing the site. Since the hard rock quarry follows a top to bottom approach with benches and it maintains an overall slope of 45 degrees, slope stability problems within the site are remote. Further, channelizing the water through well-defined channels will prevent saturation of the surrounding loose material. The clarified water is led into an existing stream on the lower slope without entering the quarry site.

Overall evaluation of the site considering the landform, slope, geology and structure, nature of overburden, drainage channel layout and provision of vegetation in the buffer zone indicate that quarrying in the site is unlikely to initiate slope instability. Reinforced side walls of garland drain on the upper slope will add to the stability of the region.

POSSIBILITY OF SOIL PIPING IN THE AREA

Normally soil piping is seen in the interface of hard basement with loose overburden or in midland areas covered with hard laterite. They are commonly seen in the contact region of mid-land and high land area. Soil piping results in the formation of pits or depressions in the upper slopes from where material has been removed along underground pipes by sub-surface movement of water. The exit points of such pipes can be located in the foot slopes or in the valleys having a cave-like appearance. The inlet point and the exit point are often separated

by hundreds of meters. Good quantity of muddy material would also be seen near these exit points as they are transported through the soil pipes.

A critical examination of the sloping surfaces near to the proposed quarry does not indicate the presence of soil pipes in the area. The side slopes on the upper and lower level have only a thin veneer of soil and over burden. Sporadic exposures of rocky outcrops are common. The depth and extent of weathering in the area is low. Piping is unlikely in segments where weathering is limited to the surface and exposes rocky outcrops. The source point of the first order stream on the lower slope was examined. Cave like opening near the source was absent. The stream originated from a small spring that received seepage from interface of rock and over burden. Hence, the possibility of soil piping in this area can be ruled out.


Dr. P.K. THAMPI
Team Leader
WATER, ENVIRONMENTAL SCIENCES &
TECHNOLOGY CONSULTANTS
(WESTCON)
MLR 41, Mangalam Lane, Sasthamangalam
Thiruvananthapuram - 695 010





കേരളം കേരള KERALA


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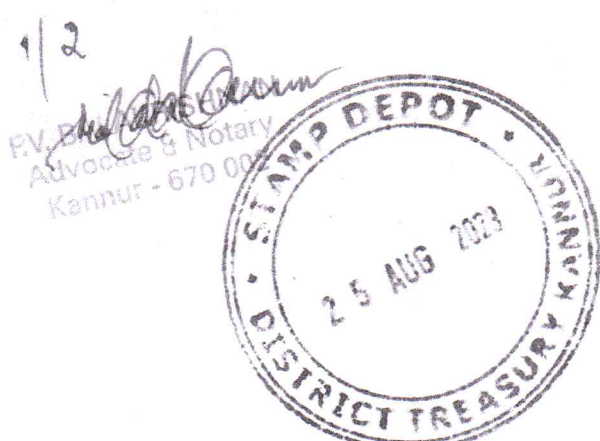
സത്യവാങ്മൂലം

2023 മാണ്ട് സെപ്തംബർ മാസം 01 -ാം തീയതി, മൈനിംഗ് & ജിയോളജി വകുപ്പ് ഡയറക്ടർ, തിരുവനന്തപുരം മുമ്പാകെ കണ്ണൂർ ജില്ലയിലെ മേൽ മുരിങ്ങോടി.പി.ഒ., മണത്തണ, പിൻ-670673 കോലന്തറ ഹൗസ് എന്ന വീട്ടിൽ താമസം കുഞ്ഞിരാമൻ എന്നവർ മകൻ ആയ 60 വയസ്സ് കെ.കെ.പ്രേംകുമാർ ബോധിപ്പിക്കുന്ന സത്യവാങ്മൂലം.

കണ്ണൂർ ജില്ലയിൽ, തലശ്ശേരി താലൂക്കിൽ തോലമ്പ്ര വില്ലേജിൽ സർവ്വേ നമ്പർ 1/100, 1 & 9 ൽ പെട്ട 1.4621 ഹെക്ടർ സ്ഥലത്ത് കരിങ്കൽ ഖനനം നടത്തുന്നതിന് ക്വാറിയിൽ ലീസിനുള്ള അപേക്ഷ ഞാൻ സമർപ്പിച്ചിട്ടുണ്ട്.



കെ.കെ.പ്രേംകുമാർ 2ൽ



നമ്പർ 53923 പേര വി. കെ പ്രേംകുമാർ
അംഗം രാജേഷ്
തീയതി 1-9-23 ക 100
കണ്ണൂർ താലൂക്ക് ആഫീസ് ആഃ
വെണ്ടർ കെ. പി. ജഗദീഷ്



കേരളം കേരള KERALA

:2:

EC 277267

ദുരപരിധി സംബന്ധിച്ച ബഹു. ദേശീയ ഹരിത ട്രൈബ്യൂണലിന്റെ ഉത്തര വിനെപറ്റിയും ബഹു. സുപ്രീം കോടതിയുടെ 25/10/2021 ലെ 12122-12123/2018 നമ്പരായുള്ള സിവിൽ അപ്പീലുകളിൽ പുറപ്പെടുവിച്ച ഉത്തരവിനെപ്പറ്റിയും എനിക്കറിവുള്ളതാണ്. എന്റെ അപേക്ഷയിൽ ലഭിക്കുന്ന ഖനനാനുമതിയിൽ ഭാവിയിൽ ബഹു. ദേശീയ ഹരിത ട്രൈബ്യൂണൽ/ബഹു. സുപ്രീം കോടതി/ബഹു. ഹൈക്കോടതി/സർക്കാർ എന്നിവ പുറപ്പെടുവിക്കുന്ന ഏതൊരു ഉത്തരവും പാലിച്ചു കൊള്ളാമെന്ന് ഞാൻ ഇതിനാൽ സത്യം ചെയ്തുകൊള്ളുന്നു.

പേര്: കെ.കെ.പ്രേംകുമാർ

ഒപ്പ്:

2nd and last page. Reg No. 803/2023

I/We the deponent/executor solemnly affirmed and signed before me on 1/9/2023 at Kannur

[Signature]
RV. BALAKRISHNAN
Advocate & Notary
Kannur - 670



നമ്പർ 53984 ലെ റി.കെ. പ്രേംകുമാർ

അംഗം

തീയതി 1-9-23 100

കണ്ണൂർ താലൂക്ക് അഡ്വക്കേറ്റ് ജനറൽ
വെണ്ടർ കെ. പി. ബഗദീഷ്



Affidavit

Affidavit submitted by K.K. Premkumar, S/o. Kunhiraman, aged 60 years, Kolanthara House, P.O. Mel Muringodi, Manathana, - 670673, Thalassery Taluk, Tholambra Village, Kannur District, to Director, Geology Dept, Trivandrum on 01.09.2023.

I have submitted application for quarrying Lease for quarrying granite from land 1.4621 hectare in R.S No. 1/100, 1 & 9 in Tholambra Village, Thalassery Taluk, Kannur District. I am aware of the judgements of the Hon'ble National Green Tribunal and the judgements in the Civil Appeals in Nos. 12122-12123/2018 of the Supreme Court dated 25.10.2021.

I hereby swear that I shall obey any order issued by the Hon'ble National Green Tribunal, Hon'ble Supreme Court, Hon'ble Higher Court/Government etc. in connection with the quarrying License as per my Application

Name: K K Premkumar

Signature:

**BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
APPEAL NO. 43 OF 2022 (SZ)**

Ratheesh Karattu and Anr.

... Appellants

Versus

Ministry of Environment, Forests
and Climate Change and Ors.

... Respondents

**ADDITIONAL TYPEDSET OF
DOCUMENTS FILED BY THE
5TH RESPONDENT**

M/s. Tanushree Arvind

Madhupreetha Elango

COUNSEL FOR 5TH RESPONDENT