

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Appeal No. 47 of 2025 (SZ)

M. Mohamed Shooja,
S/o. Mohamed Ibrahim,
T.C. 24/590, Suruma, Thycadu (po),
Thiruvananthapuram District,
Kerala 695 014

...Appellant

Vs

1. State Level Environment Impact Assessment Authority (SEIAA),
Rep. by its Member Secretary,
No. 327, 9th floor, CMRL MetroS,
Anna Salai, Nandanam,
Chennai 600 035

...Respondents

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Dated at Chennai on this the 2nd day of April, 2026



COUNSEL FOR THE 1st RESPONDENT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Appeal No. 47 of 2025 (SZ)**

M.MOHAMED SHOOJA,
S/o Mohamed Ibrahim,
T.C.24/590, Suruma, Thycadu(P.O)
Thiruvanthapuram District,
Kerala State 695014.
Ph. 9487874545
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... Appellant

Vs

1.State Level Environment Impact Assessment Authority (SEIAA),
Rep. by its Member Secretary,
No.327 Metros, 9th Floor, Anna Salai,
Nandanam, Chennai- 600 035
Email: seiaamstn@gmail.com
Phone No. 044-24359973

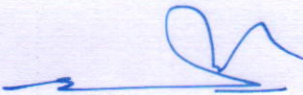
... Respondents

**COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – TAMIL NADU,
THE 1st RESPONDENT**

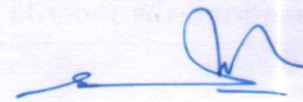
I, A.R. Rahul Nadh, I.A.S. aged about 38 years, working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at No.327 Metros, 9th Floor, Anna Salai, Nandanam, Chennai- 600 035 do hereby solemnly affirm and sincerely state as follows:

1. I am filing this counter affidavit on behalf of the 1st Respondent herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.

Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT
 ASSESSMENT AUTHORITY - TAMIL NADU
 No. 327, Metros, 9th Floor,
 Anna Salai, Nandanam, Chennai-600 035.


Member Secretary
STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY - TAMIL NADU
 No. 327, Metros, 9th Floor,
 Anna Salai, Nandanam, Chennai-600 035.

2. I state that I have perused the appeal and deny the averments and allegations stated therein except those that are specifically admitted hereunder and put the Appellant to strict proof of the same.
3. It is respectfully submitted that the project proponent Thiru. M.Mohamed Shooja, had applied to SEIAA-TN for Grant of for Environmental Clearance for the Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No:570/6(part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu vide online application no. SIA/TN/MIN/496000/2024, Dated: 16.09.2024. This project is covered under Category "B2" of Item 1(a) "Mining of Minerals Projects" of the Schedule to the EIA Notification, 2006 as amended.
4. It is respectfully submitted that the proposal was placed in the 505th meeting of SEAC held on 23.10.2024 and the Project Proponent made a presentation through his consultant during the meeting. Based on the presentation and documents submitted, *"On perusal of the KML file and the documents furnished by the Project Proponent, the SEAC have noticed the following sensitive locations:*
1. *Thriparappu Dam is located at a distance of 1.56 km (South) and Chittar Dam located at 1,35km (North).*
 2. *The proposed quarry site is close to the Kanyakumari Wild Life Sanctuary at 5.85 km from its boundary line.*
 3. *Further, a government primary school is located at a distance of 480m, that is within the danger zone.*
 4. *Kothaiyar River is flowing along the foot of the hill, proposed to be mined.*
 5. *Further, the proposed quarry is new and no other quarrying operation has been carried out within a radial distance of 500 m from the lease boundary of the proposed quarry.*
 6. *The proposed quarry site is located close to Reserve Forest.*



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7. The proposed quarry is located on a rocky & steep hill slope amidst rubber plantations.

8. A narrow valley exists below the proposed quarry site.

Besides the above, the SEAC also deliberated on the following features:

1. The proposed quarry is located on the sloping face of the hillock and the hillock forms an important aspect in the ecology of the entire area. 2. Similarly, the risk and accident proneness of the mining activity are extremely high in the proposed site. The mining activity will also result in the formation of a void immediately after the completion of 'quarry' operations.

3. Transportation to and from the mining site through fragile narrow High Range roads on the sloping hillock will lead to environmental harm around the sensitive surroundings.

4. Further, there is a thick vegetation at the foot of the hillock that will be adversely impacted by the proposed activity.

5. In the case of this quarry, there is every reason to suspect the risk potential in the context of extreme events due to Climate Change and proximity to hazard zones. The ravages of extreme events due to Climate Change have been conspicuously present in the hilly regions of western ghats over the past few years, particularly in the High Range region. Hence, the greatest of caution has to be exercised while deciding about the fate of steep inclines (or) sloping faces.

6. Further, the SEAC have also taken a note on "Precautionary Principle" which involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake.

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7. In this regard, the SEAC have also considered the recent judgment in IA No.1000 of 2003 dated 3rd June 2022 Hon'ble Supreme Court of India which has underlined the necessity for following the Precautionary Principle. The judgment states that a situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest. The Hon'ble Court held that

in case of a doubt, protection of environment would have precedence over economic interest. It was further held that precautionary principle requires anticipatory action to be taken to prevent harm and that harm can be prevented even on reasonable suspicion. Further, the Hon'ble Court emphasized in the judgment that "it is not always necessary that there should be direct evidence of harm to the environment."

SEAC, therefore, decided not to recommend Environmental Clearance for this project, considering the fragile environment settings around the proposed quarry site."

5. It is respectfully submitted that the proposal was subsequently placed in the 769th meeting held on 04.11.2024.

"On perusal of the KML file and the documents furnished by the PP, the SEIAA is convinced that the proposed quarry site is ecologically sensitive and is a vulnerable site. Thus, accepting the decision of SEAC to not to recommend Environmental Clearance for the project for the reasons stated above, the SEIAA decided to reject the project proposal and to close and record the file."

6. It is respectfully submitted that the rejection letter was issued to the PP vide EC Identification No. EC24C0108TN5910006N Dated 05.11.2024.
7. It is respectfully submitted that the Project Proponent vide letter dated 10.03.2025 requested to reconsider the same proposal for EC.



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8. It is respectfully submitted that the proposal was placed in this 805th meeting of SEIAA held on 03.04.2025

"The Authority, after careful observations, considered the remarks furnished by the PP and observed the availability of dense rubber tree growth in the proposed area and availability of good extensive rubber plantation in the surrounding area and entire area being ecologically important. Hence, the Authority decided to reject the reconsideration request of PP vide letter dated 10.03.2025"

9. It is respectfully submitted that Project Proponent has again submitted a reconsideration request vide letter dated: 20.06.2025, stating as follows:

"My above referred proposal was considered in 505th SEAC meeting wherein the committee rejected my proposal and the same was reiterated by SEIAA vide ref (3) above. Then I gave a request letter for reconsideration of my proposal and the same was not considered by SEIAA in their 805th SEIAA meeting.

In this meeting the authority stated as follows:

"Observed the availability of good extensive rubber plantation in the surrounding area and entire area being ecologically important. Hence, the authority decided to reject the reconsideration request of PP vide letter dated 10.03.2025".

In this connection I would like to inform you that as already informed that although the old KML file shows plantation in my lease area, there are no rubber trees in the lease area. Besides, Pechiparai dam is located more than 5km from my lease area and not nearer as mentioned by the committee.



Member Secretary
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No. 327, Metros, 9th Floor,
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With this scenario, I am resubmitting my proposal again online and I request you to reconsider my proposal for further detailed scrutiny towards issue to environmental clearance.

Thanking you”

10. It is respectfully submitted that the proposal was placed in the 848th meeting of SEIAA held on 09.07.2025

“the Authority noted the following:

1. The Authority noted the reconsideration request submitted by the PP and observed that there are no new findings/technical inputs furnished regarding the proposal.

2. The submitted a new online application vide (SIA/TN/MIN/542899/2025), pertaining to File no: 11250/2025. In view of the above, the Authority after detailed discussions, decided to reject the PP’s reconsideration request dated 20.06.2025 for the same reasons, as stated in its earlier 805th Authority meeting held on 03.04.2025”


11. It is submitted that the original rejection against the Appellant had become final and binding. On that ground alone, the present appeal deserves to be dismissed.

12. It is further submitted that the re-consideration requests and re-application of the project proponent are merely re-iterating his case on repeated basis. The proponent has attempted to reply majorly to the issue of rubber plantation only. Further, apart from a procedural explanation on the distance from the Dam the proponent had not even explained any of the other environmentally sensitive issues as recorded by the respondent in its orders and findings.

13. It is submitted that apart from mere procedural process of the application, the SEAC and the respondent have applied its mind to the

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extent of the environmental settings and been very specific in their findings. The sloping and the impact of mining, the transportation hazard on the narrow roads, the presence of vegetation at the bottom and the overall setting of the hillock has been clearly elaborated and explained as reasons for the rejection of the file. The respondent also relies upon environmental and human risk factors in allowing the project and also recorded detailed reason about the impact on nearby eco-important areas as well.

It is therefore prayed that this Hon'ble Tribunal may be pleased to record and pass orders as this Hon'ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.



Member Secretary
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ASSESSMENT AUTHORITY - TAMIL NADU
 No. 327, Metros, 9th Floor,
 Anna Salai, Nandanam, Chennai-600 035. 7/7
 Before me,

Solemnly affirmed in Chennai

On this the 30th of January 2026

signed his name in my presence

D. Arvind
(Ms. 317/2003)
(No. 104, Law chambers
Highcourt, Madras)

Advocate, Chennai

- quarrying operation on the ground water level present in the core zone, within 2 years from the commencement of mining operations, by involving any one of the reputed Research and Academic Institution - CSIR-Central Institute of Mining & Fuel Research / Dhanbad, NIRM/Bangalore, Division of Geotechnical Engineering-IIT-Madras, NIT-Dept of Mining Engg, Surathkal, University of Madras – Centre for Environmental Studies, and Anna University Chennai-Dept of Geology, CEG Campus. A copy of such scientific study report shall be submitted to the SEIAA, MoEF, TNPCB, AD/Mines-DGM and DMS, Chennai as a part of Environmental Compliance without any deviation.
13. The PP shall appoint a First Class / Second Class Mine Manager for managing the quarrying operations **before the execution of lease** and a copy of the appointment shall be sent to the Director of Mines Safety, Chennai Region along with Notice of Opening of the Mine under the provisions of MMR 1961.
 14. The PP shall **annually** carry out an Occupational Health Survey (OHS) in accordance with the guidelines & period of examination laid in the DGMS (Tech.) (S&T) Circular No. 01 of 2011, on OHS of the persons working in mines prone to generate the airborne dust, under Section 9A of Mines Act, 1952 by actively involving State Government officials and Non-Government Organizations (NGO) working in the Occupational Health Survey (Medical Examination). A copy of such annual compliance certificate shall be submitted to the SEIAA, MoEF, TNPCB, AD/Mines-DGM and DMS, Chennai as a part of Environmental Compliance without any deviation.
 15. As accepted by the Project Proponent the CER cost of **Rs. 5,00,000** and the amount shall be spent for the activities as committed at Panchayat Union Primary School, Karimbedu Village before obtaining CTO from TNPCB.

Agenda No: 505 - 17

(File No: 11250/2024)

Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu by Thiru. M.Mohamed Shooja - For Environmental Clearance. (SIA/TN/MIN/496000/2024, Dated: 16.09.2024)

The proposal was placed in this **505th meeting of SEAC held on 23.10.2024**. The details of the project furnished by the proponent are available on the PARIVESH web portal (parivesh.nic.in). The PP made a detailed presentation on the project.

The SEAC noted the following:

1. The project proponent, **M.Mohamed Shooja** has applied seeking Environmental Clearance for EIA study for the Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(Part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu.
2. The project/activity is covered under Category “B2” of Item 1(a) “Mining of Minerals Projects” of the Schedule to the EIA Notification, 2006, as amended.
3. DFO, Kanyakumari Lr.No. Ref.K.DisNo. TS4/18897/2023 dated 18.10.2023

On perusal of the KML file and the documents furnished by the Project Proponent, the SEAC have noticed the following sensitive locations:

1. **Thriparappu Dam** is located at a distance of 1.56 km (South) and **Chittar Dam** located at 1,35km (North).
2. The proposed quarry site is close to the **Kanyakumari Wild life Sanctuary** at **5.85 km from its boundary line**.
3. Further, a **government primary school** is located at a distance of 480m, that is within the danger zone.
4. **Kothaiyar River** is flowing along the foot of the hill, proposed to be mined.
5. Further, the proposed quarry is new and no other quarrying operation has been carried out within a radial distance of 500 m from the lease boundary of the proposed quarry.
6. The proposed quarry site is located close to Reserve Forest.
7. The proposed quarry is located on a rocky & steep hill slope amidst rubber plantations.
8. A narrow valley exists below the proposed quarry site.

Besides the above, the SEAC also deliberated on the following features:

1. The proposed quarry is located on the sloping face of the hillock and the hillock forms an important aspect in the ecology of the entire area.

2. Similarly, the risk and accident proneness of the mining activity are extremely high in the proposed site. The mining activity will also result in the formation of a void immediately after the completion of 'quarry' operations.
3. Transportation to and from the mining site through fragile narrow High Range roads on the sloping hillock will lead to environmental harm around the sensitive surroundings.
4. Further, there is a thick vegetation at the foot of the hillock that will be adversely impacted by the proposed activity.
5. In the case of this quarry, there is every reason to suspect the risk potential in the context of extreme events due to Climate Change and proximity to hazard zones. The ravages of extreme events due to Climate Change have been conspicuously present in the hilly regions of western ghats over the past few years, particularly in the High Range region. Hence, the greatest of caution has to be exercised while deciding about the fate of steep inclines (or) sloping faces.
6. Further, the SEAC have also taken a note on "Precautionary Principle" which involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. **Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake.**
7. In this regard, the SEAC have also considered the recent judgment in IA No.1000 of 2003 dated 3rd June 2022 Hon"ble Supreme Court of India which has underlined the necessity for following the Precautionary Principle. The judgment states that a situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest. The Hon"ble Court held that in case of a doubt, **protection of environment would have precedence over economic interest.** It was further held that precautionary principle requires anticipatory action to be taken to prevent harm and that harm can be prevented even on reasonable suspicion. Further, the Hon'ble Court emphasized in the said

judgment that “it is not always necessary that there should be direct evidence of harm to the environment.”

SEAC, therefore, decided **not to recommend Environmental Clearance** for this project, considering the fragile environment settings around the proposed quarry site.

			<p>9. As per the OM vide F. No. IA3-22/1/2022-IA-III [E- 172624] Dated: 14.06.2022, the Project Proponents are directed to submit the six-monthly compliance on the environmental conditions prescribed in the prior environmental clearance letter(s) through newly developed compliance module in the PARIVESH Portal from the respective login.</p> <p>10. The amount allocated for EMP should be kept in a separate account and both the capital and recurring expenditures should be done year wise for the works identified, approved and as committed. The work & expenditure made under EMP should be elaborated in the bi-annual compliance report submitted and also should be brought to the notice of concerned authorities during inspections.</p>
17.	Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu by Thiru. M.Mohamed Shooja - For Environmental Clearance. (SIA/TN/MIN/496000/2024)	11250	<p>The SEIAA noted that the subject was placed in the 505th meeting of SEAC held on 23. 10..2024 and the SEAC noted that,</p> <p>1. The project proponent, M.Mohamed Shooja has applied seeking Environmental Clearance for EIA study for the Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(Part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu.</p>

MEMBER SECRETARY

MEMBER

CHAIRMAN
SEIAA-TN

			<p>2. The project/activity is covered under Category “B2” of Item 1(a) “Mining of Minerals Projects” of the Schedule to the EIA Notification, 2006, as amended.</p> <p>3. DFO, Kanyakumari Lr.No. Ref.K.DisNo. TS4/18897/2023 dated 18.10.2023</p> <p>Further, on perusal of the KML file and the documents furnished by the Project Proponent, the SEAC have noticed the following sensitive locations:</p> <ol style="list-style-type: none"> 1. Thriparappu Dam is located at a distance of 1.56 km (South) and Chittar Dam located at 1,35km (North). 2. The proposed quarry site is close to the Kanyakumari Wild life Sanctuary at 5.85 km from its boundary line. 3. Further, a government primary school is located at a distance of 480m, that is within the danger zone. 4. Kothaiyar River is flowing along the foot of the hill, proposed to be mined. 5. Further, the proposed quarry is new and no other quarrying operation has been carried out within a radial distance of 500 m from the lease boundary of the proposed quarry. 6. The proposed quarry site is located close to Reserve Forest. 7. The proposed quarry is located on a rocky & steep hill slope amidst rubber plantations.
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MEMBER SECRETARY

MEMBER

CHAIRMAN
SEIAA-TN

			<p>8. A narrow valley exists below the proposed quarry site.</p> <p>Besides the above, the SEAC also deliberated on the following features:</p> <ol style="list-style-type: none"> 1. The proposed quarry is located on the sloping face of the hillock and the hillock forms an important aspect in the ecology of the entire area. 2. Similarly, the risk and accident proneness of the mining activity are extremely high in the proposed site. The mining activity will also result in the formation of a void immediately after the completion of ‘quarry’ operations. 3. Transportation to and from the mining site through fragile narrow High Range roads on the sloping hillock will lead to environmental harm around the sensitive surroundings. 4. Further, there is a thick vegetation at the foot of the hillock that will be adversely impacted by the proposed activity. 5. In the case of this quarry, there is every reason to suspect the risk potential in the context of extreme events due to Climate Change and proximity to hazard zones. The ravages of extreme events due to Climate Change have been conspicuously present in the hilly regions of western ghats over the past few years, particularly in the High Range region. Hence, the greatest of caution has to be exercised
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			<p>while deciding about the fate of steep inclines (or) sloping faces.</p> <p>6. Further, the SEAC have also taken a note on “Precautionary Principle” which involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake.</p> <p>7. In this regard, the SEAC have also considered the recent judgment in IA No.1000 of 2003 dated 3rd June 2022 Hon“ble Supreme Court of India which has underlined the necessity for following the Precautionary Principle. The judgment states that a situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest. The Hon“ble Court held that in case of a doubt, protection of environment would have precedence over economic interest. It was further held that precautionary principle requires anticipatory action to be taken to prevent harm and that harm can be prevented even on reasonable suspicion. Further, the Hon’ble Court emphasized in the said</p>
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MEMBER SECRETARY

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			<p>judgment that “it is not always necessary that there should be direct evidence of harm to the environment.”</p> <p>SEAC, therefore, decided not to recommend Environmental Clearance for this project, considering the fragile environment settings around the proposed quarry site.</p> <p>On perusal of the KML file and the documents furnished by the PP, the SEIAA is convinced that the proposed quarry site is ecologically sensitive and is a vulnerable site. Thus, accepting the decision of SEAC to not to recommend Environmental Clearance for the project for the reasons stated above, the SEIAA decided to reject the project proposal and to close and record the file.</p>
18.	<p>Proposed Additional Construction of High-Rise Building in the Existing Group Development at Survey Nos. 1380/1, 1382, 1383, 1401/97, 22B, 22C, 23A1, 23A2, 23A3, 23B, 24A, 24B, 24C, 24D, 25, 26, 27A, 27B1, 27B2, 28A, 28B, 29A, 29B1, 29B2, 30A, 30B1, 30B2, 31A, 31B1, 31B2, 32, 33, 34A1B, 34A1C, 42B1 & 1485 No.1/212, OMR, at Thaiyur B Village, Thiruporur Taluk, Chengalpattu District, Tamil Nadu by M/s. INCOR Chennai Projects Two Private Limited – for Environmental Clearance.</p> <p>(SIA/TN/INFRA2/ 470395/2024)</p>	10579	<p>Earlier, the subject was placed in the 765th Authority meeting held on 15.10.2024. The authority noted that the subject was appraised in the 502nd meeting of SEAC held on 03.10.2024. SEAC has furnished its recommendations for granting Environmental Clearance subject to the conditions stated therein.</p> <p>The Authority, after deliberations, decided to obtain the following details from the project proponent to process the proposal further:</p> <p>a) A detailed EMP covering all the capital & recurring expenses during construction & operation phase. The expected period of construction & operation phase shall also be furnished and the recurring cost shall be</p>

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SEIAA-TN

			withdrawal of earlier issued terms of reference.
14.	Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu by Thiru. M.Mohamed Shooja - For Request to reconsideration Environmental Clearance. (SIA/TN/MIN/496000/2024)	11250	<p>The Authority noted the following:</p> <ol style="list-style-type: none"> 1. Earlier, the subject was placed in the 505th meeting of SEAC held on 21.10.2024. The SEAC rejected the proposal for the reasons stated therein. 2. Subsequently, the subject was placed in the 769th meeting of SEIAA held on 04.11.2024. 3. In continuation, rejection letter was issued to the PP vide EC Identification No. EC24C0108TN5910096N Dated 05.11.2024. 4. Now, PP vide letter dated 10.03.2025 requested to reconsider the same proposal for EC. <p>Based on the above, the proposal was placed in this 805th meeting of SEIAA held on 03.04.2025.</p> <p>The Authority, after careful observations, considered the remarks furnished by the PP and observed the availability of dense rubber tree growth in the proposed area and availability of good extensive rubber plantation in the surrounding area and entire area being ecologically important. Hence, the Authority decided to reject the reconsideration request of PP vide letter</p>

MEMBER SECRETARY

MEMBER

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			dated 10.03.2025.
15.	Proposed Earth Quarry over an extent of 1.02.0 Ha (Patta Land) in S.F.Nos. 346/2, 346/3, 349/3A, 362/1, 349/7 of Melaiyur Village, Sirkazhi Taluk, Mayiladuthurai District, Tamil Nadu by Thiru.K.Balamurugan- For Request to reconsideration Environmental Clearance. (SIA/TN/MIN/ 291215/2022)	9468	<p>The Authority noted the following:</p> <ol style="list-style-type: none"> 1. Earlier, the subject was placed in the 324th meeting of SEAC held on 21.10.2022. The SEAC rejected the proposal for the reasons stated therein. 2. Subsequently, the subject was placed in the 569th meeting of SEIAA held on 10.11.2022 & 11.11.2022. 3. Now, PP vide letter received dated 23.01.2025 requested to reconsider the same proposal for EC. <p>Based on the above, the proposal was placed in this 805th meeting of SEIAA held on 03.04.2025.</p> <p>The Authority, after careful observations, considered the remarks furnished by the PP and observed that even though the suggested area is said to be 100m away from the Cauvery River instead of 15m as informed earlier, The Authority have viewed that the proposed activity will still be causing adverse impact on the river ecology. Hence, the Authority decided to reject the reconsideration request of PP after due consideration.</p>
16.	Proposed Construction of High-Rise Residential building at S.F.No. 42/1,	10487	Earlier, the subject was placed in the 784 th Authority meeting held on 31.12.2024 &

MEMBER SECRETARY

MEMBER

CHAIRMAN
SEIAA-TN

	2A, 2B of Meyyur Village ,Uthukottai Taluk, Thiruvallur District, Tamilnadu - Environmental Clearance – Reg.		dated 11.11.2022.
12.	Environmental Clearance under Violation has been obtained for Existing Black Granite Quarry lease over an extent of 6.59.91 Ha at S.F.No. 83 (Part) of Jammanahalli Village, Pappireddipatti Taluk, Dharmapuri District, Tamil Nadu by M/s. Tamil Nadu Minerals Limited – under Category “B1” and Schedule S.No.1(a) “Mining Projects” – Amendment requested – Reg.	12357	The Authority noted that the Project Proponent had earlier obtained Environmental Clearance under the violation category, dated 29.05.2024. Subsequently, the PP obtained an EC extension on 11.03.2025. Now, the proponent has submitted an application for an amendment to the EC, vide letter dated 25.06.2025. After detailed deliberation, the Authority decided to forward the proposal to SEAC-I for its remarks and recommendations.
13.	Environmental Clearance has been obtained for the Black Granite Quarry lease over an extent of 1.26.5Ha at S.F.No: 757 in Agasipalli Village in Krishnagiri Taluk, Krishnagiri District by Thiru D.Loganathan– under Category “B2” and Schedule S.No.1(a) “Mining Projects” – Validity Extension of EC requested - Reg	12362	The Authority noted that the Project Proponent had earlier obtained Environmental Clearance dated 06.11.2019. Subsequently, the proponent has applied for an extension to the EC, vide their letter dated 21.06.2025. After detailed deliberation, the Authority decided to forward the proposal to SEAC-I for its remarks and recommendations.
14.	Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of	11250	Earlier, the Proposal was placed in 805 th Authority meeting held on 03.04.2025. The Authority noted the following: 1. Earlier, the subject was placed in the 505 th

MEMBER SECRETARY

MEMBER

CHAIRMAN
SEIAA-TN

	<p>Kanniyakumari District Tamil Nadu by Thiru. M. Mohamed Shooja - For Request to reconsideration Environmental Clearance. (SIA/TN/MIN/496000/2024)</p>	<p>meeting of SEAC held on 21.10.2024. The SEAC rejected the proposal for the reasons stated therein.</p> <ol style="list-style-type: none"> 2. Subsequently, the subject was placed in the 769th meeting of SEIAA held on 04.11.2024. 3. In continuation, rejection letter was issued to the PP vide EC Identification No. EC24C0108TN5910096N Dated 05.11.2024. 4. Now, PP vide letter dated 10.03.2025 requested to reconsider the same proposal for EC. <p>The Authority, after careful observations, considered the remarks furnished by the PP and observed the availability of dense rubber tree growth in the proposed area and availability of good extensive rubber plantation in the surrounding area and entire area being ecologically important. Hence, the Authority decided to reject the reconsideration request of PP vide letter dated 10.03.2025.</p> <p>Now, the PP has again submitted a reconsideration request vide letter dated: 20.06.2025, stating as follows:</p> <p><i>“My above referred proposal was considered in 505th SEAC meeting wherein the committee rejected my proposal and the same was reiterated by SEIAA vide ref (3) above. Then I gave a request letter for reconsideration of my proposal and the same was not considered by SEIAA in their 805th</i></p>
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MEMBER SECRETARY

MEMBER

CHAIRMAN
SEIAA-TN

		<p><i>SEIAA meeting.</i></p> <p><i>In this meeting the authority stated as follows:</i></p> <p><i>"Observed the availability of good extensive rubber plantation in the surrounding area and entire area being ecologically important. Hence, the authority decided to reject the reconsideration request of PP vide letter dated 10.03.2025".</i></p> <p><i>In this connection I would like to inform you that as already informed that although the old KML file shows plantation in my lease area, there are no rubber trees in the lease area. Besides, Pechiparai dam is located more than 5km from my lease area and not nearer as mentioned by the committee.</i></p> <p><i>With this scenario, I am resubmitting my proposal again online and I request you to reconsider my proposal for further detailed scrutiny towards issue to environmental clearance.</i></p> <p><i>Thanking you"</i></p> <p>Based on the PP's reconsideration request, the subject was placed in this 848th meeting of SEIAA held on 09.07.2025 and the Authority noted the following:</p> <ol style="list-style-type: none"> 1. The Authority noted the reconsideration request submitted by the PP and observed that there are no new findings/technical inputs furnished regarding the proposal. 2. The authority further noted that the PP has
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			<p>submitted a new online application vide (SIA/TN/MIN/542899/2025), pertaining to File no: 11250/2025.</p> <p>In view of the above, the Authority after detailed discussions, decided to reject the PP's reconsideration request dated 20.06.2025 for the same reasons, as stated in its earlier 805th Authority meeting held on 03.04.2025.</p>
15.	<p>Proposed Rough stone & Gravel quarry lease over an extent of 1.28.00Ha at SF.Nos. 127/3D, 127/3E, 127/3F, 157/2A, 157/2B & 157/2C of B.Meenatchipuram Village, Bodinaickanur Taluk, Theni District, Tamil Nadu by Thiru.M.Murugesan - For Request to reconsideration Environmental Clearance. (SIA/TN/MIN/455624/2023)</p>	10662	<p>Earlier, the Proposal was placed in 734th Authority meeting held on 01.07.2024. The Authority noted the following:</p> <ol style="list-style-type: none"> 1. Earlier, the subject was placed in the 454th meeting of SEAC held on 21.03.2024. The SEAC rejected the proposal for the reasons stated therein. 2. Subsequently, the subject was placed in the 713th meeting of SEIAA held on 19.03.2024. 3. In continuation, rejection letter was issued to the PP vide EC Identification No. EC23C0108TN5425949N, Dated:07.05.2024. 4. Meanwhile, The PP has requested continuously to reappraise the proposed project vide letter dated 29.05.2024, 03.06.2024, 06.06.2024 and 11.06.2024. After detailed discussions, The Authority decided to reiterate its recommendation that to not recommend the proposal for the grant of Environmental Clearance <p>Now, the PP has submitted a reconsideration</p>

MEMBER SECRETARY

MEMBER

CHAIRMAN
SEIAA-TN



सत्यमेव जयते

File No: 11250
Government of India

Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment Authority(SEIAA),
TAMIL NADU)



Date 05/11/2024



To,

Thiru. M.Mohamed Shooja
MOHAMED SHOOJA M
soojamohamed395@gmail.com

Subject: Rejection of Environmental Clearance (EC) to the proposed Project under the EIA Notification 2006- and as amended thereof -regarding.

Sir/Madam,

This is in reference to your application submitted to SEIAA vide proposal number SIA/TN/MIN/496000/2024 dated null seeking prior Environmental Clearance (EC) to the project **Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu by Thiru. M.Mohamed Shooja** - under the provision of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC24C0108TN5910096N
(ii) File No.	11250
(iii) Clearance Type	Fresh EC (Mining)
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a)
(vii) Name of Project	Puliyoorsalai Village Rough Stone And Gravel Mining Lease
(viii) Name of Company/Organization	MOHAMED SHOOJA M
(ix) Location of Project (District, State)	KANNIYAKUMARI, , TAMIL NADU,
(x) Issuing Authority	SEIAA
(xi) Applicability of General Conditions as per EIA Notification, 2006	No

The SEAC noted the following:

1. The project proponent, **M.Mohamed Shooja** has applied seeking Environmental Clearance for EIA study for the Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(Part), 570/7, 570/8 & 570/9 of

Puliyooralai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu.

2. The project/activity is covered under Category "B2" of Item 1(a) "Mining of Minerals Projects" of the Schedule to the EIA Notification, 2006, as amended.

3. DFO, Kanyakumari Lr.No. Ref.K.DisNo. TS4/18897/2023 dated 18.10.2023

On perusal of the KML file and the documents furnished by the Project Proponent, the SEAC have noticed the following sensitive locations:

1. **Thriparappu Dam** is located at a distance of 1.56 km (South) and **Chittar Dam** located at 1,35km (North).
2. The proposed quarry site is close to the **Kanyakumari Wild life Sanctuary** at **5.85 km from its boundary line**.
3. Further, a **government primary school** is located at a distance of 480m, that is within the danger zone.
4. **Kothaiyar River** is flowing along the foot of the hill, proposed to be mined.
5. Further, the proposed quarry is new and no other quarrying operation has been carried out within a radial distance of 500 m from the lease boundary of the proposed quarry.
6. The proposed quarry site is located close to Reserve Forest.
7. The proposed quarry is located on a rocky & steep hill slope amidst rubber plantations.
8. A narrow valley exists below the proposed quarry site.

Besides the above, the SEAC also deliberated on the following features:

1. The proposed quarry is located on the sloping face of the hillock and the hillock forms an important aspect in the ecology of the entire area.
2. Similarly, the risk and accident proneness of the mining activity are extremely high in the proposed site. The mining activity will also result in the formation of a void immediately after the completion of 'quarry' operations.
3. Transportation to and from the mining site through fragile narrow High Range roads on the sloping hillock will lead to environmental harm around the sensitive surroundings.
4. Further, there is a thick vegetation at the foot of the hillock that will be adversely impacted by the proposed activity.
5. In the case of this quarry, there is every reason to suspect the risk potential in the context of extreme events due to Climate Change and proximity to hazard zones. The ravages of extreme events due to Climate Change have been conspicuously present in the hilly regions of western ghats over the past few years, particularly in the High Range region. Hence, the greatest of caution has to be exercised while deciding about the fate of steep inclines (or) sloping faces.
6. Further, the SEAC have also taken a note on "Precautionary Principle" which involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. **Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake.**
7. In this regard, the SEAC have also considered the recent judgment in IA No.1000 of 2003 dated 3rd June 2022 Hon "ble Supreme Court of India which has underlined the necessity for following the Precautionary Principle. The judgment states that a situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest. The Hon"ble Court held that in case of a doubt, **protection of environment would have precedence over economic interest**. It was further held that precautionary principle requires anticipatory action to be taken to prevent harm and that harm can be prevented even on reasonable suspicion. Further, the Hon'ble Court emphasized in the said judgment that **"it is not always necessary that there should be direct evidence of harm to the environment."**

SEAC, therefore, decided **not to recommend Environmental Clearance** for this project, considering the fragile environment settings around the proposed quarry site.

Send Approval Copy To (In case of multiple use comma as separator)

SEIAA REMARKS:

The subject was placed in this **769th meeting of SEIAA held on 04.11.2024**. The SEIAA noted that the subject was placed in the 505th meeting of SEAC held on 23. 10..2024 and the SEAC noted that,

1. The project proponent, **M.Mohamed Shooja** has applied seeking Environmental Clearance for EIA study for the Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(Part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu.
2. The project/activity is covered under Category “B2” of Item 1(a) “Mining of Minerals Projects” of the Schedule to the EIA Notification, 2006, as amended.
3. DFO, Kanyakumari Lr.No. Ref.K.DisNo. TS4/18897/2023 dated 18.10.2023

Further, on perusal of the KML file and the documents furnished by the Project Proponent, the SEAC have noticed the following sensitive locations:

1. **Thriparappu Dam** is located at a distance of 1.56 km (South) and **Chittar Dam** located at 1,35km (North).
2. The proposed quarry site is close to the **Kanyakumari Wild life Sanctuary at 5.85 km from its boundary line.**
3. Further, a **government primary school** is located at a distance of 480m, that is within the danger zone.
4. **Kothaiyar River** is flowing along the foot of the hill, proposed to be mined.
5. Further, the proposed quarry is new and no other quarrying operation has been carried out within a radial distance of 500 m from the lease boundary of the proposed quarry.
6. The proposed quarry site is located close to Reserve Forest.
7. The proposed quarry is located on a rocky & steep hill slope amidst rubber plantations.
8. A narrow valley exists below the proposed quarry site.

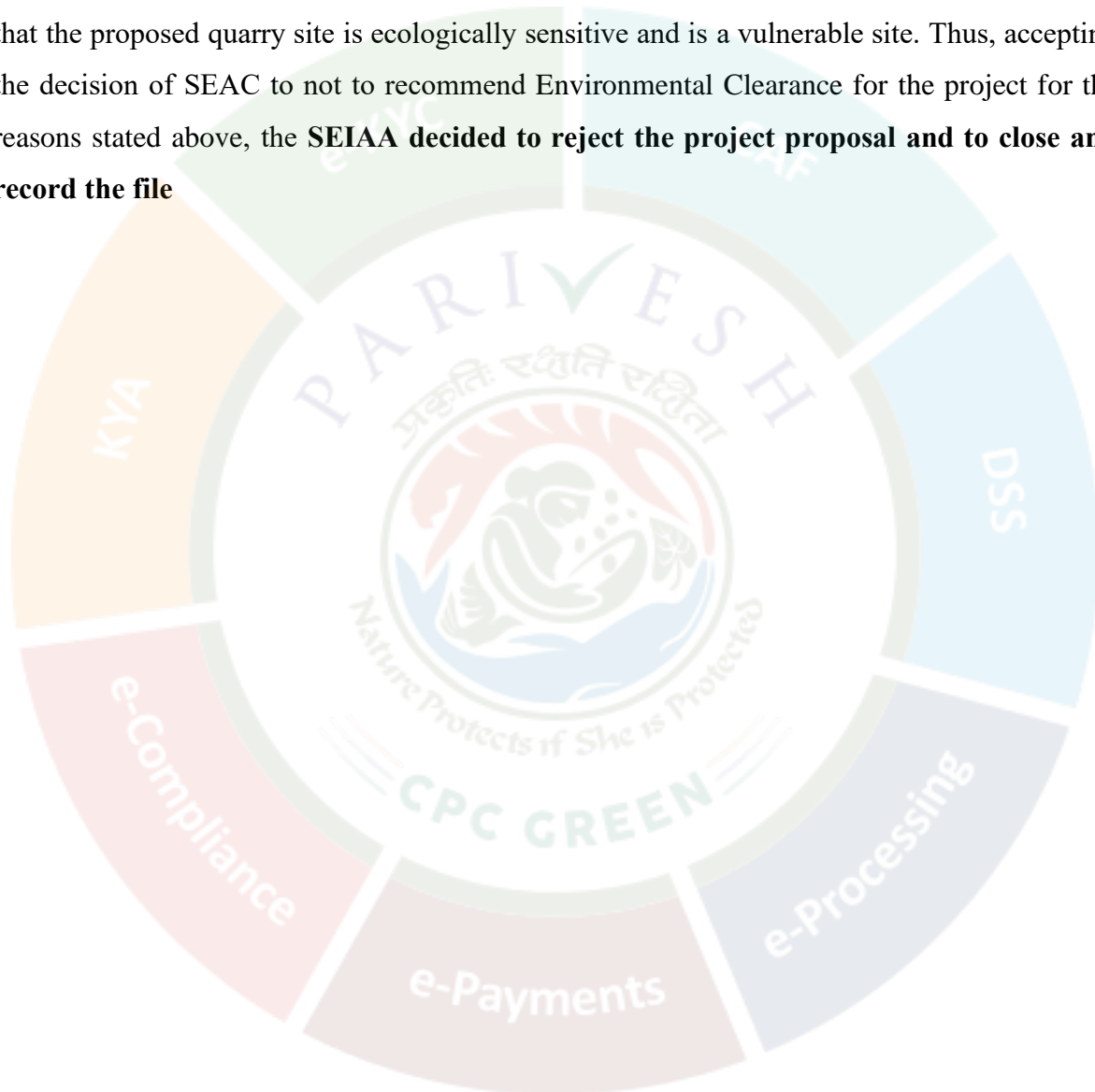
Besides the above, the SEAC also deliberated on the following features:

1. The proposed quarry is located on the sloping face of the hillock and the hillock forms an important aspect in the ecology of the entire area.
2. Similarly, the risk and accident proneness of the mining activity are extremely high in the proposed site. The mining activity will also result in the formation of a void immediately after the completion of 'quarry' operations.
3. Transportation to and from the mining site through fragile narrow High Range roads on the sloping hillock will lead to environmental harm around the sensitive surroundings.
4. Further, there is a thick vegetation at the foot of the hillock that will be adversely impacted by the proposed activity.
5. In the case of this quarry, there is every reason to suspect the risk potential in the context of extreme events due to Climate Change and proximity to hazard zones. The ravages of extreme events due to Climate Change have been conspicuously present in the hilly regions of western ghats over the past few years, particularly in the High Range region. Hence, the greatest of caution has to be exercised while deciding about the fate of steep inclines (or) sloping faces.
6. Further, the SEAC have also taken a note on "Precautionary Principle" which involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. **Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake.**
7. In this regard, the SEAC have also considered the recent judgment in IA No.1000 of 2003 dated 3rd June 2022 Hon"ble Supreme Court of India which has underlined the necessity for following the Precautionary Principle. The judgment states that a situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest. The Hon"ble Court held that in case of a doubt, **protection of environment would have precedence over economic interest.** It was further held that precautionary principle requires anticipatory action to be taken to prevent harm and that harm can be prevented even on reasonable suspicion. Further, the Hon'ble Court emphasized in the

said judgment that “**it is not always necessary that there should be direct evidence of harm to the environment.**”

SEAC, therefore, decided **not to recommend Environmental Clearance** for this project, considering the fragile environment settings around the proposed quarry site.

On perusal of the KML file and the documents furnished by the PP, the SEIAA is convinced that the proposed quarry site is ecologically sensitive and is a vulnerable site. Thus, accepting the decision of SEAC to not to recommend Environmental Clearance for the project for the reasons stated above, the **SEIAA decided to reject the project proposal and to close and record the file**



Signature Not Verified

Digitally Signed by : A R Rahul Nadh IAS
Member Secretary, SEIAA

Date: 06/11/2024

DOE - SEIAA

Date: 20/06/2025

From,

Mr.M.Mohamed Sooja,
S/o.Mohamed Ibrahim,
T.C.24/590, Suruma, Thycadu (P.O),
Thiruvananthapuram District,
Kerla State.

To,

The Member Secretary,
State Environmental Impact Assessment Authority (SEIAA)
Department of Environment and Climate Change
No.327 Metros, 9th Floor, CMDA building, Anna Salai,
Nandanam, Chennai- 600 035.

Sub: Environmental Clearance Rough stone and gravel quarry mining lease – S.F.No. 570/6,(P),570/7,570/8 & 570/9 - over an extent of 1.89.01hectare – Patta land - Puliyoorsalai Village - Vilavancode Taluk – Kanniyakumari District-Tamil Nadu– Reg

1. Ref No – Old File No – 11250
 2. SEAC Meeting No – 505th SI.No - 17
 3. SEIAA Meeting No – 769 Agenda No – 13
 - 4 Prponent Request Letter Dated 10.03.2025
 5. SEIAA Meeting No – 805 Agenda No - 14
- Sir,

My above referred proposal was considered in 505th SEACmeeting wherein the committee rejected my proposal and the same was reiterated by SEIAA vide ref (3) above. Then I gave a request letter for reconsideration of my proposal and the same was not considered by SEIAA in their 805th SEIAA meeting.

In this meeting the authority stated as follows

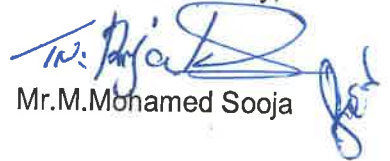
"observed the availability of good extensive rubber plantation in the surrounding area and entire area being ecologically important. Hence, the authority decided to reject the reconsideration request of PP vide letter dated 10.03.2025".

In this connection I would like to inform you that as already informed that although the old KML file shows plantation in my lease area, there are no rubber trees in the lease area. Besides, Pechiparai dam is located more than 5km from my lease area and not nearer as mentioned by the committee .

With this scenario, I am resubmitting my proposal again online and I request you to reconsider my proposal for further detailed scrutiny towards issue to environmental clearance.

Thanking you

Yours Truly,

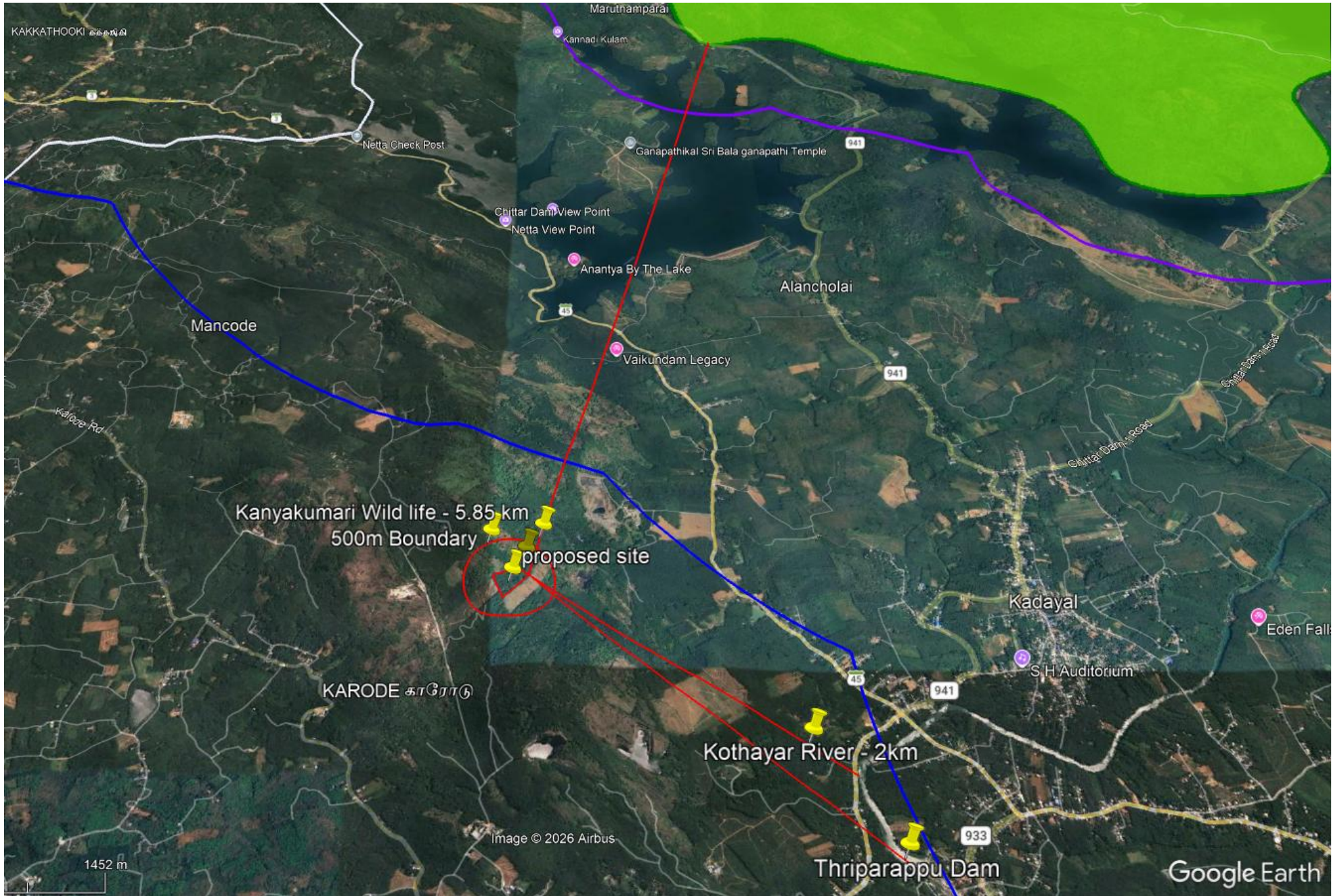

Mr.M.Mohamed Sooja

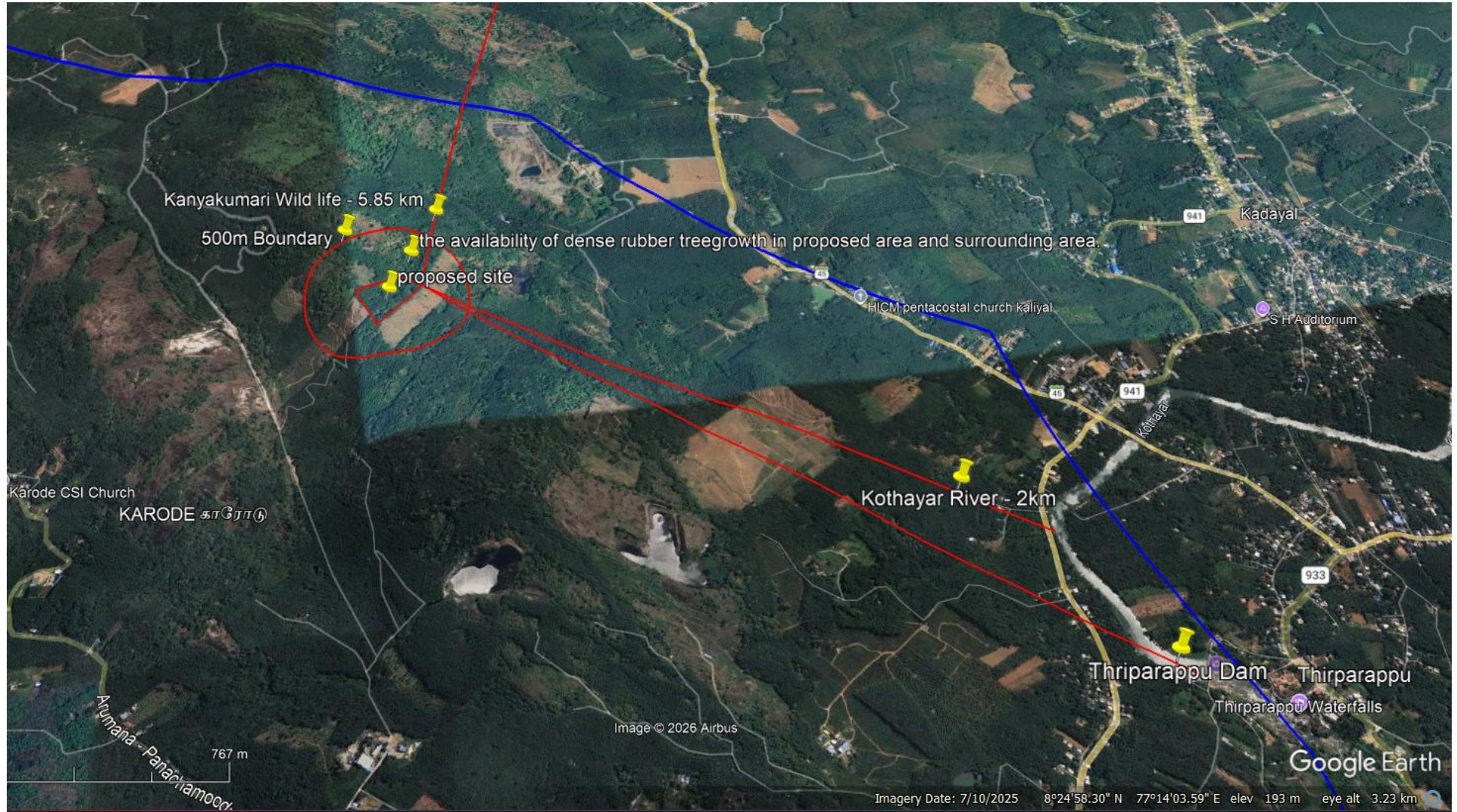
Unit-1
Ph. I have it before
Chairman, SEIAA
20/6/25

1. The first part of the document
 discusses the importance of
 maintaining accurate records
 and the role of the
 auditor in this process.
 2. The second part of the document
 discusses the importance of
 maintaining accurate records
 and the role of the
 auditor in this process.
 3. The third part of the document
 discusses the importance of
 maintaining accurate records
 and the role of the
 auditor in this process.

805th SEIAA MEETING MINUTES

14.	Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu by Thiru. M.Mohamed Shooja - For Request to reconsideration Environmental Clearance. (SIA/TN/MIN/496000/2024)	11250	<p>The Authority noted the following:</p> <ol style="list-style-type: none"> 1. Earlier, the subject was placed in the 505th meeting of SEAC held on 21.10.2024. The SEAC rejected the proposal for the reasons stated therein. 2. Subsequently, the subject was placed in the 769th meeting of SEIAA held on 04.11.2024.
			<ol style="list-style-type: none"> 3. In continuation, rejection letter was issued to the PP vide EC Identification No. EC24C0108TN5910096N Dated 05.11.2024. 4. Now, PP vide letter dated 10.03.2025 requested to reconsider the same proposal for EC. <p>Based on the above, the proposal was placed in this 805th meeting of SEIAA held on 03.04.2025.</p> <p>The Authority, after careful observations, considered the remarks furnished by the PP and observed the availability of dense rubber tree growth in the proposed area and availability of good extensive rubber plantation in the surrounding area and entire area being ecologically important. Hence, the Authority decided to reject the reconsideration request of PP vide letter dated 10.03.2025.</p>





**BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Appeal No. 47 of 2025 (SZ)

Mohamed Shooja,

S/o. Mohamed Ibrahim,

T.C. 24/590, Suruma, Thycadu (po),

Thiruvananthapuram District,

Kerala 695 014,

Ph. 94878 74545

Email: soojamohamed395@gmail.com

...Appellant

Vs

**State Level Environment Impact Assessment
Authority (SEIAA),**

Rep. by its Member Secretary,

SEIAA, Thiruvananthapuram

...Respondent

COUNTER AFFIDAVIT OF 1st RESPONDENT

COUNSEL FOR 1st RESPONDENTS