

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Appeal No. 48/2024

In the Matter of

**Thiru. M. George Rajan,
Kanniyakumari District.**

...Appellant(s)

Versus

**The Ministry of Environment,
Forest and Climate Change and Ors.**

...Respondent(s)

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Place: Chennai.

Dated: 18th December.


(S. RAJASEKAR)
Counsel for Respondent No. 1.
(MOEF&CC)

**BEFORE THE NATIONAL GREEN TRIBUNAL
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**AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE (RESPONDENT No. 1)**

MOST RESPECTFULLY SHOWETH:

I, Dr. S. Pradeepkumar S/o S. Sugumar aged about 37 Years, currently working as Scientist-'B' in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Chennai, do hereby solemnly affirm and state as under:-

1. That, I in my official capacity Of Scientist-'B' in the Ministry Environment, Forest and Climate Change, Chennai i.e. Respondent No. 1 in the above mentioned matter, am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.
2. It is submitted that a short affidavit is being filed by the answering respondent at this stage and craves leave and liberty to file a detailed Counter Affidavit to the aforesaid application, as and when required. It is

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pertinent to mention herein that the Ministry Environment, Forest and Climate Change has earlier filed an affidavit dated 22.08.2024 in the instant matter.

3. That, Hon'ble National Green Tribunal vide order dated 19.09.2024 in Appeal No. 48/2024, in the matter of the Thiru. M. George Rajan, Kanniyakumari District. Vs Ministry of Environment, Forest and Climate Change & Ors directed the Ministry to file the report.
4. It is respectfully submitted that, in compliance with the directions of the Hon'ble National Green Tribunal, the Regional Office (RO) of the Ministry of Environment, Forest and Climate Change, Chennai, conducted a site inspection on 14.11.2024 for the proposed project of Thiru M. George Rajan, Rough Stone and Gravel. The following observations were made subsequent to the inspection of the site:

"1...No forest land is involved in this project, and the MoEF&CC notification S.O.3236(E) dated 22.09.2020 prohibits mining activities in the Eco Sensitive Zone (ESZ). The site in Mecode Village is confirmed outside this zone (KWS ESZ notification-Annexure 12). Existing nearby quarries and stone crushers were noted, and the area is mainly rubber plantation land. The Hill Area Conservation Authority has endorsed the project (Annexure 4), and the Agricultural Engineering Department indicated that it would not cause soil erosion or landslides provided specific recommendations were followed (Annexure 6).

2. During the site visit, it was observed that the area is characterized by generally undulating terrain with small hillocks

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PP could have considered utilizing the existing EC before its expiration. Taking this proactive approach may have led to a more favorable assessment during the SEAC's review process.

5. The quarrying operations pose a risk of depleting fertile topsoil, potentially causing environmental challenges for the local flora and fauna. Notably, preliminary observations from site visits indicate that the proposed area is already near existing quarries, crushing units, and temporary rubber plantations, which are periodically deforested for agricultural activities. This existing context may lessen the overall impact on soil and the environment. In addition, according to a letter from the Tamil Nadu Agricultural Engineering Department (no. 1/3634/2021 dated 23.02.2021), the project is unlikely to lead to soil erosion or landslides and is not expected to negatively impact canals or agricultural lands, as long as the recommended guidelines are followed (refer Annexure 6)..."

"6...However, to fully understand the potential environmental impacts of quarry operations on local ecosystems, it is advisable to undertake a detailed long-term study. This assessment should cover the project area and extend up to 5 kilometers beyond designated eco-sensitive zones in Mocode and surrounding villages, delivering crucial insights for effective management and conservation strategies..."

A copy of the report is annexed herewith as **Annexure- R1/1.**



Dr.S.Pradeepkumar

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sloping toward the northern side, which is predominantly covered with rubber plantations. Both sides of the project area are adjacent to existing quarries and crusher units (Annexure 13). The natural slope of the landscape will allow surface runoff to drain into the nearby canal. Notably, no water accumulation was observed during the site visit, even though it was the rainy season (Site Photographs-Annexure 14).

3. A public road is located approximately 140 to 145 meters from the project site. Relevant safety distances have been evaluated in accordance with applicable regulations. The petrol bunk, a nearby structure, must maintain a safety distance of 50 meters as per guidelines, but it is not considered an inhabited site. Revised plans indicate the church and temple are beyond 300 meters, complying with regulations. Additionally, a safety distance of 50 meters is required from highways and railway lines (Annexure-15). Although quarrying can lead to topsoil depletion, which may impact local flora and fauna, the project has been assessed to not significantly affect nearby lands if guidelines are followed.

4. It is important to highlight that the Project Proponent (PP) has previously secured environmental clearance from SEIAA, TN for the same lease area, as referenced in letter no. SEIAA-TN/F.No. 3405/EC/1(a)/2424/2015 dated 24.11.2015 (Annexure 16). Furthermore, there are currently two quarries operating adjacent to the site in question. Rather than initiating a new proposal for the appraisal of Environmental Clearance (EC), the



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6. That, in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s).


DEPONENT

Dr.S.Pradeepkumar
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Regional Office
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VERIFICATION

Verified at Chennai on this 18th day of December, 2024 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.


DEPONENT

Dr.S.Pradeepkumar
Scientist 'B'
Government of India
Regional Office
Ministry of Environment, Forest and Climate Change,
Shastri Bhavan, Haddows Road, Nungambakkam,
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सत्यमेव जयते



भारत सरकार

GOVERNMENT OF INDIA

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

एकीकृत क्षेत्रीय कार्यालय/Integrated Regional Office

1st Floor, Additional Office Block for GPOA, Shastri Bhawan, Haddows Road
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F.No. EP/12.7/NGT/06/2023-24/TN / 1868

Dated: 21.11.2024

To

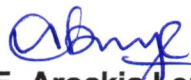
1. Legal Monitoring Cell,
Ministry of Environment, Forest and Climate Change,
3rd Floor, Vayu Wing, Jor Bagh Road,
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2. Ms. Aanya Shrotriya, Advocate,
Ministry of Environment, Forest and Climate Change,
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New Delhi.
Email- aanya.shrotriya@gov.in

Subject : Appeal No. 48/2024 (SZ) in the matter of Thiru. M. George Rajan Vs. The MoEF&CC & Ors. Before NGT (SZ), Chennai.
Reference : MoEF&CC, Email dated 04.11.2024 by Ms. Aanya Shrotriya, Advocate – reg:-

Sir,

In reference to the subject cited above, it is hereby submitted that, as per the directive from the MoEF&CC communicated via email on 04.11.2024, the Regional Office of MoEF&CC in Chennai was tasked with conducting a site visit in accordance with the order issued by the Hon'ble NGT(SZ) on 19.09.2024, and to submit a report to the Ministry. In this context, the undersigned carried out a site visit to the proposed project of Thiru. M. George Rajan, Rough Stone and Gravel, on 14.11.2024. The site inspection report is attached for your review and necessary action.

This has the approval of competent authority.


(Dr. E. Arockia Lenin)
Scientist D

o/c
DESPATCHED
Date 21/11/24
By (By email)

Dr. E. Arockia Lenin₁ | Page
Scientist 'D'
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Regional Office, MoEF&CC
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai - 600 006

SITE INSPECTION REPORT

A. Background of the Case: This case pertains to the denial of environmental clearance for the Rough Stone and Gravel Quarry project proposed by Thiru. M. George Rajan, as decided by the State Environment Impact Assessment Authority (SEIAA) of Tamil Nadu. After the proposal was rejected on May 10, 2024, the project proponent (PP) appealed to the Hon'ble National Green Tribunal (NGT) Southern Zone, urging SEIAA, TN to issue the environmental clearance. In response, the Ministry of Environment, Forest and Climate Change (MoEF&CC) instructed the Regional Office in Chennai via email on 04.11, 2024, to carry out a site visit and compile a detailed report. The site inspection was conducted on 14.11.2024, and the findings from this site visit are elaborated upon below:

1. The project proponent, Thiru George Rajan, son of Shri M.N. Muthaiya, resides at Annai Illam, Monvilagam, Reethapuram Post, Kanniyakumari District. He has submitted a proposal to operate a quarry for rough stone and gravel covering an area of 1.910 hectares, located at survey numbers 721/2, 3A & 725/3B (P) (patta land) in Mecode Village, Thiruvattar Taluk, Kanyakumari District.
2. The Sub-Collector of Padmanabhapuram and the Assistant Director of Geology and Mining have recommended granting a quarry lease for rough stone and gravel over an area of 1.91 hectares of patta land, as detailed in their communication letter no. Rc. No. 145/G&M/2020 dated 13.10.2022 (**Annexure 1**).
3. The mining plan, reviewed by the Assistant Director of Geology and Mining, Kanyakumari District, accorded approval in letter no. Rc. No. 145/G&M/2020 dated 29.10.2022 (**Annexure 2**).
4. Tamil Nadu State Forest Department forwarded the proposal to the Hill Area Conservation Authority (HACA) via letter no. TS4/41730/2020 dated 27.06.2022. It states that the proposed site is located 5 km from the nearest Reserved Forest (Veerapuli Reserve Forest) and 19.85 km from the Kalakadu Mundanthurai Tiger Reserve. The site is not in any Eco-Sensitive Zone (ESZ) or elephant corridor, and rubber plantations flank the quarry site, with no significant wildlife movement observed (**Annexure-3**).
5. The Hill Area Conservation Authority (HACA) has authorized the proposed quarrying activities, subject to recommendations from the Geology and Mines

- Department, Forest Department, and Agricultural Engineering Department, as communicated in letter 16381/2022/HACA dated 10/2022 (**Annexure 4**).
6. The Village Administrative Officer (VAO) of Mecode Village has confirmed that no habitat, temple, or school is present within a 300-meter radius of the proposed project (**Annexure 5**).
 7. The project proponent has acquired consent from the Agricultural Engineering Department, as per letter no. 1/3634/2021 dated 23.02.2021 (**Annexure 6**).
 8. Along with the above recommendations, the project proponent has submitted a detailed application to SEIAA, TN (proposal no. SIA/TN/MIN/408095/2022) for operating the quarry, which was subsequently rejected during the 363rd SEAC meeting on 14.03.2023, citing concerns regarding nearby green vegetation, a CSI Church within 220m, and a Valiyathrmugam Isakki Amman Temple within 300m (**Annexure 7 & 7A & 8**).
 9. The project proponent (PP) resubmitted an application to the State Environment Impact Assessment Authority (SEIAA), Tamil Nadu on March 13, 2023, with a revised mining plan approved by the Assistant Director, Geology and Mining (**Annexure 9**). However, SEIAA, Tamil Nadu rejected this proposal on May 10, 2024, citing the ecological sensitivity of the area, proximity to a wildlife sanctuary, and concerns regarding blasting safety near existing infrastructure (**Annexures 10 & 11**). After the rejection, the PP appealed to the Hon'ble National Green Tribunal (NGT), Southern Zone, urging SEIAA, Tamil Nadu to issue the environmental clearance.
 10. In response, the Ministry of Environment, Forest and Climate Change (MoEF&CC) instructed the Regional Office in Chennai via email on November 4, 2024, to conduct a site visit and compile a detailed report. The site inspection was carried out on November 14, 2024.

B. Observations of RO, MoEF&CC: The following observations were made during the site visit on 14.11.2024:

- 1) No forest land is involved in this project, and the MoEF&CC notification S.O.3236(E) dated 22.09.2020 prohibits mining activities in the Eco Sensitive Zone (ESZ). The site in Mecode Village is confirmed outside this zone (**KWS ESZ notification- Annexure 12**). Existing nearby quarries and stone crushers were noted, and the area is mainly rubber plantation land. The Hill Area

Conservation Authority has endorsed the project (**Annexure 4**), and the Agricultural Engineering Department indicated that it would not cause soil erosion or landslides provided specific recommendations were followed (**Annexure 6**).

- 2) During the site visit, it was observed that the area is characterized by generally undulating terrain with small hillocks sloping toward the northern side, which is predominantly covered with rubber plantations. Both sides of the project area are adjacent to existing quarries and crusher units (**Annexure 13**). The natural slope of the landscape will allow surface runoff to drain into the nearby canal. Notably, no water accumulation was observed during the site visit, even though it was the rainy season (**Site photographs-Annexure 14**).
- 3) A public road is located approximately 140 to 145 meters from the project site. Relevant safety distances have been evaluated in accordance with applicable regulations. The petrol bunk, a nearby structure, must maintain a safety distance of 50 meters as per guidelines, but it is not considered an inhabited site. Revised plans indicate the church and temple are beyond 300 meters, complying with regulations. Additionally, a safety distance of 50 meters is required from highways and railway lines (**Annexure-15**). Although quarrying can lead to topsoil depletion, which may impact local flora and fauna, the project has been assessed to not significantly affect nearby lands if guidelines are followed.
- 4) It is important to highlight that the Project Proponent (PP) has previously secured environmental clearance from SEIAA, TN for the same lease area, as referenced in letter no. SEIAA-TN/F.No. 3405/EC/1(a)/2424/2015 dated 24.11.2015 (**Annexure 16**). Furthermore, there are currently two quarries operating adjacent to the site in question. Rather than initiating a new proposal for the appraisal of Environmental Clearance (EC), the PP could have considered utilizing the existing EC before its expiration. Taking this proactive approach may have led to a more favorable assessment during the SEAC's review process.
- 5) The quarrying operations pose a risk of depleting fertile topsoil, potentially causing environmental challenges for the local flora and fauna. Notably, preliminary observations from site visits indicate that the proposed area is already near existing quarries, crushing units, and temporary rubber

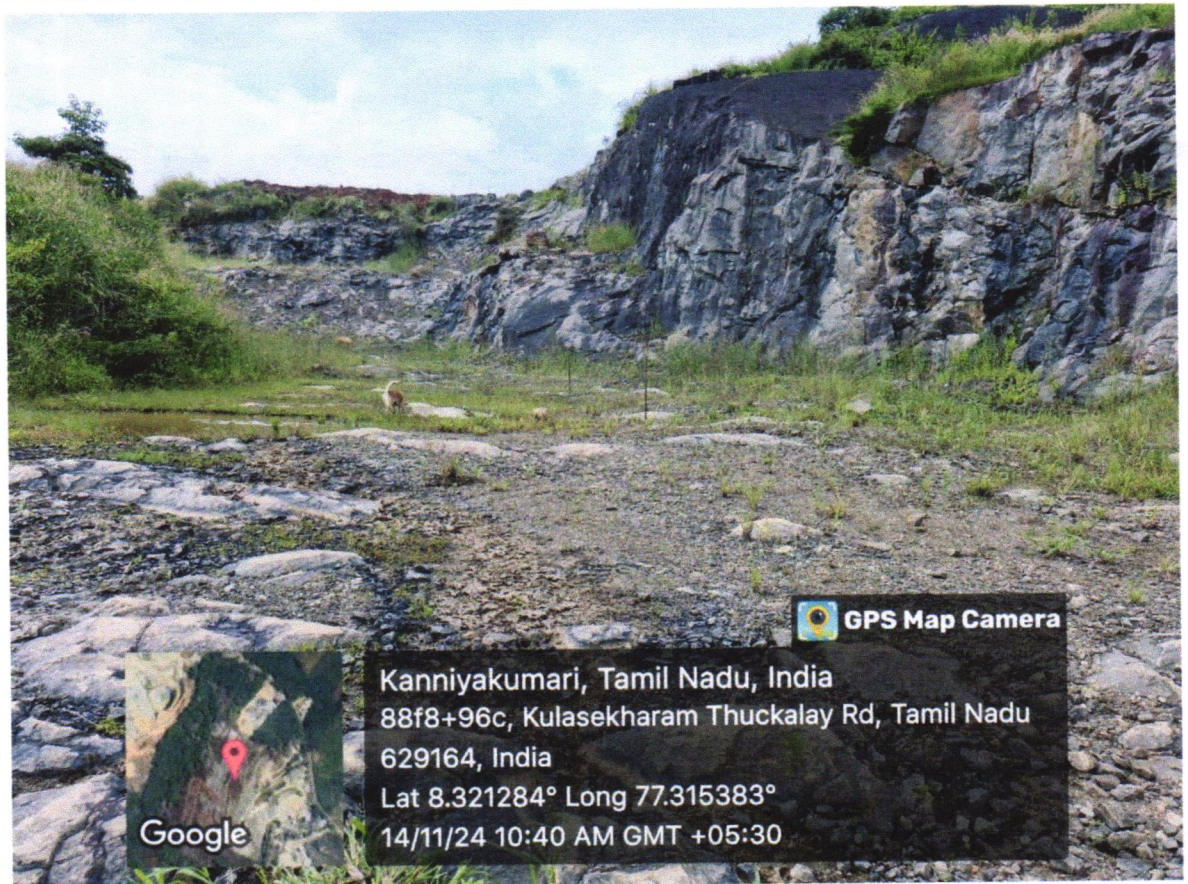
plantations, which are periodically deforested for agricultural activities. This existing context may lessen the overall impact on soil and the environment. In addition, according to a letter from the Tamil Nadu Agricultural Engineering Department (no. 1/3634/2021 dated 23.02.2021), the project is unlikely to lead to soil erosion or landslides and is not expected to negatively impact canals or agricultural lands, as long as the recommended guidelines are followed (refer **Annexure 6**).

- 6) However, to fully understand the potential environmental impacts of quarry operations on local ecosystems, it is advisable to undertake a detailed long-term study. This assessment should cover the project area and extend up to 5 kilometers beyond designated eco-sensitive zones in Mecode and surrounding villages, delivering crucial insights for effective management and conservation strategies.
- 7) In light of these considerations, it is respectfully requested that the Honourable Tribunal may take the appropriate decision as it sees fit.

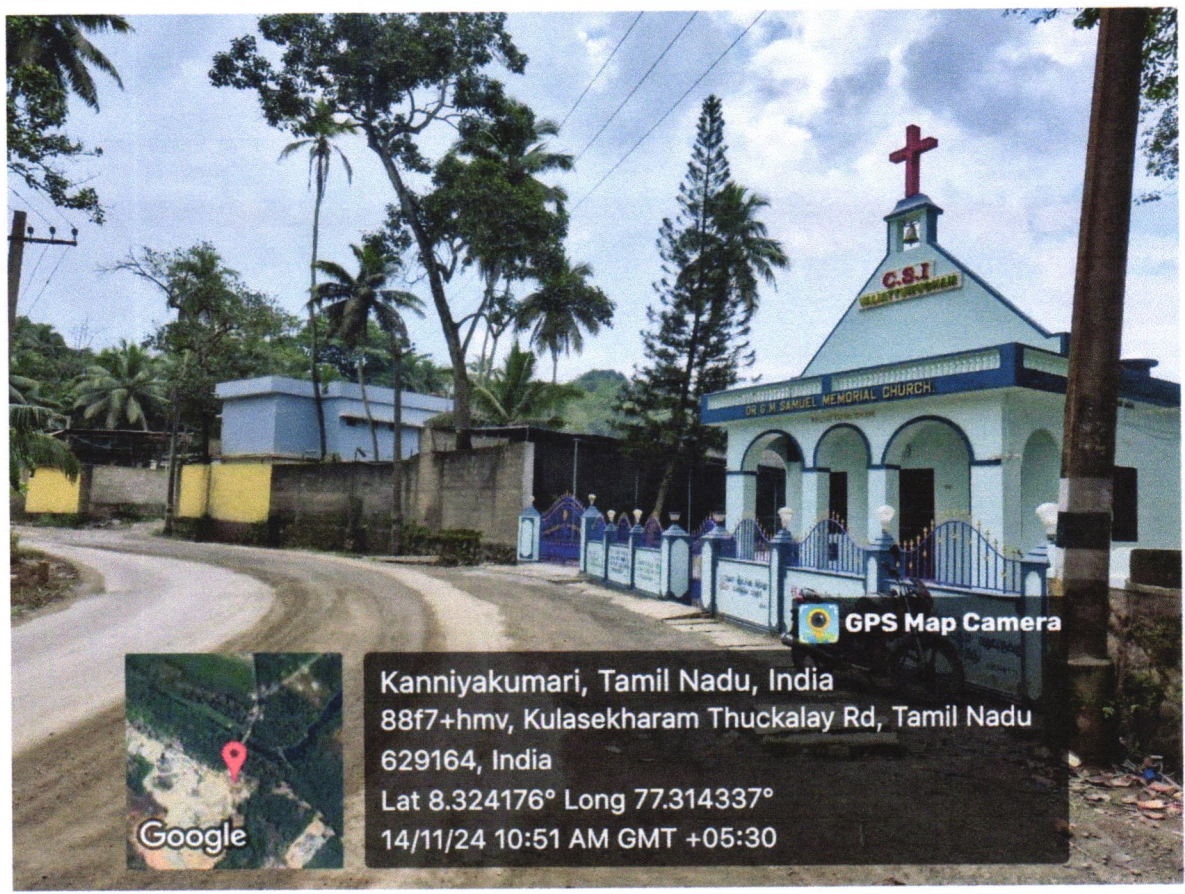
(Dr. E. Arockia Lenin)
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Site Photographs – Annexure 14



a). Figure 1 showing the location of CSI Church situated at distance of 345.48 (Ref: Google earth pro images)



b). Figure 1 showing the location of CSI Church situated at distance of 345.48 (Ref: Google earth pro images)

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c).Images showing Valiyathrmugam Issaki Amman Temple at distance of 313.12m (Ref: Google earth pro images)



d). Images showing showing existing operational quarry on the western side from the proposed site at distance of 183.13m (Ref: Google earth pro images)



e). Figure 4 showing existing abandoned quarry on the western side from the proposed site at distance of 160.38m (Ref: Google earth pro images)



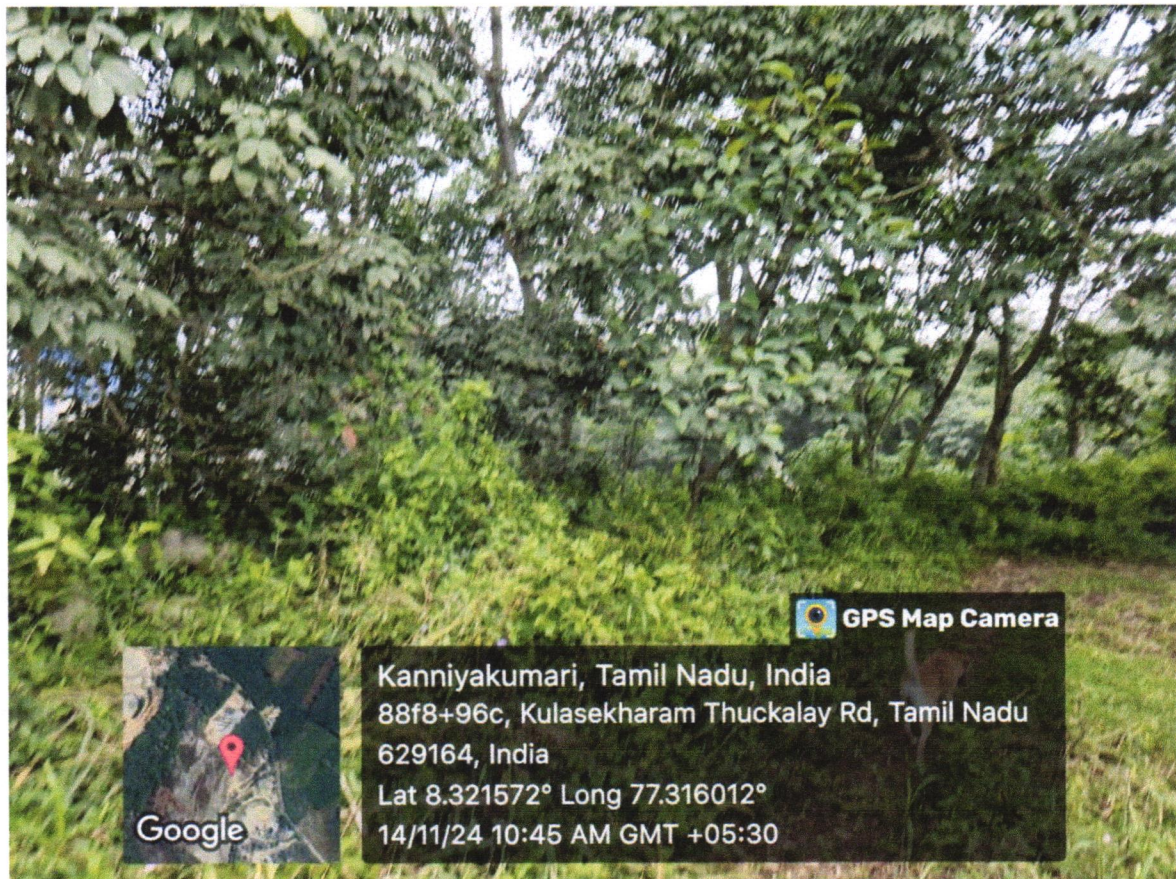
f). Images showing showing existing quarry on the eastern side from the proposed site at distance of 48.88m (Ref: Google earth pro images)



g). Images showing existing stone crusher unit on the westernside from the proposed site.



h). Images showing existing stone crusher unit on the eastern side from the proposed site.



i) Images showing the existing Rubber plantations kept as a green belt development around the project.



i). Images showing a canal passing on the northern side from the proposed site at distance of 375.71 (Ref: Google earth pro images)