

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

ORIGINAL APPLICATION NO.162 OF 2025 (SZ)

IN THE MATTER OF:

Malayalapuzha Grama Panchayat

Applicants

Versus

State of Kerala & Ors.

Respondent(s)

REPLY FILED BY THE 2nd RESPONDENT/SEIAA KERALA

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Dated on this the 24th day of January, 2026.



Counsel for 8th Respondent

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REPLY FILED BY THE 2nd RESPONDENT/SEIAA KERALA

I, Chandraprasad K. K, aged 52 years, S/o C.N. Karunakaran, working as Legal Officer, State Level Environment Impact Assessment Authority (SEIAA) at Thiruvananthapuram, having office at K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor, Thiruvananthapuram – 695 001, do hereby solemnly affirm and sincerely state as follows:-

I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply on behalf of the 2nd Respondent. I crave leave of the Hon'ble Tribunal to file a report as and when additional facts are available to the Respondent.

1. It is submitted that Environmental Clearance was issued for the Building Stone Quarry Project of the 4th respondent for an area of 0.6661 Ha at Survey No. 270/3 in Malayalappuzha Village, Konni Taluk, Pathanamthitta vide EC No. 2/Q/2022 dated 08.06.2022 as per the decision of the 113th SEIAA meeting, incorporating Specific and General conditions for the safeguard of the environment, property and lives of people, after appraisal of the documents in various meetings, presentation of the project, field inspection and submission of additional documents.

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2. The Hon'ble NGT vide order dated 29.08.2025 is OA No.162/2025 ordered that "the SEIAA-Kerala is directed to conduct a Physical inspection of the property and submit a detailed report on the existence of the road, specifically indicating whether the Project Proponent had suppressed this fact while securing Environmental Clearance, after duly issuing notice to both the applicant and the 4th respondent."
3. It is submitted that the Secretary, Malayalappuzha Grama Panchayath vide letter dated 27.08.2022 forwarded copy of letter issued to the 4th respondent, informing that a public road is passing through the proposed quarry and it has been hidden by the proponent in the plan which is submitted to the Malayalappuzha Grama Panchayat. The LSGD, Assistant Engineer, Malayalappuzha reported that the magazine and the quarry nearer to the public road seems to be dangerous. The Authority in the 138th SIAA meeting held on 27th & 28th February 2024, deliberated the item and sought explanation from the 4th respondent through a Show Cause Notice. The 4th respondent vide letter dated 19.04.2024 forwarded reply to the show cause notice.
4. The Authority in the 141st SEIAA meeting held on 29th and 30th April 2024 noted that 4th respondent claims that the inclusion of public road near to his project area in the asset register software as stated by the Assistant Engineer, LSGD is a willful manipulation of records done by a group of people, who are having enmity with him, by influencing the concerned person who is handling the portal. It is also requested that the real fact regarding the presence of public road near the project area has to be verified at site in the presence of the Village officer and Secretary Malayalappuzha Grama Panchayat. The neighbouring property owners may also be called in during the fact check site inspection. Based on the decision of the 141st SEIAA meeting, the field inspection was conducted on 01.06.2024. During field inspection, the following details were observed:

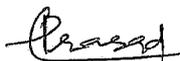
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- Panchayat Secretary and the Assistant Engineer, LSGD reiterated that the public road is passing through the project area and it is entered in the Asset Register of the panchayat. The panchayat authorities are also informed that presently it is a mud road and the panchayat is planning to develop into a black topped road.
 - The Village Officer intimated that as per the FMB there is no such road in the project area.
 - The project proponent intimated that the project area is under his own possession and he has not surrendered his land to the Panchayat for the said road, which divides the property into two. He also intimated that there would be manipulation in the Asset Register and it is to be verified with Panchayat Authorities.
5. The owner of the neighbouring property Sri. Raju K. Thomas, Kalloth River View, Vadasserikkara (Owner of the Wimrock Crushers) was also present in the project area during the field visit. It is observed that the mud road is leading to the project site and other two abandoned quarries. Along the road, there is an abandoned crusher unit. Sri. Raju K. Thomas intimated that the road is also passing through his property and he has not surrendered any land to the panchayat for the road. It seems that the road is not used for public transport as it is covered with vegetation. Besides, the road bifurcates the property of the project proponent and Sri. Raju K. Thomas and is connecting with another private road passing through the rubber plantation. Further it seems that no development works of said road was done by the Grama Panchayat.
6. The Authority in the 144th SEIAA meeting held on 28th and 29th June, 2024, noted from the field inspection report that Sri. Raju K. Thomas, the holder of neighbouring property, intimated that the road is passing through his property and he has not surrendered any land to the panchayat for the road. Further, it is also reported that the road is not used for public transport as it is covered with vegetation. Besides,

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the road bifurcates the property of the 4th respondent and Sri. Raju K. Thomas and is connecting with another private road passing through the rubber plantation.

7. The Authority in conclusion noticed that the Village Officer vide his letter dated 26.06.2024, stated that as per the village records the Government Puramboke road in Sy No. 234/5 is ending at eastern side of Sy No. 234/6, after that it is recorded as mud road through the northern part of Sy No. 235/1. The 200m road noticed in the Sy No. 267/5, 267/7 is not recorded in the village records. The Panchayat Secretary vide his letter dated reiterated that the road in dispute is the Mallethupadi — Randuthenginal road is a panchayat road and is recorded in the asset register of Ward 10 as Serial No.10. Further, it is stated that the Panchayat has been maintaining the road by laying interlocks and providing protection walls.
8. The Authority in conclusion noticed that as per the village records, the said road does not exist in the proposed project area (Sy No. 270/3) and the Panchayat Secretary has not submitted any proof of surrender or the consent of property owners. Moreover, the 4th respondent and the neighbouring property owner also affirmed that they haven't surrendered their land to the Panchayat and alleged that the inclusion of their property in the asset register is a manipulation of records and the EC was issued after examining documents issued by statutory agencies and after field verification. It is further observed that there is no interlock tiled road passing through the proponent's property. After considering all records and details furnished by the village and grama panchayat authorities. the Authority rejected the request of the Panchayat Secretary to relook the EC issued to the project and the decision was intimated to the Panchayat Secretary vide letter dated 23.07.2024.
9. Later, on receipt of the order dated 29.08.2025 the Authority in the 158th SEIAA meeting held on 09th October, 2025, entrusted the Environmental Scientist and Environmental Officer (EO1) to visit the site and submit a factual report regarding the existence of the road



with intimation to Panchayat and Village authorities and the field inspection was conducted on 06.11.2025. Based on the field verification carried out on 06.11.2025 (Copy of Field Inspection Report attached) along with the scrutiny of revenue records, Panchayath documents and the physical condition of the site, it is concluded that no public or Panchayat Road is legally recorded as passing through Survey No. 270/3 or the adjoining project area. The physical features and usage pattern of the track do not correspond to those of a public road. The pathway also traverses private land, including that of the Project Proponent, for which land tax is regularly paid.

10. In the absence of credible documentary evidence from the Panchayat authorities, the claim regarding the existence of a Panchayat Road through the project area cannot be established. Accordingly, the allegation that the Project Proponent suppressed material facts while securing Environmental Clearance is not supported by the available records or field observations.

VERIFICATION

I, Chandraprasad K. K, aged 52 years, S/o C.N. Karunakaran, working as Legal Officer, State Level Environment Impact Assessment Authority (SEIAA) at Thiruvananthapuram, do hereby verify that the contents of the above paras are true to the best of my personal knowledge and paras believed to be true on legal advice and that I have not suppressed any material fact.

Dated on this the 24th day of February, 2026.

Chandraprasad

Respondent No. 2

Chandraprasad K. K.
(PEN: 123636)

Deputy Secretary to Govt. &
Legal Officer, State Environment
Impact Assessment Authority
KSRTC Bus Terminal Complex, Thiruvananthapuram 1



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Field Inspection Report to comply with the directions of the Hon'ble NGT
dated 24.09.2025 in O.A. No. 162/2025 of Malayalappuzha Grama

Panchayath

Background

The Hon'ble National Green Tribunal (Southern Zone), Chennai, vide order dated 24.09.2025 in O.A. No. 162/2025, ordered that "the SEIAA-Kerala is directed to conduct a physical inspection of the property and submit a detailed report on the existence of the road, specifically indicating whether the Project Proponent had suppressed this fact while securing Environmental Clearance, after duly issuing notice to both the applicant and the 4th respondent." As per the direction, the SEIAA Kerala in its 158th meeting held on 9th October, 2025 entrusted the Environmental Scientist and Environmental Officer (EO1), SEIAA Secretariat, to conduct a field verification to submit a factual report regarding the road after issuing intimation to the Village Officer, Panchayat representatives to accompany the team with available documents and revenue records, and the Project Proponent.

Introduction

Environmental Clearance was granted for the Granite Building Quarry Project of Sri. Ajikumar N. for an area of 0.6661 Ha at Survey No. 270/3 in Malayalappuzha Village, Konni Taluk, Pathanamthitta vide EC No. 2/Q/2022 dated 08.06.2022 after due appraisal, including field verification by SEAC.

Later, the Secretary, Malayalappuzha Grama Panchayat, vide letter dated 27.08.2022, alleged that a public road exists through the proposed quarry and the Project Proponent suppressed this fact. The LSGD, Assistant Engineer, Malayalappuzha, reported that the magazine and the quarry nearer to the public road seem to be dangerous. The letter was placed before the Authority in its 138th meeting held on 27th and 28th February 2024, wherein a show-cause notice was issued to the Project Proponent on 02.04.2024. Upon receipt of his reply dated 19.04.2024, the Expert Member, SEIAA, and the Environmental Scientist, SEIAA, inspected the site on 01.06.2024, along with the Panchayat, the Revenue representative, the project proponent, and the owner of the neighbouring properties, Sri. Raju K. Thomas. In continuation of the field visit, the Village Officer, vide his letter dated 26.06.2024, stated that, as per the village records, the Government Puramboke road in Sy No. 234/5 ends at the eastern side of Sy No. 234/6; thereafter, it is

recorded as a mud road through the northern part of Sy No. 235/1. The 200m road noticed in the Sy No. 267/5, 267/7 is not recorded in the village records (*Copy of the letter is annexed as Annexure 1*). The Panchayat Secretary, vide his letter dated 23.06.2024, reiterated that the road in dispute is the Mallethupadi – Randuthenginal road, which is a panchayat road and is recorded in the asset register of Ward 10 as Serial No.10. Further, it is stated that the Panchayat has been maintaining the road by laying interlocks and providing protection walls. However, during the inspection, the Project Proponent and the landowner of the adjacent property intimated that the road passes through their property and that they have not surrendered any land to the panchayat for the road. Further, it was also noted that the road is not used for public transport as it is covered with vegetation. Besides, the road bifurcates the property of the project proponent and the neighbouring properties and connects to another private road that passes through the rubber plantation (*Copy of the letter is annexed as Annexure 2*). The Authority, in its 141st meeting held on 29th and 30th April 2024, considering the field verification report and noted that no legally recorded public road exists in the area, and no evidence was submitted by the Panchayat to substantiate their claim on road ownership. Hence, the Authority decided to reject the Panchayat Secretary's request to re-examine the EC issued for the project. Subsequently, the President, Malayalappuzha Grama Panchayat, approached the Hon'ble NGT by filing O.A. No. 162/2025.

As per the direction of the Hon'ble NGT dated 24.09.2025, the Authority entrusted the Environmental Scientist and Environmental Officer from SEIAA Secretariat for another field verification. The Technical Team conducted the field verification on 06.11.2025, with prior intimation to the Village, Panchayat authorities and the Project Proponent. Prior to the site inspection, the team visited the Village Office to verify the revenue records related to the road and project area. Further, along with the Panchayat President, Village Officer, Panchayat Secretary, and other Panchayat officials inspected the project area in the presence of the Project Proponent. The team visited the quarry site and the entire stretch of the 1.7 km road as mentioned in the asset register.

The primary aspects examined during the site inspection were as follows:

- Whether a public road exists within, traverses through, or adjoins the project area, as claimed by the Panchayat.

- Whether the said road is legally recorded as a public road in the official revenue records and in the records maintained by the Panchayat.
- Whether any development, maintenance, or other statutory activities have been undertaken by the Panchayat to substantiate its claim and classification of the said road as a public road.

Observations as per the records

- Upon verification of the FMB and village map, the Village Officer confirmed that no public road exists in Survey No. 270/3, wherein the quarry project is situated. It was also noted that the project file was not available in the Village Office..
- The Panchayat authorities produced an Asset Register entry reflecting a 1.7 km × 4 m road (Malethupadi–Randuthenginalpadi Road) with an acquisition date of 27.09.2009. However, no supporting documents—such as land surrender records, consent from landowners, or acquisition proceedings—were provided to substantiate the inclusion of this road in the Asset Register. Further, the location sketch prepared by the Panchayat for submission before the Hon'ble Court indicates the purported road passing through private land owned by the Project Proponent.
- Although the Panchayat authorities claimed that funds had been allocated for the maintenance of the said road from 2019 onwards, no records or documentary evidence of any development or maintenance activities for the stretch were produced by the Panchayat.

Field observations

- At the site, only a narrow *kacha* track was observed, seemingly used as a private access pathway for agricultural activities. Most portions of the track pass through plantations or run between the boundaries of adjoining private properties. It appears to function primarily as an agricultural access route used by neighbouring landowners for their personal purposes.
- The track shows no indications of development typically associated with a public road, such as black-topping/metalling, drainage construction, retaining structures,

public transport usage, or road signage. The Panchayat authorities stated that brick paving had been carried out at the initial portion of the track near a few residential buildings. However, the disputed stretch leading to the private property contains no residential buildings, and no developmental works were executed by the Panchayat in accordance with their stated plans.

- Only a very limited number of residential houses were observed along the entire stretch, indicating that the route does not serve as a regular public-access or connectivity road.
- Furthermore, the alleged road bifurcates the property of the Project Proponent into two portions, for which he asserts that he has been regularly paying land tax.

Based on field verification and scrutiny of available documents, the following findings are concluded:

1. The statutory land records maintained by the Village Office do not substantiate the Panchayat's claim regarding the existence of a Panchayat road within the project area.
2. The road entry recorded in the Panchayat Asset Register lacks legal validity, as no supporting documents—such as formal land transfer, surrender records, or acquisition proceedings—were produced to justify its inclusion in accordance with the applicable Panchayat norms.
3. The pathway observed at the site does not exhibit the characteristics of a public road and is not being used as a public access route by the general public.

Verification of Alleged Suppression of Facts Regarding the Existence of a Public Road

As per the documents submitted for obtaining Environmental Clearance—namely, the Survey Plan certified by the Village Officer, Malayalappuzha, and the 500-metre radius feature map verified by the District Geologist, Pathanamthitta—it is clearly evident that no public road passes through the project area. The Survey Plan, authenticated by the Village Officer, explicitly marks the road leading to the project site as a quarry approach private road. No document submitted during the EC appraisal process indicates the existence of a public or Panchayat road within the project boundary.

Conclusion

Based on the field verification carried out on 06.11.2025, along with the scrutiny of revenue records, Panchayat documents, and the physical condition of the site, it is concluded that no public or Panchayat road is legally recorded as passing through Survey No. 270/3 or the adjoining project area. The physical features and usage pattern of the track do not correspond to those of a public road. The pathway also traverses private land, including that of the Project Proponent, for which land tax is regularly paid.

In the absence of credible documentary evidence from the Panchayat authorities, the claim regarding the existence of a Panchayat road through the project area cannot be established. Accordingly, the allegation that the Project Proponent suppressed material facts while securing Environmental Clearance is not supported by the available records or field observations.

Field Photos

Field Photos











Sreeja Raj S. R.
Environmental Officer



Dr. Jude Emmanuel
Environmental Scientist