

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL, SOUTH ZONE
CHENNAI.**

ORIGINAL APPLICATION NO. 93 of Year 2024.

IN THE MATTER OF:

Sajimon Joseph

..... **Applicant(S)**

Versus.

The Chief Secretary, Government of Kerala and Others.

..... **Respondents(S)**

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SAJIMON JOSEPH (APPLICANT FOR PETITION NO. OA-93/2024, SZ)



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Place: Koombara

Dated the 17th April, 2025

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL, SOUTH ZONE
CHENNAI.**

ORIGINAL APPLICATION NO. 93 of Year 2024.

IN THE MATTER OF:

Sajimon Joseph **Applicant(S)**

Versus.

The Chief Secretary, Government of Kerala and Others. **Respondents(S)**

Additional objections filed by the Applicant against the delayed suppressive affidavit before the Hon'ble High Court of Kerala, with permission granted to recommence quarrying by SEIAA, KSPCB, and the Mining & Geology Department.

I, Sajimon Joseph, the Applicant in the present matter, hereby respectfully submit this additional affidavit before the Honorable Tribunal in response to the ongoing proceedings in Petition No. OA 93/2024 (SZ) (Old NO. OA 770/2024), concerning the illegal quarrying activities being conducted at Survey No. 2442 (Pt), Koodaranhi Village, Koombara, Calicut District, Kerala-673604. This affidavit further addresses the inadequate and insufficient response of the Respondents to the matter raised in the petitions filed by the Project Proponent before the Honorable High Court of Kerala, specifically in Petition Nos. WP(C) 39873/2024 and WP(C) 44403/2024.

- 1) Based on the Order of the Honorable National Green Tribunal in Petition No. OA 93/2024 (SZ), the **Constituted Committee** was directed to investigate the matter and submitted its report on 25th April 2024 and recommended for further detailed inspection at the quarry site, addressing concerns related to illegal quarrying and environmental violations by the Project Proponent, Sri. Thanakanchan Mathalikunnel, operating at the site, survey NO.2442, Koodaranhi Village, In Calicut District of Kerala.
- 2) Following the submission of the interim report and a separate petition filed by **Sri. Shaju Abraham** informing that besides **NONEL Technologies**, other explosives are using for blasting by the Project Proponent, the **State Environmental Impact**

Assessment Authority (SEIAA) issued a **Stop Memo** and a **Show Cause Notice** to the Project Proponent on 02/11/2024, directing him to cease quarrying operations at the site and submit an explanation within 15 days and found the explanation submitted on 27/11/2024 was unsatisfactory.

- 3) But, the Project Proponent, Sri. Thanakanchan Mathalikunnel, has filed two **Writ Petitions on 12/11/2024** before the Honorable High Court of Kerala, namely **WP (C) 39873/2024** and **WP (C) 44403/2024**, challenging the **Stop Memo** issued by SEIAA, seeking renewal of the **PCB License**, which expired on 4th December 2024, and requesting the quashing of **Petition No. OA 93/2024** filed by me before the Honorable NGT, which seeks to halt the illegal quarrying.
- 4) In **WP (C) 39873/2024**, the respondents include SEIAA (1st), Kerala State Pollution Control Board (KSPCB) (2nd), the Mining and Geology Department (3rd), and myself (6th Respondent). In **WP (C) 44403/2024**, KSPCB is the 1st respondent, the Mining and Geology Department is the 2nd respondent, and I am the 3rd respondent.
- 5) Despite several hearings by the Honorable High Court of Kerala starting from 12th November 2024, the respondents, including SEIAA, KSPCB, The Chief Secretary Govt. of Kerala and the Mining and Geology Department, failed to file their counter-affidavits for an extended period, even after multiple written requests and follow-ups. After persistent efforts, SEIAA submitted its counter-affidavit on **15th February 2025**, and KSPCB filed its counter-affidavit on **11th February 2025**. However, the Mining and Geology Department and Kerala Govt. have yet to submit its counter-affidavit, despite repeated reminders.
- 6) The counter-affidavits filed by SEIAA and KSPCB contain suppressed information and are not consistent with the reports submitted before the Honorable National Green Tribunal. The report submitted before the Tribunal reveals a much more serious level of environmental violations, Pollution, obtaining license by illegal/incorrect means, excess mining, overburdening and obstruction of stream etc. which were overlooked or inadequately addressed in the counter-affidavits.
- 7) It has come to my attention that the **Environmental Clearance (EC) No. 212/SEIAA/KL/0251/2014**, issued by SEIAA, was granted only in 2014. However, quarrying activities in the area had been ongoing since 1996-97 by the Project Proponent. The excess mining, as reported by the Mining and Geology Department in

Annexure-2 (Pages 186 & 187) of the Joint Committee Report and in a letter dated 05/11/2024 from the Mining and Geology Department, 63,394.65 metric tons of stone valued at Rs. 1,57,14,716/-. This figure may not include the quarrying activities that took place prior to the issuance of the Environmental Clearance. Also, quarrying was continued for a long period without adequate legal documents and evasion of tax.

Shri. Thankanchan has approached the Honorable High Court with WP (C) 3576/2025, seeking permission to participate in the Adalat for the settlement of excessive illegal mining by the Project Proponent. The Court has directed that the matter be considered in light of the judgment issued on 29/01/2025. An order extending the time for participation in the settlement of illegal excess mining has also been approved by the State Government under Order No. IND-A323/2025-IND, dated 18/02/2025, based on the application submitted by Shri. Thankanchan, pursuant to the Court's Order in WP (C) No. 3576/2025 **ANNEXURE-9.**

- 8) According to the report from the **Koodaranhi Village Officer** and the **SEAC Minutes of Meeting (No. 180)** held on 25th February 2025, **Item No. 26**, it is confirmed that the area is a **moderate hazard zone**. Additionally, a **Cluster Certificate** dated 8th January 2025 states that there are 6 active quarries within a 500-meter radius, covering an area greater than 5 hectares, thereby qualifying the site as a cluster condition. Notably, an earlier **EC Reappraisal Application** (No. 12 DEIAA/KL/MIN/3738/2017) for a quarry in the same area of within 500 meter filed by Sri. Shaji Mathew of Matha Industries (Stone Quarries) was rejected due to these cluster conditions. **However, these principles were not followed in granting EC for Sri. Thanakanchan Mathalikunnel's quarry. ANNEXURE – 10.**

A stone crusher unit is operating approximately 300 meters away from Thankanchan's quarry site in the ecologically sensitive and moderate hazard zone, and it is understood that infrastructure for another crusher unit is being developed nearby by the Sri. Thankanchan.(Not included in the Joint Committee Reports).

- 9) The **Koodaranhi Panchayat Village Officer's Report** from 2017 confirms that Sri. Thanakanchan Mathalikunnel was operating two quarries in the same area. Additionally, the **KSPCB Interim Report** submitted before the Honorable Tribunal on 25th April 2024 (Page No. 4) confirms that Quarry No. 1 (3.3791 hectares)) has PCB approval dated 4th January 2020 NOPCB/KKD/DO/ICO-R3/1507/R16KOZ4227391/12274532/2019, and Quarry No. 2 has PCB (0.8710

hectare) approval dated 16th July 2021, NO.PCB/KKD/DO/ICO-R3/11302/R17 KOZ5674911/13972542/2021. However, both quarries are operating under a single **EC (No. 212/SEIAA/KL/0251/2024)**, which raises serious concerns regarding non-compliance with environmental regulations and adequate licenses from the respective Authorities..

- 10) No buffer zone of 50 meters has been maintained between the Panchayat road and the quarry site, as reported in SEIAA's findings. This violation also indicates that quarrying activities have within 4 meters of the nearby vested forest land, a fact reported by the Koodaranhi Village Officer to the Calicut District Collector, ADM, and SEIAA in 2017, with the details included in the statement of facts submitted.
- 11) Furthermore, the Joint Committee's report dated 28/01/2025 (Page No. 181, Point No. 1) highlights the encroachment of forest land. The quarrying lease was granted by the Director of Mining and Geology based on survey sketch No. 11638/2015 D3, dated 20/01/2015, issued by the Thamarassery Tahsildar. **However, the forest boundary was not marked on this sketch.** It is a serious concern that the authorities issued the license without a clearly defined boundary between the vested forest and the quarry site. This not only points to the encroachment of forest land but also confirms that quarrying has occurred in violation of legal and environmental regulations.
- 12) The Authorities have completely disregarded and failed to address in the Joint Committee Reports several critical issues. It is evident that the quarry operators influenced the Koodaranhi Panchayat to alter the Koombara to Punnakadve road's width from 4 meters to 8 meters, specifically to facilitate the issuance of a stone crusher license for their operation. Moreover, the quarry operators have destroyed survey stones along the 1.2 km stretch of road, which had been fixed by the government. Additionally, an illegal compound wall has been constructed around 2 meters into the Panchayat Road in the area.
- 13) In 2019, quarry waste and mud were dumped at a height exceeding 50 feet, which has since been dislodged, causing significant damage to nearby houses, crops, and agricultural land. This area is highly hazard zone and prone to landslides during every monsoon season. Furthermore, a significant stream has been completely blocked, while another has been reduced to a mere 2-meter width, further exacerbating environmental degradation.

- 14) An even more alarming issue is the ongoing pumping of water from the quarry site since February 2025, which suggests that the quarrying activities have reached the **groundwater level**. This not only signifies direct contamination and drying of water resources but also quarrying and transporting through the residential areas poses severe risks to the surrounding environment, including air and noise pollution.
- 15) Despite several instances of confirmed violations, such as illegal quarrying and irreversible environmental damage during site inspections on 11th October 2024 and 19th October 2024 and along with earlier Interim Report dated 25/04/2024, SEIAA, Mining and Geology and KSPCB allowed quarrying to resume without ensuring compliance mentioned. The Joint Committee Reports Submitted on 28/01/2025 and The Statement of Fact and Objections filed by the Applicant clearly shows various serious environmental violations, illegalities, irreversible and irrecoverable damages to the environment and society etc. While the PCB reported overburdening at the quarry site and imposed a fine, it overlooked critical issues such as stream narrowing/obstruction, pollution, and the dangerous overburden dumped on agricultural land from a 70-degree slope. The imminent risk of landslides, similar to the 2018 and 2019 tragedies, was not addressed in the report.
- 16) On 28th January 2025, **SEIAA** gave the Project Proponent an additional three months to correct the deviations, but no notice of this decision was communicated to me. This denial of the opportunity to be heard violates the principles of natural justice. Furthermore, SEIAA failed to include me in the proposed site inspection within three months, and the field report referred for the proposed inspection overlooked several serious violations. The lack of transparency in this process indicates an attempt to shield the illegalities committed by the Project Proponent.
- 17) Despite the SEIAA's decision to grant an extension for correcting non-compliance, quarrying operations resumed on 18th March 2025 at a significantly larger scale, with high-intensity blasting occurring during the early morning and late evening hours. This raises serious concerns that unauthorized blasting methods are being employed, resulting in excessive noise and vibrations throughout the locality. The authorities have utterly failed to implement any monitoring mechanism to oversee the ongoing quarrying activities. It is alarming that quarrying resumed without addressing the identified non-compliance issues reported by the SEIAA, **including the many cracks on the quarry walls, maintaining only three bench instead of the required 21 bench for more than 70 meter height quarry wall etc.** The authorities' directive,

while focusing solely on the correction of violations, offers no guarantees that the required corrective actions were taken prior to allowing operations to restart.

- 18) It is abundantly clear that many of the serious violations are irreversible, and it is incomprehensible in what context the authorities have issued the order to correct these deviations. Moreover, quarrying activities are taking place on agricultural land, including areas once used for the cultivation of various crops such as pepper, coconut, rubber, and arecanut for several decades. The quarrying has not only encroached on these fertile lands but is also expanding further into them, causing irreversible damage to valuable agricultural resources.
- 19) SEIAA's minutes dated 30 & 31 December, 2024 (No. 151) and item No. 151.16 initially indicate that SEIAA **had decided to wait for the final judgment of the Honorable Tribunal** and also to taking further steps to vacate the Stay Order against the Stop Memo. However, SEIAA later altered its stance after the Honorable High Court clarified “ **that it was free to pass orders on the hearings already conducted, but that the implementation of any order adverse to the petitioner could only proceed after obtaining approval from the Court**”.
- 20) The SEIAA has explicitly stated in its report that it would monitor any violations; however, instead of addressing the deviations and directing corrective action, the authorities appear to be supporting the continuation of illegal quarrying activities, which could lead to major environmental and safety disasters in the near future. “**The SEIAA's report to the Honorable NGT, dated 28/01/2025 further highlights the presence of significant vertical fractures on the eastern wall of the quarry, as well as inclined fractures dipping in the opposite direction of the slope**” (**Page No.22 of SEIAA's individual report to NGT**). Additionally, nowadays overloaded heavy vehicles are being used to transport stone along the narrow 4-meter Panchayat road without any safety measures, which has already been restricted by the Honorable High Court of Kerala.
- .
- 21) Despite the decisions taken in the meetings, SEIAA failed to follow through on its initial decision to await the Honorable Tribunal's final judgment. Instead, it neglected to take the necessary steps to vacate the Stay Order, disregarding the severe environmental impacts, ongoing violations, and illegal activities associated with the quarrying that has been occurring for nearly 25 years. The recommencement of quarrying activities, without addressing the irreversible damage, violations, and

illegal actions of the Project Proponent, coupled with the lack of proper action from SEIAA, KSPCB, and the Mining and Geology Department and State & Local Administrative Authorities, will result in further irreparable harm to both the environment and the local community.

This matter pertains to a critical environmental issue, and it is well-established that the Honorable National Green Tribunal (NGT) is the competent authority with jurisdiction over matters related to environmental violations. The NGT holds exclusive authority to adjudicate cases concerning violations of environmental laws, a principle firmly supported by precedents set forth by the Honorable Supreme Court of India, as well as various High Court judgments, including **WP (C) No. 27000/2023 – dated 15th October 2024, *The Dragonstone Realty Pvt. Ltd vs. Union of India, State of Kerala & Others***, Judgment by the Honorable High Court of Kerala.

However, in the matter of OA 93 of 2024, the Honorable High Court has conducted parallel proceedings and passed Judgment on 27/03/2025, (**ANNEXURE-3**) even though the case is under consideration by the Honorable NGT, the jurisdictional appropriate technical and judicial authority in India. Furthermore, the stance of the State Environmental Impact Assessment Authority (SEIAA), which has arbitrarily decided a three-month timeline to rectify the Environmental Clearance (EC) violations, is both legally unsound and procedurally inappropriate. While this timeline has been set, quarrying activities are being permitted to continue unabated, though serious environmental violations and illegalities are indemnified and at an accelerated pace, despite the matter being under scrutiny by the Honorable NGT.

In this critical situation, with the utmost respect, I request the Honorable NGT to take immediate cognizance of this issue. The ongoing, rapid quarrying operations, started throughout the week, further pose a grave and imminent risk of irreparable damage to the environment and public health. Given the severity of the situation, I respectfully request the Honorable Court to take swift and appropriate action to address this matter and prevent further environmental degradation.

ANNEXURE- 1 A

WP(C) No.39873/2024

1 / 4

Order Date : 12-11-2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

Tuesday, the 12th day of November 2024 / 21st Karthika, 1946

WP(C) NO. 39873 OF 2024

PETITIONER:

THANKACHAN.M.S AGED 64 YEARS S/O.SEBASTIAN, MATHALIKKUNNEL HOUSE,
KOOMBARA BAZAR.P.O, KODARANHI, KOZHIKODE DISTRICT , PIN - 673604

RESPONDENTS:

1. THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), REPRESENTED BY ITS MEMBER SECRETARY, KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
2. THE MEMBER SECRETARY THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
3. THE KERALA STATE POLLUTION CONTROL BOARD REPRESENTED BY ITS MEMBER SECRETARY, PATTOM.P.O, THIRUVANANTHAPURAM, PIN - 695004
4. THE ENVIRONMENTAL ENGINEER KERALA STATE POLLUTION CONTROL BOARD DISTRICT OFFICE, THIRD FLOOR, ZAMORIAN'S SQUARE BUILDING, LINK ROAD, PALAYAM, KOZHIKODE, PIN - 673002
5. THE GEOLOGIST MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHIKODE, , PIN - 673020
6. SAJIMON JOSEPH NARAKATHINGAL HOUSE, KOOMBARA.P.O, KODARANHI VIA, KOZHIKODE , PIN - 673604

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay exhibit p 19, pending disposal of the writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. JOBI JOSE KONDODY & J.ABHILASH, Advocates for the petitioner, the court passed the following:

DR.KAUSER EDAPPAGATH, J.

=====

W. P. (C) No.39873 of 2024

=====

Dated this, the 12th day of November, 2024

ORDER

Admit.

2. Sri. M. P. Sreekrishnan, the learned Standing Counsel takes notice for respondent Nos.1 and 2. Sri. T. Naveen, the learned Standing Counsel takes notice for respondent Nos.3 and 4. The learned Government Pleader takes notice for the 5th respondent. Issue notice by speed post to the 6th respondent.

3. Post on 28.11.2024.

4. Till then, Ext.P19 shall be kept in abeyance.

5. In the meanwhile, the petitioner shall give explanation to Ext.P20 show cause notice.

**Sd/-
DR. KAUSER EDAPPAGATH
JUDGE**

BR

ANNEXURE- 1 B

IA.NO.1/2024 IN WP(C) No. 39873 of 2024

1 / 2

Order Date : 28-11-2024

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT**

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

Thursday, the 28th day of November 2024 / 7th Aagrahayana, 1946

IA.NO.1/2024 IN WP(C) NO. 39873 OF 2024

PETITIONER:

THANKACHAN.M.S AGED 64 YEARS S/O.SEBASTIAN, MATHALIKKUNNEL HOUSE,
KOOMBARA BAZAR.P.O, KOODARANHI, KOZHIKODE DISTRICT

, PIN - 673604

RESPONDENT:

1. THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), REPRESENTED BY ITS MEMBER SECRETARY, KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANLOOR, THIRUVANANTHAPURAM, PIN - 695001
2. THE MEMBER SECRETARY THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANLOOR, THIRUVANANTHAPURAM, PIN - 695001
3. THE KERALA STATE POLLUTION CONTROL BOARD REPRESENTED BY ITS MEMBER SECRETARY, PATTOM.P.O, THIRUVANANTHAPURAM, PIN - 695004
4. THE ENVIRONMENTAL ENGINEER KERALA STATE POLLUTION CONTROL BOARD DISTRICT OFFICE, THIRD FLOOR, ZAMORIAN'S SQUARE BUILDING, LINK ROAD, PALAYAM, KOZHIKODE, PIN - 673002
5. THE GEOLOGIST MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHIKODE

, PIN - 673020

6. SAJIMON JOSEPH NARAKATHINGAL HOUSE, KOOMBARA.P.O, KOODARANHI VIA, KOZHIKODE

, PIN - 673604

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to For the reasons stated in the accompanying affidavit, it is most respectfully prayed that this' Hon'ble Court may be pleased to accept to file Exhibit P21 for the fair and proper disposal of the above case.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of JOBI JOSE KONDODY, J.ABHILASH, Advocates for the petitioners and of A. Balagopalan A(for R5), A.RAJAGOPALAN(K/339/1994), M.N.MANMADAN(K/198/1998), M.S.IMTHIYAZ AHAMMED(K/151/1999), P.SEENA(K/000546/2000), PRABHU MURALI KRISHNAN(K/1373/2020), A.R. AMAL(K/003378/2022) Advocates for the respondents, the court passed the following:

IA.NO.1/2024 IN WP(C) No. 39873 of 2024

2 / 2

Order Date : 28-11-2024

ORDER

Additional documents received.

Sd/- DR. KAUSER EDAPPAGATH JUDGE

ANNEXURE- 1 C

WP(C) No. 39873 of 2024

1 / 2

Order Date : 28-11-2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

Thursday, the 28th day of November 2024 / 7th Agrahayana, 1946WP(C) NO. 39873 OF 2024**PETITIONER:**

THANKACHAN.M.S AGED 64 YEARS S/O.SEBASTIAN, MATHALIKKUNNEL HOUSE,
KOOMBARA BAZAR.P.O, KOODARANHI, KOZHIKODE DISTRICT

, PIN - 673604

RESPONDENT:

1. THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), REPRESENTED BY ITS MEMBER SECRETARY, KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
2. THE MEMBER SECRETARY THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
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4. THE ENVIRONMENTAL ENGINEER KERALA STATE POLLUTION CONTROL BOARD DISTRICT OFFICE, THIRD FLOOR, ZAMORIAN'S SQUARE BUILDING, LINK ROAD, PALAYAM, KOZHIKODE, PIN - 673002
5. THE GEOLOGIST MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHIKODE

, PIN - 673020

6. SAJIMON JOSEPHNARAKATHINGAL HOUSE, KOOMBARA.P.O, KOODARANHI VIA, KOZHIKODE

, PIN - 673604

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to for the reasons stated in the accompanying affidavit and the above writ petition, it is most humbly prayed that this honourable court may be pleased to stay exhibit p 19, pending disposal of the writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S JOBI JOSE KONDODY, J.ABHILASH Advocates for the petitioners, M/S A. Balagopalan A (for R5), A.RAJAGOPALAN(K/339/1994), M.N.MANMADAN(K/198/1998), M.S.IMTHIYAZ AHAMMED(K/151/1999), P.SEENA(K/000546/2000), PRABHU MURALI KRISHNAN(K/1373/2020), A.R. AMAL(K/003378/2022) Advocates for the respondents, the court passed the following:

WP(C) No. 39873 of 2024

2 / 2

Order Date : 28-11-2024

ORDER

6th respondent enters appearance and seeks time to file counter affidavit. Post on 08.01.2025. Interim order is extended till then.

Sd/- DR. KAUSER EDAPPAGATH JUDGE

ANNEXURE- 1 D

WP(C) No. 39873 of 2024

1/4

Order Date : 08-01-2025

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT**

THE HONOURABLE MR. JUSTICE T.R.RAVI

Wednesday, the 8th day of January 2025 / 18th pousha, 1946

WP(C) NO. 39873 OF 2024

PETITIONER:

**THANKACHAN.M.S., AGED 64 YEARS S/O.SEBASTIAN, MATHALIKKUNNEL HOUSE,
KOOMBARA BAZAR.P.O, KODARANHI, KOZHIKODE DISTRICT, PIN - 673604**

RESPONDENT:

1. THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), REPRESENTED BY ITS MEMBER SECRETARY, KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOOR, THIRUVANANTHAPURAM, PIN - 695001
2. THE MEMBER SECRETARY, THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOOR, THIRUVANANTHAPURAM, PIN - 695001
3. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM.P.O, THIRUVANANTHAPURAM, PIN - 695004
4. THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD DISTRICT OFFICE, THIRD FLOOR, ZAMORIAN'S SQUARE BUILDING, LINK ROAD, PALAYAM, KOZHIKODE, PIN - 673002
5. THE GEOLOGIST, MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHIKODE, PIN - 673020
6. SAJIMON JOSEPH, NARAKATHINGAL HOUSE, KOOMBARA.P.O, KODARANHI VIA, KOZHIKODE, PIN - 673604

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay exhibit p 19, pending disposal of the writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S JOBI JOSE KONDODY, J.ABHILASH Advocates for the petitioners, M/S A.BALAGOPALAN(for R6), A.RAJAGOPALAN, M.N.MANMADAN, M.S.IMTHIYAZ AHAMMED, P.SEENA, PRABHU MURALI KRISHNAN, A.R. AMAL Advocates for the respondents, the court passed the following:

ORDER

Interim order is extended by two months.

Sd/- T.R.RAVI JUDGE



ANNEXURE- 1 E

WP(C) No. 39873 of 2024

1 / 3

Order Date : 28-01-2025

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT**

THE HONOURABLE MR. JUSTICE T.R.RAVI

Tuesday, the 28th day of January 2025 / 8th Magha, 1946

WP(C) NO. 39873 OF 2024

PETITIONER:

THANKACHAN.M.S., AGED 64 YEARS S/O.SEBASTIAN, MATHALIKKUNNEL HOUSE,
KOOMBARA BAZAR.P.O, KOODARANHI, KOZHIKODE DISTRICT, PIN - 673604

RESPONDENT:

1. THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), REPRESENTED BY ITS MEMBER SECRETARY, KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
2. THE MEMBER SECRETARY, THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
3. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM.P.O, THIRUVANANTHAPURAM, PIN - 695004
4. THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD DISTRICT OFFICE, THIRD FLOOR, ZAMORIAN'S SQUARE BUILDING, LINK ROAD, PALAYAM, KOZHIKODE, PIN - 673002
5. THE GEOLOGIST, MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHIKODE, PIN - 673020
6. SAJIMON JOSEPH, NARAKATHINGAL HOUSE, KOOMBARA.P.O, KOODARANHI VIA, KOZHIKODE, PIN - 673604

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay exhibit p 19, pending disposal of the writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S JOBI JOSE KONDODY, J.ABHILASH Advocates for the petitioners, M/S G.GIREESH(for R6), MATHEW KURIAKOSE(K/525/1993) Advocates for the respondents, the court passed the following:

WP(C) No. 39873 of 2024

2 / 3

Order Date : 28-01-2025

ORDER

When the case is taken up today, the Standing Counsel for SEIAA submitted that a hearing can be done on 30.01.2025. The counsel for the petitioner is willing to take the benefit of the hearing. Post on 05.02.2025. H/o

ANNEXURE- 1 F

WP(C) No. 39873 of 2024

1 / 4

Order Date : 20-02-2025

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

Thursday, the 20th day of February 2025 / 1st Phalgun, 1946WP(C) NO. 39873 OF 2024**PETITIONER:**

THANKACHAN.M.S., AGED 64 YEARS S/O.SEBASTIAM, MATHALIKKUNNEL HOUSE,
KOOMBARA BAZAR.P.O, KODDARANHI, KOZHIKODE DISTRICT, PIN - 673604

RESPONDENT:

1. THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), REPRESENTED BY ITS MEMBER SECRETARY, KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
2. THE MEMBER SECRETARY, THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
3. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM.P.O, THIRUVANANTHAPURAM, PIN - 695004
4. THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD DISTRICT OFFICE, THIRD FLOOR, ZAMORIAN'S SQUARE BUILDING, LINK ROAD, PALAYAM, KOZHIKODE, PIN - 673002
5. THE GEOLOGIST, MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHIKODE, PIN - 673020
6. SAJIMON JOSEPH, NARAKATHINGAL HOUSE, KOOMBARA.P.O, KODDARANHI VIA, KOZHIKODE, PIN - 673604

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay exhibit p 19, pending disposal of the writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S JOBI JOSE KONDODY, J.ABHILASH Advocates for the petitioners, M/S Adv.M.P.Sreekrishnan, G.GIREESH(for R6), MATHEW KURIAKOSE(K/525/1993) Advocates for the respondents, the court passed the following:

ORDER

Post on 04.03.2025. It is clarified that the 1st respondent is free to pass orders on the hearing that is stated to have been conducted already. However, implementation of any order which is adverse to the petitioner shall be only after obtaining orders from this Court.

Sd/- T.R.RAVI JUDGE



ANNEXURE- 1 G

WP(C) No. 39873/2024

1/4

Order Date : 04-03

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

Tuesday, the 4th day of March 2025 / 13th Phalguna, 1946

WP(C) NO. 39873 OF 2024

PETITIONER:

THANKACHAN.M.S., AGED 64 YEARS, S/O.SEBASTIAN, MATHALIKKUNNEL HOUSE,
KOOMBARA BAZAR.P.O, KOODARANHI, KOZHICODE DISTRICT, PIN-673604

RESPONDENTS:

1. THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), REPRESENTED BY ITS MEMBER SECRETARY, KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN-695001
2. THE MEMBER SECRETARY, THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN-695001
3. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTON.P.O, THIRUVANANTHAPURAM, PIN - 695004
4. THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD DISTRICT OFFICE, THIRD FLOOR, ZAMORIAN'S SQUARE BUILDING, LINK ROAD, PALAYAM, KOZHICODE, PIN - 673002
5. THE GEOLOGIST, MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHICODE, PIN-673020
6. SAJIMON JOSEPH, NARAKATHINGAL HOUSE, KOOMBARA.P.O, KOODARANHI VIA, KOZHICODE, PIN-673604

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay Exhibit P19, pending disposal of the writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 20-02-2025 and upon hearing the arguments of M/S. JOBI JOSE KONDODY & J.ABHILASH, Advocates for the petitioners, SRI. M.P.SREEKRISHNAN, STANDING COUNSEL for R1 and of M/S. G.GIREESH & MATHEW KURIAKOSE, Advocates for R6, the court passed the following:

T.R.RAVIJ

WP(C) No.39873 of 2024

Dated this the 04th day of March, 2025

ORDER

It is submitted that SEIAA has already passed an order directing the Project Proponent to rectify all non compliances of EC conditions as observed during the field inspection and submit compliance report. The counsel for the petitioner submits that what exactly the compliance required is not clear from the minutes of the SEIAA. The Standing Counsel for the SEIAA submits that the petitioner will be issued with a copy of the field inspection which would clearly show the non-compliances. The above submission is recorded.

Post on 27.03.2025.

Sd-

T.R.RAVI

JUDGE

sn

HISTORY OF CASE HEARING

#	Cause List Type	Hon. Judge Name	Business Date	Next Date (Tentative Date)	Purpose of Hearing	Order
1	Part Two	4600-HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH	12-11-2024	28-11-2024		Admit. Notice by speed post to R6, Interim order. SC for R1 & R2, R6 and SC for R3 & R4 takes notice. Post after 2 weeks.
2	Separate List 1	4600-HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH	26-11-2024	14-01-2025		Interim Order extended. R6 seeks time to file counter affidavit. Post 3 weeks.
3	Separate List 3	4543-HONOURABLE MR. JUSTICE T.R.RAJ	08-01-2025	08-03-2025	PETITIONS	INTERIM ORDER EXTENDED BY 2 MONTHS.
4	Separate List 1	4543-HONOURABLE MR. JUSTICE T.R.RAJ	13-01-2025	21-01-2025	PETITIONS	POST ON 21.1.2025.
5	Separate List 1	4543-HONOURABLE MR. JUSTICE T.R.RAJ	21-01-2025	23-01-2025	PETITIONS	POST ON 23.1.2025.
6	Separate List 1	4543-HONOURABLE MR. JUSTICE T.R.RAJ	23-01-2025	28-01-2025	PETITIONS	POST ON 28.1.2025.
7	Separate List 1	4543-HONOURABLE MR. JUSTICE T.R.RAJ	28-01-2025	05-02-2025	PETITIONS	ORDER....POST ON 5.2.2025.
8	Separate List 1	4543-HONOURABLE MR. JUSTICE T.R.RAJ	05-02-2025	11-02-2025	PETITIONS	POST ON 11.2.2025.
9	Separate List 1	4543-HONOURABLE MR. JUSTICE T.R.RAJ	11-02-2025	18-02-2025	PETITIONS	POST ON 18.2.2025.
10	Separate List 1	4543-HONOURABLE MR. JUSTICE T.R.RAJ	18-02-2025	20-02-2025	PETITIONS	POST ON 20.2.2025.
11	Separate List 1	4543-HONOURABLE MR. JUSTICE T.R.RAJ	20-02-2025	04-03-2025	PETITIONS	POST ON 4.3.2025.
12	Separate List 1	4543-HONOURABLE MR. JUSTICE T.R.RAJ	04-03-2025	27-03-2025	PETITIONS	ORDER.... POST ON 27.3.2025.
13		4543-HONOURABLE MR. JUSTICE T.R.RAJ	27-03-2025			CLOSED AS INFRACTUOUS

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ANNEXURE-3

WP(C) NOS. 39873 and 44403 OF 2024

2025:KER:27220

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947

WP(C) NO. 39873 OF 2024

PETITIONER:

THANKACHAN.M.S., AGED
64 YEARS
S/O.SEBASTIAN, MATHALIKKUNNEL HOUSE, KOOMBARA
BAZAR.P.O, KODARANHI, KOZHIKODE DISTRICT, PIN - 673604

BY ADVS.
JOBIJOSE KONDODY
J.ABHILASH

RESPONDENTS:

- 1 **THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY (SEIAA, KERALA),
REPRESENTED BY ITS MEMBER SECRETARY, KSRTC BUS
TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR,
THIRUVANANTHAPURAM, PIN - 695001**
- 2 **THE MEMBER SECRETARY,
THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(SEIAA, KERALA), KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR,
THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001**
- 3 **THE KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS MEMBER SECRETARY, PATTOM.P.O,
TIHRUVANANTHAPURAM, PIN - 695004**



WP(C) NOS. 39873 and 44403 OF 2024

2025:KER:27220

- 4 **THE ENVIRONMENTAL ENGINEER,**
KERALA STATE POLLUTION CONTROL BOARD DISTRICT OFFICE,
THIRD FLOOR, ZAMORIAN'S SQUARE BUILDING, LINK ROAD,
PALAYAM, KOZHIKODE, PIN - 673002

- 5 **THE GEOLOGIST,**
MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION,
PALATTUTHAZHAM, KOZHIKODE, PIN - 673020

- 6 **SAJIMON JOSEPH,**
NARAKATHINGAL HOUSE, KOOMBARA.P.O, KODARANHI VIA,
KOZHIKODE, PIN - 673604

BY ADVS.
SRI.M.P.SREEKRISHNAN, SC
SRI.G.GIREESH-R6 SRI.MATHEW
KURIAKOSE-R6
SRI. T. NAVEEN, KERALA STATE POLLUTION CONTROL BOARD
SMT. DEVISHREE, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27.03.2025, ALONG WITH WP(C).44403/2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947

WP(C) NO. 44403 OF 2024

PETITIONER:

THANKACHANM.S, AGED
64 YEARS
S/O. SEBASTIAN, MATHALIKKUNNEL HOUSE, KOOMBARA
BAZAR P.O, KODARANHI, KOZHIKODE DISTRICT, PIN - 673604

BY ADVS.
J.ABHILASH
LIJO KURIAN JOSE VIMAL
BHASKAR

RESPONDENTS:

- 1 **THE KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS MEMBER SECRETARY, PATTOM.P.O,
THIRUVANANTHAPURAM, PIN - 695004**
- 2 **THE GEOLOGIST,
MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION,
PALATTUTHAZHAM, KOZHIKODE, PIN - 673020**
- 3 **SAJIMON JOSEPH,
NARAKATHINGAL HOUSE, KOOMBARA P.O, KODARANHI VIA,
KOZHIKODE, PIN – 673604**

BY ADVS. SRI.T.NAVEEN,
SC -R1 SRI.G.GIREESH-R3
SRI.MATHEW KURIAKOSE-R3
SMT.DEVISHREE,GP
SRI.M.P.SREEKIRSHNAN,SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27.03.2025, ALONG WITH WP(C).39873/2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



WP(C) NOS. 39873 and 44403 OF 2024

2025:KER:27220

T.R. RAVI, J.

W.P.C Nos. 39873 and 44403 of 2024

Dated this the 27th day of March, 2025

JUDGMENT

As far as W.P(C).No.44403 of 2024 is concerned, it is submitted that integrated consent to operate has already been renewed by the Kerala State Pollution Control Board and it is valid till 04.06.2027.

2. In the above circumstances, W.P(C).No.44403 of 2024 is closed as infructuous.

3. As far as W.P(C).No.39873 of 2024 is concerned, it is submitted that pursuant to the reply submitted by the petitioner to the show cause memo, the petitioner was heard and a decision was taken as per Item No.9 in the 153rd meeting of the SEIAA which has been communicated by letter dated 15.03.2025 granting the petitioner three months time to rectify the defects which have been noted and with a further direction that after the



WP(C) NOS. 39873 and 44403 OF 2024

2025:KER:27220

rectification of the defects and necessary enquiries the question regarding the non-compliance with the EC conditions will be decided.

In the above circumstances, this writ petition is also closed as infructuous.

Sd/-
T.R.RAVI
JUDGE

LEK



WP(C) NOS. 39873 and 44403 OF 2024

2025:KER:27220

APPENDIX OF WP(C) 44403/2024

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE ENVIRONMENTAL CLEARANCE DATED 05.12.2014 ISSUED BY SEIAA TO THE PETITIONER
- Exhibit P2 A TRUE COPY OF THE INTEGRATED CONSENT TO OPERATE-RENEWAL DATED 04.01.2020 ISSUED BY THE ENVIRONMENT ENGINEER TO THE PETITIONER VALID UP TO 04.12.2024
- Exhibit P3 A TRUE COPY OF THE FORM LE3 LICENSE RENEWED AND VALID UP TO 31.03.2026 ISSUED BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, ERNAKULAM
- Exhibit P4 A TRUE COPY OF THE TRADE LICENSE ISSUED BY THE SECRETARY, KOODARANHI GRAMA PANCHAYAT RENEWED ON 01.04.2021 VALID UP TO 31.03.2026
- Exhibit P5 A TRUE COPY OF THE QUARRYING LEASE DATED 05.06.2015 VALID UP TO 04.06.2027 EXECUTED BETWEEN THE PETITIONER AND THE STATE GOVERNMENT FOR MINING BUILDING STONES FROM 3.38 HECTARES OF LAND IN SY NO. 2442 PT OF KOODARANHI VILLAGE IN KOZHIKODE TALUK OF KOZHIKODE DISTRICT
- Exhibit P6 A TRUE COPY OF THE JUDGMENT IN WP(C) NO. 30828 OF 2017 DATED 29.01.2019 PASSED BY THE LEARNED DIVISION BENCH OF THIS HON'BLE COURT
- Exhibit P7 A TRUE COPY OF THE RENEWAL ORDER OF EXHIBIT P1 GRANTED BY THE 1ST RESPONDENT DATED 04.11.2019
- Exhibit P8 A TRUE COPY OF THE LETTER DATED 24.07.2023 FILED BY THE 3RD RESPONDENT TO THE CHAIRMAN, NATIONAL GREEN TRIBUNAL, NEW DELHI

- Exhibit P17 A TRUE COPY OF THE ORDER DATED 28.03.2023 ISSUED BY THE RANGE OFFICER, THAMARASSERY TO THE DIVISIONAL FOREST OFFICER, STATING THAT THE PROPERTY SITUATED IN KOODARANHI VILLAGE DOES NOT COME WITHIN THE ECO SENSITIVE ZONE
- Exhibit P18 A TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 148TH MEETING OF THE SEIAA DATED 27 AND 28-09-2024
- Exhibit P19 A TRUE COPY OF THE STOP MEMO DATED 02.11.2024 ISSUED BY THE MEMBER SECRETARY TO THE PETITIONER
- Exhibit P20 A TRUE COPY OF THE SHOW CAUSE NOTICE DATED 02.11.2024 ISSUED BY THE MEMBER SECRETARY SEIAA TO THE PETITIONER
- Exhibit P21 TRUE COPY OF THE REPLY TO EXHIBIT P20 STOP MEMO DATED 26-11-2024
- Exhibit P22 TRUE COPY OF THE SHOW CAUSE NOTICE DATED 11/11/2024 ISSUED BY THE ENVIRONMENTAL ENGINEER OF THE FIRST RESPONDENT
- Exhibit P23 TRUE COPY OF THE REPLY NOTICE ISSUED BY THE PETITIONER DATED 26.11.2024 TO EXHIBIT P22
- Exhibit P24 TRUE COPY OF THE APPLICATION DATED 26.09.2024 PREFERRED BY THE PETITIONER BEFORE THE POLLUTION CONTROL BOARD
- Exhibit P25 TRUE COPY OF THE RECEIPT ISSUED BY THE POLLUTION CONTROL BOARD DATED 26.09.2024
- Exhibit P26 TRUE COPY OF THE REMARK FOR RETURNING THE APPLICATION DATED 21.10.2024
- Exhibit P27 RELAVENT PAGES OF MINING PLAN DATED 01.06.2020 APPROVED BY THE GEOLOGISTS

Exhibit P28 TRUE COPY OF THE S.O. 1807 (E) DATED
12.04.2022 ISSUED BY THE MINISTRY OF ENVIRONMENT FOREST
AND CLIMATE CHANGE

RESPONDENT EXHIBITS

Exhibit R 3 [a] TRUE COPY OF THE SHOW CAUSE NOTICE
DATED 05.11.2024 ISSUED BY THE GEOLOGIST, MINING AND
GEOLOGY DEPARTMENT, DISTRICT OFFICE KOZHIKODE, TO
THE PETITIONER

Annexure R1(a) TRUE COPY OF THE INTEGRATED CONSENT TO
OPERATE NO. PCB/KKD/DO/ICO-
R3/11302/R17KOZ5674911/13972542/2021, DATED 16-7-2021,
ISSUED BY THE POLLUTION CONTROL BOARD.

Annexure R1(b) TRUE COPY OF THE CIRCULAR NO.
PCB/HO/CIRCULAR/51/2019 DATED 4-5-2022 ISSUED BY THE
POLLUTION CONTROL BOARD.

Annexure R1(c) TRUE COPY OF THE REPLY LETTER DATED
26-11-2024 (WITHOUT ATTACHMENTS) SUBMITTED BY THE
QUARRY OWNER.

APPENDIX OF WP(C) 39873/2024

PETITIONER EXHIBITS

Exhibit P1 A TRUE COPY OF THE ENVIRONMENTAL
CLEARANCE DATED 05.12.2014 ISSUED BY THE 1ST
RESPONDENT TO THE PETITIONER

Exhibit P2 A TRUE COPY OF THE INTEGRATED CONSENT
TO OPERATE-RENEWAL DATED 04.01.2020 ISSUED BY
THE 4TH RESPONDENT TO THE PETITIONER VALID UP TO
04.12.2024

Exhibit P3 A TRUE COPY OF THE FORM LE3 LICENSE
RENEWED AND VALID UP TO 31.03.2026 ISSUED BY THE
DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, ERNAKULAM
DATED 17.04.2012

Exhibit P4 A TRUE COPY OF THE TRADE LICENSE ISSUED
BY THE SECRETARY, KOODARANHI GRAMA PANCHAYAT
RENEWED ON 01.04.2021 VALID UP TO 31.03.2026

Exhibit P5 . A TRUE COPY OF THE QUARRYING LEASE
DATED 05.06.2015 VALID UP TO 04.06.2027 EXECUTED BETWEEN
THE PETITIONER AND THE STATE GOVERNMENT FOR MINING

BUILDING STONES FROM 3.38 HECTARES OF LAND IN SY NO.
2442 PT OF KOODARANHI VILLAGE IN KOZHIKODE TALUK OF
KOZHIKODE DISTRICT

- Exhibit P 6 A TRUE COPY OF THE JUDGMENT DATED
29.01.2019 IN WP(C) 30828 OF 2017 PASSED BY THE LEARNED
DIVISION BENCH OF THIS HON'BLE COURT
- Exhibit P7 A TRUE COPY OF THE RENEWAL ORDER OF
EXHIBIT P1 GRANTED BY THE 1ST RESPONDENT DATED
04.11.2019
- Exhibit P8 A TRUE COPY OF THE LETTER DATED
24.07.2023 FILED BY THE 6TH RESPONDENT TO THE
CHAIRMAN, NATIONAL GREEN TRIBUNAL, NEW DELHI
- Exhibit P 9 A TRUE COPY OF THE ORDER DATED
31.01.2024 PASSED BY THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI IN OA NO. 770/2023
- Exhibit P 10 A TRUE COPY OF THE ORDER DATED
25.3.2024 PASSED BY THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI IN OA NO. 93/2024
- Exhibit P11 A TRUE COPY OF THE ORDER DATED
20.05.2024 PASSED BY THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI IN OA NO. 93/2024
- Exhibit P12 A TRUE COPY OF THE ORDER DATED
12.09.2024 PASSED BY THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI IN OA NO. 93/2024
- Exhibit P13 A TRUE COPY OF THE JOINT COMMITTEE
REPORT DATED 05.04.2024 SUBMITTED BY THE 3RD
RESPONDENT HEREIN BEFORE THE NATIONAL GREEN
TRIBUNAL, IN OA NO.
93/2024
- Exhibit P 14 A TRUE COPY OF THE ORDER DATED
01.10.2019 ISSUED BY THE 4TH RESPONDENT TO THE
SECRETARY, KOODARANHI GRAMA PANCHAYAT WITH COPY
TO THE PETITIONER
- Exhibit P15 A TRUE COPY OF THE PHOTOGRAPH SHOWING
THE DIP MAINTAINED BY THE PETITIONER IN THE QUARRY FOR
THE FLOW OF RAIN WATER STREAM DURING RAINY SEASON
- Exhibit P 16 A TRUE COPY OF THE PHOTOGRAPHS SHOWING
THE CONCRETED ROAD SIDE THE QUARRY OF THE
PETITIONER

- Exhibit P17 A TRUE COPY OF THE ORDER DATED 28.03.2023 ISSUED BY THE RANGE OFFICER, THAMARASSERY TO THE DIVISIONAL FOREST OFFICER, STATING THAT THE PROPERTY SITUATED IN KOODARANHI VILLAGE DOES NOT COME WITHIN THE ECO SENSITIVE ZONE
- Exhibit P18 A TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 148TH MEETING OF THE 1ST RESPONDENT
- Exhibit P19 A TRUE COPY OF THE STOP MEMO DATED 02.11.2024 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER
- Exhibit P20 A TRUE COPY OF THE SHOW CAUSE NOTICE DATED 02.11.2024 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER
- Exhibit P21 A TRUE COPY OF THE REPLY NOTICE DATED 26.11.2024 ISSUED BY THE PETITIONER TO THE 2-D RESPONDENT, FOR EXHIBIT P20 SHOW CAUSE NOTICE, THROUGH REGISTERED POST

RESPONDENT EXHIBITS

- Exhibit R 6 [a] A TRUE COPY OF THE SHOW CAUSE NOTICE DATED 5.11.2024 ISSUED BY THE GEOLOGIST MINING AND GEOLOGY DEPARTMENT DISTRICT OFFICE KOZHOKODE TO THE PETITIONER
- Annexure R1(a) A TRUE COPY OF MINUTES OF 152ND MEETING OF SEIAA HELD ON 30-31/JAN/2025

ANNEXURE- 4 A

Item No. 148.09 **O.A No. 93 of 2024 (SZ) (Earlier OA No.770/2023(PB)) filed by Sri. Sajimon Joseph against the quarry activities of Sri. Thankachan Mathalikunnel before the Hon'ble NGT**
(File No.1068/EC4/2024/SEIAA)

The Authority deliberated the item and noted the interim report in O.A. No. 93 of 2023 received from the KSPCB and the complaint dated 26.08.2024 of Sri. Shaju Abraham against the quarry project. The petitioner stated that besides NONEL technology for blasting, the quarry owner uses other explosives for carrying out blasting. In addition, stated that the proposed quarry area is at a distance of 15 km from landslide affected area in Wayanad. The Authority on verification of the interim report of the Joint Committee observed that the Project Proponent has violated many of the EC conditions. The Authority noticed that the EC for the project was issued on 13.08.2019 from SEIAA for a period of 5 years and the validity of the same will be up to 12.08.2025 (including Covid relaxation).

In these circumstances, the Authority decided the following:

1. Issue stop memo with a show cause notice to get the explanation from the Project Proponent within 15 days as to why the EC given to him should not be cancelled.
2. The KSPCB shall assess the environmental damages due to non-compliance with the EC conditions and suggest suitable penal measures for environmental damages.
3. Mining and Geology Department shall take necessary action for violation as per KMMC Rules. The Department shall also inquire about any illegal mining happened in the area, and take appropriate action for violation of KMMC Rule 2015.

ANNEXURE- 4 B

~~Case against the decision of the authority.~~

Item No. 151.16 O.A No. 93 of 2024 (SZ) (Earlier O A No.770/2023(PB)) filed by Sri. **Sajimon** Joseph against the quarry activities of Sri. Thankachan Mathalikunnel before the Hon'ble NGT
(File No.1068/EC4/2024/SEIAA)

The Authority deliberated on the matter and noted the reply dated 26.11.2024 to the show-cause notice issued to the Project Proponent, as well as the interim order dated

14

12.11.2024 in WP(C) No. 39873 of 2024. The Authority observed that the Hon'ble High Court, via its interim order, stayed the stop order issued by the SEIAA and directed the Project Proponent to provide an explanation in response to the show-cause notice.

The Authority reviewed the explanation dated 26.11.2024 submitted by the Project Proponent and found it unsatisfactory.

In the above circumstances, the Authority decided the following:

- 1. Wait for the final judgment of the NGT, as the case is pending with the tribunal.**
- 2. Direct the Standing Counsel to take steps to vacate the stay on the stop memo, as the explanation submitted by the Project Proponent in response to the show-cause notice is not satisfactory and continued mining will aggravate environmental damages further. The Legal Officer shall expedite the action.**

The Authority noted that the agenda and the file were not updated with the details of the interim order in WP(C) No. 39873 of 2024. The SEIAA Secretariat should take necessary action to update the details at the earliest.

ANNEXURE- 4 C

Item No. 152.34 **Environmental Clearance issued to the Granite Building Stone Quarry project of Sri. Thankachan M. S. at Sy No. 2442 (pt), in Koodaranhi village, Kozhikode - O.A No. 93 of 2024 (SZ) (Earlier O. A. No. 770/2023 (PB)) filed by Sri. Sajimon Joseph against the quarry activities of Sri. Thankachan Mathalikunnel before the Hon'ble NGT – Interim Order dated 28.01.2025 in WP(C) No. 39873/2024 filed by Sri. Thankachan M.S. (File No. 1068/EC4/2024/SEIAA)**

In order to comply with orders of the Hon'ble High Court, as intimated by the Authority, the Project Proponent Sri. Thankachan M. S. and his advocate J. Abhilash attended the hearing. The Project Proponent intimated that he had complied with EC

27

conditions properly and is ready to provide the details. Authority observed that the SEAC in its field inspection report observed many instances of noncompliance of EC conditions.

After hearing the Authority directed the project proponent to submit a detailed hearing note within seven days, with supporting documents to substantiate his claims.

ANNEXURE- 4 D

Item No. 153.09 **Environmental Clearance issued to the Quarry project of Sri. Thankachan M. S. at Sy. No. 2442 (pt), in Koodaranhi village, Kozhikode - O. A. No. 93 of 2024 (SZ) (Earlier O. A No. 770/2023 (PB)) filed by Sri. Sajimon Joseph against the quarry activities of Sri. Thankachan Mathalikunnel before the Hon'ble NGT – Interim Order dated 28.01.2025 in WP(C) No. 39873/2024 filed by Sri. Thankachan M. S.**
(File No. 1068/EC4/2024/SEIAA)

The Authority deliberated on the matter and noted the hearing note submitted by the Project Proponent on 07.02.2025, the email from Sri. Sajimon Joseph dated 11.02.2025, and the interim order dated 20.02.2025 in WP(C) No. 39873 of 2024. The Authority observed that, as per the interim order, the Hon'ble High Court directed that the implementation of any order adverse to the Petitioner shall only proceed after obtaining permission from the Court. The Authority also reviewed the hearing note and noted that the SEAC, in its field inspection report, identified multiple instances of noncompliance with EC conditions.

Considering these findings, the Authority decided as follows:

1. The Project Proponent shall rectify all non-compliances of EC conditions as observed during the field inspection and submit a compliance report **within three months**. A copy of the field inspection report shall be provided to the Project Proponent.
2. On receipt of the compliance report, the SEAC shall inspect the site and verify the compliance status.
3. If the Project Proponent fails to comply the directions within the time limit, the Environmental Clearance will be cancelled without further notice.
4. The decision of the Authority shall be communicated to the Standing Counsel for submission before the Hon'ble High Court.
5. The legal officer to ascertain the position of O.A before the Hon'ble NGT.

ANNEXURE- 5.

138/2568/13	
Name & Address of Applicant	Mathalikunnel Quarry, Thankachan M.s, Poompara bazar p.O, koodaranhi-673604
Details of the Project	Application for obtaining environmental clearance for the building stone quarry project in Survey No. 2442, at Koodaranhi Village, Kozhikode Taluk, Kozhikode District, Kerala by Thankachan M.S.
File Status	Delisted
Date of Receipt	12-09-2013
EC Issued Date	00-00-0000
Category	Quarry
District	Kozhikode
SEAC	21st
SEIAA	
212/SEIAA/KL/0251/2014	
Name & Address of Applicant	Sri. Thankachan M.S., Owner, M/s Mathalikunnel Quarry, Mathalikunnel, Koombara Bazar P.O., Kozhikode-673604, Mob: 9745714264, E-mail: thankachan,mathalikunnel@gmail.com
Details of the Project	Environmental clearance for the Building Stone Quarry Project in Sy. No. 2442 p at Koodaranhi Village, Kozhikode Taluk, Kozhikode District, Kerala by M/s Mathalikunnel Quarry
File Status	E.C Issued
Date of Receipt	16-01-2014
EC Issued Date	05-12-2014
Category	Quarry

Name & Address of Applicant	Sri. Thankachan M.S., Owner, M/s Mathalikunnel Quarry, Mathalikunnel, Koombara Bazar P.O., Kozhikode-673604, Mob: 9745714264, E-mail: thankachan,mathalikunnel@gmail.com
District	Trivandrum

ANNEXURE- 6.

E-CA NO : CA-2025-007725

E-FILING NO : EF-HCK-2024-098485

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

_____ Of Year 2025

In

WP(C) No.39873/2024

THANKACHAN.M.S.,

: Petitioner

Vs

सत्यमेव जयते

THE STATE ENVIRONMENT IMPACT : Respondent
ASSESSMENT AUTHORITY (SEIAA,

KERALA), and others



STATEMENT FILED ON THE BEHALF OF RESPONDENT NO.1

Sd/- E-VERIFIED M.P.SREEKRISHNAN

K/96/1994

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

_____ Of Year

2025 In

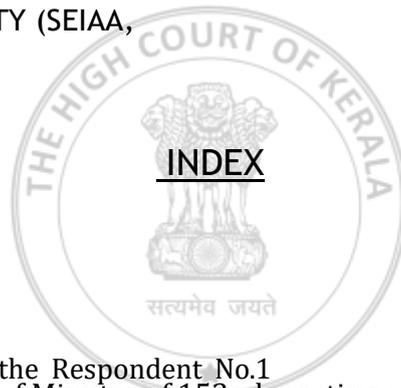
WP(C) No.39873/2024

THANKACHAN.M.S., : Petitioner

V/S

THE STATE ENVIRONMENT IMPACT : Respondent
ASSESSMENT AUTHORITY (SEIAA,

KERALA), and others



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Sd/-

E-VERIFIED
M.P.SREEKRISHNAN

K/96/1994

BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNKAULAM WP(C) No.
39873 of 2024

THANKACHAN.M.S	:	Petitioner
	Vs.	
State Environment Impact Assessment Authority and Ors.	:	Respondents

Statement Filed on behalf of the Respondent No.1

1. That I am the standing counsel appearing on behalf of the answering respondent. The above Statement is being filed as instructed by the answering respondent.
2. At the outset, it is submitted that, Sri. Thankachan M.S., granite building stone quarry project proponent, Koodaranhi Village, Kozhikode Taluk, Kozhikode District, filed the above writ petition, praying that the Hon'ble Court may be pleased to stay Ext. P19 Stop memo. The petitioner also prays that the Hon'ble Court may quash the records relating to decision No. 148.9 in Ext P18 SEIAA minutes, Ext P19 stop memo and Ext P20 show cause notice issued by the 1st respondent, SEIAA.
3. It is submitted that SEIAA has issued an Environmental Clearance to the petitioner with EC No. 212/SEIAA/KL/251/2014 dated

05.12.2014, for an area of 4.6963 Ha, at Sy. No. 2442 (pt), Koodaranhi village, Kozhikode, for a period of 5 years. Further, an extension of EC application from the petitioner was received on 13.08.2019 and after appraisal, the EC was granted in the 98th SEIAA meeting, from 04.11.2019 for 5 years, and the validity expires on 03.11.2025 considering the Covid-19 relaxation of one year.

4. Sri. Sajimon Joseph, 6th respondent, filed O.A No. 93 of 2024 (SZ) before the Hon'ble NGT against the quarry activities of the petitioner, regarding the illegal mining in ecologically sensitive zone, causing public nuisance and threat on health and safety of life, property and disasters by negligence. The Authority vide letter dated 17.05.2024 furnished report to Environment Department.
5. In connection with order dated 31.01.2024 in O.A No. 93 of 2024 (SZ) (Earlier O A No.770/2023(PB) Kerala State Pollution Control Board constituted a Joint Committee also by including a technical official from SEIAA. The KSPCB vide letter dated 12.08.2024 forwarded interim report in O.A. No. 93 of 2024 (SZ).
6. Sri.Shaju Abraham vide letter dated 26.08.2024 forwarded complaint against the Granite building Stone quarry project of the petitioner stating that besides using NONEL technology for blasting, the petitioner uses other explosives for carrying out blasting. The

complainant also stated that the proposed quarry area is having a distance of 15 km from landslide affected area of Wayanad.

7. The Authority in the 148th SEIAA meeting noted the interim report in O.A. No. 93 of 2023 received from the KSPCB and the complaint dated 26.08.2024 of Sri. Shaju Abraham. The Authority on verification of the interim report of the Joint Committee observed that the Project Proponent has violated many of the EC conditions and so the Authority decided the following:

1. Issue stop memo with a show cause notice to get the explanation from the Project Proponent within 15 days as to why the EC given to him should not be cancelled.
 2. The KSPCB shall assess the environmental damages due to non-compliance with the EC conditions and suggest suitable penal measures for environmental damages.
 3. Mining and Geology Department shall take necessary action for violation as per KMMC Rules. The Department shall also inquire about any illegal mining happened in the area, and take appropriate action for violation of KMMC Rule 2015.
8. Based on the decision of the 148th SEIAA meeting, stop memo was issued vide order dated 02.11.2024 and show cause notice was

issued vide order dated 4.11.2024. The decision of the 148th SEIAA meeting was intimated to the KSPCB and Director, Mining & Geology vide letter dated 04.11.2024.

9. The Hon'ble NGT vide order dated 12.09.2024 in O.A.No.93/2024(SZ), impleaded SEIAA as additional Respondent No.6 and directed to file a detailed report after inspection and putting on notice the applicant and the 5th Respondent, Sri. Thankachan M.S. The Chairman, SEAC vide e-mail dated 16.10.2024, in compliance to the direction of the order dated 12.09.2024 in O.A.No.93/2024, the field inspection was conducted on 19.10.2024. The major findings of the field inspection is as follows:

1. The site did not exhibit proper benches as prescribed in the Environmental Clearance (EC).
2. Overburden (OB) dumping was observed on the high-altitude southern side, outside the designated quarry area, without safety measures, and at angles exceeding 45 degrees.
3. According to the records provided by the Project Proponent, NONEL technology is not being used for blasting activities. The proponent and Mines Manager Mr. Senthil Nathan S informed us

that Electric Detonator (ED) was used in their quarry till 05.10.2024 for initiating the non-electrical (nonel) detonator, which was used as an alternate for ordinary detonator (OD) and not for the Down The Hole(DTH) purpose.

4. No approved Environmental Management Plan (EMP), as insisted in the EC, was found submitted/implemented by the Project Proponent.
5. Sprinklers have been installed at the project site (seemingly new installation).
6. A natural stream was observed on the south side of the project area near the OB dump, flowing directly into the project area. It appeared that recent modifications had been made to this channel, diverting it towards the quarry pit.
7. Access roads were found to be damaged in certain areas.

The Sub Committee also made the following recommendations:

10. It was observed that many of the conditions stipulated for EC are not found complied. Some of the stipulated conditions are only partially complied. Hence appropriate action was decided to be taken against the Proponent with immediate effect.

1. A gabion or reinforced concrete wall should be constructed to secure the OB dump on the southern side.
 2. Any over-extraction of minerals should be assessed by the Department of Mining & Geology.
 3. The Project Proponent should construct and maintain proper Garland drain, along with regular maintenance of clarifiers and the settling tank.
 4. NONEL technology must strictly be implemented for blasting.
 5. A detailed Environmental Management Plan as per the guidelines should be prepared and submitted for the approval of SEAC in compliance with the EC issued on 04/11/2019 and mining should be done only after the approval of the EMP.
 6. The access road should be properly maintained.
11. It is submitted that, the Authority vide letter dated 18.10.2024, forwarded field inspection intimation to the proponent and the petitioner. The petitioner vide letter dated 24.10.2024, forwarded clarification against the shortcomings noticed by the site inspection along with Comprehensive EMP.

12. The petitioner vide letter dated 26.11.2024, forwarded reply to the show cause notice. The Authority in the 151st SEIAA meeting held on 30th and 31st December, 2024, noted the reply dated 26.11.2024 to the show-cause notice issued to the petitioner, as well as the interim order dated 12.11.2024 in WP(C) No. 39873 of 2024. The Authority observed that the Hon'ble High Court, via its interim order, stayed the stop order issued by the SEIAA and directed the petitioner to provide an explanation in response to the show-cause notice. The Authority considered the explanation dated 26.11.2024 submitted by the Project Proponent and found it unsatisfactory. And decided to:-

1. Wait for the final judgment of the NGT, as the case is pending with the tribunal.
2. Direct the Standing Counsel to take steps to vacate the stay on the stop memo, as the explanation submitted by the Project Proponent in response to the show-cause notice is not satisfactory and continued mining will aggravate environmental damages further.

13. Thereafter, as per the interim order of the Hon'ble High Court dated 28.01.2025 the petitioner was heard in its meeting held on

30th and 31st Jan 2025. It is submitted that the contention of the petitioner that the stop memo and show cause was issued based on the joint committee report is baseless as the decision was taken after verification of field inspection report on the field visit conducted by the SEAC subcommittee on 19.10.2024 and interim report of the joint Committee. It is submitted that during site visit it is evident that the petitioner has violated many of the EC conditions and as per EIA Notification violation action is to be initiated. A true copy of Minutes of 152nd meeting of SEIAA held on 30-31/Jan/2025 is produced herewith and marked for reference as **Annexure R1(a)**.

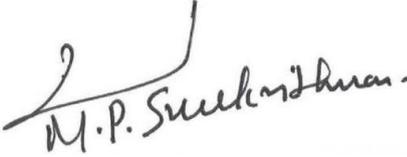
14. It is submitted that it is the usual procedure of the Authority to issue show-cause and Stop memo, in the cases of violation of EC conditions. It is submitted that as per the EIA Notification and the condition in the Environment Clearance, the petitioner is liable to comply with the conditions in the EC and non-compliance of EC conditions can lead to the cancellation of EC. Here the petitioner has violated the EC conditions. The Authority constituted by the Central Government as per section 3 of EP Act 1986 and the powers under section 5 of EP Act 1986 has the power to issue directions for the closure, prohibition or regulation of any industry, operation or

process for the safeguard of environment. It is under the authority of the Authority to issue show cause to the petitioner to get his explanation by providing sufficient time, as part of natural justice. Here the petitioner was bound to submit his explanation as sought by the Authority as he has violated the EC conditions, but the explanation submitted was unsatisfactory. The violation of EC condition may lead to cancellation of EC and action under the Environment (Protection) Act, 1986.

15. It is submitted that, as the mining is an irreversible process, action on grave noncompliance of environmental conditions can be initiated only by temporarily stopping the mining activity. Authority gives weightage to the protection of environment than the economic interest of the petitioner. Issuing show cause notice, furnishing replies, verification in the field will take considerable time. If no stop memo is issued, the petitioner will continue to violate environmental conditions causing irreparable damages to the environment. In such situation only the economic interest of the petitioner will be protected. If the petitioner satisfies the Authority that he had complied the environmental conditions, the stop memo will be revoked. This course of action is adopted to protect the

environment. Hence it is humbly submitted that the writ petition may be dismissed with cost.

Dated this the 27th day of 15th day of February, 2025.


M.P. Sreekrishnan.

Standing Counsel for SEIAA/SEAC.



**MINUTES OF THE 152nd MEETING OF THE
STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY
(SEIAA) KERALA, HELD ON 30th TO 31st JANUARY & 1st
FEBRUARY, 2025**

Present:

1. Dr H. Nagesh Prabhu IFS (Retd), Chairman, SEIAA Kerala
2. Sri. K. Krishna Panicker, Expert Member, SEIAA Kerala
3. Dr S. Karthikeyan IAS, Member Secretary, SEIAA Kerala

Item No. 152.34 Environmental Clearance issued to the Granite Building Stone Quarry project of Sri. Thankachan M. S. at Sy No. 2442 (pt), in Koodaranhi village, Kozhikode - O.A No. 93 of 2024 (SZ) (Earlier

O. A. No. 770/2023 (PB)) filed by Sri. Sajimon Joseph against the quarry activities of Sri. Thankachan Mathalikunnel before the Hon'ble NGT – Interim Order dated 28.01.2025 in WP(C) No. 39873/2024 filed by Sri. Thankachan M.S.

(File No. 1068/EC4/2024/SEIAA)

In order to comply with orders of the Hon'ble High Court, as intimated by the Authority, the Project Proponent Sri. Thankachan M. S. and his advocate J. Abhilash attended the hearing. The Project Proponent intimated that he had complied with EC conditions properly and is ready to provide the details. Authority observed that the SEAC in its field inspection report observed many instances of noncompliance of EC conditions.

After hearing the Authority directed the project proponent to submit a detailed hearing note within seven days, with supporting documents to substantiate his claims.

Sd/-	Sd/-	Sd/-
Dr H Nagesh Prabhu	Sri K Krishna Panicker	Dr. S Karthikeyan IAS
IFS (Retd) Chairman, SEIAA	Expert Member, SEIAA	Member Secretary, SEIAA

ANNEXURE- 7.

WP(C) No. 44403 of 2024

1 / 4

Order Date : 17-12-2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

Tuesday, the 17th day of December 2024 / 26th Aagrahayana, 1946

WP(C) NO. 44403 OF 2024

PETITIONER:

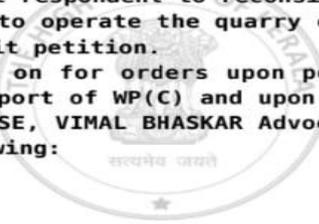
THANKACHAN M.S, AGED 64 YEARS S/O. SEBASTIAN, MATHALIKKUNNEL HOUSE,
KOOMBARA BAZAR P.O, KOODARANHI, KOZHIKODE DISTRICT, PIN - 673604

RESPONDENT:

1. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM.P.O, THIRUVANANTHAPURAM, PIN - 695004
2. THE GEOLOGIST, MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHIKODE, PIN - 673020
3. SAJIMON JOSEPHNARAKATHINGAL HOUSE, KOOMBARA P.O, KOODARANHI VIA, KOZHIKODE, PIN - 673604

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the first respondent to reconsider exhibit p27 and grand consent to the petitioner to operate the quarry covered under exhibit p1, pending disposal of the writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of J.ABHILASH, LIJO KURIAN JOSE, VIMAL BHASKAR Advocates for the petitioners the court passed the following:



WP(C) No. 44403 of 2024

2 / 4

Order Date : 17-12-2024

ORDER

Admit. Standing Counsel takes notice for the first respondent. Government Pleader takes notice for the second respondent. Issue notice by speed post returnable in two weeks to the third respondent. Post after service along with WP(C) No.39873 of 2024.

Sd/- T.R.RAVI JUDGE

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

Tuesday, the 28th day of January 2025 / 8th Magha, 1946
WP(C) NO. 44403 OF 2024

PETITIONER:

THANKACHAN M.S, AGED 64 YEARS S/O. SEBASTIAN, MATHALIKKUNNEL HOUSE,
KOOMBARA BAZAR P.O, KOODARANHI, KOZHIKODE DISTRICT, PIN - 673604

RESPONDENT:

1. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM.P.O, THIRUVANANTHAPURAM, PIN - 695004
2. THE GEOLOGIST, MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHIKODE, PIN - 673020
3. SAJIMON JOSEPHNARAKATHINGAL HOUSE, KOOMBARA P.O, KOODARANHI VIA, KOZHIKODE, PIN - 673604

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the first respondent to reconsider exhibit p27 and grand consent to the petitioner to operate the quarry covered under exhibit p1, pending disposal of the writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S J.ABHILASH, LIJO KURIAN JOSE, VIMAL BHASKAR Advocates for the petitioners, M/S G.GIREESH(for R3), MATHEW KURIAKOSE(K/525/1993) Advocates for the respondents, the court passed the following:

ORDER

When the case is taken up today, the Standing Counsel for SEIAA submitted that a hearing can be done on 30.01.2025. The counsel for the petitioner is willing to take the benefit of the hearing. Post on 05.02.2025. H/o

Sd/- T.R.RAVI JUDGE

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

Thursday, the 20th day of February 2025 / 1st Phalgun, 1946
WP(C) NO. 44403 OF 2024

PETITIONER:

THANKACHAN M.S, AGED 64 YEARS S/O. SEBASTIAN, MATHALIKKUNNEL HOUSE,
KOOMBARA BAZAR P.O, KOODARANHI, KOZHIKODE DISTRICT, PIN - 673604

RESPONDENT:

1. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM.P.O, THIRUVANANTHAPURAM, PIN - 695004
2. THE GEOLOGIST, MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHIKODE, PIN - 673020
3. SAJIMON JOSEPH, NARAKATHINGAL HOUSE, KOOMBARA P.O, KOODARANHI VIA, KOZHIKODE, PIN - 673604

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the first respondent to reconsider exhibit p27 and grant consent to the petitioner to operate the quarry covered under exhibit p1, pending disposal of the writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S J.ABHILASH, LIJO KURIAN JOSE, VIMAL BHASKAR Advocates for the petitioners, M/S NAVEEN T, G.GIREESH(for R3), MATHEW KURIAKOSE Advocates for the respondents, the court passed the following:

ORDER

Post on 04.03.2025. It is clarified that the 1st respondent is free to pass orders on the hearing that is stated to have been conducted already. However, implementation of any order which is adverse to the petitioner shall be only after obtaining orders from this Court.

Sd/- T.R.RAVI JUDGE

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

Tuesday, the 4th day of March 2025 / 13th Phalguna, 1946

WP(C) NO. 44403 OF 2024

PETITIONER:

THANKACHAN M.S, AGED 64 YEARS, S/O. SEBASTIAN, MATHALIKKUNNEL HOUSE,
KOOMBARA BAZAR P.O, KOODARANHI, KOZHIKODE DISTRICT, PIN-673604

RESPONDENTS:

1. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM.P.O, THIRUVANANTHAPURAM, PIN-695004
2. THE GEOLOGIST, MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHIKODE, PIN-673020
3. SAJIMON JOSEPH, NARAKATHINGAL HOUSE, KOOMBARA P.O, KOODARANHI VIA, KOZHIKODE, PIN-673604

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the first respondent to reconsider Exhibit P27 and grand consent to the petitioner to operate the quarry covered under Exhibit P1, pending disposal of the writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 20-02-2025 and upon hearing the arguments of M/S. J.ABHILASH, LIJO KURIAN JOSE & VIMAL BHASKAR, Advocates for the petitioner, SRI. NAVEEN T, STANDING COUNSEL for R1 and of M/S. G.GIREESH & MATHEW KURIAKOSE, Advocates for R3, the court passed the following:

T.R.RAVI.J

WP(C) No.44403 of 2024

Dated this the 04th day of March, 2025

ORDER

There will be a direction to the 1st respondent to consider the request for extension of the consent to operate granting the benefit of Ext.P28 notification and based on Ext.P24 application. Necessary orders shall be issued within two weeks from today.



Post on 27.03.2025

Sd/-

T.R.RAVI

JUDGE

sn

ANNEXURE- 8

E-CA NO : CA-2025-006812

E-FILING NO : EF-HCK-2024-109262

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No. 44403 of 2024

THANKACHAN M.S,

:

Petitioner

Vs

KERALA STATE POLLUTION
CONTROL BOARD, and others

:

Respondents



REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA

STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, KOZHIKODE,

ON BEHALF OF THE FIRST RESPONDENT IN THE ABOVE CASE,

AS DIRECTED BY THIS HON'BLE COURT AS PER ORDER DATED

5--2--2025.

Sd
/- E-
VERIFIED
NAVEEN.T
K/000273/2
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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM WP(C) No. 44403 of 2024

THANKACHAN M.S, : Petitioner

V/S

THE KERALA STATE POLLUTION : Respondents
CONTROL BOARD, and others

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		Sd
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		000

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P. (C) No. 44403 of 2024

Thankachan M.S.	:::	Petitioner
Vs.		
The Kerala State Pollution Control Board & Others	:::	Respondents

REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA
- STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE
KOZHIKODE, ON BEHALF OF THE FIRST RESPONDENT IN THE
ABOVE CASE AS DIRECTED BY THIS HON'BLE COURT AS PER
ORDER DATED 5-2-2025.

Report filed by Smt. Sauma Hameed, Aged 52 years, W/o Jabir Sulaim, residing at Poovalappil, Paingottupuram, Kunnamangalam PO, Kozhikode, working as Environmental Engineer, Kerala State Pollution Control Board (hereinafter referred to as **Board**), District Office, Kozhikode, on behalf of the 1st respondent, as directed by this Hon'ble Court.

1. The above Writ Petition is filed inter-alia challenging Ext.P26 online communication issued by the **Board**, returning the application submitted by the petitioner, towards renewal of 'Integrated Consent to Operate' (Herein after referred to as **ICO**) of the quarry owned by the petitioner. The above report is filed reserving the right of this respondent to file a detailed counter affidavit.

2. It is respectfully submitted that M/s. Mathalikunnel Quarry, owned by the petitioner has been granted Environmental Clearance by the SEIAA for a total area of 4.6963 hectares. This total area includes **0.8710 hectares of permit quarry land** and **3.38 hectares of leased quarry land**. Ext p7 Environmental Clearance (EC) for the quarry project, located




SAUMA HAMEED
 Environmental Engineer

in Survey Nos. 2442 (pt) in Koodaranhi Village, Koodaranhi Grama Panchayat, Kozhikode Taluk, Kozhikode District, Kerala, and owned by the petitioner, was having validity until **4/12/2024**.

3. The validity of the ICO issued by the Board **for the quarrying area of 0.8710 hectares**, (permit quarry) based on the aforementioned Environmental Clearance, expired on **30.09.2024**. A true copy of the Integrated Consent to Operate dated 16-7-2021 issued by the Board to the Unit is produced herewith and marked as **Annexure R-1(a)**. The application for renewal of ICO for this quarrying area was submitted in the Board's website on **26.07.2024**.

4. The validity of the Ext.P2 ICO issued by the Board for the quarrying area of **3.38 hectares**, (lease quarry) based on the aforementioned Environmental Clearance, expired on **04.12.2024**. The application towards renewal of ICO for this quarrying area was submitted on the Board's website on **26.09.2024**.

5. For considering the renewal application of these quarries, a valid Environmental Clearance (EC) issued by SEIAA is a mandatory requirement. However, the EC issued by SEIAA for this quarry dated 04.11.2019 expired on 04.12.2024 and did not specify the project life of the quarry. The previous Environmental Clearance of the quarry, No. 212/SEIAA/KL/251/2014, dated 05.12.2014, issued by SEIAA, indicates a proposed mine life of eight years only.

6. It is submitted that as the renewal application does not include a new Environmental Clearance (EC) with a sufficient validity period, and the recent EC did not specify the project life of the quarry, and also as the unit owner does not mention any thing in his application that he is applying for extending consent period based on Covid relaxation, the applicant was requested to submit a letter from the Mining and Geology Department, confirming the life of the mine. This


SAUMA HAMEED
Environmental Engineer

in accordance with the Board's Circular No. PCB/HO/CIRCULAR/51/2019, dated 04.05.2022, which pertains to the validity of Environmental Clearances for mining projects. A true copy of the Circular dated 04.05.2022 issued by the Pollution Control Board is produced herewith and marked as **Annexure R-1(b)**.

7. In this context it is submitted that the Hon'ble National Green Tribunal (NGT), Principal Bench New Delhi, had initiated Suo-Motu proceedings numbered as OA 770 of 2023 in pursuance to an email communication of the 3rd respondent alleging unlawful operation of the above stone quarry. The Hon'ble NGT vide its order dated 31/01/2024, had considered it appropriate to constitute a Joint Committee to verify the factual position and take remedial action, and accordingly constituted a Joint Committee. The matter was subsequently transferred to the Honourable NGT Southern Bench and re-numbered as OA No.93/2024(SZ) vide its order dated 25/03/2024.

8. In compliance with the directions of the Honourable National Green Tribunal (NGT), a committee was constituted and subsequently expanded by incorporating members from other stakeholder State Departments and State agencies. A site inspection was conducted by members of the Joint Committee at the quarry on 11.10.2024. Based on the inspection findings, the State Level Environmental Impact Assessment Authority (SEIAA) had issued Ext.p19 **Stop Memo (No. 1068/EC4/2024/SEIAA) on 02.11.2024**, directing the cessation of all activities carried out under the Environmental Clearance (EC). On the same date, **SEIAA** had also issued Ext p20 **Show Cause Notice**, requiring the quarry owner to provide reasons as to why the EC should not be revoked under Clause 8(vi) of the EIA Notification, 2006.

9. Following the issuance of the Stop Memo by SEIAA, Board had also issued Ext.P22 **Show Cause Notice** on **11.11.2024**, directing the quarry owner to submit an explanation for why the existing ICO should


SAUMA HAMEED
Environmental Engineer

not be revoked for the quarry which is having consent validity at the time, as one among the two consents issued by the Board had already expired its validity by 30/09/2024. In response, the quarry owner had submitted a reply to the on 26.11.2024. True copy of the reply letter dated 26-11-2024 (without attachments) is produced herewith, and marked as **Annexure R-1(c)**. As the matter is under the consideration of the Hon'ble NGT, the Board had not revoked the quarry's Exhibit p2 consent, which was valid only till 4/12/2024.

10. It is respectfully submitted that the Joint Committee constituted by Hon'ble NGT had conducted inspections at the Quarry and, a Joint Committee Report was prepared by compiling individual reports submitted by the members of the committee. The approved final report of the Joint Committee is being submitted before the Hon'ble NGT on **09.01.2025** (by the Nodal officer, Environmental Engineer, Kerala State Pollution Control Board, District Office Kozhikode, as ordered by the NGT,), however, due to some technical error happened in uploading the report, the Hon'ble NGT had rescheduled the case to next month, i.e., on 03/03/2025 for hearing. It is humbly submitted that the above OA No: 93 of 2024 is pending consideration before the Hon'ble NGT.

11. The quarry currently does not have a valid Environmental Clearance. Apart from that, SEIAA had issued Ext.p19 Stop Memo (No. 1068/EC4/2024/SEIAA) on 02.11.2024, directing the cessation of all activities carried out under the Environmental Clearance (EC). The SEIAA had also issued Ext p20 Show Cause Notice, requiring the quarry owner to provide reasons as to why the EC should not be revoked under Clause 8(vi) of the EIA Notification, 2006. The above matter is under consideration of the Hon'ble NGT in OA No 93 of 2024. Additionally, the quarry owner has not submitted the Life of Mine letter from the Mining and Geology Department along with their renewal application to clarify the project life of the quarry. It is most respectfully submitted under



SAUMA HAMEED
Environmental Engineer

5

these circumstances Board is not in a position to take an independent decision regarding renewal of ICO of the quarry project, and hence the online applications submitted by the petitioner are returned to him, till attaining finality in the matter.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 10th day of February, 2025.


SAUMA HAMEED
Environmental Engineer
Environmental Engineer
Kerala State Pollution Control Board,
District Office, Kozhikode.


T.NAVEEN
Standing Counsel for K.S.P.C.B.


THE HIGH COURT OF KERALA
सत्यमेव जयते



KERALA STATE POLLUTION CONTROL BOARD

FILE NO. :PCB/KKD/DO/11302/2021

Date of issue :16/07/2021

INTEGRATED CONSENT TO OPERATE - RENEWAL

Consent No : PCB/KKD/DO/ICO-R3/11302/R17KOZ5674911/13972542/2021

Ref : 1. Your online application no. 13972542 dated 08.07.2021

2. Consent No.PCB/KKD/DO/ICO-R2/1508/2017 dated 31.10.2017 valid up to 30.09.2020

The 'Integrated Consent to Operate' issued as per reference above to M/s MATHALIKUNNEL QUARRY 2 KOOMBARA BAZAR P.O KODARANHI VIA KOZHIKODE is hereby renewed up to 30/09/2024 and issued to M/s MATHALIKUNNEL QUARRY 2 KOOMBARA BAZAR P.O KODARANHI VIA KOZHIKODE The consent(s)/ variation order(s) cited under reference are integral part of this renewal order and this order is subject to the conditions stipulated therein and the following modifications/ additions.

I. GENERAL

S.No.	Items	Description
1	Capital investment	29 lakh
2	Annual fee	5800/-
3	Fee Remitted	33605/-
4	Survey no	U/S [Field No.2442(pt)]
5	Validity	30/09/2024
6	Quarrying area	0.8710 Ha

II. Stack Details

Stack No.	Source of Emission	Emission Rate(Nm ³ /Hr)	Stack Height above		Control Equipment
			Ground Level(In Meters)	Roof Level(In Meters)	

III. CONDITIONS

3.1. This consent is issued based on E.C no 212/SEIAA/KL/251/2014 dated 04/11/2019 LOI of mining and geology D0Z/M-2833/17 dated 29.12.2017.

3.2. This consent is granted on the basis of the affidavit dated 22.09.2020, self certification dated 22.09.2020 and Sakhyapathram dated 09.02.2021 by the applicant. On notice of non compliance to Board's norms the consent issued from the Board will be revoked.

All other conditions of the Integrated Consent to Operate issued as per reference above remain unchanged.

**VARUN NARAYANAN
GOPINATHAN**

Digitally signed by VARUN
NARAYANAN GOPINATHAN
Date: 2021.07.17 16:20:06 +05'30'

DATE :15/07/2021

**SIGNATURE & SEAL OF ISSUING AUTHORITY
ENVIRONMENTAL ENGINEER**



To

Sri.THANKACHAN M S MATHALIKUNNEL HOUSE KOOMBARA BAZAR PO KOODARANHI VIA
KOZHIKODE-673604
MATHALIKUNNEL QUARRY 2
KOOMBARA BAZAR P.O KOODARANHI VIA KOZHIKODE

1. This digitally signed document is legally valid as per the Information Technology Act 2000

2. For verifying this document please go to krocmmms.nic.in and search using date of issue/name of the unit/Application Number in "Consent Granted Applications" link in the home page of the Board's Online Consent Management and Monitoring System.



☎ General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman 2318150 Member Secretary 2318151
E-mail: ms.kspcb@gov.in FAX: 0471 - 2318134, 2318152 web: www.keralapcb.nic.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി .ഒ, തിരുവനന്തപുരം 695 004

PCB/HO/CIRCULAR/51/2019

Date: 04 /05/2022

CIRCULAR

Sub: - Validity of Environmental Clearance for mining projects – reg.

Ref: -1. MoEF&CC notification no. S.O.1807(E) dated 12/04/2022.

2. Representation dated 21.04.2022 submitted by Registered Metal Crusher Units Owners Association.

The Ministry of Environment, Forests & Climate Change, vide notification cited 1st above has made amendments regarding the validity of Environmental Clearance. As per the notification, the prior Environmental Clearance (EC) granted for mining projects shall be valid for the project life as laid down in the mining plan approved and renewed by competent authority, from time to time, subject to a maximum of thirty years, whichever is earlier.

Hence, while processing consent renewal applications pertaining to granite quarries, the applicant may be directed to produce letter from the Mining & Geology Department stating the life of the mine as per the approved mine plan. This may be counterchecked with the mine life mentioned in the EC. Thereafter, the EC validity may be taken equal to that of the life of the mine as stated by the Geologist or thirty years, whichever is earlier.

In case, the life of mine is more than 30 years, the notification under reference cited, permits extension for another twenty years beyond 30 years or for the life of mine whichever is earlier, and this extension is granted in installments as per the recommendations of the Expert Appraisal Committee every 5 years.

Based on the above, consent to operate may be renewed, as usual, for a period of five years or up to the validity of the EC in case the validity of EC is less than 5 years. All other criteria for processing of consent renewal applications for quarries remain unchanged. Consent renewal applications shall be processed accordingly.

-sd-

CHAIRMAN

To

1. The Chief Environmental Engineer,
Regional Office, Trivandrum/Ernakulam/Kozhikode.
2. The Senior Environmental Engineer,
Environmental Surveillance Centre, Eloor.
3. The Environmental Engineer, District Office,
Thiruvananthapuram, Kollam, Pathanamthitta, Alapuzha, Idukki, Kottayam,
Ernakulam-1, Ernakulam-2, Thrissur, Palakkad, Malappuram, Kozhikode, Kannur,
Wayanad, Kasargod.

Copy to:-

- 1) All Technical Staff in HO
- 2) IT Cell (for uploading in the website)
- 3) C.A to CHN & MS

Forwarded by order

**ALEXANDER
GEORGE**

Digitally signed by ALEXANDER
GEORGE
Date: 2022.05.04 15:18:13 +05'30'

Senior Environmental Engineer-3



~~Annexure 25~~

P.C

27/11/2024

From

Thankachan.M.S,
S/o.Sebastian, Mathalikkunel House,
Koombara Bazar.P.O, Koodaranhi,
Kozhikode-673 604.

To

The Environmental Engineer,
Kerala State Pollution Control Board District Office,
Third Floor, Zamorian's Square Building,
Link Road, Palayam, Kozhikode-673 002.

Sub:- O.A. No. 93/2024 (SZ) (Old OA No. 770/2023 (PB))- Violation of
Environmental Norms in operation of quarry at Mathalikkunel, Koombara,
Punnakkadavu, Koodaranhi, Kozhikode- reg.

Ref:- (1) Hon'ble NGT Orders dated 31.01.2024, and further order dated
20.05.2024, 30.07.2024 and 12.09.2024 in OA No. 93/2024 (SZ) filed
by Sri. Sajimon Joseph before the Hon'ble NGT.

27/11/2024

(2) Environmental Clearance No. 212/SEIAA/KL/251/2014 dated
05.12.2024 and extension of E.C. dated 04.11.2019.

(3) Complaint dated 26.08.2024 from Shaju Abraham.

(4) Consent to operate renewal order issued from this office by No. PCB/
KKD /DO/ICO-R3/1507/R16 KOZ 4227391/12274 532/2019 valid up
to 04.12.2024.

(5) Joint Committee site inspection conducted by expert members at the
quarry on 11.10.2024.

(6) Memo issued to you by SEIAA, No. 1068/EC4/2024/SEIAA dated
02.11.2024

Thankachan M.S. Thankachan

- (7) Show cause notice issued by SEIAA No. 1068/EC4/2024/SEIAA dated 02.11.2024
- (8) Show cause notice issued by your goodself vide No. PCB/KKD/DO/GEN-213/OA No. 93/2024 (SZ) dated 11.11.2024.

Sir/Madam,

This reply notice is in response to the 8th reference show cause notice issued by the Environmental Engineer, Kerala State Pollution Control Board, District Office, Kozhikode dated 11.11.2024.

As stated by you in the show cause notice, a joint inspection by the expert members, including yourself, were carried out in my quarry on 25.03.2024, the month of March 2024, during the peak of summer season. At that point of time, even all the wells in the area were dried up and the quarry pit and the settling tank were not having water therein. It can be seen from the photographs produced by your goodself, in the inspection report, before the National Green Tribunal in OA No. 93/2024 clearly shows that the statement contained in the show cause notice as item 2 was absolutely false. Even in the report filed before the NGT you had categorically stated that the water from the quarry pit was pumped in to my property for watering my agricultural crops instead of taking it to the settling tank which itself shows that the second alleged violation stated in the show cause notice is false. I am herewith producing the photographs showing the garland drain provided by me at the site which was clearly shown to you. The photograph showing the garland drain is marked as **Annexure-1**. Therefore, going by Annexure-1 photograph it can be seen that the first violation alleged in the show cause notice also is not correct.

Manojkumar N. S. [Signature]

As regards the third violation alleged in the 8th reference, that the site did not exhibit proper benches is also not correct. The photographs produced by your goodself as Annexures to the joint committee report in OA No. 93/2024 before the National Green Tribunal, Southern Zone, Chennai as Annexure-VII(a) clearly shows that there are benches provided by me in my quarry. Therefore, your own photographs will clearly shows that I had maintained proper benches prescribed in the environmental clearance and therefore the third violation alleged against me a also will not survive based on your own photographs.

As regards the 4th violation alleged against me, that the over burden dumping was observed on the elevated southern side outside the quarry area without safety measures and that angles exceeding 45 degrees also is not correct. I am not permitted to take the overburden outside my quarry as per the provisions of the Kerala Minor Mineral Concession Rules, 2015. I am bound to stack the overburden by the side of my quarry in the area demarcated by the Geologist, Kozhikode who is a competent authority under law, to monitor my quarrying lease for mining building stones. I had stacked the overburden as directed by the Geologist in accordance with law and these facts can be ascertained from the Geologist, Kozhikode.

As regards the 5th violation alleged in the 8th reference show cause notice, I had produced a copy of the environmental management plan (EMP) before the SEIAA as and when I went for the extension of EC dated 04.11.2019. I was granted extension with a specific direction that a comprehensive environmental management plan has to be submitted after the grant of the extension of environmental clearance. I had produced a comprehensive Environmental Management plan before the SEIAA, a copy of which is appended along with this reply as Annexure-2. Therefore, it can be seen from Annexure-2 that the 5th violation alleged against me also will not sustain.

Memorandum MS Thegeetha

As regards the 6th violation alleged against me in the 8th reference show cause notice that a natural stream was observed on the south side of the project area near the overburden dump, flowing directly into the project area is absolutely false. There is no such natural stream as alleged in the 6th violation. Even going by the photographs produced by your goodself before the NGT along with the joint inspection report clearly shows that there are no drains as alleged, but you upon an imagination has drawn a line in the photographs showing that there can be a drain which will be flowing through the line which your goodself has drawn in Annexure 7 (b) photograph appended with the joint inspection report produced before the NGT in OA No. 93/2024. Even, as already submitted, the joint inspection team's visit was during the peak summer season and nobody during March, will be able to witness a stream in the area.

As regards the 7th violation that access roads were found to be damage in certain area also is not correct. It is true that the access roads and all roads in the State of Kerala get damaged due to the frequent plying of vehicles which will be repaired, re-tarred or concreted during the course of time. The access roads inside the quarry are all concreted now and photograph of the same is produced as Annexure-3.

Apart from the alleged violations of 1 to 7 stated in the 8th reference show cause notice, you had raised an apprehension that I am using other explosives than the NONEL technology for blasting rocks as alleged by Mr. Shaju Abraham vide the 3rd reference complaint. Mr. Shaju Abraham, who had preferred the 3rd reference complaint was a supervisor in my quarry during 2023 who was terminated by me upon misappropriation of funds. Due to that animosity, he had preferred, the frivolous third reference complaint against me. Further, I am permitted to use explosives other than NONEL technology as per the directives of the explosives department which you could seek clarification from the said department. Therefore, without obtaining a report from the explosives

Handwritten signature

department, incorporating the complaint of Sri.Shaju Abraham in the 8th reference show cause notice was unwarranted.

You have also stated in the 8th reference that the quarry area is situated at a distance of 15 kilometers from the landslide affected area in Wynad. This is absolutely false and had made such a statement in the 8th reference show cause notice with ulterior motives and to put me to irreparable injury. You being an officer-in-charge of the Pollution Control Board in Kozhikode District knows fully well that the landslide occurred at a distance of more than 62.5 kilometers away from my quarry. A copy of the google map showing the distance between Koodaranhi and Chooralmala is produced herewith and may be marked as **Annexure-4**. Knowing fully well that Chooralmala where the landslide occurred is more than 50 kilometers away from my quarry, I am not clear about your intentions in making such false statement in the 8th reference show cause notice. Further, it is humbly submitted that there is no prohibition under any law in operating a quarry within 15 kilometers of a land slide affected area.

As regards the show cause notice of the SEIAA vide 7th reference, I am furnishing a detailed reply to the said show cause notice before the SEIAA.

As regards the stop memo issued to me by the SEIAA, Kerala to stop all the activities carried out by me vide the 6th reference herein, I had challenged the said stop memo before the Hon'ble High Court of Kerala in W.P.(C) NO. 39873/2024 wherein the Hon'ble High Court had stayed the operation of the said stop memo and directed the SEIAA, Kerala to keep the stop memo in abeyance. A true copy of the interim order dated 12.11.2024 passed by the Hon'ble High Court of Kerala in W.P.(C) No. 39873/2024 is produced herewith as **Annexure-A5**. You being a respondent in W.P.(C) No. 39873/2024, is well aware of Annexure-A5.

Thankachari M S Madhavan

In the above circumstances, you may recall the 8th reference show cause notice and treat this reply of the undersigned, in order to find that the violations alleged against me are baseless and refrain from revoking my consent to operate issued by the Kerala State Pollution Control Board vide 6th reference.

Dated this the 26th day of November, 2024.

Thankachan M.S. Thankachan.

THANKACHAN. M.S.



6/5/2024

ANNEXURE- 9



2025:KER:7268

WP (C) NO. 3576 OF 2025

3

T.R. RAVI, J.-----
W.P.(C) No.3576 of 2025
-----Dated this the 29th day of January, 2025**JUDGMENT**

The prayer in this writ petition is for a direction to the 2nd respondent to reconsider Ext.P13 adverting to Ext.P15 enabling the petitioner to participate in the Adalat Scheme and for a direction to the 1st respondent seeking permission to settle the amounts due under the Adalat Scheme. Petitioner seeks early disposal of Ext.P15.

In view of the limited prayer made, this writ petition is disposed of directing the 1st respondent to consider and pass orders on Ext.P15 with due reference to Exts.P13 and P14 at the earliest, at any rate, within one month from the date of receipt of a copy of this judgment.

Sd/-**T.R.RAVI
JUDGE**

mpm

ANNEXURE- 10

Item No.26 Reappraisal of EC issued by DEIAA, Kozhikode to the Granite Building Stone Quarry of Sri. Sri. Shaji Mathew, M/s Matha Industries at field no 2436 (un surveyed) for an area of 3.5367 Ha at Koodaranji Village, Thamarassery Taluk, Kozhikode. (SIA/KL/MIN/450873/2023)

The Committee examined the reappraisal application and discussed it in detail. The project proponent obtained EC from DEIAA vide No.12/DEIAA/KL/MIN/3738/2017 dated 23.09.2017 for a period of 5 years. The mine lease for the proposed project was executed for a period of 12 years from 4.12.2017 and ending on 3.12.2029. As per the original Mining Plan, the elevation of the area varies between 185m AMSL to 105m AMSL. The dominant part of the site falls within the moderate hazard zone and the Project Proponent has not submitted the approval of the District Level Crisis Management Group. As per the Cluster Certificate dated 08.01.2025, there are 6 quarries within 500m radius and the area altogether comes more than 5 Ha indicates Cluster Condition. **Therefore, it is necessary to conduct EIA study and public consultation as per the EIA Notification 2006 for which the Proponent has to apply for ToR. In the circumstance, the Committee decided to recommend rejection of the proposal.**

ANNEXURE- 11

Speed Post/Online

F.No. IA-Z-12011/19/2025-IA-I
 Government of India
 Ministry of Environment, Forest and Climate Change
 (IA- Compliance & Monitoring Division)

Indira Paryavaran Bhavan
 Jor Bagh Road, Aliganj
 New Delhi-110 003
 Email: moefcc-monitoring@gov.in
 Dated: 11th March, 2025

To,

The Member Secretary
 State Environment Impact Assessment Authority (Kerala),
 K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor,
 Thiruvananthapuram - 695 001

Sub: Complaint received from Shri Simone Joseph regarding Illegal Quarrying Activities at Koombara-Punnakadve, Koodaranhi Village, Calicut District, Kerala-reg.

Ref: Complaint received vide Email dated 07.03.2025

Sir,

This has reference to the complaint from **Shri Simone Joseph** regarding Illegal Quarrying Activities at Koombara-Punnakadve, Koodaranhi Village, Calicut District, Kerala (**copy enclosed**).

2. Environmental clearance was granted to the project by SEIAA Kerala.
3. In this reference, attention is drawn to Notification S.O. 637 (E) dated 28th February 2014 issued under EIA Notification 2006 (copy enclosed) and the related OM dated 9th September 2019 subsequently issued by the Ministry (copy enclosed). Accordingly, the powers to take action in case of violation of EC and its appraisal by SEIAA for the project within their jurisdiction lies with the respective SEIAA.
4. In view of forgoing, SEIAA, Kerala is requested to take note of the aforementioned complaint and initiate appropriate action in the matter with a copy to the Ministry.

This issues with the approval of the Competent Authority.

Encl: As above

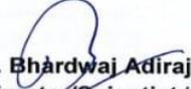
Yours faithfully

(Dr. Bhardwaj Adiraju)
 Joint Director/Scientist 'D'



Copy to:

1. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032
2. Director, Directorate of Mining and Geology, Kesavadasapuram, Pattom Palace P.O., Thiruvananthapuram -695004 (**For information and further necessary action**)
3. Member Secretary, Kerala State Pollution Control Board, Plamoodu - Thekkamoodu Rd, near Raymond Shop, Pattom, Thiruvananthapuram, Kerala 695004. (**For information and further necessary action**)
4. Shri **Sajimon Joseph**, Email-sajimon2808@hotmail.com
5. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office, Kendriya Sadan, 4th Floor, E&F Wings, 17th Main Road, Koramangala II Block, Bangalore – 560034 (**request to submission of the inspection report**)


(Dr. Bhardwaj Adiraju)
Joint. Director/Scientist 'D'



ANNEXURE- 12**E-CA NO : CA-2025-006479****E-FILING NO : EF-HCK-2024-098485****BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM**

_____Of Year 2025

In

WP(C) No.39873/2024

THANKACHAN.M.S.,



: Petitioner

Vs

THE STATE ENVIRONMENT IMPACT :
Respondent
ASSESSMENT AUTHORITY (SEIAA,
KERALA), and others

COUNTER AFFIDAVIT FILED BY THE 6TH RESPONDENT

FEES PAID & STATUS - 10 (PAYMENT
MODE : ONLINE)

Sd/-
E-VERIFIED
G.GIREESH
K/939/2002



BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

_____Of Year

2025 In

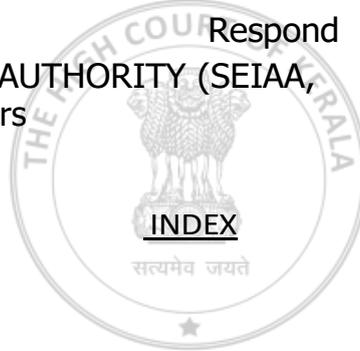
WP(C) No.39873/2024

THANKACHAN.M.S., : Petitioner

V/S

THE STATE ENVIRONMENT IMPACT :

Respondent ASSESSMENT AUTHORITY (SEIAA, KERALA), and others



SL	Contents	Page Nos
1	Counter Affidavit : Counter Affidavit filed by the 6th Respondent Exhibit R 6 [a] : A true copy of the show cause notice dated 5..11..2024 issued by	1-13
2	the Geologist mining and Geology Department District Office Kozhokode to the Petitioner	14-15
3	CONDONATION OF FILING DELAY	16-17

Sd/-

E-VERIFIED
G.GIREESH
K/939/2002

**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**

W.P.(C). No. 39873 of 2024

Thankachan M.S. : Petitioner

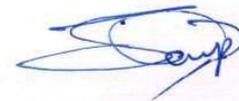
Vs

Kerala State Environment : Respondents
Impact Assessment Authority
(SEIAA, Kerala) and Others

COUNTER AFFIDAVIT FILED BY RESPONDENT NO.6

I, Sajimon Joseph, aged 51 years, S/o. N. F. Joseph, Narakathingal House, Koombara P.O., Koodaranhi (via), Kozhikode District, PIN – 673604 do hereby solemnly affirm and state as follows:

1. I am the Respondent No. 6 in the Writ Petition. I know the facts of the case.
2. Save those that are expressly admitted hereunder all other contentions raised in the writ petition are denied.
3. The writ petition is not maintainable either in law or on facts.
4. The petitioner has to avail his statutory remedy rather than approaching this Hon'ble Court with the Writ Petition. The writ petition is therefore not maintainable
5. The averments in the Synopsis are incorrect and denied. So also the averments in Paragraph No.s 1 to 10 in the statement of facts in the writ petition are not fully correct and denied. It is true that I submitted a complaint through email to the Honorable National Green Tribunal, Delhi on 24th July 2023, addressing the issues such as illegal quarrying, public nuisance, road damage, and pollution (noise, air, and water) from the side of the Writ Petitioner. The Honorable Tribunal registered the complaint Suo Motu under No. OA 770/2023 and issued direction for the formation of a Committee to



investigate the matter. Subsequently, the registered Complaint was transferred to the NGT, Chennai South Zone, where it was re-registered as OA 93/2024 (SZ). The Joint Committee conducted a site inspection on 25th March 2024 and submitted the interim report on 17th April 2024, recommending a detailed inspection by a technical expert team.

6. The averment that the petitioner was carrying out quarrying operations after complying with all statutory requirements and following the license condition is incorrect and denied. Contention that I am a permanent resident of Mysore is also incorrect and denied. I along with my family lived near the quarry site of the petitioner from 1982 to 2000. My residence is approximately 1 km away from the quarry site at present. I am currently responsible for caring for my family, which includes my parents, Shri. Joseph N.F. (80 years old) and Smt. Mary Joseph (77 years old), as well as my brother, Shri. Joseph N.J., and his family. We all live in Koombara - Punnkadave Village in a property having an extent of 12.95 Ares (32 cents) that belongs to my brother, Joseph N.J., which is approximately 1 km from the quarry site owned by the Petitioner. Although I am temporarily residing in Mysore due to my professional commitments, this is only a short-term arrangement. More than 10 families were residing in the area but were eventually forced to leave the place due to the detrimental effects of the quarry, which began operations around 1995-96. These effects included significant noise and air pollution, deteriorating road conditions caused by heavy vehicle traffic, and disturbances from the blasting and drilling activities. Apart from that severe water shortage occurred in the area from 1997-98, which worsened the living conditions, The water shortage was likely due to the high intensity of blasting in the ecologically sensitive zone of the Western Ghats. As a result of the abovementioned difficulties, all the families, including farmers, were compelled to abandon the area. The quarry operator, the Petitioner (Thankachan M.S.) and others, subsequently



purchased the nearby agricultural land for quarrying. Allegation that the letter forwarded by me to the NGT Principal Bench is frivolous is incorrect, baseless and denied. The facts mentioned in that letter are true and correct.

7. The averments in Paragraphs 11 to 14 in the statement of facts in the writ petition are incorrect and denied. The contention that no notice regarding the site inspection was issued to the petitioner is incorrect and denied. As stated on Page No. 4, Point No. 5 of the Interim Report submitted to the NGT, the coordinator contacted both Shri. Thankachan Mathalikunnel (Petitioner) and my brother over phone and informed regarding the site inspection. The coordinator informed them about the visit, explaining that due to time constraints, prior notice could not be provided. In response to the said information, my brother quickly arranged four representatives from our side to attend the site visit. When our representatives arrived at the quarry site on 25/03/2023 at 11:30 AM, they found Shri. Thankachan Mathalikunnel (Petitioner), his son Martin Mathalikunnel, and the workers who were already present at the site, which means that the Petitioner was intimated well in advance regarding the site inspection by the Inspection Team Coordinator. Furthermore, it is important to note that Shri. Thankachan Mathalikunnel, along with his son, Shri. Martin Mathalikunnel, and other workers, were present during all site inspections, including those on 25/03/2023, 11/10/2024, and 19/10/2024. (Martin was not available on 19/10/2024). These inspections were carried out in the presence of relevant officials and ourselves. It is important to clarify that SEIAA has, in fact, sent proper and official communication regarding the site inspection over telephone and official e mail communication. The letter NO 1068 EC2/2024/SEIAA, dated 18/10/2024, was emailed to both the Petitioner and myself. This communication included all relevant details pertaining to the site inspection. Therefore, the claim that the Petitioner was not intimated by SEIAA about the site inspection is factually incorrect, as



the official notification was duly sent via email to both parties involved. Averment that after the inspection and verifying the records the 4th respondent informed the petitioner that she had not found any violation as alleged in Ext. P8 letter is incorrect and denied.

8. The averments in Paragraph 15 in the statement of facts in the writ petition are incorrect and denied. Averment that new allegations were cited from my side during the site visit carried out by the Joint Committee than what was mentioned in Ext. P8 is baseless and unsustainable. Further facts and violations revealed during the site inspection could have been pointed out, even though the same were not mentioned in Ext. P8 letter. Averment that the joint committee found that I am a permanent resident of Mysore is incorrect and denied. As already mentioned, my abode at Mysore is only temporary for my professional purpose.

9. Annexure VII (a) of Ext. P13 interim report indicates that the access road to the quarry has not been tarred or concreted. Annexure-VII (b) of Ext. P13 interim report shows that the natural flow of the stream has been diverted. Annexure-VII (c) of Ext. P13 interim report highlights that the siltation tanks are not in use, and water from the quarry pit is being bypassed through a pipeline to nearby land. Annexure-VII (d) of Ext. P13 interim report reveals that the natural stream has been blocked due to the unscientific dumping of quarry overburden. Finally, Annexure-VII (e) of Ext. P13 interim report demonstrates that the pathway between points (a) and (c) is blocked due to the unscientific dumping of overburden soil. The averment to the effect that the Joint Inspection Committee observed that the Petitioner is operating the quarry and no violations with respect to the environmental clearance conditions was found is incorrect and denied.

10. As per the report from the Divisional Forest Officer, Calicut, the area mentioned is covered under Notification No. 5272/77, dated 25/07/1980,



which pertains to the Vested Forest in Koodaranhi Village. This information is detailed in Point NO.14, of ANNEXURE - 10 A, B, C, D, E, and Point No.16 Annexure 12A of the statement of facts before the NGT. The required number of benches for the quarry wall, which has a height of approximately 70 meters, has not been maintained and only three benches have been provided. Apart from that no benches have been maintained for the top 25 meters of the quarry wall.

11. The SEIAA report dated 17/01/2025, submitted to the Honorable NGT in OA No. 93/2024, outlines significant environmental violations and concerns about ongoing water, air, and noise pollution. In addition to these violations, the report notes several non-compliances with SEIAA EC conditions. It also describes the presence of numerous vertical fractures on the eastern wall of the quarry, along with inclined fractures in the opposite direction of the slope. Pages 22 to 24 of the report document the fracture patterns on the quarry wall, obstruction of the natural stream, overburden at angles exceeding 45 degrees, and the risk of landslides.

12. As regards the Second Allegation of Public Nuisance, it is submitted that during the site visit on 19th October 2024, it was observed that the water flow is being obstructed by mud and stones at a substantially very height violating the EC conditions. Additionally, a hidden pipe was found to have been installed, diverting the water to another land, which is hindering the natural flow. This diversion is affecting one of the primary sources of water for the nearby residents.

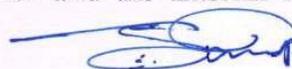
13. The averments in Paragraph 16 to 18 in the statement of facts in the writ petition are incorrect and denied. Based on the recommendations in the Interim Report and the Order of the Honorable Tribunal, a detailed inspection was conducted on 11.10.2024 and 19.10.2024. The findings were confirmed in the SEIAA's report dated 17.01.2025, which highlighted severe



violations. Furthermore, the natural stream on the left side of the quarry has been narrowed due to the expansion of quarrying activities. The stream is now partially flowing into contaminated water from the quarry pit, which overflows back into the natural stream. Another major stream has been completely obstructed by the dumping of waste and stones. Additionally, two mud roads have been constructed on the right upper side of the quarry site, using overburden material, which obstructs the natural stream. Quarrying activities have commenced in this area without maintaining the required buffer zone between the forest and the quarry site. These operations have been concealed by dumping quarry waste, effectively camouflaging the ongoing activities.

14. Report from the Koodaranhi Panchayat Health Department indicates elevated levels of chemicals and coliform bacteria in the water. The contention that the photographs presented in the interim report were taken in October 2024 is incorrect and misleading. These photographs were actually taken by the Joint Inspection Committee during their first visit on 25/03/2023, as mentioned in the interim report. The blockage of the stream has been reported by the Koodaranhi Village Officer, supported by a graph. The road has been damaged and was not properly concreted, as indicated in the recent report from SEIAA. This issue was also observed during the last two site inspections conducted on 11th and 19th October 2024, and has been documented in the reports submitted to the NGT. Also, the Panchayat Road has been diverted to maintain the mandatory distance from the quarry and it has been reported in the interim report. The explanations offered by the petitioner as regards the violations and drawbacks noticed and reported in the reports are incorrect, baseless and unsustainable.

15. The averments in paragraph 19 to 25 in the statement of facts in the writ petition are incorrect and denied. Regarding the environmental violations, the recent report from SEIAA and the interim report, clearly

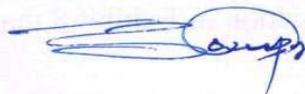


highlights several severe irreversible and irrecoverable violations that require immediate action. Eg., - a) Vested forest land notification, b) Generating E Pass without following E Pass preparation conditions issued by the Director of Mining and Geology, c) Reports from Koodaranhi Village Officer to RDO and District Collector, Kozhikode and Interim Report.

16. Report submitted by the Village Officer, Koodaranhi to the RDO and District Collector, Kozhikode reveals that the quarrying activities are happening up to 4 meters from the Vested Forest land. The letter dated 28/03/2023 from the DFO Calicut incorrectly stated that Koodaranhi Panchayat is not part of the ecologically sensitive zone of the Western Ghats. Furthermore, the claim of the DFO that the distance from Koodaranhi to the Wayanad Wildlife Sanctuary by road is 55.6 km is incorrect. This assessment overlooks the aerial distance from the quarry site at Koombara - Punnkadve to the nearest wildlife center in Wayanad, rendering the report inaccurate. Additionally, multiple landslides have occurred in the region. The report of the Village Officer, Koodaranhi and the findings from the Mining and Geology Department confirm that the area is ecologically sensitive. Furthermore, the forest area is categorized under the Vested Forest, as per Notification No. 5272/77, dated 25/07/1980. According to the SEIAA report dated 17/01/2025, the quarry site is located 26 km away from the nearest wildlife sanctuary, the Malabar Wildlife Sanctuary and the distance to the Silent Valley National Park is 34.5 km from the quarry site.

17. I have neither alleged that the quarry operator is using NONEL technology for blasting, nor have I stated that the quarry site is within 15 km of the Wayanad landslide area. This is a misleading statement made by the petitioner, likely intended to discredit the validity of my complaint.

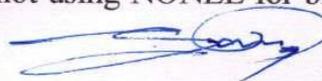
18. There are numerous environmental violations and non-compliance of mandatory standing instructions issued by the SEIAA as regards the quarry



of the petitioner, which have been confirmed in the SEIAA report submitted to the NGT on 17th January 2025. The explanations offered by the petitioner as regards the violations and drawbacks noticed and reported in the reports are incorrect, baseless and unsustainable. As per the preconditions outlined in the Environmental Clearance (EC), the SEIAA has the power and authority to revoke the EC at any time if any of the conditions are violated. Furthermore, the SEIAA has provided the petitioner with 15 days' time to explain why the EC should not be canceled. It is evident that there are numerous environmental violations associated with the quarrying activities, and the petitioner has failed to provide valid explanation to justify that no violations have occurred regarding the conditions specified in the EC issued by SEIAA.

19. As per the general conditions outlined by the SEIAA in Annexure - 16 of the interim report for the mining project, specific reference is made to Points 23, 40, 41, and 43, which state that the suppression of data or non-implementation of any conditions may lead to the revocation or suspension of the Environmental Clearance (EC). Moreover, concealing factual information or submitting false or fabricated data, or failing to comply with any of the conditions, may result in the withdrawal of the clearance and may attract actions under the provisions of the Environment (Protection) Act, 1986. The petitioner is fully aware of these provisions. Apart from that clause 39 of the general conditions specifies that any appeal against the EC must be filed with the NGT within 30 days, in accordance with Section 16 of the NGT Act, 2010.

20. The grounds in the Writ petition are incorrect, baseless and unsustainable. The SEIAA issued the notice after providing the opportunity for a hearing and granting sufficient time for the petitioner to respond to the show-cause notice issued on 2nd November 2024. I have never made any allegation in Exhibit 8 that the petitioner is not using NONEL for blasting.



However, the petitioner alleged in Paragraphs 21 and 23 of the Statement of Facts that Respondent No. 6 claimed that the petitioner is not using NONEL and is instead using other explosives for blasting. However, in Ground B, it is explicitly stated that Respondent No. 6 has never made such allegations. Further, in Ground F, the petitioner accuses others of making frivolous allegations about the use of explosives other than NONEL and the quarry site is within 15 KM from Wayanad Wilde Life Sanctuary, while denying any knowledge of explosives being used for blasting. This contradiction clearly indicates that the petitioner is attempting to shield illegal activities and distort the facts to protect their position.

21. According to the SEIAA's report dated 17th January 2025, submitted before the Honorable National Green Tribunal, SEIAA issued a Stop Memo and Show Cause Notice to the Petitioner on 2nd November 2024, pursuant to the interim report concerning Petition No. OA-93/2024 (SZ) and a compliant from Shri. Shaju Abraham. It is learnt that Shri. Ansar P submitted another complaint on 08/02/2023 alleging excessive mining, which was forwarded to the District Collector, Kozhikode and to the Director of Mining and Geology on 01/03/2023; and there is no response from the authorities, despite a reminder sent on 22/05/2024. It is also learnt that another complaint was filed by Shri. Shaju Abraham on 26/08/2024 against the Granite Building Stone Project of the petitioner. Which is located at Survey No. 2442 (Pt), Koodaranhi Village, Kozhikode.

22. The Petitioner asserted that, in addition to utilizing NONEL technology for blasting, other explosives are employed in the quarry's blasting activities. It is further stated that the proposed quarry site is located 15 km from the landslide-prone areas of Wayanad. This matter was subsequently presented before the 148th SEIAA meeting held on 27th and 28th September 2024, The Authority deliberated the item and noted the interim report in OA NO.93 of 2024 received from KSPCB and the



complaint dated 26/08/2024 of Shaju Abraham against the quarry project. The Authority on verification of the interim report of the Joint Committee observed that the Project Proponent has violated many of the EC Conditions.

23. In light of the aforementioned circumstances, the SEIAA Authority has rightly resolved the following:

i) To issue a Stop Memo and Show Cause Notice to the Project Proponent, requiring an explanation within 15 days as to why the Environmental Clearance (EC) granted to him should not be revoked.

ii) The KSPCB shall conduct an assessment of the environmental damages resulting from non-compliance and violations of the EC conditions, and propose suitable penal measures to address the environmental harm.

iii) The Mining and Geology Department shall take necessary actions for the violations in accordance with the Kerala Minor Mineral Concession (KMMC) Rules. The Department shall also investigate any instances of illegal mining in the area and take appropriate enforcement actions as per the KMMC Rules, 2015.

24. According to the report dated 23/02/2018 from the Village Officer, Koodaranhi, five quarries are operating in Ward No. 6 of Koodaranhi Grama Panchayat, two of which are owned by the Petitioner. However, in the SEIAA report dated 17/06/2025 reference is there regarding only one Environmental Clearance (EC), No. 212/SEIAA/KL/251/2014, issued on 05/12/2014, with a revalidation order dated 04/11/2019, making it valid until 04/12/2024. The absence of ECs for the other quarries raises serious concerns.

25. I came to know from Shri. Shaju, that he had worked as a manager at the quarry site during the period 2023-24 for the sublease holders who had taken on lease the quarry from the Petitioner for 11 months and the sublease holders left the quarry due to numerous irregularities/ violations and misconduct.



26. The Koodaranhi Panchayat Authority altered the width of the Koombara - Punnkadve Road in the Panchayat Asset Register, a public document, from 4 meters to 8 meters without the knowledge or consent of the residents. Subsequently, survey stones over a distance of 1.2 km were destroyed, likely to facilitate the Petitioner's efforts to secure a quarrying/crusher license. Additionally, the Petitioner illegally constructed a compound wall, encroaching approximately 2 meters into the Koombara - Punnkadve Road. Despite multiple petitions from the residents addressing the illegal alterations in the Panchayat asset register, road widening, and requests to replace the destroyed survey stones and take action against trespassing on both private and public property, no action has been taken by the relevant authorities. Furthermore, the survey report incorrectly reflects the road width as 8.6 meters, instead of the 6.6 meters stated in the original records in our property area, in order to justify the road widening to 8 meters for obtaining a quarry/crusher license (with one crusher operating in the area) and to protect the illegal compound wall constructed by the Petitioner.

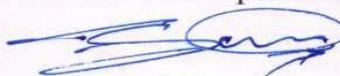
27. The Petitioner's son and associates repeatedly attempted to have the petition withdrawn from the NGT by contacting my brother and me directly. On 9th and 10th November, 2024, just before the NGT hearing on the 11th, Martin, the Petitioner's son, and his team travelled to Iritty, where my brother works. My brother refused to meet them due to safety concerns but suggested they come to our home in Koombara if they wished to discuss the matter. They insisted on meeting in Iritty, which both my brother and I rejected, demanding they address the issues of altered records, destroyed survey stones, and the illegal compound wall encroaching on the Panchayat Road. After a request from the Petitioner's driver, we agreed to meet on 15th December 2024. During the meeting, the Petitioner apologized to my elderly parents, but they rejected his apology. He admitted to destroying a survey stone on his side and acknowledged another was found on our side.



28. On 19th January 2025, the Petitioner's associate, Mr. Ali, contacted us to suggest further discussions. We firmly rejected the offer, stating that we would no longer engage in any conversations. The Petitioner's driver later informed us that he would pay up to 15 lakhs for the land he encroached upon in exchange for the withdrawal of all petitions. This poses a serious issue for residents near the Panchayat Road, as we cannot properly identify property boundaries, the Panchayat is blocked from constructing a compound wall, and no legal action has been taken to address the encroachment. Reports from the Thamarassery Tahsildar and the Human Rights Commission indicate that the Koodaranhi Panchayat Secretary is responsible for correcting these alterations but has failed to act. Furthermore, an order from this Honorable High Court in WP (C) No. 5292/2023 to restrict heavy vehicles on the 4-meter Koombara - Punnkadve road has not been enforced despite multiple reminders. Additionally, a 2024 newspaper report revealed a serious criminal incident involving the Petitioner's JCB and driver, who, with the help of the Inspector at Mukkom Police Station, stole evidence related to a traffic accident.

29. All of these actions clearly demonstrate a pattern of habitual offenses by the Petitioner and his associates. From the illegal alterations of the entries in public records, encroachment on public land, destruction of survey stones, criminal activities involving evidence tampering, ongoing illegal quarrying and environmental violations indicate a deliberate disregard for both legal and ethical standards from the side of the petitioner and his men. Despite numerous reports and reminders, no corrective measures have been taken by the relevant authorities, highlighting a serious failure in enforcing the law and holding the Petitioner accountable for his repeated offenses.

30. The writ petitioner had indulged in unauthorized quarrying and extracted excess quantity of granite, pursuant to which the geologist, Kozhikode issued show cause notice dated 05.11.2024 to the petitioner. True



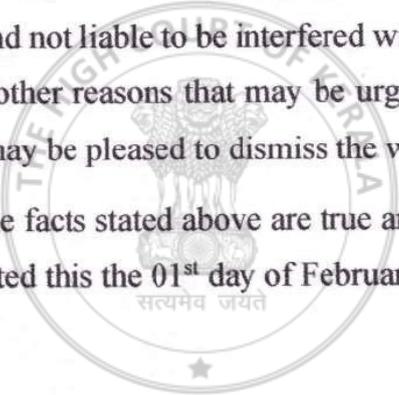
copy of the show cause notice dated 05.11.2024 issued by the Geologist, Mining and Geology Department, District Office Kozhikode, to the petitioner is produced herewith and marked as **Exhibit R6(a)**.

31. Due to an inadvertent omission on my side, this Counter Affidavit could not be filed within the statutory period. There is no willful negligence on my part in this regard. I have serious contentions in the writ petition. Therefore, interest of justice requires that this Hon'ble Court be pleased to condone the delay in filing my counter affidavit and to accept my counter affidavit on the files of the above writ petition, as otherwise, I will be put to irreparable injury, loss and hardship.

32. Ext. P18 decision, Ext.19 Stop Memo and Ext. 20 show cause notice are valid and legal and not liable to be interfered with. For the reasons stated above and for such other reasons that may be urged at the time of hearing this Hon'ble Court may be pleased to dismiss the writ petition with my cost.

All the facts stated above are true and correct.

Dated this the 01st day of February, 2025



Sajimon Joseph
Deponent

Solemnly affirmed and signed before me by the deponent personally known to me on this the 01st day of February, 2025 in my office at Taliparamba.

G. Gireesh (K.939/2002)
Advocate

Annexus 2

ഭരണ ഭാഷാ മാതൃ ഭാഷ

നമ്പർ:-DOKOZ-DMG/1757/2023-M

മൈനിങ് & ജിയോളജി വകുപ്പ്,
ജില്ലാ കാര്യാലയം, കോഴിക്കോട്.
email :- geo.koz.dmg.kerala@gov.in
Ph: 0495-2371918, PIN 673020
Date:05-11-2024

കാരണം കാണിക്കൽ നോട്ടീസ്

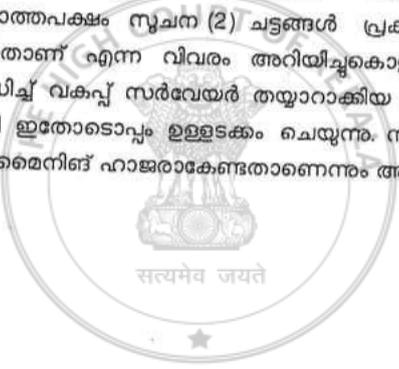
- വിഷയം:- ഖനിയും ഖനിജങ്ങളും-കാറിയിങ് ലീസ് അനധികൃത ഖനനം തുടർനടപടി സ്വീകരിക്കുന്നത്-സംബന്ധിച്ച്.
- സൂചന :- (1) 2015 ലെ കേരള മൈനർ മിനറൽ കൺസർവേഷൻ ചട്ടങ്ങളും 2023 ലെ ഭേദഗതി ചട്ടങ്ങളും
(2) 2015 ലെ കേരള മിനറൽസ് പ്രിവൻഷൻ ഓഫ് ഇച്ഛിഗൽ മൈനിങ്, സ്റ്റോറേജ് ആൻഡ് ട്രാൻസ്പോർട്ടേഷൻ ചട്ടങ്ങൾ.
(3) 28.05.2015 തീയതി താങ്കൾക്ക് അനുവദിച്ച 165/2015-16/2846/M3/2015 നമ്പർ കാറിയിങ് ലീസ്
(4) ബഹു നാഷണൽ ഗ്രീൻ ട്രിബ്യൂണലിൽ ഫയൽ ചെയ്ത OA 770/2023 ലെ 31.01.2024 തീയതിയിലെ ഉത്തരവ്
(5) 10.06.2024 ന് വകുപ്പ് സർവേയർ തയ്യാർക്കി നൽകിയ സ്കെച്ച്

മേൽ സൂചനകളിലേക്ക് താങ്കളുടെ ശ്രദ്ധ ക്ഷണിക്കുന്നു. കോഴിക്കോട് ജില്ലയിൽ താമരശ്ശേരി താലൂക്കിൽ കൂടരഞ്ഞി വില്ലേജിൽ റിസർവ്വേ നമ്പർ 2442 പാർട്ടിൾപ്പെട്ട 3.38 ഹെക്ടർ സ്ഥലത്ത് കരിങ്കല്ല് ഖനനത്തിന് സൂചന (3) പ്രകാരം 12 വർഷത്തെ കാലാവധിയ്ക്ക് കാറിയിങ് ലീസ് താങ്കൾക്ക് അനുവദിച്ചിട്ടുണ്ട്. മേൽ സ്ഥലത്ത് 2007 മുതൽ നൽകിയിരുന്ന കാറിയിങ് പെർമിറ്റ്/കാറിയിങ് ലീസ് പ്രകാരം നടത്തിയിരുന്ന കരിങ്കല്ല് ഖനനം സൂചന (4) ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ വകുപ്പ് സർവേയർ സ്കെച്ച് തയ്യാറാക്കി സൂചന (5) പ്രകാരം നൽകിയിരുന്നതാണ്. ടി സ്കെച്ചിൽ സൂചന (3) കാറിയിങ് ലീസും ഇതിനോട് ചേർന്ന ഭാഗങ്ങളിലും നടത്തിയ ഖനനപ്രവർത്തനങ്ങൾ അളന്നു തിട്ടപ്പെടുത്തി സൂചന (5) പ്രകാരം ഓഫീസിൽ ഹാജരാക്കിയ അനുമതികൾ പരിശോധിച്ചതിൽ മേൽ സ്ഥലത്ത് ഖനനം ചെയ്ത കരിങ്കല്ലിന്റെ വിവരങ്ങൾ ചുവടെ ചേർക്കുന്നു.

വകുപ്പ് സർവേയർ തയ്യാറാക്കി നൽകിയിട്ടുള്ള സ്കെച്ചിന്റെ അടിസ്ഥാനത്തിൽ സൂചന (3) കാറിയിങ് ലീസും ഇതിനോട് ചേർന്ന ഭാഗങ്ങളിലും ഖനനം ചെയ്ത ധാതുവിന്റെ അളവുകൾ	405968.62 M ³
സ്കെച്ചിൽ മേൽ പരാമർശ സ്ഥലത്തു ശേഖരിച്ചിട്ടുള്ളതായി തിട്ടപ്പെടുത്തിയ overburden ന്റെ അളവ്	113478.76 M ³
ഖനനം ചെയ്ത നീക്കം ചെയ്ത കരിങ്കല്ലിന്റെ അളവ്	405968.62 MT - 113478.76 MT =731224.65 MT
2007 മുതൽ 17.05.2024 വരെ	വിവിധ

കാലയളവുകളിൽ മേൽ സ്ഥലത്ത് നിന്നും വന്നും ചെയ്യുന്നതിന് അനുമതി നൽകിയിട്ടുള്ള കരിങ്കല്ലിന്റെ അളവ്	667830 MT
അനധികൃതമായി വന്നും ചെയ്ത കരിങ്കല്ലിന്റെ അളവ് വകുപ്പ് സർവ്വേയർ തയ്യാറാക്കിയ സ്ക്വയർ പ്രകാരം വന്നും ചെയ്തതായി തിട്ടപ്പെടുത്തിയ അളവ്	731224.65 MT- 667830MT =63394.65 MT

ആയതിന് സൂചന (2) ചട്ടങ്ങളിലെ റൂൾ 108(2) പ്രകാരം 1 ടൺ കരിങ്കല്ലിന് 48 രൂപ റോയൽറ്റി നിരക്കിൽ 63394.65MT കരിങ്കല്ലിന് 30,42,943.2 രൂപയും, 1 ടൺ കരിങ്കല്ലിന് 192 രൂപ വില ഇനത്തിൽ 63,394.65MT കരിങ്കല്ലിന് 1,21,71,772.8 രൂപയും, പിഴ ഇനത്തിൽ 5 ലക്ഷം രൂപയും ചേർത്ത് അകെ ₹1,57,14,716/- (ഒരു കോടി അൻപത്തി ഏഴു ലക്ഷത്തി പതിനാലായിരത്തി ഏഴുനൂറ്റി പതിനാറു രൂപ) ഒടുക്കേണ്ടതാണ്. മേൽ പ്രകാരം തിട്ടപ്പെടുത്തിയയിട്ടുള്ള അനധികൃത വന്നത്തിന് സൂചന (2) ചട്ടങ്ങൾ പ്രകാരം നടപടി സ്വീകരിക്കാതിരിക്കാൻ താങ്കൾക്ക് എന്തെങ്കിലും കാരണം ബോധിപ്പിക്കാനുണ്ടെങ്കിൽ ആയത് ഈ നോട്ടീസ് കൈപറ്റി 7 ദിവസത്തിനകം രേഖാമൂലം ഈ ഓഫീസിനെ അറിയിക്കേണ്ടതാണ്. അല്ലാത്തപക്ഷം സൂചന (2) ചട്ടങ്ങൾ പ്രകാരം അനധികൃത വന്നത്തിന് തുടർനടപടി സ്വീകരിക്കുന്നതാണ് എന്ന വിവരം അറിയിച്ചുകൊള്ളുന്നു. മേൽ പ്രകാരം അളന്നു തിട്ടപ്പെടുത്തിയത് സംബന്ധിച്ച് വകുപ്പ് സർവ്വേയർ തയ്യാറാക്കിയ സ്ക്വയർ പ്രകാരം അനുമതി താങ്കളുടെ അറിവിലേക്കായി ഇതോടൊപ്പം ഉള്ളടക്കം ചെയ്യുന്നു. സൂചന (3) ക്വാറിയിൻ ലിസിലെ മോഡിഫൈഡ് സ്കീം ഓഫ് മൈനിൻ ഹാജരാകേണ്ടതാണെന്നും അറിയിച്ചുകൊള്ളുന്നു.



Signed by Manju C മി.യോളജിസ്റ്റ്,
Date: 05-11-2024 14:16:20 കോഴിക്കോട്

സ്വീകർത്താവ്:-

ശ്രീ . തങ്കച്ചൻ സെബാസ്റ്റ്യൻ, മാതലിനേൽ ഹൗസ് , ഉമ്പാറ ബസാർ പോസ്റ്റ് , കോഴിക്കോട്-673604

Notice Recived
Thankachan M.S. Thankachan
5/11/2024

(Annexure 2 Translation)**Annexure 2**

No: DOKOZ-DMG/1757/2023-M

Department of mining and Geology,

District office, Kozhikode

email: - geo.koz.dmg@kerala.gov.in

Ph: 0495-2371918, PIN 673020

Dated: 05-11-2024

SHOWCAUSE NOTICE

Sub: Mines and Minerals -Quarrying lease- illicit mining further action regarding

Ref: 1) Kerala Minor Minerals Concession rule 2015/ Kerala Minor Mineral Concession Amendment Rule 2023

2) Kerala Minerals Prevention of illegal mining, storage and transportation rule 2015/ KMPIST Amendment Rule 2023

3) Quarrying lease Number 165/2015-16/2846/M3/2015 dated 28.05.2015

4) Order dated 31.01.2024 in OA 770/2023 filed before Hon'ble National Green Tribunal

5) Survey sketch submitted by Department Surveyor on 10.06.2024

Please to refer to above, quarrying lease was granted by the Director of Mining and Geology in Resurvey No. 2442 pt of Koodaranhi village, Thamarassery Taluk Kozhikode District for an area of 3.38 hectares vide reference (3) for a period of 12 years. Quarrying lease/quarrying permit were granted in the said area since 2007, and the Granite Building Stone quarried from the said area has been quantified and refer (5) survey sketch submitted by the Department Surveyor. The Granite Building Stone quarried from the ref (3) lease and adjoining land quantified and based on the permission granted in the said area the quantity quarried in the area is as below:

Quantity of Granite Building Stone quarried in the ref (3) lease area and adjoining land as per the sketch submitted by the Department Surveyor -405968.68 m³

Overburden skated in the aforesaid area as per the survey sketch of Department Surveyor-113478.76 m³

Granite Building Stone quarried from the quarrying lease and adjoining land – 405968.62-1134478.76

= 731224.65 MT

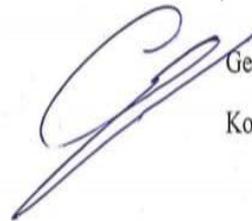
Permission granted for quarrying on the basis of quarrying permit/quarrying lease- 667830 MT

Quantity of Granite Building Stone illicitly quarried in the lease and adjoining area- 731224.65-667830

= 63394.65 MT

Hence as per Rule 108(2) of Kerala Minor Mineral Concession Amendment Rule 2023, you are bound to remit an amount of Rs 30,42,943.2/- as royalty (48 rupees per ton) 1,21,71,772.8/- as price (192 rupees per ton) and fine of Rs 500000/- amounting to Rs 15714716/- (one crore fifty seven lakh fourteen thousand seven hundred and sixteen) .If you have any submissions in order to exonerate from the charges of illicit quarrying ,that has to be present within seven days from the date of receipt of this notice. Otherwise, action will be taken as per aforesaid Rules. As previously mentioned, the sketch prepared by the Department Surveyor, along with the additional documents, are attached here for your review and reference. It is hereby informed that the modified scheme of mining of the quarrying lease as per ref (3) should be submitted for further action.




Geologist
Kozhikode

Recipient: -

Sri Thankachan M S, Mathalikkunel House, Koombara Basar Post Kozhikode -673604

**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**

C.M. Appln No. of 2025

in

W.P.(C). No. 39873 of 2024

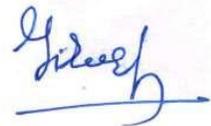
APPLICANT/ RESPONDENT NO. 6

SAJIMON JOSEPH, AGED 51 YEARS, S/O. N. F. JOSEPH,
NARAKATHINGAL HOUSE, KOOMBARA P.O.,
KODARANHI (VIA), KOZHIKODE DISTRICT, PIN – 673604

V/s.

**RESPONDENTS/WRIT PETITIONER &
RESPONDENT NO.S 1 TO 5**

1. THANKACHAN M.S. AGED 64 YEARS, S/O. SEBASTIAN,
MATHALIKKUNNEL HOUSE, KOOMBARA BAZAR P.O,
KODARANHI, KOZHIKODE DISTRICT, PIN – 673604
2. THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY (SEIAA, KERALA),
REPRESENTED BY ITS MEMBER SECRETARY,
KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR,
THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
3. THE MEMBER SECRETARY, THE STATE ENVIRONMENT
IMPACT ASSESSMENT, AUTHORITY (SEIAA, KERALA),
KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR,
THAMPANOR, THIRUVANANTHAPURAM, PIN – 695001
4. THE KERALA STATE POLLUTION CONTROL BOARD
REPRESENTED BY ITS MEMBER SECRETARY,
PATTOM P.O, THIRUVANANTHAPURAM, PIN - 695004
5. THE ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, THIRD FLOOR,
ZAMORIAN'S SQUARE BUILDING, LINK ROAD,
PALAYAM, KOZHIKODE, PIN -673002

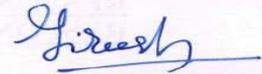


6. THE GEOLOGIST, MINING AND GEOLOGY DISTRICT
OFFICE, CIVIL STATION, PALATTUTHAZHAM,
KOZHIKODE, PIN -673020

**APPLICATION FOR CONDONE THE DELAY IN FILING
FILED UNDER SECTION 5 OF THE LIMITATION ACT, 1963**

For the reason stated in the accompanying counter affidavit, it is respectfully prayed that this Hon'ble Court may be pleased to condone the delay in filing the counter affidavit by respondent no.6 and to accept the said counter affidavit on the files of the above Writ Petition

Dated this the 01st day of February, 2025



G. Gireesh (K.939/2002)
Counsel for the applicant



SAJIMON JOSEPH (APPLICANT FOR PETITION NO. OA-93/2024, SZ)



**Narakathingal House, Koombara Bazar PO
Koodaranhi Via, Calicut DT, Kerala- PIN-673604
Phone-9964605575
Email- sajimon2808@hotmail.com**

Place: Koombara

Dated the 17th April,2025