

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

O.A. NO.93 OF 2024 (SZ)

[Earlier O.A.No.770/2023 (PB) LB]

IN THE MATTER OF:

Sajimon Jeseeph

...Applicant

v.

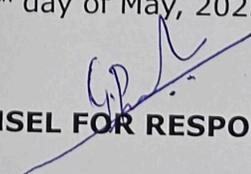
The Chief Secretary, Govt. of Kerala & Ors.

...Respondents

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Dated at Chennai on this 27th day of May, 2025


COUNSEL FOR RESPONDENT NO. 6

DR. PRABHU GONDRI

Standing Counsel for SEIAA, Kerala.

Mob. No. 9444398701 - Prabhu.ijs@gmail.com



WP(C) NOS. 39873 and 44403 OF 2024

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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.
JOBI JOSE 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



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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 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:



WP(C) NOS. 39873 and 44403 OF 2024

3

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:

THANKACHAN M.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
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NARAKATHINGAL HOUSE, KOOMBARA P.O, KODARANHI
VIA, KOZHIKODE, PIN - 673604



WP(C) NOS. 39873 and 44403 OF 2024

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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

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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

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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



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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, KODARANHI 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 KODARANHI 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



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- Exhibit P9 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 P10 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 P14 A TRUE COPY OF THE ORDER DATED
01.10.2019 ISSUED BY THE ENVIRONMENTAL
ENGINEER TO THE SECRETARY, KODARANHI
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 P16 A TRUE COPY OF THE PHOTOGRAPHS SHOWING
THE CONCRETED ROAD SIDE THE QUARRY OF
THE PETITIONER



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- 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 KODARANHI 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



WP(C) NOS. 39873 and 44403 OF 2024

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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.



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- 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
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WP(C) NOS. 39873 and 44403 OF 2024

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24.07.2023 FILED BY THE 6TH RESPONDENT
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NO. 93/2024
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THE 3RD RESPONDENT HEREIN BEFORE THE
NATIONAL GREEN TRIBUNAL, IN OA NO.
93/2024
- Exhibit P 14 A TRUE COPY OF THE ORDER DATED
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PANCHAYAT WITH COPY TO THE PETITIONER
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WP(C) NOS. 39873 and 44403 OF 2024

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- 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

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

THANKACHAN.M.S : Petitioner

Vs.

State Environment Impact : Respondents
Assessment Authority and Ors.

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. In compliance with 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)**.

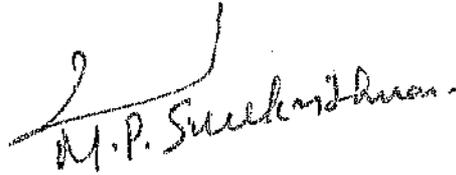
14. It is submitted that it is the usual procedure of the Authority to issue show-cause and Stop memo, in the cases of violation of EC conditions. It is submitted that as per the EIA Notification and the condition in the Environment Clearance, the petitioner is liable to comply with the conditions in 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 15th day of February, 2025.

A handwritten signature in black ink, appearing to read "M.P. Sreedharan". The signature is written in a cursive style with a large initial 'S'.

Standing Counsel for SEIAA/SEAC.

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.

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

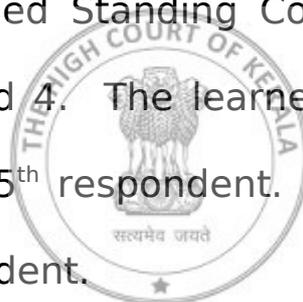
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Dated this, the 12th day of November, 2024

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

APPENDIX OF WP(C) 39873/2024

- 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
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- 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
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- 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



IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

Thursday, the 28th day of November 2024 / 7th Agrahayana, 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 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:

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



IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

Thursday, the 28th day of November 2024 / 7th Agrahayana, 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, 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, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
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6. SAJIMON JOSEPH NARAKATHINGAL HOUSE, KOOMBARA.P.O, KODARANHI 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:

ORDER

Additional documents received.

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



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, 1946WP(C) NO. 39873 OF 2024PETITIONER:

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

RESPONDENT:

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ORDER

Interim order is extended by two months.

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



APPENDIX OF WP(C) 39873/2024

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- 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



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, 1946WP(C) NO. 39873 OF 2024PETITIONER:

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, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
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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:

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



APPENDIX OF WP(C) 39873/2024

Exhibit P19

**A TRUE COPY OF THE STOP MEMO DATED 02.11.2024 ISSUED BY
THE 2ND RESPONDENT TO THE PETITIONER**



IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE T.R.RAVI

Thursday, the 20th day of February 2025 / 1st Phalguna, 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

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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



APPENDIX OF WP(C) 39873/2024

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- 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
- 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



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, 1946WP(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 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.RAVI.J

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

APPENDIX OF WP(C) 39873/2024

- 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, KODARANHI 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 KODARANHI 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, KODARANHI 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

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