

**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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FILED BY:

SAJIMON JOSEPH



Place: Koombara  
Date: 26/02/2025

Narakathingal House  
Koombara Bazar Po  
Koodaranhi Via.  
Calicut District  
PH-9964605575

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

OBJECTIONS OF THE APPLICANT ON THE JOINT COMMITTEE REPORT, DATED 28.01.2025, SUBMITTED BY THE JOINT COMMITTEE.

I, Sajimon Joseph, the Applicant in the case, son of N.F. Joseph, residing at Narakathingal House, Koombara Bazar PO, Koodaranhi via, Calicut District, Kerala State, PIN-673604, hereby solemnly affirm and raise the following issues regarding certain discrepancies in the reports submitted by the Joint Committee on January 28, 2025, pursuant to the order of the Honorable National Green Tribunal in Petition No. OA-93/2024 (SZ).

1. The letter from Koodaranhi Panchayat, referenced under NO. 400981/GGDC08/GPO/2024/4977 (1) dated 12/11/2024 and mentioned in Annexure 22 (b) & (c), pages 122 to 127, incorrectly states that the road width in the area of our property is 8.6 meters. However, according to the original land records, the correct road width in this area is 6.6 meters. Additionally, the Koodaranhi Panchayat Asset Register has been altered to reflect a change in the road width on the Koombara-Punnakadve road from 4 meters to 8 meters and destroyed many survey stone on the 1.2 KM Koombara Punnkadave Panchayat Road., without the consent or knowledge of the residents. No Relinquishment Form has been submitted by the residents to authorize this change. Furthermore, the report from the Calicut Survey Superintendent, in letter NO. DCKKD/5993/2022-J2 dated 01/03/2024, incorrectly asserts that residents had surrendered land for road widening in 1993. In fact, no residents have surrendered any land for this purpose, and it is important to note that Mr. Joseph Narakathingal purchased the property in 1994. The actual road width in our area is 6.6 meters, as per the original Field Report No. 2387, which is shown in **ANNEXURE - 1A & B.**

**ANNEXURE -2,** The report incorrectly shows the road width as 8.6 meters, based on the information received from the Calicut Survey Superintendent dated 01/03/2024. Additionally, the report has not mentioned about the destruction of survey stones along the 1.2 km stretch of Panchayat road, which has been altered to falsely show the road width as 8.6 meters.

2. The air and noise pollution checks were conducted by the inspection team on 11/10/2024, during a period when no quarrying activities were occurring, and there was no vehicle movement at the quarry site or in the surrounding area and the same observation has been reported by SEIAA. Additionally, we were not notified about the test conducted on 25/10/2024, as mentioned in the Joint Committee Report. Furthermore, the report fails to address the presence of coliform bacteria in the quarry water, where many migrant workers are residing in the quarrying site without adequate toilet facilities. The reports from the Koodaranhi Panchayat Health Department indicate high levels of coliform bacteria and other chemicals in the water from the quarrying site. These reports have been submitted before the Honorable Tribunal as part of the Statement of Facts.
3. Quarrying activities are being carried out on agricultural land that has been used for rubber plantations for several decades. Furthermore, nearby agricultural lands have been acquired and repurposed for quarrying. It is understood from the referenced receipts that these lands are classified as having Pattayam, as indicated by Receipt No. KL11040802877/2024 (Pattayam No. 4310) and Receipt No. KL11040802875/2024 (Pattayam No. 4048), both dated 02/05/2024, issued by the Kerala Land Revenue Department. These receipts are documented in the Joint Committee Report submitted on 28/01/2025, specifically on Pages 160 and 161, and constitute a direct violation of Order No. S.O. KI - 139/2024/RD, dated 26/07/2024, issued by the Revenue Department, Government of Kerala, which prohibits quarrying on agricultural land with Pattayam.  
**(ANNEXURE-3)**

The following are the additional details presented before the Honorable NGT:-

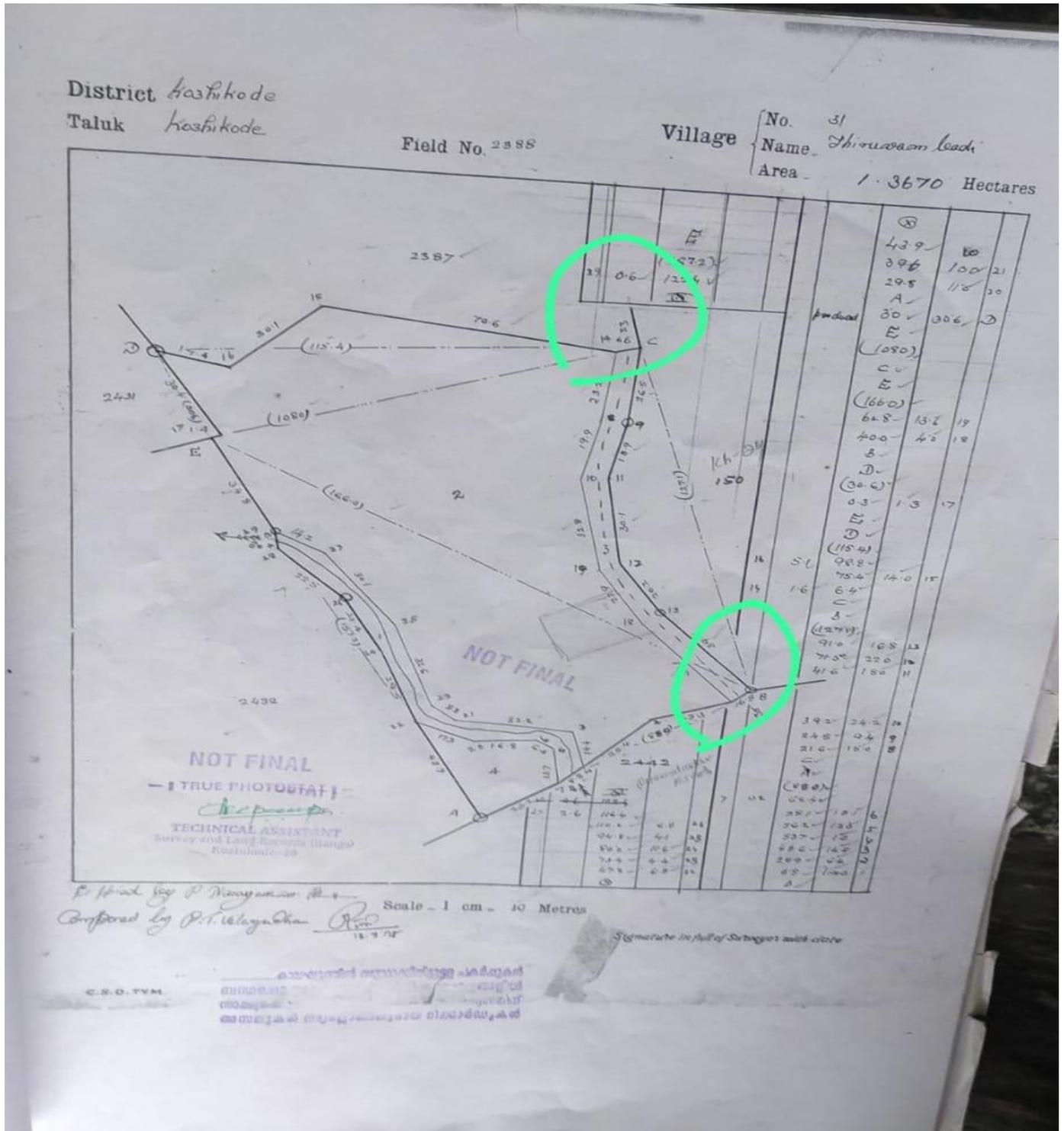
- i) Based on the interim report submitted before the Honorable NGT and a complaint from Shri. Shaju Abraham regarding the use of explosives other than NONEL Technologies for blasting, the SEIAA issued a Stop Memo and Show Cause Notice to the quarry project proponent and R5 on 2nd November 2024, instructing them to halt quarrying activities and provide an explanation as to why the Environmental Clearance (EC) should not be canceled. The project proponent submitted their

- explanation on 26th November 2024; however, it was deemed unsatisfactory. As per the SEIAA meeting minutes (**ANNEXURE-4**) dated 31st December 2024, the SEIAA decided to await the final decision of the NGT.
- ii)** Despite the Stop Memo being in effect, the project proponent continued pumping water from the quarry site and preparing for further quarrying, and the license issued by the PCB expired on 4th December 2024. This breach of SEIAA's order was reported to the SEIAA and PCB, accompanied by photographs of contaminated water taken during the site inspection on 11th October 2024 and of the dried silt unit on 4th February 2025 (**ANNEXURE-5**). However, no action has been taken to date, and the violation continues.
- iii)** In accordance with the order of the Honorable High Court of Kerala, as communicated by the Authority, a hearing has been scheduled for January 30th, 31st, and February 1st, 2025, for the project proponent and their advocate. They have been directed to submit a detailed note, along with supporting documents, within 7 days, as per the SEIAA meeting minutes of the 152nd meeting (**ANNEXURE-6**). However, the final decision of the SEIAA has not yet been published.
- iv)** The writ petitions, WP (C) 39873/2024 and WP (C) 44403/2024, filed by R5, the project proponent, challenging the Stop Memo issued by the SEIAA and seeking renewal of the PCB, have been listed for hearing before the Honorable High Court of Kerala on 4th March 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. (ANNEXURE-7).**

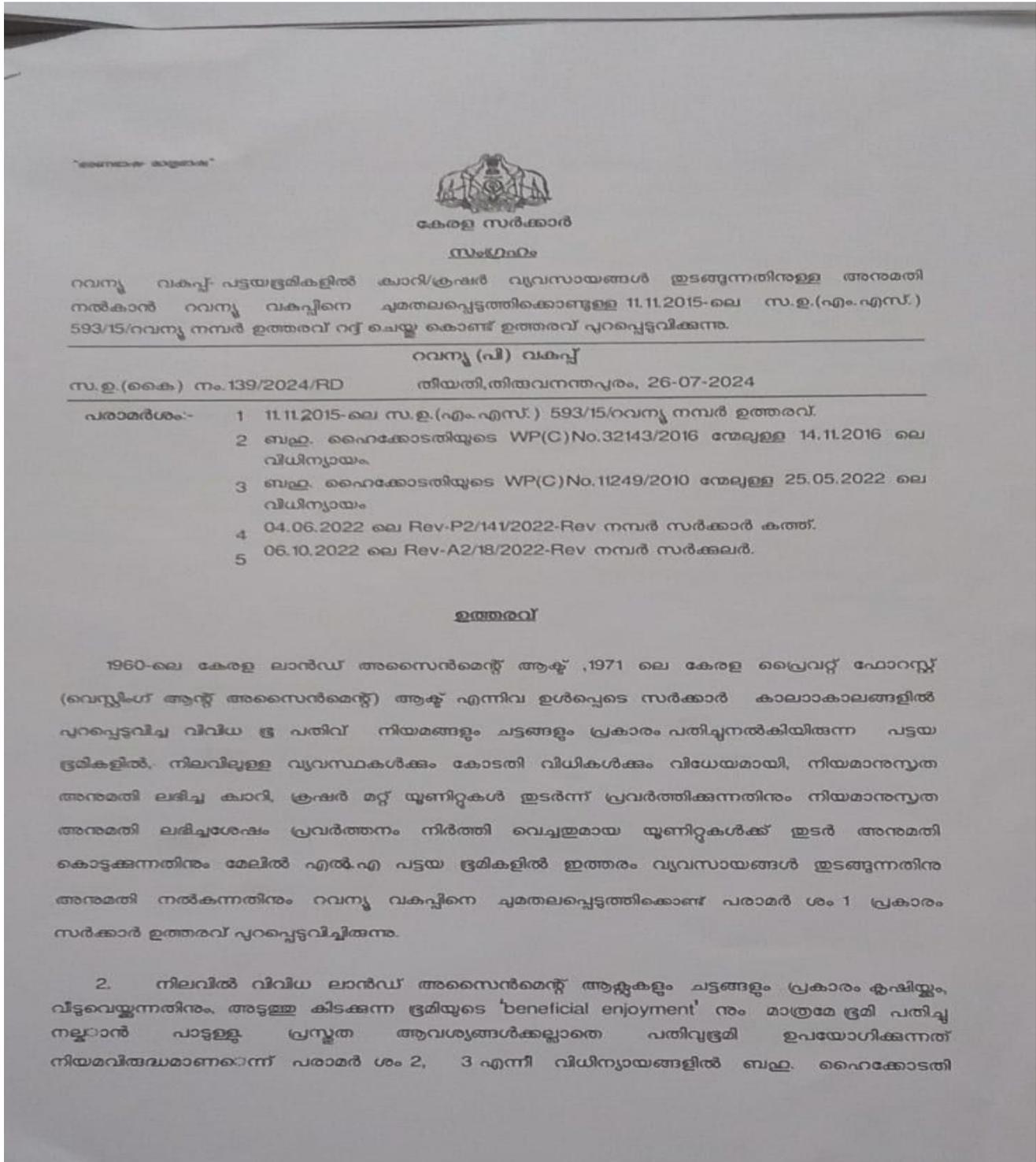


ANNEXURE 1-B.





ANNEXURE-3.



അസന്ദിഗ്ധമായി പ്രസ്താവിച്ചിട്ടുണ്ട്

3. പരാമർശം 3 വിധിനുമായത്തിന്റെ അടിസ്ഥാനത്തിൽ പട്ടയഭൂമിയിൽ പ്രവർത്തിക്കുന്ന ക്വാറികൾക്കെതിരെ നിയമ നടപടി സ്വീകരിക്കണമെന്ന് പരാമർശം 4 പ്രകാരം എല്ലാ ജില്ലാ കളക്ടർമാർക്കും ലാൻഡ് റവന്യൂ കമ്മീഷണർക്കും സർക്കാർ നിർദ്ദേശം നൽകിയിരുന്നു.

4. മാത്രമല്ല, പതിവുഭൂമികളിൽ നടക്കുന്ന ക്വാറിയിംഗ് അടക്കമുള്ള നിയമ വിരുദ്ധ പ്രവർത്തനങ്ങൾ ശ്രദ്ധയിൽപ്പെട്ടാൽ 1960 ലെ കേരള ലാൻഡ് അസൈൻമെന്റ് ആക്ടും അതിന്റെ അടിസ്ഥാനത്തിൽ രൂപീകരിച്ച ചട്ടങ്ങളും അനുസരിച്ച് അത്തരം പ്രവർത്തനങ്ങൾ നിർത്തിവെയ്ക്കിച്ച് പ്രസ്തുത ഭൂമി തിരിച്ചെടുക്കാൻ നടപടി സ്വീകരിക്കണമെന്ന് ലാൻഡ് റവന്യൂ കമ്മീഷണർ, ജില്ലാ കളക്ടർമാർ, മറ്റു റവന്യൂ ഉദ്യോഗസ്ഥർ എന്നിവർക്ക് പരാമർശം 5 ലെ സർക്കുലർ പ്രകാരവും നിർദ്ദേശം നൽകിയിരുന്നു. എന്നാൽ പട്ടയ ഭൂമിയിൽ ക്വാറി ക്രഷർ യൂണിറ്റ് തുടങ്ങുന്നതിന് അനുമതി നൽകുന്നതിന് റവന്യൂ വകുപ്പിനെ ചുമതലപ്പെടുത്തിക്കൊണ്ടുള്ള പരാമർശം 1 ലെ ഉത്തരവ് ഇതുവരെയും റദ്ദ് ചെയ്തിരുന്നില്ല.

5. പ്രസ്തുത വിഷയം സർക്കാർ പരിശോധിച്ചതിന്റെ അടിസ്ഥാനത്തിൽ പട്ടയഭൂമികളിൽ ക്വാറി/ക്രഷർ വ്യവസായങ്ങൾ തുടങ്ങുന്നതിനുള്ള അനുമതി നൽകാൻ റവന്യൂ വകുപ്പിനെ ചുമതലപ്പെടുത്തിക്കൊണ്ട് പരാമർശം 1 പ്രകാരം പുറപ്പെടുവിച്ച സർക്കാർ ഉത്തരവ് റദ്ദ് ചെയ്തുകൊണ്ട് ഉത്തരവ് പുറപ്പെടുവിടുന്നു.

(ഗവർണ്ണറുടെ ഉത്തരവിൻ പ്രകാരം)  
ടിക് ബിസാൾ  
പ്രിൻസിപ്പൽ സെക്രട്ടറി

ലാൻഡ് റവന്യൂ കമ്മീഷണർ, തിരുവനന്തപുരം  
എല്ലാ ജില്ലാ കളക്ടർമാർക്കും  
അഡ്വക്കേറ്റ് ജനറൽ, എറണാകുളം  
ചീഫ് കൺസർവേറ്റർ ഓഫ് ഫോറസ്റ്റ്, തിരുവനന്തപുരം  
പ്രിൻസിപ്പൽ അക്കൗണ്ടന്റ് ജനറൽ (ആഡിറ്റ് & എ ആന്റ് ഇ), കേരളം, തിരുവനന്തപുരം  
ഡയറക്ടർ ജനറൽ ഓഫ് പോലീസ്, തിരുവനന്തപുരം  
ഡയറക്ടർ, മൈനിംഗ് & ജിയോളജി, തിരുവനന്തപുരം  
പൊതുഭരണ (എസ്.സി) വകുപ്പ് (24.07.2024-ലെ ഇനം നമ്പർ 2290 )  
വിവര പൊതുജന സമ്പർക്ക (വെബ്ബ് & ന്യൂ മീഡിയ) വകുപ്പ് (പ്രസ് റിലീസ്)  
നിയമ വകുപ്പ്/ധനകാര്യ വകുപ്പ്/ വ്യവസായ വകുപ്പ്/വനം വകുപ്പ്/ പരിസ്ഥിതി വകുപ്പ്  
സ്റ്റോക്ക് ഫയൽ / ഓഫീസ് കോപ്പി

ഉത്തരവിൻ പ്രകാരം  
Signed by  
Suchitra S S  
Date: 26-07-2024 18:14:57  
സെക്രട്ടറി ഓഫീസർ

Translated version of the above order.

GOVERNMENT OF KERALA

SUMMARY

This order cancels the previous order S.O.E. M.S /593/15, dated 11/11/2015, which permitted the Revenue Department to grant sanctions for starting industries on designated Pattaya Land.

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Revenue ( P ) Department

S. O. KI. NO.139/2024/RD

Dated/ Trivandrum 26/07/2024

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**Reference: -1 Order No S O M. S 593/15 dated 11.11.2015.**

2. The Judgment of Honorable High Court on WP (c ) NO.32143 /2016 dated 14/11/2016.
3. The Judgment of Honorable High Court on WP (c ) NO.11249 /2010 dated 25/05/2022.
4. Letter of revenue Department NO.P2/141/2022 dated 04/06/2022.
5. Circular of Revenue Department A2/ 18/ 2022 dated 06/10/2022.

ORDER.

The Kerala Land Assignment Act, 1960, and the Kerala Private Forest (Vesting and Assignment) Act, 1971, have governed the assignment of Pattaya land over time. Based on various laws and acts, the government has sanctioned quarrying and crusher units on such land, in line with prevailing conditions and court judgments. Permission has been granted for ongoing quarries and crusher units to continue their operations, while new permissions are issued for industries on LA Pattaya land. The Revenue Department has been assigned responsibility for this process, as per reference NO. 1.

Based on the various existing Land Assignment Acts, Pattayam can only be issued for agricultural purposes, house construction, or the beneficial enjoyment of nearby land. The use of such Pattaya land for any other purpose is illegal, as explicitly stated in the judgment of the Honorable High Court, which is referred to in references NO. 2 and 3 above.

Based on the judgment in reference NO. 3, legal action must be taken against quarries operating on Pattaya land. Additionally, instructions have been issued by the Government in reference NO. 4 to all District Collectors and Land Revenue Commissioners to enforce these directives.

Furthermore, if any quarrying is found to be operating illegally on Pattaya land, instructions have been issued to District Collectors, Land Revenue Commissioners, and other revenue officials to halt such activities and reclaim the land, as outlined in Point NO. 5. However, the order assigning the Revenue Department to issue permissions for quarrying and crusher units on Pattaya land has not been cancelled, as referenced in Ref. 1 of the aforementioned order.

Based on the government's verification, the permission order issued to the Revenue Department, authorizing quarrying, crusher, and industrial units on Pattaya land, as referenced in Point No. 1, has been cancelled, and a new order has been issued.

By the Order of Governor  
Tinku Biswal  
Principal Secretary

Land Revenue Commissioner Trivandrum  
The District Collectors  
AG, Ernakulam  
Director Mining and Geology.

By the Order  
Signed by  
Suchitra S S  
Date 26/07/2024

ANNEXURE-4.

**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 15 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.**

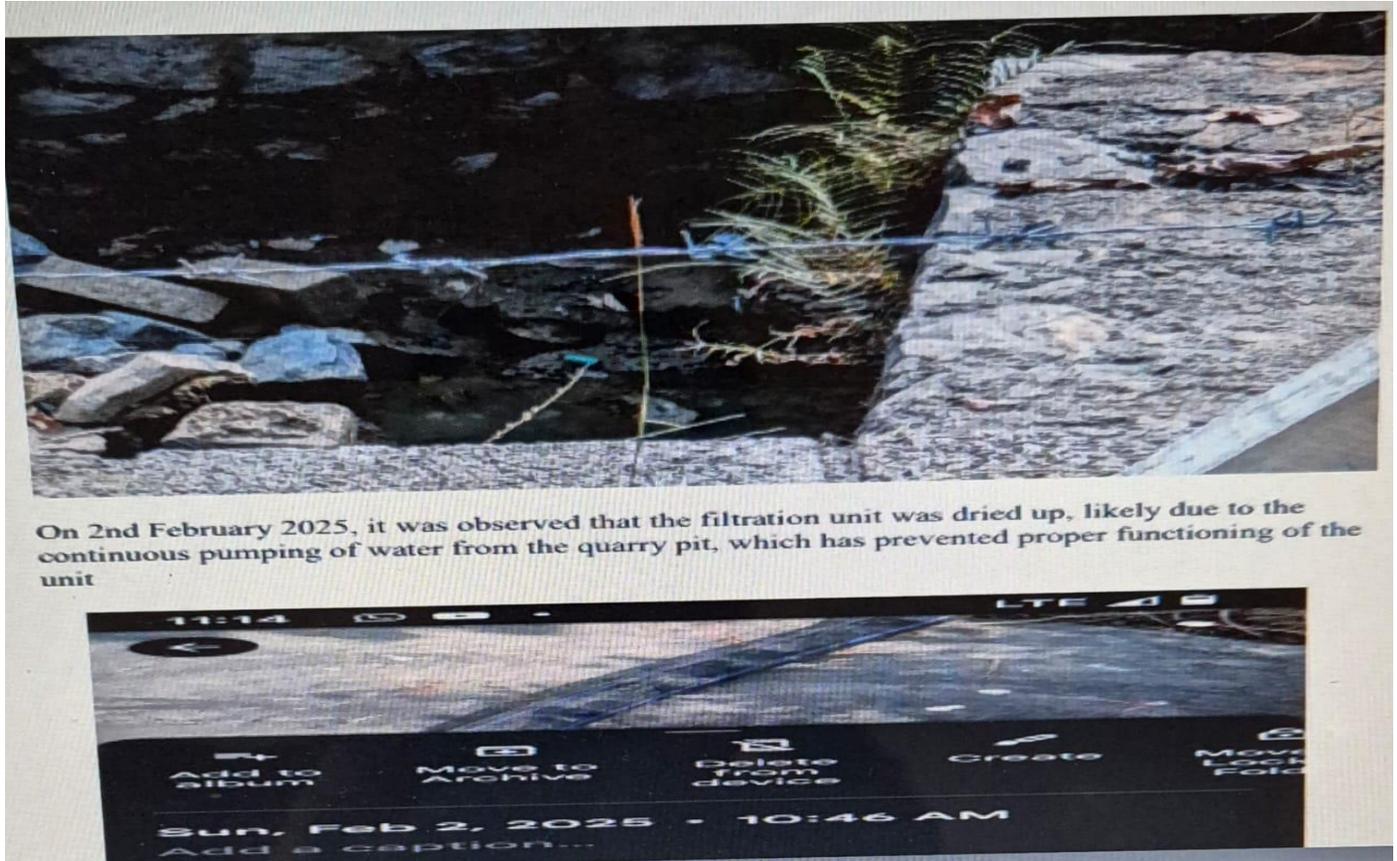
The Authority noted that the agenda and the file were not updated with the details of the interim order in WP(C) No. 39873 of 2024. The SEIAA Secretariat should take necessary action to update the details at the earliest.

**ANNEXURE-5. A & B**



During the inspection on 11/10/2024, it was noted that the filtration tank at the quarry site of the project proponent was filled with water.

ANNEXURE- 5B.



## ANNEXURE-6

**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 28 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-7.

WP(C) No. 39873 of 2024	1 / 4	Order Date : 28-02-2
<b>IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI</b>		
<b>Thursday, the 20<sup>th</sup> day of February 2025 / 1st Phalgun, 1946 WP(C) NO. 39873 OF 2024</b>		
<b>PETITIONER:</b>		
<b>THANKACHAN.M.S., AGED 64 YEARS S/O.SEBASTIAN, MATHALIKKUNNEL HOUSE, KOOMBARA BAZAR.P.O, KOODARANHI, KOZHIKODE DISTRICT, PIN - 673604</b>		
<b>RESPONDENT:</b>		
<ol style="list-style-type: none"> <li>1. THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), REPRESENTED BY ITS MEMBER SECRETARY, KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001</li> <li>2. THE MEMBER SECRETARY, THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA, KERALA), KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001</li> <li>3. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATOM.P.O, THIRUVANANTHAPURAM, PIN - 695004</li> <li>4. THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD DISTRICT OFFICE, THIRD FLOOR, ZAMORIAN'S SQUARE BUILDING, LINK ROAD, PALAYAM, KOZHIKODE, PIN - 673002</li> <li>5. THE GEOLOGIST, MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION, PALATTUTHAZHAM, KOZHIKODE, PIN - 673020</li> <li>6. SAJIMON JOSEPH, NARAKATHINGAL HOUSE, KOOMBARA.P.O, KOODARANHI VIA, KOZHIKODE, PIN - 673604</li> </ol>		
<p>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.</p>		
<p>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:</p>		

**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



I respectfully pray that the Honorable Tribunal may pass suitable orders in the interest of justice, to ensure the protection of the environment, and to enable the residents to live peacefully and securely, as guaranteed under the Constitution.

FILED BY:

SAJIMON JOSEPH ( Applicant)



Place: Koombara  
Date: 26/02/2025

Narakathingal House  
Koombara Bazar Po  
Koodaranhi Via.  
Calicut District  
PH-9964605575