

**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

INDEX

Sl. No.	Date	Description	Page No.
1	-	Reply Statement filed by the 6 th Respondent (SEIAA, Kerala)	1-4
2	02.11.2024	Annexure - 1 - Stop Memo Issued by SEIAA, Kerala	5-6
3	02.11.2024	Annexure - 2 - Show cause Notice issued by SEIAA, Kerala	7-8
4	19.10.2024	Annexure - 3 - Field Inspection Report	9-28

Dated at Chennai on this 17th day of January, 2025



COUNSEL FOR RESPONDENT NO. 6

DR. PRABHU GONDRI

Standing Counsel for SEIAA, Kerala.

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

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

ORIGINAL APPLICATION 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.

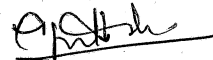
...Respondents

REPLY STATEMENT FILED BY THE 6TH RESPONDENT

I, Ajitha Kumari V R, aged 49 Years, D/o. Rejeswari Amma, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby solemnly affirm and sincerely state as follows:-

I am well acquainted with the facts of the case from the available records and I am authorized to file this reply statement on behalf of the Respondent No.6. I crave leave of the Hon'ble Tribunal to file statement as and when additional facts are available to the Respondents.

1. It is submitted that the SEIAA has issued an Environmental Clearance to Sri. Thankachan M.S., with EC No.212/SEIAA/KL/251/2014 dt. 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 Project proponent was received on 13.08.2019 and after appraisal, the same was granted in the 98th SEIAA meeting, for 5 years, and the validity expires on 12.08.2025 considering the Covid-19 relaxation of one year. A complaint against the quarry was also received from Sri. Ansar P., regarding excess mining on 08.02.2023 and the same was forwarded to District Collector, Kozhikode & Director, Mining and Geology on 01.03.2023.



AJITHA KUMARI V.R.
Legal Officer & Deputy Secretary to Govt.
State Environment Impact Assessment Authority
4th Floor, K.S.R.T.C. Bus Terminal Complex
Thiruvananthapuram-1

for necessary action. Also, the Authority vide reminder letter dated 22.05.2024 requested to District Collector, Kozhikode & Director, Mining and Geology for furnishing the report without further delay. The report is yet to be received.

2. It is submitted that Sri. Sajimon Joseph filed O.A No. 93 of 2024 (SZ) before the Hon'ble NGT against the quarry activities of Sri. Thankachan Mathalikunnel. The petition is regarding the illegal mining in ecologically sensitive zone, causing public nuisance and threat on health and safety of life, property and disasters by negligence due to quarry operation conducted by Thankachan Mathalikunnel at Koombara, Koodaranhi Village, Thamarassery Taluk, Calicut District.

3. It is submitted that the Kerala State Pollution Control Board vide e-mail dated 17.05.2024 requested to depute co-opt member / competent officer to the Joint Committee in connection with order dated 31.01.2024 in O.A No.93 of 2024 (SZ) (Earlier OA No.770/2023(PB)).

4. It is submitted that the proposal was placed in the 142nd SEIAA meeting held on 30th and 31st May 2004. The Authority deliberated the item and decided to depute Dr. Junaid Hassan, Environmental Officer, SEIAA as a co-opt member to the Joint Committee. The decision of the 142nd SEIAA meeting was conveyed to KSPCB vide letter dated 20.06.2024. Also, the KSPCB vide Letter dated 12.08.2024 has forwarded the interim report in O.A. No.93 of 2024 (SZ).

5. It is submitted that, Sri.Shaju Abraham vide letter dated 26.08.2024 forwarded a complaint against the Granite building Stone quarry project of Sri. Mathalikunnel Thankachan at Sy. No. 2442 (pt). Koodaranhi V illage, Kozhikode. The petitioner stated that besides using NONEL technology for blasting, the quarry owner uses other explosives for carrying out blasting. Also stated that the proposed quarry area is at distance of 15 km from landslide affected area of Wayanad.



AJITHA KUMARI V.R.
 Legal Officer & Deputy Secretary to Govt.
 State Environment Impact Assessment Authority
 4th Floor, K.S.R.T.C. Bus Terminal Complex
 Thiruvananthapuram-1
 Ph: 0471-2334262

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
 4th Floor, K.S.R.T.C. Bus Terminal Complex
 Thiruvananthapuram-1
 Ph: 0471-2334262

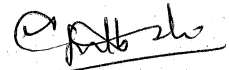
6. It is submitted that the proposal was then placed in the 148th SEIAA meeting held on 27th and 28th September 2024. The Authority deliberated the item and noted the interim report in O.A. No.93 of 2023 received from the KSPCB and the complaint dated 26.08.2024 of Sri. Shaju Abraham against the quarry project. The 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:

- i. 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.
- ii. The KSPCB shall assess the environmental damages due to non-compliance with the EC conditions and suggest suitable penal measures for environmental damages.
- iii. 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.

7. It is submitted that the decision of the 148th SEIAA meeting was intimated to the KSPCB & Director, Mining and Geology Department. Stop memo and show cause notice issued to the project proponent.

8. It is submitted that in compliance to the order dated 12.09.2024 in O.A No. 93 of 2024 (SZ) filed by Sri. Sajimon Joseph before the Hon'ble NGT, Dr. C.C.Harilal & Dr.A.N.Manoharan, SEAC Members; and Dr.Junaid Hassan.S, Environmental Officer, SEIAA were inspected the quarry site of Sri. Thankachan M.S., on 19.10.2024.



AJITHA KUMARI V.R.
 Legal Officer & Deputy Secretary to Govt.
 State Environment Impact Assessment Authority
 4th Floor, K.S.R.T.C. Bus Terminal Complex
 Thiruvananthapuram-1
 Ph: 0471-2334262

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to pass such order or orders as this Hon'ble tribunal may deem fit and proper in circumstances of the case and thus render justice.

Dated at Chennai on this the 16th day of January, 2025.


6TH RESPONDENT

VERIFICATION

AJITHA KUMARI V.R.
Legal Officer & Deputy Secretary to Govt.
State Environment Impact Assessment Authority
4th Floor, K.S.R.T.C. Bus Terminal Complex
Thiruvananthapuram-1
Ph: 0471-2334262

I, Ajitha Kumari V R, aged 49 Years, D/o. Rejeswari Amma, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of paras are true to the best of my personal knowledge and paras believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 16th day of January, 2025.


6TH RESPONDENT

AJITHA KUMARI V.R.
Legal Officer & Deputy Secretary to Govt.
State Environment Impact Assessment Authority
4th Floor, K.S.R.T.C. Bus Terminal Complex
Thiruvananthapuram-1
Ph: 0471-2334262

**State Level Environment Impact Assessment Authority
(SEIAA) Kerala**

K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor,

Thiruvananthapuram - 695 001

Ph: +91471-2334262 (Off) +91471-2334265 (Fax)

e-mail: seacseiaakerala@gmail.com

web: www.seiaakerala.in

No. 1068/EC4/2024/SEIAA

Date: 02.11.2024

✓ To,

Sri.Thankachan.M.S.
Mathalikkunnel (H)
Koombara Bazar P.O
Koodaranhi
Kozhikode – 673604

Sir,

Sub:- SEIAA – Environmental Clearance issued to the Granite Building Stone Quarry Project of Sri. Thankachan M.S., M/s Mathalikkunnel Quarry at Sy. No. 2442 (pt), in Koodaranhi village, Kozhikode - O.A No. 93 of 2024 (SZ) (Earlier OA No.770/2023(PB)) filed by Sri. Sajimon Joseph before the Hon'ble NGT- Stop Memo issued

- Ref :-
- 1) EC No. 212/SEIAA/KL/251/2014 dt. 05.12.2014
 - 2) Extension of EC issued vide order dated 04.11.2019
 - 3) O.A No. 93 of 2024 (SZ) filed by Sri. Sajimon Joseph filed before the Hon'ble NGT
 - 4) Complaint dated 26.08.2024 received from Sri.Shaju Abraham
 - 5) Minutes of the 148th SEIAA meeting held on 27th and 28th September 2024

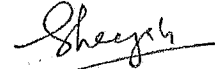
Memo

Environmental Clearance was issued to the quarry project of Sri.Thankachan.M.S, M/s Mathalikkunnel Quarry at Sy. No. 2442 (pt), in Koodaranhi village, Kozhikode Taluk, Kozhikode vide reference 1st cited. Extension of EC was also issued vide reference 2nd cited.

Sri. Sajimon Joseph filed O.A No. 93 of 2024 (SZ) (earlier OA No. 770/2023(PB)) before the Hon'ble NGT against the quarry activities of Sri. Thankachan M.S. The petition is regarding the illegal mining in ecologically sensitive zone, causing public nuisance and threat on health and safety of life, property and disasters by negligence due to quarry operation conducted by Sri. Thankachan M.S. at Koombara, Koodaranhi village, Kozhikode. Also, Sri.Shaju Abraham vide letter dated 26.08.2024, forwarded complaint against the quarry project of Sri. Thankachan M.S.

In the 148th SEIAA meeting held on 27th and 28th September 2024, the Authority 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, 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). Hence, the Authority decided to issue stop memo to the project and to issue a show cause notice to get his explanation to not to cancel EC as per Clause 8 (vi) of EIA Notification 2006.

In this circumstance, Stop Memo is hereby issued to stop all the activities carried out with the EC, issued to the Granite Building Stone Quarry Project of Sri. Thankachan M.S., M/s Mathalikunnel Quarry at Sy. No. 2442 (pt), in Koodaranhi village, Kozhikode, until further orders of this Authority.



**Administrator, SEIAA
For Member Secretary, SEIAA**

Copy to:

1. MoEF Regional Office, Southern Zone, Kendriya Sadan, 4th Floor, E&F Wing, II Block, Koramangala, Bangalore-560034.(through e-mail: rosz.bng-mefcc@gov.in)
2. The Secretary to Government, Environment Department, Government of Kerala
3. The Director, Directorate of Environment & Climate Change, 4th Floor KSRTC Bus Terminal, Thampanoor, Thiruvananthapuram, Kerala 695001.
4. The District Collector, Kozhikode
5. The Director, Mining & Geology, Thiruvananthapuram -4.
6. The Member Secretary, Kerala State Pollution Control Board
7. The District Geologist, Kozhikode
8. The Environmental Engineer, KSPCB, Kozhikode
9. The Tahsildhar, Kozhikode Taluk, Kozhikode
10. The Secretary, Koodaranhi Grama Panchayath, Kozhikode
11. The Chairman, SEIAA.
12. Website.
13. S/f
14. O/c

41

**State Level Environment Impact Assessment Authority
(SEIAA) Kerala**

**K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor,
Thiruvananthapuram - 695 001**

Ph: +91471-2334262 (Off) +91471-2334265 (Fax)

e-mail: seacseiaakerala@gmail.com

web: www.seiaakerala.in

No. 1068/EC4/2024/SEIAA

Date: 02.11.2024

To,

Sri.Thankachan.M.S
Mathalikkunnel (H)
Koombara Bazar P.O
Koodaranhi
Kozhikode – 673604

Sir,

Sub:- SEIAA – Environmental Clearance issued to the Granite Building Stone Quarry Project of Sri.Thankachan M.S., M/s Mathalikkunnel Quarry at Sy. No. 2442 (pt), in Koodaranhi village, Kozhikode - O.A No. 93 of 2024 (SZ) (Earlier OA No.770/2023(PB)) filed by Sri. Sajimon Joseph before the Hon'ble NGT- Show Cause Notice issued.

- Ref :- 1) EC No. 212/SEIAA/KL/251/2014 dt. 05.12.2014.
2) Extension of EC issued vide order dated 04.11.2019
3) O.A No. 93 of 2024 (SZ) filed by Sri. Sajimon Joseph filed before the Hon'ble NGT
4) Complaint dated 26.08.2024 received from Sri.Shaju Abraham.
5) Minutes of the 148th SEIAA meeting held on 27th and 28th September 2024.
6) Stop memo issued vide Order dated 2.11.2024

SHOWCAUSE NOTICE

WHERE AS Environmental Clearance vide reference 1st was issued to the quarry project of Sri.Thankachan.M.S, M/s Mathalikkunnel Quarry at Sy.No.2442 (pt), in Koodaranhi village, Kozhikode Taluk, Kozhikode. Extension of EC was also issued vide reference 2nd cited.

AND WHEREAS, Sri. Sajimon Joseph filed O.A No. 93 of 2024 (SZ) (earlier OA No.770/2023(PB)) before the Hon'ble NGT against the quarry activities of Sri. Thankachan M.S. The petition is regarding the illegal mining in ecologically sensitive zone, causing public nuisance and threat on health and safety of life, property and disasters by negligence due to quarry operation conducted by Thankachan at Koombara, Koodaranhi village, Kozhikode. Sri.Shaju Abraham vide letter dated 26.08.2024, has also forwarded a complaint against quarry project of Sri. Thankachan M.S.

AND WHEREAS, the Authority in its 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, against the quarry project. The complainant stated that besides NONEL technology for blasting, the quarry owner uses other explosives for carrying out blasting. In addition, 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). Hence, the Authority decided to issue stop memo to the project and to issue a show cause notice to Project Proponent to get his explanation to not to cancel EC as per Clause 8 (vi) of EIA Notification 2006. Vide reference (6) cited, the stop memo was issued to the project.

Hence Show Cause Notice is hereby issued to you for providing reasons as to why the EC should not be cancelled, as per Clause 8 (vi) of EIA Notification 2006. You are directed to submit your explanation within a period of 15 days from the date of receipt of this notice, failing which the Authority will proceed with further action including the cancellation of EC under law assuming that you have no cause to show in the matter.



**Administrator, SEIAA
For Member Secretary, SEIAA**

Copy to:

1. MoEF Regional Office, Southern Zone, Kendriya Sadan, 4th Floor, E&F Wing, II Block, Koramangala, Bangalore-560034.(through e-mail: rosz.bng-mefcc@gov.in)
2. The Secretary to Government, Environment Department, Government of Kerala
3. The Director, Directorate of Environment & Climate Change, 4th Floor KSRTC Bus Terminal, Thampanoor, Thiruvananthapuram, Kerala 695001.
4. The District Collector, Kozhikode
5. The Director, Mining & Geology, Thiruvananthapuram -4.
6. The Member Secretary, Kerala State Pollution Control Board, Thiruvananthapuram.
7. The District Geologist, Kozhikode
8. The Environmental Engineer, KSPCB, Kozhikode
9. The Tahsildhar, Kozhikode Taluk, Kozhikode
10. The Secretary, Koodaranhi Grama Panchayath, Kozhikode
11. The Chairman, SEIAA.
12. Website.
13. S/f
14. O/c



Field Inspection Report

Field inspection to the Granite Building Stone quarry project of Sri. Thankachan Mathalikunnel in Koodaranhi village, Kozhikode in compliance to the order dated 12.09.2024 in O.A No.93 of 2024 (SZ) (Earlier O A No.77012023(PB)) filed by Sri. Sajimon Joseph before the Hon'ble NGT.

No.212/SEIAA/KL/251/2024

Background

With reference to the order no. 1068/E C2 12024/ SEIAA dated 18.10.2024 from the administrator SEIAA and order dated 12.09.2024 in O.A No. 93 of 2024 (SZ) of the Hon'ble NGT a subcommittee of SEAC consisting Dr. Harilal C C. and Dr. Manoharan A N. (Members, SEAC), and Dr. Junaid Hassan S. (Environmental Officer, SEIAA) conducted filed inspection in the Granite Building Stone quarry project of Sri. Thankachan Mathalikunnel in Koodaranhi village, Kozhikode on 19/10/2024.

The following members were present at the project site during the visit:

1. Sri. Sajimon Joseph (complainant)
2. Sri. Joseph M J. (complainant)
3. Sri. Haris (complainant)
4. Sri. Thankachan Mathalikunnel (Proponent)
5. Sri. Senthil Nathan S., (Mines foreman, certificate No.FRE/4926)
6. Sri. Nikhil K. (Consultant)
7. Sri.Ajmal Sadique (Consultant)

Details of the project are as follows:

No	Particulars	Details
1	File No.	No.212/SEIAA/KL/251/2024
2	Name of the proponent	Mr. Thankachan. M.S Mathalikkunnel House, Koombara Bazar P.O, Koodaranhi, Kozhikode, Kerala – 673 604.
3	Name of the Project & Phone No.	Quarry project of M/s. Mathalikkunnel Quarry
4	EC issued by	SEIAA, Kerala
5	Project Location - Village; Taluk; District	Koodaranhi Village, Thamarassery Taluk
6	Type of Mineral to be mined	Granite Building Stone
7	Project area (Ha)	4.6963 Ha
8	EC no, date and validity	212/SEIAA/KL/251/2014, Dated 05/12/2014 (Validity of the EC for 5 Years). Revalidation order dated – 04/11/2019 Valid up to 04/12/2024
9	Lease Order	165/2015-16/2846/M3/2015 dated 28/05/2015
10	Lease Validity	Valid up to 12 years from the execution of quarrying lease
11	Extent of Private Land (Ha)	4.6963 Ha

12	Extent of Government Land (Ha)	Nil
13	Date of Validity of NOC	EC valid up to 04/12/2024
14	Date of Non-Assignment Certificate	08/01/2015
15	Date of approval of Mining Plan	<ul style="list-style-type: none"> • Mining plan approved on 22/05/2015 • Scheme of mining plan approved on 16/07/2020
16	Mineable reserve (MT)	<ul style="list-style-type: none"> • As per approved mining plan = 11,24,000 MT • Balance reserve as per approved scheme of mining = 9,90,902 MT
17	Average Annual Production (TPA)	1,00,000 MTA as per lease order
18	Maximum Annual Production (TPA)	1,00,000 MTA as per lease order
19	Life of Mine As per Mine Plan	9.9 years as per scheme of mining plan
20	Thickness & Quantity of Overburden	0.9 m (38,457 cum is remaining to be removed as per approved scheme of mining plan)
21	Quantity of top soil to be removed	1.2 m (13,586 cum is remaining to be removed as per approved scheme of mining plan)
22	Depth to water table (m)	40m above msl
23	Total daily water requirement (KLD)	Total 25 KLD Domestic – 1.2 KLD Dust suppression – 20 KLD Green belt development – 3.8 KLD
24	Source of water	Rainwater harvesting pond & open well
25	Blast hole diameter & depth	Blast hole dia – 32 mm Depth – 1.0 m to 1.3 m
26	Min & Max elevation prior to mining-amsl	Highest elevation – 160m MSL Lowest Elevation – 85m MSL
27	Ultimate Mine Depth	Ultimate pit at 55 m Above MSL
28	Maximum number of benches	21 benches as per scheme of mining plan
29	Distance to nearest house with proof	177 m from BP1 in NW direction
30	Distance to other nearest built structure	Own office building at 22 m
31	Distance to Moderate Hazard Zone	55 m from BP4
32	Distance to High Hazard Zone	1.8 Km from BP6
33	Area of operational quarries as per Cluster Certificate dt. --	M/s. Thekkinchuvadu Granites Pvt. Ltd. – 4.9919 Ha M/s. Matha Industries – 3.5367 Ha
34	Abandoned quarry within the site	Nil
35	Abandoned quarry within 500m	Old permit quarry
36	Distance to Wild Life Sanctuary	Malabar wild life sanctuary – 26 Km
37	Distance to forest	Is under the evaluation forest department.
38	Distance to National Park	Silent valley National Park – 34.5 Km
39	Name of RQP/Consultant	Scheme of mining plan prepared by Mr. A.G. Korah (DMG/KERALA/RQP/20/2019)
40	Date of Field Inspection	19.10.2024

Details of the complaint by the petitioner Sri.Sajimon Joseph is given as follows:

Sl.No.	Complaint.	Observation
1.	<p>Non-Compliance with Environmental Conditions. The quarry operator has fulfilled less than 10% of the compliance conditions specified in the Environmental Clearance (EC) and the interim reports issued by the inspection team. Out of 48 mandated conditions, only a few have been adhered to, demonstrating a blatant disregard for regulatory requirements. Despite of these ongoing violations, the illegal activities continue without the revocation of the FC, as outlined in points 40 and 41 of the general conditions and provisions under the Environment Protection Act, 1986. The current damages to the environment and society are irreparable and irreversible, and further, these illegal activities continue to exacerbate the situation.</p>	<p>Quarry operation is not fully as per the mining plan. Benches are not maintained properly. About 70m high quarry wall is retained with only three benches (Top 25 to 30m of the quarry wall is without any bench). Quarry waste dump is at high altitude and no proper protection measures are taken.</p>
2.	<p>Unscientific and inappropriate air and noise testing. Crucially, the air and noise pollution assessments were not conducted properly. The pollution control team arrived at the site before 10 AM and conducted tests in the presence of the quarry operator, even though quarry operations had not yet begun that day. Based on our observations upon arrival, we noted that the tests were being conducted alongside the quarry team. Furthermore, no quarrying activities had taken place in the two days leading up to the inspection, significantly undermining the validity of the assessments. By the time the core team members arrived at 11:40 AM, no air or noise tests had been conducted during active quarrying or related transportation, suggesting a deliberate effort to conceal the true impact of their activities. Additionally, the quarry operator ignored repeated requests from both the petitioner team and the Nodal Officer to make the quarrying and other activities in full mode of testing. As a result, the purpose of the assessments and the test reports were not fulfilled.</p>	<p>At the time of visit there was no quarrying activities. Moreover there was drizzling at the time of site inspection. No apparent signs of air pollution were noticed. Sprinklers were found to be installed in the project site only recently.</p>
3.	<p>Environmental Degradation and Blocked Streams A significant stream in the area has been completely blocked and is no longer visible on the right side of the quarry due to the dumping of quarry waste and mud at heights exceeding 50 feet at various locations, as well as the construc-</p>	<p>It is observed that stream at upstream side of the quarry (NE and SE side) were diverted through garland canal and two streams, whose confluence at the eastern side, is</p>

	<p>tion of two mud roads leading to the site. One of these roads has already sustained damage from vehicle movement. This situation poses a serious risk to local water systems and the safety of residents and workers. The blockage has caused water build up and sludge accumulation, creating an imminent threat of landslides. Given the area's steep slopes and history of landslides during heavy rains, the lives and properties of nearby residents are in grave danger.</p>	<p>allowed to flow through a cement pipe overlaid by thick pile of old dump of quarry waste/overburden.</p>
4.	<p>Potential for Catastrophic Events. The overburden and waste dumped around the site create an unstable environment, risking catastrophic landslides. Historical data from 1982 to 1995 indicates past landslide events in this region, reinforcing the potential dangers of current practices.</p>	<p>Quarry waste/overburden were dumped unscientifically at higher elevation side of the quarry without any protection structure. Minor slides were also observed on the steep sides of the dump.</p>
5.	<p>Revenue Loss and Lack of Accountability The absence of weighing machines has resulted in significant revenue losses for the state, as the quarry operator has consistently underreported the amount of materials extracted. Additionally, the access road has not been adequately constructed or maintained, further exacerbating environmental damage.</p>	<p>The proponent has produced documents related to the movement of materials out of the project site. It is observed that the access road is made with cement concrete. At several regions, the concrete road noted to be damaged.</p>
6.	<p>Air Pollution Due to Poor Infrastructure The internal roads of the quarry are neither concreted nor tarred, resulting in increased air pollution. This lack of proper road maintenance directly violates public health standards and environmental regulations, exacerbating the negative impact on the surrounding community and ecosystem.</p>	<p>Access road to the quarry is noted to be made with cement concrete</p>
7.	<p>Unlawful Expansion of Operations. The quarry operations are suspected of having expanded beyond the permitted areas and encroaching on forest land, with activities occurring in unmarked zones. This raises serious concerns about the licensing and monitoring processes. Additionally, the quarry operator has been reluctant to provide the inspection team with details regarding the marked areas specified in the license, further complicating oversight and accountability for their operations.</p>	<p>Evaluation of multi-dated google imagery overlaid with project boundary indicates that quarrying operation after 2014 were taken place within the project boundary. Buffer zone was not maintained properly from BP 1 to BP4.</p>
8.	<p>Inaccurate Pollution Testing Air and noise pollution tests were conducted in the absence of quarry operations, leading to results that are neither accurate nor acceptable. The</p>	<p>At the time of visit the quarry was not operational.</p>

	operator's refusal to retest under normal operating conditions further highlights non-compliance.	
9.	<p>Safety Hazards from Inadequate Fencing The minimal fencing, consisting only of a 3-foot metal wire, fails to adequately secure the hazardous areas of the quarry. This inadequate barrier poses significant risks to both humans and wildlife, especially in areas adjacent to forest land, where unprotected access can lead to accidents and harmful encounters.</p>	Fencing was seen around the project area but at certain regions, it is either damaged or having insufficient height for affording protection
10.	<p>Continued Operations despite Non-Compliance. Despite ongoing violations and significant non-compliance with license conditions, quarry activities continue without the cancellation of the license. This lack of action contradicts regulatory mandates that call for immediate enforcement as in response to such breaches.</p>	At the time of site visit, the quarry was not operational
11.	<p>Impact on Local Communities The quarrying site is alarmingly close to tribal colonies, posing significant risks to the health and safety of local communities. The dust and pollution generated by quarry activities can lead to respiratory issues and other health problems, while the noise and heavy machinery operations disrupt daily life. Furthermore, the environmental degradation resulting from the quarrying operations threatens the local ecosystem, which the tribal communities rely on for their livelihoods.</p>	A built structure (Proponents' own office) is located at 22m from the project boundary. The nearest house is at a distance of 177 m from BP1 in NW direction. The area is not densely populated.
12.	<p>Water Contamination Issues Contaminated water is overflowing from both the filtration tank and the quarry site, which lacks sufficient capacity to manage the volume of water at present including rain. This overflow contaminates local streams, leading to serious health issues for residents. Additionally, there are no gulland drains in place, and the natural stream running through the quarry site. Moreover, the outflow from the filtration plant directly discharges into the natural streams, exacerbating the contamination problem of the residents.</p>	There are two de-siltation tanks constructed at the outlet of the quarry pit flow. It is observed that the structure is insufficient for controlling the silt flow.
13.	<p>Hazardous Quarry Conditions The active quarry site features steep slopes exceeding 70 m creating hazardous conditions for workers and posing significant environmental threats to the surrounding forest, residents, and wildlife. Additionally, the quarry pit descends more than 100 feet from the adjacent forest area. This creates a highly dangerous "trapping point" for both the environment and wildlife, as well as posing risks to human safety.</p>	Quarry has got a steep wall of about 70m height at the eastern side. Only three benches (partially maintained) are noted at this portion of the quarry.

14.	<p>Road Damage and air and Noise Pollution from heavy vehicles.</p> <p>The high levels of noise from blasting, drilling, and heavy machinery, along with the movement of overloaded vehicles on the narrow 4-meter road, pose serious concerns for residents. The extreme sounds of blasting and the constant presence of overloaded heavy vehicles generate significant traffic noise, while dust from these operations contributes to serious health risks. Together, these factors create a life-threatening environment for local residents. .</p>	<p>During the time of visit there was no quarrying activities and hence no material movement.</p>
15.	<p>Displacement of Local Residents.</p> <p>More than ten families have permanently vacated their homes due to the hazardous environment created by quarry operations, highlighting the serious impact on community well-being. This exodus, along with the departure of other farmers in the area, has enabled the quarry operators to extend their areas of operation, further exacerbating the negative effects on the remaining residents and the local environment.</p>	<p>There are no houses within 50m from the project boundary.</p>
16.	<p>Document Forgery and Corruption.</p> <p>The quarry operator has allegedly influenced local authorities to alter official records, changing the road width from the narrow 4-meter panchayat road to 8 meters. This modification was intended to facilitate illegal operations and secure licenses for quarrying and related activities, including a crusher unit, indicating corruption and abuse of power. Additionally, the operator has reportedly destroyed survey stones along the 1.2 km stretch of the Koombara to Punnakadavu road except a few and manipulated road sketches and property details to encroach on resident's land. This includes placing survey stones that trespass onto the private property of Mr.,Joseph NJ Narakathingal, aiming to falsify records and create the appearance that the road meets legal requirements.</p>	<p>It is observed that the road width increased for about 50m in front of their office building and at the entry part of the quarry.</p>
17.	<p>Human Rights Violations.</p> <p>The recent international case law, *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, underscores the obligation of states to protect environmental rights and address climate change, thereby establishing a legal basis for intervention and remedial measures. In this context, the illegal activities associated with the quarrying operation have led to significant human rights</p>	<p>Its observed that major part of the quarry operation is confined to the project boundary itself, except the parking of trucks, office activities and transportation of minerals.</p>

	violations, including property encroachments, encroachment on public roads, roads made hazardous by sludge, broken surfaces, and gutters, as well as the construction of unauthorized compound walls. Additionally, the quarrying has caused noise, air, and water pollution, and the heightened risk of landslides poses a further threat to the safety of local residents.	
18.	Lack of Law Enforcement Action. Numerous complaints have been lodged regarding forgery, destruction of public records, and illegal activities; however, no legal action has been taken, indicating a systemic failure in law enforcement. The quarry operations are not maintaining the required 50-meter distance from the panchayat road and are encroaching on forest land. Furthermore, the panchayat road has been diverted in one area to attempt compliance with these distance requirements, yet this action has not addressed the broader issues of illegal encroachment and regulatory non-compliance.	Action may be taken by the SEIAA after evaluation of the compliance of EC conditions.
19.	Contempt of Court. Despite a High Court order on February 2g, 2023, in WP(C) No. 5292 of 2023, which restricts heavy vehicles on local roads, there has been no enforcement of this ruling. This lack of action undermines judicial authority and raises concerns about the adherence to legal directives.	Action may be taken by the SEIAA
20.	Unaddressed Complaints at Multiple Levels. Multiple complaints have been filed with various authorities, including the Chief Minister's office, concerning the illegal operations and associated human rights violations. However, no effective action has been taken by local authorities. This inaction not only undermines public accountability but also fails to honor court orders and the principles of justice that are essential for protecting the rights of affected residents.	Action may be taken by the SEIAA
21.	During the inspection, the quarry operator repeatedly behaved disrespectfully toward the three-member petitioner team including myself whenever irregularities were pointed out. despite of receiving warnings from the nodal officer, the disrespectful conduct continued which created a reasonable apprehension and made it difficult for us to present the issues more clearly and support them with substantial evidence.	During the present visit, both petitioners and the proponent were cooperating well with the inspection team.

Status of compliance of EC conditions

Sl.No.	EC conditions	Compliance status.
1.	A separate environmental management and monitoring cell with qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.	Partially complied. Constituted the committee but activities of the committee are not found satisfactory.
2.	Suitable avenue trees should be planted along either side of the tarred road and open parking areas. if any. including of approach road and internal roads.	Partially complied. Natural trees and bushes are grown in the avenue area. Plantation by the proponent as such is not seen.
3.	Sprinklers shall be installed and used in the project site to curtain dust emissions.	Complied. (noted as recent installation)
4.	Eco-restoration including the mine closure plan shall be done at the own cost of the project proponent.	Partially complied. Quarry pit near the western boundary is partially filled.
5.	In view of the deep pits left after the excavation, stacking at maximum top level should be carried out.	Not complied. Deep quarry pit is formed. There is no proper OB dump observed during the visit. OB and quarry waste are dumped at higher elevated areas without any protection measures.
6.	Corporate Environment Responsibility agreed upon by the proponent should be implemented.	Partially complied.
7.	The project proponent shall comply the conditions stipulated by the statutory authorities concerned.	Partially complied.
8.	Tarring/multiple options on the access roads shall be undertaken so as to reduce dust pollution during movement of vehicle.	Complied. Approach road and quarry access roads are concreted. Concrete road at certain stretches are damaged.
9.	Overburden materials should be managed within the site and used for reclamation of mine pit as per mine closure plan / specific conditions.	Partially complied. OB management is poor and unscientific. Certain part of the quarry pit is filled with quarry waste. Quarry operation is not completed.
10.	Height of benches should not exceed 5m, and width should not be less than 5 m. if there is no Mention in the mining plan /specific condition.	Not complied. Benches are not maintained as per the mining plan. 21 benches were proposed as per approved scheme of mining but only three

		benches were observed in the quarry.
11.	Ground level should be fixed in individual cases separately.	Proponent lack clarity regarding the condition.
12.	No mining operations should be carried out at places having a slope greater than 45.	Not complied. Quarry wall at eastern side (for about 50m height) is maintained as vertical.
13.	Acoustic enclosures should have provided to reduce sound amplifications in addition to the provisions of green belt and hollow brick envelop for crushers so that the noise level is kept within prescribed standards given by CPC'B/KSPCB. This condition is applicable only in such cases if a crusher is adjacent to the quarry.	Not applicable. Natural vegetation is grown around the project area. There is no crusher attached to the quarry.
14.	The workers on the site should be provided with the required protective equipment such as ear muffs, helmet, etc.	Reported compliance. At the time of visit, quarry was not operational.
15.	Garland drains with clarifiers in the lower slope around the core area to channelize storm wafer.	Partially complied. Natural drains are channelized through the garland canal at the upstream side. Clarifiers are not satisfactory.
16.	The transportation of minerals should be in covered trucks to curtain dust emissions. The proponent should plant trees at least 5 times of the loss that has been occurred while clearing the land for the project. SEAC should asses the number of trees in each project site before the issuance of EC so as to ensure the promptness in planting.	Reported compliance. Natural vegetation is retained around the project area. No additional plantation is seen as such.
17.	Explosives should be stored in magazines in isolated place specified and approved by the Explosives Department	Complied. No board was seen displayed at magazine site.
18.	A minimum buffer distance of 100m from the boundary of the quarry to the nearest dwelling unit or other structures, not being any facility for mining shall be provided.	Partially complied. A built structure (Proponents own office) is located at 22m from the project boundary. The nearest house is at a distance of 177 m from BP1 in NW direction. The area is not densely populated.
19.	50 m buffer distance should be maintained from forest boundaries.	Complied.
20.	Consent from Kerala State Pollution Control Board under Water and Air Act(s) should he obtained before initiating mining activities.	Complied.
21.	All other statutory clearance should be obtained,	Complied.

	as applicable, by project proponents from the respective competent authorities including that for blasting and storage of explosives.	
22.	In the case of any change(s) in the scope of the project, extent quantity, process of mining technology involved or in any way affecting the environmental parameters/impacts as assessed. based on which only the E.C is issued, the project would require a fresh appraisal by this Authority, for which the proponent shall apply and net the approval of this Authority.	EC is issued and validity extended for an area of 4.6963Ha. However, the Scheme of Mining approved by the Mining & Geology Dept. indicates the project area as 3.3800Ha.
23.	The Authority reserves the right to add additional safeguard measures subsequently, if found necessary and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act. 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.	Proponent is aware about the condition
24.	The stipulations by Statutory Authorities under different Acts and Notifications should be complied with, including the provisions of Water (Prevention and control of Pollution) Act 1974, the Air (Prevention and control of Pollution) act 1981. the Environment (Protection) Act, 1986. the Public Liability (Insurance) Act. 1991 and EIA Notification, 2006.	Proponent is aware about the condition
25.	The project proponent should advertise in at least two local newspapers widely circulated in the region, one of which (both the advertisement and the newspapers) shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Environment Impact Assessment Authority (SEIAA) of fice and may also be seen on the website of the Authority at www.seiaakerala.org . The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same signed in all pages should be forwarded to the office of this Authority as confirmation.	Complied
26.	The Environmental Clearance (EC) shall be put on the website of the company by the proponent.	Not complied. The company does not have a website of their own. The EC order is uploaded in the SEIAA website.
27.	Proponent shall submit half yearly reports in soft copy and SEIAA will upload it on the website.	Not complied.
28.	The details of Environmental Clearance should	Not properly complied

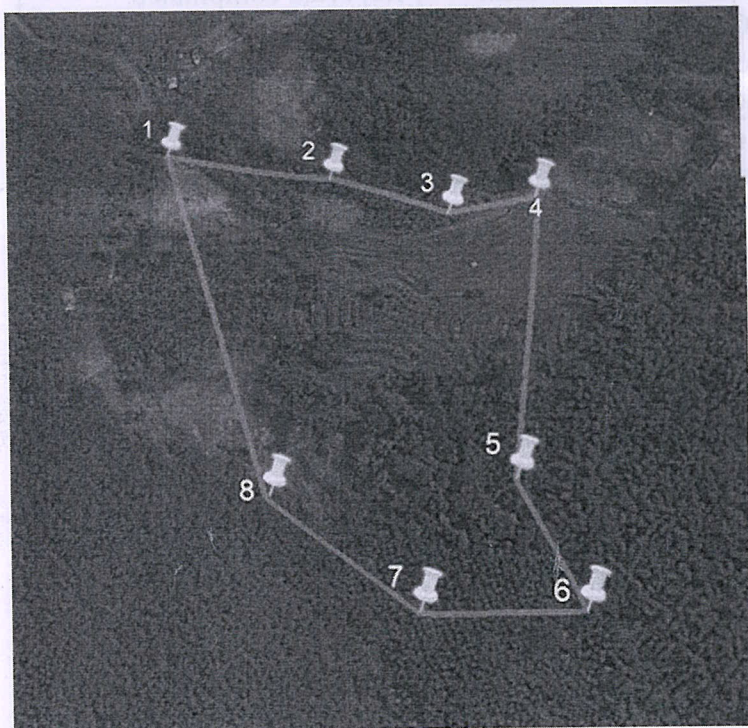
	be prominently displayed in a metallic board of 3 ft x 3 ft with green background and yellow letters of Times New Roman font of size of not less than 40. Sign board with extent of lease area and boundaries shall be depicted at the entrance of the quarry, visible to the public.	
29.	The proponent should provide notarized affidavit (indicating the number and date of Environmental Clearance proceedings) that all the conditions stipulated in the EC shall be scrupulously followed.	Complied.
30.	No change in mining technology and scope of working should be made without prior approval of the SEIAA, No further expansion or modifications in the mine shall be carried out without prior approval of the SEIAA. as applicable.	Partially complied
31.	The Project proponent shall ensure that no natural water course and/or water resources shall be obstructed due to any mining operations. Necessary safeguard measures to protect the first order streams, if any, originating from the mine lease shall be taken.	Partially complied. First order streams were diverted through garland canal and allowed to flow through cement pipes at the upstream side. Water falls from the vertical wall of the quarry at north western side.
32.	The top soil, if any, shall temporarily be stored at earmarked site(s) only for the topsoil shall be used for land reclamation and plantation. The over burden (OB) generated during the mining operations shall be stacked at earmarked dump site(s) only. The maximum height of the dumps shall not exceed 8m and width 20m and overall slope the dumps shall be maintained to 45 degree. The OB dumps should be scientifically vegetated with suitable native species to prevent surface run off. In critical areas, use of geotextiles shall be undertaken for stabilization of the dump. The entire excavated area shall be backfilled. Monitoring and management of rehabilitated areas should continue until the vegetation become self-sustaining.	Partially complied. Top soil and OB are not properly and scientifically managed.
33.	Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, mineral and OB dumps to prevent run off water and flow of sediments directly into the river and other water bodies. The water so collected should be utilized for watering the mine area, roads, green belt development etc. The drains shall be regularly desilted particularly after monsoon and maintained properly.	Partially complied. De-siltation tanks are not satisfactorily functioning.
34.	Effective safeguard measures such as regular wa-	Partially complied.

	ter sprinkling shall be carried out in critical areas prone to air pollution and having high levels of PM and PM ₁₀ such as haul Road, loading and unloading points and transfer points — it shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.	Water sprinklers were found installed. At the time of visit the quarry was not functional and was drizzling. No air pollution issues are reflected from the site.
35.	Fugitive dust emissions from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.	Reported compliance. Recent installation of sprinklers is found at the site. Quarry was not operational at the time of inspection.
36.	Measures should be taken for controlling of noise levels below 85 dBA in the work environment.	Complied
37.	The funds earmarked for environmental protection measures and CER activate should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the State Environment Impact Assessment Authority (SEIAA) office.	Not complied.
38.	The Regional Office of MOEF & CC located at Bangalore shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (S) of the Regional Office by furnishing the requisite data/information/monitoring reports.	Proponent is aware about the condition. But compliance report not produced at the time of visit.
39.	Any appeal against this Environmental Clearance shall lie with the National Green tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green tribunal Act. 2010.	Sri. Sajimon Joseph filed a complaint against this project. NGT order in OA No.93 of 2024 (SZ).
40.	Concealing the factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environmental (Protection) Act. 1986.	Proponent is aware about the condition
41.	The SEIAA may revoke or suspend the order, for non-implementation of any of the specific or implementation of any of the above conditions is not satisfactory. The SEIAA reserves the right to alter/modify the above conditions or stipulate any further condition in the Interest of environment protection.	Proponent is aware about the condition
42.	The above conditions shall prevail notwithstanding anything to the contrary, in consistent, or simplified, contained in any other permit, license on consent given by any other authority for the same project.	Proponent is aware about the condition
43.	The Environmental Clearance will be subject to	

	the final order of the courts in any pending litigation related to the land or project. in any court of law'	
44.	The mining operation shall be restricted to above ground water table and it should not intersect ground water table.	Complied. Quarry pit was filled with water at the time of field visit. Seepages from the quarry wall were observed. The maximum depth of quarry pit is 30m, i.e. 55m above MSL. Depth to water table at the site is reported as 40m above MSL
45.	All vehicles used for transportation and within the mines shall have "PUC" certificate from authorized pollution taking centre. Washing of all vehicles shall be inside the lease area.	Reported compliance.
46.	Project proponent should obtain necessary prior permission of the competent authorities for drawal of requisite quantity of surface water and ground water for the project.	Reported compliance. Water drawn from harvested rainwater, open well and pond. Adequate water storage is observed in the quarry pit.
47.	Regular monitoring of flow rates and water quality upstream and downstream of the springs and perennial nallahs flowing in and around the mine lease area shall be carried out and reported in the six months reports to SEIAA.	Not complied.
48.	Occupational health surveillance program of the workers should be under taken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.	Reported compliance.
Compliance to specific conditions stipulated in the EC.		
1.	An environmental management plan shall be prepared by the proponent through a recognised person/NABET accredited agency and got it approved by the SEAC within 6 months. The proponent as well as all the other quarry owners within the cluster shall implement the proposed activities in the EMP the environmental stability of the cluster and surrounding area.	Not complied
2.	Activities relating CER (2% of total project cost) shall be carried out leading to protection and promotion of environment in the project region as per OM F.No.22-66/2017-IA-III dated 01.05.2018 of MoEF & CC in consultation with District Collector.	Partially complied.
3.	The proponent shall carryout quarrying as per the approved mining plan and the proponent should strictly follow the Kerala Minor Mineral Conces-	Partially complied.

	sion Rules 2015 and amendments thereby.	
4.	In the wake of occurrence of large scale landslides in the State, as per the information provided by the Department of Mining and Geology, it is directed to use only NONEL(Non Electrical) technology for blasting to reduce the vibration of the ground, which is one of the causative factors that triggers landslides, formation of cracks in the surrounding buildings and disturbance to human and wildlife.	Reported partial compliance.

On evaluation of the google imagery (2011) it is observed that the quarry operations were carried out near BP 1, BP 8 and north east of BP 4. (Fig.1).



Google imagery of 2011.

Many vertical fractures are observed on the eastern wall of the quarry. Inclined fracture dipping opposite direction of the slope also observed on the same wall (Fig 2).



Google imagery of the project area in 2024

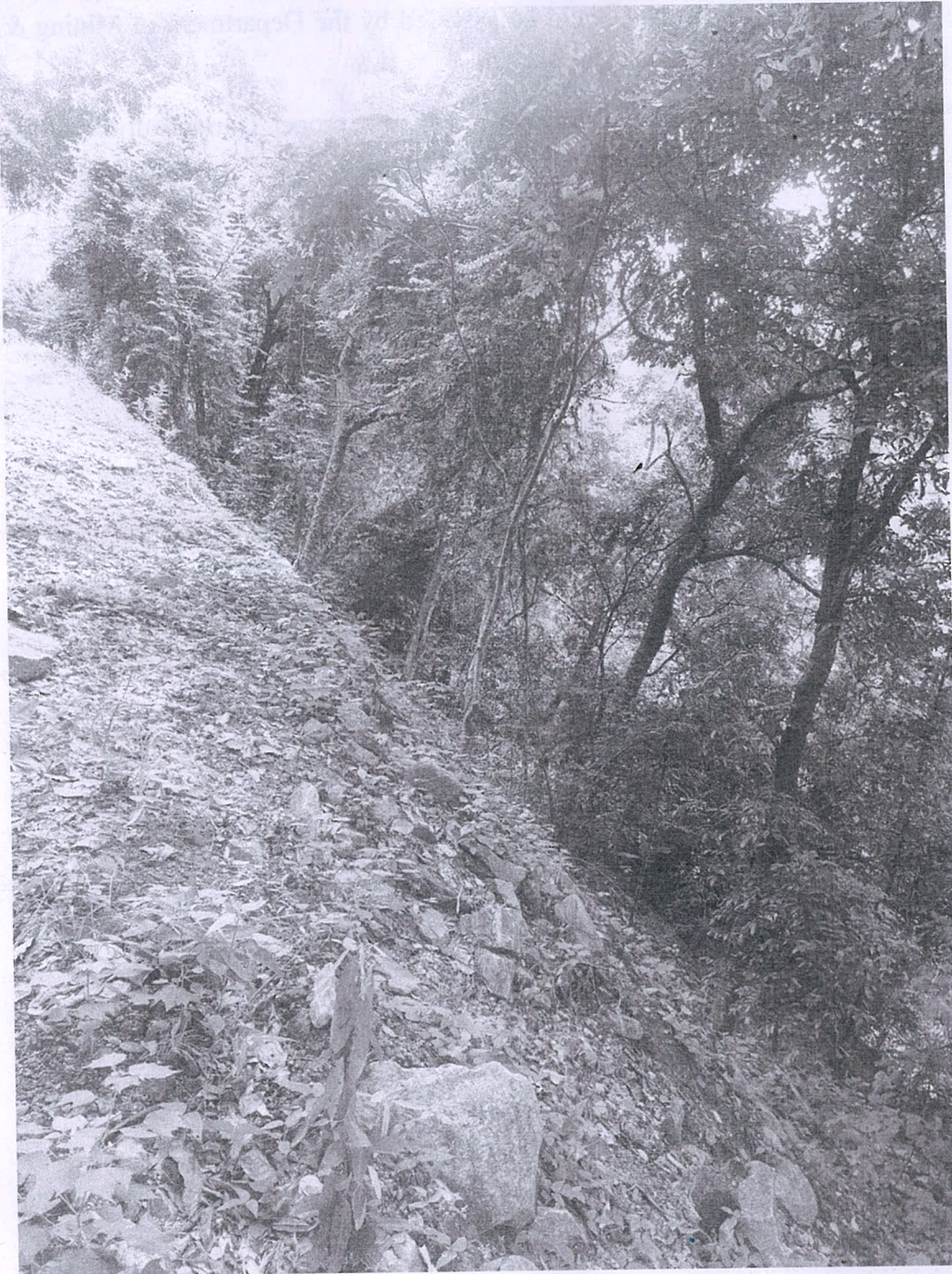


Fig.2 Fracture pattern on quarry wall.

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.



Natural stream on the hilly area of southern part of the project area



OB Dump without protection

Recommendations

1. Many of the conditions stipulated for EC are not found complied. Some of the stipulated conditions are only partially complied. Hence appropriate action should be taken against the Proponent with immediate effect.
2. A gabion or reinforced concrete wall should be constructed to secure the OB dump on the southern side.

3. Any over-extraction of minerals should be assessed by the Department of Mining & Geology.
4. The Project Proponent should construct and maintain proper Garland drain, along with regular maintenance of clarifiers and the settling tank.
5. NONEL technology must strictly be implemented for blasting.
6. 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.
7. The access road should be properly maintained.

Prof (Dr.) Harilal C C., Member SEAC.

Dr. Manoharan A N., Member SEAC.

Dr Junaid Hassan S, Environmental Officer, SEIAA