

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH****ORIGINAL APPLICATION No. 294/2022****BALAN.C.K AND OTHERS****- APPLICANT****VERSUS****STATE OF KERALA****- RESPONDENT****INDEX**

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**(NISHE RAJEN SHONKER)**  
**Advocate for the Respondent**  
**Tower 3 Flat. 101, Supreme Towers,**  
**Noida Sector 99-(M) 9811342057,**  
**EMAIL ID : nrshonker@gmail.com**

**STATUS REPORT SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL BY THE JOINT COMMITTEE CONSTITUTED AS PER ORDER  
DATED, 04/05/2022 OF THE HON'BLE NATIONAL GREEN TRIBUNAL(PB)  
IN OA No. 294/20222**

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**Status Report submitted before the Honourable National Green Tribunal**  
**by the joint committee constituted as per order dated 04/05/2022**  
**of the Honourable NGT(PB) in OA no. 294/2022**

In continuation to the interim report submitted by the Nodal Officer vide reference (1) the present status of the actions under OA 294/2022, as per the Hon'ble NGT order vide ref (2), are reported here with.

A meeting was convened by the Nodal Officer at his chamber on 28.12.2022 3 pm. The meeting was attended by the following officers from various departments.

1. Smt. Veena A.E KSPCB District Office (Representing EE KSPCB )
2. Smt.Vijaya K.K.District Geologist in charge.
3. Sri. Abdusamad K.P. District Soil Conservation Officer.
4. Kumari. Sakhi T.G. Geological Assistant (District Ground Water Department)
5. Smt. Mini E.L. Joint Director, (Department of Agriculture).
6. Sri Vinod Kumar P. Taluk Surveyor, (Thamarassery Taluk)
7. Sri. Subair C (Thahsildar Thamarassery).
8. Smt. Sudheera P. (Village Officer, Sivapuram).

Minutes of the above meeting produced herewith and marked as Annexure I.Dr. C.C. Harilal, Expert Member from SEIAA couldn't attend the meeting . During this meeting it was decided to conduct detailed site inspection to evaluate the environmental damages caused as a result of the illegal and over extraction of minerals from the quarry under complaint.

The District Geologist, along with the Taluk Surveyor was entrusted by the Nodal officer, to conduct a detailed site survey and submit report on the quantity /extend of legal/illegal mining , carried out at the area.

The Agricultural officer, Soil conservation Officer, and Ground water department , was entrusted to submit report on any damages that had happened to crops/agriculture of the area, soil/earth environment as well as the ground water

quality, as a result of illegal mining. The Ground water department was entrusted to conduct qualitative analysis of the water stored in the quarry pit.

It was decided that the Soil, Agriculture as well as Ground water Department officials may conduct a joint site inspection within two weeks under the leadership of the District Soil conservation officer and submit report to the District Office of Kerala State Pollution Control Board. Also it was decided that the Geology and Survey Departments may conduct detailed site survey and submit report regarding details of illegal mining within one week.

The Assistant Engineer of the LSGD, Unnikulam GramaPanchayath was entrusted by the Nodal Officer to conduct necessary site visit and study whether any damages had happened to the nearby residences and submit report. It was directed by the Nodal Officer to submit all the reports within two weeks time, in order to take further actions on calculating the Environmental Compensation.

Accordingly site inspections were conducted and reports were submitted by the entrusted officers to the office of the Nodal officer, Copies of subcommittee reports (of District Geology & Taluk Surveyor, joint report of District Soil Conservation Officer, Secretary L S G D Unnikulam Grama Panchayath) are produced herewith and marked as Annexure IIa, IIb & IIc. The Subcommittee reports were forwarded to the District Office of Kerala State Pollution Control Board on 23.01.2023. Based on the same, the Environmental Engineer, KSPCB (Committee member constituted by Hon'ble NGT) had submitted a report on the present status of action dated 25.01.2023. A copy of the same is produced herewith and marked as Annexure III. The details received are summoned and the interim status on the overall actions till date is respectfully submitted herewith.

The report received from the District geologist dated 18.01.2023 does not contain any quantified data on the volume of illegally extracted mineral resources. He has reported that as there was a quarry pit filled with water the depth of mining could not be assessed. He also pointed out the need for additional technical help for assessing the volume of illegally extracted resources. The survey sketch submitted by the Taluk Surveyor states that the total area of the quarry is 2.7396 hectares. The magnitude of over extraction cannot be inferred from the survey map submitted by the Taluk Surveyor. Lease details over the years, and excavated quantity of granite building stone are to be reported. No site mahasar is seen included in the survey report.

It is important that all the quantified values of mineral as well as any ordinary earth extraction are to be made available in Metric tonnes, for calculating the environmental damage assessment.

It is decided to request further help from the State Geology Department to render necessary help to the District Geologist and Taluk Surveyor in order to prepare an authentic survey sketch and quantification details of mining as the geologist has requested, in his report.

On perusing the joint site observation report of Soil Conservation Officer, Principal Agricultural Officer, Hydro-geologist, and Asst. Director Soil Survey Department, submitted by the District Soil Conservation Officer, the following observation are made.

The Quarry had started its operation about 36 years ago, and had stopped functioning since one year. The major cultivation of the area near the quarry are coconut plantation, and some mixed crops. In certain area there are rubber plantations and arecanut plantation seen prominent. The joint committee had not

observed any visible damages in the cultivation of the area, health of crops, productivity , reduction in yield, or any deterioration in the soil properties of the area due to quarrying activities. But on conversation with the local residents of the area, the following problems were reported by them.

1. Falling of fly rocks on to nearby houses, premises, and cultivation which causes destroyal of crops.
2. Dust emanated during quarrying activity caused health hazards to the public and also reduction in crop yield.
3. Cracks formed on house walls and floorings of houses.
4. Dropping of water level in wells.
5. Sound pollution during mining activity.

It is reported in the joint report that as there are residences near to the quarry that above allegation are having ground, but the same could not be verified as the quarry has now stopped working since one year. However based on the complaints of local residents it is necessary to quantify the damages reported in crops/cultivation, reduction in crop yield, supply of water to house holds of the area to meet water scarcity if any, the associated costs, all are to be counted and quantified to convert the damages in to environmental compensation.

To analyze any deterioration in water quality, the ground water department had collected well water samples from houses adjacent to quarry site, as well as from a nearby pond. The results are not yet received. Any deterioration in water quality shall be assessed based on the analysis report after receiving the same.

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The Assistant Engineer, of Unnikulam GramaPanchayath was entrusted by the nodal officer to conduct site study and submit report on any damages that had happened to residential/physical structures, due to the mining activity. Accordingly report was submitted by the Secretary, Unnikulam GramaPanchayath, dated 12.01.2023.( Annexure IIc).

Damage assessment was done for ten houses at the near by vicinity of the quarry and the estimated values for compensation to each house owners are tabulated in this report.

Physical damages to houses are already estimated. The major assessment remaining, which is the largest among all is regarding the damages to environment due to over extraction of granite building stone, which needs help from experts to conduct a detailed survey of the area and depth measurement, including the water logged quarry pit, to provide the exact quantification of minerals legally and illegally mined, in Metric tonnes. Hence it is decided to request the State Geology Department to provide an expert personnel from that office to help the District Geology Department in depth measurement and quantification of mined minerals to prepare a dependable survey sketch and report.

Only with the help of such report, the environmental damage assessment, and suggestion for remedial measures can be done. It humbly requested to grant two

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more months time, to complete all the procedures to calculate environmental compensation and submit a final Committee report.

Kozhikode  
District Collector  
District Collector  
Kozhikode

1. District Collector, Kozhikode

  
28/01/23  
(In-charge)

District Collector  
Kozhikode

2. Expert Member of SEIAA

  
28/01/23  
Professor Dr. C. C. HARIHAR  
(Member SEAC, Gok)

3. Environmental Engineer,  
Pollution Control Board  
Kozhikode

  
28/01/2023  
Environmental Engineer  
KSPCB DO Kozhikode District

DCKKD/1882/2022-D9

A meeting was convened by the Nodal Officer on 28/12/2022, 3 PM to take further action in the complaint against Geo Enterprises, a quarry operating at Sivapuram Village in Thamarassery Taluk of Kozhikode District, based on original application number 294/2022, The National Green Tribunal (NGT) Principal Bench. Online Attendees of the meeting are

- 1) Smt. Veena -Member in Pollution Control Board
- 2) Smt. Vijaya K K -Geologist in charge-Department of Mining &Geology
- 3) Sri. Abdu Samad K P -District Soil Conservation Officer-Department of Soil Conservation
- 4) Kumari. Sakhi T G -Geological Assistant- District Ground Water Department
- 5) Smt. Mini E L -Joint Director-Department of Agriculture
- 6) Sri. Vinod Kumar P -Taluk Surveyour-Thamarassery Taluk
- 7) Sri. Subair C -Thahsidar-Thamarassery Taluk
- 8) Smt. Sudheera P-Village Officer-Sivapuram

The District Collector enquired about the steps that have been taken to assess the damages caused by over excavation of quarry at Sivapuram Village in Thamarassery Taluk of Kozhikode District. The District Geologist intimated that the file pertaining to it is now under custody of Vigilance Department as part of investigation which is going on. The District Collector instructed to collect a copy of the file from the Vigilance Department and take action immediately on it. The Geologist requested the service of Taluk Surveyor for the purpose which was admitted.

The member of Pollution Control Board informed that the amount of environmental compensation can be determined only after receiving the report from the Department of Agriculture, Department of Soil Conservation and Department of Groundwater regarding the amount of damage cause due to this operation of the quarry. The District Collector recommended inspecting the entire area to see if production has declined significantly and calculating loss as much as possible. The Joint Director Department of Agricultural assured that it will be done immediately with the help of Agriculture Officers.

The Ground water Department was directed, the testing of water quality in the area. The Geological Assistant in Groundwater Department assured that they would do so as quickly as possible.

Likely the Soil Conservation Department was also ordered to conduct an inspection regarding the soil's quality. District Soil Conservation Officer proposed a joint inspection which was agreed upon by the District Collector.

A joint inspection comprising Agricultural Department, Groundwater Department, and Soil Conservation Department will be carried out within two weeks under leadership of Soil Conservation Officer and submit report to Pollution Control Board. The Geology and Survey Department will complete their site inspection and report the damage caused by the over excavation of the quarry within a week.

The Assistant Engineer Unnikulam GramaPanchayath also directed to conduct an enquiry on the damage caused to the houses nearby due to illegal operations of the quarry of M/S Geo Enterprises. A letter in this regard will be send to the Secretary, Unnikulam GramaPanchayath.

The District Collector also directed to combine all these reports within a week and submit it to the National Green Tribunal without delay.

The meeting ended at 3.25 PM.

sd/-

District Collector

Approved by

Deputy Collector (General)

Signed by

Muhammed Rafeeq C

Date: 04-02-2023 14:59:50

Copy to

1. Enviromental Engineer, Kerala State Pollution Control Board, Kozhikode
2. Disrict Geologist, Department of Mining & Geology, Kozhikode
3. District Siol Conservation Officer, Department of Soil Conservation.
4. Disrtict Officer, Department of Groundwater
5. Taluk Surveyor, Kozhikode.
6. Thahsildar, Thamarassery
7. Village Officer, Sivapuram

/355348 23

8. Principal Officer, Department of Agriculture, Kozhikode

Mining and Geology department  
 District Office, Kozhikode  
 Email-geo.koz.dmg@kerala.gov.in  
 Ph:0495-237 1918, PIN 673020  
 Dated: 18-01-2023

Geologist (I/C)  
 Kozhikode

District Collector  
 Kozhikode

Sir,

Subject:- Thamarassery Thaluk- Sivapuram Village - Geo Enterprises  
 Quarry - further Actions - Reg

Hint:- 1. Proceedings Order dated 22-03-2010 vide order 696/2009-  
 2010/9758/M-3/2009

2. Decisions in the Meeting held on 28.12.2023

3. Joint Site inspection conducted on 05-01-2023

4. Report and sketch from the Thamarassery Thaluk Surveyor  
 dated 16.01.2023

Your Honorable attention is hereby invited to the above mentioned references. A Quarrying lease was granted to Mrs. Indira, Managing Partner, Geo Enterprises Iyad Post for a period of 12 years For Quarrying of Granite building stone in 2.6305 Hectares of land in Sivapuram Village, Thamarassery Taluk, Kozhikode District by Director mining and Geology vide order No 696/2009-10/9758/M-3/2209 dated 22-3-2010 valid up to 18-04-2022.

As per the reference cited (2) above to find the extracted quantity of Granite building stone from the quarry area, a joint inspection was conducted on 5/1/2023. As per the reference cited (3) above, an inspection was conducted in

the quarry area to assess the quantity of granite building stone excavated by the above company. Since this office has no surveyor to quantify the extraction, the quantification inspection carried out with the help of Taluk Surveyor, Thamarassery Taluk, Kozhikode district.

At the time of joint verification the middle section of the quarried area is filled with water, hence it was not possible to ascertain the exact quantity of granite excavated from the portion. It is very much clear from the Thamarassery Thaluk Surveyors inspection report vide reference cited (4) above. Hence at the time of inspection the inspection team was unable to ascertain the actual amount of granite excavated from the alliged land.

Further submitted that this office has no surveyor for quantifying the extracted granite, this office requested the aid surveyor for quantification. The surveyor submitted a sketch along with the letter submitted to Thahsildar Thamarassery, but this office has no technical expertise to asses the quantity from the details furnished in the sketch. The same was communicated to Thaluk surveyor directly. Hence this office is not in a position to quantify the extracted amount of granite from both the waterlogged area and outside the waterlogged part of the quarry owned by Mrs. Indira, Managing Partner, Geo Enterprises Iyad Post.

  
Geologist (I/C)  
Kozhikode

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Amo: 127

Taluk Surveyor,  
Thamarassery Taluk

Thahsildar  
Thamarassery Taluk

Sir,

I have attended Geo Enterprise's quarry in Resurvey No. 29 at Sivapuram Village, Thamarassery Taluk, Veerambra Desam along with the Geology Officer and have prepared a sketch as per the suggested measurements. It has been informed that it is not possible to take measurements of the depth (difference in height) of the water-filled part of the place and also the same was send via e-mail to [geo.koz.dmg@kerala.gov.in](mailto:geo.koz.dmg@kerala.gov.in).

Yours faithfully,

I. Vinod Kumar P 

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**Joint field visit report conducted at Geo Enterprises Quarry at Sivapuram village of Thamarassery Taluk, Kozhikode District.**

The said Geo Enterprises Quarry is located in Sivapuram Village of Unnikulam Gramapanchayath of Balussery Block and is owned by Smt. Indira.

Latitude : 11° 24' 38" N

Longitude: 75° 51' 16" E

The joint field visit was conducted by a team consisting of District Soil Conservation Officer-Kozhikode, Assistant Director of Soil Survey- Kozhikode, Assistant Director of Agriculture-Balussery and Hydrogeologist-Ground Water Department, on 09/01/2023.

The quarry started functioning almost 36 years back, but the same is not functioning for the last one year. The total area of the quarry is 2.6325 Ha. The major cropping system in the nearby area is a coconut based mixed cropping. Rubber and Arecanut are also grown in a few pockets. Prima facie, no issues are seen with the quality of soil, health and productivity of crops.

But, we had a detailed discussion with the nearby land owners like Sri.Shareef Malayil, Sri.Kunhahammed Malayil, Sri.Abdurahiman Kaipparathukandi, Sri.Balan Chettiyamkandi etc. and they have pointed out the following issues.

1. While the quarry is functioning, the rubble pieces are falling on their houses and surroundings, agricultural fields and crops, and it causes damages to crops.
2. The quarry dust formed while blasting/crushing stones causes health issues in humans, animals, and crops and it leads to reduction in the productivity of crops.
3. Causes cracks in the walls and basement of houses.
4. Leads to reduction in the water level of wells.
5. Severe sound pollution at the time of quarrying.

Since many of the houses and plots are situated very near to the quarry, the above mentioned issues are likely to happen. But the quarry is not functioning for the last one year and hence we were unable to directly feel or understand the above issues.

cont.....

Water samples were collected by Ground water Department from a pond and a few houses in the near vicinity and the test results will be submitted by them to the concerned.

District Soil Conservation Officer, Kozhikode

Principal Agriculture Officer, Kozhikode

Assistant Director of Soil Survey, Kozhikode

Hydrogeologist, Ground Water Department, Kozhikode

*[Handwritten signature]*

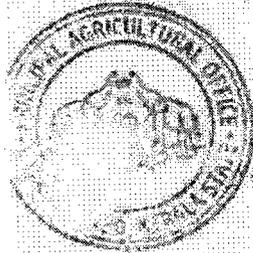
DISTRICT SOIL CONSERVATION OFFICE  
KOZHIKODE - 673 020



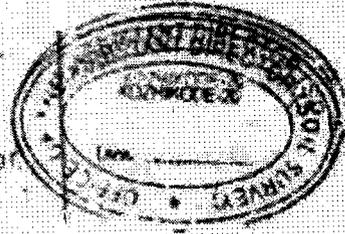
Principal Agricultural Officer  
(Assistant Director of Agriculture)  
Kozhikode - 673 020

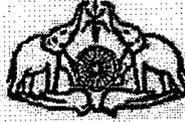
*[Handwritten initials]*

For Assistant Director  
(Soil Survey), Kozhikode



*[Handwritten signature]*  
Principal Agricultural Officer  
(Assistant Director of Agriculture)  
Kozhikode - 673 020



**UNNIKULAM GRAMA PANCHAYAT**

EKAROOL POST, UNNIKULAM VIA, PIN-673574, KOZHIKODE DT  
PH : 0496-2647065, Email:- unnikulamgp@gmail.com

No. 400967/DMDC02/GPO/2022/14665(1)

From,

Secretary  
Unnikulam Grama Panchayat

Date: 12/01/2023

To,

The District Collector  
Kozhikode District

Sir,

Sub:- Data collection - Disaster management -rules formation and other reg:-

Ref:- Letter No DCKKD/1882/2022-D9 from your office.

Please refer to the letter referred above . As directed by the National Green Tribunal, an enquiry to estimate the damage caused by GEO Enterprises to the neighbourly houses was conducted by the Assistant engineer, LSGD. Please find the report below.

Sl No.	Name of owner	Address	Nature of damage	Calculated compensation amount
1	Balan	Chetyankandy , Iyyad Post	Plastering crack	4100/-
2	Sunil kumar	Chetyankandy , Iyyad Post	Plastering crack	5200/-
3	Sathyan	Chetyankandy , Iyyad Post	Plastering crack	3000/-

4	Abdurahiman	Kaiprathukandy, Iyyad Post	Plastering & filling crack	12000/-
5	Nafcesa	Kaiprathukandy, Iyyad Post	Plastering crack	3500/-
6	Muhammed	Poyil, Iyyad Post	Plastering crack	4000/-
7	Risal	Malayil, Iyyad Post	Plastering crack	3000/-
8	Muhammed Rafi	Malayil, Iyyad Post	Plastering crack	6500/-
9	Shareef	Malayil, Iyyad Post	Plastering crack	6000/-
10	Kunjahammed	Malayil, Iyyad Post	Plastering crack	5000/-

  
**RAJU B.K.**  
Assistant Secretary  
Unnikulam Grama Panchayat  
Ekarod P.O.- 673574, Ph: 0498 2647065

# G E O Q U A R Y

DISTRICT : KOZHIKODE  
TALUK : THAMARASSERY  
VILLAGE : SIVAPURAM  
DESOM : VEERIAMBRAM  
RS No : 29

