

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

**ORIGINAL APPLICATION NO. 56 OF 2022**

In the matter of:

Stanley Joseph and others

----Applicants

-VS-

Union of India, MoEF and CC

New Delhi and ors

----Respondent(s)

**REPORT FILED BY THE GEOLOGIST, DEPARTMENT OF MINING AND  
GEOLOGY/3<sup>RD</sup> RESPONDENT**

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Dated at Chennai on this the 08<sup>th</sup> July, 2023.

for. G. J. J. J.  
8/7/23

**M/s. E.K.KUMARESAN**

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

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**Statement of facts in OA No. 56/2022 filed by Sri Stanley Joseph and another  
before the Hon'ble National Green Tribunal**

The OA No.56/22 filed against the quarrying of granite building stone in the quarrying lease comprise in 1.8851 Hectares of land in Sy No. 403/1, 402/2 of Chengalam East Village, Kottayam Taluk, Kottayam District. The contention of the petitioners is not to renew the environmental clearance granted to aforesaid lease or for any new applications in nearby land.

Para 1 : It is submitted that M/s Palathara Constructions (Pvt) Limited , Palathara Building, Thuruthi P.O, Changanassery, Kottayam-686535 has been granted with the quarrying lease no. 222/2016-17/1843/M3/2016 dated 24/06/2016 by the Director of Mining & Geology for quarrying of granite building stone in 1.8851 Hectares of land comprised in Survey No. 403/1. 403/2 of Chengalam East Village, Kottayam Taluk, Kottayam District. The quarrying lease was granted as per the Kerala Minor Mineral Concession Rules 2015 for a period of 10 years from the date of execution of the lease deed. The lease deed was executed on 29/6/2016 and the validity of the lease is upto 28/6/2026. The lessee was granted with the movement permit on 4/1/2016 on submission of necessary statutory documents for quarrying. As per the sketch submitted along with the lease application which was issued by the Tahasildar Kottayam, the near by road and the residential building are at a distance of more than 100 meters from the boundary of the lease area.

Para 2: It is submitted that the quarrying lease 222/2016-17/1843/M3/2016 dated 24/06/2016 has validity 28/6/26. The environmental clearance no. 835/EC4/2713/2015 dated 7/5/2016 granted for quarrying has a validity upto 2/2/2021 was granted to Shri Charles Mathew, Palathara House Thuruthy P.O Changanassery, Kottayam . The said Environmental Clearance was transferred to M/s Palathara Constructions Pvt Ltd vide order no. 835/EC4/2713/2015 dated 7/05/2016 by State Environmental Impact Assessment Authority. This respondent is not aware on the allegation raised by the petitioner regarding the

issuance of the Environmental Clearance. As per the notification of Ministry of Environment, Forest and Climate Changes S.O. 221(E) dated 18/1/2021 the Environmental clearance which was valid upto 2/2/2021 was extended for a period of 1 year. It is submitted that the quarry lease ceased functioning since 26/11/2021.

Para 3: It is submitted that numerous complaints has been received against quarrying in the aforesaid lease area including the complaint of the petitioner during the period of functioning of the lease. The District Collector Kottayam vide letter no. DCKTM/3974/2021-H4 dated 22/06/2021 has instructed to verify the complaint which was submitted before the State Environmental Impact Assessment Authority. Based on this the site was inspected by this respondent on 31.8.2021 and notice sent in order to submit explanation on the violation of lease condition. The 4<sup>th</sup> respondent on 1/9/2021 has submitted a reply that the area was quarried prior to the grant of quarrying lease. In order to verify whether excess quarrying has been undertaken, the site was inspected on 1/7/2022 and 26/7/22 along with the taluk surveyor. On receiving the survey sketch prepared by the Taluk Surveyor which was countersigned by Tahasildar Kottayam, excess quarrying was quantified. About 503764.775 MT of granite building stone was found excess quarried from within and outside the quarrying lease area. Notice no. 1606/DOY/ML/2017 dated 24/8/2022 was sent for the remittance of Rs 36371064/- (Rupees Three Crores Sixty Three lakhs Seventy One Thousand and Sixty Four) as royalty, price and fine for illicit quarrying as per the 108(2) of the Kerala Minor Mineral Concession Rules 2015. The amount for Rs 36371064/- was remitted by the 4<sup>th</sup> respondent vide chalan no. KL014460175202223M dated 25/8/22 in District Treasury Kottayam.

Para 4: The 4<sup>th</sup> respondent submitted a request on 30/5/22 to follow up with the closure proceedings since they want to terminate the quarrying activities permanently, even though the lease is valid upto 28/6/26. The request for the termination of the lease was forwarded to Director of Mining & Geology vide

letter no. 1606/DOY/ML/2017 dated 17/09/2022. The Director of Mining & Geology vide letter no. DMG/2876/2022-M2 dated 11/10/2022 had instructed to take action as per rules on clearing the dues regarding the lease. On realising the dead rent as per the Kerala Minor Mineral Concession Rules 2015, and clearing all the dues the same was reported before the Director for further action. The Director of Mining & Geology vide order no. 938/2022-23/DMG/2876/2022-M2 dated 1/04/2023 approved the request of the lessee for surrender of lease and instructed to execute the deed and to get it registered from the office of the Sub Registrar. The deed regarding the surrender of the lease was executed on 19/4/2023 and gets registered from Sub registrar on 27/4/2023. The copy of the registered deed was forwarded to the Director of Mining and Geology for perusal and further needed action.

Para 5: The averment of the petitioner that the mine closure plan is not implemented and this resulted in frequent land slide is not true and is against the fact. It is submitted that the site was inspected by this respondent on 27/1/2023 the closure plan submitted was approved by this respondent vide letter no. 511/DOY/ML/2021 dated 17/2/2023. It is submitted that no landslide is reported within the vicinity of the lease area or nearby areas. It is submitted that the complaints of the petitioners were addressed, the site was inspected by the respondent and offence on excess quarrying was compounded as per the Rule 108(2) of the Kerala Minor Mineral Concession Rules 2015. The averment of the petitioner that the revenue puramboke is also included in the quarried area is not true. This is confirmed during the survey conducted by the Taluk Surveyor in the area during the joint inspection.

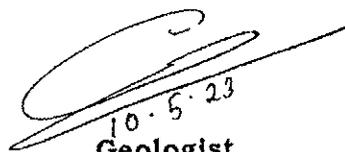
Para 6: The prayer of the petitioner before the Hon'ble Court is not to consider any application for renewal of environmental clearance in the aforesaid lease area or any new application in the adjoining areas. It is submitted that the 2<sup>nd</sup> petitioner Sri Sajan George, S/o George, Naipilavil, Chengalam P.O, Kottayam had filed writ petition no. 828/2023 before the Hon'ble High Court of Kerala seeking to direct the State Environmental Impact Assessment Authority to

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provide an opportunity of hearing to the petitioner while considering the application for environmental clearance filed by the M/s Palathara Constructions Pvt Ltd. The Hon'ble Court disposed the writ petition directing the State Environmental Impact Assessment Authority to consider the representation submitted by the petitioner while processing the application for Environmental Clearance submitted by M/s Palathara Constructions Pvt Ltd.

All the facts furnished above are true and correct to the best of my knowledge and belief.

Dated this on 10<sup>th</sup> of May 2023.

  
10.5.23  
Geologist



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**E.K. KUMARESAN,  
Standing Counsel for Government  
of Kerala**

No.6, Indian Chambers (SICCI)  
Annex Building, Ground Floor,  
Esplanade, Chennai - 600 108.

Cell No: 94443 98701