

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Application No.177 of 2014 (SZ)**

**IN THE MATTER OF:**

K.S. Rajan  
S/o. Samuel  
Kayyalakal House  
Kizhakkupuram P.O.  
Kumbazha Muri  
Malayalapuruzha Village, Konni Taluk  
Pathanamthitta District

... Applicant

**AND**

1. Ministry of Environment & Forests  
Union of India  
Rep. by its Secretary  
Indira Paryavaran Bhavan  
Jor Bagh Road  
New Delhi – 110 003.
2. Kerala State Level Environment Impact Assessment Authority  
Rep. by its Member Secretary  
Directorate of Environment and Climate Change  
Social Forestry Complex  
Vatiyoorkavu P.O.  
Thiruvananthapuram – 695 013  
Kerala
3. Directorate of Environment & Climate Change  
Rep. by its Director  
Devikripa  
Pallimukku, Pettah P.O.  
Thiruvananthapuram – 695 024  
Kerala
4. Kerala State Pollution Control Board  
Rep. by its Environmental Engineer

Kakkanattu Commercial Complex  
St. Peters Junction  
Pathanamthitta – 689 645  
Kerala

5. Department of Mining and Geology  
Rep. by its Geologist  
District Office, Mini Civil Station  
Aranmula P.O.  
Pathanamthitta, Kerala

6. The District Collector  
District Collectorate  
Pathanamthitta, Kerala

7. The Tahsildar  
Konni Taluk Office  
Konni P.O. Pathanamthitta  
Kerala

8. Malayalapuzha Grama Panchayat  
Rep. by its Secretary  
Malayalapuzha-Thazham P.O.  
Pathanamthitta – 689 666  
Kerala

9. The Joint Chief Controller of Explosives (South Circle)  
140, Marshalls Road, Egmore  
Chennai – 600 008  
Tamil Nadu

10. Village Office Malayalapuzha  
Rep. by its Village Officer  
Malayalapuzha  
Pathanamthitta, Kerala

11. Satyan  
495, Sreeragam  
Kariyilakulangara P.O.  
Pathiyoor, Kayakulam – 690 572  
Kerala

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Respondents

**Counsel appearing for the Applicant:**

**Mr. Sujith Kumar**

**Counsel appearing for the Respondents:**

**C. Sangamithirai for R-1**

**Vidyalakshmi Vipin for R-2**

**Suvitha A.S. for R-3, R-5, R-7 and R-10**

**M. Ajay and Rema Smrithi for R-4**

**Sri. Su. Srinivasan (Assistant Solicitor General) for R-9**

**M/s. P. Davoodu & S. Angelis for R-11**

**ORDER**

**PRESENT:**

**HON'BLE SHRI JUSTICE M. CHOCKALINGAM, JUDICIAL MEMBER**

**HON'BLE SHRI P.S. RAO, EXPERT MEMBER**

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**Dated 4<sup>th</sup> NOVEMBER, 2015**

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Whether the Judgement is allowed to be published on the Internet – Yes/No

Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

The counsel for the parties are present. The counsel for the 9<sup>th</sup> respondent seeks further time for filing reply. At this juncture, it is brought to the notice of the

Tribunal that the period covered under mining permit was extended only up to 28.10.2015 which is already over and hence the application itself can be disposed of.

On the grounds set out and the reasons set forth in the application, the applicant has sought for an order of injunction restraining the 11<sup>th</sup> respondent from carrying on quarrying activities in Survey Nos.270/2-1, 2-2, 2-3 of Malayalapuzha Village, Pathanamthitta District. On notice, except the 8<sup>th</sup> respondent, all the respondents entered appearance and except the respondents 2 and 9, all other respondents have filed their respective reply. The bailable warrant issued against the 8<sup>th</sup> respondent is recalled.

The only grievance ventilated by the applicant is that the 11<sup>th</sup> respondent has been carrying on quarrying of granite building stone in the aforesaid Survey Numbers at Malayalapuzha Village, Pathanamthitta District in violation of law and thus it was illegal. Under the circumstances, there arose a necessity for filing the application. It is not in controversy that the permit which was granted in favour of the 11<sup>th</sup> respondent was for a particular period ending on 28.10.2015 and thus there is no permit available in favour of the 11<sup>th</sup> respondent for carrying on any quarrying activities thereafter. Hence in order to avoid the avoidable delay, the Tribunal is of the considered view that the application can be disposed of by restraining the 11<sup>th</sup> respondent from carrying on any quarrying activities in the aforesaid Survey Numbers except by obtaining Environmental Clearance (EC) as required by law.

However, it is made clear that the respondents 4 and 6, who are vested with supervisory powers and the respondents 8 and 10, who are the local authorities in

whose jurisdiction the quarry site exists, are directed to monitor that the 11<sup>th</sup> respondent shall not carry on any quarrying activities and if any circumstances warrant so, there is no impediment for the applicant to make necessary action and to approach the authorities for necessary relief there for. Therefore with that, the application is disposed of. No cost.

सत्यमेव जयते

Justice M. Chockalingam  
Judicial Member

P.S. Rao  
Expert Member

NGT