

Item No.5

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.770/2023

Sajimon Joseph

...Applicant

Versus

State of Kerala & Ors.

...Respondents

Date of hearing: 31.01.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Applicant in person (through VC).

Application is registered based on a letter petition received by email.

ORDER

1. Mr. Sajimon Joseph has sent to this Tribunal by email the present letter petition, which has been treated and registered as O.A. No. 770/2023.
2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

“With reference to the above subject, I would request your kind attention towards the unlawful, illegal quarry mining operations and related activities owned and carrying out by Mr. Thankanchan Mathalikunnel at:-

*Koombara - Punnakadave Village.
Koomb'ara Bazar BO, Koodaranhi (Via)
Thamarassery Taluk, Calicut District.
Kerala State, Pin-673604*

This illegal quarry is functioning since long time in the western ghat and is being adversely impacting our day today life and property and the environment. We tried our best to resolve the issues with the local Administrative Authorities with present systems and procedures, but we have not yet received any positive feedback or action from the respective Authorities rather than dragging our personal life, health & safety and property into a hazardous and plight condition.

Status of my complaints are below for your kind information:-

1)Complaint to forest minister, promptly received an acknowledgment letter and direction to the respective department, but no further action from the officials.

2)Complaint to ADM, received acknowledgement letter and direction to the respective departments , but no latest updates and awaiting.

Therefore, I would humbly request the kind attention of respective Honorable Authorities to initiate appropriate legal action as early as possible which deem fit to resolve our obstacles and apprehension towards our life and property from the unauthorized illegal quarry mining and its transportation,

A comprehensive complaint is attached herewith for your review along with the copy of complaint submitted to the various Government Department at Kerala for your reference.

Kindly do the needful.”

3. *Prima facie* the averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and take remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Central Pollution Control Board (CPCB), Kerala State Pollution Control Board (KSPCB), the Collector, Calicut and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due course of law. The KSPCB will be the nodal agency for coordination and compliance.

5. In view of the averments in the application, we also consider it appropriate to have response of (1) State of Kerala through Chief Secretary, Government of Kerala, (2) Director Mining and Geology, Government of Kerala, (3) Kerala State Pollution Control Board, through its Member Secretary, (4) Collector, Calicut and (5) Mr. Thankanchan Mathalikunnel, Koombara,- Punnakadave Village, Koombara Bazar BO, Koodaranhi (Via) Thamarassery Taluk, Calicut District, Kerala who stand impleaded as respondents No. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 5 requiring them to file their reply/response within two months.

6. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal at Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.

7. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 09.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

8. Factual and Action taken Report by the Joint Committee and reply/response by the respondents be filed before the Southern Zone Bench of this Tribunal at Chennai by email judicial-ngtsz@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. A copy of this order be forwarded by email to the Kerala State Pollution Control Board, Collector, Calicut and CPCB for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 31st, 2024