

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

Original Application No. 508/2019

(With report dated 05.09.2019)

Usha A.

Applicant(s)

Versus

State of Kerala

Respondent(s)

Date of hearing: 07.01.2020

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Respondent(s):

Mr. Jogy Scaria, Advocate for KSPCB
Mr. Nishe Rajan Shonker, Advocate for State of Kerala

ORDER

1. A joint report was sought from Kerala State PCB and the District Magistrate, Trivandrum with reference to the allegation of illegal quarrying and mining at Vazhappara Nanniyode Panchayath, Kurupuzha Village Tvm, Kerala.
2. Accordingly, report dated 05.09.2019 has been filed by the State PCB based on a joint inspection of the site inter-alia as follows:-

“Heavy earth movers like Jack hammer and excavator were seen at the premises of the quarry site. Also tyre mark was visible on the approach road which indicates the frequent movement of trucks. Prima facie all these can be treated as indications of continuing quarry activities. Hence Tahsildar, Nedumangad was instructed to issue stop memo for all the quarrying activities until they obtain all valid permits and licenses to operate a quarry. Proper fencing was not done at the quarrying area. Direction was

issued by the Board to comply with Board's consent conditions.”

3. In view of the above, the State PCB must take steps to restore the damage to the environment by illegal operation of the quarry. Environmental compensation also needs to be assessed and recovered on 'Polluter Pays' principle.
4. Let further remedial steps be taken in accordance with law after giving due opportunity to the alleged violator of law and further compliance report be filed before the next date by e-mail at judicial-ngt@gov.in.

List again on 19.03.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 07, 2020
Original Application No. 508/2019
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