



सत्यमेव जयते

**File No: 11250**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**(Issued by the State Environment Impact Assessment Authority(SEIAA),**  
**TAMIL NADU)**

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Date **05/11/2024**



To,

Thiru. M.Mohamed Shooja  
MOHAMED SHOOJA M  
soojamohamed395@gmail.com

**Subject:** Rejection of Environmental Clearance (EC) to the proposed Project under the EIA Notification 2006- and as amended thereof -regarding.

**Sir/Madam,**

This is in reference to your application submitted to SEIAA vide proposal number SIA/TN/MIN/496000/2024 dated null seeking prior Environmental Clearance (EC) to the project **Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu by Thiru. M.Mohamed Shooja** - under the provision of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC24C0108TN5910096N
(ii) File No.	11250
(iii) Clearance Type	Fresh EC (Mining)
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a)
(vii) Name of Project	Puliyoorsalai Village Rough Stone And Gravel Mining Lease
(viii) Name of Company/Organization	MOHAMED SHOOJA M
(ix) Location of Project (District, State)	KANNIYAKUMARI, , TAMIL NADU,
(x) Issuing Authority	SEIAA
(xi) Applicability of General Conditions as per EIA Notification, 2006	No

**The SEAC noted the following:**

1. The project proponent, **M.Mohamed Shooja** has applied seeking Environmental Clearance for EIA study for the Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(Part), 570/7, 570/8 & 570/9 of

Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu.

2. The project/activity is covered under Category "B2" of Item 1(a) "Mining of Minerals Projects" of the Schedule to the EIA Notification, 2006, as amended.

3. DFO, Kanyakumari Lr.No. Ref.K.DisNo. TS4/18897/2023 dated 18.10.2023

On perusal of the KML file and the documents furnished by the Project Proponent, the SEAC have noticed the following sensitive locations:

1. **Thriparappu Dam** is located at a distance of 1.56 km (South) and **Chittar Dam** located at 1,35km (North).
2. The proposed quarry site is close to the **Kanyakumari Wild life Sanctuary** at **5.85 km from its boundary line**.
3. Further, a **government primary school** is located at a distance of 480m, that is within the danger zone.
4. **Kothaiyar River** is flowing along the foot of the hill, proposed to be mined.
5. Further, the proposed quarry is new and no other quarrying operation has been carried out within a radial distance of 500 m from the lease boundary of the proposed quarry.
6. The proposed quarry site is located close to Reserve Forest.
7. The proposed quarry is located on a rocky & steep hill slope amidst rubber plantations.
8. A narrow valley exists below the proposed quarry site.

Besides the above, the SEAC also deliberated on the following features:

1. The proposed quarry is located on the sloping face of the hillock and the hillock forms an important aspect in the ecology of the entire area.
2. Similarly, the risk and accident proneness of the mining activity are extremely high in the proposed site. The mining activity will also result in the formation of a void immediately after the completion of 'quarry' operations.
3. Transportation to and from the mining site through fragile narrow High Range roads on the sloping hillock will lead to environmental harm around the sensitive surroundings.
4. Further, there is a thick vegetation at the foot of the hillock that will be adversely impacted by the proposed activity.
5. In the case of this quarry, there is every reason to suspect the risk potential in the context of extreme events due to Climate Change and proximity to hazard zones. The ravages of extreme events due to Climate Change have been conspicuously present in the hilly regions of western ghats over the past few years, particularly in the High Range region. Hence, the greatest of caution has to be exercised while deciding about the fate of steep inclines (or) sloping faces.
6. Further, the SEAC have also taken a note on "Precautionary Principle" which involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. **Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake.**
7. In this regard, the SEAC have also considered the recent judgment in IA No.1000 of 2003 dated 3rd June 2022 Hon "ble Supreme Court of India which has underlined the necessity for following the Precautionary Principle. The judgment states that a situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest. The Hon"ble Court held that in case of a doubt, **protection of environment would have precedence over economic interest**. It was further held that precautionary principle requires anticipatory action to be taken to prevent harm and that harm can be prevented even on reasonable suspicion. Further, the Hon'ble Court emphasized in the said judgment that **"it is not always necessary that there should be direct evidence of harm to the environment."**

SEAC, therefore, decided **not to recommend Environmental Clearance** for this project, considering the fragile environment settings around the proposed quarry site.

**Send Approval Copy To (In case of multiple use comma as separator)**

## SEIAA REMARKS:

The subject was placed in this **769<sup>th</sup> meeting of SEIAA held on 04.11.2024**. The SEIAA noted that the subject was placed in the 505<sup>th</sup> meeting of SEAC held on 23. 10..2024 and the SEAC noted that,

1. The project proponent, **M.Mohamed Shooja** has applied seeking Environmental Clearance for EIA study for the Proposed Rough Stone and Gravel Mining an extent of 1.89.01Hec in S.F. No: 570/6(Part), 570/7, 570/8 & 570/9 of Puliyoorsalai Village of Vilavancode Taluk of Kanniyakumari District Tamil Nadu.
2. The project/activity is covered under Category “B2” of Item 1(a) “Mining of Minerals Projects” of the Schedule to the EIA Notification, 2006, as amended.
3. DFO, Kanyakumari Lr.No. Ref.K.DisNo. TS4/18897/2023 dated 18.10.2023

Further, on perusal of the KML file and the documents furnished by the Project Proponent, the SEAC have noticed the following sensitive locations:

1. **Thriparappu Dam** is located at a distance of 1.56 km (South) and **Chittar Dam** located at 1,35km (North).
2. The proposed quarry site is close to the **Kanyakumari Wild life Sanctuary at 5.85 km from its boundary line.**
3. Further, a **government primary school** is located at a distance of 480m, that is within the danger zone.
4. **Kothaiyar River** is flowing along the foot of the hill, proposed to be mined.
5. Further, the proposed quarry is new and no other quarrying operation has been carried out within a radial distance of 500 m from the lease boundary of the proposed quarry.
6. The proposed quarry site is located close to Reserve Forest.
7. The proposed quarry is located on a rocky & steep hill slope amidst rubber plantations.
8. A narrow valley exists below the proposed quarry site.

Besides the above, the SEAC also deliberated on the following features:

1. The proposed quarry is located on the sloping face of the hillock and the hillock forms an important aspect in the ecology of the entire area.
2. Similarly, the risk and accident proneness of the mining activity are extremely high in the proposed site. The mining activity will also result in the formation of a void immediately after the completion of 'quarry' operations.
3. Transportation to and from the mining site through fragile narrow High Range roads on the sloping hillock will lead to environmental harm around the sensitive surroundings.
4. Further, there is a thick vegetation at the foot of the hillock that will be adversely impacted by the proposed activity.
5. In the case of this quarry, there is every reason to suspect the risk potential in the context of extreme events due to Climate Change and proximity to hazard zones. The ravages of extreme events due to Climate Change have been conspicuously present in the hilly regions of western ghats over the past few years, particularly in the High Range region. Hence, the greatest of caution has to be exercised while deciding about the fate of steep inclines (or) sloping faces.
6. Further, the SEAC have also taken a note on "Precautionary Principle" which involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. **Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake.**
7. In this regard, the SEAC have also considered the recent judgment in IA No.1000 of 2003 dated 3rd June 2022 Hon"ble Supreme Court of India which has underlined the necessity for following the Precautionary Principle. The judgment states that a situation may arise where there may be irreparable damage to environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest. The Hon"ble Court held that in case of a doubt, **protection of environment would have precedence over economic interest.** It was further held that precautionary principle requires anticipatory action to be taken to prevent harm and that harm can be prevented even on reasonable suspicion. Further, the Hon'ble Court emphasized in the

said judgment that **“it is not always necessary that there should be direct evidence of harm to the environment.”**

SEAC, therefore, decided **not to recommend Environmental Clearance** for this project, considering the fragile environment settings around the proposed quarry site.

On perusal of the KML file and the documents furnished by the PP, the SEIAA is convinced that the proposed quarry site is ecologically sensitive and is a vulnerable site. Thus, accepting the decision of SEAC to not to recommend Environmental Clearance for the project for the reasons stated above, the **SEIAA decided to reject the project proposal and to close and record the file**

