



सत्यमेव जयते

File No: 11451
Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment Authority(SEIAA),
TAMIL NADU)



Date 08/01/2025



To,

Thiru.R ARUL JEBA KUMAR
nisharoseknn99@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 Ministry vide proposal number SIA/TN/MIN/503930/2024 for Rejection of prior Environmental Clearance (EC) to the project 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.	EC24C0108TN5609727N
(ii) File No.	11451
(iii) Clearance Type	Fresh EC (Mining)
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a)
(vi) Name of Project	Rough Stone and Gravel Quarry
(vii) Name of Company/Organization	R ARUL JEBA KUMAR
(ix) Location of Project (District, State)	KANNIYAKUMARI, , TAMIL NADU,
(x) Issuing Authority	SEIAA
(xi) Applicability of General Conditions as per EIA Notification, 2006	No

SEAC Remarks:

Proposed Rough Stone and Gravel Quarry over an extent of 1.49.50 Ha at S.F. Nos. 501/1, 501/2 & 501/3 of Velimalai Village, Kalkulam Taluk, Kanniyakumari District, Tamil Nadu by Thiru. R. Arul Jeba Kumar-Environmental Clearance.

(SIA/TN/MIN/503930/2024, Dated: 08/11/2024)

The proposal was placed in this 519th meeting of SEAC held on 13.12.2024. The details of the project furnished by the proponent are given in the website (parivesh.nic.in).

The SEAC noted the following:

1. The Project Proponent, Thiru. R. Arul Jeba Kumar has applied for Environmental Clearance for the proposed rough

stone and gravel quarry over an extent of 1.49.50 Ha at S.F. Nos. 501/1, 501/2 & 501/3 of Velimalai Village, Kalkulam Taluk, Kanniyakumari District, Tamil Nadu.

2. The project/activity is covered under Category “B2” of Item 1(a) Mining of Minerals “Non-Coal Mining (Minor Minerals-other than river bed mining)” of the Schedule to the EIA Notification, 2006.

3. The precise area communication/lease is issued for the period of 5 Years. The approved mining plan obtained is for the period of five years & production should not exceed 60,340m³ of Rough Stone & 20,670m³ of Gravel, and the annual peak production shall not exceed 13,115m³ of Rough Stone (3rd Year) & 7,625m³ of Gravel (2nd Year). The ultimate depth is **27.5m BGL**.

Based on the presentation and documents furnished by the project proponent, the Committee noted as follows:

1. The proposed area lies in the hillocks surrounded by a dense & greenery rubber plantation.
2. The northern region of the proposed site is abutting the canal and the access road (Other District Road/Village Road) connecting between Vedimalai and Muttaikadu.
3. There is also a permanent structure located at a distance of 80m and a Mahadeva temple (devotional place) at a distance of 220m, falling within the danger zone of 500m.
4. The SEAC have strongly taken a note on the following:

“...Article 368 of the Constitution of India confers the power to amend the constitution on the Parliament. The Hon'ble Supreme Court of India read implied limitations into the provision. It declared in ringing terms that the power cannot be so used as to destroy the very identity or framework of the Constitution. This basic structure doctrine is considered as the most important and valuable contribution to constitutional jurisprudence. It is time to implant this doctrine by way of analogy into the principle of sustainable development evolved in environmental law. While the administration can tap the hills and hillocks for mineral resources, the exploitation cannot lead to their complete destruction...”

“...Mountains, forests, hills, hillocks and rivers are Nature's gifts and it is the duty of the Government and the administration to ensure that they are preserved for future generations....”

Hon'ble Supreme Court of India in a judgment in IA No.1000 of 2003 dated 3 rd June 2022 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 emphasizes in the said judgment that it is not always necessary that there should be direct evidence of harm to the environment.

The mine area is environmentally fragile as part of it fall in the dense vegetated zone and therefore, any mining activity in this ecologically sensitive hillock will be detrimental to the environment. **Hence, the Committee decided not to recommend this proposal for grant of Environmental Clearance.**

SEIAA Remarks:

The subject was placed in the **783rd Authority meeting held on 30.12.2024**. The authority noted that the subject was appraised in the 519th meeting of SEAC held on 13.12.2024. SEAC has furnished its recommendations for not granting Environmental Clearance to the reasons stated therein.

Looking into the KML, the authority agrees that the proposed site is fragile, any mining work will lead to soil erosion, destabilization of land mass and severe impacts to the agriculture, changes in the soil profile, drainage patterns and plantations around the site.

In view of the above, Authority accepts the SEAC's decision and decided not to grant the Environmental clearance for the proposal.

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