



सत्यमेव जयते

File No: 11414
Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment Authority(SEIAA),
TAMIL NADU)



Date 07/01/2025



To,

Thiru. M. Radhakrishnan
radhakrishnan7729@gmail.com

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

Sir/Madam,

This is in reference to your application submitted to Ministry vide proposal number SIA/TN/MIN/502926/2024 dated null 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.	EC24C0108TN5579581N
(ii) File No.	11414
(iii) Clearance Type	Fresh EC (Mining)
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a)
(vii) Name of Project	Rough Stone and Gravel Quarry of Thiru. M. Radhakrishnan
(viii) Name of Company/Organization	radhakrishnan 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

SEAC REMARKS:

Proposed Roughstone & Gravel quarry over an extent of 1.68.5 Ha at S.F. Nos. 493/1A2, 493/1A3 & 493/1D of Mecode village, Thiruvattar Taluk, Kanniyakumari District, Tamil Nadu by Thiru. M. Radhakrishnan- For Environmental Clearance. (SIA/TN/MIN/502926/2024, Dated: 30.10.2024).

The proposal was placed in the 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. M. Radhakrishnan has applied for Environmental Clearance for the proposed roughstone & gravel quarry over an extent of 1.68.5 Ha at S.F. Nos. 493/1A2, 493/1A3, & 493/1D, Mecode village, Thiruvattar Taluk, 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.
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 97,780m³ of Rough Stone & 13,270m³ of Gravel, and the annual peak production shall not exceed 20,320m³ of Rough Stone & 4,310m³ of Gravel. The ultimate depth is 32m BGL.
4. Earlier, the project proponent has obtained EC from SEIAA vide Lr.No. SEIAA-TNF.No.3213/EC/1(a)/2274/2015 dated: 27.10.2015.
5. Certified Compliance Report (CCR) obtained from IRO(SZ); MoEF&CC vide Lr. EP/12.1/2024-25/SEIAA/94/TN/1850 Dt:18.11.2024.

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

- i. The proposed area is surrounded by a dense rubber plantation.
- ii. The site proposed is in the ecologically sensitive area of Western Ghats region in the Kanniyakumari District. Also, the site is closer to the ESZ of the Kanniyakumari Wildlife Sanctuary.
- iii. The quarrying operation will cause depletion of fertile topsoil which will lead to environmental degradation to flora and fauna in and around the area.
- iv. The PP has quarried out earlier mining operations in an unsystematic & unscientific manner without forming any benches.
- v. The Committee noted from the Certified Compliance report obtained from the IRO(SZ), MoEF&CC dated: 18.11.2024 that there 13 nos. of non-compliances were observed.
- vi. The northern region of the proposed site is abutting the Pattanamkal access road (Other District Road/Village Road).
- vii. There is also a permanent structure located at a distance of 300m and Arulmiku Sri Vanasastha temple (devotional place) at a distance of 100m, falling within the danger zone of 500m.
- viii. 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 proposed mining area is located in the environmentally fragile Western Ghat and hence, **the Committee decided not to recommend this proposal for grant of Environmental Clearance.**

SEIAA REMARKS:

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

- i. The proposed area is surrounded by a dense rubber plantation.
- ii. The site proposed is in the ecologically sensitive area of Western Ghats region in the Kanniyakumari

District. Also, the site is closer to the ESZ of the Kanniyakumari Wildlife Sanctuary.

- iii. The quarrying operation will cause depletion of fertile topsoil which will lead to environmental degradation to flora and fauna in and around the area.
- iv. The PP has quarried out earlier mining operations in an unsystematic & unscientific manner without forming any benches.
- v. The Committee noted from the Certified Compliance report obtained from the IRO(SZ), MoEF&CC dated: 18.11.2024 that there 13 nos. of non-compliances were observed.
- vi. The northern region of the proposed site is abutting the Pattanamkal access road (Other District Road/Village Road).
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The proposed mining area is located in the environmentally fragile Western Ghat and hence, **the Committee decided not to recommend this proposal for grant of Environmental Clearance.**

During the meeting, the authority noted that any further working in such fertile area will impact the productivity of Horticultural activity, water table and also livelihoods. Considering the sensitivity of the area, agricultural land, waterbodies & drainage pattern, the authority after detailed discussions, decided to accept the decision of SEAC and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the SEAC minutes. Further, Authority decided to close and record this proposal.

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