

Item No. 07

Court No. 1

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

Original Application No. 304/2019

(With report dated 10.07.2019)

M. Haridasan & Ors.

Applicant(s)

Versus

State of Kerala

Respondent(s)

Date of hearing: 09.10.2019

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

For Respondent(s): Mr. Jogy Scaria, Advocate for State PCB

**ORDER**

1. Vide order dated 06.05.2019, a report was sought from State PCB and District Magistrate, Palakkad District with reference to the allegation that there was illegal operation of stone quarries and crushers without requisite safeguards at Kizhakkancherry II village, Palakkad District in the State of Kerala, adversely affecting the environment and flora and fauna of the area.
2. The report dated 10.07.2019 furnished is to the effect that the quarry has not started operation but the location being beyond 50 mtrs. from residence and public road, EC has been granted by the DEIAA subject to certain conditions.

3. We find that the environmental norms require assessment of impact of such activities and mere distance of 50 mtrs. by itself is not enough to dispense with such norms. In absence of any study, any stone quarry near the residence and public road is bound to cause air and noise pollution even beyond 50 mtrs. In this regard, reference may be made of observations in the judgments of the Hon'ble Supreme Court in *M.C. Mehta v. Union of India*, (1996) 8 SCC 462 and *Mohammed Haroon Ansari v. District Collector, Ranga Reddy District*, (2004) 1 SCC 491. In granting EC, this consideration has to be kept in mind in view of the fact that clean and safe environment is a part of right to life.

4. Accordingly, we direct State PCB to revisit the existing criteria based on an appropriate study. CPCB may give its view in the matter to the State PCB within two weeks in light of available expert studies on the subject. The State PCB may furnish its action taken report in the matter by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) before the next date.

List for further consideration on 18.12.2019.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

October 09, 2019  
Original Application No. 304/2019  
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