

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No.229 of 2016 (SZ)

In the matter of

M.Gobineelan,
No.5/1-I Rest House Road,
Sirumugai,
Coimbatore 641 302

.. Applicant

Vs.

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Anna Salai,
Guindy, Chennai.
2. The District Environmental Engineer,
The Tamil Nadu Pollution Control Board,
No.266, Mettupalayam Road,
Coimbatore North Office,
Coimbatore 641 043
3. The District Collector,
Coimbatore
4. The Executive Officer,
Sirumugai Town Panchayat,
Sirumugai Town Panchayat Office,
Sirumugai, Mettupalayam,
Coimbatore 641 302

.. Respondents

Counsel appearing for the appellant

M/s N.Stalin & K.Myilsamy

Counsel appearing for the Respondent

Mr.A.Ilango for R1 & R2
Mr.E.Manoharan for R3 & R4

O R D E R

Present

Hon'ble Shri Justice M.S.Nambiar, Judicial Member
Hon'ble Shri P.S.Rao, Expert Member

30th October, 2017

This is an application filed under Section 14 of the National Green Tribunal Act, 2010 for a direction to the 4th respondent to remove the garbage waste and restore the land in Survey No.148/2 and 189 at Ward No.5, Sirumugai Town, Coimbatore District.

2. The case of the applicant is that the 4th respondent is having control over large extent of vacant land in Survey No.148/2 and 189 which is adjacent to the residential house of the applicant and the 4th respondent Executive Officer has started collecting garbage waste through uncovered lorries and other motor vehicles in and around the Sirumugai Town and dumped the garbage waste illegally in the open space causing pollution and therefore there should be a direction to remove the garbage and not to dump or burn the garbage in the land.

3. Respondent Nos.1 & 2 Tamil Nadu State Pollution Control Board and the District Environmental Engineer filed reply contending that the 4th respondent was instructed not to dump and burn garbage in the said location. Earlier the 4th respondent had filed an application dated 18.04.2013 for the issue of Authorisation under the Municipal Solid Waste (Management and Handling) Rules, 2000. The 4th respondent was requested to furnish additional particulars vide 2nd respondent letters dated 25.10.2013, 19.03.2014 and 23.05.2014 for processing the application. The 4th respondent was called for a personal hearing on 08.07.2014. The 4th respondent agreed to furnish information for processing the application. The 4th respondent was requested to furnish additional particulars vide 2nd respondent letters dated 14.08.2014 and 23.10.2014 and 17.11.2014.

4. It is also submitted that personal hearing was conducted in the 2nd respondent's office on 17.11.2014 and 4th respondent informed that they have dropped the dumping of solid waste management proposal in the authorisation applied location at S.F.No.893, Sirumugai Village. Accordingly, the application filed for "authorisation" was dropped. The 4th respondent by letter dated 24.11.2014 informed that they have dropped the proposal in the said location and is in the process of identifying a new land.

5. The existing garbage dumping site in S.F.No.148/2 and 189/2 of Sirumugai Village was inspected by the 2nd respondent on 09.02.2015 based on a complaint received in the Chief Minister's cell. The 4th respondent by letter dated 11.02.2015 was directed to apply for "authorisation" under the Municipal Solid Waste (Management & Handling) Rules 2000 and not to dispose the garbage waste either on land or in secured land fill facility without obtaining authorisation from the Tamil Nadu State Pollution Control Board.

6. By letter dated 11.02.2015 the 4th respondent was instructed to apply for "authorisation" under the Municipal Solid Waste (Management & Handling) Rules 2000. The 4th respondent vide letter dated 11.05.2015 replied that they have identified the land in S.F.No.99/2 having an extent of 1.66.5 acres within the jurisdiction of Sirumugai Town Panchayat and submitted the proposal before the Tahsildar, Mettupalayam for further action. The 2nd respondent further stated that based on a complaint and legal notice received from the applicant dated 23.09.2015, 31.10.2015 and 13.07.2016 the 4th respondent was instructed not to dump and burn the garbage waste in S.F.No.148/2 and 189/2 of Sirumugai Village.

7. It is further stated by the 2nd respondent that the total garbage generated in the Panchayat is about 2.3 MT/ day of solid waste from its 18 wards and the 4th respondent is dumping the same in S.F.No.148/2 and 189/2 of Sirumugai Village. The Municipal Solid waste dump site is reported to be owned by the closed unit of M/s.South India Viscose (SIV) comprising an area of 0.435 Hectares as per revenue records. The site is surrounded by a bitumen laid road leading to farm house followed by M/s.South India Viscose (SIV) in the East, coconut fields in the West, vacant land followed by residences (including applicant's house) in the south and a road followed by banana fields in the North direction. The Municipal Solid waste dump site is located adjacent to the compound wall of M/s.South India Viscose (SIV) which is not in operation. The site is located at a distance of about 500 m from River Bhavani in the Eastern direction.

8. It is further stated by the 2nd respondent that the 4th respondent has not provided any compound wall around the dump site and no segregation and composting activities was carried out in the site and not complying with the duties and responsibilities of local authorities notified in the Rule 15 of the Solid Waste Management Rules, 2016. The 4th respondent is therefore directed to carry out the following measures to improve the environment quality in the surroundings:

- a) *The 4th respondent M/s.Sirumugai Town Panchayat shall not transport & dump the Municipal Solid Waste generated (Reported to be 2.3 MT/ day) from its 18 wards in the open land at S.F.No.148/2 and 189/2 of Sirumugai Village, Mettupalayam Taluk, Coimbatore District as the residents are situated nearby the dump site.*
- b) *The 4th respondent M/s.Sirumugai Town Panchayat shall ensure that the Municipal Solid Waste so far dumped at S.F.No.148/2 and 189/2 of Sirumugai Village, Mettupalayam Taluk, Coimbatore*

District shall not be burned at any cost so as to eliminate the air pollution to the nearby residents.

c) The 4th respondent M/s.Sirumugai Town Panchayat shall immediately comply with the duties and responsibilities of local authorities notified in the Rule 15 of the Solid Waste Management Rules, 2016 published by the Ministry of Environment, Forest & Climate Change (MoEF & CC), Government of India.

9. Respondent No.4, Sirumugai Town Panchayat through its Executive Officer has filed a reply dated 10th January, 2017 contending that the Solid Waste Management Project in Sirumugai Town Panchayat is under progress and accordingly the Site in S.F.No.893, Sirumugai Village (Mokkaimedu area) in Ward No.5 to the extent of land 3.60 acre was secured for the implementation of the said solid waste management project. However, all the solid wastes in Sirumugai Town Panchayat are now collected and disposed opposite to Vachinampalayam Pump House land which belongs to the 4th respondent. There are around 13 pits therein which are being used for disposal of biodegradable waste and converting the same into manure for the benefit of local agricultural activities.

10. It is further stated by the 4th respondent that there is no dumping and burning of garbage and other hazardous wastes in the open space by the 4th respondent. It is also contended that in spite of the order of this Tribunal, some third parties /miscreants, with an intention to levy allegations against the Panchayat, set fire in the dump yard. A criminal complaint has been lodged with the local police station to find out the miscreants and take action. It is contended that in the light of the contentions, the application is to be dismissed.

11. After commencement of Solid Waste Management Rules, 2016, there is no question of dumping solid waste. The Panchayat can only

proceed with source segregation and create a Solid Waste Treatment Facility as provided under the Solid Waste Management Rules, 2016.

12. The reply filed by the 4th respondent dated 10.01.2017 shows that they are not dumping or burning the garbage. In such circumstances, we find it is not necessary to keep the matter on record. The reply of the 4th respondent shows that they have already identified the land having an extent of 3.60 acres in Ward No.5, S.F.No.893, Mokkaimeedu area. The Panchayat shall obtain necessary "authorisation" from the appropriate authorities within three months and shall remove all the Solid Waste dumped in the S.F.No.148/2 and 189/2 and shall not dump the solid waste in open space or burn solid waste.

13. The application is disposed of accordingly, with no order as to cost.

Justice M.S.Nambiar
Judicial Member

Shri P.S.Rao
Expert Member

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