

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No. 287 of 2014 (SZ)

In the matter of

1. Sumathi Saet
President of Village Panchayath
Mettu Street, Murukathampoondi
Village, Murukathampoondi Post,
Cheyyar Taluk, Tiruvannamalai Dist

.. Applicant

Vs.

1. Commissioner of Municipality
Tiruvathipuram (Cheyyar) Municipality,
Cheyyar, Tiruvannamalai Dist. 604 407
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
541/B, Ashok Nagar, Venkikal,
Tiruvannamalai 606 604
3. Chairman,
Tamil Nadu Pollution Control Board,
Corporate Office,
76, Anna Salai, Guindy, Chennai 600032
4. Chairman,
Central Pollution Control Board,
Parivesh Bhavan,
CBD cum Office Complex,
East Arjun Nagar, New Delhi 110032
5. The District Collector,
Collectorate,
Thiruvannamalai 606 604
6. The District Police Office,
Thiruvannamalai District,
Thiruvannamalai 606 604
7. Sub-Inspector of Police,
Cheyyar/Thiruvathipuram,
Thiruvathipuram 604 407
8. Principal Secretary to the Government,
Department of Environment and Forests,
Secretariat, Chennai 600009

9. Principal Secretary to the Government,
Department of Revenue,
Secretariat, Chennai 600009

.. Respondents

Counsel appearing for the applicants:

M/s.Kaushik N.Sharma and
Umapathy

Counsel appearing for the respondents

M/s.Abdul Saleem, S.Saravanan
& Vidyalakshmi for R1
M/s.Yasmeen Ali for R2 & R3
Mr.D.S.Ekambram for R4
M/s.M.K.Subramanian, E.Manoharan
& P.Velmani for R5 & R9

ORDER

Present

Hon'ble Shri Justice Dr.P.Jyothimani, Judicial Member

Hon'ble Shri P.S.Rao, Expert Member

11th May, 2017

The President Murukathampoondi Village Panchayat, Cheyyar Taluk, Tiruvannamalai District who is the applicant, has prayed for permanent injunction against the official respondents from illegally and wrongfully dumping Municipal Solid Waste including hazardous waste in Survey No.1 of Murukathampoondi Village to an extent of 55 acres, Cheyyar Taluk, Tiruvannamalai District.

2. It is the case of the applicant that the 1st respondent, Tiruvathipuram Municipality has been unscientifically dumping the waste without following the statutory rules. In fact, the Panchayat President has enumerated

various irregularities committed by the Municipality by referring to the provisions of various environmental laws including the National Green Tribunal Act, 2010 to state that inspite of sufficient space available in Tiruvathipuram Municipal area, the Municipality has not taken proper action for the purpose of disposal of waste generated within the municipal limit.

3. The Central Pollution Control Board in its reply has stated that the landfill site which has been chosen by the Municipality, as stated above, is 12 km from Tiruvathipuram Municipality and it is in violation of statutory rules and there is no necessity for the Municipality to carry the solid waste 12 km away to set up the landfill.

4. The Commissioner, Thiruvathipuram Municipality in the affidavit dated 07.10.2015 has clearly stated that no Municipal Solid Waste will be dumped in the subject land due to the reason that there has been an interim order passed by the Principal Bench of this Tribunal.

5. The Tamil Nadu State Pollution Control Board in its reply has stated that an inspection which was carried out on 21.01.2015, the following features were observed:

1. The site is about 11 km. from Cheyyar Municipal limit. It is about 2 km from the Cheyyar-Arani Road.
2. The total extent of land is about 4.05.0 hec. (10 acres) in SF.No.1/2 Murukathampoondi Village, Cheyyar Taluk, Thiruvannamalai District. It is classified as Tharisu Poramboke as per revenue records. This site falls in the Murukathampoondi village panchayat limit.
3. The site is a barren dry land with bushes. It was noticed that about 200-300 sapling were planted and it have grown to height of about 4 to 5 metre. It was reported by the Municipal Authority that the sapling were planted by the villagers in the site which is allotted for the solid waste facility with an intention of developing social forestry and stop the establishment of the solid waste processing and disposal facility.
4. It was also noticed that about 4 loads of solid waste which was dumped in November, 2014 was found burnt and only partially burnt waste was lying in the site. The municipal authority has

mentioned that the villagers have put the fire to the wastes. There is no fresh dumping of waste.

5. The site is located at an elevated location. The site is surrounded with farm lands in the downstream cultivating crops like paddy, groundnut and grams etc., They are using well water for the irrigation.
6. A bullock cart road is passing through this MSW site. This road is used by the farmers to go to their lands.
7. There is no village within 1 km. Radius. There are no industrial or commercial activities near by the site.
8. Habitations viz. Enathavadi, Sundivakkam, Murukatham poondi are located more a kilometre from the proposed site. Each village is having a population of more than 300.
9. Murukatham poondi Eri is located at about 150 meters on north-west direction in the downstream side. The proposed solid waste is sloping towards the Eri. The Eri is maintained by PWD. The area of the Eri is about 150 acres. No water was found in the Eri at the time of inspection. It was in dry condition.

6. Therefore it is clear that the Municipality has not been following proper procedure for the purpose of treating solid waste. However, the fact remains that as on date the Municipality is not dumping the solid waste in the place which is the subject matter of this application and the same is admitted by the learned counsel appearing for the applicant also. It is also relevant to note at this juncture that the applicant has also referred to various alternate sites available within the Municipal limit for the purpose of setting up the Solid Waste Management facility. It is for the respondent Municipality to strictly follow the Solid Waste Management Rules, 2016 and dispose the solid waste scientifically duly following the source segregation process.

7. Be that as it may, the prayer in this application is for the purpose of permanent injunction against the official respondents not to dump Municipal Solid Waste in Survey No.1, Murukatham poondi Village and since it is an admitted fact that as on date, there is no dumping, we are of the view that the application should be disposed of with the direction to the Municipality not to dump the solid waste in the area concerned.

8. We also make it clear that the Municipality shall take all necessary steps for the purpose of carrying out restoration of the site at S.No.1, Murukathampoondi Village by submitting proper plan/ scheme to the Government. On receipt of the same, the Government shall consider under any of the ongoing schemes including Swacch Bharath Abhiyaan for funding the scheme and complete the process of restoration in a time bound manner.

With the above direction, the application is disposed of. There shall be no order as to cost.

Justice Dr.P.Jyothimani
Judicial Member

Shri P.S.Rao
Expert Member

NGT