

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Application No. 1 of 2016 (SZ)

IN THE MATTER OF:

M. Shenbagakani
S/o S. Muthukutti
M.S.K. House
No.15/29, V.V. Koil Street
Kosapet
Chennai - 600 012

सत्यमेव जयते

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Applicant

AND

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai.
2. The Chairman
Tamil Nadu Pollution Control Board
No.100, Anna Salai
Guindy
Chennai - 600 032
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Purasavakkam
Chennai - 600 081
4. Mr. M. Palani
Shop No.1, 48/2, Strahans Road
Kosapet
Chennai.600 012.
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Respondent(s)

**Counsel appearing for the Applicant:
Mrs. C. Sangamithirai**

ORDER

PRESENT:

HON'BLE SHRI JUSTICE M. CHOCKALINGAM, JUDICIAL MEMBER

HON'BLE SHRI P.S. RAO, EXPERT MEMBER

Dated 6th January, 2016

Whether the Judgement is allowed to be published on the Internet – Yes/No
Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

Heard the counsel for the applicant. This application is brought forth by the applicant herein for the following reliefs:

“1. To direct the 1st respondent to take necessary action against the 4th respondent for running the shop without licence and to direct the 2nd and 3rd respondents to take necessary action against the 4th respondent for running the shop without valid consent.

2. To direct the 2nd and 3rd respondents against the 4th respondent to take necessary action for violating the noise and dust pollution laws”.

The case of the applicant, in short, is that he is an Engineer by profession and owns a building at No.48/2, Strahans Road, Kosapet, Chennai-12. He rented out his commercial property to the 4th respondent to run a carpenter shop and that there are seven commercial shops in the ground floor while there are four residential houses in the 1st floor. At the time of commencement of agreement, it was agreed that while carrying on the activities by the 4th respondent, he should not use heavy machinery. Despite the same, he has been using heavy machinery thereby causing lot of noise and dust pollution. Even during night hours, his activities have been

going on. Thus the noise and dust pollution is not only degrading the environment but also affecting the health of the nearby residents. Under the circumstances, this application is brought forth seeking the above reliefs.

After hearing the learned counsel for the applicant and looking into the averments, it is quite evident that the application is premature. Admittedly, as per the averments, the applicant has constructed a commercial complex in a residential area. It is also further admitted that under the tenancy agreement, the 4th respondent was permitted to run a carpenter shop. The only grievance ventilated by the applicant is that the 4th respondent by operating heavy machinery, has been causing both noise and dust pollution. It is pertinent to point out that no averments are made in the application that any representation was made to any of the authorities of the Tamil Nadu State Pollution Control Board (Board) ventilating the grievances of the applicant complaining of the alleged dust and noise pollution. Hence, the Tribunal feels it fit to dispose of the application with liberty to the applicant to approach the concerned District Environmental Engineer (DEE) of the Board on the alleged complaint of noise and dust pollution and the concerned DEE after making necessary inspection thereon, has to take necessary action, if it warrants so. Liberty is also granted to the applicant to approach the Tribunal if necessary action is not taken by the concerned DEE.

With the above permission, liberty and observation, the application is disposed of.

Justice M. Chockalingam
Judicial Member

P.S. Rao
Expert Member