

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Application No.10 of 2016

In the matter of

Kumbeswaran

Mandaveli, Chennai

.. Applicant

Vs

1. Chairman

Tamil Nadu Pollution Control Board, Chennai

2. The District Environmental Engineer

Tamil Nadu Pollution Control Board

Sriperumpudur

3. N. Narayana Rao

Mettur, Somangalam

4. N. Punna Rao

.. Respondents

Counsel appearing for the applicant

Mr.M. Chandrasekaran

Counsel appearing for the respondents

Smt. Yasmeen Ali for R1 & R2

ORDER

Present

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

Hon'ble Prof.Dr.R. Nagendran, Expert Member

17th February, 2016

Even though respondents 3 and 4 have not appeared before this Tribunal, we have taken up the application and heard learned counsel appearing for the applicant and respondents 1 and 2, since it requires consideration of certain public issues.

2. The application is filed for a permanent injunction against respondents 3 and 4 from operating hot mix plants in Survey No. 20/5, 20/6-part, 20/7-part and 22/2 of Somangalam Village, Kundrathur Panchayath Union, Sriperambudur Taluk, Kancheepuram District.

3. According to the applicant, who is stated to be a public spirited person, respondents 3 and 4 are the owners of the above said land in Somangalam Village and carrying on hot mix activities in the above land and such activities are affecting the students undergoing yoga and studying Sanskrit at Swami Dayananda Vedanta Vidya Nilayam which is situated adjacent to the respondents' unit. . It is also the case of the applicant that by the activities of hot mix without approval from the competent authority, including "consent" from the Pollution Control Board, pollution is caused to a large extent resulting in environmental degradation.

4. As per the direction of this Tribunal, respondents 1 and 2, after conducting inspection, have filed reply. The reply states that in the above survey numbers there are 11 units which are as follows:

1. M/s. Sampath Asphalt Hot Mix Plant
2. M/s. Sri Ganesh Enterprises
3. M/s. Sam Construction
4. M/s. K.V.S. Kubendiran Constructions
5. M/s. Shanmathi Constructions
6. M/s.SP Builders
7. M/s. Mohan Asphalt
8. M/s. MRN Arul Construction
9. M/s.Sri Renugambal Constructions
10. M/s.URS Constructions
11. M/s. Krishna Hot Mix Plant

5. Out of the 11 units, it is seen that only two units viz., M/s. SP Builders and M/s. URS Constructions are having renewal of "consent" from the Board. It is stated in the reply that M/s. Kubendiran Constructions and M/s. Mohan Asphalt are closed and not in operation. However, it is stated that the remaining units which are stated to be in operation were called by the Board for a personal hearing and also the Board is taking steps for the purpose of regulating the activities of the above said units by issuing "consent" with various conditions.

6. On a careful consideration of the reply filed by the respondents 1 and 2, it is clear that at least 7 units out of 11 units are carrying on hot mix activities without having

renewal of "consent to operate". Even though learned counsel appearing for the Board would submit that in respect of some of the units renewal applications are pending, we are of the considered view that pending consideration of such renewal applications, the units shall not be permitted to operate, unless and until "consent to operate" is extended.

7. In view of the same, we direct that the following units viz., (1) M/s. Sampath Asphalt Hot Mix Plant (2) M/s. Sri Ganesh Enterprises (3) M/s. Sam Construction (4)M/s. Shanmathi Constructions (5) M/s. MRN Arul Construction (6) M/s. Sri Renugambal Constructions and (7) M/s.Krishna Hot Mix Plant shall be immediately directed to be closed by the Board which shall ensure such closure. We make it clear that such closure order will not preclude the Board from considering the application for renewal and as and when the application for renewal is considered and renewal is granted then only it is open to the units to start functioning.

8. The Board has also stated in the reply that Corporation of Chennai as well as Highways Department who have given work orders to these units for the supply of hot mix should also be directed to ensure that those units are having valid "consent" from the Board before such work orders are issued.

9. We direct that in future Corporation of Chennai as well as Highways Department or any other Department which will approach these units for the supply of hot mix shall ensure before issuing work orders that they have got valid and subsisting "consent to operate" from the Board.

10. It is now informed that in respect of functioning of hot mix units no guidelines are framed by the Board.

11. We are of the considered view that the Board shall immediately take up this issue and frame necessary guidelines stipulating various conditions in respect of hot mix units taking into consideration the environment and other aspects expeditiously, in any event within a period of eight weeks from the date of receipt of the copy of this order.

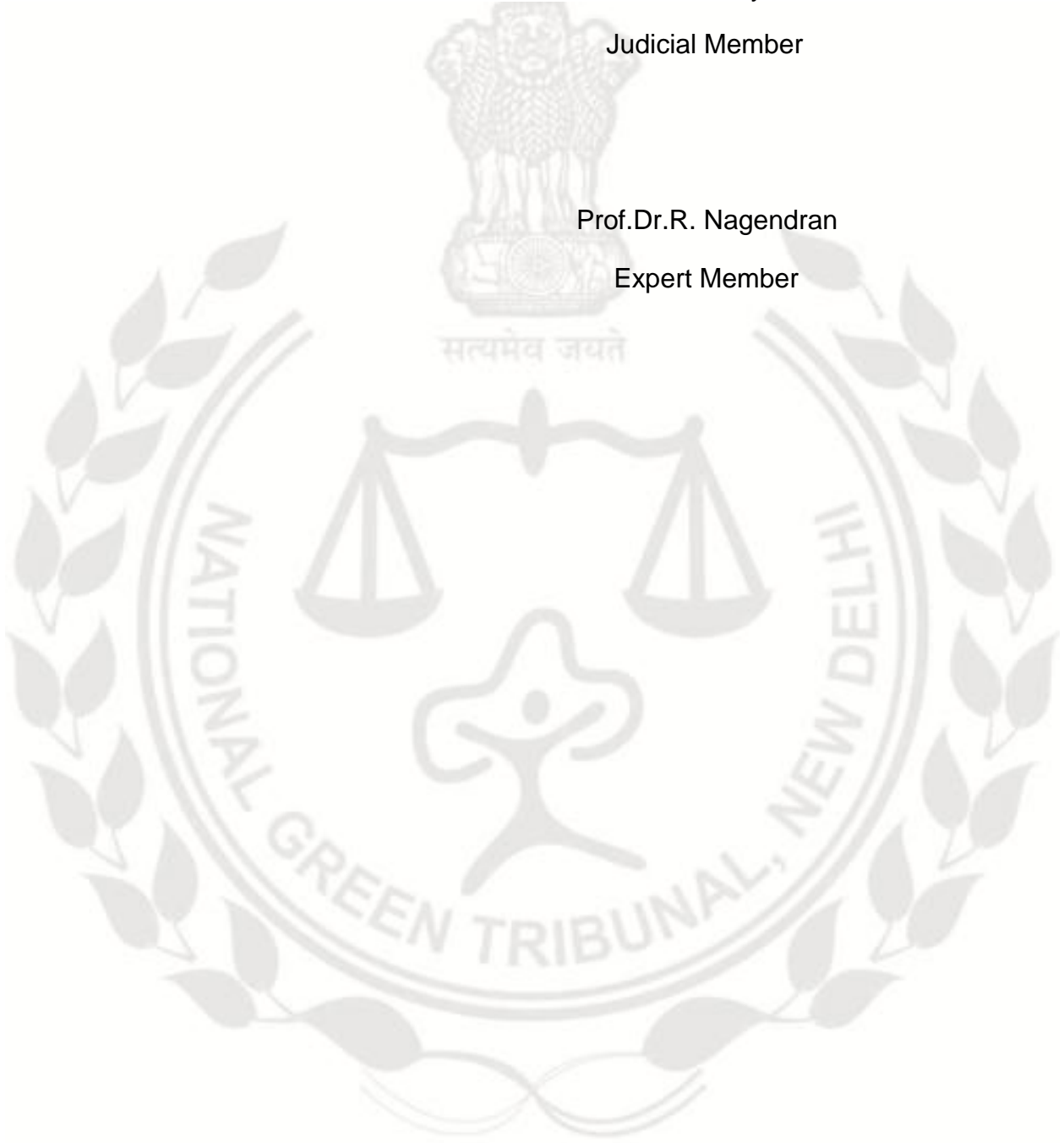
With the above direction, the application stands closed. There shall be no order as to cost.

Justice Dr.P. Jyothimani

Judicial Member

Prof.Dr.R. Nagendran

Expert Member



NGT