

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No. 166 of 2015 (SZ)

In the matter of

1. Vetri Magalir Mandram
Rep. by its President C.Backiyam
No.22, Madhakoil 3rd Street,
Chinakoladi, Thiruverkadu, Chennai

.....Applicant

VS

1. The Secretary to Government
Department of Environment and Forest,
Government of Tamil Nadu,
Secretariat, Fort.St. George, Chennai
2. The Secretary to Government
Public Works Department,
Government of Tamil Nadu,
Secretariat, Fort.St. George, Chennai
3. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Road, Anna Salai, Guindy, Chennai
4. The District Collector,
Thiruvallur District
5. The Commissioner,
Thiruverkadu Municipality,
Thiruverkadu, Chennai

.. Respondents

Counsel appearing for the applicant:

M/s.Taaur Associates,

S.Kamalesh Kannan & S.Sai Sathya Jith

Counsel appearing for the Respondents:

M/s. M.K.Subramanian & P.Velmani for R1 & R4

M/s. Abdul Saleem, S.Saravanan

& Vidyalakshmi for R2

Mrs.Yasmeen Ali for R3

Mr.R.Mohan Doss for R5

ORDER

Present

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

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

13th July, 2016

We have heard the learned counsel appearing for the applicant as well as respondents. The 4th respondent District Collector has filed an additional reply.

2. The applicant has sought for a permanent injunction against the respondent Authorities from dumping the municipal solid waste, including Bio-medical and hazardous waste and burning the same in Koladi Lake, Thiruverkadu and also direct the respondent Authorities to remove the municipal solid waste already dumped at the site.

3. It is the case of the applicant that the 5th respondent Municipality has been dumping the municipal solid waste as well as medical and hazardous waste in the Koladi Lake, Thiruverkadu for few years. After the matter was taken up before this Tribunal, this Tribunal has granted an interim injunction against the 5th respondent Thiruverkadu Municipality from dumping of solid waste in the aforesaid water body. It was in those circumstances, the 5th respondent, with the permission of Maraimalai Nagar Municipality, has taken its solid waste to Maraimalai Nagar Municipality where dumping takes place. The additional affidavit filed by the 4th respondent District Collector shows that the 5th respondent municipality generates around 30 tons of garbage every day. The District Revenue Administration has conducted a meeting on 30.06.2016 consisting of Tahsildars of various areas and there was a direction to find out the availability of land for Thiruverkadu Municipality for dumping municipal solid waste. It appears that in the said meeting it was informed that Survey No.522/2 of Pammaththukulam Village, Avadi Taluk, is a suitable land and it is available for the purpose of allotment for dumping yard and the extent is said to be 2 acres. It was in those circumstances, the Municipal Commissioner, Thiruverkadu was directed to inspect the said land alongwith Tahsildar and accordingly an inspection was carried out on 30.06.2016 along with Tahsildar and the Municipal Commissioner, Thiruverkadu has given requisition to Tahsildar, Avadi on 04.07.2016, based on which the Tahsildar has commenced the land alienation proceedings, as it is seen from the communication dated 05.07.2016. It is stated that after observing all the required formalities and after the alienation process is completed, the transfer of land will take place in favour of the 5th respondent in which event, the 5th respondent can formulate a scheme for the purpose of treatment of waste generated in 5th respondent municipal region.

4. In these circumstances and taking note of the submission made by the learned counsel appearing for the District Collector, we are of the view that as on date, the prayer of the applicant has been answered in the sense that 5th respondent is not dumping its municipal waste in the water spread area and has been dumping in the site in Maraimalai Nagar Municipality. We make it clear that till the aforesaid alternate land in Pammaththukulam Village is made available after all the formalities are completed and due possession is given to the 5th respondent, the 5th respondent shall not dump its waste in Koladi lake and the arrangement made for the purpose of carrying the garbage to Maraimalai Nagar municipality dumping site shall continue till then.

5. The learned counsel appearing for 5th respondent submits that whatever waste which has been dumped at Koladi lake has been removed and sent to Maraimalai Nagar. We make it clear that the remaining garbage available at the site shall also be removed by the 5th respondent and restore the area to its original position. After allotment of 2 acres of land, the 5th respondent municipality shall follow all the procedures formulated in the Solid Waste Management Rules, 2016 which include segregation, treatment and management etc. duly obtaining authorisation from the State Pollution Control Board.

With the above direction, the application stands disposed of. No cost

Justice Dr. P. Jyothimani

Judicial Member

Shri P.S.Rao

Expert Member