

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Application No.180 of 2016 (SZ)**

**In the matter of**

1. Mr.P.Varatharajan  
4/196, Pillayar Kovil Street,  
Moovarasampet, Chennai 600091

.. Applicant

Vs.

1. The President,  
Moovarasampet Panchayat,  
1/4, Moovarasampet Main Road,,  
Moovarasampet, Chennai 600091.
2. The Secretary,  
Moovarasampet Panchayat,  
1/4, Moovarasampet Main Road,,  
Moovarasampet, Chennai 600091.
3. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Maraimalai Nagar Adigalar Street,  
M.M.Nagar 603 209  
Kancheepuram District.
4. The Tahsildar,  
Alandur Taluk Office, 1<sup>st</sup> Main Road,  
Nanganallur, Chennai
5. Block Development Officer,  
St. Thomas Mount Panchayat Union,  
Chitlapakkam, Chennai 600064
6. The Chairman,  
Tamil Nadu Pollution Control Board,  
Corporate Office,  
No.76, Anna Salai, Guindy,  
Chennai 600 032
7. The Chairman,  
Central Pollution Control Board,  
Parivesh Bhavan,  
CBD cum Office Complex,  
East Arjun Nagar, New Delhi 110032

8. Chief Executive Officer,  
Chennai Metropolitan Development Authority,  
Thalamuthu Natarajan Maaligai  
No.1, Gandhi Irwin Road,  
Egmore, Chennai 600008
9. The Member Secretary,  
Chennai Metropolitan Development Authority,  
Thalamuthu Natarajan Maaligai  
No.1, Gandhi Irwin Road,  
Egmore, Chennai 600008
10. The District Collector,  
Collectorate, Kancheepuram Dist.
11. The Executive Engineer,  
Public Works Department  
Palar Basin Division,  
Kancheepuram
12. The Director of Environment &  
Member Secretary,  
Environment Management Agency,  
Ground Floor, Panagal Building,  
1, Jeenis Road, Saidapet, Chennai -15
13. The Principal Secretary to Government  
Public Works Department,  
Secretariat, Chennai 600009
14. The Principal Secretary to Government  
Department of Environment & Forests,  
Secretariat, Chennai 600009
15. The Principal Secretary to Government  
Department of Revenue,  
Secretariat, Chennai 600009

.. Respondents

**Counsel appearing for the applicants:**

M/s.Kaushik N.Sharma

**Counsel appearing for the respondents**

Mr.A.N.Thambidurai for R1, R2 & R5

Mr.A.Ilango for R3 & R6

M/s.M.K.Subramanian, E.Manoharan

& P.Velmani for R4, R10 to R15

Mr.D.S.Ekambaram &

Mrs.P.Jayalakshmi for R7

Mr.Raja Srinivas for R8 & R9

## ORDER

Present

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

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

11<sup>th</sup> May, 2017

This application is filed by a resident of Moovarasampet Village seeking for a permanent injunction against the respondents from illegally dumping Municipal Solid Waste in the lake comprised in Survey No.44/2 of Moovarasampet Village, Kancheepuram District. The grievance of the applicant is that solid waste is being dumped in the waterbody which is not permissible in law.

The 1<sup>st</sup> respondent who is the Secretary of First Grade Moovarasampet Panchayat in the reply dated 9<sup>th</sup> November, 2016, has stated that as on date the dumping of garbage in the waterbody has been stopped. It is further stated that the entire Moovarasampet Panchayat is a residential area and there is no vacant or suitable land. Hence, the Panchayat has obtained permission from the Chennai Corporation on 17.07.2013 to dump the solid waste at Perungudi dumping yard. But the Corporation cancelled the permission on 27.04.2016. Therefore, the waste was dumped near the lake bund area by taking precautions for preventing solid waste mixing into the lake water.

It is also stated that the Panchayat has approached the District Collector, Kancheepuram to allot suitable place for disposing the waste. The Collector in his order dated 08.08.2016 has identified 30 acres of large extent of land in Keerapakkam in Survey No.99/1, wherein 20 acres have

been allotted to Town Panchayats and 10 acres allotted to 9 Village Panchayats of St. Thomas Mount Panchayat Union and a place has been earmarked. On receipt of order dated 08.08.2016 passed by the Collector, the Tahsildar, Kancheepuram, started the process of earmarking the area at Keerapakkam.

In view of the said stand taken by the official respondents and also it is an undisputable fact that as on date dumping is not taking place in the water body, the application stands disposed of with a direction to the 1<sup>st</sup> respondent Panchayat not to dump solid waste at any point of time into the said waterbody. The Panchayat shall take all necessary steps to enforce source segregation as per Solid Waste Management Rules, 2016 and to effect restoration of the site near the lake where dumping was going on earlier, in a scientific manner by making a proposal to the Government for allotment of funds either under Swatchh Bharat Mission or under any other scheme and in the event of receipt of representation from the Panchayat, the Government shall consider the same and pass appropriate orders.

The learned Government Pleader has filed a compliance affidavit through The Commissioner of Municipal Administration dated 30.04.2017 wherein it is stated that the Tamil version of the Solid Waste Management Rules, 2016 has been circulated to all local bodies i.e., Greater Chennai Corporation, Municipalities and Panchayats in the State and the same is uploaded on the website and is made available 'online'. The Commissioner of Municipal Administration has also furnished particulars relating to the Municipalities, Panchayats and Corporations for which the translated copies are given.

It is also stated that apart from Greater Chennai Corporation, 11 Corporations, 124 Municipalities and 528 Town Panchayats in the State,

have been furnished with the translated version of the Solid Waste Management Rules, 2016. The learned Government Pleader submits that all the Corporations, Municipalities and Panchayats which are operating their websites, uploaded the translated version. He also submits that steps are being taken by the Government for the purpose of effective implementation of Solid Waste Management Rules, 2016 in its true spirit.

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

Justice Dr.P.Jyothimani  
Judicial Member

Shri P.S.Rao  
Expert Member

NGT