

Item No. 02:

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

Original Application No. 205 of 2017 (SZ)

IN THE MATTER OF:

R. Kandasamy

...Applicant(s)

WITH

The Government of India
Rep., by its Secretary,
Ministry of Environment
And Forest, New Delhi and Others.

...Respondent(s)

Date of hearing: 28.01.2020.

CORAM:

**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s): M/s. D. Balachandran and S. Saravanan

For Respondent(s): Mr. G.M Syed Nurullah Sheriff for R1
Mr. Mani Gopi For R2 R3 R4 and R7
Mr. C. Kasirajan For R5 & R6

ORDER

1. The present application has been filed by the petitioner alleging that the eighth respondent is discharging untreated effluent into the Cauvery River at "RTP Pallam" _ odai (anai Nasuvampalayam)

without any purification. It is pertinent to note that in nearby place there are dying factories which also let out the untreated effluents.

There are:

- (1) Aavin water zone
- (2) Perundurai- Karumandipalayam (Kootu Kudineer Thittam)
- (3) Chennimalai water sheme
- (4) Water supply to Perundurai and 49 surrounding villages.

2. Though there is Sewage Treatment Plant provided it is not functional and the discharge standard is not in tune with the standard provided by the Tamil Nadu Pollution Control Board. The eighth respondent is one such Textile processing unit. The purifying tank is also constructed in a Government poramboke land without getting any necessary permission from the authorities and Revenue authorities are not taking appropriate action against such encroachment into the Government land. Though inspections are being done and Electricity connection was disconnected earlier, but the same is being restored immediately.

3. On account of the illegal act of eighth respondent, the water in Cauvery River is contaminated and getting polluted affecting the health of the people. Apart from the contamination of surface

water in the river, it pollutes the ground water as well. So under circumstances, the since the authorities did not take proper action against the illegal activity the petitioner filed this petition seeking the following relief:

- (i) *Restrain the 8th respondent from letting out the water in Cauvery River by closing the respondent factory functioning at 9A, Suriyampalayam village, Ramanathampudur Post, Erode – 638 005.*
- (ii) *Pass other just and necessary orders as may be deemed fit and proper in the circumstances of the case and thus render justice.*

4. The first Respondent Ministry of Environment, Forest and Climate Change (MoEF &CC) filed a statement stating that it is not coming within their purview and it is for the State Pollution Control Board to monitor these aspects and to take appropriate action under “Water (Prevention and Control of Pollution) Act, 1974” and the “Air (Prevention and Control of Pollution) Act, 1981”.

5. Mr. G.M. Syed Nurullah Sheriff entered appearance for R1, Mr. M. Mani Gopi entered appearance for R2, R3, R4 & R7 and Mr. C. Kasirajan entered appearance for R5 & R6.

6. Though the matter was admitted and the notice was issued in the year 2018, and parties entered appearance, others did not file any statement so far. So under such circumstances in

order to ascertain the real status of affairs, we feel it appropriate, to appoint a Joint Committee comprising of District Collector, Erode District and Tamil Nadu Pollution Control Board to inspect the area in question and ascertain the genuineness of the allegation made and submit a factual and action taken report including any violations found, before this Tribunal within a period of one month.

7. The State Pollution Control Board will act as a nodal agency for this purpose.
8. The Committee shall submit a report through this Tribunal through e-mail @ ngtszfilling@gmail.com within that time.
9. The Registry is directed to communicate this order to the concerned authorities by e-mail immediately, so as to enable them to comply with the direction of this Tribunal.
10. For consideration of the report and filing statement by the respondents as last chance.
11. Post the case to 20.03.2020.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Saibal Dasgupta)

O.A. No. 205 of 2017
28th January, 2020
Sr.