

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No.12 of 2016 (SZ)

and

M.A.No.25 of 2016

In the matter of

1. Asirvatham Nagar and GN Nagar Welfare Association rep. by its President, P.Kasinathan, No.19, Asirvatham Nagar, Chidambaram

.....Applicant

VS

1. The District Collector, Cuddalore District
2. The District Environmental Engineer, Tamil Nadu Pollution Control Board, Plot No.A3, SIPCOT Complex, Kudikadu, Cuddalore
3. The Assistant Engineer, TANGEDCO, Chidambaram
4. M/s.Janatha Tyre Retreaders, A-1, North Main Road, Chidambaram

.. Respondents

Counsel appearing for the applicant:

M/s.Taurs Associates Kamalesh Kannan
& Sai Sathya Jith

Counsel appearing for the Respondents:

Mr.M.K.Subramanian & P.Velmani for R1
Mrs.Yasmeen Ali for R2
Mr.Gnanasekaran for R3
M/s.S.Thankasivan, Umasivan,
R.Sundara Kamesh Marthandan, M.Sudan for R4

ORDER

Present

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

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

11th May, 2016

- 1) We have heard the learned counsel appearing for the applicant as well as the respondents. The applicant's case is that the 4th respondent's Tyre Retreading Unit at A-1, North Main Road,

Chidambaram, is located in the middle of the residential colony and according to him the 4th respondent is burning wood, melting parts of worn tyres, melting raw rubber etc. which creates air pollution. It is also stated by the learned counsel appearing for the applicant that the 'consent' given by the Pollution Control Board to run the unit of the 4th respondent has expired on 30.09.2015.

2) However, it is the case of the learned counsel appearing for the 4th respondent that in fact an application for renewal of 'consent' has been filed and the Board has not taken any action. It is in this case the Board has filed a reply stating that the zone in which the unit of the 4th respondent is situated, was originally stated to be commercial and later it has been reclassified as a mixed residential zone. The reply states the following aspects which are relevant.

- “ 1. The Unit is in existence from 1998.
2. The unit is surrounded by residential building on three sides and road on the one side (Topo sketch enclosed).
3. The Unit has not provided any odour control measures to control the odour emanated from vulcanizing section.
4. At the time of establishment of the unit in the year 1998 the location has been classified as commercial zone. Now the unit location has been classified as mixed residential zone.
5. To continue the operation in the same location the unit has to obtain re-classification from mixed residential zone to industrial zone.”

3) The learned counsel appearing for the applicant would submit that as far as the providing of odour control measures or reclassification of zone is concerned, the Board has not passed any orders so far except what is stated in the reply. The application filed for renewal of “consent” also has not been disposed of by the Board. Therefore, it is not possible for the 4th respondent to take any appropriate measures for the purpose of compliance of various requirements that may be made by the Board.

4) Considering the above factual position that the application for renewal of 'consent' is pending and the Board has not passed any orders, we dispose of this application with the direction to the State Pollution Control Board to pass appropriate orders in the manner known to law on the application filed by the 4th respondent expeditiously in any event within a period of 10 days from the date of receipt of the copy of this order. Needless to say that if such order is passed by the Board, it will be open to the party to work out his remedy in the manner known to law.

5) Accordingly the application is disposed of. In as much as the original application is disposed of, consequently M.A. No.25 of 2016 also stands closed. There shall be no order as to cost.



Justice Dr. P. Jyothimani

Judicial Member

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Shri P.S.Rao

Expert Member



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