

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No.179 of 2015 (SZ)

In the matter of

S. P. Surendranath Karthik

No.9, Lake View Street,

Iyappa Nagar, Madipakkam

Chennai

.. Applicant

Vs.

1. President

Medavakkam Panchayat

Chennai

2. President

Pallikaranai Town Panchayat

Chennai

3. District Environmental Engineer

Tamil Nadu Pollution Control Board

M.M. Nagar, Kancheepuram Dist

4. Tahsildar

Sholinganallur

5. Block Development Officer

St. Thomas Mount Panchayat Union

Chitlapakkam, Chennai

6. Chairman

Tamil Nadu Pollution Control Board

Chennai

7. Chairman

Central Pollution Control Board

Delhi

8. The District Collector

Kancheepuram District

9. Principal Secretary to the Government

Department of Environment and Forests

Chennai

10. Principal Secretary to the Government

Department of Revenue, Chennai

11. Zonal Officer

Corporation of Chennai

Puzhuthivakkam, Chennai

12. Regional Deputy Commissioner (South)

Corporation of Chennai

Adyar, Chennai

13. Engineer . in . Chief

Water Resources Organisation,

Chepauk, Chennai

14. The President,

Kovilambakkam Town Panchayat

.. Respondents

Counsel for the applicant

M/s. Kaushik N. Sharma

Umapathy

Counsel for the respondents

For respondent No.1 .. Mr.V. Meganathan

For respondent Nos.3 & 6 .. Mrs. Yasmeen Ali

For respondent Nos.4,8 & 9 .. Mr. M.K. Subramanian

For respondents 5, 10 & 13 .. Mr. Abdul Saleem

For respondent No.7 ,.. Mr. D.S. Ekambaram

For respondents 11 & 12 .. Mr. Surya Prakash

For respondent No.14 .. Mr.M Dhandapani

ORDER

CORAM

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

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

10th November, 2016

Whether the judgment is allowed to be published on the internet .. Yes/No

Whether the judgment is to be published in the All India NGT Reporter... Yes/No.

We have heard the learned counsel appearing for the applicant as well as the respondents.

This application is filed for granting permanent injunction against the respondents from illegally and wrongfully dumping Municipal Solid Waste in Survey No.232 of Pallikaranai Village situated on the boundary of Medavakkam Panchayat limit.

2. The allegation made in the application is that it is the first respondent . Medavakkam Panchayat which has been dumping solid waste in Survey No.232 of Pallikaranai Village.

3. However, it was found that the first respondent was not actually dumping solid waste in the said survey number. But, on the other hand, it was Kovilambakkam Panchayat which has been dumping the waste in Survey No.232 of Pallikaranai Village and the said Panchayat was impleaded as 14th respondent.

4. In our order dated 18.10.2016 we have already recorded the statement made by the learned counsel appearing for the Greater Chennai Corporation which is reproduced hereunder:

¶ Since NGT is direction us to consider the request of Kovilambakkam Panchayat only which generates only 1.5 tons per day we may agree for the time being subject to the above.¶

Pursuant to the said order, Mr. Suriya Prakash, learned counsel appearing for the Greater Chennai Corporation submits that appropriate order has been passed permitting Kovilambakkam Panchayat to use Perungudi dumping yard for the purpose of dumping waste generated within its Panchayat area and it is stated that in fact the Commissioner of Greater Chennai Corporation has passed order to that effect on 12.9.2016.

5. Today, Mr. Suriya Prakash has produced the proceedings of the Assistant Commissioner, Zone . 14, Greater Chennai Corporation which reads as follows:

PROCEEDINGS OF THE ASSISTANT COMMISSIONER, ZONE 14
GREATER CHENNAI CORPORATION, CHENNAI . 600 091

Present: Thiru. S. Elangovan, M.Sc., B.Ed,

Sub: Greater Chennai Corporation . National Green Tribunal (SZ)
Orders to permit waste generated by Kovilambakkam
panchayat . compliance . reg.

- Ref: 1. Orders passed by Hon'ble Green Tribunal (SZ) Chennai
Application in Application No.179 of 2015 dated 06.04.2016
2. Orders of the Commissioner Greater Chennai Corporation
Dated 10.08.2016

Order

With reference to the National Green Tribunal (SZ) order first read above the Commissioner, Greater Chennai Corporation, in the 2nd read above has permitted Kovilambakkam Panchayat to dump their waste generated of about 1.50 Tonnes per day at Perungudi Dumping Yard, with their own conveyance arrangements by paying the cot of Rs.561 (Rupees five hundred and sixty one only) per Ton for the year 2016 and with the condition to pay the consequent revision in dumping charges in future, as per the norms adopted in Greater Chennai Corporation subject to the following conditions:

1. The Kovilambakkam Panchayat is permitted to dump waste generation of about 1.50 Tonnes per day at Perungudi dumping yard as on order of compliance of the National Green Tribunal with their own conveyance arrangements of Kovilambakkam Panchayat.

2. The dumping charges of Rs.561/- (Rupees Five hundred sixty one) per Ton for the year 2016 to Greater Chennai Corporation and to pay consequent revision in dumping charges in future.

3. This waste by Kovilambakkam Panchayat be dumped in Perungudi dump yard allotted for Zone . XIV.

4. The dumping charges be paid by way of demand draft in favour of Commissioner, Greater Chennai Corporation every fortnight regularly.

5. Necessary demand letter will be sent by Zonal Officer, Zone -14 to Kovilambakkam Panchayat based on the garbage weight statement received from Conservancy Supervisor, Perungudi Dumping Yard. The file will be handled by A7-Assistant in Zone-14 office.

6. The charges will be collected based on the weight of the garbage at the weighing scale available at the Perungudi dumping yard only Demand Letter will be based on garbage weighting statement list from 1st . 15th of every month and 16th to last date of the Month (Fortnightly)

7. The Conservancy Supervisor, Perungudi Dumping Yard to send garbage statement report for payment to A7-Assistant in Zone-14 Office on 1st and 16th of every month on that basis the A7-Assistant shall send demand letter to Kovilambakkam Panchayat for payment by DD only.

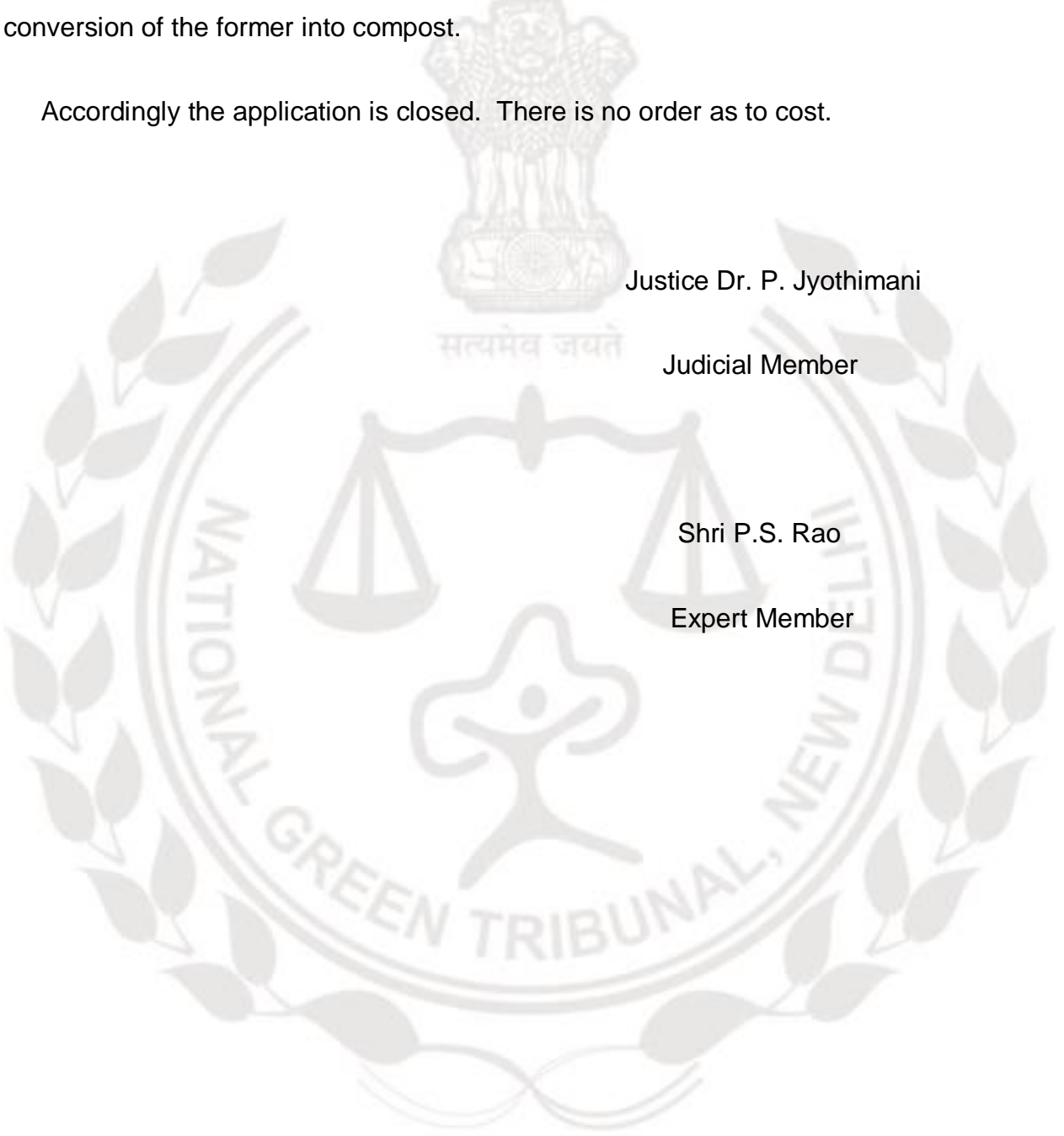
8. Dumping of garbage should be done during day time only (i.e.6.00 am to 5.00pm)

9. On receipt of Demand Draft, the A7-Assistant to remit the same at Greater Chennai Corporation treasury and send periodical payment report to Solid Waste Management Department. (HQ) and Regional Deputy Commissioner (S) Office Solid Waste Management Department Section time to time.

6. In view of the factual position that the 14th respondent has been permitted to dump its waste in Perungudi dumping yard and the dumping at Survey No.232 of

Pallikaranai Village has not taken place, the prayer sought for by the applicant has been met with by the conduct of the respondents. However, the 14th respondent shall strictly follow the Solid Waste Management Rules, 2016 and ensure that the waste is segregated into bio-degradable and non bio-degradable components followed by conversion of the former into compost.

Accordingly the application is closed. There is no order as to cost.



Justice Dr. P. Jyothimani

Judicial Member

Shri P.S. Rao

Expert Member

NGT