

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application Nos.56 of 2016 (SZ)

In the matter of

K. Gnanasekaran
No.5, Valluvar Street
West Bordinpet
Sholinghur
Vellore Dist



Vs

.. Applicant

1. The Executive Officer
Selection Grade Town Panchayat
Sholinghur, Vellore Dist
 2. P. Sampath
No.7, Valluar Street
West Bordinpet Street
Sholinghur, Wallajah Taluk
Vellore Dist
 3. The Member Secretary
Tamil Nadu Pollution Control Board
Chennai – 32
 4. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Vellore
- .. Respondents

Counsel appearing for the applicant

M/s. R. Margabandhu
R. Anandha Babu
R. Saraswathi

Counsel appearing for the respondents

For respondent No.1 .. Mr. M.R. Gokul Krishnan

For respondent No.2 .. Mr. K. Ravi, V. Hemamalini
Ananthapadmanabhan

For respondent Nos.3 & 4 .. Mr. S. Azhagam Perumal

O R D E R

Present

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

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

25th May, 2017

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

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

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

The applicant, who is stated to be a retired Head Master of Panchayat Union Elementary School and residing at West Bordinpet, D.No.5, Valluvar Street, Sholinghur, Vellore District, has filed this application to direct the 1st respondent Panchayat to take immediate and effective steps to remove the Agarbathi manufacturing unit run by the 2nd respondent in Door No. 7, Valluvar Street, Bordinpet, Sholinghur and take action for the wilful disobedience of orders of this Tribunal.

2. The applicant has earlier moved this Tribunal in Application No.210 of 2014 for the same relief against the 2nd respondent. That application came to be disposed on 21.09.2015 directing the 1st respondent therein viz., Executive Officer, Selection Grade Town Panchayat, Sholinghur, Vellore District not to allow the 2nd respondent to carry on any commercial activity of manufacturing Agarbathi sticks in the premises without obtaining consent from the Pollution Control Board and license from the Panchayat.

3. The case of the applicant in this application is that inspite of the said order and even after the 1st respondent has given notice to the 2nd respondent to shift the unit on the ground that the 2nd respondent is running the unit without obtaining necessary license, the 2nd respondent has been clandestinely running the unit thereby causing environmental damage in the entire area. It is his case that he being an Asthama patient, is affected not only by the dust emanated during the course of the activity by the 2nd respondent but being a retired person he is unable to live peacefully. He has also stated that other people residing in the area are also affected.

4. The 1st respondent – Panchayat in its reply dated 2.10.2016 has stated that the 2nd respondent has clandestinely started operation of the Agarbathi unit and therefore the 1st respondent directed the unit to be closed unless necessary permission is obtained from the Panchayat. It appears that the subsequent application filed by the 2nd respondent, seeking permission from the 1st respondent – Panchayat has been returned for want of certain particulars and ultimately the application has not been processed. However, on the inspection made by the District Environmental Engineer on 28.4.2016 it was found that the 2nd respondent was operating the unit and the Agarbathis were found spread all over the unit and workers were working at the unit.

5. The Tamil Nadu Pollution Control Board viz., respondents 3 and 4 in the reply dated 14.12.2016 has stated that pursuant to the earlier order of this Tribunal, as stated above, a Team of officials viz., District Environmental Engineer, Vellore and District Environmental Laboratory, Vellore inspected the 2nd respondent Agarbathi unit on 16.11.2016 and

conducted the Ambient Air Quality and Ambient Noise Level survey. It was found that the 2nd respondent unit is situated in the residential area and one mixer machine was in operation for mixing the raw materials viz., saw dust and charcoal powder in definite proportion with limited amount of water to make a thin semi solid paste. The black coloured paste was then fed into a machine where sticks are manually inserted and wet paste is coated over them by compression. The sticks coated with wet paste were collected and dried in open and packed. It is further stated by the Board that the Proprietor of the 2nd respondent informed that the raw materials were purchased from the outside suppliers and they are manufacturing 40 Kg wet Agarbathi sticks per day. It is the case of the Board that during inspection it was observed that the unit was manufacturing only unscented Agarbathi sticks and it was informed that fragrance material will be added by the buyer before packing the same for sale and such fragrance will be added not in the premises concerned. It is further stated that there are about 20 such Agarbathi units situated in the said area. In respect of the Ambient Air Quality Survey conducted with High Volume Sampler Equipment and on analysis it was found that the particulate matter values (PM₁₀) are less than the prescribed Ambient Air Quality Standards (AAQ Standards <100 Microgram/M³) SO₂ and NO₂ values were also found to be within the limits. Therefore, from the reply filed by the Board after conducting inspection, it is clear that there is no environmental hazard which is being caused by the activity of the 2nd respondent.

6. The learned counsel appearing for the Board would further submit that as per the latest categorisation of industries, Agarbathi manufacturing units come under 'white' category which do not require 'consent'. Even though the said stand taken by the Board is opposed by the applicant by

way of rejoinder, the fact remains that the 2nd respondent has not obtained necessary licence from the local civic authority, as per the local laws. If under the local law the 2nd respondent unit requires necessary licence, it is for the 1st respondent – Panchayat to take appropriate action in the manner known to law, including closure of unit. We make it clear that even if there are other Agarbathi units in the area which are running without getting licence from the local authority, the 1st respondent – Panchayat shall take action against such units also in accordance with law.

7. It is informed that the learned counsel appearing for the 1st respondent has already issued notice to the 2nd respondent to remove all the materials and to shift the unit but the 2nd respondent has not yielded to the same. If that is so, it is for the 1st respondent to take follow up action in the manner known to law.

8. With the above direction, the application is disposed of. No cost

Justice Dr.P.Jyothimani
Judicial Member

Shri P.S.Rao
Expert Member

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