

## BEFORE THE NATIONAL GREEN TRIBUNAL

## SOUTHERN ZONE, CHENNAI

Application No.272 of 2016 (SZ)

In the matter of

Keerappakkaam Panchayat, rep. by its  
President D. Harikrishnan, Keerapakkaam  
Arungal, Murugamangalam, Chinglepet Taluk  
Kancheepuram District

.. Applicant

Vs

1. Government of Tamil Nadu  
Rep. by its Principal Secretary  
Department of Ministry of Environment  
And Forest, Chennai

2. The District Collector  
Kancheepuram District

3. Director of Town Panchayat, Chennai

4. The Commissioner, Nanhivaram –  
Guduvancheri Panchayat Union

5. The Tahsildar, Chinglepet Taluk

.. Respondents

Counsel appearing for the applicant

M/. M. Devendran, M. Durai Raj &amp; B.T. Arasu

Counsel appearing for the respondents

For respondent Nos.1,2 & 5 .. M/s. M.K. Subramanian  
E. Manoharan & P. Velmani

For respondent Nos. 3 & 4 .. M/s. P. Kesavalu, K. Ganesan

## O R D E R

Present

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

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

11<sup>h</sup> July, 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

At the outset it is to be noted that this application has been filed by the President of Keerapakkam Panchayat whose term of office has already come to an end. Even otherwise, the prayer in this application is to set

aside the proceedings of the 2<sup>nd</sup> respondent – District Collector dated 8.8.2016 wherein the District Collector has earmarked 20 acres of land in Survey No.99/1 of Keerapakkam Village to enable 13 Village Panchayats and 7 Town Panchayats to establish Common Solid Waste Management Facility by adopting the cluster approach. Since it has been the case of the applicant that the area earmarked by the District Collector is located near the water bodies, we directed the District Collector to file a report.

2. The District Collector in his reply dated 5.5.2017 has reproduced the report of the Tahsildar, Chengalpet who was directed to find out the actual distance between the water bodies and the proposed site for establishing Solid Waste Management Facility. In respect of 13 Villages and 7 Town Panchayats which are stated therein, the District Collector has found that water bodies in all these Villages and Town Panchayats are beyond 200 m from the place where the Solid Waste Management Facility is proposed. The particulars given in the reply of the Collector in this regard are as follows:

Sl No	Village Name	Survey No	Extent (ha)	Classification	Distance from the proposed site (m)
1	No.16 Nallambnakkam	310,311,312	28.74.5	Periya Eri	2400
2	No.13 Arungal	216	23.38.0	Periya Eri	800
3	No.17 Murugamangalam	92	14.24.0	Murugamanga Lam Eri	2500
4	No.18 Keerapakkam	81	17.38.0	Keerapakkam Eri	500
5	No.12 Oonamancheri	103/2	31.97.0	Chitheri	4400
		329	46.46.5	Periya Eri	3800
6	No.19 Kumizhi	233/2	12.23.0	Eri	2200
7	Kannivakkam	148	48.82.0	Periya Eri	2500

3. A reference to the said particulars clearly shows that all these Villages and Town Panchayats are away from the water bodies and the nearest water body Kerapakkam Eri is 500 m away from the proposed site. In as much as it is admitted that as per the siting criteria the minimum

distance should be at least 200 m away from the water body for the purpose of implementing the Solid Waste Management Scheme, we have no doubt in our mind that the water bodies in the said Villages and Town Panchayats forming part of the cluster, are away from the proposed site and there is absolutely no impediment for the proposal of the District Collector to be implemented.

4. Even before implementation, the authorities have to approach the State Pollution Control Board (Board) and State Environment Impact Assessment Authority (SEIAA) for the purpose of authorisation and EC respectively and the Board as well as SEIAA have to verify the correctness of the distance factor. In view of the above said fact, EC is required for the purpose of Common Solid Waste Management Facility as per the EIA Notification, 2006. We are unable to accept the contention of Mr. Devendran, learned counsel appearing for the applicant that even though the proposed site is 500 m away from the nearest water body i.e., Keerapakkam Eri, there are small hills nearby and there is every possibility for water getting stagnated at the site and it has to be protected. When once criteria has been fixed based on scientific knowledge, it is not for this Tribunal to go against the criteria, unless the same is set aside in the manner known to law.

For all these reasons, the application fails and the same stands dismissed. There shall be no order as to cost.

Justice Dr.P.Jyothimani  
Judicial Member

Shri P.S.Rao  
Expert Member



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