

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Application No. 42 of 2013 (SZ)**

Applicant(s)

Shri P Radhakrishnan, OotyVs.

Respondent(s)

1. The Ministry of Environment and Forests, Govt of India, New Delhi
2. The Commissioner of Municipal Administration, Chennai
3. The District Collector, Nilgiris
4. The District Forest Officer, Nilgiris
5. The Commissioner Udhagamandalam Municipality

Legal Practitioners for Applicant(s)

M/s. M.Santhanaraman and  
M.R. Sivakumar

Legal Practitioners for Respondents

Mrs.M.Sumathi for R-1  
M/s. M.K. Subramanian,  
& P.Velmani for R-2, R-3 & R-4  
Mr.E.Manoharan for R5

**Application No.86 of 2017 (SZ)**

Applicant (s)

P.Subramani  
No.4/46, Kalaignar Karunanithi Nagar  
Gudalur 643 211  
The Nilgiris

Respondents

Vs. Government of Tamil Nadu  
Rep. by its Secretary,  
Department of Environment & Forest,  
Fort St. George, Chennai

Legal Practitioners for Applicant (s)

M/s.G.Jeremiah, S.Gowri  
Shankar, G.Dhandapani &  
A.Vijayakumar

Legal Practitioners for Respondents

Mr.M.K.Subramanian, Manoharan  
& P.Velmani for R1, & R2  
M/s..P.Srinivas, N.K.Ponraj  
& R.Purushothaman for R7  
Mr.E.Manoharan for R4 & R5  
Mrs.Rita Chandrasekar for R3 & R6

**Application No.190 of 2015**

Applicant(s)

C.N. Prem Sagar  
Gudalur, The Nilgiris.

Respondent(s)

1. Gudalur Municipality  
Rep. by its Commissioner, Gudalur
2. Collector of Nilgiris,  
At Udhagamandalam.
3. District Forest Officer, Gudalur
4. Nillialam Municipality,

Rep. by its Commissioner,  
5. MoEF & CC, New Delhi

**Legal Practitioners for Applicant(s)**

Mr.A.V. Ilango  
Mr.Ashok Kumar

**Legal Practitioners for Respondents**

Mr. E.Manoharan for R3  
M/s.P.Srinivas & N.K.Ponraj for R1  
Mr.Gokul Krishnan for R5  
M/s.M.K.Subramanian &  
P.Velmani for R2  
Mr.G.M. Syed Nurullah Sheriff

**Application No.209 of 2015  
M.A.No.323/2015**

Applicant(s)

Mr.Madayya, Gudalur Taluk  
The Nilgiris District

Vs.

Gudalur Municipality rep. by the  
Commissioner, Gudalur,  
The Nilgiris District and others

Respondent(s)

Legal Practitioners for Applicant(s)

M/s.A.U.Ilango and Ashok Kumar

Legal Practitioners for Respondents

Mr.P.Srinivas, N.K.Ponraj  
& R.Purushothaman for R1  
Mr.M.K.Subramanian & P.Velmani  
for R3, R4 & R8  
Mrs.Rita Chandrasekar for R5 & R6  
Mr.E.Manoharan for R7

Note of the Registry	Orders of the Tribunal
Item No3-6	<p>Date: 11<sup>th</sup> August, 2017</p> <p>We have heard the learned counsel appearing for the parties.</p> <p>In our order dated 12.5.2017 in the presence of the Commissioner, Gudalur Municipality, we have made it very clear that an extent of 1 acre of land in Upper Gudalur, comprised in Survey No.195/2A shall be used, purely as an interim measure for</p>

the purpose of dumping the inert materials, forming part of the solid waste. We have also made it clear that the Municipality shall not use the entire 3.10 acres of land in Survey No.195/2A bearing R.S.No.1281 at the 27<sup>th</sup> Mile of Upper Gudalur but shall restrict the use only in respect of 1 acre.

The learned counsel appearing for the Municipality submits that proper fencing has been done and as it is seen in the photographs fencing is done properly.

However, we are unable to understand as to why the Municipality has not taken any action for implementing the source segregation. The photographs produced before us show that the solid waste were collected and dumped in the said 1 acre of land in which certain people are segregating the waste.

It is alarming to note that the waste includes plastic materials also. This goes to show that the Municipality has not so far taken any action in implementing the Solid Waste Management Rules, 2016 particularly employing workers for source segregation.

Further, in respect of the alternate site at Padamthorai, we have made it clear that the Municipality shall take all necessary action through the District Forest Officer for giving proper recommendation so that the matter will be dealt with by the MoEF & CC by passing appropriate orders. The learned counsel appearing for the MoEF & CC confirms that no such proposal has

come to the Government of India for passing appropriate orders.  
Again this is a serious lapse on the part of the Municipality.

In the normal course, we would have invoked 'polluter pays' principle against the Municipality for the callous attitude of the Municipality not only in not following the Solid Waste Management Rules, 2016 but also in not complying with the directions given by us from time to time in the presence of the Commissioner. But taking note of the fact that the learned counsel appearing for the Municipality submits that the date of hearing has been wrongly noted and therefore the Commissioner is unable to be present, we propose to give one more opportunity by making clear that by that time the directions given by us earlier shall be scrupulously implemented, apart from giving effect to the statutory rules. If the status report is not filed to the satisfaction of this Tribunal and in accordance with the statutory rules and directions given by us, we will not hesitate to impose heavy cost on the Municipality on the 'polluter pays' principle

Post this application on 21.8.2017.

....., JM  
(Justice Dr.P.Jyothimani)

.....EM  
(Shri P.S. Rao)