

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

M.A.No.130 of 2017 in Application No.134 of 2017 (SZ)

Applicant (s)

1. M. Ravichandran
R. Vijayalakshmi
C. Rajendran

Respondent (s)

- Vs**
1. Joint Commissioner, Arulmigu
Dhandayuthapaniswamy Thirukoil,
Palani.
 2. Commissioner, Sivagripatty Panchayat
 3. Commissioner, Municipal Office, Palani
 4. Commissioner, H.R & C.E, Chennai
 5. The Secretary, Local Administration
Chennai
 6. The Secretary, Panchayath, Secretariat,
Chennai
 7. Tahsildar, Palani
 8. Collector, Dindigul
 9. The Chairman, Tamil Nadu Pollution
Control Board, Guindy, Chennai
 - 10 S. Prema

Legal Practitioners for Applicant (s)

M/s. S Kanniah
T. Narayanasamy

Legal Practitioners for Respondent (s)

M/s E. Manoharan R1 to R4, R7, R8
Mrs. Yasmeen Ali for R9
M/s.K.S.Viswanathan, V.Suthakar
N.Anantha Kavitha, T.Hemalatha &
M.Gopi for R10

Note of the Registry	Orders of the Tribunal
Item No.9	<p>Date: 24th August, 2017</p> <p>M.A.No.130 of 2017</p> <p>In our order dated 3.7.2017, while admitting Application No.134 of 2017, we have issued an order of <i>status quo</i> stating that the respondents therein shall not proceed with any further construction.</p> <p>The 10th and 11th respondents have filed the present M.A.130 of</p>

2017 for vacating the said order. In so far as they are concerned, It is admitted that the 10th and 11th respondents who are the husband and wife, are putting up of construction of a hotel in the said area.

The case of the applicants, as it is seen in the original application is that the said respondents are trying to block the drainage which results in free flow of sewage into their agricultural field causing pollution and admittedly the agricultural fields of the applicants are situated adjacent to the construction stated to be put up by the 10th and 11th respondents.

The Tami Nadu Pollution Control Board which has made inspection, in its report filed in the form of reply dated 24.8.2017, has stated that the lands were inspected by the District Environmental Engineer, Dindigul on 18.7.2017 and at the time of inspection, all the applicants in the original application were present. In fact, the 1st applicant was informed after knowing that his land is located in S.F.No.820/1B and 822/1B in an extent of 1.00 acre. The 2nd applicant – Tmt. Vijayalakshmi was also informed since her land is located in S.F.No.820/2B, 822/2B with an extent of 0.80 acres and the 3rd applicant Thiru C. Rajendren was also informed since his land is located in S.F.No. S.F.No.835 in an extent of 1.62 acres. After inspection, all the applicants informed that the sewage/wastewater is being openly discharged into their field. The Board, in its report clearly stated that during the inspection it was found that the 1st

respondent – Arulmighu Dhandayuthapani Swamy Thirukovil, Palani has constructed a building for parking of vehicles for pilgrims and tourists and also constructed rooms, toilets with septic tanks and bathrooms which is located adjacent to and northern side of the applicants' lands. It was also noticed that overflow from septic tanks and wastewater from bathrooms located in the parking area owned by the Arulmigu Dhandayuthapani Swamy Thirukovil, Palani has entered into the field of the 1st applicant. It is also stated that the fields of the 2nd and 3rd applicants were found to be dry.

In so far as it relates to the 10th respondent she is constructing a hotel in the name of M/s. Kandha Vilas which is under progress at East Giri Street near Rope Car, Palani, Dindigul District which is located near the applicants' lands. It is informed that the 10th respondent has proposed to construct a hotel with 40 rooms and restaurant facility and also proposed to provide Sewage Treatment Plant (STP) for the treatment of wastewater. The report clearly states that during inspection the construction of STP is under progress and there was no discharge of wastewater due to the construction activity into the applicants' lands.

It is also stated that Sivagiripatti Panchayat and DTCP, Madurai have granted necessary approval to the 10th respondent. However, it is informed that the 10th respondent has not obtained consent to establish the STP from the Board.

Therefore, it is clear that the construction of hotel is at a preliminary stage and there is absolutely no discharge of any effluent from the hotel being constructed by the 10th and 11th respondents. However, we make it clear that the 10th and 11th respondents shall obtain necessary consent to establish the STP from the Board and only thereafter proceed to construct the same.

The learned counsel appearing for the applicants would submit that the case of the applicants is that the wastewater flowing from north to south is entering into the agricultural fields of the applicants and because of the conduct of the 10th and 11th respondents free flow is obstructed. It is astonishing to note that when the authorities of the Board inspected the place in the presence of the applicants, at this intermittent stage, it is not possible to accept the contention of the learned counsel appearing for the applicants that the 10th and 11th respondents are to be prevented from proceeding with the construction.

In view of the same our order dated 3.7.2017 stands modified to the effect that it will be open to the 10th and 11th respondents to proceed with the construction. However, we make it clear that no effluent shall be discharged by the 10th and 11th respondents into the agricultural fields of the applicants. The Board shall also keep a constant watch about the conduct of the 10th and 11th respondents and take appropriate action as and when it is noticed that deficiency

is taking place because of the conduct of the 10th and 11th respondents.

The Special Officer of the Sivagiri Patti Panchayat who is present before the Tribunal, submits that a detailed reply will be filed before the next date of hearing.

The respondents shall file their reply within 2 weeks, after serving advance copy to the learned counsel for the applicants, who shall be entitled to file rejoinder, if any, within 2 weeks thereafter.

Post this application on 11.10.2017.

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

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

