

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**SOUTHERN ZONE AT CHENNAI**  
**Original Application No. 100 of 2021 (SZ)**  
**(Special Original Jurisdiction)**

Tribunal on its own motion  
Suo Motu based on the news item published in  
The Hindu Newspaper, Chennai Edition Dt. 09.04.2021  
"Dumping of garbage foiled news Anamalai, truck seized"

. . . . Applicant(s)

-Vs-

1. The Chief Secretary to Government of Tamil Nadu,  
Government Secretariat, Fort St. George  
Chennai, Tamil Nadu – 600 009.
2. The Chief Secretary,  
Government of Kerala,  
Government Secretariat,  
Thiruvananthapuram – 695 001.
3. The Principal Secretary to Government of Tamil Nadu,  
Health and Family Welfare Department,  
Government Secretariat, Fort St. George,  
Chennai – 600 009.
4. The Principal Secretary to Government of Kerala,  
Health and Family Welfare Department,  
Room No. 603, 6<sup>th</sup> Floor, Annex II,  
Secretariat, Thiruvananthapuram – 695 001.
5. The Secretary to Government of Tamil Nadu,  
Department of Environment & Forests,  
Government Secretariat, Fort St. George,  
Chennai – 600 009.
6. The Principal Secretary to Government of Kerala,  
Department of Environment,  
Room No. 406, 4<sup>th</sup> Floor, Annex II,  
Government Secretariat,  
Thiruvananthapuram – 695 001.
7. The Additional Chief Secretary to Government of Tamil  
Nadu, Revenue and Disaster Management Department,  
Government Secretariat, Fort St. George,  
Chennai, Tamil Nadu – 600 009.

  
**Under Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Chennai-600 009.**

  
**Principal Secretary to Government  
Health & Family Welfare Dept.  
Secretariat, Chennai-600 009.**

8. The Principal Secretary to Government of Kerala,  
Department of Revenue and Disaster Management,  
Room No. 201 A, 2<sup>nd</sup> Floor Annex 1,  
Government Secretariat,  
Thiruvananthapuram – 695 001.
9. Additional Chief Secretary to Government of Tamil Nadu,  
Municipal Administration and Water Supply Department,  
Government Secretariat, Fort St. George,  
Chennai, Tamil Nadu – 600 009.
10. The Additional Chief Secretary to Government of Kerala,  
Local Self Government Department,  
Room No. 505, 5<sup>th</sup> Floor, Annex 1,  
Secretariat, Thiruvananthapuram – 695 001.
11. The Chairman,  
Tamil Nadu Pollution Control Board,  
No. 76, Anna Salai, Guindy,  
Chennai, Tamil Nadu – 600 032.
12. The Chairman,  
Kerala State Pollution Control Board,  
Head Office, Pattom, P.O  
Thiruvananthapuram – 695 004.
13. The District Collector,  
Coimbatore District,  
District Collectorate Office,  
Collectorate Building,  
Coimbatore – 641 018.
14. The District Collector,  
Thrissur District,  
First Floor, Civil Station, Civil Lines Road,  
Kalyan Nagar, Ayyanthole,  
Thrissur, Kerala – 680 003.
15. Anamalai Town Panchayaat,  
Rep. by its Executive Officer,  
Kottur Main Road,  
Rangaram Park Compound,  
Anaimalai – 642 104. (and others Suo Motu impleaded as  
respondents vide order dated 08.12.2022 by the National .... Respondent(s)  
Green Tribunal, SZ, Chennai)

  
**Under Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Chennai-600 009.**

  
**Principal Secretary to Government  
Health & Family Welfare Dept.  
Secretariat, Chennai-600 009.**

**STATUS REPORT FILED ON BEHALF ON FIRST RESPONDENT**

I, Dr.P.Senthilkumar, I.A.S., S/o. Thiru.Palaniyandi, Hindu, aged about 54 years, residing at F-18-02, AIS Housing Complex, Virugambakkam, Chennai – 600 092, do hereby solemnly affirm and sincerely state as follows:-

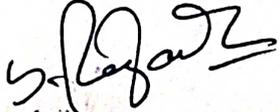
I am the Principal Secretary to Government, Health and Family Welfare Department, Secretariat, Chennai – 600 009 and as such I am well acquainted with the facts of the case from the available records. I am filing this status report on behalf of first respondent and for myself also in view of order of this Hon'ble Tribunal dated 08.12.2022.

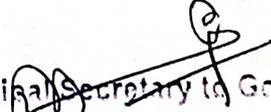
2. I submit that the Hon'ble National Green Tribunal, Southern Zone, Chennai has taken on its own motion Suo Motu in the matter of O.A No. 100 of 2021 based on the News item published in the Hindu Newspaper, Chennai Edition dated 09.04.2021, "Dumping of Garbage foiled near Anamalai trucks Seized".

3. I submit that, the District Collector of bordering districts viz., Nilgiris, Tiruppur, Dindigul, Theni, Virudhunagar, Tenkasi, Tirunelveli and Kanniyakumari in the State of Tamil Nadu and Thiruvananthapuram, Kollam, Pathanamthitta, Idukki, Palakkad, Malappuram and Wayanad in the State of Kerala have also been Suo Motu impleaded by the National Green Tribunal vide its order dated 08.12.2022.

4. As per the order of this tribunal dated 08.12.2022, the individual reports of respective Districts have been obtained. Accordingly, the following is submitted.

5. I submit that in The Nilgiris District, the District border is shared with adjoining States of Kerala and Karnataka. The main highways connecting the Nilgiris District with Kerala State are Nadugani, Choladi, Thalur, Paatavayal, and Namibiyarkunnu. In these check posts the services of Ex-Serviceman and Self Help Group are utilized by the District Administration and they are checking entry of

  
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banned Single Use Plastic items into the Districts and they are also checking any entry of the illegal waste including Bio-Medical Waste into the district. Similarly, the highway connecting Karnataka States are checked at the Kakkanalla check post. Apart from the above, the Police and Forest Department Officials are checking the vehicles at the above border check post of Nilgiris District. I submit that in the recent past no such incident of illegal Biomedical Waste transported from Kerala State is reported in the District. Further, the Biomedical Waste generated from the Health Care Facilities operating in the District are disposed through Common Bio Medical Waste Transport Storage and Disposal Facilities. The Tamil Nadu Pollution Control Board is monitoring and ensuring that the Biomedical waste generated in the District are disposed through authorized common treatment facilities only.

6. I submit that, with regard to Tiruppur District, Anaimalai Tiger Reserve, earlier known as Indira Gandhi Wildlife Sanctuary and National Park (IGWLS&NP) and as Anaimalai Wildlife Sanctuary, which is a protected area in the Anaimalai Hills and covered partly in Udumalaipettai Taluk, the only taluk connected to Kerela by road directly in Tiruppur District, Tamil Nadu. The Tamil Nadu Environment and Forests Department by a notification dated 27 June 2007, declared an extent of 958.59 km<sup>2</sup> that encompassed the erstwhile Indira Gandhi Wildlife Sanctuary and National Park (IGWLS&NP) or Anaimalai Wildlife Sanctuary, as Anaimalai Tiger Reserve under the Wildlife Protection Act, 1972. According to the National Tiger Conservation Authority, the Reserve presently includes a core area of 958.59 km<sup>2</sup> and buffer/peripheral area of 521.28 km<sup>2</sup> forming a total area of 1479.87 km<sup>2</sup>. It is respectfully submitted that there is no specific issues on "Dumping of garbage foiled nearby Anaimalai Tiger Reserve Forest of Udumalpet Taluk, Tiruppur District. I



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**Principal Secretary,  
Health & Family Welfare Dept.  
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submit that the District Collector, Tiruppur has addressed to the Superintendent of Police, Tiruppur to ensure monitoring the check posts located in the border of Tiruppur District and Kerala State so as to prevent any illegal movement or disposal of solid waste and Bio Medical Waste from Kerala to the borders of the State Tamil Nadu State.

7. I submit that Dindigul District shares border with Kerala through reserve forest. There is no functional road connectivity between / Kodaikanal hill area and the State of Kerala, as the bordering area comes under Reserve forest of Anamalai Tiger Reserve, Udumalpet, and no public transport is permitted through Reserve forest. It is submitted that no incident been reported regarding dumping of Municipal waste, Fish waste, Bio Medical Waste, etc., from the State of Kerala across the border in Dindigul District. However, the forests areas are being closely monitored for any dumping of Bio Medical Waste and other waste from the State of Kerala across the borders of Dindigul District and it is ensured that no such dumping has taken place.

8. I submit that there are three entry points of Kerala State Border in Theni District, such as National Highway 183-Dindigul to Kollam – Kumuli Check point, National Highway 85 – Thondi to Kochi – Bodi Mettu, Major District Road 90 – Cumbum to Cumbum mettu – Cumbum mettu. In all above the three entry points in Theni District, the Police and Forest Departments have installed Close circuit TV (CCTV) cameras and above Departments, the Police and Forest Departments have 24 x 7 surveillance and vehicle checkups are being conducted. In all the above three entry points, no recent dumping of Bio Medical Waste across the border of Theni District has been reported.

  
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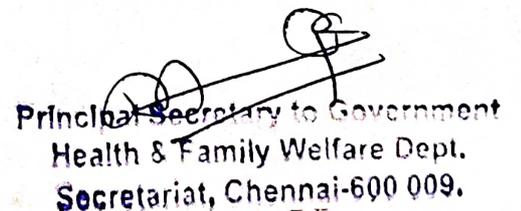
9. I submit that though Virudhunagar District is a bordering District with Kerala State, there is no road connectivity between Virudhunagar District and the State of Kerala as the border shared are the mountains of Western ghats which is not motorable. Further, it is submitted that no incident of dumping of Municipal waste, Fish waste, Bio Medical waste etc., from the State of Kerala in Virudhunagar District has been reported.

10. I submit that, after a vehicle check conducted between 21.11.2018 to 24.11.2018 at Puliyarai check post, Shenkottai Taluk, the then Tirunelveli District by Puliyarai Police Personnel, it was noticed that biomedical waste, plastic waste and other wastes were found transported through lorries and were caught and checked by Police. The said vehicles were inspected by the Deputy Director of Health, Sankarankoil and fine was imposed. Further, a team had been formed by Revenue Divisional Officer, Tenkasi, comprising of officials from Revenue, Health Service and Police to inspect the vehicles to ensure if any biomedical waste was transported with other waste. During inspection on 27.11.2018, it was noticed that the solid waste also contains biomedical waste and due to health hazard likely to be spread to public, all the lorries / vehicles were sent back to the revenue officials Kollam of Kerala State, Kerala – Tamil Nadu Border as instructed by Revenue Divisional Officer, Tenkasi to Shencottai, Police Superintendent.

11. I submit that regarding the transportation of wastes near pulyarai check post in the then Tirunelveli District, the Tamil Nadu Pollution Control Board (TNPCB) addressed the Kerala State Pollution Control Board (KSPCB) vide letter dated



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21.03.2019 to take necessary suitable action to stop illegal transport of hazardous waste, biomedical waste, plastic waste, e-waste, etc., across the border of Tamil Nadu. Further, the Tamil Nadu Pollution Control Board (TNPCB) the eleventh respondent herein addressed the Chairman, Kerala State Pollution Control Board vide letter dated 31.12.2019 to take the issue seriously and take appropriate measures to curtail the unauthorised movement of the Biomedical waste and further dumping inside the Tamil Nadu besides taking up to the Kerala State Government so as to intensify the checking at the borders of Kerala and to prevent transportation and dumping of biomedical waste or any solid wastes to the State of Tamil Nadu.

12. I submit that, after the emergence of Tenkasi District from the integrated Tirunelveli District on 22.11.2019, a Special Monitoring Committee was constituted under the Chairmanship of Collector, Tenkasi District with the Deputy Director of Health, Police, Transport, Municipal Administration, Rural Development and Revenue Department for monitoring the prevention of dumping of the above wastes in the State border areas in Tenkasi District. Subsequently, Police personnel have been deployed on rotation basis at the Tamil Nadu State border check posts in Puliyarai and Mekarai in Tenkasi District and all the vehicles passing through the check posts are being systematically censored and 9 charge sheets were filed and 3 CSRs (Community Service Register) were registered by the police department against the violators for bringing the medical waste, chemical waste, livestock waste, poultry waste, electronic waste, plastic waste from Kerala State to the border areas of Tenkasi District. 45 petty cases have been registered in Puliyarai and Ilattur police stations in the border area and a fine of Rs.2,28,000/- has been imposed by the

  
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Police Department and the vehicles carrying wastes from Kerala to the Tamil Nadu are being sent back to Kerala State.

13. I submit that, in the erstwhile Tirunelveli district bio- medical waste loaded in lorries from Kerala State through the check post located at Shencottai Taluk, Puliyarai Village Tamil Nadu border was examined by health department, action have been taken by Police, Health and Revenue departments and sent back the medical waste found in the above lorries to Kerala State. In order to prevent such unauthorised dumping of bio- medical waste and chemical waste from the State of Kerala in across the border of Tamil Nadu State, a special monitoring team was then formed under the District collector of Tirunelveli, Ex-Deputy Director Health, Police Officials, Transport and Revenue department officials. After the emergence of Tenkasi District from the integrated Tirunelveli District on 22.11.2019, based on the recommendation of Deputy Director (Sanitation) Tenkasi teams were formed to monitor the dumping of wastages in the State borders. A special team headed by District Collector, Deputy Director Health, Police Officers, Transport and Revenue Department are constantly monitoring the issue regularly and properly.

14. I submit that a news item was published in Dinakaran and Dinamalar dailies dated 17.02.2020 regarding the solid waste including chicken waste and biomedical waste illegally transported from Kerala dumped at Kuruvankottai Village (Mayamankurichi of Alangulam Taluk of Tenkasi District). It was reported that Thiru Vijay and Thiru Agni Madan of Kuruvankottai, Alangulam Taluk Gandhi Street along with Thiru Madhu of Pallakkodu Taluk, Dharmapuri District were involved in transporting of the above said waste from Kerala. Further, based on the complaint made by Thiru Gangadharan, Health Inspector, Primary Health Centre, Nettur Block,

  
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FIR was filed at Alangulam Police Station on 15.02.2020. Subsequently, the site was inspected by Assistant Environment Engineer, Office of the District Environment Engineer, Tamil Nadu Pollution Control Board (TNPCB), Tirunelveli on 17.02.2020. During Inspection, it was noticed that a lorry bearing Registration No. TN- 29 BU - 2259 engaged for this purpose was seized and placed under the custody of Alangulam Police Station and reported to be sent back with the waste load. It was reported that most of the waste included solid waste such as cloth, thermocoal waste, cotton boxes, etc., along with small quantity of cotton and syringes of biomedical waste. During Inspection, the complaint site was found with spillage of waste material which is mainly of plastic waste, coconut fibre and pet bottles and the same were being removed by the contract health workers of concerned panchayat and entire waste was removed.

15. I submit that, District Environment Engineer, Tirunelveli also addressed the Superintendent of Police, Tenkasi District to take suitable action at the Puliyarai check post (Shencottai Border) to have a vigil on the lorries transporting material from Kerala and also to Block Development Officer (BDO), Alangulam Panchayat Union and Regional Transport Officer (RTO), Tenkasi to take suitable action against the illegal transport of solid waste from Kerala to Tamil Nadu. Further, the Tamil Nadu Pollution Control Board (TNPCB) vide letter dated 24.12.2021 had again requested the Commissioner, Transport department, Chennai, the Director General of Police and the Commissioner, Commercial taxes Department, Chennai to take necessary action and furnish the action taken report. A Committee has also been functioning with District Collector as Chairman along with Revenue, Police, Commercial Taxes, Transport, Local Bodies and Tamil Nadu Pollution Control Board

  
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(TNPCB) officials in Coimbatore and Kanyakumari Districts for continuous monitoring of illegal transportation of the waste from Kerala. A team formed by Revenue Divisional Officer (RDO) Tenkasi comprising of officials of Revenue, Health Service and Police are also inspecting the vehicles to ensure if any bio-medical waste is transported with other wastes.

16. I submit that, there are 15 entry points at Kerala Border in Kanniyakumari District Close circuit TV (CCTV) cameras have been installed in the following six points namely viz., Kaliyakkavilai, Kozhivilai, Kakkavilai (Mudipurai), Choozhal, Panachamoodu, Netta Installation of Close circuit TV (CCTV) Cameras in other entry points are under progress. Police officials are on duty in all 15 entry points and Officials from Police Department, Commercial Tax Department and Regional Transport Officer are available in Kaliyakkavilai Check Post. Surprise and periodical vehicle check up are being carried out by the officials of Revenue Department, Geology and Mines, Commercial Tax Department and Regional Transport Officer. The District Collector, Kanyakumari has informed that there is no dumping of Municipal waste, Fish waste Bio Medical Waste etc., at Kerala Borders in Kanyakumari District.

17. I submit that the District Collector, Coimbatore has informed that, based on the news item Dated: 09.04.2021, "Dumping of Garbage foiled near Anamalai trucks Seized", the site was inspected on 09.04.2021 by the Tamil Nadu Pollution Control Board officials. The said site was located at a distance of approximately 4.6 km from the Kerala State border on Muthalamda – Chemmanampathy Road near semmadu. The agricultural land is owned by Thiru. Saju Anthony of Thrissur District, Kerala. About 3 Lorries of solid waste was found dumped already in the said land.

  
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The waste dumped in the land includes used plastic materials, waste clothes, used electronic goods, used rubber tyres, CFL lamps and waste bottles. During the inspection it was found that no biomedical waste was dumped in the agricultural land. On enquiry by the nearby public it was reported that 3 lorries carrying the solid waste from the State of Kerala, caught hold by the public in the agricultural land owned by Thiru. Saju Anthony, Thiru. Stanley Anthony, Thiru. James George, Thiru. Tom George and Tmt.Jemmela of Thrissur District and it was informed by the public to the Tahsildar, Anaimalai Taluk. Three lorries bearing registration numbers. (1) KL 08 AZ 497 Tipper Lorry, (2) KL 43 C 3222 Tipper Lorry, (3) KL 49 D 5807 along with an unregistered excavator and also three bikes (two wheelers) with registration numbers. (1) TN 37 B 9568 Hero Honda, (2) TN 99 U 1650 Bajaj Pulsar, (3) KL 49 C1096 Bajaj Pulsar was seized by the Tahsildar, Anaimalai Taluk and a complaint was also lodged with the concerned Anaimalai Police station and filed a case under section 269 and 270 IPC, 1860 with FIR No. CBE D 58550379 dated: 08.04.2021. It was reported by the public that the lorry drivers and other people escaped from the sight immediately when the public blocked the vehicles.

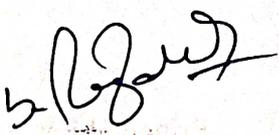
18. It is submitted that, the Block Development Officer, Anamalai Block vide letter dated: 20.05.2022 has informed that the solid wastes illegally dumped are being cleared. The President, Marappagoundenpudhur Panchayat has informed that the solid wastes dumped are segregated and removed. The President, Marappagoundenpudhur Panchayat has collected Rs.1,25,000/- from the landowners to process and remove the illegally dumped waste. Subsequently the wastes dumped were processed and ensured that no fresh waste is dumped in the site.

  
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19. It is submitted that the Tahsildar, Anamalai Taluk was requested by the Chairman, Tamil Nadu Pollution Control Board, Chennai vide Lr. No. T1/TNPCB/LAW/LA-III/NGT F010202/ SWM/2021 dated: 02.03.2022 to take necessary action to cancel the registration certificates of the said seized vehicles under his custody which were engaged in illegal activity and to furnish action taken report to Tamil Nadu Pollution Control Board. In continuation, the Tahsildar, Anaimalai Taluk was requested to furnish the action taken report on the directions issued by the Hon'ble National Green Tribunal (SZ) vide orders dated: 25.08.2022 vide Lr. No. T1/TNPCB/Law/LA-III/NGT/F 010202/SWM/2022 dated: 17.09.2022 and the letter was addressed to the State Transport Authorities of Kerala to cancel the registration certificates of the vehicles pertaining to Kerala State involved in illegal dumping of wastes vide letter dated. 04.01.2023. It is also submitted that FIR with No. 202 dated: 08.04.2022 has already been filed in this regard at Anamalai Police Station. The Superintendent of Police, Coimbatore Rural and the Inspector of Police, Anaimalai Police Station were requested to furnish the present status of the FIR filed vide letters dated: 19.09.2022 and 25.11.2022.

20. I submit that the District Collector, Coimbatore has informed that the waste dumped site was inspected by the officials of Tamil Nadu Pollution Control Board, Coimbatore South along with the Central Pollution Control Board officials on 05.09.2022. During inspection by the officials, no wastes were noticed in the site. All the wastes were removed and processed according to Solid Waste Management Rules, 2016. Only vacant site was noticed. Again, the waste dumped site was inspected along with the officials of Tamil Nadu Agriculture University, Coimbatore. The Press release was also given through the District Administration on 17.12.2022

  
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regarding instructions to report any the illegal dumping wastes from Kerala state into Coimbatore District.

21. It is submitted that the Chief Secretary to Government of Tamil Nadu in his letter dated 23.01.2023, has addressed the Chief Secretary to Government of Kerala with a request to review the available Bio Medical Treatment infrastructure and give suitable instructions to increase the number of such facilities to dispose the Bio-Medical Waste and also requested to give suitable instructions to the District Administration, Kerala State Pollution Control Board (KSPCB) and all related agencies to identify as well as initiate punitive action on all those who illegally engage in dumping of Bio Medical Waste across the borders in Tamil Nadu without scientific treatment.

22. I submit that, in G.O (Ms.) No.179, Health and Family Welfare Department, dated 06.07.2016, among others, Government have constituted District level Bio-Medical Waste Management Monitoring Committee under the Chairmanship of District Collector consisting of the following officials: -

Sl. No.	Status	District Bio-medical Waste Management monitoring Committee level
1.	Chairperson	District Collector
2.	Member	Dean of the Medical College (wherever applicable)
3.	Member Secretary	Joint Director of Medical and Rural Health Service and Family Welfare
4.	Member	Deputy Director of Medical and Rural Health Services and Family Welfare
5.	Member	Deputy Director of Health Services
6.	Member	District Environmental Engineer / Assistant Environmental Engineer / Heading the District / All

  
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**Principal Secretary to Government  
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		District Environmental Engineer in the District.
7.	Member	All Municipal Commissioners
8.	Member	Indian Medical Association (IMA) Representative
9.	Member	Non Government Organization (NGO) Representative (Nominated by the Collector)

23. I submit that in G.O.(D) No. 153, Health and Family Welfare Department, dated 09.02.2023, the Government have issued an amendment to G.O (Ms.) No.179, Health and Family Welfare Department, dated 06.07.2016 to include the following members in the above said District level Bio-Medical Waste Management Monitoring Committee for effective monitoring of the disposal of Bio-medical Waste: -

- (i) Superintendent of Police
- (ii) Joint Director of Animal Husbandry and Fisheries Department
- (iii) Additional Director, Panchayats
- (iv) Commissioner of Municipal Corporation
- (v) Regional Transport Officer (RTO)

and to direct the District Level Committee under the Chairmanship of Collector to meet at least once in a month for monitoring the disposal of Bio-medical Waste and take follow up action as per the norms of the Government of India.

24. I submit that the Learned Advocate General of Tamil Nadu, High Court of Madras has opined that the continuing menace caused by the illicit dumping of Bio-Medical Waste is quite alarming and poses a serious health hazard situation in the State of Tamil Nadu. The NGT (SZ) vide its Order dated 23.05.2022 in O.A. No. 100 of 2021 has observed that "once the culprits are brought to books, appropriate action can be initiated against them." Taking the above observation into account and

  
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considering the prevailing circumstances, the Learned Advocate General of Tamil Nadu has opined that the view that the description of "Goonda" under the TN Act 14 of 1982 be expanded in the interest of public to include those who illegally dispose of Bio-Medical Waste without scientific treatment across the cross-border districts in Tamil Nadu. Accordingly, the authorities shall take all necessary steps in this regard as expeditiously as possible. Based on the opinion of the Learned Advocate General of Tamil Nadu action is being taken in this regard.

25. In view of the submission made above, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to accept and record the same and pass appropriate orders as this Hon'ble Tribunal may deem fit and proper and thus render justice.

Solemnly affirmed at Chennai on this  
the                      day of February 2023 and  
signed his name in my presence.

  
**Principal Secretary to Government  
Health & Family Welfare Dept.  
Secretariat, Chennai-600 009.**

BEFORE ME

  
**Under Secretary to Government,  
Health and Family Welfare Department  
Secretariat, Chennai-600 009.**