

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) AT CHENNAI

APPEAL NO.10 OF 2020

M/s.Fatima Poultry Farm

... Appellant

-vs-

Telangana State Pollution Control Board  
And 2 others

... Respondents

**SYNOPSIS FILED BY 3<sup>rd</sup> RESPONDENT**

The Appellant is running their poultry farm immediately adjacent to Banyan Tree Retreat, the members of 3<sup>rd</sup> Respondent association are the owners/residents of Villas in that development. The Appellant is posing health hazards to the occupants of Banyan Tree Retreat and is causing both Air and Water Pollution and hence, 3<sup>rd</sup> Respondent association made a complaint on 24.06.2019. The 1<sup>st</sup> Respondent issued show cause notice on 06.07.2019 to the Appellant Poultry Farm **(Pg.235 of the Volume I of Appellant)**. Further, The 1<sup>st</sup> Respondent has issued a closure order to the Appellant's unit by order dated 27.09.2019 **(Pg.49 / 244 of the Volume I of Appellant)** and directed the 2<sup>nd</sup> Respondent to disconnect power supply to Appellant farm **(Pg.248 of the Volume I of Appellant)**.

Appellant filed WP No.22353 of 2019 before the Hon'ble High Court of Telangana against the closure order **(Pg.252 of the Volume I of Appellant)**. In the said Writ Proceedings, on 06/12/2019, the Appellant undertook that he would relocate the birds from the farm within a period of 8 weeks from 06.12.2019 and would not operate the poultry farm unless he obtained express consent from 1<sup>st</sup> Respondent **(Pg.309 of the Volume I of Appellant)**. However, Hon'ble High Court was pleased to grant only six weeks time for relocation of the birds **(Pg.312 of the Volume I of Appellant)**. But, the Appellant never complied with the undertaking and has filed the present Appeal No.10 of 2020 on 10/02/2020 misrepresenting the nature of the undertaking given to the Hon'ble High Court. In view of the contempt committed by the appellant, the 3<sup>rd</sup> respondent has filed Contempt Petition CC No:332 of 2020 before the Hon'ble High Court of Telangana and the same is pending.

Further, the Appellant has applied for consent with the 1<sup>st</sup> Respondent on 14.01.2020 **(Pg.315 of the Volume I of Appellant)**. The Appellant herein also filed WP No.10680 of 2020 before the Hon'ble High Court of Telanagana in July 2020 challenging the proceeding of the Tahsildar seeking closure of the Poultry farm **(Pg.63 of the Volume II of Appellant)**. However, when this Hon'ble Tribunal raised an issue on seeking same reliefs before two courts, the Appellant withdrew WP No.22353 of 2019 and WP No.10680 of 2020 on August 7, 2020 **(Pg.61 & 59 of the Volume II of Appellant)**. Also, It was only in July, 2020 that the appellant vacated the poultry farm and it is by communication dated 25.07.2020 to the Tahsildar, Maheshwaram Mandal, the appellant had conveyed that he has removed the layer birds and would not resume any poultry activities **(Pg.76 of the Volume II of Appellant)**. Also, the 1<sup>st</sup> Respondent has rejected the application for consent dated 14.01.2020 by order dated 11.06.2020 **(Pg.3 of the Typed set of R1)** and that the Appellant has not challenged the said rejection of application for consent and the same has attained finality.

Hence, it is most respectfully prayed that the above Appeal may be dismissed with exemplary costs and thus render Justice.



Counsel for 3<sup>rd</sup> Respondent

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**M/s.S.KISHORE KUMAR  
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