

**BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE,
CHENNAI**

O.A.No. 107 of 2021 (SZ)

S.M. Sivan, M/45

S/o. Mallan

Door No. 1/101E

Silver Cloud Estates,

Nilgris - 643 211

Ph.No. 8940072719

E-mail-selvigecorgc@yahoo.co.in

...Applicant

And

1. The Government of Tamil Nadu,
Rep by its secretary to Government,
Department of Environment and Forest,
Secretariat,
Fort St George, Chennai-600009.
E-mail: forsec@tn.gov.in
Ph.No. 044-25665566.
2. The Government of Tamil Nadu,
Rep by its secretary,
Public Works Department,
Secretariat,
Fort St George, Chennai-600009.
E-mail: pwdsec@tn.gov.in
Ph.No. 044-25671622.
3. The Chairman,
Tamil Nadu Pollution Control Board,
Mount Salai, Guindy, Chennai-600032.
E-mail: tnpcb-chn@tn.gov.in
Ph.No. 044-22353134.
4. The District Collector,
Nilgiris district,
Udhagamandalam- 643001.
E-mail: collrnlg@nic.in
Ph.No. 0423- 2442344.

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5. The District Forest Officer,
Gudalur Division,
11/274, Kozhikode Salai,
Gudalur- 643212.
E-mail: dfogdlr.nlg@tn.gov.in
Ph.No. 0423-2444083.
6. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Additional Collectorate Building,
Block-II Finger post,
Nilgiris- 643005.
E-mail: tnpcbooty@gmail.com
Ph.No. 0423-2443109.
7. The Municipal Commissioner,
Municipal Office,
Ooty main road,
Rajagopalapuram-Gudalur
Nilgiris district- 643211.
E-mail: commr.gudalur-tpr@tn.gov.in
Ph.No. 04262-261358.
8. A.C.Peter,
S/o Chacko
Hotel Archies, Munispal Complex,
Below State Bank of India,
Ooty Mysore Road,
Gudalur-643212. ... Respondents

OBJECTIONS FILED BY THE APPLICANT

The Applicant states as follows:

1. The applicant states that he is a permanent resident of the above mentioned address and he is living there with his family. That he has filed the above O.A seeking to direct the 7th Respondent to

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relocate and shift the dumping Garbage yard from S.No. 195/2A in R.S.No.1281 at 27th Mile of Uppar Gadalur, Gudalur village to any other place at Padanthorai and to Grant a Permanent Injunction restraining the Respondents, their men, agents, servants, subordinates or anybody from dumping the Garbages and burning the same in 3.10 acres of land in S.NO. 195/2A in R.S.No. 1281 at 27th Mile of Uppar Gudalur, and surrounding area. In this matter after hearing this Hon'ble Tribunal was pleased to constitute a Joint Committee to inspect the subject place and to furnish a report by order dated 21-5-2021.

2. As per the orders of this Hon'ble Tribunal, the Joint Committee visited and inspected the area on 17-7-2021 and filed their report. The applicant has gone through the Report and is filing this objection. The applicant also craves leave of this Hon'ble Tribunal to treat the O.A as part and parcel of this objection. The applicant states that the Report of the Joint Committee is liable to be rejected as the Committee had step into the shoes of the Respondents. From the bare reading of the Report would prove that they are indirectly supporting the Official Respondents and they their report is not independent in nature.
3. The Applicant states that it is factually not correct to state that there are no habitation within 500 m and that the Estate Workers residential area is atleast 800 m away from the dumping yard. Infact the residential quarters are situated within 200 m from the yard. The Committee vide their report states that there is not much odour is felt when they visited the area. The day when the Committee visited the Municipality and other local body had made lot of arrangements to receive the Committee especially the District Collector and hence they have applied deodorizer and disinfectants to control the odour. Even then the bad smell was emanated from the Garbages. The Committee also seen lot of giant size flies, however they simply advised the Municipality to apply fly catchers and solution of cedar vinegar mixture with soap water etc. Every citizen is entitled to live in a healthy atmosphere and in a health surroundings and we cannot always live in a place where it is a must to apply vedar vinegar mixture with soap water etc on day to day basis. Such a situation is created by the Respondents by dumping the Garbages otherwise the area is perfectly clean and there was no problem at all.
4. The Applicant further states that the smoke from the rags burner is causing suffocation. Though the Committee accepts about the smoke which is definitely not a good one for health, however supports the contention of the Respondents by saying 'smoke is not likely to cause suffocation and advised to reduce the charging rate to avoid black smokes.
5. As far as water pollution is concerned the applicant states that Leachate mixes with stream and water gets polluted. Without sending the water for test the Committee gives a finding 'No

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leachate generated' if that is so why should there be an assurance to provide protected water supply to the Estate workers. This applicant is not asking the Committed to supply water, if the Garbage dumping yard is shifted then there will not be any pollution in the water, air, surrounding and people living in and around can lead a peaceful life.

6. This applicant states that the suggestion of the Committee for not shifting the Yard to some other place is beyond the scope of their reference. This Hon'ble Tribunal was pleased to appoint the Committee to look into the factual difficulties faced by the applicant and other residents of the subject area. It is not open for the Committee to suggest that the Dumping yard need not and cannot be shifted to any other area. It is also on record that the Municipality had already located an alternate place at Padanthorai and they are in the process of getting permission under the Forest Act and this Hon'ble Tribunal permitted the Municipality to use only 1 acre and that too only as a temporary measure and as soon as a permanent place is located to shift to that place and to restore the site at their cost.

7. The applicant states that the report of the Committee is devoid of merits and the same is liable to be rejected.

In the above mentioned circumstances, the applicant therefore prays that this Hon'ble Tribunal may be pleased to allow the O.A and thus render justice.

Dated at Chennai this the 15th day of December 2021

S.m. Sivan

Applicant

Verification

I, S.M.Sivan son of Mallan, the applicant above named do hereby verify that the contents of this objections to the Committee's Report are true and correct to the best of my knowledge, belief and information.

Dated at Chennai this the 15th day of December 2021

S.m. Sivan

Applicant

BEFORE THE NATIONAL GREEN
TRIBUNAL,
SOUTHERN ZONE BENCH AT
CHENNAI-SZ
MEMORANDUM OF APPLICATION

O.ANo. 107 OF 2021(SZ)

S.M. Sivan, M/45
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Ph.No. 044-25665566. & 7 others
...Respondents

OBJECTION FILED BY
THE APPLICANT

MRS. SELVI GEORGE 288/1991

G.DILIP KUMAR 1129/2019

S.CAROLIN ESABELLA 4541/2018

L.ANGELIN PHILO 3902/2019

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