

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

O.A. NO. 113 OF 2021(SZ)

IN THE MATTER OF:

TRIBUNAL ON ITS OWN MOTION SUO MOTU
BASED ON THE NEWS ITEM PUBLISHED IN
THE TIMES OF INDIA NEWSPAPER, CHENNAI EDITION,
DATED 27.04.2021 UNDER THE CAPTION
“DUMPING OF GARBAGE IN THALAMBUR LAKE:
LOCALS WRITE TO DISTRICT COLLECTOR”

AND

THE PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT & ORS.

...Respondents 1-9

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CERTIFIED TO BE TRUE COPIES OF THE ORIGINALS

DATED AT CHENNAI ON THIS THE 26th DAY OF OCTOBER, 2021



(3069/2016)

COUNSEL FOR THE 9th RESPONDENT

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AND

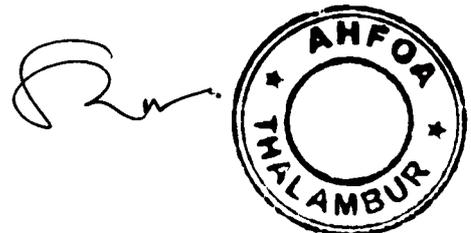
THE PRINCIPAL SECRETARY TO
GOVERNMENT, PUBLIC WORKS
DEPARTMENT & ORS

... Respondents 1-10

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 9 TO BRING
ADDITIONAL FACTS ON RECORD**

I, S. Kannan, s/o K. Sethuraman, aged about 67 years, having my address at H-14, Arihant Heirloom Thazhambur Main Road, Thazhambur – 600 130, do hereby solemnly state as follows:

1. I am the Authorised Signatory of Respondent No. 9. I am well aware of the facts of the case, and am competent to swear to the present Affidavit.
2. The present affidavit is being filed in order to bring additional facts on record. Despite this Hon'ble Tribunal's clear and unequivocal directions in the Order dated 22.09.2021, to shift the dump-yard from its present



location (i.e. Survey Nos. 80/6, 80/5 and 80/4) located adjacent to the Thazhambur Lake, the Thazhambur Village Panchayat, Respondent No. 6 has been continuing to dump solid waste generated in its area at the very same location on a daily basis till date. The Ld. District Collector, Respondent No. 5 herein has also failed to take any steps to have the dump yard shifted, in compliance of this Hon'ble Tribunal's order of 22.09.2021.

3. When the instant matter was taken up for hearing on 22.09.2021, this Hon'ble Tribunal was pleased to take on record the following reports:

a. Report of the Joint Committee comprising the (a) District Environmental Engineer, Tamil Nadu Pollution Control Board; (b) Executive Engineer, Water Resource Department; (c) Revenue Divisional Officer, Tambaram; and (d) District Collector, Chengalpattu District; and

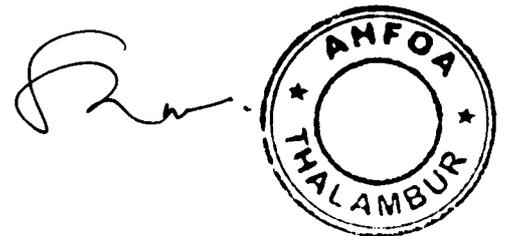
b. Report dated 21.09.2021 of the Tamil Nadu Pollution Control Board.

Both the aforementioned reports categorically state that the Thazhambur Village Panchayat (Respondent No. 6) has failed to follow the mandate under the Solid Waste Management Rules, 2016 while collecting and disposing of the solid waste in the areas under its control and has been indiscriminately dumping the waste adjacent to the Thazhambur Lake.

4. During the hearing dated 22.09.2021, the following additional submissions were made before this Hon'ble Tribunal:

a. That the dump-yard is presently located on private land. This submission was also supported by the advocate appearing for another intervenor, Mr. Jayakrishnan, who is the part-owner of the lands on which the dump-yard is located.

b. That even otherwise, the dump-yard cannot be located in Survey Nos. 80/4, 80/5 or 80/6, since all three survey numbers are within 200 meters



of the Lake and/or the Karanai highway and/or residential localities. The present location of the dump-yard therefore violates Schedule I(D)(iv) of the Solid Waste Management Rules, 2016.

5. By its Order dated 22.09.2021, this Hon'ble Tribunal was pleased to direct the District Collector, Chengalpattu District(Respondent No. 5) as well as the Tamil Nadu Pollution Control Board(Respondent No. 4) to *inter alia* take steps to shift the dump yard to a different place as contemplated under the Solid Waste Management Rules, 2016 and dispose of the waste in a scientific manner as provided therein instead of dumping the same in a particular place for a period of a month or so and thereafter, removing the same to the dump yard.
6. On 01.10.2021, a few residents of Arihant Heirloom visited the dump-yard and found significant solid waste dumped adjacent to the main road, in Survey No. 80/6. Waste was also found scattered in Survey Nos. 80/5 and 80/4, very close to the banks of the Thazhambur Lake.
7. As the residents were leaving, they encountered a tractor belonging to the Thazhambur Village Panchayat (Respondent No. 6), dumping fresh solid waste in Survey Nos. 80/6 and 80/5. The residents made enquiries with a security guard employed by the local authorities, who provided the following information:
 - a. He was employed by the Thazhambur Village Panchayat to guard the area.
 - b. He was instructed to allow only the Panchayat tractors to dump waste in those areas.
 - c. The Panchayat tractors would dump waste 1-2 times a day.
 - d. On a significant quantity of waste accumulating, it would be cleared, approx. once a month, with the use of JCB machines.




8. The aforementioned incident and information obtained testifies that the Thazhambur Village Panchayat (Respondent No. 6) continues to follow the same *modus operandi* that they were following prior to this Hon'ble Tribunal's taking cognizance of this issue, in gross contempt and violation of this Hon'ble Tribunal's Order dated 22.09.2021. The dumping of garbage in Survey Nos. 80/4, 80/5 and 80/6 continues unabated, till date.
9. Thereafter, on 09.10.2021, Respondent Nos. 9 and 10, through their counsel, addressed letters to the Panchayat Secretary, Thazhambur Village Panchayat (Respondent No. 6) as well as the District Collector, Chengalpattu District (Respondent No. 5), apprising them that the dumping of garbage adjacent to the Thazhambur Lake has continued despite this Hon'ble Tribunal's Order dated 22.09.2021. The present Respondent accordingly requested that a) the dumping of waste on the banks of the Thazhambur Lake, in Survey Nos. 80/4, 80/5 and 80/6, must cease immediately and permanently and b) that the existing waste on the Western side of the Thazhambur Lake must be cleared immediately, and shifted to a location that is in consonance with the Solid Waste Management Rules, 2016.
10. Both the Panchayat Secretary, Thazhambur Village Panchayat and the District Collector, Chengalpattu District were requested to take steps to issue necessary directions to the Thazhambur Village Panchayat in this regard at the earliest. It was also stated that the residents of Thazhambur were willing to support the Thazhambur Village Panchayat as well as the District Collector in bringing out a change in the system of solid waste management in the Thazhambur area. Copies of the photographs and video of the continued illegal dumping being carried out by the Thazhambur Village Panchayat on 01.10.2021 were also enclosed with the aforesaid



Letters. A copy of the said letters were also dispatched by email on 09.10.2021.

A copy of the letters dated 09.10.2021 sent by Respondent Nos. 9 and 10 to the District Collector, Chengalpattu District and to the Panchayat Secretary, Thazhambur Village Panchayat are annexed herewith as **Annexure A** and **Annexure B** respectively. A copy of the email dated 09.10.2021 is annexed herewith as **Annexure C**.

11. The Letters dated 09.10.2021 also noted a few factual inconsistencies in the Joint Committee Report (wherein the District Collector, Chengalpattu District is also a signatory) which are extracted below:

"a. The land on which the waste is being dumped has been incorrectly reported as Government land. As submitted in detail in our pleadings before the Hon'ble NGT, the land bearing Survey Nos. 80/4, 80/5 and 80/6 are owned by private individuals.

b. You have reported that municipal solid waste of 3 tonnes was found dumped in an extent of 50 cents. The photographs on record, and reports of our site inspections would show that there is no demarcation of the site where the waste is being dumped. The dump-yard stretches from Survey No. 80/4 (adjacent to the Lake) all the way to the main highway in Survey No. 80/6, and is not restricted to an area of 50 cents.

c. While we agree to the setting up of a Micro Composting Centre, we object to any such plant coming up in Survey Nos. 80/4, 80/5, 80/6 or any other area within 200 meters of the Lake, the Karanai Highway or residential localities. The Micro Compositing Centre should strictly comply with the provisions of the Solid Waste Management Rules, 2016."

Neither the District Collector, Chengalpattu District (Respondent No. 5) nor the Thazhambur Village Panchayat (Respondent No. 6) have responded to the aforesaid letters dated 09.10.2021.

12. Despite this Hon'ble Tribunal's clear and unequivocal directions, the Thazhambur Village Panchayat (Respondent No. 6) continues to



illegally dump garbage adjacent to the Thazhambur Lake, in Survey Nos. 80/4, 80/5 and 80/6, even as on date of filing of the instant Affidavit. No attempts have been made either by the District Collector, Chengalpattu District (Respondent No. 5) or the Thazhambur Village Panchayat (Respondent No. 6) to stop the dumping of the waste on the banks of the Thazhambur Lake or shift the the dump yard to a location that is in consonance with the Solid Waste Management Rules, 2016.

13. The present Affidavit is being filed to bring-on-record the above mentioned acts of violation of this Hon'ble Tribunal's directions, in order to assist this Hon'ble Tribunal in the adjudication of the present matter.

Solemnly Affirmed at Chennai)
 On this the 26 day of October, 2021)
 And signed his name in my presence)



[Signature]
 Mal *[Signature]*
 (27/20/21)
 39. LAW CHAMBERS, High Court
 Building, Chennai
 BEFORE ME

Ashwini Vaidialingam

Advocate

Office: No. 1, Jagadambal Colony 2nd Street, Royapettah, Chennai - 600014.

Chamber: No. 39, Law Chambers, High Court Madras, Chennai - 600104.

Mobile: 9585688571

Email: ashwini.vaidialingam@gmail.com

BY RPAD AND EMAIL

9th October, 2021

To,
The District Collector,
Chengalpattu District,
Collector Office, Gst Road,
Chengalpattu - 603 001.
Collr-cpt@nic.in;
Ph. No. 044-27427412

Dear Sir,

Subject: Request to comply with the order of the Hon'ble National Green Tribunal dated 22.09.2021 in OA No. 113 of 2021 (SZ) and OA No. 133 of 2021 (SZ) and shift the dump-yard adjacent to the Thazhambur Lake from its present location.

Ref: Order dated 22.09.2021 of the Hon'ble National Green Tribunal in O.A. No. 113 of 2021 (SZ) and OA No. 133 of 2021 (SZ).

1. I write to you on behalf of my clients, Arihant Heirloom Flat Owners Association and Adroit Thazhambur Apartment Owners Association (my "**Clients**"), both of which are registered housing societies representing the residents of two gated communities/residential complexes situated near the Thazambur lake, a fresh water lake spread over 93 acres in Survey No. 73 (the "**Lake**").
2. Noting the incessant pollution in and around the Lake, my clients intervened and were impleaded as party respondents in O.A. No. 113 of 2021 (SZ), wherein the Hon'ble National Green Tribunal ("**NGT**"), Chennai had taken suo-motu cognizance of the dumping of waste around the Lake. You, the District Collector, Chengalpattu District, are impleaded as Respondent No. 5, whereas the Thazhambur Village Panchayat is impleaded as Respondent No. 6 in these proceedings.
3. As you are aware, when the matter was taken up for hearing on 22.09.2021, the Hon'ble NGT was pleased to take on record the following reports:

- a. Report of the Joint Committee comprising the (a) District Environmental Engineer, Tamil Nadu Pollution Control Board; (b) Executive Engineer, Water Resource Department; (c) Revenue Divisional Officer, Tambaram; and (d) District Collector, Chengalpattu (you, the addressee); and
 - b. Report dated 21.09.2021 of the Tamil Nadu Pollution Control Board.
4. Both these reports unequivocally hold that the Thazhambur Village Panchayat has failed to follow the mandate under the Solid Waste Management Rules, 2016 while collecting and disposing of the solid waste in the areas under its control and has been indiscriminately dumping the waste adjacent to the Thazhambur Lake.
 5. The relevant extracts from the Joint Committee Report are set out below:

“Observations made by the Committee during inspection

...
v) Municipal solid waste of about 3 Tonnes was found dumped in the western side of the lake in an extent of 50 cents of Government land in Survey no. 80/4 of Thalambur Village by the Thalambur Village Panchayat which is at a distance of 25m away from the lake boundary.

vi) It was informed by the said Village Panchayat that the solid waste generated from the village panchayat area is being dumped in the said area in question and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month.

..

Details on the Solid Waste Management by Thalambur Village Panchayat

...

Presently the waste collected from the Village Panchayat area is being collected by Panchayat sanitary workers using 7 Pushcarts and 2 Tractors deploying 19 sanitary workers and which is being dumped in the western side of the lake in the Government land Survey no. 73 (12.839465°, 80.211216°) at a distance of 25m from the lake boundary and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month”

Recommendations of the Joint Committee:

The Joint Committee has suggested the following recommendations in the above said subject matter before the Hon'ble National Green Tribunal:

i. The said village panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016 within 3 months.

ii. Total generation of solid waste is 3.00 MT. Segregated Biodegradable waste shall be composted by providing a Micro Composting Centre and non degradable

waste including plastic waste shall be collected and sent to cement factories for processing

iii. The local body shall provide Micro composting centre to handle the bio degradable waste generated within their village panchayat area within 3 months.

iv. The Secretary, Thalambur Village Panchayat shall monitor and ensure that the local body is complied with the statutory requirements and for the scientific disposal of solid waste that are being generated in the local body. Furthermore ensure that no solid waste is dumped in the said water body.

v. Tamil Nadu Pollution Control Board shall conduct periodical inspection of the site in question and ensure that the local body is complying with the provisions of the Solid Waste Management Rules 2016 and the points as suggested by the Joint Committee.

vi. The said village panchayat shall remit the Environmental Compensation of Rs. 15 Lakhs for non-compliance of the Solid Waste Management Rules, 2016 as directed by the Hon'ble National Green Tribunal (Principal Bench) in OA No. 606 of 2018."

A copy of the Joint Committee Report is enclosed herewith as **Annexure – A** for your reference.

6. The relevant extracts from the Report of the Tamil Nadu Pollution Control Board are set out below:

"11. It is respectfully submitted that the Thalambur Village Panchayat is having population of 16,200 Nos. and generates solid waste of about 3 T/day from its panchayat area. The said local body is not having solid waste processing facility for handling the solid waste generated in their Village Panchayat and it is dumped opposite to Srinivasa Nagar, Thazhambur Village area.

In view of the Hon'ble NGT Order in OA No. 606 of 2018 (PB), an amount of Rs. 16 lakhs has been assessed as an interim environmental compensation for a period of 16 months (from April 2020 to July 2021) to the Thazhambur Village Panchayat for not segregating and properly disposing the sold wastes generated from the said panchayat area and thereby not complying with the provisions of the Solid Waste Management Rules, 2016.

In this regard the Board has issued show cause notice under Section 5 of the Environment Protection Act, 1986, vide Board Proceeding dated 17.08.2021 to the Secretary, Thazhambur Village Panchayat as to why the Board shall not levy an Interim Environmental Compensation of Rs. 16 Lakhs (from April 2020 to July 2021) for not properly carrying out the implementation of the Solid Waste Management Rules, 2016."

A copy of the Report of the Tamil Nadu Pollution Control Board, is enclosed herewith as **Annexure – B** for your reference.

7. You are a signatory to the Joint Committee Report and are, therefore, aware of the ground realities. We sincerely thank you for your efforts in carrying out the inspection and reporting the gross violations by the Thazhambur Village Panchayat. While we wholeheartedly agree with the conclusions of the Joint Committee, we are constrained to point out a few factual inconsistencies in the Joint Committee Report:
 - a. The land on which the waste is being dumped has been incorrectly reported as Government land. As submitted in detail in our pleadings before the Hon'ble NGT, the land bearing Survey Nos. 80/4, 80/5 and 80/6 are owned by private individuals.
 - b. You have reported that municipal solid waste of 3 tonnes was found dumped in an extent of 50 cents. The photographs on record, and reports of our site inspections would show that there is no demarcation of the site where the waste is being dumped. The dump-yard stretches from Survey No. 80/4 (adjacent to the Lake) all the way to the main highway in Survey No. 80/6, and is not restricted to an area of 50 cents.
 - c. While we agree to the setting up of a Micro Composting Centre, we object to any such plant coming up in Survey Nos. 80/4, 80/5, 80/6 or any other area within 200 meters of the Lake, the Karanai Highway or residential localities. The Micro Compositing Centre should strictly comply with the provisions of the Solid Waste Management Rules, 2016.
8. As you are aware, at the hearing on 22.09.2021, we made the following additional submissions:
 - a. That the dump-yard is presently located on private land. This submission was also supported by the advocate appearing for another intervenor, Mr. Jayakrishnan, who is the part-owner of the lands on which the dump-yard is located.
 - b. That even otherwise, the dump-yard cannot be located in Survey Nos. 80/4, 80/5 or 80/6, since all three survey numbers are within 200 meters of the Lake, or the Karanai highway, or residential localities. The present location of the dump-yard therefore violates Schedule I(D)(iv) of the Solid Waste Management Rules, 2016.
9. The Hon'ble NGT was pleased to pass an order directing you to take steps to shift the dump-yard from its present location and also ensure that the waste is disposed of in

accordance with the Solid Waste Management Rules, 2016. The relevant paragraphs of the Hon'ble NGT's order dated 22.09.2021 are extracted below:

"9. The learned counsel appearing for the State Government and also the panchayat submitted that this being a village panchayat, they are finding difficulty with the income derived from by way of tax to meet these aspects. It may be mentioned here that financial crisis or infrastructure insufficiency should not be a ground for discharging their statutory as well as constitutional mandate of protecting environment. If the panchayat is not having sufficient fund to create facility for disposal, they will have to approach the higher authorities seeking proper redressal for implementation of statutory provisions within their jurisdiction as has been held by the Hon'ble Apex Court in Municipal Council, Ratlam Vs. Vardichan (1980) 4 SCC 162 which has been repeated by the Hon'ble Apex Court in several cases whenever financial crisis or infrastructure deficiency were pointed in discharging their statutory obligations and held by the Apex Court that it should not stand in the way of discharging their statutory obligation and it is for the Government to look into the issue and provide necessary infrastructure as well as financial support for those purposes.

10. The District Collector, Chengalpattu is also having responsibility under Rule 12 of the Solid Waste Management Rules, 2016, if the local bodies within their jurisdiction are finding difficulty to implement the Solid Waste Management Rules, 2016 effectively and they will have to find out solution for implementing the same in its letter and spirit by providing necessary infrastructure or other support which is required for that purpose.

12. The District Collector, Chengalpattu and the concerned local body are directed to file their independent report regarding the implementation of the Solid Waste Management Rules, 2016 within their jurisdiction and what are the steps taken by them for implementation of the same and if there is any gap, they are directed to take further steps in consultation with the higher officials, if there is any infrastructure or other support is required.

13. The Block Development Officer, Thiruporur, Director of Rural Development and Panchayat Raj are directed to look into the issue and provide necessary support, both financial and technical, for the purpose of implementing the Solid Waste Management Rules, 2016 in their panchayat in an effective manner to avoid further complaints being received.

14. The committee as well as the Tamil Nadu Pollution Control Board are directed to consider the objection raised by the respondents 9 & 10 in the their reply statement and if the allegations are correct, they are directed to take appropriate steps to prevent the same in future.

15. The District Collector is directed to take steps to shift the dump yard to a different place as contemplated under the Solid Waste Management Rules, 2016 and disposal of the waste in a scientific manner as provided therein instead of dumping the same in a particular place for a period of month or so and thereafter, removing the same to dump yard.

16. The Pollution Control Board is directed to take steps in this regard, apart from the District Collector looking into the issue taking action as provided under Rule 12 of the Solid Waste Management Rules, 2016.

17. The above said officials are directed to submit their respective reports to this Tribunal on or before 27.10.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.”

(emphasis added)

A copy of the order of the Hon'ble NGT dated 22.09.2021 in OA No. 113 of 2021 (SZ) and OA No. 133 of 2021 (SZ) is enclosed herewith as **Annexure – C**.

10. Despite the Hon'ble NGT's unequivocal directions to shift the dump-yard from its present location, we note that the Thazhambur Village Panchayat continues to dump the solid waste generated in its area at the very same location (i.e., in Survey Nos. 80/6, 80/5 and 80/4), on a daily basis and transferring it out to the designated dump-yard once a month.
11. In fact, on 01.10.2021, a few residents of Arihant Heirloom visited the dump-yard and found significant solid waste dumped adjacent to the main road, in Survey No. 80/6. Waste was also found scattered in Survey Nos. 80/5 and 80/4 (adjacent to the Lake). Copies of photographs of the waste found dumped in Survey Nos. 80/4, 80/5 and 80/6 on 01.10.2021 are enclosed herewith as **Annexure – D**.
12. As the residents were leaving, they encountered a tractor belonging to the Thazhambur Village Panchayat, dumping fresh solid waste in Survey Nos. 80/6 and 80/5. The residents made enquiries with a security guard employed by the local authorities, who provided the following information:
 - a. He was employed by the Thazhambur Village Panchayat to guard the area.
 - b. He was instructed to allow only the Panchayat tractors to dump waste in those areas.
 - c. The Panchayat tractors would dump waste 1-2 times a day.
 - d. On a significant quantity of waste accumulating, it would be cleared, approx. once a month, with the use of JCB machines.

Copies of photographs of the illegal dumping carried out by the Thazhambur Village Panchayat on 01.10.2021 are enclosed herewith as **Annexure – E**.

A link to the video recording of the dumping carried out on 01.10.2021 is provided below:

<https://drive.google.com/file/d/1YnituY9plONZvtZtpoR23JXWU9OTRif-/view?usp=sharing>

13. It is evident that the Village Panchayat continues to follow the same *modus operandi* that it adopted prior to the Hon'ble NGT taking cognizance of this issue, in gross contempt of the Hon'ble NGT's order dated 22.09.2021.
14. In light of the directions of the Hon'ble NGT, the dumping of waste on the banks of the Lake, in Survey Nos. 80/4, 80/5 and 80/6 must cease immediately and permanently. Further, the existing waste on the Western side must be cleared forthwith, and shifted to a location that is in consonance with the provisions of the Solid Waste Management Rules, 2016. You are requested to take steps to issue necessary directions to the Village Panchayat at the earliest. A copy of this letter is also marked to the attention of the Thazhambur Village Panchayat and the other Respondents in OA No. 113 of 2021 (SZ).
15. The residents of Thazhambur are awaiting your early action and are always ready to support you in bringing out a change in the system of solid waste management in the Thazhambur area.

Sincerely,

 9/10/21

ASHWINI VAIDIALINGAM

CC:

1. Thazhambur Village Panchayat,
Panchayat Office, Thazhambur Main Road,
Thazhambur, Chengalpattu – 600 130.
bdotpr.tnkpm@nic.in;
Ph. No. 9840769425; 7402606072
2. The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat,
Fort St. George, Chennai – 600 009.
pwdsec@tn.gov.in; Ph. No. 044-25671622
3. The Secretary To Govt. of Tamil Nadu,
Department Of Environment & Forests,
Govt. Secretariat,

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Fort St. George,
Chennai, Tamil Nadu – 600 009.
forsec@tn.gov.in; Ph. No. 044-25671511

4. Additional Chief Secretary
To Govt. of Tamil Nadu,
Rural Development & Panchayat Raj
Department,
Govt. Secretariat,
Fort St. George,
Chennai, Tamil Nadu – 600 009.
drd@tn.nic.in; Ph. No. 044- 24344624
5. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu – 600 032.
tnpcb-chn@gov.in; Ph. No. - 044 2235 3076
6. Director,
Rural Development
& Panchayat Raj Department
Govt. Secretariat,
Fort St. George,
Chennai, Tamil Nadu – 600 009
drd@tn.nic.in; Ph. No.: 044-24323794
7. Engineer-In-Chief
Water Resource Organization
And Chief Engineer (General)
Public Works Department
eicwrtdn@gmail.com; Ph. No.: 044-28410402

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PIN:600032, Guindy Industrial Estate S.O
From:ASHMINI VAIDIALIGAM,ADVOCATE
Wt:130gms
Amt:55.00(Cash)
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>

RT259079363IN IVR:8284259079363
RL ROYAPETTAH S.O <600014>
Counter No:1,11/10/2021,13:46
To:THE DIRECTOR ,RURAL DEVELOPEME
PIN:600009, Fort St George S.O
From:ASHMINI VAIDIALIGAM,ADVOCATE
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RT259079244IN IVR:8284259079244
RL ROYAPETTAH S.O <600014>
Counter No:1,11/10/2021,13:46
To:ENGINEER IN CHIEF..
PIN:600005, Tiruvallikeni S.O
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<Track on www.indiapost.gov.in>
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

Original Application No.113 of 2021 (SZ)

Tribunal on its own motion Suo Motu
Based on the news item published in
The Times of India Newspaper, Chennai Edition,
Dated 27.04.2021, under the caption
"Dumping of garbage in Thalambur Lake:
Locals write to District Collector"

...Applicant

Versus

The Principal Secretary to Government,
Public Works Department, Govt. Secretariat,
Fort St. George, Chennai – 600 009 and Others

...Respondent(s)

S. No	Description	Page No.
1.	INSPECTION REPORT OF THE JOINT COMMITTEE ON BEHALF OF THE 4 TH RESPONDENT – TAMIL NADU POLLUTION CONTROL BOARD	1 – 4

**Filed by
Thiru.
Advocate, Chennai.**

INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF O.A No.113 of 2021 TAKEN UP AS SUO MOTU BASED ON THE NEWS PAPER REPORT PUBLISHED IN THE TIMES OF INDIA NEWSPAPER CHENNAI EDITION, DATED 27.04.2021 UNDER THE CAPTION "DUMPING OF GARBAGE IN THALAMBUR LAKE: LOCALS WRITE TO DISTRICT COLLECTOR".

The Hon'ble National Green Tribunal (NGT), Southern Zone(SZ), Chennai has taken up suo motu based on the news paper report published in the Times of India, Chennai edition datted 27.04.2021 under the caption "dumping of garbage in Thalambur Lake: Locals write to District Collector"vide O.A.no. 113 of 2021. The Hon'ble NGT(SZ) in its order dated 21.05.2021 in Original Application No.113 of 2021 has stated the following:

" In order to ascertain the genuineness of the allegations made in the newspaper report, we feel it appropriate to appoint a Joint Committee comprising of (1) the District Collector, Chengalpet District or a Senior Officer not below the rank of Revenue Divisional Officer/Sub Divisional Magistrate as deputed by the District Collector, (2) the Superintending Engineer of Public Works Department & Water Resource Organization who is in charge of that area and (3) a Senior Officer from the Tamil Nadu Pollution Control Board deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

If it is found that there is any garbage dumped there, they are directed to ascertain the quantum of legacy waste, who is responsible for the same and assess environmental compensation, if any damage has been caused to the water body.

The committee is also directed to ascertain the quality of water by taking samples from the water body and analyze to find out as to whether any contamination has been caused to the water in the water body. If any contamination found, then they are directed to suggest the remedial measures to be taken to restore the water quality to its original position.

The committee is also directed to ascertain as to whether the direction of the Principal Bench of National Green Tribunal in O.A. No.606 of 2018 regarding the implementation of the Solid Waste Management Rules, 2016 is being strictly implemented in the 6th respondent panchayat and if not, what is the nature of action taken by the regulators to implement the same.

The committee is directed to submit a report to this Tribunal on or before 30.06.2021 by e-filing".

In due compliance of the directions of the Hon'ble National Green Tribunal (SZ), the Joint Committee as constituted by the Hon'ble Tribunal has carried out inspection in the area in question on 24.07.2021 and observed as follows:-

Observations made by the Committee during inspection

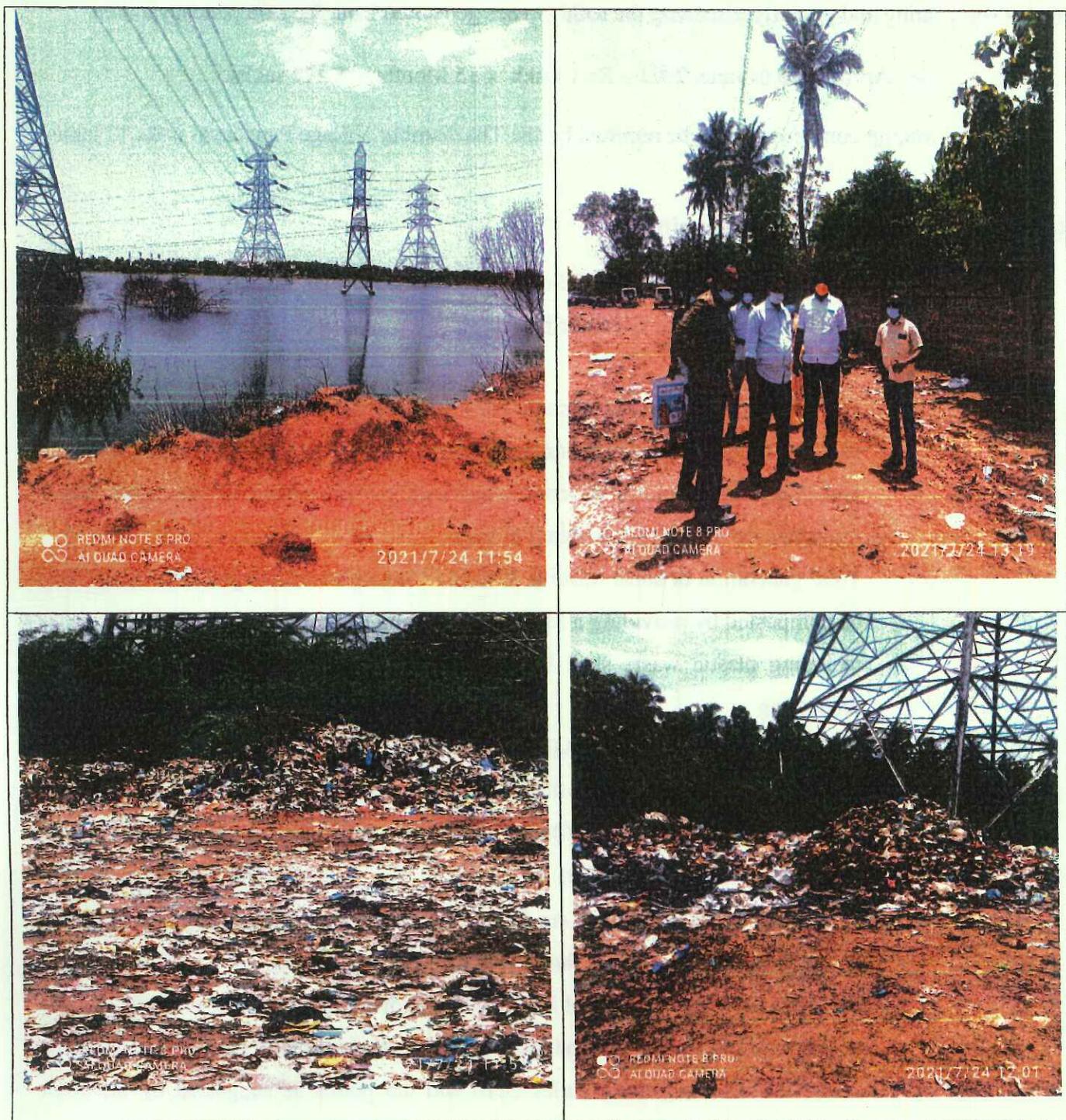
- i) Thalambur Lake is located in Thalambur Village, Vandalur Taluk, Chengalpattu District in an extent of 93.15 Acres
- ii) The said lake is surrounded by road & residences of Mullai Nagar in the Eastern side, Vacant Government Land in the Western side, road & residences of Jaibheem Nagar and Karanai Periya Eri on the Northern side, road & residences in the Southern side..
- iii) No discharge of sewage into the said Lake from the residences located nearby
- iv) No discharge of industrial effluent into the said lake
- v) Municipal solid waste of about 3 Tonnes was found dumped in the western side of the lake in an extent of 50 cents of Government land in Survey no. 80/4 of Thalambur Village by the Thalambur Village Panchayat which is at a distance of 25m away from the lake boundary..
- vi) It was informed by the said Village Panchayat that the solid waste generated from the village panchayat area is being dumped in the said area in question and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month.
- vii) Samples of Lake water was collected on 24.07.2021 i.e during the time of inspection and sent to the District Environmental Laboratory, TNPCB, Maraimalai Nagar for analysis.
- viii) It was informed by the said local body that the strengthening of bunds of the Lake and deepening of the lake work was carried out with the help of an NGO – Care Earth Trust during 2018 and the said lake is maintained by Water Resource Department.

Details on the Solid Waste Management by Thalambur Village Panchayat

1. **Location of the Lake:** Thalambur – Survey No 73 (12.839465°, 80.211216°)
2. **Total Area of the Thalambur Lake:** 93.15 Acres
3. **Total Area of the Thalambur Village Panchayat :** 12.0 Sq Km
4. **Total Population of the Thalambur Village Panchayat :** 16200 Nos.
5. **Total Household of the Panchayat :** 8340 Nos.
6. **No of Wards:** 6 Nos
7. **Generation of total Solid Waste in the Panchayat area:** 3.00 MT/day
8. **Collection Mechanism:** 7 Pushcarts, 2 Tractors with 19 sanitary Workers.
9. **Presently Solid Waste at dumping Yard:** 3.00 MT
10. **Present method of collection and disposal:**

Presently the waste collected from the Village Panchayat area is being collected by Panchayat sanitary workers using 7 Pushcarts and 2 Tractors deploying 19 sanitary workers and which is being dumped in the western side of the lake in the Government land Survey no. 73 (12.839465°, 80.211216°) at a distance of 25m from the lake boundary and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month.

Photographs taken during Joint Committee Inspection



Status of Compliance of directions of Hon'ble NGT(PB), Delhi in OA No.606 of 2018

Also, it is submitted that the Hon'ble National Green Tribunal (Principal Bench) in its order dated 28.02.2020 in O.A.No.606 of 2018 vide para 41 (a) has directed that in view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and Tribunal to comply with Solid Waste Management Rules, 2016 interim compensation scale is to be laid down for continued failure after 31.03.2020. Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance and vide para 41 (b) has directed that not commenced the legacy waste remediation process, the interim compensation of Rs.1 lakh per month to be paid by the local bodies having population less than 5 lakhs from 01.04.2020 till compliance

In view of the above, as the population of the Thazhambur Village Panchayat as on date is about 16,200, the Interim Compensation to the Thazhambur Village Panchayat to be levied is calculated as follows

For not segregating and properly disposing the solid wastes generated from the said panchayat area

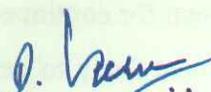
➤ April, 2020 to June, 2021 – Rs.1 Lakh x 15 Months = Rs.15 lakhs.

The total interim compensation to be remitted by the Thazhambur Village Panchayat is Rs.15 lakhs.

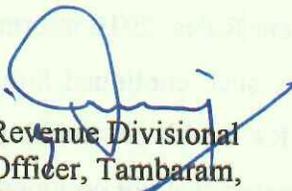
Recommendations of the Joint Committee:

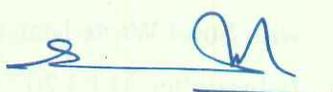
The Joint Committee has suggested the following recommendations in the above said subject matter before the Hon'ble National Green Tribunal:

- i. The said village panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016 within 3 months.
- ii. Total generation of solid waste is 3.00 MT. Segregated Biodegradable waste shall be composted by providing a Micro Composting Centre and non degradable waste including plastic waste shall be collected and sent to cement factories for co processing
- iii. The local body shall provide Micro composting centre to handle the bio degradable waste generated within their village panchayat area within 3 months.
- iv. The Secretary, Thalambur Village Panchayat shall monitor and ensure that the local body is complied with the statutory requirements and for the scientific disposal of solid waste that are being generated in the local body. Furthermore ensure that no solid waste is dumped in the said water body .
- v. Tamil Nadu Pollution Control Board shall conduct periodical inspection of the site in question and ensure that the local body is complying with the provisions of the Solid Waste Management Rules 2016 and the points as suggested by the Joint Committee.
- vi. The said village panchayat shall remit the Environmental Compensation of Rs. 15 Lakhs for non- compliance of the Solid Waste Management Rules,2016 as directed by the Hon'ble National Green Tribunal (Principal Bench) in OA No. 606 of 2018.


District Environmental
Engineer, Tamil Nadu
Pollution Control
Board,
Maraimalai Nagar


Executive Engineer,
Water Resource
Department , Lower
Palar Basin Division,
Kancheepuram.


Revenue Divisional
Officer, Tambaram,
Chengalpet District.


District Collector,
Chengalpattu
District

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE, CHENNAI.

Original Application No.113 OF 2021 (SZ)

Tribunal on its own motion Suo Motu
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...Applicant

Versus

The Principal Secretary to Government,
Public Works Department, Govt.
Secretariat, Fort St. George,
Chennai – 600 009 and Others

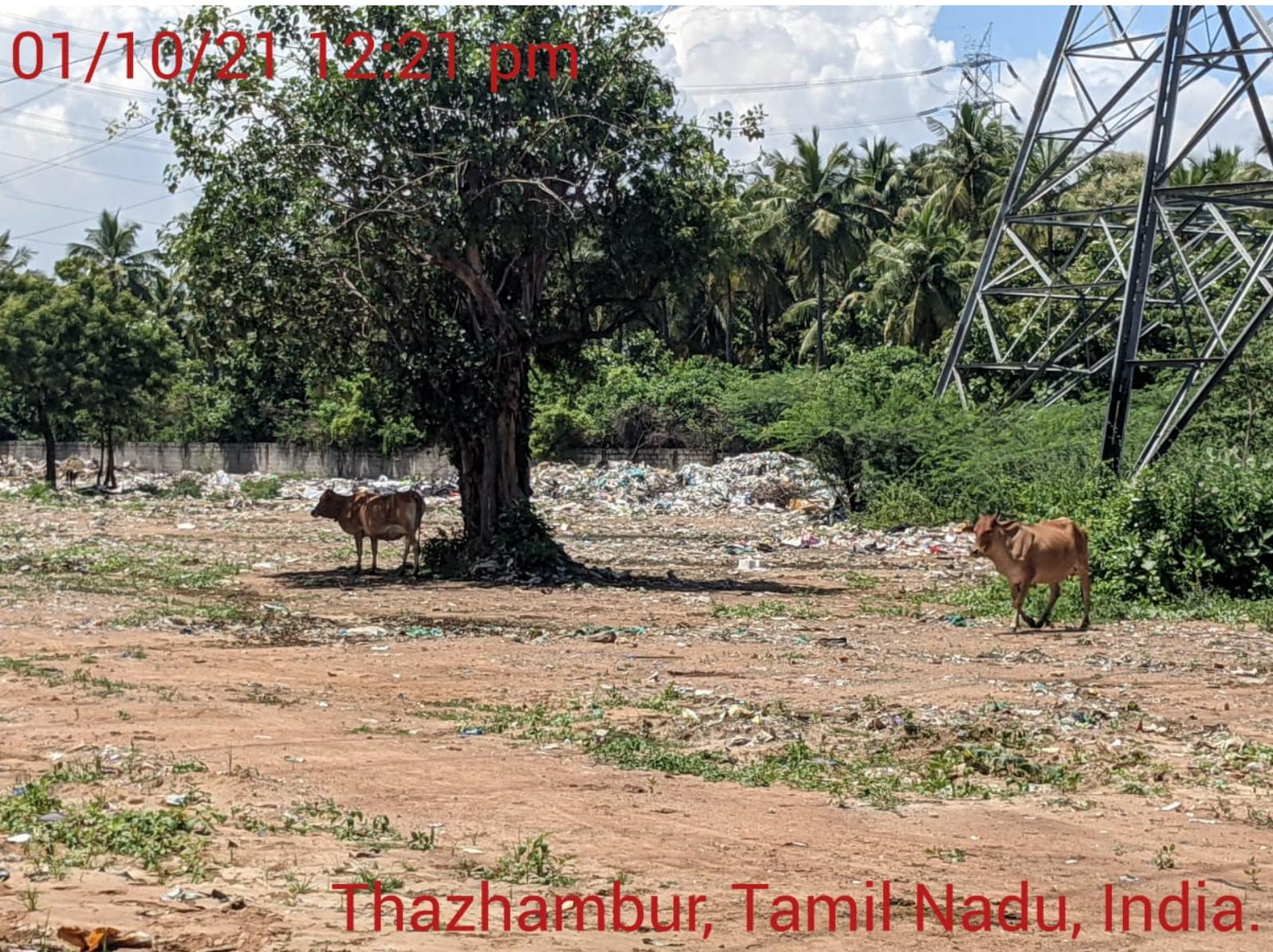
...Respondent(s)

INSPECTION REPORT OF THE JOINT
COMMITTEE ON BEHALF OF THE
4TH RESPONDENT – TAMIL NADU
POLLUTION CONTROL BOARD

Advocate for Respondent: TNPCB
Thiru.
Advocate, Chennai.

Date: 12.08.2021

Date of Hearing: 16.04.2021



01/10/21 12:21 pm

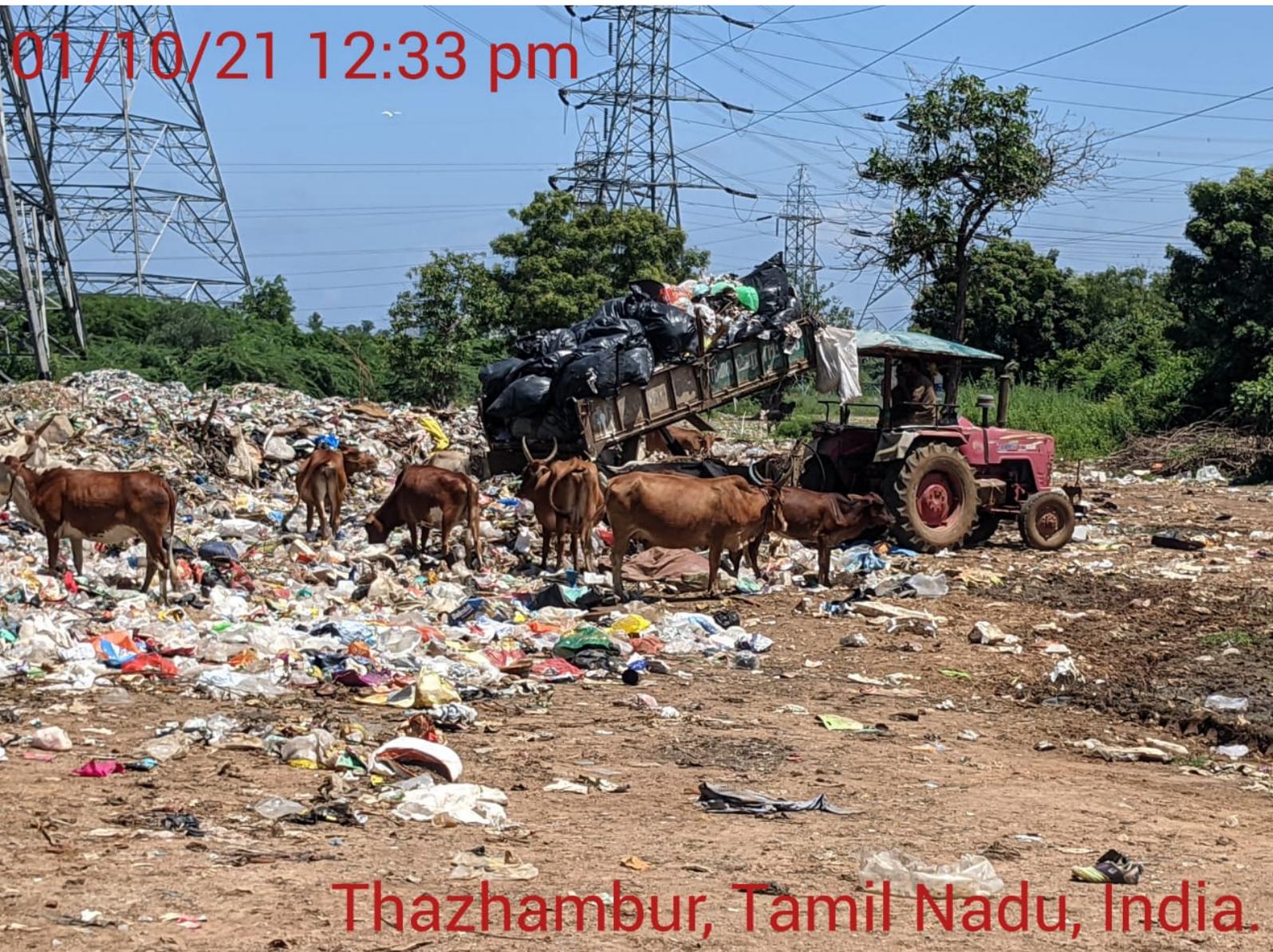
Thazhambur, Tamil Nadu, India.



01/10/21 12:32 pm

Thazhambur, Tamil Nadu, India.







01/10/21 12:33 pm

Thazhambur, Tamil Nadu, India.

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

**Original Application No. 133 of 2021 (SZ)
&
Original Application No. 113 of 2021 (SZ)**

Suo Moto – 'VCK leader joins chorus against
Illegal dumping of medical waste'

-Vs-

The Chief Secretary to Govt. of Tamil Nadu
Govt. Secretariat, Fort St. George
Chennai – 600 009 and Ors

...Respondents

With

Tribunal on its own motion-SUO MOTU
Based on the News item published in the Times
of India Newspaper Chennai Edition, dated 27.04.2021,
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Locals write to District Collector'

-Vs-

The Principal Secretary to Government
Public Works Department
Govt Secretariat, Fort St. George
Chennai – 600 009 & Ors

...Respondents

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1.	REPORT FILED ON BEHALF OF THE RESPONDENT - TAMIL NADU POLLUTION CONTROL BOARD	1- 6

**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI

Original Application No. 133 of 2021 (SZ)
&
Original Application No. 113 of 2021 (SZ)

Suo Moto – 'VCK leader joins chorus against
Illegal dumping of medical waste'

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The Chief Secretary to Govt. of Tamil Nadu
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... Respondents

With

Tribunal on its own motion-SUO MOTU
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of India Newspaper Chennai Edition, dated 27.04.2021,
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-Vs-

The Principal Secretary to Government
Public Works Department
Govt Secretariat, Fort St. George
Chennai – 600 009 & Ors

... Respondents

REPORT FILED ON BEHALF OF THE RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Sarasavani, Daughter of Thiru. Raghavan, Hindu, aged about 56 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, and I am filing this Report on behalf of the Respondent, Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per the records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) has passed order dt.25.06.2021 directed as follows:

Abu 21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

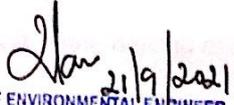
" The Tamil Nadu Pollution control Board (TNPCB) and the District Collectors of Chengalpattu and kancheepuram District as well as the Pollution Control Board are directed to file their independent reports regarding the allegations made in the newspaper reports in their respective areas of their jurisdiction and the manner in which the bio-medical waste is generated in that area is being dealt with by the generators and if there is any, what is the nature of taken by them against such violators etc.,

ACTION TAKEN ON THE NEWS REPORT PUBLISHED IN THE TIMES OF INDIA DATED 08.06.2021 "VCK LEADER JOINS CHORUS AGAINST ILLEGAL DUMPING OF MEDICAL WASTE'

3. It is respectfully submitted that the in pursuance to the said NGT order dt.25.06.2021, the said area was inspected by the DEE, TNPCB, Maraimalai Nagar along with Padur Village Panchayat Secretary on 08.06.2021 and noticed that Solid waste along with Bio-Medical Waste was found dumped in a private patta open land near XS real Apartment-Helios City, Padur Village, Tiruporur Taluk, Chengalpattu District and the said site falls under the Administrative Jurisdiction of the Commissioner/BDO, Tiruporur Panchayat Union, Tiruporur, Chengalpattu District. About 41 Kg of Bio-Medical Waste dumped in the said area was segregated from the solid waste, collected in plastic bags and sent to M/s. GJ Multicalve India Pvt Ltd for further treatment and disposal. The other solid waste found in the said site was removed by Padur Village Panchayat by their dedicated vehicle.

Further, it is reported that the vicinity of the area was inspected and found that there are 3 Nos. of Bedded Health Care Facilities and 10 Nos. of Non-bedded Health Care Facilities in operation. All the bedded and non- bedded HCFs has obtained consent of the TNPC Board / authorization under BMW Rules, 2016.

4. It is respectfully submitted that the Padur Village Panchayat with a population of 5710 Nos. generates solid waste of about 2 T/day and is not having


21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

solid waste processing facility for handling the solid waste generated in their Village Panchayat area.

5. It is respectfully submitted that, an amount of Rs.16 lakhs has been assessed as an interim environmental compensation for a period of 16 months (from April 2020 to July 2021) to the Padur Village Panchayat for not segregating and not properly disposing the solid wastes generated from the said panchayat area and not complying with the provisions of Solid Waste Management Rules, 2016 in pursuance to the Hon'ble NGT (PB) order dated 28.02.2020 & 02.07.2020 in O.A.No.606 of 2018.

6. It is respectfully submitted that the TNPCB has issued show cause notice under Section 5 of the Environment Protection Act, 1986, to the Secretary, Padur Village Panchayat vide Proceeding dated 17.08.2021 as to why the Board shall not levy an Interim Environmental Compensation of Rs.16 Lakhs (from April 2020 to July 2021) for not properly carrying out the implementation of the Solid Waste Management Rules, 2016.

ACTION TAKEN ON THE NEWS REPORT PUBLISHED IN THE TIMES OF INDIA DATED 08.06.2021 " ACTIVIST THIRU. PUGALVENTHAN VISITED A SPOT IN MEVALARKUPPAM NEAR SRIPERUMBUDUR".

7. It is respectfully submitted that the said site was inspected by the DEE, Sriperumbudur on 09.06.2021 and it was found that the municipal solid waste generated in the said area was dumped in the Mevalarkuppam Village, Sriperumbudur Taluk, Kancheepuram District along with some of the used masks and in this regard, the Block Development Officer, Sriperumbudur Panchayat Union was instructed to take immediate action to remove the said municipal solid wastes dumped in that area.

8. It is further submitted that in order to prevent the illegal dumping of solid waste by the public in the said area, the Board vide letter dated 17.08.2021 has instructed the Block Development Officer, Sriperumbudur Taluk to comply with the following and to furnish the action taken/status report to the Board within a fortnight,

Har 21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

- i. The Sriperumbudur Panchayat Union shall apply and obtain authorization as per the Solid Waste Management Rules, 2016 immediately.
- ii. The Sriperumbudur Panchayat Union shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016.
- iii. The Sriperumbudur Panchayat Union shall ensure that no solid wastes are dumped further within its jurisdiction.

ACTION TAKEN ON THE NEWS REPORT PUBLISHED IN THE NEW INDIA EXPRESS DATED 19.06.2021 UNDER THE CAPTION "BIOMEDICAL WASTE DUMPED IN RESIDENTIAL ZONE IN CHENNAI; NEAR THE ROAD TO THE DLF HOUSING COMPLEX AT THALAMBUR IN THE SUBURBS OF SOUTH CHENNAI

9. It is respectfully submitted that the said site was inspected by the DEE, TNPCB, Maraimalai Nagar on 19.06.2021 and it was noticed that used gloves of about 5 Kg was found dumped in the said area in question. The gloves were collected and handed over to M/s. G.J. Multicalve India Pvt Ltd for further treatment and disposal. Also, the surrounding area adjacent to the area in question was inspected on 23.06.2021 and reported that there are 13 Nos. of Non-bedded HCFs and 1 No. of Bedded HCF in operation. Further, it was reported that, out of 13 Nos. of non-bedded HCFs, the following HCFs are operating without one-time authorization under BMW Rules, 2016 in the Thalambur area:

- i. M/s. Apollo Diagnostic Centre, No.19, Pudhupakkam Main Road, Chengalpattu District -603 103.
- ii. M/s Smile Dentistree Dental Clinic, Yashwanth Complex, No.19, Chengalpattu District -603 103
- iii. M/s. JO Clinic, No.918, Shop No.2, Hanuman Nagar, Siruseri Main Road, Thalambur Koot Road, Chengalpattu District- 600 130
- iv. M/s Aplite Dental Clinic, No.9, 1st Floor, KVP Complex, Thalambur, Main Road, Chengalpattu District - 600 130

Har 21/6/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
7G, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

v. M/s. ABC Medical Clinic, 3/139, Pudhupakkam Main Road, Thalambhur, Chengalpattu District -600130

In view of the above, the TNPCB has issued directions for closure and disconnection of power supply under Section 5 of the Environment (Protection) Act, 1986 as amended vide Board Proceeding dated 17.08.2021 to the said 5 Nos. of HCFs (non-bedded) for operating the health care facility without obtaining one-time authorization under the Bio Medical Waste Management Rules, 2016 and also for improper disposal of the bio medical waste generated from their facilities.

10. It is respectfully submitted that the above said 5 Health Care Facilities applied and obtained one-time authorization under Bio-Medical Waste Management Rules, 2016. Hence, the TNPCB has issued revocation of the closure direction and restoration of power supply under Section 5 of the Environment (Protection) Act, 1986 as amended to the HCFs vide Proceeding dated 27.08.2021.

11. It is respectfully submitted that the Thalambur Village Panchayat is having population of 16,200 Nos. and generates solid waste of about 3 T/day from its panchayat area. The said local body is not having solid waste processing facility for handling the solid waste generated in their Village Panchayat area and it is dumped opposite to Srinivasa Nagar, Thazhambhur Village area.

In view of the Hon'ble NGT order in O.A.NO.606 of 2018 (PB), an amount of Rs.16 lakhs has been assessed as an interim environmental compensation for a period of 16 months (from April 2020 to July 2021) to the Thazhambur Village Panchayat for not segregating and properly disposing the solid wastes generated from the said panchayat area and thereby not complying with the provisions of Solid Waste Management Rules, 2016.

In this regard the Board has issued show cause notice under Section 5 of the Environment Protection Act, 1986, vide Board Proceeding dated 17.08.2021 to the Secretary, Thazhambur Village Panchayat as to why the Board shall not levy

21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

an Interim Environmental Compensation of Rs.16 Lakhs (from April 2020 to July 2021) for not properly carrying out the implementation of the Solid Waste Management Rules, 2016.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to take this Report on Record and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

dlan
21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.
BEFORE ME

VERIFICATION-

I, R. Sarasavani, Daughter of Thiru. Raghavan, Working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby submit that the contents of the above report are true to the best of my knowledge through records.

dlan
21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

10/09/20
10/09/20

BEFORE THE NATIONAL GREEN
TRIBUNAL, SOUTHERN ZONE AT
CHENNAI

Original Application No. 133 of 2021 (SZ)
&
Original Application No. 113 of 2021 (SZ)

Suo Moto – 'VCK leader joins chorus
against Illegal dumping of medical waste'

-Vs-

The Chief Secretary to Govt. of Tamil Nadu
Chennai – 600 009 and Ors

... Respondents

With

SUO MOTU Based on the News item
published in the Times of India Newspaper
Chennai Edition, dated 27.04.2021,
under the caption 'Dumping of garbage in
Thalambur Lake Locals write to District
Collector'

-Vs-

The Principal Secretary to Government
Public Works Department
Govt Secretariat, Fort St. George
Chennai – 600 009 & Ors

... Respondents

**REPORT FILED ON BEHALF OF
THE RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD**

Advocate for Respondent No.
Thiru. S. Sai Sathya Jith,
Advocate, Chennai.

Date:21.09.2021.

Date of hearing on:22.09.2020

Item No.8 & 9:-

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.133 of 2021 (SZ)

With

Original Application No.113 of 2021 (SZ) &
I.A. No.116 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

Tribunal on its own motion Suo Motu
Based on the news item published in
The Times of India Newspaper, Chennai Edition,
Dated 27.04.2021, under the caption
“Dumping of garbage in Thalambur Lake:
Locals write to District Collector”

....Applicant (s)

Versus

The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai – 600 009 and Ors.

... Respondent(s)

With

Suo Motu - “VCK leader joins chorus against
Illegal dumping of medical waste”

....Applicant (s)

Versus

The Chief Secretary to Govt. of Tamil Nadu
Govt. Secretariat, Fort St. George,
Chennai – 600 009 and Ors.

... Respondent(s)

O.A. No.133/2021(SZ)

For Applicant (s): Suo Motu by Court.

For Respondent(s): Dr. D. Shanmuganathan for R1 to R7, R9, R10.
Mr. S. Sai Sathya Jith for R8.

O.A. No.113/2021(SZ)

For Applicant (s): Suo Motu by Court.

For Respondent(s): Dr. D. Shanmuganathan for R1 to R3, R5.
Mr. S. Sai Sathya Jith for R4.
Ms. Bhargavi Kannan along with
M/s. Ashwini Vaidialingam for R9 & R10.

Date of hearing: 22.09.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

ORDER

1. The above cases have been Suo Motu registered by this Tribunal on the basis of the different newspaper reports regarding illegal dumping of medical waste and also dumping of garbage in Thazhambur Lake. This Tribunal had appointed a Joint Committee to go into the issue and submit a report.
2. The Joint Committee has filed a report in O.A. No.113/2021 dated Nil, e-filed on 01.09.2021 and received on 02.09.2021 which reads as follows:-

"INSPECTION REPORT OF THE JOINT COMMITTEE
CONSTITUTED BY THE HON'BLE NATIONAL GREEN

TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF O.A No.113
of 2021 TAKEN UP AS SUO MOTU BASED ON THE NEWS
PAPER REPORT PUBLISHED IN THE TIMES OF INDIA
NEWSPAPER CHENNAI EDITION, DATED 27.04.2021
UNDER THE CAPTION "DUMPING OF GARBAGE IN
THALAMBUR LAKE: LOCALS WRITE TO DISTRICT
COLLECTOR

The Hon'ble National Green Tribunal (NGT), Southern Zone(SZ), Chennai has taken up suo motu based on the news paper report published in the Times of India, Chennai edition datted 27.04.2021 under the caption "dumping of garbage in Thalambur Lake: Locals write to District Collector" vide O.A. No. 113 of 2021. The Hon'ble NGT(SZ) in its order dated 21.05.2021 in Original Application No.113 of 2021 has stated the following:

" In order to ascertain the genuineness of the allegations made in the newspaper report, we feel it appropriate to appoint a Joint Committee comprising of (1) the District Collector, Chengalpet District or a Senior Officer not below the rank of Revenue Divisional Officer/Sub Divisional Magistrate as deputed by the District Collector, (2) the Superintending Engineer of Public Works Department & Water Resource Organization who is in charge of that area and (3) a Senior Officer from the Tamil Nadu Pollution Control Board deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

If it is found that there is any garbage dumped there, they are directed to ascertain the quantum of legacy waste, who is responsible for the same and assess environmental compensation, if any damage has been caused to the water body.

The committee is also directed to ascertain the quality of water by taking samples from the water body and analyze to find out as to whether any contamination has been caused to the water in the water body. If any contamination found, then they are directed to suggest the remedial measures to be taken to restore the water quality to its original position.

The committee is also directed to ascertain as to whether the direction of the Principal Bench of National Green Tribunal in O.A. No,606 of 2018 regarding the implementation of the Solid Waste Management Rules, 2016 is being strictly implemented in the 6th respondent panchayat and if not, what is the nature of action taken by the regulators to implement the same.

The committee is directed to submit a report to this Tribunal on or before 30.06.2021 by e filing".

In due compliance of the directions of the Hon'ble National Green Tribunal (SZ), the Joint Committee as constituted by the Hon'ble Tribunal has carried out inspection in the area in question on 24.07.2021 and observed as follows:

Observations made by the Committee during inspection

- i) Thalambur Lake is located in Thalambur Village, Vandalur Taluk, Chengalpattu District in an extent of 93.15 Acres
- ii) The said lake is surrounded by road & residences of Mullai Nagar in the Eastern side, Vacant Government Land in the Western side, road & residences of Jaibheem Nagar and Karanai Periya Eri on the Northern side, road & residences in the Southern side.
- iii) No discharge of sewage into the said Lake from the residences located nearby
- iv) No discharge of industrial effluent into the said lake
- v) Municipal solid waste of about 3 Tonnes was found dumped in the western side of the lake in an extent of 50 cents of Government land in Survey no. 80/4 of Thalambur Village by the Thalambur Village Panchayat which is at a distance of 25m away from the lake boundary.

vi) It was informed by the said Village Panchayat that the solid waste generated from the village panchayat area is being dumped in the said area in question and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month.

vii) Samples of Lake water was collected on 24.07.2021 i.e during the time of inspection and sent to the District

Environmental Laboratory, TNPCB, Maraimalai Nagar for analysis.

vii) It was informed by the said local body that the strengthening of bunds of the Lake and deepening of the lake work was carried out with the help of an NGO-Care Earth Trust during 2018 and the said lake is maintained by Water Resource Department.

Details on the Solid Waste Management by Thalambur Village Panchayat

1. Location of the Lake: Thalambur - Survey No 73 (12.839465°, 80.211216°)

2. Total Area of the Thalambur Lake: 93.15 Acres

3. Total Area of the Thalambur Village Panchayat : 12.0 Sq Km

4. Total Population of the Thalambur Village Panchayat : 16200 Nos.

5. Total Household of the Panchayat : 8340 Nos.

6. No of Wards: 6 Nos.

7. Generation of total Solid Waste in the Panchayat area: 3.00 MT/day

8. Collection Mechanism: 7 Pushcarts, 2 Tractors with 19 sanitary Workers.

9. Presently Solid Waste at dumping Yard: 3.00 MT

10. Present method of collection and disposal:

Presently the waste collected from the Village Panchayat area is being collected by Panchayat sanitary workers using 7 Pushcarts and 2 Tractors deploying 19 sanitary workers and which is being dumped in the western side of the lake in the Government land Survey no. 73 (12.839465°, 80.211216°) at a distance of 25m from the lake boundary and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month.

Status of Compliance of directions of Hon'ble NGT(PB), Delhi in OA No.606 of 2018

Also, it is submitted that the Hon'ble National Green Tribunal (Principal Bench) in its order dated. 28.02.2020 in O.A. No.606 of 2018 vide para 41 (a) has directed that in view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and Tribunal to comply with Solid Waste Management Rules, 2016 interim compensation scale is to be laid down for continued failure after 31.03.2020. Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance and vide para 41 (b) has directed that not commenced the legacy waste remediation process, the interim compensation of Rs.1 lakh per month to be paid by the local bodies having population less than 5 lakhs from 01.04.2020 till compliance

In view of the above, as the population of the Thazhambur Village Panchayat as on date is about 16,200, the Interim Compensation to the Thazhambur Village Panchayat to be levied is calculated as follows

For not segregating and properly disposing the solid wastes generated from the said panchayat area

► April, 2020 to June, 2021 – Rs.1 Lakh x 15 Months = Rs. 15 lakhs.

The total interim compensation to be remitted by the Thazhambur Village Panchayat is Rs. 15 lakhs.

Recommendations of the Joint Committee:

The Joint Committee has suggested the following recommendations in the above said subject matter before the Hon'ble National Green Tribunal:

i. The said village panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016 within 3 months.

ii. Total generation of solid waste is 3.00 MT. Segregated Biodegradable waste shall be composted by providing a Micro

Composting Centre and non degradable waste including plastic waste shall be collected and sent to cement factories for co processing

iii. The local body shall provide Micro composting centre to handle the bio degradable waste generated within their village panchayat area within 3 months.

iv. The Secretary, Thalambur Village Panchayat shall monitor and ensure that the local body is complied with the statutory requirements and for the scientific disposal of solid waste that are being generated in the local body. Furthermore ensure that no solid waste is dumped in the said water body.

v. Tamil Nadu Pollution Control Board shall conduct periodical inspection of the site in question and ensure that the local body is complying with the provisions of the Solid Waste Management Rules 2016 and the points as suggested by the Joint Committee.

vi. The said village panchayat shall remit the Environmental Compensation of Rs. 15 Lakhs for non-compliance of the Solid Waste Management Rules, 2016 as directed by the Hon'ble National Green Tribunal (Principal Bench) in OA No. 606 of 2018."

3. The Tamil Nadu Pollution Control Board has filed a consolidated report covering all these issues signed on 21.09.2021, e-filed on 22.09.2021 and received on the same date which reads as follows:-

"REPORT FILED ON BEHALF OF THE RESPONDENT TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Sarasavani, Daughter of Thiru. Raghavan, Hindu, aged about 56 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely stats as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, and I am filing this Report on behalf of the Respondent, Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per the records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) has passed order dt.25.06.2021 directed as follows:

"The Tamil Nadu Pollution control Board (TNPCB) and the District Collectors of Chengalpattu and kancheepuram District as well as the Pollution Control Board are directed to file their independent reports regarding the allegations made in the newspaper reports in their respective areas of their jurisdiction and the manner in which the bio-medical waste is generated in that area is being dealt with by the generators and if there is any, what is the nature of taken by them against such violators etc.,

ACTION TAKEN ON THE NEWS REPORT
PUBLISHED IN THE TIMES OF INDIA DATED 08.06.2021
"VCK LEADER JOINS CHORUS AGAINST ILLEGAL
DUMPING OF MEDICAL WASTE"

3. It is respectfully submitted that the in pursuance to the said NGT order dt.25.06.2021, the said area was inspected by the DEE, TNPCB, Maraimalai Nagar along with Padur Village Panchayat Secretary on 08.06.2021 and noticed that Solid waste along with Bio-Medical Waste was found dumped in a private patta open land near XS real Apartment-Helios City, Padur Village, Tiruporur Taluk, Chengalpattu District and the said site falls under the Administrative Jurisdiction of the Commissioner/BDO, Tiruporur Panchayat Union, Tiruporur, Chengalpattu District. About 41 kg of Bio-Medical Waste dumped in the said area was segregated from the solid waste, collected in plastic bags and sent to M/s. GJ Multicalve India Pvt Ltd for further treatment and disposal. The other solid waste found in the said site was removed by Padur Village Panchayat by their dedicated vehicle.

Further, it is reported that the vicinity of the area was inspected and found that there are 3 Nos. of Bedded Health Care Facilities and 10 Nos. of Non-bedded Health Care Facilities in operation. All the bedded and non-bedded HCFs has obtained consent of the TNPC Board / authorization under BMWM Rules, 2016.

4. It is respectfully submitted that the Padur Village Panchayat with a population of 5710 Nos. generates solid waste of about 2 T/day and is not having solid waste processing facility for handling the solid waste generated in their Village Panchayat area.

5. It is respectfully submitted that, an amount of Rs. 16 lakhs has been assessed as an interim environmental compensation for a period of 16 months (from April 2020 to July 2021) to the Padur Village Panchayat for not segregating and not properly disposing the solid wastes generated from the said panchayat area and not complying with the provisions of Solid Waste Management Rules, 2016 in pursuance to the Hon'ble NGT (PB) order dated 28.02.2020 & 02.07.2020 in O.A.No.606 of 2018.

6. It is respectfully submitted that the TNPCB has issued show cause notice under Section 5 of the Environment Protection Act, 1986, to the Secretary, Padur Village Panchayat vide Proceeding dated 17.08.2021 as to why the Board shall not levy an Interim Environmental Compensation of Rs. 16 Lakhs (from April 2020 to July 2021) for not properly carrying out the implementation of the Solid Waste Management Rules, 2016.

ACTION TAKEN ON THE NEWS REPORT PUBLISHED IN THE TIMES OF INDIA DATED 08.06.2021 " ACTIVIST THIRU. PUGALVENTHAN VISITED A SPOT IN MEVALARKUPPAM NEAR SRIPERUMBUDUR".

7. It is respectfully submitted that the said site was inspected by the DEE, Sriperumbudur on 09.06.2021 and it was found that the municipal solid waste generated in the said area was dumped in the Mevalarkuppam Village, Sriperumbudur Taluk, Kancheepuram District along with some of the used masks and in this regard, the Block Development Officer, Sriperumbudur

Panchayat Union was instructed to take immediate action to remove the said municipal solid wastes dumped in that area.

8. It is further submitted that in order to prevent the illegal dumping of solid waste by the public in the said area, the Board vide letter dated 17.08.2021 has instructed the Block Development Officer, Sriperumbudur Taluk to comply with the following and to furnish the action taken/status report to the Board within a fortnight,

i. The Sriperumbudur Panchayat Union shall apply erumbudur Panchayat Union shall apply and obtain authorization as per the Solid Waste Management Rules, 2016 immediately.

ii. The Sriperumbudur Panchayat Union shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016.

iii. The Sriperumbudur Panchayat Union shall ensure that no solid wastes are dumped further within its jurisdiction.

ACTION TAKEN ON THE NEWS REPORT PUBLISHED IN THE NEW INDIA EXPRESS DATED 19.06.2021 UNDER THE CAPTION "BIOMEDICAL WASTE DUMPED IN RESIDENTIAL ZONE IN CHENNAI; NEAR THE ROAD TO THE DLF HOUSING COMPLEX AT THALAMBUR IN THE SUBURBS OF SOUTH CHENNAI

9. It is respectfully submitted that the said site was inspected by the DEE, TNPCB, Maraimalai Nagar on 19.06.2021 and it was noticed that used gloves of about 5 Kg was found dumped in the said area in question. The gloves were collected and handed over to M/s. G.J. Multicalve India Pvt Ltd for further treatment and disposal. Also, the surrounding area adjacent to the area in question was inspected on 23.06.2021 and reported that there are 13 Nos. of Non bedded HCFs and 1 No.of Bedded HCF in operation. Further, it was reported that, out of 13 Nos. of non-bedded HCFs, the

following HCFs are operating without one-time authorization under BMWM Rules, 2016 in the Thalambur area:

i. M/s. Apollo Diagnostic Centre, No.19, Pudhupakkam Main Road, Chengalpattu District -603 103.

ii. M/s Smile Dentistree Dental Clinic, Yashwanth Complex, No. 19, Chengalpattu District -603 103

iii. M/s. JO Clinic, No.918, Shop No.2, Hanuman Nagar, Siruseri Main Road, Thalamburkoot Road, Chengalpattu District-600 130

iv. M/s Aplite Dental Clinic, No.9, 1st Floor, KVP Complex, Thalambhur, Main Road, Chengalpattu District - 600 130

v. M/s. ABC Medical Clinic, 3/139, Pudhupakkam Main Road, Thalambhur, Chengalpattu District -600130

In view of the above, the TNPCB has issued directions for closure and disconnection of power supply under Section 5 of the Environment (Protection) Act, 1986 as amended vide Board Proceeding dated 17.08.2021 to the said 5 Nos. of HCFs (non-bedded) for operating the health care facility without obtaining one time authorization under the Bio Medical Waste Management Rules, 2016 and also for improper disposal of the bio medical waste generated from their facilities.

10. It is respectfully submitted that the above said 5 Health Care Facilities applied and obtained one-time authorization under Bio-Medical Waste Management Rules, 2016. Hence, the TNPCB has issued revocation of the closure direction and restoration of power supply under Section 5 of the Environment (Protection) Act, 1986 as amended to the HCFs vide Proceeding dated 27.08.2021.

11. It is respectfully submitted that the Thalambur Village Panchayat is having population of 16,200 Nos. and generates solid waste of about 3 T/day from its panchayat area. The said local body is not having solid waste processing facility for handling the solid waste generated in their Village Panchayat area and it is dumped opposite to Srinivasa Nagar, Thazhambhur Village area.

In view of the Hon'ble NGT order in O.A.NO.606 of 2018 (PB), an amount of Rs. 16 lakhs has been assessed as an interim environmental compensation for a period of 16 months (from April 2020 to July 2021) to the Thazhambur Village Panchayat for not segregating and properly disposing the solid wastes generated from the said panchayat area and thereby not complying with the provisions of Solid Waste Management Rules, 2016.

In this regard the Board has issued show cause notice under Section 5 of the Environment Protection Act, 1986, vide Board Proceeding dated 17.08.2021 to the Secretary, Thazhambur Village Panchayat as to why the Board shall not levy an Interim Environmental Compensation of Rs. 16 Lakhs (from April 2020 to July 2021) for not properly carrying out the implementation of the Solid Waste Management Rules, 2016.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to take this Report on Record and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice."

4. The respondents 9 & 10 in O.A. No.113/2021 (SZ) have filed a reply statement along with certain documents wherein, they have mentioned that though complaints were made to the District Collector and other officials, no effective steps have been taken and the Hon'ble High Court of Madras in W.P. No.5267 of 2021 and W.P. No.5616 of 2021 granted protection order in respect of the properties in Sy. No.80/4 and 80/6 in Thazhambur Village, Thiruporur Taluk. The respondents 9 & 10 also filed an application I.A. No.127 of 2021 (SZ) in O.A. No.113/2021 (SZ) to amend the name of the 10th respondent as "Adroit Thazhambur

Apartment Owners Association” instead of “Adroit Flat owners Association” and the application is allowed and the name of the 10th respondent is permitted to be amended and **I.A. No.127/2021 (SZ) in O.A. No.113/2021 (SZ)** is disposed of accordingly.

5. The Registry is directed to carry out the amendment in the cause title in O.A. No.113 of 2021 (SZ).
6. Mr. Lieutenant Colonel Ganesan S who wanted to come on record in O.A. No.113/2021 (SZ) as owner of the land where the dumping is being done submitted that he filed an application for impleading, but the office informed that the application is returned for some defect and then he submitted that he will look into that and rectify the mistakes and re-file the same.
7. The report submitted by the Joint Committee shows that they have taken water samples from the lake, but the report is awaited and on getting report, they will file the further report.
8. The learned counsel appearing for some of the private respondents submitted that dumping is being done in a private land which is not permissible and they will have to take steps to remove the same and disposal of the same in accordance with law.
9. The learned counsel appearing for the State Government and also the panchayat submitted that this being a village panchayat, they are finding difficulty with the income derived from by way of tax to meet

these aspects. It may be mentioned here that financial crisis or infrastructure insufficiency should not be a ground for discharging their statutory as well as constitutional mandate of protecting environment. If the panchayat is not having sufficient fund to create facility for disposal, they will have to approach the higher authorities seeking proper redressal for implementation of statutory provisions within their jurisdiction as has been held by the Hon'ble Apex Court in *Municipal Council, Ratlam Vs. Vardichan (1980) 4 SCC 162* which has been repeated by the Hon'ble Apex Court in several cases whenever financial crisis or infrastructure deficiency were pointed in discharging their statutory obligations and held by the Apex Court that it should not stand in the way of discharging their statutory obligation and it is for the Government to look into the issue and provide necessary infrastructure as well as financial support for those purposes.

10. The District Collector, Chengalpattu is also having responsibility under Rule 12 of the Solid Waste Management Rules, 2016, if the local bodies within their jurisdiction are finding difficulty to implement the Solid Waste Management Rules, 2016 effectively and they will have to find out solution for implementing the same in its letter and spirit by providing necessary infrastructure or other support which is required for that purpose.

11. The learned counsel appearing for the Pollution Control Board submitted that as regards the biomedical waste is concerned, they are conducting investigation as to who is responsible for the same and if it is traced out, they will take appropriate steps in co-ordination with the other law enforcing agencies. Further, they also submitted that some of the healthcare units are not having required authorization under the Biomedical Waste Management Rules, 2016 and against them, closure directions have been issued and they applied for the authorization and obtained later. As regards imposition compensation, it is under process. As regards non-implementation of the Solid Waste Management Rules, 2016 is concerned by the concerned panchayat, they have already issued certain directions and they also imposed environmental compensation of Rs.16 Lakhs which the committee report has also taken note of and directed the panchayat to remit the same.

12. The District Collector, Chengalpattu and the concerned local body are directed to file their independent report regarding the implementation of the Solid Waste Management Rules, 2016 within their jurisdiction and what are the steps taken by them for implementation of the same and if there is any gap, they are directed to take further steps in consultation with the higher officials, if there is any infrastructure or other support is required.

13. The Block Development Officer, Thiruporur, Director of Rural Development and Panchayat Raj are directed to look into the issue and provide necessary support, both financial and technical, for the purpose of implementing the Solid Waste Management Rules, 2016 in their panchayat in an effective manner to avoid further complaints being received.

14. The committee as well as the Tamil Nadu Pollution Control Board are directed to consider the objection raised by the respondents 9 & 10 in their reply statement and if the allegations are correct, they are directed to take appropriate steps to prevent the same in future.

15. The District Collector is directed to take steps to shift the dump yard to a different place as contemplated under the Solid Waste Management Rules, 2016 and disposal of the waste in a scientific manner as provided therein instead of dumping the same in a particular place for a period of month or so and thereafter, removing the same to dump yard.

16. The Pollution Control Board is directed to take steps in this regard, apart from the District Collector looking into the issue taking action as provided under Rule 12 of the Solid Waste Management Rules, 2016.

17. The above said officials are directed to submit their respective reports to this Tribunal on or before 27.10.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

18. The Registry is directed to communicate this order to the committee members in both the cases and official respondents including, Tamil Nadu Pollution Control Board, District Collector, Chengalpattu, Block Development Officer, Thiruporur, Director of Rural Development and Panchayat Raj by e-mail immediately so as to enable them to comply with the direction.

19. For consideration of further report, post on 27.10.2021.



सत्यमेव जयते

Sd/-

.....J.M.
(Justice K. Ramakrishnan)

Sd/-

.....E.M.
(Dr. K. Satyagopal)

O.A. No.133/2021 &
O.A. No.113/2021,
22nd September, 2021. Mn.



प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGEMENT

* एक रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट.
 * Received a Registered Letter/P
 Insured

पाने वाले का नाम
 Addressed to (Name)
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 † Insured for Rupees

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 * अनावश्यक को काट दिया जाए।
 * Score out the matter not required.
 † केवल बीमा वस्तुओं के लिए।
 † For Insured articles only.

Additional Secretary
 To Govt. of Tamil Nadu,
 Rural Development & Panchayat Raj
 Department,
 Govt. Secretariat, 2021
 Fort St. George,
 Chennai Tamil Nadu 600 009.
 dtd@tn.nic.in (फोन नं. 044- 24344624

पाने वाले के हस्ताक्षर/Signature of addressee

प्राप्ति

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 † For Insured articles only.

The District Collector,
 Chengalpattu District,
 Collector Office, Gst Road,
 Chengalpattu - 603 001.
 Collr-cpt@nic.in; Ph. No. 044-2743277



पाने वाले के हस्ताक्षर/Signature of addressee

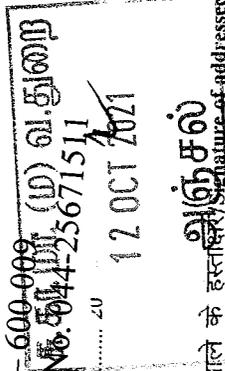
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 † केवल बीमा वस्तुओं के लिए।
 † For Insured articles only.

The Secretary To Govt. of Tamil Nadu,
 Department Of Environment & Forests,
 Govt. Secretariat,
 Fort St. George,
 Chennai, Tamil Nadu - 600 009
 forsec@tn.gov.in; Ph. No. 044-25671511



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प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGEMENT

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 † बीमा का मूल्य
 † Insured for Rupees

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 † केवल बीमा वस्तुओं के लिए।
 † For Insured articles only.

Thazhambur Village Panchayat,
 Panchayat Office, Thazhambur Main Road,
 Thazhambur, Chengalpattu - 600 130.
 bdotpr.in@nic.in;
 Ph. No. 9849769425, 7402606672



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प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGEMENT

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बीमा Reg
* Received a In

The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu - 600 032.
tnpcb-chn@gov.in; Ph. No. - 044 22353076

पाने वाले का नाम
Addressed to
† बीमा का मूल्य (Insured for Ru.)

वितरण की तारीख /Date of delivery

* अनावश्यक को काट दिया जाए।
* Score out the matter not required.
† केवल बीमा वस्तुओं के लिए।
† For Insured articles only.



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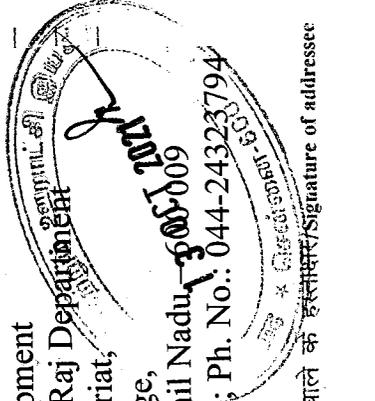
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बीमा Registered Let
* Received a Insured Director,

Rural Development
& Panchayat Raj Department,
Govt. Secretariat,
Fort St. George,
Chennai, Tamil Nadu - 600 009
rd@tn.nic.in; Ph. No.: 044-24323794

पाने वाले का नाम
Addressed to (Name)

† बीमा का मूल्य (Insured for Rupees)
वितरण की तारीख /Date of delivery
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* Score out the matter not required.
† केवल बीमा वस्तुओं के लिए।
† For Insured articles only.



पाने वाले के हस्ताक्षर/Signature of addressee



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* Indicates a required field.

* Consignment Number	<input type="text" value="RT259079425IN"/>	Track More
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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Royapettah S.O	11/10/2021 13:28:37	600009	55.00	Registered Letter	Fort St George S.O	12/10/2021 16:20:59

Event Details For : RT259079425IN

Current Status : ITEM DELIVERED Item Delivered [To: PWD (Addressee)]

Date	Time	Office	Event
12/10/2021	16:33:13	Fort St George S.O (Beat Number:3)	ITEM DELIVERED Item Delivered [To: PWD (Addressee)]
12/10/2021	16:20:59	Fort St George S.O	Item Delivery Confirmed
12/10/2021	10:41:18	Fort St George S.O	Out for Delivery
12/10/2021	10:00:33	Fort St George S.O	Item Received
12/10/2021	04:42:15	ANNA ROAD 2 CRC	Item Dispatched
12/10/2021	00:04:01	ANNA ROAD 2 CRC	Item Bagged
11/10/2021	19:21:03	ANNA ROAD 2 CRC	Item Received
11/10/2021	17:07:03	Royapettah S.O	Item Bagged
11/10/2021	13:28:37	Royapettah S.O	Item Booked

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Ministry of Communications
Government of India

75
Azadi Ka
Amrit Mahotsav



सत्यमेव जयते

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* Indicates a required field.

* Consignment Number	RT259079244IN	Track More
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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Royapettah S.O	11/10/2021 13:28:37	600005	55.00	Registered Letter	Tiruvallikeni S.O	12/10/2021 14:37:58

Event Details For : RT259079244IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
12/10/2021	14:37:58	Tiruvallikeni S.O	Item Delivery Confirmed
12/10/2021	14:01:23	Tiruvallikeni S.O (Beat Number:17)	ITEM DELIVERED Item Delivered [To: PWD WRD DEPT (Addressee)]
12/10/2021	09:44:32	Tiruvallikeni S.O	Out for Delivery
12/10/2021	07:58:17	Tiruvallikeni S.O	Item Received
12/10/2021	04:32:19	ANNA ROAD 2 CRC	Item Dispatched
12/10/2021	01:55:02	ANNA ROAD 2 CRC	Item Bagged
11/10/2021	19:21:03	ANNA ROAD 2 CRC	Item Received
11/10/2021	17:07:03	Royapettah S.O	Item Bagged
11/10/2021	13:28:37	Royapettah S.O	Item Booked

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Ashwini Vaidialingam

Advocate

Office: No. 1, Jagadambal Colony 2nd Street, Royapettah, Chennai - 600014.

Chamber: No. 39, Law Chambers, High Court Madras, Chennai – 600104.

Mobile: 9585688571

Email: ashwini.vaidialingam@gmail.com

BY RPAD AND EMAIL

9th October, 2021

To,

Panchayat Secretary,
Thazhambur Village Panchayat,
Panchayat Office, Thazhambur Main Road,
Thazhambur, Chengalpattu – 600 130.
bdotpr.tnkpm@nic.in;
Ph. No. 9840769425; 7402606072

Dear Sir,

Subject: Request to comply with the order of the Hon'ble National Green Tribunal dated 22.09.2021 in O.A. No. 113 of 2021 (SZ) and OA No. 133 of 2021 (SZ) and shift the dump-yard adjacent to the Thazhambur Lake from its present location.

Ref: Order of the Hon'ble National Green Tribunal in O.A. No. 113 of 2021 (SZ) and OA No. 133 of 2021 (SZ) dated 22.09.2021.

1. I write to you on behalf of my clients, Arihant Heirloom Flat Owners Association and Adroit Thazhambur Apartment Owners Association (my "Clients"), both of which are registered housing societies representing the residents of two gated communities/residential complexes situated near the Thazambur lake, a fresh water lake spread over 93 acres in Survey No. 73 (the "Lake").
2. Noting the incessant pollution in and around the Lake, my clients intervened and were impleaded as party respondents in O.A. No. 113 of 2021 (SZ), wherein the Hon'ble National Green Tribunal ("NGT"), Chennai had taken suo-motu cognizance of the dumping of waste around the Lake. You are impleaded as Respondent No. 6 in these proceedings.
3. As you are aware, when the matter was taken up for hearing on 22.09.2021, the Hon'ble NGT was pleased to take on record the following reports:

- a. Report of the Joint Committee comprising the (a) District Environmental Engineer, Tamil Nadu Pollution Control Board; (b) Executive Engineer, Water Resource Department; (c) Revenue Divisional Officer, Tambaram; and (d) District Collector, Chengalpattu (you, the addressee); and
 - b. Report dated 21.09.2021 of the Tamil Nadu Pollution Control Board.
4. Both these reports unequivocally hold that the Thazhambur Village Panchayat has failed to follow the mandate under the Solid Waste Management Rules, 2016 while collecting and disposing of the solid waste in the areas under its control and has been indiscriminately dumping the waste adjacent to the Thazhambur Lake.
 5. The relevant extracts from the Joint Committee Report are set out below:

“Observations made by the Committee during inspection

...

v) *Municipal solid waste of about 3 Tonnes was found dumped in the western side of the lake in an extent of 50 cents of Government land in Survey no. 80/4 of Thalambur Village by the Thalambur Village Panchayat which is at a distance of 25m away from the lake boundary.*

vi) *It was informed by the said Village Panchayat that the solid waste generated from the village panchayat area is being dumped in the said area in question and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month.*

..

Details on the Solid Waste Management by Thalambur Village Panchayat

...

Presently the waste collected from the Village Panchayat area is being collected by Panchayat sanitary workers using 7 Pushcarts and 2 Tractors deploying 19 sanitary workers and which is being dumped in the western side of the lake in the Government land Survey no. 73 (12.839465°, 80.211216°) at a distance of 25m from the lake boundary and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month”

Recommendations of the Joint Committee:

The Joint Committee has suggested the following recommendations in the above said subject matter before the Hon'ble National Green Tribunal:

i. *The said village panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016 within 3 months.*

ii. *Total generation of solid waste is 3.00 MT. Segregated Biodegradable waste shall be composted by providing a Micro Composting Centre and non degradable*

waste including plastic waste shall be collected and sent to cement factories for co processing

iii. The local body shall provide Micro composting centre to handle the bio degradable waste generated within their village panchayat area within 3 months.

iv. The Secretary, Thalambur Village Panchayat shall monitor and ensure that the local body is complied with the statutory requirements and for the scientific disposal of solid waste that are being generated in the local body. Furthermore ensure that no solid waste is dumped in the said water body.

v. Tamil Nadu Pollution Control Board shall conduct periodical inspection of the site in question and ensure that the local body is complying with the provisions of the Solid Waste Management Rules 2016 and the points as suggested by the Joint Committee.

vi. The said village panchayat shall remit the Environmental Compensation of Rs. 15 Lakhs for non-compliance of the Solid Waste Management Rules, 2016 as directed by the Hon'ble National Green Tribunal (Principal Bench) in OA No. 606 of 2018."

A copy of the Joint Committee Report is enclosed herewith as **Annexure – A** for your reference.

6. The relevant extracts from the Report of the Tamil Nadu Pollution Control Board are set out below:

"11. It is respectfully submitted that the Thalambur Village Panchayat is having population of 16,200 Nos. and generates solid waste of about 3 T/day from its panchayat area. The said local body is not having solid waste processing facility for handling the solid waste generated in their Village Panchayat and it is dumped opposite to Srinivasa Nagar, Thazhambur Village area.

In view of the Hon'ble NGT Order in OA No. 606 of 2018 (PB), an amount of Rs. 16 lakhs has been assessed as an interim environmental compensation for a period of 16 months (from April 2020 to July 2021) to the Thazhambur Village Panchayat for not segregating and properly disposing the sold wastes generated from the said panchayat area and thereby not complying with the provisions of the Solid Waste Management Rules, 2016.

In this regard the Board has issued show cause notice under Section 5 of the Environment Protection Act, 1986, vide Board Proceeding dated 17.08.2021 to the Secretary, Thazhambur Village Panchayat as to why the Board shall not levy an Interim Environmental Compensation of Rs. 16 Lakhs (from April 2020 to July 2021) for not properly carrying out the implementation of the Solid Waste Management Rules, 2016."

A copy of the Report of the Tamil Nadu Pollution Control Board, is enclosed herewith as **Annexure – B** for your reference.

7. While we wholeheartedly agree with the conclusions of the Joint Committee, we are constrained to point out a few factual inconsistencies in the Joint Committee Report:
- a. The land on which the waste is being dumped has been incorrectly reported as Government land. As submitted in detail in our pleadings before the Hon'ble NGT, the land bearing Survey Nos. 80/4, 80/5 and 80/6 are owned by private individuals.
 - b. You have reported that municipal solid waste of 3 tonnes was found dumped in an extent of 50 cents. The photographs on record, and reports of our site inspections would show that there is no demarcation of the site where the waste is being dumped. The dump-yard stretches from Survey No. 80/4 (adjacent to the Lake) all the way to the main highway in Survey No. 80/6, and is not restricted to an area of 50 cents.
 - c. While we agree to the setting up of a Micro Composting Centre, we object to any such plant coming up in Survey Nos. 80/4, 80/5, 80/6 or any other area within 200 meters of the Lake, the Karanai Highway or residential localities. The Micro Compositing Centre should strictly comply with the provisions of the Solid Waste Management Rules, 2016.
8. As you are aware, at the hearing on 22.09.2021, we made the following additional submissions:
- a. That the dump-yard is presently located on private land. This submission was also supported by the advocate appearing for another intervenor, Mr. Jayakrishnan, who is the part-owner of the lands on which the dump-yard is located.
 - b. That even otherwise, the dump-yard cannot be located in Survey Nos. 80/4, 80/5 or 80/6, since all three survey numbers are within 200 meters of the Lake, or the Karanai highway, or residential localities. The present location of the dump-yard therefore violates Schedule I(D)(iv) of the Solid Waste Management Rules, 2016.
9. The Hon'ble NGT was pleased to pass an order directing you to ensure that the waste is disposed of in accordance with the Solid Waste Management Rules, 2016. The Hon'ble NGT was also pleased to specifically direct that the dump-yard be shifted out of its present location. The relevant paragraphs of the Hon'ble NGT's order dated 22.09.2021 are extracted below:

"9. The learned counsel appearing for the State Government and also the panchayat submitted that this being a village panchayat, they are finding difficulty with the income derived from by way of tax to meet these aspects. It may be mentioned here that financial crisis or infrastructure insufficiency should not be a ground for discharging their statutory as well as constitutional mandate of protecting environment. If the panchayat is not having sufficient fund to create facility for disposal, they will have to approach the higher authorities seeking proper redressal for implementation of statutory provisions within their jurisdiction as has been held by the Hon'ble Apex Court in Municipal Council, Ratlam Vs. Vardichan (1980) 4 SCC 162 which has been repeated by the Hon'ble Apex Court in several cases whenever financial crisis or infrastructure deficiency were pointed in discharging their statutory obligations and held by the Apex Court that it should not stand in the way of discharging their statutory obligation and it is for the Government to look into the issue and provide necessary infrastructure as well as financial support for those purposes.

10. The District Collector, Chengalpattu is also having responsibility under Rule 12 of the Solid Waste Management Rules, 2016, if the local bodies within their jurisdiction are finding difficulty to implement the Solid Waste Management Rules, 2016 effectively and they will have to find out solution for implementing the same in its letter and spirit by providing necessary infrastructure or other support which is required for that purpose.

12. The District Collector, Chengalpattu and the concerned local body are directed to file their independent report regarding the implementation of the Solid Waste Management Rules, 2016 within their jurisdiction and what are the steps taken by them for implementation of the same and if there is any gap, they are directed to take further steps in consultation with the higher officials, if there is any infrastructure or other support is required.

13. The Block Development Officer, Thiruporur, Director of Rural Development and Panchayat Raj are directed to look into the issue and provide necessary support, both financial and technical, for the purpose of implementing the Solid Waste Management Rules, 2016 in their panchayat in an effective manner to avoid further complaints being received.

14. The committee as well as the Tamil Nadu Pollution Control Board are directed to consider the objection raised by the respondents 9 & 10 in the their reply statement and if the allegations are correct, they are directed to take appropriate steps to prevent the same in future.

15. The District Collector is directed to take steps to shift the dump yard to a different place as contemplated under the Solid Waste Management Rules, 2016 and disposal of the waste in a scientific manner as provided therein instead of dumping the same in a particular place for a period of month or so and thereafter, removing the same to dump yard.

16. The Pollution Control Board is directed to take steps in this regard, apart from the District Collector looking into the issue taking action as provided under Rule 12 of the Solid Waste Management Rules, 2016.

17. The above said officials are directed to submit their respective reports to this Tribunal on or before 27.10.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.”

(emphasis added)

A copy of the order of the Hon'ble NGT dated 22.09.2021 in OA No. 113 of 2021 (SZ) and OA No. 133 of 2021 (SZ) is enclosed herewith as **Annexure – C**.

10. Despite the Hon'ble NGT's unequivocal directions to shift the dump-yard from its present location, we note that the you continue to dump the solid waste generated in its area at the very same location (i.e., in Survey Nos. 80/6, 80/5 and 80/4), on a daily basis and transferring it out to the designated dump-yard once a month.
11. In fact, on 01.10.2021, a few residents of Arihant Heirloom visited the dump-yard and found significant solid waste dumped adjacent to the main road, in Survey No. 80/6. Waste was also found scattered in Survey Nos. 80/5 and 80/4 (adjacent to the Lake). Copies of photographs of the waste found dumped in Survey Nos. 80/4, 80/5 and 80/6 on 01.10.2021 are enclosed herewith as **Annexure – D**.
12. As the residents were leaving, they encountered a tractor belonging to the Thazhambur Village Panchayat, dumping fresh solid waste in Survey Nos. 80/6 and 80/5. The residents made enquiries with a security guard employed by the local authorities, who provided the following information:
 - a. He was employed by the Thazhambur Village Panchayat to guard the area.
 - b. He was instructed to allow only the Panchayat tractors to dump waste in those areas.
 - c. The Panchayat tractors would dump waste 1-2 times a day.
 - d. On a significant quantity of waste accumulating, it would be cleared, approx. once a month, with the use of JCB machines.

Copies of photographs of the illegal dumping carried out by your employees on 01.10.2021 are enclosed herewith as **Annexure – E**.

A link to the video recording of the dumping carried out on 01.10.2021 is provided below:

<https://drive.google.com/file/d/1YnituY9plONZvtZtpoR23JXWU9OTRif/view?usp=sharing>

13. It is evident that you continue to follow the same *modus operandi* that you were adopting prior to the Hon'ble NGT taking cognizance of this issue, in gross contempt of the Hon'ble NGT's order dated 22.09.2021.
14. In light of the directions of the Hon'ble NGT, the dumping of waste on the banks of the Lake, in Survey Nos. 80/4, 80/5 and 80/6 must cease immediately and permanently. Further, the existing waste on the Western side must be cleared forthwith, and shifted to a location that is in consonance with the provisions of the Solid Waste Management Rules, 2016. A copy of this letter is also marked to the attention of the District Collector, Chengalpattu and the other Respondents in OA No. 113 of 2021 (SZ).
15. The residents of Thazhambur are awaiting your early action and are always ready to support you in bringing out a change in the system of solid waste management in the Thazhambur area.

Sincerely,

 9/10/21

ASHWINI VAIDIALINGAM

CC:

1. The District Collector,
Chengalpattu District,
Collector Office, GST Road,
Chengalpattu – 603 001.
collr-cpt@nic.in; Ph. No. 044-27427412
2. The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat,
Fort St. George, Chennai – 600 009.
pwdsec@tn.gov.in; Ph. No. 044-25671622
3. The Secretary To Govt. of Tamil Nadu,
Department Of Environment & Forests,
Govt. Secretariat,
Fort St. George,

RT259079394IN IVR:8284259079394
RL ROYAPETTAH S.O <600014>
Counter No:1,11/10/2021,13:46
To:THE PRINCIPAL SECRETARY..
PIN:600009, Fort St George S.O
From:ASHWINI VAIDIALINGAM,ADVOCATE
Wt:130gms
Amt:55.00(Cash)
<Track on www.indiapost.gov.in>
<Dial 18002668868> <Wear Masks, Stay Safe>

Chennai, Tamil Nadu – 600 009.
forsec@tn.gov.in; Ph. No. 044-25671511

4. Additional Chief Secretary
To Govt. of Tamil Nadu,
Rural Development & Panchayat Raj
Department,
Govt. Secretariat,
Fort St. George,
Chennai, Tamil Nadu – 600 009.
drd@tn.nic.in; Ph. No. 044- 24344624
5. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu – 600 032.
tnpcb-chn@gov.in; Ph. No. - 044 2235 3076
6. Director,
Rural Development
& Panchayat Raj Department
Govt. Secretariat,
Fort St. George,
Chennai, Tamil Nadu – 600 009
drd@tn.nic.in; Ph. No.: 044-24323794
7. Engineer-In-Chief
Water Resource Organization
And Chief Engineer (General)
Public Works Department
eicwrdsn@gmail.com; Ph. No.: 044-28410402

RT259079227IN IVR:8284259079227
RL ROYAPETTAH S.O <600014>
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<Dial 18002666868> <Wear Masks, Stay Safe>



RT259079346IN IVR:8284259079346
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Counter No:1,11/10/2021,13:46
To:THE CHAIRMAN,,
PIN:600032, Guindy Industrial Estate S.O
From:ASHWINI VAIDIALIGAM,ADVOCATE
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Counter No:1,11/10/2021,13:46
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Counter No:1,11/10/2021,13:46
To:ENGINEER IN CHIEF,,
PIN:600005, Tiruvallikeni S.O
From:ASHWINI VAIDIALIGAM,ADVOCATE
Wt:130gms
Amt:55.00(Cash)
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>

RT259079275IN IVR:8284259079275
RL ROYAPETTAH S.O <600014>
Counter No:1,11/10/2021,13:46
To:THE DISTRICT COLLECTOR,,
PIN:603001, Chengalpattu HD
From:ASHWINI VAIDIALIGAM,ADVOCATE
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Amt:55.00(Cash)
<Track on www.indiapost.gov.in>
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Wt:130gms
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<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

Original Application No.113 of 2021 (SZ)

Tribunal on its own motion Suo Motu
Based on the news item published in
The Times of India Newspaper, Chennai Edition,
Dated 27.04.2021, under the caption
"Dumping of garbage in Thalambur Lake:
Locals write to District Collector"

...Applicant

Versus

The Principal Secretary to Government,
Public Works Department, Govt. Secretariat,
Fort St. George, Chennai – 600 009 and Others

...Respondent(s)

S. No	Description	Page No.
1.	INSPECTION REPORT OF THE JOINT COMMITTEE ON BEHALF OF THE 4 TH RESPONDENT – TAMIL NADU POLLUTION CONTROL BOARD	1 – 4

**Filed by
Thiru.
Advocate, Chennai.**

INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF O.A No.113 of 2021 TAKEN UP AS SUO MOTU BASED ON THE NEWS PAPER REPORT PUBLISHED IN THE TIMES OF INDIA NEWSPAPER CHENNAI EDITION, DATED 27.04.2021 UNDER THE CAPTION "DUMPING OF GARBAGE IN THALAMBUR LAKE: LOCALS WRITE TO DISTRICT COLLECTOR".

The Hon'ble National Green Tribunal (NGT), Southern Zone(SZ), Chennai has taken up suo motu based on the news paper report published in the Times of India, Chennai edition datted 27.04.2021 under the caption "dumping of garbage in Thalambur Lake: Locals write to District Collector"vide O.A.no. 113 of 2021. The Hon'ble NGT(SZ) in its order dated 21.05.2021 in Original Application No.113 of 2021 has stated the following:

" In order to ascertain the genuineness of the allegations made in the newspaper report, we feel it appropriate to appoint a Joint Committee comprising of (1) the District Collector, Chengalpet District or a Senior Officer not below the rank of Revenue Divisional Officer/Sub Divisional Magistrate as deputed by the District Collector, (2) the Superintending Engineer of Public Works Department & Water Resource Organization who is in charge of that area and (3) a Senior Officer from the Tamil Nadu Pollution Control Board deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

If it is found that there is any garbage dumped there, they are directed to ascertain the quantum of legacy waste, who is responsible for the same and assess environmental compensation, if any damage has been caused to the water body.

The committee is also directed to ascertain the quality of water by taking samples from the water body and analyze to find out as to whether any contamination has been caused to the water in the water body. If any contamination found, then they are directed to suggest the remedial measures to be taken to restore the water quality to its original position.

The committee is also directed to ascertain as to whether the direction of the Principal Bench of National Green Tribunal in O.A. No.606 of 2018 regarding the implementation of the Solid Waste Management Rules, 2016 is being strictly implemented in the 6th respondent panchayat and if not, what is the nature of action taken by the regulators to implement the same.

The committee is directed to submit a report to this Tribunal on or before 30.06.2021 by e-filing".

In due compliance of the directions of the Hon'ble National Green Tribunal (SZ), the Joint Committee as constituted by the Hon'ble Tribunal has carried out inspection in the area in question on 24.07.2021 and observed as follows:-

Observations made by the Committee during inspection

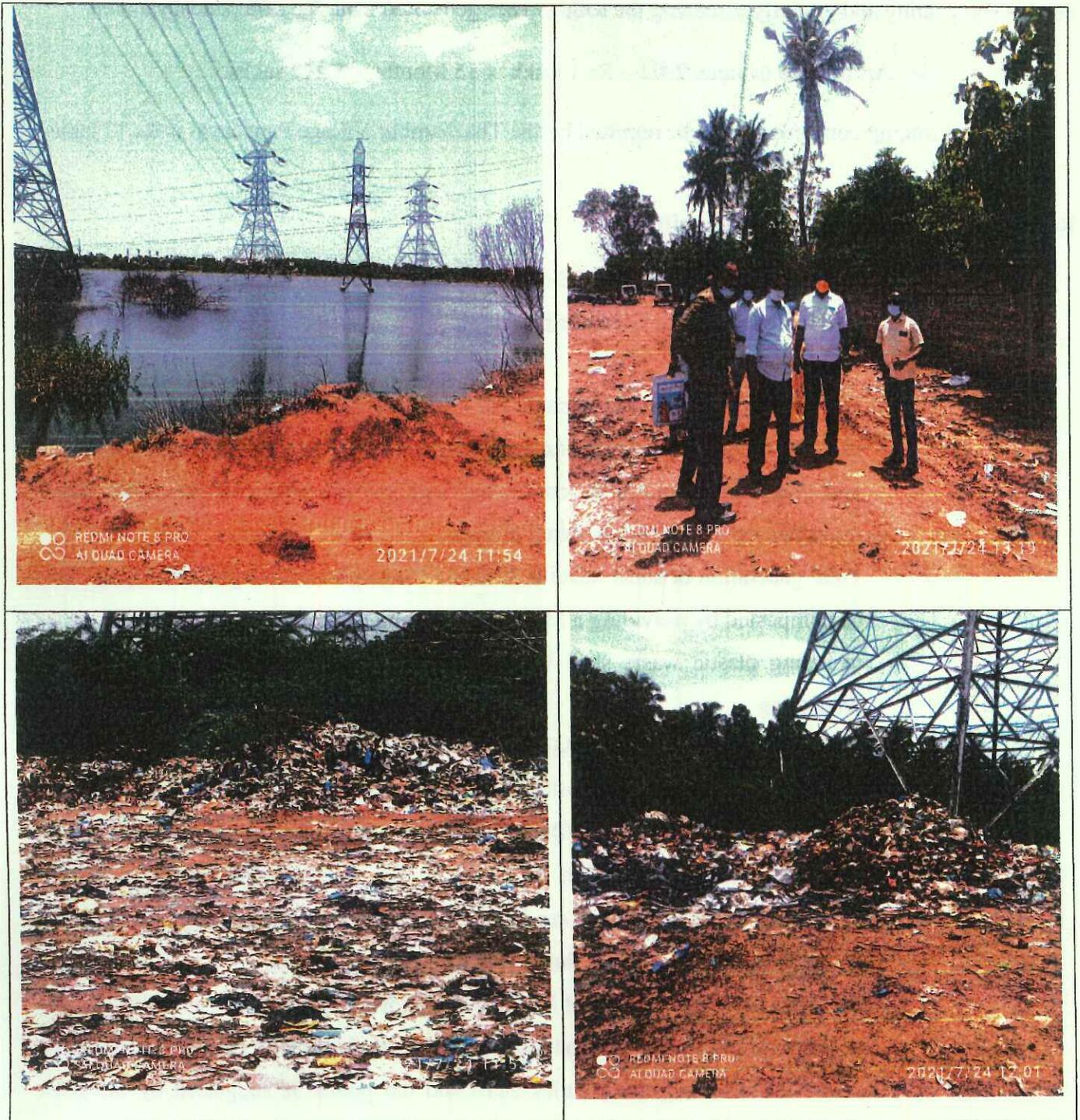
- i) Thalambur Lake is located in Thalambur Village, Vandalur Taluk, Chengalpattu District in an extent of 93.15 Acres
- ii) The said lake is surrounded by road & residences of Mullai Nagar in the Eastern side, Vacant Government Land in the Western side, road & residences of Jaibheem Nagar and Karanai Periya Eri on the Northern side, road & residences in the Southern side..
- iii) No discharge of sewage into the said Lake from the residences located nearby
- iv) No discharge of industrial effluent into the said lake
- v) Municipal solid waste of about 3 Tonnes was found dumped in the western side of the lake in an extent of 50 cents of Government land in Survey no. 80/4 of Thalambur Village by the Thalambur Village Panchayat which is at a distance of 25m away from the lake boundary..
- vi) It was informed by the said Village Panchayat that the solid waste generated from the village panchayat area is being dumped in the said area in question and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month.
- vii) Samples of Lake water was collected on 24.07.2021 i.e during the time of inspection and sent to the District Environmental Laboratory, TNPCB, Maraimalai Nagar for analysis.
- viii) It was informed by the said local body that the strengthening of bunds of the Lake and deepening of the lake work was carried out with the help of an NGO – Care Earth Trust during 2018 and the said lake is maintained by Water Resource Department.

Details on the Solid Waste Management by Thalambur Village Panchayat

1. **Location of the Lake:** Thalambur – Survey No 73 (12.839465°, 80.211216°)
2. **Total Area of the Thalambur Lake:** 93.15 Acres
3. **Total Area of the Thalambur Village Panchayat :** 12.0 Sq Km
4. **Total Population of the Thalambur Village Panchayat :** 16200 Nos.
5. **Total Household of the Panchayat :** 8340 Nos.
6. **No of Wards:** 6 Nos
7. **Generation of total Solid Waste in the Panchayat area:** 3.00 MT/day
8. **Collection Mechanism:** 7 Pushcarts, 2 Tractors with 19 sanitary Workers.
9. **Presently Solid Waste at dumping Yard:** 3.00 MT
10. **Present method of collection and disposal:**

Presently the waste collected from the Village Panchayat area is being collected by Panchayat sanitary workers using 7 Pushcarts and 2 Tractors deploying 19 sanitary workers and which is being dumped in the western side of the lake in the Government land Survey no. 73 (12.839465°, 80.211216°) at a distance of 25m from the lake boundary and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month.

Photographs taken during Joint Committee Inspection



Status of Compliance of directions of Hon'ble NGT(PB), Delhi in OA No.606 of 2018

Also, it is submitted that the Hon'ble National Green Tribunal (Principal Bench) in its order dated 28.02.2020 in O.A.No.606 of 2018 vide para 41 (a) has directed that in view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and Tribunal to comply with Solid Waste Management Rules, 2016 interim compensation scale is to be laid down for continued failure after 31.03.2020. Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance and vide para 41 (b) has directed that not commenced the legacy waste remediation process, the interim compensation of Rs.1 lakh per month to be paid by the local bodies having population less than 5 lakhs from 01.04.2020 till compliance

In view of the above, as the population of the Thazhambur Village Panchayat as on date is about 16,200, the Interim Compensation to the Thazhambur Village Panchayat to be levied is calculated as follows

For not segregating and properly disposing the solid wastes generated from the said panchayat area

- April, 2020 to June, 2021 – Rs.1 Lakh x 15 Months = Rs.15 lakhs.

The total interim compensation to be remitted by the Thazhambur Village Panchayat is Rs.15 lakhs.

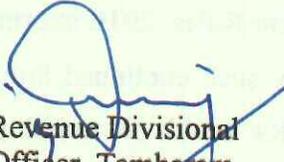
Recommendations of the Joint Committee:

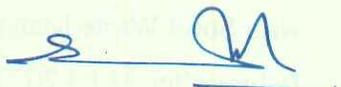
The Joint Committee has suggested the following recommendations in the above said subject matter before the Hon'ble National Green Tribunal:

- i. The said village panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016 within 3 months.
- ii. Total generation of solid waste is 3.00 MT. Segregated Biodegradable waste shall be composted by providing a Micro Composting Centre and non degradable waste including plastic waste shall be collected and sent to cement factories for co processing
- iii. The local body shall provide Micro composting centre to handle the bio degradable waste generated within their village panchayat area within 3 months.
- iv. The Secretary, Thalambur Village Panchayat shall monitor and ensure that the local body is complied with the statutory requirements and for the scientific disposal of solid waste that are being generated in the local body. Furthermore ensure that no solid waste is dumped in the said water body .
- v. Tamil Nadu Pollution Control Board shall conduct periodical inspection of the site in question and ensure that the local body is complying with the provisions of the Solid Waste Management Rules 2016 and the points as suggested by the Joint Committee.
- vi. The said village panchayat shall remit the Environmental Compensation of Rs. 15 Lakhs for non- compliance of the Solid Waste Management Rules,2016 as directed by the Hon'ble National Green Tribunal (Principal Bench) in OA No. 606 of 2018.


District Environmental
Engineer, Tamil Nadu
Pollution Control
Board,
Maraimalai Nagar


Executive Engineer,
Water Resource
Department, Lower
Palar Basin Division,
Kancheepuram.


Revenue Divisional
Officer, Tambaram,
Chengalpet District.


District Collector,
Chengalpattu
District

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE, CHENNAI.

Original Application No.113 OF 2021 (SZ)

Tribunal on its own motion Suo Motu
Based on the news item published in
The Times of India Newspaper, Chennai Edition,
Dated 27.04.2021, under the caption
"Dumping of garbage in Thalambur Lake:
Locals write to District Collector"

...Applicant

Versus

The Principal Secretary to Government,
Public Works Department, Govt.
Secretariat, Fort St. George,
Chennai – 600 009 and Others

...Respondent(s)

INSPECTION REPORT OF THE JOINT
COMMITTEE ON BEHALF OF THE
4TH RESPONDENT – TAMIL NADU
POLLUTION CONTROL BOARD

Advocate for Respondent: TNPCB
Thiru.
Advocate, Chennai.

Date: 12.08.2021

Date of Hearing: 16.04.2021



01/10/21 12:21 pm

Thazhambur, Tamil Nadu, India.

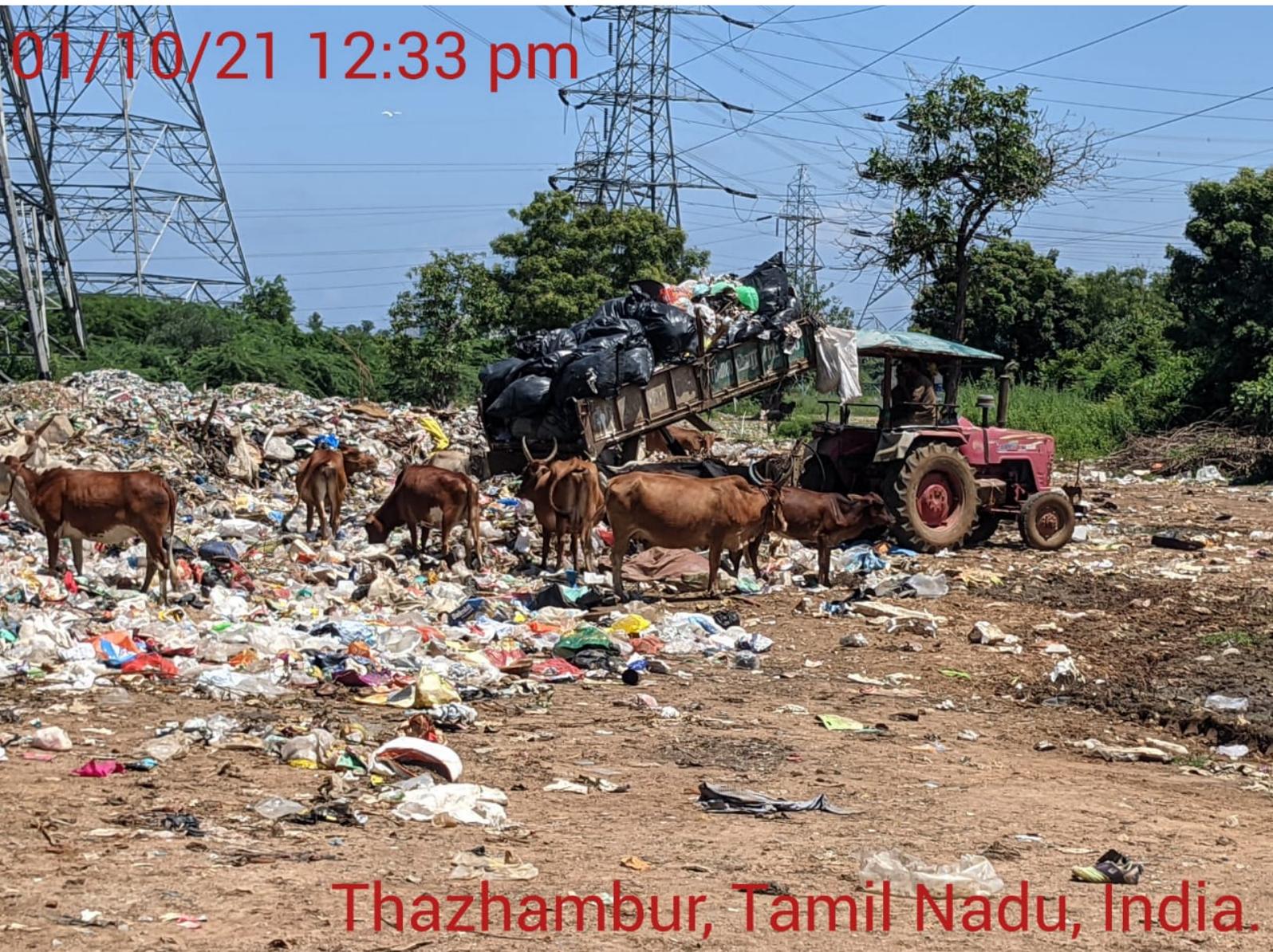


01/10/21 12:32 pm

Thazhambur, Tamil Nadu, India.



Thazhambur, Tamil Nadu, India.



01/10/21 12:33 pm

Thazhambur, Tamil Nadu, India.



01/10/21 12:33 pm

Thazhambur, Tamil Nadu, India.

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

**Original Application No. 133 of 2021 (SZ)
&
Original Application No. 113 of 2021 (SZ)**

Suo Moto – 'VCK leader joins chorus against
Illegal dumping of medical waste'

-Vs-

The Chief Secretary to Govt. of Tamil Nadu
Govt. Secretariat, Fort St. George
Chennai – 600 009 and Ors

...Respondents

With

Tribunal on its own motion-SUO MOTU
Based on the News item published in the Times
of India Newspaper Chennai Edition, dated 27.04.2021,
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Govt Secretariat, Fort St. George
Chennai – 600 009 & Ors

...Respondents

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1.	REPORT FILED ON BEHALF OF THE RESPONDENT - TAMIL NADU POLLUTION CONTROL BOARD	1- 6

**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI

Original Application No. 133 of 2021 (SZ)
&
Original Application No. 113 of 2021 (SZ)

Suo Moto – 'VCK leader joins chorus against
Illegal dumping of medical waste'

-Vs-

The Chief Secretary to Govt. of Tamil Nadu
Govt. Secretariat, Fort St. George
Chennai – 600 009 and Ors

... Respondents

With

Tribunal on its own motion-SUO MOTU
Based on the News item published in the Times
of India Newspaper Chennai Edition, dated 27.04.2021,
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Locals write to District Collector'

-Vs-

The Principal Secretary to Government
Public Works Department
Govt Secretariat, Fort St. George
Chennai – 600 009 & Ors

... Respondents

REPORT FILED ON BEHALF OF THE RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Sarasavani, Daughter of Thiru. Raghavan, Hindu, aged about 56 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, and I am filing this Report on behalf of the Respondent, Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per the records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) has passed order dt.25.06.2021 directed as follows:

Abu 21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

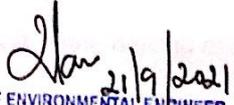
" The Tamil Nadu Pollution control Board (TNPCB) and the District Collectors of Chengalpattu and kancheepuram District as well as the Pollution Control Board are directed to file their independent reports regarding the allegations made in the newspaper reports in their respective areas of their jurisdiction and the manner in which the bio-medical waste is generated in that area is being dealt with by the generators and if there is any, what is the nature of taken by them against such violators etc.,

ACTION TAKEN ON THE NEWS REPORT PUBLISHED IN THE TIMES OF INDIA DATED 08.06.2021 "VCK LEADER JOINS CHORUS AGAINST ILLEGAL DUMPING OF MEDICAL WASTE'

3. It is respectfully submitted that the in pursuance to the said NGT order dt.25.06.2021, the said area was inspected by the DEE, TNPCB, Maraimalai Nagar along with Padur Village Panchayat Secretary on 08.06.2021 and noticed that Solid waste along with Bio-Medical Waste was found dumped in a private patta open land near XS real Apartment-Helios City, Padur Village, Tiruporur Taluk, Chengalpattu District and the said site falls under the Administrative Jurisdiction of the Commissioner/BDO, Tiruporur Panchayat Union, Tiruporur, Chengalpattu District. About 41 Kg of Bio-Medical Waste dumped in the said area was segregated from the solid waste, collected in plastic bags and sent to M/s. GJ Multicalve India Pvt Ltd for further treatment and disposal. The other solid waste found in the said site was removed by Padur Village Panchayat by their dedicated vehicle.

Further, it is reported that the vicinity of the area was inspected and found that there are 3 Nos. of Bedded Health Care Facilities and 10 Nos. of Non-bedded Health Care Facilities in operation. All the bedded and non- bedded HCFs has obtained consent of the TNPC Board / authorization under BMW Rules, 2016.

4. It is respectfully submitted that the Padur Village Panchayat with a population of 5710 Nos. generates solid waste of about 2 T/day and is not having


21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

solid waste processing facility for handling the solid waste generated in their Village Panchayat area.

5. It is respectfully submitted that, an amount of Rs.16 lakhs has been assessed as an interim environmental compensation for a period of 16 months (from April 2020 to July 2021) to the Padur Village Panchayat for not segregating and not properly disposing the solid wastes generated from the said panchayat area and not complying with the provisions of Solid Waste Management Rules, 2016 in pursuance to the Hon'ble NGT (PB) order dated 28.02.2020 & 02.07.2020 in O.A.No.606 of 2018.

6. It is respectfully submitted that the TNPCB has issued show cause notice under Section 5 of the Environment Protection Act, 1986, to the Secretary, Padur Village Panchayat vide Proceeding dated 17.08.2021 as to why the Board shall not levy an Interim Environmental Compensation of Rs.16 Lakhs (from April 2020 to July 2021) for not properly carrying out the implementation of the Solid Waste Management Rules, 2016.

ACTION TAKEN ON THE NEWS REPORT PUBLISHED IN THE TIMES OF INDIA DATED 08.06.2021 " ACTIVIST THIRU. PUGALVENTHAN VISITED A SPOT IN MEVALARKUPPAM NEAR SRIPERUMBUDUR".

7. It is respectfully submitted that the said site was inspected by the DEE, Sriperumbudur on 09.06.2021 and it was found that the municipal solid waste generated in the said area was dumped in the Mevalarkuppam Village, Sriperumbudur Taluk, Kancheepuram District along with some of the used masks and in this regard, the Block Development Officer, Sriperumbudur Panchayat Union was instructed to take immediate action to remove the said municipal solid wastes dumped in that area.

8. It is further submitted that in order to prevent the illegal dumping of solid waste by the public in the said area, the Board vide letter dated 17.08.2021 has instructed the Block Development Officer, Sriperumbudur Taluk to comply with the following and to furnish the action taken/status report to the Board within a fortnight,

Har 21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

- i. The Sriperumbudur Panchayat Union shall apply and obtain authorization as per the Solid Waste Management Rules, 2016 immediately.
- ii. The Sriperumbudur Panchayat Union shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016.
- iii. The Sriperumbudur Panchayat Union shall ensure that no solid wastes are dumped further within its jurisdiction.

ACTION TAKEN ON THE NEWS REPORT PUBLISHED IN THE NEW INDIA EXPRESS DATED 19.06.2021 UNDER THE CAPTION "BIOMEDICAL WASTE DUMPED IN RESIDENTIAL ZONE IN CHENNAI; NEAR THE ROAD TO THE DLF HOUSING COMPLEX AT THALAMBUR IN THE SUBURBS OF SOUTH CHENNAI

9. It is respectfully submitted that the said site was inspected by the DEE, TNPCB, Maraimalai Nagar on 19.06.2021 and it was noticed that used gloves of about 5 Kg was found dumped in the said area in question. The gloves were collected and handed over to M/s. G.J. Multicalve India Pvt Ltd for further treatment and disposal. Also, the surrounding area adjacent to the area in question was inspected on 23.06.2021 and reported that there are 13 Nos. of Non-bedded HCFs and 1 No. of Bedded HCF in operation. Further, it was reported that, out of 13 Nos. of non-bedded HCFs, the following HCFs are operating without one-time authorization under BMW Rules, 2016 in the Thalambur area:

- i. M/s. Apollo Diagnostic Centre, No.19, Pudhupakkam Main Road, Chengalpattu District -603 103.
- ii. M/s Smile Dentistree Dental Clinic, Yashwanth Complex, No.19, Chengalpattu District -603 103
- iii. M/s. JO Clinic, No.918, Shop No.2, Hanuman Nagar, Siruseri Main Road, Thalambur Koot Road, Chengalpattu District- 600 130
- iv. M/s Aplite Dental Clinic, No.9, 1st Floor, KVP Complex, Thalambur, Main Road, Chengalpattu District - 600 130

Har 21/6/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

v. M/s. ABC Medical Clinic, 3/139, Pudhupakkam Main Road, Thalambhur, Chengalpattu District -600130

In view of the above, the TNPCB has issued directions for closure and disconnection of power supply under Section 5 of the Environment (Protection) Act, 1986 as amended vide Board Proceeding dated 17.08.2021 to the said 5 Nos. of HCFs (non-bedded) for operating the health care facility without obtaining one-time authorization under the Bio Medical Waste Management Rules, 2016 and also for improper disposal of the bio medical waste generated from their facilities.

10. It is respectfully submitted that the above said 5 Health Care Facilities applied and obtained one-time authorization under Bio-Medical Waste Management Rules, 2016. Hence, the TNPCB has issued revocation of the closure direction and restoration of power supply under Section 5 of the Environment (Protection) Act, 1986 as amended to the HCFs vide Proceeding dated 27.08.2021.

11. It is respectfully submitted that the Thalambur Village Panchayat is having population of 16,200 Nos. and generates solid waste of about 3 T/day from its panchayat area. The said local body is not having solid waste processing facility for handling the solid waste generated in their Village Panchayat area and it is dumped opposite to Srinivasa Nagar, Thazhambhur Village area.

In view of the Hon'ble NGT order in O.A.NO.606 of 2018 (PB), an amount of Rs.16 lakhs has been assessed as an interim environmental compensation for a period of 16 months (from April 2020 to July 2021) to the Thazhambur Village Panchayat for not segregating and properly disposing the solid wastes generated from the said panchayat area and thereby not complying with the provisions of Solid Waste Management Rules, 2016.

In this regard the Board has issued show cause notice under Section 5 of the Environment Protection Act, 1986, vide Board Proceeding dated 17.08.2021 to the Secretary, Thazhambur Village Panchayat as to why the Board shall not levy

21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

an Interim Environmental Compensation of Rs.16 Lakhs (from April 2020 to July 2021) for not properly carrying out the implementation of the Solid Waste Management Rules, 2016.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to take this Report on Record and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

dlan
21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.
BEFORE ME

VERIFICATION-

I, R. Sarasavani, Daughter of Thiru. Raghavan, Working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby submit that the contents of the above report are true to the best of my knowledge through records.

dlan
21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

10/01/20
10/01/20
10/01/20

BEFORE THE NATIONAL GREEN
TRIBUNAL, SOUTHERN ZONE AT
CHENNAI

Original Application No. 133 of 2021 (SZ)
&
Original Application No. 113 of 2021 (SZ)

Suo Moto – 'VCK leader joins chorus
against Illegal dumping of medical waste'

-Vs-

The Chief Secretary to Govt. of Tamil Nadu
Chennai – 600 009 and Ors

... Respondents

With

SUO MOTU Based on the News item
published in the Times of India Newspaper
Chennai Edition, dated 27.04.2021,
under the caption 'Dumping of garbage in
Thalambur Lake Locals write to District
Collector'

-Vs-

The Principal Secretary to Government
Public Works Department
Govt Secretariat, Fort St. George
Chennai – 600 009 & Ors

... Respondents

**REPORT FILED ON BEHALF OF
THE RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD**

Advocate for Respondent No.
Thiru. S. Sai Sathya Jith,
Advocate, Chennai.

Date:21.09.2021.

Date of hearing on:22.09.2020

Item No.8 & 9:-

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.133 of 2021 (SZ)

With

Original Application No.113 of 2021 (SZ) &
I.A. No.116 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

Tribunal on its own motion Suo Motu
Based on the news item published in
The Times of India Newspaper, Chennai Edition,
Dated 27.04.2021, under the caption
“Dumping of garbage in Thalambur Lake:
Locals write to District Collector”

....Applicant (s)

Versus

The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai – 600 009 and Ors.

... Respondent(s)

With

Suo Motu – “VCK leader joins chorus against
Illegal dumping of medical waste”

....Applicant (s)

Versus

The Chief Secretary to Govt. of Tamil Nadu
Govt. Secretariat, Fort St. George,
Chennai – 600 009 and Ors.

... Respondent(s)

O.A. No.133/2021(SZ)

For Applicant (s): Suo Motu by Court.

For Respondent(s): Dr. D. Shanmuganathan for R1 to R7, R9, R10.
Mr. S. Sai Sathya Jith for R8.

O.A. No.113/2021(SZ)

For Applicant (s): Suo Motu by Court.

For Respondent(s): Dr. D. Shanmuganathan for R1 to R3, R5.
Mr. S. Sai Sathya Jith for R4.
Ms. Bhargavi Kannan along with
M/s. Ashwini Vaidialingam for R9 & R10.

Date of hearing: 22.09.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

ORDER

1. The above cases have been Suo Motu registered by this Tribunal on the basis of the different newspaper reports regarding illegal dumping of medical waste and also dumping of garbage in Thazhambur Lake. This Tribunal had appointed a Joint Committee to go into the issue and submit a report.
2. The Joint Committee has filed a report in O.A. No.113/2021 dated Nil, e-filed on 01.09.2021 and received on 02.09.2021 which reads as follows:-

"INSPECTION REPORT OF THE JOINT COMMITTEE
CONSTITUTED BY THE HON'BLE NATIONAL GREEN

TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF O.A No.113
of 2021 TAKEN UP AS SUO MOTU BASED ON THE NEWS
PAPER REPORT PUBLISHED IN THE TIMES OF INDIA
NEWSPAPER CHENNAI EDITION, DATED 27.04.2021
UNDER THE CAPTION "DUMPING OF GARBAGE IN
THALAMBUR LAKE: LOCALS WRITE TO DISTRICT
COLLECTOR

The Hon'ble National Green Tribunal (NGT), Southern Zone(SZ), Chennai has taken up suo motu based on the news paper report published in the Times of India, Chennai edition datted 27.04.2021 under the caption "dumping of garbage in Thalambur Lake: Locals write to District Collector" vide O.A. No. 113 of 2021. The Hon'ble NGT(SZ) in its order dated 21.05.2021 in Original Application No.113 of 2021 has stated the following:

" In order to ascertain the genuineness of the allegations made in the newspaper report, we feel it appropriate to appoint a Joint Committee comprising of (1) the District Collector, Chengalpet District or a Senior Officer not below the rank of Revenue Divisional Officer/Sub Divisional Magistrate as deputed by the District Collector, (2) the Superintending Engineer of Public Works Department & Water Resource Organization who is in charge of that area and (3) a Senior Officer from the Tamil Nadu Pollution Control Board deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

If it is found that there is any garbage dumped there, they are directed to ascertain the quantum of legacy waste, who is responsible for the same and assess environmental compensation, if any damage has been caused to the water body.

The committee is also directed to ascertain the quality of water by taking samples from the water body and analyze to find out as to whether any contamination has been caused to the water in the water body. If any contamination found, then they are directed to suggest the remedial measures to be taken to restore the water quality to its original position.

The committee is also directed to ascertain as to whether the direction of the Principal Bench of National Green Tribunal in O.A. No,606 of 2018 regarding the implementation of the Solid Waste Management Rules, 2016 is being strictly implemented in the 6th respondent panchayat and if not, what is the nature of action taken by the regulators to implement the same.

The committee is directed to submit a report to this Tribunal on or before 30.06.2021 by e filing".

In due compliance of the directions of the Hon'ble National Green Tribunal (SZ), the Joint Committee as constituted by the Hon'ble Tribunal has carried out inspection in the area in question on 24.07.2021 and observed as follows:

Observations made by the Committee during inspection

- i) Thalambur Lake is located in Thalambur Village, Vandalur Taluk, Chengalpattu District in an extent of 93.15 Acres
- ii) The said lake is surrounded by road & residences of Mullai Nagar in the Eastern side, Vacant Government Land in the Western side, road & residences of Jaibheem Nagar and Karanai Periya Eri on the Northern side, road & residences in the Southern side.
- iii) No discharge of sewage into the said Lake from the residences located nearby
- iv) No discharge of industrial effluent into the said lake
- v) Municipal solid waste of about 3 Tonnes was found dumped in the western side of the lake in an extent of 50 cents of Government land in Survey no. 80/4 of Thalambur Village by the Thalambur Village Panchayat which is at a distance of 25m away from the lake boundary.

vi) It was informed by the said Village Panchayat that the solid waste generated from the village panchayat area is being dumped in the said area in question and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month.

vii) Samples of Lake water was collected on 24.07.2021 i.e during the time of inspection and sent to the District

Environmental Laboratory, TNPCB, Maraimalai Nagar for analysis.

vii)It was informed by the said local body that the strengthening of bunds of the Lake and deepening of the lake work was carried out with the help of an NGO-Care Earth Trust during 2018 and the said lake is maintained by Water Resource Department.

Details on the Solid Waste Management by Thalambur Village Panchayat

1.Location of the Lake: Thalambur - Survey No 73 (12.839465°, 80.211216°)

2. Total Area of the Thalambur Lake: 93.15 Acres

3. Total Area of the Thalambur Village Panchayat : 12.0 Sq Km

4. Total Population of the Thalambur Village Panchayat : 16200 Nos.

5. Total Household of the Panchayat : 8340 Nos.

6. No of Wards: 6 Nos.

7. Generation of total Solid Waste in the Panchayat area: 3.00 MT/day

8. Collection Mechanism: 7 Pushcarts, 2 Tractors with 19 sanitary Workers.

9. Presently Solid Waste at dumping Yard: 3.00 MT

10. Present method of collection and disposal:

Presently the waste collected from the Village Panchayat area is being collected by Panchayat sanitary workers using 7 Pushcarts and 2 Tractors deploying 19 sanitary workers and which is being dumped in the western side of the lake in the Government land Survey no. 73 (12.839465°, 80.211216°) at a distance of 25m from the lake boundary and is being transferred to the dumping site at Appur Village, Kattankolathur Block, Chengalpattu District once in a month.

Status of Compliance of directions of Hon'ble NGT(PB), Delhi in OA No.606 of 2018

Also, it is submitted that the Hon'ble National Green Tribunal (Principal Bench) in its order dated. 28.02.2020 in O.A. No.606 of 2018 vide para 41 (a) has directed that in view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and Tribunal to comply with Solid Waste Management Rules, 2016 interim compensation scale is to be laid down for continued failure after 31.03.2020. Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance and vide para 41 (b) has directed that not commenced the legacy waste remediation process, the interim compensation of Rs.1 lakh per month to be paid by the local bodies having population less than 5 lakhs from 01.04.2020 till compliance

In view of the above, as the population of the Thazhambur Village Panchayat as on date is about 16,200, the Interim Compensation to the Thazhambur Village Panchayat to be levied is calculated as follows

For not segregating and properly disposing the solid wastes generated from the said panchayat area

► April, 2020 to June, 2021 – Rs.1 Lakh x 15 Months = Rs. 15 lakhs.

The total interim compensation to be remitted by the Thazhambur Village Panchayat is Rs. 15 lakhs.

Recommendations of the Joint Committee:

The Joint Committee has suggested the following recommendations in the above said subject matter before the Hon'ble National Green Tribunal:

i. The said village panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016 within 3 months.

ii. Total generation of solid waste is 3.00 MT. Segregated Biodegradable waste shall be composted by providing a Micro

Composting Centre and non degradable waste including plastic waste shall be collected and sent to cement factories for co processing

iii. The local body shall provide Micro composting centre to handle the bio degradable waste generated within their village panchayat area within 3 months.

iv. The Secretary, Thalambur Village Panchayat shall monitor and ensure that the local body is complied with the statutory requirements and for the scientific disposal of solid waste that are being generated in the local body. Furthermore ensure that no solid waste is dumped in the said water body.

v. Tamil Nadu Pollution Control Board shall conduct periodical inspection of the site in question and ensure that the local body is complying with the provisions of the Solid Waste Management Rules 2016 and the points as suggested by the Joint Committee.

vi. The said village panchayat shall remit the Environmental Compensation of Rs. 15 Lakhs for non-compliance of the Solid Waste Management Rules, 2016 as directed by the Hon'ble National Green Tribunal (Principal Bench) in OA No. 606 of 2018."

3. The Tamil Nadu Pollution Control Board has filed a consolidated report covering all these issues signed on 21.09.2021, e-filed on 22.09.2021 and received on the same date which reads as follows:-

"REPORT FILED ON BEHALF OF THE RESPONDENT TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Sarasavani, Daughter of Thiru. Raghavan, Hindu, aged about 56 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely stats as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, and I am filing this Report on behalf of the Respondent, Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per the records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) has passed order dt.25.06.2021 directed as follows:

"The Tamil Nadu Pollution control Board (TNPCB) and the District Collectors of Chengalpattu and kancheepuram District as well as the Pollution Control Board are directed to file their independent reports regarding the allegations made in the newspaper reports in their respective areas of their jurisdiction and the manner in which the bio-medical waste is generated in that area is being dealt with by the generators and if there is any, what is the nature of taken by them against such violators etc.,

ACTION TAKEN ON THE NEWS REPORT
PUBLISHED IN THE TIMES OF INDIA DATED 08.06.2021
"VCK LEADER JOINS CHORUS AGAINST ILLEGAL
DUMPING OF MEDICAL WASTE"

3. It is respectfully submitted that the in pursuance to the said NGT order dt.25.06.2021, the said area was inspected by the DEE, TNPCB, Maraimalai Nagar along with Padur Village Panchayat Secretary on 08.06.2021 and noticed that Solid waste along with Bio-Medical Waste was found dumped in a private patta open land near XS real Apartment-Helios City, Padur Village, Tiruporur Taluk, Chengalpattu District and the said site falls under the Administrative Jurisdiction of the Commissioner/BDO, Tiruporur Panchayat Union, Tiruporur, Chengalpattu District. About 41 kg of Bio-Medical Waste dumped in the said area was segregated from the solid waste, collected in plastic bags and sent to M/s. GJ Multicalve India Pvt Ltd for further treatment and disposal. The other solid waste found in the said site was removed by Padur Village Panchayat by their dedicated vehicle.

Further, it is reported that the vicinity of the area was inspected and found that there are 3 Nos. of Bedded Health Care Facilities and 10 Nos. of Non-bedded Health Care Facilities in operation. All the bedded and non-bedded HCFs has obtained consent of the TNPC Board / authorization under BMWM Rules, 2016.

4. It is respectfully submitted that the Padur Village Panchayat with a population of 5710 Nos. generates solid waste of about 2 T/day and is not having solid waste processing facility for handling the solid waste generated in their Village Panchayat area.

5. It is respectfully submitted that, an amount of Rs. 16 lakhs has been assessed as an interim environmental compensation for a period of 16 months (from April 2020 to July 2021) to the Padur Village Panchayat for not segregating and not properly disposing the solid wastes generated from the said panchayat area and not complying with the provisions of Solid Waste Management Rules, 2016 in pursuance to the Hon'ble NGT (PB) order dated 28.02.2020 & 02.07.2020 in O.A.No.606 of 2018.

6. It is respectfully submitted that the TNPCB has issued show cause notice under Section 5 of the Environment Protection Act, 1986, to the Secretary, Padur Village Panchayat vide Proceeding dated 17.08.2021 as to why the Board shall not levy an Interim Environmental Compensation of Rs. 16 Lakhs (from April 2020 to July 2021) for not properly carrying out the implementation of the Solid Waste Management Rules, 2016.

ACTION TAKEN ON THE NEWS REPORT PUBLISHED IN THE TIMES OF INDIA DATED 08.06.2021 " ACTIVIST THIRU. PUGALVENTHAN VISITED A SPOT IN MEVALARKUPPAM NEAR SRIPERUMBUDUR".

7. It is respectfully submitted that the said site was inspected by the DEE, Sriperumbudur on 09.06.2021 and it was found that the municipal solid waste generated in the said area was dumped in the Mevalarkuppam Village, Sriperumbudur Taluk, Kancheepuram District along with some of the used masks and in this regard, the Block Development Officer, Sriperumbudur

Panchayat Union was instructed to take immediate action to remove the said municipal solid wastes dumped in that area.

8. It is further submitted that in order to prevent the illegal dumping of solid waste by the public in the said area, the Board vide letter dated 17.08.2021 has instructed the Block Development Officer, Sriperumbudur Taluk to comply with the following and to furnish the action taken/status report to the Board within a fortnight,

i. The Sriperumbudur Panchayat Union shall apply erumbudur Panchayat Union shall apply and obtain authorization as per the Solid Waste Management Rules, 2016 immediately.

ii. The Sriperumbudur Panchayat Union shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016.

iii. The Sriperumbudur Panchayat Union shall ensure that no solid wastes are dumped further within its jurisdiction.

ACTION TAKEN ON THE NEWS REPORT PUBLISHED IN THE NEW INDIA EXPRESS DATED 19.06.2021 UNDER THE CAPTION "BIOMEDICAL WASTE DUMPED IN RESIDENTIAL ZONE IN CHENNAI; NEAR THE ROAD TO THE DLF HOUSING COMPLEX AT THALAMBUR IN THE SUBURBS OF SOUTH CHENNAI

9. It is respectfully submitted that the said site was inspected by the DEE, TNPCB, Maraimalai Nagar on 19.06.2021 and it was noticed that used gloves of about 5 Kg was found dumped in the said area in question. The gloves were collected and handed over to M/s. G.J. Multicalve India Pvt Ltd for further treatment and disposal. Also, the surrounding area adjacent to the area in question was inspected on 23.06.2021 and reported that there are 13 Nos. of Non bedded HCFs and 1 No.of Bedded HCF in operation. Further, it was reported that, out of 13 Nos. of non-bedded HCFs, the

following HCFs are operating without one-time authorization under BMWM Rules, 2016 in the Thalambur area:

i. M/s. Apollo Diagnostic Centre, No.19, Pudhupakkam Main Road, Chengalpattu District -603 103.

ii. M/s Smile Dentistree Dental Clinic, Yashwanth Complex, No. 19, Chengalpattu District -603 103

iii. M/s. JO Clinic, No.918, Shop No.2, Hanuman Nagar, Siruseri Main Road, Thalamburkoot Road, Chengalpattu District-600 130

iv. M/s Aplite Dental Clinic, No.9, 1st Floor, KVP Complex, Thalambhur, Main Road, Chengalpattu District - 600 130

v. M/s. ABC Medical Clinic, 3/139, Pudhupakkam Main Road, Thalambhur, Chengalpattu District -600130

In view of the above, the TNPCB has issued directions for closure and disconnection of power supply under Section 5 of the Environment (Protection) Act, 1986 as amended vide Board Proceeding dated 17.08.2021 to the said 5 Nos. of HCFs (non-bedded) for operating the health care facility without obtaining one time authorization under the Bio Medical Waste Management Rules, 2016 and also for improper disposal of the bio medical waste generated from their facilities.

10. It is respectfully submitted that the above said 5 Health Care Facilities applied and obtained one-time authorization under Bio-Medical Waste Management Rules, 2016. Hence, the TNPCB has issued revocation of the closure direction and restoration of power supply under Section 5 of the Environment (Protection) Act, 1986 as amended to the HCFs vide Proceeding dated 27.08.2021.

11. It is respectfully submitted that the Thalambur Village Panchayat is having population of 16,200 Nos. and generates solid waste of about 3 T/day from its panchayat area. The said local body is not having solid waste processing facility for handling the solid waste generated in their Village Panchayat area and it is dumped opposite to Srinivasa Nagar, Thazhambhur Village area.

In view of the Hon'ble NGT order in O.A.NO.606 of 2018 (PB), an amount of Rs. 16 lakhs has been assessed as an interim environmental compensation for a period of 16 months (from April 2020 to July 2021) to the Thazhambur Village Panchayat for not segregating and properly disposing the solid wastes generated from the said panchayat area and thereby not complying with the provisions of Solid Waste Management Rules, 2016.

In this regard the Board has issued show cause notice under Section 5 of the Environment Protection Act, 1986, vide Board Proceeding dated 17.08.2021 to the Secretary, Thazhambur Village Panchayat as to why the Board shall not levy an Interim Environmental Compensation of Rs. 16 Lakhs (from April 2020 to July 2021) for not properly carrying out the implementation of the Solid Waste Management Rules, 2016.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to take this Report on Record and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice."

4. The respondents 9 & 10 in O.A. No.113/2021 (SZ) have filed a reply statement along with certain documents wherein, they have mentioned that though complaints were made to the District Collector and other officials, no effective steps have been taken and the Hon'ble High Court of Madras in W.P. No.5267 of 2021 and W.P. No.5616 of 2021 granted protection order in respect of the properties in Sy. No.80/4 and 80/6 in Thazhambur Village, Thiruporur Taluk. The respondents 9 & 10 also filed an application I.A. No.127 of 2021 (SZ) in O.A. No.113/2021 (SZ) to amend the name of the 10th respondent as "Adroit Thazhambur

Apartment Owners Association” instead of “Adroit Flat owners Association” and the application is allowed and the name of the 10th respondent is permitted to be amended and **I.A. No.127/2021 (SZ) in O.A. No.113/2021 (SZ)** is disposed of accordingly.

5. The Registry is directed to carry out the amendment in the cause title in O.A. No.113 of 2021 (SZ).
6. Mr. Lieutenant Colonel Ganesan S who wanted to come on record in O.A. No.113/2021 (SZ) as owner of the land where the dumping is being done submitted that he filed an application for impleading, but the office informed that the application is returned for some defect and then he submitted that he will look into that and rectify the mistakes and re-file the same.
7. The report submitted by the Joint Committee shows that they have taken water samples from the lake, but the report is awaited and on getting report, they will file the further report.
8. The learned counsel appearing for some of the private respondents submitted that dumping is being done in a private land which is not permissible and they will have to take steps to remove the same and disposal of the same in accordance with law.
9. The learned counsel appearing for the State Government and also the panchayat submitted that this being a village panchayat, they are finding difficulty with the income derived from by way of tax to meet

these aspects. It may be mentioned here that financial crisis or infrastructure insufficiency should not be a ground for discharging their statutory as well as constitutional mandate of protecting environment. If the panchayat is not having sufficient fund to create facility for disposal, they will have to approach the higher authorities seeking proper redressal for implementation of statutory provisions within their jurisdiction as has been held by the Hon'ble Apex Court in *Municipal Council, Ratlam Vs. Vardichan (1980) 4 SCC 162* which has been repeated by the Hon'ble Apex Court in several cases whenever financial crisis or infrastructure deficiency were pointed in discharging their statutory obligations and held by the Apex Court that it should not stand in the way of discharging their statutory obligation and it is for the Government to look into the issue and provide necessary infrastructure as well as financial support for those purposes.

10. The District Collector, Chengalpattu is also having responsibility under Rule 12 of the Solid Waste Management Rules, 2016, if the local bodies within their jurisdiction are finding difficulty to implement the Solid Waste Management Rules, 2016 effectively and they will have to find out solution for implementing the same in its letter and spirit by providing necessary infrastructure or other support which is required for that purpose.

11. The learned counsel appearing for the Pollution Control Board submitted that as regards the biomedical waste is concerned, they are conducting investigation as to who is responsible for the same and if it is traced out, they will take appropriate steps in co-ordination with the other law enforcing agencies. Further, they also submitted that some of the healthcare units are not having required authorization under the Biomedical Waste Management Rules, 2016 and against them, closure directions have been issued and they applied for the authorization and obtained later. As regards imposition compensation, it is under process. As regards non-implementation of the Solid Waste Management Rules, 2016 is concerned by the concerned panchayat, they have already issued certain directions and they also imposed environmental compensation of Rs.16 Lakhs which the committee report has also taken note of and directed the panchayat to remit the same.

12. The District Collector, Chengalpattu and the concerned local body are directed to file their independent report regarding the implementation of the Solid Waste Management Rules, 2016 within their jurisdiction and what are the steps taken by them for implementation of the same and if there is any gap, they are directed to take further steps in consultation with the higher officials, if there is any infrastructure or other support is required.

13. The Block Development Officer, Thiruporur, Director of Rural Development and Panchayat Raj are directed to look into the issue and provide necessary support, both financial and technical, for the purpose of implementing the Solid Waste Management Rules, 2016 in their panchayat in an effective manner to avoid further complaints being received.

14. The committee as well as the Tamil Nadu Pollution Control Board are directed to consider the objection raised by the respondents 9 & 10 in their reply statement and if the allegations are correct, they are directed to take appropriate steps to prevent the same in future.

15. The District Collector is directed to take steps to shift the dump yard to a different place as contemplated under the Solid Waste Management Rules, 2016 and disposal of the waste in a scientific manner as provided therein instead of dumping the same in a particular place for a period of month or so and thereafter, removing the same to dump yard.

16. The Pollution Control Board is directed to take steps in this regard, apart from the District Collector looking into the issue taking action as provided under Rule 12 of the Solid Waste Management Rules, 2016.

17. The above said officials are directed to submit their respective reports to this Tribunal on or before 27.10.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

18. The Registry is directed to communicate this order to the committee members in both the cases and official respondents including, Tamil Nadu Pollution Control Board, District Collector, Chengalpattu, Block Development Officer, Thiruporur, Director of Rural Development and Panchayat Raj by e-mail immediately so as to enable them to comply with the direction.

19. For consideration of further report, post on 27.10.2021.



सत्यमेव जयते

Sd/-

.....J.M.
(Justice K. Ramakrishnan)

Sd/-

.....E.M.
(Dr. K. Satyagopal)

O.A. No.133/2021 &
O.A. No.113/2021,
22nd September, 2021. Mn.



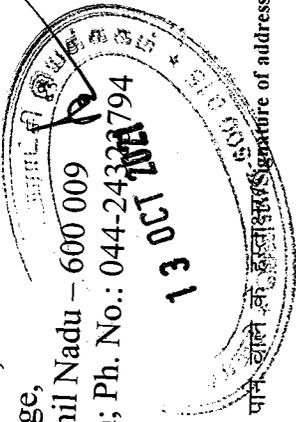
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 Rural Development
 & Panchayat Raj Department
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 d@tn.nic.in; Ph. No.: 044-24322794



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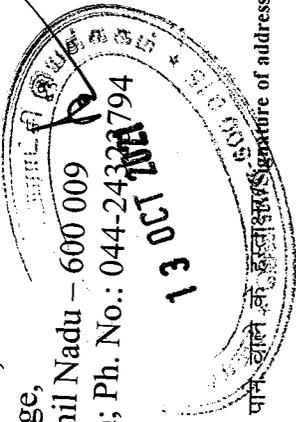
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The Chairman,
 Tamil Nadu Pollution Control Board,
 No.76, Anna Salai, Guindy,
 Chennai, Tamil Nadu - 600 032.
 tnpcb-chn@gov.in; Ph. No. 044-2235 3076



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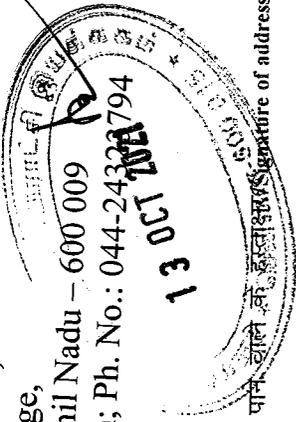
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Additional Chief Secretary
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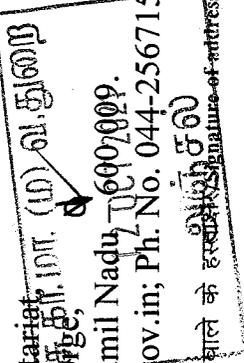
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The Secretary To Govt. of Tamil Nadu,
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 forsec@tn.gov.in; Ph. No. 044-25671511



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Royapettah S.O	11/10/2021 13:28:37	600009	55.00	Registered Letter	Fort St George S.O	12/10/2021 16:20:59

Event Details For : RT259079394IN

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Date	Time	Office	Event
12/10/2021	16:33:13	Fort St George S.O (Beat Number:3)	ITEM DELIVERED Item Delivered [To: PWD (Addressee)]
12/10/2021	16:20:59	Fort St George S.O	Item Delivery Confirmed
12/10/2021	10:41:18	Fort St George S.O	Out for Delivery
12/10/2021	10:00:33	Fort St George S.O	Item Received
12/10/2021	04:42:15	ANNA ROAD 2 CRC	Item Dispatched
12/10/2021	00:04:01	ANNA ROAD 2 CRC	Item Bagged
11/10/2021	19:21:03	ANNA ROAD 2 CRC	Item Received
11/10/2021	17:07:03	Royapettah S.O	Item Bagged
11/10/2021	13:28:37	Royapettah S.O	Item Booked

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Event Details For : RT259079385IN

Current Status : Item Delivery Confirmed

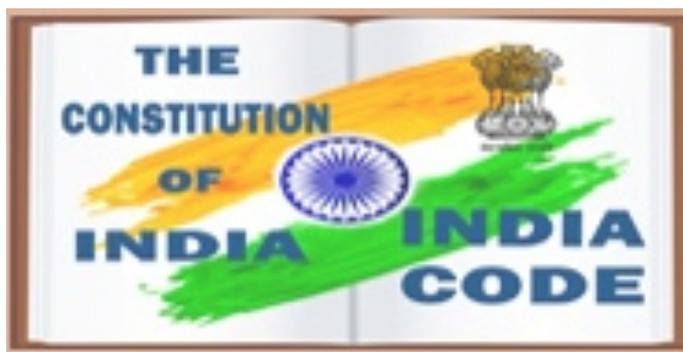
Date	Time	Office	Event
12/10/2021	14:37:58	Tiruvallikeni S.O	Item Delivery Confirmed
12/10/2021	14:01:23	Tiruvallikeni S.O (Beat Number:17)	ITEM DELIVERED Item Delivered [To: PWD WRD DEPT (Addressee)]
12/10/2021	09:44:32	Tiruvallikeni S.O	Out for Delivery
12/10/2021	07:58:17	Tiruvallikeni S.O	Item Received
12/10/2021	04:32:19	ANNA ROAD 2 CRC	Item Dispatched
12/10/2021	01:55:02	ANNA ROAD 2 CRC	Item Bagged
11/10/2021	19:21:03	ANNA ROAD 2 CRC	Item Received
11/10/2021	17:07:03	Royapettah S.O	Item Bagged
11/10/2021	13:28:37	Royapettah S.O	Item Booked

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OA No. 133 of 2021 (SZ) and O.A. No. 113 of 2021 (SZ) - Compliance with the order dated 22.09.2021 of the Hon'ble National Green Tribunal

Ashwini Vaidialingam <ashwini.vaidialingam@gmail.com>

Sat, Oct 9, 2021 at 2:36 PM

To: Shanmuganathan Dharmarajan <dshanmuganathan@outlook.com>, pwdsec@tn.gov.in, forsecc@tn.gov.in, drd@tn.nic.in, tnpcb-chn@gov.in, collr-cpt@nic.in, bdotpr.tnkpm@nic.in, eicwrdrtn@gmail.com, ssjtnpcb@gmail.com
Cc: Bhargavi Kannan <bhargavikannan.adv@gmail.com>, Pracheta Kar <pracheta.kar28@gmail.com>

Ma'am/Sir,

I represent my clients, Arihant Heirloom Flat Owners Association and Adroit Thazhambur Apartment Owners Association.

Please find attached herewith letters on behalf of my clients, the contents of which are self-explanatory.

The link to the video mentioned in Paragraph 12 of the attached letters is once again set out here, for ease of reference:
<https://drive.google.com/file/d/1YnituY9pLONZvtZtpoR23JXWU9OTRif-/view?usp=sharing>

A hard copy of the attached letters, along with all annexures thereto, are being dispatched to you by way of registered post.

Yours Sincerely,

--

Ashwini Vaidialingam | Advocate

No. 1, Jagadambal Colony 2nd Street,
Royapettah, Chennai - 600 014
Mob.: +91 - 9585688571

2 attachments

09.10.2021 - Letter to District Collector.pdf
7786K



09.10.2021 - Letter to the Panchayat.pdf
7771K

O.A. NO. 113 OF 2021 (SZ) - NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI

Ashwini Vaidialingam <ashwini.vaidialingam@gmail.com>

Tue, Oct 26, 2021 at 12:07 PM

To: Shanmuganathan Dharmarajan <dshanmuganathan@outlook.com>, pwdsec@tn.gov.in, forsec@tn.gov.in, drd@tn.nic.in, tnpqb-chn@gov.in, collr-cpt@nic.in, bdotpr.tnkpm@nic.in, eicwrtn@gmail.com, ssjtnpcb@gmail.com

Cc: Bhargavi Kannan <bhargavikannan.adv@gmail.com>, Pracheta Kar <pracheta.kar28@gmail.com>

Sir/Ma'am,

I represent the 9th and 10th Respondents in the captioned matter.

An additional affidavit on behalf of the 9th Respondent to bring additional facts on record is attached herewith, as and by way of service on you.

Thanking you,
Yours Sincerely,Ashwini Vaidialingam
Advocate

[Quoted text hidden]

 **Affidavit with Annexures.pdf**
21835K