

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI

O.A. No.122 of 2023

BETWEEN

R.Kanappan
S/o Rangaiya Gowder,
2/213A, Kilakku Thottam, Illupanatham,
Thimmanur Post, Sirumugai – 641 302,
Mettupalayam Taluk, Coimbatore District.
Email: sairaja1698@gmail.com
Phone: 9095018263

...Applicant

AND

The Chairman,
Tamil Nadu Pollution Control Board and 6 others.
Email: grievance@tnpcb.gov.in
Phone: 044 - 22353076

...Respondents

OBJECTIONS FILED ON BEHALF OF THE APPLICANT

1. It is respectfully submitted that the 7th Respondent unit manufactures button mushroom compost in their unit at Illupanatham Village, which releases bad odour which is intolerable and harmful to the nearby residents of the Illupanatham Village.
2. It is respectfully submitted that an inspection was conducted by the 4th Respondent on 07.05.2023, by visiting the unit of the 7th Respondent and it was found out that the 7th Respondent had been operating his unit without obtaining Consent to Operate under Water Act and subsequently, Closure Order was issued against the 7th Respondent and its power supply was disconnected vide Order dated 17.07.2023, issued by the 1st Respondent. Thereafter, they operated their unit illegally using power generator and hence the Applicant filed the present O.A. No.122 of 2023,

before this Hon'ble Tribunal, seeking to restrain them from operating the unit and further action under environmental laws.

3. However, it is learnt that now the 7th Respondent has obtained has obtained Consent to Operate as Green Category under Water and Air Act, where the 7th was previously categorized as White Category, vide Order dated 07.10.2023, issued by the 4th Respondent and subsequently, the Closure Order dated 17.07.2023 issued against the 7th Respondent was revoked by the 1st Respondent vide Order dated 03.11.2023 and the power connection to the unit has also been restored.
4. It is respectfully submitted that even though the operation of the unit by 7th Respondent has been legalized by the TNPCB authorities, the bad odour still emanates from the unit and the residents of the Illupanatham Village including the Applicant, still suffer from the bad odour being released from the unit run by the 7th Respondent.
5. It is respectfully submitted that the health of the residents of Illupanatham Village including children are being affected by the bad odour, where some of the children of the village, even got admitted and took treatment, due to inhaling the bad odour from the 7th Respondent's continuously. The grievance and agony of the residents are evidenced by the public protests done by them, which was reported in the newspapers. Some of the residents who lived nearby to the 7th Respondent's unit even shifted their residence to elsewhere.

6. It is respectfully submitted that it is evident now that the 7th Respondent has operated his unit from 07.09.2021 to 07.10.2023, without obtaining consent to operate from the TNPCB authorities and that period of more than 2 years, where the 7th Respondent operated his unit, is illegal and due to that illegal operation, the residents nearby to the 7th Respondent's unit, has suffered to a great extent.
7. It is respectfully submitted that the compensation may be imposed against the 7th Respondent for the above said illegal operation of his unit without obtaining Consent to operate and subsequently, the TNPCB authorities may be directed to issue the compensation collected, to the residents of Illupanatham Village, who were affected by the illegal operation of the 7th Respondent.

Therefore, it is prayed that this Hon'ble Tribunal may be pleased to record the objections and pass such other orders as this Hon'ble Tribunal may deem fit in the circumstances of the case thus render justice.

Dated at Chennai on this the 2nd Day of April, 2024



Counsel for Applicant

BEFORE THE NATIONAL GREEN
TRIBUNAL (SZ), CHENNAI

O.A. No.122 of 2023

BETWEEN

R.Kanappan

...Applicant

AND

The Chairman,

Tamil Nadu Pollution Control
Board and 6 others

...Respondents

OBJECTIONS FILED ON BEHALF
OF THE APPLICANT

M/s Pa. Saigovindaraja
(MS 1734/20)

Counsel for Applicant
Cell: 90950 18263