

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

Original Application No.134 of 2017 (SZ)

M.Ravichandran & Others

...Applicant

Vs

1. The Collector,
Dindigul.
And others

... Respondents

**REPORT FILED ON BEHALF OF THE 9ND RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.**

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

REPORT ON DIRECTIONS ISSUED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI ORDER DATED 25.09.2020 FOR THE APPLICATION NO.134 OF 2017 FILED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI FILED BY THIRU.M.RAVICHANDRAN, TMT.R.VIJAYALAKSHMI AND THIRU C.RAJENDRAN OF PALANI, DINDIGUL DISTRICT

It is submitted that Thiru. M. Ravichandran, (1st applicant) Tmt. R.Vijayalakshmi (2nd applicant) and Thriu.C.Rajendran (3rd applicant) of Palani have filed an application vide No.134 of 2017 before Hon'ble NGT, Chennai against discharge of sewage effluent and waste water into their agricultural lands located at S.No 820/1B & 822/1B (1st applicant) S.F.No.820/2B & 822/2B (2nd applicant) and S.F.No 835 (3rd applicant) generated from the **toilets and bathrooms** located in the **Tourist bus stand owned by Arulmigu Dhandayuthapani Swamy Thirukovil, Palani** and also against construction of hotel namely **M/s. S.P. Properties (Kandha Vilas)** near to the applicants agricultural lands. The above application was filed against the following respondents

1. Joint Commissioner,
Arulmigu Dhandayuthapani Swamy Thirukovil,
Palani – 624 601.
2. Commissioner
Sivagiripatty Panchayat,
Palani Taluk
3. Commissioner
Municipal office,
Palani – 624 601.
4. Commissioner
H.R & C.E
Nungambakkam High Road,
Chennai – 600 034.
5. The Secretary,
Local Administration,
Chennai.
6. The Secretary,
Panchayat,
Secretariat,
Chennai.

7. Tahsildar,
Palani
8. Collector,
Dindigul
9. The Chairman,
Tamilnadu Pollution Control Board,
76, Mount Road,
Guindy, Chennai – 32.
10. S. Prema,
W/o. Selvakumar,
Proprietor Sri Kantha Vilas,
175/7, Thiruvalluvar Gurukkusalai,
Anna Nagar,
Palani – 624 601.

The Hon'ble NGT in its order earlier dated 24.08.2017 had directed the following

“It is clear that the construction of hotel is at a preliminary stage and there is absolutely no discharge of any effluent from the hotel being constructed by the 10th and 11th respondents. However, we make it clear that the 10th and 11th respondents shall obtain necessary consent to establish from the Board and only thereafter proceed to construct the same.

Then the unit of **M/s. S.P. Properties**, S.F.No. 819/1B2, 819/3B, 819/4B, 821/1A1, Palani Town, Palani Taluk has obtained consent to establish vide Board's Proc. dated 01.08.2018 with the validity upto 31.03.2023 for the following

1. Double Rooms – 30 Nos
2. Family Rooms – 10 Nos
3. Restaurant seating capacity – 60 Nos

Subsequently, the Hon'ble NGT its order dated 12.12.2019 in O.A.No. 137 of 2017 has passed the following order.

“ To constitute a Joint Committee consisting of District Collector Dindigul, Commissioner, Palani Municipality, the Executive Officer of Sivagiripatti Panchayat and an Officer/ Scientist of Tamil Nadu State Pollution Control Board to look into the matter and inspect the property and submit a report within a period of three months”.

Hon'ble NGT has directed that **Tamil Nadu State Pollution Control Board will be the Nodal Agency for coordination for this purpose and also informed that any other expert has to be included for the purpose of assessment of compensation, deterioration of soil and water quality and for proposing any remedial measures for the same, they are at liberty to co-opt any expert for the purpose.**

Based on the above order TNPC Board, Chennai vide reference 2nd cited has nominated Dr. B. Jeyaraman, (Former Under Secretary, Loss of Ecology Authority) and the District Collector, Dindigul has nominated the Sub Collector, Palani for the above committee.

The Hon'ble NGT in the above order has also directed that joint committee shall look into the matter and inspect the property and submit a report highlighting the following aspects

- a) The present status as to whether any untreated sewage water is being discharged into the properties of the applicants.
- b) Whether it has caused any damage to the property of the applicants.
- c) Whether the Sewage Treatment Plant (STP) has been established with necessary standard and capacity to meet the necessity of treating sewage water considering its waste generation.
- d) To ascertain the polluters who are responsible for the damage caused to the environment.
- e) To ascertain the quality of water that has been discharged from the Sewage Treatment Plant (STP), if any, established by the local authorities.
- f) If there is any discharge that is being done into the proprieties of the applicants, to assess the damage caused to soil if any, and
- g) Assess the environmental compensation caused due to the wrongful act of the polluters.

The committee should submit a factual and action taken report on the basis of the above reference made

If the pollution still continues, or any damage has been caused to soil and water in the property of the petitioners or in the surroundings areas on account of unscientific discharge of the untreated sewage water, then suggest the remedial measures to solve the same and to restore the damage caused to the environment and assess the compensation taking into account, loss of service caused to ecology

and cost restoration. If any damage has been caused loss of yield in the property of the applications, then the compensations and for loss of yield can also be assessed.

As directed by the Hon'ble NGT, joint committee has been formed with following members

| | |
|----|------------------------------------------------------------------------------------------------|
| 1. | Sub Collector, Palani., representing the District Collector, Dindigul |
| 2. | District Environmental Engineer, TNPC Board, Dindigul |
| 3. | Thiru. R.Jeyaraman, Former Under Secretary, Loss of Ecology Authority, Chennai – 600 017 |
| 4. | Commissioner, Palani Municipality, Dindigul District. |
| 5. | Block Development Officer (VP), Palani Panchayat Union, Dindigul District |

Meanwhile, Hon'ble NGT in its latest order dated 25.09.2020 has directed to submit the report on or before 10.11.2020 by e- filing

Accordingly, the members of the joint committee have attended a meeting on 12.10.2020 at the O/o. Sub Collector, Palani and discuss about the issues related to the above court case. Subsequently, joint committee has visited the applicants land on 12.10.2020 along with applicants Thiru. M. Ravichandran and Thiru. C. Rajendran. One more applicant Tmt. R. Vijayalakshmi w/o. M. Rajendran was not available during inspection. Thiru. M. Rajendran was represented on behalf of his wife Tmt. R. Vijayalakshmi.

I. Inspection of tourist bus stand of palani temple and applicant's lands on 12.10.2020 by the committee

First respondent informed the following details to the joint committee

1. First respondent has constructed a bus stand for parking of vehicles for pilgrims and tourists in year 2012 with total extend 4 acres. It has also constructed the rooms, toilets with septic tanks and bathrooms which is located adjacent & northern side of applicant's agriculture lands.

2. Details of bathroom, toilets and dormitory and year of constructions

| Description | Year of construction | Numbers |
|------------------------|----------------------|---------------------|
| Rooms | 2008 | 10 |
| Toilets on east side | 2008 | 20 |
| Bathrooms on east side | 2008 | 20 |
| Toilets on west side | 2015 | 16 |
| Bathrooms on west side | 2015 | 8 |
| Dormitory | 2015 | 4 (75 persons each) |

3. The details of septic tanks provided to treat the sewage generated from toilets is as follows

| Description | Size | Capacity |
|-----------------|-----------------------|-----------------------|
| Septic tank – 1 | 2.40 x 6.50 x 1.80m | 28 .08 m ³ |
| Septic tank – 2 | 2.40 x 6.50 x 1.80m | 28 .08 m ³ |
| Septic tank – 3 | 3.60 x 10.60 x 1.80 m | 68 .68 m ³ |

4. The quantity of generation of sewage from toilets is about 18.0 KLD (36 nos x 50 persons x 10 lit/head)

5. The quantity of generation of sullage is 42.0 KLD (28 x 50 persons x 30 lit/head).

6. First respondent also informed that the usage of toilet and bathrooms is 20 days only in a year (during festival seasons only).

7. Temple authority already constructed the compound wall on south side facing petitioner's land. During inspection, construction of compound wall (damaged portion) is under progress. However, a hole was noticed in the compound wall.

The joint committee noted the following

8. The first respondent has not provided any disposal facility for overflow from septic tank.

9. Waste water from first respondent's rooms is found to discharged into applicants land via compound wall.

10. Sewage & sullage generated by houses, hotels located in the land of second and third respondents is passed through drain owned by first respondents.

11. Samples of stagnated water in the agricultural land owned by Thiru. Sithanathan (nearer to the applicants land) and also water from the open well (not in use) owned by one of applicant Thiru. C. Rajendran were collected and samples were sent to TNPCB lab for analysis.

II. Inspection of the hotel M/s. S.P Properties by the committee

Subsequently the joint committee has inspected the hotel **M/s. S.P Properties** owned by 10th respondent located on south side adjacent of tourist bus stand and near to the applicant's land. During inspection Thiru. V.R. Sampathkumar GM was available. During inspection, following observations were made.

1. Hotel has completed the construction of rooms, restaurants, but it was not in operation. The GM informed that the hotel has not yet started commercially.
2. Hotel has proposed to generate 10.40 KLD of sewage and installed sewage treatment plant (STP) to treat the sewage to be generated from the hotel and same was under operable condition. Since the hotel was not under operation, there was no generation of sewage or any waste water.
3. After treatment of sewage, the unit has proposed to recycle 8.0 KLD of treated sewage for toilet flushing and to utilize 2.40 KLD for gardening within the premises.
4. No discharge of sewage /waste water from the hotel to the applicant's land was noticed.
5. 9th respondent, Board has already instructed the hotel to commission the activities after obtaining Consent to Operate Order (CTO) from the Board.

III. Collection of samples in the applicant's land on 14.10.2020 by the official of TNPCB

Samples of stagnated water (3 no's) were collected by the respondent Board official on 14.10.2020 from each applicant's land in presence of applicants Thiru. M. Ravichandran and Thiru. C. Rajendran. The samples were also sent to laboratory of respondent Board for analysis.

IV. Inspection on 04.11.2020 by the officials of TNPCB

The ninth respondent Board officials inspected the rectification works carried by the first respondent to improve environment on 04.11.2020. During inspection Thiru. Venkatesan, EE, and Thiru. Mari Balaji, AE of first respondent, Arulmigu Dhandayuthapani swamy Thirukovil were available. During inspection, following observations were made

1. Three numbers of dispersion trenches have been provided to dispose the treated sewage from three septic tanks. Temple authority reported that existing dispersion trenches provided before 12 years have been replaced with new dispersion trenches. The details of dispersion trenches is as follows

| Description | Size |
|-----------------------|------------------|
| Dispersion trench - 1 | 20 x 1.0 x 1.0 m |
| Dispersion trench - 2 | 20 x 1.0 x 1.0 m |
| Dispersion trench - 3 | 20 x 1.0 x 1.0 m |

2. Hole/gap below the grade beam of the compound wall facing south side has been filled with earth so as to arrest the discharge of waste water into the applicant's lands.
3. **East west drain** located at back side toilets and bathrooms (west side) has been completely closed and no discharge of sewage/waste water into the applicant's lands.
4. The pipe from where the waste water discharged earlier into the **east west drain** has been repaired and connected to the **north south drain** which ultimately joins the **main public drain** owned by the second respondent Sivagiripatti panchayat.
5. Waste water from second and third respondents (local bodies) is passing through drain of first respondent temple authority was diverted into public drain owned by Sivagiripatti Panchayat.
6. Laying of new pipe line with inspection chambers are under progress to convey the waste water generated from the bathrooms located on east side into **public drain owned by Sivagiripatti panchayat**.

V. Arresting of entry of sewage/waste water into the applicant's lands by implementing the following steps

- a) Dispersion trench to each septic tank has been constructed to dispose the sewage effluent.
- b) Hole/gap below the grade beam of the compound wall facing south side has been filled with earth.
- c) **East west drain** located at back side toilets and bathrooms (west side) has been completely closed.
- d) The pipe from where the waste water discharged earlier into the **east west drain** has been diverted to the **public drain** owned by the local body.
- e) Entry of waste water generated from Sivagiripatti panchayat & Palani municipality has been arrested by constructing a wall in the **drain owned by temple** and diverted into **public drain** owned by Sivagiripatti Panchayat.
- f) Laying of new pipe line with inspection chambers so as to convey the waste water generated from the bathrooms located on east side into **public drain** owned by Sivagiripatti Panchayat.

Regarding levying of environmental compensation for the damage caused to applications land, the joint committee requested the extend of land, type of crop cultivated & others in the applicants land. The Environmental Compensation will be assessed after obtaining the necessary data from concerned authorities. Hence two months time is requested to file the affidavit regarding environmental damage.

Submitted Intermediate report to Hon'ble NGT

INSPECTION OF JOINT COMMITTEE

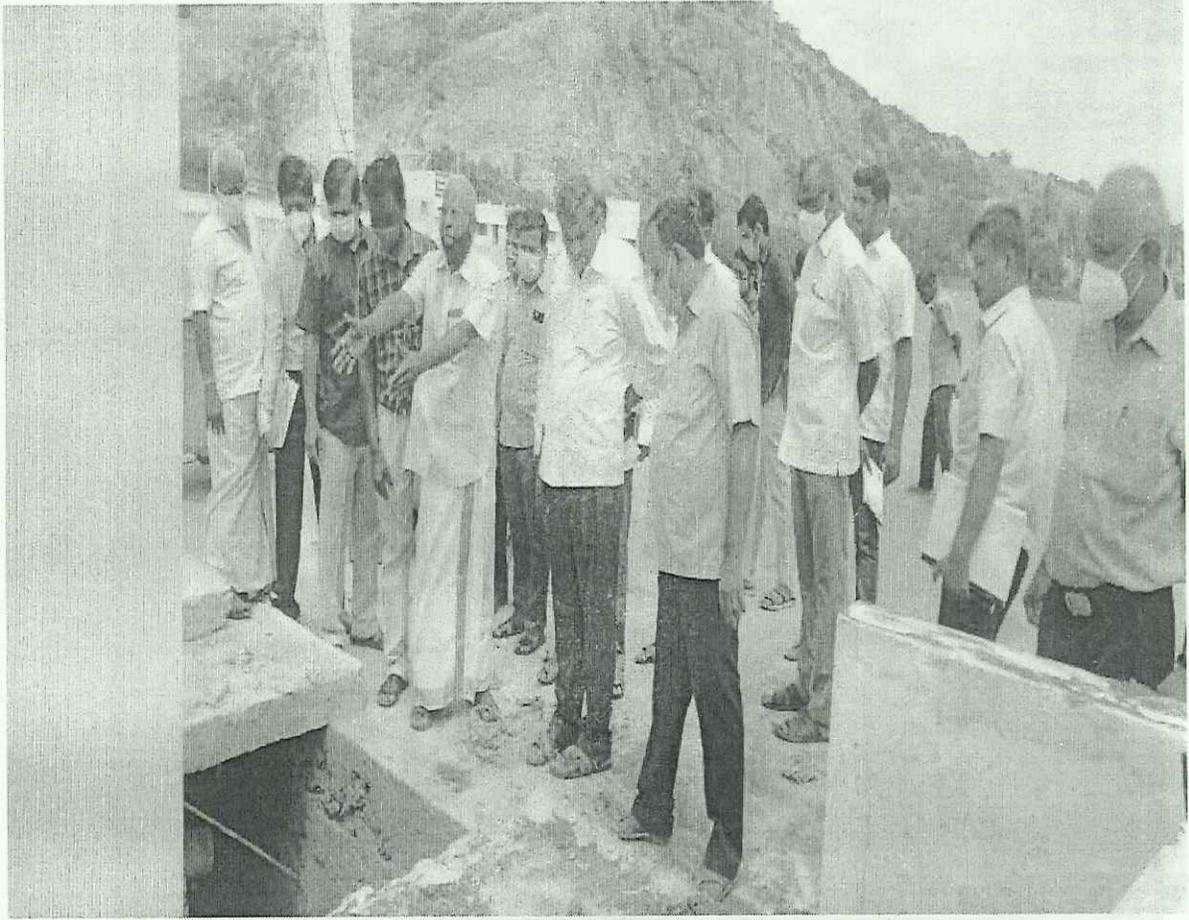












RECTIFICATION WORKS CARRIED OUT

**A. CONSTRUCTION OF DISPERSION TRENCHES
FOR EXISTING SEPTIC TANKS**









B. FILLING OF GAP IN THE COMPOUND WALL



C. CLOSING OF EAST WEST DRAIN





**D. DIVERSION OF PIPE FROM BATHROOMS
(WEST DIRECTION) INTO PUBLIC DRAIN**



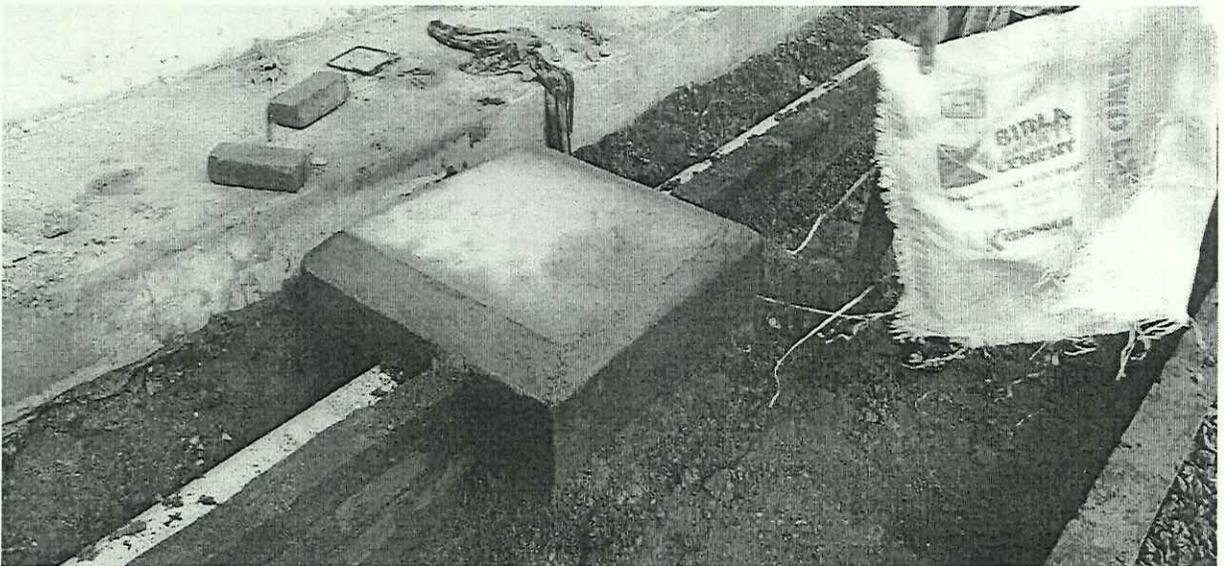
PLACEMENT OF PIPE TO CONVEY WASTE WATER FROM
EAST SIDE BATHROOMS

**D. CONSTRUCTION OF CONCRETE WALL IN THE
DRAIN**



F. LAYING OF PIPE TO CONVEY WASTE WATER FROM EAST SIDE BATHROOMS

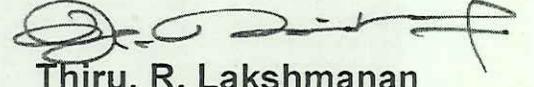




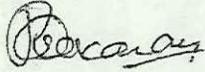
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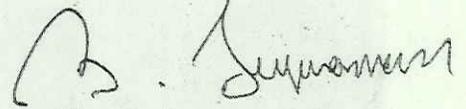
Thiru. K. Nagarajan,
Block Development Officer (VP),
Palani Panchayat Union,
Dindiugl District.



Thiru. R. Lakshmanan
Commissioner,
Palani Municipality,
Dindiugl District



Dr. R.Chandrasekaran
DEE, TNPC Board
Dindigul



Dr.B.Jeyaraman,
Former Under Secretary,
Loss of Ecology Authority,
Chennai



Thiru. A. Ashokan
REVENUE DIVISIONAL OFFICER,
Sub Collector,
Palani,
Dindigul District.

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

Application No. 134 of 2017 (SZ)

M.Ravichandran
& Others

...Applicant

Vs

The Collector,
Dindigul.
& Others

... Respondents

**REPORT FILED ON BEHALF OF THE 9TH
RESPONDENT - TAMIL NADU POLLUTION
CONTROL BOARD**

**Advocate for Respondents No.9
Thiru. Kasirajan
Advocate, Chennai.**

Date: 09.11.2020

