

**JOINT COMMITTEE INSPECTION REPORT AS PER THE HON'BLE**  
**NATIONAL GREEN TRIBUNAL(SZ),CHENNAI**  
**ORDER DATED 07/09/2020 IN O.A.NO.170 OF 2020.**

**Submitted to**  
**Hon'ble National Green Tribunal (SZ)**  
**Chennai**

**November 2020**

1. The first part of the document is a list of names and titles, including the names of the authors and the titles of their works. This list is organized in a structured manner, likely serving as a table of contents or a list of references.

## **1.BACKGROUND:**

The Hon'ble National Green Tribunal has taken up Suo Motu case in O.A. No. 170 of 2020 on the basis of the news published in "The Times of India", Chennai edition dated, 29.08.2020 under the caption "**3 Suburban local bodies turn temple land into dumping yard**".

## **2.ORDERS OF THE HON'BLE TRIBUNAL**

It is respectively submitted that the Hon'ble National Green Tribunal(SZ), Chennai order dated 07.09.2020 in the matter of O.A.No.170 of 2020 directed the following,

9. we feel it appropriate to appoint a Joint Committee comprising of the District Collector, Kanchipuram District or a Senior Officer not below the rank of Assistant Collector or the Sub Divisional Magistrate as designated by the District Collector and a Senior Official/Scientist designated by the Chairman, Tamil Nadu Pollution Control Board to inspect the area in question and submit a factual as well as action taken report, if there is any violation found against the local bodies or the persons responsible for doing such mischief. If there is any legacy waste found in that area, the committee is directed to ascertain the quantity of the legacy waste and what are all the steps taken by the above three local bodies for the proper disposal of the same and what are all the arrangements made between the local bodies for sharing the responsibility of disposal of the waste dumped in that area etc.

10. The committee is also directed to ascertain as to whether the directions given by the Principal Bench of National Green Tribunal, New Delhi in Original Application No.606 of 2018 have been complied with by the above local bodies and if not what is the action taken by the regulating authorities in this regard.

11. Tamil Nadu Pollution Control Board (TNPCB) will be the nodal agency for co-ordination and also for providing necessary logistics for that purpose.

### **3.COMPOSITION OF THE COMMITTEE**

In accordance to Hon'ble Tribunal direction, the following members have been nominated as members of the committee.

1. Er. P. Ravichandran,  
District Environmental Engineer, - Nodal officer  
Tamil Nadu Pollution Control Board,  
Sriperumbudur
2. Thiru. Shankara Subramanian,  
Additional Director, - Member  
Advanced Environmental Laboratory,  
Tamil Nadu Pollution Control Board,  
Guindy, Chennai
3. Tmt.G.R.Divyashri,  
Revenue Divisional Officer, Sriperumbudur, - Member  
Kancheepuram District

### **3 SCOPE OF THE COMMITTEE AS PER ORDER**

- (i) To inspect the area in question and submit a factual as well as action taken report.
- ii) To assess any legacy waste found in that area and also to ascertain the quantity of the legacy waste and details of the steps taken by the three local bodies for the proper disposal of the same.
- iii) To ascertain whether the directions given by the Principal Bench of National Green Tribunal, New Delhi in Original Application No.606 of 2018 have been complied with by the local bodies.

### **4. JOINT INSPECTION OF THE COMMITTEE**

The Joint Committee has inspected the above said site on 14.10.2020. During the time of inspection, the committee observed the following.

- i) It is respectively submitted that the 9th respondent Moulivakkam Village Panchayat comes under the jurisdiction of Kundradhur Panchayat Union having the administrative total extent of 93.73.50 Hectares.
- ii) The Moulivakkam Village Panchayat encompass 9 wards, 125 streets and having population of around 12,750.

- iii) It was reported that, about 2.6 T/Day of solid waste is generated from the Moulivakkam Village Panchayat and the same is being collected through 4 nos. of Electronic Carts, 4 Nos. of Tri Cycles and 2 Nos of Tractors.
- iv) The collected un segregated solid waste was found to be dumped on open ground at S.F.No.8, Periyapanicheri Village, Kundrathur Taluk, Kancheepuram District having total extend of 0.345 hectare which belongs to Arulmigu Thiruthani Murugan Temple, Thiruthani and there is no further processing activities carried out by the Moulivakkam Village Panchayat to comply with the Solid Waste Management Rules, 2016 as shown in the following photographs.



Un segregated solid waste dumped in the said area

- v) It was reported that the other two Village Panchayats namely Gerugambakkam and Periyapanicheri have not dumped the un segregated solid waste in the above area.

- vi) The said dumping site is surrounded by industries in western & northern sides, and private vacant land in eastern and southern sides.
- vii) In general, As the Kundrathur Panchayat Union has not carrying out the implementation of the Solid Waste Management Rules, 2016, The Block Development Officer, Kundrathur Panchayat Union has issued with show cause notice under section 24 of Water (Prevention and Control of Pollution) Act, 1974 as amended for not complying the Solid Waste Management Rules, 2016 vide Proc. No. 03.02.2020 by the District Environmental Engineer, TNPCB, Kanchipuram District. **(Copy Annexed as Annexure-I)**. Further the District Environmental Engineer, Tamilnadu Pollution Control Board, Sriperumbudur vide letter dated 29-08-2020 informed the Kudrathur Panchayat Union, if the local body has not complied the Solid Waste Management Rules, necessary compensation will be levied as directed by the Hon'ble National Green Tribunal [Principal Bench] in its order dated 28-02-2020 vide para 41 in OA NO. 606 of 2018. **(Copy Annexed as Annexure-II)**
- viii) As there is no legacy waste found in the said location, the joint committee directed to remove the solid waste dumped in the said area immediately for further processing as per the Solid Waste Mangement Rules, 2016. Accordingly, the Moulivakkam Village Panchayat has removed the solid wastes dumped in the above said area and the same was stored in the SW processing yard under establishment by Gerugambakkam Village Panchayat for further processing and disposal vide in its letter dated 6-11-2020 ((**Copy Annexed as Annexure-III**)).



Solid wastes removal through Lorries from the said location



Temple land after removal of solid wastes

#### 5. RECOMMENDATIONS:

1. Moulivakkam 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.
2. Moulivakkam Village Panchayat shall ensure that no solid wastes are dumped further at S.F.No.8, Periyapanicheri Village, Kundrathur Taluk, Kancheepuram District which belongs to Arulmigu Thiruthani Murugan Temple, Thiruthani.
3. The Block Development Officer, Kundrathur Panchayat Union in coordination with District Administration shall identify an alternate land for handling and treatment (Processing & Incineration) of municipal solid waste as per the Solid Waste Management Rules, 2016 within six months.
4. The Block Development Officer, Kundrathur Panchayat Union shall ensure that the solid waste generated from the Moulivakkam Village Panchayat is collected and disposed in the Gurugambakkam Village Panchayat SW processing site, till commencement of new site for Moulivakkam Village

  
Panchayat.  
16/11/2020  
Thiru. Shankara  
Subramanian,  
Additional Director,  
AEL, TNPCB  
Guindy, Chennai

  
15/11/2020  
16/11/2020  
Tmt. G.R. DIVYASHRI,  
Revenue Divisional Officer,  
Sriperumbudur,  
Kancheepuram District

  
16/11/2020  
Er. P. Ravichandran,  
District Environmental Engineer  
TNPC Board,  
Sriperumbudur @ Oragadam,  
Kancheepuram District.





**By Regd. Post**

**TAMILNADU POLLUTION CONTROL BOARD**

O/o. District Environmental Engineer  
Tamil Nadu Pollution Control Board,  
CP-5B, SIPCOT Industrial Growth Centre,  
Oragadam, Sriperumbudur Taluk,  
Kancheepuram District

**Proc. No. DEE/TNPCB/SPR/SWM/F. No. M-001/2020 dated 03.02.2020**

Sub: TNPCBd-Local body- Kundrathur Town Panchayat, Kundrathur Taluk, Kancheepuram District - Water (Prevention and Control of Pollution) Act, 1974 as amended - Disposal of solid waste in open area -Show Cause Notice issued- regarding.

Ref: 1. Inspection of the Joint Committee on 30.01.2020  
2. Hon'ble National Green Tribunal (PB), New Delhi in order dated 23.04.2019 in the Original Application No. 606 of 2018

-----  
The Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 is in force in Tamilnadu. (Here in after referred to as Act). The Tamilnadu Pollution Control Board enforces the above said Act.

As per Section 24 [**Prohibition on use of stream or well for disposal of polluting matter, etc.**] of the Water (Prevention and Control of Pollution) Act 1974 as amended in 1988,

1)

*(a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any stream or well or sewer or on land ; or*

*(b) no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.*

2) *A person shall not be guilty of an offence under sub-section (1), by reason only of having done or caused to be done any of the following acts, namely:—*



- (a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain;
- (b) depositing any materials on the bank or in the bed of any stream for the purpose of reclaiming land or for supporting, repairing or protecting the bank or bed of such stream provided such materials are not capable of polluting such stream;
- (c) putting into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of such stream;
- (d) Causing or permitting, with the consent of the State Board, the deposit accumulated in a well, pond or reservoir to enter into any stream.

Whereas, Hon'ble National Green Tribunal (PB), New Delhi in its order dated 23.04.2019 in the Original Application No. 606 of 2018 has directed that.

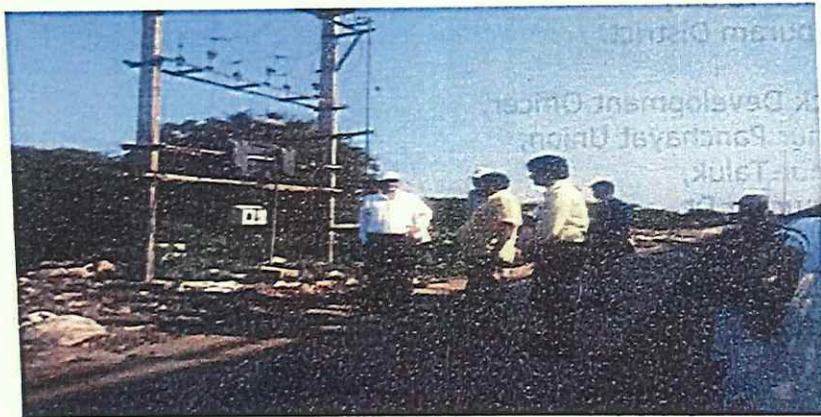
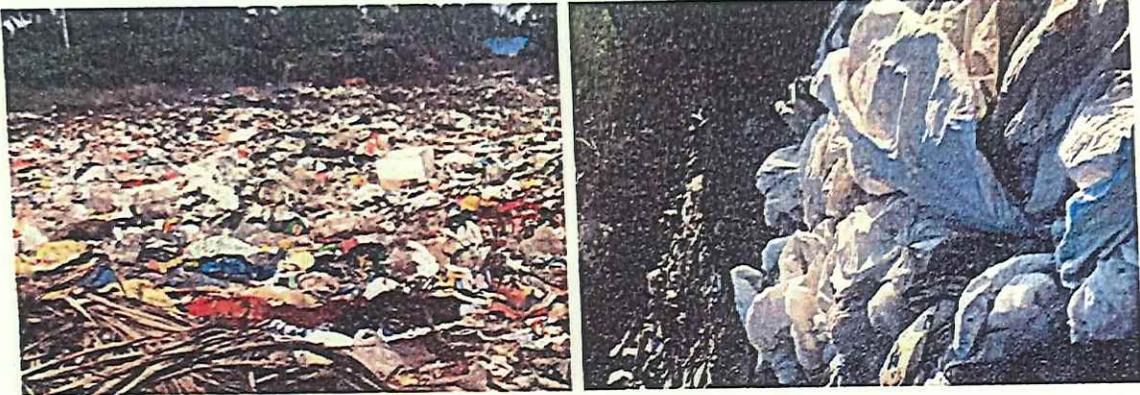
"... All the local authorities constituted for providing services to the citizens are lethargic and insufficient in their functioning which is impermissible. Non-accountability has led to lack of effort on the part of the employees. Domestic garbage and sewage along with poor drainage system in an unplanned manner contribute heavily to the problem of solid waste. The number of slums of multiplied significantly occupying large areas of public land. Promise of free land attracts more land grabbers. Instead of "slum clearance" there is "slum creation" in cities which is further aggravating the problem of domestic waste being strewn in the open. Accordingly, the Court directed that provisions pertaining to sanitation and public health under the DMC Act, 1957, the New Delhi Municipal Council Act, 1994 and Cantonments Act, 1994 be complied with, streets and public premises be cleaned daily, statutory authorities levy and recover charges from any person violating laws and ensure scientific disposal of waste, landfill sites be identified keeping in mind requirement of the city for next 20 years and environmental considerations, sites be identified for setting up of compost plants, steps be taken to prevent fresh encroachments and compliance report be submitted within eight weeks.....

**Penalty provision: Prescribe criteria for levying of spot fine for persons who litters or fails to comply with the provisions of these rules and delegate powers to officers or local bodies to levy spot fines as per the byelaws framed".**



Whereas, during inspection of Kundrathur Town Panchayat & adjacent villages of Kundrathur Panchayat Union, Kundrathur Taluk, Kancheepuram District on 31.01.2020 by Joint Committee formed by the Hon'ble National Green Tribunal, Southern Zone, the following were observed.

1. Un-segregated municipal solid waste including plastics generated in and around the Kundrathur area was dumped in the open area & adjacent to the bypass road thereby permitting to deposit on the road side and polluting.



2. There is no sewage treatment plant was found to be operation in the Kundrathur Town Panchayat area for the treatment and disposal of sewage generated in the Kundrathur Town Panchayat.
3. The sewage from the septic tank of individual house disposed through private sewage tanker lorry and discharged in nearby lowlying area/water bodies, streams and public storm water drain etc., and thereby polluting the soil/groundwater/surface water and also creating nuisance to the localities.

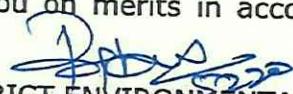
As such the provisions of Section 24 of the Act have been contravened by you which is an offence punishable under section 43 of the Act with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.



Contravention of Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 as amended 1988 shall lead to issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions under Section 33A of the Act for closure, stoppage of power supply etc.,

Hence, you are hereby directed to Show Cause within **7 days** from the date of receipt of the notice as to why direction shall not be issued to you as occupier of said unit under Section 33A of the said Act for Closure, stoppage of power supply etc.,

It is informed that non-receipt of any reply within the stipulated time will be construed that you have no satisfactory explanation to offer for the above said contravention and action will be taken against you on merits in accordance with law.

  
DISTRICT ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD  
SRIPERUMBUDUR

To

- 1) The Executive Officer,  
Kundrathur Town Panchayat,  
Kundrathur Taluk.,  
Kancheepuram District.
- 2) The Block Development Officer,  
Kundrathur Panchayat Union,  
Kundrathur Taluk,  
Kancheepuram Dt.,

Copy submitted to

1. The District Collector, Kancheepuram District.  
-for kind information please
2. The Member Secretary, TNPCB, Chennai-32  
-for kind information please
3. The JCEE [M], Chennai-106  
-for kind information please

Copy to

- 1) The Asst. Director, Town Panchayat] / Panchayat  
Collectorate, Master Plan Complex,  
Kancheepuram District  
-for necessary action please
- 2) The Asst. Director, Panchayat  
Collectorate, Master Plan Complex,  
Kancheepuram District  
-for necessary action please



Urgent / Top priority



TAMILNADU POLLUTION CONTROL BOARD

From  
Er. P. Ravichandran, M.E.,  
District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
CP-5B, SIPCOT Industrial Growth Centre,  
Oragadam, Sriperumbudur Taluk,  
Kancheepuram District - 602 305.

To  
The Block Development Officer,  
Kundrathur Panchayat Union,  
Padappai,  
Kancheepuram District.

Letter No. DEE/TNPCB/SPR/F-M-0001/SWM/2020, Dated 29-08-2020

Sub:- O/o. DEE, TNPCB, SPR - The Solid Waste Management Rules, 2016 under the Environment (Protection) Act, 1986 -Hon'ble NGT order dated 02-07-2020 in OA No. 606/2018-compliance report-requested - Reg.

Ref:- 1. The Solid Waste Management Rules, 2016  
2. Hon'ble NGT Order dated 02-07-2020 in OA No. 606 of 2018.

---  
This has reference to the Solid Waste Management Rules, 2016. As per Rule 15(1) of the Solid Waste Management Rules, 2016, the local authorities and Panchayats shall be responsible for the implementation of the provisions of these rules which include any infrastructure development for collection, storage, segregation, transportation, processing, disposal of municipal solid wastes.

In this regard, the compliance of Solid Waste Management Rules is being monitored as per the order of the Hon'ble NGT [PB], New Delhi in OA No. 606 of 2018 and the liquid waste management is also being monitored as per orders of the Hon'ble Supreme Court order dated 02-09-2013 in WP No. 888/1996.

After several orders and proceedings before the Tribunal, and finally the Hon'ble NGT [PB] in its order dated 02-07-2020 in OA No. 606 of 2018, vide POINT No. 4- as stated that

"The Chief Secretaries of 18 States/UTs, appeared and filed updated status reports and since there still existed huge gaps in compliance, further directions were issued by way of different orders. Last such order is 28.2.2020. Other orders are on same pattern. **The direction part of the said order [is reproduced below.**

41. In view of above, consistent with the directions referred to in para 29 issued on 10-01-2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct;

*P. Ravichandran*

- a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31-03-2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every local body to pay compensation at the rate of  
Rs. 10 Lakhs per month per Local Body for population of above 10 Lakhs,  
Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and  
Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance.

*If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.*

- b. Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 282 even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of  
Rs. 10 lakh per month per Local Body for population of above 10 lakhs,  
Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and  
Rs. 1 lakh per month per other Local Body.

*If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.*

- d. The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in Para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:
- i. *Interim measures for phytoremediation/ bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
  - ii. *Commencement of setting up of STPs – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
  - iii. *Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.*

- e. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs.
- g. Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB.

In this regard, all local bodies already directed and requested to take necessary follow up action and to furnish quarterly status report to the Board so as to submit the same to CPCB for compliance.

However, it was observed that

1. Solid waste is dumped and indiscriminately disposed at several places and also burning of garbage on road side and un authorized location which will lead to ground water pollution, odour nuisance, air pollution problems as well non compliances of Solid Waste Management Rules.
2. There is no proper drainage system provided for the sewage for collection and disposal of sewage for further treatment. There is no sewage treatment plant to treat the sewage in scientific manar.
3. The sewage from the septic tank of individual house disposed through private sewage tanker lorry and discharged in nearby lowlying area/water bodies, streams and public storm water drain etc., and thereby polluting the soil/groundwater/surface water and also creating nuisance to the localities.

In view of the above, it is informed that as the local body has not complied the above direction issued by the Hon'ble NGT [PB], New Delhi, necessary compensation will be levied. Hence, I request you to furnish the status of compliance report immediately. If no reply is received, further action shall be initiated as directed by Hon'ble NGT [PB], New Delhi order dated 02-07-2020 in OA no. 606 of 2018. .

The receipt of letter/mail shall be acknowledged.

  
District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Sriperumbudur @ Oragadam

  
Copy submitted to

1. The District Collector, Kancheepuram Dt., Kancheepuram  
-for kind information please.
2. The Member Secretary, TNPCB, Chennai-32 for information please.
3. The JCEE [M], TNPCB, Chennai-106 for information please

Copy to

4. AD Town Panchayat., Kancheepuram for necessary action please
5. AD Panchayat., Kancheepuram for necessary action please.



காஞ்சிபுரம் மாவட்டம்

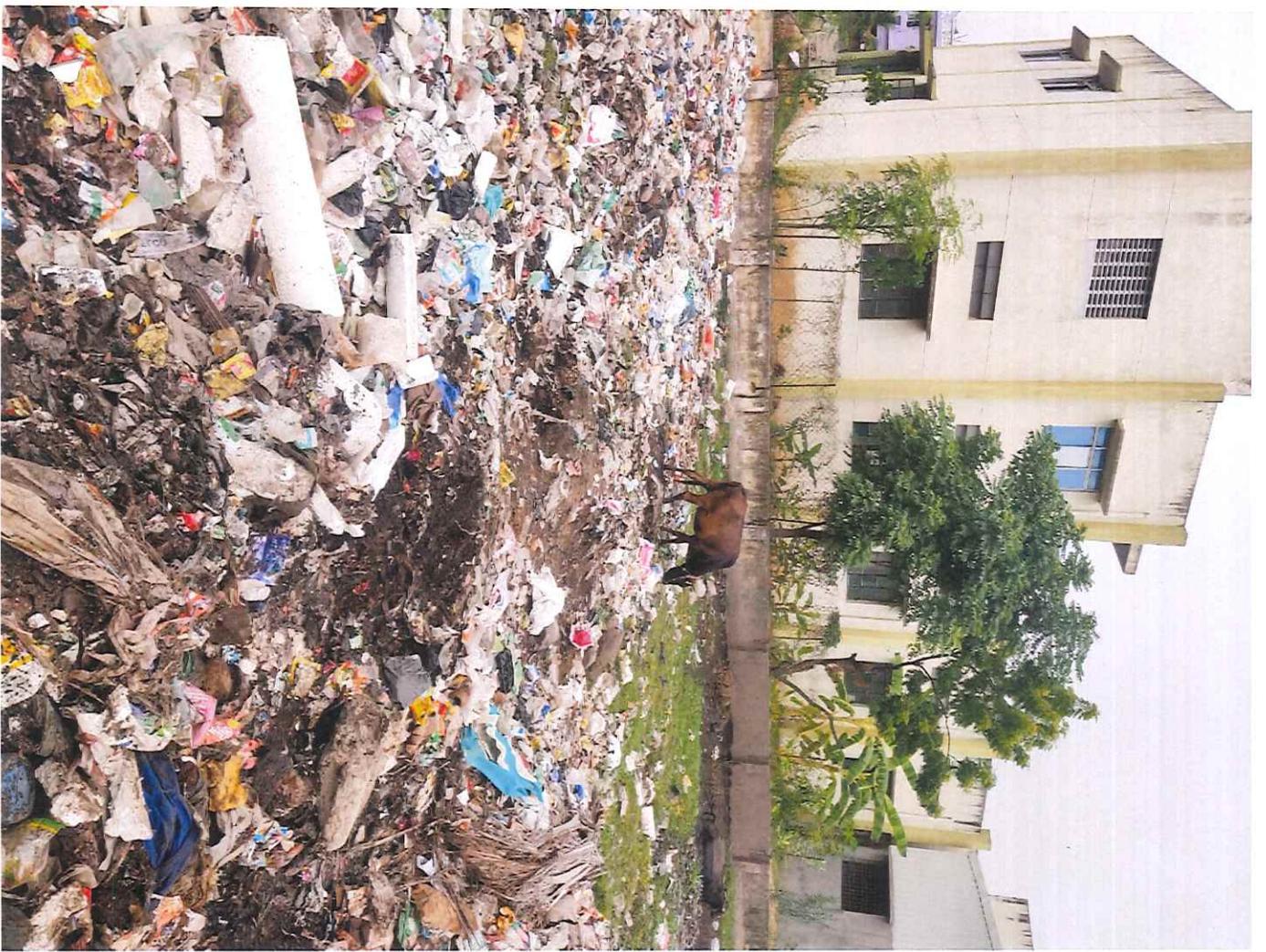
# குன்றத்தூர் ஒன்றியம்

(இ) படப்பை

மெளலிவாக்கம் ஊராட்சி

குப்பைகளை அகற்றும் முன்  
திருத்தணி கோவில் சொந்தமான இடம்













































**குப்பைகளை அகற்றியதுக்கு பின்  
திருத்தணி கோவில் சொந்தமான இடம்**



