

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

Original Application No. 170 of 2020 (SZ)

Suo Motu based on the News item
in "The Times of India", Chennai
edition dated, 29.08.2020 under the caption
***"3 Suburban local bodies turn temple
land in to dumping yard"***

Versus

The Principal Secretary to Government of Tamil Nadu,
Department of Environment,
Chennai & others.

...Respondents

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

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...Respondent(s)

**COMPLIANCE REPORT FILED ON BEHALF OF THE 5TH
RESPONDENT- TAMIL NADU POLLUTION CONTROL BOARD.**

I, M. Pannirselvam, S/o M. Venkatesan, Hindu, aged about 59 years, having my office at No. 76, Mount Salai, Guindy, Chennai -600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Compliance Report on behalf of the 5th Respondent Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is submitted that the Hon'ble NGT has directed the Tamil Nadu Pollution Control Board in its order dated 15.12.2020 inter alia that:

....Para 8:

iii. The Tamil Nadu Pollution Control Board is directed to take appropriate action against the Moulivakkam Village Panchayat for not complying with the Solid Waste Management Rules, 2016 and also the directions issued by the Principal Bench of National Green Tribunal, New Delhi in Original Application No.606 of 2018 and file periodical report before this Tribunal regarding compliance of the directions issued by the Tribunal and implementation of the Solid Waste Management Rules, 2016

by Moulivakkam Village Panchayat once in three months before this Tribunal by e-filing at ngtszfiling@gmail.com”.

3. It is respectfully submitted that in order to comply the above said NGT order dt.15.12.2020, the Tamil Nadu pollution Control Board has already filed its compliance report during April, 2022 and the same may be taken up as part and parcel along with this report.

4. It is further submitted that the Hon'ble National Green Tribunal (SZ), Chennai in its order dated 06.09.2022 and directed inter alia as follows:

“ Para 1: Vide Order dated 15.12.2020, while disposing of the Original Application, this Tribunal had directed the District Collector to identify an alternate place for Moulivakkam Village Panchayat to do the processing and disposal of the solid waste generated by strictly adhering to the Solid Waste Management Rules, 2016. After which a report was filed by the District Collector – Kancheepuram District on 18.03.2022, in which she stated that the proposal from suburban local bodies for identifying dumping within the newly formed Kancheepuram District have received and a meeting was convened with the Revenue, Pollution Control Board and Panchayat Raj Department to identify an alternate site for processing the solid waste.

Para 2: In the meanwhile, the Block Development Officer who is present today before us states that the segregation of legacy waste and remediation is being done and the land which belongs to the Arulmigu Subramanya Swamy Thirukovil was requested to barricade the premises to prevent further misuse of their premises”.

4. It is respectfully submitted that the said area in question is inspected by the officials of the O/o. DEE, TNPCB, Maraimalai Nagar on 13.12.2022. During inspection the following present status of the case is as follows:

| S.No. | Direction issued by Hon'ble NGT Order dated 15.12.2020 | Present status of compliance. |
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| 1. | The District Collector, Kancheepuram, in coordination with the Block Development Officer, Kundrathur Panchayat Union, is directed to identify an alternate place | The BDO, Kundrathur Panchayat Union has requested the District collector , Kancheepuram vide its Lr.No.Na.Ka.No.1061/2021/AA4 dated 28.04.2022 to allot alternate place for |

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| <p>for Moulivakkam Village Panchayat to do the processing and disposal of solid waste generated within their jurisdiction within a time frame, not exceeding a period of six months</p> | <p>processing of Municipal solid waste generated from 4 village panchayat ssuch as Iyyapanthangal, Gerugambakkam, Kolappakkam and Moulivakkam.</p> <p>Based on that, the District collector has identified 2 locations through Thasildhar, Kundrathur in Gerugambakkam village Panchayt & Kulumanivakkam village panchayat for processing of Municipal solid waste generated from the above 4 village panchayats such as Iyyapanthangal, Gerugambakkam, Kolappakkam and Moulivakkam vide Thasildhar Lr No.Na.Ka.1009/2022/AA1 dated 10.10.2022 addressed to the BDO/ Kundrathur and requested to send proposal for any one site. The details of the locations of the sites are furnished below.</p> <p>1.GerugambakkamVillage: SF.No.752,753 (Meikkal poramboke having total area of 3.119 Acres)in Gerugambakkam village, Kundrathur Taluk, Kancheepuram District for processing of Municipal solid waste generated from the above said village Panchayats. 2.Kulumanivakkam Village: SF.No.50,52 (Poramboke Land having area of 1.2 Acres) in Kulumanivakkam village, Kundrathur Taluk, Kancheepuram District for processing of Municipal solid waste generated from the above said village Panchayats. Further, there is no solid waste dumped in the said premises by Moulivakkam pancayat.The Commissioner, Kundrathur Pachayat Union, Kundrathur & the Joint Commissioner, Hindu Religious and Charitable Endowments Department,</p> |
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| | | Kancheepuram has not provided barricade in the said premises to prevent further misuse of their premises. The BDO, Kundrathur Panchayat Union has reported that the Municipal solid waste generated from the Moulivakkam village Panchayat is being disposed into Gerugambakkam Village Panchayat existing dump site. |
| 2. | Moulivakkam Village Panchayat is directed to strictly adhere to the provisions of the Solid Waste Management Rules, 2016 in collecting, segregating and disposal of the waste generated within their jurisdiction in accordance with the provisions of the Solid Waste Management Rules, 2016 | The solid waste generated from the Moulivakkam village Panchayat is being disposed in to Gerugambakkam Village Panchayat's existing dump site. |
| 3. | The Tamil Nadu Pollution Control Board is directed to take appropriate action against the Moulivakkam Village Panchayat for not complying with the Solid Waste Management Rules, 2016 and also the directions issued by the Principal Bench of National Green Tribunal, New Delhi in Original Application No.606 of 2018 and file periodical report before this Tribunal regarding compliance of the directions issued by the Tribunal and implementation of the Solid Waste Management Rules, 2016 by Moulivakkam Village Panchayat once in three months before this Tribunal by e-filing at ngtszffiling@gmail.com | The TNPCB has issued Directions under section 5 of Environment (Protection) Act, 1986 to the BDO/ Kundrathur to comply with certain conditions. For which the BDO/Kundrathur has furnished his compliance report dt. 04.05.2022.. |
| 4. | Moulivakkam Village Panchayat is also directed to submit periodical report once in three months before | No remarks |

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| | this Tribunal through e-filing at ngtszfilng@gmail.com regarding the steps taken by them in strictly implementing the Solid Waste Management Rules, 2016 and also the directions issued by the Principal Bench of National Green Tribunal, New Delhi in Original Application No.606 of 2018 till it is implemented in their Panchayat. | |
| 5. | The District Collector, Kancheepuram is directed to monitor the progress of the work and take all steps to comply with the mandate provided under Rule 12 of the Solid Waste Management Rules, 2016 in its letter and spirit | No remarks |

5. It is respectfully submitted that, based on the direction issued by the Board, the Block development Officer, Kundrathur Panchayat Union vide his letter dated 04.05.2022 has submitted the action taken report. Accordingly, officials of the O/o. DEE, TNPCB, Maraimalai Nagar was inspected the site on 02.05.2022 & 06.12.2022 and furnished the present status of the compliance by the Kundrathur Panchayat Union on the direction issued by the Board.

| S.No | Directions issued to the Block Development Officer, Kundrathur Panchayat Union vide Board Proceeding. dated 02.02.2022. | Compliance report of the BDO, Kundrathur | Present status of the compliance. |
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| | The Kundrathur Panchayat union shall comply with the recommendations of the joint committee constituted by the Hon'ble NGT in OA.No.32 of 2020 & in OA.No.95 of 2021 with respect to Ayyappanthangal and Gerugambakkam | Dumping of un segregated solid waste generated within the jurisdiction of Ayyappanthangal Village Panchayat in the Portion of Porur lake catchment found at S.No. 138, Thelliyaragaram Village, under strict instructions to the sanitary workers of the village and the field | Ayyappanthangal Village Panchayat has not completely cleared the existing solid waste dump in the portion of Porur lake catchment area. During inspection, it was also noticed that the local body has not constructed any |

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| village panchayats. | <p>level functionaries have immediately stopped dumping the garbage at above water catchment area.</p> <p>Further as per the directions in Para No. 2 of the Recommendations the garbage already dumped in the lake area are cleared and shifted by Lorries to a quantum of 1229.57 Mts and dumped in the site officially identified at Kolathur area of Kattakulathur Panchayat Union of Chengalpattu District (the erstwhile Kancheepuram District). Consequent on bifurcation of the District further more dumping is now restricted.</p> <p>On the issue of barricading the lake area premises, the premises belonged to the Chennai Water Supply and Sewage Board and due to paucity of funds, I humbly request that the concerned authority may be entrusted to construct permanent preventive structure on their own which may prevent the dumping. Considering the situation on Solid Waste generated in Ayyappanthangal Village Panchayat, micro level processing site of 0.5 to 3.0 tons were identified and necessary administrative sanction is also accorded to an estimate of cost Rs. 26 lacs and these are nearing completion and therefore the effective action is also taken up to manage at the micro level processing.</p> <p>On the issue of nonfunctioning of the Micro Composting Centre</p> | <p>barricade to avoid entry of disposal of solid wastes in that area. Instead it has provided two concrete pillars to avoid entry in to that area.</p> <p>There is no Bio mining activity is being carried out for the legacy waste. It was reported that out of 1500 Tons of Municipal solid waste dumped in the portion of Porur lake catchment area, about 1229.57 MT were cleared & shifted to the dumping yard at Kodungaiyur & Kolathur. Balance 270.43 Tons of solid waste to be cleared in the disputed area.</p> <p>The construction of Micro Composting Centre (MCC) located at Ponniamman Koil Street, Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District has been completed to handle maximum 3T of organic wastes and it was under operation.</p> <p>The remaining solid waste generated from this Panchayat is being taken to Aappur village dump site located in Chengalpattu District.</p> |
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| | | <p>the at the Ponniamman Kovil Street is completed and functioning has resumed now.</p> <p>It is submitted with regard to the 100% door to door collection of garbage, necessary awareness is created among the public through the sanitary workers to segregate the degradable and non-degradable waste to be feasible for the micro level processing at the Village Panchayat level and either to shift or shredder the non-degradable waste for alternate usage.</p> <p>However the response from the public is lacking in this issue and we have planned to create the awareness more effectively with the newly elected representative and the possibly by the interested Non-Government Organizations.</p> <p>It is submitted that in Ayyapanthangal Village Panchayat the house hold and domestic waste/ garbage are effectively collected with a team of 50 nos of sanitary workers 18 nos of pushcarts, 10 nos of tricycles 10 nos Eco Carts for micro level processing and 3 nos of heavy load carriers to shift them to dumping yard at a longer distance.</p> | |
| 2 | <p>The Kundrathur panchayat union shall clear the dumped solid waste (legacy wastes) inside the porur lake within the jurisdiction of Ayyappanthangal village panchayat by carrying out biomining as per CPCB</p> | <p>Dumping yard is a common issue for these Village Panchyat and necessary action is being taken to identify the site at the District Level.</p> <p>The Micro Compositing center at the S.No. 543 (Vandipadhai Poramboke) said to be</p> | <p>The Kundrathur Panchayat Union has not yet started the bio mining activity so as to clear the dumped solid waste (legacy wastes) inside the Porur Lake within the jurisdiction of Ayyappanthangal Village.</p> |

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| | <p>guidelines and also clear the dumped solid waste on the bank of Adyar River in co-ordination with district administration.</p> | <p>non-function during the inspection, was due to water logging in the surroundings and this has resumed now with 5 persons.</p> <p>It is submitted that I have made the field level functionaries i.e. the Zonal Deputy Block Development officers and the Village Panchyat Clerks to visit, inspect and monitor the processing and also to prevent any violations in the regard and follow the Solid Waste Management Rules scrupulously.</p> <p>With regard to the observation of the inspection committee, that the unsegregated solid waste on the banks of Adayar River, I submit to report that the solid waste is dumped at the brick kiln mud quarries ditch at the land surface is classified as Meikal Poramboke and not on the banks of the Kalvai of Adayar river.</p> <p>However, I have instructed the field level functionaries to remove the garbage if any found on the river bank immediately.</p> | <p>It also not cleared the dumped solid waste on the bank of Adyar River.</p> |
| 3 | <p>The Kundrathur panchayat union, in co-ordination with the district administration and the public works department, shall provide wire fencing of porur lake adjoining the Ayyappanthangal village panchayat till the bio-mining activity completed</p> | <p>No reply furnished in this regard</p> | <p>The Kundrathur Panchayat union has yet not taken initiative to provide fencing around the</p> |
| 4 | <p>The Kundrathur panchayat union shall stop the dumping of un-segregated solid waste generated from</p> | <p>Dumping yard is a common issue for these Village Panchyat and necessary action is being taken to identify the site</p> | <p>Kundrathur panchayat union has not yet stopped the dumping of segregated solid waste generated from the</p> |

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| | <p>the Gerumbakkam village panchayat along the banks of any rivers.</p> | <p>at the District Level. The Micro Compositing center at the S.No. 543 (Vandipadhai Poramboke) said to be non-function during the inspection, was due to water logging in the surroundings and this has resumed now with 5 persons. It is submitted that I have made the field level functionaries i.e. the Zonal Deputy Block Development officers and the Village Panchyat Clerks to visit, inspect and monitor the processing and also to prevent any violations in the regard and follow the Solid Waste Management Rules scrupulously. With regard to the observation of the inspection committee, that the unsegregated solid waste on the banks of Adyar River, I submit to report that the solid waste is dumped at the brick kiln mud quarries ditch at the land surface is classified as Meikal Poramboke and not on the banks of the Kalvai of Adyar river. However, I have instructed the field level functionaries to remove the garbage if any found on the river bank immediately.</p> | <p>Gerugambakkam village panchayat along the banks of rivers. At Present segregated Municipal solid waste generated from Gerugambakkam & Moulivakkam village panchayat are being dumped in the same area.</p> |
| 5 | <p>The Kundrathur panchayat union shall operate the completed Micro Composting Centre (MCC) immediately so as to handle the organic waste generated from the Ayyappanthangal and Gerugambakkam village panchayats.</p> | <p>Considering the situation on Solid Waste generated in Ayyappanthangal Village Panchayat, micro level processing site of 0.5 to 3.0 tons were identified and necessary administrative sanction is also accorded to an estimate of cost Rs. 26 lakhs and these are nearing completion and</p> | <p>Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District Completed to handle maximum 3T of organic wastes and during inspection it was noticed that the MCC were in operation. Bharathi Nagar,</p> |

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| | | <p>therefore the effective action is also taken up to manage at the micro level processing.</p> <p>On the issue of nonfunctioning of the Micro Composting Centre the at the Ponnamman Kovil Street is completed and functioning has resumed now.</p> | <p>Gerugambakkam, Kundrathur Taluk, Kancheepuram District.</p> <p>Completed to handle maximum 3 T/Day of organic wastes and during inspection it was noticed that it was noticed that the MCC were in operable condition.</p> |
| 6 | <p>The Kundrathur panchayat union shall ensure 100% collection of solid waste being generated within its jurisdiction of kolapakkam, Manapakkam, Mugalivakkam, Padappai, Thandalam, Ayyapanthangal, Gerugambakkam, etc - 44 Nos. of village panchayats with proper segregation, door to door collection, processing and disposal by complying with the provisions of the solid waste management rules, 2016.</p> | <p>It is submitted with regard to the 100% door to door collection of garbage, necessary awareness is created among the public through the sanitary workers to segregate the degradable and non-degradable waste to be feasible for the micro level processing at the Village Panchayat level and either to shift or shredder the non-degradable waste for alternate usage.</p> <p>However the response from the public is lacking in this issue and we have planned to create the awareness more effectively with the newly elected representative and the possibly by the interested Non-Government Organizations.</p> <p>It is submitted that in Ayyapanthangal Village Panchayat the house hold and domestic waste/ garbage are effectively collected with a team of 50 nos of sanitary workers 18 nos of pushcarts, 10 nos of tricycles 10 nos Eco Carts for micro level processing and 3 nos of heavy load carriers to shift them to dumping yard at a longer distance.</p> | <p>As per the Solid Waste Management Rules 2016, Municipal solid waste generated from the Ayyapanthangal village panchayat is being collected 100% door to door through sanitary staffs by Pull cart, E-cart vehicle , tractor & trailer.</p> |

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| 7 | The Kundrathur panchayat union shall remit interim Environmental Compensation (EC) of Rs.30 lakhs (including 12 lakhs levied by the NGT constituted Joint Committee till September 2020 & agreed by Hon'ble NGT) as directed vide proc. dated 19.07.2021 in respect of Ayyappanthangal village panchayat, for not complying with the provisions of the solid waste management rules,2016 | I Submit to state that the own revenues of the village panchayat are very meagre, even to meet and maintain the basic amenities of the Village panchayat and therefore I have prayed the Honorable Tribunal to waive the Environmental Compensation of Rs. 30 Lakhs. | The Kundrathur panchayat union has not yet remitted the interim Environmental Compensation (EC) amount to TNPCB of Rs.30 lakhs (including 12 lakhs levied by the NGT constituted Joint Committee till September 2020 vide Proc. dated 19.07.2021. |
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Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to 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.

M. Pannirselvam
21/12/22
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

BEFORE ME

VERIFICATION

I, M. Pannirselvam, S/o M. Venkatesan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.

M. Pannirselvam
21/12/22
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

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BOARD**

**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date:22.12.2022.

Date of hearing on:17.02.2023.

