

**INDIVIDUAL REPORT BY THE TNPCB IN
CONNECTION WITH HON'BLE NATIONAL GREEN
TRIBUNAL(SZ), CHENNAI ORDER
DATED 25.01.2021 IN OA NO.18 OF 2021 FILED
BY THIRU.R.SWAMINATHAN, NAGAPATTINAM
AGAINST M/S. NAGAPATTINAM
VANIYAR SANGAM.**

REPORT IN CONNECTION WITH HON'BLE NATIONAL GREEN TRIBUNAL (SZ),
CHENNAI ORDER DATED 25.01.2021 IN O.A. NO. 18 OF 2021 FILED BY
THIRU. R. SWAMINATHAN, NAGAPATTINAM AGAINST M/s. NAGAPATTINAM
VANIYAR SANGAM.

It is submitted that Thiru. R. Swaminathan, Nagapattinam has filed an Application in O.A. No. 18 of 2021 before the Hon'ble NGT (SZ), Chennai against the following respondents.

- 1) District Collector, Nagapattinam,
- 2) The Revenue Divisional Officer, Nagapattinam,
- 3) The Tahsildar, Nagapattinam,
- 4) The Municipal Commissioner, Nagapattinam,
- 5) Deputy Superintendent of Police, Nagapattinam,
- 6) The Superintending Engineer, TANGEDCO, Nagapattinam,
- 7) The District Environmental Engineer, TNPCB, Nagapattinam,
- 8) District Fire Officer, Nagapattinam and
- 9) Thiru. Balakumar, President, Nagapattinam Vaniyar Sangam

The above application was filed against the marriage hall of M/s. Nagapattinam Vaniyar Sangam functioning at No.7, Neela Mela Veethi, Nagapattinam without complying with necessary formalities of getting permission and consent from the authorities and without providing necessary mechanism for dealing with the solid waste and other waste generated as per the rules. In this regard, the Hon'ble NGT (SZ), Chennai in its order dated 25.01.2021 has directed to appoint a Joint Committee comprising with the following officials to inspect the area in question to submit a factual as well as action report if there is any violation found.

1. The District Collector, Nagapattinam District or a Senior Officer not below the rank of Assistant Collector or Revenue Divisional Officer to be deputed by him.

2. The Municipal Commissioner, Nagapattinam Municipality or a Senior Officer who is dealing with such matters as designated by the Municipal Commissioner.
3. A Senior Officer to be deputed by the Chairman, TamilNadu Pollution Control Board.

The Hon'ble NGT (SZ), Chennai has also directed the joint committee to ascertain as to whether the 9th respondent has complied all the pollution norms and also obtained necessary permission as has been directed by the Principal Bench in O.A. No. 400 of 2017 and whether they are having all necessary licences and pollution control mechanism to deal with waste generated in the premises at the time of conducting functions as required under Solid Waste Management Rules, 2016 and whether they have obtained necessary permission for the purpose of extracting water for their use and whether they have obtained necessary permission for the purpose of converting the house which is intended for domestic purpose into commercial purpose and whether there is any damage caused to the environment on account of the violations committed by the 9th respondent association, namely Nagapattinam Vaniyar Association and if so, the committee is directed to assess the environmental compensation to be recovered from them apart from initiating necessary action if any violation is found in accordance with law.

The TamilNadu Pollution Control Board is also directed to submit an individual report regarding the action taken by them as regulators who are bound to implement the directions issued by the Central Pollution Control Board in respect of certain matters on the basis of directions given by the principal Bench of National Green Tribunal in O.A. No. 400 of 2017 as mentioned above.

It is submitted that the Nagapattinam Municipality will be the Nodal Agency for Co – Ordination and for providing necessary logistics for this purpose.

The case is posted for hearing on 24.02.202 (Copy of Order Enclosed vide Annexure-I).

Based on the above order, the Board has nominated the District Environmental Engineer, TNPCB, Nagapattinam for the above committee. Further, the District Collector, Nagapattinam has formed the joint committee consisting of the following members vide Proceeding R.C. No. 1481/2021/R.D.10, Dated: 15.2.2021 (Copy Enclosed vide Annexure -II).

Sl.No.	Name of Designation of Member	Description of Committee
1	Revenue Divisional Officer, Nagapattinam	Member-Representing District Collector
2	District Environmental Engineer, TamilNadu Pollution Control Board, Nagapattinam	Member
3	The Municipal Commissioner, Nagapattinam	Nodal Member

The Nagapattinam Vaniyar Sangam was inspected by the officials of the TNPCB, Nagapattinam on 15.2.2021. During inspection, the following observations were noticed.

- i. Nagapattinam Vaniyaar Sangam is located at Door No.07, Neela Mela Veedhi, Nagapattinam town was inspected by the officials of TNPC Board, Nagapattinam on 15.2.2021. Thiru. R.B. Avudai Thangam, Treasurer was present during the time of inspection.
- ii. The building is located on southern side of the petitioner's house.
- iii. It was reported by the Nagapattinam Vaniyar Sangam that the building was constructed with tiled roof and functioning for a long period which was earlier used for association purpose and other small functions.
- iv. Then, the building was renovated with RCC roof in the front portion and G.I sheet covered roof at marriage hall & Kitchen cum dining hall.

- v. The above marriage hall is having the seating capacity of 150 numbers.
- vi. Sewage along with Wash water is discharged into underground sewer system provided by Nagapattinam Municipality.
- vii. The marriage hall is using firewood as fuel for cooking purpose and not provided Air Pollution Control measures in the kitchen area.
- viii. No D.G Set is available within the premises.
- ix. The solid wastes such as bio degradable & recyclable waste generated during functions is collected and reported to be disposed through local body, but no records are available with Vaniyar Sangam.
- x. The unit has not applied for Consent of the Board and operating without Consent of the Board regarding the disposal of Solid Waste.

As the Nagapattinam Vaniyar Sangam has not provided Air Pollution Control measures in the kitchen area and operating without consent of the Board, the Show Cause Notices were issued under Water (P&CP) Act'1974 as mended and Air (P&CP) Act'1981 as amended vide Proceeding No.F.NPM.NA-001/OS/DEE/TNPCB/NPM/W/2021 dated 16.2.2021 and F.NPM.NA-001/OS/DEE/TNPCB/NPM/A/2021 dated 16.2.2021 respectively (**Copy Enclosed vide Annexure – II**).

Compliance of Guidelines issued by the CPCB in connection with Hon'ble NGT (PB) in O.A. No. 400 of 2017.

1) Water Pollution:

The sources of sewage and waste water generation from the marriage hall are as follows.

1. Sewage
2. Washing of Utensils
3. Washing of kitchen floors

Sewage along with waste water such as washing of utensils & kitchen floor generated from the marriage hall is being discharged into underground sewer system provided by Nagapattinam Municipality. In this regard, the Nagapattinam Municipality has raised a demand notice to the Vaniyar Sangam towards underground drainage (UGD) charges during the period 2018-19 which is treated through Sewage Treatment Plant to handle 9.63 MLD of sewage generated from the Nagapattinam Municipality. The STP is in operation and issued with Consent of the Board.

1a) Ground Water Extraction:

There is no bore well inside the premises of marriage hall. However, the well closed with concrete slab is existing inside the kitchen area and rain water from the roof top is collected in the well and the unit is utilizing well water as well as water supplied by the Nagapattinam Municipality for their activities.

1b) Water Conservation Measure:

The rain water from the roof top is collected in the well provided inside the kitchen area.

2) Air Pollution:

It is submitted that no D.G Set is available within the premises. The source of Air Pollution is from the Kitchen area. Marriage hall is using firewood as fuel for cooking purpose and not provided Air Pollution Control measures in the kitchen area. Also, it was observed that there is no coal fired tandoor in the marriage hall.

2a) Energy Conservation Measures:

It is submitted that the marriage hall has provided LED bulbs and not provided the Solar Energy system. There is no parking facility available for marriage hall since it is located on the side of Neela Mela Veethi, Nagapattinam Town. Also, there is no adequate area is provided within the premises of the marriage hall for parking of vehicles.

3) Solid Waste Management:

The sources of Solid Waste generation are as follows.

1. Kitchen waste
2. Use of disposal plastic item such as plastic Bottles
3. Leftover food items

The maximum generation of solid waste during function is about 500Kg. The bio degradable waste such as kitchen waste & leftover food items are disposed through local body. The recyclable waste such as Plastic Bottles generated during functions is collected and reported to be disposed through local body, but no agreement has been made with Municipality. There is no generation of hazardous waste such as used oil and used batteries.

4) Noise Pollution:

It is submitted that the loud speakers are used during the marriage functions which may cause nuisance to the petitioner as well as public. Busting of crackers during marriage procession also being carried.

5) Infrastructure issues related to parking etc.:

It is submitted that fire & safety measures are not available and also not obtained NOC from the Department of TamilNadu Fire & Rescue Services.

6) Status of Consent of the TNPCB:

The unit has not applied for Consent of the Board and operating without obtaining Consent to Operate of the Board. Hence, Show Cause Notices were issued by the TNPC Board on 16.2.2021 under Water (P&CP) Act'1974 as amended and Air (P&CP) Act'1981 as amended for not provided APC measures to the Kitchen area and operating the Vaniyar Sangam building without obtaining prior Consent of the Board giving 15 days time to furnish the reply for the Show Cause Notices.

CONCLUSIONS:

It is submitted that the Show Cause Notices were issued to the unit by the TNPC Board for the violations stated therein and further course of action will be initiated against the unit by TNPC Board and assessment of environmental compensation will be calculated after receipt of reply from the unit.

Encl: Copy of Annexure.


20/02/21
District Environmental Engineer, R.K.
TamilNadu Pollution control Board,
Nagapattinam.

Item No. 2:

BEFORE THE NATIONAL GREEN TRIB
SOUTHERN ZONE, CHENNAI

Original Application No. 18 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Mr. R. Swaminathan,
Nagapattinam

...Applicant(s)

Verses

The District Collector,
Nagapattinam and others.

....Respondent(s)

Date of hearing: 25.01.2021.

CORAM:

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

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s):

Mr. M. R. Gokul Krishnan

For Respondent(s):

Sri. Dr. V. R. Thirunarayanan for R1, R2 R3,
R5 & R8

Sri. P. Srinivas through

Sri. N. K. Ponraj for R4

Sri. Abdul Saleem through

Sri. Karthikeyan for R6

Sri. C. Kasirjan through

M/s. Meena for R7

ORDER

1. The grievance in this application is regarding the functioning of the Marriage Hall by the 9th respondent in Nagapattinam

Municipality without getting necessary permission and consent from the authorities as has been contemplated in the decision of the Principal Bench of National Green Tribunal, New Delhi in O.A. No. 400 of 2017 (*Westend Green Farms Society Vs. Union of India & Others*).

2. According to the applicant, originally the building wherein Marriage Hall is functioning at present was declared unfit for human habitation and ignoring that direction, 9th respondent had converted the same into a Marriage Hall without complying with the necessary formalities of getting permission and consent from the authorities and without providing necessary mechanism for dealing with the solid waste and other waste generated as per the rules.
3. When the matter came up for hearing for admission today through Video Conference, Sri. M. R. Gokul Krishnan represented the applicant. Sri. Dr. V. R. Thirunarayanan represented respondents 1, 2, 3, 5 & 8, Sri. P. Srinivas through Sri. N. K. Ponraj represented 4th respondent, Sri Abdul Saleem through Sri. Karthikeyan represented 6th respondent and C. Kasirajan through M/s. Meena represented 6th respondent.
4. On going through the allegations made in the application, we are satisfied that there arises a substantial question of environment as the question is regarding the non-compliance of the directions

issued by the Principal Bench of National Green Tribunal in a similar issue on the basis of the reports obtained from the Central Pollution Control Board in this regard and also the non-compliance of the directions issued by the Central Pollution Control Board to the State Pollution Control Board in respect of the same issues as to what are all the things to be followed by them before permitting such institutions to operate. So the application is admitted.

5. The applicant is directed to take steps to serve notice on the respondents by Registered post with acknowledgement due, by e-mail and also by dusthi if possible and produce proof of service on them by filing an affidavit as per rule
6. The applicant is also directed to serve a copy of the application along with the documents produced to the standing counsel appearing for respondents 1 to 8 within a week and to produce proof of such service by filing proper affidavit as per rules.
7. The applicant is also directed to produce necessary requisites along with postal cover and the necessary postal stamps before this Tribunal within a week, so as to enable this Tribunal to send notice to all the respondents through Tribunal, to ensure service on them, so as to enable this Tribunal to proceed against them, if they did not appear in their absence in accordance with law.

8. In order to ascertain the genuineness of the allegations made in the application and non-compliance of the pollution laws by the 9th respondent and also to ascertain as to whether any action has been taken, if there is any violation in such operation, we feel it appropriate to appoint a joint committee comprising of, (1) The District Collector, Nagapattinam District or a Senior Officer not below the rank of Assistant Collector or Revenue Divisional Officer to be deputed by him (2) The Municipal Commissioner, Nagapattinam Municipality or a Senior Officer who is dealing with such matters as designated by the Municipal Commissioner (3) a Senior Officer to be deputed by the Chairman, Tamil Nadu State Pollution Control Board (TNPCCB) to inspect the area in question to submit a factual as well as action report if there is any violation found.
9. The committee is directed to ascertain as to whether the 9th respondent has complied with all the pollution norms and also obtained necessary permission as has been directed by the Principal Bench in *O.A. No. 400 of 2017* and whether they are having all necessary licences and pollution control mechanism to deal with the waste generated in the premises at the time of conducting functions as required under Solid Waste Management Rules 2016, and whether they have obtained necessary permission for the purpose of extracting water for

their use and whether they have obtained necessary permission for the purpose of converting the house which is intended for domestic purpose into commercial purpose and whether there is any damage caused to the environment on account of the violations committed by the 9th respondent Association, namely Nagappatinam Vaniyar Association and if so, the committee is directed to assess the environmental compensation to be recovered from them apart from initiating necessary action if any violation is found in accordance with law.

10. The Municipal Corporation, Nagapattinam Municipality will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.
11. The Tamil Nadu State Pollution Control Board is also directed to submit an independent report regarding the action taken by them as regulator who are bound to implement the directions issued by the Central Pollution Control Board in respect of certain matters on the basis of directions given by the Principal Bench of National Green Tribunal in O. A. No. 400 of 2017 as mentioned above.
12. The applicant is also directed to submit a set of papers to the members of the committee within a week, so as to avoid the delay in submitting the report.

13. The Tamil Nadu State Pollution Control Board as well as the committee is directed to submit the report to this Tribunal on or before 24.02.2021, by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.
14. The Registry is directed to communicate this order to the members of the committee, Tamil Nadu State Pollution Control Board as well as the official respondents immediately through e-mail, so as to enable them to comply with the direction and for filing their independent response to the allegations made in the application and also for filing their independent report as directed by this Tribunal.
15. For appearance of parties and consideration of report and also for completion of pleadings, post on 24.02.2021.

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

.....E.M.
(Shri. Saibal Dasgupta)

O. A. No.18/2021, (SZ)
25th January, 2021. Sr.

BY RPAD



TAMIL NADU POLLUTION CONTROL BOARD

O/o. District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Collectorate Master plan Complex,
Nagapattinam - 611 003.

Proceedings No. F.NPM.NA- 001/OS/DEE/TNPCB/NPM/W/2021, Dated: 16.2.2021.

Sub:	TNPCB Board – Industries – M/s. Nagapattinam Vaniyar Sangam, No. 7, Neeala Mela Veethi, Nagapattinam Town, Nagapattinam District – Operating the unit without obtaining prior Consent of the Board - Issue of Show Cause Notice under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 to the unit – Reg.
Ref:	Inspection of your unit by TNPCB officials on 15.2.2021.

TamilNadu Pollution Control Board serves this notice on you as occupier of the unit of M/s. Nagapattinam Vaniyar Sangam, No. 7, Neeala Mela Veethi, Nagapattinam Town, Nagapattinam District (hereinafter referred to as the 'unit') for contravening the provisions of Section 25 of the Water (Prevention and Control of Pollution) Act 1974 as amended in 1988 (here in after referred to as the 'Act').

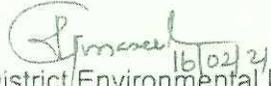
Whereas your unit of M/s. Nagapattinam Vaniyar Sangam, No. 7, Neeala Mela Veethi, Nagapattinam Town, Nagapattinam District was inspected on 15.2.2021. During inspection, it was noticed that the unit was under operation without obtaining prior consent of the Board under the Act.

Thereby you are violating the provisions of Section 25 of the Act, which are offences punishable under Section 44 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.

Hence, you are directed to show cause within fifteen days from the date of receipt of this notice as to why penal action for offences punishable under Section 44 of the Act should not be initiated against the unit under the provisions of the Section 25 of the Act and also to show cause as to why directions under Section 33A of the Act should not be issued for closure of the unit, stoppage of power supply, water supply etc., to the said unit.

M. S. S.
DESPATCHED
Date: 16/2/2021

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


District Environmental Engineer, (1/c)
Tamil Nadu Pollution Control Board,
Nagapattinam.



To
The President,
M/s. Nagapattinam Vaniyar Sangam,
No. 7, Neeala Mela Veethi, Opp. to Vallalar Madam,
Nagapattinam Town,
Nagapattinam District.

BY RPAD



TAMIL NADU POLLUTION CONTROL BOARD

O/o. District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Collectorate Master plan Complex,
Nagapattinam - 611 003.

Proceedings No. F.NPM.NA- 001/OS/DEE/TNPCB/NPM/A/2021, Dated: 16.2.2021.

Sub:	TNPCB Board – Industries – Industries – M/s. Nagapattinam Vaniyar Sangam, No. 7, Neeala Mela Veethi, Nagapattinam Town, Nagapattinam District – Operating the unit without obtaining prior Consent of the Board - Issue of Show Cause Notice under section 21 of the Air (P&CP) Act'1981 as amended– Reg.
Ref:	Inspection of your unit by TNPCB officials on 15.2.2021.

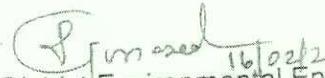
TamilNadu Pollution Control Board serves this notice on you as occupier of the unit of M/s. Nagapattinam Vaniyar Sangam, No. 7, Neeala Mela Veethi, Nagapattinam Town, Nagapattinam District (hereinafter referred to as the 'unit') for contravening the provisions of Section 21 of the Air (Prevention and Control of Pollution) Act 1981 as amended in 1987 (here in after referred to as the 'Act').

Whereas your unit of M/s. Nagapattinam Vaniyar Sangam, No. 7, Neeala Mela Veethi, Nagapattinam Town, Nagapattinam District was inspected on 15.2.2021. During inspection, it was noticed that the unit has not provided Air Pollution Control measures to the Kitchen area and the unit was under operation without obtaining prior consent of the Board under the Act.

Thereby you are violating the provisions of Section 21 of the Act, which are offences punishable under Section 37 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.

Hence, you are directed to show cause within fifteen days from the date of receipt of this notice as to why penal action for offences punishable under Section 37 of the Act should not be initiated against the unit under the provisions of the Section 21 of the Act and also to show cause as to why directions under Section 31A of the Act should not be issued for closure of the unit, stoppage of power supply, water supply etc., to the said unit.

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


District Environmental Engineer (1/c)
Tamil Nadu Pollution Control Board,
Nagapattinam.


To
The President,
M/s. Nagapattinam Vaniyar Sangam ,
No. 7, Neeala Mela Veethi, Opp. to Vallalar Madam,
Nagapattinam Town,
Nagapattinam District.



PROCEEDINGS OF THE DISTRICT COLLECTOR, NAGAPATTINAM
PRESENT: Thiru. Praveen P Nair, I.A.S.,

R.C.No.1481/2021/R.D.10,

Dated: 15.02.2021

Sub: Committee - Joint Committee - Nagapattinam District - Orders of the National Green Tribunal dated 25.01.2021 - Constitution of Joint committee for inspection against unauthorized building constructed in Nagapattinam Municipal area - Orders issued.

- Ref:** 1) Orders received from National Green Tribunal dated: 25.01.2021 in O.A. No 18/2021(SZ).
2) KRS Associates Letter Dated 08.02.2021
3) And other connected records.

(Signature)

order:

The District Collector, Nagapattinam is hereby constituted a Joint Committee as per directions of NGT in the reference 1st cited, comprising of the following officers to inspect the functioning Marriage Hall by Mr. Balakumar, President, No 7, NeelaMela Veedhi, Nagapattinam Vaniyar Association at Nagapattinam Municipal area.

S.No.	Name of Designation of Member	Description of Committee
1	The Revenue Divisional Officer, Nagapattinam.	Member - Representing District collector
2	District Environmental Engineer, Tamilnadu Pollution Control Board, Nagapattinam	Member
3	The Municipal Commissioner, Nagapattinam	Nodal Member

The Joint Committee is directed to ascertain the genuineness of the grievances mentioned in the application is regarding the functioning of the Marriage Hall by Mr R Swaminathan in Nagapattinam Municipality without getting necessary permission and consent from the relevant authorities. And also the following measures were taken during the inspection and send the report before 19.02.2021:

1. To ensure Mr. Balakumar Administrator has complied with all the pollution norms and also obtained necessary permission as has been directed by the Principal Bench in O.A. No. 400/2017.
2. To ensure they are having all necessary licenses and pollution control mechanism to deal with the waste generated in the premises at the time of conducting functions as required under Solid Waste Management Rules 2016

3. To ensure they have obtained necessary permission for the purpose of extracting water for their use and obtained necessary permission for the purpose of converting the house which is intended for domestic purpose into commercial purpose
4. To ensure there is any damage caused to the environment on account of the violations committed by the Mr. Balakumar, President, Namely Nagapattinam Vaniyar Association
5. The committee is directed to assess the environmental compensation to be recovered from them apart from initiating necessary action if any violation is found in accordance with law

Sd./Praveen P Nair
District Collector,
Nagapattinam

To

1. The Revenue Divisional Officer, Nagapattinam.
2. The Municipal Commissioner, Nagapattinam.
3. The District Environmental Engineer, Tamilnadu Pollution Control Board, Nagapattinam -is directed to submit the independent report to the District Collector before 19.02.2021 and to submit the report to the National Green Tribunal on or before 24.02.2021.

//t.c.b.o//

16.2.2021
for District Collector.

16.2.21