

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI**

**Original Application No.18 of 2021 (SZ)**

1. R.Swaminathan,  
S/o. Ramadoss,  
8,Neela Mela Veedhi,  
Nagapattinam Taluk,  
Nagapattinam-611 001.

...Applicants

**Versus**

1. The District Collector,  
Nagapattinam and Others.

...Respondents

**INDEX**

<b>S.No</b>	<b>Description</b>	<b>Page No.</b>
1.	Compliance report filed on behalf of the Respondent – Tamil Nadu Pollution Control Board	1 –5

Advocate for the Respondent: TNPCB

Tr. S. Sai Sathya Jith,

Advocate, Chennai



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Nagapattinam Taluk,  
Nagapattinam-611 001.

...Applicant

Vs

1. The District Collector,  
Collectorate,  
Nagapattinam.
2. The Revenue Divisional Officer,  
Office of Revenue Divisional Officer,  
Nagapattinam.
3. The Tahsildar,  
Office of Tahsildar,  
Nagapattinam.
4. The Municipal Commissioner,  
Nagapattinam Municipality.
5. Deputy Superintendent of Police,  
Office of District Superintendent of Police,  
Nagapattinam.
6. The Superintending Engineer,  
TANGEDCO,  
Sattayappar East Street,  
Nagapattinam.
7. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Nagapattinam.
8. The District Fire Officer,  
Divisonal office,  
Nagapattinam Fire Unit,  
Nagapattinam.

 4/1/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD,

9. Thiru. Balakumar,  
Administrator/ President,  
No.7, Neela Mela Veedhi,  
Nagapattinam Vaniyar Association,  
Nagapattinam.

... Respondents

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

I, R.Rajamanickam, S/o. P.M.Ramasamy Hindu, aged about 57 years, having office at No.76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600 032 and filing this report on behalf of the Respondent, Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case from the records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (Southern Zone), Chennai in its order dated 30.06.2021 directed inter alia as follows:

*"Para 19: The application is disposed as follows:*

*(i) Since the Nagapattinam Municipality has already sealed the building in which the 9th respondent (i.e. Thiru. Balakumar, President, Nagapattinam Vanniyar Sangam) is operating it as a marriage hall for commercial purpose and also issued directions to the 9th respondent that they should not start their function without getting necessary permission from the Pollution Control Board, we feel that there is nothing survives in the matter, except the further proceedings to be initiated by the Pollution Control Board on the basis of the proceedings already initiated by them.*

  
4/11/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD,  
No.76, MOUNT SALAI, CHENNAI-600 032.

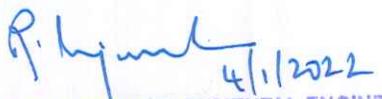
(ii) *The Tamil Nadu Pollution Control Board is directed to proceed with the proceedings already initiated by them by issuing show cause notice and pass appropriate orders including imposition of environmental compensation against the 9th respondent for violation committed, after strictly complying with the procedure of principles of natural justice and give opportunity to the 9th respondent for filing their objection for environmental compensation and provide necessary hearing and then, pass appropriate orders in accordance with law.*

(iii) *The Tamil Nadu Pollution Control Board is also directed to file a further action taken report, after complying with the directions issued by this Tribunal within a period of 3 (Three) months.*

(iv) *If the Tamil Nadu Pollution Control Board filed such a report as directed, the office is directed to place the same before this Bench for further consideration.*

(v) *The Tamil Nadu Pollution Control Board is directed to strictly implement the guidelines issued by the Central Pollution Control Board and also the direction 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 & Ors.) dated 23.07.2020 in its letter and spirit.*

3. It is respectfully submitted that show cause notices were issued by the DEE, TNPCB, Nagapattinam under the Water (P&CP) Act, 1974 as amended and the Air (P&CP) Act, 1981 as amended vide Proc. dated 16.02.2021 to M/s Nagapattinam Vaniyar Sangam for operated the Kalyanamandapam without consent of the Board and not provided APC measures to the kitchen area. Meanwhile, the Nagapattinam Municipality has issued Notices on 18.12.2020 under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, to M/s Nagapattinam Vaniyar Sangam to remove the unauthorized construction in violation to the Building Rules, 2019 and constructing without obtaining necessary planning permission. After the expiry of the time granted under the said notice to rectify the

  
4/1/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD,

4  
defects, the building was finally sealed by the Nagapattinam Municipality on 26.03.2021 under the provisions of the Tamil Nadu Town and Country Planning Act, 1971.

4. It is respectfully submitted that the Nagapattinam Vaniyar Sangam was inspected by the officials of TNPCB, Nagapattinam on 16.09.2021 and found that the premise was under sealed condition.

5. It is respectfully submitted that based on this Hon'ble Tribunal order dated 30.06.2021 in O.A.No.18 of 2021, the Nagapattinam Vaniyar Sangam has furnished a letter dated 12.08.2021, stating that the Vaniyar Sangam has decided not to let out the premises for commercial purposes such as marriage, engagement and birthday functions, instead they are planning to utilize the building for the Association purposes.

6. It is respectfully submitted that for the period of violation from 15.02.2021 (date of inspection by the TNPCB officials) to 26.03.2021 (date of sealing the premises), the environmental compensation was assessed for the unit as follows:

Environmental Compensation formulae =  $PI \times N \times R \times S \times LF$

PI – Pollution index for Commercial Establishments – 50 (Orange category)

N – Number of days for which violation took place is the period between the day of violation observed and the day of sealing the premises – 40 days (From First Inspection on 15.02.2021 by TNPCB till the date of sealing the premises on 26.03.2021 by the Nagapattinam Municipality).

R – Factor in Rupees – Rs.250/- (Average)

*R. Rajan*  
4/11/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD,  
No.76, MOUNT SALAI, CHENNAI-600 032.

S – Scale of operation - 0.5 for small scale unit

LF – Nagapattinam Municipality Population is 1,02,905 as per the 2011 census which is less than one million, Hence location factor – 1

Hence, EC = 50 x 40 x 250 x 0.5 x 1 = Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only).

7. It is respectfully submitted that therefore, show cause notice under Section 5 of the Environment (Protection) Act, 1986 was issued to M/s Nagapattinam Vaniyar Sangam, Ward No.3, Block No.10, TS No. 763, Door No.7, Neela Mela Veedhi, Nagapattinam vide Board Proc dated: 25.12.2021 as to why an Environmental Compensation of Rs.2,50,000/- shall not be levied for the violation caused by the Kalyanamandapam. Reply is awaited from the unit.

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 circumstance of this case and thus render justice.

*R. Rajamanickam* 4/1/2022  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMILNADU POLLUTION CONTROL BOARD,  
 No.76, MOUNT SALAI, CHENNAI-600 032.

**BEFORE ME**

**VERIFICATION**

I, R.Rajamanickam, S/o. P.M.Ramasamy , working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600 032, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

*R. Rajamanickam* 4/1/2022  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMILNADU POLLUTION CONTROL BOARD,  
 No.76, MOUNT SALAI, CHENNAI-600 032.



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COMPLIANCE REPORT FILED ON  
BEHALF OF THE RESPONDENT - TAMIL  
NADU POLLUTION CONTROL BOARD

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

Date: 04.01.2022

Date of Hearing: 20.01.2022

