

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ),
CHENNAI - ORIGINAL APPLICATION NO. 245 OF 2021

IN THE MATTER OF:

Thiru E. Velusamy,
2/811 PallanThottam,
Kanakampalayam,
PerumanallurVazhi.
Tiruppur 641 666.

.. Applicant

Versus

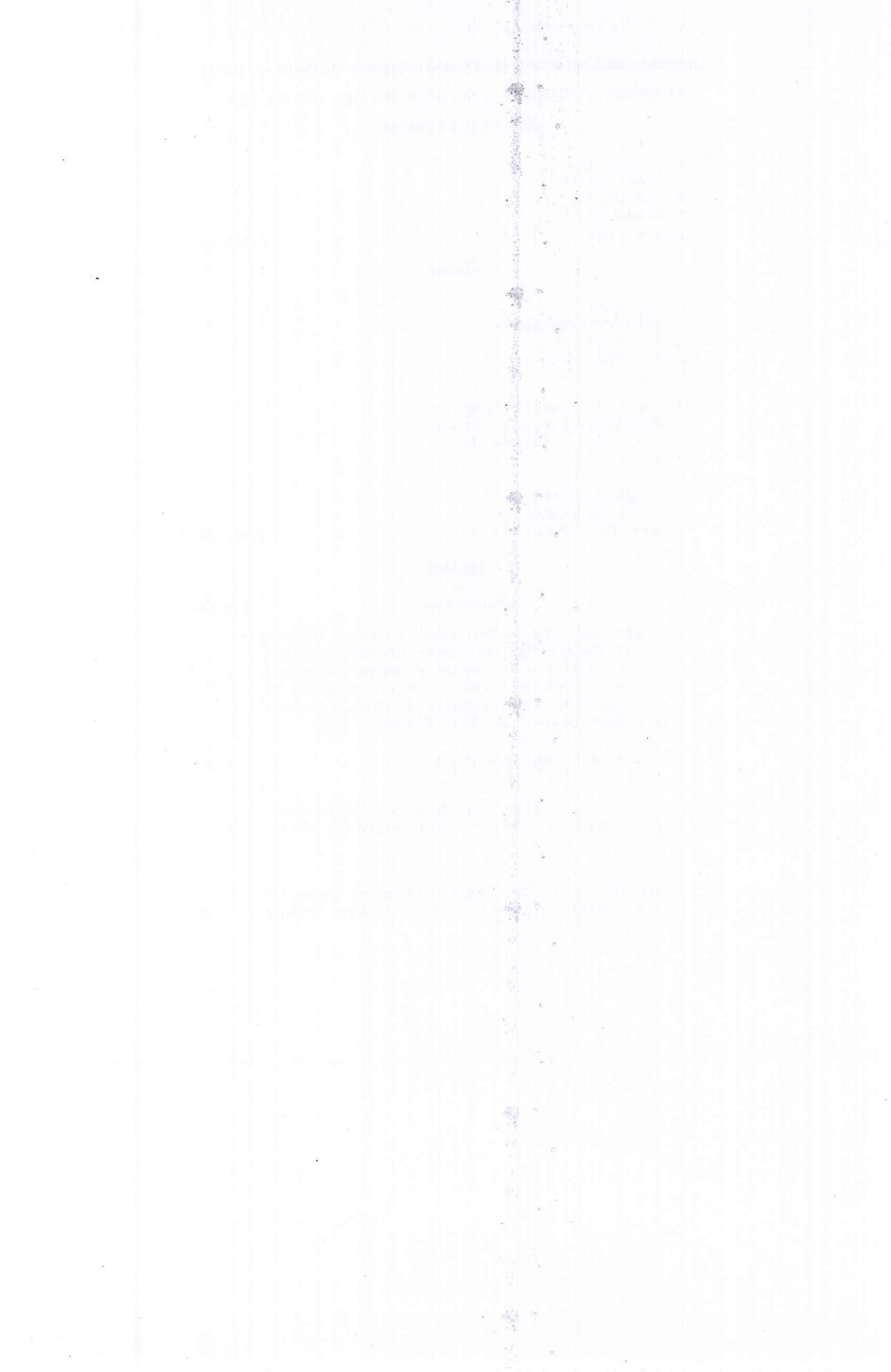
1. The President
KanakampalayamPanchayat,
2/99A Raja Street,
Kanakampalayam,
Tiruppur- 641 666.
2. The District Environmental Engineer,
Tamil Nadu Pollution control Board,
Kumaran complex, Kumaran Road,
Tiruppur-641 601.
3. The District Collector,
Karuppagoundanpalayam,
Tiruppur, Tamil Nadu 641 604.

.. Respondents

INDEX

Sl. No.	Particulars	Page No.
1	Report submitted by the District Collector, Tiruppur before Hon'ble National Green Tribunal (Southern Zone), Chennai in the matter of Original Application No. 245 of 2021 (SZ), filed by Thiru. E. Velusamy Vs The President, Kanakkampalayam Panchayat, Tiruppur and Others as per Order dated 3 rd January 2022	1 - 12
2	Hon'ble NGT Order dated.03.01.2022	13 - 17
3	Annexure - I : Copy of affidavit Executed by Thiru. M.Kariappan S/o. Malli Chettiar before the Notary Public	18 - 19
4	Annexure - II : No objection certificate issued by Block Health Supervisor of Perumannallur Primary Health Centre.	20


DISTRICT COLLECTOR
TIRUPPUR



**REPORT SUBMITTED BY THE DISTRICT COLLECTOR, TIRUPPUR
BEFORE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN
ZONE), CHENNAI IN THE MATTER OF ORIGINAL APPLICATION
No. 245 OF 2021 (SZ), FILED BY THIRU. E. VELUSAMY Vs THE
PRESIDENT, KANAKKAMPALAYAM PANCHAYAT, TIRUPPUR AND
OTHERS AS PER ORDER DATED 3rd JANUARY 2022**

1. Background

A complaint was received from Thiru. E. Velusamy, S/o. Eswaramoorthy on 07.07.2021 forwarded to the Tiruppur City Municipal Commissioner and District Environmental Engineer, Tiruppur.

Further, in the matter of Original application No. 245 of 2021, Thiru.E.Velusamy, S/o. Eswaramoorthy has filed an application before the Hon'ble NGT Vs The President, Kanakkampalayam Panchayat, Tiruppur, The District Environmental Engineer, Tamilnadu Pollution Control Board, Tiruppur North, and District Collector, Tiruppur stating that

"...there is no proper household wastewater system in that area. On account of the stagnation of untreated household wastewater water in agricultural lands of the applicant which is surrounded by more than 750 houses, it case serious health hazards to the people in the locality. Though complaints were made to the authorities and the second respondent has inspected the area and directed the first respondent to provide necessary Under Ground Household wastewater System (UGSS) to avoid discharge of untreated household wastewater into private land, no effective steps have been taken by them

.....The applicant has approached the National Green Tribunal (Southern Zone), Chennai seeking the following reliefs

- a) Direct the respondents to set up an effective drainage system and or treatment facility in Kanakkampalayam village to ensure safe collection, treatment and release of household wastewater in a time bound manner.*
- b) Direct the respondents to remediate the lands and well belonging to the applicant situated in survey numbers 199/1 and 198/ 1A in Kanakkampalayam, Perumanalur vazhi, Tiruppur 64166.*


DISTRICT COLLECTOR¹
TIRUPPUR

c) *Direct the 1st respondent to pay compensation to the applicant as determined by the respondent"*

The Hon'ble NGT in its order dated 03.01.2022 has ordered that"**....The Tamilnadu State Pollution Control Board, District Environmental Engineer, Tiruppur District, Block development Officer-Kanakampalayam Village Panchayat, Tiruppur District and also the District Collector, Tiruppur District are directed to file their independent report regarding the allegations made in the application and the nature of action taken from their side to prevent such mischief being caused by the first respondent and if there is any violation found, what is the nature of action taken by them as providing a public household wastewater system is one of the important service that has to be rendered by the local bodies for the purpose of protection of health of people in that locality"**.

In connection to this, the Applicant land and open well located in the S.F.No:199/1 and 198/1A1, Kanakkampalayam Village, Tiruppur North Taluk, Tiruppur District was inspected by the officials of Tamilnadu Pollution Control Board and Kanakkampalayam Panchayat on 20.1.2022. There are approximately 650 houses belonging to Washington Nagar and Sri Kamatchi Nagar Extension (around 5 Houses) of Kanakkampalayam Panchayat is located adjacently on the southern side to the land of the applicant. The Washington Nagar area is located within 250 M distance (approximate) from the applicant's land. The Washington Nagar is developed by Thiru. M. Kariappan, S/o. Malli Chettiyar. Household wastewater from part of the Residential buildings located in this area is reaching the applicant land. It was informed by the local body officials that only household wastewater from 150 residential houses are being carried through the public drainage before confluencing into the pond located in the applicant's land. There is small earthen pond (kuttai) in the applicant's land. The household wastewater flowing through the drainage reaches this pond and getting stagnated since the pond is located in low lying area.

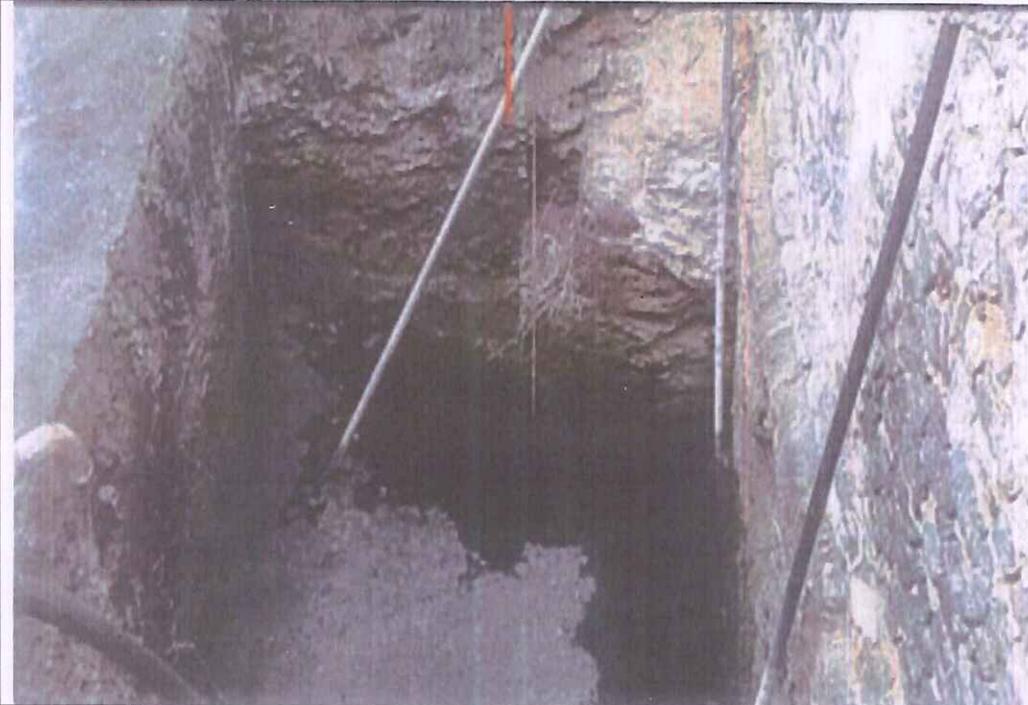

DISTRICT COLLECTOR
TIRUPPUR 2

Google Image showing the over view of the Topography around the applicant land in the NGT O.A 245/2021.



Photo of applicant's open Well located in the S.F.No:199/1, Kanakkampalayam Village from where water Sample is collected and sent for analysis

Latitude and longitude 11°11' 40.977" N and 77°21' 38.131 E




DISTRICT COLLECTOR
TIRUPPUR

**Photo showing the household wastewater stagnated in the
Earthen Pond**

Latitude and longitude 11°11' 35.503" N and 77°21' 38.219 E



**Photo Showing the view of Stagnation Of Household
wastewater**



PHOTO SHOWING THE COCONUT FARM ADJACENT TO THE POND STAGNATED WITH HOUSEHOLD WASTEWATER



PHOTO SHOWING THE COCONUT FARM ADJACENT TO THE POND STAGNATED WITH HOUSEHOLD WASTEWATER




DISTRICT COLLECTOR
TIRUPPUR

During inspection on 20.01.2022 water sample was collected by the TNPCB officials from the applicant Thiru. E.Velusamy's open well and sent to District Environmental Laboratory, Tamilnadu Pollution Control Board, Tiruppur for analysis. The details of the report of analysis dated. 28.01.2022 is tabulated below.

Sl. No.	Parameters	Standards	Results
1.	pH	5.5-9.0	7.14
2.	Total Suspended Solids (mg/l)	50	7
3.	BOD 3 days at 27°C (mg/l)	30	< 2.0

Also a sample was collected by the TNPCB officials on 21.01.2022 and sent to M/s. Enviro Care for analysis of Coliform bacteria. The details of report of analysis dated. 28.01.2022 is tabulated below.

Sl. No.	Parameters	Standards	Results
i.	Total Coliform (MPN/100ml)	Shall be 50 or less	50
ii.	Fecal Coliform (MPN/100ml)	- - -	< 2.0

Based on the above report of analysis, it was ascertained that presently there is no intrusion of household wastewater in the well water of the applicant.

In order to prevent the flow of wastewater into the applicant's land the Kanakkampalayam Panchayat was instructed to take necessary action. As a preventive measures the Kanakkampalayam Panchayat has taken up construction of community soak pits at the locations mentioned below.

Details of Community Soak Pit – I (under construction) location – Washington Nagar

The Community Soak Pit – I which is under construction in the S.F.No.197/1B of Kanakkampalayam Village belongs to Thiru. M.Kariappan S/o. Malli Chettiar who is the promoter of Washington Nagar Layout. The size of the Community Soak Pit – I is 16'-0" X 20'-0" X 9'-9".

The land ownership of Thiru. Kariappan S/o. MalliChettiar is as per the following records:

1. Purchase document No.3935 dated 07.11.2022.
2. Chitta issued by Revenue Authorities dated 30.01.2022.


 DISTRICT COLLECTOR
 TIRUPPUR

3. Patta No.1537 issued by Revenue Authorities dated 30.01.2022.

Affidavit furnished by the Promoter Thiru. M.Kariappan S/o. MalliChettiar for construction of Community Soak Pit - I at Washington Nagar with the following submissions:

Thiru. M.Kariappan has solemnly affirmed by proper Affidavit before the Notary Public on the following:

- i. That he would, by execution of a Gift deed, properly handover to Kannakkampalayam Panchayat the portion of land required for the construction of community Soak Pit S.F.No.197/1B at Kannakkampalayam Village, Tiruppur North Taluk.
- ii. That he would construct a community soak pit at his own cost in the S.F.No.197/1B of Kanakkampalayam village, at the location approved by the Block Health Supervisor, Primary Health Centre, Perumanallur on 29.01.2022.
- iii. That he would completely arrest the existing flow of drainage water to S.F.No.199/1 and 198/1A and divert it to the proposed community soak pit to be located at S.F.No.197/1B at his own cost. and assuring community soak pit construction work will be completed within 31.03.2022.
- iv. That he would periodically clean and maintain the said community soak pit at his own cost.
- v. That he would at his own cost carryout all the directions of Kanakkampalayam Panchayat issued to him at any point of time relating to the community soak pit.

Thiru. M.Kariappan S/o. Malli Chettiar has Executed an affidavit before the Notary Public at Avinashi on 31.01.2022 and the copy of the same is enclosed as **Annexure-I**.

Details of Community Soak Pit - II (under construction) location - Sri Kamatchi Nagar Extension

The Community Soak Pit - II which is under construction is located in the S.F.No.198/1A & 199/1 of Kanakkampalayam Village belongs to Kanakkampalayam Panchayat. This Community Soak Pit - II will be constructed by the Kanakkampalayam Panchayat. The size of the Community Soak Pit - II is 4.46 M X 4.46 M X 2.25 M depth.

Construction of both the Community Soak Pits are under progress and the same will be completed within 31.03.2022.

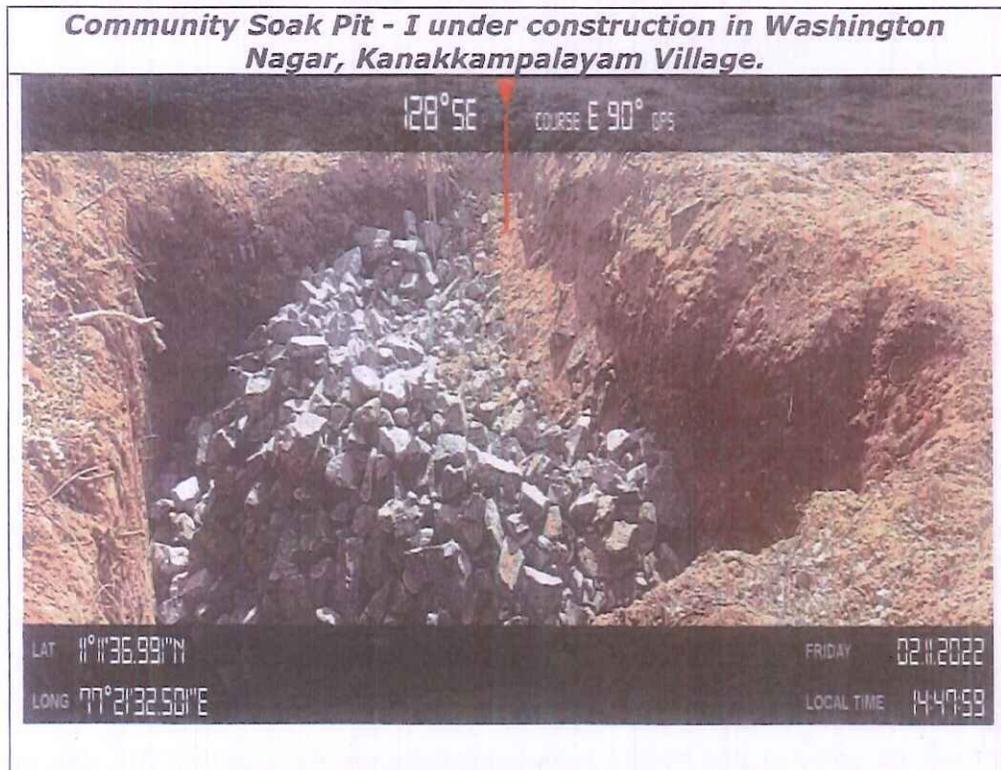

DISTRICT COLLECTOR
TIRUPPUR

On 29.01.2022 the Block health supervisor of Perumannallur Primary Health Centre has inspected the Washington Nagar, Sri Kamatchi Nagar Extension and adjacent places in Kanakkampalayam village and the Survey Field Nos.197/1B,198/1A proposed for the construction of two community soak pits so as to divert the drainage and accorded no objection certificate through letter dated 29.01.2022 for the location of community soak pit proposed (**Annexure - II**).

Joint inspection of Tamilnadu Pollution Control Board Officials and Block Development Officer, Tiruppur Panchayat Union

The officials of Tamilnadu Pollution Control Board along with Block Development Officer and Kanakkampalayam Panchayat Secretary have jointly inspected the site on 11.02.2022. As committed by the Developer and Kanakkampalayam Panchayat the following mitigation works were under progress.

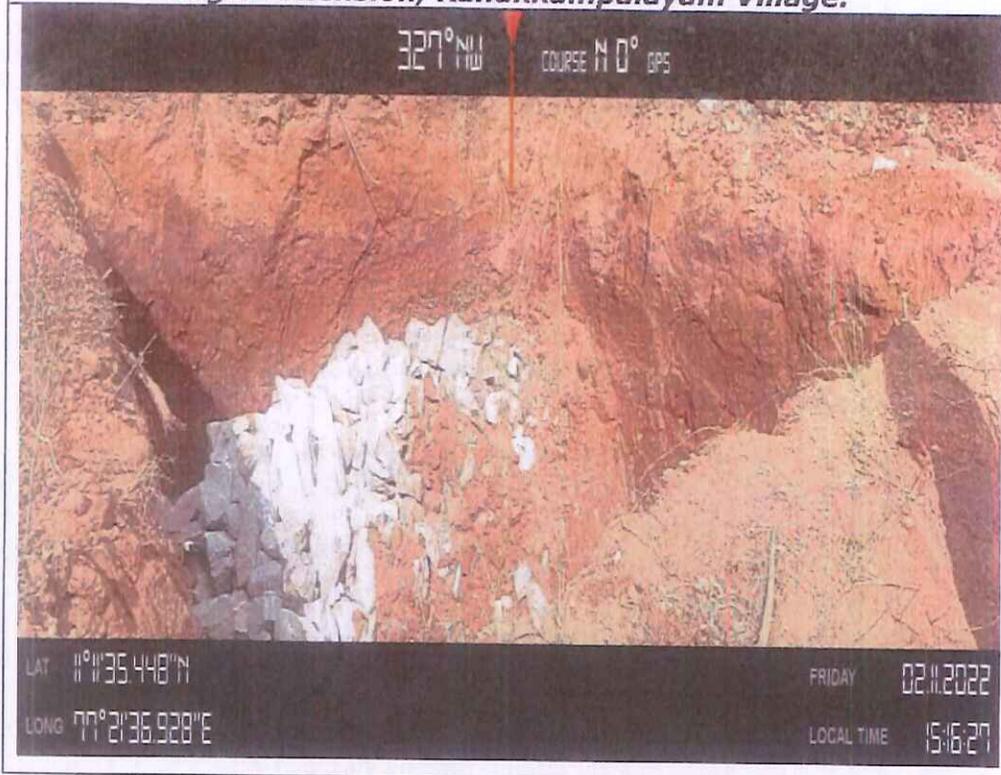
- i. The Kanakkampalayam Panchayat has started the earth work for construction of Community Soak Pit - I Washington Nagar, Kanakkampalayam Panchayat in the land belonging to the developer of Washington Nagar.



- ii. The Kanakkampalayam Panchayat has started the earth work for construction of Community Soak Pit - II in reserve site belonging to Kanakkampalayam Panchayat located in Sri Kamatchi Nagar Extension, Kanakkampalayam Village in the Reserve site.


DISTRICT COLLECTOR
TIRUPPUR 8

Community Soak Pit - II under construction in Sri Kamatchi Nagar Extension, Kanakkampalayam Village.



- iii. Kanakkampalayam Panchayat has blocked the flow of the household wastewater into the earthen drainage leading to the applicant's land by diverting the household wastewater flow within the reserve site of the Kanakkampalayam Panchayat, in Sri Kamatchi Nagar Extension to prevent the flow of household wastewater into the kuttai.

Drainage blocked near reserve site




DISTRICT COLLECTOR
TIRUPPUR

Now household wastewater is not flowing in to the land of the applicant. Photograph taken on 20.01.2022 before diverting the earthen drainage carrying household wastewater flow and Photograph taken on 11.02.2022 after diverting the flow of earthen drainage carrying household wastewater are shown below.

<p>Photo taken on 20.01.2022 before diverting with household wastewater flowing in to the applicant's land.</p>	<p>Photo taken on 11.02.2022 after diverting with no household wastewater flowing in to the applicant's land.</p>
	

After construction of the community soak pits the household wastewater flow will be diverted and drained in to the community soak pits and the construction of the same will be completed before 31.03.2022.




 DISTRICT COLLECTOR 10
 TIRUPPUR

The earthen drain and the kuttai in the applicant's land which was previously found with stagnation of household wastewater were found dry now. Photograph taken during the previous inspection on 20.01.2022 and recent inspection on 11.02.2022 are as below.

Photo taken on 20.01.2022 showing the Kuttai with household wastewater stagnated before diverting the flow



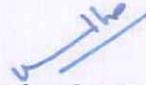
Photo taken on 11.02.2022 showing the Kuttai without household wastewater stagnated after diverting the flow




DISTRICT COLLECTOR
TIRUPPUR

Conclusion

Based on the Hon'ble NGT order dated. 03.01.2022, the Kanakkampalayam Panchayat has started the works to provide two numbers of Community Soak Pit, one at S.F.No.197/1B in Washington Nagar and another at S.F.No.199/1 and 198/1A in Sri Kamatchi Nagar Extension. The completion date of construction of community soak pits will be 31.03.2022 as committed. The household wastewater will be let into the community soak pits and the same will be put into operation immediately after the completion of construction. Presently, there is no flow of household wastewater into the applicant's land.


**District Collector,
Tiruppur District.**

Item No.01:

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 245 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF:

E. Velusamy,
Tiruppur.

...Applicant(s)

The President,
Kanaka,paalayam Panchayat,
Tiruppur and others.

....Respondent(s)

Date of hearing: 03.01.2022

CORAM:

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

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Ms. Sriraksha represented
Mr. A. Yogeshwaran

For Respondent(s):

Dr. D. Shanmuganathan for R1 & R3
Mr. S. Sai Sathya Jith for R2

ORDER

1. The grievance in this application is regarding discharge of untreated sewage into the agricultural land of the applicant by the first respondent as there was

no proper sewage system provided in that area. On account of the stagnation of untreated sewage water in agricultural lands of the applicant which is surrounded by more than 750 houses, it causes serious health hazards to the people in the locality. Though complaints were made to the authorities and the second respondent had inspected the area and directed the first respondent to provide necessary Under Ground Sewage System (UGSS) to avoid discharge of untreated sewage into the private land, no effective steps have been taken by them.

2. Further, the first respondent is also expected to maintain the health of the people in the locality as stagnation of sewage water in a particular area will become breeding place for mosquitoes which will spread vector-borne diseases. Under the Madras Public Health Act, 1939 and also under the Tamil Nadu District Municipalities Act, 1920, it is the responsibility of the first respondent to provide proper sewage mechanism to avoid stagnation of sewage water in the public or in the private land causing health hazards to the people. Since the authorities have not taken effective steps, the applicant has no other option except to approach this Tribunal seeking the following reliefs:-

- a. *Direct the respondents to set up an effective drainage system and/or treatment facility in Kanakampaalayam Village, to ensure safe collection, treatment and release of sewage in a time bound manner.*
- b. *Direct the respondents to remediate the lands and well belonging to the applicant situated in Survey Numbers*

199/1 and 198/1A in Kanakampalayam Perumanalloor
Vazhi, Tiruppur - 641 666.

c. Direct the 1st respondent to pay compensation to the
applicant as determined by the 2nd respondent.

3. On going through the allegations made in the application, we are satisfied that there arises a substantial question of environment which requires interference by this Tribunal as there is Non- enforcement of the subordinate legislative rules framed under the Environment (Protection) Act, 1986. So, the application is admitted.
4. Issue notice to 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 proof affidavit as per rules.
5. The applicant is also directed to serve a copy of the application along with the documents produced to the standing counsel appearing for the respondents 1 to 3 within a week and produce proof of such service by filing proper affidavit as per rules.
6. 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 and proceed against them, if they did not appear, in their absence in accordance with law.
7. In the mean time, the Tamil Nadu State Pollution Control Board, District Environmental Engineer, Tiruppur District, Block Development Officer-

Kanakampaalayam Village Panchayat, Tirupur District and also the District Collector, Tiruppur District are directed to file their independent report regarding the allegations made in the application and the nature of action taken from their side to prevent such mischief being caused by the first respondent and if there is any violation found, what is the nature of action taken by them as providing a public sewage system is one of the important service that has to be rendered by the local bodies for the purpose of protection of health of the people in the locality.

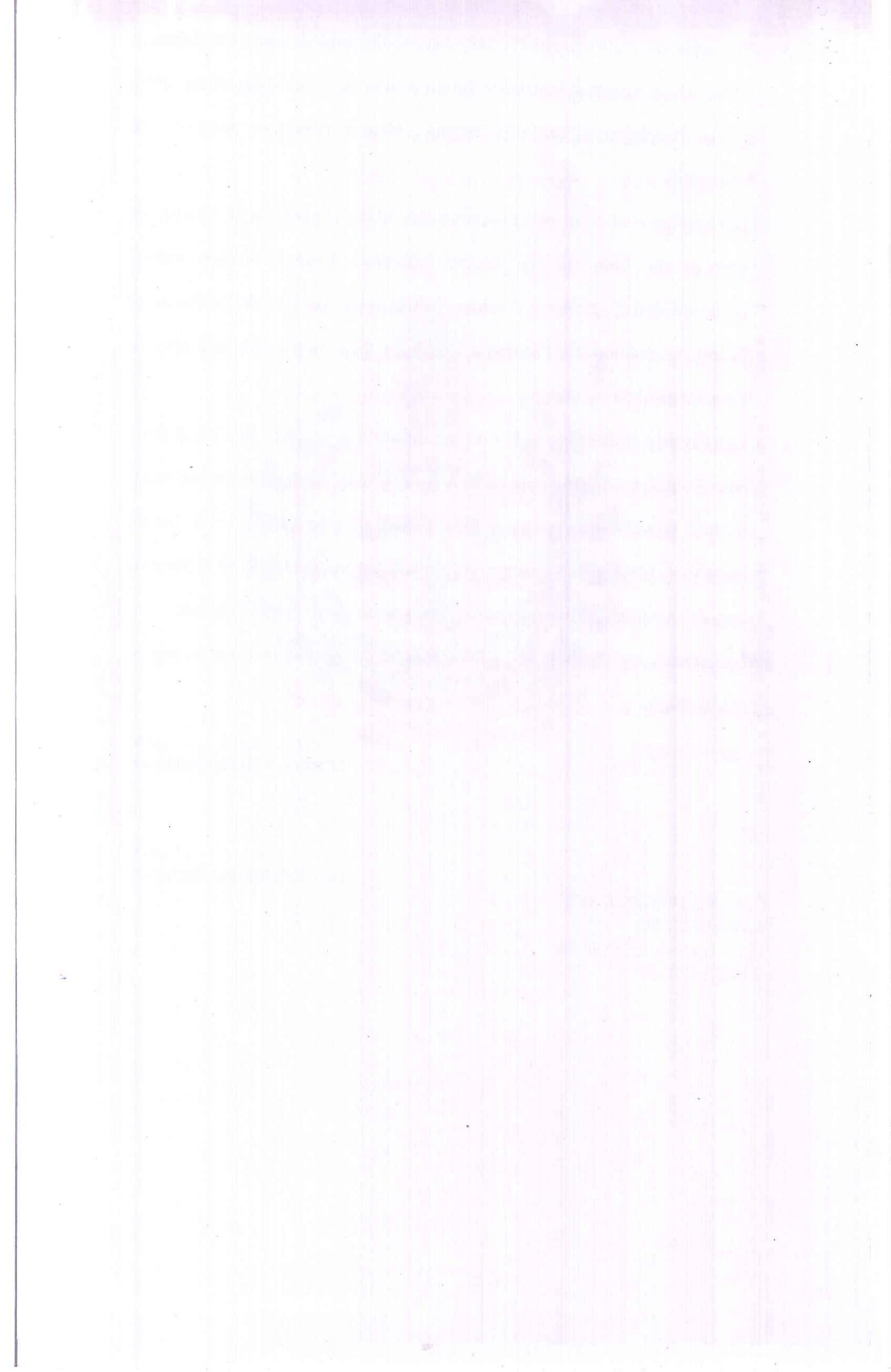
8. Further, under Section 133 of Code of Criminal Procedure, letting, the sewage into the private property causing health hazards will amount to public nuisance. The District Collector, Tirupur District apart from invoking his/her powers under the Solid Waste Management Rules, 2016 also has power under Section 133 of Code of Criminal Procedure to take appropriate action for such violation.
9. The applicant is directed to serve a copy of the application to the above officials within a week, so as to enable them to comply with the direction without delay.
10. The above officials are directed to submit the respective independent reports to this Tribunal on or before 27.01.2022 by e-filing in the form of searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.

11. The applicant is also directed to take steps to the implead Block Development Officer Udumalaipettai Panchayat Union who is the controlling officer of the Village Panchayat whom this Tribunal feels a necessary party to the proceeding.
12. The Registry is also directed to serve a copy of the application along with the copy of the order to the District Collector, Tirupur District, District Environmental Engineer – Tirupur District and also Block Development Officer, Udumalaipettai Panchayat Union for their information and also for compliance of the direction.
13. The Registry is also directed to communicate this order to the 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.
14. For appearance of parties and also for filing their independent report, post on 27.01.2022.

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

Sd/--
.....E.M.
(Dr. Satyagopal Korlapati)

O. A. No.245/2021, (SZ)
03.01.2022, Sr.





தமிழ்நாடு தமில்நாடு TAMILNADU

AT 358348

28.1.22

காரியப்பண

சூதாப்புகள்

[Signature]
 ர. எ. லாவரஸு
 ஸ்டாம்பு வெண்டர்
 மெயின் ரோடு, அவிநாசி
 உரிமை எண்: 4639/B1/2011/TRP

AFFIDAVIT

I M.KARIAPPAN Son of Malli Chettiar, Hindu aged 56 years, residing at Door No.7 Neethiammal Nagar, Nesavalur Colony North, P.N.Road, Tiruppur Town, Tiruppur District, do hereby solemnly affirm and sincerely state as follows:-

I am the land owner of S.F.No.197/1B part of Kanakkampalayam Village in Tiruppur North Taluk, Tiruppur District as per document No.3935 dated 07.11.2002, Chitta issued by Revenue authorities dated 30.01.2022, and as per patta No.1537.

I am also the real estate promoter of Washington Nagar located in Kanakkampalayam Village, Tiruppur North Taluk.



[Signature]
 31/1/22
E.P. ELAVARASU B.L.
 ADVOCATE & NOTARY
 (GOVT. OF INDIA) ROLL No. 6731
 AVANASHI-841654
 TIRUPPUR (DT), TAMILNADU

I would by execution of a Gift deed, properly handover to Kanakkampalayam Panchayat, the portion of land required for the construction of common community soak pit in S.F.No.197/1B at Kanakkampalayam Village.

I would construct a common community soak pit at my own cost in S.F.No.197/1B of Kanakkapalayam Village, at the site approved by the Block Health Supervisor of Primary Health Centre, Perumanallur on 29.01.2022.

I would completely arrest the existing flow of drainage water to S.F.No.199/1 and 198/1A and divert it to the proposed common community soak pit to be located at S.F.No.197/1B at my own cost.

I would periodically clean and maintain the common community soak pit at my own cost.

I would in my own cost carry out all the directions of Kanakkampalayam Panchayat whenever issued to me relating to the common community soak pit stated supra.

I am making this solemn declaration sincerely and conscientiously believing the same to be true and with full knowledge that it is on the strength of this declaration that I would not claim any objection for the location of common community soak pit at S.F.No.197/1B and its future maintance at my cost and also according to directions of the authorities concerned.

These facts stated are true to the best of my knowledge and belief and if any wrong or false statements are found at a later date in this regard I will be responsible for the same and compensate the same at my cost.



E.P. ELAVARASU
DEPONENT

Solemnly affirmed and signed before me at Avinanshi on 31.01.2022.



E.P. ELAVARASU
E.P. ELAVARASU B.L.

அனுப்புநர்:

மு.வரதராசு,

வட்டார சுகாதார மேற்பார்வையாளர்
அரசு ஆரம்ப சுகாதார நிலையம்
பெருமாநல்லூர், திருப்பூர் வட்டாரம்.

பெறுநர்:

ANNEXURE-II

தலைவர்,

கணக்கம்பாளையம் ஊராட்சி.

ஐயா,

பொருள் : பொது சுகாதாரம் - கணக்கம்பாளையம் ஊராட்சி - வாஷிங்டன் நகர்
பகுதியில் ஊராட்சிக்காக தனிநபர் சமுதாய உறிஞ்சுகுழி அமைத்து
கொடுத்தல் - தடையின்மை சான்று வழங்குதல் சம்பந்தமாக.

பார்வை : 28.01.2022 நாளிட்ட தலைவர், கணக்கம்பாளையம் ஊராட்சி
அவர்களின் கடிதம். ந.க.எண். இல்லை.

பார்வையில் கண்ட கணக்கம்பாளையம் ஊராட்சி தலைவர் அவர்களின்
கடிதத்தின் படி, கணக்கம்பாளையம் ஊராட்சிக்குட்பட்ட வாஷிங்டன்நகர் பகுதியில் தனிநபர்
மூலம் க.ச.எண். 197/1B, 197/2B ல் சமுதாய உறிஞ்சுகுழி அமைத்து தர உள்ளதால் சுகாதார
துறையின் தடையின்மை சான்று கோரப்பட்டுள்ளது. அதன்பேரில் 29.01.2022 அன்று சுகாதார
ஆய்வாளர் மற்றும் ஊராட்சி செயலாளர் ஆகியோருடன் குறிப்பிட்ட பகுதியில் (க.ச.எண்.
197/1B, 197/2B) ஆய்வு மேற்கொள்ளப்பட்டது.

மேலும் குறிப்பிட்ட க.ச.எண். 197/1B, 197/2B ல் சமுதாய உறிஞ்சுகுழி
அமைக்க சுகாதார கண்ணோட்டத்தில் தடையின்மை சான்று வழங்கப்படுகிறது.

வரும் காலங்களில் மேற்கண்ட சமுதாய உறிஞ்சுகுழி செயல்படாவிட்டால்
இத்தடையின்மை சான்று தானாக இரத்தாகிவிடும்.


29/01/2022
வட்டார சுகாதார மேற்பார்வையாளர்
அரசு ஆரம்ப சுகாதார நிலையம்
பெருமாநல்லூர், திருப்பூர் வட்டாரம்

நகல் பணிந்து சமர்ப்பிக்கப்படுகிறது.

துணை இயக்குநர், சுகாதார பணிகள், திருப்பூர்.

