

BEFORE THE NATIONAL GREEN TRIBUNAL, BENCH AT CHENNAI
Original Application No 41/2019

IN THE MATTER OF:

1. Srinivasan K
Ekkatuthangal, Guindy Chennai-600032
9791078818/ me.anantharaman@gmail.com

Applicant / Applicant

VERSUS

1. Reliable Polymers
Represented by its Director\ Proprietor
D.Srinivasan
Ekkatuthangal, Guindy Chennai-600032
and 5 others

Respondents / Respondents

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Filed by
Applicant

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OBJECTIONS FILED BY THE APPLICANT
TO THE REPORT FILED BY RESPONDENTS 2 & 3 dated 15th Feb 2021

I, Srinivasan K, S/o. Krishnamoorthy, Hindu aged about 67 years, residing at Plot No 3 Achuthan Nagar 1st Street, Ekkatuthangal, Guindy, Chennai– 600032, do hereby solemnly affirm and sincerely state as follows

1. I am the applicant herein.
2. The report has not ascertained the compliance of the Joint committee recommendations.

Joint Committee Recommendations	Enforcing Authority	COMPLIANCE
1. The respondent unit shall obtain and function only with the valid consent of the Tamil Nadu pollution Control Board under the provisions of the water act, 1974 and the Air Act 1981 as amended. (<i>Machineries allowed in RESIDENTIAL use Zone</i>)	TNPCB	Not complied
2. The Respondent unit shall function only with the valid running license issued under section 287 of CCMC Act, 1919 by Greater Chennai Corporation.	Chennai Corporation	Not complied
3. The Respondent unit shall install & operate the machinery of horse power allowed as per Tamil Nadu Combined Development and Building Rules, 2019, in RESIDENTIAL USE ZONE.	Chennai Corporation	Not complied

3. The NOISE and Air Pollution tests are only based on the Partial operations of the plastic unit, which may not reflect the true nature of violations.

- TNPCB status report dated 15 Feb 2021 mentions that the unit is not 100% operational (**only 2 out of 7 machines operated**)
- TNPCB status report dated 6 Oct 2020 mentions that the unit is not 100% operational (only 2 out of 7 machines operated)
- Joint Committee inspection dated 13 July 2020 also indicates that the unit is not 100% operational.

4. TNPCB is muted on the scientific studies and directions of CPCB on plastic industries.

- As per DPCC, which clearly indicates the plastic units are not allowed to operate near residential or human habitations. Attached RTI Act information herein with Annexure 1 (page no 4).

5. TNPCB has misrepresented the site in question as Industrial Area, and acted against the law to bypass the Joint Committee decision, thus violating the Hon'ble Bench directions.

- As per JOINT COMMITTEE it is Residential use.
- As per RTI Act information
 - Town Planning Approval issued for the area is for Residential use (CMDA Approval No PPD/LO No.1795/2018.)
 - The plastic unit has **not obtained town planning approval** for industrial purposes and is known to be UNAUTHORIZED structure. Annexure 2 (Page no 8 & 9).
- TNPCB has failed to ascertain the veracity of the letter submitted by the plastic unit to claim as an approved industrial area.
- Further Chennai Corporation (enforcing authority of building rules 2019)
 - Granted approval for nearby residential buildings
 - Established Government schools within 100 meters of the site
 - Not granted town planning approval to establish the plastic unit

6. Odour nuisance created from the plastic unit is suppressed in the report below are the questions that arise.

- The **previous inspections** indicate the odour nuisance, but it has **not been disclosed** in the present report.
 - As per Chennai Corporation, on March 2020, the unit is found to be causing nuisance to nearby public.(Annexure A1 - IA 41/2020)
 - As per TNPCB inspection during August 2019, ODOUR NUISANCE is caused by the plastic unit. (Annexure 7 in OA 41/2019)
 - As per TNPCB inspection in July 2018, certain violations on Air acts were noticed. (Annexure 6 in OA 41/2019)
- Have all the steps been taken to abate the odour from the plastic unit?

7. TNPCB has neither accepted or denied the facts in IA 02 & 03 /2021 and has not ascertained the allegations on the above IA applications.

8. Applicant has submitted further RTI requests to CMDA for veracity of the letters of 1st Respondent to claim it as an approved industrial area, whatsoever reason, CMDA replied that the information will be furnished later. (Annexure-3)

9. Under the above circumstances, I humbly submit that this Hon'ble Tribunal be pleased to pass any such further or other order as it may deem fit and proper in the circumstances of the case and thus render justice.

VERIFICATION

I Srinivasan K, presently at Chennai, on this 22th Mar 2021 that, to the best of my knowledge, the contents of the aforesaid affidavit are true and correct and nothing material has been concealed then from.

Applicant



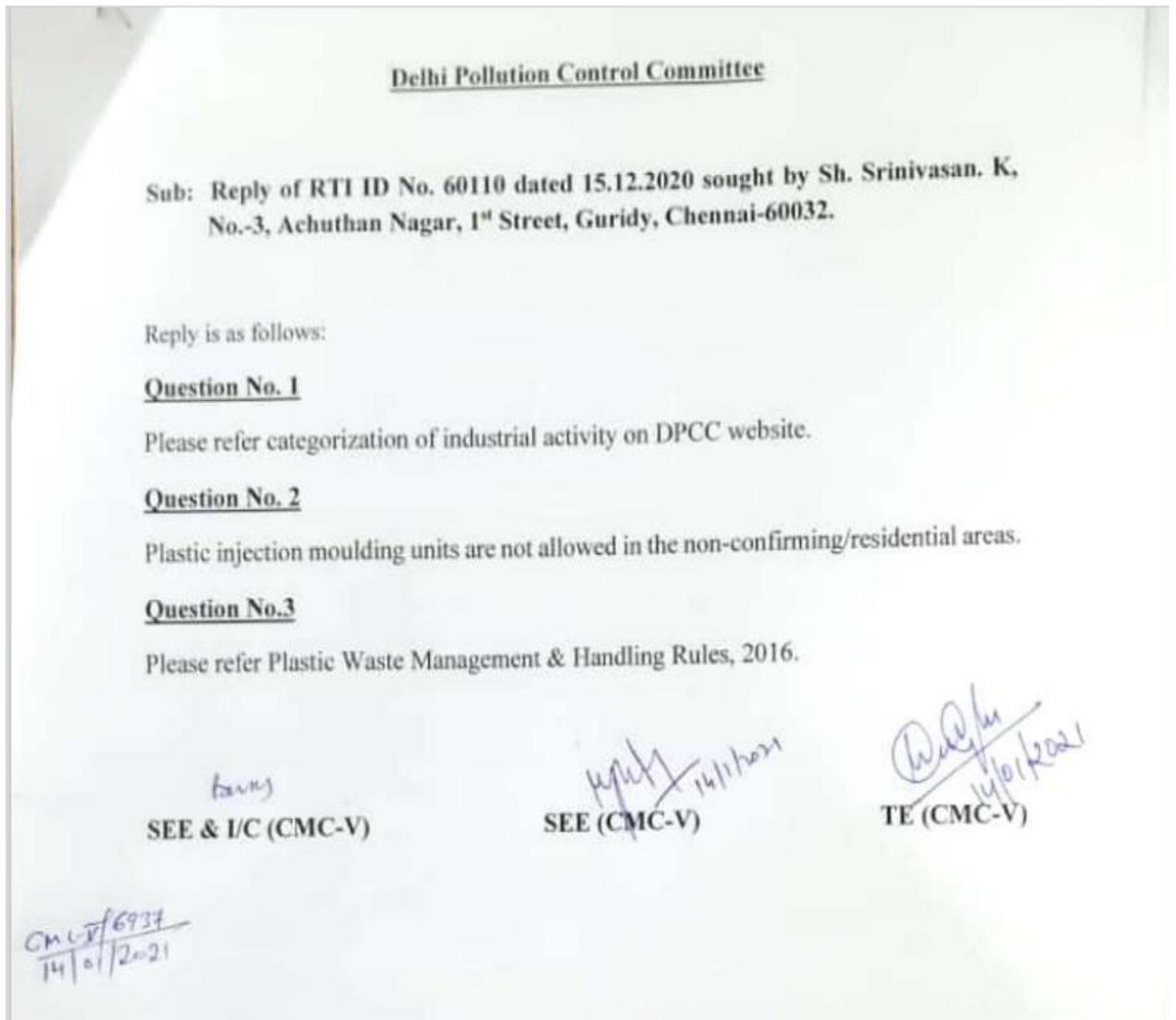
ANNEXURE 1

Public Authority Details :-

* Public Authority	Delhi Pollution Control Committee
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Personal Details of RTI Applicant:-

Registration Number	DPCCM/R/2020/60110
Date of Filing	14/12/2020
* Name	Srinivasan k
Description of Information Sought	1. Whether the plastic industry which is engaged in manufacturing of plastic products using Nylon Injection moulding and poly propylene injection moulding shall fall under the F-27 category of industries. 2. As per DPCC, whether the above said industry shall be permitted to operate in non-conforming areas? 3. As per DPCC, whether the above said industry shall comply with plastic waste management rules?
* Concerned PIO	Dr. Chandra Prakash
Supporting document ((only pdf upto 1 MB))	Supporting document not provided



ANNEXURE 2

**APPLICATION U/S.6(1 FOR SEEKING INFORMATION UNDER
THE RIGHTS TO INFORMATION ACT, 2005**

From

K.Srinivasan
S/o. Mr.Krishnamoorthy
Flat F2, Plot No.3, Achuthan Nagar 1st Street,
Ekkatuthangal, Guindy, Chennai – 600 032

To

The Public Information Officer / Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

PART-I

1. Name of the applicant : K.Srinivasan
2. Date of birth : 24.09.1953
3. Gender: Male/Female : Male
4. Father's full name : Mr.Krishnamoorthy
5. Mother's full name : Kamalammal
6. Present address with PIN Code : Flat F2, Plot No.3,
Achuthan Nagar 1st Street,
Ekkatuthangal, Guindy,
Chennai – 600 032
- Telephone/Mobile No. : 9791166736
- Residential : 9791078818
- Office :
7. Permanent address with PIN Code: Flat F2, Plot No.3,
Achuthan Nagar 1st Street,
Ekkatuthangal, Guindy,
Chennai – 600 032
- Telephone/Mobile No. :
8. E.mail I.D., if any : me.anantharaman@gmail.com
9. Proof of Residence :
(Ration Card/Election Voter's
card/Passport/Driving Licence) : Aadhaar Card
(Please attach photocopy) :

PART-II

- (i) Specify the particulars of the information sought for:
1. What is the zone classification of Plot No.1, Door No.1, 1st Street, Achuthan Nagar, Ekkatuthangal, Guindy, Chennai – 600 032 belonging to M/s.Reliable Polymers in the layout approved vide PPD/L.O. No. 1795/2018 comprised in Block No.1, Survey Nos.92/2, 3 of Ekkatutthangal Village, Chennai Greater Corporation ?
 2. Whether the building constructed in the said Plot has been duly approved by CMDA / Corporation ?
 3. If the building plan is approved by CMDA / Corporation, a copy of the Plan may be sent for which I undertake to pay necessary charges
 4. Whether the owner of the above referred Plot can use the entire constructed area for commercial / manufacturing purpose ?
- (ii) Whether the information sought for is required to be supplied:
- (a) In printed form - Yes
 - (b) In diskette or floppy
- (iii) Whether inspection of records also sought. - Yes
- (iv) Whether application fee of Rs.10 (Rupees Ten only) paid and, if so, please specify mode of payment.
- (a) Indian Postal Order enclosed.the IPO number 39F 265593

Declaration of the Applicant :

- (i) I am a bonafide citizen of India and owe allegiance to the sovereignty, unity and integrity of India and have not voluntarily acquired the citizenship of another country.
- (ii) The information given by me in this form is true and I am solely responsible for its accuracy.

Place : Chennai

Date : 25.07.2020



.....
(Signature of the Applicant)
K.SRINIVASAN
Name of the Applicant

REGISTERED POST WITH ACKNOWLEDGEMENT DUE



CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
Thalamuthu Natarajan Building, No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008

Phone : 28414855 Fax: 91-044-28548416

E-mail: mcmda@tn.gov.in

Web site: www.cmdachennai.gov.in

Lr.No.G/PIO/5031/2020

Dated: 19.08.2020

To

Thiru. K. Srinivasan
Flat F2, Plot No.3, Achuthan Nagar 1st Street,
Ekkatuthangal, Gunity,
Chennai - 600 032.

Sir,

Sub: CMDA – G/PIO – Information requested under RTI Act 2005 –
Information furnished - Regarding.

Ref: Your letter dated 25.07.2020, received on 30.07.2020

.....
With reference to your letter received in the reference cited above, the following information are furnished.

Query No.	Reply furnished
1)	As per Second Master Plan, Block No. 1, Survey No.92 of Ekkattuthangal village is Partly Industrial Use Zone and partly mixed residential use zone..
2 to 4	Information will be furnished latter from B-Channel (South)Dn, CMDA.

Yours faithfully,

20.8.2020

(N.ALAMELU)

DEPUTY PLANNER & APU (B-C)
PUBLIC INFORMATION OFFICER,

del
20/8/2020

P.S. : Under section 19 (1) of RTI Act 2005, in case of any grievance against the information furnished the applicant may appeal to the appellate authority whose address is, "Chief Planner, Area Plan Unit, CMDA, Thalamuthu – Natarajan Building, No.1, Ganchi Irwin Road, Chennai – 8", with in 30 days from the date of receipt of this letter.

REGISTERED POST WITH ACKNOWLEDGEMENT DUE



CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
Thalamuthu Natarajan Building, No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008
Phone : 28414855 Fax: 91-044-28548416
E-mail: mcmda@tn.gov.in
Web site: www.cmdachennai.gov.in

Lr.No.G/PIO/5031/2020

Dated:02.09.2020

To

Thiru.K.Srinivasan,
S/o.Mr.Krishnamoorthy,
Flat F2, Plot No.3,
Achuthan Nagar 1st Street,
Ekkatuthangal, Guindy,
Chennai - 600 032.
Sir,

Sub : CMDA - G/PIO - Information requested under RTI Act 2005
- Information furnished - Regarding.

Ref : Your RTI petition dated: 25.07.2020 received on 30.07.2020.

....

With reference to your petition received under RTI Act, the following informations are furnished.

Qucry No.2 to 4

It is verified with the computer data entries available in Area Plans Unit/CMDA and found that Planning Permission was not issued by CMDA for the Building constructed at Plot No.1, Door No.1, 1st Street, Achuthan Nagar, Ekkatuthangal, Guindy, Chennai - 600 032 belonging to M/s.Reliable Polymers in the layout approved vide PPD/L.O.No.1795/2018 comprised in S.Ns.92/2, 3 of Ekkatutthangal Village. Hence copy of approved plan and details could not be furnished.

Yours faithfully,

(R.MAGUDAPATHY)
PUBLIC INFORMATION OFFICER,
SENIOR PLANNER, (APU-B- SOUTH)

From The Member Secretary, Chennai Metropolitan Development Authority, "Thalamuthu Natarajan Building", No.1, Gandhi Irwin Road, Egmore, Chennai - 600008.	To 1). The Commissioner, Greater Chennai Corporation, Chennai - 2). Zonal Executive Engineer (Zone - XIII), No.115, Dr. Muthulakshmi Salai, Chennai - 600020.
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Letter No. EC/S-II/11524/2020

Dated: 10/11/2020

Sir,

Sub: CMDA - Enforcement Cell (South-II) - Unauthorized / Deviated / Encroachment of Road, Park, Street construction at M/s.Reliable Polymers, No.1, 1st Street, Achuthan nagar, Ekkaututhangal,Guindy, Chennai, S.No. 92(including 92/2,92/3) - Petition forwarded for necessary action by Greater Chennai Corporation - Requested - Reg.

- Ref:**
1. Proc.No.Misc.1/13198/85-A, dt.12.03.1986.
 2. Proc.No.Misc./1607/91, dt.24.01.1991.
 3. Circular No.ES3/19459/1997, dt.28.02.1998.
 4. Circular No.RT1/12393/2005, dt.27.04.2005.
 5. Proc.No.RT/3849/2009, dt.21.05.2009.
 6. Proc.No.RT/8381/2012, dt.19.10.2012.
 7. Proc.No.RT/19948/2011, dt.25.2.2014.
 8. Proc.No.RT/19948/2011, dt.30.07.2016.
 9. Proc.No.RT/19948/2011, dt.02.12.2016.
 10. Petition received from Thiru. Srinivasan.K, dt.21/10/2020.

I am to invite your kind attention to the references 1st to 9th cited wherein powers have been delegated by CMDA for taking enforcement action on all types and categories of Unauthorized/Deviated/Encroachment of Road, Park, Street constructions.

A complaint received in the reference 10th cited requesting to take enforcement action on the construction said to have been made/under progress. A copy of the petition/representation received in the reference 10th cited is enclosed with a request to examine veracity of the complaint and to take necessary enforcement action against the construction under reference exercising the powers delegated by CMDA and also as per the MCMC Act, 1919. The action taken report shall be informed to the CMDA at the earliest.

Yours faithfully,


for MEMBER-SECRETARY

Encl: Reference 10th cited.

Copy To:

✓ Thiru. Srinivasan.K,
Door No. 3,
1st Street, Achuthan Nagar, Ekkatuthangal,Guindy,
Chennai.


19/11/2020

ANNEXURE - 3

By RPAD



CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY

'Thalamuthu Natarajan Building',

No.1, Gandhi Irwin Road, Egmore, Chennai-600 008.

Phone: 28414855/ Fax: 91-044-28548416

E-mail: msemda@tn.gov.in - Website: www.cmdachennai.gov.in

Letter No. G/PIO/1700/2021

Dated: 11.03.2021

To
Thiru. K. Srinivasan,
S/o. Mr. Krishnamoorthy,
Flat F2, Plot No.3, Achuthan Nagar 1st Street,
Ekkattuthangal, Guindy,
Chennai – 600 032.

Sir,

Sub: CMDA –Master Plan Unit – Detailed Development Plan Division–
Petition received under RTI Act 2005 – Information furnished -
Regarding.

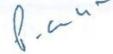
Ref: RTI Petition from Thiru. K. Srinivasan, dated 18.02.2021 received on
19.02.2021.

With reference to your petition received in the reference cited, the following
information is furnished under RTI Act 2005:

Query No.	Remarks
1. Whether the CMDA letter no. LU/00147/2020 dated 17.09.2020 (copy of letter attached on Annexure 1) shall be considered as approval from CMDA that survey no. 92/2 & 92/3 is an approved industrial area?.	For query no. 1 & 2 reply will be furnished later.
2. Kindly clarify, on letter no. LU/00147/2020 the "Land Use" for Survey Nos. 92/2, 3 as per master plan is indicated as "Industrial and Mixed Residential zone"?	
3. Whereas as per CMDA Approval No. PPD/LO No. 1795/2018, Block No. 1, Survey No. 92/2, 3 of Ekkattuthangal village, Chennai corporation is approved and	As per G.O. (Ms) No. 78 H & UD [UD4 (3)] Department, dated 04.05.2017 in Rule. No.8 stating that "8. Effect of regularization – Plots regularized under these rules

specify the land use on the CMDA Approval is applicable, irrespective of the master plan land use zone.	shall be deemed to be regularized for residential usage irrespective of the land use zone in the development plans concerned.”
4. Without layout approval from CMDA, whether the Survey No. 92 including the subdivision 92/2, 3 of Ekkattuthangal, shall be considered as INDUSTRIAL AREA?	As per Second Master Plan the land use for S. No, 92 & 93 is partly industrial use zone and partly Mixed Residential use zone .

Yours faithfully,



PUBLIC INFORMATION OFFICER
Senior Planner,
Master Plan Unit



Copy to:
Grievance Officer,
CMDA, Chennai - 600 008.

P.S. : Under section 19(1) of RTI Act 2005, in case of any grievance against the information furnished the applicant may appeal to the appellate authority whose address is, “Chief Planner, Master Plan Unit, CMDA, Thalamuthu - Natarajan Building, No.1, Gandhi Irwin Road, Chennai-8”, within 30 days from the date of receipt of this letter.

**Before the National Green Tribunal
Southern Zone, Chennai**

Original Application No 41/2019

In the matter of
Srinivasan.K ..(Applicant)

-Vs-

Reliable Polymers,
Represented by its Director\ Prop.

D.Srinivasan,
Chennai 32.

And 5 Others

.....Respondents

M/S. Sampathkumaar & Associates,
R.Narayanan
Joseph Augustine &
N.Prabakaran,
Advocates

Counsel for Applicant

Address for Service:

Old No.152, New No 315,
Thambu Chetty Street, Chennai-1
Office Phone No 044 25341168