

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

Original Application No. 50 of 2016 (SZ)

S. Paul Raj

...Applicant(s)

Versus

The Commissioner,
Kayalpattinam Municipality,
Tuticorin District and another .

....Respondent(s)

With

Original Application No. 11 & 12 of 2021 (SZ)
Mass Empowerment and Guidance Association

...Applicant(s)

Vs

The Kayalpattinam Municipality,
and Others.

...Respondent(s)

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**Filed by
Thiru. Sai Sathyajith
Advocate, Chennai.**

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

In O.A. No. 11 of 2021 and O.A.No. 12 of 2021 with O.A.No. 50 of 2016(SZ)

**Interim report of the Joint Committee constituted vide Hon'ble
NGT(SZ) order dated 09.01.2020 & 28.02.2020 in O.A. No. 50 of
2016 and in O.A. No. 11 of 2021 and in O.A. No. 12 of 2021 .**

I. Report of the Joint Committee in O.A. No. 50 of 2016

In the matter of S. Paul Raj vs The Commissioner, Kayalpattinam Municipality, Tuticorin District and others in O.A. No. 50 of 2016, the Hon'ble NGT(SZ), Chennai in its order dated. 09.01.2020 & 28.02.2020 has constituted a committee consisted of (1) The District Collector, Tuticorin (2) Tamilnadu Pollution Control Board and (3) The Commissioner, Kayalpattinam Municipality, Tuticorin District ***to inspect the area in question(the municipal solid waste dump sites) and submit the present status of the dumping ground and also regarding implementation of the Solid Waste Management Rules, 2016, as directed by the Principal Bench of the National Green Tribunal in O.A. No. 606 of 2018 and if there is any violation, what is the action taken by the Tamil Nadu Pollution Control Board in this regard, including imposition of environmental compensation on the municipality for non compliance, as directed by the National Green Tribunal, Principal Bench, New Delhi and submit a status and action taken report within a period of one month before this tribunal by e-mail @ ngtszfilling@gmail.com. Tamil Nadu Pollution Control Board will be nodal agency for this purpose.***

In compliance to the above order of the Hon'ble NGT, the Joint Committee visited the Kayalpattinam Municipality solid wastes processing sites/ area and existing dumpsites on 18.08.2020 and submitted the report along with the action taken by the Tamilnadu Pollution Control Board to impose Environmental Compensation on the Kayalpattinam Municipality for non-compliance of the Solid Wastes Management Rules, 2016.

II. **Interim report of the Joint Committee in O.A. No. 11 of 2021 (SZ) (Mass Empowerment and Guidance Association vs The Kayalpattinam Municipality and others)**

The applicant in O.A. No. 11 of 2021 (SZ) 'Mass Empower and Guidance Association' has submitted as follows:

- Illegal dumping of waste by Kayalpattinam Municipality in and around S.No. 43/1, Kayalpattinam Municipality South Village at Papparapalli in Kayalpattinam Municipal area for the past 40 years, due to which there is significant impact on the environment and on the people in the vicinity. The area is surrounded by residences, municipal slaughter house, TNEB substation etc.,
- The dumping of wastes was stopped at the site since, 2016.
- During rains leachate from the waste flows on to the roads and surrounding causing severe nuisance and pollution.
- The waste is also set to fire occasionally causing severe air pollution.
- An exhaustive study has to be conducted to assess the extent of contamination of soil, water etc., by a competent 3rd party and necessary remediation plan has to be evolved and implemented,

For the above said reasons the applicant has prayed the Hon'ble NGT to direct the respondent municipality to remediate the existing legacy waste dumpsite and to direct the municipality to pay environmental compensation.

The Hon'ble NGT (SZ) in its order dated 19.01.2021 in O.A. No. 11 of 2021 directed the same committee constituted in O.A. No. 50 of 2016 ***"to ascertain the nature of dumps, the quantity of legacy waste lying there, step taken by the municipality for the disposal of the legacy waste, damage if any, caused to the environment including soil and ground water, on account of the untreated legacy waste being kept there for long time and if there is any contamination caused to the soil as well as ground water on account of leachate, the remedial measures to be taken for rectifying the same and also to prepare an action plan for disposal of the legacy waste within shorter time frame, so as to redress the grievance permanently"***.

In compliance to the above order of the Hon'ble NGT(SZ), the Joint Committee inspected the dumpsite located at S.No. 43/1, Kayalpattinam South Village at Papparapalli in Kayalpattinam Municipality on 30/07/2021 and following observations have been made:

- The dumpsite was found to be measuring 1.82 acres.
- No fresh municipal solid waste was found at the dumpsite and the municipal solid waste at the dump site was found to be bio-minable waste/legacy waste.

- The total quantity of the accumulated legacy waste at the dump site was reported to be 19960 m³ by volume as per the revised estimate.
- The dumping of waste was reported to have been stopped at the site by the Municipality since 2016.
- Residential houses were found to be located at a distance of about 65 meters away from the dumpsite and the Municipality slaughter house is located adjacent to the dumpsite. Also, the TNEB sub station was found to be located at a distance of about 75 meters away from the dump site.
- Kayalpattinam to Arumuganeri LF road is located adjacent to the unit.
- The dumpsite is located outside the CRZ area.
- During inspection the waste in the dump site was not found to be in burnt condition.
- The Municipality submitted proposal for Bio-mining of this dump site (Project cost is Rs. 160 lakhs) to the Director of Municipal Administration, Chennai through the Regional Director of Municipal Administration-Tirunelveli vide RC No. 1469/2018A2 Dt. 24/08/2021 and the proposal is yet to be approved.

It is submitted that in order to assess the extent of damage caused to the ground water at the dump site, ground water samples 4- Nos have been collected from the wells located near the dump site on 30.07.2021 and sent for analysis at the TNPCBd lab. The Report of Analysis is awaited.

The extent of damage caused to the soil at the dumpsite will be assessed by analysing the soil sample at the dumpsite after the bio-mining of the dumpsite is completed.

It is submitted that the Tamil Nadu Pollution Control Board has imposed Rs. 14 lakhs as interim Environmental Compensation to the Municipality for the period from April 2020 to October 2020 for non-compliance of the Municipal Solid waste Management Rules and for not commencing the work of legacy waste remediation process and the Municipality is liable to remit the Environmental compensation till the compliance of the directions issued by TNPCBd vide Proceedings No. TNPCB/LAW/LAIII/NGT/007187/2016 dt.18.11.2020.

III. Interim report of the Joint Committee in O.A. No. 12 of 2021 (SZ) (Mass Empowerment and Guidance Association vs The Kayalpattinam Municipality and others)

In the O.A. No. 12 of 2021, the applicant has submitted that the respondent Municipality has constructed a structure to function as micro compost yard inside the inter tidal Zone of the CRZ in beach poramboke land partially blocking a natural drainage outlet into sea called the keerikulam.

The applicant has also submitted that the waste disposal (or) processing facilities cannot be setup inside the CRZ area as they are prohibited under the CRZ notification 2011. Hence, the applicant prayed the Hon'ble NGT to issue direction to forthwith demolish this illegal structure.

The Hon'ble NGT(SZ) in its order dated. 19.01.2021 in O.A. No. 12 of 2021 *has directed the same committed that has been constituted in O.A. No. 50 of 2016 to inspect the area and to submit a factual as well as action taken report if there is any violation found, and submit the consolidated report in O.A. No. 50 of 2016 instead of filling independent reports, so that all these connected issues can be considered together and appropriate directions can be issued and dispose of the causes by a common judgement.*

The Hon'ble NGT(SZ) also directed the committee to *consider the question of violation of CRZ Notification in respect of establishment of micro compost yard in the allotted place by the first respondent municipality and if there is any violation found, what is the nature of action taken by the authorities in respect of the same and to submit the report to the Hon'ble Tribunal along with O.A. No. 50 of 2016.*

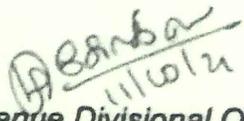
In compliance to the above order of the Hon'ble NGT(SZ), the Joint Committee inspected the *micro compost yard (on-site compost centre)* on 30/07/2021 and the following report is submitted:

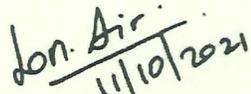
- The *micro compost yard (on-site compost centre)* is located in the un-surveyed poramboke land.
- The *micro compost yard (on-site compost centre)* consists of a shed with aluminium sheetroof and is measuring 15 meters x 6 meters in size.
- The processing capacity of the *micro compost yard (on-site compost centre)* is 0.50 MT/day.
- The *micro compost yard (on-site compost centre)* is reported to have been established exclusively to process the municipal solid wastes generated in the beach area.
- The *micro compost yard (on-site compost centre)* has been constructed during the year 2018 at a cost of Rs. 7 lakhs and is yet to be commissioned/yet to be put into operation..
- The *micro compost yard (on-site compost centre)* is located within CRZ area. The exact location of the *micro compost yard (on-site compost centre)* within the CRZ area can be identified/known only if the Project layout is super imposed on the CRZ map indicating HTL and LTL demarcated by one of the Authorized agency in 1:4000 scale.

- The Municipality has submitted the application for CRZ clearance for this *micro compost yard (on-site compost centre)* on 29.07.2021. The application submitted by the Municipality was returned for want of the following additional particulars:
 - a) Application in the prescribed format (Form I) – 8 copies.
 - b) CRZ map indicating HTL and LTL demarcated by one of the Authorized agency in 1:4000 scale – 8 copies.
 - c) Project layout super imposed on the above map indicated at (b) above – 8 copies.
 - d) Copy of Project report – 8 copies.

On receipt of the additional particulars, the subject will be placed before the District Coastal Zone Management Authority meeting and decision will be taken on the further course of action.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Thoothukudi.


Revenue Divisional Officer,
Tiruchendur.


Commissioner,
Kayalpattinam Municipality,
Kayalpattinam.

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.
ORIGINAL APPLICATION No. 50 OF 2016**

S. Paul Raj

...Applicant(s)

Versus

**The Commissioner,
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...Respondent(s)

With

Original Application No. 11 &12 of 2021

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...Respondents

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50 of 2016 and in O.A No. 11 of 2021 and in
O.A No. 12 of 2021**

**Advocate for Respondent: TNPCB
Thiru. Sai Sathyajith
Advocate, Chennai.**

Date:18.10.2021