

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

**Original Application No. 50 of 2016 (SZ)**

S. Paul Raj

... Applicant

Versus

The Commissioner,  
Kayalpattinam Municipality,  
Tuticorin District and another.

... Respondents

With

**Original Application Nos. 11 of 2021(SZ)**

Mass Empowerment and Guidance Association

... Applicant

Vs

The Kayalpattinam Municipality,  
And Others.

... Respondents

With

**Original Application No. 12 of 2021(SZ)**

Mass Empowerment and Guidance Association

... Applicant

Vs

The Kayalpattinam Municipality,  
And Others.

... Respondents

**STATUS REPORT FILED BY THE 1<sup>st</sup> RESPONDENT**

The 1<sup>st</sup> Respondent respectfully submits as follows:-

1. That these present applications have been filed with respect to the Solid Waste Management and disposal of legacy waste at Kayalpattinam Municipality and for removal of a structure constructed in the CRZ area of the Kayalpattinam South village.

*Jon. A. R.*  
*21/03/2022*  
COMMISSIONER  
KAYALPATTINAM MUNICIPALITY

2. That this Respondent has filed the reply statements in all the above applications and various status reports before this Hon'ble Tribunal, indicating the extent of action in this regard.

3. That the Hon'ble Tribunal on 28.03.2022, when the above matters were taken up, had directed as follows:

*"The learned counsel appearing for the Municipality submitted that as regards the construction of Waste Management Facility in CRZ Zone is concerned, they have already removed the roof and when we asked as to whether they have any intention to remove the structure itself, as it is not a permissible activity within the CRZ area, the learned counsel wanted some time to get instruction from the Municipality as to whether they have got any intention to remove the structure and if so, within what time, they will remove the same. They are directed to file an affidavit to that effect before the next hearing date."*

4. That the Reply statements and reports along with documents, filed by this Respondent in the above matters, may be taken as a part and parcel of this present report.

#### **ON SITE COMPOSTING CENTRE AT CRZ AREA:**

5. That the Government of Tamil Nadu vide G.O Ms. No. 430, Information and Tourism (D3) Department dated 16.12.2004, allocated an amount of Rs. 30 lakhs for the purpose of developing and providing basic amenities at the Coastal area, in Kayalpattinam Municipality.

6. That pursuant to the above, this respondent had constructed a 200m compound wall, in the **Year 2005 – 2006** in the subject area, which is much prior to the CRZ Notification, notified in the year 2011.

*Jan. A. S.*  
31/03/2022  
COMMISSIONER  
KAYALPATTINAM MUNICIPALITY

7. That as per the Solid Waste Management Rules 2016 and as per the sanction under the Swachh Bharat Mission, the Municipality had established micro composting centres to treat and dispose the wastes that are being generated everyday by complying all environment and pollution control norms.

8. That the above facilities cover the entire area of this Respondent municipality except for the area nearer to the beach and its surrounding. Further, since the nearest composting centre from the beach is at a distance of 5 KM, in order to mitigate the problem of waste being generated and dumped at the Beach and for expeditious removal and management of the same, it was proposed to establish a Onsite Compost Centre with a capacity of 0.50 Metric Tonnes, within the confines of the **COMPOUND WALL constructed in the year 2005 – 2006.**

9. That this Respondent had constructed a temporary structure for the proposed composting centre, on the **EXISTING COMPOUND WALL** which was constructed in the **Year 2005 - 2006. The existing compound wall has been converted and modified as a temporary shed.**

10. That this Respondent has presently removed the Temporary structure which was constructed within the old compound wall. That the said Onsite compost centre had been established for the purpose of segregating and managing the waste generated near the beach. Hence it is submitted that a resolution is required to be passed for removing the structure and thereafter necessary action will be taken to do the same after placing the subject with the Council Meeting of the Municipality.

11. That apart from the subject facility, a **PUBLIC TOILET** was also constructed by this Respondent Municipality during the **Year 2015**, which is very close to the above facility i.e., about 20 feet, however,

the applicant who claimed to be the protector of environment has not raised any objection for the same, which itself shows the malafide intention of the applicant and the said interest is not bonafide. If the applicant is really an environmentalist, they could have approached this Hon'ble Tribunal in the **Year 2018-2019** itself when the above said Onsite compost centre was constructed, but they didn't do so, for the reason best known, hence the applicant has approached this Hon'ble Tribunal for their vested interest with unclean hands and there is no public or environment interest is involved in the present issue, which is an abuse of process of law.

### **BIO MINING:**

**12.** That with respect to the legacy waste and in order to mitigate the problem, the Kayalpattinam Municipality has duly inspected the site and pursuant to which a Detailed Project Report has been formulated enumerating the various processes and procedures involved in the Bio Mining and as such, a proposal to Bio-mine the legacy waste of 19,960 Cu.M and reclaim the land of 2.65 acres, has been sent for the approval of the State Government.

**13.** That the Municipality has taken all steps and measures to dispose off the legacy wastes which were dumped in the Paparapalli site, Kayalpattinam Municipality through bio-mining and are in the process of according approval from the Government of Tamil Nadu. It is submitted that this Respondent will immediately implement the Bio Mining of legacy waste, as and when the approval is granted for the same.

**14.** That this Municipality will ensure that the bio mining is done strictly as per standards and all the legacy waste that is found to be dumped at the site, is cleared and will further ensure that no such illegal dumping of waste takes place anywhere within the jurisdiction of this Municipality.

*Jon. A. R.*  
31/03/2022  
COMMISSIONER  
KAYALPATTINAM MUNICIPALITY

**BIO-METHANATION PLANT:**

**15.** That the Bio-methanation Power Plant was also proposed to be established, to digest the degradable market waste in a digester and use the evolving gas to produce electricity. Pursuant to the above proposal, the land of an extent of 4.5 Acres in Survey No. 278/1B of Kayalpattinam South Village was allotted to this Respondent Municipality for setting up of Biomethanation Plant.

**16.** That Municipality as a Government body which is responsible for improving and maintaining a clean environment, had applied for the said project and the consent orders under Water (Prevention & Control of Pollution) Act 1974 and Air (Prevention & Control of Pollution) Act 1981 (as amended) were issued on 24.06.2015 after placing the subject before the Zonal Level Consent Clearance Committee (ZLCCC) which was held on 19.06.2015 for establishing the Bio-methanation Power Plant at S.F.No.278/1B of Kayalpattinam South Village, Tiruchendur Taluk of Thoothukudi District.

**17.** That as per Rule 15(y) of the New Rules 2016, the Consents from the Tamil Nadu Pollution Control Board were deemed to be not necessary since the proposed treatment plant i.e., Bio-methanation plant is only for handling waste upto 5 Metric Tonnes. However, if any permission / authorization is required from the Board for the operation of the said plant and the same will be obtained without any default at the time of operation.

**18.** That this Respondent Municipality has completed the establishment of bio-methanation plant and trial run was successfully completed. However, this Respondent has proposed to enter into an agreement with third party agency, to maintain and keep the operation of the subject plant and the process for the same are under negotiation with the agency.

*Jon A. R.*  
*31/03/2022*  
COMMISSIONER  
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19. That the members of the Applicant herein, frequently agitate unnecessarily against this Respondent, with an intention to cause trouble to this Respondent for purely vested interests and to foster the present application.

20. That this Respondent undertakes to abide by and strictly follow any directions as would be passed by this Hon'ble Tribunal.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to take the present status report into consideration and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

**DATED AT KAYALPATTINAM ON THIS THE 31<sup>ST</sup> DAY OF MARCH  
2022**

*Jon. A. r.*  
*31/03/2022*  
**COMMISSIONER**  
**KAYALPATTINAM MUNICIPALITY**  
**1<sup>ST</sup> RESPONDENT**

### **VERIFICATION**

I, M.Sugandhi, Daughter of Mr.K.Masanamuthu, aged about 26 years, the Commissioner of Kayalpattinam Municipality, having office at Municipal Office, Kayalpattinam Municipality, 49, MutharammanKovil Street, Kayalpattinam, Tiruchendur Taluk, Thoothukudi District – 628 204, do hereby verify that the contents of the above paragraphs are true to the best of my personal knowledge and grounds are based on legal advice and that I have not suppressed any material fact.

**VERIFIED AT KAYALPATTINAM ON THIS THE 31<sup>ST</sup> DAY OF  
MARCH, 2022.**

**1<sup>ST</sup> RESPONDENT**  
*Jon. A. r.*  
*31/03/2022*  
**COMMISSIONER**  
**KAYALPATTINAM MUNICIPALITY**