

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI**

**MEMORANDUM OF APPLICATION**

(Under Section 18(1) read with Sections 14, 15 of National Green Tribunal Act  
2010)

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

**Between:**

S. Paul Raj,  
S/o Mr.Silvester,  
1-C Kombuthurai,  
Kayalpattinam, Tiruchendur Taluk. ...Applicants

AND

The Commissioner,  
Kayalpattinam Municipality,  
Kayalpattinam,  
Tiruchendur Taluk,  
Thoothukudi District & Anr ... Respondents

**MEMO DATED 25/08/2022 FILED ON BEHALF OF THE  
APPLICANT**

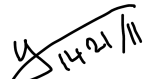
It is submitted as follows:

1. The present application has been filed aggrieved by the illegal and unscientific dumping of waste by the 1<sup>st</sup> respondent in Survey No: 278 / 1B of Kayalpattinam South Village, in complete contravention of Municipal Solid Wastes (Management and Handling) Rules, 2000 ("MSW Rules"), the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
2. It is submitted that the 1<sup>st</sup> respondent on 25.1.2016 began dumping municipal solid waste at the lands comprised in Survey No: 278 / 1B of Kayalpattinam South Village. The respondent has not set up or established any facility to process waste and had begun the dumping of waste on soil, thus leading to contamination of soil, groundwater and also resulting in fly, mosquito infestation.

3. Taking note of this illegality, this Hon'ble Court passed an interim order on **7-3-2016** restraining the 1st respondent Municipality from dumping the waste at the site comprised in Survey No.278/1B of Kayalpattinam South Village until further orders from this Tribunal. After the order of this Hon'ble Tribunal, the respondent stopped dumping waste at the site for a brief period. It is also a matter of record in these proceedings that the 1st respondent does not have requisite consent under the Air Act and Water Act and Authorisation under the MSW Rules to even establish the MSW facility at that site and has not established any MSW facility as envisaged under the Rules.
4. It is submitted that as per the Final Report of the Joint Committee, constituted by the Hon'ble Tribunal, submitted on 4-3-2022, Kayalpattinam Municipality, with a population of around 55,450 generates 14MT of waste every day – out of which, 10.5 MT is bio-degradable waste and 3.5 MT is non bio-degradable waste.
5. The Final Report of the JC states that the Municipality processes about 2.8 MT bio-degradable waste at the Micro Compost Centre (1) located in Kombuthurai/Kadayakudi; another 1 MT bio-degradable waste is processed in the Micro Compost Centre (2) located in Sivan Koil Street; about 0.5 MT bio-degradable waste is processed at the Onsite Compost Centre located within the Municipality Office Complex. This accounts for 4.5 MT bio-degradable waste.
6. Therefore, what happens to the remaining 9.5 MT waste every day (6 MT bio-degradable waste and 3.5 MT non bio-degradable waste) is unknown. The report notes that, on the day of inspection, the Committee found 3 to 4 MT of plastic waste on open ground and in closed rooms. The municipality thus does not have the required capacity to deal with the waste generated every day.
7. It is submitted that the Municipality is illegally disposing the remaining waste every day. For example, the Municipality has illegally dug the ground within the site located at Survey No.278/1B (Kayalpattinam South Village) and buried tonnes of waste underground. No proper compost yard has been established and neither is the Bio-methanization plant of 5MT capacity functional to process bio-degradable waste.

8. It is submitted that the Municipality continues to fail to adhere to SWM Rules' norms of segregating waste at source; instead, it continues to dump the Waste on open ground in Survey No.278/1B (Kayalpattinam South Village)
9. I would like to further submit that the Municipality is surreptitiously dumping the daily collected waste in the South and East of the Compost yard located at Survey No.278/1B (Kayalpattinam South Village), outside the compound wall of the dumping yard – in addition to various other public places. Pictures taken on 19-4-2022 at around 1pm, showing the Municipality workers dumping waste in open ground just south of the Compost yard and the burning of garbage, are attached for reference. Latest photos are also attached. Video taken on 25.08.2022 by the Applicant which shows large scale illegal dumping at the site is available at:  
<https://drive.google.com/file/d/1MS0M4DvWzL4LUkpmI1ExoCj3qK2XXkWO/view?usp=sharing>
10. Strict action must be taken against the Municipality for its continued violation of SWM Rules and Environmental Rules, the Environmental compensation must be imposed and more importantly, offenders should be prosecuted for violation of the Water Act and Air Act - which would deter further violation of the Rules and polluting of the Environment.
11. The municipality should create necessary facilities to deal with the entire quantum of waste generated every day and measures to reduce waste generation should also be adopted.

Dated this the 25th day of August, 2022 at Chennai

  
Counsel for the Petitioner

மக்கள் உரிமை நிலைநாட்டல்  
மற்றும் வழிகாட்டு அமைப்பு

2C Thaik Street, (Opp. to Bus Stand), Kayalpattinam, Thoothukudi District, Tamilnadu 628 204  
Registered as Society (No.75/2016; Thoothukudi District)

**MASS EMPOWERMENT AND  
GUIDANCE ASSOCIATION (MEGA)**



20-4-2022

To

(1) The Chief Secretary,  
Government of Tamil Nadu,  
Chennai.

(2) Additional Chief Secretary to Government,  
Environment, Climate Change and Forests Department,  
Chennai.

(3) The Chairman,  
Tamil Nadu Pollution Control Board,  
Chennai.

(4) District Collector,  
Thoothukudi.

(5) District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Thoothukudi.

(6) Commissioner,  
Kayalpattinam Municipality.

Sir,

**Sub:- Continued violation of SWM Rules by Kayalpattinam Municipality - O.A.No.50/2016  
- O.A.No.11/2021 - NGT, Southern Bench - reg**

We would like to bring to your kind attention that Kayalpattinam Municipality, Thoothukudi District is blatantly violating the Solid Waste Management Rules and Environment Protection Act.

Tamil Nadu Pollution Control Board had, in November 2020, imposed Environmental Compensation (Rs.14 lakhs for 7 months from April 2020) on the Municipality for dumping unsegregated waste in open area, burning the waste (Kadayakudi area) and for not

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மற்றும் வழிகாட்டு அமைப்பு

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## MASS EMPOWERMENT AND GUIDANCE ASSOCIATION (MEGA)



clearing the legacy waste (Papparapalli area). It  
is yet to pay up the Environmental Compensation.

Despite these strictures, it continues to defy the Rules - causing irreparable damage to the  
Environment.

At the Compost yard located in Survey No.278/1B (Kadayakudi, Kayalpattinam South  
Village), the Municipality has illegally dug the ground deep and dumped the waste  
underground and covered it. This is totally prohibited in law.

Unsegregated waste is being dumped over the ground at the Site in violation of all norms  
everyday.

The Municipality illegally dumps the unsegregated waste in the land located outside the  
Compost yard and burns them regularly.

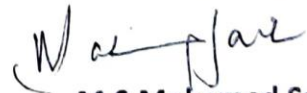
I have attached images taken in March and April of this year - which will show all these  
violations, including the burning of waste and illegal dumping of waste in a private site.

All these violations are totally in contempt of orders of National Green Tribunal where  
cases (O.A.No.50/2016 and O.A.No.11/2021) are pending regarding this.

We request you to kindly take strict action against the officials of Kayalpattinam  
Municipality for these continued violations and to ensure strict adherence to SWM Rules  
by the Municipality.

Thanking you,

Yours sincerely,

  
M.S.Mohamed Salihu,  
Secretary.

Copy to:-

(1) Registrar, National Green Tribunal, Southern Zone, Chennai.

நட்புத்து என்ன?

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Dial 1800266868 - Wear Masks, Stay Safe

RTB140885741N IVR:828481405  
RL KAYALPATNAM S.O. 628004  
Counter No:1,21/04/2022,14:11  
To:THE CHIEF SECRETARY, DIST OF TN  
PIN:600009, Fort St George S.O.  
From:MASS EMPLOYEES GUIDANCE ASSOCIA  
Wt:30gms  
Amt:27.00(Cash)  
Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)  
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RTB140878911N IVR:828481405  
RL KAYALPATNAM S.O. 628204  
Counter No:1,21/04/2022,14:11  
To:DIST ENVIRONMENT POLLUTION CON  
PIN:628000, Chidambaranagar S.O.  
From:MASS EMPLOYEES GUIDANCE ASSOCIA  
Wt:30gms  
Amt:27.00(Cash)  
Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)  
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RTB140886541N IVR:828481405  
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Wt:30gms  
Amt:27.00(Cash)  
Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)  
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RL KAYALPATNAM S.O. 628204  
Counter No:1,21/04/2022,14:11  
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PIN:600005, Tanjavallikeri S.O.  
From:MASS EMPLOYEES GUIDANCE ASSOCIA  
Wt:30gms  
Amt:27.00(Cash)  
Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)  
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RTB140885401N IVR:828481405  
RL KAYALPATNAM S.O. 628004  
Counter No:1,21/04/2022,14:11  
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Wt:30gms  
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Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)  
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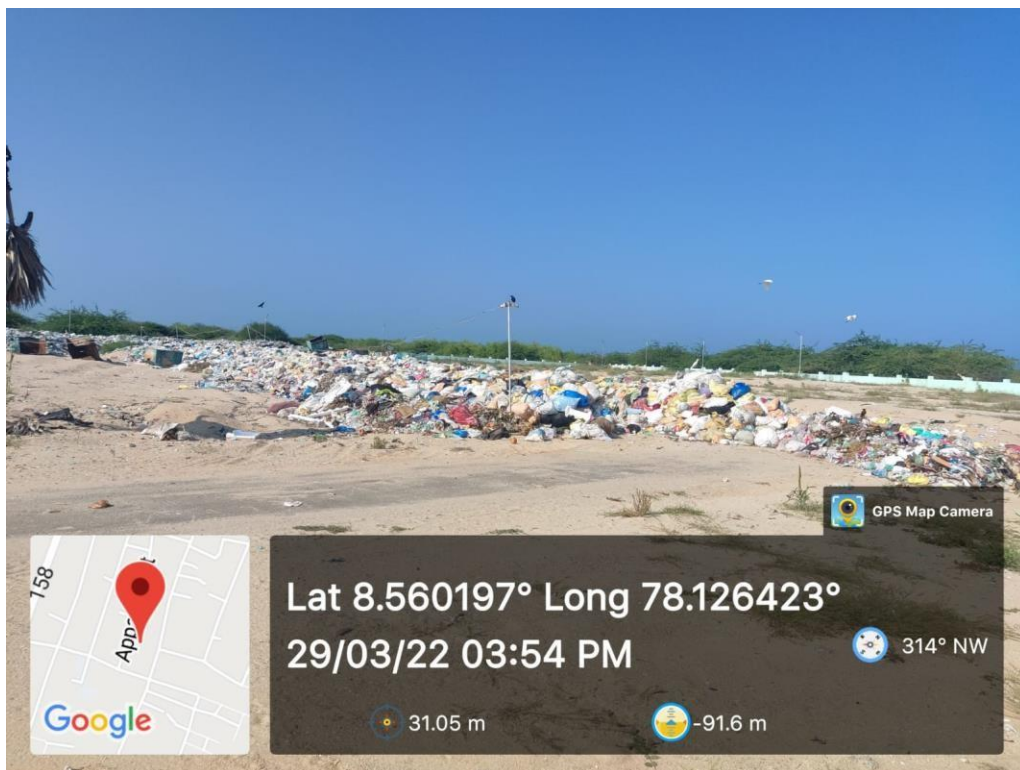
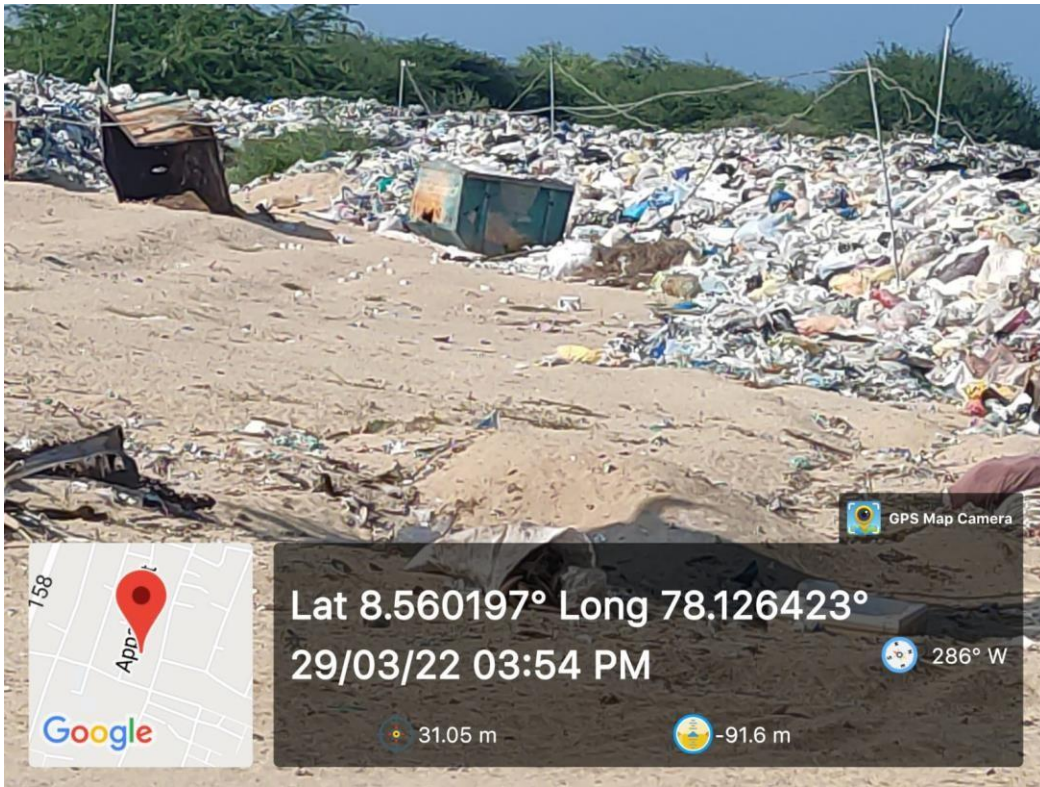
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From:MASS EMPLOYEES GUIDANCE ASSOCIA  
Wt:30gms  
Amt:27.00(Cash)  
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To:THE COMMISSIONER, DIST OF TN  
PIN:600009, Fort St George S.O.  
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**ILLEGAL DUMPING AND BURNING OF GARBAGE BY KAYALPATTINAM MUNICIPALITY IN AND AROUND THE COMPOST YARD IN SURVEY NO.278/1B AND OTHER PUBLIC PLACES AROUND KAYALPATTINAM, THOOTHUKUDI DISTRICT**



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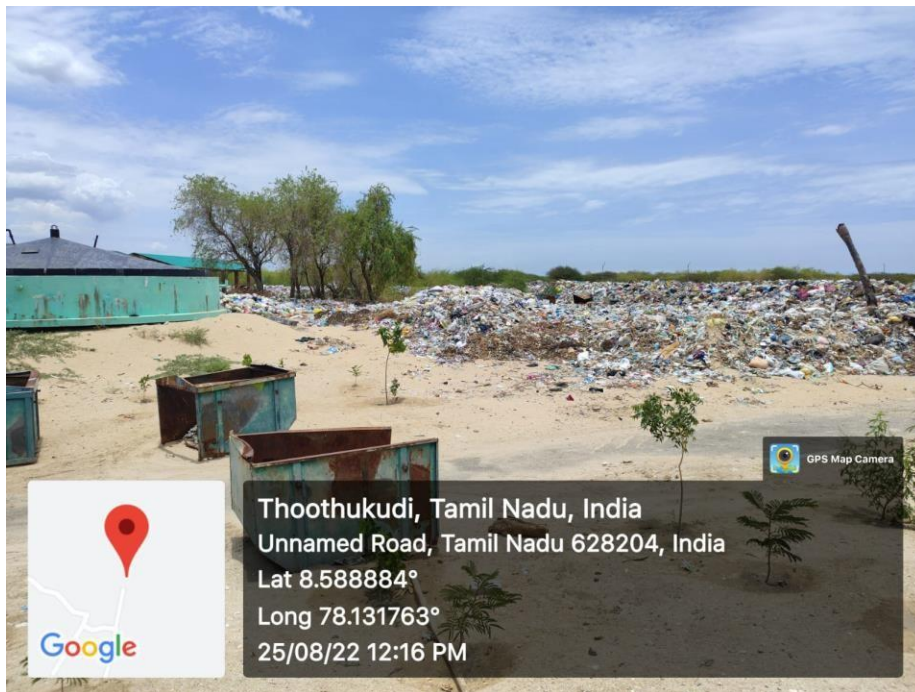
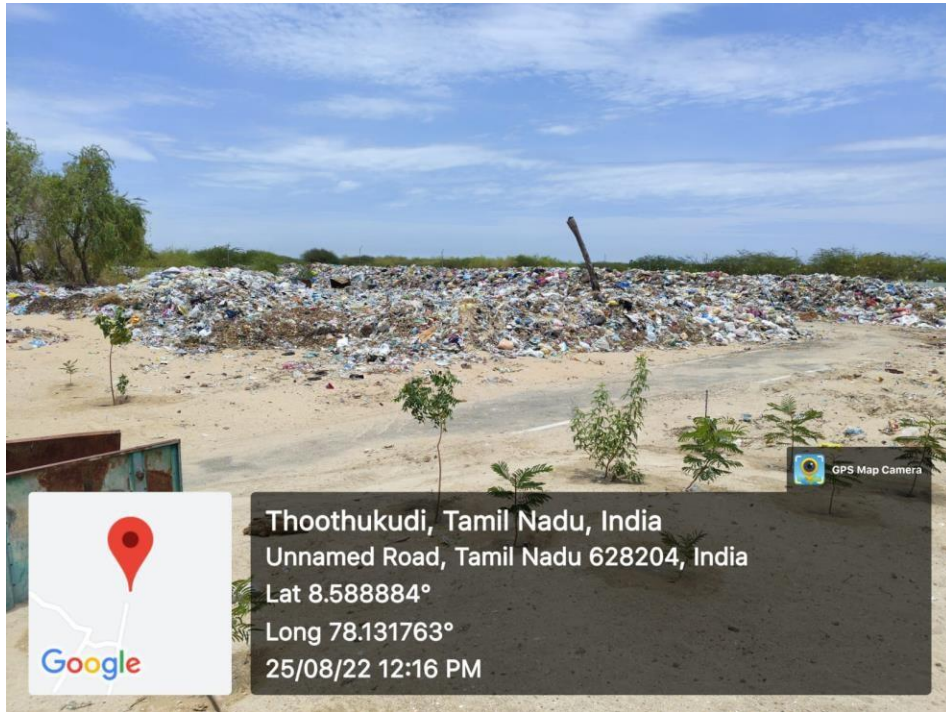


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**(Bypass road, Kayalpattinam; 24-5-2022)**



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