

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

Original Application No.52 of 2022 (SZ)

Mr. K. Palanisamy,
S/o.Kuppusamy,
No.3/21,Nadu Thottam,
Rangammalayam, Periyapatti Post,
Udumalai Taluk,
Tiruppur District – 642 201.

...Applicant

Versus

1. The District Collector,
Office of the District Collector,
Karuppagoundapalayam,
Tiruppur District – 641 604 & ors.

...Respondents

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Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai

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Tiruppur District – 642 201.

...Applicant

Versus

1. The District Collector,
Office of the District Collector,
Karuppagoundapalayam,
Tiruppur District – 641 604.
2. The Tamil Nadu Pollution Control Board,
Rep. by its Chairperson,
76, Mount Salai, Guindy,
Chennai- 600 032.
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur South, 12 A,
Pollachi Bypass Road, Palladam,
Tiruppur District – 641 664.
4. The District Revenue Officer,
Officer of District Revenue Officer,
Udumalpet Taluk,
Tiruppur District – 641 604.
5. The Tahsildar,
SH 17, Kuttai Thidai,
Udumalpet Taluk,
Tiruppur District – 641 604.


1/8/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

6. Mr. Varatharaj,
S/o. Subramaniya Gounder,
S.F.No.197/2, Ragamapalayam,
Periyapatti Post, Udumalai Taluk,
Tiruppur District – 642 201.

...Respondents

REPORT FILED ON BEHALF OF THE 2ND & 3RD RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Rajamanickam, Son of P.M.Ramasamy, Hindu, aged about 58 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this report on behalf of the 2nd & 3rd Respondents TNPC Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the applicant has filed this application with the following prayer:

“Direct the respondents 1 to 5 to restrain the illegal functioning of Charcoal kiln run by the 6th respondent in Rangammalayam Village, Periyapatti Post, Udumalaipettai Taluk, Tiruppur District”.

3. It is respectfully submitted that, in Tiruppur District, the charcoal manufacturing units are located scatterly in and around Kangeyam, Dharapuram Taluk, Udumalpet Taluk, Madathukulam Taluk and Palladam Taluk. The main raw material is coconut shell and these coconut shells were traditionally subjected to partial burning in the absence of oxygen in an open earthen pit and quenched with water to get charcoal which is the raw material for activated carbon manufacturing units. In this crude

R. Rajamanickam
18/10/22
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

process, there is every possibility for the air pollution and also through seepage of quenched water which would cause ground water pollution.

4. It is respectfully submitted that, in earlier W.P.No. 29432 of 2012 filed before the Hon'ble High Court of Madras against the Veeranampalayam Panchayat and the District Environmental Engineer, TNPCB, Perundurai (presently Tiruppur) for seeking construction of the coconut shell charcoal unit. Later, the case was transferred to National Green Tribunal, (Southern Zone), Chennai vide O.A Nos. 24, 285, 286, 287, 288 & 289 of 2013, 112 & 184 of 2015, 252 of 2016 & 220 of 2017.

5. It is respectfully submitted that the Hon'ble NGT has passed final order dated 20.11.2020 in O.A. No. 17/2013 (SZ) and has disposed of the said applications as follows:

"The charcoal units operating in the State of Tamil Nadu and other southern States are directed to shift over to above ground level technology with the recommendation and the conditions imposed by the Committee which was produced pursuant to the order passed by this Tribunal on 19.2.2020 on the basis of the report of even date and the other report dated 13.8.2020 mentioned in the judgment and the design approved either by the Indian Institute of Technology, Chennai or Anna University as suggested by the Board and till then they are directed not to operate such units."

6. It is respectfully submitted that, in the meantime, complaints were filed in the three police stations namely Dharapuram, Kundadam & Gudimangalam, Tiruppur District on 03.01.2022. However, the Inspector, Gudimangalam has replied on 16.02.2022 and stated that the violation


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made by the Charcoal units, no provision for the Police Department directly to register FIR and to take legal action.

Under these circumstances, in the District Coordination Committee meeting held on 08.03.2022, the farmers of Periyapatty Village have protested at the office of Tahsildar, Udumalpet on 08.03.2022 and have insisted to demolish / evict the charcoal units operating in Periyapatti village area. In this regard, the matter was discussed in the District Coordination Committee meeting held on 08.03.2022 at Collectorate. The District Collector, Tiruppur has instructed to demolish / evict the charcoal units if there is violations/further found operated and he has given instruction to co-ordinate with the respective revenue and police officials to carry out the same by DEE, TNPCB, Tiruppur South. And the expenses incurred during demolition / eviction shall be collected from the land owner under "Polluter Pay Principle". If failed to pay and then necessary action may be initiated to recover under Revenue Recovery Act by the concerned RDO/Tahsildar.

7. It is respectfully submitted that Complaints were again received on 24.03.2022 from Tahsildar, Udumalpet Taluk regarding operation of the charcoal units located in and around Periyapatti Village, Udumalpet Taluk. In this regard, the charcoal units located in and around Periyapatti Village, Udumalpet Taluk were inspected on 26.03.2022. During the inspection it was noticed that two charcoal units were found under operation after breaking the seal laid by namely i) M/s.Thangavel Charcoal, S.F. No.221/B2, Poolavadi Village and ii) M/s.Sri Balaji & Co, S.F. No.250/1C, Periyapatti Village, Udumalpet Taluk, Tiruppur District, and as per the decision of District Coordination Committee meeting held


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earlier on 08.03.2022, the demolition of above said two charcoal units were carried out on 01.04.2022 in the presence of Revenue Department and Police officials and remaining charcoal units were found under not in operation namely, 3) M/s.Senniandavar Coconut Shell Charcoal, 4) M/s.Sri Vinayaga Carbon, the 6th Respondent unit, herein and (5) M/s. Magnem Carbon.

8. It is respectfully submitted that, complaints were also received from Tamizhka Agriculturalist Protection Association, Tiruppur and other farmers through Agricultural Grievance day meeting held on 28.05.2022 at Collectorate, Tiruppur regarding illegal operation of charcoal units located in S.F.No.10 Vavipalayam Village, S.F.No.682/1,2 Kullampalayam (West), Palladam Taluk, Tiruppur District and S.F.No. 197/2, S.F.No.124/2B, 124/2C & S.F.No.1/E, Periyapatti Village, and S.F. No. 122/C1 Part, Kongalnagaram Village, Udumalpet Taluk are causing Air Pollution nearby.

Based on the above complaints, 6 (six) charcoal units were inspected on 07.06.2022. Out of 6 charcoal units, two units (2) are already consented by TNPCB and not in operation and these units have furnished proposal to adopt modern elevated technology as per the Hon'ble NGT order dated:20.11.2020 and three (3) units were also not in operation including the 6th respondent unit of M/s.Sri Vinayaga Carbon. One unit of M/s. Arul Murugan Agency, S.F.No.682/1,2 West Kullampalyam, Kethanur via, Palladam Taluk, Tiruppur District was found under operation and violating the order of Hon'ble NGT O.A.No.17/2013 Dated:20.11.2020 after breaking the seals already laid. Hence, as per the decision of District Coordination Committee meeting held earlier on 08.03.2022, the demolish


11/5/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
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/ eviction of the unit of M/s. Arul Murugan Agency, S.F.No.682/1,2 West Kullampalyam, Kethanur via, Palladam Taluk, Tiruppur District was carried out on 24.06.202 in the presence of Revenue Department and Police officials.

9. It is respectfully submitted that the 6th respondent unauthorized charcoal unit M/s. Sri Vinayaga Carbon, Rangammalayam, Periyapatti Village, Udumalaipet Taluk, Tiruppur District is also closely monitored by the TNPCB and if found operated at any point of time, necessary eviction / demolition of the unit will be carried out after proper approval of DCC.

10. It is respectfully submitted that 6th respondent unauthorized charcoal unit of M/s. Sri Vinayaga Carbon, Rangammalayam, Periyapatti Village, Udumalpet Taluk, Tiruppur District was inspected on 16.07.2022 and found not in operation and no raw materials (Coconuts shell) area available in the unit premises. Photographs taken during the inspection on 16.07.2022 is submitted herewith as Annexure.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

BEFORE ME

VERIFICATION

I, R. Rajamanickam, Son of P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.75, MOUNT SALAI, CHENNAI-600 032.

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TAMIL NADU POLLUTION
CONTROL BOARD.**

**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date:01 .08.2022.

Date of hearing on: 30.08.2022

