

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

Original Application No. 80 of 2022(SZ)

T. Karunapandi
S/o. Thangaraj Nadar,
No. 5/105, South Street,
Mela Alwarthoppu,
Sriparangusa Nallur Panchayat,
Srivaikundam Taluk,
Thoothukudi District - 628 612

...Applicants

Vs

1. The District Collector,
Thoothukudi District,
Thoothukudi- 628 004 & 19 ors.

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**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

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

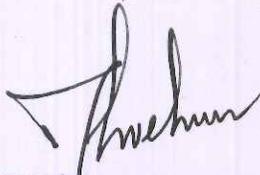
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No. 5/105, South Street,
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Srivaikundam Taluk,
Thoothukudi District - 628 612
Phone No. 9444453357
Email Id:- chandrumaya06@gmail.com

...Applicants

Vs

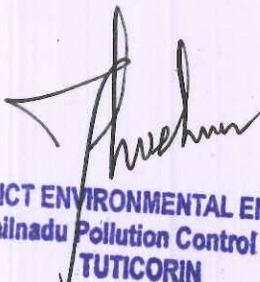
1. The District Collector ,
Thoothukudi District,
Thoothukudi- 628 004
Phone No. 2340600
Email Id:- collrtut@nic.in
2. The Assistant Director,
Geology and Mines Department,
District Collectorate Campus,
Thoothukudi District- 628 001
Phone No. 2340601
Email id:- minestaty@gmail.com
3. The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District 628 601
Phone No. 255229
Email Id:- tahtut@nic.in
4. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
C7 & C9, SIPCOT Industrial Complex,
Meelavittan, Thoothukudi- 628 008.
Phone No. 2341298
Email Id:- deetnpcbttt@gmail.com
5. Sun Bricks,
Represented by its proprietor,
Mr. P. Vivekananthan,
S/o. Pichairaja,
Srivaikundam Taluk,
Alwarthoppu,
Thoothukudi District- 628 612


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6. Star C.K.R Bricks,
Represented by its Proprietor
Mr. Tirupathi
Mangammal Salai,
Nearby Attrupalam, Alwarthoppu
Srivaikundam Taluk,
Thoothukudi District- 628 612
7. Sara Bricks,
Represented by its Proprietor,
Mr. Tirupathi
Mangammal Salai,
Near by Attrupalam, Alwarthoppu
Srivaikundam Taluk,
Thoothukudi District- 628 612
8. K.P.M Brick Works,
Represented by its Proprietor
P. Marinathan,
S/o. Poologa Nadar,
North Street,
Mela Alwarthoppu,
Srivaikundam Taluk,
Thoothukudi District.- 628 612.
9. Agni Chambers
Represented by its Proprietor
Mr. Ravinarayanan,
No. 5/100, Mangammal Salai,
Alwarthoppu, Srivaikundam Taluk,
Thoothukudi District- 628 612.
10. Uma Chambers,
Represented by its Proprietor
Mr. Sabapathy,
S/o. Subbaiah Nadar,
Valvallah Main Road,
Earal Vattam,
Thoothukudi District.- 628 612.
11. A.A. Bricks,
Represented by its Proprietor,
Lingamuneswaran,
S/o. Not Known
Kela Alwarthoppu,
Srivaikundam Taluk,
Thoothukudi District.- 628 612
Email Id : Not Known


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- 12.S.K.S Bricks,
Represented by its Proprietor,
Linga Muneswaran,
Kela Alwarthoppu,
Srivaikundam Taluk,
Thoothukudi District- 628 612
- 13.Srinivasan Bricks,
Represented by its Proprietor,
Srinivasan,
Nearby Mottaiamman Kovil,
Mela Alwarthoppu,
Srivaikundam Taluk,
Thoothukudi District- 628 612
- 14.S.J. Bricks,
Represented by its Proprietor,
Mr. Balakrishnan,
S/o. Jeya Pandiyan,
Near Esakki Amman Koil,
Mela Alwarthoppu,
Srivaikundam Taluk,
Thoothukudi District- 628 612
15. SRI Brick Works,
Represented by its Proprietor,
Mr. Bala Ganesh,
S/o. Jeyakumar,
Tank Street,
Mela Alwarthoppu,
Srivaikundam Taluk,
Thoothukudi District- 628 612.
- 16.A.L.R Brick Works,
Represented by its Proprietor,
R. Lingesh
S/o. A. Ramajeyam,
Tank Street,
Mela Alwarthoppu,
Srivaikundam Taluk,
Thoothukudi District- 628 612
- 17.ANC Chamber Works,
Represented by its Proprietor Mani,
Near Kaduvetti Vaikkal Bridge
Keezha Alwarthoppu,
Srivaikundam Taluk,
Thoothukudi District- 628 612


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18. Sakthi Chambers,
 Represented by its Proprietor
 Bhaskaran,
 S/o. Not Known,
 Palkulam, Thirukkalar
 Thiruchendur Taluk,
 Thoothukudi District- 628 612.

19. Bharani Chambers,
 Represented by its Proprietor,
 Mahendran,
 Manalgundu, Alwarthirunagar
 Thoothukudi District- 628 612

20. Saranya Chambers,
 Represented by its Proprietor Sundar,
 Palkulam, Thiruchendur Taluk,
 Thoothukudi District- 628 612.

...Respondents

REPLY AFFIDAVIT FILED BY THE 4TH RESPONDENT DISTRICT ENVIRONMENTAL ENGINEER (DEE), TAMIL NADU POLLUTION CONTROL BOARD (TNPCB), THOOTHUKUDI.

I, J.Hamoneth Joesun, S/o. J.G.Jesuraj, Christian aged about 40 years, having office at C7 & C9, SIPCOT Industrial Complex, Meelavittan, Thoothukudi – 628 008, do hereby solemnly affirm and sincerely state as follows:-

1. I am the District Environmental Engineer Tamil Nadu Pollution Control Board, Thoothukudi and I am filing this reply affidavit on behalf of the 4th respondent TNPCB and as such I am well conversant with the facts and circumstances of this case.

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

“a) Direct the Respondents 1 to 4 to inspect the Brick Kilns of said Respondent No.5 to 21 and other brick kiln illegally functioning in Alwar Thoppu, Sriparangusanallur Village, Thoothukudi District and cause lock and seal of the unauthorized Brick Kilns permanently within a stipulated time frame.

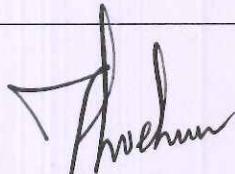

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 TUTICORIN

b) Direct the Respondent No.1 to 4 to visit the affected areas and take suitable steps for restoration of the natural environment in Alwar Thoppu, Sriparangusanallur Village, Thoothukudi District within the time fixed by this Hon'ble Tribunal.

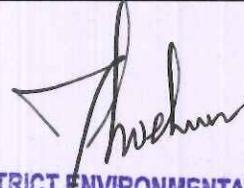
c) Permanent injunction restraining the respondents 1 to 4 from granting any license/permit to establish brick kiln and mining of sands to anyone considering the geographical location of Alwarthoppu, Sriparangusanallur Village, Srivaikuntam Taluk, Tuticorin District".

3. At the outset, this Respondent DEE, TNPCB, Thoothukudi respectfully submits the status report of the Respondent Brick Kilns herein as on 21.07.2023. The status report is stated hereunder.

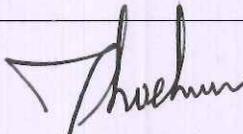
Sl. No	Name and Address of the Brick kiln	Status of Operation as on 21/07/2023	Status of consent of TNPCB	Remarks/ Recommendations
1.	M/s. Sun Bricks,..... R5 Srivaikundam Road, Alwarthoppu, Srivaikundam Taluk, Thoothukudi District. Proprietor: Mr.P.Vivekananthan, S/o.Pichairaja	Chamber Brick Kiln - In operation	Consent To Operate (CTO) issued vide Proc. No.F.1752TTN /OS/DEE/TNPCB/TTN/W&A/2023 DATED: 14/06/2023 Validity upto 31.03.2033.	-
2.	M/s. Sara Chamber (Formerly known as M/s. Star C.K.R. Bricks,).... R6 & R7 M/s.Sara Chamber, S.F. No. 2/12, 2/28A, 2/28B, 2/29A, 2/30, Sriparankusanallur Village, Srivaikundam Taluk, Thoothukkudi District. Proprietor: Mrs. Ramya	Chamber Brick Kiln - In operation	CTO issued vide TNPCB's Proc. No. F.1733TTN / OS/DEE/TNPCB/TTN/W&A/2023 dated 04/05/2023 Validity upto 31.03.2032.	-


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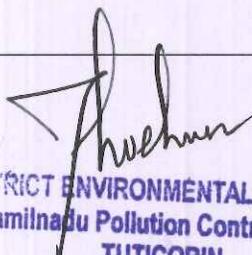
3.	M/s. K.P.M Brick Works ,.....R8 North Street, Mela Alwarthoppu, Srivaikundam Taluk, Thoothukudi District- 628 612. Proprietor: P.Marinathan, S/o.PoologaNadar	Country Brick kiln – Presently not in operation.	-	During inspection of the unit on 06.06.2023, the unit was not in operation. The unit's representative stated that they will resume its operation based on the outcome of the court case filed before Hon'ble National Green Tribunal, South Zone, Chennai, Original Application No. 80 of 2022 (SZ). Personal Hearing conducted on 11.07.2023 and the unit has assured that it will not operate the unit till the outcome of the court case.
4	M/s. Akni Chamber,...R9 No.5/100, Mangammal Salai, Alwarthoppu, Srivaikundam Taluk, Thoothukudi District – 628 612. Proprietor: Ravinarayanan,	Chamber Brick Kiln - In operation	CTO issued vide TNPCB's Proc. No. F.1741TTN/O S/DEE/TNPC B/TTN/W&A/ 2023 DATED: 17/03/2023 Validity upto 31.03.2032.	-
5.	M/s. Uma Chamber,.R10 Valvallal Main Road, EeralVattam, Thoothukudi District-628 612. Proprietor: Mr.Sabapathy,S/o. Mr.SubbaiahNadar.	Chamber Brick Kiln - In operation	CTO issued vide TNPCB's Proc. No. F.1774TTN/O S/DEE/TNPC B/TTN/W&A/ 2023 DATED: 14/06/2023, Validity upto 31.03.2033.	-
6.	M/s. A.A.Bricks, ,.....R11 KeelaAlwarthoppu, Srivaikundam Taluk, Thoothukudi District – 628 612. Proprietor: Mr. Karnan, S/o. Not Known.	Country Brick kiln – Presently not in operation	Not obtained.	During inspection of the unit on 06.06.2023, the unit was not in operation. The unit's representative stated that they will resume its operation based on the outcome of the court case filed before Hon'ble National Green Tribunal, South Zone, Chennai, Original Application. No. 80 of 2022 (SZ). Personal Hearing conducted on 14.07.2023 and the unit has assured that it will not operate the unit till the outcome of the court case.


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7.	M/s. S.K.S Bricks,....R12 KeelaAlwarthoppu, Srivaikundam Taluk, Thoothukudi District – 628 612. Proprietor: LingaMuneswaran,	Country Brick kiln – Presently not in operation	Not obtained	The unit was not in operation and no responsible persons were available at site.
8.	M/s. Srinivasan Bricks,.....R13 Nearby MottaiammanKovil, MelaAlwarthoppu, Srivaikundam Taluk, Thoothukudi District -628 612. Proprietor: Mr.Srinivasan,	Country Brick kiln – Presently not in operation	Not obtained.	The unit was not in operation and no responsible persons were available at site.
9.	M/s. S.J. Bricks,R14 Near Esakki Amman Koil MelaAlwarthoppu, Srivaikundam Taluk, Thoothukudi District – 628 612. Proprietor: Mr.Balakrishnan S/o. Mr. Jaya Pandiyan,	Raw Brick Manufacturing unit without Kiln – In operation.	Not obtained.	During inspection on 06.06.2023, the unit was carrying out the activities such as soil preparation, moulding and drying activity only. The moulded bricks were sun dried and transported to their another unit M/s. S.J.CHAMBER BRICKS, S.F. No. 204/9 at Valavallan Village, Eral Taluk, Thoothukudi District for manufacturing Bricks for which the unit has obtained CTO from the TNPCB on 04/05/2023 Valid upto 31.03.2033.
10.	M/s. Sri Bricks works, ,....R15 Tank Street, MelaAlwarthoppu, Srivaikundam Taluk, Thoothukudi District -628 612. Proprietor: Mr.Bala Ganesh, S/o. Jayakumar,	Country Brick kiln – Presently not in operation.	Not obtained.	During inspection of the unit on 06.06.2023, the unit was not in operation. The unit's representative stated that they will resume its operation based on the outcome of the court case filed before Hon'ble National Green Tribunal, South Zone, Chennai, Original Application No. 80 of 2022 (SZ). Personal Hearing conducted on 11.07.2023 and the unit has assured that it will not operate the unit till the outcome of the court case.


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11.	M/s. ALR Bricks Works,R16 Tank Street, MelaAlwarthoppu, Srivaikundam Taluk, Thoothukudi District - 628 612. Proprietor: Mr.R.Lingeshwaran, S/o..A.Ramajeyam	Country Brick kiln - Presently not in operation.	Not obtained.	During inspection of the unit on 06.06.2023, the unit was not in operation. The unit's representative stated that they will resume its operation based on the outcome of the court case filed before Hon'ble National Green Tribunal, South Zone, Chennai, Original Application No. 80 of 2022 (SZ). Personal Hearing conducted on 14.07.2023 and the unit has assured that it will not operate the unit till the outcome of the court case.
12.	M/s. ANC Chamber Works,R17 Near KaduvettiVaikkal Bridge, KeezhaAlwarthoppu Srivaikundam Taluk, Thoothukudi District - 628 612. Proprietor: Mr.Mani	Chamber Brick Kiln - In operation.	CTO issued vide TNPCB's Proc. No. F.1753TTN/O S/DEE/TNPC B/TTN/W&A/ 2023 DATED: 04/05/2023 validity upto 31.03.2027.	-
13.	M/s. Sakthi Chambers,R18 Palkulam, Thirukkalur, Thiruchendur Taluk, Thoothukudi District. Proprietor: Mr. Bhaskaran, S/o.Not Known,	Chamber Brick Kiln - In operation.	CTO issued vide TNPCB's Proc. No. F.1743TTN/O S/DEE/TNPC B/TTN/W&A/ 2023 DATED: 17/03/2023 Validity upto 31.03.2032.	-
14.	M/s. Barani Chambers,R19 Manalgundu, Alwarthirunagari Post, Srivaikundam Taluk, Thoothukudi District - 628 612 Proprietor: Mr. Mahendran,	Chamber Brick Kiln - In operation.	CTO issued vide TNPCB's Proc. No. F.1717TTN/O S/DEE/TNPC B/TTN/W&A/ 2023 DATED: 11/03/2023. Validity upto 31.03.2032.	-
15.	M/s. T.P.S Chamber Bricks, (formerly known as Saranya	Chamber Brick Kiln - In operation.	Renewal Consent Order (RCO) Issued vide TNPCB's	-

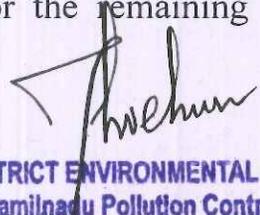

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Chamber)...R20 S.F.No 842/2A,2B, Thirukkalar Village, Eral Taluk, Thoothukudi District. Represented by its Proprietor: Mr. Sundar. S/o. Not Known.		Proc. No. F.0697TTN/O S/DEE/TNPC B/TTN/W&A/ 2022 DATED: 21/12/2022. Validity upto 31.03.2028.	
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4. It is respectfully submitted that the Respondent 6 (i.e. Star C.K.R. Bricks) and Respondent 7 (i.e. Sara Bricks) are single entity and Sara Chamber is formerly known as Star C.K.R. Bricks.

5. It is respectfully submitted that out of the above 15 brick kilns, 8 brick kilns (Sl. No. 1, 2, 4, 5, 12, 13, 14 and 15) are chamber type brick kilns. These Chamber Brick Kilns have provided Air Pollution Control measures (i.e. Stack/Chimney) to control the smoke emission from the Brick Kiln and all the 8 Chamber Brick kilns have obtained Consent to Operate (CTO) from this respondent DEE, TNPCB, Thoothukudi.

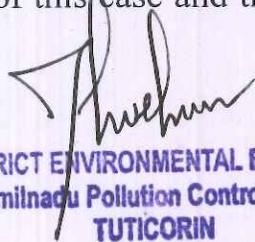
1. It is respectfully submitted that out of the above 15 brick kilns, 7 Brick kilns (Sl. No. 3, 6, 7, 8, 9, 10 and 11) are country type brick kilns. All the 7 country type brick kilns have not provided Air pollution Control measures such as stack/chimney and are in operation without obtaining the valid consent from this respondent DEE, TNPCB, Thoothukudi. Show Cause Notice have been issued to all these country brick kilns vide DEE's proc. dated: 10.03.2023 under the Water Act and Air Act for operating the unit without the valid consent of the TNPC Board. Out of 7 country type brick kilns, 4 brick kilns have responded. Personal hearing for these 4 respondent brick kilns was conducted on 11.07.2023 & 14.07.2023 and the representatives of these respondent units have assured not to resume operation until this original application is decided by this Hon'ble Tribunal.
2. It is respectfully submitted that Respondent 14 carries out activities like soil preparation, molding and drying activity only. The moulded bricks are sun dried and transported to their another unit M/s. S.J. Chamber Bricks, S.F. No. 204/9 at Valavallan Village, Eral Taluk, Thoothukudi District for further process and personal hearing is yet to be conducted for the remaining 3


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country type bricks kilns as these three units were not in operation and no responsible persons were available at the site during the inspection.

3. It is respectfully submitted that the total number of Chamber Brick Kilns identified in Thoothukudi District are 44 Nos. (List of Chamber Brick Kilns are enclosed vide Annexure - II). Out of the said 44 kilns, 08 Chamber Brick kilns were found not in operation and closed and 34 Nos. of Chamber Brick kilns are having valid Consent to Operate of the Board and balance 2 Nos. of Chamber Brick kiln units have submitted application through online recently and are under process.
4. It is respectfully submitted that vide Lr. Dt.: 02.11.2022 and 27.01.2023 the Assistant Director (Geology & Mines), Thoothukudi has been addressed by this respondent DEE, TNPCB, Thoothukudi 'not to issue mining permit/lease to the brick kilns (both chamber brick kilns & country brick kilns) which do not have valid consent of this respondent DEE, TNPCB, Thoothukudi and also to cancel the mining lease/permit if any, issued to such brick kilns.

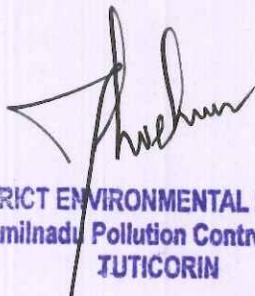
Under the above circumstances it is prayed that this Hon'ble National Green Tribunal may be pleased to pass such further orders as this Hon'ble Tribunal deem fit and proper in facts and circumstances of this case and thus render justice.


DISTRICT ENVIRONMENTAL ENGINEER,
Tamilnadu Pollution Control Board
TUTICORIN

BEFORE ME

VERIFICATION

I, J.Hamoneth Joesun, S/o. J.G.Jesuraj, working as District Environmental Engineer, having office at C7 & C9, SIPCOT Industrial Complex, Meelavittan, Thoothukudi – 628 008, do hereby submit that the above contents are true to the best of my knowledge and belief through records.


DISTRICT ENVIRONMENTAL ENGINEER,
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**BEFORE THE HON'BLE NATIONAL
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RESPONDEN DISTRICT ENVIRONMENTAL
ENGINEER (DEE), TAMIL NADU
POLLUTION CONTROL BOARD (TNPCB),
THOOTHUKUDI.**

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