

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

APPLICATION No. 94 OF 2023 (SZ)

Satheesh,
S/o. Narayanasamy
15/39, Bathrakali Amman Kovil Street,
Coimbatore District

... Applicant

VERSUS

1. Gudalur Municipality
Rep by its Municipal Commissioner
Gudalur-Coimbatore
Coimbatore District.

2. The Forest officer,
Periyayanayakanpalayam forest circle
Tamilnadu Forest Department
Periyayanayakanpalayam, Coimbatore - 641020

3. The Tamilnadu Pollution Control Board
Rep by its Member Secretary
76, Mount Salai, Guindy, Chennai - 600032

... Respondents

STATUS REPORT FILED BY 1ST RESPONDENT

I, C.Manoharan, Son of Chitambaram, aged 57 years, working as Commissioner (i/c), Gudalur Municipality, having office at office of Commissioner, Gudalur, Coimbatore - 641047, do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the Commissioner of Gudalur Municipality/1st Respondent herein and as such I am well acquainted with the facts of the case from the records.

Corrections: Nil
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Municipal Engineer
Gudalur Municipality
Coimbatore District.


COMMISSIONER
Gudalur Municipality (CBE)

2. I humbly submit that the present application has been filed under Section 18(1) read with Section 14 & 15 of the National Green Tribunal Act, 2020, by the Applicant for the following relief:

- "i) Direct the 1st respondent to demolish the constructions illegally raised at S.No.865/1 in Gudalur Municipality in violation of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, Solid Waste Management Rules 2016 under the Environmental (Protection) Act 1986, Hill Area Conservation Authority Regulations in a wildlife area and restore the site to its original state.
- ii) Direction the respondents to establish the garbage handling facilities/ micro composting yards at an appropriate location without impacting wildlife and wildlife habitats, in strict compliance with the laws."

3. I humbly submit that this Hon'ble Tribunal by order dated 24.08.2023 issued a direction to this respondent not to proceed with putting up any kind of structures either permanent or semi-permanent. The same was duly complied till date.

4. I humbly submit that the above order was granted by this Hon'ble Tribunal by relying the report filed by the 2nd respondent, the same is extracted hereunder:

1. In the report, it is stated that Sy. No.865/1 in Gudalur Village is situated 430 meters (aerial distance) away from the boundary of the nearby reserve forest viz., Thadagam Reserved Forest and this is also known for wildlife diversity.

Corrections: Nil
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S.P. Jose
Municipal Engineer
Gudalur Municipality
Coimbatore District.


COMMISSIONER
Gudalur Municipality (CBE)

2. Further, it is stated that as per G.O. Ms. No.49 Housing and Urban Development Department dated 24.03.2003, in respect of the villages identified as Hill Villages in the Hill Taluks, necessary permissions from the HACA should be obtained for all activities as per the Annexure II of the said G.O. before they are taken up for execution of grant of permission.

5. I further state that the reason for proposed Micro Compost Yard is that the Gudalur Selection Grade Town Panchayat had been upgraded as Second Grade Municipality on 07.12.2021. The Total Extent of the Town spreads around 29.98 Square Kilo with 27 Wards. The Population of the Town as per the 2011 Census is 52842. There are around 15,000 Residential Buildings, 495 Commercial Buildings and 205 Industrial Buildings. 15.85 Metric Tonnes of Garbage is generated per day in the Town, of the said waste 8.00 Metric Tonne of Wet Waste and the remaining 7.85 Tonne is Dry waste. The daily waste generated in and around the Town are transported to the Compost Yard situated at Survey No.1051, V.K.V. Nagar in Ward No.3. The total extent of the Compost Yard is 1.5 Acres. The waste so generated is segregated and Vermi Compost manure is generated from bio degradable waste. At present the area of the Compost Yard is not sufficient to segregate all the waste due to the quantity of the waste is higher. Taking in to consideration of the difficulties faced by this Municipality, to segregate the waste, Administrative Sanction has been accorded to this Municipality to Construct 2 Additional Micro Compost Units at an Estimated Cost of Rs.96.00 Lakhs under the Swachh Bharat Mission 2.0 Scheme in S.F.No.865/1 at G.Kavundampalayam - Bharathi nagar Road vide CMA Proceedings Roc.No.20860/2022/SBM, dated.25.07.2022.

Corrections: Nil

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Municipal Engineer
Gudalur Municipality
Coimbatore District.


COMMISSIONER
Gudalur Municipality (CBE)

6. I submit that as per the Tamilnadu Urban Local Bodies Act - 2023 and Hill Station Building Rules 1993, No Objection Certificate (NOC) has to be obtained from the Forest Department for any kind of Construction, within 150 Meters of the Reserved Forest Area. Since the proposed site identified for Construction of Micro Compost Centre is 430 Meters away from the Reserved Forest Area. Application for NOC has been submitted to Forest department, Mines department, Agriculture department, Pollution Control Board (PCB) and District Revenue department, in which NOC received from Mines department and Agriculture department. The District Forest officer, Coimbatore has recommended to Chief Conservation Officer, Chennai (File No.10756 /2023/D1, dt.06.12.2023) to obtain NOC within 15 December 2023 and the building plan approval application for Micro Compost Center has been submitted to Directorate of Town and Country Planning Department, the status of the application is under consideration.

In the NOC granted on 26.10.2023 by the Assistant Director, Department of Geology and Mining, Coimbatore and in NOC, dated 25.10.2023 granted by Agricultural Engineering Department stated that the area has been inspected as per Geo technical point and found that the area is plain in nature, no sloppy terrain is noticed, further the site is covered by red soil and 1 to 3 meters soil thickness, no high valuable minerals are noticed, hence the proposed area is recommended for construction.

7. I submit that this Hon'ble Tribunal by order dated 09.11.2023 directed this answering respondent to file a detail report, the said order is extracted hereunder:

Corrections: Nil
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Municipal Engineer
Gudalur Municipality
Coimbatore District.


COMMISSIONER
Gudalur Municipality (CBE)

"1. For filing the detailed report of the Commissioner - Gudalur Municipality regarding the identification of an appropriate place and setting up the Micro Composting Centre (MCC), the matter is adjourned.

2. Let the report also mention whether it can be decentralized to various small centres so that efforts in dealing with huge heaps of garbage will be minimised."

In view of the above facts and circumstance that the proposed site for construction of the Micro Compost Centre is 430 meters away from the Reserved Forest Area, and efforts are being made to obtain necessary approvals and permissions, including the ongoing process with the Chief Conservation Officer, Chennai wherein the District Forest officer, Coimbatore has recommended to Chief Conservation Officer, Chennai (File No.10756 /2023/D1, dt.06.12.2023).

8. I further submit that all relevant authorities, including Tamil Nadu Pollution Control Board, Mines, Forest, and Agricultural Departments, have inspected the proposed area and prepared their respective reports. Further the Application for Building planning permission before the Hill Area Conservative Authority as per G.O. Ms. No.49 Housing and Urban Development Department dated 24.03.2003, Consent application under Air and Water Act before the Tamil Nadu Pollution Control Board are under consideration.

9. I further submit that in order to construct the proposed Micro Compost Yard, the administrative Sanction has been accorded to this Municipality to Construct 2 Additional Micro Compost Units at an

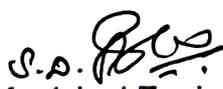
Estimated Cost of Rs.96.00 Lakhs under the Swachh Bharat Mission 2.0 Scheme in S.F.No.865/1 at G.Kavundampalayam - Bharathi nagar Road vide CMA Proceedings Roc.No.20860/2022/SBM, dated.25.07.2022. Further there is no suitable alternate place Government Plant other than this present proposed area is found, and in view prevailing revenue for this Municipality it is highly impossible to decentralize to various small centers and it will cause huge expenses. The Project proponent will ready to produce all the relevant documents to substantiate the above facts and circumstances. The project proponent is reserve his right to file a detailed reply to the grounds raised in the main application.

10. I humbly submit that the above application is not maintainable at all and devoid of merits on both factual and legal aspects. I state that the Applicant has no locus standi to file the above Application and as such the same has been filed with vested interest and is an abuse of process of law since he instituted this vexatious application on behalf of the adjacent land owner.

For the reasons stated above, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to consider this report 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.

Solemnly affirmed at Gudalur on this 09th day of December 2023 and all the above contents are explained in Tamil to the deponent and the deponent understood the same and put his signature in my presence:-


COMMISSIONER
Gudalur Municipality (CBE)


S.P. 
Municipal Engineer
Gudalur Municipality
Coimbatore District.

**BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
O.A. NO. 94 OF 2022(SZ)**

**STATUS REPORT FILED BY 1ST
RESPONDENT**

**M/s. V.Anandhamurthy
S.Kousik, 2474/2018
S.Kuberan
Counsel for the 1st Respondent**

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