

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

**Original Application No.96 of 2021**

SUO MOTU Based on the News item  
published in Dinamalar Newspaper,  
Chennai Edition, Dated 25.02.2021,  
under the caption "Kundrathur Murugan  
Temple giving a display of garbage dump.

**Vs**

The Secretary to Govt. of Tamil Nadu,  
Department of Environment & Forests,  
Chennai and Others.

...Respondents

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**Filed by  
Thiru. C. Kasirajan  
Advocate, Chennai.**



**Joint Committee Inspection Report as per the  
Hon'ble National Green Tribunal (SZ), Chennai  
Order Dated 08-04-2021 in O.A. No. 96 of 2021  
[Suo Moto]**

“குப்பைமயமாக காட்சி தரும் குன்றத்துார் முருகன் கோயில்”

**Submitted to  
Hon'ble National Green Tribunal (SZ), Chennai**

**June 2021**

### **1. Case details:**

The Hon'ble National Green Tribunal has taken up Suo Motu case in O.A. No. 96 of 2021 on the basis of the news published in "Dinamalar Newspaper", Chennai edition dated 25.02.2021 under the caption "சுப்பையமாக காட்சி தரும் குன்றத்துார் முருகன் கோயில்".

### **2. ORDERS OF THE HON'BLE TRIBUNAL**

It is respectively submitted that the Hon'ble National Green Tribunal (SZ), Chennai order dated 08.04.2021 in the matter of O.A.No.96 of 2021 directed the following,

*8. we feel it appropriate to appoint a Joint Committee comprising of (i) the District Collector, Kancheepuram District or a Senior Officer not below the rank of Sub Divisional Magistrate/Assistant Collector to be deputed by the District Collector, (ii) a Senior Officer from the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman and (iii) a Senior Officer from the Hindu Religious Charitable Endowments Department who is in-charge of that area, as deputed by the Commissioner, Hindu Religious Charitable Endowments Department, Nungambakkam, Chennai to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.*

*9. The Committee is also directed to ascertain as to whether the Solid Waste Management Rules, 2016 are being strictly implemented in the 8<sup>th</sup> respondent Panchayat and ascertain as to who is responsible for such dumping of waste in that area, whether the ban regarding 'single use plastic' is being strictly implemented in that area, whether the directions issued by the Principal Bench in O.A. No.606/2018 has been complied with by the 8th respondent Panchayat and if not, what is the nature of action taken by the Pollution Control Board in this regard as directed by the Principal Bench including realization of environmental compensation fixed by the violating local bodies and submit a report to this Tribunal before the next hearing date.*

*10. The Tamil Nadu Pollution Control Board (TNPCB) will be the nodal agency for co-ordination and also for providing necessary logistics for this purpose.*

Subsequently the Hon'ble National Green Tribunal (SZ), Chennai order dated 28.05.2021 in the matter of O.A.No.96 of 2021 directed the following,

- This Tribunal had admitted the matter and appointed a joint committee to go into the question and submit a report apart from directing the official respondents including the Tamil Nadu Pollution Control Board (TNPCB) to file their independent status report regarding the implementation of the Solid Waste Management Rules, 2016 and compliance of the directions issued by the Principal Bench of National Green Tribunal in O.A. No. 606 of 2018 and posted the case to today for appearance of parties and for filing independent response and also for consideration of report.*
- 7. we feel that some more time can be granted to the committee as well as the official respondents to submit the report as directed*
- 8. They are directed to file the respective statements and the reports as directed to this Tribunal on or before 11.06.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules*

### **3 SCOPE OF THE ORDER**

- (i) To inspect the area in question and submit a factual as well as action taken report.
- (ii) To ascertain as to whether the Solid Waste Management Rules, 2016 are being strictly implemented in the local bodies.
- (iii) To ascertain as to who is responsible for such dumping of waste in that area, whether the ban regarding 'single use plastic' is being strictly implemented in that area, whether the directions issued by the Principal Bench in O.A. No.606/2018 has been complied with by the Kundrathur Town Panchayat and if not, what is the nature of action taken by the Pollution Control Board in this regard as directed by the Principal Bench including realization of environmental compensation fixed by the violating local bodies.

### **3. COMPOSITION OF THE COMMITTEE**

In compliance to the Hon'ble NGT [SZ] order,

1. District Revenue Officer, Kancheepuram has been nominated as a member of the Joint committee representing the District Collector, Kancheepuram District
2. District Environmental Engineer, Kancheepuram District has nominated as Nodal Officer of the Joint committee by the Member Secretary, Tamil Nadu Pollution Control Board vide Proc. No. TNPCB/LAW/LAW/LAIII/NGT/09796/2021 dated 16-06-2021. **[Copy annexed at annexure 1].**
3. Joint Commissioner, Hindu Religious Charitable Endowments Department, Kancheepuram has been nominated as a member of the Joint committee representing senior officer from Hindu Religious Charitable Endowments Department by the Commissioner, Hindu Religious Charitable Endowments Department, Nungambakkam vide vide Lr.No.46751/2021/T4 dated 23.06.2021. **[Copy annexed at annexure 2].**

#### 4. INSPECTION OF THE COMMITTEE

The Joint Committee was inspected on 30.06.2021 along with the following officials.

1. Thiru R. Panneerselvam., District Revenue Officer, Kancheepuram.
2. Thiru P.Jayaraman., Joint Commissioner, O/o Joint Commissioner, Hindu Religious Charitable Endowments Department, Kancheepuram.
3. Thiru.P.Ravichandran., District Environmental Engineer O/o.DEE,TNPCB, Sriperumbudur @Oragadam.
4. Thiru.M.Prabakaran., Assistant Engineer, O/o.DEE,TNPCB, Sriperumbudur @Oragadam
5. Thiru. Thiru Mohammed Rizwan, Executive Officer, Kundrathur Town Panchayat,
6. Tmt Lakhmi., Tazhildar., Kundarthur Taluk and
7. Tmt.M.Amutha., Executive Officer, Kundrathur Murugan Temple, Kundrathur.

During inspection the committed observed the following

It is respectively submitted that the questioned site is belongs to Alulmigu Subramanya Swamy Temple which is located at SF.No.1151 /2,3,5,20 Kundrathur, Kundrathur Taluk, Kancheepuram District having total area of extent 1.39 Hectare.

#### 5. OBSERVATION OF THE JOINT COMMITTEE.

- a) It is respectively submitted that the questioned site is belongs to Alulmigu Subramanyaswamy Temple which is located at SF.No.1151 /2,3,5,20 Kundrathur, Kundrathur Taluk, Kancheepuram District having total area of land about 1.39 Hectare.
- b) Alulmigu Subramanyaswamy Temple is located in the premises which has been maintained by Executive officer., M/s Hindu Religious Charitable Endowments Department,
- c) Solid waste is generated from temple during poojas, marriage functions and temple shops is dumped a piece of land of 1000 sqft with in the temple land located at SF.No. 1151 /2,3,5,20, Kundrathur, Kundrathur Taluk, Kancheepuram District.
- d) Executive Officer, Kundrathur Town Panchayat has reported that there is no solid waste is dumped in the above said questioned area. Municipal solid waste generated from the Kundrathur T.P is collected in three shifts and disposed at Venkatapuram, Kundarathur T.P. for further segregation

- e) The said site is surrounded by houses/temple land in three sides, private vacant land in western.
- f) There is no compound wall/fencing provided in the temple land and hence solid waste dumped in the vacant land.
- g) Based on the news published in the news paper, Kundrathur T.P has collected all the municipal solid waste in and around temple land and disposed at Venkatapuram, Kundarathur T.P. for further segregation
- h) Photograph taken during the inspection are as follows.

**Solid wastes removed from the said location**





Plot No 82/1/1 Avenue, Jaganathapuram, Kumbakonam, Chennai, Tamil Nadu 600008, India

**Chennai**  
**Tamil Nadu**  
**India**

2021-07-01(Thu) 04:01(pm)

33°C  
 91°F



600008 Jaganathapuram, Sikkarayapuram, Tamil Nadu 600008, India

**Sikkarayapuram**  
**Tamil Nadu**  
**India**

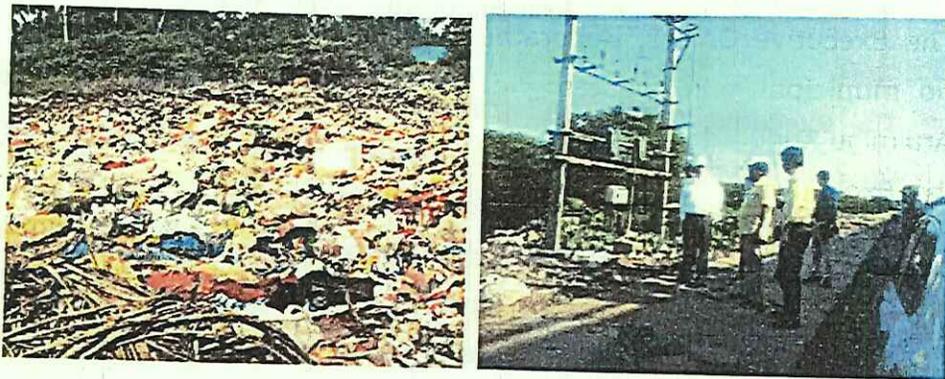
2021-07-01(Thu) 01:03(pm)

36°C  
 97°F

## 6. Action Initiated by TNPCB

1. Show cause notice was issued to the E.O, Kundarathur Town Panchayat was already issued vide DEE Proc. dated 03-02-2020 & 20-10-2020 **[Copy annexed at annexure 3 and 4]**.based on the inspection carried out on 30-01-2020 & 20-10-2020 In one of the following reasons.

“Un-segregated municipal solid waste including plastics generated in and around the Kundrathur area was dumped in the open area & adjacent to the bypass road thereby permitting to deposit on the road side and polluting.”

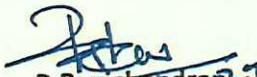


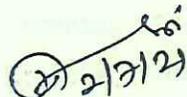
2. Further, the DEE , Sriperumbudur vide his letter dated 29-08-2020 [copy enclosed] informed the E.O, Kundrathur T.P , if the local body has not complied the SWM Rules, 2016, necessary compensation will be levied as directed by the Hon'ble NGT [PB] in its order dated 02-07-2020 in OA No. 606 of 2018 and also reminded vide his letter dated 30-11-2020. **[Copy annexed at annexure 5]**.
3. The above said show cause notice and letters addressed to the EO , Kundrathur T.P were communicated to the District Collector, Kancheepuram and Asst. Director, [Town Panchayat], Collectorate, Master Plan Complex, Kancheepuram District for further necessary follow up action.
4. The Kundrathur TP has applied and obtained authorization vides authorisation no. 002 dated 08.04.2019 which is valid upto 31.03.2020. The Town Panchayat has not applied for further renewal of authorisation.

## 5. RECOMMENDATIONS:

**Executive officer., Kundrathur Town Panchayat** may be directed with the following

1. The Executive Officer., Kundrathur Town Panchayat shall apply and obtain for renewal of authorization as per the Solid Waste Management Rules, 2016 immediately.
2. The Executive Officer Kundrathur Town Panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016.
3. The Executive Officer, Kundrathur Town Panchayat shall ensure that no municipal solid wastes dumped in the said area belongs to Arulmigu Kundrathur Murugan Temple, Kundrathur.
4. The Executive Officer, Kundrathur Town Panchayat in coordination with District Administration shall identify an alternate land for handling and treatment (Processing & Incineration) of municipal solid waste as per the Solid Waste Management Rules, 2016 within six months.
5. The Commissioner, Hindu Religious Charitable Endowments Department shall ensure that compound wall should be constructed all around the temple of the premises so as to avoid dumping of solid waste generated from nearby surrounding people of kundrathur Town Panchayat.
6. The Commissioner, Hindu Religious Charitable Endowments Department shall ensure to appoint security so as to watch and mitigate the illegal disposal of solid wastes.
7. The Commissioner, Hindu Religious Charitable Endowments Department shall ensure that the temple lands should be free from any encroachments.
8. The Commissioner, Hindu Religious Charitable Endowments Department shall develop green belt all around the temple of the premises so as to avoid any encroachments in future.

  
P. Ravichandran 2.7.21  
District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Sriperumbudur @ Oragadam

  
P. Jayaraman.,  
Joint Commissioner,  
Hindu Religious Charitable  
Endowments Department,  
Kancheepuram.

  
R. Panneerselvam 2.7.21  
District Revenue Officer,  
Kancheepuram

Encl: As above



## TAMIL NADU POLLUTION CONTROL BOARD

**Proc. No: TNPCB/LAW/LAIII/NGT/09796/2021 dated: 16.06.2021**

**Sub:** TNPCB – Law – NGT O.A.No.96 of 2021 (SZ) – SUO MOTU Based on The News item published in Dinamalar Newspaper, Chennai Edition, Dated 25.02.2021, under the caption “Kundrathur Murugan Temple giving adisplay of garbage dump – NGT order dated 08.04.2021 – Formation of the Joint Committee – To inspect and furnish report to the Hon’ble NGT – Regarding.

**Ref:** Copy of the Hon’ble NGT order dated:08.04.2021 passed in O.A.No.96 of 2021 (SZ).

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It is informed that an Original Application No. 96 of 2021 is taken up by the Hon’ble NGT (SZ) as SUO MOTU Based on The News item published in the New Indian Express, Chennai Edition, Dated 25.02.2021, under the caption “Kundrathur Murugan Temple giving a display of garbage dump ” Reg.

In this regard, the Hon’ble NGT has passed order dated 08.04.2021 and issued the following directions among other things inter alia as follows:

**“Para 8. In order to ascertain the genuineness of the allegations made in the newspaper report, we feel it appropriate to appoint a Joint Committee comprising of (i) the District Collector, Kancheepuram District or a Senior Officer not below the rank of Sub Divisional Magistrate/Assistant Collector to be deputed by the District Collector, (ii) a Senior Officer from the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman and (iii) a Senior Officer from the Hindu Religious Charitable Endowments Department who is in-charge of that area, as deputed by the Commissioner, Hindu Religious Charitable Endowments Department, Nungambakkam, Chennai to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.**

**Para 9: The Committee is also directed to ascertain as to whether the Solid Waste Management Rules, 2016 are being strictly implemented in the 8 th respondent Panchayat and ascertain as to who is responsible for such dumping of waste in that area, whether the ban regarding ‘single use plastic’ is being strictly implemented in that area, whether the directions issued by the Principal Bench in O.A. No.606/2018 has been complied with by the 8th respondent Panchayat and if not, what is the nature of action taken by the Pollution Control Board in this regard as directed by the Principal Bench including realization of environmental compensation fixed by the violating local bodies and submit a report to this Tribunal before the next hearing date.**

Para 10: The Tamil Nadu Pollution Control Board (TNPCB) will be the nodal agency for co-ordination and also for providing necessary logistics for this purpose.

Para 11: The committee is directed to submit the report to this Tribunal on or before 28.05.2021”

In order to comply the above said NGT order dated 08.04.2021, the District Environmental Engineer, TNPCB, Sriperumbudur is nominated as Nodal Officer of the Joint Committee.

Therefore, the District Environmental Engineer, TNPCB, Sriperumbudur is requested to comply the NGT order and coordinate with the Joint Committee and furnish the Joint Committee Report to this office immediately.

The receipt of this proceeding shall be acknowledged.

Encl: As above.

*7/10/21*  
*17/6/21*  
For Member Secretary

To

The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Sriperumbudur,  
Kancheepuram District.

இந்து சமய அறநிலையத்துறை



அனுப்புனர்  
திரு.ஜெ.குமரகுருபரன், இ.ஆ.ப.,  
ஆணையர்,  
சென்னை,34

பெறுநர்  
திரு.பொ.ஜெபராமன், பி.எஸ்.சி., பி.எல்.,  
இணை ஆணையர்,  
இந்து சமய அறநிலையத்துறை,  
காஞ்சிபுரம்.

012536

ந.க.எண்.46751/2021/இ.4, நாள். 23.06.2021

பொருள் : தேசிய பசுமை தீர்ப்பாயம் - O.A.No.96/2021(SZ) உத்தரவு  
நாள்.08.04.2021 - அருள்மிகு சுப்பிரமணியசுவாமி  
திருக்கோயில் - குன்றத்தூர் - காஞ்சிபுரம் மாவட்டம் -  
தொடர்பாக.

பார்வை : 1. மின்னஞ்சல் : Judicial Section, "NGTSZ"/நாள்.16.04.2021.  
2. இணை ஆணையர், காஞ்சிபுரம் -  
ந.க.எண்.2246/2021/ஆ1/நாள்.18.06.2021.

பார்வை 1ல் காணும் மின்னஞ்சலில் மேற்படி திருக்கோயிலை சுற்றி குப்பை மற்றும் பிளாஷ்டிக் பொருட்கள் தேங்கி கிடப்பதாகவும், இதனை அப்புறப்படுத்த வேண்டும் என பிப்ரவரி 25 2021 அன்று தினமலர் நாளிதழில் செய்தி வெளியானதையடுத்து, தேசிய பசுமை தீர்ப்பாயம் தானாக முன்வந்து வழக்கு எண்.O.A.No.96/2021 (SZ) நாள்.08.04.2021 எடுத்துக்கொள்ளப்பட்டு உத்தரவு பிறப்பிக்கப்பட்டுள்ளது.

2) அவ்வுத்தரவில் மாவட்ட ஆட்சியர் காஞ்சிபுரம் அல்லது சார்பு நீதிமன்ற நீதிபதிக்கு இணையான அலுவலர் ஒருவரும் மற்றும் தமிழ்நாடு மாசுகட்டுப்பாட்டு வாரிய அலுவலர் ஒருவரும் மற்றும் இந்து சமய அறநிலையத்துறை ஆணையரால் நியமனம் செய்யப்படும் உயர் அலுவலர் ஒருவரும் கொண்ட குழு மூலம் நியமனம் செய்யப்படும் அலுவலரை கொண்டு நடவடிக்கை மேற்கொண்டு அடுத்த விசாரணையின்போது அறிக்கை சமர்ப்பிக்க; உத்தரவிடப்பட்டுள்ளது.

3) பசுமைத் தீர்ப்பாயத்தால் துறையில் மூத்த அலுவலரை நியமனம் செய்ய உத்தரவிடப்பட்டுள்ளதால் காஞ்சிபுரம், இணை ஆணையரை மேற்படி குழுவில் ஒருவராக துறை சார்பில் நியமனம் செய்து உத்தரவிடப்படுகிறது. மேலும்

இக்குழுவுடன் இணைந்து நடவடிக்கை மேற்கொண்டு விரிவான அறிக்கை சமர்ப்பிக்க கேட்டுக்கொள்ளப்படுகிறது. இதில் காலக்கெடு நிர்ணயம் செய்யப்பட்டுள்ளதால், சிறப்பு கவனம் செலுத்த கேட்டுக்கொள்ளப்படுகிறது.

ஓம்./ஜெ.குமரகுருபரன்,

ஆணையர்

/உ.ந.உ.ப/

கண்காணிப்பாளர்

நகல்:

2. மாவட்ட ஆட்சித்தலைவர், காஞ்சிபுரம்.
3. தமிழ்நாடு மாசுகட்டுப்பாட்டு வாரியம், சென்னை.
4. செயல் அலுவலர்,  
அருள்மிகு சுப்பிரமணியசுவாமி திருக்கோயில்,  
குன்றத்தூர், காஞ்சிபுரம் மாவட்டம் .
5. மிகை.



By Regd. Post

**TAMILNADU POLLUTION CONTROL BOARD**

O/o. District Environmental Engineer  
Tamil Nadu Pollution Control Board,  
CP-5B, SIPCOT Industrial Growth Centre,  
Oragadam, Sriperumbudur Taluk,  
Kancheepuram District

**Proc. No. DEE/TNPCB/SPR/SWM/F. No. M-001/2020 dated 03.02.2020**

Sub: TNPCBd-Local body- Kundrathur Town Panchayat, Kundrathur Taluk, Kancheepuram District - Water (Prevention and Control of Pollution) Act, 1974 as amended - Disposal of solid waste in open area -Show Cause Notice issued- regarding.

Ref: 1. Inspection of the Joint Committee on 30.01.2020  
2. Hon'ble National Green Tribunal (PB), New Delhi in order dated 23.04.2019 in the Original Application No. 606 of 2018

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The Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 is in force in Tamilnadu. (Here in after referred to as Act). The Tamilnadu Pollution Control Board enforces the above said Act.

As per Section 24 [**Prohibition on use of stream or well for disposal of polluting matter, etc.**] of the Water (Prevention and Control of Pollution) Act 1974 as amended in 1988,

1)

(a) *no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any stream or well or sewer or on land ; or*

(b) *no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.*

2) *A person shall not be guilty of an offence under sub-section (1), by reason only of having done or caused to be done any of the following acts, namely:—*

- 16
- (a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain;
  - (b) depositing any materials on the bank or in the bed of any stream for the purpose of reclaiming land or for supporting, repairing or protecting the bank or bed of such stream provided such materials are not capable of polluting such stream;
  - (c) putting into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of such stream;
  - (d) Causing or permitting, with the consent of the State Board, the deposit accumulated in a well, pond or reservoir to enter into any stream.

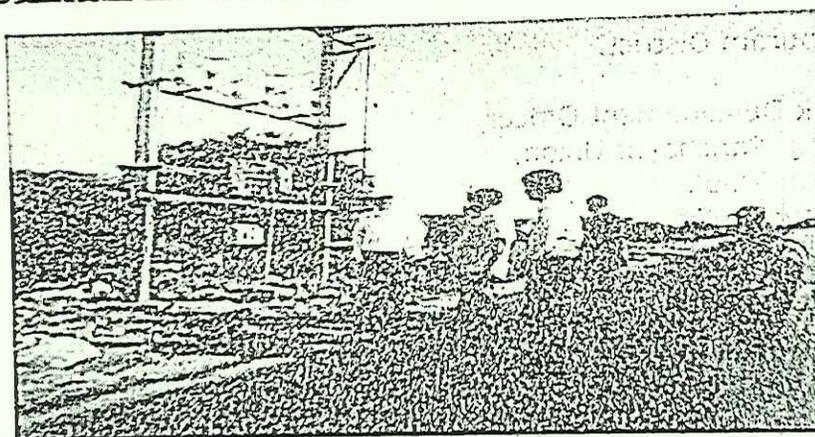
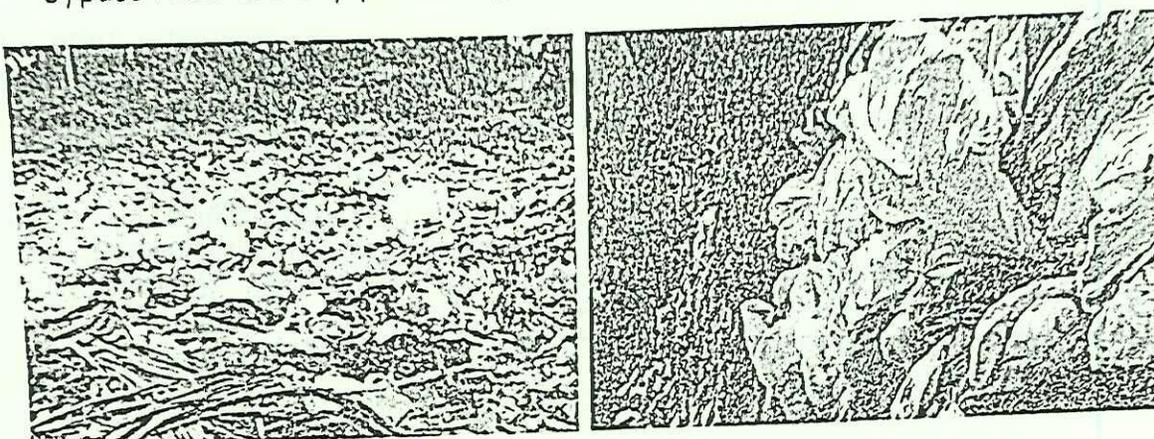
Whereas, Hon'ble National Green Tribunal (PB), New Delhi in its order dated 23.04.2019 in the Original Application No. 606 of 2018 has directed that.

".... All the local authorities constituted for providing services to the citizens are lethargic and insufficient in their functioning which is impermissible. Non-accountability has led to lack of effort on the part of the employees. Domestic garbage and sewage along with poor drainage system in an unplanned manner contribute heavily to the problem of solid waste. The number of slums of multiplied significantly occupying large areas of public land. Promise of free land attracts more land grabbers. Instead of "slum clearance" there is "slum creation" in cities which is further aggravating the problem of domestic waste being strewn in the open. Accordingly, the Court directed that provisions pertaining to sanitation and public health under the DMC Act, 1957, the New Delhi Municipal Council Act, 1994 and Cantonments Act, 1994 be complied with, streets and public premises be cleaned daily, statutory authorities levy and recover charges from any person violating laws and ensure scientific disposal of waste, landfill sites be identified keeping in mind requirement of the city for next 20 years and environmental considerations, sites be identified for setting up of compost plants, steps be taken to prevent fresh encroachments and compliance report be submitted within eight weeks.....

**Penalty provision: Prescribe criteria for levying of spot fine for persons who litters or fails to comply with the provisions of these rules and delegate powers to officers or local bodies to levy spot fines as per the byelaws framed".**

Whereas, during inspection of Kundrathur Town Panchayat & adjacent villages of Kundrathur Panchayat Union, Kundrathur Taluk, Kancheepuram District on 31.01.2020 by Joint Committee formed by the Hon'ble National Green Tribunal, Southern Zone, the following were observed.

1. Un-segregated municipal solid waste including plastics generated in and around the Kundrathur area was dumped in the open area & adjacent to the bypass road thereby permitting to deposit on the road side and polluting.



2. There is no sewage treatment plant was found to be operation in the Kundrathur Town Panchayat area for the treatment and disposal of sewage generated in the Kundrathur Town Panchayat.
3. The sewage from the septic tank of individual house disposed through private sewage tanker lorry and discharged in nearby lowlying area/water bodies, streams and public storm water drain etc., and thereby polluting the soil/groundwater/surface water and also creating nuisance to the localities.

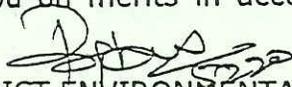
As such the provisions of Section 24 of the Act have been contravened by you which is an offence punishable under section 43 of the Act with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.

18

Contravention of Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 as amended 1988 shall lead to issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions under Section 33A of the Act for closure, stoppage of power supply etc.,

Hence, you are hereby directed to Show Cause within 7 days from the date of receipt of the notice as to why direction shall not be issued to you as occupier of said unit under Section 33A of the said Act for Closure, stoppage of power supply etc.,

It is informed that non-receipt of any reply within the stipulated time will be construed that you have no satisfactory explanation to offer for the above said contravention and action will be taken against you on merits in accordance with law.

  
DISTRICT ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD  
SRIPERUMBUDUR

To

- 18  
18/12
- 1) The Executive Officer,  
Kundrathur Town Panchayat,  
Kundrathur Taluk.,  
Kancheepuram District.
  - 2) The Block Development Officer,  
Kundrathur Panchayat Union,  
Kundrathur Taluk,  
Kancheepuram Dt.,

Copy submitted to

1. The District Collector, Kancheepuram District.  
-for kind information please
2. The Member Secretary, TNPCB, Chennai-32  
-for kind information please
3. The JCEE [M], Chennai-106  
-for kind information please

Copy to

- 1) The Asst. Director, Town Panchayat] / Panchayat  
Collectorate, Master Plan Complex,  
Kancheepuram District  
-for necessary action please
- 2) The Asst. Director, Panchayat  
Collectorate, Master Plan Complex,  
Kancheepuram District  
-for necessary action please

  
**DESPATCHED**

05/02/2020

Annexure - IV

19



By Regd. Post

**TAMILNADU POLLUTION CONTROL BOARD**

O/o. District Environmental Engineer  
Tamil Nadu Pollution Control Board,  
CP-5B, SIPCOT Industrial Growth Centre,  
Oragadam, Sriperumbudur Taluk,  
Kancheepuram District

**Proc. No. DEE/TNPCB/SPR/SWM/F. No. M-001/2020 dated 20-10-2020**

Sub: TNPCBd-Local body- Kundrathur Town Panchayat, Kundrathur Taluk, Kancheepuram District - Water (Prevention and Control of Pollution) Act, 1974 as amended - Disposal of solid waste in open area in NH nearby SIPCOT Training Centre, Oragadam-Show Cause Notice issued-regarding.

- Ref: 1. Hon'ble National Green Tribunal (PB), New Delhi in order dated 23.04.2019 in the Original Application No. 606 of 2018.  
2. T.O Proc. No. DEE/TNPCB/SPR/SWM/F. No. M-001/2020 dated 03.02.2020  
3. T.O Letter No. DEE/TNPCB/SPR/F-M-0001/SWM/2020, Dated 29-08-2020.  
4. Hon'ble NGT Order dated 25.09.2020 in OA No.32 of 2020.  
5. Inspection of the said area on 20-10-2020.

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The Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 is in force in Tamilnadu. (Here in after referred to as Act). The Tamilnadu Pollution Control Board enforces the above said Act.

As per Section 24 [**Prohibition on use of stream or well for disposal of polluting matter, etc.**] of the Water (Prevention and Control of Pollution) Act 1974 as amended in 1988,

1)

(a) *no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any stream or well or sewer or on land ; or*

(b) *no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.*

2) A person shall not be guilty of an offence under sub-section (1), by reason only of having done or caused to be done any of the following acts, namely:—

(a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain;

(b) depositing any materials on the bank or in the bed of any stream for the purpose of reclaiming land or for supporting, repairing or protecting the bank or bed of such stream provided such materials are not capable of polluting such stream;

(c) putting into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of such stream;

(d) Causing or permitting, with the consent of the State Board, the deposit accumulated in a well, pond or reservoir to enter into any stream.

Whereas, Hon'ble National Green Tribunal (PB), New Delhi in its order dated 23.04.2019 in the Original Application No. 606 of 2018 has directed that.

".... All the local authorities constituted for providing services to the citizens are lethargic and insufficient in their functioning which is impermissible. Non-accountability has led to lack of effort on the part of the employees. Domestic garbage and sewage along with poor drainage system in an unplanned manner contribute heavily to the problem of solid waste. The number of slums of multiplied significantly occupying large areas of public land. Promise of free land attracts more land grabbers. Instead of "slum clearance" there is "slum creation" in cities which is further aggravating the problem of domestic waste being strewn in the open. Accordingly, the Court directed that provisions pertaining to sanitation and public health under the DMC Act, 1957, the New Delhi Municipal Council Act, 1994 and Cantonments Act, 1994 be complied with, streets and public premises be cleaned daily, statutory authorities levy and recover charges from any person violating laws and ensure scientific disposal of waste, landfill sites be identified keeping in mind requirement of the city for next 20 years and environmental considerations, sites be identified for setting up of compost plants, steps be taken to prevent fresh encroachments and compliance report be submitted within eight weeks.....

**Penalty provision: Prescribe criteria for levying of spot fine for persons who litters or fails to comply with the provisions of these rules and delegate powers to officers or local bodies to levy spot fines as per the byelaws framed".**

Whereas, showcause notice was issued for the non compliances of the disposal of solid wastes as per the Solid Waste Management Rules, 2016 dated 08-04-2016 vide reference 2<sup>nd</sup> cited as directed by the Hon'ble National Green Tribunal (PB), New Delhi in order dated 23.04.2019 in the Original Application No. 606 of 2018 vide reference 1<sup>st</sup> cited.

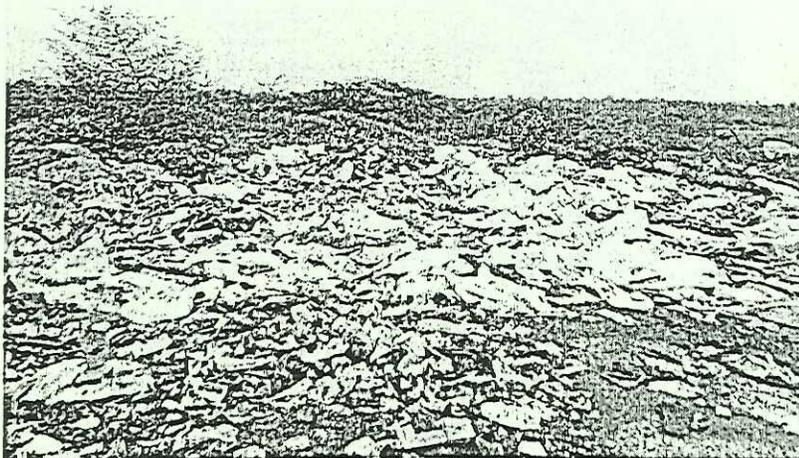
Whereas, the said local body has informed that as the local body has not complied the said direction issued by the Hon'ble NGT [PB], New Delhi, necessary compensation will be levied and requested to furnish the status of compliance report immediately. If no reply is received, further action shall be initiated as directed by Hon'ble NGT [PB], New Delhi order dated 02-07-2020 in OA no. 606 of 2018 vide reference 3<sup>rd</sup> cited.

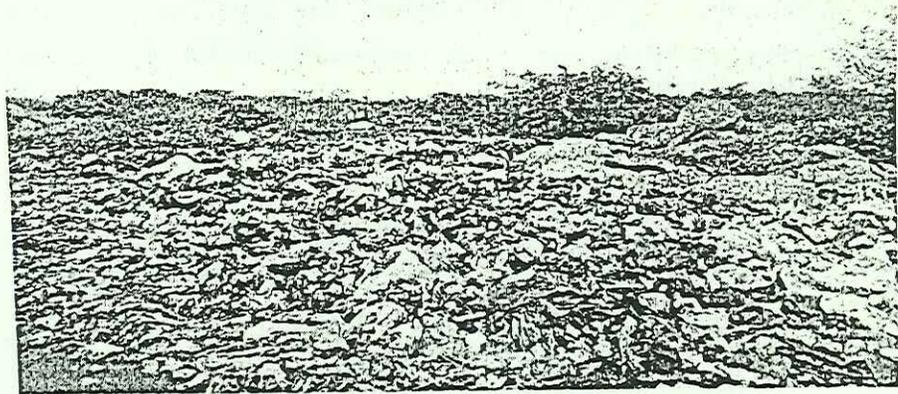
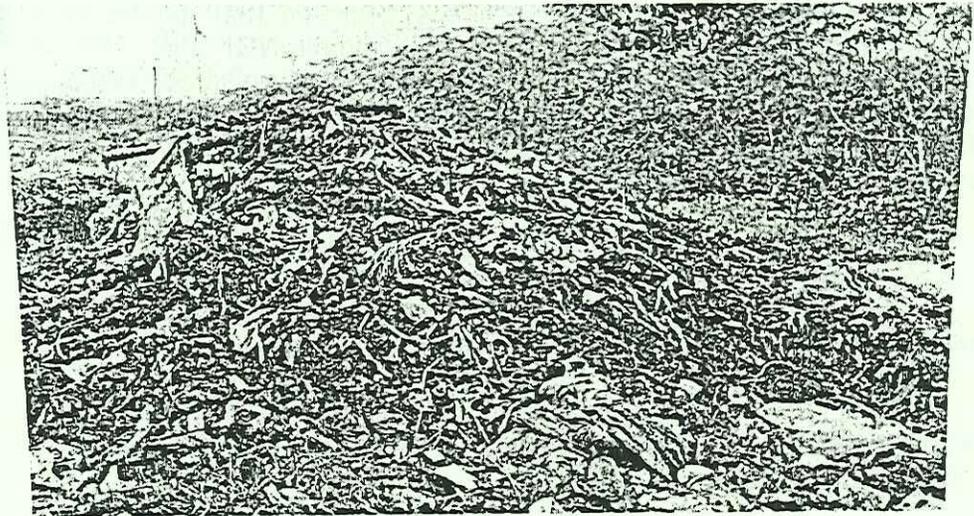
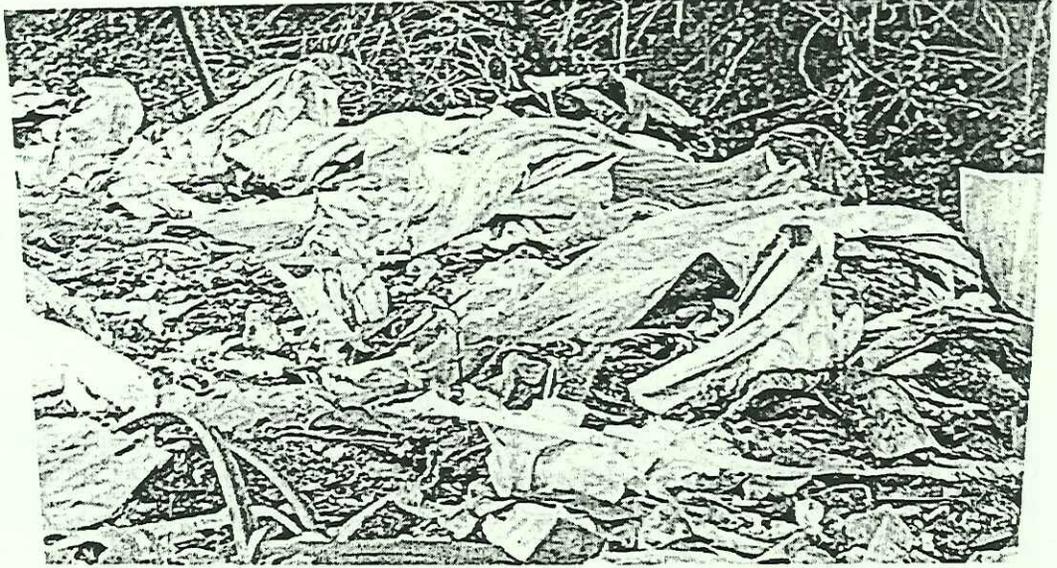
Whereas, the Hon'ble NGT [SZ], Chennai in the order dated 25-09-2020 in OA No.32 of 2020 has directed in para 13,

*"the Block Development Officer, Kundrathur Panchayat Union is the supervisory authority over the activities of the panchayat within its jurisdiction "*

Whereas, during inspection of SIPCOT Industrial Growth Centre, Oragadam, Kundrathur Taluk, Kancheepuram District on 20.10.2020, the following were observed.

1. Un-segregated municipal solid waste including plastics generated in and around the Kundrathur area was disposed on State Highways nearby SIPCOT Skil Development Centre, SIPCOT Industrial Growth Centre, Oragadam. thereby polluting the soil/groundwater/surface water and also creating nuisance to the localities





2. There is no sewage treatment plant was found to be operation in the Kundrathur Panchayat union area for the treatment and disposal of sewage generated in the Kundrathur village Panchayat.
3. The sewage from the septic tank of individual house disposed through private sewage tanker lorry and discharged in nearby lowlying area/water bodies, streams and public storm water drain etc., and thereby polluting the soil/groundwater/surface water and also creating nuisance to the localities.

4. The BDO, Kundrathur Panchayat Union has not taken any effective steps to comply with the Solid Waste Management Rules, 2016 and continued to dispose of solid wastes in an indiscriminate manner.

As such the provisions of Section 24 of the Act have been contravened by you which is an offence punishable under section 43 of the Act with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.

Contravention of Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 as amended 1988 shall lead to issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions under Section 33A of the Act for closure, stoppage of power supply etc.,

Hence, you are hereby directed to Show Cause within 7 days from the date of receipt of the notice as to why direction shall not be issued to you as occupier of said unit under Section 33A of the said Act for Closure, stoppage of power supply etc.,

It is informed that non-receipt of any reply within the stipulated time will be construed that you have no satisfactory explanation to offer for the above said contravention and action will be taken against you on merits in accordance with law.



DISTRICT ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD  
SRIPERUMBUDUR

To

  
21/10

The Block Development Officer,  
Kundrathur Panchayat Union,  
Kundrathur Taluk,  
Kancheepuram Dt.,

Copy submitted to

1. The District Collector, Kancheepuram District. -for kind information please
2. The Member Secretary, TNPCB, Chennai-32 -for kind information please
3. The JCEE [M], Chennai-106 -for kind information please

Copy to

- 1) The Asst. Director, Town Panchayat] / Panchayat  
Collectorate, Master Plan Complex,  
Kancheepuram District -for necessary action please
- 2) The Asst. Director, Panchayat  
Collectorate, Master Plan Complex,  
Kancheepuram District -for necessary action please





Urgent / Top priority

## TAMILNADU POLLUTION CONTROL BOARD

From  
Er. P. Ravichandran, M.E.,  
District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
CP-5B, SIPCOT Industrial Growth Centre,  
Oragadam, Sriperumbudur Taluk,  
Kancheepuram District - 602 305.

To  
The Executive Officer,  
Kundrathur Town Panchayat,  
Kundrathur,  
Kancheepuram District.

Letter No. DEE/TNPCB/SPR/F-M-0001/SWM/2020, Dated 29-08-2020

Sub:- O/o. DEE, TNPCB, SPR - The Solid Waste Management Rules, 2016 under the Environment (Protection) Act, 1986 - Hon'ble NGT order dated 02-07-2020 in OA No. 606/2018-compliance report-requested - Reg.

Ref:- 1. The Solid Waste Management Rules, 2016  
2. Hon'ble NGT Order dated 02-07-2020 in OA No. 606 of 2018.

---  
This has reference to the Solid Waste Management Rules, 2016. As per Rule 15(1) of the Solid Waste Management Rules, 2016, the local authorities and Panchayats shall be responsible for the implementation of the provisions of these rules which include any infrastructure development for collection, storage, segregation, transportation, processing, disposal of municipal solid wastes.

In this regard, the compliance of Solid Waste Management Rules is being monitored as per the order of the Hon'ble NGT [PB], New Delhi in OA No. 606 of 2018 and the liquid waste management is also being monitored as per orders of the Hon'ble Supreme Court order dated 02-09-2013 in WP No. 888/1996.

After several orders and proceedings before the Tribunal, and finally the Hon'ble NGT [PB] in its order dated 02-07-2020 in OA No. 606 of 2018, vide POINT No. 4- as stated that

"The Chief Secretaries of 18 States/UTs appeared and filed updated status reports and since there still existed huge gaps in compliance, further directions were issued by way of different orders. Last such order is 28.2.2020. Other orders are on same pattern. **The direction part of the said order [is reproduced below.**

41. In view of above, consistent with the directions referred to in para 29 issued on 10-01-2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct;

8/22/09  
DESPATCHED

- 23
- a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31-03-2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every local body to pay compensation at the rate of
- Rs. 10 Lakhs per month per Local Body for population of above 10 Lakhs,  
Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and  
Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance.

*If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.*

- b. Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 282 even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of
- Rs. 10 lakh per month per Local Body for population of above 10 lakhs,  
Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and  
Rs. 1 lakh per month per other Local Body.

*If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.*

- d. The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in Para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:
- i. *Interim measures for phytoremediation/ bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
  - ii. *Commencement of setting up of STPs – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
  - iii. *Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.*

- e. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs.*
- g. Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB.*

In this regard, all local bodies already directed and requested to take necessary follow up action and to furnish quarterly status report to the Board so as to submit the same to CPCB for compliance.

However, it was observed that

1. Solid waste is dumped and indiscriminately disposed at several places and also burning of garbage on road side and un authorized location which will lead to ground water pollution, odour nuisance, air pollution problems as well non compliances of Solid Waste Management Rules.
2. There is no proper drainage system provided for the sewage for collection and disposal of sewage for further treatment. There is no sewage treatment plant to treat the sewage in scientific manar.
3. The sewage from the septic tank of individual house disposed through private sewage tanker lorry and discharged in nearby lowlying area/water bodies, streams and public storm water drain etc., and thereby polluting the soil/groundwater/surface water and also creating nuisance to the localities.

In view of the above, it is informed that as the local body has not complied the above direction issued by the Hon'ble NGT [PB], New Delhi, necessary compensation will be levied. Hence, I request you to furnish the status of compliance report immediately. If no reply is received, further action shall be initiated as directed by Hon'ble NGT [PB], New Delhi order dated 02-07-2020 in OA no. 606 of 2018. .

The receipt of letter/mail shall be acknowledged.

  
District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Sriperumbudur @ Oragadam

Copy submitted to

1. The District Collector, Kancheepuram Dt., Kancheepuram  
-for kind information please.
2. The Member Secretary, TNPCCB, Chennai-32 for information please.
3. The JCEE [M], TNPCCB, Chennai-106 for information please

Copy to

4. AD Town Panchayat., Kancheepuram for necessary action please
5. AD Panchayat., Kancheepuram for necessary action please.





Urgent / Top priority

## TAMILNADU POLLUTION CONTROL BOARD

From  
Er. P. Ravichandran, M.E.,  
District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
CP-5B, SIPCOT Industrial Growth Centre,  
Oragadam, Sriperumbudur Taluk,  
Kancheepuram District - 602 102

To  
The Executive Officer,  
Kundrathur Town Panchayat  
Kundrathur.

Letter No. DEE/TNPCB/SPR/F-M-0001/SWM/2020, Dated 30-11-2020

Sub:- O/o. DEE, TNPCB, SPR - The Solid Waste Management Rules, 2016 under the Environment (Protection) Act, 1986 -Hon'ble NGT order dated 02-07-2020 in OA No. 606/2018-compliance report-requested - Reg.

Ref:- 1. The Solid Waste Management Rules, 2016  
2. Hon'ble NGT Order dated 02-07-2020 in OA No. 606 of 2018.  
3. T.O Lr No. DEE/TNPCB/SPR/F-M-0001/SWM/2020, Dated 29-08-2020

- - -

A copy of this office letter under 3<sup>rd</sup> cited is enclosed herewith for self explanatory, wherein it has been explained/reproduced about the direction issued by the Hon'ble NGT Order dated 02-07-2020 in OA No. 606 of 2018 & also informed that as the local body has not complied the above direction issued by the Hon'ble NGT [PB], New Delhi, necessary compensation will be levied and requested to furnish the status of compliance report immediately.

It is regretted to note that the local has not yet furnished the compliance report, in view of the above, i request you once again to furnish the present status of the disposal of solid waste / liquid waste generated from the local body to this office on or before 15-12-2020 so as to submit the compliance report to the Chairman, TNPCB in order to comply with the Hon'ble NGT Order dated 02-07-2020 in OA No. 606 of 2018.

This shall be treated as urgent and the receipt of letter/mail shall be acknowledged.

-Sd-

District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Sriperumbudur @ Oragadam

Encl: as above

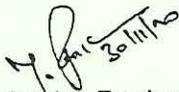
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-for kind information please.
2. The Member Secretary, TNPCB, Chennai-32 for information please.
3. The JCEE [M], TNPCB, Chennai-106 for information please

Copy to

4. AD Town Panchayat., Kancheepuram for necessary action please
5. AD Panchayat., Kancheepuram for necessary action please.

30/11  
DESPATCHED

  
 For District Environmental Engineer

