

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT CHENNAI**  
**SOUTHERN ZONE BENCH**  
**APPEAL NOS. 3 & 4 OF 2021**

**IN THE MATTER OF**

LINGAM NAGAR WELFARE ASSOCIATION ,  
TRICHY

... APPELLANT

- VERSUS -

THE CHAIRMAN

TAMIL NADU POLLUTION CONTROL BOARD & ORS

... RESPONDENT

**NOTES ON ARGUMENTS SUBMITTED ON BEHALF OF THE APPELLANT**

1. It is submitted that the present appeal is a statutory appeal filed under Section 16 (a) and (f) of the National Green Tribunal Act, 2010 aggrieved against the final order made by the Hon'ble Appellate Authority for the Tamil Nadu Pollution Control Board in Appeal Nos. 46 and 47 of 2018 dated 15.07.2020. It is submitted that the proceedings before the Hon'ble Authority were statutory appeals preferred against the Consent to Establish issued by the Tamil Nadu Pollution Control under Section 25 of the Water (Prevention and Control of Pollution) Act 1974 and the Air (Prevention and Control of Pollution) Act, 1981 in favour of the project proponent i.e., The Commissioner, Trichirapalli City Corporation and The Commissioner, M/s. Fecal Sludge Treatment Plant.
2. The Consent Orders were issued to set up a Fecal Sludge Treatment Plant, a relatively new and largely untested technology for the treatment of Human Fecal Waste by a Common Integrated facility. The Appellants are a resident association who have litigated against the establishment of the plant in a residential area and against the

threat to environment. The primal contentions are that the plant is unsuitable to be established at the project site and that the threat to environment is obvious and that no proper assessments and permissions have been obtained. It is submitted that the plant is proposed to treat fecal and septage waste from Wards of Nos. 40, 45, 52, 53, 54 and 60 of the Corporation, thus catering to the large portions of the entire corporation and is proposed to discharge 32 KLD of treated effluent. It is submitted that the total waste likely to be processed is less than 50 tonnes/day and as such less polluting alternative technologies are available which have been not considered by the proponents.

3. The Appeals filed by the present Appellants were dismissed by the Hon'ble Appellate Authority and aggrieved by the same, the present statutory appeals are filed. The following notes on arguments are submitted to highlight the basic and primary contentions of the Appellant apart from the Grounds raised in the Appeals, for the sake of brevity and convenience of this Hon'ble Tribunal.

**WHETHER THE NATURE AND CATEGORIZATION OF THE PROPOSED TREATMENT PLANT IS THAT OF A HIGHLY POLLUTING RED CATEGORY**

4. It is submitted that the proposed plant has been initiated, admitted as a “novel” plant. It is largely an untested technology. Thus, the terminology of “FSTP” is not available as an Entry in any of the categorization in the existing guidelines. It is submitted that the “nature” of a project is not determined by the terminology of the project but the actual activity of the project.
5. It is submitted that the impugned project is to treat septage waste comprising of human fecal matter. A distinction is sought to be drawn on the basis of contention that

the plant would treat only with human fecal matter. In any event, the treatment of waste and human waste or waste accumulated in septic tanks are comparable to existing guideline on two fronts.

6. Firstly, the nature of the waste, it can be compared to be that of a “Solid” or “Semi-Solid” waste generated by domestic household. In that view, it is submitted that a common municipal facility to treat solid wastes as a Common Solid Waste facility even attracts the Entry No 7(i) of the EIA Notification, 2006 and as such is a highly polluting RED category project.
7. Even otherwise, **WITHOUT PREJUDICE TO THE ABOVE CONTENTION**, the impugned project is very much comparable to a **SEWAGE TREATMENT PLANT**. It is submitted that the waste processed in a STP is domestic and household semi-solid/liquid waste comprising mainly of toilet waste. It is submitted that the present FSTP, if not more pollutant, **is comparable as a minimum**, to the activity of a STP.
8. It is submitted that even a STP is categorized as a RED category by the TNPCB vide its proceedings in B.P.No. 06 dated 02.08.2016 (@ Page No 156 of the Typeset). It is submitted that STP is specifically included at Serial No. 81 and Code No 1081 in the list of RED category industries in the above proceedings. Thus, the nature of the project is definitely a RED category unit even on a basic comparison to that of a STP even though the FSTP is by design poised to cause larger pollution than a STP.
9. It is submitted that the nature of the project as a RED category project has all along been admitted by the project proponents before the Hon’ble Appellate Authority. The only contention was that though the project could be a highly polluting industry, the same was not included in the list of prohibited industries in the Government Orders

issued by the State of Tamil Nadu in G.O. Ms. No. 213 dated 30.03.1989 and G.O.Ms. No. 127 dated 08.05.1998 and G.O.Ms. No. 223 dated 02.09.1998.

10. It is submitted that even otherwise, the design of the present FSTP would also establish the nature of the unit. The entire process has been furnished as a separate document by the respondents as FSTP- Process Description. The outlay of the project would establish that the project has the components such as Screening Chamber which segregates solid wastes from inorganic wastes like plastic, cloths, sand, silt etc. For the said process, Grit chambers are also established to separate organic materials to pass. It is submitted that the further process involves a Stabilization Reactor which is proposed to reduce and control the BOD with anaerobic digestion. The entire process also generates sludge waste during the process. Apart from the above, the collection of sludge, the filters, dryers, collectors and all other process involved would clearly show that the unit is a complex treatment facility and, in any event, no less in comparison to that of a STP.

11. It is submitted that the treatment and technology that takes place even though novel, is not established to be different from that of a ETP or a STP. Admittedly, it is submitted that the process is not a GREEN project. There is definite generation of Sludge waste and anaerobic digestion and the same are not a green or natural process.

12. Thus, it is submitted that the present project is a RED category unit as a highly polluting industry.

### **WHETHER THE PROJECT AMOUNTS TO AN INDUSTRIAL ACTIVITY**

13. It is submitted that the present project is an integrated treatment facility proposed to cater to the needs of several wards in the Trichy Corporation and is a common facility.
14. It is submitted that the project attracts the definition of a “Restricted” activity as per Section 25 of the Water Act, 1974 being *“any industry, operation or process, or any treatment and disposal system or an extension thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land .... ”*.
15. It is submitted that the fact that the proposed project is a regulated and restricted activity is also established as the proponent was required to obtain Consent to Establish by the TNPCB and had also only in that manner obtained the Consent Orders from the TNPCB.
16. Therefore, it is submitted that a common treatment facility of waste is not exempted from the regulatory regime and requires all permissions under law and also the Restrictions/ prohibitions with regards to its establishment apply to the project as natural corollary.

### **WHETHER THE UNIT IS A PROHIBITED ACTIVITY IN THE IMPUGNED SITE**

17. It is submitted that the present project is proposed to be set up in a “*RESIDENTIAL USE*” area. It is submitted that the Consent for the unit had been granted on 07.01.2021. At the time in which the Consent was granted, the land use of the project site was that of a Residential use category.

18. In order to overcome the same, the land use classification had been modified and re-classified as an INDUSTRIAL use category vide proceedings dated 05.04.2017. The same has been challenged and pending before the Hon'ble Madurai Bench of the Madras High Court in W.P.No. 7664 of 2018.

19. It is submitted that, an establishment of a HIGHLY POLLUTING or a RED category industry is prohibited in a Residential Use category land by virtue of the Government Orders in G.O.Ms. No 1730 dated 24.07.1974 which lays down the nature of industries permissible in various zoning classifications. Thus, the TNPCB ought to have looked at the prohibition under law while processing the Consent application.

20. Therefore, it is submitted that the impugned project site is prohibited for the setting up of the proposed treatment plant at the time of grant of Consent. However, this issue has been not dealt with by the Hon'ble Lower Authority and has merely observed that the issue would be subject to the outcome of the litigation before the Hon'ble High Court. (Para 21 of the Impugned Judgment).

21. It is submitted that apart from the issue of the zonal reclassification pending before the Hon'ble High Court, the TNPCB at the time of granting Consent has clearly violated the prohibition criteria for the establishment of the unit in a residential area. The selection of the site or the location is crucial to any project and this Hon'ble Tribunal has time and again held, that the citing criteria of a project goes into the very root of the clearances. Thus, the non-consideration of the issue, is unsustainable and erroneous and warrants an interference by this Hon'ble Tribunal.

**WHETHER THE PROJECT REQUIRES AND HAS NOT OBTAINED  
AUTHORISATION UNDER THE SOLID WASTE MANAGEMENT RULES,  
2016**

22. It is submitted that the SWM Rules 2016 in supersession of the earlier rules are applicable to every local body and other such bodies as defined under Rule 2 of SWM 2016. Further the authorization under the rules is to be obtained by any person who is responsible for the processing or disposal of solid waste as per Rule 3(1)(3) of SWM, 2016. The authorization under Rule 3 is required for all persons setting up a waste processing, treatment or disposal facility if the volume of waste is exceeding 5 metric ton / day as per Rule 15(y) of SWM 2016. In the instant case all of the above are attracted to the present project and thus an authorization is mandatory and ought to have been obtained via Form 1 to the SWM Rules, 2016.

23. It is submitted that the Rule 3(1)(46) of the SWM Rules, 2016 defines “***Solid Waste***” as to “***mean and include solid or semi-solid domestic waste, .....***”. It is submitted that the definition is very clear, unambiguous, wide and basic. The definition does not have any other exclusion clause and in fact, the definition is an inclusive definition. It is submitted that the septage waste or human fecal matter is nothing but a “waste” which is “solid or semi-solid” and undoubtedly is a “domestic waste”. The FSTP Project- Process description submitted by the Respondents as a separate document would also clearly show the project was to receive fecal sludge which is liquid and solid material pumped from septic tank.

24. Thus, the above definition is wide and basic, clear and unambiguous to classify the waste being sought to be treated by the FSTP as a “solid waste” as per Rule 3(1)(46) of the 2016 Rules. Thus, the respondent being the person responsible for setting up

the plant is liable as per Rule 2 of SWM Rules, 2016 to obtain authorization as per Rule 15(y) of SWM 2016 as the proposed plant exceeds the threshold capacity of 5 MT/day and thus qualifies for authorization.

25. However, this issue has been erroneously dealt with by the Hon'ble Lower Authority by relying on a definition for Solid waste as per a "Ready Reckoner" of the Municipal body. It is submitted that the entire exercise is unsustainable for two reasons. Firstly, the definition of the local body handbook can't override the definition as per the Statutory Rules of 2016. Secondly, the definition of the SWM 2016 in Rule 3(1)(46) is clear and unambiguous and there arose no necessity to interpret the provision, that too, on the basis of the **Ready Reckoner** prepared as a handbook for the local body for internal purposes.

26. The findings of the Hon'ble Lower Authority at Para 35 of the Impugned Judgement states that going by the explanation of "waste" as stated in Clause 3.2.1 of the Ready Reckoner, the waste sought to be treated by the FSTP can't be said to be within the purview of the SWM, 2016. *The local body internal handbook is put over and above the statutory definition of "solid waste" and an exercise is undertaken to find out a "strict interpretation" of the word to define the waste which is thoroughly erroneous and unsustainable.*

27. Further, the Judgment of this Hon'ble Tribunal relied upon by the Hon'ble Lower Authority in Para No. 33 and 34 referring to O.A. No. 100 of 2015 was a case where the question arose in the scope of provisions of EIA Notification 2006 and where the setting up of Bio-Methanation plant was discussed. The waste referred in the Judgment were vegetable, market waste, etc and in that background, the bio-methanation plant was held to be not liable to obtain EC as per the EIA 2006. It is

submitted that the facts and circumstances are different to the issue at hand and it is erroneous to exempt the present project on the basis of the above decision as circumstances are wholly different.

28. Thus, the requirement of SWM 2016 authorization is obvious and clear and the erroneous interpretation of the Hon'ble Lower Authority requires interference as the Statutory rules will prevail over and above any other internal document of the authorities.

**WHETHER THE PROJECT REQUIRES EIA CLEARANCE UNDER ENTRY 7(i) OF THE EIA NOTIFICATION 2006**

29. It is submitted that the earlier O.A. filed by the Appellant in O.A. No. 159 of 2018 was dismissed by this Hon'ble Tribunal vide order dated 04.12.2018 by accepting the case of the respondents that it shall exclusively treat the human fecal waste. It is however submitted that the contention and scope of the earlier O.A. was only with respect to Entry 7 (h) of the EIA Notification 2006 as a CETP plant since there was a possibility of mixage of waste.

30. It is submitted that the application filed in the above O.A. 159 of 2013 is filed as Document No. 11 at Page No. 48 in the present Typeset of papers wherein the application only refers to Entry 7(h) of the EIA 2006 and the Judgment in the landmark Kehar Singh case wherein this Hon'ble Tribunal laid down that even if there is mixing of 10% of industrial waste in an STP, it would be treated as a ETP for the purpose of EIA Notification 2006.

31. The findings in the earlier litigation in O.A.No. 159/2018 was holding that since the waste would exclusively deal with human faecal matter, the EIA Notification was not applicable from the perspective of the challenge under Entry 7(h) of the EIA, 2006.
32. However, the liability of the project under Entry 7(i) has neither been raised nor been tested in the above said Judgement. It is submitted that the acquittal of the project under Entry 7(h) does not automatically preclude the requirement under 7(i) as a Common Municipal Solid Waste Management Facility (CMSWMF).
33. It is submitted that as contended in the earlier leg of the arguments, the present project attracts the definition of a “Solid Waste” project. Further, the present project is not a stand alone or independent project but rather an integrated and common project catering to several wards of the Corporation.
34. Further the words “Common” and “Municipal” in Entry 7(i) of the EIA Schedule has been interpreted by this Hon’ble Tribunal in very same case quoted in Para No. 33 and 34 of the Impugned Judgment i.e., O.A.No. 100 of 2015 M.Paulrose vs. Secretary to Govt & Ors.
35. In the above case, it has been laid down that the words “Common” and “Municipal” refer to a single Municipal authority or separate persons nominated for separate facilities. Thus, the words have reference to the administrative authority and the commonness and not to the nature of the waste. Thus, in the present case, the facility is a “common municipal” facility processing the “solid waste”. Thus, the project squarely attracts the provisions of Entry 7(i) of the Schedule to the EIA Notification, 2006.

36. However, the Hon'ble Lower Authority has not even considered this aspect and has erroneously dismissed the ground only by referring to the earlier round of litigation in O.A. No. 159 of 2018. The Hon'ble Authority failed to appreciate that the contentions were only regard to Entry 7(h) and the Kehar Singh Judgment. Therefore, a non-perusal and non-consideration of an important environmental issue i.e., the requirement of clearance under the EIA 2006 renders the impugned order unsustainable and liable to be set-aside.

**WHETHER THE PROJECT IS VIOLATIVE OF THE PRINCIPLES OF PRECAUTION AND SUSTAINABLE DEVELOPMENT.**

37. It is submitted that the settled canons of interpretation in Environmental Jurisprudence include the doctrines of precaution and sustainable development. In fact, it has been laid down repeatedly by the Hon'ble NGT and also the Hon'ble Apex Court that the above principles can be understood to permit activities only when it is ensured that either the same does not harm the environment or adequate protective measures and mitigative measures are installed.

38. The above objectives are translated by way of a regulatory regime. There are various legislations, rules and notifications issued to govern in all manner possible, any proposed project or industry which has the potential to pollute and damage the environment. It is also a settled principle of law that these legal provisions have to be "widely" interpreted to include projects within a regulatory framework as the objective of the environmental regulations have to be only understood for the

betterment and safeguarding of the environment primarily and then to balance the interest of the projects as a means of development.

39. In the instant case, the issues pointed out, of non-compliance of requiring Clearance and Authorization under the EIA, 2006 and the SWM Rules, 2016 have been brushed aside by interpreting the earlier orders and placing local body handbooks above the statutory provisions.

**40. Firstly, it is submitted that the non-examination of the statutory issues and the statutory provisions independently to test the project in light of the regulations is contrary to the doctrines of environmental jurisprudence and liable to be interfered with by this Hon'ble Authority.**

**ISSUE RELATING TO KUDAMURTHI DRAIN**

41. That apart, it is submitted that the project proposes to let out effluent into the Kudamurthi Drain only on the basis of a letter issued by the PWD produced as Document No 5 at Page No. 23 of the Typeset of the Appellant. It is submitted that the PWD while laying down the standards / parameters of the effluent to be discharged, has also stated in Point No. 3, concerns about the Kudamurthi Drain being a monsoon fed channel and that there is requirement to maintain a lean flow in the drain before discharge or the effluent would be stagnated in the drain and would mix at the time of flood when there is flow of water in the water channel.

42. The Kudamurthi drain is an integral part of the water chain system connecting to the river it flows from and is essential to maintain recharge, flow of water and the maintenance of the ground water table itself. It is submitted that any pollution caused

in the water channel will adversely affect the entire balance and table, render its usages invalid and directly/indirectly affect the life and livelihood of the entire region.

43. Such an important aspect has been overcome merely by way of a simple letter where the PWD further conditioned that the PWD should not be blamed later. ***It is submitted that the condition states that a “lean flow” must be maintained in the water channel during the non monsoon season.***

44. It is submitted that floods or monsoon is only for a few months in a year when the drainage channel will be having a flow of water. Admittedly, the channel is a dry channel for the rest of the year. In the Trichy region, the monsoon lasts typically for about 3 or maximum of 4 months. The remaining about 8 months of the year would be a dry period. The authorities have undertaken to maintain a lean flow of water or to mock the entire water channel as carrying water for the entire duration of the dry period. There has been absolutely no convincing explanation as to how this can be achieved, the source of the water, the volume of the water required and how the proponent would maintain an entire water drain as flowing with water.

45. This crucial aspect has not been looked at and interfered with, as otherwise, the effluent discharged into the dry water drain would stagnate and cause irreversible damage. That apart, the stagnated effluent would also mix with the flow of water in the Drain during the monsoon and would totally and continuously pollute the entire water channel.

46. Thus, the project is not free from major hazards and thus is not sustainable to be established at the impugned project site. There is no condition to the above effect incorporated in the Consent order issued to the project inclusive of a monitoring and capability perspective and thus there is total improper appraisal and approval of the project.

47. Further, it is submitted that the Written Submissions filed by the TNPCB before the Hon'ble Appellate Authority which is produced at Page No. 389 of the Appellant Typeset would show at Page No 394 tabular column that the elevation and level of the project from the Lingam Nagar is a meagre 0.75m – 1.070m. The past flood experiences in the region renders this equation totally unsustainable as it only requires a minor flood during a monsoon for the project to overflow and completely pollute the entire locality and region.

48. Thus, for all the above reasons, it is submitted that the project at the impugned site and on the basis of the appraisals and approvals, is unsustainable for the environment and liable to be interfered with.

Therefore, it is respectfully submitted that this Hon'ble Tribunal may be pleased to allow the present appeal, set aside the Impugned Judgement and grant the relief as prayed for and thus render justice.

Dated at Chennai this the 24<sup>th</sup> Day of July, 2021.



COUNSEL FOR THE APPELLANT

**GOVERNMENT OF TAMIL NADU**

**ABSTRACT**

Town Planning - Preparation of Zonal Plan - Formulation of Draft regulations submitted by the Director of Town and Country Planning - Approved.

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**Rural Development and Local Administration Department**

**G.O.Ms.No.1730**

**Dated the 24th July 1974.**

1. D.O. letter No.28332/MD/73-1, RD & L.A. dt. 7.3.73
2. From the Director of Town and Country Planning letter No.10989/73, SM dt.2.3.74
3. From the Member Secretary, Madras Metropolitan Development Authority, D.O.Letter No.1983/74, ADP/dt. 19.5.74

**ORDER:**

The Director of Town and Country Planning submitted draft Zoning regulations on use of land and building particulars in urban areas. These regulations list out the uses permissible in each of the use zone and the restrictions to be imposed. For the purpose of these regulations, it has been suggested that the urban areas may be divided into the following six major use zones.

- 1. Residential Use Zone**
- 2. Commercial Use Zone**
- 3. Industrial Use Zone**
- 4. Educational Use Zone**
- 5. Public and Semi public Use Zone**
- 6. Agriculture Use Zone**

of course, the residential use zone has been further sub divided into two categories namely;

- 1. Primary Residential Use Zone and**
- 2. Mixed Residential Use Zone**

The Industrial use zone has been similarly sub-divided into three categories namely:

- 1. Controlled Industrial Use Zone**
- 2. General Industrial use Zone**
- 3. Special Industrial and Hazardous Use Zone**

2) The director has also stated that the Tamil Nadu Town and Country Planning Act, 1971, provides for the Zoning of areas under Section 17(1) and 20(2) through the Master Plans and detailed Development Plans respectively. He has recommended that the draft Zone regulations may be approved and communicated to the Local Planning authorities for adoption as part of the Master Plan for proper Land use Planning and control in addition to other regulatory measures and that as for the Madras Metropolitan area a copy of the regulations may be sent to the Member Secretary, Madras Metropolitan Development for adaptation as part of the Madras Metropolitan Development Plan with such modifications may be necessary in consideration with him (the Director) and the Government.

3) A copy of the draft regulations was sent to the Member Secretary, Madras Metropolitan Development Authority for his views. He has stated that the Comprehensive land use proposals and zoning regulations for Madras Metropolitan Area are under preparation and that the suggestion of the Town Planning Directorate will be considered and incorporated to the extent as may be necessary in the final proposals.

4) The Government has examined the suggestion. They accept the views of the Member-Secretary, Madras Metropolitan Development Authority so far as it relates to the Madras Metropolitan Area and as for other urban areas of the State. The Government approve in principle the draft zoning regulations submitted by the Director of Town and Country Planning. The Director is requested to furnish copies of the draft zoning regulations to the Local Planning Authorities as soon as they are constituted.

The receipt of this order may be acknowledged by the Director of Town and Country Planning .

## **APPENDIX**

### **USE ZONE REGULATIONS**

1. **Residential Use zone:**
  - a. Primary Residential Use Zone
  - b. Mixed Residential Use Zone

#### **Use Zone 1(a) Primary Residential Use Zone**

1. All residential building including single and multi family dwellings, apartment dwellings and tenements together with appurtenances pertaining there to;
2. Professional consulting offices of the residents and other incidental uses therefore;
3. Petty shops dealing with daily essentials including retail provisions soft drinks, cigarettes, newspapers milk Kiosks, cycle repair shops and single person tailoring shops;
4. Hair dressing saloons and Beauty Parlours.
5. Nursery and primary schools.
6. Taxi and Auto rickshaw stands and
7. Parks and Playfields.

#### **USE ZONE 1(b) MIXED RESIDENTIAL USE ZONE**

##### **Uses Permitted**

1. All uses permitted under Use Zone (a) i.e. Primary Residential Use Zone
2. Hostels and single person apartments
3. Community Halls, Kalyanamandapam, Religious buildings, welfare centres and Gymnasia.
4. Recreation clubs, Libraries and Reading rooms
5. Clinics, Dispensaries and Nursing homes
6. Government, Municipal and other institutional Sub-Offices

7. Police Stations, Post & Telegraph Offices, Fire Stations and Electric Sub-station
8. Banks and Safe Deposit Vaults;
9. Educational institutions excluding colleges
10. Restaurants, Residential Hotels and other Boarding and Lodging Houses
11. Petrol filling and Service stations
12. Departmental stores or stores or shops for the conduct of retail business
13. Vegetables, Fruit, flower, fish, Eggs, and Meat shops
14. Bakeries and Confectioneries
15. Laundry, Tailoring and Goldsmith Shops and
16. Cottage industries permissible in residential areas under G.O.Ms.No.566, dt.13.3.62

## **II. Commercial Use Zone - Use Zone 2**

### **Uses permitted**

1. All uses permitted in use zone 1(a) and 1 (b) i.e. Residential use zones.
2. All commercial and business uses including all shops, stores,market and uses connected with the display of merchandise, either wholesale or retail rent excluding exposures, obnoxious products and other materials likely cause health hazards.
3. Business Offices and other commercial and financial institutions.
4. Warehouses, repositories and other uses connected with storage or wholesale trade, but excluding storage of explosives or products which are either obnoxious or likely to cause health hazards.
5. Cinemas, the theatres and other commercial entertainment centres;
6. Research, experimental and Testing laboratories not involving danger of fire, explosions or health hazards;
7. Transportation terminals including bus stands, railway stations and urbanized parking lots;
8. Automobiles repair shops and garages;

9. Small industries, using electric motors and exceeding 20 H.P. and or employing not more than 25 workers, which are not noxious or offensive due to odour, dust, smoke, gas, noise or vibration or otherwise dangerous to public health and safety and
10. Installation of electric motors not exceeding 20 H.P. for use incidental to the commercial activities permissible in the Zone.

### **III. Industrial Use Zone - Use Zone 3.**

- A. Controlled Industrial use zone
- B. General Industrial use zone
- C. Special Industrial and Hazardous use zone

#### **Use Zone III (a) Controlled Industrial Use Zone**

##### **Uses Permitted.**

1. All commercial uses listed under use zone 1(a), 1(b) and 2 i.e. residential and commercial use zones;
2. Industries using electric power not exceeding 130 H.P. (L.T. maximum load) but excluding industries of obnoxious and hazardous nature by reason of odour, liquid effluent, dust, smoke, gas, vibration etc. Or otherwise likely to cause danger or nuisance to public health or amenity;  
Provided that these industries may use steam, oil, or gas power during periods of power shortage or failure.
3. Hotels, Restaurants and Clubs, places for social intercourse, recreation and worship and dispensaries and clinics, and
4. Residential buildings for caretakers, watchman and other essential staff required to be maintained in the premises.

#### **Use Zone III (b) General Industrial Use Zone**

##### **Uses permitted:**

1. All commercial uses listed under Use Zone 1(a) 1(b) and 2 i.e. residential and commercial use zones

2. All industries without restrictions on the horse power installed or type of motive power used excluding those of obnoxious or hazardous nature by reason of odour, liquid effluent, dust, gas, smoke, vibration etc. Or otherwise likely to cause danger or nuisance to public health or amenity;
3. Hotels, restaurants and clubs, or places for social intercourse, recreation and worship or for dispensaries and clinics and ;
4. Residential buildings for caretakers, watchman and other essential staff required to be maintained in the premises.

### **Use Zone III (c) Special Industrial and Hazardous Use Zone**

#### **Uses Permitted.**

1. All commercial uses listed under Use Zones 1 and 2 i.e. residential and commercial use zones,
2. All industries permissible in the Use Zones III (a) and III (b) i.e. the controlled and general industrial use Zones.
3. All uses involving storage, handling, manufacture or processing of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and / or which may be produce poisonous fumes or explosion.
4. All uses involving storage, handling manufacturing or processing which involve highly corrosive, toxic or noxious alkalis acids, or other liquids or chemicals producing flames, fumes and explosive, poisonous, irritant or corrosive gases.
5. All uses involving storage, handling or processing of any material producing explosive mixtures of dust, or which result in the division of matter into fine particles subject to a spontaneous ignition.
6. Processing or manufacturing anything from which offensive or unwholesome smells arise.
7. Melting or processing tallow or sulfur.
8. Staring, handling or processing of manure, offal, blend, bones, rags, hides, fish, herms or skins;
9. Washing or driving wool or hair;

10. Making fish oil;
11. Making soap, boiling or pressing oil, burning bricks, tiles, pottery, or lime;
12. Manufacturing of distilling sago and artificial manual
13. Brewin beer, manufacturing by distillation barrack or spirit containing alcohol, whether danctured or not;
14. In general, any industrial process which is likely to be dangerous to human life or health or amenity and not permissible in the Use Zone III(a) and III (b) i.e. controlled industrial and the general industrial use zones;
15. Hotels, restaurants and clubs, or places for social intercourse, recreation and worship or dispensaries and clinics, and
16. Residential buildings for caretakers, watchman and other essential staff required to be maintained in the premises.

#### **IV. Educational Use Zone - Use Zone 4.**

##### **Uses Permitted**

1. Schools, Colleges and other higher education and Training institutions and the uses connected therewith;
2. All uses permitted in Use Zone 1(a) i.e. primary residential use zone
3. Hotels and single person apartments
4. Recreation clubs Libraries and Reading rooms and
5. Restaurants.

#### **V. Public and Semi-public Use Zone - Use Zone 5**

##### **Uses Permitted**

1. Government and Quasi Government Offices;
2. Art Galleries, Museums, Aquarium and Public Libraries;
3. Hospitals, Sanitory and other medical and public health institutions;
4. Harbor, Airport and Flying Club;
5. Organized parking lots and Bus and Taxi stands;
6. Parks, Playfields, swimming pools, stadium, Zoological Gardens, Exhibition

Grounds and other Public and Semi-Public Open spaces and

7. All uses permitted in the Use Zones 1(a) and 1(b) i.e. the residential use zones

## **VI. Agricultural Use Zone - Use Zone 6.**

### **Uses permitted.**

1. All agricultural uses;
2. Farm houses and buildings for agricultural activities;
3. Rural settlements with allied uses;
4. Public and Private parks, playfields, gardens, caravan and camping sites and other recreational uses;
5. Dairy and Cattle Farms;
6. Pigmies and Poultry Farms;
7. Water tanks and reservoirs;
8. Sewage farms and garbage dumps;
9. Airports and broadcasting installations;
10. Forestry;
11. Cemeteries, Crematoria and Burning and Burial grounds;
12. Storing and drying of fertilizers;
13. Fish curing;
14. Salt manufacturing;
15. Brick, tile or pottery manufacture;
16. Stone crushing and quarrying ; and
17. Sand, clay and Gravel quarrying.

### **Amendments to the above G.O.**

Copy of Government letter No.12096/UDIV(1)93-4, dated: 2.8.93 from the Joint Secretary to Government, Housing and Urban Development Department, Madras-9, addressed to the Director of Town and Country Planning, Madras-2.

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Sub: Town Planning – Master Plan – permitting installations upto 50 H.P. in commercial use zones – Amendment to G.O.Ms.No.1730 RD&LA Dept., dt. 24.7.74 – Issued.

- Ref: 1. G.O.Ms.No.1730, RD&LA., Dept., dt. 24.7.74.  
2. Your letter Roc.No.18276/92 MPA1, dt. 20.5.92.

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I am directed to state that the following amendment is issued to the G.O. first cited.

#### AMENDMENT

For the words "10. Installation of electric motors not exceeding 20 H.P. for use incidental to the commercial activities permissible in the zone" the following may be substituted:

"Manufacturing and service establishments and commercial uses using electric motors and not or not exceeding 50 H.P. and/or employing not more than 25 workers excluding those that are obnoxious or hazardous, nature by reason of odours, effluent, dust, smoke, gas, vibration, noise etc., or otherwise likely to cause danger or nuisance to public health or amenity".

Copy of:

Letter No.69759/UDIV(2)/89/11 dated 22.6.92 from the Secretary to Government, Housing and Urban Development Department, Madras-9 addressed to the Director of Town and Country Planning, Madras-2.

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Sub: Town Planning – Preparation of Zonal plans – Regulation approved – Amendments – Issued.

- Ref: 1. G.O.Ms.No.1730, Rural Development and Local Administration, dated 24.7.74.  
2. From the Director of Town and Country Planning letter Roc.No.40747/89/MP2, dated 6.11.89.  
3. From the Member Secretary, Madras Metropolitan Development

Authority,

letter No.CCC/1345/90, dated: 7.9.90.

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In the Government order first cited, the Government approved in principle the draft zoning regulations submitted by the Director of Town and Country Planning. In his letter second cited, the Director of Town and Country Planning has suggested certain changes to the use zones and requested that suitable amendments to accept the suggestion of the Director.

1. The following amendments are issued to G.O.Ms.No.1730, Rural Development and Local Administration, dated 24.7.74.

## AMENDMENTS

1. In the said Government order, in the Appendix,

Under the heading "I. Residential use zone" under the sub-heading "Use zone I. (b) Mixed Residential use Zone", under the item "Uses permitted" in item 10 for the expression "Restaurants, Residential Hotels and other Board and Lodging Houses" the expression "Restaurants without residential accommodation eating and catering houses and lodging houses for less than twenty occupants" shall be substituted.

2. Under the heading "II. Commercial use zone use zone-2" under the item "Uses Permitted" after item 10 and the entries relating thereto, the following item and the corresponding entries shall be added, namely:-
  - II. "Restaurants with or without boarding and lodging houses, Star Hotels and Non-Star Hotels"

Item No.14

Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 159 of 2018

Lingam Nagar Welfare Association

Applicant(s)

Versus

The Director of Town Planning, Chennai & Ors. Respondent(s)

Date of hearing: 04.12.2018

**CORAM :**

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER**

**HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. Amit Anand Tiwari and Mr.  
Harshal Gupta, Advocates

For Respondent(s)

Mr. Balaji Srinivasan, Ms.  
Lakshmi Rao and Ms. Garima  
Jain, Advocates for R-4

**ORDER**

This original application has been filed for issuance of directions to immediately stop the construction of faecal/ sludge treatment plant and other necessary action against the plant. Further consequential reliefs have been prayed for.

The primary contention raised on behalf of the applicant is based on non-compliance of EIA Notification, 2006 and principle laid down in the case of Khehar Singh Vs. State of Haryana.

The respondents have come with a specific case that the EIA Notification, 2006 does not apply to the instant

case for the simple reason that the waste sought to be treated is only human faecal. He has referred to the relevant provision in the reply, filed by them in this regard. Further, it has been submitted that the case of Khehar Singh Vs. State of Haryana does not apply to the present matter.

Learned Counsel for the respondent has referred to relevant extract of the said case in para 46 and 47 of the reply. The ratio of the said case is that the material consideration for determining the nature of the project or the activity is the kind of effluent that it is received for the purpose of treatment.

The case of the respondent herein is that it shall exclusively treat the human faecal waste and nothing else. Moreover, the Pollution Control Board has already granted consent under 27 of the Air (Prevention and Control of Pollution) Act 1981 on 07.01.2017 and the Local Body Authority has given approval on 28.02.2017.

In view of the aforesaid facts and circumstances and particularly the fact that all requisites clearances have been obtained and wherever those clearances have been put under challenge on their conclusions, consequences will follow.

In views of the above, the original application (159 of 2018) is dismissed, without any order as to cost.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

December 04, 2018

