

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

Original Application No.109 of 2024

M A Chidambaram
S/o. Sreevenkatalakshmi C,
Plot No. 202, 2nd main Road, RWD Spot Light,
Thirumazhisai, Tiruvallur,
Tamil Nadu - 600124 & 3 others

...Applicants

Vs

Tamil Nadu Pollution Control Board,
Represented by its Member Secretary,
76, Anna Salai, Guindy,
Chennai - 600 032 & others.

...Respondents

INDEX

S.No	Description	Page No.
1.	REPLY AFFIDAVIT FILED ON BEHALF OF THE FIRST AND SECOND RESPONDENTS - TAMIL NADU POLLUTION CONTROL BOARD.	1 -8



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

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S/o. Sreevenkatalakshmi C,
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...Applicants

-VS-

1. Tamil Nadu Pollution Control Board,
Represented by its Member Secretary,
76, Anna Salai, Guindy, Chennai - 600 032
Tel: 044-22353134-139,
Email - ID: tnpcb-chn@gov.in
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Master Plan Complex, S.F.No.1/6D & 1/5B,
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S. S. 13/12/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

3. Executive Officer Thirumazhisai Town Panchayat,
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Tel: 044-26811538,
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4. The District Collector,
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5. The Tahsildar,
Poonamallee Taluk,
Thiruvallur District - 602 001.
Mob: 9445000496, Landline No: 044-26274314,
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...Respondents

REPLY AFFIDAVIT FILED ON BEHALF OF THE FIRST AND SECOND RESPONDENTS - TAMIL NADU POLLUTION CONTROL BOARD

I, S.Palanisamy, Son of Thiru.S.Santhappan, aged about 59 years, having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this reply on behalf of the first and second respondent and as such I am well acquainted with the facts of the case from the records available at office.
2. It is respectfully submitted that the present O.A .No. 109 of 2024 is filed by the applicant seeking a prayer as follows:

"INTERIM PRAYER

A. Restrain the 3rd Respondent from illegally dumping of garbage at Bangaru Water Channel connecting Chembarabakkam Lake in Survey No.64/1 classified as "Thoppu Poromboke", Thirumazhisai Poonamalle Taluk, Thiruvallur District - 600 124.

S. E. 12/12/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

PRAYER

It is therefore prayed that this Hon'ble Tribunal may be pleased to direct:

- a. *The 3rd Respondent to immediately stop dumping industrial waste, chemical hazardous waste, agricultural and animal waste, medical waste including domestic which is unsegregated at the Bangaru Water Channel.*
 - b. *Direct the respondents to carry out necessary steps to restore the ecology of the Bangaru Water Channel connecting Chembarabakkam Lake in Survey No.64/1, Thirumazhisai Poonamalle Taluk, Thiruvallur District - 600 124.*
 - c. *Direct the payment of compensation for environmental harm caused due to the violation committed by the Respondents.*
3. It is respectfully submitted that a complaint was received from the President, Eternity Villa Owners Welfare Association, Thirumazhisai, Poonamallee Taluk, Tiruvallur dated 03.03.2022 against the dumping and burning of solid waste by Thirumazhisai Town Panchayat near Bangaru canal adjacent to Eternity villa apartments, Thirumazhisai, Poonamallee Taluk, Tiruvallur District.
 4. It is respectfully submitted that the District Environmental Engineer, Tiruvallur, TNPCB, has addressed a letter(Annexure 2) to the Executive Officer, Thirumazhisai Town Panchayat (as Enclosure 1) to proper handling of the municipal solid waste generated from Thirumazhisai Town Panchayat scientifically as per the Solid Waste Management Rules, 2016
 5. It is respectfully submitted that the District Environmental Engineer, Tiruvallur, TNPCB, has addressed a letter dated: 21.11.2022 (Annexure 3) stating that

“all local bodies already directed and requested to take necessary follow up action and to furnish quarterly status report to the Board so


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

as to submit the same to CPCB for compliance. However, it was observed that

a. 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.

b. 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 manner.

c. The sewage from the septic tank of individual house is disposed through private sewage tanker lorry and discharged in nearby low-lying 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".

However, no reply was received from any of the local bodies in the jurisdiction.

6. It is respectfully submitted that again a complaint was received from Eternity Villa Owners Welfare Association on 13.02.2023 (Annexure 4) regarding continuous disposal and burning of Municipal solid waste by Thirumazhisai Town Panchayat near Bangaru canal adjacent to Eternity villa apartments, Thirumazhisai, Poonamallee Taluk, Tiruvallur District.

S L 13/12/24
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

- a. In view of the same, the said area was inspected by Official of O/o. DEE, TNPCB, Tiruvallur on 24.02.2023 and the following were observed ;
- b. Un-segregated municipal solid waste including plastics generated in and around Thirumazhisai Town Panchayat was disposed adjacent to Bangaru Canal connecting Chembarambakkam lake near Eternity Villa Residential apartment thereby polluting the canal and also creating nuisance and health hazard to the local residents.
- c. The Executive Officer, Thirumazhisai Town Panchayat has not taken any effective steps to comply the Solid Waste Management Rules, 2016 and continued to dispose solid wastes in indiscriminate manner.
- d. The local body is not having valid authorisation under the Solid Waste Management Rules, 2016 for handling of Municipal solid waste in their jurisdiction.
- e. The local body is not having any collection centre for collection of e-waste from the public.
- f. The local body has not followed the Construction and Demolition Waste Management Rules, 2016.

Hence a Show Cause Notice was issued vide Proceeding dated: 24.02.2023 to the Executive Officer, Thirumazhisai Town Panchayat. However, no reply was received to the Show Cause Notice.

7. It is respectfully submitted that repeated complaints were received from the applicants dated 8.1.2024, Thiru. M. A. Chidambaram, Thiru. T. Senthil Kumar, Thiru. K. Mohan, and Thiru. M. Vaideeswaran regarding dumping of solid wastes near Bangaru canal.
8. It is respectfully submitted that, in view of the same, the complaint area was again inspected by the TNPCB official on 20-02-2024 and it was noticed that Un-segregated municipal solid waste including plastics generated in and around Thirumazhisai Town Panchayat was haphazardly disposed and burnt adjacent to Bangaru Canal connecting


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

Chembarambakkam lake thereby polluting the canal and also creating nuisance, health hazard to the local residents and the same was communicated to Executive Officer, Thirumazhisai Town Panchayat by the DEE, TNPCB, Tiruvallur, vide letter dated 26.02.2024

9. It is respectfully submitted that subsequently, District Environmental Engineer, Tiruvallur, TNPCB, has addressed a letter on 26.02.2024 (Enclosed as Annexure-5) along with Acknowledgement card as to the Executive Officer, Thirumazhisai Town Panchayat citing the non-receipt of reply to the Show Cause notice issued earlier to the local body and to take immediate action to stop dumping the waste in the said location. Till date there is no reply was received from the Executive Officer, Thirumazhisai Town Panchayat.

10. It is respectfully submitted that as per Solid Waste Management Rules, 2016 dated 08.04.2016, under the Rule 15: Duties and responsibilities of local authorities and Village Panchayats of census towns and urban agglomerations.- The local authorities and Panchayats shall,-

(q) collect horticulture, parks and garden waste separately and process in the parks and gardens, as far as possible; transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility. Preference shall be given for on site processing of such waste;

(r) transport non-bio-degradable waste to the respective processing facility or material recovery facilities or secondary storage facility;

(s) transport construction and demolition waste as per the provisions of the Construction and Demolition Waste management Rules, 2016;

Hence, the Executive Officer, Thirumazhisai Town Panchayat has to immediately take action to remove the solid wastes dumped in the banks of Bangaru Canal at Thirumazhisai village, Poonamallee Taluk, Tiruvallur and to handle the municipal solid

S & 13/12/24
 JOINT CHIEF ENVIRONMENTAL ENGINEER
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 No.76, MOUNT SALAI, GUINDY,
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waste generated from Thirumazhisai Town Panchayat scientifically as per the Solid Waste Management Rules, 2016.

11. It is respectfully submitted that with regard to Para 3 of the application, based on the inspection of the TNPCB official on 24.02.2023 and 20.02.2024, it was noticed that Un-segregated municipal solid waste generated in and around Thirumazhisai Town Panchayat was dumped in the said location adjacent to Bangaru Canal for which show cause notice and reminder letter has been addressed to the Executive Officer, Thirumazhisai town Panchayat on 26.02.2024.
12. It is respectfully submitted that no replies were received to the Show Cause Notice and any of the letters addressed by 1st and 2nd respondent from the Executive Officer, Thirumazhisai Town Panchayat.
13. It is respectfully submitted that Board has issued the following directions and levied Environmental Compensation of Rs. 52 Lakh vide Proceeding dated: 18.11.2024 to the Executive Officer, Thirumazhisai Town Panchayat
 - a) To ensure 100 percent 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 and not to dump or burn waste at any site of the Town Panchayat.
 - b) To remove the solid waste dumped near Bangaru Canal adjacent to Eternity Villa Apartments, Thirumazhisai and to dispose the same as per the Solid Waste Management Rules, 2016.
 - c) To comply with the Orders passed by the Hon'ble NGT in O.A.No.606 of 2018 from time to time.
 - d) To renew authorization of the solid waste processing facilities of the Town Panchayat as per the Solid Waste Management Rules, 2016.
 - e) To setup required number of solid waste processing facilities for the processing of solid waste generated in the Town Panchayat.
 - f) To maintain proper records for the solid waste management process.


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

- g) To provide collection centre for the e-waste generated from the public.
- h) To dispose the Construction & Demolition waste in compliance with the Construction & Demolition Waste Management Rules, 2016.
- i) To remit interim Environmental Compensation of Rs.52 Lakhs (from April 2020 to July 2024) as per the Hon'ble NGT order dated:28.02.2020 and 02.07.2020 in O.A.No.606 of 2018 for not complying with the provisions of the Solid Waste Management Rules, 2016

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

S. S. 13/12/24
 JOINT CHIEF ENVIRONMENTAL ENGINEER
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VERIFICATION

I, S.Palanisamy, Son of Thiru.S.Santhappan, working as Joint Chief Environmental Engineer, TNPCB, office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

S. S. 13/12/24
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NADU POLLUTION CONTROL
BOARD**

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

Date:17.12.2024

Date of Hearing on:29.01.2025

