

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

ORIGINAL APPLICATION No.128 OF 2024

R. Ismail  
S/o. Abdul Rahim  
No. 98. Shanmugarayan Street,  
First Floor, Seven Wells  
Broadway, Chennai- 600 001  
Email Id:r.ismail0908@gmail.com

.....Applicant

-Vs-

The District Collector,  
Kancheepuram District,  
Kancheepuram & ors.

...Respondents

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Filed by  
Thiru.S. Sai Sathya Jith,  
Advocate, Chennai.



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

-Vs-

1. The District Collector,  
Kancheepuram District,  
Kancheepuram.  
Email Id: collr-cpt@nic.in  
Cell No. 044-27238433.
2. The Thasildar,  
Uthiramerur Taluk,  
Kancheepuram District,  
Email Id:tahuth.tnkpm@nic.in  
Cell No. 044-27272230.
3. The Chairman,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Road, Guindy Chennai 600 032  
Email Id:tnocmms@tnpcb.gov.in  
Cell No. 044-22353134-139.
4. Mr. Ravindranath  
R.R.Chamber Survey  
No.470/1, Kaviyathandalam  
Uthiramerur Taluk, Kancheepuram District  
Also at No.14/10, L' Block  
26th Street, Anna Nagar  
Chennai-600 040.

.... Respondents

**REPORT FILED ON BEHALF OF THE THIRD RESPONDENTS  
THE TAMIL NADU POLLUTION CONTROL BOARD.**

I, S. Vasuki, D/o. Thiru Somasundaram, aged about 56 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely states as follows:

S. Vasuki 7.8.25  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD,  
No.76, MOUNT SALAI, CHENNAI-600 032.

1. I respectfully submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this Report on behalf of the Third Respondent (TAMIL NADU POLLUTION CONTROL BOARD) and as such, I am well acquainted with the facts of the case from the records available in our office.

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

*“ that this Hon'ble Tribunal may be pleased to direct the 1st respondent to take appropriate action against the 4th respondent who is running Brickiln Unit comprised in Survey No.470/1 of No.100 Orakattupettai Village, Uthiramerur Taluk, Kancheepuram District to shift his brick kiln unit to some other place other than residential ares, water bodies, fruit orchard, paved road, agricultural cultivating land by considering the petitioner's representation dated 06.02.2024 within a time frame that may be fixed by this Hon'ble Tribunal. and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice ”.*

3. It is respectfully submitted that the Ministry of Environment, Forest and Climate Change in its Notification, G.S.R 143 (E), dated 22.02.2022 prescribed the following Emission standards, Minimum stack height required, Siting criteria and Guidelines for the Brick kilns

“74	Brick Kilns	Particulate matter in stack emission Brick Kilns	250 mg/Nm <sup>3</sup>
		Minimum stack height (Vertical Shaft Brick Kilns) - Kiln capacity less than 30,000 bricks per day - Kiln capacity equal or more than 30,000 bricks per day	14 m (at least 7.5m from: loading platform)  16 m (at least 8.5m from loading platform)
		Minimum stack height (Other than Vertical Shaft Brick Kilns) - Kiln capacity less than 30,000 bricks per day	24 m

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		- Kiln capacity equal or more than 30,000 bricks per day	27 m
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**Notes:**

- a. All new brick kilns shall be allowed only with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel in brick making and shall comply to these standards as stipulated in this notification.
- b. The existing brick kilns which are not following zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making shall be converted to zig-zag technology or vertical shaft or use Piped Natural Gas as fuel in brick making within a period of (a) one year in case of kilns located within ten kilometre radius of non-attainment cities as defined by Central Pollution Control Board (b) two years for other areas. Further, in cases where Central Pollution Control Board/State Pollution Control Boards/Pollution Control Committees has separately laid down timelines for conversion, such orders shall prevail.
- c. All brick kilns shall use only approved fuel such as Piped Natural Gas, coal, fire wood and/or agricultural residues. Use of pet coke, tyres, plastic, hazardous waste shall not be allowed in brick kilns.
- d. Brick kilns shall construct permanent facility (port hole and platform) as per the norms or design laid down by the Central Pollution Control Board for monitoring of emissions.
- e. Particulate Matter (PM) results shall be normalized at 4% CO<sub>2</sub> as below:
- $PM \text{ (normalized)} = (PM \text{ (measured)} \times 4\%) / (\% \text{ of } CO_2 \text{ measured in stack})$ , no normalization in case CO, measured  $\geq 4\%$ . Stack height (in metre) shall also be calculated by formula  $H=14Q$  (where Q is SO, emission rate in kg/lr), and the maximum of two shall apply.
- i. Brick kilns should be established at a minimum distance of 0.8 kilometre from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting

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*criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.*

- ii. *Brick kilns should be established at a minimum distance of one kilometre from an existing brick kiln to avoid clustering of kilns in an area.*
  - iii. *Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by concerned State Pollution Control Boards/Pollution Control Committees.*
  - iv. *The ash generated in the brick kilns shall be fully utilized in-house in brick making.*
  - v. *All necessary approvals from the concerned authorities including mining department of the concerned State or Union Territory shall be obtained for extracting the soil to be used for brick making in the brick kiln.*
  - vi. *The brick kiln owners shall ensure that the road utilized for transporting raw materials or bricks are paved roads.*
  - vii. *Vehicles shall be covered during transportation of raw material/bricks".*
4. It is respectfully submitted that based on the above notification, the TNPC Board in its Circular memo. No. T1/TNPCB/F.029331/Brick kilns/2018, dt. 14.02.2023 has clarified that, the Sl.No. 6 & 7 of the above guidelines regarding the distance criteria is applicable only to the proposed new brick Kilns, i.e, Brick kilns established after 22.02.2022 and not to the existing brick kilns.
5. It is respectfully submitted that the 4<sup>th</sup> respondent, Mr. Ravindranath, M/s. R.R. Chamber submitted its application for Consent to Operate – Direct (CTO – Direct) through online vide Application No. 58211382 dated 12.03.2024 for its existing Brick kiln in the name of M/s. Ravi Ram Brick Kiln at Survey No. 470/1, 470/2A, 470/2C, Kaviitthandalam village, Uthiramerur Taluk, Kancheepuram District to manufacture Bricks – 3,00,000 Nos/Month along with the following documents were submitted by the unit as proof its existence from the year 2007.

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- a) Receipt No. 119230, dated 05.12.2006 and Receipt No. 119234, dated 06.12.2006 issued by the Tamil Nadu Electricity Board towards the remittance of new service connection charges and development charges respectively.
- b) Approved layout plan issued by the President, Kavithandalam Panchayat, Uthiramerur Panchayat Union, Kancheepuram District on 09.02.2007 for the Brick Chamber in the said location at Survey No. 470/1, Kavithandalam Village, Uthiramerur Taluk, Kancheepuram district.

6. It is respectfully submitted that based on the application submitted by the unit, the unit was inspected by the Jurisdictional Engineer on 28.03.2024 and during inspection the following observations made:

- a. The Brick Kiln was in operation carrying out manufacturing of Bricks using Zig Zag Technology for brick making.
- b. The Brick kiln uses coal as a fuel for its burning as stipulated.
- c. The Brick Kiln is located at about 350meters from another brick kiln named M/s.MMR Bricks having consent valid up to 31/03/2027. As the unit established and commissioned its activity prior to this notification, it is considered as existing unit and hence the distance criteria of 1KM from another brick kiln are not applicable.
- d. The unit has provided septic tank and soak pit arrangements for the disposal of sewage to be generated from the unit.
- e. The brick kiln doesn't generate trade effluent from its process activity.
- f. The brick kiln has provided 32 m stack height for the brick chamber as APC measures, which is more than the stipulation of 24m.
- g. There is no Hazardous solid waste generated from the Unit. The Non hazardous solid wastes of broken bricks sent for construction purposes.

7. It is respectfully submitted that aforesaid another brick kiln, M/s. MMR Bricks, S.F. No. 425/1, 425/2, Kaviitthandalam Village, Uthiramerur Taluk, Kancheepuram District, which is located at a distance of 350 m, already

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TAMILNADU POLLUTION CONTROL BOARD,  
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obtained Consent to Operate (CTO) from the Board vide Proc. No. DEE/TNPCB/KPM/OS-965/W&A/2006 dated 29.09.2006 which was later renewed for the period upto 31.03.2027.

8. It is respectfully submitted that based on the inspection, it was observed that the unit complied with the guidelines issued by the Environment, Forest and Climate Change for Brick Kilns in the aforesaid Notification dated 22.02.2022, except the siting criteria prescribed for Brick kilns regarding the distance from another Brick kiln and habitation. However, as per the Circular memo. dated 14.02.2023 issued by the TNPC Board, the unit of M/s. Ravi Ram Brick kiln was treated existing Brick kiln and not as a New Brick kiln, since it was in existence since the year 2006, ie., before the Notification dated 22.02.2022.
9. It is respectfully submitted that based on the above compliance, the District Level Consent Clearance Committee has decided to issue Consent to Operate – Direct (CTO – Direct) to the Brick kiln and accordingly, the same was issued to the respondent unit in the name of M/s. Ravi Ram Brick Kiln vide this office Proc.No.F.3458SPR/OS/DEE/TNPCB/SPR/W&A/2024, dated 04.04.2024 with validity up to 31.03.2028.
10. It is respectfully further submitted that a Writ petition was already filed by the applicant before Hon'ble High Court of Madras in W.P.No.8317/2024 and the same is disposed by the Hon'ble High Court, by its order dated 13.06.2024 as follows:

*“2. In the representation, the petitioner has only stated that he is residing adjacent to the Brick Kiln and that on account of the air pollution caused by the industry of the 4th respondent, he is put to lot of inconvenience. Therefore, the petitioner's grievance is only on account of the pollution that is caused by the 4th respondent by putting up a Brick Kiln without following the norms. Even though in the representation the petitioner states that the 4th respondent has not obtained any consent from the Pollution Control Board, learned counsel appearing for the 4th respondent states the 4th*

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*respondent is operating the Brick Kiln. Learned counsel for the 4th respondent further points out that the same petitioner has subsequently filed an Original Application before the National Green Tribunal in O.A.No.128 of 2024 for similar relief. In view of the same, with a liberty preserved to the petitioner to prosecute the Original Application filed by the petitioner before the National Green Tribunal, this writ petition is closed. No costs."*

11. It is respectfully submitted an application was subsequently filed by Mr. Manickaraj, S/o. Marimuthu, No. 3/266, Madathur, Nanjundapuram, Coimbatore before the Hon'ble NGT (SZ) vide **O.A. No. 62 of 2023**, challenging the Circular memo. No. T1/TNPCB/F.029331/Brick kilns/2018, dt. 14.02.2023, issued by the TNPC Board, stating that the siting criteria prescribed by the Ministry of Environment, Forest and Climate Change vide Notification GSR 143 (E), dated 22.02.2022 applies only to Brick kilns established on or after 22.02.2022 and not to the existing brick kilns.
12. It is respectfully submitted that the Hon'ble NGT (SZ) in its orders dated 02.08.2024 in the aforesaid O.A. No. 62 of 2023 has passed the following orders.

*"So already the Division Bench has also observed that any brick kiln which is existing but without valid license or approval cannot be given the immunity under the stamp of the Pollution Control Board. Under such circumstances, we are of the view that the clarification issued in the impugned memo holding that the siting criteria prescribed by MoEF&CC dated 22.02.2022 is applicable only to the new or proposed unit and not for the existing units is incorrect and if allowed would facilitate illegal brick kilns to continue without any check. Hence the same is not permissible and the impugned clarification is set aside as not proper"*

13. It is respectfully submitted that in compliance of the above orders of the Hon'ble NGT (SZ) in O.A. No. 62 of 2023, the TNPC Board vide Memo. No. T1/TNPCB/F.029331/Brick kilns/2024, dt. 19.09.2024 has instructed

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to comply with the Notification dated 22.02.2022 issued by the Ministry of Environment, Forest and Climate Change for the brick kiln units by considering only units which were operating with valid consent as 'existing units' irrespective of the status of existence of the unit.

14. It is respectfully submitted that the Hon'ble Tribunal in its order dated 17.10.2024 has observed the following.

*"Already the District Collector – Kanchipuram has levied a fine of Rs.2,00,000/- (Rupees Two Lakhs only) for the illegal operations. In the meanwhile, let the TNPCB assess the environmental damages caused during the period the brick kiln operated without consent"*.

15. It is respectfully submitted that to comply the above NGT Order, DEE, Sriperumbudur has requested Board vide Letter No. DEE/SPR/TNPCB/O.A No 128 of 2024/ dated 07.01.2025 to assess the environmental damages caused for the period, the brick kiln was operated without Consent of the Board through an external agency as per the CPCB Guidelines "*Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund*" as follows,

*"1.3.2 In other instances i.e. d, e and f, the environmental compensation may contain two parts – one requires providing immediate relief and other long-term measures such as remediation. In all these cases, detailed investigations are required from expert institutions/organizations based on which environmental compensation will be decided. CPCB shall list the expert institutions for this purpose. In such cases, comprehensive plan for remediation of environmental pollution may be prepared and executed under the supervision of a committee with representatives of SPCB, CPCB and expert institutions/organizations"*.

16. It is respectfully submitted that, the same is under process with the Board.

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

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

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

### VERIFICATION

I, S Vasuki, D/o. Thiru. Somasundaram, working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600 032, having office at No.76, Mount Salai, Guindy, Chennai – 32, do hereby verify that the contents of above report are true to the best of my knowledge through records.

S. Vaec 7.8.25  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMILNADU POLLUTION CONTROL BOARD,  
No.76, MOUNT SALAI, CHENNAI-600 032.



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**REPORT FILED ON BEHALF OF  
THE THIRD RESPONDENT - TAMIL  
NADU POLLUTION CONTROL  
BOARD**

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

**Date:07.08.2025.**

**Date of Hearing: 08.08.2025**

