

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 221 of 2024**

G.Karthick,
S/o.S.Ganesan,
66, Aranmanai Compound,
Sivagiri – 627 727 Tenkasi District
Email: pothigaieco@gmail.com

.... Applicant

-Vs-

The Tamil Nadu Pollution Control Board,
Rep by its Member Secretary,
No.76, Mount Salai, Guindy, Chennai
Phone: 044 – 2235 3145
Email: grievance@tnpcb.gov.in
& 5 Others.

...Respondents

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

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SOUTHERN ZONE, CHENNAI.**

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-Vs-

1. The Tamil Nadu Pollution Control Board,
Rep by its Member Secretary,
No.76, Mount Salai, Guindy, Chennai.
Phone: 044- 22353145
Email: grievance@tnpcb.gov.in
2. The Assistant Director,
Geology and Mines department,
160/2/1, Janani Nagar, 1st street,
Tenkasi - 627811.
Email: minetnv@gmail.com
Ph: 9894569124
3. The District Collector,
Tenkasi District, Collectorate,
Tenkasi - 627811.
Phone Number: 9514492144
Ph: 9445053533
Email: collr-tks@gov.in
4. The District Forest Officer,
North Main Road, NGO A Colony,
Tirunelveli - 627007.
Ph: 9445160708, Email: dfotnv@gmail.com
5. The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation,
Maharaja Nagar, Tenkasi Main Road, Kadayanallur - 627751.
Ph: 9445854393 Email: eekdnlr@tnebnet.org
6. The Hill Area Conservation Authority,
Represented by its Chairman,
District Collectorate, Tenkasi District.
Ph: 04633-295294
Email: dtcp.tenkasi@gmail.com.

... Respondents

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

*Madam
Sign
with date
Please.*

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**REPORT FILED ON BEHALF OF THE FIRSTRESPONDENT -
TAMIL NADU POLLUTION CONTROL BOARD.**

I, S.Malarvizhi, D/o.K.Subburam, aged 58 years having my office at No. 76, Mount Salai, Guindy, Chennai -- 600032, 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 - 600 032 and I am authorized to file this report on behalf of the first respondent -TNPCB 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 applicant has filed this application with a following prayer to direct respondents 1, 2, 3, and 5 to inspect the brick kilns, assess and report the quantum of illegal mining carried on by brick kilns, direct closure of all the brick kilns located in Sivagiri (Part I, Part II), Viswanathaperi (Part I, Part II) and Rayagiri (Part I, Part II) villages located in Sivagiri Firka, Sivagiri Taluk in violation of the mandatory siting criteria, established and operating without mandatory consent under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, direct the 1st Respondent to levy and collect penalty and compensation from the illegal brick kilns for the damage caused to the environment by their illegal operations and mining.

3. It is respectfully submitted that a Complaint petition was received on 30.5.2024 from Thiru. G. Karthik, No.66, Aranmanai Compound, Sivagiri Village, Sivagiri Taluk, Tenkasi District through the Tamil Nadu Pollution Control Board's Online Grievance Petition Redressal System (OLGPRS) portal vide complaint ID 386039625, stating that there are about 300 unauthorized brick kilns under operation in Sivagiri Part 1 & 2, Vishwanathaperi Part 1 & 2, Rayagiri Part 1 & 2 Villages of Sivagiri Taluk by employing migrant workers and the same operates without obtaining Consent To Operate and following the norms mentioned by G.S.R 143 (E) of MOEF&CC notification dated 22.02.2022 and requested to take action on the

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country brick kiln. As the country brick kilns are operating without fixed chimney i.e. without any permanent structure and does not fall under the scope of Tamil Nadu Pollution Control Board consent mechanism, the petitioner was requested to contact the Local Body, the District Forest officer and the Department of Geology and Mining officials for taking necessary action on the complaint vide O/o. DEE, Tenkasi letter dated 29.05.2024. It is respectfully submitted that the applicant herein has filed this case and this Hon'ble Tribunal passed an order dated 24.07.2024 as follows:

"The District Collector - Tenkasi and the Tamil Nadu Pollution Control Board are directed to file a report after making a spot inspection".

4. It is respectfully submitted that based on the above order, the District Collector, Tenkasi District vide Proc. dated 09.08.2024 has constituted a Joint Committee and directed to inspect all the brick kiln units functioning without Consent to Establishment / Operate and Registration certificate issued by Mines department located in Sivagiri (Part-I & II), Vishvanathaperi (Part-I & II) & Rayagiri (Part-I & II) villages and water bodies in the said village. The details of the Joint Committee are as follows:

Sl. No.	Designation of the officer	Role of the officer in committee
1.	The Revenue Divisional officer, Sankarankovil	Chairperson
2.	The District Environmental Engineer, Tamil Nadu Pollution Control Board, Tenkasi	Member
3.	The Deputy Superintendent of Police, Pulliyangudi	Member
4.	The Assistant Executive Engineer, Water Resources Department, Uppar Vaipar Basin, Rajapalayam	Member
5.	The Assistant Geologist, Department of Geology and Mining, Tenkasi	Member
6.	The Thasildar, Sivagiri Taluk	Member
7.	The Forest Ranger, Sivagiri	Member

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5. It is respectfully submitted that the officials of the Joint Committee inspected 9 numbers of the Country brick kilns located at Sivagiri Part 2 Village on 12.08.2024. During inspection, the brick kiln owners and their representatives protested against the inspection in their respective brick kiln units. Hence, peace meetings were conducted under the Chairmanship of the Assistant Director, Department of Geology and Mining and the Revenue Divisional Officer, Sankarankovil on 14.08.2024 and 16.08.2024 respectively, among the brick kiln owners and their representatives. During the meeting, the representatives of Sivagiri Brick Kiln Welfare Association requested to issue two-year time period to comply with the norms mentioned in MoEF& CC Notification GSR 143 (E) dated 22.02.2022 (**Enclosed as annexure – 1**).

6. It is respectfully submitted that the Joint Committee officials inspected the remaining 88 country brick kilns located in the Sivagiri Part 1 & 2, Vishwanathaperi Part 1 & 2, Rayagiri Part 1 & 2 Villages of Sivagiri Taluk on 19.08.2024, 20.08.2024 and 21.08.2024, respectively.

7. It is respectfully submitted that during the inspection, the joint committee observed that most of these brick kilns are functioning without proper approvals. (**The details of these brick kilns are enclosed as Annexure – II**).

Sl.No	Village Details	No.ofBrick kilns identified
1.	Sivagiri Part-I	3
2.	Sivagiri Part-II	32
3.	Viswanathaperi Part-I	28
4.	Viswanathaperi Part-II	11
5.	Rayagiri Part-I	9
6.	Rayagiri Part-II	14
	Total	97

S.No.	Details	No of Brick kiln
1.	No of Brick kilns without Permission from Pollution control Board	97


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2.	No of Brick kilns without Permission from Geology and Mining Department	95
3.	No of Brick kilns without Chimney Installed	97
4.	No of Brick kilns near residential area within 800 meters radius	45
5.	No of People depend on brick kiln for their livelihood (Direct employment - Approximately)	1150

8. It is respectfully submitted that, the Chairperson, Tamil Nadu Pollution Control Board, vide Proc. Dt. 28.06.2024, has issued directions to all the District Collectors (including the District Collector, Tenkasi District) to take necessary action on the illegal country brick kilns operating in their jurisdiction, so as to ensure uniformity in taking action across the State and protect the Environmental damage caused throughout the State in exercise of the powers conferred under section 33A of the Water (P&CP) Act, 1974 and under Section 31A of Air (P&CP) Act, 1981.(Enclosed as Annexure - III).As direction for closure, disconnection of power supply / water supply cannot be effected against these units, as country type brick kilns do not possess any permanent structure, TANGEDCO connection etc., direction were issued to the District Collectors.

9. It is respectfully submitted that the District Collector, Tenkasi District vide letter dated 27.07.2024 instructed the District Environmental Engineer, Tamil Nadu Pollution Control Board, Tenkasi to give closure notice to all the illegal brick kilns operating without complying the norms mentioned in MoEF& CC Notification G.S.R 143(E) dated 22.02.2022 within Tenkasi District (Enclosed as Annexure - IV). The Chairperson, Tamil Nadu Pollution Control Board vide Proc. Dt. 27.08.2024 had issued direction to the District Collector, Tenkasi to seal the illegal county brick kiln operating in the district in co-ordination with the District Environmental Engineer, Tamil Nadu Pollution Control Board, Tenkasi, as direction for closure, disconnection of power supply / water supply cannot be effected against these units, as country type brick kilns does not possess any permanent structure,

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TANGEDCO connection etc., direction were issued to the District Collectors.
(Enclosed as Annexure - V)

10.It is respectfully submitted that the Writ petitions were filed by the brick kiln owners before the Hon'ble Madurai Bench of Madras High Court and the details are as follows:-

Sl. No.	Writ Petition No.	Name of the petitioner	Prayer
1.	W.P. (MD)No. 20173 of 2024	1. Thiru. K. Thangapandian 2. Thiru. P. Marimuthu 3. Thiru. S.Boominathan 4. Thiru. M.Karuthapandiyan 5. Thiru. D. Iyyappan 6. Thiru. S. Karuppasamy 7. Thiru.U.Gurunathan 8. Tmt.S.Jeyalakhmi 9. Thiru. Amjath Khan	i.To grant an Ad-interim injunction restraining the respondents from in any way interfering with the running of small-scale brick kiln unit. ii. To issue a writ of mandamus forbearing the respondents from in any way interfering with the running of small-scale brick kiln units by the petitioners without considering the applications for issuance of license pending before the 2nd respondent (The District Collector, Tenkasi District).
2.	W.P. (MD)No. 20397 of 2024	1. Thiru. V. Krishanan 2. Thiru. T.Ayyappan 3. Thiru. G.Ponseelan 4. Thiru. G.Veeramani 5. Thiru. E.MuthuRaman 6. Thiru. K.Subramanian 7.Thiru.V.GurusamyPan dian 8. Thiru. Yesurajan	i. To grant an Ad-interim injunction restraining the respondents from in any way interfering with the running of small-scale brick kiln unit. ii. To issue a writ of mandamus forbearing the respondents from in any way interfering with the running of small-scale brick kiln units by the petitioners without considering the applications for issuance of license pending before the 2nd respondent (The District Collector, Tenkasi District).
3.	W.P. (MD) No.	ThiruK.Ganesan	i. To dispense with the impugned order passed by the 4 th respondent


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	20398 of 2024		(The Revenue Tahsildar, Sivagiri Taluk, Tenkasi District) in SVGREV/1617/2023-B3 dated 06.08.2024. ii. To grant an Ad-interim stay of operation of the impugned order passed by the 4 th respondent (The Revenue Tahsildar, Sivagiri Taluk, Tenkasi District) in SVGREV/1617/2023-B3 dt:06.08.2024.
4.	W.P. (MD) No. 21686 of 2024	1.Thiru A.Murugan 2.Thiru P.Selvaraj	i. To dispense with the impugned order passed by the 4 th respondent (The Revenue Tahsildar, Sivagiri Taluk, Tenkasi District) in SVGREV/1617/2023-B3 dated 06.08.2024. ii. To grant an Ad-interim stay of operation of the impugned order passed by the 4 th respondent (The Revenue Tahsildar, Sivagiri Taluk, Tenkasi District) in SVGREV/1617/2023-B3 dated 06.08.2024.

11. It is respectfully submitted that meetings were held with the District Collector, Tenkasi District on 29.08.2024 and 10.09.2024 along with the TNPCB officials, the District Collector was of the opinion that since the issue being sub-judice and pending before the Hon'ble Madurai Bench of Madras High Court, sealing order issued by the Board vide Proc. Dated 27.08.2024 couldn't be effectuated at present.

12. It is respectfully submitted that the Hon'ble Madurai Bench of Madras High Court on 27.08.2024 and 28.08.2024 in W.P. (MD) No. 20173 of 2024 and W.P.(MD) No. 20397 of 2024 passed orders as follows

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3. There will be an order of interim injunction restraining the respondents from in any way interfering with the running of small-scale brick kilns units, until further orders...".

13. It is respectfully submitted that the MoEF & CC in GSR 895 (E) dated 15.12.2023, has issued amendment to the earlier notification issued for the brick kilns as follows:

"2. 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 w.e.f. 23.02.2023 in case of kilns located within ten kilometres radius of non-attainment cities; except those located in million plus population cities, NCR districts, and critically & severally polluted areas as categorized by CPCB;

b. one-year w.e.f. 23.02.2024 in case of other kilns.

Provided that in case where Commission for Air Quality Management / CPCB / SPCB / PCC has separately issued more stringent Norms/ timelines, such orders shall prevail"

14. It is respectfully submitted that, the MoEF & CC has extended the time limit for the existing brick kilns located other than non-attainment cities etc., for conversion of technologies / compliance of the said rule, for period up to 22.02.2025, provided any stringent norms issued by the SPCB/CPCB.

15. It is respectfully submitted that, based on the above, the Board vide letter dated 25.10.2024 requested all the District Collectors of Tamil Nadu, except non-attainment cities (i.e. Thoothukudi, Trichy & Madurai) and Million plus cities but not part of non-attainment cities (i.e. Chennai), to convene a meeting with all the brick kilns operating in their jurisdiction, without complying the MoEF & CC notification dated 22.02.2022, as amended and to instruct them to comply with the said MoEF & CC notification issued to the brick kilns on or before 22.02.2025 (i.e. as per the clause 2(b) above.)

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16. It is respectfully submitted that, also the Board vide letter dated 25.10.2024 instructed all the DEEs, TNPCB to take necessary action to ensure the compliance of the MoEF & CC notification dated 22.02.2022 as amended, by all the brick kilns operating in their jurisdiction and to furnish action taken report to the Board within a week's time. Further, letter dated 25.10.2024 was addressed to most of the Brick Kiln Associations located across the state, except non-attainment cities (i.e. Thoothukudi, Trichy & Madurai) and Million plus cities but not part of non-attainment cities (i.e. Chennai), directing to comply with the said MoEF & CC notification issued to the brick kilns on or before 22.02.2025.

In the above circumstances, it is prayed that this Hon'ble Tribunal may be pleased to pass appropriate order or further other orders as it may deem fit and proper in the circumstances of the case and thus render Justice.

S. Malarvizhi
04/12/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

VERIFICATION

I, S.Malarvizhi, D/o.K.Subburam, working as the Joint Chief Environmental Engineer, TNPCB, Chennai-32, having 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. Malarvizhi
04/12/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
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**REPORT FIELD ON BEHALF OF THE
FIRST RESPONDENT – TAMIL NADU
POLLUTION CONTROL BOARD.**

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

Date: 04.12.2024.

Next date of hearing on: 05.12.2024