

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

ORIGINAL APPLICATION NO. 312 OF 2024

In the matter of:

Tribunal on its own motion SUO MOTU based on the news item in The New Indian Express, Chennai Edition dt: 17.12.2024, titled "Kerala's Medical waste dumped in Nellai Villages".

-VS-

The Principal Secretary to Government of Tamil Nadu, Department of Environment, Climate Change and Forests, Chennai and Ors.

----Respondent(s)

**REPORT FILED BY SPECIAL SECRETARY ENVIRONMENT /
4TH RESPONDENT**

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Dated at Chennai on this the 18th January, 2025.



M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

Report in O.A. No. 312/2024 (SZ) registered suo motu by Hon'ble National Green Tribunal(SZ),Chennai on illegal dumping of waste at Tirunelveli district of Tamil Nadu

It is respectfully submitted that based on the orders of the Hon'ble National Green Tribunal regarding the illegal dumping of waste at Tirunelveli, dated 20.12.2024, the Government of Kerala initiated necessary action for the safe removal and disposal of the waste from the sites at Tirunelveli on the basis of the Action Plan prepared by the agencies of this Government after field visit. The quantity of the waste so collected is estimated to be 383.375 Metric Tonnes. The waste so retrieved have been moved to the yards owned / managed by Clean Kerala Company Ltd(CKCL) and Kerala Enviro Infrastructure Ltd.(KEIL) a private agency in Kerala for its segregation / processing leading to its final disposal. Moreover actions against the offending agencies and institutions have also been initiated.

Immediately on receipt of the report of the incident, the Government constituted a Committee, as per G.O. (Rt) No.2509/2024/LSGD dated, 20-12-2024, to enquire and submit a report in the matter urgently . In continuation, State Suchitwa Mission and the Secretary, Thiruvananthapuram Municipal Corporation have been asked to take urgent action against the Bulk Waste Generators (BWGs), if it violated any provisions that led to this incident as per letter No. WM1/349/2024-LSGD dated, 20-12-2024. In addition, measures have been taken to strengthen the enforcement activities to prevent the occurrence of such illegal waste disposal in future, including heightened surveillance through GPS tracking of vehicles

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carrying waste and penalties for violation. After taking the actions as aforesaid a report in this regard was filed before Hon'ble Tribunal when it came up for consideration on 02.01.2025.

After considering the reports from the Member Secretary Kerala State Pollution Control Board, Tamil Nadu Pollution Control Board and also the action taken report of the Secretary Environment Department, State of Kerala, the Hon'ble National Green Tribunal as per the Order dated 02.01.2025 directed the authorities to file an additional report with respect to the further actions taken in this regard. The case is posted to 20/01/2025 for filing the additional report.

With respect to queries raised by Hon'ble Tribunal with regards to

- a.) Quantity of waste removed from the sites
- b.) Follow up action taken against the violators
- c.) Role of IMAGE and why it had been included in the joint inspection team,

the Government had called for reports from State PCB and Local Self Government departments.

It is humbly submitted that the Kerala State Pollution Control board has reported the following (with regards to queries a and c):

1. It is respectfully submitted that the Chief Secretary of Kerala convened an urgent meeting on 19-12-2024 itself in view of the gravity of the case. In order to ascertain the situation, joint inspection was conducted on 20-12-2024 by the officials from

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Kerala PCB, Corporation of Trivandrum and experts from IMAGE for assessing the quantity of waste to finalize the mode of disposal to be adopted. The officials from Tamil Nadu were also present during the inspection. **The experts from IMAGE were included in the inspection team based on their expertise in identifying and evaluating the incidents involving biomedical wastes.** The joint team inspected six locations identified by Tamilnadu officials. Waste was found to be dumped in six locations namely Vadakku Ariyanayaki Puram, Vellarikkulam, Kodakkanalloor, Pazhavor, Kondanagaram and Bharathiyar Nagar. The waste was found in isolated areas and no habitation nearby. A large quantity of general garbage (paper, plastic, cardboard, plastic), sanitary waste, and food wastes were found in mixed form. One yellow bag and one red bag were found along with the above waste. IMAGE officials identified those two bags as supplied by them to Regional Cancer Centre. Only a small quantity of biomedical waste (approximately 50 to 100kg) (catheter, syringes, used gloves, dressings, tubing, injection vials) was found.

2. It is respectfully submitted that the work for the removal of waste from the sites started on 22.12.2024 by the Clean Kerala Company in the presence of the officials of Kerala PCB, Corporation of Trivandrum, officials of Police, officials of District Administration and the operation was completed on 23.12.2024. Clean Kerala Company has made the arrangements for the removal of wastes from the site and as per their report No. AI/2377/CKCL/2024/OA312/PCB dated 15.1.2025, 383.375T of mixed waste has been collected from the sites of Vadakku Ariyanyakapuram; Vellalankulam; Kodaganallur;

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Palavoor; Kondanagaram; and from Bharatheeyar Nagar.

3. It is respectfully submitted that the waste retrieved from Tamil Nadu is stored in godowns of Clean Kerala Company and in KEIL. A meeting was convened by the Local Self Government Secretary on 6.1.2025 on the scientific disposal of the above wastes and it was decided to dispose of those wastes through cement plants and by biomining and further course of action to be taken on the matter was sorted out in the meeting.

Also State PCB has reported on the follow up action taken against the violators(Query b):

1. It is respectfully submitted that M/s Sunage Eco Systems Private Limited was engaged in the collection of wastes from M/s. Regional Cancer Centre; M/s. Kovalam Resorts Private Limited(The Leela Kovalam, A Raviz hotel). Kerala State Pollution Control Board had issued registration KSPCB/TV/White Category/10006036/2022 dated 14.07.2022, for the storage of 4.53592 Tonnes/day of waste scrap (metal,plastic etc)in survey No. of 287/4-1. The Board inspected their storage area on 21.12.2024 and found that a large quantity of mixed wastes were stored without segregation. The Board has revoked the registration issued to the said unit vide order KSPCB/TV/White Category/10006036/2022 dated 30.12.2024 for violating the conditions of registration. . The Board has initiated legal action under the provision of Section 19 of the Environment (Protection) Act, 1986 for collecting non segregated wastes from various institutions and for dumping wastes in Tirunelveli. Notice dated 17.01.2025 for levying

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environmental compensation of Rs. 44,55,750/- (Rupees Forty Four Lakh Fifty Five Thousand Seven Hundred and Fifty only) has been issued to the unit.

2. It is respectfully submitted that the establishment of Hotel Leela was inspected on 18.12.2024 and observed that on checking the log book of food waste collection ,an average 2400kg is disposed through Sunage Ecosystems Pvt Ltd.All other wastes namely plastics,bottles etc are also disposed through this above mentioned agency. The Board has initiated legal action under the provision of Section 19 of the Environment (Protection) Act, 1986 . Notice dated 17-01-2025 for levying environmental compensation of Rs. 51,00,000/- (Rupees Fifty One Lakh only) has been issued to the unit.

Consent revocation order has been issued to M/s. Hotel Leela vide order KSPCB/2089/2024-EE-1 dated 10-01-2025, for giving mixed waste to the collecting agency and improper segregation and thereby violating Solid Waste Management Rules 2016. M/s. Hotel Leela has submitted the reply vide letter dated 14.01.2025 informing that additional facilities now being set up will further ensure that hotel activities are fully compliant with the Environment (Protection) Act, 1986 & Rules thereunder and they have submitted the consent application. Action is being taken for its verification and for further procedures.

3. It is respectfully submitted that the Regional Cancer Centre was inspected on 18.12.2024 and observed that some general wastes in green covers are kept inside the bio-medical waste segregation area. They have an agreement with Sunage

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Ecosystems Pvt Ltd. Food wastes are also taken to pig farms. Consent revocation order has been issued to M/s.Regional Cancer Centre vide order KSPCB/2089/2024-EE-1 dated 07-01-2025-,for giving mixed waste to the agency and improper segregation and thereby violating Solid Waste Management Rules and Biomedical Waste Management Rules, 2016. Ms. Regional Cancer Centre has submitted the consent application on 15.01.2025 and action is being taken for compliance verification and for further procedures. Legal action has been initiated against the unit under the provision of Section 19 of the Environment (Protection) Act, 1986 . Notice dated 17-01-2025 for levying environmental compensation of Rs. 10,06,250/- (Rupees Ten Lakh Six Thousand Two Hundred and Fifty only) has been issued to the unit.

4. It is respectfully submitted that M/s. Credence Hospital was inspected on 18-12-2024 and observed that paper and food wastes are disposed of through a Corporation approved agency Use Again Systems which has no registration/consent from the Board. Consent revocation order has been issued to M/s Credence Hospital vide order PCBRTM/3/2025-AE2 dated 16-1-2025 for giving mixed waste to agency namely M/s Use Again, which has no registration/consent of the Board and improper segregation and thereby violating Solid Waste Management Rules and Biomedical Waste Management Rules, 2016. Legal action has been initiated against the unit under the provision of Section 19 of the Environment (Protection) Act, 1986 .Notice for levying environmental compensation of 6,90,000/- (Rupees Six Lakh Ninety Thousand only) has been issued to the unit . It is further submitted that M/s. Use again was engaged in the

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collection of wastes from M/s. Credence Hospital. They have not obtained any consent or registration of the Kerala State Pollution Control Board. The Board has sought for explanation in this regard and action is being taken on the matter.

Based on the observations by Hon'ble NGT in its order dated 02/01/2025, the Chief Secretary of Kerala held a meeting on 06/01/2025 with all concerned departments (LSGD, State PCB, Police, Transport, Health) and discussed the matter in detail and directions were given to the authorities concerned to take time bound action to prevent illegal transportation of the waste.

Following decisions were taken after detailed discussions and deliberations:

1) Patrolling and surveillance at State borders: It was decided at the meeting to examine the feasibility of enhancing the existing facilities of the Police and Motor Vehicle Department. Relevant provisions under various Acts, such as the Kerala Panchayat Raj Act and the Disaster Management Act, should be examined. Police and motor vehicles department shall be ensure checking/patrolling at all major State border roads and its precincts.

2) Convening State Level Committee (SLC) & District Level Committee meetings: The Special Secretary, LSGD conveyed that the SLC meeting was held on 27/12/2024 and another meeting is scheduled as per G.O. (Rt)No.2485/2021/LSGD dated 06/12/2021, for monitoring the implementation of guidelines for registering and tracking vehicles transporting waste in Kerala and establishing an institutional mechanism to identify and take action against defaulters. District Collectors have been directed to convene regular

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DLC meetings, take stock of the situation and implement all necessary actions to prevent such mishaps in the future.

3.) Online tracking of vehicles transporting wastes: The purpose of this system is to enable the provision to monitor the entire waste management processes starting from occupier (waste generator) to transporter and to the receiver (disposal end) with real-time vehicle tracking with help of GPS system installed in the transporting vehicle with violation detection and alerts. The State PCB shall complete the remaining trials/checks with respect to the development of online tracking of vehicles transporting wastes and simultaneously train all the stakeholders with regards to usage of the portal.

4.) Inter State Border meetings: Given the relevance & sensitivity of the issue, it is desirable for State officers to hold regular meetings with their counterparts in the neighbouring States. These meetings can help address issues such as the monitoring of illegal transportation of waste, seizing of vehicles & data sharing in this endeavour. District Collectors (in districts with entry points and borders with neighbouring States) can convene and coordinate these meetings with the active involvement of stakeholder departments/authorities.

The Chief Secretary also directed the LSGD and Home departments to submit detailed action taken reports to the Environment Dept to prevent such incidences in the future.

It is respectfully submitted that the LSGD dept has reported the following with regards to action taken following the illegal waste dumping incident:

“In the backdrop of the incident, the State level Committee

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constituted as per the Solid Waste Management Rules,2016 , as per GO(Rt) No. 1673/2021/LSGD ,Dated,06/09/2021 & GO(Rt) No. 2485/2021/LSGD ,Dated,06/12/2021,in force, to frame guidelines regarding interstate waste movement , was convened on 27/12/2024 under the chairmanship of Special Secretary,Local Self Government Department.On the basis of the decision taken in the meeting State Police Chief,Kerala and the Transport Commissioner,was requested,as per the letter No.WM1/6/2021/LSGD (2) Dated, 04-01-2025, to strengthen the enforcement activities along the borders to monitor and check interstate waste transport for illegal disposal.

Further, as per the decision taken in the meeting it was decided to instruct the District Committees, constituted as per GO(Rt)No.2485/2021/LSGD ,Dated,06/12/2021,with District Collector as the Chairman,to hold regular monthly meetings with concerned departments to monitor and check such illegal inter state waste transportation.

Out of the total 383 Tons of waste retrieved from Tamil Nadu, 196 Tons of waste suitable for cement factories are stored in godowns of Clean Kerala Company Ltd(CKCL) . The remaining 187 Tons which are not suitable for cement factories are stored in KEIL and it can be disposed of by land filling or Bio mining for which the officials concerned has necessary direction. The officials concerned are also directed to collect samples before disposing the waste , to analyses its nature and source of waste.

The wastes so retrieved includes solid waste and biomedical waste. The Bio Medical Waste Management Rules, 2016 were constituted under the powers conferred by sections 6 , 8 and 25 of

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the Environment (Protection) Act 1986 and supersede the bio medical waste (Management and Handling) Rules 1998. Under the Bio Medical Waste management Rules 2016, health care facilities are prohibited from establishing on site or captive bio medical waste treatment and disposal facilities if a common Bio medical waste treatment and disposal facility is available within a distance of 75 Km . The installation of individual treatment facilities by health care providers requires a relatively high capital investment . The concept of CBWTF addresses not only these financial challenges but also prevents the proliferation of treatment technologies within towns or cities .

With reference to the Biomedical Waste management system in Kerala IMAGE and KEIL are the two agencies entrusted with the collection , segregation and treatment of waste from both private and public hospitals . The Indian Medical Association Goes Eco Friendly (IMAGE), established in 2003 as a non profit charitable initiative, operates a Common Biomedical Treatment Facility (CBWTE) in Palakkad and is treating and disposing all the bio medical waste generated in the State, which according to IMAGE and the India Medical Association (IMA) has the capacity to dispose of 55.8 tonnes of bio medical waste per day. The KEIL can handle 16 tonnes per day . IMAGE has entered into an annual agreement with the State Government as well as separate agreements with private health care facilities that are members of the Kerala Private Hospitals Association to ensure the collection and disposal of biomedical waste generated in the state.

As per the Rule 4 (a) of the Bio Medical Waste Management Rules 2016 it shall be the duty of every occupier to take all

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necessary steps to ensure that the bio medical waste is handled without any adverse effect to human health and the Environment. According to Section 8(1) no untreated Bio Medical Waste shall be mixed with other wastes. The operators or occupiers of Credence and RCC have violated the rules and are solely responsible for improperly mixing bio medical waste with municipal waste.

Enquiry revealed that M/s Sunage Ecosystems Private Ltd, which has contract with Thiruvananthapuram Corporation for the collection and disposal of both biodegradable and non biodegradable waste, is found to be responsible for the illegal waste dumping in Tirunelveli . However this agency was collecting waste from multiple bulk waste generators without permission of Thiruvananthapuram Municipal Corporation, in violation of the agreement conditions. Enquiry also revealed that wastes from institutions ,viz, i. Regional Cancer Centre (RCC) ii. Credence Hospital, iii. Leela Hotel are dumped in Tirunelveli.

According to the agreement entered into between Thiruvananthapuram Corporation and M/s Sunage Ecosystems , the contractor is responsible for collecting and transferring waste from the areas specified by the Thiruvananthapuram Corporation . Furthermore, it also states that the Contractor is prohibited from underletting or subletting the contract to any person without the authorization of the corporation.

Upon seeing that such actions of M/s Sunage Ecosystems were found to be offensive and punishable under law, the Secretary, Thiruvananthapuram Municipal Corporation, vide letter dated, 01/01/2024, lodged complaint with the Police to register case

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against it citing violations of provisions u/s 340, 340(A)&(B) of the Municipality Act and under the relevant provisions of the Environment Protection Act,1986; Solid Waste Management Rules,2016; Plastic Waste Management Rules,2016.Subsequently, Suchitwa mission blacklisted M/s Sunage Ecosystems Pvt. Ltd. for 3 years, and they have been removed from the list of empaneled agencies for violating the existing rules .

All the agencies involved in non-bio waste collection and disposal are instructed to be enrolled on the KSPCB online vehicle tracking portal and to keep strict logs regarding the waste movement. Notices were also issued to the health facilities against which allegations have been raised viz,Regional Cancer Centre, Credence Hospital, Multi specialty Family Hospital, and IVF Center, M/s. Raviz Hotel, for taking immediate actions for collection, proper segregation, forward linkage, and scientific disposal of all types of waste generated at these institutions.

Moreover, Government directed Thiruvananthapuram Corporation to take urgent action on the following;

- i. Initiate Strict action against all institutions (BWGs) for violating the waste management rules .
- ii. To adopt scientific methods for bio waste disposal instead of depending solely on pig farms. As far as pig farms are concerned, the capacity needs to be assessed properly.
- iii. A better monitoring of the agencies handling bio waste needs to be undertaken by the Corporation to ensure that the waste they are collecting is scientifically disposed.

In the State, non biodegradable wastes are being collected and

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sorted by the members of Haritha Karma Sena, a self help group of women functioning on entrepreneurship basis. The wastes so collected are transported to Mini MCF(Material Collection Facility),MCF,and RRFs where it is again sorted. Out of the wastes so collected, those which are recyclable are being handed over to recyclers and those wastes which cannot be recycled are lifted to Cement factories.The movement of waste up to RRFs are being done by the Haritha Karma Sena and the movement thereafter are being governed by Clean Kerala Company Ltd, a GoK Undertaking and the rest by Pvt, agencies empanelled by Suchitwa Mission, a Govt: of Kerala Undertaking.

In the meeting of the State Level Committee, held under the chairmanship of Special Secretary,Local Self Government it is decided to adopt all efforts to prevent the recurrence of such incidents as the one happened at Tirunelveli after observing that it is not an isolated incident. Accordingly, it was decided to take strict action against such practices with the co-operation of all Government agencies related with the matter.

It is respectfully submitted that the State Police Chief has reported the following with regards to action taken to stop illegal transportation of wastes to other states:

“The letter received from Govt with regard to Illegal and unscientific dumping of waste from Kerala to the border areas of Karnataka and Tamilnadu, was forwarded to the Inspectors General of South Zone, North Zone and all DPCs to furnish action taken reports.

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The Zonal Inspectors General of Police, have reported that directions have been issued to all concerned to take stringent action against those who violate the laws and rules in this regard. Instructions were given to SHOs concerned to monitor the CCTV cameras installed in the border areas. All SHOs have been given direction to conduct vehicle checking and patrolling in the border areas of the district especially during odd hours to prevent the illegal transportation/dumping of waste. Stringent actions have been taken against the perpetrators who have been transporting and dumping hospital waste from Kerala to the border areas of Karnataka and Tamil Nadu and strict vehicle checking are continuously carried out round the clock in the inter State borders. If any vehicle is found transporting or attempting to dump waste in the neighboring States, directions has issued to impound such vehicles immediately. Operations have been planned and executed in all the districts of Kerala to detect illegal dumping of waste and directions have been given to all SHOs of the border Police Stations in Kerala for strict monitoring of the movement of such kind of vehicles.

The following directions have also been issued to the District Police Chief's to prevent illegal activities of dumping waste in the border areas, etc.

1. Conduct effective patrolling at all the border areas.
2. Vehicle checking at the border check posts to check the movement of suspicious elements.
3. Local informants to be set up at the locality to give timely information about the suspicious movements.
4. Night officers and supervising officers are to be instructed to

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- patrol the border areas to prevent illegal activities.
5. Directions were also given to monitor the cameras installed in the border areas to monitor the suspicious movements of vehicles, etc.
 6. Instructions have been given to the Police officers to co-ordinate with the Panchayath-Municipal authorities to monitor the same and to initiate action against the culprits.

ADGP SCRB has reported that a total number of **48** cases were registered U/s 340 A of Kerala Municipality (Amendment) Ordinance, 2023 (3 of 2023) and U/s 219 S of the Kerala Panchayath Raj (Amendment) Ordinance 2023 (4 of 2023) for illegal transportation and dumping of waste and **36** number of vehicles were seized under section 340 B of Kerala Municipality (Amendment) Ordinance, 2023 (3 of 2023) and 219 U of the Kerala Panchayat Raj (Amendment) Ordinance, 2023 (4 of 2023) throughout the State, during the year 2024 .

The total number of the cases registered regarding illegal transportation and dumping of waste for the last 5 years in the state of Kerala as furnished by the District Police Chiefs are consolidated and submitted as follows:

Sl No	Number of cases registered regarding illegal Transportation and dumping of waste (since 01/01/2020 till date)	Number of vehicles confiscated for such violations (since 01/01/2020 till date)
1	4029	1272

It is respectfully submitted that the matter of illegal waste

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dumping is viewed very seriously and hence will be followed up scrupulously by the concerned authorities in the State Government.

It is respectfully prayed that the above action taken report of the State Government submitted herewith in due compliance of the directions of the Hon'ble Tribunal may kindly be accepted.



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In the matter of:
Tribunal on its own motion SUO MOTU
based on the news item in The New
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-VS-

The Principal Secretary to Government
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----Respondent(s)

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