

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
Original Application No.226 of 2024

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU based on the news items published in 'The Times of India', Chennai edition dt.31.07.2024, titled "This is why Western Ghats need to be tagged eco-sensitive area" and "Rain and roads: Both spell landslides for Nilgiris, says study" and in 'Dinamalar' Tamil Newspaper, Chennai edition dated 31.07.2024, titled "Danger awaits Nilgiris".

Vs

The Ministry of Environment, Forests & Climate Change (MoEF&CC),
New Delhi and Others.

....Respondents

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

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Vs

1. The Ministry of Environment, Forests & Climate Change (MoEF & CC), New Delhi and Others.

...Respondents

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

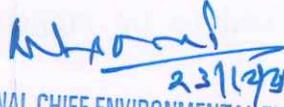
1. I, A. Shanmugam, S/o.Thiru.Arumugam, aged about 59 years, having office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely states as follows:
2. I respectfully submit that I am working as the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this report on behalf of the Fifth respondents and as such I am well acquainted with the facts of the case from the available office records.
3. It is respectfully submitted that the Hon'ble Tribunal has registered the OA on 02.08.2024 as a SUO MOTU based on the news item published in The Times of India, Chennai edition dated 30.07.2024, titled "This is why Western Ghats need to be tagged eco-sensitive area" and "Rain and roads: Both spell


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landslides for Nilgiris, says study" and in 'Dinamalar' Tamil Newspaper, Chennai edition dated 31.07.2024, TITLED "Danger awaits Nigiris".

4. It is respectfully submitted that "the news items that landslides in Indian Western Ghats harm people's social and economic lives especially in the Nilgiris areas in the State of Tamil Nadu. Due to heavy rains, landslides are common and annual phenomena in the Nilgiris area, which leads to the significant loss of life and property. One risk that threatens mountainous areas is that hill instability that causes land damage. It is alleged in the news item that failure to implement crucial ecological recommendations will lead to manmade disasters like Wayanad, Kerala. No development should take place in these highly sensitive areas. The year-wise details of landslides that occurred in the Nilgiris district and their damages and consequences warrant immediate attention. It is further alleged that the toe of the slope is removed for laying of roads without any engineering measures and the unauthorized buildings give additional weight on top of the slope. The landslide hazard zonation maps should be used properly and there should be a detailed investigation of individual slopes which is prone to landslide. There is no early warning system followed in the Nilgiris District. Guidelines can be prepared for assessing and planning policy".
5. It is respectfully submitted that the Hon'ble Tribunal directed on 02.08.2024 that the official respondents to file a detailed report on the following aspects:-

"(A) Pending formal notification of the Eco Sensitive Zone (ESZ) in Western Ghats covering all the six States viz., Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu, whether any area has been declared as an ESZ, in The Nilgiris District and hill areas of Coimbatore District. If notified, what is the extent of ESZ in The Nilgiris District and hill areas of Coimbatore District? If ESZ is not yet notified, the reason for the same.


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(B) Whether the mining activities, involving blasting, are permissible in The Nilgiris District and hill areas of Coimbatore District? In case they are permissible, whether any special conditions are imposed for granting permission. In case quarrying has been banned, since when the ban was imposed?

(C) Whether permissions are being granted for the establishment of Thermal Power Projects or expansion of existing units after the year 2010. If yes, the number and capacity of the Thermal Power Plants established may be furnished.

(D) What are all the regulations in place to prevent the high-rise structures and massive concrete buildings (exceeding 20,000 Sq. Meters) in The Nilgiris District and hill areas of Coimbatore District?

(E) What are all the measures initiated for afforestation and how much area has been afforested since 2010?

(F) What measures were initiated to prevent the landslides in The Nilgiris District and hill areas of Coimbatore District?

(G) The number of encroachments identified in The Nilgiris District and hill areas of Coimbatore District as on date and the number encroachments removed from the year 2010".

6. It is respectfully submitted that as per the above direction by the 5th respondent submits the report herein.
7. It is respectfully submitted that as per G.O.Ms.No.49 dated: 24.03.2003 all villages in the Nilgiris District are Hill Area Conservation Authority (HACA) notified villages and the following villages in the Coimbatore District are all Hill area Conservation Authority (HACA) notified villages.

[Handwritten Signature]
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Narasipuram
Vellimalaipattinam
Devarayapuram
Kallickanaickenpalayam
Ikkarai Boluvampatti
Mathuvarayapuram
Alandurai
Pooluvapatti
Thenkarai
Mathampatti
Theethipalayam
Perurchettipalayam
Sundakkamuthur
Ettimadai
Mavuthampatti
Thondamuthur
Naickenpalayam
Gudalur
Narasimmanaickenpalayam
Nanjundapuram
Chinnathadagam
Veerapandi
Somaiyampalayam
Tholampalayam
Velliyankadu
Thekkampatty
Odanthurai
Nellithurai
Cheickkathasampalayam
Sirumugai
Kaliyapuram
Kottoor


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Periyapodu

Vettaikaranpudur

Angalakurichi

Thoraiyur

Jallipatty

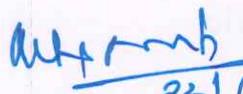
Arthanripalayam

Anamalai Hills Village (Entire Taluk)

8. It is respectfully submitted that the notifications with respect to Eco Sensitive Zone (ESZ) are all issued by the Ministry of Environment Forest and Climate Change, Govt of India and in this connection MoEF & CC Government of India has issued a draft notification on 31.07.2024 for the opinion of General Public.
9. It is respectfully submitted that TNPCB has not given any consents or permissions for mining activities involving blasting in the Nilgiris District and hill areas of Coimbatore District.
10. It is respectfully submitted that there are Hydro Electric Power Generation Plants existing in the Nilgiris District but there is no establishment of Thermal Power Plant Projects in the Nilgiris district and hill areas of Coimbatore District.
11. It is respectfully submitted that the High-rise structures and massive concrete buildings which exceeds 20,000 Sq.Meters should get prior approval from HACA along with DTCP and also should obtain prior Environmental Clearance from the concerned body as per EIA Notification, 2006. However, the Assistant Director, Town and Country Planning Department was requested to provide the details of high-rise structures and massive concrete buildings exceeding 20,000 sq.m. vide this office letter dated 25.10.2024 in the Nilgiris District.


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12. It is respectfully submitted that, from the year 2010 Majority of the unit/industries applied and obtained consent belongs to orange category as per the B.P.No.06 dt.02.08.2016:
- S.No.2088-Tea Processing (with Boiler)
 - S.No.2038-Hotel(< 3 star) (or) hotel having >20 rooms and less than 100 rooms (or) having waste water generation > 10 KLD and less than 100 KLD and having a coal/Oil fired Boiler.
 - S.No.2085- Health – Care Establishment (as defined in BMW Rules) without Incinerator and having total waste generation less than 100 KLD.
13. It is respectfully submitted that, with respect to the existing industries, the TNPC Board issued consent to operate and enforces under The Water (Prevention and Control of Pollution) Act, 1974 as amended and The Air (Prevention and Control of Pollution) Act, 1981 as amended. Also TNPC Board issued Authorization under Bio Medical waste Rules-2016 and Hazardous waste Rules - 2016 and enforces.
14. It is respectfully submitted that it is actively engaged in promoting afforestation by implementing Kurungadukal Scheme with a goal to achieve 1000 kurunkadugal in the state of Tamil Nadu by involving the proactive participation of Industries. Hence, the District Forest Officer, Nilgiris Forest Division was requested to provide the details of the measures initiated for afforestation and the details of area which has been afforested since 2010 in Nilgiris District vide letter dated 25.10.2024.
15. It is respectfully submitted that the District Collector, Nilgiris District was requested to provide the details of existing action plan to prevent the land slides in the Nilgiris District for necessary co-ordination of TNPCB within its scope vide letter dated 25.10.2024.


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16. It is respectfully submitted that the TNPCB has no authority to regulate the Encroachments and the above aspect does not come under the purview of the Tamil Nadu Pollution Control Board.

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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VERIFICATION

I, A.Shanmugam, S/o.Thiru.Arumugam, working as the Additional 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.


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RESPONDENT -TAMIL NADU POLLUTION
CONTROL BOARD**

Advocate for Respondent: TNPCB

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

Date: 23.12.2025

Date of hearing on: