

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, AT CHENNAI
Original Application No.77 of 2024 (SZ)
(Earlier O.A. No. 766 of 2023(PB))**

Jerome,

...Applicant

Vs

Tamil Nadu Pollution Control Board,
and another

...Respondents

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



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

Original Application No.77 of 2024(SZ)
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Jerome

...Applicant

Versus

Tamil Nadu Pollution Control Board
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**JOINT COMMITTEE REPORT FILED ON BEHALF OF THE FIRST
RESPONDENT - TAMIL NADU POLLUTION CONTROL BOARD**

I, Shankara Subramanian, S/o. Thiru P.T.Arasu, Hindu, aged about 59 years, having my office at No. 76, Mount Salai, Guindy, Chennai -600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Deputy Director Laboratory, Tamil Nadu Pollution Control Board, Chennai-600 032, and I am filing this Report on behalf of Respondent, TNPCB and as such I am well acquainted with the facts of the case from the records.

2. It is respectfully submitted that the applicant has filed a letter petition before the Hon'ble NGT, (PB) which was registered as O.A No.766 of 2024. The applicant's allegation is that due to Aadi festival, big sized speakers are placed for playing devotional songs and cause noise pollution in that area.



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3. It is submitted that Hon'ble NGT, (PB), New Delhi has passed an order on 24.01.2024 and directed inter alia as follows:

" Para 4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Tamil Nadu State Pollution Control Board and Collector, Chennai and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due process of law. The TNPCB will be the nodal agency for coordination and compliance.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal at Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.

6. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 09.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

4. It is respectfully submitted that the Hon'ble NGT, SZ, Chennai has renumbered the said OA as OA NO.77 of 2024(SZ) before the NGT, South Zone, Chennai. On 25.03.2024, the Hon'ble Tribunal has directed the respondents to file the report.

5. It is respectfully submitted that as per the orders of Hon'ble NGT, (PB), a Joint Committee has been constituted by comprising of representatives of the Tamil Nadu State Pollution Control Board and the District Collector, Chennai. On 8.6.2024, the Joint Committee was conducted the inspection with the Revenue Divisional Officer, Tiruvallur who is deputed by the District

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Collector, Tiruvallur and the District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruvallur and the report is as follows:

JOINT COMMITTEE REPORT BASED ON THE SITE INSPECTION CARRIED OUT BY REVENUE DIVISIONAL OFFICER, TIRUVALLUR AND DISTRICT ENVIRONMENTAL ENGINEER, TNPCB, TIRUVALLUR ON 08.06.2024

1. CASE DETAILS

The Hon'ble National Green Tribunal, Principal Bench, New Delhi registered an Original Application No. 766 of 2023 (PB) based on a letter petition received by E-mail from one Mr. Jerome

1.1 ORDERS OF THE HON'BLE TRIBUNAL

The Hon'ble National Green Tribunal (PB) in its order in O.A.No. 766 of 2023 dated 24.01.2024 has constituted a Joint Committee comprising of representatives of the Tamil Nadu State Pollution Control Board and Collector, Chennai and directed the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due process of law and appointed TNPCB as the Nodal Agency for coordination and compliance.

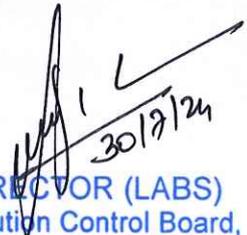
1.2. COMPOSITION OF THE COMMITTEE

In compliance to the above Hon'ble NGT [PB] order,

a) The Member Secretary, Tamil Nadu Pollution Control Board vide Proc. No. TNPCB/LAW/LAIII/NGT/ 007879/2024 dated 06.05.2024 has nominated District Environmental Engineer, TNPCB Tiruvallur as Nodal Officer cum Member of the said Joint Committee (Copy enclosed as annexure -1).

b) The District Collector, Tiruvallur vide Rc. No. 2046702/2024/M1 dated 18.05.2024 has nominated Revenue Divisional Officer, Tiruvallur as the Member of the Joint Committee. (Copy enclosed as annexure-2)

1.3. SCOPE OF THE COMMITTEE AS PER ORDER


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- i. To undertake visits to the site
- ii. To look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent
- iii. To verify the factual position and take appropriate remedial action by following due process of law

2. JOINT INSPECTION OF THE COMMITTEE

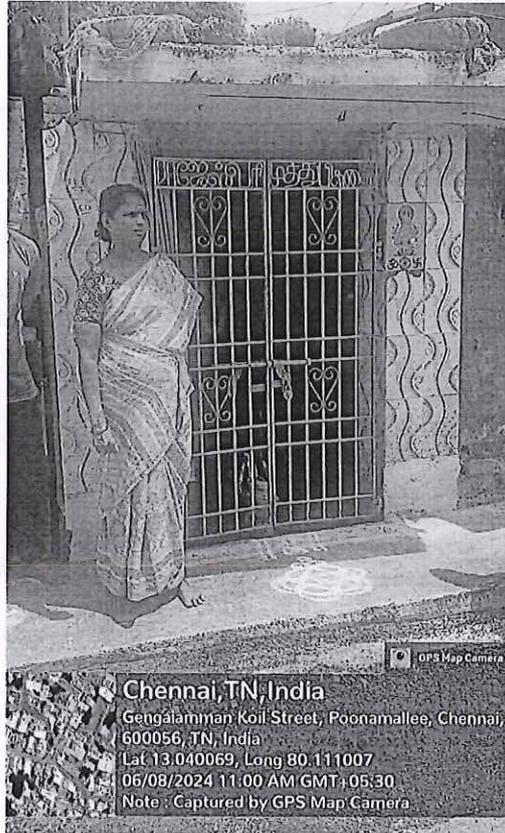
The complainant, Mr. Jerome residing at No. 38, Zakir Hussain Street, Karaiyanchavadi, Poonamallee, Tiruvallur was contacted over phone by the DEE, TNPCB and informed about the joint inspection of the site on 07.06.2024. The complainant has replied that he could not avail leave on weekdays and requested to inspect the site on the next day i.e., 08.06.2024 (Saturday). Based on the request, the Joint Committee inspected the site on 08.06.2024. The observations of the Joint Committee are as follows.

- 2.1 The Complaint's father, Mr. Irudhyaraj Johnson was present and it was informed by him that Mr. Jerome has left to office due to urgent works and asked him to co-ordinate with Joint committee during inspection.
- 2.2 A small idol of God Angala Parameshwari was kept inside the private property of room size 8'x8' (approximately) and pooja was carried out regularly by Temple administration.
- 2.3 The daughter of the administrator of the Angala Parameshwari temple Tmt. Jaya w/o Shankar was also present during the joint inspection, who does the Pooja in the temple referred. There is no loud speaker in the temple during the joint inspection on 08.06.2024.
- 2.4 It was informed by the complainant's father that during the Aadi festival - 2023, in the said Angala Parameshwari Temple, Zakir Hussain Street, Karaiyanchavadi, Poonamallee, Tiruvallur, box speakers were used temporarily for 2-3 days with high volumes and his son has raised complaint regarding the same to grievance portal of Hon'ble NGT.
- 2.5 Tmt. Jaya w/o Shankar representing the temple administration has informed that the Aadi festival was celebrated with the approval of

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police department and said that the box speakers were used during the days on which Aadi festival was celebrated last year.

- 2.6 The joint committee members have instructed the temple administration to comply with the Noise Pollution (Regulation and Control) Rules, 2000 that the sound level should not exceed 55 dB during day time and 45 dB during night time as designated for the residential area.
- 2.7 The temple administration has agreed to the same and the complainant's father has also informed that he has no issues after the said Aadi festival. The statement received from the complainant's father is enclosed vide annexure-3



**Photograph of the Angala Parameshwari Temple, Zakir Hussain Street,
Karaiyanchavadi, Poonamallee, Tiruvallur**

3. RECOMMENDATION:-

[Handwritten signature]
30/8/24

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Since the temple administration has agreed to adhere to the rules and regulations mentioned in the Noise Pollution (Regulation and Control) Rules, 2000 and complainant has also informed that there are no violations/issues after the said Aadi festival, and since necessary instructions are given to comply with the Noise Pollution (Regulation and Control) Rules, 2000, the Tribunal may consider the above remedial action taken as appropriate and pass orders.

6. It is submitted that the said letter petition is regarding noise pollution caused through the speakers used by the Temple. It is submitted that "noise" as a pollutant has been amended to be added as an "air pollutant". However, the activity causing pollution needs to one as per the scope of Section 21 of the Air Act r/w Section 2 of the Air Act. In the present case, the Temple celebrating a festival is not a scenario covered under Section 21 of the Air Act. The requirement of the Act is that the violator needs to be an industrial plant but in the present case, the complainant is aggrieved by noise pollution caused by a temple which is not an industrial plant and which does not require any consent from TNPCB for conducting a festival.

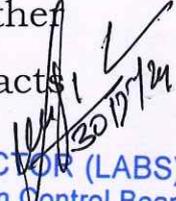
7. It is submitted that such violation of causing noise pollution will not fall under the provisions of the Air (Prevention & Control Of Pollution) Act, 1981 for TNPCB to take action. It is submitted that, the Noise Pollution (Regulation and Control) Rules, 2000 defines the procedure for taking action in such cases before an "Authority" as

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per Rule 7, and the said "Authority" is defined in Rule 2(c) which as follows;

"Authority means and includes any authority or officer authorised by the Central Government, or as the case may be, the State Government in accordance with the laws in force and includes a District Magistrate, Police Commissioner, or any other officer not below the rank of the Deputy Superintendent of Police designated for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force."

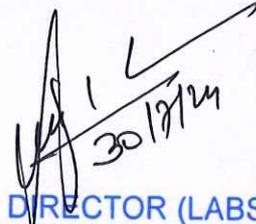
Therefore, it is respectfully prayed that this Hon'ble National Green Tribunal (SZ) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


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BEFORE ME

VERIFICATION

I, Shankara Subramanian S/o. Thiru P.T. Arasu, working as Deputy Director Laboratory, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.


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**Advocate for Respondent: TNPCB
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Advocate, Chennai.**

Date: 30.07.2024.

Date of hearing on: . .2024

