

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI.**

Original Application No.107 of 2021

S.M. Sivan,
S/o. Mallan,
Door NO.1/101E,
Silver Cloud Estates,
Niligiris-643211.

...Applicant

Vs

The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Secretariat, Chennai-600 009.
Chennai & others.

...Respondents

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**Filed by
Thiru. C. Kasirajan
Advocate, Chennai.**

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI

ORIGINAL APPLICATION No.: 107 of 2021

S.M. Sivan, M/45

S/o. Mallan

Door No.1/101E

Silver Cloud Estates,

Nilgris- 643211

Ph.No.8940072719

e-mail- Selvigerorge@yahoo.co.in

..... Applicant

And

1.The Government of Tamil Nadu,
Rep by its secretarty to Government,
Secretariat,
Fort St George, Chennai-600009.
e-mail- forsec@tn.gov.in
Ph.No.044-25665566.

2.The government of Tamil Nadu,
Rep by its secretary,
Puhlic works Department,
Secretariat,
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3.The Chairman,
Tamil Nadu Pollution Control Board,
Mount Salai, Guindy, Chennai-600032.
e-mail: tnpcb-chn@tn.gov.in
Ph.No.044-25671622.

4.The District Collector,
Nilgiris District,
Udhagamandalam-643001.
e-mail: collrnlq@nic.in
Ph.No.0423-2442344.


Collector of the Nilgiris
Udhagamandalam,

5.The District Forest Officer,
Gudalur Division,11/274,
Kozhikode Salai,
Gudalur-643212.
e-mail:dfogdlr.nlg@tn.gov.in
Ph.no.0423-2444083

6.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Additional Collectorate Building,
Nilgiris- 643005.
e-mail:tnpcbooty@gmail.com
Ph.No: 0423-2443109.

7.The Municipal Commissioner,
Municipal Office,
Ooty Main Road,
Rajagopalapuram-Gudalur
Nilgiris District – 643211.
E-mail: commr.gudalur-gudalur-tpr@tn.gov.in
Ph.No. 04262-261358.

8.A.C.Peter,
S/o. Chacko,
Hotel Archies,
Municipal complex,Ooty Mysore Road,
Gudalur-643212.

..... Respondents

REPLY BY THE FOURTH RESPONDENT, THE DISTRICT COLLECTOR

I, Ms. J.Innocent Divya I.A.S., District Collector, The Nilgiris District, aged about, 45Years, having Office at Collectorate Complex, Udthagamandalam, solemnly and sincerely state as follows:

1. I am the District Collector for The Nilgrs District, and the fourth respondent in this Original Application. As such, I am well acquainted with the facts and circumstances of the case, as available in the records.


Collector of the Nilgiris
Udhagamandalam,

2. This respondent denies all the averments made in this application, except those which are all specifically admitted herein. The applicant is put in to strict proof of the same.

3. In order dated 21.05.2021, this Hon'ble Tribunal have appointed Joint Committee comprising of (1) The District Collector, Udhagamandalam District, (2) a senior officer from the Tamil Nadu Pollution Control Board (TNPCB) deputed by its Chairman and (3) The District Forest Officer (DFO), Gudalur Division to inspect the area in question and submit a factual as well as action report, if there is any violation found. The Hon'ble Tribunal has fixed The Tamil Nadu Pollution Control Board as the Nodal agency for co- ordination and for providing necessary logistics for this purpose.

4. The Hon'ble Tribunal further directed the Committee to ascertain as to whether the directions issued by this Tribunal in the connected cases have been strictly implemented by preparing an action plan to implement the same and whether the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A.No. 606 of 2018 in this regard have been complied with by the Gudalur Municipality and if it is not done, what the action taken by the regulator, as has been envisaged in the direction issued by the Principal Bench of National Green Tribunal, New Delhi in O.A.No 606 of 2018 and whether the directions issued by the Southern Bench in the above case as per order dated 12.05.2017 have been strictly implemented and whether any steps have been taken to shift the existing dumping ground to the proposed site in Padanthurai, and if so what is the present status of the same.

5. This respondent further states in view of the complete lockdown imposed in the State of Tamil Nadu in much of the period of May 2021 and June 2021 and at present, the Government offices are functioning with reduced man power, the Nodal agency viz. The Tamil Nadu Pollution Control Board yet to nominate its representative for the Joint Committee.

6. However, this respondent, with great respect to this Hon'ble Tribunal and furnish at least an interim report in this matter during the next hearing on 30th June, 2021, directed the 6th respondent, the District Environmental Engineer, Udhagamandalam and 7th respondent, the Commissioner, Gudalur Municipality to cause inspection, headed by the Revenue Divisional Officer Gudalur of the


Collector of the Nilgiris
Udhagamandalam,

Municipal Solid Waste management Facility of Gudalur Municipality located at 27th Mile, in R.S. No.:1281/(pt.) of Guadalu -2 village. The Team carried out the inspection on 24.06.2021. During the inspection, the Tahsildhar, Gudalur also present.

7. It is stated that the Gudalur Municipality is generating around 14 MT/Day of solid waste comprising of 3.5 MT dry waste, of which 1.5 MT is recycled and 2 MT of non recyclable dry waste such as waste rags, used diapers, sanitary napkins etc. or burned in a high temperature burner. Out of the 10.5 MT of wet waste generated, 1 MT of food wastes are taken to piggeries. 5.0 MT of wet waste is handled in micro composting centre. 3.5 MT of wet waste, is composted in windrows. The wastes from the chicken stalls/ meat waste/ fish stall to the tune of 1 MT is processed in a semi mechanized box composing arrangement. The compost produced is sold out. Moreover, the land in question is not notified as Elephant Corridor.

8. It is stated that the nearest residence from the Municipal Solid Waste Management facility of Gudalur Municipality is a Bungalow located at about 500 meter west. The residence of applicant located at Silver Cloud Estate is about 800 meters south of the MSWM Facility. As such, the averment made by the applicant in para 2 of the Facts of the Case that the Municipal Solid Waste Management Facility is situated in a Residential area is false, baseless and misleading .

9. This respondent further state that The Nilgiris District is having forest cover more than 60 percent and as such the movement of the elephant is common phenomenon. It is to be noted that in compliance of the orders of the Hon'ble National Green Tribunal (SZ) in O.A. No 86 of 2017, solar fencing is provided around the Municipal Solid Waste Management Facility.

10. This Respondent denies the averment made in Para 2 that the Municipality is dumping all the wastes and garbage and burning the same is not true and hence denied. The fact being in that facility, the wet wastes are subjected to composting and the dry wastes are sorted and sold out. The rags, used sanitary napkins are subjected to high temperature controlled burning, in a closed system. No open burning of any sort is carried-out. Therefore, the averment that the wastes are dumped and burnt is baseless and a wild imagination of the Applicant.


Collector of the Nilgiris
Udhagamandalam,

11. This Respondent denies the averment para 3 that medical waste and chemical waste are handled in the Facility. The fact being, that no chemical waste or biomedical waste is brought to the facility. However, it is stated that plastic waste are segregated and sold out for recycling in compliance of the provisions of Municipal Solid Waste Management Rules, 2016. It is also stated, as mentioned in paragraph 7 above, the waste from the chicken stall, meat waste and fish stall waste are composted in the box composting arrangement. These activities are in compliance with the provisions of the Municipal Solid Waste Management Rules, 2016.

12. This Respondent denies the averment that the handling / processing of butcher stall waste emanates bad smell which is getting mixed in the air and thereby creates air pollution, and during the rainy season water gets stagnated in this place which is mixed in the source of drinking water including the ground water and water get contaminated, and that they are drinking that polluted and contaminated water which is not fit for human consumption and the same result in health hazard. It is stated that the team inspected the Facility on 24.06.2021 have reported that no discharge from the Facility was observed. Moreover, the drinking water for the habitation of the applicant is the open well located within the Estate premises. It is also stated by the inspecting Team, that there is no water source, at least with 300 m distance from the Facility. Under such circumstance, the averment of the appellant that the functioning of the Facility is causing pollution of drinking water source is with ulterior motives.

13. This Respondent state that averments made by the applicant are without any material evidence in support of his claims and all the documents furnished in the type set are those related the year 2016 and 2017, which were already referred in O.A.No. 86/2017, which was disposed by the Hon'ble Principal Bench of National Green Tribunal through a common dated order dated 26th November, 2018 and constituted a Committee for monitoring the implementation of Solid Waste Management Rules, 2016, in Tamil Nadu. The said Committee, Chaired by Hon'ble Justice (Retd.) Dr. Jothimani, inspected the Solid Waste Management Facility of Gudalur Municipality on 1st February, 2019 and expressed satisfaction of the performance.

14. This Respondent state that the Joint Committee would cause inspection, as ordered by this Hon'ble Tribunal and furnish the detailed Report, covering all

Collector of the Nilgiris
MADRAS mandalam

aspects of the Solid Waste Management Rules, 2016, directions issued in orders dated 21stMay, 2021, all averments made by the Applicant, compliance of the orders passed by the Hon'ble National Green Tribunal-Principal Bench, in O.A. No.: 606 of 2018. Therefore, it is humbly prayed that this Hon'ble Tribunal be pleased to grant further time for carrying out the inspection by the Joint Committee and to file the detailed report covering all aspects.

(Dated this 28th day of June, 2021, at Udhagamandalam)


Collector of the Nilgiris
Udhagamandalam,
Fourth Respondent

VERIFICATION

I, Ms. J. Innocent Divya, I.A.S., District Collector, The Nilgiris, the fourth Respondent, do hereby verify that the contents above mentioned are true and correct to the best of my knowledge and belief and information, and I have not suppressed any material fact.

(Dated this 28th day of June, 2021, at Udhagamandalam)


Collector of the Nilgiris
Udhagamandalam,
Fourth Respondent

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**REPORT FILED BY THE 4TH
RESPONDENT – THE DISTRICT
COLLECTOR, THE NILGIRIS
DISTRICT**

**Advocate for Respondent No.
Thiru. Kasi Rajan,
Advocate, Chennai.**

Date:29.06.2021.

Date of hearing on:30.06.2021