

# **S P Surendranath Karthik vs Revenue Department on 31 October, 2023**

**Author: K. Satyagopal**

**Bench: K. Satyagopal**

Item No.1:-

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Dated this the 31st day of October, 2023.

(Through Video Conference)

Original Application No.90 of 2023 (SZ)

IN THE MATTER OF

S.P. Surendranath Karthik  
S/o. K.R. Subramanian  
No.9, Lake View Street,  
Iyappa Nagar, Madipakkam,  
Chennai - 600 091.

...Applicant (s)

Versus

1. The Block Development Officer  
Kalasappakam - Vilvarani Link Road  
Kalasappakam, Tiruvannamalai,  
Tamil Nadu - 606 751.
2. The Tahsildar  
Kalasappakam - Vilvarani Link Road  
Kalasappakam, Tiruvannamalai,  
Tamil Nadu - 606 803.
3. The Collector of Tiruvannamalai  
Collectorate, Vengikkal,  
Tiruvannamalai - 606 604.
4. The District Environmental Engineer (DEE)  
Tiruvannamalai  
Tamil Nadu Pollution Control Board

541/B, Ashok Nagar, Venkikal,  
Tiruvannamalai District - 606 604.

5. Kadaladi Panchayat Union  
Kadaladi Panchayat Office  
Kadaladi, Tiruvannamalai.

[Impleaded as R5 vide Order dt.21.08.2023  
in I.A. No.79 of 2023 (SZ)]

...Respondent(s)

For Applicant(s): Ms. Kiran Rani represented  
M/s. KNS Law Chambers, Kaushik N Sharma &  
J. Jeya Sabare Eswaran.

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For Respondent(s): Dr. D. Shanmuganathan for R1 to R3 & R5.  
Mr. S. Sai Sathya Jith for R4.

Judgment Reserved on: 19th October, 2023.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

#### JUDGEMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member.

1. The applicant is aggrieved by the illegal dumping of solid waste in Babuji Kovil Road, Kalasappakam, Tiruvannamalai and has filed the above Original Application seeking an injunction against the Block Development Officer (BDO) - Kalasappakam from dumping the mixed solid waste, etc. in Babuji Kovil Road.

2. He has stated that a communication was sent to the Public Information Officer on 21.01.2023 regarding the illegal dumping of garbage, to which, the District Environmental Engineer - Tamil Nadu Pollution Control Board had sent a reply on 09.02.2023 admitting that the garbage was being dumped on the road illegally without any permission. Vide communication dated 20.02.2023, the BDO - Kalasappakam had admitted the fact that there was illegal dumping of garbage on the said road and directed the Deputy Zonal Block Development Officer to remove the waste from the road. Though it was stated that the dumping was removed, the same was not completely removed and still being dumped with garbage.

3. The applicant also had taken photographs subsequent to the above said dates to evidence the fact that garbage was being dumped illegally on the road. As the dumping of the garbage continues on the road as referred above, the applicant has sought for an injunction against the 1st Respondent from illegal dumping of the mixed solid waste on Babuji Kovil Road, Kalasappakam with a direction to the 1st Respondent to remove the existing plastic and solid waste.

4. The grievance of the applicant is that none of the rules of the Solid Waste Management Rules, 2016 were followed by the officials as has been set out in the rules.

5. After notice to Respondents No.1 to 4, the Kadaladi Panchayat Union was impleaded as additional Respondent No.5 on 21.08.2023.

6. The BDO - Kalasappakam has stated that pursuant to the complaint made by the applicant herein regarding the dumping of garbage in the area located on Babuji Kovil Road in Paruvathamalai Ring Road of Kalasappakam Panchayat Union, they have engaged 14 cleaners for a monthly salary of Rs.5,000/- per person through the Regional Development Officer, Kalasappakam. The said order was pursuant to the directions issued by the District Collector - Tiruvannamalai (Respondent No.3). The above employed cleaners go to every village and collect the garbage in garbage tractors, electric carts, three-wheelers and trolleys and send it to the bio-mining centre where the biodegradable and non-biodegradable garbage is segregated and added to the compost pit. The garbage removal is being implemented by the Panchayat Administration which is monitored by the Zonal Sub District Development Officer. It is also stated that the regular cleaning activities are being carried out.

7. In this regard, the Tamil Nadu Pollution Control Board also has filed its reply stating that the inspection was carried out by the officials on 07.02.2023 and observed that a lot of un-segregated municipal solid waste including the plastic waste was found along the Babuji Kovil Road at Kadaladi Village. Therefore, a letter was addressed to the BDO - Kalasappakam (Respondent No.1) for an appropriate action on 09.02.2023. In its reply by Respondent No.1 dated 03.05.2023, it was stated that the solid wastes in the said area have been removed and disposed of with the help of JCB without causing any hindrance to traffic. Therefore, another inspection was caused on 11.08.2023 and found that most of the solid wastes were removed from the site. The 1st Respondent was directed to furnish the action taken report as per the Solid Waste Management Rules, 2016 vide letter dated 16.08.2023. The Tamil Nadu Pollution Control Board also issued a show cause notice to the 1st Respondent for non-compliance with the provisions of the Solid Waste Management Rules, 2016 on 17.10.2023.

8. The Tamil Nadu Pollution Control Board also has furnished the photographs before the cleaning and removal of the garbage dated 11.08.2023 and also the photographs dated 19.08.2023 showing the action taken by the respondents for removing the solid waste dumped in and around the hill area. Another set of photographs taken on 26.09.2023 was also furnished to show the clean area in Kadaladi Village after cleaning was done.

9. While the 1st Respondent has made efforts to keep this village clean, though after the complaint received from the applicant, we direct the BDO - Kalasappakam (Respondent No.1) and the Kadaladi Panchayat Union (Respondent No.5) to adhere to the Solid Waste Management Rules, 2016 in strict compliance and keep the village clean without inviting any kind of complaints from anyone.

10. As the prayer made in the application by the applicant is complied with by the authorities, this Original Application [O.A. No.90 of 2023 (SZ)] is closed accordingly.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM Sd/-

Dr. Satyagopal Korlapati, EM Internet - Yes/No All India NGT Reporter - Yes/No O.A. No.90/2023 (SZ) 31st October 2023. Mn.