

Swaminathan Ramadoss vs District Collector on 30 June, 2021

Bench: K. Ramakrishnan, K. Satyagopal

Item No.7:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 18 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF:

R. Swaminathan,
S/o. Ramadoss
8, Neela Mela Veedhi
Nagapattinam Taluk
Nagapattinam - 611 001.

...Applicant(s)

Versus

- 1) The District Collector,
Collectorate
Nagapattinam.
- 2) The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Nagapattinam.
- 3) The Tahsildar,
Office of Tahsildar
Nagapattinam.
- 4) The Municipal Commissioner,
Nagapattinam Municipality
Nagapattinam.
- 5) Deputy Superintendent of Police,
Office of District Superintendent of Police,
Nagapattinam.
- 6) The Superintending Engineer,
TANGEDCO
Sattayappar East Street,
Nagapattinam - 611 001.
- 7) The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Perumal Sannadhi Street,

Nagapattinam.

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8) District Fire Officer
Divisional Office
Nagapattinam Fire Unit
Nagapattinam.

9) Thiru Balakumar
Administrator/ President,
No.7, Neela Mela Veedhi,
Nagapattinam Vaniyar Association,
Nagapattinam.

...Respondent(s)

For Applicant(s): Ms. Ojas Sivakumar represented
Mr. M.R. Gokul Krishnan.

For Respondent(s): Mr. C. Harsharaj through
Mr. Arun for R1 to R3, R5 & R8.
Mr. P. Srinivas for R4.
Mr. Abdul Saleem and
Mr. Saravanan for R6.
Mr. C. Kasirajan through
Ms. D. Ashwini for R7.

Date of Judgment: 30th June, 2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

JUDGMENT

1. The above case has been filed by the applicant alleging that the 9 th respondent is conducting a marriage hall for and on behalf of Vaniyar Association without obtaining proper permission from the statutory authorities. The Neela Mela Veedhi where the building has been put up is the main road in Nagapattinam where thousands of vehicles are moving every day. The building was constructed not in accordance with any plan and no permission has been obtained from the local body for conversion of house into a commercial building as well. The building itself is in dilapidated condition and there were no facilities provided for the marriage hall for controlling the pollution that is likely to be caused. They have not provided any device for the purpose of collection and disposal of solid waste that is likely to be generated while conducting function as well. They have not obtained any permission from the Pollution Control Board for conducting a marriage hall and this is against the directions given by the Principal Bench of National Green Tribunal, New Delhi in O.A.

No.400 of 2017 (Westend Green Farms Society Vs. Union of India &Ors.). Though complaints have been made to the authorities, they have not taken any steps. That prompted the applicant to file this application seeking the following reliefs:-

"1. Restraining the 9th respondent from operating the marriage hall without the following;

- a) Mandatory Consent from the 7th respondent Board under Air & Water Acts;
 - b) Permission from concerned Authorities namely, 5th respondent in accordance with provision of Noise Rules;
 - c) Permission for Ground Water Extraction from concerned Authorities;
 - d) Building Plan Approval/NOC from 4th respondent
 - e) Fire Safety Certificate/NOC from 8th respondent namely, the Divisional Fire Officer
 - f) Providing adequate parking within the premises
 - g) Providing rain water harvest system
 - h) Comply with the Solid Waste Management
- 2) Direct the 7th respondent to impose Environmental Compensation on the 9th respondent
- 3) And pass such order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice."

2. Though 9th respondent had entered appearance through counsel, he had not filed any reply statement regarding the allegations made by the applicant in the application not had he filed any objection to the Joint Committee report as well.

3. When the matter came up for hearing today through Video Conference, Ms. Ojas Sivakumar represented Mr. M.R. Gokul Krishnan for the applicant. Mr. C. Harsharaj through Mr. Arun represented respondents 1 to 3, 5 & 8, Mr. P. Srinivas represented 4th respondent, Mr. Abdul Saleem and Mr. Saravanan represented 6th respondent and Mr. C. Kasirajan through Ms. D. Ashwini represented 7th respondent.

4. As per order dated 25.01.2021, this Tribunal had admitted the matter and appointed a Joint Committee comprising of (1) the District Collector, Nagapattinam District or a Senior Officer not below the rank of Assistant Collector or Revenue Divisional Officer to be deputed by the District

Collector, (2) the Municipal Commissioner, Nagapattinam Municipality or a Senior Officer who is dealing with such matters as designated by the Municipal Commissioner and (3) a Senior Officer to be deputed by the Chairman, Tamil Nadu Pollution Control to inspect the area in question and submit a status as well as action taken report, if there is any violation found.

5. The committee was also directed to ascertain as to (i) whether the 9th respondent has complied with all the pollution norms and also obtained necessary permission as has been directed by the Principal Bench of National Green Tribunal in O.A. NO.400 of 2017, (ii) whether they are having all necessary license and pollution control mechanism to deal with the waste generated in the premises at the time of conducting functions as required under Solid Waste Management Rules 2016 and also Air and Sound pollution likely to be caused, (iii) whether they have obtained necessary permission for the purpose of extracting water for their use, (iv) whether they have obtained necessary permission for the purpose of converting the house which is intended for domestic purpose into commercial purpose and (v) whether there is any damage caused to the environment on account of the violations committed by the 9th respondent Association namely, Nagappatinam Vaniyar Association and if so, the committee was directed to assess the environmental compensation to be recovered from them.

6. The Nagapattinam Municipality was designated as the nodal agency for co- ordination and also for providing necessary logistics for this purpose. The Tamil Nadu Pollution Control Board was also directed to submit an independent report regarding the action taken by them as regulator who are bound to implement the directions issued by the Central Pollution Control Board on the basis of directions given by the Principal Bench of National Green Tribunal in O. A. No. 400 of 2017.

7. On 24.02.2021, this Tribunal had considered the Joint Committee report dated 19.02.2021 received on 24.02.2021 which was extracted in Para 3 of the order which reads as follows:-

"Joint Inspection Report in connection with Hon'ble National Green Tribunal (SZ), Chennai order dated 25.01.2021 in O.A. NO.18 of 2021 filed by Thiru R. Swaminathan, Nagapattinam against M/s. Nagapattinam Vaniyar Sangam.

It is submitted that Thiru. R. Swaminathan, Nagappattinam has filed an Application in O.A. No.18 of 2021 before the Hon'ble NGT (SZ), Chennai against the following respondents.

- 1) District Collector, Nagapattinam.
- 2) The Revenue Divisional Officer, Nagapattinam
- 3) The Tahsildar, Nagapattinam
- 4) The Municipal Commissioner, Nagapattinam
- 5) Deputy Superintendent of Police, Nagapattinam

- 6) The Superintending Engineer, TANGEDCO, Nagapattinam
 - 7) The District Environmental Engineer, TNPCB, Nagapattinam
 - 8) District Fire Officer, Nagapattinam and
 - 9) Thiru. Balakumar, President, Nagapattinam Vaniyar Sangam
- The above application was filed against the marriage hall of M/s.

Nagapattinam Vaniyar Sangam functioning at No.7, Neela Mela Vethi, Nagapattinam without complying with necessary formalities of getting permission and consent from the authorities and without providing necessary mechanism for dealing with the solid waste and other waste generated as per the Rules. In this regard, the Hon'ble NGT (SZ), Chennai in its order dated 25.01.2021 has directed to appoint a Joint Committee comprising with the following officials to inspect the area in question to submit a factual as well as action taken report if there is any violation found.

- 1) The District Collector, Nagapattinam District or a Senior Officer not below the rank of Assistant Collector or Revenue Divisional Officer to be deputed by him.
- 2) The Municipal Commissioner, Nagapattinam Municipality or a Senior Officer who is dealing with such matters as designated by the Municipal Commissioner.
- 3) A Senior Officer to be deputed by the Chairman, Tamil Nadu Pollution Control Board.

The Hon'ble NGT (SZ), Chennai has also directed the joint committee to ascertain as to whether the 9th respondent has complied with all the pollution norms and also obtained necessary permission as has been directed by the Principal Bench in O.A. No. 400 of 2017 and whether they are having all necessary licences and pollution control mechanism to deal with the waste generated in the premises at the time of conducting functions as required under Solid Waste Management Rules 2016, and whether they have obtained necessary permission for the purpose of extracting water for 5 their use and whether they have obtained necessary permission for the purpose of converting the house which is intended for domestic purpose into commercial purpose and whether there is any damage caused to the environment on account of the violations committed by the 9th respondent Association, namely Nagapattinam Vaniyar Association and if so, the committee is directed to assess the environmental compensation to be recovered from them apart from initiating necessary action if any violation is found in accordance with law.

The Tamil Nadu Pollution Control Board is also directed to submit an individual report regarding the action taken by them as regulator who are bound to implement the directions issued by the Central Pollution Control Board in respect of certain matters on the basis of directions given by the Principal Bench of National Green Tribunal in O. A. No. 400 of 2017 as mentioned above.

It is submitted that the Nagapattinam Municipality will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.

The case is posted for hearing on 24.02.2021. (Copy of order enclosed vide Annexure-I).

Based on the above order, the Board has nominated the District Environmental Engineer, TNPCB, Nagapattinam for the above committee. Further, the District Collector, Nagapattinam has formed the Joint Committee consisting of the following members vide proceeding R.C. No.1481/2021/R.D.10, Dt.15.02.2021 (Copy Enclosed vide Annexure- II).

Sl. No.	Name of Designation of Member	Description of Committee
1	Revenue Divisional Officer, Nagapattinam	Member - Representing District Collector
2	District Environmental Engineer, Tamil Nadu Pollution Control Board, Nagapattinam	Member
3	The Municipal Commissioner, Nagapattinam	Nodal Member

A) Report of Nagapattinam Municipality:

- i. It is submitted that, earlier a complaint was filed by the petitioner

Thiru. R. Swaminathan, Nagapattinam against the Nagapattinam Vaniyar Sangam on 25.07.2020 for which the officials of Nagapattinam Municipality were inspected the Vaniyar Sangam Building on 29.07.2020 and issued notice vide Na. Ka. No.F/1/1515/2020, dated 29.07.2020 under Section 218, 313, 339, 340 and 344 of Tamil Nadu District Municipal Act, 1920 wherein it has been stated that ground floor & first floor of the building are in unprotected, dangerous and in dilapidated condition. Also, northern and southern side of the wall on the ground floor of the building are in dangerous conditions and not fit for the public use, and hence the building should be vacated within 15 days of time and also north and south side walls should be demolished and removal (Copy Enclosed vide Annexure-III).

ii. Subsequently, the Vaniyar Sangam has sent a letter through Advocate to the District Collector, Nagapattinam and Commissioner, Nagapattinam Municipality vide letter dated 23.10.2020 stating that the Nagapattinam Vaniyar Sangam is a registered association which belongs to the Vaniyar Community. Further, it is stated that the building is utilized for the small level functions conducted by the Vaniyar Community people with low rent. And, the same is used by the Government during the disaster period for the public use. Though, the building is functioning from a long period, it has been renovate and the building is in good condition. But, the Commissioner Municipality has issued a notice based on the petitioner's pressures and political influences. Hence, Nagapattinam Vaniyar Sangam requested the District Collector to cancel the Notice issued by the Commissioner, Nagapattinam Municipality after assessing the stability of the building though qualified engineer (copy enclosed vide Annexure- IV).

iii. It is submitted that, the Municipality has issued notice under Section 216 (1) & (2) dated 18.08.2020 of Tamil Nadu District Municipal Act, 1920 for unauthorized construction in the front portion of the building and to demolish the building (copy enclosed vide annexure-V). Since, the reply has not received from the Vaniyar Sangam, a confirmation notice was issued under Section 216 (3) dated 15.09.2020 of Tamil Nadu District Municipal Act, 1920 for unauthorized construction in the front portion of the building and to demolish the building (copy enclosed vide annexure-VI).

iv. Since, the Nagapattinam Vaniyar Sangam has not furnished reply to any of the notices, hence look and seal notice was issued by the Municipality to the Nagapattinam Vaniyar Sangam vide notice dated 18.12.2020 under Section 85 r/w Section 56 & 57 Tamil Nadu Town and Country Planning Act, 1971 (Copy enclosed vide Annexure - VII).

v. Subsequently, Thiru. S.S. Sekar, Secretary of Nagapattinam Vaniyar Sangam has filed case vide O.S. No.167/2020 before the Hon'ble District Munsifs Court, Nagapattinam against demolishing notice issued by the Municipality on 29.07.2020. The case is pending with the Hon'ble District Munsifs Court, Nagapattinam (Copy Enclosed vide annexure-VIII). B) Report of TNPC Board, Nagapattinam i. Nagapattinam Vaniyar Sangam is located at Door No.07, Neela Mela Veedhi, Nagapattinam town was inspected by the officials of TNPC Board, Nagapattinam on 15.02.2021. Thiru. R.B. Avudai Thangam, Treasurer was present during the time of inspection. ii. The building is located on southern side of the petitioner's house. iii. It was reported by the Nagapattinam Vaniyar Sangam that the building was constructed with tiled roof and functioning for a long period which was earlier used for association purpose and other small functions.

iv. Then, the building was renovated with RCC roof in the front portion and GI sheet covered roof at marriage hall & kitchen cum dining hall.

v. The above marriage hall is having the seating capacity of 150 numbers.

vi. Sewage along with wash water is discharged into underground sewer system provided by Nagapattinam Municipality. vii. The marriage hall is using firewood as fuel for cooking purpose and not provided Air Pollution Control measures in the kitchen area.

viii. No DG sets is available within the premises.

ix. The solid wastes such as bio degradable & recyclable waste generated during functions is collected and reported to be disposed through local body, but no records are available with Vaniyar Sangam.

x. The unit has not applied for Consent of the Board and operating without consent of the Board regarding the disposal of the solid waste.

As the Nagapattinam Vaniyar Sangam has not provided Air Pollution Control measures in the kitchen area and operating without consent of the Board, the Show Cause notice were issued under Water (P&CP) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended vide Proceeding

No.F.NPM.NA-001/OS/DEE/TNPCCB/NPM/W/2021 dated 16.02.2021 and F.NPM.NA-001/OS/DEE/TNPCCB/NPM/A/2021 dated 16.02.2021 respectively (copy enclosed vide annexure - XI). C) Report of Joint Committee As directed by the Hon'ble NGT (SZ), Chennai the Joint Committee constituted by the District Collector has inspected M/s. Nagapattinam Vaniyar Sangam on 17.02.2021. Thiru. R. Swaminathan was present during the time of inspection and the committee had a discussion with applicant regarding the issue related to Hon'ble NGT Case. During inspection, Thiru S.S. Sekar, Secretary, Thiru R.B. Avudai Thangam, Treasurer and other members of the Nagapattinam Vaniyar Sangam were present and the report is submitted as follows:

i. Nagapattinam Vaniyar Sangam is located at Ward No.3, Block No.10, T.S. No.763, Door No.07, Neela Mela Veedhi, Nagapattinam town.

ii. The building is surrounded by the petitioner's house on north side, Tmt. Selvi's house at south side, Neela Mela Veedhi on eastern side and Thiru. Shaikdawood house on western side. iii. It was reported by the Nagapattinam Vaniyar Sangam that the building was constructed with tiled roof and functioning since 1893.

iv. Earlier, the building was utilized for conducting association meeting, small community functions, utilized for free food to the public (Annatham) during temple functions and also utilized by the Government as temporary shelter for the public during the disaster period.

v. It was also reported that the existing tiled roof was damaged due to the "Gaja Cyclone" during 2018. Thereafter, the building has been renovated with RCC roof in the front side, steel roof in the hall and kitchen cum dining area and building is being utilized for marriage function etc., since 2018.

vi. The total area of the site was measured as 459 Sq. mt. It was observed that the building is constructed with a space at southern side only and without setback on other three sides. vii. The northern side wall facing the petitioner's house and southern side walls of the Nagapattinam Vaniyar Sangam building was found in damaged condition. viii. The above marriage hall is having the seating capacity of 150 numbers.

ix. Sewage along with waste water such as washing of utensils & kitchen floor generated from the marriage hall is being discharged into the underground sewer system provided by Nagapattinam Municipality. In this regard, the Nagapattinam Municipality has raised a demand notice to the Nagapattinam Vaniyar Sangam towards underground drainage (UGD) charges during the period 2018-19 (Copy enclosed vide Annexure-X).

x. The marriage hall is using firewood as fuel for cooking purpose and not provided Air Pollution Control Measures in the kitchen area.

xi. No D.G. set is available within the premises. In this regard, it was reported that the D.G set will be bought out on hire basis by the party itself during the functions. After function, the DG set will be taken out from the premises.

xii. The solid wastes such as bio degradable & recyclable waste generated during functions is collected and reported to be disposed through local body, but no agreement has been made with municipality.

xiii. The Nagapattinam Vaniyar Sangam has not obtained Building Plan permission from the municipality.

xiv. The Nagapattinam Municipality has already issued notices under Tamil Nadu District Municipal Act, 1920 for unauthorized construction of the building and Tamil Nadu Town and Country Planning Act, 1971 for lock and seal the building.

xv. Subsequently, Thiru. S. S. Sekar, Secretary of Nagapattinam Vaniyar Sangam has filed case vide O.S. No.167/2020 before the Hon'ble District Munsifs Court, Nagapattinam against demolishing notice issued by the Municipality on 29.07.2020. The case is pending with the Hon'ble District Munsifs Court, Nagapattinam.

xvi. Further, Show Cause notices were issued by the TNPCB on 16.02.2021 under Water (P&CP) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended for not provided APC measures to the kitchen area and operating the vaniayar sangam building without obtaining consent of the board. xvii. The Nagapattinam Vaniyar Sangam vide their letter dated 19.02.2021 addressed to the Joint Committee informed that the above building will be utilized for the purpose of welfare and other activities of Sangam only in future and also assured to comply with the Government Rules (Copy Enclosed vide Annexure-XI).

e) Compliance of Guidelines issued by the CPCB in connection with Hon'ble NGT (PB) in O.A. NO.400 of 2017

1) Water Pollution:

The Sources of sewage and waste water generation from the marriage hall are as follows:

1. Sewage

2. Washing of Utensils

3. Washing of kitchen floors Sewage along with waste water such as washing of utensils & kitchen floor generated from the marriage hall is being discharged into underground sewer system provided by Nagapattinam Municipality. In this regard,

the Nagapattinam Municipality has raised a demand notice to the Nagapattinam Vaniyar Sangam towards Under Ground Drainage (UGD) charges during the period 2018-19 which is treated through Sewage Treatment Plant to handle 9.63 MLD of sewage generated from the Nagapattinam Municipality. The STP is in operation and issued with Consent of the Board.

1a) Ground Water Extraction:

There is no bore well inside the premises of marriage hall. However, the well closed with concrete slab is existing inside the kitchen area rain water from the roof top is collected in the well and the unit is utilizing well water as well as water supplied by the Nagapattinam Municipality for their activities.

1b) Water Conservation Measure:

The rain water from the roof top is collected in the well provided inside the kitchen area.

2) Air Pollution:

It is submitted that no D.G. set is available within the premises. The source of Air Pollution is from the Kitchen area. Marriage hall is using firewood as fuel for cooking purpose and not provided Air Pollution Control Measures in the kitchen area. Also, it was observed that there is no coal fired tandoor in the marriage hall.

2a) Energy Conservation Measures:

It is submitted that the marriage hall has provided LED Bulbs and not provided the solar energy system. There is no parking facility available for marriage hall since it is located on the side of the Neela Mela Veethi, Nagapattinam Town. Also, there is no adequate area is provided within the premises of the marriage hall of parking of vehicles.

3) Solid Waste Management:

The sources of Solid Waste generation are as follows:

1. Kitchen waste

2. Use of disposal plastic item such as plastic bottles

3. Leftover food items The maximum generation of solid waste during function is about 500 kg. The bio degradable waste such as kitchen waste & leftover food items are disposed through local body. The recyclable waste such as Plastic Bottles

generated during functions is collected and reported to be disposed through local body, but no agreement has been made with municipality. There is no generation of hazardous waste such as used oil and used batteries.

4) Noise Pollution:

It is submitted that the loud speakers are used during the marriage functions which may cause nuisance to the petitioner as well as public. Busting of crackers during marriage procession also being carried.

5) Infrastructure issues related to parking etc.:

It is submitted that fire & safety measures are not available and also not obtained NOC from the Department of Tamil Nadu Fire & Rescue Services.

6) Status of Consent of the TNPCB:

The unit has not applied for Consent of the Board and operating without obtaining Consent to Operate of the Board. Hence, show cause notices were issued by the TNPC Board on 16.02.2021 under Water (P&CP) Act, 1974 as amended and Air (P&CP) Act 1981 as amended for not provided APC measures to the kitchen area and operating the Vaniyar Sangam building without obtaining prior Consent of the Board giving 15 days time to furnish the reply for the show cause notices.

Conclusion of the Committee:

(i) It is submitted that the unit has filed a cause before District Munsifs Court, Nagapattinam is O.S. No.167/2020 against the notice issued by the Nagapattinam Municipality. Hence, the further course of action will be initiated after the outcome of the court order.

(ii) It is submitted that the Show Cause Notices were issued to the unit by the TNPC Board for the violations stated therein and further course of action will be initiated against the unit by TNPC Board and assessment of environmental compensation will be calculated after receipt of reply from the unit.

Submitted interim report to the Hon'ble NGT (SZ), Chennai, please."

8. This Tribunal also considered the individual report submitted by the Tamil Nadu Pollution Control Board which is more or less in tune with the Joint Committee.

9. It is mentioned in the report submitted by the District Environmental Engineer, Tamil Nadu Pollution Control Board, Nagapattinam District that show cause notices were issued to the unit by the Pollution Control Board for the violations stated therein and further course of action will be

initiated against the unit by the Board and assessment of compensation will be calculated after receipt of reply from the 9th respondent. They have also produced the proceedings dated 16.02.2021 initiated against the 9th respondent and the show cause notice issued along with the report submitted by them.

10. Thereafter, the matter was taken up on 22.03.2021 and the respondents wanted some more time for filing their statement and so, it was adjourned for this purpose. Again, it was taken up on 09.06.2021, on which date, the 9th respondent had entered appearance through counsel and recorded the submission made by the counsel for the Nagapattinam Municipality that the 9th respondent building has already been sealed, as no proper explanation was given to the show cause notice issued as to why it should not be sealed and demolished. Though a suit was filed by the 9th respondent before the District Munsif Court, Nagapattinam as O.S. No.167/2020 against the notice issued by the Nagapattinam Municipality, there was no interim injunction granted. Therefore, they have proceeded with the sealing of the building for violations under the Tamil Nadu District Municipalities Rules, 1972. We directed the 9th respondent also to submit a report and also directed the Pollution Control Board to file a further report and the parties were also directed to file their independent response and posted the case to today for consideration of the report, completion of pleadings and hearing.

11. Since the 9th respondent had not appeared today and did not file any statement before this Tribunal, we presume that they have nothing to state regarding the allegations made in the application.

12. The 4th respondent has filed a report dated 10.06.2021 e-filed on 15.06.2021 and received on 17.06.2021 which reads as follows:-

"Report filed by the 4th respondent I, P. Egaraj, S/o. of V. Pichaimuthu, Hindu aged about 54 years, working as Commissioner, Nagapattinam Municipality, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Commissioner of the Nagapattinam Municipality the fourth respondent herein and well conversant with the facts of the case from the connected files.

2. It is submitted that the action in co-ordination with the TNPCB were taken and the property of the 9th respondent was inspected and the various features and defects were noticed and the report was also filed by the Joint Committee.

3. The notices under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, was issued to the 9th respondent on 18.12.2020 to rectify the defects in regard to the building, which did not have the permission under the Building rules to run the Kalayana Mandapam. After the expiry of the time granted under the said notice to rectify the defects, the Building was finally sealed by this Respondent on 26.03.2021 under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 under Section 56 & 57.

4. It is submitted that till date, the building remains sealed.

Unless and until the requisite permission under the T & CP Act, 1971 to use the building as a Kalyana Mandapam are obtained and further required permission from the Pollution Control Board are obtained, the building will not be permitted to be used.

Hence, I therefore, pray that this Hon'ble Tribunal may be pleased to discharge the respondent herein from the Application No.18 of 2021 and thus render justice."

13.It is clear from the report submitted by the Nagapattinam Municipality that the building in which the 9th respondent was conducting the activities as marriage hall was sealed and directed the 9th respondent not to start their function without getting necessary permission from the Pollution Control Board and they also produced photograph showing the seal made on the building.

14.The Pollution Control Board also in the earlier report submitted that they have already issued show cause notice to the 9 th respondent and after getting their reply, they will be taking further course of action, including imposition of environmental compensation after considering the reply.

15.It may be mentioned here that the Principal Bench of National Green Tribunal, New Delhi in O.A. No.400 of 2017 by order dated 20.12.2019 directed (i) the Central Pollution Control Board to finalize the draft guidelines dated 16.12.2019 referred to in Para 13 of the above order in the light of the observation made in Para 20 & 21 above and circulated the same to all States/UTs within one month. The SPCBs/PCCs may, in consultation / co- ordination with concerned State Authorities, adopt the same with necessary modification without diluting its essence and furnish status report about compliance to CPCB within three months but before 30.04.2020, (ii) SPCBs/PCCs may in particular ensure compliance of directions in Para 21 above and (iii) CPCB may compile the data and furnish a comprehensive report before the next date.

16.On the basis of the above order, the CPCB has issued Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Banquets etc. and communicate the same to the Chief Secretary of all States/UTs vide their Letter No.B-31013/30/2020/UPC-I/207-242 dated 19.03.2020 with copy to all SPCBs/PCCs for compliance of National Green Tribunal's order and also communication to all Member Secretary of SPCBs/PCCs vide letter No.B- 31013/30/2020-21/UPC-I/1409-1443 dated 22.06.2020.

17.The Principal Bench of National Green Tribunal by order dated 23.07.2020 relying on the report of the Central Pollution Control Board dated 20.07.2020, issued directed to all SPCBs/PPCs to comply with the guidelines issued by the CPCB. So, the Tamil Nadu Pollution Control Board and the State Government and also the local bodies are bound to follow this order in this regard.

18.Since the prayer in the application is itself to restrain the 9th respondent from conducting marriage function and other functions in the building without obtaining necessary permissions and the Nagapattinam Municipality has already initiated proceedings and issued sealing order and the

same was implemented by sealing the building with further direction not to start the activity of the 9th respondent in the building without getting any necessary permission from the Pollution Control Board, there is nothing survives in the matter. So, we feel that the application can be disposed of with certain directions.

19. So, this application is disposed of as follows:-

(i) Since the Nagapattinam Municipality has already sealed the building in which the 9th respondent is operating it as a marriage hall for commercial purpose and also issued directions to the 9th respondent that they should not start their function without getting necessary permission from the Pollution Control Board, we feel that there is nothing survives in the matter, except the further proceedings to be initiated by the Pollution Control Board on the basis of the proceedings already initiated by them.

(ii) The Tamil Nadu Pollution Control Board is directed to proceed with the proceedings already initiated by them by issuing show cause notice and pass appropriate orders including imposition of environmental compensation against the 9th respondent for violation committed, after strictly complying with the procedure of principles of natural justice and give opportunity to the 9th respondent for filing their objection for environmental compensation and provide necessary hearing and then, pass appropriate orders in accordance with law.

(iii) The Tamil Nadu Pollution Control Board is also directed to file a further action taken report, after complying with the directions issued by this Tribunal within a period of 3 (Three) months.

(iv) If the Tamil Nadu Pollution Control Board filed such a report as directed, the office is directed to place the same before this Bench for further consideration.

(v) The Tamil Nadu Pollution Control Board is directed to strictly implement the guidelines issued by the Central Pollution Control Board and also the direction of the Principal Bench of National Green Tribunal, New Delhi in O.A. No.400 of 2017 (Westend Green Farms Society Vs. Union of India & Ors.) dated 23.07.2020 in its letter and spirit.

(vi) Considering the circumstances, the parties are directed to bear their respective costs in the application.

(vii) The Registry is directed to communicate this order to the District Collector, Nagapattinam District, Nagapattinam Municipality, Tamil Nadu Pollution Control Board and also to the Chief Secretary, Additional Chief Secretary to Government, Municipal Administration & Irrigation, Principal Secretary for Environment, State of Tamil Nadu for their information and compliance of the direction.

20. With the above observations and directions, this application is disposed of.

Sd/-

.....J.M. (Justice K. Ramakrishnan) Sd/-

.....E.M. (Dr. K. Satyagopal) 30th June, 2021. Mn.