

National Green Tribunal Southern Zone vs The Chief Secretary To Govt. Of Tamil ... on 29 January, 2021

Author: K. Ramakrishnan

Bench: K. Ramakrishnan

Item No.34

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.231 of 2020 (SZ)
(Through Video Conference)

IN THE MATTER OF:

Tribunal on its own motion
Suo Motu initiated proceedings
based on the News Item published in
The New Indian Express Newspaper,
Chennai Edition dated 12.10.2020
Under the caption "Another
Cooum in the making? Illegal landfills take life out
of the Muttukadu Backwaters".

- 1) The Chief Secretary to Govt. of Tamil Nadu,
Government Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
- 2) The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai - 600 009.
- 3) The Principal Secretary to Govt. of Tamil Nadu,
Health and Family Welfare Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
- 4) The Secretary to Govt. of Tamil Nadu,
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
- 5) Additional Chief Secretary to Govt. of Tamil Nadu,
Municipal Administration and Water Supply Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
- 6) The Chairman,
Tamil Nadu Pollution Control Board,

No. 76, Anna Salai, Guindy,
Chennai, Tamil Nadu - 600 032.

[1]

- 7) Tamil Nadu Coastal Zone Management Authority,
Rep. by its Member Secretary,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet,
Chennai - 600 015.
- 8) The District Collector,
Kancheepuram District,
First Floor, Collectorate,
Kancheepuram - 631 501.
- 9) Thiruporur Block Development Office,
Rep. by its Block Development Officer,
Thandalam, Tamil Nadu - 603 105.
- 10) Muttukadu Village Panchayat,
Rep. by its Secretary,
Anna Street, OMR Main Road,
Muttukadu, Kancheepuram - 603 130.
- 11) Navalur Village Panchayat,
Rep. by its Secretary,
OMR Road, Sivan Koil Backside,
Navalur, Kancheepuram - 603 130.
- 12) Padur Village Panchayat,
Rep. by its Secretary,
Padur Pradhana Salai,
Kancheepuram - 603 103.
- ...Respondent(s)
- Date of hearing: 29.1.2021
CORAM:
HON BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER
For Applicant(s): Suo Motu by Court.
- For Respondent(s): Dr. V.R. Thirunarayanan for R1 to R5 & R7 to R12.
Sri. C. Kasirajan through
Ms. Meena for R6
Mr.M.R. Gokulkrishnan for Nodal Agency

[2]

Mr. Durai Vaiyapuri - intervener

ORDER

The above case has been Suo Motu registered by this Tribunal as per order dated 20.10.2020 on the basis of the newspaper reports published in New Indian Express, Chennai Edition dated, 12.10.2020 and The New Indian Express E-Paper dated, 13.10.2020 in respect of illegal dumping of waste that is happening on the banks of Muttakadu backwaters. We have constituted a committee and directed the committee to submit the report and the case is being posted for that purpose. As per order dated 11.1.2021, the case was posted to today.

2. When the matter came up for hearing today through Video Conference, Dr. V.R. Thirunarayanan represented respondents 1 to 5 & 7 to 12 and Sri. C. Kasirajan through Ms. Meena represented 6th respondent. Mr. M.R. Gokul Krishnan represented MoEF & CC, Regional Office, Chennai which is the nodal agency in the matter.

3. The third respondent filed reply affidavit.

4. One Mr. Durai Vaiyapuri, a third party filed I.A.No.128 of 2020 to implead him in the matter. It is alleged in the application that he is a public spirited person interested in protecting environment and lot of representations have been given to the authorities, including the Chairman, State Level Monitoring Committee for Solid Waste Management as early as on 17.10.2020 in this regard. But inspite of that, lot of violations are being committed, affecting the water body. He has produced certain documents in support of his allegations made in the application. Since he is interested in protecting environment, he wants to come on record as respondent to assist the court.

5. It may be mentioned here that the above case has been suo motu registered by this Tribunal on the basis of the newspaper report and appointed a joint committee to go into the issue and submit a report. On the basis of the joint committee report further directions are also issued taking into account as to how the water bodies will have to be protected in consonance with the environmental laws.

6. So under these circumstances, we feel that there is no necessity for impleading any third party in this proceeding as it will only lead to extraneous matters being brought in and unnecessarily delay the proceedings. So under these circumstances, we feel that there is no need to implead any third party as additional respondent in this case. Instead, we permit the applicant to help the court as intervener without giving any right of filing any pleadings etc., making submissions for this purpose, helping this Tribunal in giving appropriate direction to resolve the issue permanently. So, with that limited purpose, the applicant is permitted to intervene as intervener to assist the court in resolving the issue permanently in an effective manner and I.A. No.128 of 2020 is disposed of accordingly.

7. It was brought to the notice by the same newspaper viz., New Indian Express - Chennai Edition dated 23.1.2021 under the caption „Muttukadu backwaters: Dumping of sewage and garbage continues unabated . They have also published photograph which shows a truck which is carrying the sewage, discharging the same in the backwaters. That shows that the authorities are not diligent in taking steps to protect the water bodies against such illegal activities, inspite of the fact that certain newspapers are taking interest in publishing this issue, no effective steps have been taken for the purpose of mitigating the issue and they are also not taking action against the violators under

the Environment (Protection) Act, 1986 and also under the relevant penal provisions of the Indian Penal Code for polluting the water body which is an offence under the relevant penal laws. Further, the State Municipal laws are also providing stringent penalty for taking action against such persons. The lorry owners who have been permitted to carry sewage by the same regulators are violating the same but they are not taking any steps against such violators though stringent directions have been given by this Tribunal in similar matters. They are filing the report stating that it is very difficult to trace those persons. If proper investigation is conducted on the basis of the newspaper report from the reporter who took the photographs, they may be able to trace out those persons and take action against such persons and that will be a lesson for others not to repeat such things in future and it will go a long way to protect environment as well.

8. When the committee is submitting the report, they are also directed to consider this newspaper report as well and trace out the person who is responsible for such activity and report about the action taken against such violators as directed by this Tribunal in other matters of similar nature which are pending before this Tribunal by not simple saying that it is difficult to trace those persons. If there is a will on the part of the regulating authority, all these things can be restricted and stringent action can be taken against the violators and thereby they can prevent recurring of such activities in future and the committee is directed to consider this and submit the report to this Tribunal regarding the action taken against such violators as well. Though the committee was constituted as early as on 20.10.2020, no report has been filed so far. So the committee is directed to submit the report to this Tribunal on or before 1.3.2021.

9. The Intervener who has been permitted to intervene in this proceedings as per order in I.A. No.128 of 2020 is directed to give the details of the lorry numbers who are engaged in such illegal activities to the District Collector, Chengalpet District who is one of the members of the committee and he is directed to look into the issue and give instructions to the necessary departments including the police for taking action against those persons who are responsible for such illegal activity.

11. The Registry is directed to send copy of I.A.128/2020 along with the documents produced by the applicant to the members of the committee so that the committee can look into those aspects as well and incorporate their finding on this aspect also in the report to be filed.

12. The Registry is directed to communicate this order to the members of the committee as well as official respondents by e-mail immediately so as to enable them to comply with the direction and keep proper vigil as directed by this Tribunal in this regard. For consideration of further report, post on 1.3.2021J.M. (Justice K. Ramakrishnan)E.M. (Shri. Saibal Dasgupta) O.A. No.231/2020, 29.1. 2021 Kkr