

Item No.2

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.758/2023

Sri Manjunath DS

...Applicant

Versus

State of Karnataka & Ors.

...Respondents

Date of hearing: 19.01.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the Applicant.

Application is registered based on a complaint received by Post.

ORDER

1. Sri. Manjunath DS S/o Late Sadashivaih resident of Sadanna Complex, Hebbur Road, C S Pura Village, Gubbi Taluk, District Tumkur has sent by post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 758/2023.

2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

“Subject: Complaint on Sri. Mansoor for causing nuisance by pounding, drilling, grinding and welding materials in the residential area causing noise pollution.

With respected above subject I, Manjunath D.S. S/o. Late Sadhashivayya, resident of property bearing No 651/

846/862/639/E1 of Chandrashahpura Gramma Panchayat, Gubbi Taluk, Tumkur District most respectfully as follows :

1. That I have been residing in the above mentioned property, in residential layout formed and approved by the Grama Panchayath C S Pura.

2. My family consists of my aged mother, my wife and my two children. My mother aged about 55 years, my two children, one about 4 years, another 1 1/2 years respectively. My mother is suffering from hypertension and having acute migraine.

3. The neighbor land owner B P Siddagangappa S/o Late Puttaiah has let out his premises to one Mansoor S/o Rashid. The said Mansoor has obtained permission from Grama Panchayat for commercial activity. Upon the permission that said Mansoor install gas cutting/welding machine/lathe machine/grinding machine and electrical welding machine. After installation of these, he started automobile body building/repairing/engineering of agriculture equipment and also automobile repair works all this activities started causing noise pollution and disturbance to public and in particular to my family.

5. I came to know that they said the Mansoor S/o Rashid has registered in Central Government Udyama as manufacturer in the name and style of HMS Engineering Works. He has not obtained NOC from State Pollution Control Board or competent authority. That apart he has been causing noise pollution while cutting and grinding the materials. This noise pollution is causing several problems in my home. My mother who is having hypertension and migraine is unable to bare the sound. My small kid who is aged about 1 and a half year old cannot sleep due to the noise pollution.

6. The said Mansoor S/o Rashid is also using gas welding equipment. He is throwing the carbide and other materials which is classified hazardous substance nearby. These activities are causing environmental pollution in total. I came to know that the premise in which HMS engineering working is purely residential land. I am hereby annexing the residential layout plan of C S Gram Panchayath to show the same. I am also annexing the photographs to show the pollution caused by the said Mansoor S/o Rashid.

7 Because of the action of said Mansoor S/o Rashid our physical and mental health damaged. My old age mother and little kids are unable the smell gaseous substances and the sound of metal cutting grinding and welding. Therefore immediately action is required to protect our health.

Wherefore I humbly request to take suitable action against said Mansoor S/o Rashid who is running welding shop without license and polluting the environment....”

3. *Prima facie* the averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

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 Integrated Regional Officer, MoEF & CC at Bangalore and CPCB, Karnataka State Pollution Control Board (KSPCB) and Collector, Tumkur 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. The KSPCB 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 23.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

7. Factual and Action taken Report may be submitted before the Southern Zone Bench of this Tribunal at Chennai within two months preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. A copy of this order be forwarded by email to the Integrated Regional Officer, MoEF & CC at Bangalore and CPCB, Karnataka State Pollution Control Board (KSPCB) and Collector, Tumkur for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 19th, 2024