

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. 772/2023

Jeganathan Kumarasamy ...Applicant

Versus

State of Tamil Nadu & Ors. ...Respondents

Date of hearing: 07.02.2024

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

Applicant: Applicant in Person (through VC).

Application is registered based on a letter petition received by email.

ORDER

1. Mr. Jeganathan Kumarasamy has sent by email the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 772/2023.
2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

X X X X

“Improper operation of organic solid waste management facility in Mallikeswaran Nagar, Pallikaranai, Chennai (Survey no. 731) on the western side of a residential house in Surya Avenue Tropical Enclave, Pallikarnai. The said facility is operating in violation of SWM Rules, 2016 thereby damaging the environment by creating breeding place of insects and mosquitoes and causing serious health hazard to residents in the neighborhood which are all marked as residential plots. Stagnant water is oozing out with a bad odour and during the rains,

the rainwater along with sewage water from the facility enters into private property damaging the ground water which is unfit for drinking purposes. No action has been taken by the concerned authority.”

3. *Prima facie* the averments made in the application 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 in the application, we consider it appropriate to have response of (1) State of Tamil Nadu through Chief Secretary, Government of Tamil Nadu, (2) Tamil Nadu State Pollution Control Board (TNSPCB), through its Member Secretary and (3) Collector, Pallikaranai, Chennai who stand impleaded as respondents No. 1 to 3. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 3 requiring them to file their reply/response within two months.

5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Central Pollution Control Board (CPCB), TNSPCB and Collector, Pallikaranai, Chennai 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 by following due course of law. The TNSPCB will be the nodal agency for coordination and compliance.

6. 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

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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.

7. 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.

8. Factual and Action taken Report by the Joint Committee and reply/response by the respondents be filed before the Southern Zone Bench of this Tribunal at Chennai by email judicial-ngtsz@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 07th, 2024
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