

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 70 of 2022 (SZ)

IN THE MATTER OF

S.D. Duraisamy, Erode,

...Applicant(s)

Versus

The District Collector, Erode & ors.

...Respondent(s)

Date of hearing: 05.07.2022.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Mr. R. Prabakar

For Respondent(s):

Dr. D. Shammuganathan for R1, R4 to R7

Mr. Sai Sathya Jith for R2 and R3

ORDER

1. The applicant is seeking a direction to the respondents 2 and 3 to take action against the 8th respondent and restrain him from carrying on the poultry farm which is causing air, water and land pollution.
2. The 4th respondent, who is the Regional Joint Director, Animal Husbandry Department, apparently had inspected the 8th respondent's poultry farm and found that the shed had capacity to accommodate 11,500 chicks and at the time of inspection there were only 7,000 chicks present. The inspection

report had further contended that there was no moisture in the place where the chicks were breeding and also reported that there were no houseflies, larva and foul smell.

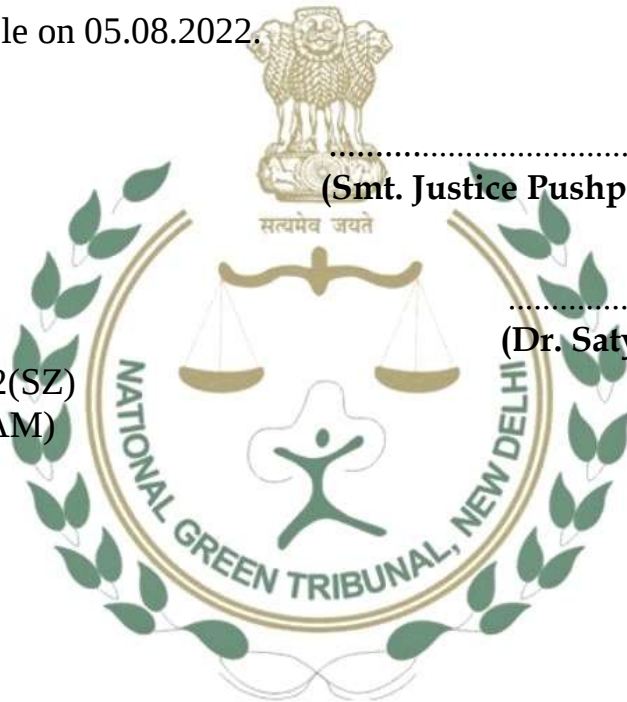
3. However, the applicant had stated that such inspection has to be done by the Pollution Control Board but the present inspection has been done by the 4th respondent. Hence, the application is filed to restrain the 8th respondent from running the poultry farm in adherence to the CPCB guidelines as well as the directions issued by the Hon'ble Principal Bench, National Green Tribunal.
4. The order passed in O.A. No. 320 of 2021 by the Principal Bench, National Green Tribunal in Gauri Maulekhi vs. Union of India dated 10.12.2021 has held as follows:

5.....Observation that poultry farms with less than 25000 birds are run by small farmers in unorganized sector is untenable and against the Precautionary Principle of environmental law, as already held by this Tribunal vide order dated 16.09.2020, referred to above, that regulation of all poultry farms beyond 5000 birds is necessary. To this extent, decision of CPCB being against the decision of this Tribunal and against precautionary principle. A person running poultry farm of more than 5000 birds cannot be said to be small farmer nor their pollution potential left unregulated. At best some time can be given for regulation in phased manner as proposed in March, 2021 proposed Guidelines. Accordingly, we direct that while the impugned guidelines be immediately enforced, all poultry farms above 5000 birds will also be covered by the said guidelines latest from 1.1.2023. The siting criteria should apply to all consents/renewals hereafter for the above size of the poultry farms. CPCB 12 may issue revised guidelines to all the State PCBs/PCCs in terms of the above order within one month.

5. The above direction has granted time till 01.01.2023 which has to be implemented by the Pollution Control Board. However, the complaint of the applicant is about the foul smell emanating from the poultry farm causing air and water pollution and the same is to be addressed immediately.

6. As the applicant has made out the prima facie case, the application is admitted and notice is accepted on behalf of the respondents 2 and 3 by Mr. Sai Sathya Jith and for respondents 1 and 4 to 7 by Dr. D. Shanmuganathan.
7. Issue notice to 8th respondent through the Tribunal as well as privately.
8. In the meanwhile official respondents are directed to file their reports and the copy of the application with attachments be served on the Learned Counsel for the respondents.
9. Notice returnable on 05.08.2022.

O.A. No. 62/2022(SZ)
5th July, 2022. (AM)



.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)