

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 70 of 2022 (SZ)
(Through Video Conference)

IN THE MATTER OF

S. D. Duraisamy,
S/o Deivasigamani,
No. 49, Sembothampalayam,
Periyapuliyur Village (Post),
Bhavani Taluk,
Erode- 638455.

...Applicant(s)

Versus

- 1. The District Collector, Erode,**
Collectorate,
State Highway 96, Opp. District Court,
Palayapalayam, Erode- 638011.
- 2. The Tamil Nadu Pollution Control Board,**
Rep by its Chairman,
No. 76, Mount Salai, Guindy, Chennai- 600 032.
- 3. The District Environmental Engineer,**
Tamil Nadu Pollution Control Board,
Plot No. -2(w), SIPCOT Industrial Estate,
Perundurai- 638 052
Erode District.
- 4. The Regional Joint Director,**
Animal Husbandry Department,
101, Veterinary Hospital Campus,
State Bank Road,
Erode- 638001.
- 5. The Block Development Officer,**
Village Panchayats,
Bhavani, Erode District- 638301.
- 6. The Revenue District Officer,**
Gobichettipalayam,
Erode District- 638452.
- 7. The Tahsildar,**
Bhavani, Erode District,
- 8. Mr. GnanaKumar,**
Sembothampalayam,
Periyapuliyur Village (Post),
Bhavani Taluk, Erode District

...Respondent(s)

For Applicant(s): Mr. R. Prabakar.
For Respondent(s): Dr. D. Shanmuganathan for R1, R4 to R7.
Mr. S. Sai Satha Jith for R2 and R3.
Mr. M. Sathish Kumar, S. Raja Ravi Varma and
Mr. D. Ajith kumar for R8.

Judgment Reserved on: 8th May, 2023.

Judgment Pronounced on: 17th May, 2023.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. Aggrieved by the establishment of poultry farm by the 8th respondent in the residential locality, the applicant has filed the above application seeking direction to the official respondents to take appropriate action on the complaints and representations.
2. It is stated that village Semboothampalayam, Periyapuliyur Village, Bavani Taluk is primarily a residential area and primarily depending upon the agriculture and its allied activities. 04 years ago, the 8th respondent started a broiler poultry farm in the said locality and it was objected even at that point of time that the broiler poultry farm would create air, water and land pollution.
3. According to the applicant, the 8th respondent is having 20,000 birds in his farm causing severe air and water pollution. The villagers have also sent representations to the District Collector,

Erode complaining about the pollution caused. As there was no response, the application has been filed.

4. **The 8th respondent, who is running the poultry farm,** has filed his reply dated 29.08.2022. In which he has stated that the poultry farm is 1.5 km away from the outskirts of the village and there are only 08 or 10 houses in the outskirts. The 8th respondent poultry farm consists of 03 sets broiler sheds to hold the total capacity of 12,000 chicks only and the poultry farm is maintained as per the guidelines issued by the District Animal Husbandry Department in removing the wastages from the far. Hence there is no air, water and land pollution as alleged by the applicant due to the poultry farming.

5. The 8th respondent has also stated that there is certain personal animosity between him and the applicant which is the reason for filing the application. The 8th respondent further had stated that he is carrying on business of poultry farming on a breeding basis as the company itself supplies the chicks to the 8th respondent and after 41 days of maintenance of the same, the very same company will buy back the grown chicks on the weight basis. It is stated that his farm can hold only 12000 chicks and after the completion of 41 days the chicks are sold to the company. Thereafter, the farm will be completely white washed, quarantined for the next batch by their suppliers themselves. The feeds are also given by them, hence, there is no feed production carried on in the farm. In the event of death of chicks, they dispose them into the death feed tank. The family of the 8th respondent itself is residing only in the very same campus and it is stated that there are more than 250

trees of various kinds grown around the farm. There is no pollution as alleged by the applicant.

6. A report was filed by the Tamil Nadu Pollution Control Board

in this regard. The said report states that a complaint was received through the Collectorate from the applicant and villagers dated 29.11.2021 alleging that the 8th respondent is into the poultry farming having about 20,000 birds. The report of the Pollution Control Board states that as per Central Pollution Control Board (CPCB) guidelines poultry farms handling more than 25,000 birds at a single location will have to obtain the consent of the State Pollution Control Board or Pollution Control Committee. Secondly, Animal Husbandry Department of the State/Districts to assist the poultry farms for implementation of the guidelines.

7. The poultry farm was inspected by the Pollution Control Board, Perundurai on 09.12.2021 and at the time of inspection the poultry farm was under operation. 03 numbers of shed with 12,000 numbers of chicks were noticed inside the premises. Further the unit has produced copy of the building plan obtained from the President, Periyapuliyur Village Panchayat on 07.04.2008 for constructing poultry farm shed of 405.34 sqm. During inspection no fly nuisance was observed inside the premises. However, a slight odour was felt inside the premises.

8. According to the State Pollution Control Board, only poultry farms having 25,000 birds need to obtain consent of the Board. Since, the 8th respondent is handling only 12,000 birds, it was instructed

to follow the guidelines issued by the CPCB with the assistance of the Animal Husbandry at all time.

9. Later the Regional Joint Director, Animal Husbandry Department also caused an inspection on 10.12.2021. They have also stated that the 8th respondent obtained permission on 07.04.2008 from the village President and about 11,500 birds are accommodated in three sheds. During the inspection only 7,000 birds of age 12 days were observed in the farm. There was no moisture in the poultry shed, no house fly and odour nuisance observed in the poultry farm. Disposal pit is properly provided for burial of dead birds and no litter is observed in the premises of the poultry farm.
10. The Pollution Control Board has reported that the 8th respondent is the proprietor of the farm and he is living with the family inside the premises of the poultry farm. There is an approach road on the northern direction of his premises. There are about 20 to 25 numbers of houses which are having a minimum distance of 20m to 175 m from the poultry farm. There is also a fly ash brick manufacturing unit located adjacent to the poultry farm. There is an agricultural land which is vacant on the southern side for more than 600 meters and on the South-East and East direction also there are agricultural lands and a few small houses. The State highways SH-15 (Erode to Udhagamandalam Road) is located at a minimum aerial distance of 650 meters.
11. During inspection on seeing the work order, the Pollution Control Board has confirmed that there were only 12,390 birds which were supplied to the poultry farm on 16.07.2022. During inspection, the

said numbers of birds were of 33 days old in age. The poultry farm has also provided deep litter system for raising the birds inside the shed. In this type, birds are raised on floors covered with layer of coconut coir pith of thickness 10 to 15 cm. After the birds are taken out for culling after 41 days, the coconut coir along with the litter are scratched from the floors of the shed and disposed to mushroom farms for using as mushroom growing media. The floors will also be cleaned using the lime powder before receiving new batch of birds. The birds require 130 ML/day of water during winter and 180-200 ML/day water during summer season. The water is provided through nipples fitted to a closed pipe running through the shed. There is no process for waste water generation from the poultry farming, excepting may be during the cleaning operations after the birds are taken out for culling. As mentioned earlier the unit has also provided burial pit of 6x8x8 for the disposal of their birds. The natural ventilation is provided in the sheds for the birds to maintain the litter as dry. The poultry farm also has developed green belt around poultry shed with more than 50 numbers of well grown trees.

12. The compliance status is also given by the Pollution Control Board.

From the above report, it is evident that the 8th respondent has taken all steps to minimise:

- (i) the odour/gaseous emission.
- (ii) As there is no feed mill provided inside the premises of the poultry farm, there is no chance of dust from the feed mill. The feed is supplied to the farms by the poultry meat companies.

- (iii) Regarding the manure handling and disposal also, the poultry farm is well ventilated for the natural free flow of light and air. The deep litter system with the coir pit flooring contains the bird excreta which is removed after the birds are taken for culling and sold to mushroom farms.
- (iv) As the coir litter bed is sold out once in 40-45 days to the mushroom farms for using as a mushroom growing media, composting facility is not there in the farm. Since there is no hatchery, the hatchery waste is also not found.

13. Admittedly, the poultry farm was started in the year 2008 and the CPCB guidelines were introduced for the poultry farms in the year 2015. Again in 2022, the CPCB has issued new guidelines. The new sitting criteria may not be applicable to the 8th respondent as the unit is working since 2008. The above referred revised guidelines issued by the CPCB in which poultry farm handling birds above 25,000 in a single location have to obtain consent to operate and establish under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 was made mandatory. But the National Green Tribunal, Principal Bench has substituted the requirement of above 25,000 to above 5,000 pursuant to which the January, 2022 guidelines were issued by the CPCB. To be noted is that the said order of the National Green Tribunal, Principal Bench in **O.A. No. 320 of 2021, Gauri Maulekhi vs. Union of India & Ors.**, is stayed by the Hon'ble Supreme Court in **Civil Appeal No. 2480 of 2023** by its order dated 28.04.2023 and it is pending.

14. Though consent is not required for farming less than 25,000, the CPCB has advised the 8th respondent to obtain 'consent to operate' under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for which the 8th respondent has agreed.

15. In view of the above discussions, it is evident that the 8th respondent has not violated any of the guidelines nor has caused any air or water pollution as alleged by the applicant which is also confirmed by the report of the Department of Animal Husbandry and the State Pollution Control Board. However, we direct the 8th respondent to strictly follow the guidelines and the Pollution Control Board to have a periodical check on the same.

16. As the applicant has not made out a case against the 8th respondent, the application is dismissed.

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

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

Internet – Yes/No
All India NGT Reporter – Yes/No

O.A. No.70/2022(SZ)
17th May, 2023. (AM)

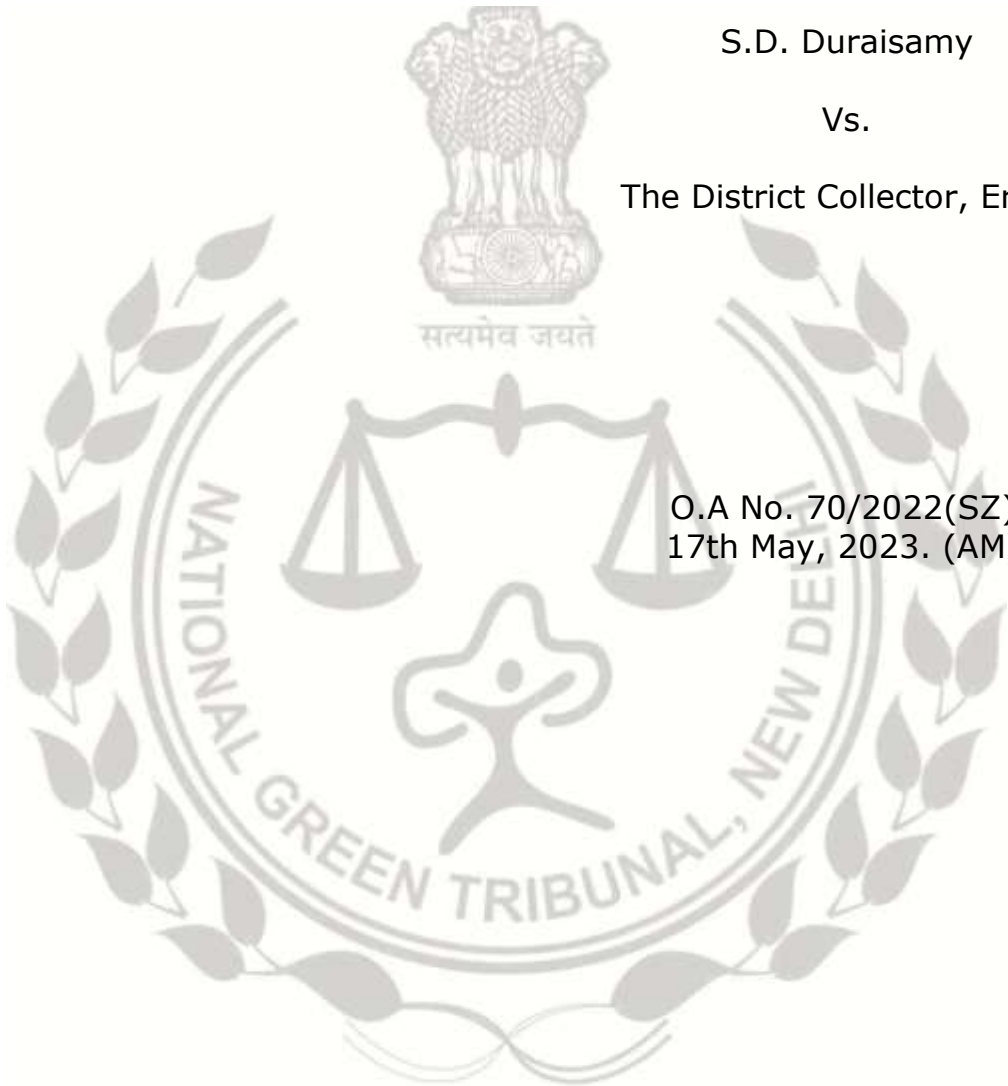
**Before the National Green
Tribunal
Southern Zone (Chennai)**

O.A. No. 70 of 2022

S.D. Duraisamy

Vs.

The District Collector, Erode



O.A No. 70/2022(SZ)
17th May, 2023. (AM)

NGT