

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Application No. 74 of 2013(SZ)**

**IN THE MATTER OF:**

Mr. Dharmarajan  
Son of Mothe Gounder  
No.15/1, 1<sup>st</sup> Street  
Annai Indira Nagar  
Madukkarai Road  
Coimbatore-21



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Applicant(s)

**AND**

1.The District Collector  
Office of the Collector Office  
Coimbatore

2.The Tamil Nadu Pollution Control Board  
100, Anna Salai  
Guindy  
Chennai.600 032.

3.The District Environmental Engineer  
Tamil Nadu Pollution Control Board  
Coimbatore South Office  
42-D, S.N.R. College Road  
Peelamedu  
Coimbatore-4

4.The Proprietor  
M/s. Sowthri Fibres  
S.F. No.285/2, Kodampatti  
Pollachi Taluk  
Coimbatore

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Respondent(s)

Counsel appearing for the Applicant:  
Mr. Sithirai Anandam and  
P. Udaya

Counsel appearing for the Respondents:

Mr. M.K. Subramanian and  
M.R. Gokul Krishnan for R-1  
Mrs. H. Yaseem Ali for R-2 and R-3

Mr. V.S. Senthil Kumar and  
Mr. A. Kirubakaran for R-4

## **ORDER**

**PRESENT:**

**HON'BLE SHRI JUSTICE M. CHOCKALINGAM, JUDICIAL MEMBER**

**HON'BLE PROF. DR. R. NAGENDRAN, EXPERT MEMBER**

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**Dated 31<sup>st</sup> July, 2015**

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Whether the Judgement is allowed to be published on the Internet – Yes/No

Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

The counsel for the parties are present. The case of the applicant, in short, is that the applicant and his brothers own property at Survey No.284, Kondampatti Village, Pollachi Taluk. The land is fertile and the applicant along with his family members is carrying on the agricultural operations. The 4<sup>th</sup> respondent after obtaining permission from the respondents 1 to 3 started the coir mill in the year 2004. At the initial stage the applicant did not raise any objection. But when the 4<sup>th</sup> respondent Unit caught fire, 60 coconut trees belonging to the applicant were also burnt. In view of the health hazards caused by the said Unit, the applicant and the members of the family underwent medical treatment. Aggrieved over the generation of noise as well as air pollution by the coir industry of the 4<sup>th</sup> respondent situated at Survey No.285/2 adjacent property of the applicant, representations were given. The pollution has caused enormous damage to the standing crops in the field. Pursuant to the complaint given by the applicant, the authorities of the Tamil Nadu State Pollution Control Board (Board) made inspection following the procedures and cancelled the licence and ordered closure on 19.4.2012. When a request was made by the 4<sup>th</sup> respondent, the Board authorities of the granted in 3 months time to implement pollution control measures but it was not performed by the 4<sup>th</sup> respondent as assured. Despite the said period was over, the 4<sup>th</sup> respondent even without taking the measures has been carrying on the

operation of the coir Unit and the problems of both by noise and air pollution continues. Hence there arose a necessity to approach the Tribunal.

On the above averments made, the applicant has sought for a direction to the respondents 1 to 3 to take appropriate action against the 4<sup>th</sup> respondent and also the closure of the coir Unit.

On notice, all the respondents entered appearance and filed their respective replies. The 4<sup>th</sup> respondent who is the owner of the coir industry filed a reply blatantly denying the allegations of noise and air pollution. In view of the controversy on the factual position, the officials of the Board were directed to visit the spot and file a status report by an order dated 2.8.2013. On inspection, a report was filed. But the same was not found satisfactory. Pursuant to another order, the second inspection was made on 16.9.2013 and the report along with an affidavit was filed by the District Environmental Engineer (DEE) concerned. It is submitted by the counsel for the 4<sup>th</sup> respondent that the Consent to Establish and also to Operate were already obtained by the 4<sup>th</sup> respondent and the Unit was permitted to carry on its operation since all measures to safeguard the interest of the environment and all preventive measures were taken by the 4<sup>th</sup> respondent. The same was also affirmed by the counsel for the Board.

But the Counsel for the applicant reiterated the original complaint of pollution. While the matter stood so, it was reported on 7.5.2014 by the counsel for the 4<sup>th</sup> respondent that the period covered under the Consent order was over, pursuant to which the electricity service connection was also disconnected and the Unit was not running at that time. It was also brought to the notice of the Tribunal that the application for renewal was already filed even before the Consent period ended but the same was not considered by the Board. The learned counsel for the 4<sup>th</sup> respondent submitted that since all preventive and safeguard measures were already taken which were to the satisfaction of the officials of the Board, a direction is required to the Board to consider the application and pass orders thereon. A direction was issued to the Board to find out whether all the preventive and safeguard measures to control pollution were taken. Pursuant to the direction of the Tribunal, a report was filed on 29.5.2014 that an inspection of the coir industry of the 4<sup>th</sup> respondent was made in the

presence of the 4<sup>th</sup> respondent on 20.5.2014. The Tribunal was not satisfied with the report and on the next hearing the DEE concerned appeared and filed a fresh report after making an inspection. Both the parties were given opportunity to make their comments on the report. In the meanwhile, the Consent to carry on the operation was granted to the 4<sup>th</sup> respondent Unit on the strength of which he commenced the operation of the coir Unit. Pointing to the Consent given to the 4<sup>th</sup> respondent, the counsel for the applicant pointed out that there are three main conditions attached therewith were not complied with by the 4<sup>th</sup> respondent and so long as the conditions were not complied with, the 4<sup>th</sup> respondent should not be permitted to carry on its operation. On the contrary, the 4<sup>th</sup> respondent submitted that all the conditions were complied with. From the report of the DEE concerned, it was quite evident that pursuant to the inspection made in order to prevent the dust pollution the 4<sup>th</sup> respondent was advised to raise the compound wall to the entire length on the eastern side. It was also reported that a major part of the compound wall was raised and the remaining was to be completed. At that juncture, the counsel for the 4<sup>th</sup> respondent placed a request for time to complete the same. On two occasions, time was granted on request. On 15.5.2015 it was reported by the counsel for the Board that all the preventive measures regarding pollution in question and the construction of wall were completed and sought time for filing report. Today, a report is filed by the 2<sup>nd</sup> and 3<sup>rd</sup> respondents which are Board and the DEE concerned. It would be more apt and appropriate to reproduce that part of the report which would be an answer to the application. Paragraph 3 of the report which reads as follows:

**“3. In this connection, the 4<sup>th</sup> respondent unit of M/s. Sowthri Fibres was inspected by DEE, AEE and AE on 28.7.2015 and the following report is submitted:**

**i. During the time of inspection, the Unit was in operation and all the Air Pollution Control measures such as water sprinkler, enclosures to the conveyors were in operation.**

**ii. Regarding the construction of tin sheet wall/wind net arrester to the entire length of 520 ft in the eastern side where the applicant residence and coconut farm is**

**located, the unit has completed the construction of providing tin sheet wall to a height of 18 feet to the entire length of 520 feet.**

**iii. The unit has taken adequate preventive measures to mitigate dust pollution as suggested by the Board."**

Thus, it is quite clear that though the application is pending for quite some time, the 4<sup>th</sup> respondent has taken all measures to mitigate the dust pollution, as suggested by the Board as seen from the above part of the report. Under such circumstances, there cannot be any further grievance for the applicant to ventilate or pursue the application complaining of any noise or air pollution and hence the same is recorded. The application is disposed of. However, a direction is issued to the 3<sup>rd</sup> respondent, DEE concerned to monitor the grievance of the application in respect of the air and noise pollution and ensure that the problems do not recur at the instance of the 4<sup>th</sup> respondent Unit. Accordingly, the application is disposed of. No cost.

Justice M. Chockalingam  
Judicial Member

Prof . Dr. R. Nagendran  
Expert Member

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