

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

**Application No. 19 of 2016 (SZ)**

Applicant(s)

Sri Balaji Nagar Pothu Nala Vs.  
Sangam, Rep. by its President  
Ponneri Taluk  
Thiruvallore Dist.

Respondent(s)

The State of Tamil Nadu represented by  
its Secretary to Government,  
Department, Environmental and  
Forests,  
Chennai and 8 others

Legal Practitioners for the applicant:  
M/s. S.P. Sudalaiyandi and  
P. Velmurugan

Legal practitioners for respondents  
Mr. M.K. Subramanian and Velmani for  
R-1, R-5 and R-6  
Mrs. H. Yasmeen Ali for R-2 and R-3  
Mr. Raja Srinivas for R-4  
M/s.Adbul Saleem, Saravanan &  
Vidhyalakshmi for R7 & R8  
Mrs.Me..Saraswathy for R-9

Note of the Registry	Orders of the Tribunal
Order No.8	<p>Date: 16<sup>th</sup> November, 2016.</p> <p>Respondents 4, 7 and 8 have filed the reply.</p> <p>An affidavit has been filed by the Special Officer, Padiyanallur Village Panchayat. In the affidavit it is under taken that the existing dumped garbage would be removed within a period of 6 weeks from the date of filing of the affidavit and they will not dump garbage in this site without complying with the MSW Rules, 2016 and obtaining all necessary permission in accordance with the law.</p> <p>Normally the application would have been disposed recording the undertaking. But the learned counsel appearing for the applicant submitted that the order of the</p>

District Collector impugned in this application, on the face of it, it will not stand and therefore the order has to be set aside. Learned counsel pointed out that as per the Adangal extract, S.Nos. 34 and 35 are ~~Æ~~ Kalamsgas and not ~~Æ~~ Kalamsgas contended by the contesting respondents and those Survey numbers are situated in a primary residential area and therefore, in any event, no authorisation could be granted for using the said land as dumping yard.

Learned counsel appearing for the contesting respondents seeks time to get proper instructions.

List the matter for final arguments on 28.11.2016.

.....J.M.

(Justice M.S. Nambiar)

.....E.M.

(Shri P.S. Rao)

