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No garbage dumping on grazing land will be permitted until further orders: court

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Interim orders on PIL challenging government decision to set up ISWMF

CHENNAI: The Madras High Court has said that no dumping of garbage on a 67-acre grazing land at Kuthambakkam in Tiruvallur district, about 40 km from here, will be permitted, until further orders.

Passing interim orders on public interest litigation petitions challenging the government's decision to set up an Integrated Solid Waste Management Facility (ISWMF) in the village, the First Bench comprising the Chief Justice H.L.Gokhale and Justice D.Murugesan, said the Secretary, State Department of Environment and Forest, Tiruvallur District Collector and the Tamil Nadu Pollution Control Board (TNPCB) would file their respective affidavits before the next hearing on July 8.

In his petitions, S.Nandakumar of Kuthambakkam South, Poonamallee block, said that Kuthambakkam village with a population of more than 5,300 people consisted of seven hamlets and agriculture was the main source of livelihood for the villages. For several families, the cattle they possessed, was their only source of livelihood. The cattle were dependant on 100 acres of grazing land in the village. If these grazing lands were destroyed, the families would be forced to sell their cattle and would be left with no economic sustenance. Out of 100 acres, about 67 acres were now sought to be converted into a site for ISWMF. Mr.Nandakumar said the village was less than 500 metres from the Chembarambakkam fresh water lake, which was a main source of drinking water supply to Chennai. The entire village and neighbouring area was the main catchment area for the water body. The land identified for proposed solid waste management facility was part of the catchment area. Locating a garbage dump or the facility in a catchment area of a major fresh water source reflected complete non-application of mind by the authorities.

The petitioner said the authorities had not obtained the mandatory consent and approvals for setting up the facility. Further, the divesting of grazing land vested with the panchayat violated the Tamil Nadu Panchayats Act.

The petitions challenged a G.O. of February 2009 granting permission to the Ambattur and Thiruverkadu Municipalities to set up the facility on the disputed land, an order of the Tiruvallur Collector rejecting the panchayat's representation opposing the conversion of the land and the no objection certificate issued by the TNPCB.

The Government Pleader and TNPCB counsel took notice. The court ordered notice to the Union Environment Secretary returnable by the next hearing date. The Bench said in the meanwhile and until further orders, no dumping of any garbage in the disputed land would be permitted.