

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

**Application No.185 of 2013 (SZ)(THC)
(W.P.(MD).No. 7668 of 2012, Madurai Bench of Madras High Court)
and
M.A.No.87 of 2014(SZ)**

BETWEEN

K.M. Subramanian
C/o Late K.Muthuswamy Pillai
D.No. 11-2-1/1E, Savadikudil-EB Colony
Nilakottai
Dindigul District ... Applicant

AND

1. The District Collector, Dindigul Dist.
Dindigul
2. The Superintendent of Police
Dindigul Dist.
Dindigul
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Plot No.45, Jeyaraj Bhawan, 9th Cross St.
Dindigul
4. The Executive Engineer
Public Works Department
Nilakottai
Dindigul District
5. The Executive Officer
Nilakottai Town Panchayat
Nilakkottai, Dindigul Dist.
6. (Late) K.Somasundaram
S/o Karuppaiahpillai
Muthuvilas Compound
Behind Court Complex
Nilakottai

7. Smt. Sivabackiyam
W/o Late Somasundaram Pillai
Door NO.12/8/17, Katcherry Street
Muthuvilas Compound, Nilakottai
Dindigul Dist.

8. Mr. S.Amuthavel
S/o Late Somasundaram Pillai
D.No. 12/8/17, Katcherry Street
Muthuvilas Compound, Nilakottai
Dindigul Dist.

... Respondents

Legal Practitioners for Appellant(s)
M/s. Ajmal Associates

Legal Practitioners for Respondents
M/s. M.K. Subramanian and
M.R. Gokul Krishnan for R-1 and R-2
Smt. Rita Chandrasekar, for R-3
M/s. Abdul Saleem, S. Saravanan and
Vidhyalakshmi for R-4 and R-5
Shri K. Thilageswaran for proposed
Respondents 7 and 8

QUORUM:

HON'BLE JUSTICE DR.P.JYOTHIMANI, JUDICIAL MEMBER
HON'BLE PROF.DR.R.NAGENDRAN, EXPERT MEMBER

Judgement

dated 18th May 2015

M.A. No.87 of 2014

1. This application is filed for impleadment of the legal representatives of the deceased 6th respondent who is the owner of the Marriage Hall as

respondent no. 7 and 8. This is not opposed and hence the application stands ordered.

2. The Registry is directed to make necessary amendments in this regard.

3. This application stands disposed of.

Application No. 185 of 2013 (SZ) (THC)

1. In this application, we have heard the learned counsel appearing for the applicant as well as respondents including the present owner of the Marriage Hall namely 7th and 8th respondents who are the legal representatives of 6th respondent.
2. This application is filed for a direction against the respondents 1 to 5 to forbear 6th respondent and the subsequent owners from running Somasundharam Siva Packiyam Marriage Hall at door no. 11-2-1A and 11-2-1B, Ward No.11, Nilakottai Town Panchayat Dindugal District without obtaining necessary permission and clearance from the authorities under the Tamil Nadu District Municipalities Act, 1920, Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and also to prevent noise pollution under Noise Pollution (Regulation & Control) Rules, 2000.
3. It is now admitted that after filing of the application, the Marriage Hall has been closed. The learned counsel appearing for the owners of the Marriage Hall would submit that the Marriage Hall will not be opened until due permissions are obtained from the authorities competent including under Water(Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act,

1981, namely Pollution Control Board and also from other statutory authorities. In view of the categorical statement made on behalf of the owners of the Marriage Hall, we close the application with direction to the Board not to permit the Marriage Hall to be run except after obtaining permission from the Board under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and also from other statutory authorities.

4. If the application is made on behalf of the Marriage Hall for consent, the same has to be considered by the Board on merit and in accordance with law and pass orders after making necessary inspection. The Board shall take note of not only Air and Water pollution but also impose other restriction relating to waste management, use of horn and other environmental protections. The Board shall also ensure that the Marriage Hall is kept closed till necessary permission are granted
5. With the above directions, the application stands closed

Justice Dr.P.Jyothimani
(Judicial Member)

Prof. Dr. R. Nagendran
(Expert Member)

NGT