

Item No. 09

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 426/2019

(With Report dated 13.11.2019)

TVN Kutty

Applicant(s)

Versus

State of Kerala

Respondent(s)

Date of hearing: 21.11.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

ORDER

1. A report was sought from the Kerala State Pollution Control Board (KSPCB) with reference to the allegation that the brick kilns are being operating in Sree Moolanagaran Parchayat, Kochi, Kerala causing lot of air pollution, dangerous to public health. The Tribunal observed:

"2. We may note that in NCR, the CPCB has directed adoption of Zig-Zag Technology for the brick kilns. Adverse impact of operation of brick kilns on Ambient Air Quality is well acknowledged in view of Judgements of the Hon'ble Supreme Court in M.C. Mehta v. Union of India, (1998) 9 SCC 149, M.C. Mehta v. Union of India (2000) 7 SCC 422, M.C. Mehta v. Union of India, (2002) 4 SCC 378, K. Guruprasad Rao v. State of Karnataka, (2012) 12 SCC 736. In M.C. Mehta v. Union of India, (2001) 9 SCC 235, it was held that brick kilns may be allowed to operate after studying the impact on human population and vegetation."

2. Accordingly, a report has been filed on 13.11.2019 to the effect that the distance of the brick kiln in question from the residence of the

petitioner was 380 meters and other residences 200 meters. The unit was not functioning at the time of inspection.

3. Let a further report be furnished by the KSPCB after seeing functioning of the unit and also giving the siting criteria and impact of working of the brick kiln on the air quality and the inhabitants. The KSPCB may take appropriate action in case of violation and furnish action taken report alongwith the further report before the next date by e-mail at judicial-ngt@gov.in.

List again on 27.01.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 21, 2019
Original Application No. 426/2019
DV

