

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 109 of 2021 (SZ)

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU based on the
News items published in Dinamalar Tamil Newspaper, Chennai
Edition dated 08.04.2021 "Ranganathar Temple pond is
Becoming a hub for drinking alcohol."

: PETITIONER

Vs.

1. Additional Chief Secretary to Govt. of Tamil Nadu
Tourism Culture and Religious Endowments Department
Government Secretariat, Fort, St. George
Chennai, Tamil Nadu 600 009
2. The Secretary to Government of Tamil Nadu
Department of Environment & Frests
Government Secretariat, Fort, St. George
Chennai, Tamil Nadu 600 009
3. Additional Chief Secretary to Govt. of Tamil Nadu
Municipal Administration and Water Supply Department
Government Secretariat, Fort, St. George
Chennai, Tamil Nadu 600 009
4. Hindu Religious and Charitable Endowments Department
Rep. by its Commissioner
No. 119, Uthamar Gandhi Salai
Nungambakkam
Chennai 600 034
5. The Chairman
Tamil Nadu Pollution Control Board
No. 76, Anna Salai, Guindy
Chennai, Tamil Nadu 600 032
6. The District Collector
Chengalpet District
Collector Office, GST Road
Chengalpattu 603 001
7. Arulmighu Ranganatha Perumal Temple
Rep. by its Joint Commissioner
Thiruneermalai Main Road
Thiruneermalai, Chennai 600 044


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8. Thiruneermalai Town Panchayat
Rep. by its Executive Officer
No. 6-A, Main Road, Thiruneermalai
Chennai 600 004

: RESPONDENTS

STATUS REPORT FILED BY THE 7th RESPONDENT

1. The address for service of all notices and processes on the 7th Respondent is that of their Counsel, M/s. A.S. KAILASAM & ASSOCIATES, at No. 86, Law Chambers, High Court Buildings, Chennai 600 104.
2. This Respondent has perused the Suo Motu Application initiated in the above matter by this Hon'ble Tribunal and in reply state as follows: This Respondent states that this Application has been taken up suo motu and in the interest of the Temple. This Respondent is therefore not filing a Counter opposing the contentions but filing this Status Report in addition to the Report which has been directed to be filed by the 4th Respondent herein. This Respondent states that Arulmighu Ranganatha Perumal Temple, hereinafter referred to as the Temple, is a public religious institution governed under the provisions of the Tamil Nadu H.R. & C.E. Act, 1959. This Respondent states that the Temple is an ancient Temple having its origins several centuries before. This Respondent states that the Temple owns vast extents of land in and around Thiruneermalai and the Temple also has a tank extending to 1,33,495 sq.ft. at a distance of around 30 metres from the Temple. This Respondent states that large numbers of worshippers and devotees throng the Temple regularly.

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3. This Respondent states that the contents of paragraph 2 are with reference to the allegations as contained in the newspaper article. This Respondent states that the allegations in the newspaper article to the effect that the tank is not being properly maintained for a long time and is used as a dumping ground are totally false and these specific allegations will have to be necessarily substantiated with other material. This Respondent states that the Temple has been taking periodical measures to clean the tank on a regular basis and the tank is cleaned almost 3-4 times in a year and cleaning of the Temple tank has been done in February, April, as also on 04.06.2021.

4. This Respondent states that to understand the scope of the statements in paragraph 3 of the Order, it is necessary to state a few facts. This Respondent states that there is a compound wall running to 1462 feet surrounding the Temple tank and there is a break in the compound wall, which has given way over the years. This Respondent states that no alteration to the compound wall can be done without the approval of the 4th Respondent herein. This Respondent states that subsequently an estimate was given to rectify the gap measuring 405 sq.ft. in the wall at a budget of Rs. 11,80,000/-. This Respondent states that the said estimate was approved by the 4th Respondent in Na.Ka.No.9723/2020/Y1 dated 17.06.2021 and in the meantime, this Respondent put up a temporary fencing to cover the gap in the compound wall. This Respondent states that in pursuance of the estimate approval by the 4th Respondent, a tender notification dated 21.06.2021 has been issued and the same has been published in the Tamil daily "Dinamalar" on 22.06.2021.


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This Respondent states that the tender was conducted on 07.07.2021 and one Saravanan, who was the lowest bidder and the same was approved by the 4th Respondent on 09.09.2021. This Respondent states it has been informed to the contractor, who will be commencing the construction from the date of receipt of the Work Order.

5. This Respondent states that the temporary fencing that was put up to cover the gap in the wall has been pulled down and certain miscreants seem to have entered the tank in order to create a nuisance of some sort almost 4 times in the past. This Respondent states that these anti-social activities tend to happen only around midnight and despite the Temple having a watchman to guard the main Temple, these activities seem to be happening. This Respondent states that every time the temporary fencing is broken or removed, the Temple has rectified the situation by putting up a fresh fencing in the said gap. This Respondent states that the 7th Respondent being a Government Servant as envisaged under Sec. 12 of the Tamil Nadu H.R. & C.E. Act. 1959 has taken all the steps required to put up a permanent structure in order to cover the gap in the compound wall, the 7th Respondent can only put up a temporary fencing, which has been done time and again despite certain miscreants pulling it down in order to enter the compound wall for their activities. This Respondent states that despite taking all the necessary actions and steps, these activities seem to be continuing and it is the irregular frequency and timings of the same that makes it all the more difficult to control the situation. This Respondent states that the Temple premises and the tank are being maintained periodically by the Temple Authorities and all allegations to the contrary in the newspaper article are denied as false. This Respondent states that photographs of the tank would also go to establish the same.

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6. This Respondent states that all steps have been taken by the Temple to improve the tank, including making it conducive for rain water harvesting. This Respondent further states that due to the same, the water that has been collected in the tank over the last few years has resulted in an increase in the water table in the surrounding locality. This Respondent therefore states that the further statements in the newspaper article that the Temple tank has not been properly maintained or that there is no regular attendance by the Authorities, due to which the same has become a waste ground is denied as a total falsehood and the photographs will show the same. This Respondent respectfully submits that these statements in the newspaper report are mostly false and as a result, the pro-active measures of this Hon'ble Tribunal may not be required. This Respondent states that the Temple has taken all steps in order to ensure that the quality of the water is not contaminated since the people residing in the areas surrounding the Temple are dependant to an extent on the Temple water. This Respondent states that the Temple Authorities have taken all steps possible to curb these one-off instances of miscreants pulling down the temporary fences around the tank, however a permanent solution to the said problem would be to repair the compound wall and increase the height of the compound wall.

7. This Respondent states that he is a Government Servant and therefore I am bound by every directive by the State Government including the need and the necessity to preserve water bodies and the benefits due to an efficient water recharge system in the form of rainwater harvesting. This Respondent states that in this context, the Temple tank was desilted in 2017 and the water level in the


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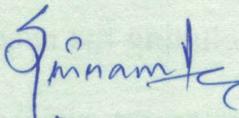
locality has improved as evident by the water table in the houses surrounding the tank. This Respondent states that the observations made by this Hon'ble Tribunal in paragraphs 6 and 7 are binding on me. This Respondent states that as mentioned above, the Temple tank attached to the subject Temple is being maintained, desilted and safeguarded. This Respondent states that in spite of the above measures taken by the Temple, some miscreants have been breaking open the temporary fencing and entering the Temple tank. This Respondent states that as stated above, if the permanent compound wall is erected in the damaged area and the height of the same is increased, the observations and the apprehensions expressed by this Hon'ble Tribunal will be well served.

In these circumstances, the Temple has taken steps as specified above and it is respectfully submitted that most of the allegations as contained in the newspaper report are contrary to the factual position. It is therefore respectfully submitted that the estimate of Rs. 11,80,000/- approved by the 4th respondent and tender notification on 21.06.2021 has been issued by the 7th respondent. As per the estimate, the work will be commenced and the temple tank compound wall repairing work will be done in due course.

Therefore, this Hon'ble Tribunal may be pleased to take the present report on record and pass suitable Orders protecting the best interest of the Temple and render justice.


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Dated at Chennai this the 13th day of September 2021


COUNSEL FOR 7TH RESPONDENT

7TH RESPONDENT

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O.A. No. 109 of 2021 (SZ)

SUO MOTO

: PETITIONER

The Addl. Chief Secretary & 7
others.

: RESPONDENTS

STATUS REPORT FILED BY THE 7TH
RESPONDENT

M/S. A. S. KAILASAM
&
ASSOCIATES

COUNSEL FOR 7TH RESPONDENT

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