

BEFORE THE NATIONAL GREEN TRIBUNAL AT CHENNAI

Application No : 131 OF 2021

In the Matter of

Suo Moto- Neem Trees dies as
Acid Poured in Kodumudi.

... Applicant

-Vs-

- 1). The Secretary to Government of Tamil Nadu,
Department of Environment, Forest & Climate Change,
Government Secretariat, Fort St.George,
Chennai Tamil Nadu-600 006.
- 2). Principal Chief Conservator of forests &
Head of Forest Force,
Government of Tamil Nadu,
Panagal Maaligai, No.1. Jeenis Road,
Saidapet, Chennai-600 015.
- 3). The District Collector,
Erode District,
District Collectorate Office,
First Floor, Erode-638 011.
- 4). The District Forest Officer,
Erode Forest Division,
Mullaiagam, Roja Nagar,
Veerappan Chatram,
Erode-638 004.
- 5). The Divisional Engineer,
Highways Projects Division,
State Bank Colony (South)
No.4, Chettyalayam,
Erode-638 002.
- 6). Kodumudi Town Panchayat,
Rep by its Executive Officer,
92, Erode Karur Road,
Kodumudi (PO), Erode-638 151.
- 7). **Dr.Kamala Kannan,**
Proprietor of P.P.Hospital,
Kodumudi, Bypass Road,
Erode, Tamil Nadu-638 151.

... Respondents

COUNTER AFFIDAVIT FILED BY THE 7th RESPONDENT

I, Dr.Kamala Kannan, Son of Dr.Subbaian, Hindu, aged 49 years,
Proprietor of P.P.Hospital, Kodumudi, having at Bypass Road, Erode District,
now temporarily come down to Chennai, do hereby solemnly affirm and
sincerely state as follows:

1). I am the 7th respondent herein and received the notice in the above Suo Moto proceedings. The claim that Neem Trees was destroyed by acid being poured is absurd. The news item published in Dhina Malar Newspaper, Erode Edition dated 28.05.2021 cannot be a source of legal proceedings. The status reports submitted by the 3rd respondent namely District Collector, Erode District, dated 22.07.2021 and status report filed by the 5th respondent, namely, the Divisional Engineer, Highways Department, Erode, this Hon'ble tribunal vide order dated 26.07.2021, was pleased to implead this 7th respondent as per the allegations made in the above said reports.

2). This respondent most humbly submit that, his father, namely Dr.Subbaian, is renowned and famous Doctor in the locality of Kodumudi Town. This 7th respondent is also a Successful doctor and his wife, Dr.Deeba does render valuable service with him. The entire family of this respondent have dedicated their life to serve the down trodden people by running P.P.Hospital, at Kodumudi and has conducted various welfare measures like Blood Donation camps, Medical Camp and also planting various trees in order to maintain the environment, and to achieve Pollution free India. I have planted Neem trees and other trees in the locality on my own.

3). Astonishingly, One V.T.Periyasamy, who claims to be land lord and purchased the adjacent land had demolished the compound wall near by their hospital. The Photographs are proof of the atrocities. He had conspired with bad elements in order to wreck vengeance and create false and frivolous complaints against one family.

4). The facts are being so, this respondent family had shown the photographs of the demolition of the compound wall during the enquiry by the Inspector of Police, Kodumudi Police Station. The said person admitted his illegal activities but claimed while digging the sand through the JCB carelessly hit the compound wall and damaged it.

He undertook to construct the compound wall to restore it to original position. He had not in fact breached the promise but wreaks vengeance against the Doctors and started harassing us. Lack of civility and exhibition of crude behavior has increased false allegations, through newspapers, as we have an intention to cut the Neem trees by pouring acid on the root of Neem trees which floated.

5). This respondent eventually states that the allegation made in the status report were not supported by any documents, it is relevant to mention that the 5th respondent/The Divisional Engineer, Highways department, had started cutting of Neem tree leaves even on 24.04.2021 and it is further alleged that on the same day itself complaints to the Inspector of Police, Kodumudi regarding removal of barks from Neem trees were reported. There is no necessity for our hospital (P.P. Hospital in Kodumudi), to indulge in such acts.

6). It is further averred in the above report that the jurisdictional Police did not launch any criminal prosecution against the real culprits to find out the truth. No First information Report (FIR) has been registered. It is relevant to mention that this 7th respondent has denied averments that P.P.Hospital requested one Vadivel to cut and remove the trees.

7). This respondent earnestly submits that, at no point of time a request was made to cut the Neem trees. The Neem trees had been planted by us and we have no intention to cut it. The trees are the only a source of protection, breeze and shade to the Hospital. The very purpose for which the trees were planted stood frustrated on the act of mischief committed. Moreover the 7th respondent never instructed any of his staff of the P.P.Hospital to pour acid/ peel the bark of the Neem Trees. This respondent nurtured the plants and maintained the Neem trees and see no reason to cut and remove them.

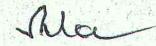
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8). This 7th respondent reserves his right to file additional counter affidavit as well as additional typed set of papers, if necessary at the time of hearing. This respondent has not been served with any documents so far.

It is submitted that under these circumstances, it is humbly prayed that this Hon'ble Court may be pleased to dismiss the Suo-Moto Application against this 7th respondent and pass any suitable order as this Hon'ble tribunal deem fit proper in the circumstances of the case and thus render justice.

Solemnly affirm at Chennai
on this 15th day of September 2021
and signed his in my presence.

x



BEFORE ME

Page No.4 & Last,
No of Corrnns:

ADVOCATE : CHENNAI

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& 6 others

... Respondents

COUNTER AFFIDAVIT FILED
BY THE 7th RESPONDENT

**M/s. MA.P.THANGAVEL {2247/2000}
B.DEVAGI THANGAVEL {1181/2002}**

COUNSEL FOR 7th RESPONDENT

Cell No: 93810-20147