

**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

**ADDITIONAL COUNTER AFFIDAVIT FILED BY THE 7<sup>th</sup> 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:

: 2 :

2). I am 7<sup>th</sup> respondent herein and I am filing the present additional counter to brought out certain facts before this Hon'ble Tribunal in addition to the counter affidavit dated 15.09.2021. This respondent have been implicated pursuant to the status report filed by the District Collector dated 22.07.2021, which was filed based on the so called reports received from various respondents respectively and more particularly the enquiry report dated 16.07.2021 filed by The Inspector Of Police, Kodumudi Police Station and the same was reiterated in further report dated 14.09.2021.

3). I most humbly submits that since the statement recorded by the Inspector of Police, Kodumudi Police station, U/s-161 of CR.P.C, has not been filed the by the official respondents before this Hon'ble tribunal. Moreover there is no concrete documentary evidence to implicate this 7<sup>th</sup> respondent or his employees have been indulged by pouring the acid as alleged compliant. Hence this respondent had sought certain information under the RTI Act, in his petition dated 23.10.2021 to the Inspector of Police, Kodumudi, seeking to furnish the alleged complaint made by the Assistant Divisional Engineer of Highways Department along with CSR Copy and other connected records.

4). Astonishingly, to the shock and surprise, I received the RTI reply dated 24.11.2021 along with statements recorded U/s-161 of the CrPC of 8-persons dated 27.04.2021, which was recorded pursuant to the alleged compliant made by the Assistant Divisional Engineer, Highways Department, Kodumudi and pursuant to the same the police authority issued the CSR.No. 49/2021. It is relevant to note that, no copy of the complaint, or no CSR copy have been furnish in the RTI reply and I received only the so called alleged statements of the 8-witnesses. Hence, it is highly doubted that on what basis, the Inspector of Police had recorded the statements U/s-161 of CRPC from the so called persons and have prepare any rough sketch or observation mahazar or to seize the materials to support the versions of the statements.

5). It is needless to state, that if the alleged occurrence took place as stated by one Vadivel at the time the officials are prevented to cut the branch of tree, they can very well lodge the complaint at the earliest. But there is no complaint at all. Further, it is alleged that the occurrence was happened on 24.04.2021 by the statement of Mohamed Kalifulla, Parthiban, Sellamuthu and Mariappan and there was another version that the alleged occurrence took place on 25.04.2021, as per the statement of Sayed Mustaffa and Rajkumar. Unfortunately, it is alleged in the statement of one Ammasai, aged 65 years, Son of Senni, it is stated that prior to 3 months he had poured the acid which was kept in the water can, as if it is a water it had poured on the four Neem trees without knowing it is an acid.

Further it is alleged that the police had enquired with regard to the incident about the pouring of the acid in the Neem tree and the police had recorded the statement. But, however on reading of the above said statement, there is no occurrence dates mentioned and when the police had enquired about the incident. If the statement assumed to be correct then the occurrence date could be 17.04.2021. Therefore the versions of the so called witness about the date of occurrence is 3-different dates and it is highly doubtful and unbelievable about the alleged date of incidents and based on which the reports of the Inspector of Police, the Highways Department and District Collector by implicating this respondents is not at all correct and based on the status report dated 22.07.2021 and further status report dated 14.09.2021, this Hon'ble tribunal is not proper to implead this respondent and ought not to have prosecuted against this respondent, instead of impleading the jurisdictional police to investigate the case to find out the real culprits and brought before the court of law, moreover the said Ammasai is not at all even our temporary employee or we used to engage him for day to day works and we denied the statements of the said Ammasai and other witnesses.

6). It is pertinent to note that, if the occurrence is happened in the above said dates and what prevented by the said so called witnesses namely Syed Mustafa and his employees namely Rajkumar and the said TV mechanic and the Security person working in the ICICI ATM and the Owner of the saloon and the employees in the fruit shop are prevented from to lodging to the complaint to the concerned Highway officials or to the Inspector of Police, Kodumudi. Hence the entire story is created by the said Syed Mustaffa, for the vengeance having against the Hospital authority.

7). It quite interestingly, that none of the witness are the eye witness to the alleged occurrence, as per their own versions, it could be called as their only Hearsay evidence. Hence there is no link of the chain to implicate this 7<sup>th</sup> respondent, at his direction; the employees poured the acid on the neem trees. Moreover from the conjoint reading of the all the statements, it is probably demonstrated that there are contradictions in the alleged dates of the occurrence and number of the trees and all the witness are only hearsay witnesses. Moreover as per the Evidence Act, the statements recorded U/s-161 of Cr.PC, by the Police officials are inadmissible in law. If that be so, admittedly no concrete evidence much less no complaint, no criminal cases have been registered against this respondent in order to mulct the accusation to probe into this issue. Therefore, this respondent no way connected to the alleged occurrence said to have been taken either on 17.04.2021, 24.04.2021 or 25.04.2021.

8). It is pertinent to submit that the witness Syed Mustafa, who is the fruit seller having bunk shop in the Hand cart in front of the PP Hospital, having vengeance against this respondent since he has requested to setup the fruit stall away from the engress and ingress of the pathway to the Hospital. Now he had taken the rental vacant site nearby the hospital and other three persons are his employees of the fruit stall. Hence his statement cannot be considered as a trust worthy one.

9). Further the 7<sup>th</sup> respondent most respectfully submits that the numbers of trees mentioned in the statement of the each witness are differs and the newspaper cutting also is differs. Therefore mere the averment in the newspaper is not having any authenticity to prosecute the persons instead of find out real truth based on the concrete evidences.

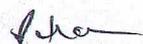
10). This 7<sup>th</sup> respondent reserves his right to file additional counter affidavit as well as additional documents, if necessary at the time of hearing. This respondent has not been served with any documents so far.

It is submitted that under these circumstances, it is humbly prayed that this Hon'ble Court may be pleased to close the Suo-Moto Application against this 7<sup>th</sup> 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 10<sup>th</sup> day of December 2021  
and signed his in my presence.

Page No.5 & Last,  
No of Corrnrs:

x

  
BEFORE ME  
  
M. LOKESH  
ADVOCATE : CHENNAI

F-NO: 2812/16  
No: 164, Gopthi Chetty Street  
Chennai



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 311

LECTURE 10

1998

LECTURE 10: THE QUANTUM THEORY OF LIGHT

1. Introduction

2. Blackbody Radiation

3. The Photoelectric Effect

4. The Compton Effect

5. Summary

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Chennai Tamil Nadu-600 006.  
& 6 others

... Respondents

**ADDITIONAL COUNTER AFFIDAVIT  
FILED BY THE 7th RESPONDENT**

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

**COUNSEL FOR 7<sup>th</sup> RESPONDENT**

**Cell No: 93810-20147**