

Item No.2:

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

Original Application No.131 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

SUO MOTU - Neem Trees dies as Acid
Poured in Kodumudi

--- **Applicant(s)**

-/ **Versus** /-

1. The Secretary to Government of Tamil Nadu,
Department of Environment,
Forests & Climate Change,
Government Secretariat,
Fort. St. George,
Chennai,
Tamil Nadu - 600 009.
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. District Forest Officer,
Erode Forest Division,
Mullaiagam, Raja Nagar,
Veerappan Chatram,
Erode - 638 004.
5. The Divisional Engineer,
Highways Projects Division,
State Bank Colony (South),
No.4, Chettipalayam,
Erode - 638 002.
6. Kodumudi Town Panchayat,
Rep. by its Executive Officer,
92-Erode Karur Road,
Kodumudi (PO), Erode - 638 151.

---- **Respondent(s)**

7. Dr. Kamala Kannan,
Proprietor,
P.P. Hospital,
Kodumudi,
Erode District

Suo Motu impleaded
Respondent No.7 as per
the order dated 26.07.2021
of this Honorable Court.

REPORT SUBMIT BY THE DISTRICT COLLECTOR, ERODE DISTRICT,

I, H. Krishnanunni, I.A.S., Son of K. Harikumar aged about 33 years, now working as District Collector, Erode District, do hereby solemnly affirm and sincerely state as follows :

2) It is respectfully submitted that based on the news published by the Dinamalar Erode Edition dated 28.05.2021, the Gist of the occurrence was arrived as *"GIST - It is highlighted in the news paper that acid was poured into the roots of 4 well grown neem trees which appeared lush and green has resulted in charring to its death completely. It was requested by the environmentalists that the anti-social elements associated with this be nabbed to prevent such reoccurrence"*. On the occurrence of the crime, a case has been Suo Motu registered by the Honorable National Green Tribunal Southern Zone, Chennai in Original Application No.131 of 2021 (SZ) (Through Video Conference) and the following officials were impleaded the Secretary to Government of Tamil Nadu, Department of Environment, Forests & Climate Change, Chennai (1), The Principal Chief Conservator of Forests & Head of Forest Force, Chennai (2), The District Collector, Erode District (3), The District Forest Officer, Erode Forest Division, Erode (4), The Divisional Engineer, Highways Projects Division, Erode (5) and Kodumudi Town Panchayat, Rep. by its Executive Officer, Kodumudi (6) as respondents no.1 to 6 respectively. The case was posted for hearing on 24.06.2021 and the Honorable National Green Tribunal, Southern Zone, Chennai has directed the District Collector, Erode District, Erode as *"6. The District Collector, Erode District with the assistance of District Forest Officer, Erode Forest Division is directed to look into the issue and submit a report regarding the issue, action taken, as on date the mechanism evolved for preventing such incidents in future and the measures taken for rejuvenating the partly damaged trees on account of the incident and submit a report to this Tribunal on or before 26.07.2021 by e-mailing in the form of searchable PDF / OCR Support of PDF"*

and not in the form of Image PDF along with necessary hardcopies to be produced".

3) Obeded the directions of the Hon'ble Court, the reports have been obtained by the District Collector, Erode from the (1) Executive Officer, Town Panchayat, Kodumudi Selection Grade Town Panchayat, (2) The Divisional Engineer, Highways, Construction and Maintenance, Erode, (3) the Revenue Divisional Officer, Erode and the Tahsildar, Kodumudi, (4) Report of the District Forest Officer, Erode District, Erode Divisional Forest, Erode, (5) The Inspector of Police, Kodumudi Police Station, Kodumudi, Erode District. Based on the reports of the (1) to (5) officials concerned a status report has been filed before the Hon'ble Court.

4) On the status report of the District Collector, Erode District, Erode, the Hon'ble Court has ordered and given necessary directions on 26.07.2021 on the damaged neem trees. The excerpts of the some directions are:

9. *It is seen from the report that those trees were damaged in such a way that rejuvenation is not possible. Under such circumstances, we feel that it is necessary to Suo Motu implead Dr. Kmala Kannan, Proprietor of P.P. Hospital, Kodumudi, Erode District as additional 7th respondent, who had allegedly committed the act. So, Dr. Kamala Kannan, Proprietor of P.P. Hospital, Kodumudi, Erode District is impleaded as additional 7th respondent.*
10. *The office is directed to carry out the amendment in the cause title.*
11. *The Registry is directed to issue notice to the newly impleaded 7th respondent by Registered Post with Acknowledgement Due along with the copy of the news paper report gist of the Suto Motu proceedings with full amended cause title and copy of the reports filed by the respondents 3,5 & 6 for their reference and also to file a detailed statement regarding as to why actions hould not be taken against them.*
12. *Merely, taking criminal action is not sufficient for the damage caused by the trees and the expense required for replanting of such trees will have to be collected from the persons who are responsible for such heinous act.*
13. *In the mean time, the District collector, Erode District in consultation with the District Forest Officer is directed to assess the cost to be recovered for replanting the damaged trees and also probable expense required, apart from imposing other penalty as per the guidelines and provisions given by the State of Tamil Nadu, as it was found by this Tribunal on enquiry that the private hospital was*

responsible for the same and they will have to be mulcted with the liability for the same as well, then it will be a lesson for others not to do such mischief in future.

14. The State Highways Department is also directed to file a report regarding the probable expense required for the purpose of protection of trees to be replanted and maintenance as well and they are directed to submit further report to this Tribunal in this regard.
15. The above said officials are directed to file their respective reports to this Tribunal on or before 27.08.2021 by e-filing in the form of Searchable PDF / OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.
16. The Registry is directed to communicate this order to the official respondents, especially to the above said officials namely, the District Collector, Erode District, District Forest Officer and the State Highways Department by e-mail immediately so as to enable them to comply with the direction.
17. For return of notice of the additional 7th respondent and for consideration of further report, post on 27.08.2021.

5) As directed by the Hon'ble Court, the reports have been obtained from the Assistant Divisional Engineer Highways Department and the District Forest Officer and also from the Inspector of Police, Kodumudi Police Station with regard to the probable expense required for the purpose of protection of trees to be replanted and maintenance.

6) The District Forest Officer, Erode District, Erode has fixed the Value of the Trees, Market Value and the value for Compensatory Planting submitted in the report Na.Ka. No.KU / 1913 / 2021 dated 21.08.2021 as follows:

ERODE FOREST DIVISION

List of Trees value of Neem Trees situated in the Highways Road near to the Old Bus Stand of Kodumudi, Kodumudi Taluk, Erode District.

Sl. No.	Name of the Tree	Weight in ton	Rate fixed by the Statistical Department @ one ton	Total Value
1.	Neem Tree (Timber)	0.163	6000	978
2.	Neem Tree (Fuel)	0.304	3000	912
Total				1890
Certificate				
This list of fair rate is fixed based on the rate of Timber and Fire wood given by the District Statistics Department				

Estimated Cost towards Compensatory planting for Damaged trees at Highways Land, Kodumudi. (Case No.131/2021)			
Planting target : 40 tall seedlings			
Sl. No.	Particular	Rate per seedlings (Rs.)	Rate for 40 seedlings (Rs.)
1.	Cost of Taller Seedling (2021-22) (30 cm * 45 cm)	128.50	5156.00
2.	Cost of Digging and Planting (2021-22)	361.13	14445.20
3.	Watering the plants during Non Rainy Season (January to March) 90 days	432.97	17318.80
4.	Tree Guard Steel (Local Rate)	1500.00	60000.00
5.	First year Maintenance of planted Seedling (Watering and Scrap weeding)	191.00	7640.00
Total			104560.00

7) In the letter no.868 / 2021 / A1 dated 06.09.2021 of the Divisional Engineer, Highways Department, (Construction and Maintenance), Kodumudi the rate of the Neem trees are fixed as follows:

HIGHWAYS DEPARTMENT

Tree maintenance for the planted tree saplings for 3 years		
Sl. No.	Description	Amount Rs.
1	Value of the damaged 4 Neem Trees as estimated by the Forest Department	1,890/-
2	The maintenance charges for 40 saplings for one year as estimated by the Forest Department	1,04,560/-
3	The maintenance charges for maintaining continuously by the Highways Department for 3 years	25,200/-
Total		1,31,650/-

8) The reports of the Forest Department and the Highways Department were reconciled with each other. The Estimated cost for

Compensatory planting for damaged trees together with the maintenance cost fixed the amount of (Rs.1,04,560 + '1890) Rs. 1,06,450/-as above by the Forest Department. Based on the reports of the Forest Department, the Highways Department has taken into account of the estimation of the Forest Department to the tune of (Rs.1,04,560 + 1890) Rs. 1,06,450/-and in addition to that the Highways Department has added an amount of Rs.25200/- towards the maintenance charges for three years and totally arrived the estimation of Rs. 1,31,650/- (Rs.1,06,450 + 25,200). Since the saplings and grown trees are to be maintained by the Highways Department, it is recommended that the higher value fixed by the Highways Department as Rs.1,31,650/- may be considered for taking further action.

As per order of this Hon'ble Court, appropriate reports of the estimation have been received from the Forest Department and Highways Department, this Status Report is now submitted with regard to the consolidation reports of the estimation towards the damaged neem trees. Herewith I submit the copies of the relevant documents in supporting of the above averments for necessary orders.

CCP
14/9/24
**DISTRICT COLLECTOR,
ERODE DISTRICT,
ERODE.**

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14.9.24