

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

Original Application No.89 of 2021(SZ)

Thiru. K.M.Muthusamy Gounder,
Tiruppur South Taluk.

...Applicant

-Vs-

The Ministry of Environment Forest
and Climate Change & 5 others.

...Respondents

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**Filed by
Thiru. C. Kasirajan,
Advocate,
Chennai.**

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

ORIGINAL APPLICATION NO.89 OF 2021 (SZ)

In the matter of:

Thiru. K.M.Muthusamy Gounder, : Applicant(s)
Tiruppur South Taluk

Vs
:

The Ministry of Environment Forest and : Respondent(s)
Climate Change & 5 others

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M.Saravanakumar,
District Environmental Engineer,
TNPCB, Tiruppur North.

Place : Tiruppur
Date : 9.8.2021

REPORT OF TAMILNADU POLLUTION CONTROL BOARD SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI IN THE MATTER OF ORIGINAL APPLICATION NO. 89 OF 2021 (SZ), THIRU.K.M.MUTHUSAMY GOUNDER VS THE MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE AND 5 OTHERS, AS PER ORDER DATED 25th MARCH, 2021.

In the matter of Original application No. 89 of 2021, Thiru.K.M.Muthusamy Vs The Ministry Of Environment Forest And Climate Change and 5 Others the Hon'ble NGT (SZ) has passed an order dated 25.03.2021 to constitute a committee comprising of the following members namely (1) District Collector, Tiruppur District, (2) A Senior officer from the Hindu Religious and Charitable Endowment Department (HR&CE) of that area as deputed by its commissioner, Hindu Religious and Charitable Endowment Department (HR&CE) Chennai (3) The Divisional Forest Officer (DFO), Tiruppur Forest Division & (4) A Senior officer from the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman to inspect the area in question and submit factual as well as action taken report if there is any violation found.

In this regard the Member Secretary Tamil Nadu Pollution Control Board Chennai vide Letter No.TNPCB/LAW/LA-III/NGT/008735/2021 Dated.21.04.2021 has nominated District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruppur North as Member of Joint Committee from the Tamil Nadu Pollution Control Board

The Committee has carried out the field inspection to the area which is a subject matter in O.A. No 89 of 2021 on 03.08. 2021 and subsequently inspected site on 09.08.2021. The report regarding Environmental damage caused due to Jallikattu is submitted as below.

Alagumalai is a village panchayat in the Pongalur Panchayat Union in Tiruppur District of Tamil Nadu State. It is located 21 KM from District headquarters Tirupur, 8 KM from Pongalur. The Jallikattu event was organised by Alagumalai Jallikattu Bulls' Welfare Association on 31.01.2021.

The Google view of the location where Jallikattu event took place in Alagumalai Village



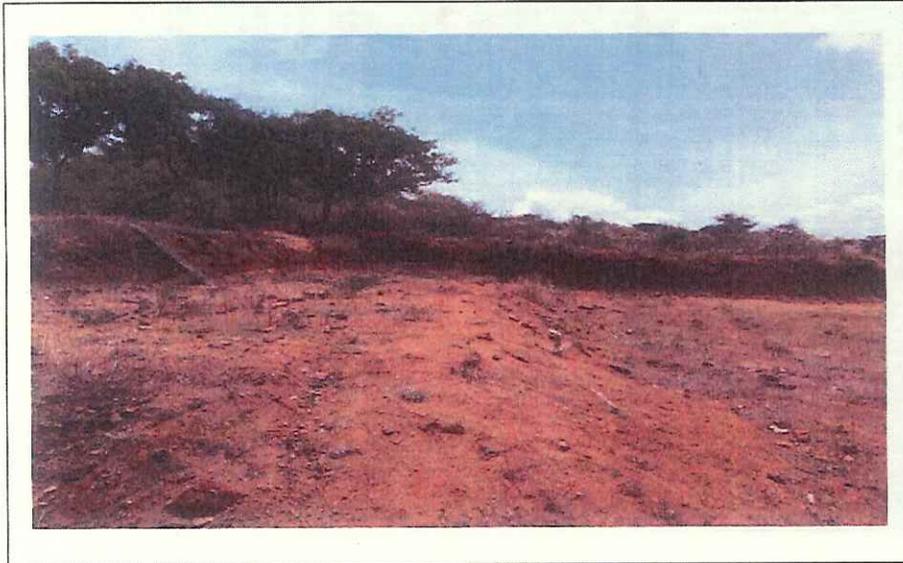
The location was in the foot hills of the Alagumalai Muthukumarasamy Baladandayuthapani Temple in Alagumalai village, Tiruppur South Taluk, Tiruppur District. Nearly 860 Bulls were participated in the Alagumalai jallikattu event. The location of the Bull taming event was surrounded by Temple land in the East, in the west Koduvai to Nachipalayam Road, in the North Private dry Agri land and in the south Alagumalai Village Road.

1. During inspection it was noticed that presently the location was found clean and there is no solid waste found in that area.

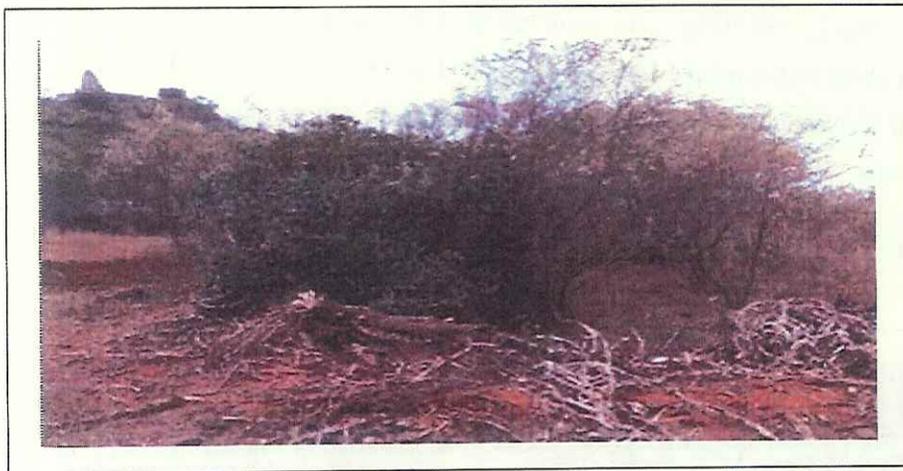
Present view of the area where jallikattu/ Bull taming event held



2. In the Eastern side of the location Top soils / Gravels was found removed for a depth of about 0.5m to 2.0m in two stretches about 50m &20m. The view of the same is shown in the below photograph.



3. Traces of the bushes and thorns removed from and near jallikattu event field are noticed



4. It was informed by the local body that around 500Kg dung of Bulls generated during Jallikattu event was collected and the same was disposed as manure for agriculture purpose.
5. It was informed by the local body that around 200Kg of areca nut plates and paper cups used during the Jallikattu event were disposed by the local body.
6. It was informed by the local body that the waste generated from the temporary shops functioned during Jallikattu event were collected and disposed by the shop owners themselves.

Based on the field inspection it is most respectfully submitted, that at present there is no significant damage caused to the environment due to Jallikatu event in the said locality. However it is submitted that the cost of disposal of solid waste incurred by the local body may be recovered from the Alagumalai Jallikattu Bulls' Welfare Association.



(M.Saravanakumar)
District Environmental Engineer,
TNPCB, Tiruppur North.

Annexure – IItem No. 02:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 89 of 2021 (SZ)
(Through Video Conference)

IN THE MATTER OF:

K. M. Muthusamy Gounder,
Tirupur South Taluk



....Applicant(s)

The Ministry of Environment Forest and
Climate Change and others.

मृत्यमैव जयते

....Respondent(s)

Date of hearing: 14.07.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s):

Mr. K.S. Karthik Raja

For Respondent(s):

Mrs. M. Sumathi for R1

Dr. D. Shanmuganathan for R2, R4 & R5

Mr. G. Kasirajan for R3

Ms. D. Ashwini for R3

Mr. Madhuvaneshwaran represented

Mr. M.K. Subramanian, Mr. S. Patrick for R6

ORDER

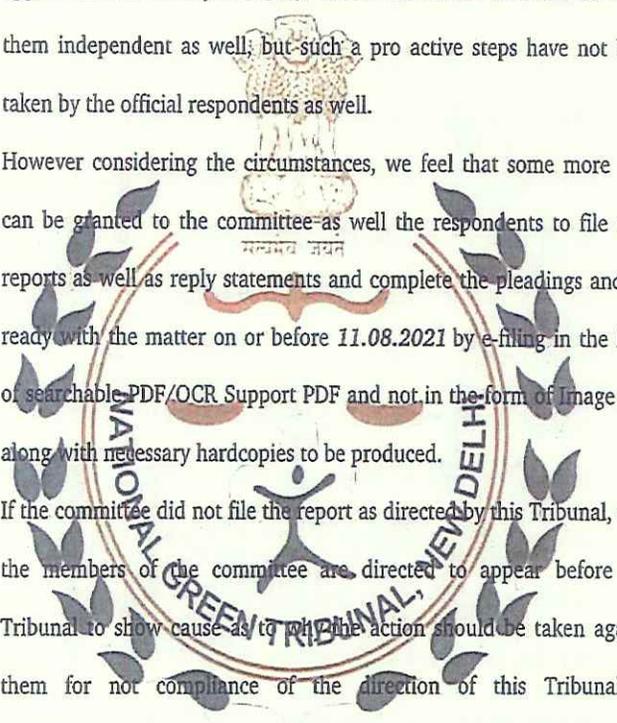
1. As per order dated 25.03.2021, this Tribunal had admitted the matter and also appointed a joint committee to go into the question and submit a report. The case was originally posted to 10.05.2021 for that purpose.

Thereafter, the matter was adjourned by notification. The matter was taken up on 21.06.2021 and at the request of the counsel appearing for the State Departments and the matter has been adjourned to today for submission of the report, completion of pleadings and also awaiting for appearance of 6th respondent.

2. When the matter came up for hearing today through Video Conference, Sri. K. S. Katrhik Raja represented the applicant. Mrs. M. Sumathi represented 1st respondent, Dr. D. Shanmuganathan represented respondents 2, 4 & 5, Mr. C. Kasirajan through Ms. D. Ashwini represented 3rd respondent and Mr. Madhuvaneshwaran represented Mr. M.K. Subramanian, S. Patrick counsel for 6th respondent. So service is complete.

3. The counsel appearing for the State Department as well as the party respondents wanted some more time to file the statement. The committee has been appointed by this Tribunal in order to ascertain the nature of damage caused in the particular area, in respect of which the case has been filed on account of certain activities said to have been carried out by the 6th respondent. If the committee did not inspect the area immediately without delay, there is an every possibility of the possible evidence that they could collect to ascertain the damage is likely to destroy or disappear. Then the purpose of appointment of the committee itself will not be of any use. Even if the committee is not able

to file the report, the independent respondent who are also part of the committee and involved in the administration of the temple properties and if it is a Forest, the Forest Department property are expected to file their independent statement regarding the allegations made in the application and if they are true, what is the nature of action taken by them independent as well; but such a pro active steps have not been taken by the official respondents as well.

- 
4. However considering the circumstances, we feel that some more time can be granted to the committee as well the respondents to file their reports as well as reply statements and complete the pleadings and get ready with the matter on or before 11.08.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hardcopies to be produced.
 5. If the committee did not file the report as directed by this Tribunal, then the members of the committee are directed to appear before this Tribunal to show cause as to why the action should be taken against them for not compliance of the direction of this Tribunal as Contemplated under Section 25 & 28 of the National Green Tribunal Act, 2010
 6. The Registry is directed to communicate this order to the members of the committee, official respondents, Principal Secretary of Environment and also to the Hindu Religious and Charitable Endowments

Department (HR & CE) for their information and for giving necessary instructions to the concerned officials of comply with the direction.

7. For completion of pleadings and also for consideration of report, post on 11.08.2021.



Sd/-

.....J.M.
(Justice K. Ramakrishnan)

सत्यमेव जयते

Sd/-

.....E.M.
(Dr. K. Satyagopal)

O. A. No.89/2021, (SZ)
14.07.2021, Sr.



Annexure - II

By Speed Post



Handwritten initials: "d 2/4" and "AEIAP GAPI"

TAMIL NADU POLLUTION CONTROL BOARD

From
Dr. S. Selvan, M.E., M.B.A., P.Hd.,
Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai - 600 032

To
The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Utharva Gandhi Road,
Nungambakkam,
Chennai - 600034.

Letter No.TNPCB/LAW/LA-III/NGT/008735/2021 dated:21.04.2021

Sir,

Sub : TNPCB - Law - NGT O.A.No.89 of 2021(SZ) - Filed by K.M. Muthusemy Gounder, Tiruppur District against the Ministry of Environment Forest & Climate Change and others - Environmental degradation for conducting Jalikattu in Aलगुमलै Village, Tiruppur District - NGT Order dt: 25.03.2021- Nomination of Member of the Joint Committee - Intimated - Regarding.

Ref : Copy of the Hon'ble NGT dated 25.03.2021 passed in O.A.No.89 of 2021 (SZ)

I am to invite kind attention to the reference cited above, wherein, the Hon'ble National Green Tribunal has passed order dated 25.03.2021 in O.A.No.89 of 2021 (SZ) and the Hon'ble Tribunal constituted the Joint Committee comprising of

".. Para 9: In order to ascertain the genuineness of the allegations made and also the nature of things alleged in the application and also to ascertain certain characteristics of the area, whether it can be treated as a deemed forest or not and what is the nature of damage caused and to assess the environment degradation and compensation, we feel it appropriate to appoint a joint committee comprising of (1) The District Collector, Tiruppur District, (2) a Senior Officer from the Hindu Religious and Charitable Endowments Department (HR & CE) of that area as deputed by its Commissioner, Hindu Religious and Charitable Endowments Department (HR & CE) Chennai, (3) the Divisional Forest Officer (DFO), Tiruppur Forest Division and (4) a Senior Officer from the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report if there is any violation found.

Para 10: The Hindu Religious and Charitable Endowments Department (HR & CE) Chennai will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.

In this regard, it is informed that the DEE, TNPCB, Tiruppur (North) has been nominated as member of the Joint Committee from the Tamil Nadu Pollution Control Board and his contact details are as furnished below:

Er. M. Saravanakumar, M.E.,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur (North)
II Floor, Kumaran Commercial complex,
Kumaran Road, Tiruppur - 641 601.
Mob No: 9056042230
Email id: deetnpcbtrn2018@gmail.com

[Handwritten Signature]
For Member Secretary

✓ Copy to: The DEE, TNPCB, Tiruppur (North) - for necessary compliance of the orders of the Hon'ble NGT dt.25.03.2021 passed in O.A.No.89 of 2021 (SZ).

Annexure – III

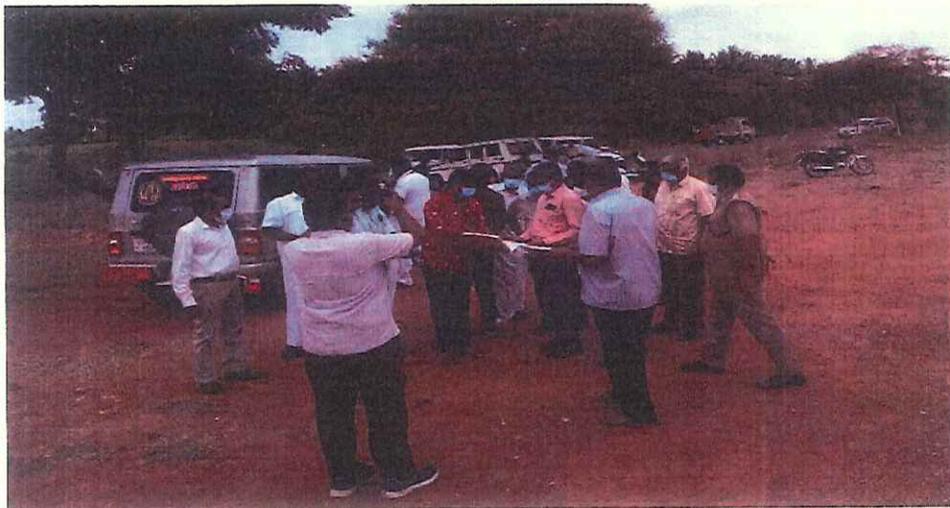
Over View of the Jallikattu Field at Alagumalai



Inspection of committee officials - Jallikattu Field at Alagumalai



Discussion of committee officials with the representative of the petitioner- at Alagumalai



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TRIBUNAL
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SUBMITTED BEFORE THE
HON'BLE NGT(SZ) IN THE MATTER
OF ORIGINAL APPLICATION NO.
89 OF 2021(SZ), AS PER ORDER
DATED 25th MARCH, 2021.**

**Advocate for Respondent
No.TNPCB
Thiru. C. Kasirajan.**

Date:10.08.2021

Date of hearing on 11.08.2021

