

**BEFORE THE NATIONAL GREEN TRIBUNAL, (SZ), SITTING AT
CHENNAI**

(Under Section 18(1) r/w Sec.14 of National Green Tribunal Act,
2010)

Application No.89 of 2021 (SZ)

BETWEEN

K.M.Muthusamy Gounder
S/o. K.P.Muthusamy Gounder,
Karattupalayam,
Thogutti Palayam Village,
Tirupur South Taluk.

...APPLICANT.

-AND-

1. The Ministry of Environment,
Forest and Climate Change
Rep. by its Under Secretary,
3rd Floor, Prithivi Wing Indira,
Parvayaran Bhawan Jor Bagh,
New Delhi – 110003.
Phone No. +91 11 24695262, 24695265, 24695132
Email – vp.dwivedi@nic.in
2. The State of Tamil Nadu
Environment and Forest Department Secretariat,
Rep. by its Secretary,
Fort St. George, Chennai – 600108.
Phone No.:- 044 25671511
Email:- forsec@tn.gov.in
3. The Member Secretary
Tamil Nadu Pollution Control Board
76, Mount Road, Guindy,
Chennai – 600032.
Phone :- 044 22353134 / 22353139
Email:- tnpcb-chn@gov.in

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No. of corrections:

For the undersigned
தலைவர்
தலைவர்

4. The Commissioner HR & CE
119, Uthamar Gandhi Road,
Nungambakkam, Chennai – 600034.
Phone:- 044 28334811
Email:- commr.hrce@tn.gov.in
5. The District Collector
Collectorate,
Karuppa Gaundanpalayam,
Tirupur – 641604.
Phone:- 0421-2971100
Email:- collrtup@nic.in
6. Alagumalai Jallikattu Kaalaigal Nalasangam
Rep.by its President S.Palanisamy
S/o. Subburaya Gounder,
Malaipalayam,
Thonguttipalayam Village,
Tirupur South Taluk
Tirupur District – 641665
Phone:- 98430 62867
Email :- palanisamy@gmail.com **...RESPONDENTS.**

AFFIDAFIT OF S.PALANISAMY, THE 6TH RESPONDENT

I S.Palanisamy S/o Subramanya Gounder, Hindu aged about 58 years residing at No.223, Pavendar street extension, Mangalam road, Palladam, Tirupur district do hereby solemnly affirm and sincerely state as follows:

1. I am the 6th respondent in the above application and I am well acquainted with facts of this case.

For அலகுமலை ஜலிகட்டு காலாடல் நலசங்கம்
தலைவர்

2. I respectfully submit that the facts of the case is that the Government of Tamilnadu G.O.(D) No.33, Animal Husbandry Dairying and Fisheries (AH3) Department dated 30.01.2018 notifies that Jallikattu may be conducted from 4th to 28th February, 2018at Alagumalai in Tiruppur District. From 2018 onwards in Tiruppur district in Alagumalai village Jallikattu have been conducted with the permission of the Government. The representation was given by the association on 21.12.2020 to the 5th respondent in the application seeking permission to conduct Jallikattu on 31.01.2021 and requesting the district administration to provide Health, Transport and Medical and other facilities to be extended to conduct Jallikattu. The association also brought the procedure to be followed by the persons would like to participate in the Jallikattu and allocation of work to respective departments to be done on the day of Jallikattu.

3. I respectfully submit that the present site was inspected by the District Collector, DRO, Thasildar and officials from PWD, H.R.C.E, Animal Husbandry Dairying and Fisheries and the place was earmarked by the district administration for conducting Jallikattu.

For அமைச்சர் அலுவலகம் காண்க
தலைவர்
தலைவர்

4. I respectfully submit that the protocol issued by Tamilnadu Government has been given in the form of guidelines to each and every department. On 30.01.2021 meeting was conducted at the District Collector office and all the department officials including H.R.C.E were also present in that meeting. The officials from H.R.C.E never raised any objections in the meeting regarding digging of land.. The association for the first time in Tamilnadu has insured the participating bulls for nearly Rs.75 lakhs with New India Insurance and for bull tamers insurance policy was taken for Rs.3 Crores and Jallikattu was conducted peacefully.
5. I respectfully submit that the Jallikattu which was conducted on 31.01.2021 was recognized by the District Administration and after 2018 Jallikattu was conducted in Alagumalai village as notified by the Government of Tamilnadu for Tiruppur district.
6. I respectfully submit that the respondent denies allegations that they excavated a portion of the hillock in the South Western region. The Organizing Committee conducted the Jallikattu in the patta land belongs to Subramanyam, Kuppusamy and Nandhini and barricades were also erected in the patta land.

7. I respectfully submit that there was no damage to trees and plants including medical plants as alleged by the applicant in the grounds. There was no damage to Eco system also. For smooth passage of bulls to enter the arena some of the branches of cactus only were cut. Due to difference of opinion between applicant and association members Jallikattu was conducted in the pata land belonged to Subramaniam and others and Mandai parambokku land with the help of District Administration. Even the brother of the applicant also printed in the invitation as he sponsored by giving his mandabam for organizing lunch for 1000 persons.
8. I respectfully submit that the association has conducted Jallikattu after following the protocols issued by the Government of Tamilnadu peacefully without degrading any environment by polluting it or by digging in the hillock area as alleged by the applicant.
9. I respectfully submit that the above application filed by the applicant with the prayer that 1) The cost of disposed of solid waste incurred by the local body may be recovered from the Alagumalai Jallikattu Bulls' Welfare Association. 2) The physical changes made in the temple land may be restored at the cost of the Alagumalai Jallikattu Bull' Welfare Association,

For அனாதாமலை ஜல்லிக்கட்டு காணிகள்
நலச்சங்கம்
தலைவர்

by filling the gravel and planting some trees suitable for the terrain.

10. I respectfully submit that while admitting the application this Hon'ble Tribunal appointed a joint committee to go in to the question and submit the report by Order dated 25.03.2021. In pursuance of the order passed by this Hon'ble Tribunal, the District Collector Tirupur District and Tamilnadu Pollution Control Board represented by District Environment Engineer filed a report before this Hon'ble Tribunal. The District Collector, Tirupur in the joint report submitted before this Hon'ble Tribunal has made the following observations:

- 1) During inspection it was noticed that presently the location was found clean and there is not solid waste found in that area.
- 2) In the Western side of the temple land Top soils / Gravels was found removed for a depth of about 1.0m to 1.8m.
- 3) Traces of the bushed and thorns removed from and near Jallikattu event field are noticed.
- 4) It was informed by the local body that around 500 kg dung of Bulls generated during Jallikattu event was

For அமைச்சர் அலுவலகம் காவலர்
நாள் சங்கம்
தலைவர்

collected and the same was disposed as manure for agriculture purpose.

- 5) It was informed by the local body that around 200 kg of arena nut plates and paper cups used during the Jallikattu event were collected and disposed by the shop owners themselves.
- 6) It is further submitted that as per Form - "A" Register maintained by Revenue Department, the land belongs to Muthukumaraswami Malai temple, Hanumantharayan temple, Pillaiyar temple, Iduban temple, Mandapam and Foot path, not mentioned as 'Forests'. During the joint inspection no such trees or Natural grown forests in this area expect some thorny species. Hence it is reveal that no such damage caused to the environment.
- 7) Further it is submitted that there is a scope for planning native species in that area to maintain the environment for which temple authority will maintain the green cover by planting native species.
- 8) The total area of the temple land in Survey No.32, is 70.40 acres classified as temple puramboke, within which in the western side, gravel was found to be removed for a depth of about 1M to 1.8M in the area

For அமைச்சர் அலுவலகத்துக்கு காண்புகள்
நடைமுறை
தலைவர்

of 52.6M X 9M X 6.3M and hence the topography has been altered in that area due to the physical changes made when leveling the land for the Jallikattu.

- 9) Small bushes and various unusable trees were cut down in the temple land (survey No.32) and no medicinal plants or herbs were cut down in the area.
- 10) The cost of disposal of solid waste incurred by the local body may be recovered from the Alagumalai Jallikattu Bulls Welfare Association.
- 11) The physical changes made in the temple land may be restored at the cost of the Alagumalai Jallikattu Bulls Welfare Association, by filling the gravel and planting some trees suitable for the terrain.

11. I respectfully submit that this application has been filed with ulterior motive, not with clean hand and to settle the personal animosity. The application is filed with false averment that degradation of environment and medicinal and herbal plants have cut for conducting Jallikattu even though his family members had participated in conducting Jallikattu. I further submit that the entire Jallikattu area was cleaned by the volunteers, family members and members of the association. I further submit that the digging of area belongs to the

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நலச்சங்கம்
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temple happened during Cattle market during 2020, This was evident from the photographs.

12. I respectfully submit that the objection was recorded by me before the inspection team that the digging was done only at the time of cattle market held during 2020.
13. I further respectfully submit that the Jallikattu was conducted by following all protocol as directed by the State of Tamilnadu. We are the first one to insure bulls and bull tamers with Insurance Company. The Association never indulged in degrading environment and destroyed any valuable trees.
14. I respectfully submit that in obedience of the direction passed by this Hon'ble Tribunal, the Association is willing to refill the earth and also plant native species and further undertake to pay value for the collection of garbage as assessed by the District Collector, Tirupur.
15. I respectfully submit that the Association is a Law abiding one and great respect for this Hon'ble Tribunal.
16. I respectfully submit that the application filed by the applicant with false averment and not come with clean hand before this

Hon'ble Tribunal even though the true facts are within his knowledge, I pray that this Hon'ble Tribunal may be pleased to impose cost on the applicant for making false averment and also abuse of process of law.

It is therefore prayed that the Hon'ble Tribunal may be pleased to accept the undertaking affidavit and dismiss the application No.89 of 2021 as devoid of merits with heavy costs and pass such other orders as deemed fit in the interest of Justice.

Solemnly affirmed at Tirupur
on this the 25 day of August 2021
and signed his name in my presence

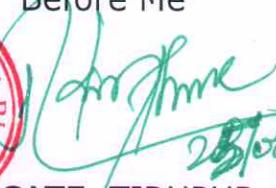
For அனாதாமலை அல்லிக்கட்டு காணகம்
நலர்வங்கம்


தலைவர்

Before Me



ADVOCATE, TIRUPUR


25/08/2021
ms 2021/205

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**BEFORE THE NATIONAL GREEN
TRIBUNAL, (SZ), SITTING AT
CHENNAI**

Application No.89 of 2021 (SZ)

**AFFIDAVIT FILED BY THE 6TH
RESPONDENT**

M/s.M.K.SUBRAMANIAN – 1055/89
S.PATRICK –
MADHUVANESHWARAN –

COUNSEL FOR 6TH RESPONDENT
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