

Before the Honourable  
**National Green Tribunal (Southern Zone) at Chennai**

**Original Application No. 236 of 2020**

P Vasudevan : Petitioner

**v.**

Secretary Okkal Grama Panchayat & others : Respondents

**Counter Affidavit filed by the 3<sup>rd</sup> Respondent**

**P. Thomas Geeverghese | K/405/2008**  
**Amrutha KP | K/836/2020**

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Dated this the 3<sup>rd</sup> day of April 2021



P.Thomas Geeverghese  
Counsel for the 3<sup>rd</sup> Respondent

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P Vasudevan : Petitioner  
 v.  
 Secretary Okkal Grama Panchayat & others : Respondents

**Counter Affidavit filed by the 3<sup>rd</sup> Respondent**

I, Narayanan Narayanan Namboothiri, aged 81years, S/o Narayanan Namboothiri, Valiyamkol Illam, Chelamattom Kara, Chelamattom Village, Kunnathunadu Taluk, Pin 683 350, do hereby solomenly affirm and state the following:

1. I am the president of Chelamattom Devaswom Bharana Swamithy, which is a layman's reference to the administrative committee of three temples viz a) 'Chelamattom SreeKrishana Swami Temple', b) 'Chowazhicha Kavuvu' and c) 'Mathampally Vamana Moorthi Temple', all located in different parts of Chalamatttom Kara, Chalamatttom Village, Kunnathunadu Taluk, Ernakulam. All these three temples and their common administrative committee (Chelamattom Devaswom) are public trusts of religious nature, coming within the ambit of Section 92 of the Civil Procedure Code, 1908.

2. All the allegations and averments of the applicant are false and misleading, and therefore denied by this respondent, except those facts that are specifically explained and admitted hereunder.

3. Chelamattom SreeKrishana Swami Temple', 'Chowayicha Kavuvu' and 'Mathampally Vamana Moorthi Temple' [hereafter jointly referred to as the 'TEMPLES'] are religious endowments whose origin cannot be traced. TEMPLES are public trusts of religious and charitable nature. 'Chelamattom SreeKrishana Swami Temple' is known as '*Dekshina Kashi*', depicting its ancient origins and religious significance among the public.

4. The 'Chelamattom SreeKrishana Swami Temple' is located on the banks of Periyar River. Although Periyar River flows towards west to the Arabian Sea, the river phenomenally flows towards the east along the banks of Chelamattom Temple. Hindus from all over the world flock to this temple to conduct ancestral rituals on Karkadavavu, Sivarathri, and such other relevant days. On weekdays, around 1000 devotees worship in these temples, and on weekends the number raises to 3000. On special days like Karkadavavu and Sivarathi, there would be more than a lakh of devotees doing ancestral rituals. The sacred offering of food 'Annadanam' is performed very day, to all devotees, without any discrimination as to caste, sex or creed. This shows that the temple has major religious significance, and it is administered for the general public/hindus.



President  
 Chelamattom Devaswom Bharana Samithi

5. One of the main ritual in the 'Chelamattom SreeKrishana Swami Temple' is offering of calves/cows as donation for the idol. It is believed that donation of cows/calves will please the idol and grant the prayer of the donor. As part of this ritual, the temple receives around 10-20 cows/calves each year as donation. In order to accommodate and maintain these cows donated by the devotees, the Chelamattom Devaswom has a 'gosala' in 28Ares (69.16cents) of property located in Block No 8 of Resurvey No. 419/12 of Chelamattom Village. The said property is located on the north-western side of 'Mathampally Vamana Moorthi Temple', across the road. The gosala is conducted to avoid the nuisance of cattle donated to the public temple, do not wander on to the road and neighbouring properties.

6. The gosala of the 3rd respondent is not a commercial venture, but an intergral part of temple believes and rituals. The gosala is conducted strictly adhering to hindu upanishads, and environmental laws governing such institutions. The pollution control board has sanction consent to operate the gosala, and the same is produced herewith as Exhibit R3(a).

7. **Exhibit R3(a) consent is issued by the Pollution Control Board, recently, after verifying the complaints of the applicant, and also in compliance of the various interim orders passed by this honourable court regarding the gosala. Exhibit R3(a) consent letter is the latest document pertaining to the gosala, and it overrules all the documents produced by the applicant alleging nuisance and pollution.**

8. The gosala has a 6M3 fixed dome biogas plant for processing the cowdung and food waste of the cows. The biogas plant is further connected to a compost pit of adequate size to ensure that no pollution is caused by the gosala. The digestate of the biogas plant is sold to Okkal Rice Production Centre and others as a fertilizer.

9. The cow-shed of the gosala has concrete floor. The floor is properly laid and piped to ensure that no waste water percolates into earth. The waste water generated while cleaning the shed and urine of the cows are feed into a concrete tank. The said concrete tank is again connected to four other overflow tanks of separate sizes. The water collected in the fifth overflow tank is used for agricultural purposes, as prescribed by the pollution control board.

10. The allegation of the applicant that the goshala is conducted in an unhygienic manner, is false and therefore denied by this respondent. There are only 19cows in the goshala of the 3<sup>rd</sup> respondent. It is situated at a distance of 10meters from the house of the applicant. The contrary allegations of the applicant, regarding the number of cows and distance from his home are old and redundant data, and therefore denied as false by this respondent.



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President  
Chelamattom Devaswom Bharana Samithi

11. The applicant's house is located in a converted paddy land, and it could be the reason why his well water is not up to the standard. Anyway, the gosala of this respondent is not polluting the environment or the ground water.

12. Further allegation that the gosala is breeding mosquitos and cockroaches, are also incorrect and therefore denied.

13. The allegation that this respondent's gosala is causing bad odour in the whole neighbourhood is also denied. In fact, only the applicant has filed complaint against the gosala, and his intention is to force the temple authorities to purchase his land for a higher price. His demand is that temple should purchase his 9cents of land and building for an exorbitant price of Rs.60Lakhs. The refusal of the temple authorities to his illegal demand, has triggered this application before this honourable court.

14. The allegation of the applicant that gosala is conducted without the license of the panchayat is misleading, and therefore denied by this respondent. There is no law or rule requiring a goshala to obtain permission from the Panchayat. The Kerala Panchayat Raj (Licensing of Livestock Farms) Rules, 2012, do not envisage licensing of gosala. In fact, Rule 3 of the 2012 Livestock Farm Rules requires license only for a 'cattle farm' which has more than 5cattle. The term '*cattle farm*' is again defined in Rule 2(c) as '*a farm meant for reproduction of cattle, milk production or meat production*'. The gosala of the respondent is not meant for any of these motives, but is conducted to accommodate and maintain cattle donated by devotees to the temple. Hence, a gosala does not require any license from the local Panchayat.

15. Therefore, in the light of Ext. E3(a) consent to operate issued by the pollution control board, after scrutinising the several complaints of the applicant, there is no merit in the contentions of the original application.

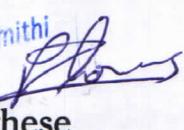
16. This original application is filed to only blackmail and force the temple authorities to purchase the land owned by the applicant at an exorbitant sum. The applicant is not living in the anywhere in the Okkal Panchayat, but he is settled in Chennai. Yet he has filed this application as if he is living adjacent to the gosala. It is missrepretation before this honouable court. Therefore, there is no merit in this writ petition. It should be dismissed with cost to these respondents.

Dated this the 3<sup>rd</sup> day of April 2021

  
Deponent

Solemnly affirmed and signed before me by the deponent who is personally known to me, on 3<sup>rd</sup> day of April 2021, at my office at Ernakulam.



President  
Chelamattam Devaswom Bharana Samithi  
  
P. Thomas Geeverghese  
Advocate

FILE NO : PCB/EKM/DO II/ICO/G20ERNA577715/2021  
Date of issue : 09/03/2021



**KERALA STATE POLLUTION CONTROL BOARD**

**CONSENT TO**

**OPERATE/AUTHORISATION/REGISTRATION**

**ISSUED UNDER**

The Water (Prevention & Control of Pollution) Act, 1974  
The Air (Prevention & Control of Pollution) Act, 1981

and

The Environment (Protection) Act, 1986

As per Application No. :14480153  
Dated:05-03-2021

**TO**

**M/s KSHETHRAM GOSHALA  
CHELAMATTOM  
OKKAL P O  
PERUMBAVOOR  
ERNAKULAM  
KERALA  
PIN - 683550**

**Consent No. :G20ERNA-CTO-577715  
Valid Upto :28/02/2026**

## 1. GENERAL

1.1. This integrated consent is granted subject to the power of the Board to withdraw consent, review and make variation in or revoke all or any of the conditions as the Board deems fit.

1	<b>VALIDITY</b>	28/02/2026
2	Name and Address of the establishment	KSHETHRAM GOSHALA CHELAMATTOM OKKAL P O PERUMBAVOOR ERNAKULAM KERALA PIN - 683550 683550
3	Communication	Telephone :91-9947257884 Fax :- E-mail:chelamattomkrishna@gmail.com
4	Occupier Details	NARAYANAN NAMBOOTHIRI VELIYANGOL NARAYANAN VELIYANGOL CHELAMATTOM OKKAL P O PERUMBAVOOR ERNAKULAM PIN -683550
5	Local Body	OKKAL
6	Survey Number	419/12
7	Village	CHELAMATTOM
8	Taluk	KUNNATHUNADU
9	District	ERNAKULAM II
10	Capital Investment(Rs in Lakhs)	Rs. 9.50 LAKH
11	Scale	Small
12	Category	GREEN
13	Annual fee(Rs)	Rs. 1900/-
	Total Fee remitted(Rs)	Rs. 12350/-
14	<b>RAW MATERIAL</b>	<b>PRODUCTS</b>
	COWS @19 Numbers	ACTIVITY -CATTLE FARM (GOSHALA) COWS @19 Numbers
15	Total Power Required (HP)	

## 2. CONDITIONS AS PER

**The Water(Prevention and Control of Pollution)Act, 1974**

- 2.1 In case of generation of trade effluent from the industry, effluent treatment system consisting of treatment units having adequate capacity established as per the Integrated Consent to Establish issued shall be operational at all times during which the industry is functional. Additional facilities required, if any, to achieve the standards laid down by the Board u/s 17(1) (g) of the Water Act shall also be made along with.
- 2.2 Water consumption: 1700 LPD
- 2.3 Effluent generation: 1360 LPD
- 2.4 The characteristics of effluent after treatment shall confirm to the following tolerance limits:

Sl.NO.	Characteristics	Unit	Tolerance Limit	
			Sewage	Trade Effluent
1	pH	-	-	5.5 - 9
2	BOD	mg/l	-	30
3	Suspended Solids	mg/l	-	100

- 2.5 Mode of disposal of treated effluent:

### 3. CONDITIONS AS PER The Air(Prevention and Control of Pollution)Act, 1981

- 3.1 Adequate air pollution control measures shall be operational at all times during the functioning of the industry. Additional facilities required, if any, to achieve the standards laid down by the Board shall also be made along with.

Stack No.	Sources of Emission	Emission Rate(Nm <sup>3</sup> /Hr)	Stack Height above		Control Equipment
			Ground Level	Roof Level	

- 3.2 Emission characteristics shall not exceed the following:

Sl.No.	Parameter	Limiting Standards (mg/Nm <sup>3</sup> )

### 4. CONDITIONS AS PER The Environment (Protection) Act, 1986.

- 4.1 The operation of the industry shall be strictly in compliance with the provisions of the Noise Pollution (Regulation and Control) Rules 2000.
- 4.2 Used lead acid batteries shall be disposed of as per the Batteries (Management and Handling) Rules, 2001
- 4.3 Hazardous waste generated, if any, shall be handled as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- 4.3.1 Activities for which Authorisation is granted

Collection		transport	
Reception		Storage	
Treatment		Reprocessing/Disposal	

4.3.2 Type, quantity and mode of storage/collection/disposal of hazardous wastes shall be as follows:

Sl.No.	Hazardous Waste	Schedule Category	Quantity Tonne/year
<b>Mode of</b>			
<b>Storage</b>		<b>Disposal</b>	

4.4 E-waste shall be disposed off safely as per the E-Waste (Management) Rules, 2016.

## 5. SPECIFIC CONDITIONS

5.1 For renewal of the consent in case of continuance of functioning of the farm, application in the prescribed form shall be submitted through the web portal of the Board for Online Consent Management & Monitoring System 2 months prior to the date of expiry. Late application will be accepted only with fine.

5.2 This consent is granted subject to the power of the Board to review and make variation in or revoke any of the conditions as the Board deems fit as per the relevant Acts/Rules.

5.3 The applicant shall comply with the instructions that the Board may issue from time to time regarding prevention and control of air, water, land and sound pollution.

5.4 No change or alteration of the farm is to be made without the prior written permission of the Board. Any change in the particulars furnished and/or in the identity of the occupier/authorised agent is to be intimated to the Board forthwith.

5.5 Collection tanks provided for collection of urine and cow dung shall be maintained properly and periodical check up conducted to verify whether any leak exists and if so immediate action may be taken to arrest the leak.

5.6 Cow dung collected in the tank shall be removed at least once in three months.

5.7 Collected urine shall be removed at least once in ten days.

5.8 Good housekeeping shall be maintained in and around the farm.

5.9 Bio gas plant provided in the unit shall be functional and maintained properly.

5.10 Additional treatment facilities such as aeration tank, clarifier, pressure sand filter, disinfection tank, activated carbon filter and treated water collection tank shall be provided in the farm for the treatment of effluent from the bio gas plant within 6 months.

5.11 Facilities shall be provided for the reuse of treated effluent for irrigation purpose.

**RAMEENA V V** Digitally signed by RAMEENA V V  
Date: 2021.03.09 07:44:47 +05'30'

DATE :09/03/2021

SIGNATURE & SEAL OF ISSUING AUTHORITY  
ASSISTANT ENVIRONMENTAL ENGINEER  
DO 2, EKM



To

SRI. NARAYANAN NAMBOOTHIRI  
PRESIDENT,  
CHELAMATTOM SREE KRISHNA SWAMI DEWASWAM TRUST,  
VELIYANGOL  
CHELAMATTOM  
OKKAL P O  
PERUMBAVOOR  
ERNAKULAM , PIN -683550

**1. This digitally signed document is legally valid as per the Information Technology Act 2000**

2. For verifying this document please go to [krocmms.nic.in](http://krocmms.nic.in) and search using date of issue/name of the unit/Application Number in "Consent Granted Applications" link in the home page of the Board's Online Consent Management and Monitoring System.

100 M - RADIUS PLAN

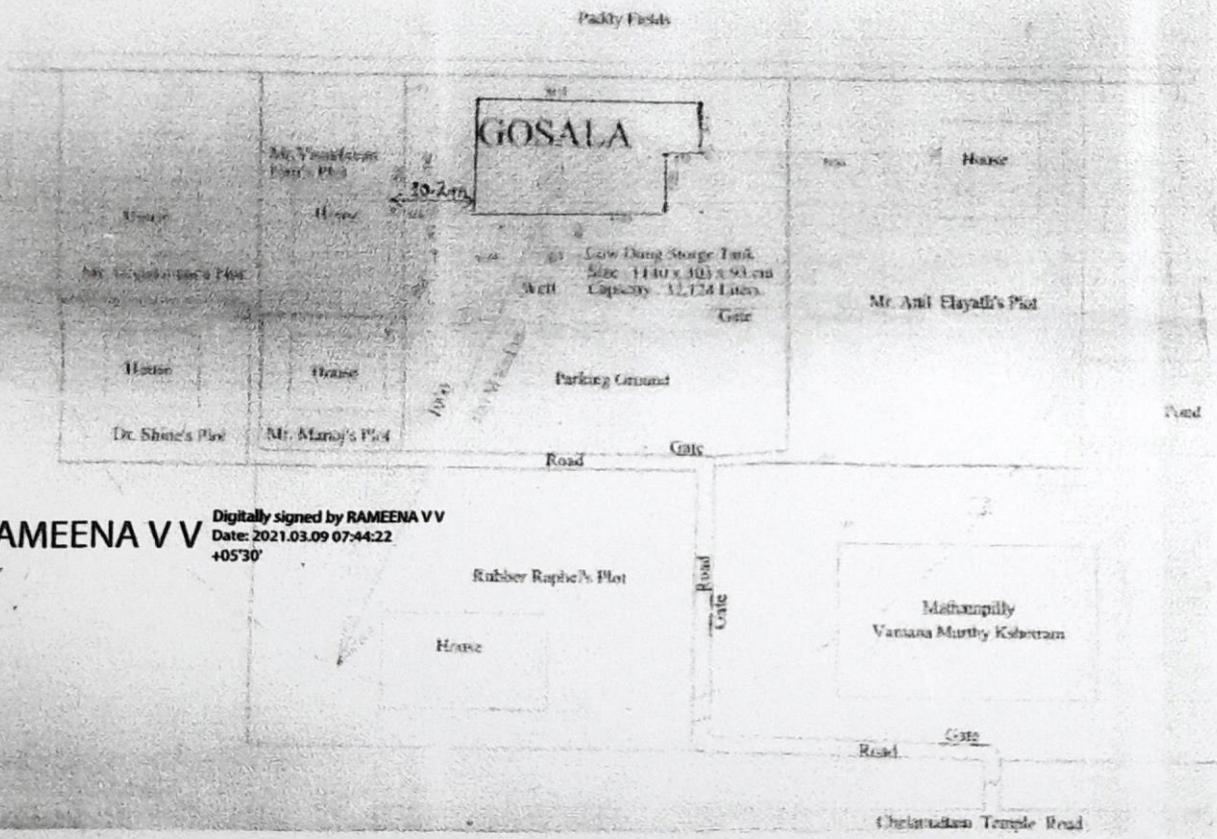
100 M - RADIUS PLA  
OF GOSALA OWNEI  
SREE KRISHNA SW/  
DEVASWAM TRUST  
CHELAMATTAM.

No. Survey No. 100/11  
Village Chelamattam  
Taluk Kozhikode  
District Malappuram  
Ward No. XIV  
Grama Panchayat Chelam

Plot Area 032.3195 S  
Circumference 63.41 M  
\* All dimensions are in cm

Land Owner / Applicant  
Signature  
Name  
Address  
SREE KRISHNA SW  
DEVASWAM TRUST  
CHELAMATTAM

*[Signature]*  
2020  
SRI KRISHNA SWAMI  
DEVASWAM TRUST  
CHELAMATTAM  
MALAPPURAM DISTRICT



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