

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
CHENNAI

Original Application no: 187 of 2023 (SZ)

IN THE MATTER OF:

Tribunal on its own motion SUO MOTTU based
On the News Item in the Times of India, Chennai
Edition Newspaper dated 28.11.2023, under
the caption "Fish in Mylapore Temple Tank
found dead, deepam oil blamed" and in The
Hindu Newspaper Dt: 28.11.2023, under the
Caption "Thousand of dead fish removed
from Kapaleeswarar Temple's Tank in Chennai"

with

Hindu Religious Charitable Endowments Department
Represented by its Commissioner, Chennai and others. Respondents

AFFIDAVIT FILED BY THE 5th RESPONDENT

I, P.K.Kavenitha, wife of Krishnakumar, Hindu aged 45 years, working as Joint Commissioner, Hindu Religious and Charitable Endowments Department, presently working as the Joint Commissioner/Executive Officer, Arulmigu Kapaleeswarar Thirukoil, Mylapore, Chennai - 600 004, do hereby solemnly affirm and sincerely state as follows:

1. I state that Arulmigu Kapaleeswarar Thirukoil, Mylapore, is a listed temple under Section 46 (iii) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, administered by the Board of Trustees along with the Executive Officer.

2. I state that there was a report in the daily newspapers on 28.11.2023 that "Fish in Mylapore Temple Tank found dead, deepam oil blamed" which has been taken up Suo Mottu by this Hon'ble Tribunal

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wherein this Hon'ble Tribunal has directed this respondent to file a report based upon the newspaper report.

3. I state that the temple tank belonging to the temple is spread about 7.52 acres and 18.4 feet depth and has got 10 rain water harvest points which collect the rain water to be stored in the tank. The temple tank is used for many festivals such as during the 'Theppa Thiruvizha', celebrated during the tamizh month of 'Thai' and the 3rd and 8th day festival in the Panguni Thiruvizha are conducted every year. Apart from the same 'Thirukarthigai' is also celebrated by lighting lamps [Laksha Deepam] in the steps of the temple. Apart from these festivals no one is allowed to enter in to the temple tank.

5. I state that the festival of 'Thirukarthigai' in the year 2023 fell on 26.11.2023, when the devotees lighted lamps and after the festival was over the Chennai and surrounding areas received heavy rain fall which was not expected and the oil from the lamps had flowed along with the rain water in to tank which resulted in the water had high oil content which caused the death of the fishes in the temple tank. This was noticed only in the morning of 27.11.2023 morning when all the dead fishes were floating in the tank and the same was removed by the temple staff along with the staff of the Greater Chennai Corporation.

6. I state that a communication was sent by the Joint Commissioner/Executive Officer in Na.Ka.no.3000/2023 dated 27.11.2023 to the Additional Director and the Assistant Director, Fisheries Department to find out the cause and also the precautions to be taken in future. The Fisheries Department immediately on 27.11.2023 made an inspection and also took water samples. The Assistant Director of the Fisheries Department on 28.11.2023 had sent a report mentioning that

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the water sample had high oil content and the Ammonia content in the water was higher than the optimum level.

8. Upon the advice of the Fisheries Department the tank was sprinkled with 'Tetracycline Hydrochloride Water Soluble VET to increase the oxygen level and the water was also recycled using motors and the entire tank was cleaned. Once again the Fisheries Department had collected water samples on 8.1.2024 and furnished its report, wherein the oil content has been completely eradicated. The Fisheries Department had once again collected water sample on 17.2.2024 and also on 3.7.2024.

9. I state that based upon the directions of this Hon'ble Tribunal, the Commissioner, HR&CE called for meeting with the officials of the TNPCB as well as the Fisheries Department on 18.3.2024. The issues regarding the maintenance of temple tanks were discussed and both the Joint Chief Environmental Engineer (M) TNPCB, Chennai Zone and the Principal Secretary/Commissioner, Fisheries and Fishermen Welfare Department submitted the standard operating procedures to be followed in the temple tanks.

10. I state that following the guidelines prescribed in the standard operating procedures recommended by both the above departments, the Commissioner, HR&CE Department by Circular R.C.no.188755/2023/Y2 dated 9.5.2024, issued the standard operating procedures to be followed in respect of all the temple tanks under the control of the HR&CE Department and communicated the same to all its subordinate officers to be followed. The standard operating procedures recommended by the two departments followed by the circular of the HR&CE Department is annexed along with this affidavit.

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11. It is submitted that in so far as the temple tank of Arulmigu Kapaleeswarar Thirukoil is concerned, the temple administration has taken the following measures:

(a) In order to enhance water conservation, ten rainwater harvesting pipes have been installed around the Thirukkulam, allowing for effective collection during the rainy season.

(b) The cleaning of the Thirukkulam and its surroundings is conducted weekly by temple staff and monthly by volunteer groups. To promote public awareness about the importance of maintaining the Thirukkulam's cleanliness, notice banners have been strategically placed.

(c) To enhance safety, an iron barricade has been installed around the Thirukkulam, preventing public access. Additionally, stainless steel barricades have been placed near the stairs to restrict entry during specific ceremonies.

(d) In light of the recent incident, the Board of Trustees has decided to prohibit the lighting of lamps and lanterns on the Thirukkulam steps in the future.

(e) Water samples from the Thirukkulam are periodically sent to the Tamil Nadu Fisheries University for quality testing. To further improve water quality, motorized water fountains have been installed at two points in the pond to increase oxygen levels. Additionally, Tetracycline Hydrochloride Water Soluble VET, as prescribed by the Fisheries Department, is being sprayed periodically to enhance oxygen levels in the water.

(f) to conduct an on-site inspection of the Thirukkulam to collect samples for testing, focusing on key parameters such as pH level, oxygen, temperature, and ammonia content. Establishment of a surface aeration

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system to improve dissolved oxygen (DO) levels in the water along with strategies for ongoing ventilation enhancement within the Thirukkulam.

12. I further state that the temple administration is also willing and ready to abide any other conditions/directions issued by this Hon'ble Court to protect the temple tank and the water quality.

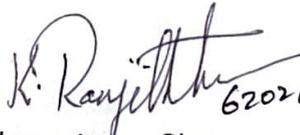
In the said circumstances, it is humbly prayed that this Hon'ble Court may be pleased to above affidavit on file and pass such further or other orders as this Hon'ble Court deem fit and proper and thus render justice.

Solemnly affirmed at Chennai
this the 24th day of June 2025
and signed her name in my
presence.

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Joint Commissioner / Executive Officer
Arulmigu Kapaleswarar Temple,
Mylapore, Chennai-600 004.
Before Me


K. Ranjith 6202/21
Advocate :: Chennai
N025 law chambers
Highcourt building
Chennai - 104.

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTH ZONE CHENNAI

O.A.No. 187 of 2023 (SZ)

AFFIDAVIT FILED BY THE 5th RESPONDENT

M/s. R.BHARANIDHARAN (1096/94)
P.K.HARINATH BABU(1041/2009)

COUNSEL FOR 5th RESPONDENT

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