

IN THE NATIONAL GREEN TRIBUNAL, (SZ) CHENNAI

Application No.213 of 2024 (SZ)

Dr.MGR-Janaki College of Arts
and Science for Women Alumni Association,
Rep.by its Secretary Ms.Sarjana S,
No.11 & 13, Durgabai Deshmuk Road,
Raja Annamalaipuram, Chennai – 600 028
Mobile: 95662 54546
E-mail: yogeshwaranadv@gmail.com.

...Applicant

-VS-

1. The Tamilnadu Pollution Control Board,
Rep by its Member Secretary,
No.76, Mount Salai, Guindy, Chennai,
Phone: 044-22353145
E-mail: grievance@tnpcb.gov.in
2. The Central Pollution Control Board,
Rep by its Member Secretary,
'Parivesh Bhawan', East Arjun Nagar, Shahdara,
Delhi – 110 032.
Phone: +91-11-4310 2030
E-mail: mccb.cpcb@nic.in
3. The Greater Chennai Corporation,
Rep by its Commissioner,
Ripon Building, Sydenhams Road,
Kannappar Thidal, Periamet,
Chennai, Tamil Nadu – 600 003.
Phone: 044- 2530 3604
Email: commissioner@chennaicorporation.gov.in
4. District Collector,
Chennai District,
Collectorate,
Rajaji Road, George Town,
Chennai – 600 001.
Phone: +91-44-2526 8323
Email: collrchn@nic.in

Chandha P.

5. Mrs.P.Geetha,
No.188, TTK Road,
Teynampet, Chennai – 600 018
Phone No.: not known
Email ID: not known
6. Mrs.P.Shanthi,
No.188, TTK Road,
Teynampet, Chennai – 600 018
Phone No.: not known
Email ID: not known
7. Mrs.P.Leela,
No.188, TTK Road,
Teynampet, Chennai – 600 018
Phone No.: not known
Email ID: not known
8. Mrs.P.Vijaylakshmi,
No.188, TTK Road,
Teynampet, Chennai – 600 018
Phone No.: not known
Email ID: not known
9. Mrs.P.Gowri,
No.188, TTK Road,
Teynampet, Chennai – 600 018
Phone No.: not known
Email ID: not known
10. Mrs.P.Chandra,
No.188, TTK Road,
Teynampet, Chennai – 600 018
Phone No.: not known
Email ID: not known
11. Mrs.P.Janaki,
No.188, TTK Road,
Teynampet, Chennai – 600 018

Chandra P.

Phone No.: not known

Email ID: not known.

...Respondents.

AFFIDAVIT FILED BY THE 10TH RESPONDENT

I, Ms. P. Chandra, Daughter of Late Mr.Padmanabhan, Hindu, aged about 51 years, residing at No.188, T.T.K. Road, Alwarpet, Chennai 600 018, do hereby solemnly affirm and sincerely state as follows:

1. I am the tenth respondent herein and as such, am well acquainted with the facts of the case. I am swearing to the present affidavit for and on behalf the respondents 6, 7, 8, 9 and 11.
2. I hereby strongly deny the allegations made in the application filed by Dr. MGR Janaki College of Arts & Science Alumni Association, Chennai.
3. BACKGROUND OF THE ISSUE:

The property shown in the Application is originally belonged to Late Dr.M.G.Ramachandran. He executed a Will dated 18.01.1987 appointing Late Mr.N.C.Raghavachari, Senior Advocate then practicing in the Hon'ble High Court of Madras and after his lifetime the testator's son-in-law Mr.M.Rajendran as the executors of the Will. It was also stated that after the lifetime of Mr.M.Rajendran the executor shall be appointed by the Madras High Court as per law. The Testator Late Dr.M.G.Ramachandran who was the Chief Minister of Tamil Nadu, passed away on 25.12.1987. Mr.N.C.Raghavachari relinquished his responsibility of Executor during the Month of September 1989 due to ill health handing over the responsibility to Mr.M.Rajendran the son-in-law of the testator and named executor of the Will. The second named executor Mr.M.Rajendran applied for probate and was granted by the High

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Court of Madras by order dated 14.07.1992 after obtaining the consent from Mrs.V.N.Janaki Ramachandran, the wife of the Testator. Mrs.V.N.Janaki Ramachandran died on 19.05.1996.

Mr.M.C.Ramamurthy and others who are the legal heirs have filed O.P.No.69 of 2012 claiming that they are legal heirs of Late Dr.M.G.Ramachandran for letters of administration for the property which was already bequeathed to the Speech & Hearing Impaired Institution namely Sathya Garden. Mr.M.Rajendran on behalf of the Trust created under the Will filed an impleadment petition in Application No.2423 of 2012. The said Application was allowed by the Hon'ble High Court vide its order dated 06.08.2012. The said Mr.M.C.Ramamurthy preferred an appeal in OSA 457 of 2012 and the same is pending.

Meanwhile Mr.M.Rajendran died on 09.01.2013. Thereafter Dr.Latha Rajendran, wife of Late Mr.M.Rajendran filed an Application No.681 of 2013 asking to be appointed as the interim representative and 682 of 2013 asking to be appointed as the representative under the provisions of Section 258 of Indian Succession Act. The Hon'ble High Court by order dated 24.11.2016 was pleased to appoint His Lordship Justice Mr.Hariparanthaman as the Administrator of the estate of Late Dr.M.G.Ramachandran and permitting him to draw a remuneration of Rs.1,00,000/- (Rupees One Lakh) in the petition filed by Mrs.Latha Rajedran without considering the Application of the petitioner. That Hon'ble High Court has also impleaded His Lordship Mr.Hariparanthaman as a party in O.P.No.69 of 2012. That being aggrieved petitioner by the said order preferred to file the Appeal in OSA No.2 of 2017.

The appeal filed by Mrs.Latha Rajendran was dismissed by Hon'ble Division Bench. Against the judgment of Hon'ble High

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Court, Mrs.Latha Rajendran preferred Special Leave Petitions in SLP (Civil) Nos. 24261-24262/2017 before Hon'ble Supreme Court of India. Hon'ble Supreme Court has granted stay of all further proceedings in SLP (Civil) Nos. 24261-24262/2017 and the cases converted as C.A. Nos. 002454 - 002455 / 2024. The respondents 5 to 11 herein filed SLP(Civil)No.6465/2016 against the order passed by Hon'ble High Court in CRP (NPD) No. 4145 of 2013, dated 02.02.2015. The father of the respondents 5 to 11 was Manager of Sathya Studios Pvt.Ltd., belonging to Late Dr.M.G.Ramachandran. He was running P.M.Enterprises by nurturing Cows. After the demise of Late Dr.M.G.Ramachandran and the father of the respondents 5 to 11 , they were asked to vacate the premises which resulted in the Civil Suit. The Hon'ble Supreme Court of India, SLP(Civil)No.6465/2016 converted into Civil Appeal No. 2456 of 2024 filed by the above said respondents tagged with SLP (Civil) Nos. 24261-24262/2017 filed by Mrs.Ladha Rajendran converted into Civil Appeal Nos. 002454 - 002455/2024. The Hon'ble Supreme Court was pleased to grant order of stay of all proceedings initiated by Mrs.Latha Rajendran in execution proceedings. The stay granted by the Hon'ble Supreme Court is still in force.

4. I submit that the application is not at all maintainable in view of the fact that the present application was filed by Association is setup by one Mr. Kumar, who is administering the College on the basis of the stay order granted by the Hon'ble Supreme Court in Civil Appeal No. 2456 of 2024.
5. I submit that while the matter is pending before the Hon'ble Supreme Court of India, Mr. Kumar, Son of Latha Rajendran, who is in charge of the College, gave various complaints before the

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Corporation of Chennai, Revenue Department and the Pollution Control Board. All the authorities had inspected the site and directed the respondents to provide structure for outlet of water. Further, the Authorities inspected the premises and found that no waste water was mixing with the Well which is far away and also on the upper side of the area.

6. I submit that we denied that the Cows are brutally butchered in the farm. It is further submitted that the cows are maintained very well and the Veterinary Doctor is inspecting the cows once in a fortnight. While so, after fixation of the CCTV Camera for overseeing the premises, now he came forward with this malicious allegation of butchering the animals and selling the meat to the Public is highly deplorable.
7. It is pertinent to mention that after the demise of the parents of the respondents 5 - 11 the cows were looked after by the 5th respondent and the 6th respondent who worship all the cows as Goddess Mahalakshmi. Milk has been supplied to the local people and most of the temples nearby for performing Abhishekam. The electricity connection was cut by Mr.Kumar to the farm adding more hardship to the staff and animals and generator is used by the respondents 5 to 11.
8. I submit that Mr. Kumar, the present Administrator of the College had created a lot of objections in running the Farm by blocking the road by raising the height of the way thereby preventing the haystack reach the farm. On the night of 20.08.2024 he removed the sewage waste from the drainage and scattered across the pathway to reach the farm and thereby Mr.Kumar and his men polluted the area.

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9. I submit my late sister, Geetha, the 5th respondent herein, had preferred a complaint before the police station regarding the disturbance and creating fear psychosis in the minds of the respondents 5 to 11 and Mr.Kumar, accompanied by his counsels, appeared before the police station and gave a reply stating that he would wait for the orders from the Hon'ble Supreme Court and he would not disturb the peaceful possession of the farm of the respondents. Mr. Kumar who could not, by any means, remove the respondents, had approached this Hon'ble Tribunal by setting up the Alumni Association.
10. I submit that the cows are well taken care of and properly maintained as per the advice given by the Veterinary Doctors. There is no water pollution as alleged by the students studying in the College. Though the Farm has been running for more than 50 years, there is no whisper about any student suffered because of the Farm. The discharge of water is also regulated on guidelines of the Corporation of Chennai and no discharge of water outlet or outflow of water mixed with Adyar river. Precaution has been taken to prevent the mixing of the waste water.
11. I respectfully submit that I deny all allegations made in the application and submit the following reply to the grounds raised in the application. After demise of the former Chief Minister of Tamil Nadu, Dr.M.G.Ramachandran, the college was administrated by Mr.M.Rajendran and followed by his family members. During the lifetime of Mr.M.Rajendran, a compromise was reached in the Execution Court and later Mr.Rajendran directed the 5th respondent to shift to the Cows to be allocated promising all the facilities. The respondent 5 to 11 requested several times Mr.Rajendran and his wife and son to give no objection to have separate sewage line

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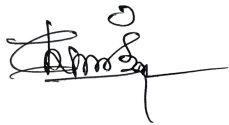
which was refused continuously and till today no permission was granted to have a separate line. As per advice of the officials septic tank was erected and water was stored in the septic tank and later on the lorry was used to remove the excess water. The solid waste are removed, drained and sold as moun to the public. No water is allowed to directly into the well. On the pressure exerted by the Management of the College, the farm was inspected by officials of Pollution Control Board and Corporation of Chennai and even measurement was also taken. The College Management was using the well for watering the plants. The Management never stopped the students from throwing all plastic bottles for their side in the Well. On the instruction from the officials, Thatched Roof is already removed. Regularly cleaning of the well is also undertaken. The Cows are reduced to 15 in numbers. Photographs also annexed.

12. I submit that all other allegations raised in the application are only for the purpose of evicting the respondents from the premises with the operation of the stay order granted by the Hon'ble Supreme Court of India in Civil Appeal is in force. The applicant had come before this Forum not with clean hands when the Administrator himself had illegally installed CCTV Camera to watch the premises and not producing any footage of CCTV Cameras fixed by Mr. Kumar would go to show that the applicant is only a name lender to facilitate eviction of the respondents when the matters are pending before Hon'ble Supreme Court.
13. I respectfully submit that due to severe pressure exerted by Mr. Kumar, Administrator of the College and sediments put on the pathway of the farm and also putting of all sorts of obstacles in providing feeds for the cows, the respondents are desirous to reduce the number of cows by informing all the consumers of milk.

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The respondents are looking for a new place to shift most of the cows at the earliest and also subject to outcome of the pending civil appeal no 2456 of 2024, before Honourable Supreme Court of India. The existing arrangement may go on without any hardship till such time. I undertake to follow all precautionary measures to protect air and water.

For all the reasons stated above, it is most respectfully prayed that this Tribunal may be pleased to dismiss the application as devoid of merits and to pass such further or other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.



COUNSEL FOR THE RESPONDENTS 5 TO 11



10TH RESPONDENT

VERIFICATION

I, Ms. P. Chandra, the 10th respondent herein, do hereby verify that the contents in the above paragraphs are true to the best of my knowledge and based on legal advice and that I have not suppressed any material fact.

Dated at Chennai on this the 28th day of August 2024.



10TH RESPONDENT

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

**Original Application No.213 of 2024
(SZ)**

IN THE MATTER OF:

Dr.MGR-Janaki College of Arts &
Science

for Women Alumni Association,

Rep by its Secretary,

Chennai.

...Applicant

Vs.

The TNPCB,

Rep by its Member Secretary,

Chennai and Ors.

...Respondents

COUNTER AFFIDAVIT FILED
BY THE 10th RESPONDENT



S.PATRICK

Counsel for Respondents 6 to 11

9551117000