

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 273 of 2024 (SZ)

Tribunal on its own motion **SUO MOTU**

Based on the News Item titled

"Exploited Kathiresan Temple Mount

- Danger awaits the Temple" appeared

in the Dinamalar daily- Chennai edition dated 30.09.2024.

-Vs-

1. The Principal Secretary to Govt. Of Tamil Nadu,

Department of Environment,

Climate Change and Forests Chennai.

and 6 others.

.....Respondents

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M/S. T. VENKATESHKUMAR,

G. DINESH KUMAR, 954/2009

K. GANGADHARAN, 5058/2025

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BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
O.A. No. 273 of 2024 (SZ)

IN THE MATTER OF:

Tribunal on its own motion Suo Motu
based on the news item published in
Dinamalar, Chennai Edition dated 30.09.2024

... Applicant

VERSUS

1. The Principal Secretary to Government of Tamil Nadu,
Department of environment, Climate change and forests,
Chennai
2. The Principal Secretary to Govt. Of Tamil Nadu,
Department of environment climate change and forests
3. Principal secretary to Government
Department of Revenue and District Disaster Management
4. The Chairman
Tamil Nadu Pollution Control Board
Director directorate of geology and mining
5. Hindu religious and charitable endowments department
Rep by its Commissioner

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KOVILPATTI-628502.
CHARITABLE TRUST
PASUMPON THEVER EDUCATIONAL
MANAGER & AUTHORIZED REPRESENTATIVE

V. Muniyasamy
MANAGER & AUTHORIZED REPRESENTATIVE
PASUMPON THEVER EDUCATIONAL
CHARITABLE TRUST
KOVILPATTI-628502.

6. The Executive Officer,

Arulmigu Shenbagavalli Amman Udalurai Poovanathasamy Temple,
Kovilapatti

7. Up. Matriculation Higher Secondary School

(Kovilpatti Pasumpon Thevar Educational Charitable Trust),

... Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF THE 7TH RESPONDENT

I, Mr. Muniasamy, son of Varadharajan aged about 29 years, residing at 112/4, Pillayar Koil Street, Shenbagaperi, Pandavar Mangalam Post, Kovilpatti, 628502, working as Manager and authorized representative of Kovilpatti Pasumpon Thevar Educational Charitable Trust, having its registered office at GP Mani Nagar Kathiresan Kovil Malai , Kovilpatti, 628502 being duly authorised by the Founder and Managing Trustee of the Trust, now temporarily come down to Chennai, do hereby solemnly affirm and state as follows:

1. I submit that I am the authorised representative of the 7th Respondent Trust and as such I am well acquainted with the facts of the case based on the available records and hence competent to swear this counter affidavit. At the outset I deny all allegations, averments and statements made against the 7th Respondent except those that are specifically admitted herein.

MANAGER & AUTHORIZED REPRESENTATIVE
PASUMPON THEVAR EDUCATIONAL
CHARITABLE TRUST
KOVILPATTI-628502

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V. Muniasamy
MANAGER & AUTHORIZED REPRESENTATIVE
PASUMPON THEVAR EDUCATIONAL
CHARITABLE TRUST
KOVILPATTI-628502.

2. I submit that the present Original Application has been initiated by this Hon'ble Tribunal on a suo motu basis pursuant to a news item published in the Dinamalar, Chennai Edition dated 30.09.2024 alleging illegal mining activities in and around the Kathiresan Temple Mount area. Based on a report submitted by the Tamil Nadu Pollution Control Board and this Hon'ble Tribunal by order dated 30.06.2025 was pleased to implead Kovilpatti Pasumpon Thevar Educational Charitable Trust as the 7th Respondent in the above Original Application.

3. I submit that the 7th Respondent is a charitable educational trust running a school and is only a lessee of the land situated within the school premises. The Trust has no role whatsoever in any alleged mining activities near the temple area and has never engaged in mining or quarrying operations for business or income. The limited activity undertaken by the 7th Respondent was only levelling of uneven land in and around the school campus purely as a safety measure for the welfare of school children, which has been wrongly misconstrued as mining, leading to the erroneous implication of the 7th Respondent in the present proceedings. The 7th Respondent submits that it has been wrongly implicated without any factual or legal basis and without establishing any direct involvement in the alleged mining activities.

4. I submit that the Trust has never at any point of time carried out any mining, quarrying or illegal extraction of minerals for business, profit or income. There was no commercial activity or intention

whatsoever. I further submit that certain small pits, uneven surfaces and exposed hard rocks existed within and near the school ground premises, which posed a serious danger to the safety of school students while playing or accessing the playground area. Considering the safety of the children alone the 7th Respondent undertook only levelling of land in and around the school premises as a preventive safety measure.

5. I categorically state that the activity carried out by the 7th Respondent was only land levelling and not mining. No mineral was extracted, removed, transported or sold and no excavation for commercial purpose was undertaken. Land leveling for safety reasons cannot be construed as mining under the Mines and Minerals (Development and Regulation) Act, 1957 or under any environmental law.
6. I submit that the vehicles used for the limited purpose of levelling the land were temporarily seized by the authorities and were subsequently released by the jurisdictional Magistrate by order dated 28.10.2024. I further submit that the alleged mining activities near the temple, as referred to in the newspaper report, were not carried out by the 7th Respondent. The said activities, if any, were committed by third parties who are politically influential persons with whom the 7th Respondent has no connection whatsoever. The school premises have been wrongly targeted instead of proceeding against the actual offenders.

7. I respectfully submit that the photographs published in the newspaper based on which the suo motu proceedings were initiated depict an entirely different parcel of land situated near the temple area and not the land forming part of the school premises. The land shown in the newspaper photographs is distinct, separate and geographically unconnected with the school campus. The 7th Respondent has no control, possession or operational role whatsoever over the land shown in the said photographs.
8. I further submit that the activity of land levelling undertaken by the 7th Respondent, as well as the criminal case that was registered, relate exclusively to the land situated within the school premises which is lawfully leased out to the 7th Respondent by the 5th Respondent namely the Hindu Religious and Charitable Endowments Department. The levelling activity was confined strictly within the leased school land and was carried out only for ensuring the safety of school students. There was absolutely no activity undertaken by the 7th Respondent in the temple area or in the land depicted in the newspaper photographs.
9. I submit that proceedings relating to the alleged penalty of Rs.24,00,000/- are already pending in statutory appeal before the District Collector and criminal proceedings were also initiated, wherein the vehicles were released. In such circumstances, fastening any further liability on the 7th Respondent without proper adjudication would cause grave prejudice.

10. I respectfully submit that the Revenue Divisional Officer has passed a penalty order alleging mining activities purportedly relying upon an inspection said to have been conducted by the Mining Officials. It is categorically denied that any such inspection was not ever conducted at the school premises by the Mining Department nor was any enquiry held or opportunity afforded to the 7th Respondent before passing the said penalty order. No inspection report, mahazar, measurements, photographs, GPS coordinates or scientific assessments have been furnished to the 7th Respondent to substantiate the allegation of mining.
11. I further submit that the penalty order was passed in a hasty manner solely due to media pressure generated by the newspaper publication without independent application of mind or adherence to the principles of natural justice. The said order is arbitrary, non-speaking and procedurally illegal. Aggrieved by the same, the 7th Respondent has preferred a statutory appeal before the District Collector challenging the very basis, jurisdiction and legality of the penalty order and the said appeal is presently pending adjudication.
12. I respectfully submit that the 7th Respondent has always acted in good faith, prioritising the safety of school children and has never indulged in any activity causing environmental damage. The 7th Respondent is willing to cooperate with any lawful enquiry or direction of this Hon'ble Tribunal, but strongly denies any liability for environmental compensation or penalty.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take this counter affidavit on record and refrain from passing any adverse or coercive orders against the 7th Respondent and pass such further or other orders may deem fit to the proper facts and circumstances of the case and thus render justice.

V. Muniyasamy
MANAGER & AUTHORIZED REPRESENTATIVE
PASUMPON THEVER EDUCATIONAL
CHARITABLE TRUST
KOVILPATTI-628502.

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of the above counter affidavit are true and correct to my knowledge and belief and that nothing material has been concealed therefrom.

Verified at Chennai on this 28th day of January 2026.

Before me
B. R.
B. THALAST
3516/2015
No. 257, Angeppu Narayan St,
Canara Bank Building,
Chennai - 60001.

V. Muniyasamy
MANAGER & AUTHORIZED REPRESENTATIVE
PASUMPON THEVER EDUCATIONAL
CHARITABLE TRUST
KOVILPATTI-628502.

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**COUNTER FILED ON BEHALF OF
THE SEVENTH RESPONDENT -
U.P. MATRICULATION HIGHER
SECONDARY SCHOOL (KOVILPATTI
PASUMPON THEVAR EDUCATIONAL
CHARITABLE TRUST).**

**M/S. T. VENKATESHKUMAR,
G. DINESH KUMAR
K. GANGADHARAN**
Counsel for 7th Respondent

Date: **03.02.2026**

Date of Hearing on:**23.03.2026**