

The following petition was presented on Sep 2, 2004 to Mr C Ramakrishnan I A S, Commissioner HR&CE with a covering letter signed by 23 citizens of Muttukkadu. It was accompanied by 17

documents listed in the Appendix. The material was studied in detail at once by Special Officer Mr M Rajarathinam, who was directed to do so by the Commissioner

**A petition from the citizens of Muttukkadu village, Kancheepuram District regarding a matter of greatest urgency submitted to the Commissioner, HR&CE Dept, Chennai 600034**

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Sub.: Lands in Survey Nos. 108/9 and 109/10 in Muttukkadu village, Chengalpattu Block, Kancheepuram District belonging to Vembadi Vinayagar-Nagalathamman temple administered by the Executive Officer, Arulmigu Nithyakalyana Swami Tirukkovil, Tiruvidanthai.

Having been alarmed that your office has consented to lease the above lands to Mr. M G M Anand, Director, MGM Beach Resorts, Muttukkadu [hereinafter referred to as the Applicant] for a lump-sum of Rs.70.71 lakhs and a continuing monthly rent of Rs.60,149, we the undersigned citizens of Muttukkadu, hereby petition you to desist from such a move, for the reasons we state under the following headings:

- 1- Falsehoods uttered by the Applicant in his various applications to you
- 2- Violations by the Applicant of other laws of the land
- 3- Citizen's earlier recorded protest against leasing of the the land
- 4- Effect on the religious sentiments of the Hindu community in the village
- 5- What we seek from HR&CE

Before we elaborate in detail, in various sections that follow, let us state at the outset that the lands under reference have been used historically for hundreds of years by residents of Muttukkadu --in particular by residents of Karikkattu Kuppam-- to worship Nagalathamman in a small shrine there and also to preserve a sacred grove of coconut trees. The open sandy soil and a water tank in it had been used as a percolator of rain water. The Applicant who briefly enjoyed a lease to harvest fruits of the trees, has demolished the shrine, cut several trees and filled the tank to reshape the land for commercial purposes detrimental to religious sentiment and the environment. He has

now applied for long-term lease with the male-fide intention of denying the community its spiritual and environmental well-being and to lay claim to the property on the basis of longevity of usage.

We urge you to at once refuse his application and cancel all leases that may have been granted to him by you. Further substantiating reasons follow to strengthen our petition.

1- Falsehoods uttered by the Applicant in his various correspondences with you

A- We have with us, copies of several letter written by the Applicant to you, seeking long-term lease of the land. On Jul 05 1999, Sep 03 2002, Jan 23 2003 and Aug 10 2004 he appeals to you to grant him permission to establish a grassy lawn in the 3.0 acres under reference in order to attract and please guests to his commercial establishment. Insofar as we are aware no such permission has been granted to him as of now. And yet, over three years ago he altered the landscape and established just such a lawn and has used it for conducting parties, picnics and games for guest to his organisation. He has laid roads, electric and water lines on the land and run bars serving alcoholic beverages and noisy music and dance parties for his guests.

In evidence of our claim we attach herewith a CD of a video taken by us on Aug 17, 2004, where the land under reference and the Applicant's property in relation to it may be clearly identified. You may observe the lawn in existence.

Far from granting him lease, we believe you have the duty to prosecute him for the violation.

B-Applicant on Sep 03 2002 claims that the lands under reference are without right of access to anyone except him as pattadar. He repeats on Jan 23 2003, that his patta lands surround the temple lands. He cites this as a reason for the grant of lease to them for his use. The facts lie otherwise. The temple lands are edged by a public beach for over 300 metres appx. It is amazing that your department has not rebutted this written falsehood. Fact is the Applicant posts his security guards along the public edges of the temple lands and intimidates the simple villagers from entering it.

C-On Aug 10 2004, the Applicant compounds his falsehoods by saying that one acre out of the 3 that he is seeking the lease for, is 'under the sea' and as

only 2 acres are usable, that you should reduce the lease amount you have directed him to pay.

First of all, since he had earlier claimed that his lands surround the temple lands, have a part of of his property also been submerged by the sea?

Secondly, how is it that this serial utterer of falsehoods not been suspected by your staff of coveting temple lands for commercial aggrandisement?

D- Repeatedly the Applicant refers to 88 coconut trees, the lease for harvesting whose fruits, he enjoyed for some years. Obviously the lease implies that he must care for these trees.

Villagers however have been agitated since 1998, because the Applicant cut majority of those trees, demolished their shrine, filled the pond and totally destroyed their sacred grove.

Receipts issued to the Applicant at Tiruvidanthai for lease amounts on Nov 11 1996, Sep 04 2001 and Dec 27 2001 and May 3 2003 explicitly refer to these 88 coconut trees.

Sir, where are these trees? How has this loss not come to your notice? Why is your office not agitated by the vandalism? How is the Applicant absolved of all enquiry and continues to make his requests for additional enjoyment of temple properties? Following the initiative of our Honourable Chief Minister and the Honourable Madras High Court, your office investigated the temple lands and stated vide Ref.31866/2003 V2 dated Jun 23 2003, that there were no encroachments. During investigation was the disappearance of the trees not become apparent?

Amazingly on behalf of your office, the Applicant on Feb 03,2004, was given provisional permission to establish a grass-land in addition to enjoying the fruits of the 88 original trees.

Please view the exhaustive video referred to under 1A above to see if these trees exist today. Even better, please make an express inspection to determine the perfidy of the Applicant.

E-Before we proceed further let us pause and focus on the Applicant's lies regarding access to the temple lands, how a part of it is under sea and regarding the 88 trees. We trust these are enough to arouse your suspicion for his seeking lease of the lands that belong to a Hindu temple.

Clearly he covets the three acres valued at several crores in money and priceless amount in terms religious and environmental value for the purpose the enlarging the undesirable entertainment of guests to his resort. His repeated request for laying a lawn is to next build a wall around the temple lands to 'protect' the lawn. In the course of the coming years, he will resort to legal wrangles and refuse to vacate the lands.

## 2- Violations by the Applicant of other laws of the land

It may not seem relevant to your Office but the following details of the Applicant's establishment should further arouse your suspicions as to his bon-fides as a law abiding citizen.

For over two years now, these very temple lands have been the venue for all-night parties with loud music, bars run on sacred temple lands and dancing bordering on the vulgar. Were these within indoors, no one has any quarrel. But disturbing the neighbourhood, in full view of aghast villagers and on the lands which were once sacred, made us all come together to protest the goings-on. We have also run a web-site which you can visit at <http://ecconews.tripod.com/index.html>

Over time, we catalogued his violations of police and environmental laws and on April 26, 2004, a delegation of citizens presented a report to the Collector at Kancheepuram. We are attaching a copy of this herewith and it may also be freely downloaded by anyone from a link at the above site. The many undesirable, unlawful events that took place on the temple lands are detailed there. We believe the Collectorate is investigating the matter.

We have over the years convinced the police that the Applicant [-and also other resorts along the ECR] breach laws that are rigourously enforced in the city. Finally, an extraordinary party took place on the Nagalathamman temple lands under reference on Jul 31, 2004. You may view an advertisement for it reproduced at our web-site at this link: <http://ecconews.tripod.com/resorts/adJul30.html> Because we have been able generate and present convincing evidence to the police and the Home Secretary to the Govt of Tamil Nadu, they have begun to act.

The Superintendent of Police, St Thomas Mount has by a letter [Ref. 176/CAMP/A/2004 dated Aug 28 2004]to the Collector has urged action. We are willing to provide conclusive evidence to you, with witnesses, that this party -- for launching MGM Vodka amongst about 400 liquor shop employees and

several other guests including many ladies-- took place on the Nagalathamman Temple Lands under reference. Four bars were run on the temple lands, loud music played on till 2am of August 1, 2004 and wild dancing went on disturbing the neighbourhood.

Ironically, the event occurred at a time when even the lease over 88 trees' produce was not in effect.

The TN Pollution Control Board has over the years investigated the Applicant's establishment for various violations. Several notices have been issued over the years and on Jun 29 2004, TNPCB [Ref: Proceedings No. TNPCB/LAW/LAI/30579/2003-1, Dt 29.06.2004] served notice that another violation will lead to cessation of power supply.

The Applicant is also being investigated for discharge of sewage in public lands endangering the health and livelihood of the village.

Finally, a Public Interest Litigation lies with the Hon'ble High Court against Resorts violating environmental laws of the land.

With all these in the background, it would be most inappropriate on your part to entertain any request by the Applicant. You would indeed be encouraging a brazen violator of laws and public sentiment.

### 3- Citizens' recorded protest against leasing of the the land

It is not as though citizens' have been asleep all these years and not protested. There have been ample opportunities for you to take notice of the Applicant's merits as lessee. We cite below a few instances:

Villagers have been protesting at public auctions that the Applicant should not be leased the temple lands. Strangely he has always managed because he was the highest bidder. Does HR&CE seek only revenues or does it also guard Hindu heritage, properties and assets?

On Dec 13 2002, our elected Panchayat President by ref 109/2002-2003 [attached hereto] recorded the specific objections of villagers regarding the temple lands and encouraged them to take all steps to prevent the Applicant from leasing the lands again. Village elders presented this letter to the Executive Officer but the Applicant was nevertheless awarded the lease.

On Dec 22 2003, five members of the Meevanavar Panchayat and eight

members of the public presented an appeal to your office at Nungambakkam and the HR&CE office at Kancheepuram specifically citing the Applicant's resort for misuse of the temple lands.

A Arumuga Chettiar, an Elder of Karikkattu Kuppam filed a Writ Petition at the Hon'ble Madras High Court [Ref.3647/03] citing encroachment of temple lands and seeking direction to your office to evict the encroacher.

Villagers finally met the Hon'ble Chief Minister of Tamil Nadu , and gave her a petition seeking her intervention in the matter.

Your staff finally moved and found nothing adverse in the matter. The presence of unauthorised grasslands, extensive reshaping of the land that filled an existing pond, disappearance of most of the 88 coconut trees, creation by the Applicant of concrete pathways, water lines, and electric lights did not arouse any suspicion as to the nature of use the sacred lands were put to. No citizen was met during investigations, no civic meeting was called and no joint sitting of the complainants and the Applicant took place. By Ref 31866/03/V2/25.5.04 your office tersely declared that all encroachments have been cleared and that there were 'currently' no encroachments.

Who were the encroachers who were evicted? What action was being taken against encroachers? Is the current Applicant the encroacher? If yes, how is his request for establishing grasslands been accepted? If not, what are his liabilities in not preventing encroachments? These questions require to be answered.

#### 4- Effect on the religious sentiments of the Hindu community in the village

Among the signatories to this petition are citizens of Muttukkadu who are Muslims and Christians. Even they express surprise that HR&CE is not unduly concerned about the trampling of Hindu sentiments on Hindu Temple lands. They say that Church and Mosque properties will not allow bars serving alcoholic drinks and noisy, dancing by semi-dressed parties. How is it that HR&CE not concerned.

Doubts also arise if all this is happening because the Applicant is not a Hindu. Villagers recall how these 3 acres were once a dense grove, with a small shrine and a large natural pond. The sandy soil soaked all the rainwater and in the Jambodai village a fresh water brook ran the year around. Now even drinking water is not available. The Applicant sprays lakhs of litres of fresh water daily, on a 3 acre expanse of lawns maintained for partying. Water

levels are going down everywhere in the village. This is the fourth year without rains.

We the citizens are convinced that we are heading for an environmental disasters. Simple villagers say that the re-establishment of the once existing sacred grove will restore spiritual and environmental values.

We urge that HR&CE take note of this holistic sentiment.

#### 5-What we seek from HR&CE

- A- Annul all existing leases and refuse future applications.
- B- Permit the re-creation of the once existing sacred grove
- C- Permit a small shrine to be established for Nagalathamman in the grove
- D- Permit the re-creation of a large pond by the temple
- E- Permit only community gatherings on the land that do not violate environmental or religious sentiments
- F- Investigate who destroyed the grove and tank, extract compensation from them and issue it for the restoration of the scared grove.

The Hon'ble Chief Minister has directed that we must create, restore and repair water bodies everywhere. We urge that HR&CE take note of this and act swiftly in this direction.

HR&CE cannot function as a mere revenue earner. Even if that were so, the real wealth of the land is its natural resources.

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### **Appendix:**

Inventory of documents accompanying the petition:

Submissions presented in person on Sep 2,2004, to the Commissioner HR&CE, Chennai-34 along with the document entitled: "A petition from the citizens of Muttukkadu village, Kancheepuram District regarding a matter of greatest urgency submitted to the Commissioner, HR&CE Dept, Chennai 600034"

1- 109/2002-2003- 13.12.2002: Letter by Panchayat President C Shankar recommending eviction MGM Beach Resorts for violations on Temple Lands-- copy

2- Petition to the Honourable CM by Karikkattu Kuppam Meenavar Panchayat in Sep 2003, seeking eviction of MGM Beach Resorts from Temple Lands-- copy

- 3- 22.12.2003- Petition from A Arumuga Chettiar and 13 signatories to the Dy Comm. HR&CE, Kancheepuram seeking eviction of MGM Beach resorts from Temple Lands- copy
- 4- 25.05.04 - Letter from your office to A Arumuga Chettiar stating that all encroachments had been removed 'at the moment'
- 5- Report and petition to the Collector, Kancheepuram by 28 citizens of Muttukkadu on 26.4.2004 detailing abuse of Temple Lands by MGM Beach Resorts-- in Tamil copy
- 6- The submission as above in English -- copy
- 7- Warning dated 29.06.2004 from TNPCB to MGM Beach Resort
- 8- 3.2.04- letter from EO, Tiruvidanthai to MGM Anand offering lease to establish a lawn on Temple Lands
- 9- 10.08.04- letter in reply to the above from MGM Anand to you seeking reduction of lease amount because '1 acre was submerged in the sea'
- 10- Copy of a video CD of the temple lands taken in August 2004, showing an established lawn after cutting down nearly all trees
- 11- 4.8.2004 - letter from D V Sridharan to MGM Anand protesting use of Temple Lands for the Apple Bash, Beach Party on 31.7.04, and seeking details of his lease rights
- 12- 23.8.2004- letter to Asst Comm., HR&CE, Kancheepuram given in person seeking lease details of Temple Lands
- 13- 28.8.2004 - application if Form 3 of TN Right to Information Rules, 1997 to EO, Tiruvidanthai seeking details of lease of temple lands. By Reg Post
- 14- Citizens petition to you on 2.9.04 in English- original
- 15- The above in Tamil- Original
- 16- Covering letter to 14 and 15 signed by 23 citizens of Muttukkadu cutting across all sections- Original
- 17- This statement of inventory submitted