

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 66/2015 (SZ)
(M.A. No. 17/2018 & M.A. No. 18/2018)

R. Kalidass

Applicant(s)

Versus

The Member Secretary, Tamil Nadu
Coastal Zone Management Authority & Ors.

Respondent(s)

Date of hearing: 13.02.2019

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRMAN
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. R. Jayaprakasa, Advocate

For Respondent (s): Mr. S. V. Vijay Prashanth, Advocate for Respondent
No. 1. And Respondent No. 2
Mr. P. Varalakshmi, Advocate for Mr. Abdul Saleem
for Respondent No. 3

ORDER

1. This application seeks stopping of illegal construction on survey no. 620/4B2 and 620/5B opposite to Agni Theertha Karai, Rameswaram, within the CRZ area.
2. According to the applicant, Respondent No. 5 started constructing commercial 'pay and use' toilets within the prohibited zone of High Tide Line in violation of Coastal Regulation Zone Notification, 2011. The authorities are not taking any steps for implementation of law.
3. Replies have been filed. According to the Tamil Nadu Coastal Zone Management Authority (TNCZMA), no application has been received for permission for such construction and such construction is otherwise not permissible.

4. According to the Tamil Nadu Pollution Control Board (TNPCB), notice to stop construction was issued on 10.09.2013 and construction was stopped, after basement had been constructed.
5. Respondent No. 5, in his reply, has not disputed that no such construction can be made without permission of the Coastal Zone Authority and thus, the construction made and proposed is illegal. According to him, an application was made for permission which was pending.
6. Respondent no. 4, Commissioner, Rameswaram Municipality, has stated that action has been initiated for stopping of the illegal construction.
7. On 24.03.2015, the Tribunal restrained the Respondent No. 5 from proceeding further and required maintenance of status quo. The Tribunal also considered the issue of scheme of the municipality for proper sewage system.
8. Since it is stated that the larger question of sewage system is being separately considered by the Madras High Court, Madurai Bench and as far as construction by Respondent No. 5 is concerned, the same is illegal, there is no issue for further consideration.
9. We direct the concerned statutory authorities, including the TNCZMA, to take action to remove any illegal construction already raised and to stop any further construction, in violation of law.

With the above direction, the application is disposed of.

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 13, 2019
Original Application No. 66/2015 (SZ)
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DV & HB

