

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT CHENNAI(SZ)

O.A. 101 OF 2023

Jesu Rathinam and Anr

.... Petitioner

Vs

TNSCZMA and others

... Respondents

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It is Certified that the above documents are true copies of the Originals

DATED AT CHENNAI ON THIS THE 21st DAY OF NOVEMBER 2023



COUNSEL FOR 4TH RESPONDENT

I

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT CHENNAI
MEMORANDUM OF APPLICATION**

**(Under Sections 14, 15 read with 18(1) of the National Green
Tribunal Act, 2010)**

Application No. 101 of 2023

Jesu Rethinam & Anr

....Applicants

Vs.

TNSCZMA & Ors

... Respondents

COUNTER FILED BY THE 4TH RESPONDENT

This Respondent submits as follows:-

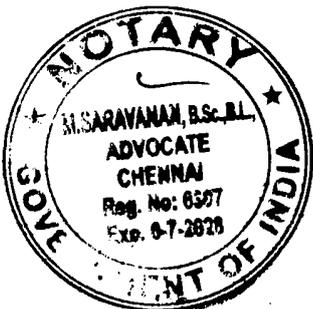
1. The address for service of all notices and processes on this Respondent is that of their Counsel Mr. S. Janarthanam, Senior Panel Central Govt. Counsel, 366, Law Chambers, High Court Buildings, Chennai.
2. This Respondent states that the averments contained in para 1 of the application is factual in nature.
3. In so far as the averments contained in para 2 (a) of the Application is concerned this Respondent states that The maps are still in DRAFT stage and the very purpose of publishing the DRAFT maps and conducting Public hearings is to invite suggestions and objections so that the suggestions and objections can be appraised and the maps can be corrected and updated and therefore averments to the contra are self-serving.



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4. In respect of the averments contained in para 2(b) of the Application is concerned this Respondent states that a copy of Letter from the Director, Department of Environment & Climate Change, Govt. of Tamil Nadu dated 26/09/2023 has been addressed to this Respondent and the same is enclosed herewith as Annex-1. The said letter (Annex-1) states that the Commissioner of Fisheries and Fishermen Welfare has instructed all Assistant Directors of Fisheries, Tamil Nadu to collect the data related to Fishing Zones, Fish Breeding Areas, Fishing village boundaries, Breeding and Spawning Grounds and common properties of the Fishermen such as Fish Landing Centre, Fishing Harbour, Fish Drying Area, Boat Parking Area, Fishermen Settlement, Fishing wards, Village names, Fishermen Hamlet and provide the same to this Respondent. The said letter (Annex-1) further states that this Respondent should conduct ground truthing after incorporating the data in the draft CZMP and land use maps. Therefore it is submitted that this Respondent herein will incorporate the data in the draft CZMP and land use maps and also conduct ground truthing, once the data is received from the Commissioner of Fisheries and Fishermen Welfare, Tamil Nadu the 5th Respondent herein.

5. This Respondent states that in respect of the averments contained in Para 2© of the Application is concerned it is submitted that the Stakeholder data received from the Department of Environment & Climate Change, Govt. of Tamil Nadu have been incorporated in the draft CZMP as per CRZ Notification, 2019, prepared by this Respondent. The Features like Fishing Port, Fishing Harbour, Fish Landing Centre, Multipurpose Evacuation Centre, Breakwater/Jetty/ Groyne, etc have already been depicted in the draft CZMPs from the data provided by the Department of Environment and Climate Change, Government of Tamil Nadu and have been indicated in the Legend, as per the prescribed format. However, this Respondent herein is only involved with the preparation of the CZMP and is not



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dealing with issuing authorizations for developmental activities on the seaward side nor with violations or legalizing past violations etc, which are all being dealt by the Tamil Nadu Coastal Zone Management Authority (i.e.) the 1st Respondent herein.

6. This Respondent states that in respect of the averments contained in Para 2(d) is concerned this Respondent states that the Applicant has not given any specific suggestions /objections on the draft CZMP. In order to correct the draft CZMP maps, specific and concrete objections /suggestions with details of the **location/site/latitude/longitude/Survey number** etc are required. Without these site details, any suggestion/objection will only become a criticism of the draft CZMP and not a meaningful suggestion/ objection. No action can be taken by this Respondent on the above criticism, unless the criticism is followed up with specific and concrete objections /suggestions with details of the **location/site/latitude/longitude/Survey number**.

7. In respect of the averments contained in Para 2(e) of the Application is concerned this Respondent states that the CZMP guidelines notified under MoEF&CC OM dated 26/06/2019 are enclosed herewith as Annex-2a and Annex-2b. The guidelines do not require 'Written plan detailing each map', as demanded by the Applicant and therefore the averments to the contra are self-serving.

8. This Respondent states that in respect of the averments contained in para 2(f) is concerned this Respondent states that the CZMP guidelines notified under MoEF&CC OM dated 26/06/2019 (Annex-2b) under the heading "**LOCAL LEVEL CZMP**", is reproduced below:



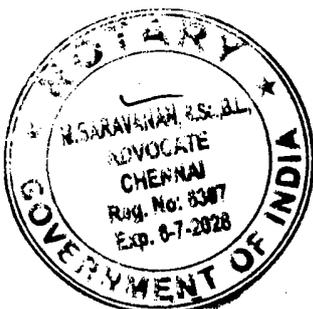
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"4. LOCAL LEVEL CZMP

Local level CZM Maps shall be prepared for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans. Cadastral (village) maps in 1:3960 or the nearest scale, as available with revenue authorities shall be used as the base maps. HTL, LTL, other CRZ regulatory lines and the Hazard line shall be demarcated in the cadastral maps and classifications shall be transferred into the local level CZMP. In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States and Union territories shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety and disaster preparedness".

Thus, the above details including the detailed plans for long term housing needs of coastal fisher communities will be taken-up at the time of preparation of cadastral scale/1:4000 scale maps, by the agency who will prepare the cadastral scale/1:4000 scale maps, based on the data to be provided by the Tamil Nadu Coastal Zone Management Authority, i.e. the 1st Respondent herein.

9. In so far as the averments contained in para 2(g) is concerned this Respondent states that the CZMP guidelines notified under MoEF&CC OM dated 26/06/2019 (Annex-2b) do not require the "difference between the previous map and the present map" to be provided, as demanded by the Applicant.



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10. This Respondent states that in respect of the averments contained in Para 2(h) are concerned this Respondent states that the following are the Provisions in the CRZ Notification, 2019 regarding the scale of the CZMP:

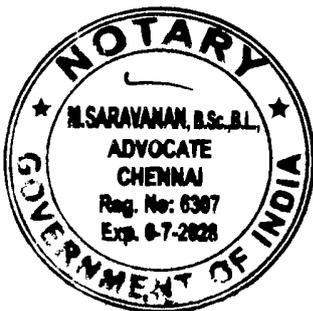
Para 6 (iii): The coastal States and Union Territories shall prepare draft CZMP in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV to this notification, which involve public consultation.

Para 3 (i) of Annexure IV: Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1: 25,000 maps are not available, 1: 50,000 maps shall be enlarged to 1: 25,000 for the purpose of base map preparation.

Para 3 (ii) of Annexure IV: Coastal Zone Management (CZM) Maps of scale 1:25,000 shall be got prepared by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office Order number J-17011/8/92-IA-III dated the 14th March, 2014 using the demarcation of the High Tide Line or LTL, as carried out by NCSCM.

Thus, the CZMP has to be prepared only on 1:25,000 scale, as per the CRZ Notification, 2019. Therefore the averments to the contra are self-serving.

11. In so far as the averments contained in Para 2 (i) are concerned this Respondent states that the Erosion zones/maps are not being prepared by this Respondent. These are being dealt by the Tamil Nadu Coastal Zone Management Authority (i.e.) the 1st Respondent herein.



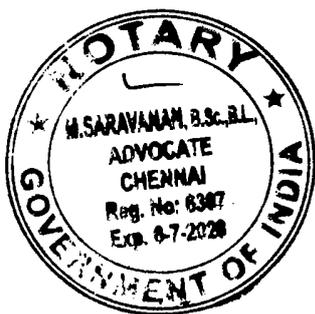
Director

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12. In respect of the averments contained in Para 3 and 4 of the Application are concerned this Respondent states that the Applicant has not given any specific suggestions /objections on the draft CZMP. In order to correct the draft CZMP maps, specific and concrete objections /suggestions with details of the **location/site/latitude/longitude/Survey number** etc are required. Without these site details, any suggestion/objection will only become a criticism of the draft CZMP and not a meaningful suggestion/ objection. No action can be taken by NCSCM (Respondent No. 4) on the above, unless specific and concrete objections/suggestions with details of the **location/site/latitude/ longitude/Survey number** are provided. **This Respondent will take immediate action if such objections/suggestions with details of the location/site/latitude/ longitude/Survey number** are provided.

13. This Respondent states that in respect of the averments contained in para 5(i) of the application is concerned this Respondent states that the CRZ Notification, 1991 is not in force now. In respect of the averments contained in Para 5(ii) of the Application is concerned this Respondent states that the Coastal Zone Management Plans prepared as per the CRZ Notification, 1991 are not valid now. As far as the averments contained in Para 5(iii) are concerned this Respondent states that it is true that the CRZ Notification, 2019 has been notified now, in place of CRZ Notification, 2011.

14. In respect of the averments contained in Para 5(iv) of the Application this Respondent states that The Applicant has not given any specific suggestions /objections on the CZMP. In order to correct the CZMP maps, specific and concrete objections /suggestions with details of the **location/site/latitude/longitude/Survey number** etc are required. Without



A handwritten signature in black ink, appearing to read "S. Prasad".

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these site details, any suggestion/objection will only become a criticism of the CZMP and not a meaningful suggestion/ objection. No action can be taken by this Respondent on the above, unless specific and concrete objections/suggestions with details of the **location/site/latitude/ longitude/Survey number** are provided. **This Respondent** will take immediate action if such objections/suggestions with details of the **location/site/latitude/ longitude/Survey number** are provided.

15. In so far as the averments contained in para 5(v) to 5(xii) are concerned **this Respondent states that this Respondent** was not involved in the subject case, neither as a Party/Respondent nor as an authorized technical agency and therefore the averments contained therein are not concerned with this Respondent.

16. **This Respondent states that in respect of the averments contained in para 5(xiii) are concerned this Respondent** has already completed preparation of the draft CZMP maps in Tamil language and the draft CZMPs have been published both in English and Tamil languages.

17. In respect of the averments contained in para 5(xiv) of the application are concerned **this Respondent states that the maps are still in DRAFT stage** and the very purpose of publishing the DRAFT maps and conducting Public hearings is to invite suggestions and objections so that the suggestions and objections can be appraised and the maps can be corrected and updated. In order to correct the CZMP maps, specific and concrete objections /suggestions with details of the **location/site/latitude/longitude/Survey number** etc are required. Without these site details, any suggestion/objection



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will only become a criticism of the CZMP and not a meaningful suggestion/objection. No action can be taken by this Respondent on the above, unless specific and concrete objections/suggestions with details of the **location/site/latitude/ longitude/Survey number** are provided. **This Respondent** will take immediate action if such objections/suggestions with details of the **location/site/latitude/ longitude/Survey number** are provided.

18. In respect of the averments contained in Para 6(i) of the Application is concerned this Respondent states that the land use maps have been prepared by NCSCM (Respondent No. 4) for the area between the Hazard line and HTL and the draft land use maps have also been published.

19. As far as the averments contained in Para 6(ii) of the Application is concerned this Respondent states that the Local level CZMP maps are only for implementation of the approved CZMP and are to be prepared after approval of the CZMP.

20. This Respondent states that as far as the averments contained in Para 6 (iii) of the Application is concerned the coastal States and Union Territories shall prepare draft CZMP in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV to this notification, which involve public consultation.

The following are the Provisions in the CRZ Notification, 2019 regarding the scale of the CZMP:



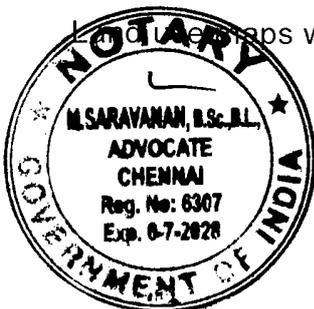
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Para 3 (i) of Annexure IV: Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1: 25,000 maps are not available, 1: 50,000 maps shall be enlarged to 1: 25,000 for the purpose of base map preparation.

Para 3 (ii) of Annexure IV: Coastal Zone Management (CZM) Maps of scale 1:25,000 shall be got prepared by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office Order number J-17011/8/92-IA-III dated the 14th March, 2014 using the demarcation of the High Tide Line or HTL, as carried out by this Respondent.

Thus, the CZMP has to be prepared only on 1:25,000 scale, as per the CRZ Notification, 2019.

21. In respect of the averments contained in Para 6(iv) of the Application is concerned this Respondent states that the Applicant has not given any specific suggestions /objections regarding demarcation of ESAs. In order to correct the CZMP maps, specific and concrete objections /suggestions with details of the **location/site/latitude/longitude/Survey number** etc are required. Without these site details, any suggestion/objection will only become a criticism of the CZMP and not a meaningful suggestion/ objection. No action can be taken by this Respondent on the above, unless specific and concrete objections/suggestions with details of the **location/site/latitude/longitude/Survey number** are provided. **This Respondent** will take immediate action if such objections/suggestions with details of the **location/site/latitude/longitude/Survey number** are provided. In the draft **Land use maps**, the ESA /CRZ IA areas have been marked with appropriate colour codes - with different colours/symbols. The Applicant may refer the draft **Land use maps** which have been published along with the CZMP maps.



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22. In respect of the averments contained in Para 6(v) of the Application is concerned this Respondent states that Mangrove areas along the Adyar river will be examined by this Respondent once again and demarcated as applicable.

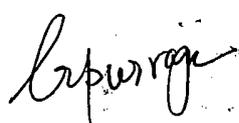
23. In so far as the averments contained in Para 6(vi) of the Application is concerned this Respondent submits that they will incorporate the fisheries related data in the draft CZMP and land use maps and also conduct ground truthing, once the data is received from the Commissioner of Fisheries and Fishermen Welfare, Tamil Nadu (i.e. the 5th Respondent herein. As per the CRZ Notification, 2019, the CZMP has to be prepared only on 1:25,000 scale.

24. As far as the averments contained in Para 6(vii) of the Application is concerned this Respondent states that as per Para 4 of the CZMP guidelines notified under MoEF&CC OM dated 26/06/2019 (Annex-2b) under the heading "LOCAL LEVEL CZMP", many fisheries related details including the detailed plans for long term housing needs of coastal fisher communities will be taken-up at the time of preparation of cadastral scale/1:4000 scale maps.

25. This Respondent states that in respect of the averments contained in para 7 to 11 are concerned this Respondent states that the draft CZMP report will be prepared as per the format given in page Nos. 8 and 9 of the CZMP guidelines notified under MoEF&CC OM dated 26/06/2019 (Annex-2b). The CZMP guidelines (Annex-2b) do not provide for preparing the CZMP report/written plan for each of the 105 maps.

26. In respect of the averments contained in para 12 of the application is concerned this Respondent states that the following are the Provisions in the CRZ Notification, 2019 regarding the scale of the CZMP:




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Para 6 (iii): The coastal States and Union Territories shall prepare draft CZMP in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV to this notification, which involve public consultation.

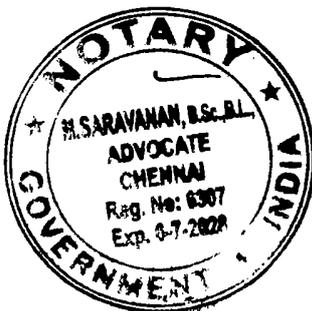
Para 3 (i) of Annexure IV: Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1: 25,000 maps are not available, 1: 50,000 maps shall be enlarged to 1: 25,000 for the purpose of base map preparation.

Para 3 (ii) of Annexure IV: Coastal Zone Management (CZM) Maps of scale 1:25,000 shall be got prepared by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office Order number J-17011/8/92-IA-III dated the 14th March, 2014 using the demarcation of the High Tide Line or LTL, as carried out by NCSCM. Thus, the CZMP has to be prepared only on 1:25,000 scale, as per the CRZ Notification, 2019.

27. In respect of the averments contained in para 13 of the application is concerned this Respondent states that as per the CRZ Notification, 2019, the CZMP has to be prepared only on 1:25,000 scale. The Local level CZM maps / Cadastral maps in 1:3960 scale are to be for implementation of the approved CZMP.

28. This Respondent states that in so far as the averments contained in Para 14 of the Application is concerned that as per the CRZ Notification, 2019, the CZMP has to be prepared only on 1:25,000 scale.

Para 4 of the CZMP guidelines notified under MoEF&CC OM dated 26/06/2019 (Annex-2b) under the heading "**LOCAL LEVEL CZMP**", is reproduced below:



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"4. LOCAL LEVEL CZMP

Local level CZM Maps shall be prepared for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans. Cadastral (village) maps in 1:3960 or the nearest scale, as available with revenue authorities shall be used as the base maps. HTL, LTL, other CRZ regulatory lines and the Hazard line shall be demarcated in the cadastral maps and classifications shall be transferred into the local level CZMP. In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States and Union territories shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety and disaster preparedness".

Thus, Local level CZM maps / Cadastral maps in 1:3960 scale are to be prepared to facilitate implementation of the approved CZMP.

29. In respect of the averments contained in para 15 to 21 of the Application is concerned this Respondent states that the same pertains to the Tamil Nadu Coastal Zone Management Authority (i.e) the 1st Respondent herein.

30. This Respondent states that in so far as the averments contained in para 22 and 23 of the Application are concerned this Respondent states that the Erosion zones/maps are not being prepared by this Respondent. These are being dealt by the Tamil Nadu Coastal Zone Management Authority (i.e) the 1st Respondent.



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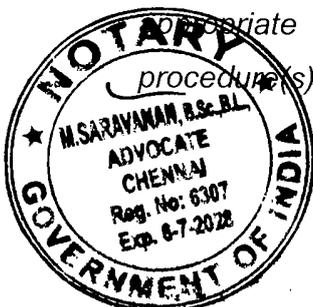
31. This Respondent states that in respect of the averments contained in Para 24 and 25 of the application are concerned neither the CRZ Notification, 2019 nor the CZMP guidelines notified under MoEF&CC OM dated 26/06/2019 (Annex-2b) provide for publishing the differences between the previous map and the present map in respect of all the 105 published maps.

32. In so far as the averments contained in para 26 and 27 are concerned this Respondent states that the Applicant has not given any specific suggestions /objections regarding the alleged shortcomings and lacunae. In order to correct the CZMP maps, specific and concrete objections /suggestions with details of the **location/site/latitude/ longitude/Survey number** etc are required. Without these site details, any suggestion/objection will only become a criticism of the CZMP and not a meaningful suggestion/objection. No action can be taken by NCSCM (Respondent No. 4) on the above, unless specific and concrete objections/suggestions with details of the **location/site/latitude/ longitude/Survey number** are provided. **This Respondent** will take immediate action if such objections/suggestions with details of the **location/site/latitude/ longitude/Survey number** are provided.

33. This Respondent states that in respect of Para 28 of the application is concerned this Respondent states that the Paras 6 (iii) and 6 (iv) of CRZ Notification, 2019 are reproduced below.

“(iii) The coastal States and Union territories shall prepare draft CZMP in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV to this notification, which involve public consultation.

(iv) The draft CZMP shall be submitted by the State Government or Union territory to the concerned Coastal Zone Management Authority for appraisal, including appropriate consultations, and recommendations in accordance with the procedures laid down in the Environment (Protection) Act, 1986 (29 of 1986)”.



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It is clear from the above paras that only the draft CZMP has to be placed for public hearing and not complete maps as claimed by the Applicant. If this argument of the Applicant is accepted, then there can be many more such Applications with their own suggestions/objections, before the public hearing is held, which would mean that public hearings can never be held. This would frustrate the very purpose of holding public consultations.

The claim of the Applicant that the respondents have a duty to place complete maps for public consultation is untenable and is not as per the law. Public hearing on the draft CZMP is conducted for the sole purpose of inviting suggestions and objections on the draft CZMP. The maps will become complete only after their appraisal based on specific/concrete suggestions and objections received and not before that.

34. This Respondent states that in respect of the averment contained in Para 29 of the Application is concerned this Respondent states that the same pertains to the Tamil Nadu Coastal Zone Management Authority (i.e) the 1st Respondent.

35. In so far as the averments contained in para 30 of the Application is concerned this Respondent states that the Applicant has not given any specific/concrete suggestions /objections regarding the alleged deficiencies and lacunae. In order to correct the CZMP maps, specific and concrete objections /suggestions with details of the **location/site/latitude/ longitude/Survey number** etc are required. Without these site details, any suggestion/objection will only become a criticism of the CZMP and not a meaningful suggestion/ objection. No action can be taken by this Respondent on the above, unless specific and concrete objections/suggestions with details of the **location/site/latitude/ longitude/Survey number** are provided. **This Respondent will take immediate action if such objections/suggestions with details of the location/site/latitude/ longitude/Survey number are provided.**



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36. This Respondent states that in so far as the averments contained in para 31 (A) to 31(Q) are concerned this Respondent states that the same has already been dealt in the preceding paragraphs and therefore this Respondent does not want to be repetitive.

37. For all the reasons stated above it is therefore prayed that this Hon'ble court may be pleased to dismiss the above application against this Respondent with costs to this Respondent and pass such further or other orders as this Hon'ble Tribunal may deems fit and proper in the circumstances of the case and thus render justice.

DATED AT CHENNAI ON THIS THE 20TH DAY OF NOVEMBER 2023



COUNSEL FOR 4TH RESPONDENT



4TH RESPONDENT

Director

National Centre for Sustainable Coastal Management
Ministry of Environment, Forest and Climate Change
Government of India, Anna University Campus
Chennai - 600 025. India

VERIFICATION

I, Dr. Purvaja Ramachandran, Daughter of G.V. Ramachandran, occupying the post of Acting Director, NCSCM in the 4th Respondent do hereby verify that what is stated above in paragraphs 1 to 37 are true to the best of my knowledge belief and information.

VERIFIED AT CHENNAI ON THIS THE DAY OF NOVEMBER 2023




M. SARAVANAN, B.Sc., B.L.,
ADVOCATE & NOTARY PUBLIC
No.29, 2nd Cross Street, Sankar Nagar,
Pammal, Chennai - 600 075.
Cell : 9841061607



4TH RESPONDENT

Director

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Government of India, Anna University Campus
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BEFORE THE NATIONAL GREEN TRIBUNAL
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S.JANARTHANAM
SENIOR PANEL CENTRAL GOVT
COUNSEL
COUNSEL FOR 4th RESPONDENT