

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 101 of 2023

Jesu Rethinam
W/o. Late Shri Christy,
11/1A, Sri Ramakrishna Paramahamsar Street,
Vellippalaya,
Nagapattinam 611 001 & another

...Applicants

Vs

Tamil Nadu State Coastal Zone
Management Authority.
Rep By its Member Secretary,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet,
Chennai - 15 & others.

...Respondents

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**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith ,
Advocate, Chennai.**

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W/o. Late Shri Christy,
11/1A, Sri Ramakrishna Paramahamsar Street,
Vellippalaya, Nagapattinam 611 001
2. K. Saravanan,
S/o. Kasinathan,
No. 30, Urur Kuppam,
Besant Nagar, Chennai - 90

...Applicants

-Vs-

1. Tamil Nadu State Coastal Zone
Management Authority.
Rep By its Member Secretary,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet, Chennai - 015
2. The State of Tamil Nadu
Rep. By its Principal Secretary to the Government
Department of Environment
Fort St. George Chennai - 09
3. The Tamil Nadu Pollution Control Broad
Rep by its Member Secretary
No. 76, Mount Salai, Guindy,
Chennai-600 032

...Respondents

**REPORT FILED ON BEHALF OF THE THIRD RESPONDENT -
TAMIL NADU POLLUTION CONTROL BOARD.**

I, K.Nalini, Daughter of Thiru.K.Krishnaswamy, aged about 59 years having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this report on behalf of the 3rd respondent and as such I am well acquainted with the facts of the case from the records and authorized to file this report on behalf of the 3rd respondent.

2. It is respectfully submitted that the applicant filed the OA before the Hon'ble National Green Tribunal (Southern Zone), Chennai with the following prayers:

- a. Set aside Map No. TN 01 to Map No. TN 105 of the draft Coastal Zone Management plan map prepared by the respondents and uploaded on the website of the 2nd respondent at <https://www.environment.tn.gov.in/draft-czmp-map-main> and direct the respondents to prepare the CZMP in strict compliance with the CRZ Notification, 2019 and the Judgments of this Hon'ble Tribunal in O.A No. 86 and 141 of 2014 and Hon'ble High Court in W.P No.29928 of 2019.
 - b. Issue such other orders as it deems fit in the interest of the case and render justice.
3. It is respectfully submitted that previously the 1st applicant filed a writ petitions vide W.P. No. 7019 of 2018 and W.P. No. 29928 of 2019 before the Hon'ble High Court and granted interim order dated 03.12.2019 stated as follows:

“(III) The respondents are called upon to rectify the mistakes or violations in the maps, in accordance with the 2011 Notification first and the same get prepared through NCSCM on the scale of 1:5,000 as early as possible and produce the same before the Court on the next date of hearing. If it is not possible to produce it on the next date of hearing, the date wise steps taken by them

for preparing the same with the Affidavit of the Director of Department of Environment and also the Member Secretary of TNSCZMA shall be produced on the next date of hearing before this Court.

(IV) The Affidavit of the Member Secretary shall also include the details of the public hearings which have taken place in this regard, since in the Affidavit filed, it is stated that the public hearings took place in different Districts in the month of April 2018, but the detailed descriptions of such public hearings were not given. The Court may like to know from the respondents that if the scale of map already produced before this Court was the only available map at the time of public hearing, which are not even legible or decipherable, how effective participation of the public at large could have taken place and whether the said maps, not prepared in the vernacular language also, was it suitably explained to the objectors or members of public or not and if any written representations or objections were made by them; how such objections were responded to or disposed by orders in writing by the respondents before finalising the said maps and the same shall be stated in the fresh Affidavit to be filed before this Court.

(V) The matter is now adjourned by four weeks, with the expectation that all bona fide and sincere efforts will be made by all concerned authorities of the respondent Departments to assist the Court in the proper manner to arrive at the conclusions as to whether the relevant Regulations under the Act and 2011 Notification and 2019 Notification have been followed by the

respondents or not, to subserve the cause of Public Safety in Coastal areas in this regard.”

4. It is respectfully submitted that based on the above order passed by the Hon'ble High Court, the 1st respondent herein, the SCZMA – Tamil Nadu represented by its Member Secretary has filed an affidavit before the Hon'ble High Court which are as follows:-

“11. I humbly submit that after the receipt of Work Order, the Institute of Remote Sensing, Chennai.25 has furnished the draft contract agreement for the preparation of CZMP on 1:5000 Scale as per the CRZ Notification, 2011 with schedule for timeline indicating that the draft map will be submitted in 12 months, as the work involves the following factors.

a) Superimposition of approved HTL and LTL onto digital Cadastral Maps at 1:5000 scale (village maps in case of rural areas and ward maps in case of city/town) for entire coast of Tamil Nadu and tidal influenced water bodies in Tamil Nadu.

b) Delineation of 200m, 500m buffer lines for HTL of Bay of Bengal and 100m or width of creek buffer lines for Tidal influenced water bodies as per Coastal Regulation Notification, 2011

c) Superimposition of Ecologically Sensitive Areas like Mangroves, Coral, Coral reefs, Sand dunes, Mud flats, National Parks, Marine Parks, Sanctuaries, reserve forest, wildlife habitats and other protected areas, Salt Marshes, Turtle Nesting grounds, Horse Shoe habitats, Sea Grass beds, Bird Nesting sites, Archaeological sites indicated in approved CZMP within Coastal Regulation Zone on to digital cadastral maps.

d) Generation of 50m buffer zone for mangroves patches with area more than 1000 sq.m. as indicated in approved CZMP prepared as per CRZ Notification, 2011

e) Demarcation of Coastal Regulation Zones (IA, 1-B, II,III,IV-A and IV-B) for entire cost of Tamil Nadu and 21 Islands within administrative control of Government of Tamil Nadu.

f) Generation of Local Level CRZ Maps at 1:5000 scale as per CRZ Notification, 2011 following standard national colour codes, symbols used in Approved CZMP.

g) Collection and Superimposition of cyclone shelters, rain shelters, helipads and other infrastructure including road network in coastal area using GPS based filed survey and ancillary data collected from field departments on cadastral maps at 1:5000 scale.

h) Collection and Superimposition of fishing village boundaries, 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, fishing zones, fish breeding areas and like using GPS based filed survey on cadastral maps.

i) Generation of Local Level Coastal Zone Management Plants at 1:5000 scale for entire coast of Tamil Nadu and Islands within administrative control of Tamil Nadu Government following guidelines provided in CRZ Notification, 2011."

5. It is respectfully submitted that the Hon'ble High Court passed an order dated 13.2.2020 and stated that *the above referred interim directions would be part of the final order and directed that the entire process of making fresh maps as per the latest notification dated 18.01.2019 be completed in accordance with law after the effective public hearing. Accordingly, the authorities had announced the date of public hearing commencing from 18.08.2023.*

6. It is respectfully submitted that the applicants subsequently raised the following objections:
- a. Draft CZMP and the land use map uploaded on the website are incomplete and they do not conform to the mandate of the CRZ Notification, 2019. If the public hearing, as scheduled, has to be proceeded with based on the above said incomplete draft CZMP, it will not serve the purpose, as the map had not taken into consideration even the fundamental components like fishing zones, fish breeding areas, fishing village boundaries, breeding and spawning grounds, common properties of the fishermen communities, detailed plan for long-term housing needs of coastal fishermen communities, etc.
 - b. Inter alia, the applicant also raised several grounds stating that the 1: 4000 Scale map is not uploaded for scrutiny and only 1: 25000 Scale map was prepared and uploaded for comments. Therefore, without complying with the directions already given by the Hon'ble High Court and also uploading the incomplete draft CZMP will not serve the purpose of public hearing, as the public will be kept in the dark as to what will be the rectification that will be finally done by the department.
7. It is respectfully submit that the Member Secretary, State Coastal Zone Management Authority (SCZMA) – Tamil Nadu confronted with the same, agreed that it is always not possible to publish the CZMP 100% complete in all aspects. At least when specific omissions are pointed out, the authorities are duty bound to consider the same and publish the CZMP before they go for the public hearing which would enable the public to agree/modify/suggest/object regarding any omissions/additions.

8. It is respectfully submitted that therefore, Hon'ble NGT (SZ), had directed the stay the orders of tentative dates of public hearing announced by the Tamil Nadu Pollution Control Board on behalf of the SCZMA – Tamil Nadu which was fixed between 18.08.2023 and 31.08.2023. In this connection, the following details are as follow:

MAYILADUTHURAI

- a) The District Collector, Mayiladuthurai was requested to instruct all the departments especially Fisheries and Revenue Department in Mayiladuthurai district to go through the draft CZMP & Land use map thoroughly and give authentic remarks regarding any corrections/ omissions/ addition in the draft CZMP and land use maps vide D.O. Letter No. 919/EC.3/2023-2, dated 29.09.2023.
- b) In this connection, a meeting involving various line departments was conducted on 08.11.2023 at District Collectorate, Mayiladuthurai in order to generate missing information so as to send the same to the department of Environment through District Administration after due validation by the line departments.
- c) Suggestions regarding corrections/ omissions/ addition in the draft CZMP and land use maps pertaining to Mayiladuthurai district were forwarded to the Member Secretary; TNCZMA & Director of Environment and Climate Change, Chennai through District Collector, Mayiladuthurai vide Lr. No. DEE/TNPCB/NPM/CRZ-CZMP/MYD/2023 dated 15.11.2023.
- d) Further it is submitted that No public hearing was conducted till date in the Mayiladuthurai District regarding corrections/ omissions/ addition in the draft CZMP for the CZMP.

THIRUVARUR

- a) The District Collector, Thiruvarur was requested by the Member Secretary, Tamilnadu State Coastal Zone Management Authority & Director of Environment and Climate Change, Chennai to instruct all the departments especially Fisheries and Revenue Department in Thiruvarur district to go through the draft CZMP & Land use map thoroughly and give authentic remarks regarding any corrections/ omissions/ addition in the draft CZMP and land use maps.
- b) In continuation, a meeting involving various line departments was conducted on 11.09.2023 at District Collectorate, Thiruvarur in order to obtain the missing information so as to send the same to the Department of Environment through District Administration after due validation by the line departments.
- c) Suggestions regarding corrections/ omissions/ addition in the draft CZMP and land use maps pertaining to Thiruvarur district were forwarded to the Member Secretary; TNCZMA & Director of Environment and Climate Change, Chennai through District Collector, Thiruvarur vide Lr. No. DEE/TNPCB/NPM/CRZ-CZMP/TVR/2023 dated 15.11.2023.
- d) Further it is submitted that No public hearing was conducted till date in the Thiruvarur District regarding corrections/ omissions/ addition in the draft CZMP for the CZMP.

NAGAPATTINAM

- a) The District Collector, Nagapattinam was requested by the Member Secretary, Tamilnadu State Coastal Zone Management Authority & Director of Environment and Climate Change, Chennai to instruct all the departments especially Fisheries and Revenue Department in Nagapattinam district to go through the draft CZMP & Land use map

thoroughly and give authentic remarks regarding any corrections/ omissions/ addition in the draft CZMP and land use maps vide Lr. No. P1/530/2019, dated 23.08.2023.

- b) In continuation, a meeting involving various line departments was conducted on 11.09.2023 at District Collectorate, Nagapattinam in order to obtain the missing information so as to send the same to the Department of Environment through District Administration after due validation by the line departments. Suggestions regarding corrections/ omissions/ addition in the draft CZMP and land use maps pertaining to Nagapattinam district were received during the meeting.
- c) A second meeting with the various line departments and local fisherman community was conducted on 30.11.2023 and the details of the authentic remarks regarding corrections/ omissions/ addition in the draft CZMP for the CZMP was prepared along with the representations received during the stake holders meeting held at District Collectorate, Nagapattinam and same was forwarded to the Member Secretary, TNCZMA & Director of Environment and Climate Change, Chennai vide Lr. No. DEE/TNPCB/NPM/CRZ-CZMP/NPM/2023 Dated: 06.12.2023.
- d) Further it is submitted that No public hearing was conducted till date in the Nagapattinam District regarding corrections/ omissions/ addition in the draft CZMP for the CZMP.
9. It is submitted that the prayer sought by the applicant does not comes under the purview of Tamil Nadu Pollution Control Board.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

[Signature]
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

DEPONENT

VERIFICATION

I, K.Nalini, Daughter of Thiru.K.Krishnaswamy, Hindu, aged about 59 years having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.

[Signature]
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
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Thiru.S. Sai Sathya Jith ,
Advocate, Chennai.**

Date:16.04.2024.

Date of hearing on:03.05.2024

