

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING
AT CHENNAI**

ORIGINAL APPLICATION NO. 109 OF 2017 (SZ)

K.S.Suresh Kumar
S/o Late Dr.K.V.Srnivasalu,
33/15A, Lazarus Church Road,
2nd Lane, R.A.Puram,
Chennai – 600028

...Applicants

-versus-

The State of Tamil Nadu,
Represented by its secretary to government,
Municipal administration and water supply department,
Secretariat, Fort St. George,
Chennai – 600009 & 7 others

...Respondents

**AFFIDAVIT FILED BY MR.T.V.SATHIA NARAYANA ON BEHALF OF
RESPONDENT NO.8 TOWARDS CRZ COMPLIANCE**

I, T.V.Sathia Narayana, s/o Venkatanarasimhan, aged 55 years, with office at No.3, Mangesh Street, T.Nagar, Chennai – 600017, do hereby solemnly affirm and state on oath as follows

1. I am the authorised signatory of 8th Respondent and as such am competent to file the present affidavit on its behalf. I respectfully submitted that the present affidavit is filed on behalf of 8th Respondent to set out facts pertaining compliance with Coastal Regulation Zone (“CRZ”) regulations at the Project Site.
2. I state that in response to the Department of Environment, Government of Tamil Nadu’s letter dated 04.02.2021 requesting details on status of demarcation of CRZ and non-CRZ boundary at the Project Site, the 8th Respondent on 15.02.2021 had written to the Institute of Remote Sensing, Anna University, Chennai (“IRS Chennai”) for demarcation as per High Tide Line map prepared for the site in 2012.

FOR APPASWAMY REAL ESTATES LTD.

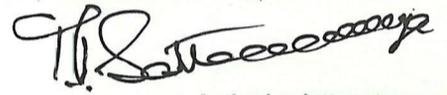


Authorised Signatory

3. I state the 8th Respondent had on 12.04 2021 awarded the CRZ and Non CRZ zone demarcation works to IRS Chennai for a sum of Rs. 1,50,000/-. Towards the same the 8th Respondent had carried out payment, particulars of which have been set out in the affidavit dated 09.07.2021 filed on behalf of the 8th Respondent.
4. I state that IRS Chennai officials visited the site on 18.06.2021 and 05.07.2021. IRS Chennai has then given a report dated 12.08.2021. It is observed in the report that the distance during filed measurements are consistent with local level CRZ map provided by IRS Chennai during January 2012.
5. I therefore state that the Project Site is in compliance with CRZ norms. A copy of the report dated 12.08.2021 of IRS Chennai is annexed herewith as **Annexure A.**

I humbly request that this affidavit may be taken on record and justice may be rendered.

For APPASWAMY REAL ESTATES LTD.



Authorized Signatory

Solemnly affirmed at Chennai
This 15th day of September 2021
And signed his name in my presence

Before Me,

 ASWATHY THOMAS
K 1476/2019

Advocate

Annexure A

RESTRICTED DOCUMENT

NO.IRS/AU/IRS/KSR/63-2021 DT 07.08.2021

A report

Preparation of Map indicating CRZ Boundary as per CRZ Notification 1991 for Project Site bearing R.S.No. 4310/5, Block No. 96 and R.S Nos.4569/34 & 35, Block No. 100 of Mylapore Village bearing Door No. 40, South Canal Bank Road, R.A Puram, Chennai

SPONSORED BY

M/s.Appaswamy Real Estates Limited
3, Mangesh Street, T.Nagar, Chennai 600 017



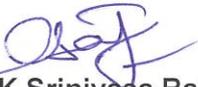
INSTITUTE OF REMOTE SENSING
ANNA UNIVERSITY, CHENNAI-25

AUGUST 2021

Project Data Sheet

Title	Preparation of Map indicating CRZ Boundary as per CRZ Notification 1991 for Project Site bearing R.S. No. 4310/5, Block No. 96 and R.S Nos.4569/34 & 35, Block No. 100 of Mylapore Village bearing Door No. 40, South Canal Bank Road, R.A Puram, Chennai
Project Ref No.	AU/IRS/KSR/63-2021 DT. 07.08.2021
Funded by	M/s.M/s. Appaswamy Real Estates Limited, 3, Mangesh Street, T.Nagar, Chennai 600 017
Principal Consultant	Dr. K.Srinivasa Raju, Associate Professor
Field Survey & Mapping	Mr.S.Sathishkumar Lab Assistant Mr.S.Inbarasan, Skilled Arcician Mr.A,Immanuel, Project Associate Mr.J.Premkumar, Project Associate
Report Preparation	Dr. K.Srinivasa Raju, Associate Professor
Quality Assessment Team	Dr.M.Shanmugam, Associate Professor Dr. K.Srinivasan, Assistant Professor

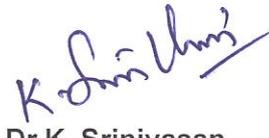
The Quality Assessment Committee for consultancy projects has scrutinized the local level CRZ map and corresponding text report of the above project on 09.08.2021. The principal consultant of the project has presented the approach adopted, findings of the study to the committee. The committee has evaluated the Map and the report for different parameters against the standards prescribed for the mapping. The positional accuracy, attribute accuracy, completeness, semantic accuracy of the output were assessed and found satisfactory. The committee recommends the approval of the map and associated report



Dr. K.Srinivasa Raju
(Principal Consultant)



Dr, M. Shanmugam
QAC Member



Dr.K. Srinivasan
QAC Member



DIRECTOR, IRS

Director
Institute of Remote Sensing
Anna University,
Chennai - 000 025

Preparation of Map indicating CRZ Boundary as per CRZ Notification 1991 for Project Site bearing R.S. No. 4310/5, Block No. 96 and R.S Nos.4569/34 & 35, Block No. 100 of Mylapore Village bearing Door No. 40, South Canal Bank Road, R.A Puram, Chennai

Preparation of Map indicating CRZ Boundary as per CRZ Notification 1991 for Project Site bearing R.S. No. 4310/5, Block No. 96 and R.S Nos.4569/34 & 4569/35, Block No. 100 of Mylapore Village bearing Door No. 40, South Canal Bank Road, R.A Puram, Chennai

1. Background

M/s Appaswamy Real Estates Limited, Chennai has constructed a multistoried residential Building with 98 dwelling units with two basement floors and 16 floors at 16th Floor in land bearing R.S.No. 4310/5, Block No. 96 and R.S Nos.4569/34& 35, Block No. 100 of Mylapore Village bearing Door No. 40, South Canal Bank Road, R.A Puram, Chennai. The building project falls partially under CRZ II as per Coastal Regulation Zone prepared by Institute of Remote Sensing, Anna University, Chennai vide CRZ Notification 1991 in January 2012. The building is constructed on both CRZ and non-CRZ areas as a single continuous building constructed on both CRZ and non- CRZ areas without any partition. Member Secretary of TNCZMA had directed M/s Appaswamy Real Estates Limited to demarcate the CRZ Area and Non-CRZ area so as to ascertain violations, if any. In this connection, M/s Appaswamy Real Estates Limited, Chennai has approached the Director, Institute of Remote Sensing to demarcate CRZ boundary for identification of CRZ and Non-CRZ area in the project site as per CRZ Notification 1991.

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2. Introduction

The Coastal Regulation Zone (CRZ) Notifications issued by Ministry of Environment, Forests and Climate Change, Government of India regulates and restricts the developmental activities within CRZ. Government of India by their Gazette Notification dated 20.2.1991 declared the Coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by Tidal Action (in the landward side, upto 500 metres from the High Tide Line and the land between the Low Tide Line and the High Tide Line as Coastal Regulation Zone and imposed certain conditions.

The areas that are defined as CRZ as per CRZ Notifications are

- (i) The land area from High Tide Line (HTL) to 500mts on the landward side along the sea front.
- (ii) The distance from the High Tide Line shall apply to both sides in the case of rivers, creeks and backwaters and may be modified on a case to case basis for reasons to be recorded in writing while preparing the Coastal Zone Management Plans provided that this distance shall not be less than 100 meters or the width of the creek, river or backwaters, whichever is less (as amended vide MOEF Notification dated 21st May 2002). The distance-up to which development along rivers, creeks and backwaters is to be regulated shall be governed by the distance up to which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt).
- (iii) Land area between HTL and Low Tide Line (LTL) which will be termed as the intertidal zone.

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For regulating development activities, the coastal stretches within 500 metres of High Tide Line on the landward side are classified into four broad categories, namely:

CRZ-I:(i) Areas that are ecologically sensitive and important, such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historically/heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time.(ii) Area between Low Tide Line and the high Tide Line. The CRZ-II includes the areas that have already been developed upto or close to the shoreline. For this purpose, "developed area" is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains. The CRZ-III includes areas that are relatively undisturbed and those which do not belong to either Category-I or II. These will include coastal zone in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up. The area upto 200 metres from the High Tide Line within CRZ-III is earmarked as 'No Development Zone'(NDZ). No construction shall be permitted within this NDZ zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including

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facilities essential for such activities. An authority designated by the State Government/Union Territory Administration may permit construction of facilities for water supply, drainage and sewerage for requirements of local inhabitants. However, the following uses may be permissible in this zone – agriculture, horticulture, gardens, pastures, parks, play fields, forestry and salt manufacture from sea water. The CRZ-IV includes the coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands, except those designated as CRZ-I, CRZ-II or CRZ-III. The development or construction activities in different categories of CRZ area shall be regulated by the concerned authorities at the State/Union Territory level, in accordance with the norms laid in CRZ Notification 1991 and subsequent amendments published by Ministry of Environment, Forests and Climate Change. Subsequently, the Ministry has issued CRZ Notification 2011 and CRZ Notification 2019 with revision zones and regulations for activities in various CRZ areas.

For detailed planning of the Coastal Regulation Zone and adjoining areas, it may be necessary to use cadastral scale (1:4,000) maps. In such cases, the regulation lines given in the present maps (1:25,000 scale) may be considered as a general guideline. Accordingly, Directorate of Town and Country Planning, Government of Tamilnadu has prepared Coastal Zone Management Plan (CZMP) for entire Tamilnadu in June 1996. Further, Naval Hydrographic Office (NHO), Dehradun has been employed to identify the High Tide Line for the stretch between Pulicat lake and Palar River, where the coordinates of significant points along the High Tide Line were provided to the Department of Environment and Forest, Government of Tamilnadu in form Latitude and Longitude.

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3. Methodology Adopted

The coordinates of significant points provided by NHO, Dehradun were used in generation of High Tide Line in the vicinity of proposed project site located in R.S.No. 4310/5, Block No. 96 and R.S Nos.4569/34& 35, Block No. 100 of Mylapore Village bearing Door No. 40, South Canal Bank Road, R.A Puram, Chennai. As the HTL is pertaining to Adyar River with a width more than 100m which is a tidal influenced inland water body, a 100 m setback line from High Tide Line is generated using GIS software as prescribed in CRZ Notification 1991. The project site boundary is surveyed using dual frequency Global Positioning System (GPS) in relative positioning mode to achieve high accuracy in position of corners of the project site. However, due to significant coverage of tree canopy and high rise buildings in the vicinity of project site, GPS observations has not provided sufficient positional accuracy.

Further a Total Station survey of project boundary along the inner periphery of compound wall is conducted to prepare the map of the project site. The same is used as project boundary and the building drawing as provided by the client is superimposed with project boundary to create a local level CRZ map as per CRZ Notification 1991. Observations from multiple instrument stations to the corners are made to ascertain the positional accuracy of the observations during the total station survey.

4. Description of Project Site

The project site is located in R.S.No. 4310/5, Block No. 96 and R.S Nos.4569/34 &4569/ 35, Block No. 100 of Mylapore Village, Chennai district bearing Door No. 40, South Canal Bank Road, R.A Puram, Chennai. A continuous single building tower having 16 floors was constructed as a single unit as per the details provided by the

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client. The building tower has two basement floors allotted for car parking as per approved drawing. As per the CMDA Building Plan Approval No.C/PP/MSB/26A/X/2016 issued on May, 11, 2016, the building has 98 dwelling units. The key map indicating the location of the project is indicated in Figure 1 indicated below.

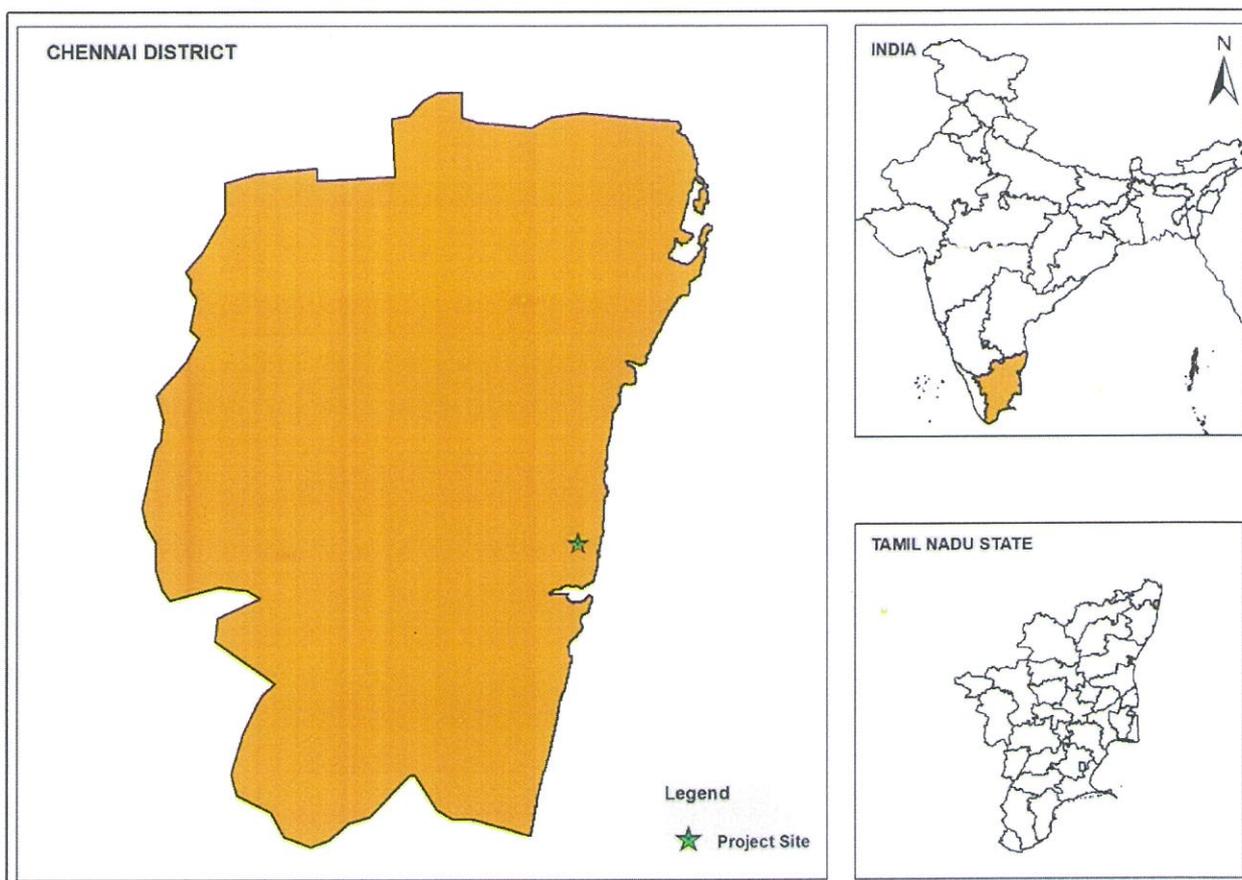


Figure 1 Key Map of the Project Site in Chennai district

5. Results

Based the field observations, the project site boundary is generated by connecting points determined by total station survey. A large scale map at 1:4,000 scale is generated indicating the distance of CRZ boundary (100m from High Tide Line as per CRZ Notification 1991) from nearest boundary points. The position of the Points on CRZ

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boundary and nearest boundary points in World Geodetic System (WGS) 84 in both geographic and projected coordinate systems is presented in Table 1.

Table 1 Coordinates of points on CRZ boundary and nearest boundary corners

Point Id	Latitude	Longitude	Easting	Northing
A	13° 1' 29.129" N	80° 16' 24.266" E	421213.173	1439986.211
B	13° 1' 29.451" N	80° 16' 24.307" E	421214.503	1439996.050
C	13° 1' 29.625" N	80° 16' 26.010" E	421265.809	1440001.323
D	13° 1' 29.847" N	80° 16' 26.072" E	421267.672	1440008.064

The map is prepared at 1:4,000 scale as per the provisions of CRZ notification with a positional accuracy of 0.5m. Accordingly, the distance of CRZ boundary from the nearest boundary point is calculated and indicated in Table 2

Table 2 Distance of CRZ boundary from nearest compound wall corner along compound wall (Refer enclosed Map)

Description of point on CRZ boundary	Distance from Nearest corner point
CRZ boundary along Western Boundary (from A to B)	9.95 m
CRZ boundary along Eastern Boundary (from C to D)	7.06m

The CRZ boundary points on the compound wall are accordingly identified for the client to mark on compound wall. It is observed that the distance observed during field measurements are consistent with local level CRZ map provided by IRS, Anna University during January 2012.

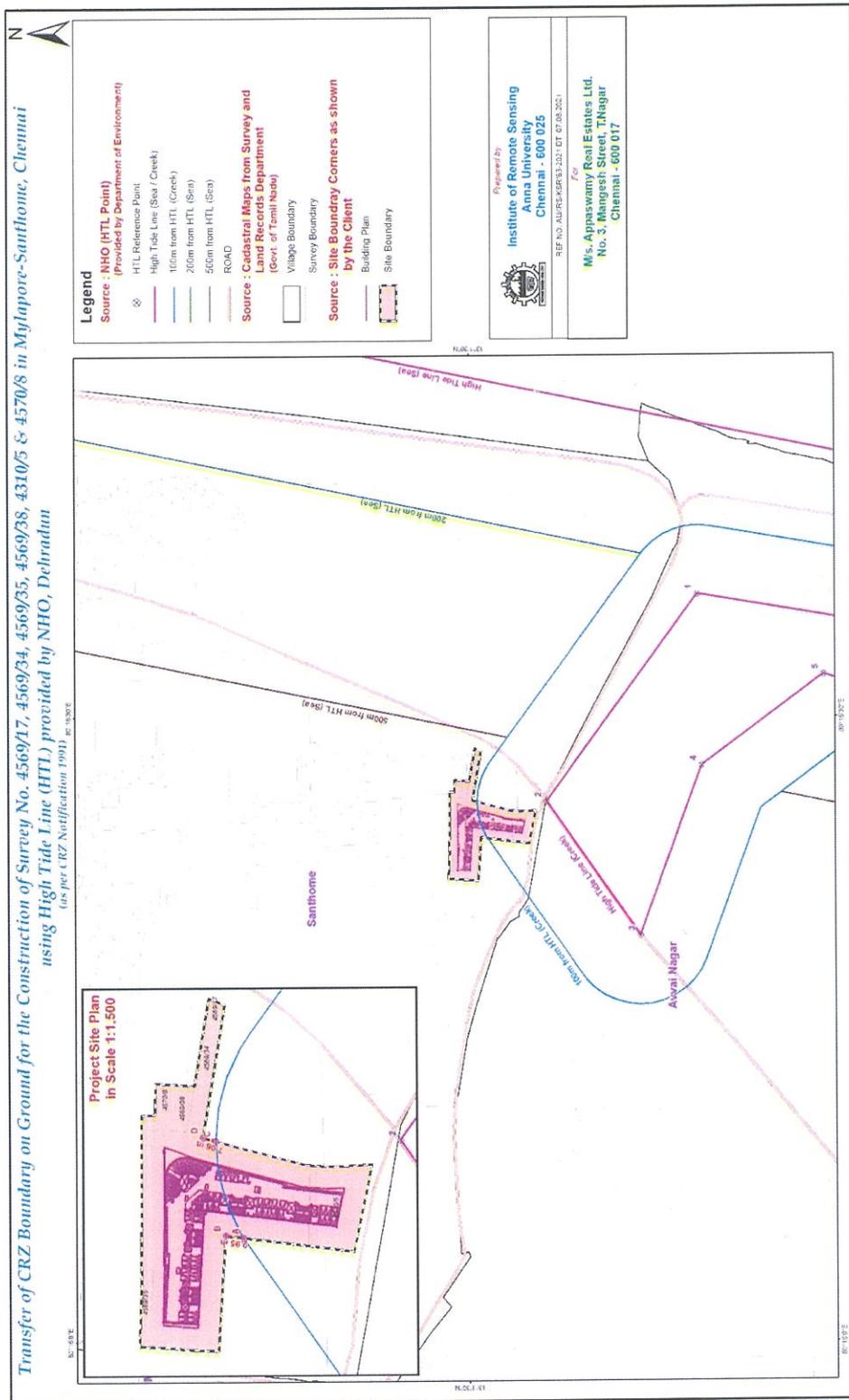

K.Srinivasa Raju


Director, IRS
Director
Institute of Remote Sensing
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Annexure I

Map indicating the Distances of CRZ Boundary from Compound Wall Corners

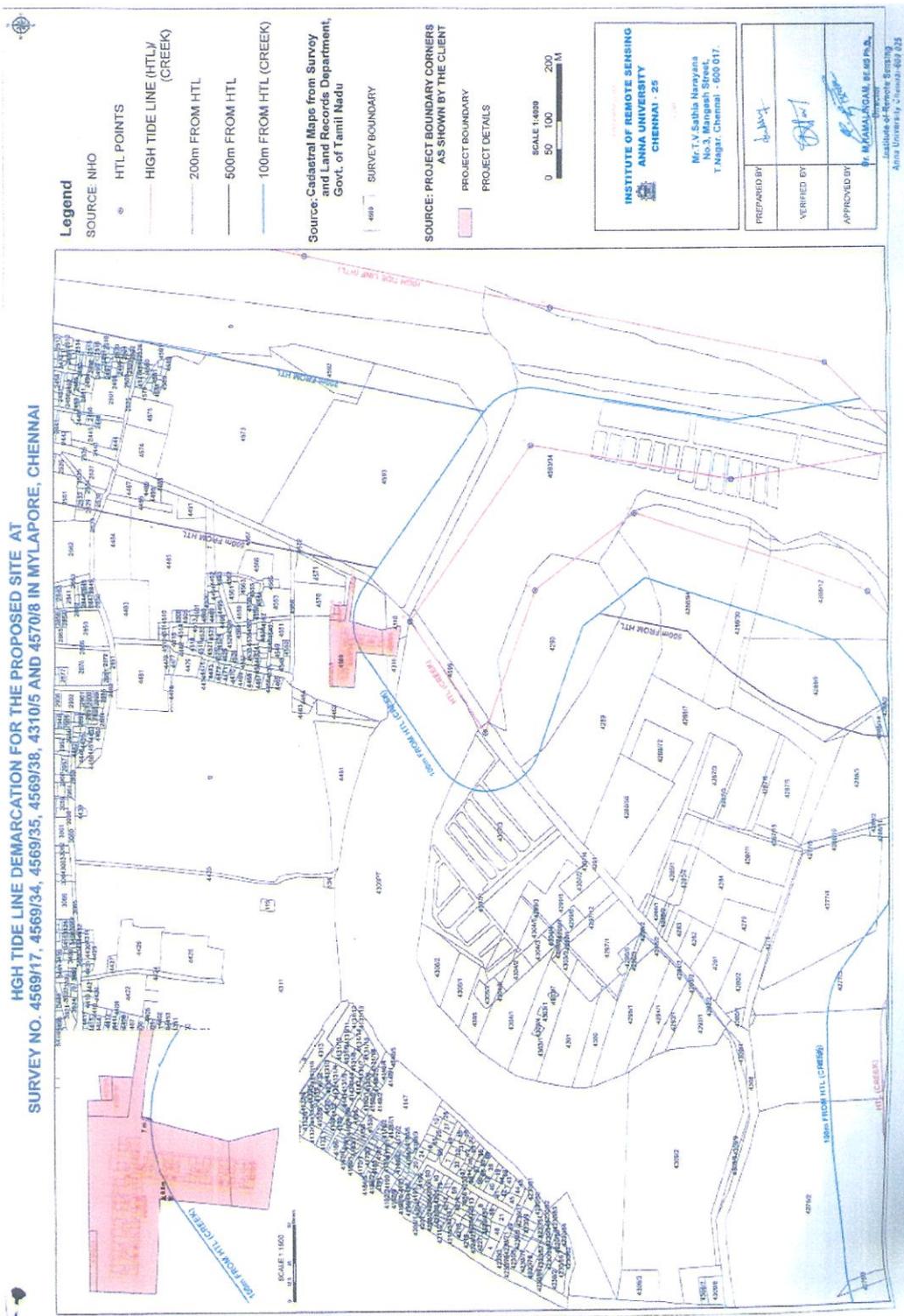


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Annexure II

Local Level CRZ Map for the Project Site

(Prepared by IRS in January 2012)



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M/s Rohan Cherian

Counsel for 8th Respondent