

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 111 of 2023(SZ)

In the matter of:

Arul Raj,

Ramanathapuram – 623 529

... Applicant(s)

Versus

The Tamil Nadu State Coastal Zone Management Authority,

Rep. by its Member Secretary,

Chennai and Others

... Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel of Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE AT CHENNAI
ORIGINAL APPLICATION No: 111 of 2023**

Arul Raj,
S/o Kashbar,
No.2-1256,
Ariyankundu, Thangachimadam,
Pamban, Ramanathapuram,
Tamil Nadu - 623529

... Applicants

Versus

1. The Tamil Nadu State Coastal Zone Management Authority,
Rep by its Member Secretary,
No.1, Jeenis Road, Panagal Building,
Ground floor, Saidapet, Chennai – 600 015
2. The State of Tamil Nadu,
Rep by its Principal Secretary to the Government,
Department of Environment,
Fort St George, Chennai.
3. The National Center for Sustainable Coastal Management,
Rep by its Director,
Anna University campus,
Chennai.

REPLY COUNTER AFFIDAVIT FILED BY THE 1ST RESPONDENT

I, Deepak.S.Bilgi, S/o Dr.S.R.Bilgi, aged about 44 years and having office at Ground Floor, Panagal Buildings, Saidapet, Chennai – 600 015 solemnly affirm and sincerely state as follows.

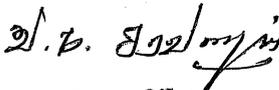
1. I humbly submit that I am the Director, Department of Environment and Climate Change and also the Member Secretary, Tamil Nadu State Coastal Zone Management Authority and I am well acquainted with the facts of the case from the records available and I am filing this reply in my official capacity of 1st respondent.

Dr. S. Bilgi

**Forest Range Officer,
Green Squad,
Department of Environment
Chennai - 600 015.**

[Signature]
**MEMBER SECRETARY,
TAMIL NADU STATE COASTAL ZONE
MANAGEMENT AUTHORITY,
CHENNAI - 600 015.**

2. I humbly submit that I have gone through the averments contained in the affidavit filed by the Applicant and I deny all the averments except those that are specifically admitted herein and the Applicant is put to strict proof of the same.
3. It is humbly submitted that the Ministry of Environment, Climate Change & Forests has issued the Coastal Regulation Zone (CRZ) Notification, 2011 in supersession of CRZ Notification, 1991. As per the Ministry of Environment, Forest and Climate Change, Government of India order, the High Tide Line (HTL) revalidation was carried out by National Center for Sustainable Coastal Management (NCSCM) to all over India on 2016. After that, the work of preparation CZMP for Tamil Nadu as per CRZ the notification, 2011 was carried out by NCSCM and the CZMP maps were approved by Government of India on 24/10/2018.
4. It is humbly submitted that the Ministry of Environment, Climate Change & Forests has issued the Coastal Regulation Zone (CRZ) Notification, 2019 on the supersession of CRZ Notification, 2011 and directed to prepare the Coastal Zone Management Plans (CZMP) as per the provisions of the CRZ Notification, 2019. The preparation of CZMP was entrusted to National Centre for Sustainable Coastal Management (NCSCM), Chennai, which is the Authorized Institute by Govt. of India.
5. It is humbly submitted that the NCSCM, Chennai has completed the preparation of draft CZMPs in 1:25000 scale for all the 14 Coastal districts of Tamil Nadu with a total of 117 maps as per the guidelines of CRZ Notification 2019.


Forest Range Officer,
Green Squad,
Department of Environment
Chennai - 600 015.


MEMBER SECRETARY,
TAMIL NADU STATE COASTAL ZONE
MANAGEMENT AUTHORITY,
CHENNAI - 600 015.

6. It is humbly submitted that in order to furnish reply for the averments made in the petitioner's affidavit, the National Center for Sustainable Coastal Management (NCSCM) was requested to give a report on the technical status of Palk bay.
7. It is humbly submitted that the following points were absorbed from the NCSCM report,
- a. The complainant states that the 'the respondent have failed to see that having correctly marked the Palk bay as CRZ IV A in the CZMP, they ought to have demarcated 500 meter area from HTL as the CRZ area'. In this regards, it is clarified that all Bays are classified as CRZ-IVA and 50m NDZ is applicable for Bays marked in the National Hydrographic Office (NHO) charts, in accordance with the CRZ Notification, 2019. E.g. Back Bay and numerous other bays in Mumbai.
 - b. Para (ii) of page 1 of the CRZ notification, 2011 states that "CRZ shall apply to the land area between HTL to 100m or width of the creek whichever is less on the landward side along the tidal influenced water bodies". Tidal influenced water body is also clearly explained in page 2 of the Notification and the same is reproduced below.

" Explanation: For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea in the bay, estuaries, rivers, creeks, backwaters, lagoons, ponds that are connected to the sea".
 - c. Further, in para 5 (iv) of the CRZ Notification, 2019, the basis on which such water bodies should be demarcated as "Bay" etc., is clearly given and the same is below,

S. S. Srinivas
 Forest Range Officer,
 Green Squad,
 Department of Environment
 Chennai - 600 015.

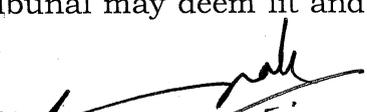
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 MEMBER SECRETARY,
 TAMIL NADU STATE COASTAL ZONE
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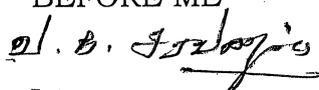
“ The water areas of CRZ-IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay and estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.”

8. It is humbly submitted that based on that, Palk bay has been demarcated in the draft CZMP as indicated in the Hydrographic Charts of the Naval Hydrographic Office.
9. It is humbly submitted that, the contention of the Applicant that the Palk Bay is not a tidally influenced waterbody is without any basis.
10. It is humbly submitted that, therefore the preparation of CZMP is being prepared scientifically by authorized agency of the Government of India and following all the aforesaid guidelines prescribed under the CRZ notification, 2019. Therefore, there is no arbitrariness on the preparation of the draft CZMP.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to pass appropriate orders as this Hon'ble Tribunal may deem fit and thus render justice.

Solemnly affirmed at Chennai
this the 02th day of November 2023
and signed his name in presence


MEMBER SECRETARY,
TAMIL NADU STATE COASTAL ZONE
MANAGEMENT AUTHORITY,
CHENNAI - 600 015.

BEFORE ME

Forest Range Officer,
Green Squad,
Department of Environment
Chennai - 600 015.