

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT CHENNAI

MEMORANDUM OF APPEAL

**(Under Sections 16 read with 18(1) of the National Green Tribunal Act,
2010)**

Appeal No. 11 of 2020

K.Saravanan

... Applicant

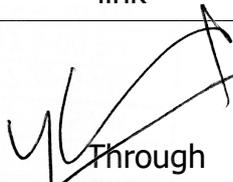
Vs

The Tamilnadu Polymer Industries Park Ltd
& another

... Respondents

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Through
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Vs

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& Another

... Respondents

AFFIDAVIT OF K.SARAVANAN

I, K.Saravanan, Son of Kasinathan, Aged about 37 years, residing at No. 30, Urur Kuppam, Besant Nagar, Chennai – 90 do solemnly affirm and sincerely state as follows:

1. I submit that the subject project site is a waterbody forming part of the Ennore wetland complex. This area was part of the waterbody covered in the 1996 CZMP for this region (Sheet 2). However, in an unapproved map drawn in 1997 – this entire area along with the kosasthaliyar river went missing. Copy of the 1996, 1997, 2018 CZMP maps in colour with the project site marked is filed herewith.
2. CZMP map demarcates the tidally influenced waterbody and then demarcates extent of CRZ area from the periphery of the waterbody. It is seen from the 1996 CZMP that this area has been marked as "S.P" (salt pans) inside the waterbody. It is also seen that CRZ area is marked from the boundary of this waterbody – meaning that the subject area marked as "S.P" is inside the waterbody demarcated. In the Ennore region – tidally influenced backwater areas were used for salt harvesting by creating bunds to retain water and evaporate it to harvest salt.
3. In the MoEF&CC's letter dated 30.09.1997, approving certain modifications sought by the Tamilnadu Government very clearly permitted only the following:
 - a. Reclassification of the area from CRZ - I to III was approved;
 - b. Reduction of CRZ area to 100 meters from the backwater was approved;

- c. To adopt backwater area as demarcated by the Chief Hydrographer to the Government of India and to modify the earlier map that was based on IRS imagery data was approved;
 - d. Regrading exclusion of salt pan areas from CRZ,
 - (i) in case the salt pan area lies in the intertidal zone, it was made clear that it will form part of CRZ and under no condition this area can be excluded from CRZ
 - (ii) In case the Salt pan area fell outside the HTL of the backwater area, then 100 m width or the width of the backwater, whichever is less, of the salt pan area will have to be demarcated as CRZ.
4. It is thus clear that only the salt pan areas falling beyond 100 m or width of the creek alone could have been excluded from the CRZ area. Copy of this letter is annexed along with this affidavit. These issues were considered by this Hon'ble Tribunal in its judgment in Application No. 241 of 2017 wherein this Hon'ble Tribunal clearly directed that the 1996 CZMP should be used as base map when new CZMP is prepared. It is submitted that the fact that this site is a waterbody is clear from the project proponent's own EIA report, photographs filed.
5. It is submitted that the 1st respondent filled in the wetland with ash and dredged soil and has converted water spread area that was biologically active and teeming with birdlife. Fortunately, the northern corner of the project site is yet to be completely filled in and offers a glimpse of how this waterbody looked prior to being dumped with ash and dredged soil. A video showing this area and its depth, elevation of the filled in area is also filed herewith. It is submitted that it will be useful to collect undisturbed core samples from the undisturbed area as well as the areas where ash, dredged soil has been dumped to fill in the waterbody and raise its height – in order to ascertain the extent to which such filling has been done so that the waterbody can be restored to its original state.

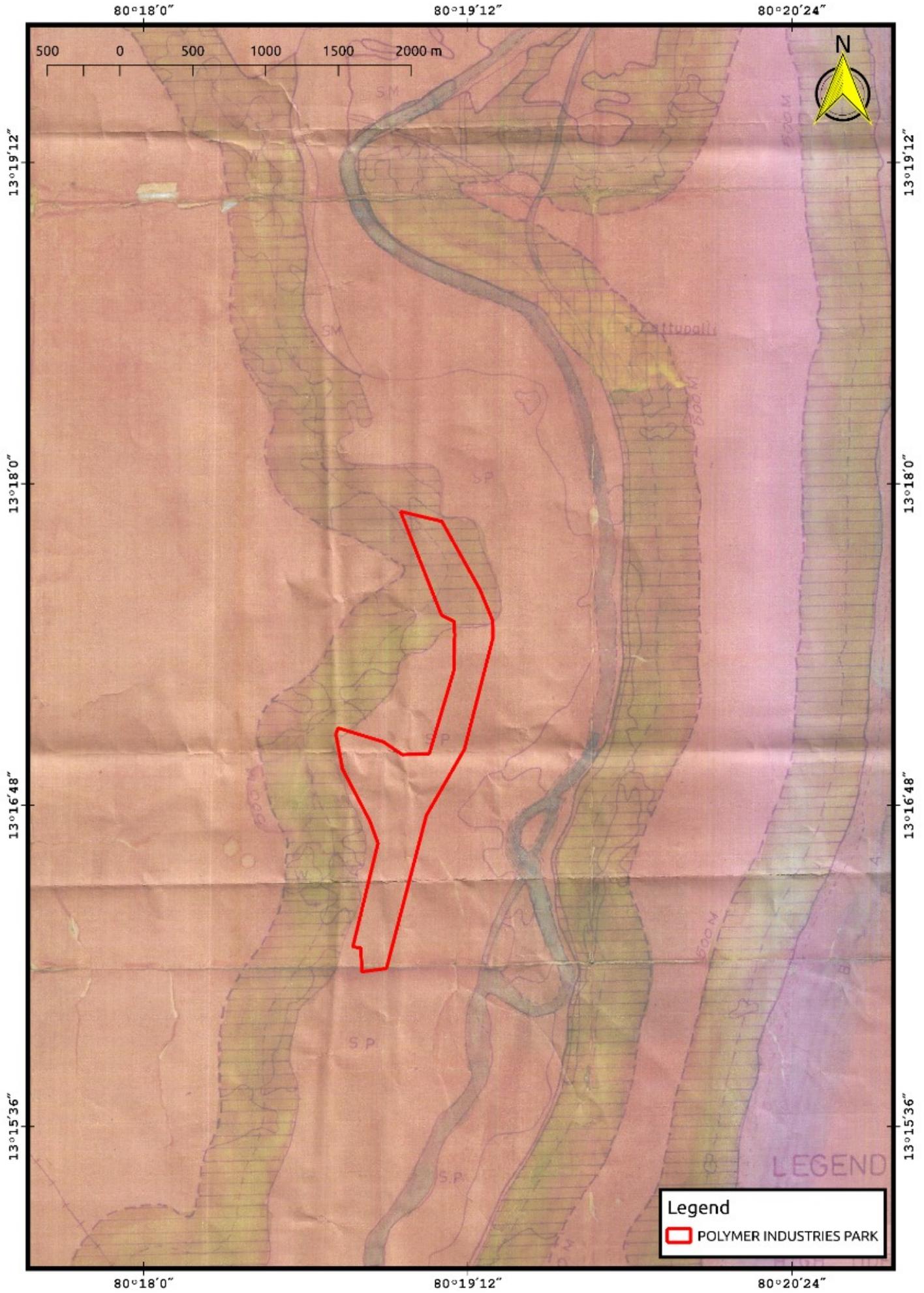
6. However, despite the filling in, the project site has large areas where water has stagnated during the rains and in these areas, a great number of migratory birds are found. Videos and photos were made on the 24th, 27th & 29th of this month and are filed for the consideration of this Hon'ble Tribunal. From the videos, experts from Madras Naturalists Society have identified the presence of Greater Flamingos, Brown Headed Gull, Heuglin's Gull, Pallas' Gull, Caspian Tern, Lesser Crested Tern, Greater Crested Tern, Common Tern, Indian Thick Knee, Whimbrel, Black tailed Godwit, Common Red shanks, Lesser Sand plovers and Green Shank at the site for the proposed project.
7. The 1st respondent has also constructed roads/paths using jalli on the ash and concrete retaining walls have been constructed, dividing the wetland. In fact, while driving on these paths, google maps shows that the vehicle is in the middle of a waterbody marked blue on the map. Photograph of the same is produced.
8. It is submitted that evidence produced along with this affidavit is proof that the project site is part of a biologically active waterbody. Migratory birds visit the same waterbody every year and the fact that flamingoes and other birds were found in the site is proof that this area was previously used by them as feeding grounds / roosting areas.
9. It is reiterated that the illegal land filling commenced even without consent from the Pollution Control Board as evidenced by the RTI reply. It is submitted that had the project proponent disclosed the fact that the subject area is part of the Ennore wetland complex and water logged, no clearance would have been granted.

It is prayed that this Hon'ble Tribunal be pleased to take this affidavit and videos, photos and documents on record and thus render justice.

Solemnly affirmed and signed his name]
 This the 1st day of December, 2021]
 At Chennai]

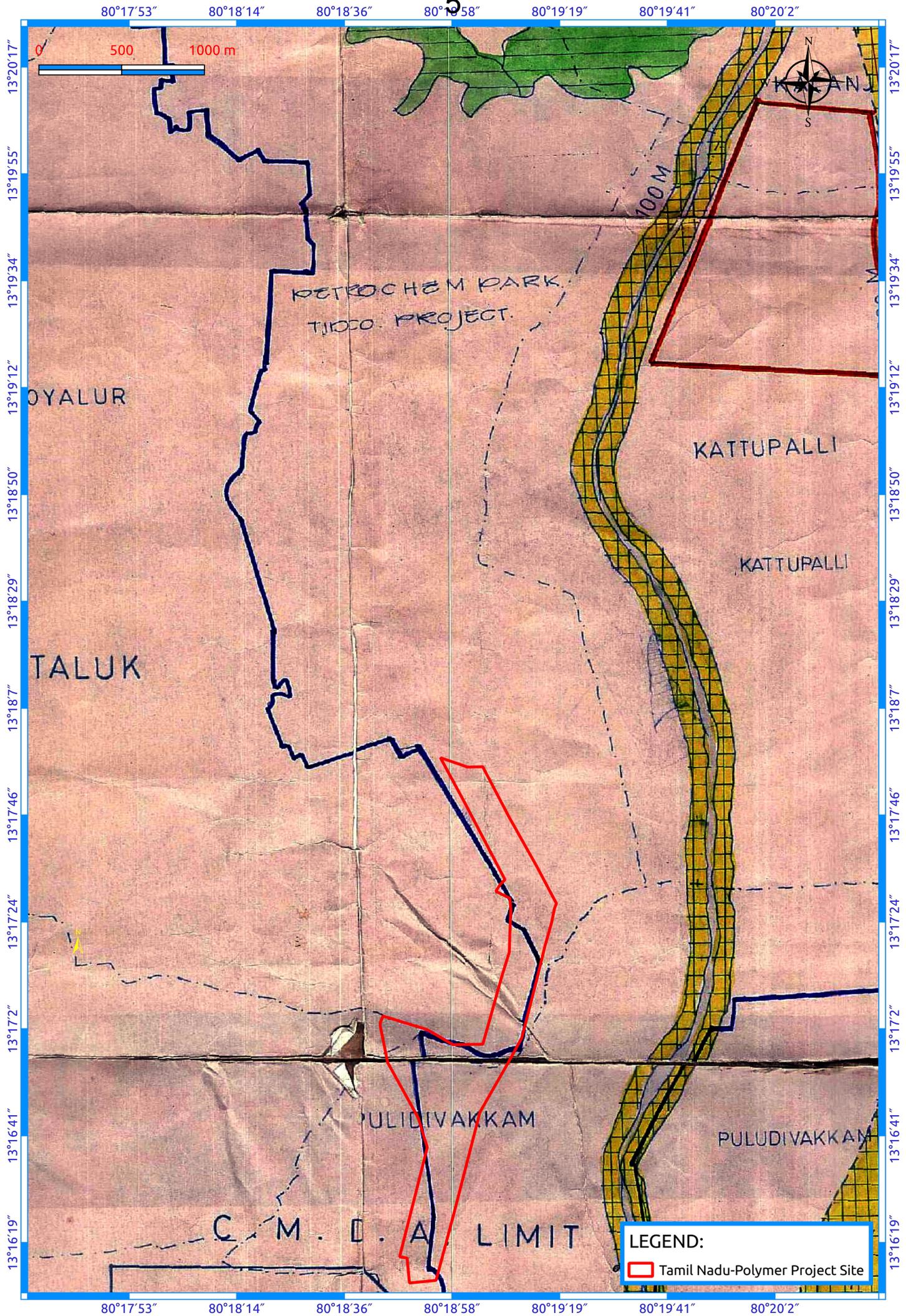

 Before Me
 Advocate : Chennai

4
Polymer Park Site on 1996 CZMP Map



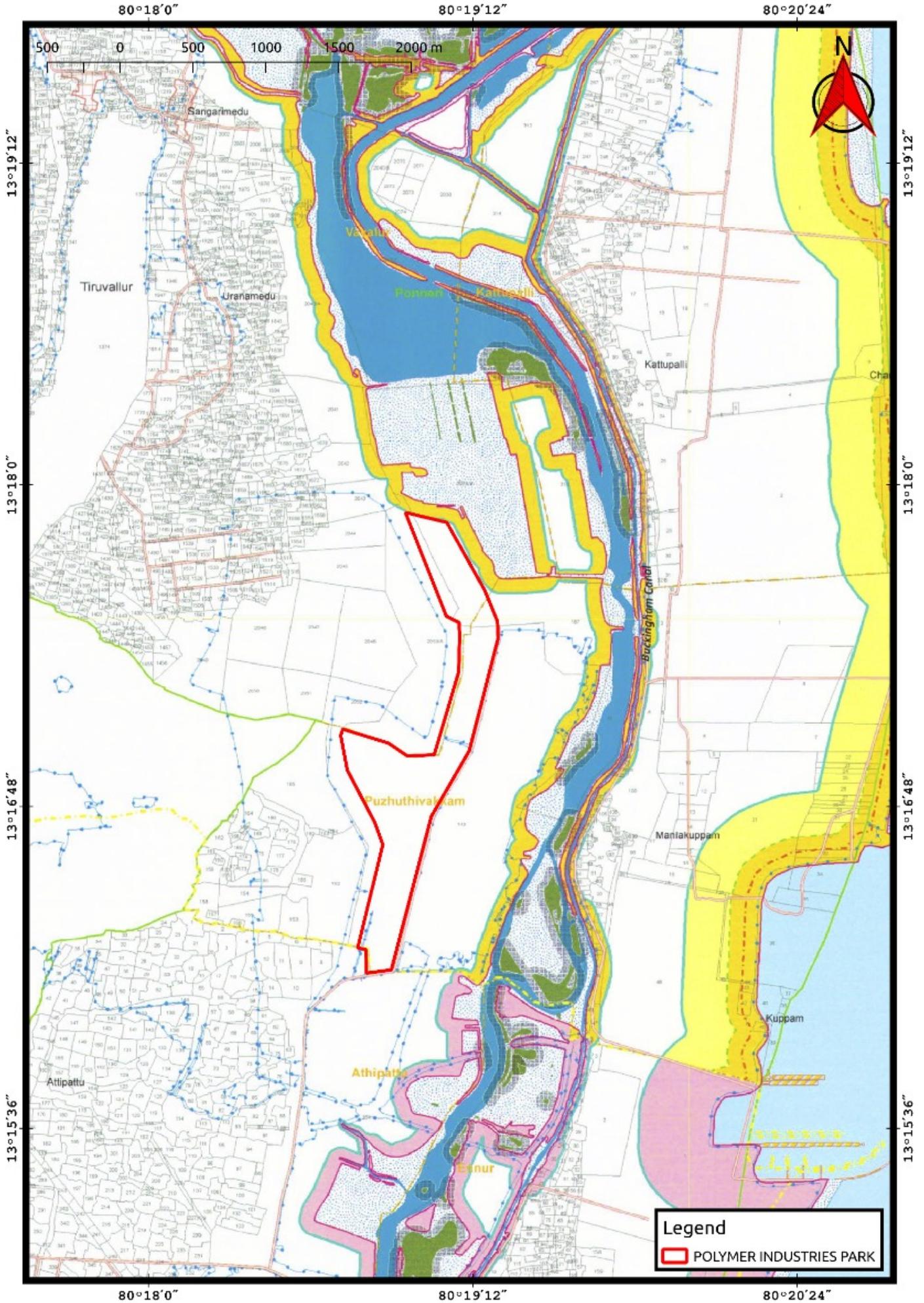
Polymer Park Site on 1997 Map

5



Polymer Park Site on 2018 CZMP Map

6





तार

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भारत सरकार

पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

पर्यावरण भवन, सी० जी० बो० कॉम्प्लेक्स

PARYAVARAN BHAWAN, CGO COMPLEX

लोदी रोड, नई दिल्ली-110003

LODHI ROAD, NEW DELHI-110003

Dated 30th September, 1997

No.J-17011/16/93-IA-III

To

The Secretary
Environment & Forests Department
Government of Tamil Nadu
Secretariat
Madras-600 009.

Subject : Coastal Zone Management Plan (CZMP) of Tamil Nadu -
Modifications regarding Sheet No.2 - Petrochem Park
Proposal.

Sir,

I am directed to refer to your letter No.16342/EC.III/91-85 dated 14.5.97 regarding the re-zoning in Sheet No.2 of the Tamil Nadu Coastal Zone management Plan, where the States Government proposes to set-up a petrochem park. The proposal of the State Government to modify the CZMP of the area (Sheet No.2) has been examined and the following decisions have been taken :-

- (i) Reclassification of the area from CRZ-I to CRZ-III is approved.
- (ii) Reduction of CRZ to 100 metres (or the width of the backwater, whichever is less) on both sides of the backwater instead of the present distance of 500 metres is approved.
- (iii) To adopt backwater area as demarcated by Chief Hydrographer to Government of India and to modify the earlier map based on IRS Imagery Data, is approved.
- (iv) Regarding exclusion of Salt Pan areas from the CRZ, in case the Salt Pan area lies in the inter-tidal zone, it will necessarily form part of the CRZ and under no condition this area can be excluded from the CRZ. If the Salt Pans lie outside the HTL of the backwater area, then 100 m width, or the width of backwater whichever is less, of the Salt Pans will have to be demarcated as CRZ. The State Government may kindly demarcate the area as per above condition.

-2-

You are kindly requested to review the entire CZMP Sheets of Tamil Nadu State and finally decide which sheets would require modifications due to incorrect interpretations of Satellite Imagery Data.

Two copies of modified plan of Sheet No.2 may kindly be sent to this Ministry for record.

Yours faithfully,

mally
(S.K. Mathur)

Deputy Secretary to the Government of India

copy for information to :

General Manager, Tamil Nadu Industrial Development Corporation Limited (TIDCO), 19-A, Rukmini Lakshmi Pathy Road, (Marshall Road) Egmore, Chennai 600 008 Tamil Nadu.



Yogeshwaran Amarneethi <yogeshwaranadv@gmail.com>

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