

BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHER ZONE)

AT CHENNAI

(Special Original Jurisdiction)

Original Application No. 12 of 2021 (SZ)

In the matter of:

Mass Empowerment and Guidance Association

Reg No: 75/2016

Rep by its Secretary, Mr.Mohamed Salihu,

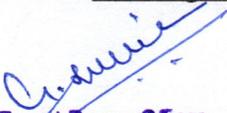
2C, Thaika Street, Kayalpattinam, Thoothukudi district

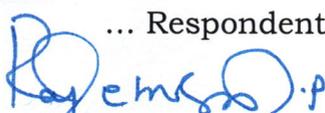
Ph: 9566254546 Email: yogeshwaranadv@gmail.com

... Applicant(s)

Versus

1. The Kayalpattinam Municipality,
Rep by its Commissioner
Municipal Office, 49, Muthaaramman Kovil Street,
Kayalpattinam. Pin 628204
Phone 04639 280224 Email: commr.kayalpattinam@tn.gov.in
2. The District Collector,
Chairman,
District Coastal Zone Management Authority,
District Collectorate,
Thoothukudi
Email: collrtut@nic.in Phone: 0461-2340600
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board
C7 & C9, SIPCOT Industrial Complex, Meelavittan,
Thoothukudi.
Email: deetnpbtttn@gmail.com Ph: 0461-2341298
4. The Tamil Nadu Coastal Zone Management Authority
Rep by its Director,
Department of Environment
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet, Chennai – 15
Email: tn DOE@nic.in Ph:044-24336421


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

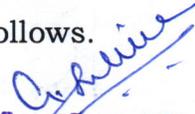
... Respondents

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

.2.

REPLY AFFIDAVIT FILED BY THE 4th RESPONDENT

I, P.Rajeswari, I.F.S, W/o P.Singaiah about 58 years and having office at Ground Floor, Panagal Buildings, Saidapet, Chennai – 600 015 solemnly affirm and sincerely state as follows.

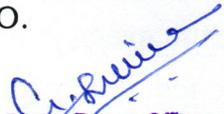
1. I humbly submit that I am the Director, Department of Environment and also the Member Secretary, Tamil Nadu State Coastal Zone Management Authority and I am well acquainted with the facts of the case from the records available and I am filing this reply in my official capacity on behalf of 4th respondent.
2. I humbly submit that the applicant requested to
 - direct the respondents No.2 to 4 to forthwith demolish the illegal structure constructed at in CRZ area at Beach Poramboke land in the intertidal zone at Kayalpattinam South village.
 - remove the debris and restore the area to its previous pristine state.
 - direct the payment of compensation for environmental harm on account of the violation committed by the 1st respondent and suffered by the applicant.
 - direct respondents 2-4 to prosecute the 1st respondent for violation of the CRZ notification, 2011.
3. I humbly submit that the Ministry of Environment and Forests, GoI have promulgated CRZ Notification 2011, S.O. No 19(E) on 06.01.2011, (in supersession of CRZ Notification 1991). In the said notification, classification of different coastal zones are stipulated as follows.


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.4.

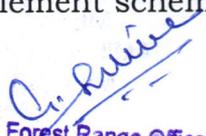
5. I humbly submit that the issues with reference to the discharge of untreated waste and effluents from industries, cities or towns and other human settlements and dumping of city or town wastes including construction debris, industrial solid wastes are vested with the Tamil Nadu Pollution Control Board, Municipal Administration and Water Supply Department, Revenue Department, Department of Town Panchayats and the local bodies concerned, as they are only the concerned authorities.
6. I humbly submit that a representation was received from Mass Empowerment and Guidance Association (MEGA), Kayalpattinam on illegal construction of Micro Compost Centre at the Coastal area of Kayalpattinam Municipality, Thoothukudi district and a copy of the representation was sent to the District Collector, Thoothukudi district and District Environmental Engineer, TNPCB, Thoothukudi, for taking action, vide this office letter No. P1/2300/2020, dated 02.11.2020.
7. I humbly submit that the Government of Tamil Nadu constituted District Coastal Zone Management Authorities (DCZMA) for all the Coastal districts in G.O.Ms.No.163, Environment and Forests Department dated 09.06.1998. The District Environmental Engineer of the Tamil Nadu Pollution Control Board is the Convener of the District Coastal Zone Management Authority and is the appropriate authority to take action in this regard.
8. I humbly submit that the DCZMAs are entrusted with the following responsibilities, in their respective jurisdictions, as per the said G.O.

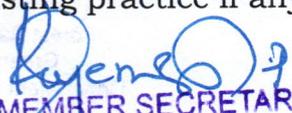

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.3.

- a) **CRZ-I, areas viz.,** Mangroves, Corals and coral reefs and associated biodiversity, Sand Dunes, Mudflats which are biologically active, National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas, Salt Marshes, Turtle nesting grounds, Horse shoe crabs habitats, Sea grass beds, Nesting grounds of birds, areas or structures of archaeological importance and heritage sites and the area between the Low Tide Line and the High Tide Line
 - b) **CRZ-II areas viz., the** areas that have been developed upto or close to the shoreline.
 - c) **CRZ-III areas viz.,** area that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural area (developed and undeveloped) and also area within the municipal limits or in other legally designated urban area, which are not substantially builtup.
 - d) **CRZ-IV areas viz.,** the water area from the Low Tide Line to twelve nautical miles on the seaward side and also the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.
4. I humbly submit that, according to the Clauses (vi) & (vii) of Para 3 of the CRZ Notification, 2011 (i) discharge of untreated waste and effluents from industries, cities or towns and other human settlements and (ii) dumping of city or town wastes including construction debris, industrial solid wastes have been declared as prohibited in the CRZ area. The concerned authorities should implement schemes for phasing out such existing practice if any.


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.5.

- a) to be responsible for monitoring and enforcement / Implementation of the provisions of the Coastal Regulation Zone Notification.
- b) to ensure that the activities within Coastal Regulation Zone take place as per the approved Management Plan.
- c) to advise the State Government on any matter relating to protection and control of pollution in Coastal areas.
- d) to act as an Authority under Sec. 4 of Coastal Regulation Zone Notification, 1991 dated 19.02.1991 for taking action on Coastal Regulation Zone Plan violations.

9. I humbly submit that O.A.No.278 of 2017 filed before the Hon'ble NGT (SZ) filed by Thiru John Fernandez, Kanyakumari district against the establishment and operation of the Unit of M/s. Nanjil Sea Food located at Mulluthurai, Araiyanthoppu, Kanyakumari district and the Hon'ble NGT (SZ) order dated 09/09/2021 directed to demolish the unauthorized construction. Based on the order, the District Collector, Kanyakumari district has directed the Asst. Director of Village Panchayat, Nagercoil to take necessary action for demolishing the building as per the decisions taken by the DCZMA for Kanyakumari district in the 90th meeting held on 02.12.2021.

10. I humbly submit that as the Application is also a similar case, the District Collector of Thoothukudi District may be directed to take appropriate action on demolition of illegal construction, in the capacity of the Chairman of the DCZMA.


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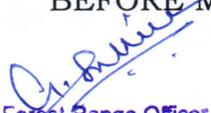

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.6.

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 day of March 2022
and Signed his name in presence


MEMBER SECRETARY,
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CHENNAI - 600 015.
BEFORE ME


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