

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

O.A. No.12of 2021 (SZ)

Mass Empowerment and Guidance Association,
Reg. No. 75/2016
Rep. by its Secretary Mr.Mohammed Salihu,
Kayalpattinam, Thoothukudi.

.... Applicant

Versus

1. The Commissioner,
Kayalpattinam Municipality,
Kayalpattinam.,
Thoothukudi District.
2. District Collector,
Thoothukudi District/Chairman-DCZMA
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
C7 & C9, SIPCOT Industrial Complex,
Thoothukudi
4. TN State Coastal Zone Management Authority
represented by its Director,
Department of Environment, Chennai

.... Respondents

**AFFIDAVIT FILED BY THE 2nd RESPONDENT,
DISTRICT COLLECTOR,THOOTHUKUDI.**

I, **Dr.K.SENTHIL RAJ**, I.A.S., Son of Thiru.S.Krishnan, aged about 36 years, residing at Door No. 250, Collector's Bungalow, Thoothukudi and working as District Collector and District Magistrate, Thoothukudi District, hereby solemnly affirm and sincerely state as follows.

It is respectfully submitted that I am the second respondent in O.A. No. 12 of 2021.

It is respectfully submitted that The Hon'ble NGT (SZ) in its order dated. 19.01.2021 in O.A. No. 12 of 2021 *has directed the same committee that has been constituted in O.A. No. 50 of 2016 to inspect the area and to submit a factual as well as action taken report if there is any violation found, and submit the consolidated report in O.A. No. 50 of 2016 instead of filling independent reports, so that all these connected issues can be considered together and appropriate directions can be issued and dispose of the causes by a common judgement.*

The Hon'ble NGT (SZ) also directed the committee *to consider the question of violation of CRZ Notification in respect of establishment of micro compost yard in the*


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allotted place by the first respondent municipality and if there is any violation found, what is the nature of action taken by the authorities in respect of the same and to submit the report to the Hon'ble Tribunal along with O.A. No. 50 of 2016.

Further, it is respectfully submitted that The Hon'ble NGT (SZ) in its order dated 09.02.2022 in O.A. No. 11 of 2021, O.A. No. 12 of 2021, O.A. No. 50 of 2016 and in Appeal. No. 57 of 2021 has issued the following direction:

'The parties who have not filed their reply statement in all these matters are directed to file the same within a period of 3 weeks (Three) weeks from today (09.02.2022) and if they did not file the statement within that time they are directed to pay a cost of Rs. 10000/- each to TN Legal services Authority and produce the receipt of the same along with counter and this amount has to be paid out of their own fund and not from the state exchequer'.

It is respectfully submitted that, as per the above direction of the Hon'ble NGT the following independent report is submitted by the District Collector, Thoothukudi (2rd respondent) in O.A. No. 12 of 2021.

It is respectfully submitted that, Thiru. Mohammed Salihu, (applicant) in his affidavit has stated asfollows:

- The Kayalpattinam Municipality has constructed a structure to function as micro compost yard inside the inter tidal Zone of the CRZ in beach poramboke land partially blocking a natural drainage outlet into sea called the keerikulam.
- The waste disposal (or) processing facilities cannot be setup inside the CRZ area as they are prohibited under the CRZ notification 2011.

Hence, the applicant prayed the Hon'ble NGT to issue direction to forthwith demolish this illegal structure.

It is respectfully submitted that, based on the inspection of the site the following report is submitted:

- The *micro compost yard (on-site compost centre)* is located in the un-surveyed poramboke land near the sea shore.
- The *micro compost yard (on-site compost centre)* consists of a shed with aluminium sheetroof and is measuring 15 meters x 6 meters in size.
- The processing capacity of the *micro compost yard (on-site compost centre)* is 0.50 MT/day.
- The *micro compost yard (on-site compost centre)* is reported to have been established exclusively to process the municipal solid wastes generated in the beach area.
- The *micro compost yard (on-site compost centre)* has been constructed during the year 2018 at a cost of Rs. 7 lakhs and is yet to be commissioned/yet to be put into operation..
- The *micro compost yard (on-site compost centre)* is located within CRZ area. The exact location of the *micro compost yard (on-site compost centre)* within the CRZ area (as to whether the site is located in between HTL and LTL or is located outside the HTL) can be identified/known only if the Project layout is super imposed on the CRZ map indicating HTL and LTL demarcated by one of the Authorized agency in 1:4000 scale.

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- The Municipality has submitted the application for CRZ clearance for this *micro compost yard (on-site compost centre)* on 29.07.2021. The application submitted by the Municipality was returned for want of the following additional particulars:
 - a) Application in the prescribed format (Form I) – 8 copies.
 - b) CRZ map indicating HTL and LTL demarcated by one of the Authorized agency in 1:4000 scale – 8 copies.
 - c) Project layout super imposed on the above map indicated at (b) above – 8 copies.
 - d) Copy of Project report – 8 copies.

The unit has not yet resubmitted the application along with the additional particulars. On receipt of the additional particulars and the application the subject will be placed before the District Coastal Zone Management Authority meeting and decision will be taken on the further course of action.

Under these circumstances, it is humbly prayed that the Hon'ble NGT may be pleased to pass appropriate orders as the Hon'ble NGT may consider deem fit and proper on the facts and circumstances of the case.



District Collector,
Thoothukudi District,
Thoothukudi

Solemnly affirmed at Thoothukudi,
This.....^{1st}.....day of March 2022
and signed his name in my
presence.


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