

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No.124 of 2022

IN THE MATTER OF

B. Ramkumar Adityan
Aged about 48 years
S/o. Mr.R.Balakrishnan Adityan & Mrs.Selvarathi
No. 563, Thoothukudi Road, Virapandianpattinam,
Tiruchendur – 628 216,
Thoothukudi District.

..... Petitioner / Applicant

- Vs -
-

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7. Secretary,
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8. Chairman,
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10. Commissioner,
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11. Member Secretary,
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Corns:Nil

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Director of Information and Public Relations
and Ex-Officio Joint Secretary to Government
Tamil Development and Information Department
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and Ex-Officio Joint Secretary to Government
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12. Member Secretary,
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13. Scientist-in-Charge
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14. Commissioner of Police,
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.... Respondents

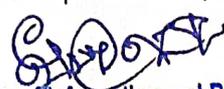
Report filed on behalf of the 7th Respondent.

I, Dr.V.P.Jeyaseelan, S/o.V.Palanichamy, Hindu, aged about 35 years, residing at No. X-2 Block, SAF Games Village, Koyambedu, Chennai-600107 serving as Director of Information and Public Relations Department and Ex-Officio Joint Secretary, Tamil Development and Information Department do hereby solemnly affirm and sincerely state as follows:

1. I am filing this report regarding the Muthamizh Arignar Kalaignar Memorial on behalf of the 7th Respondent here in and as such I am well acquainted with the facts of the case with reference to the records available in the office.
2. I respectfully submit that based on the judgment pronounced in W.P.No.20531/2018 dated 08.08.2018 granted permission to provide a place for decent burial to lay the mortal remains of Muthamizh Arignar Kalaignar, former Chief Minister of Tamil Nadu within the precincts of the burial place of

Corns:Nil
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(Late) Annadurai, namely at Arignar Anna Memorial at Kamarajar Salai, Chennai – 600 005.

3. I humbly state that Hon'ble Chief Minister of Tamil Nadu announced to the Tamil Nadu Legislative Assembly under Legislative Rule No. 110 that a memorial will be constructed for Muthamizharignar Kalaignar to portray his contribution to the Tamil Society and to spread his achievements and vision to the present and future generation for Rs. 39 crores at Arignar Anna Memorial Campus, Kamarajar Salai, Chennai-05.
4. I respectfully submit that a review meeting has been conducted on 28.09.2021 under the Chairmanship of the Chief Secretary, In that specific instructions were given to Greater Chennai Corporation, Chennai Metropolitan Development Authority and Coastal Zone Management Authority and to Chennai Collector to examine whether the specified area was under Coastal Regulation Zone II and if the Construction carried out whether it will be within the Campus of Arignar Anna Memorial.
5. I respectfully submit that approval of Chennai Collector, Chennai Corporation, and Chennai Metropolitan Development Authority was obtained, and clearance by Tamil Nadu State Coastal Zone Management Authority on 06.01.2022.
6. I respectfully submit that Arignar Anna Memorial and Dr.M.G.R. Memorial Campus at Kamarajar Salai has been declared as a burial site as per section 319(3) of the Chennai City Municipal Coporation Act, 1919 (Tamil Nadu Act IV of 1919). I also submit that no new boundaries have been declared as a memorial. I submit that the mortal remains of Former Chief Minister of Tamil

Nadu Muthamizharignar Kalaignar was buried within the campus of existing memorial. The application requesting to permit to bury the mortal remains of Former Chief Minister of Tamil Nadu Muthamizharignar Kalaignar from the Government of Tamil Nadu represented by its Secretary to Government, Tamil Development and Information Department, was permitted vide Chennai Corporation Resolution No.624/2018 dated 08.08.2018.

7. Also it is respectfully submitted that,

- (i) The memorials namely Arignar Anna Memorial and Dr.M.G.R. Memorial at Marina beach were constructed prior to promulgation Coastal Regulation Zone notification 1991 and 2011 and hence there was no violation under Coastal Regulation Zone notifications on the construction of the memorial. Because vide paragraph 1 of the Coastal Regulation Zone notification 2011 the provisions of the said notification came into effect from them respective dates of issue.
- (ii) The burial site of the late Chief Minister Muthamizharignar Kalaignar is falling in Coastal Regulation Zone-II.
- (iii) The prohibited activities are listed under paragraph 3 of the Coastal Regulation Zone notification, 2011 wherein Construction of Memorial is not a prohibited activity in Coastal Regulation zone II. Further as per the amendment issued in Notification G.O. 556 (E) dated.17.02.2015 Constructions of memorial (based on scientific studies) even in Inter Tidal Zone (Coastal Regulation Zone -IV (A)) is a permissible activity.
- (iv) Vide Para 8(i) CRZ II (i) of the Coastal Regulation zone notification 2011, buildings shall be permitted on the landward side of the existing road, or

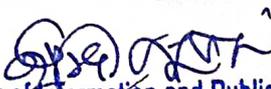
on the landward side of the existing authorized structures; further vide para 8 (i) CRZ II (ii) of the said Notification 2011, buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulation including the 'existing' norms of floor space Index or Floor Area Ratio.

- (v) All development activities listed in the Coastal regulation Zone Notification 2011, shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned Coastal Zone Management Authority within the frame work of such approved Coastal Zone Management plans as the case may be in accordance with the provisions of this notifications vide para 5 (x) of Coastal Regulation Zone Notification 2011.
- (vi) Accordingly, in CRZ II area, powers have been delegated to the Greater Chennai Corporation to Grant approval for the Construction of ordinary buildings and other small buildings and powers have been delegated to Chennai Metropolitan Development Authority to grant approval for the construction projects of equal to or less than 20,000 sq.mt. built up area in Coastal Regulation Zone II areas.
- (vii) I respectfully submitted that the approval was obtained from Chennai Metropolitan Development Authority (CMDA) and Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) under Environment, Forest and Climate Change Department.

Corns:Nil

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(viii) I also submit that as per Tamil Nadu Combined Development Building Rules(TNCDBR)2019, the requisite Planning Permit has been obtained for the construction of Memorial for Former Chief Minister Muthamizharignar Kalaignar from the Chennai Metropolitan Development Authority vide Permit No.C/01-A to E/2022 dated 07.01.2022. I also submit that as per Section 238 of the Madras City Municipal Corporation Act, 1919, the necessary Building Permission has been obtained from the Town Planning Section – Works Department, Greater Chennai Corporation vide Building Plan No. CEBA/WDCN09/00013/2022, dated 10.01.2022.

(ix) I respectfully submit that Muthamizharignar Kalaignar Memorial was within the Arignar Anna Memorial Campus and Coastal Regulation Zone regulations have strictly adhered and no violation or unlawful activities has been done till now during the construction process. No objections were raised from the public with regard to the construction of Muthmaizharignar Kalaignar memorial.

8. With reference to the averments made in the affidavit, it is submitted that,

- (i) The memorials namely Arignar Anna Memorial and Dr.M.G.R. Memorial at Marina beach were constructed prior to promulgation Coastal Regulation Zone notification. Due to the fact that, paragraph 1 of the Coastal Regulation Zone notification 2011 the provisions of the said notification came into effect from them respective dates of issue.
- (ii) The burial site of the late Chief Minister Muthamizharignar Kalaignar is falling in Coastal Regulation Zone-II.

Corns:Nil

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(iii) The prohibited activities are listed under paragraph 3 of the Coastal Regulation Zone notification, 2011 wherein Construction of Memorial is not a prohibited activity in Coastal Regulation zone II. Further as per the amendment issued in Notification G.O. 556 (E) dated.17.02.2015 Constructions of memorial (based on scientific studies) even in Inter Tidal Zone (Coastal Regulation Zone -IV (A)) is a permissible activity.

It is therefore prayed that this honourable tribunal may be pleased to take on record the submissions made above and pass appropriate orders as deemed fit in the facts and circumstances of the case and thus render justice.

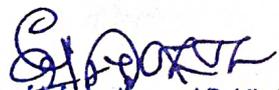

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Tamil Development and Information Department
Secretariat, Chennai - 600 009.

VERIFICATION

I, Dr.V.P.Jeyaseelan, S/o.V.Palanichamy, Hindu, aged about 35 years, residing at No. X-2 Block, SAF Games Village, Koyambedu, Chennai-600107 serving as Director of Information and Public Relations Department and Ex-Officio Joint Secretary, Tamil Development and Information Department do verify that the submissions in paragraphs 1 to 8 are true and correct to the best of my knowledge as per records and I verify the same at Chennai on this **31** day of January 2023.

Corns:Nil

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Tamil Development and Information Department
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