

BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTH ZONE) SITTING AT CHENNAI

(Under section 18(1) read with sections-14,15 of National Green Tribunal Act of 2010)

Application No.124 of 2022(SZ)

B.Ramkumar Adityan
S/o.Mr.R.Balakrishnan Adityan & Mrs.Selvarathi
No.563, Thoothukudi Road, Virapandianpattinam,
Tiruchendur – 628 216, Thoothukudi District
E.Mail: efilingbrk@gmail.com
Cell: 9486567132.

..... Petitioner

-Vs-

1. The Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi-110 003.
E.Mail: secy-moef@nic.in
Ph: 011-20819308
2. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
E.Mail: cs@tn.gov.in
Ph: 044-2567 1555
3. The Additional Chief Secretary,
Public Works Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
E.Mil: pwdsec@tn.gov.in
Ph.044-2567 3040
4. The Additional Chief Secretary,
Fisheries, fisheries Development Corporation & Animal Husbandry
Department, Government of Tamil Nadu,
Secretariat, Chennai-600 009.
E.Mail: ahsec@tn.gov.in
Ph.044-2567 2937
5. The Principal Secretary,
Environment, Climate Change and Forest Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
E.Mail: forsec@tn.gov.in
Ph.044-2567 1511

6. The Secretary,
Public Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
E.Mail: pubsec@tn.gov.in
Ph.044-2567 2396
7. The Secretary,
Tamil Development and Information Department,
Government of Tamil Nadu,
Secretariat, Chennai- 600 009.
E.Mail: tdinfosec@tn.gov.in
Ph.044-2567 2887
8. The Chairman,
Tamil Nadu State Coastal Zone Management Authority,
Department of Environment,
Mp.1, Jeenis Road, Panagal Building,
Saidapet, Chennai – 600 015.
E.Mail: tndoe@tn.gov.in
Ph. 044-2433 6421.
9. The District Collector,
Chennai District Collectorate,
62, Rajaji Salai, Chennai – 600 001.
E.Mail: collrchn@nic.in
Ph.o44-2522 7025.
10. The Commissioner,
Corporation of Chennai,
Chennai-600 003.
E.Mail: commissioner@chennaicorporation.cov.in
Ph.044-2561 9200
11. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
E.Mail: mscmda@tn.gov.in
Ph.044-2841 4355.

12. The Member Secretary,
Chennai District Coastal Zone Management Authority,
Department of Environment,
No.1, Jeenis Road, Panagal Building,
Saidapet, Chennai – 600 015.
E.Mail: tndoe@tn.gov.in
Ph. 044-2433 6421.

13. The Scientist-in-Charge
Madras Regional Station,
Central Marine Fisheries Research Institute,
CIBA Campus, 75, Santhome High Road,
Raja Annamalai Puram, Chennai-600 028.
Email: cmfrichennai@gmail.com / madras.cmfri@car.gov.in
Ph.044-24617264, 24617310

14. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai-600 007.
E.Mail: cop.chncity@tncctns.gov.in
Ph.044 -2345 2345

..... Respondents

ADDITIONAL REPORT FILED BY THE – FOURTH RESPONDENT

I. MEMORIAL

It is reported that

Pursuant to the Judgement of the Hon'ble High Court of Madras in WP No.20531/2018 dated.08.08.2018, the Government of Tamil Nadu vide **G.O.Ms.No.157, Tamil Development and Information (Memorials) Department dated 08.08.2018**, have granted permission for the Burial of the mortal remains of the former Tamil Nadu Chief Minister Thiru M. Karunanithi in the vacant land lying to the East of the Anna Memorial within the Anna Memorial Complex in Kamarajar Salai, Chennai. Accordingly the mortal remains of the leader were laid to rest in the premises noted in the above Government Order.

Pursuant to the announcement made on the floor of the Tamil Nadu Legislative Assembly on 24.08.2021 by the Hon'ble Chief Minister, the Government of Tamil Nadu vide **G.O.Ms.No.144, Tamil Development and Information (Memorials) Department dated 08.11.2021**, have accorded administrative sanction for the construction of Memorial for Muthamizh Arignar Kalaignar within Anna Memorial Campus in Kamarajar Salai, Chennai for an estimated value of Rs.39.00 Crores.

The extent of land earmarked for the proposed construction is 2.21 acres comprising the below mentioned lands.

Sl.No.	Survey No.	Description	Area Details	Order of assignment
1.	3372/1, Triplicane Village, Block-69, Mylapore Taluk, Chennai District.	Land lying to the east of the existing Anna Memorial and lying within the existing old compound wall of Anna Memorial.	1.60 Acre	District Collector, Chennai Proc.No.J1/26079/2016, dated.07.01.2021.
		Land lying on the North eastern side of the land described 1&2 above and lying outside the existing compound wall of Anna Memorial	0.40 Acre	District Collector, Chennai Proc.No.J2/26079/2016 dated.12.06.2021.
		Land lying to the east of the existing Anna Memorial and lying within the existing old compound wall of Anna Memorial	0.21 Acre	--
Total Extent			2.21 Acre	

The site for the Construction is located in CRZ-II classified area and lies on the land ward side of the existing authorised structure ie., Compound wall constructed as early as in 1972.

Necessary drawings have been evolved by the PWD Chief Architect. After due discussions and consultations they have been adopted for the proposed construction. The memorial structure consist of :

- a. Main pavilion consisting the Samathi of the Muthamizh Arignar Kalaighnar with 3 nos of Parabolic arch structures and water body.
- b. 2 nos. of display galleries with Arcade consisting of 13 nos. of arches to display artefacts in remembrance of the leader's life.
- c. 2 nos of sitting / viewing galleries where the public can sit, view the audience and the memorial.
- d. 2 nos of curved water bodies
- e. Stairways, Ramps and walkways leading to the pavilion, Galleries, water bodies and other places in the campus.
- f. Statue of Muthamizh Arignar Kalaighnar and Statues of the famous books authored by the Muthamizh Arignar Kalaighnar erected over ornamental pedestals.
- g. Open air theatre.
- h. Gardens, Parks and lawns.
- i. Other amenities like public toilets, gas rooms etc.,

The total area of construction of the various components is 8944.50Sq.m or 96243 Sq.ft.

The G.O.Ms.No.144, Tamil Development and Information (Memorials) Department dated. 08.11.2021 has categorically instructed to obtain all statutory clearances and permissions including Coastal Zone Management Authority (CZMA), Chennai Metropolitan Development Authority (CMDA) and Greater Chennai Corporation (GCC), prior to the commencement of the work. Accordingly all the above clearances and permissions have been obtained on following standard procedures.

The timeline of events leading to the grant of these permissions / clearances is detailed in the annexed booklet (page noted)

S. No	Date	Event	Remarks
1	08.08.2018	G.O Issued pertaining to the Burial of Late Dr. Kalaighnar M. Karunanithi, Former Tamil Nadu Chief Minister	G.O. Ms.157, Tamil Development and Information (Memorials) Department.
2	24.08.2021	Announcement made by the Hon'ble Chief Minister under rule 110 on the floor of the Assembly	--
3	08.11.2021	Accordance of Administrative Sanction for the Construction of Memorial for an estimate value of Rs.39.00 Crore.	G.O.Ms.No.144 Tamil Development and Information (Memorials) Department
4	09.12.2021	DCZMA - Meeting held - Recommended to TNCZMA	--
5	27.12.2021	TNCZMA - Meeting held	--
6	28.12.2021	Tender Called for	--
7	06.01.2022	Approval for CRZ Clearance accorded	RC No.P1/ 2462/ 2021 date. 06.01.2022 MS-TNSCZMA & DOE Chennai.

8	07.01.2022	Planning Clearance accorded by CMDA	Lr.No.PC / INS7/ C / 0563 / 2021 dated.07.01.2022
9	10.01.2022	Building Permission granted by GCC	Lr.No.CEBA/ WDCN09/ 00013/ 2022 dated. 10.01.2022
10	20.01.2022	Construction works Commenced	--

The tender process was initiated only after necessary recommendations of the TNSCZMA were obtained.

In compliance to the G.O. and the provisions of the various clearances, the new construction works have been restricted only to the land lying within the old existing compound wall of the Anna Memorial.

After getting all these clearances, the work was commenced an early as on 20.01.2022. At present all the structural components having been completed, the work of laying marble and other types of stones for cladding and flooring are in progress. The physical progress is about 80% and the financial progress of more than 70% has been completed.

II. PEN MONUMENT

In Continuation to the construction of the Memorial, it has been decided to construct a pen shaped monument (to rever the contributions made by Muthamizh Arignar Kalaignar to the three phases of Tamil Literature viz, Prose, Poetry and Drama) at about 360m into the Bay of Bengal, off the Marina Beach at a total distance of about 650m from the Kalaignar Memorial. This monument would be accessible from the Kalaignar Memorial through an overhead foot bridge of about 650m land 9.00m wide and runs at height of 6.00m above the Sea shore / Beach and the High tide level of the sea.

The Proposed Pen monument is to be located in the CRZ/1A zone and the proposed traverses Bridge through CRZ-Zones II, IA and IV A,

Necessary application seeking the grant of clearance under CRZ notifications have been duly submitted to the various authorities of the Environment and Climate Change Departments of the Governments of Tamil Nadu and the Union Government of India, including the Tamil Nadu Pollution Control Board, District Coastal Zone Management Authority (DCZMA), Chennai, Tamil Nadu State Coastal Zone Managements Authority (TN-SCZMA), Department of Environment and Climate Change, Tamil Nadu, National Coastal Zone Management Authority (NCZMA) and the Union Ministry of Environment, Forests and Climate Change (MoEF&CC) at various stages.

The timeline of events leading to the grant of these permissions / clearances is detailed in the annexed booklet (paginated)

S. No	Date	Event	Remarks	Pg No
1	12.04.2022	Submission of Application for CRZ clearance	EE/ PWD-Lr.No. DB/ JDO-1/ F-144/ 2021 date.12.04.2022	
2	14.06.2022	DCZMA Meeting convened - Recommended to TNSCZMA		

3	20.06.2022	116th Meeting of TNSCZMA convened	
4	12.07.2022	Minutes of 116th Meeting Communicated	Lr.No P1/ 900/ 2022 dt.12.07.2022 MS- TNSCZMA & DOE & CC
5	25.07.2022	Proposal recommended to NCZMA	Lr.No.12458/ EC-3/ 2022-1 dt.25.07.2022 Environment & Climate Change Department, Secretariat, Chennai
6	24.08.2022	307th Meeting of Expert Appraisal Committee for projects related to CRZ convened by NCZMA	
7	27.09.2022	Prescription of General and Specific Terms of Reference	F.No.11-36/ 2022-IA-III, Government of India, MOEF & CC-IA-III Section CRZ
8	27.12.2022	Request for Public Hearing Conduct to Tamil Nadu Pollution Control Board, Chennai-15.	EE/PWD-Lr.No. DB/JDO2/Pen Monument/2022/ date.27.12.2022.
9	29.12.2022	Submission and Circulation of all Public Hearing Documents to Tamil Nadu Pollution Control Board, Chennai-600 015.	
10	31.12.2022	Release of the Public Hearing Notice in the News Paper	

At present the MoEF&CC have recommended the Terms of Reference (ToR) for specific and General compliance by the project proponent i.e., Tamil Nadu Public Works Department.

In compliance to the various recommendations of the specific and general ToR prescribed by the MoEF&CC, the following professionally accredited agencies have been instructed to carry out the various scopes of study, research and survey to be carried out with reference to Environmental Ecological and Social factors in relation to the construction Pen Monument.

SI.No	Description/Scope of Study	NABET/QCI Accredited Agency
1.	a. Risk assessment study with Disaster Management Plan	Centre for Urbanisation, Buildings and Environment. (CUBE) A Joint venture unit of IIT-Madras and the Government of Tamil Nadu
	b. Detailed Crowd Management Plan	
	c. Detailed Emergency Evacuation Plan	
	d. Study of Road Connectivity	

2.	Details of dredged and disposal of dredged materials	National Centre of Coastal Research (NCCR) & National Institute of Ocean Technology. (NIOT) based in Chennai Central Government Organisation.
	Impact of proposed structure on Shoreline Accretion/Erosion details of fishing activity and impact on fishing activity.	
	Impact on marine life fishing vessel movement and Marina patrol during construction and operation.	
3.	Construction details timeline and mitigation measures during construction.	Department of Ocean Engineering, Indian Institute of Technology, Madras.

Further in compliance to the General ToR recommendations, Public Hearing was conducted on 31.01.2023 to appraise the General Public about the project and to get their views about the project.

It is categorically stated that this project would be commenced only after obtaining all necessary clearances and permissions from the various competent Statutory Authorities including NCZMA – MoEF&CC, CMDA, GCC, Chennai Port Trust, Indian Coast Guard, etc.,

Hence, in the above circumstances, it is respectfully prayed that the National Green Tribunal South Zone may be pleased to pass orders or other orders may be deemed fit and proper according to the circumstances and thus render justice.

Signed:

Date:

S. Muthamil Arasu
1/2/23

Verification

I, S.Muthamil Arasu, Executive Engineer, PWD., hereby verified the contents of this report and they are true to my personal knowledge based on the records and I have not suppressed any facts.

Signature:

Office seal:

S. Muthamil Arasu
1/2/23

