

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI
MEMORANDUM OF APPLICATION
(Under Section 18(1) read with Sections 14, 15 of National Green
Tribunal Act 2010)

Original Application No **124** of 2022

IN THE MATTER OF :

B.Ramkumar Adityan

.... Applicant

Vs

Principal Secretary,
Ministry of Environment, Forest and Climate Change
And another 13

.... Respondents

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Date: 03.08.2023
Place: Chennai



COUNSEL FOR APPLICANT

ANNEXURE - A-1 1

IN THE SUPREME COURT OF INDIA

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA 1950

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 213..... OF 2023

IN THE MATTER OF

Nallathambi & Ors

..... Petitioners

VERSUS

The State of Tamil Nadu & Ors

.... Respondents

PAPER BOOK

(INDEX PLEASE SEE INSIDE)

ADVOCATE FOR PETITIONER : NARENDER KUMAR VERMA

LISTING PROFORMA


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b) Similar pending matter with case details:

No similar matter is ending

7. **Criminal Matters:**

- (a) Whether accused / convict has surrendered : N.A.
- (b) FIR No. : N.A.
- Date : N.A.
- (c) Police Station : N.A.
- (d) Sentence Awarded : N.A.
- (e) Sentence Undergone : N.A.

8. **Land Acquisitions Matters:**

- (a) Date of Section 4 notification : N.A.
- (b) Date of Section 6 notification : N.A.
- (c) Date of Section 17 notification : N.A.

9. **Tax matters:**

State the tax effect : N.A.

10. **Special Category**

(first Petitioner / Appellant only)

- Senior citizen > 65 years
- SC / ST
- Woman / Child
- Disabled
- Legal Aid case
- In custody

N.A.

11. Vehicle Number (in cases of Motor Accident Claim matters) :

N.A.

Date: 6/1/2023

Narender Kumar Verma

ADVOCATE FOR PETITIONER,

C.C. NO.2103, PHONE. 9650134838

SCBA 1.

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IN THE SUPREME COURT OF INDIA

SECTION: XII

The case pertains to:

- Central Act (Title) : Indian constitution
- Section/ Article : 32
- Central Rule (Title) : N.A.
- Rule No(s). : N.A.
- State Act (Title) : N.A.
- Section : N.A.
- State Rule (Title) : N.A.
- Rule No(s). : N.A.
- Impugned Interim Order (Date) : N.A.
- Impugned Final Order / Decree (Date) : NA
- High Court (Name) : NA
- Name of Judges : NA
- Tribunal / Authority (Name) : N.A.

-
1. Nature of the matter : CIVIL

 2. (a) Petitioner / Appellant No.1 : **Nallathambi**
(b) Email I.D. : jayasukin@gmail.com
(c) Mobile phone number : 9650134838
 3. (a) Respondent No.1 : **The State of Tamil Nadu**
(b) Email I.D. : N.A.
(c) Mobile phone number : N.A.
 4. (a) Main category classification : 18 civil
(b) Sub-classification : 1807 others
 5. Not to be listed before : N.A.
 6. a) Similar disposed of matter with citation, if any, & case details: : **No similar matter disposed of**

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		Part I (Contents of Paper Book)	PartII (Contents of thefile alone)	
(i)	(ii)	(iii)	(iv)	(v)
	Court Fees	Rs.		
1				
2.	Listing Proforma	A1-A2		
3.	Cover page of Paper Book		A-3	
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7.	Note Sheet		NSI to --	
8.	Synopsis and List of Dates			
9	Writ Petition with Affidavit			
10	AnnexureP-1: A True copy of National Assessment of Shoreline Changes along Indian Coast report July 2018.			
11	AnnexureP-2: A True copy of National Centre for costal Research Ministry of Earth			


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	Sciences, Union of India report date Nill.			
12	AnnexureP-3: A True copy of order passed by Hon'ble Madras High Court Judicature at Madras in W. P.No.20531 of 2018 dated 8.8.2018.			
13	AnnexureP-4: A True copy of Ministry of Environment, Forest and Climate Change notification 18.1.2019.			
14	AnnexureP-5: A True copy of Additional Agendas for the 116th Tamil Nadu State Coastal Zone Management Authority notification dated 20.6.2022.			
15	AnnexureP-6: A True copy of letter by public works department government Tamil Nadu dated 30.7.2022.			
	AnnexureP-7: A True copy of fishermen federation Representation to concern Authority dated 31.1.2023.			
	AnnexureP-8: A True copy of photos dated nill.			
16	F/m			
17	V/A and Memo of Appearance.			

SYNOPSIS

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That the present Writ Petition is being filed under Article 32 of the Constitution of India by the petitioner seeking Issue a Writ of Mandamus or any other appropriate writ in the nature of Mandamus or any other appropriate writ by giving direction to the Respondents to cancel the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach and not damage the ecosystem, marine life of marina beach.

Petitioners and their family members, fishermen across the coastal areas especially in Chennai of Tamil Nadu have been affected by the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach near the Muthamil Kalaignar Karunanidhi memorial. which is affecting their livelihood and violated the CRZ-IA, CRZ-II and CRZ-IVA and damage the ecosystem, marine life of marina beach.

That Tamil Nadu Public Works Department (PWD) approved the project, environmentalists have raised an alarm that the project would damage the coastal ecosystem. The proposed site for the 'Muthamizh Arignar Dr. Kalaignar Pen Monument' falls under CRZ-IA, CRZ-II and CRZ-IVA areas.

That the proposed monument would be located around 360 metres into the Bay of Bengal from the Marina beach coast, the State sought permission under Section 4 (ii)(j) of the Coastal Regulation Zone (CRZ) notification amended in



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March 22, 2016. The Ministry of Environment, Forest and Climate Change had asked the State to submit the final Environment Impact EIA/EMA report within four years on the DMK government's plan to construct the Kalaignar Pen Monument in the Bay of Bengal.

That Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach is violation Articles 14, 19, 21 of Indian Constitution.

LIST OF DATE AND EVENTS

- | | |
|------------|--|
| 04.02.1969 | The Mortal remains of the Former Chief Minister C.N.Annadurai who died on 03.02.1969 lay down in the Marina Beach. |
| 22.05.1986 | The Environment (Protection) Act, 1986 enacted. |
| 25.12.1987 | The Mortal remains of the Former Chief Minister Dr.M.G.Ramachandran who died on 24.12.1987 lay down in the Marina Beach. |


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- 16.08.1988 The Chennai Corporation declared a part of Marina Beach as burial ground vide Resolution No.671 of 1988.
- 19.02.1991 The Coastal Regulation Zone Notification 1991 announced by the Ministry of Environment, Forest and Climate Change.
- 15.09.2011 The Coastal Regulation Zone Notification 2011 announced by the Ministry of Environment, Forest and Climate Change which declared the Turtle Nesting Ground as Ecologically Sensitive Area.
- 06.12.2016 The Mortal remains of the Former Chief Minister Dr.J.Jayalalithaa who died on 05.12.2016 lay down in the Marina Beach.
- 10.01.2018 The Tamil Nadu Government passed a Order in G.O.(Ms) No.13 dated 10.01.2018 for the Construction of the Memorial for Dr.J.Jayalalithaa at a cost of Rs 79.75 crore.


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20.7.2018

National Assessment of Shoreline Changes by National Centre for Coastal Research (NCCR) report on shoreline changes has revealed that more than 30% of the coast in and around Chennai is shrinking due to sea erosion. While the shoreline towards the north of the city is retreating, the beaches on the southern part are expanding.

08.08.2018

The Mortal remains of the Former Chief Minister Dr. Karunanidhi who died on 07.08.2018 lay down in the Marina Beach.

8.8.2018

The order passed by Hon'ble Madras High Court Judicature at Madras in W.P.No.20531 of 2018 mentioned as ;the proposed constructions are within the existing compounded monument area and not on the beach and therefore will not cause any environmental or ecological damage; and permitted to lay the mortal remains of Dr.Kalaignar M.Karunanidhi, former Chief Minister of Tamil Nadu on the Marina Beach within the precincts of burial place of the founder of DMK party and former Chief


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Minister of Tamil Nadu Thiru Annadurai,
namely Anna Memorial.

18.1.2019

CRZ-IV B, Ministry of Environment, Forest and Climate Change notification has ban to all construction in areas include the water area and the bed area between LTL at the bank of the tidal influenced water body to the LTL on the opposite side of the bank, extending from the mouth of the water body at the sea up to the influence of tide, i.e., salinity of five parts per thousand (ppt) during the driest season of the year.

24.08.2021

The Hon'ble Chief Minister of Tamil Nadu announced under Rule.110 of the Tamil Nadu Legislative Assembly Rules to construct a memorial for Dr.Karunanidhi

08.11.2021

The Tamil Nadu state passed a Government Order in G.O.(Ms).No.144 Tamil Development and Information (Memorial) Department dated 08.11.2021 to construct a Memorial at Kamarajar Salai, Marina Beach for Dr.Karunanidhi which coming up on 2.21 acre land and at an estimated cost of Rs 39 crore.

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27.07.2022

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The Tamil Nadu State Coastal Zone Management Authority Department of Environment recommended construct the 134 feet tall 'Pen' statue inside the Marina beach.

30.7.2022

Tamil Nadu government sent a letter to Union of India for CZR permission to construct the 134 feet tall 'Pen' statue inside the Marina beach.

31.1.2023

That petitioners sent the Representation to concern Authority. But till the day Respondents not given any replay to the petitioners.

31.1.2023

In September 2022, the Union government granted terms of reference for the pen monument proposal. Tamil Nadu Pollution Control Board (TNPCB) called for a public meeting of party leaders, activists and environmentalists. on 31.1.2023. that environmentalists and various fishermen associations started to condemn the construction of the pen-shape memorial since it could likely affect the movement of water and lead to

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the closure of the mouth of the Cooum
and objected the proposal.

7.1.2023

Hence the Writ Petition

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA 1950

CIVIL ORIGINAL JURISDICTION

PUBLIC INTEREST LITIGATION

WRIT PETITION (CIVIL) NO..... OF 2023

IN THE MATTER OF:

1.NALLATHAMBI,
S/O. Xavier,
No.4/2984/A, Valasai Street,


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Thangachimadam,
Pamban, Ramanathapuram,
Tamil Nadu – 623529.

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2.Thangam,
S/O.Babu,
No. 64A, Singaravelar Nagar,
VTC Rayapuram,
Chennai,
Tamil Nadu 600013.

3.S.Mohan,
S/O.Soosai Antony,
No.137, Bethel Avenue,
Punnai Nagar,
Nagercoil,
Tamil Nadu 629004.

..... Petitioners

VERSUS

1.The States of Tamil Nadu,
Rep. by Chief Secretary,
Secretariat, Chennai
Tamil Nadu- 01.

2. The Union of India,
Rep. by its Secretary,
Ministry of Environment
Forest and Climate Chang,
Indira ParyavaranBhawan,


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Y100 3087

Jorbagh Road,
New Delhi – 110 003.

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..... Respondents

**WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA IN THE NATURE OF A CIVIL
WRIT LITIGATION SEEKING AN APPROPRIATE WRIT IN
THE NATURE OF MANDAMUS.**

TO,

THE HON'BLE CHIEF JUSTICE AND
THE OTHER COMPANION JUDGES OF
THE HON'BLE SUPREME COURT OF INDIA

HUMBLE PETITION OF THE
PETITIONERS ABOVE NAMED

MOST RESPECTFULLY SHOWETH:-

1. That the present Writ Petition is being filed under Article 32 of the Constitution of India by the petitioner seeking Issue a Writ of Mandamus or any other appropriate writ in the nature of Mandamus or any other appropriate writ by giving direction to the Respondents to cancel the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach and not damage the ecosystem, marine life of marina beach.

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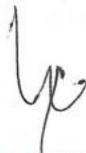
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That It is submitted at the outset that the State Government decision is contrary to the principles laid down by this Hon'ble Court **In Piedade Filomena Gonsalves vs. State of Goa &Ors. [(2004) 3 SCC 445], this Court has observed :**

“ The Coastal Regulation Zone notifications have been issued in the interest of protecting the environment and ecology in the coastal area. Construction raised in violation of such regulations cannot be lightly condoned. We do not think that the appellant is entitled to any relief ”

2. That the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach near the Muthamil Kalaignar Karunanidhi memorial. This statue will be set up 360 metres into the sea from the shore and a bridge will also be constructed from the memorial till the statue at 650m height. This proposal of the public works department has been approved by the Tamil Nadu Coastal Zone Management Authority.



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3. That to be constructed at a cost of 81 cr, the proposed total area of the project is 8551.13 sqm consisting of Pen Pedestal above sea, Pedestrian Pathway above sea, Lattice Bridge above beach and land, Pedestrian Pathway above beach, Pedestrian Pathway from Muthamizh Arignar Dr. Kalaignar Memorial to bridge above beach. The proposed site falls under CRZ-IA, CRZ-II and CRZ-IVA areas.

4. That Chennai city have enough land for build the memorial across the city but erect a monument inside the sea that will impact the marina ecosystem and marine life. Also, as per the national assessment of shoreline changes along the Indian Coast, published by the central department of Geosciences, more sand is accumulation on Marina beach. has one of the highest sand accretion and this would impact it further.

5. That the proposed monument site for the statute falls under coastal regulatory zone- 1A and IV (CRZ). Where Constructions are not permitted and would affect the livelihood of fisherfolk and take a toll on the environment,

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about 32 villages of fishermen will be impacted when it is constructed.

6. That monument consists of a 42-metre tall pen statue cum pedestal set over half an acre of reclaimed sea at a point where the sea is 6 m deep. A glass-bottomed pedestrian pathway will stretch from the high-tide line to the pedestal, spanning 350 m. and a pedestrian pathway cum-elevated lattice bridge will occupy 0.85 acres of beach space and traverse 290 m of beach, including 70m of turtle nesting grounds classified as CRZ 1A – i.e. a ‘no development zone’.
7. That monument is also objected to by fishermen associations and communities who have written to the State Government as well as Central Government. The pen-shaped monument will be reachable via a 360-metres long bridge over the sea and it will impact the sea is harmful for the ecosystem, environment and will cause long-term damages.
8. That State of Tamil Nadu not following the Law. As per rules, three fishermen should be part of the Tamil Nadu Coastal Zone Management Authority (TNCZMA) and their

approval is important for passing any project along the coast. That none of the villages were consulted in the drafting of the Coastal Zone Management Plans (CZMP).

The coastal zone map and plan don't reflect the fishing grounds off the Marina.

9. That as per the law, the coastal regulation zone (CRZ) notification, under which CZMPs are prepared, requires planners to consult fishers and highlight their fishing grounds at sea. This is to avoid conflict and disturbance of fisher rights and economies. the State Coastal Zone Management Authority to comply with the law, none of the villages were consulted in the drafting of the CZMP. The coastal zone map and plan don't reflect the fishing grounds off the Marina. That s State of Tamil Nadu did not followed it.

10. That a report on National Assessment of Shoreline Changes along Indian Coast, Union of India is released in July, 2018 and said that a total of 6,632 km long Indian coastline of mainland has been analyzed from


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1990 to 2018 and it is noted that about 33.6 % of the coastline is under varying degree of erosion.

11. The report, Kadalur Periya Kuppam Tamil Nadu, an Offshore submerged dyke was implemented. This helped in protection of three fishing Villages during extreme cyclonic events and restored lost beach that is being used for landing of fishing boats and other fishing activities.
- (I) That report by Chennai city scientists on shoreline changes has revealed that more than 30% of the coast in and around Chennai is shrinking due to sea erosion. While the shoreline towards the north of the city is retreating, the beaches on the southern part are expanding. The report on the National Assessment of Shoreline Changes by National Centre for Coastal Research (NCCR) for the 7,500km Indian coastline was released by ministry of earth sciences.
- (II) That oceanographers said the beaches in north Chennai began eroding at a rate of 3 metre to 50 metre a year since the Chennai port was built about a kilometre into the sea

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more than four decades ago. This structure obstructed natural flow of sediment leaving the beaches in the north deprived of sand. A True copy of National Assessment of Shoreline Changes along Indian Coast report July 2018 is annexed here as **ANNEXURE P 1**.

12. That Nearly one-third of India's coastline underwent sea erosion including 422 km of TN's shoreline between 1990 and 2018, according to a study by National Centre for Coastal Research (NCCR) under the Union Ministry of Earth Sciences. According to the study titled, 'National Assessment of Shoreline: Changes along Indian Coast', India coastline is 6,631.53 km long. Over 2,135 km had been eroded in varying degrees and 1,760.06 km expanded during this period. Nearly 2,700 km is stable. In TN, nearly 42.7% or 422.94 km out of the total 991.47 km is facing erosion (second highest in India). Gujarat has the longest coastline of 537 km under erosion (total shoreline 1,945 km). Releasing the report at a workshop on Marine Spatial Planning for Tamil Nadu.


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(I). That Protection of the State's coast is an important duty of the government, since various sectors including fishing, shipping, tourism and environment depend on it.

(II). That National Centre for costal Research, Union of India has warning about coastal risk. That warming since the 1995 has already contributed to a significant increase in weather and climate extremes changes in recitation and wind attens, warming and acidification of the global oceans, melting of sea ice and glaciers, rising sea levels, and changes in marine and terrestrial ecosystems.

(III). That Tamil Nadu's beautiful long sandy beaches are a beloved treasure. Not only do these beaches provide recreational spaces for the public, but are also a resting space for migratory birds, and nesting spaces for turtles and protect coastal areas from natural calamities. But the 1,076 kilometre coastline is under threat. According to the latest shoreline changes assessment report, about 42.7 per cent, that is 422 kilomteres of Tamil Nadu's coastline is eroding. Experts say that these alarming statistics are a result of man-made structures like groynes, seawalls and breakwaters, apart from a large

number of ports and harbours across the coastline. A True copy of National Centre for costal Research Ministry of Earth Sciences, Union of India report date Nill is annexed here as **ANNEXURE P 2.**

13. That On 8.8.2018 State Government of Tamil Nadu was allot two Acres of government land near Gandhi Mandapam, Kamarajar Memorial, Rajaji Memorial, Opposite to Anna University in Sardar Vallabhai Patel Road Chennai land to lay the mortal remains of Dr.Kalaignar M.Karunanidhi, former Chief Minister of Tamil Nadu and the Petition was filed before Hon'ble Madras High Court for permit and allot land to lay the mortal remains of Dr.Kalaignar M.Karunanidhi, former Chief Minister of Tamil Nadu on the Marina Beach within the precincts of burial place of the founder of DMK party and former Chief Minister of Tamil Nadu Thiru Annadurai, namely Anna Memorial.

(I). That the Petition was filed by representative of DMK Political Party and prayed for only permit and allot land to lay the mortal remains of Dr.Kalaignar M.Karunanidhi

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Marina Beach within Anna Memorial. That Hon'ble Madras High Court was please to permit burial of mortal Dr.Kalaignar M.Karunanidhi, former Chief Minister of Tamil Nadu on the Marina Beach within Anna Memorial.

(II). That Hon'ble Madras High Court had mention its order as "the proposed constructions are within the existing compounded monument area and not on the beach and therefore will not cause any environmental or ecological damage"

(III). That State Government did not approach Hon'ble Madras High Court to construct the 134 feet tall 'Pen' statue inside the Marina beach near the Kalaignar Karunanidhi memorial. That all departments of State Government given clearance certificates in quick manner and violated Laws and Court orders. A True copy of order passed by Hon'ble Madras High Court Judicature at Madras in W. P.No.20531 of 2018 dated 8.8.2018 is annexed here as **ANNEXURE P 3.**



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14. That the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach has totally violated CZR.I, CZR II, CZR III and CZR. IV.

(a) CRZ-I A shall constitute the following ecologically sensitive areas (ESAs) and the geomorphological features which play a role in maintaining the integrity of the coast viz.:

(i) Mangroves (in case mangrove area is more than 1000 square meters, a buffer of 50 meters along the mangroves shall be provided and such area shall also constitute CRZ-I A);

(ii) Corals and coral reefs;

(iii) Sand dunes;

(iv) Biologically active mudflats;

(v) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 Of 1986), including Biosphere Reserves;

(vi) Salt marshes;

(vii) Turtle nesting grounds;

(viii) Horse shoe crabs' habitats;

(ix) Sea grass beds;

(x) Nesting grounds of birds;

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(xi) Areas or structures of archaeological importance and heritage sites.

(b) A detailed environment management plan shall be formulated by the states and Union territories for such ecologically sensitive areas in respective territories, as mapped out by the National Centre for Sustainable Coastal Management (NCSCM), Chennai based on guidelines as contained in Annexure-I to this notification and integrated with the CZMP.

CRZ- IVA: The water area and the sea bed area between the Low Tide Line up to twelve nautical miles on the seaward side shall constitute CRZ-IV A.

CRZ- IVB: CRZ-IV B areas shall include the water area and the bed area between LTL at the bank of the tidal influenced water body to the LTL on the opposite side of the bank, extending from the mouth of the water body at the sea up to the influence of tide, i.e., salinity of five parts per thousand (ppt) during the driest season of the year.

A True copy of Ministry of Environment, Forest and Climate Change notification 18.1.2019 is annexed here as **ANNEXURE P 4 .**

15. That That the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach was taken by Additional Agendas for the 116th


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Tamil Nadu State Coastal Zone Management Authority
meeting scheduled on 20.06.2022 with conditions,

1. The project proponent should ensure that proposed activities in CRZ areas are as per provisions of CRZ Notification, 2011 (amended time to time).

2. Prior Planning permission should be obtained for the proposed constructions, if any, from the local authorities concerned and the proposed constructions should satisfy the local Town and Country Planning regulations and Para 8(I) CRZ-I (i) & (ii), 8 (i) II CRZ II (i), (ii) and (iii) of CRZ Notification 2011. The FSI/FAR should be as on 19.02.1991.

3. The proposed construction shall not disturb the land and marine ecology.

4. The Proposed activity shall not interfere with the fishermen, Marine patrol & Public movement at any point of time. Also the fishing boats movement shall also not be hindered.

A True copy of Additional Agendas for the 116th Tamil Nadu State Coastal Zone Management Authority

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notification dated 20.6.2022 is annexed here as
ANNEXURE P 5.

16. That Tamil Nadu government all departments had given clearance in quick manner without follow rules and Laws. Tamil Nadu government sent a letter to union of India for CZR permission to construct the 134 feet tall 'Pen' statue inside the Marina beach. A True copy of letter by public works department government Tamil Nadu dated 30.7.2022 is annexed here as **ANNEXURE P 6.**

17. That petitioners and their fishermen federation had sent the Representation to concern Authority. But till the day Respondents not given any replay to the petitioners. A True copy of fishermen federation Representation to concern Authority dated 31.1.2023 is annexed here as **ANNEXURE P 7.**

18. **Violation of Coastal Regulation Zone (CRZ)**


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- A. That the proposed site decision to construct the 134 feet tall 'Pen' statue inside the Marina beach falls under CRZ-1A, CRZ-II and CRZ-IVA areas and green signal has been given by the state level authorities.
- B. That decision to construct the 134 feet tall 'Pen' statue inside the Marina beach is not permissible. The proposal encroaches on 70 m of CRZ 1A, which are turtle nesting grounds, and proposes to construct a lattice bridge structure on the seaward side of the existing authorised structure.
- C. CRZ 2011, as amended, may permit the erection of monuments and allied facilities in CRZ IV (A) sea areas but does not allow for allied facilities in the intertidal zone or in turtle-nesting beaches.
- D. That the area in which the respondents have carried out construction activities is part of the tidally influenced sea and the construction activities in those areas are strictly restricted under the provisions of the CRZ Notifications. Uncontrolled construction activities

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in these areas would have devastating effects on the natural water flow that may ultimately result in severe natural calamities. The expert opinions suggest that the devastating floods faced in recent years Tamil Nadu this year are the immediate result of uncontrolled construction activities on sea shores and unscrupulous trespass into the natural path of backwaters. The Coastal Zone Management Plan (in short, 'CZMP') has not been prepared to check these types of activities and construction activities of all types in the notified areas.

E. Protection of ecologically Sensitive Areas like mangroves, coral reefs which act as a shield against tsunami and cyclone, Improving the lives of coastal communities like fishing communities, Resilient measures for mitigating impacts of Climate Change and high-intensity Cyclones and To balance development with conservation of the coastal environment.



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F. The Coastal regulation zone notification 2019 was issued to replace the 2011 notification. According to the latest notification, the development of the coastal region of the country should be done in a sustainable manner, keeping climate change and sea-level rise issues. The 2019 notification divided CRZ-III areas(rural areas) into two categories namely CRZ-IIIA and CRZ-IIIB of which the former denotes an area with population density more than 2161 persons per square km while the later denotes rural areas with population density less than 2161 persons per square km. As per the latest notification the CRZ-IIIA areas will have no development zone (NDZ) of 50 metres from the high tide line (HTL) as compared to the 200 metres as stipulated in the notification of 2011. The CRZ-IIIB areas however will have a no development zone of 200 metres from the HTL. The population density of respective areas will be measured on the basis of Census 2011.

G. That CRZ Section was amended in 2015 for Maharashtra at the time proposed a Shivaji statue in


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a small cove off a prominent beach in South Mumbai not for Tamil Nadu.

H. That decision to construct the 134 feet tall 'Pen' statue inside the Marina beach constructions activities are taking place in critically vulnerable coastal areas which are notified as CRZ-I, II and III. The state departments have issued permissions in violation of relevant statutory provisions and CRZ notifications. Hence direction of cancel need to the concerned bodies to revoke all the flawed construction of memorial, pen monument permits.

I. This Hon'ble court in the **Kerala state coastal zone management authority vs the state of Kerala maradu municipality &ors. 1 (2019) 7 SCC 248.**

we find that once a due inquiry has been held by the Committee, there is no escape from the conclusion that the area fell within CRZ-III, it was wholly impermissible and unauthorised construction within the prohibited area. We also take judicial notice of recent devastation in Kerala which had taken place due to heavy rains compounded by such unbridled construction activities resulting in colossal loss of human life and property due to such unauthorised activity.

19. **Violation of Environmental Impact Assessment.**

That State Government did take Environment Impact EIA/EMA report within four years and made eyewash, not consulted the concern people.

A. That The Ministry of Environment, Forest and Climate Change had asked the State to submit the final Environment Impact EIA/EMA report within four years on the State government's plan to construct the Kalaignar Pen Monument in the Bay of Bengal.

" You are required to submit the final EIA/EMA report prepared by consultants, accredited with the Quality Council of India/National Accreditation Board of Education and Training, to the Ministry within four years for consideration of CRZ clearance," a communication dated September 27 from the Ministry said.

B. That in the terms of reference, the Ministry said public hearing should be conducted as per procedure laid in

the EIA notification 2006 with adequate representation from the fishermen community.

C. That on 24th July 2022, the Pen Statue Monument was announcement by the Government of the Tamil Nadu and request a letter of NOC from the Ministry of the Environment, Forest and the climate Change, Union of India, as per the Ministry of India ordered to Submit the latest 3 months EIA report on 27th Sep 2022, But the Government of Tamil Nadu was called for the Public hearing on basis of the old report dated from 01st May – 31st July 2021, which is unlawful Submission.

D. That From the mouth of the Cooum river to the mouth of the Adyar river, the Marina is home to 32 fishing villages including Mattankuppam (north), Mattankuppam (south), AppayachettiyarKuppam, Ayothikuppam, Nadukuppam, Nambikkai Nagar, Nochikuppam, Nochinagar, Doomingkuppam, Bhavanikuppam, Selvarajagramam and Srinivasapuramare dependent on the productive coastal waters where the memorial is proposed to be

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built. That environmental engineer associated and experts said the 382-page rapid EIA was flawed and incomplete.

E. That "There is no mention of sea level rise. The climate action plan released by Chennai Corporation says 100metres of city coast will erode within five years. The climatology study carried out was based on outdated data from 1971- 2000. The rapid EIA says maximum rainfall in November was 361.6 mm, while the city recorded 1049 mm in 2015 and 1044 mm rainfall was recorded in November this year.

F. That extreme rainfall events are increasing. Such non-essential projects can lead to unnecessary coast changes." On page 7, the rapid EIA says the project site was prone to cyclone and tsunami. The study area falls under Zone-III (moderate risk) said the Indian Standard Seismic Zoning Map.

G. That State PWD, after getting the nod of the State Coastal Zone Management Authority, filed an application seeking CRZ clearance from the union environment ministry, where the application is under

consideration. PWD officials said reconnaissance and bathymetry surveys were carried out before finalising the location that will cause “no disturbance to other nearby activities.”.

20. **Destroy 4 lakh people live hood.**

A. That the Tamil Nadu government’s decision to construct the 134 feet tall ‘Pen’ statue inside the Marina beach would destroy around 4 lakh people live hood permanently. That 13villagesare dependent on fishing and also some lakhs Chennaipeople live hood dependent on fishing related works.

B. That the Tamil Nadu government’s decision to construct the 134 feet tall ‘Pen’ statue inside the Marina beachis violation Articles 14, 19, 21 of Indian Constitution of Fishermen. Most of the fishermen from weaken society and their family member are starving.

C. That National Fisheries Policy 2020 would offer a strategized way forward to develop, harness, manage

and regulate capture and culture fisheries in responsible and sustainable manner. The Policy will ensure a productive integration with other economic sectors, such as agriculture, coastal area development and eco-tourism, to meet the goals of the 'Blue Economy.

D. That inside the sea- CRZ IVB, serves as highly productive fishing grounds. The monument would obliterate fishing grounds near the Coovum Estuary and destroy livelihoods of fishers from Thiruvottiyur to Rettykuppam coastal villages.

E. That nature of the seabed at the project area are kadavaduseru, tharai, paaru (muddy, sandy or rocky, as in reef) that are highly biologically productive. Every monsoon a fresh healthy sediment is rebuild at the proposed project site that hosts fishes including Kelangan, keechan, nandu, naakku, udupa, udupaathi, kala, mathi, semakkeru, thulra, por-ra, thirukkai, panangyan, vavval etc. Prawns, Ribbon fish etc. that are used as feed for Deep Sea- hook fishing are caught in these sediments too.

F. That restriction imposed on fundamental rights must be reasonable and non-arbitrary. It must also be proportional to the goals sought to be achieved by imposing such restrictions.

G. That "Fundamental Rights" and Part IV dealing with "Directive Principles of State Policy" observed that they represent the core of the Indian Constitutional philosophy and envisage the methodology for removal of historic injustice and inequalities and ultimately for achieving an egalitarian society in terms of the basic structure of our Constitution as spelt out by the Preamble. It is further observed that the very blood and soul of our Constitutional scheme are to achieve the objectives of our Constitution as contained in the Preamble "which part of our Constitution is as declared by this Court in **KesavanandaBharati v. State of Kerala.**

H. That though seventy five years from the commencement of the Indian independence after the end of British

paramountcy and seventy two years from the advent of our Constitution have marched on, the tormenting enigma that often nags the people of India is whether the principle of 'equality of status and of opportunity' to be equally provided to all the citizens of our country from cradle to grave is satisfactorily consummated and whether the clarion of 'equality of opportunity in matters of public employment' enshrined in Article 16 (4) of the Constitution of India has been called into action.

- I. That Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach was said to be bad because the constituent power did not have followed any law , and this being so, the Articles 14,19,21 in the Constitution would be violated and would be wholly arbitrary. the right to "life" and "personal liberty" enshrined under Article 21 of the Constitution. Once the facts in a given case constitute a right to privacy, Article 21 is attracted. The said right cannot be curtailed "except according to procedure established by law".


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J. That **Indira Gandhi v. Raj Narain judgment**, reported in **1975 Supp SCC 1**, Article 329-A sub-clauses (4) and (5) were struck down by a Constitution Bench of this Court. Applying the newly evolved basic structure doctrine laid down in **KesavanandaBharati v. State of Kerala, (1973) 4 SCC 225, Ray, C.J.** struck down the said amendment thus:

"59. Clause (4) suffers from these infirmities. First, the forum might be changed but another forum has to be created. If the constituent power became itself the forum to decide the disputes the constituent power by repealing the law in relation to election petitions and matters connected therewith did not have any petition to seize upon to deal with the same. Secondly, any decision is to be made in accordance with law. Parliament has power to create law and apply the same. In the present case, the constituent power did not have any law to apply to the case, because the previous law did not apply and no other law was applied by clause (4). The validation of the election in the present case is, therefore, not by applying any law and it, therefore, offends rule of law." (at page 44)

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K. That **Bhagwati, J, in E.P. Royappa v. State of T.N., (1974) 4 SCC 3 stated (at page 38)** " We now come to the development of the doctrine of arbitrariness and its application to State action as a distinct doctrine on which State action may be struck down as being violative of the rule of law contained in Article 14"

21. **GROUND.**

A. Because Tamil Nadu Government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beachis an arbitrary manner without proper perusal of the records and without proper application of mind about entire people grievances.

B. Because the State Government of Tamil Nadu has without following the basic principles of Natural justice and violate of Article 21 of the Indian Constitution.

C. Because illegal movements of state Government of Tamil Nadu will amount to discrimination. Such discrimination will amount to arbitrary and unreasonable exercise of power

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and the same shall not be in conformity Article 14, 16, 21 of the constitution of India.

D. It is humbly submitted the fact, injustice has been caused to the entire Tamil Nadu state people, Fishermen and their basic amenities have been affected by non-appreciation of relevant materials in an objective and impartial manner by the State Government of Tamil Nadu.

E. It is humbly submitted the facts, the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach is proceeding and working are illegal, Arbitrary, high handed, whimsical and unfair, abuse of Authority and against the principles of Natural Justice.

F. It is humbly submitted Article 14 of the constitution of India clearly prohibits discrimination. If any discrimination without any intelligible differentia, certainty violation will be hit by Article 14. Which is a guaranteed fundamental right available to all persons. The said right being the fundamental right to treat equally among equals, cannot be negative.

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G. It is humble submitted that respondent the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach is an arbitrary manner without proper perusal of the records and without proper application of mind.

H. It is humble submitted that State Government of Tamil Nadu has without following the basic principles of Natural justice and violate of Article 21 of the Indian Constitution. And is an extraneous consideration.

22. That A True copy of photos dated nill is annexed here as **ANNEXURE P 8.**

23. That the petitioners states, have not filed similar petition or any other petition before Hon'ble Supreme Court or any Hon'ble High Courts. That violation of Article 21 and 19, 14 of Indian Constitution.

PRAYER

In the facts and circumstances of the case, as mentioned above, it is, therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to:


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- A. Issue a Writ of Mandamus or any other appropriate writ in the nature of Mandamus or any other appropriate writ by giving direction to the Respondents to cancel the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach and not damage the ecosystem, marine life of marina beach.
- B. Pass any other appropriate relief, orders, or directions which may deem fit in the facts and circumstances of the case.

**FOR THIS ACT OF KINDNESS THE PETITIONER HEREIN
AS IN DUTY BOUND SHALL EVER PRAY**

Drawn By :C.R.JAYA SUKIN

FILED BY:

Narender Kumar VERMA

Advocate for the Petitioner

7.1.2023

IN THE SUPREME COURT OF INDIA

(ORIGINAL JURISDICTION)
WRIT PETITION.NO. OF 2023

IN THE MATTER OF

Nallathambi & Ors

..... Petitioners

VERSUS

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The State of Tamil Nadu & Another

.... Respondents

AFFIDAVIT

I NALLATHAMBI, S/O. Xavier, No.4/2984/A, Valasai Street, Thangachimadam, Pamban, Ramanathapuram, Tamil Nadu - 623529 Presentably at New Delhi do hereby solemnly and sincerely affirm and state on oath as follows:

1. I am the petitioner in the above mentioned Writ petition and I am well acquainted with the facts of the case, as such I am competent to swear this affidavit. I filed this affidavit for me and behalf of other petitioner.

2. That I have read the averments in para 1 to of the petition for Writ petition pages (to) and the facts stated in pages (B to) of the list of dates and IA's. and state that they are true to the best of my knowledge and belief.

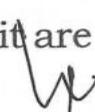
3. I state that the facts stated herein are true to my knowledge, belief no part of it is false and nothing material has been concealed therefrom.

4. I state that the Annexures filed with the Writ petition are true copies of their respective originals.

DEPONENT

VERIFICATION

Verified at New Delhi on this day of Feb 2022 that the contents of the foregoing affidavit are true and correct to the best


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of my knowledge, belief and nothing material has been concealed there from.

DEPONENT


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IN THE SUPREME COURT OF INDIA
(Civil Original Jurisdiction)

Writ Petition (Civil) No. 213 of 2023

IN THE MATTER OF :

Nallathambi & Ors Petitioners

Vs

The State of Tamil Nadu Ors Respondents

.....
WRIT PETITION (CIVIL)
.....

Mr. NARENDRA KUMAR VERMA
ADVOCATES FOR THE PETITIONER

CC Mo.2103, SCBA - 1
Cell; 96501 34838



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ANNEXURE-A 2

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**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA 1950
PUBLIC INTEREST LITIGATION
CIVIL WRIT PETITION No. 659... of 2023

IN THE MATTER OF:

K.K.Ramesh

S/o. Kuppusamy Iyer,

No. 26A, Old Mahalipatti Road,

Madurai – 625 001. Tamil Nadu. Petitioner

-VERSUS-

1.Union of India ,

by its Secretary,

Ministry of Environment, Forest and Climate Change,

Indira Paryavaran Bhawan,

Jorbagh Road, New Delhi- 110 003.

2.Union of India ,

by its Secretary,

Ministry of Earth Sciences.

Prithvi Bhavan,Lodi Road. New Delhi

3.The State of Andhra Pradesh,

Rep.by its Principal Secretary,

Environment, Climate Change and Forest Department,

Secretariat, Amaravathi, Andhra Pradesh.


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4. The State of Goa,
Rep.by its Principal Secretary,
Environment, Climate Change and Forest Department,
Panaji, Goa.

5. The State of Gujarat,
Rep.by its Principal Secretary,
Environment, Climate Change and Forest Department,
Secretariat, Gandhinagar, Gujarat.

6. The State of Karnataka,
Rep.by its Principal Secretary,
Environment, Climate Change and Forest Department,
Secretariat, Bangalore, Karnataka.

7. The State of Kerala,
Rep.by its Principal Secretary,
Environment, Climate Change and Forest Department,
Secretariat, Thiruvananthapuram, Kerala.

8. The State of Maharashtra,
Rep.by its Principal Secretary,
Environment, Climate Change and Forest Department,
Secretariat, Mumbai, Maharashtra,

9. The State of Odisha (Orissa)
Rep.by its Principal Secretary,
Environment, Climate Change and Forest Department,
Secretariat, Bhubaneshwar, Odisha (Orissa).

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10. The State of Telangana,
Rep.by its Principal Secretary,
Environment, Climate Change and Forest Department,
Secretariat, Hyderabad, Telangana.

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11. The State of West Bengal,
Rep.by its Principal Secretary,
Environment, Climate Change and Forest Department,
Secretariat, Kolkata, West Bengal.

12. The State of Puducherry,
Rep.by its Principal Secretary,
Environment, Climate Change and Forest Department,
Secretariat, Pondicheery, Puducherry.

13. The State of Tamil Nadu,
Rep.by its Principal Secretary,
Environment, Climate Change and Forest Department,
Secretariat, Chennai.

14. The Chairman,
Tamil Nadu State Coastal Zone Management Authority
Department of Environment,
No.1.Jeenis Road, Panagal Building,
Saidapet, Chennai

15. The Member Secretary,
Chennai District Coastal Zone Management Authority,


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Department of Environment,
No.1.Jeenis Road, Panagal Building,
Saidapet, Chennai,

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16. The Scientist-in-Charge
Madras Regional Station,
Central Marine Fisheries Research Institute,
CIBA Campus, 75, Santhome High Road
Raja Annamalai Puram, Chennai - 600 028,

**WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA IN THE NATURE OF A
PUBLIC INTEREST LITIGATION SEEKING AN
APPROPRIATE WRIT IN THE NATURE OF
MANDAMUS.**

TO,

**THE HON'BLE CHIEF JUSTICE AND
THE OTHER COMPANION JUDGES OF
THE HON'BLE SUPREME COURT OF INDIA**

HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:-



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That the present Writ Petition is being filed as Public Interest 51
Litigation, under Article 32 of the Constitution of India by the
petitioner seeking issue **writ of mandamus** or any other
appropriate Writ or Order or Direction or any suggestion or
observation or particularly in the nature of Writ to A. to protect
the costal regions of all states from the raising sea-levels. B. to
remove the mortal remains of ex Tamil Nadu Chief Minister 1.
C.N. Annadurai, 2. Dr.M.G. Ramachandran, 3.Dr.J.Jayalalitha,
4.Dr. M. Karunandhito any other alternative place. C. to
prohibit any construction work or alternative work or any
development work in the costal regions of all stats of India. D.
to prohibit the burial of any mortal remains in all costal areas
of all states in India. E. to cancel the Tamil Nadu government's
decision to construct the 134 feet tall 'Pen' statue inside the
Marina beach and not damage the ecosystem, marine life of
marina beach. F. Suitable trees may be planted to protect the



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costal regions of all states from the raising sea-level in the interest of nation

1. That the petitioner states that Sea levels along almost the entire Indian coast are rising faster than the global average, according to the World Meteorological Organization's (WMO) *State of the Global Climate in 2021* report released May 18, 2022. Globally, the rate of sea-level rise was 4.5 millimeter per year between 2013 and 2021. This was more than twice the rate between 1993 and 2002. The major reason for the increase in sea levels is the accelerated loss of ice from the ice sheets in the Arctic and Antarctic regions. The increase happened despite the La Nina phenomenon being prevalent during the beginning and the end of 2021. La Nina is the cooler-than-normal phase of the El Nino Southern Oscillation phenomenon in the equatorial Pacific Ocean. Usually during La Nina years, sea levels are less than the mean. During El Nino (warmer-than-normal phase) years, they are higher than the mean. In 2021, the global mean sea level rise was close to the long-term trend. The increase in sea levels is not happening uniformly in all parts of the global oceans. In the Indian Ocean region, the rate of sea-level rise is the fastest in the

south western part, where it is faster by 2.5 mm / year than the global average. In other parts of the Indian Ocean region, including the coastlines, the rate is between 0 and 2.5 mm / year, faster than the global average. Other regions where the rate is faster than the global average are the western Tropical Pacific, the South-west Pacific, the North Pacific and the South Atlantic. "Regional patterns of sea-level change are dominated by local changes in ocean heat content and salinity," the report pointed out. The Indian Ocean region has previously been described as the fastest warming ocean in the world, with an increase in temperature of one degree Celsius as against the global average of 0.7°C between 1951 and 2015. Ocean heat content had already reached record levels in 2021 globally. Such a sea-level rise could have major consequences for the millions of people living along the Indian coastline. While gradual erosion of the coastline, subsidence and inundation of deltas are a long-term concern for the people living close to the sea, the immediate concern is to do with the combined impact of tropical cyclones and sea-level rise. For instance, when a tropical cyclone occurs, the storm surge along with heavier rainfall, sea-level rise and

high tides could make the resultant flooding much more intense and hence difficult to manage. Storm surge is the increase in the height and energy of sea waves during a cyclone which depends on the wind speeds of the cyclone. The higher the wind speeds of a cyclone, the more is their ability to pile up water towards the centre of the cyclone; hence a stronger storm surge. Storm surges may also get intensified if there is a high tide during the time of the cyclone. The combined effect of a storm surge and a high tide is known as a storm tide. Storm surges and tides bring saline water into agricultural fields and people's homes, leading to long-term damage, including a decrease in soil quality. Recent cyclones in the Indian Ocean region have increased in intensity, with greater wind speeds than before which has meant higher storm surges. As sea levels rise, the storm surges will become even stronger and take more seawater onto land, causing inundation. In the case of Super Cyclone Amphan in 2020, sea water had come in 25 kilometres inland, inundating large parts of the Sunderbans delta which is already the most vulnerable to both, cyclones and sea-level rise in India. A cyclonic storm hits the Sunderbans every 1.67 years, according to the analysis by

India Meteorological Department, Pune. Shorter return periods indicate more frequent cyclones. The researchers studied cyclonic storms passing within about 90 kilometres of the coastal districts between 1961 and 2020. Sea levels have risen at a rate of 30 mm per year in the Sunderbans delta in the last two decades, with a 12 per cent loss in the shoreline, according to National Aeronautics and Space Administration's Landsat satellite imagery. This is more than six times the global average and has already led to the displacement of around 1.5 million people from the delta. If global warming is not kept under the 1.5°C mark as agreed to by countries under the Paris Agreement by rapid reduction of greenhouse gas emissions, the rise in sea levels and intense cyclones will make places like the Sunderbans unlivable, causing a huge migration of people inland and a cascade of other socio-economic problems. A True copy of Assessment of Climate Change over the Indian Region Report is annexed here as **ANNEXURE. P 1.**

2. That the petitioner states that The World Meteorological Department (WMO) has released a report on global


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mean sea level rise during the period 2013-2022, and the results are concerning. The WMO found that sea levels rose by an average of 4.5 mm per year during this period, with human activity being the main driver of these increases since at least 1971. This rise is threatening several low-lying small islands and coastal cities, such as Mumbai, Shanghai, and New York, which are home to millions of people. The report also reveals that the global mean sea level increased by 0.20 m between 1901 and 2018. The rate of sea level rise was 1.3 mm per year between 1901 and 1971, 1.9 mm per year between 1971 and 2006, and 3.7 mm per year between 2006 and 2018. This is the fastest rate of sea level rise since 1900 and over any preceding century in at least the last 3000 years. Moreover, the ocean has warmed faster over the past century than since the end of the last deglaciation transition, which occurred around 11,000 years ago, according to the WMO. The report warns that if warming is limited to 1.5 degrees Celsius, the global mean sea level will rise by about 2 to 3 meters over the next 2000 years, two to six meters if limited to two degrees Celsius, and 19 to 22 meters with five degrees of warming. This will have severe consequences for low-lying countries such as India, China, the

Netherlands, and Bangladesh, which comprise large coastal populations. The WMO has also noted that very high greenhouse gas emissions (total failure of mitigation) could cause a sea level rise of two meters by 2100 and even 15 meters by 2300. This is a major economic, social, and humanitarian challenge, as rising sea levels can cause flooding and damage to infrastructure, homes, and livelihoods. The population potentially exposed to a 100-year coastal flood is projected to increase by about 20 percent if the global mean sea level rises by 0.15 m relative to 2020 levels. This exposed population doubles at a 0.75 m rise in mean sea level and triples at 1.4 m without population change and additional adaptation. In conclusion, sea level rise is a major threat to global coastal communities, and human activity is the main driver behind it. This issue requires urgent attention and collective action to mitigate its effects and prevent a humanitarian and ecological crisis in the coming years. The 2015 Paris Agreement aims to limit global warming to well below two degrees Celsius above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5 degrees Celsius, and it is crucial that countries take the necessary steps to meet these goals and safeguard the future of our planet



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3. That the petitioner states that Kochi: The sea level has risen faster than before over the last several years and will continue to rise in the future, warned a report released by the World Meteorological Organization (WMO, a body under the United Nations), on February 14. Small island states and countries with low-lying, densely populated coastal areas – including in India – will bear the brunt of the sea level rise. People in coastal urban areas in least developed and low and middle income countries will also face specific impacts and challenges, the report said. “Sea-level rise is not only a threat in itself,” remarked UN Secretary-General, António Guterres at the United Nations Security Council on February 14. “It’s a threat-multiplier. For the hundreds of millions of people living in small island developing states and other low-lying coastal areas around the world, sea-level rise is a torrent of trouble.” Glacial melts, warming waters Global warming has caused ice loss and glacier melts worldwide. It has also caused thermal expansion of water – the phenomenon by which any object that is subjected to heat expands. The ocean is now heating up

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faster over the past century than since the end of the last deglacial transition which was around 11,000 years ago, the WMO's report titled "Global Sea-Level Rise & Implications: Key facts and figures" said. The report highlighted how the sea level, in turn, has risen over the years. Thermal expansion explained 50% of sea-level rise between 1971 and 2018 and human activities were what most likely drove the increase since 1971. The average rate of sea level rise increased from 1.3 mm per year between 1901 and 1971, to 1.9 mm per year between 1971 and 2006. Between 2006 and 2018, this rose again to 3.7 mm per year. As per the WMO, the sea level rise has been 4.5 mm per year between 2013 and 2022. "It is virtually certain that global mean sea-level will continue to rise over the 21st century," the report noted. It also warned that over the next 2000 years, the global mean sea-level would rise by 2 to 3 m if warming is limited to 1.5°C; 2 to 6 m if limited to 2°C; and by 19 to 22 m with 5°C of warming. "Sea-level rise is unavoidable for centuries to millennia due to continuing deep ocean warming and ice sheet melt, and sea-levels will remain elevated for thousands of years," it warned.



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At risk: Low-lying coasts, people, economies Coastal regions will be among the hardest hit, apart from small island states; sea-level rise “poses an existential threat” in these areas, per the report. “Sea-level rise will bring cascading and compounding impacts resulting in losses of coastal ecosystems and ecosystem services, groundwater salinization, flooding and damage to coastal infrastructure that cascade into risks to livelihoods, settlements, health, well-being, food, displacement and water security, and cultural values in the near to long-term,” it read. People experiencing sea-level rise living in coastal urban areas in least developed and low-middle income countries will also face specific impacts and challenges. According to the report, the threat from sea level rise is a “major economic, social and humanitarian challenge”. Several low lying small islands and countries that have huge coastal populations such as the Netherlands, Bangladesh, India and China would be most affected. “Several big cities on all continents are threatened,” it read. The cities the report lists here includes Mumbai in India too. Others include Shanghai, Bangkok, London and New York. A 2022 study by RMSI, a GIS



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consulting company that analysed the Intergovernmental Panel on Climate Change's (IPCC) sixth assessment report published in August 2021, had estimated that sea-level rise could submerge some parts of the coastal Indian cities of Mumbai, Kochi, Mangalore, Chennai, Visakhapatnam, and Thiruvananthapuram by 2050. The Deccan Herald reported that Mumbai would be the most affected, with the sea level rise impacting 998 buildings and 24 km of road length in the city. The WMO report has once again highlighted India's vulnerability, as it owns a 7,500-km long coastline, said Anjal Prakash, research director and adjunct associate professor, Bharti Institute of Public Policy, Indian School of Business and a lead author of the IPCC reports. "India is [sic] major hotspot when it comes to coastal impacts because of climate change. Sea level rise exposes country [sic] to water insecurity because of salinity," he said. Secondly, sea level rise has also resulted in a decline in fish production which is not a healthy sign for India, he added. "There is a need for adaptation measures to secure the livelihood of fishermen and water security in terms of providing safe and clean water to

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inhabitants of coastal areas,” he said. “The problem of climate change-led sea level rise needs more discussion at the policy level, explaining the bottom-up plan at the sub district level and how [we can] map climate impacts at the local level.” “Consequences unthinkable’ Consider the “hundreds of millions of people living in the river basins of the Himalayas”, said Guterres in his remarks during a debate on sea level rise at the UN Security Council. “We’ve already seen how Himalayan melts have worsened flooding in Pakistan. But as these glaciers recede over the coming decades, over time, the Indus, Ganges and Brahmaputra rivers will shrink. And rising sea levels combined with a deep intrusion of saltwater will make large parts of their huge deltas simply uninhabitable. We see similar threats in the Mekong Delta and beyond. The consequences of all of this are unthinkable.” We must address the climate crisis and broaden our understanding of the root causes of insecurity, Guterres said, highlighting the importance of actively supporting grassroots resilience efforts to tackle climate change and improving early warning systems.

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4. That the petitioner states that By India Today Web Desk: A new report by the Intergovernmental Panel on Climate Change (IPCC) has dire warnings for India, which is already going through an unpredictable upheaval in weather patterns and environmental factors. The most dangerous risk factor is rising sea level that threatens to submerge 12 coastal cities in the country by the end of the century. The cities could be nearly three feet underwater by the century's end, the climate change report has warned. The cities include Mumbai, Chennai, Kochi, and Visakhapatnam, among others. The analysis comes from Nasa, which has used the IPCC report to assess changes in sea levels across the world. The space agency has identified 12 Indian cities that are likely to experience the brunt of climate change and rising sea levels if the situation is not contained. The IPCC has been providing global-scale assessments of Earth's climate every five to seven years since 1988, focusing on changes in temperature and ice cover, greenhouse gas emissions, and sea levels across the planet. Their sea-level projections are based on by data gathered by


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satellites and instruments on the ground, as well as analysis
and computer simulations

5. That the petitioner states that The IPCC report indicates that the sea level around Asia has been increasing at a faster rate than the average global rate. The report indicates that extreme changes in sea levels, previously seen once in 100 years, could happen once every six to nine years by 2050. "Coastal areas will see continued sea-level rise throughout the 21st century, contributing to more frequent and severe coastal flooding in low-lying areas and coastal erosion with extreme sea-level events that previously occurred once in 100 years could happen every year by the end of this century," said the IPCC Working Group I report. It added that climate change is bringing multiple different changes in different regions -- which will all increase with further warming. These include changes to wet and dryness, to winds, snow and ice, coastal areas and oceans. It is to be noted that the global mean sea level is rising at a rate of around 3.7 millimetres per year, according to estimates made between 2006 and 2018. Meanwhile, glaciers in the Hindu Kush Himalayan (HKH) region will keep shrinking and the snow cover will retreat to higher altitudes. One of the authors of the report, Krishna Achuta Rao, said in the HKH region, the snow cover

has reduced since the early 21st century and glaciers have thinned, retreated and lost mass since the 1970s. Which coastal cities are vulnerable in India? Here are the Indian cities that will face the brunt of climate change as they fear rising sea levels. While these are initial projections at the current rate, if the trends continue by the end of the century these coastal cities will go under as much as three feet of water.

- **Kandla:** 1.87 feet
- **Okha:** 1.96 feet
- **Bhaunagar:** 2.70 feet
- **Mumbai:** 1.90 feet
- **Mormugao:** 2.06 feet
- **Mangalore:** 1.87 feet
- **Cochin:** 2.32 feet
- **Paradip:** 1.93 feet
- **Khidirpur:** 0.49 feet
- **Visakhapatnam:** 1.77 feet
- **Chennai:** 1.87 feet
- **Tuticorin:** 1.9 feet

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While the sea levels rise, the continuous melting of glaciers in the Himalayas is likely to affect over a billion people, who are directly or indirectly dependent on these resources. An earlier report by the Indian Institute of Technology (IIT) Indore on the glacial hydrology of rivers in the Himalayan Karakoram region had shown that glaciers and snowmelt are important components of the Himalayan Karakoram rivers with greater importance for the Indus than the Ganga and Brahmaputra basins. The team projects that the total river runoff, glacier melt, and seasonality of flow are set to increase until the 2050s, and then decrease. While the sea levels rise, the continuous melting of glaciers in the Himalayas is likely to affect over a billion people, who are directly or indirectly dependent on these resources. An earlier report by the Indian Institute of Technology (IIT) Indore on the glacial hydrology of rivers in the Himalayan Karakoram region had shown that glaciers and snowmelt are important components of the Himalayan Karakoram rivers with greater importance for the Indus than the Ganga and Brahmaputra basins. The team projects that the total river runoff, glacier melt, and seasonality of flow are set to increase until the 2050s, and then decrease.

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6. That the petitioner states that While the sea levels rise, the continuous melting of glaciers in the Himalayas is likely to affect over a billion people, who are directly or indirectly dependent on these resources. An earlier report by the Indian Institute of Technology (IIT) Indore on the glacial hydrology of rivers in the Himalayan Karakoram region had shown that glaciers and snowmelt are important components of the Himalayan Karakoram rivers with greater importance for the Indus than the Ganga and Brahmaputra basins. The team projects that the total river runoff, glacier melt, and seasonality of flow are set to increase until the 2050s, and then decrease. IPCC Report 2022: How climate change impacts vulnerable countries IPCC's latest findings paint an alarming picture of how climate change is impacting the world, and why the most vulnerable are bearing the brunt. Here are six key takeaways from the report. The newest report from the Intergovernmental Panel on Climate Change (IPCC) paints a troubling picture: Climate change is already impacting every corner of the world, and much more severe impacts are in store if we fail to halve greenhouse gas emissions this decade and immediately scale up

adaptation. Following on the first installment of the IPCC's Sixth Assessment Report, Working Group II's contribution, released on February 28, 2022, draws from 34,000 studies and involved 270 authors from 67 countries. It provides one of the most comprehensive examinations of the intensifying impacts of climate change and future risks, particularly for resource-poor countries and marginalized communities. The 2022 IPCC report also details which climate adaptation approaches are most effective and feasible, as well as which groups of people and ecosystems are most vulnerable.

7. That the petitioner states that Climate change is already causing widespread disruption in every region in the world with just 1.1 degrees C (2 degrees F) of warming. Withering droughts, extreme heat and record floods already threaten food security and livelihoods for millions of people. Since 2008, devastating floods and storms have forced more than 20 million people from their homes each year. Since 1961, crop productivity growth in Africa shrunk by a third due to climate change. Today, half the global population faces water insecurity at least one month per year. Wildfires are scorching larger areas than ever

before in many regions, leading to irreversible changes to the landscape. Higher temperatures are also enabling the spread of vector-borne diseases, such as West Nile virus, Lyme disease and malaria, as well as water-borne diseases like cholera. Climate change is also harming species and whole ecosystems. Animals such as the golden toad and Bramble Cays Melomys (a small rodent) are now extinct due to the warming world. Other animals, such as the flying fox, seabirds and corals, are experiencing mass die-offs, while thousands more have moved to higher latitudes and elevations.

8. That the petitioner states that Even if the world rapidly decarbonizes, greenhouse gases already in the atmosphere and current emissions trends will make some very significant climate impacts unavoidable through 2040. The IPCC estimates that in the next decade alone, climate change will drive 32-132 million more people into extreme poverty. Global warming will jeopardize food security, as well as increase the incidence of heat-related mortality, heart disease and mental health challenges. buildings and roads washed away during a flood-climate change Since 2008, devastating floods and storms have forced more than 20

million people from their homes each year. | Picture courtesy: Jan Vikas Sansthan/CC BY For example, under a high emissions scenario, increased flood risk could lead to an additional 48,000 deaths in children under 15 years old in 2030, due to diarrhoea. Species and ecosystems will face dramatic changes as well, such as mangroves failing to counteract sea level rise, declines in sea-ice dependent species and large-scale tree death.

9. That the petitioner states that Risks will escalate quickly with higher temperatures, often causing irreversible impacts of climate change. The report finds that every tenth of a degree of additional warming will escalate threats to people, species and ecosystems. Even limiting global warming to 1.5 degrees C (2.7 degrees F)—a global target in the Paris Climate Agreement—is not safe for all. For instance, with just 1.5 degrees C of global warming, many glaciers around the world will either disappear completely or lose most of their mass; an additional 350 million people will experience water scarcity by 2030; and as much as 14% of terrestrial species will face high risks of extinction. Similarly, if warming exceeds 1.5 degrees C, even temporarily, much more severe, often irreversible effects of

climate change will occur, such as stronger storms, longer heatwaves and droughts, more extreme precipitation, rapid sea-level rise, loss of Arctic sea ice and ice sheets, thawing permafrost and more. Overshooting 1.5 degrees C also increases the probability of high-impact events, such as mass forest dieback, which would turn critical carbon sinks into carbon sources. The IPCC projects that these risks will compound one another as multiple hazards occur at the same time and in the same regions. For example, in tropical regions, the combined effects of heat and drought may trigger sudden and significant losses in agricultural yields. At the same time, heat-related mortality will increase while labor productivity decreases, so people will not be able to work harder to overcome drought-related losses. Together, these impacts will lower families' incomes while raising food prices—a devastating combination that jeopardizes food security and exacerbates health risks like malnutrition.

10. That the petitioner states that some impacts of climate change are already too severe to adapt to. The world needs urgent action now to address losses and damages. With the 1.1

degrees C of global warming the world is already experiencing, some highly vulnerable people and ecosystems are beginning to reach the limits of what they can adapt to. In some regions, these limits are “soft” — effective adaptation measures exist, but political, economic and social challenges hinder implementation, such as limited access to finance. But in others, people and ecosystems already face or are fast approaching “hard” limits to adaptation, where climate impacts are so severe that no existing adaptation measures can effectively prevent losses and damages. For instance, some coastal communities in the tropics have lost entire coral reef ecosystems that once helped sustain their food security and livelihoods. Others have had to abandon low-lying neighborhoods and cultural sites as sea levels rise. Whether facing soft or hard limits of climate adaptation, the result for communities is devastating and oftentimes irreversible. These losses and damages will only increase as global temperatures rise. For instance, if the world warms beyond 1.5 degrees C, communities that depend on glacial and snow melt will face water shortages to which they cannot adapt. At 2 degrees C (3.6 degrees F), the risk of simultaneous failures in



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maize production across key growing regions will increase significantly. And above 3 degrees C (5.4 degrees F), parts of southern Europe will experience dangerously high summertime heat. A rapidly closing window of opportunity for climate action. The science is unequivocal: Climate change endangers the well-being of people and the planet. Delayed action risks triggering impacts of climate change so catastrophic our world will become unrecognizable. The next few years offer a narrow window to realize a sustainable, liveable future for all. Changing course will require immediate, ambitious and concerted efforts to slash emissions, build resilience, conserve ecosystems, and dramatically increase finance for adaptation and addressing loss and damage.

11. That the petitioner states that the 1st Respondent to regulate activities in Coastal areas of India issued the Coastal Regulation Zone Notification 1991 (CRZ Notification 1991) under the Environment (Protection) Act, 1986, a plan of action with an aim towards sustained utilisation of the Coastal zone which was amended in 2011 and subsequently in 2019. to lay down the mortal remains of the Former Chief Ministers at Marina Beach

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and permitted to construct Memorials for Former Chief Ministers at Marina Beach, Chennai District violating provisions of the Coastal Regulation Zone Notification 2011 (CRZ Notification 2011) as amended up to 22.03.2016 and at the cost of Marine Ecology and life of Olive Ridley Sea Turtles.

12. That the petitioner states that Marine Turtles play an important role in the ecology and well-being of coastal and open ocean environments throughout their life-cycle, including: nutrient cycling, which is crucial for the coastal ecosystem; and maintenance of seagrass beds, coral reefs and beach dunes. Aside from the obvious ecological services, sea turtles contribute to tourism activities, due to their charismatic nature, yielding great economic benefits. The disappearance of sea turtles and other keystone species from the oceans would disrupt the balance of marine ecosystems and, ultimately, would have a huge social and economic impact for humans. Sea Turtle nesting grounds have been distributed in 179 sites covering 17,872 ha are located in mainland and island coast of India. Sea turtles migrate hundreds or even thousands of kilometres between established feeding and breeding sites. All sea turtle species lay their eggs

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on land, typically on sandy beaches. Turtle nesting beaches protect the coastal communities from storm surges, and cyclones. In addition, it acts as an aquifer and source of freshwater to the coastal communities of India. The survival of sea turtles has been threatened by loss of their habitat. Sustainability of turtle population has been pressurized by various anthropogenic activities in turtle nesting sites. It is widely observed that the turtle population and its nesting beaches are declining due to manmade activities and Sea Level rise.

13. That the petitioner states that Turtle nesting is happening in narrow beaches where it can lay eggs and suitable environment for hatching of young ones. Many of these turtles travel for months in the ocean from their feeding grounds to their nesting grounds. The Sea Turtles gather near the nesting beaches early in the season to mate, the females travel to the beach to deposit up to ten clutches of eggs during one season. All sea turtle species lay their eggs on land, typically on sandy beaches. The location at which sea turtles lay their eggs is called turtle nesting grounds. After hatching, males spend their entire lives at sea. Female sea turtles must periodically return to sandy

beaches to lay eggs. When the females awkwardly lumber ashore to nest, they are near-sighted and virtually defenseless. During the nesting process, the female drags herself ashore and crawls to a point above the high-tide line. With her front flippers, she pushes sand away to form a body pit, digs an egg cavity inside the pit with her rear flippers, lays approximately one hundred eggs in the cavity, and then pushes the sand back into the cavity with her rear flippers to conceal the nesting site. After leaving the eggs to incubate in the warm sand, the female never returns to the nest

14. That the petitioner states that Sea turtles don't have sexual chromosome like mammals. Instead, their sex is determined by the temperature of incubation of the eggs, something called TDS (Temperature-Determined Sex). Nests that are incubated at lower temperatures may create more males, while warmer temperatures will create more female. Probably, one of the most amazing things about sea turtles is their ability to find their way back after spending 20 years around the ocean. It is mostly accepted that they can follow the earth's magnetic fields to find the same location where they hatched.

15. That the petitioner states that Sea Turtles have a long and complicated life cycle. They will only reach maturity after 15 – 25 years, and when they do, they will only breed every 2-3 years until they are 45 – 50 years old. Early stages are very vulnerable. The eggs are laid under the sand and are exposed to many natural and anthropogenic threats. There is no maternal care, and this means that the new-born turtles (or hatchlings) will start their life journey alone. Hatchlings and juvenile turtles will face predation and other threats, and even adult turtles will battle against poaching and marine pollution.

16. That the petitioner states that threats to the Sea Turtles are, on their way to shore, there are multiple obstacles they face. Fishing gear such as trawls, long lines, gillnets, and purse seines often cause injuries with many of these turtles losing their flippers when encountering these. Their unintended capture in fishing gear results in drowning or sometimes causes injuries that lead to death or debilitation. The Sea Turtles have even swallowed hooks or had their flippers entangled in fishing nets. The near and offshore pollution coming into oceans, such as plastics, fishing lines, balloons, floating tar and oil and other human

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discards are mistaken for food and these turtles often ingest them. Many plastic bags in the ocean are mistaken for jellyfish by these turtles, and in their attempts to eat them, the turtles choke on the plastic. The Sea Turtles also get entangled in marine debris which includes discarded gears and craft.

17. That the petitioner states that when females reach the shores for nesting, human activity causes a number of problems. On shore construction and urbanisation disrupts the process as it has reduced the sandy region of coasts over the years. Development of concretised coastal stretches has caused sand erosion and flattened the sand dunes (which protect hatchlings from the vision of predators). Coastal urbanisation includes laying roads on sand dunes, port building, construction of storm water drains, construction of desalination plants and setting up of eateries. If the sandy regions are eroded and inundated with water, the eggs will decay as they get waterlogged.

18. That the petitioner states that today, the beaches have been developed and converted into public food courts, as can be seen most prominently in the Marina Beach and the Besant Nagar


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Beach in Chennai Coast. Commercial eateries are found everywhere, even very close to the sea. This attracts dogs to the beach, which is quite an unusual habitat for dogs. These dogs often attack adult turtles, making their natural nestling grounds unsafe and inhospitable. The hatchlings are also hunted by natural predators such as ghost crabs, birds, dogs and oceanic fishes including sharks. Eggs are also poached for human consumption.

19. That the petitioner states thatt another problem faced on the shore is the illumination of the beach at nights due to commercial establishments and human activity. Anyone look at the Marina Beach and the Besant Nagar beach, earlier it was a very dark area during the night-time. In darker beaches, these turtles come peacefully, lay their eggs in the night and then move away because they don't want to be disturbed by human activity. These turtles are phototoxic i.e. they move towards the light. In the case of a dark and empty beach, they would move towards the moonlight, into the sea. With the beach having developed into a popular attraction for city dwellers, there is heavy lighting all around, especially in the evening time, and so many of the

hatchlings move towards the roads, away from the water. As a result they die from dehydration or are run over by vehicles. Predators are another issue. Turtle babies emerging from nests laid on the Chennai beaches have been getting disoriented due to the presence of everincreasing numbers of lights along the shore.

20. That the petitioner states that Scientists recognize seven living species of Sea Turtles grace our ocean waters. Among the seven Sea Turtles, the Olive Ridley Sea Turtle, (*Lepidochelys olivacea* Eschscholtz) are the smallest and most abundant of all sea turtles found in the world. The Olive Ridley Sea Turtles are found in warm waters of the Pacific, Atlantic and Indian oceans. There are five Nesting Grounds of Olive Ridley Sea Turtles in India viz. Gahirmatha beach of Odisha, Rushikulya River Mouth of Odisha and Devi River Mouth of Odisha, Versova beach of Ratnagiri, Maharashtra & the Ennore – Mamallapuram zone in Bay of Bengal in the Tiruvallur, Chennai and Chenglepet District Coasts on which the Marina beach lies.

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21. That the petitioner states that the mating season of the Olive Ridley Sea Turtles, chiefly between late October and April peaking from mid-January to mid-February. The Olive Ridley Sea Turtles are best known for their unique mass nesting called Arribada, where thousands of females come together on the same beach to lay eggs. The Olive Ridley Sea Turtles used to visit about 100 meters from the sea water on shore during the breeding season. They lay their eggs over a period of five to seven days in conical nests about one and a half feet deep which they dig with their hind flippers. The natural survival rate among the Olive Ridley Sea Turtles is one in a 1,000. Hence, it is one of the precious species.

22. That the petitioner states that the Olive Ridley Sea Turtle is listed as endangered by the Convention on International Trade in Endangered Species of Wild Flora and Fauna 1975 (CITES), is an international agreement, signed by 183 Countries including India, designed to ensure that international trade in animals and plants does not threaten their survival in the wild. The Olive Ridley Sea Turtle is classified as threatened with extinction by the International Union for Conservation of Nature and Natural

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Resources (IUCN) Red List of Threatened Species. Further, the Olive Ridley Sea Turtle is a species classified as Schedule 1 Part II of the Indian Wildlife Protection Act of 1972 (critically endangered). To protect the turtles and their population, India is implementing many initiatives including banning of fishing turtle breeding season around nesting sites; Para 7 (i) (A) (g) of the Coastal Regulation Zone 2011 Notification classified Turtle nesting grounds as Ecologically Sensitive Area (ESA) for the purpose of conserving and protecting the coastal areas and marine waters, and the activities in turtle nesting area have been prohibited and regulated.

23. That the petitioner states that protection of sandy beaches is the first step in conservation of sea turtles. Not many people are aware of this. Boards should be installed declaring different areas as a 'Turtle Nestling Zone' and no alteration or activity should be allowed in these declared zones. In addition, no structures or eateries should be allowed within 100 meters from the high tide levels (HTLs) along these zones. Considering the phototoxic nature of the hatchlings, reducing illumination along the coast during the nestling seasons should be a priority.

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According to data, 1,522 Olive Ridley Sea Turtle was killed in the last eight years in 14 km Chennai coastline alone between Thiruvanmiyur Transport Office Backside and Napier Bridge between January and March each year.

Year	Turtle Deaths	Year	Turtle Deaths
2014	315	2018	149
2015	89	2019	329
2016	217	2020	57
2017	278	2021	88

24. That the petitioner states that the Hon'ble Madras High Court initiated a Suo Moto proceeding in Writ Petition in W.P.No.1499 of 2015 treating a media report, ordered measures to check sea Turtle deaths. A True copy of the Order dated 01.04.2015 in Writ Petition in W.P.No.1499 of 2015 is annexed hereto and marked as **Annexure P.2**. During the course of the proceedings passed an Order in G.O. Ms.No.146, Animal Husbandry, Dairying and Fisheries (FS-3) dated 27.09.2016 which, prohibits the fishing by mechanized fishing vessels,

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motorized country crafts and those using mechanized fishing techniques in a radius of 5 nautical miles (9.6 Km) around the following potential nesting and breeding sites of sea turtles identified in the coastal areas of Chennai, Kanchipuram, Cuddalore, Villupuram, Nagapattinam, Ramanathapuram, Thoothukudi and Kanniyakumari Districts of Tamil Nadu during the turtle breeding season i.e., for a period of four months from the 1st January to 30th April of every year. of the Order of G.O. Ms.No.146, Animal Husbandry, Dairying and Fisheries (FS-3) dated 27.09.2016. In Chennai and Chenglepet District Coast, the potential nesting and breeding sites of the Olive Ridley Sea Turtle is identified on the Seashore (Beach) from Napier Bridge to Thiruvanmiyur Transport Office Backside in Chennai District Coast and Kottivakkam to Kovalam Beach in Chenglepet District Coast.

25. That the petitioner states that Marina Beach, situated East of Kamarajar Salai in Triplicane Village, Chennai District is a natural urban beach. The Marina Beach runs a distance of 6.0 km (3.7 mile) from near Fort St. George in the north to Foreshore Estate in the south, making it the second longest Urban Beach in

the World and the longest natural urban beach in the country. 85

The Marina is primarily sandy, similar to Brazil's Copacabana Beach in Rio de Janeiro. The average width of the beach is 300 m (980 ft) and the width at the widest stretch is 437 m (1,434 ft).

26. That the petitioner states that the Meiofaunal composition at the Marina Beach chiefly includes turbellarians, nematodes, polychaetes, oligochaetes and harpacticoids. Species of 19 gastrotricha are also found in the Marina Beach. Beach environment is pleasant until man disturbs and modifies it. People disturb the habitat of shore dependent organisms through commercialization.

27. That the petitioner states that the mortal remains of the former Chief Ministers Mr. C.N. Annadurai (Died on 03.02.1969), Dr.M.G.Ramachandran (Died on 24.12.1987), Dr.J.Jayalalithaa (Died on 05.12.2016) and Dr. Karunanidhi (Died on 07.08.2018) were lay down in the northern end of the Marina Beach. There was no Coastal Regulation Zone Notification when Mr.C.N.Annadurai and Dr.M.G.Ramachandran were buried in Marina Beach. In 1988 only announced a part of Marina Beach in

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Survey No.3372 declared as a burial ground vide Resolution No.671 of 1988 in terms of Section 319 (3) of the Chennai City Municipal Corporation Act'1919.

28. That the petitioner states that Memorials for Mr. C.N. Annadurai, Dr.M.G.Ramachandran and Dr.J.Jayalalithaa were already constructed in the Marina Beach and construction work for Memorial of Dr. Karunanidhi is also now going to Marina Beach. These Memorials are maintained It was in 1969, the first memorial was installed on the Marina Beach, when the then DMK government built a memorial for the late political leader, CN Annadurai. Renovated in 1996-98, it is also known as the Anna Square. The memorial is situated in a complex, which includes a museum, safari park, aquarium and animal house. M.G.R Memorial Complex is built on the Marina beach, spread over 8.25 acres. The memorial was built in 1988 which was remodelled and the complex was laid with marble and opened in 1992. Between 1996 and 1998, the mausoleum was again renovated at a cost of about ₹ 27.5 million. When the tsunami struck the seafront in December 2004, the memorial of Mr. C.N. Annadurai and Dr.M. G. Ramachandran was damaged and repair works cost

approximately ₹ 13.3 million. In 2012, both memorials were again renovated at a cost of ₹ 43 million.

29. That the petitioner states that Dr. J. Jayalalithaa died on 05.12.2016. The mortal remains of Dr. J. Jayalalithaa lay down within the precincts of the burial place of Dr. M. G. Ramachandran on 06.12.2016. The Applicant sent a Representation on 24.05.2017 to about the importance of the Olive Ridley Sea Turtle. of the Applicant dated 24.05.2017 is annexed hereto and marked as Annexure passed a Order in G.O.(Ms) No.13 dated 10.01.2018 for the Construction of the Memorial for Dr. J. Jayalalithaa at a cost of Rs 79.75 crore alongside the Marina Beach. The Applicant sent another Respondents on 03.04.2018 not to construct any memorial at Marina Beach. of the Applicant dated 03.08.2018 sent to is annexed hereto and marked as Annexure D. The 9th Respondent granted permission to develop a memorial for D. J. Jayalalithaa on the Eastern side of the Dr. M. G. Ramachandran Memorial. Foundation stone was laid down on 09.05.2018.


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30. That the petitioner states thatto Writ Petitions filed before the Hon'ble Madras High Court in W.P.Nos.2581, 4775, 5023, 5049, 18651, WP No.28745 of 2017, W.P.No.15483 of 2018 challenging Dr.J.Jayalalithaa's burial at Marina Beach and construction of memorial at Marina Beach before the Hon'ble Madras High Court. Meanwhile, Dr. Karunanidhi died on 07.08.2018.Leaders of the DMK Party approached to permit to lay down the mortal remains of Dr.Karunanidhi within the precincts ofthe burial place of Mr.C.N.Annadurai. refused to grant permission to provide a place to lay down the mortal remains of Dr.Karunanidhi within the precincts of the burial place of Mr.C.N.Annadurai at Marina Beach

31. That the petitioner states thatthe DMK Party filed a Writ Petition in W.P.No.20531 of 2018 in R.S.Bharathi Vs the Commissioner of Police before the Hon'ble Madras High Court. Since, aforementioned Writ Petitions were politically motivated, the Petitioners of the aforesaid pending cases who opposed burial /construction of memorial for Dr.J.Jayalalithaa at Marina Beach came forward voluntarily to withdraw the aforementioned Writ Petitions. Thereafter the Hon'ble Madras High Court in order

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dated 08.08.2018, directed the Respondent authorities to provide a place to lay the mortal remains of Dr.Karunanidhi within the precincts of the burial place of the Mr.C.N.Annadurai. A True copy of order dated 08.08.2018 of the Hon'ble Madras High Court is annexed hereto and marked as Annexure F. Subsequently, the Funeral of Dr.Karunanidhi was conducted within the precincts of the burial place of the Mr.C.N.Annadurai.

32. That the petitioner states that another Writ Petition in W.P.No.21701 of 2018 on 24.08.2018 filed before the Hon'ble Madras High Court to issue Writ of Mandamus directing the Respondents not to spend money from public exchequer for construction of memorial for Dr.J.Jayalalithaa and to take steps to recover the money if any spent by the Government from her property or any other purpose. In course of proceedings, the learned Advocate General submitted that the third respondent has also issued necessary Government Orders in G.O.(Ms)No.13 dated 10.01.2018 for the cost of construction of memorial of Selvi J.Jayalalitha, an amount of Rs.50.80 Crores, Clearance had been issued under Para 8 II CRZ II (i) (ii) and (iii) of Coastal Regulation Zone Notification 2011 for the proposal of the 3

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rdRespondent at Survey No.3372, Kamarajar Salai, Chepuak, Chennai in the 99th Meeting of the 8 th Respondent, planning permission has been obtained under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971 from the 11th Respondent vide Permit No.C/9697/01-A to N/2018 and File No.C4/2884/18 dated 19.03.2018 and in terms of Section 238 of the Chennai City Municipal Corporation Act, 1919, necessary building permission has been obtained from the 10th Respondent, vide Building Plan No.CEBA/WDCN09/00093/2018 dated 21.03.2018. Foundation stone was laid down on 09.05.2018. The Writ Petition was dismissed on 23.01.2019 and subsequently the Petitioner filed a SLP which was also dismissed. The applicant sent another Representation on 28.01.2019,

33. That the petitioner states that Memorials can be set up anywhere for the Great Leaders. Memorial for Dr. Karunanidhi can be constructed at a less Traffic place than proposed place at Kamarajar Salai in a congested area. Moreover, if we permit construction activities in Marina Beach further, after 50 years, we will witness a lot of burials and Memorials of the Chief Ministers

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in the Marina Beach. In such a situation, Marina Beach will lose its glory. I again sent another Representation on 27.05.2022. with Postal Receipt and Online Delivery Acknowledgement

34. That the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach near the MuthamilKalaingar Karunanidhi memorial. This statue will be set up 360 metres into the sea from the shore and a bridge will also be constructed from the memorial till the statue at 650m height. This proposal of the public works department has been approved by the Tamil Nadu Coastal Zone Management Authority.

35. That to be constructed at a cost of 81 cr, the proposed total area of the project is 8551.13 sqm consisting of Pen Pedestal above sea, Pedestrian Pathway above sea, Lattice Bridge above beach and land, Pedestrian Pathway above beach, Pedestrian Pathway from MuthamizhArignarDr.Kalaingar Memorial to bridge above beach. The proposed site falls under CRZ-IA, CRZ-II and CRZIVA areas.

36. That Chennai city have enough land for build the memorial across the city but erect a monument inside the sea

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that will impact the marina ecosystem and marine life. Also, as per the national assessment of shoreline changes along the Indian Coast, published by the central department of Geosciences, more sand is accumulation on Marina beach. has one of the highest sand accretion and this would impact it further.

37. That the proposed monument site for the statute falls under coastal regulatory zone- 1A and IV (CRZ). Where Constructions are not permitted and would affect the livelihood of fisherfolk and take a toll on the environment, about 32 villages of fishermen will be impacted when it is constructed.

38. That monument consists of a 42-metre tall pen statue cumpedestal set over half an acre of reclaimed sea at a point where the sea is 6 m deep. A glass-bottomed pedestrian pathway will stretch from the high-tide line to the pedestal, spanning 350 m. and a pedestrian pathway cum-elevated lattice bridge will occupy 0.85 acres of beach space and traverse 290 m of beach, including 70m of turtle nesting grounds classified as CRZ 1A – i.e. a 'no development zone'.



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39. That monument is also objected to by fishermen associations and communities who have written to the State Government as well as Central Government. The pen-shaped monument will be reachable via a 360- metres long bridge over the sea and it will impact the sea is harmful for the ecosystem, environment and will cause long-term damages.

40. That State of Tamil Nadu not following the Law. As per rules, three fishermen should be part of the Tamil Nadu Coastal Zone Management Authority (TNCZMA) and their approval is important for passing any project along the coast. That none of the villages were consulted in the drafting of the Coastal Zone Management Plans (CZMP). The coastal zone map and plan don't reflect the fishing grounds off the Marina.

41. That as per the law, the coastal regulation zone (CRZ) notification, under which CZMPs are prepared, requires planners to consult fishers and highlight their fishing grounds at sea. This is to avoid conflict and disturbance of fisher rights and economies. the State Coastal Zone Management Authority to comply with the law, none of the villages were consulted in the



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drafting of the CZMP. The coastal zone map and plan don't reflect the fishing grounds off the Marina. That s State of Tamil Nadu did not followed it.

42. That the petitioner states that The report, KadalurPeriyaKuppam Tamil Nadu, an Offshore submerged dyke was implemented. This helped in protection of three fishing Villages during extreme cyclonic events and restored lost beach that is being used for landing of fishing boats and other fishing activities.

(I) That report by Chennai city scientists on shoreline changes has revealed that more than 30% of the coast in and around Chennai is shrinking due to sea erosion. While the shoreline towards the north of the city is retreating, the beaches on the southern part are expanding. The report on the National Assessment of Shoreline Changes by National Centre for Coastal Research (NCCR) for the 7,500km Indian coastline was released by ministry of earth sciences.

(II) That oceanographers said the beaches in north Chennai began eroding at a rate of 3 metre to 50 metre a year since the

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Chennai port was built about a kilometre into the sea more than four decades ago. This structure obstructed natural flow of sediment leaving the beaches in the north deprived of sand. of National Assessment of Shoreline Changes along Indian Coast report July 2018

43. That the petitioner states that That Nearly one-third of India's coastline underwent sea erosion including 422 km of TN's shoreline between 1990 and 2018, according to a study by National Centre for Coastal Research (NCCR) under the Union Ministry of Earth Sciences. According to the study titled, 'National Assessment of Shoreline: Changes along Indian Coast', India coastline is 6,631.53 km long. Over 2,135 km had been eroded in varying degrees and 1,760.06 km expanded during this period. Nearly 2,700 km is stable. In TN, nearly 42.7% or 422.94 km out of the total 991.47 km is facing erosion (second highest in India). Gujarat has the longest coastline of 537 km under erosion (total shoreline 1,945 km). Releasing the report at a workshop on Marine Spatial Planning for Tamil Nadu.



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(I). That Protection of the State's coast is an important duty of the government, since various sectors including fishing, shipping, tourism and environment depend on it.

(II). That National Centre for costal Research, Union of India has warning about coastal risk. That warming since the 1995 has already contributed to a significant increase in weather and climate extremes changes in recitation and wind attens, warming and acidification of the global oceans, melting of sea ice and glaciers, rising sea levels, and changes in marine and terrestrial ecosystems.

(III). That Tamil Nadu's beautiful long sandy beaches are a beloved treasure. Not only do these beaches provide recreational spaces for the public, but are also a resting space for migratory birds, and nesting spaces for turtles and protect coastal areas from natural calamities. But the 1,076 kilometre coastline is under threat. According to the latest shoreline changes assessment report, about 42.7 per cent, that is 422 kilomteres of Tamil Nadu's coastline is eroding. Experts say that these alarming statistics are a result of man-made structures like groynes, seawalls and



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breakwaters, apart from a large number of ports and harbours across the coastline.

44. That the petitioner states thatThat the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach has totally violated CZR.I, CZR II, CZR III and CZR. IV.

(a) CRZ-I A shall constitute the following ecologically sensitive areas (ESAs) and the geomorphological features which play a role in maintaining the integrity of the coast viz.:

(i) Mangroves (in case mangrove area is more than 1000 square meters, a buffer of 50 meters along the mangroves shall be provided and such area shall also constitute CRZ-I A);

(ii) Corals and coral reefs;

(iii) Sand dunes;

(iv) Biologically active mudflats;

(v) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of

Wild Life (Protection) Act, 1972 (53 of 1972), Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 Of 1986), including Biosphere Reserves;

(vi) Salt marshes;

(vii) Turtle nesting grounds;

(viii) Horse shoe crabs' habitats;

(ix) Sea grass beds;

(x) Nesting grounds of birds;

(xi) Areas or structures of archaeological importance and heritage sites.

(b) A detailed environment management plan shall be formulated by the states and Union territories for such ecologically sensitive areas in respective territories, as mapped out by the National Centre for Sustainable Coastal Management (NCSCM), Chennai based on guidelines as contained in to this notification and integrated with the CZMP. CRZ- IVA: The water area and the sea



bed area between the Low Tide Line up to twelve nautical miles on the seaward side shall constitute CRZ-IV A. CRZ- IVB: CRZ- IV B areas shall include the water area and the bed area between LTL at the bank of the tidal influenced water body to the LTL on the opposite side of the bank, extending from the mouth of the water body at the sea up to the influence of tide, i.e., salinity of five parts per thousand (ppt) during the driest season of the year.

45. That That the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach was taken by Additional Agendas for the 116th Tamil Nadu State Coastal Zone Management Authority meeting scheduled on 20.06.2022 with conditions,

1. The project proponent should ensure that proposed activities in CRZ areas are as per provisions of CRZ Notification, 2011 (amended time to time).

2. Prior Planning permission should be obtained for the proposed constructions, if any, from the local authorities concerned and the proposed constructions should satisfy the local Town and Country Planning regulations and Para 8(I) CRZ-I (i) & (ii), 8 (i) II

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CRZ II (i), (ii) and (iii) of CRZ Notification 2011. The FSI/FAR should be as on 19.02.1991.

3. The proposed construction shall not disturb the land and marine ecology.

4. The Proposed activity shall not interfere with the fishermen, Marine patrol & Public movement at any point of time. Also the fishing boats movement shall also not be hindered.

46. That Tamil Nadu government all departments had given clearance in quick manner without follow rules and Laws. Tamil Nadu government sent a letter to union of India for CZR permission to construct the 134 feet tall 'Pen' statue inside the Marina beach

47. That the petitioner stated that petitioner sent detail representation to respondents, through E-mail seeking intervention in this 30.03.2023 regard. But till date the respondent did not take any action on petitioner representation.

48. Violation of Coastal Regulation Zone (CRZ)



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A. That the proposed site decision to construct the 134 feet tall 'Pen' statue inside the Marina beach falls under CRZ-1A, CRZ-II and CRZ-IVA areas and green signal has been given by the state level authorities.

B. That decision to construct the 134 feet tall 'Pen' statue inside the Marina beach is not permissible. The proposal encroaches on 70 m of CRZ 1A, which are turtle nesting grounds, and proposes to construct a lattice bridge structure on the seaward side of the existing authorised structure.

C. CRZ 2011, as amended, may permit the erection of monuments and allied facilities in CRZ IV (A) sea areas but does not allow for allied facilities in the intertidal zone or in turtle-nesting beaches.

D. That the area in which the respondents have carried out construction activities is part of the tidally influenced sea and the construction activities in those areas are strictly restricted under the provisions of the CRZ Notifications. Uncontrolled construction activities in these areas would have devastating effects on the natural water flow that may ultimately result in severe natural

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calamities. The expert opinions suggest that the devastating floods faced in recent years Tamil Nadu this year are the immediate result of uncontrolled construction activities on sea shores and unscrupulous trespass into the natural path of backwaters. The Coastal Zone Management Plan (in short, 'CZMP') has not been prepared to check these types of activities and construction activities of all types in the notified areas.

E. Protection of ecologically Sensitive Areas like mangroves, coral reefs which act as a shield against tsunami and cyclone, Improving the lives of coastal communities like fishing communities, Resilient measures for mitigating impacts of Climate Change and high-intensity Cyclones and To balance development with conservation of the coastal environment.

F. The Coastal regulation zone notification 2019 was issued to replace the 2011 notification. According to the latest notification, the development of the coastal region of the country should be done in a sustainable manner, keeping climate change and sea-level rise issues. The 2019 notification divided CRZ-III areas(rural areas) into two categories namely CRZ-IIIA and CRZ-IIIB of



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which the former denotes an area with population density more than 2161 persons per square km while the later denotes rural areas with population density less than 2161 persons per square km. As per the latest notification the CRZ-IIIA areas will have no development zone (NDZ) of 50 metres from the high tide line (HTL) as compared to the 200 metres as stipulated in the notification of 2011. The CRZ-IIIB areas however will have a no development zone of 200 metres from the HTL. The population density of respective areas will be measured on the basis of Census 2011.

G. That CRZ Section was amended in 2015 for Maharashtra at the time proposed a Shivaji statue in a small cove off a prominent beach in South Mumbai not for Tamil Nadu.

H. That decision to construct the 134 feet tall 'Pen' statue inside the Marina beach constructions activities are taking place in critically vulnerable coastal areas which are notified as CRZ-I, II and III. The state departments have issued permissions in violation of relevant statutory provisions and CRZ notifications. Hence direction of cancel need to the concerned bodies to

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revoke all the flawed construction of memorial, pen monument permits.

I. This Hon'ble court in the **Kerala state coastal zone management authority vs the state of Kerala maradu municipality &ors. 1 (2019) 7 SCC 248.**

we find that once a due inquiry has been held by the Committee, there is no escape from the conclusion that the area fell within CRZ-III, it was wholly impermissible and unauthorised construction within the prohibited area. We also take judicial notice of recent devastation in Kerala which had taken place due to heavy rains compounded by such unbridled construction activities resulting in colossal loss of human life and property due to such unauthorised activity.

49 Violation of Environmental Impact Assessment.

That State Government did take Environment Impact EIA/EMA report within four years and made eyewash, not consulted the concern people.


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A. That The Ministry of Environment, Forest and Climate Change had asked the State to submit the final Environment Impact EIA/EMA report within four years on the State government's plan to construct the Kalaignar Pen Monument in the Bay of Bengal.

" You are required to submit the final EIA/EMA report prepared by consultants, accredited with the Quality Council of India/National Accreditation Board of Education and Training, to the Ministry within four years for consideration of CRZ clearance," a communication dated September 27 from the Ministry said.

B. That in the terms of reference, the Ministry said public hearing should be conducted as per procedure laid in the EIA notification 2006 with adequate representation from the fishermen community.

C. That on 24th July 2022, the Pen Statue Monument was announcement by the Government of the Tamil Nadu and request a letter of NOC from the Ministry of the Environment, Forest and the climate Change, Union of India, as per the Ministry of India ordered to Submit the latest 3 months EIA report on 27th Sep 2022, But the Government of Tamil Nadu was called


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for the Public hearing on basis of the old report dated from 01st May – 31st July 2021, which is unlawful Submission.

D. That From the mouth of the Cooum river to the mouth of the Adyar river, the Marina is home to 32 fishing villages including Mattankuppam (north), Mattankuppam (south), AppayachettiyarKuppam, Ayothikuppam, Nadukuppam, Nambikkai Nagar, Nochikuppam, Nochinagar, Doomingkuppam, Bhavanikuppam, Selvarajagramam and Srinivasapuram are dependent on the productive coastal waters where the memorial is proposed to be built. That environmental engineer associated and experts said the 382-page rapid EIA was flawed and incomplete.

E. That "There is no mention of sea level rise. The climate action plan released by Chennai Corporation says 100metres of city coast will erode within five years. The climatology study carried out was based on outdated data from 1971- 2000. The rapid EIA says maximum rainfall in November was 361.6 mm, while the city recorded 1049 mm in 2015 and 1044 mm rainfall was recorded in November this year.


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B. That the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach is violation Articles 14, 19, 21 of Indian Constitution of Fishermen. Most of the fishermen from weaken society and their family member are starving.

C. That National Fisheries Policy 2020 would offer a strategized way forward to develop, harness, manage and regulate capture and culture fisheries in responsible and sustainable manner. The Policy will ensure a productive integration with other economic sectors, such as agriculture, coastal area development and eco-tourism, to meet the goals of the 'Blue Economy.

D. That inside the sea- CRZ IVB, serves as highly productive fishing grounds. The monument would obliterate fishing grounds near the Coovum Estuary and destroy livelihoods of fishers from Thiruvottiyur to Rettykuppam coastal villages.

E. That nature of the seabed at the project area are kadavaduseru, tharai, paaru (muddy, sandy or rocky, as in reef) that are highly biologically productive. Every monsoon afresh



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F. That extreme rainfall events are increasing. Such nonessential projects can lead to unnecessary coast changes." On page 7, the rapid EIA says the project site was prone to cyclone and tsunami. The study area falls under Zone-III (moderate risk) said the Indian Standard Seismic Zoning Map.

G. That State PWD, after getting the nod of the State Coastal Zone Management Authority, filed an application seeking CRZ clearance from the union environment ministry, where the application is under consideration. PWD officials said reconnaissance and bathymetry surveys were carried out before finalising the location that will cause "no disturbance to other nearby activities." the petitioner states that

50. Destroy 4 lakh people live hood.

A. That the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach would destroy around 4 lakh people live hood permanently. That 13villagesare dependent on fishing and also some lakhs Chennaipeople live hood dependent on fishing related works.


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healthy sediment is rebuild at the proposed project site that hosts fishes including Kelangan, keechan, nandu, naakku, udupa, udupaathi, kala, mathi, semakkera, thulra, por-ra, thirukkai, panangyan, vavvaletc. Prawns, Ribbon fish etc. that are used as feed for Deep Sea- hook fishing are caught in these sediments too.

F. That restriction imposed on fundamental rights must be reasonable and non-arbitrary. It must also be proportional to the goals sought to be achieved by imposing such restrictions.

G. That "Fundamental Rights" and Part IV dealing with "Directive Principles of State Policy" observed that they represent the core of the Indian Constitutional philosophy and envisage the methodology for removal of historic injustice and inequalities and ultimately for achieving an egalitarian society in terms of the basic structure of our Constitution as spelt out by the Preamble. It is further observed that the very blood and soul of our Constitutional scheme are to achieve the objectives of our Constitution as contained in the Preamble "which part of our



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Constitution is as declared by this Court in KesavanandaBharati v. State of Kerala.

H. That though seventy five years from the commencement of the Indian independence after the end of British paramountcy and seventy two years from the advent of our Constitution have marched on, the tormenting enigma that often nags the people of India is whether the principle of 'equality of status and of opportunity' to be equally provided to all the citizens of our country from cradle to grave is satisfactorily consummated and whether the clarion of 'equality of opportunity in matters of public employment' enshrined in Article 16 (4) of the Constitution of India has been called into action.

I. That Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach was said to be bad because the constituent power did not have followed any law , and this being so, the Articles 14,19,21 in the Constitution would be violated and would be wholly arbitrary. the right to "life" and "personal liberty" enshrined under Article 21 of the Constitution. Once the facts in a given case constitute a right to privacy, Article

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21 is attracted. The said right cannot be curtailed "except according to procedure established by law".

J. That **Indira Gandhi v. Raj Narain judgment, reported in 1975 Supp SCC 1**, Article 329-A subclauses (4) and (5) were struck down by a Constitution Bench of this Court. Applying the newly evolved basic structure doctrine laid down in **KesavanandaBharati v. State of Kerala, (1973) 4 SCC 225, Ray, C.J.** struck down the said amendment thus:

"59. Clause (4) suffers from these infirmities. First, the forum might be changed but another forum has to be created. If the constituent power became itself the forum to decide the disputes the constituent power by repealing the law in relation to election petitions and matters connected therewith did not have any petition to seize upon to deal with the same. Secondly, any decision is to be made in accordance with law. Parliament has power to create law and apply the same. In the present case, the constituent power did not have any law to apply to the case, because the previous law did not apply and no other law was applied by clause (4). The validation of the election in the present


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case is, therefore, not by applying any law and it, therefore, offends rule of law." (at page 44)

K. That **Bhagwati, J, in E.P. Royappa v. State of T.N., (1974) 4 SCC 3 stated (at page 38)** " We now come to the development of the doctrine of arbitrariness and its application to State action as a distinct doctrine on which State action may be struck down as being violative of the rule of law contained in Article 14"

51. **GROUND.**

A. Because Sea levels along almost the entire Indian coast are rising faster than the global average, according to the World Meteorological Organization's (WMO) *State of the Global Climate in 2021* report released May 18, 2022. Globally, the rate of sea-level rise was 4.5 millimeter per year between 2013 and 2021. This was more than twice the rate between 1993 and 2002. The major reason for the increase in sea levels is the accelerated loss of ice from the ice sheets in the Arctic and Antarctic regions. The increase happened despite the La Nina phenomenon being prevalent during the beginning and the end of 2021. La Nina is the cooler-than-normal phase of the El Nino Southern Oscillation

phenomenon in the equatorial Pacific Ocean. Usually during La Nina years, sea levels are less than the mean. During El Nino (warmer-than-normal phase) years, they are higher than the mean. In 2021, the global mean sea level rise was close to the long-term trend. The increase in sea levels is not happening uniformly in all parts of the global oceans. In the Indian Ocean region, the rate of sea-level rise is the fastest in the south western part, where it is faster by 2.5 mm / year than the global average. In other parts of the Indian Ocean region, including the coastlines, the rate is between 0 and 2.5 mm / year, faster than the global average. Other regions where the rate is faster than the global average are the western Tropical Pacific, the Southwest Pacific, the North Pacific and the South Atlantic. "Regional patterns of sea-level change are dominated by local changes in ocean heat content and salinity," the report pointed out. The Indian Ocean region has previously been described as the fastest warming ocean in the world, with an increase in temperature of one degree Celsius as against the global average of 0.7°C between 1951 and 2015. Ocean heat content had already reached record levels in 2021 globally. Such a sea-level rise

could have major consequences for the millions of people living along the Indian coastline. While gradual erosion of the coastline, subsidence and inundation of deltas are a long-term concern for the people living close to the sea, the immediate concern is to do with the combined impact of tropical cyclones and sea-level rise. For instance, when a tropical cyclone occurs, the storm surge along with heavier rainfall, sea-level rise and high tides could make the resultant flooding much more intense and hence difficult to manage. Storm surge is the increase in the height and energy of sea waves during a cyclone which depends on the wind speeds of the cyclone. The higher the wind speeds of a cyclone, the more is their ability to pile up water towards the centre of the cyclone; hence a stronger storm surge. Storm surges may also get intensified if there is a high tide during the time of the cyclone. The combined effect of a storm surge and a high tide is known as a storm tide. Storm surges and tides bring saline water into agricultural fields and people's homes, leading to long-term damage, including a decrease in soil quality. Recent cyclones in the Indian Ocean region have increased in intensity, with greater wind speeds than before which has meant higher

storm surges. As sea levels rise, the storm surges will become even stronger and take more seawater onto land, causing inundation. In the case of Super Cyclone Amphan in 2020, sea water had come in 25 kilometres inland, inundating large parts of the Sunderbans delta which is already the most vulnerable to both, cyclones and sea-level rise in India. A cyclonic storm hits the Sunderbans every 1.67 years, according to the analysis by India Meteorological Department, Pune. Shorter return periods indicate more frequent cyclones. The researchers studied cyclonic storms passing within about 90 kilometres of the coastal districts between 1961 and 2020. Sea levels have risen at a rate of 30 mm per year in the Sunderbans delta in the last two decades, with a 12 per cent loss in the shoreline, according to National Aeronautics and Space Administration's Landsat satellite imagery. This is more than six times the global average and has already led to the displacement of around 1.5 million people from the delta. If global warming is not kept under the 1.5°C mark as agreed to by countries under the Paris Agreement by rapid reduction of greenhouse gas emissions, the rise in sea levels and intense cyclones will make places like the

Sunderbansunlivable, causing a huge migration of people inland and a cascade of other socio-economic problems.

B. Because it is the duty of the government to save the people and their property from raising sea. Levels near the sea shores in many states particularly Chennai in Tamil Nadu. So the costal lines should be protected and saved for the safety of future generation

C. Because day by day the sea level is raising. so construction works should be prohibited. Already constructed places should be removed and shift to alternative places. Particularly in marina beach Chennai Tamil Nadu the 4 mortal remains of Ex Chief Minister 1. C.N. Annadurai, 2. Dr. M.G. Ramachandran, 3. Dr. Jayalalitha, 4. Dr. M. Karunanidhi should be removed and may be buried in any alternative place. Many suitable plants should be planted all over marina Beach in the sea shores of Marina Beach Chennai Tamil Nadu and this seme methods may be adopted in all over India nearshe shores.

D. Because Tamil Nadu Government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beachis an arbitrary

manner without proper perusal of the records and without proper application of mind about entire people grievances.

E. Because the State Government of Tamil Nadu has without following the basic principles of Natural justice and violate of Article 21 of the Indian Constitution.

F. Because illegal movements of state Government of Tamil Nadu will amount to discrimination. Such discrimination will amount to arbitrary and unreasonable exercise of power and the same shall not be inconformity Article 14, 16, 21 of the constitution of India.

G. It is humble submitted the fact, injustice has been caused to the entire Tamil Nadu state people, Fishermen and their basic amenities have been affected be nonappreciation of relevant materials in objectives and impartial manner by the State Government of Tamil Nadu.

H. It is humble submitted the facts, the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach is proceeding and working are illegal, Arbitrary,

high handed, whimsical and unfair, abuse of Authority and against the principles of Natural Justice.

I. It is humble submitted Article 14 of the constitution of India clearly prohibits discrimination. If any discrimination without any intelligible differentia, certainty violation will be hit by Article 14. Which is a guaranteed fundamental rights available to all person. The said right being the fundamental to treat equally among equals, cannot be negative.

J. It is humble submitted that respondent the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach is an arbitrary manner without proper perusal of the records and without proper application of mind.

K. It is humble submitted that State Government of Tamil Nadu has without following the basic principles of Natural justice and violate of Article 21 of the Indian Constitution. And is an extraneous consideration.

52. That the petitioner stated that petitioner sent detail representation to respondents, through E-mail seeking

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intervention in this 30.03.2023. regard. But till date the respondent did not take any action on petitioner representation.

53. That the petitioner state that the petitioner address is K.K.Ramesh, No. 26A, Old Mahalipatti Road, Madurai – 625 001, Tamil Nadu.

54. That the petitioner occupation states that is own business as ink sell and the most time service to people and income 1,20,000/- thousand per annual PAN card No.AXLPR5849J and the petitioner is not tax payers.

55. That the petitioner K.K.Ramesh and his father name is kuppusamyiyerpitionerAdhara Card No.449883412957and phone no.944156222email-rameshkkmdu@gmail.com. That the petitioner states violation of Article 14, 19(i), 21 of Indian constitution.

56. That the petitioner stated that petitioner sent detailed representation to respondents through E-mail and ordinary post seeking intervention is this 30.03.2023.regard. But till


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date the respondent did not take any action on petitioner representation. Remedy rely upon only this Hon'ble Court.

4. **Cause of action** that cause of action to protect the costal regions of all states from the raising sea-levels.

That the petitioner stated that to remove the mortal remains of ex Tamil Nadu Chief Minister 1. C.N. Annadurai, 2. Dr.M.G. Ramachandran, 3.Dr.J.Jayalalitha, 4.Dr. M. Karunandhito any other alternative place.

5. That the petitioner stated that prohibit any construction work or alternative an development in the costal regions of all stats of India.
6. That the petitioner stated that to prohibit to bury any mortal remains in all costal areas all states in India.
7. That the petitioner stated thatto cancel the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach and not damage the ecosystem, marine life of marina beach.


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8. That the petitioner stated that Suitable trees may be planted to protected the costal regions of all states from the raising sea-level and circumstances of the case.
9. That the petitioner has not any personal interest or personal motive on file this public interest litigation.
10. That the petitioner has not any civil and criminal and Revenue litigation, involving the petitioner or any of the petitioner which has or could have a legal nexus with the issue involved in the public interest litigation.
11. That the petitioner not filed similar petition before any court or Hon'ble High Courts and the Hon'ble Supreme Court.

PRAYER

In the facts and circumstances of the case, as mentioned above, it is, therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to:

- A. to protect the costal regions of all states from the raising sea-levels.

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B. to remove the mortal remains of ex Tamil Nadu Chief Minister 1. C.N. Annadurai, 2. Dr.M.G. Ramachandran, 3.Dr.J.Jayalalitha, 4.Dr. M. Karunandhito any other alternative place.

C. to prohibit any construction work or alternative work or any development work in the costal regions of all stats of India.

D. to prohibit the burial of any mortal remains in all costal areas of all states in India.

E. to cancel the Tamil Nadu government's decision to construct the 134 feet tall 'Pen' statue inside the Marina beach and not damage the ecosystem, marine life of marina beach.

F. Suitable trees may be planted to protect the costal regions of all states from the raising sea-levelin the interest of nation


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G. Pass any other appropriate relief, orders, or directions which may deem fit in the facts and circumstances of the case.

**FOR THIS ACT OF KINDNESS THE PETITIONER/
APPLICANT HEREIN AS IN DUTY BOUND SHALL
EVER PRAY**

Drawn By : C.R.JAYA SUKIN

FILED BY:

Narender Kumar Verma

Advocate for the Petitioner

Filed on : 23.05.2023.


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ANNEXURE - A-3

ITEM NO.13

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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Writ Petition(s)(Civil) No(s). 213/2023

NALLATHAMBI & ORS.

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU & ANR.

Respondent(s)

(FOR ADMISSION and IA No.103385/2023-INTERVENTION APPLICATION)

Date : 03-07-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. C. R. Jaya Sukin, Adv.
Ms. Priya Rani, Adv.
Ms. Jyoti Zongluju, Adv.
Mr. Narender Kumar Verma, AOR

For Respondent(s) Mr. P. Wilson, Sr. Adv.
Mr. D. Kumanan, Adv.
Mr. Sheikh Fakhruddin Kalia, Adv.
Mr. Apoorv Malhotra, Adv.
Ms. Aishwarya Mishra, Adv.
Mr. Anandh Kannan N., AOR

UPON hearing the counsel the Court made the following
O R D E R

An adjournment letter has been circulated on behalf of the petitioner(s).

List on 14th July, 2023.

No further adjournment shall be granted.

Learned counsel for the respondent(s) is permitted to circulate orders of the National Green Tribunal which are stated to be passed in respect of the subject matter with some relevant

Documents.

Signature Not Verified
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NEETA SARKAR
Date: 2023.07.03
16:42:22 IST
Reason:

(RASHMI DHYANI PANT)
COURT MASTER

(POONAM VAID)
COURT MASTER

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S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 659/2023

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K.K. RAMESH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 10-07-2023 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. C.R.Jaya Sukin, Adv.
Ms. Priya Rani, Adv.
Ms. Jyoti Zongluju, Adv.
Mr. Anshuman Verman, Adv.
Mr. Sudhir Singh,, Adv.
Mr. Narender Kumar Verma, AOR

For Respondent(s) Mr. P. Wilson, Sr. Adv.
Mr. C. Kumanan, AOR
Mr. Sheikh F. Kalia, Adv.
Mr. Apporv Malhotra, Adv.
Ms. Sapna I Pillai, Adv.
Ms. Aishwarya Mishra, Adv.
Ms. Deepa S., Adv.
Ms. Divya Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1 This is not a petition which was genuinely filed in the public interest.
- 2 No case for interference under Article 32 of the Constitution is made out.
- 3 The Writ Petition is accordingly dismissed.

Pending applications, if any, stand disposed of.

Signature Not Verified
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NEETA SAPNA
Date: 2024.07.10
18:44:04 IST
Reason: -

(GULSHAN KUMAR ARORA)
AR-CUM-PS

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(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

ANNEXURE - A-5

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ITEM NO.5

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 213/2023

NALLATHAMBI & ORS.

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU & ANR.

Respondent(s)

(FOR ADMISSION and IA No.103385/2023-INTERVENTION APPLICATION)

Date : 01-08-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Siddharth Dave, Sr. Adv.
Mr. Narender Kumar Verma, AOR
Mr. C.R. Jaya Sukin, Adv.
Mr. Praveen Kumar, Adv.
Ms. Priya Rani, Adv.
Ms. Jyoti Zongluju, Adv.
Ms. Parul Agarwal, Adv.

For Respondent(s) Mr. P. Wilson, Sr. Adv.
Mr. D.kumanan, AOR
Mr. Sheikh F Kalia, Adv.
Mrs. Deepa. S, Adv.
Mr. Apoorv Malhotra, Adv.
Ms. Sapna I Pillai, Adv.
Ms. Aishwarya Mishra, Adv.
Ms. Bano Deswal, Adv.

Mr. G. Rajagopalan, Sr. Adv.
Mr. Siddhartha Dave, Sr. Adv.
Mr. Anandh Kannan N., AOR

UPON hearing the counsel the Court made the following
O R D E R

After some arguments, learned counsel
appearing for the petitioners seeks to withdraw this

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petition to take appropriate remedy in accordance with law as we are not inclined to entertain the petition under Article 32 of the Constitution of India.

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The writ petition is dismissed as withdrawn with the aforesaid liberty.

Pending application stands disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)


TRUE COPY

**BEFORE THE NATIONAL GREEN
TRIBUNAL (SZ) CHENNAI**

Original Application No 124 of 2022

IN THE MATTER OF :

B.Ramkumar Adityan Applicant

Vs

Secretary & 13 Ors Respondents

.....
ADDITIONAL DOCUMENTS-I
.....

Mr. S.SANKAR (16/1999)
Mrs. P. DEVI SUDHA (2553/2007)
Mr. S . KRISHNAN (1713/2012)
Mr. B.MARIAPPA BABU (1666/2015)

ADVOCATES FOR APPLICANT

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