

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)

Application No. 131 of 2022 (SZ)

Between:

Mahendran P ... Applicant

Vs

The State of Tamil Nadu & anr ... Respondents

MEMO FILED ON BEHALF OF THE APPLICANT

It is respectfully submitted as follows:

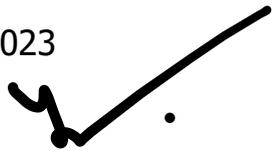
1. An additional report signed on 26.05.2023 was served on the Applicant on 29.05.2023 and the present memo is being filed in response to the same.
2. Firstly, it is to be noted that the judgement of this Hon'ble Tribunal in O.A. 241 of 2017 was after the publication of the CZMPs under the 2011 CRZ Notification in the year 2018. The Hon'ble Tribunal took note of the contention that during the preparation of the 2018 CZMPs for the Ennore region, a site inspection was done. The Tribunal has also referred to the report of the Respondent's consultant NCSCM that some areas were added to the 2018 CZMP which were not found in the 1997 CZMP. The Tribunal took note of the fact that extensive areas of the tidally influenced Kosasthalaiyar and Buckingham Canal in the Ennore region were missing even in the 2018 CZMP and since the exercise was to be repeated under

the CRZ Notification, 2019, directed that the 1996 CZMP be used as the base map while preparing the CZMP under the 2019 notification.

3. Secondly, the Respondent's submission under the head "Prayers before the Hon'ble Tribunal" in effect seeks to ignore the Judgement in O.A. 241 of 2017. The Respondent appears to be under the false assumption that the 2018 CZMP alone has to be taken into account and that use of the 1996 CZMP would ignore changes in coastal geomorphology.
4. It is necessary to note that
 - a. The present OA concerns the missing tidally influenced areas of the Kosasthaliyar and backwaters and the Buckingham canal. It does not concern the coastal area – i.e not the coast.
 - b. The fact that the respondent used the illegal 1997 map as the base map while preparing the 2018 CZMP has been acknowledged by this Hon'ble Tribunal.
 - c. By using the 1996 approved CZMP map as a base, the HTL along the coast will not change or be impacted – the exercise is limited to identifying the backwaters and waterbodies in the Ennore region that were included in the 1996 CZMP but illegally excluded in the 1997 CZMP, which illegality permeated through to the 2018 CZMP, which is sought to be undone now.
 - d. By using the 1996 CZMP as base, tidally influenced backwater and waterbody areas that have been left out can be identified, the areas within this region that have been converted can be identified and those that are left can be marked and protected under the CRZ Notification.
 - e. The respondent is fighting shy of using the 1996 CZMP in order to avoid mapping violations and to ensure that further areas of the tidally influenced backwaters are available for conversion.

- f. The entire report of the respondent does not address the issue at hand but is a brazen attempt to state that they will not comply with the judgment of the Hon'ble Tribunal in OA 241 of 2017.
5. The Government has not identified violations as per CRZ Notification. This needs to be done immediately.
 6. All salt pans that have been wrongfully diverted for industrial purposes have to be identified. All salt pans that are under various stages of conversion also have to be identified and these lands would be protected by law if a proper exercise is conducted.
 7. In OA 8 of 2016, this Hon'ble Tribunal has ordered the Government of Tamil Nadu to notify the Ennore tidal wetlands as per 1996 CZMP as a wetland for protection under the Wetland Rules. This too is being sought to be undone by the government's bid to jettison the 1996 CZMP.
 8. It is prayed that this Hon'ble Tribunal be pleased to allow the OA and thus render justice.

Dated on this the 29th day of May, 2023


Counsel for Applicant