

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHER ZONE)
AT CHENNAI**

(Special Original Jurisdiction)

Appeal No.14 of 2022 (SZ)

M. Yuvadeeban
S/o Margaret Lawrence
Aged about 26 years,
B2, Ramaniyam Marvel, Seshadripuram, 1st main road,
Velacherry, Chennai - 42
Ph: 9566254546
Email: yogeshwaranadv@gmail.com

..... Applicant

Versus

1. Department of Fisheries
Government of tamil Nadu
Rep by its Executive Engineer
Fishing Harbor project division,
Nandanam, Chennai -35
2. The Tamil Nadu State Environment Impact Assessment Authority
Rep by its Member Secretary,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai-15
3. Principal Chief Conservator of Forests & Chief Wildlife Warden,
Forest Department,
Government of Tamil Nadu,
4. Union of India
Rep by its Secretary to Government
Ministry of Environment, Forests and Climate Change,
Paryavaran Bhavan, Jorbagh Road,
New Delhi - 110 003
5. Tamil Nadu Coastal Zone Management Authority
Rep by the Member Secretary
Department of Environment
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet, Chennai -15

(Respondent No 4 and 5 impleaded vide order dated 04.03.2022)

... .. Respondents

before me
[Signature]
Forest Range Officer,
Green Squad,
Department of Environment
Chennai - 600 015.

[Signature]
MEMBER SECRETARY,
TAMIL NADU STATE COASTAL ZONE
MANAGEMENT AUTHORITY,
CHENNAI - 600 015.

.2.

REPLY AFFIDAVIT FILED BY THE 5th RESPONDENT

I, P.Rajeswari, I.F.S, W/o P.Singaiiah about 58 years and having office at Ground Floor, Panagal Buildings, Saidapet, Chennai - 600 015 solemnly affirm and sincerely state as follows.

1. I am the fifth respondent herein. I am the Director, Department of Environment and Member Secretary of Tamil Nadu State Coastal Zone Management Authority (TNSCZMA). I am well acquainted with the facts of the case from the records available at the office and I am filing this reply in my official capacity on behalf of 5th respondent.
2. I humbly submit that I have gone through the averments contained in the affidavit filed by the Applicant and I deny all the averments except those that are specifically admitted herein and the Applicant is put to strict proof of the same.
3. I humbly submit that the applicant has filed the application challenging the Environmental Clearance issued by 2nd Respondent to the 1st respondent for the establishment of Fishing Harbour in Kaluveli waters at SF No. 49/2 of Alamparaikuppam Village, Cheyyur Taluk, Chengalpattu District and SF No. 23/I, 23/II of Azhagankuppam Village, Marakkanam Taluk, Villupuram District, Tamil Nadu.
4. I humbly submit that the Hon'ble Chief Minister of Tamil Nadu has announced that the Fishing Harbours in Kaluveli Waters will constructed, which fall at Azhankuppam in Villupuram District and the Alamparaikuppam in Kancheepuram District, at an estimated cost of Rs.235 cores, in the floor of Assembly on 09.07.2019, under the Tamil Nadu Legislative Assembly Rule, 110. The Government have issued Administrative sanction for the above project vide G.O. (Ms.) No.28, dated 06.02.2020, Animal Husbandry, Dairying and Fisheries (FS-1) Department.

before me
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5. I humbly submit that the Executive Engineer, Fishing Harbour Project Division, Chennai has sent a proposal for the development of above Fishing Harbours along with two training walls at Kaluveli Waters, at S.No.23/1 & 23/II, Azhagankuppam Village, Marakkanam Taluk, Villupuram District and at S.No. 49/2, Alamparaikuppam Village, Cheyyur Taluk, Chengalpattu District.
6. I humbly submit that the proposed Fishing Harbour at Azhagankuppam will spread across an area of 3.23 Ha, in the 6 Ha land, and at Alamparaikuppam spreads across an area of 3.43 Ha, in the 5 Ha land, with the both the lands belonging to the Fisheries Department.
7. I humbly submit that the Fishing Harbour has been proposed to handle an annual fish catch of 12,000 Tonnes. To accommodate the said quantity, it is proposed to develop other infrastructure facilities such as Auction Hall, Net mending shed, Gear room, Power room, Sloping Yard, Administration Building, Fresh water sump, Electrical Control Room & Electrical generation room, Water supply and drainage, overhead tank with the capacity of 50,000 ltrs., 15 KLD capacity Sewage Treatment Plant, Solid waste collection area, Parking area, Security room, Toilet blocks, Ice plant and Cold storage rooms, two lane internal roads of 1.5 Km length with walkway on either side and compound wall around the periphery which are in-situ to the Harbour facilities. Waterfront infrastructure facilities such as diaphragm wall, training wall, slipway, Navigational Channel with the capital dredging of about 0.4M. Cum of dredge sediment, Navigation Basin to maintain a water depth of (-) 2.5 from Chart Datum (CD) for berthing and safe Navigation of fishing vessels with the expected 0.8 M.Cum of dredge sediment are proposed as part of the developments.

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8. I humbly submit that the Project Proponent has proposed to construct two training walls on the northern and southern side of the channel with a length of 400m and 600m each. At either harbours a diaphragm wall of length 550m has been proposed, of which 300m of the wall would be used to dock mechanized boats and 250m motorized boats.
9. I humbly submit that the proposed project falls in CRZ-IB, CRZ-II, CRZ-IV (A) & CRZ-IV (B) and the proposed project cost is Rs.235 crore.
- 10.I humbly submit that the District Coastal Zone Management Authority (DCZMA) of Villupuram district has recommended the proposal to the TNSCZMA at the meeting held on 13.02.2020, subject to the following conditions:
- The Unit shall provide adequate capacity of Sewage Treatment Plant for the treatment and disposal of sewage generated within the premises.
 - The Unit shall utilize the treated sewage generated for the green belt development within the premises after achieving discharge standards prescribed by the TNPCB.
 - The Unit shall segregate the municipal solid waste generated as Bio Degradable (Recyclable) and dispose the same scientifically as stipulated in Solid Waste Management Rules, 2016.
 - The Unit shall provide proper collection system for the dead / waste fishes/ fish cutting if any and dispose the same scientifically as per Solid Waste Management Rules, 2016.
 - The Unit shall provide In-Situ RO Plant for the supply of drinking water to the people utilizing the harbor and allied facilities.
 - Fishing harbor and allied facilities plan shall be made with accessibility for the differently able persons and shall withstand natural calamities such as cyclone, Tsunami, Sea erosion etc.,

/before me/
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- g) The Unit shall install roof top solar panels for the generation and utilization of electricity for its premises to the maximum extent possible.
- h) The Unit shall provide LED lighting arrangement for the entire premises to save electricity power consumption.
- i) The Unit shall provide first aid boxes at suitable locations for easy access.

11. Further, the DCZMA of Chengalpattu District has also recommended the proposal to the SCZMA, at the meeting held on 24.02.2020, subject to the following conditions:

- a) The Unit shall provide adequate capacity of Sewage Treatment Plant for the treatment and disposal of sewage generated within the premises.
- b) The Unit shall utilize the treated sewage generated for the green belt development within the premises after achieving discharge standards prescribed by the TNPCB.
- c) The Unit shall segregate the municipal solid waste generated as Bio Degradable (Recyclable) and dispose the same scientifically as stipulated in Solid Waste Management Rules, 2016.
- d) The Unit shall provide proper collection system for the dead / waste fishes/ fish cutting if any and dispose the same scientifically as per Solid Waste Management Rules, 2016.
- e) Fishing Harbour and allied facilities plan shall withstand natural calamities such as Cyclone, Tsunami, Sea erosion etc., and shall be made with accessibility for the differently abled persons.
- f) The Unit shall install roof top solar panels for the generation and utilization of electricity for its premises to the maximum extent possible.
- g) The Unit shall provide LED lighting arrangement for the entire premises to save electricity power consumption.
- h) The Unit shall provide first aid boxes at suitable locations for easy access.

(before me)
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- i) The Unit shall establish Environment Management Cell to administer and monitor the recommendations made in the Environment Management Plan as contained in the EIA report of the project and shall be effectively implemented.

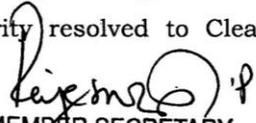
12. Further, in Application No. 04 of 2013 in the matter of O.Fernandes versus Union of India pending before NGT at Chennai, the Hon'ble NGT issued instructions to prepare a Comprehensive Shoreline Protection Management Plan / Scheme for the entire coast of Tamil Nadu especially with reference to erection of Groynes, sea walls and training walls etc., and hence the said works should be carried out on the approval of the said plan from the competent authority. The TNSCZMA has prepared Comprehensive Shoreline Protection Management Plan by engaging IIT, Madras and the copies of the said plan has been submitted to MoEF & CC, Govt. of India for approval and also to the Hon'ble NGT (SZ) and are awaited.

13. Further the Hon'ble NGT (SZ) has issued orders in Application 4 of 2013 on 4th September 2015 that the PWD or any other agency shall not proceed with any work either by putting up sea wall or groyne until further orders from the Tribunal.

14. As per CRZ Notification 2011, vide para 4 (i) (a) Clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities. Further, the construction of harbour is a permissible activity vide para 4 (i) (f) of the said notification 2011. However, the said activities require clearance from SEIAA, vide para 4.2 (ii) (c) of CRZ Notification 2011 as the handling capacity of the Fishing Harbour is more than 10,000 MTPA.

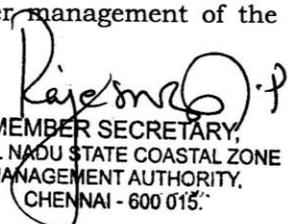
15. The proposal was circulated to the members of the Tamil Nadu State Coastal Zone Management Authority through Circulation Agenda on 06.06.2020 and the Authority resolved to Clear the proposal.

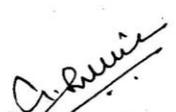

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16. Accordingly, as resolved in the Circulation Agenda of the Tamil Nadu State Coastal Zone Management Authority dated 06.06.2020, Clearance was issued for the above project in CRZ under para 4 (i) (a) and 4 (i) (f) of the said CRZ Notification 2011, subject to the following conditions in addition to the conditions imposed by the District Coastal Zone Management Authority (DCZMA) for Villupuram and DCZMA for Chengalpattu districts:

- a) The probable Bed load on the river should be arrived by various modeling studies. Based on the study reports the periodicity of de-silting, extent of dredging, composition of dredged materials and a suitable methodology for the disposal of such dredging materials shall be evolved out.
- b) Quantity of Oil spillage, their impact on environment and the mitigation measures to be taken to prevent the adverse impacts, shall be furnished in the EIA report suitably.
- c) Instead of using Chlorine the use of UV shall be explored in the proposed STP.
- d) Based on the number of people visiting the Fish Landing Centre, Number of fishermen etc., the toilet facilities shall be provided with proper disposing system.
- e) No drawal of ground water in CRZ areas is permitted.
- f) It should be ensured that there should not be any adverse impact on coastal eco-system due to the dredging activity or the dumping of dredged materials and proper mitigation measures should be evolved.
- g) The Fishermen community shall be adequately educated on the segregation of solid waste for proper management of the solid waste.


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- h) Shoreline evolution should be monitored periodically through reputed institutions. Remedial measures need to be planned to prevent further erosion, if any, on the adjacent coastal areas.
- i) The activity should not have any adverse impact on the marine organisms. The impact on the corals, marine organisms, Turtle nesting etc., due to the above constructions, in long run, should be evaluated and monitored through a panel of experts, in which, ecologists should be included.
- j) The proposed activity shall not cause hindrance to the nearby human settlements/ authorised structures and fishing activities.
- k) In Application No. 04 of 2013 in the matter of O.Fernandes versus Union of India pending before NGT at Chennai, the Hon'ble NGT (SZ) has issued orders on 4th September 2015 that the PWD or any other agency shall not proceed with any work either by putting up sea wall or groyne until further orders from the Tribunal. Hence shore protection work on the coast of Tamil Nadu should be carried out as per the final orders of the Tribunal in the above said application.
- l) Environmental Clearance from the State Environment Impact Assessment Authority (SEIAA) shall be obtained with reference to the EIA Notification 2006.
17. I humbly submit that the applicant stated that Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) does not have any powers to grant clearance under the CRZ notification, 2011 for the subject harbour project and also TNSCZMA can only make recommendations for the present project to the SEIAA and cannot grant any clearance.

before me
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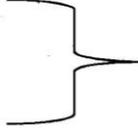
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18. I humbly submit that the TNSCZMA granted clearance under the specific condition to get Environmental Clearance from the State Environment Impact Assessment Authority (SEIAA) with reference to the EIA notification 2006.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to pass appropriate orders as this Hon'ble Tribunal may deem fit and thus render justice.

Solemnly affirmed at Chennai
This the 19 day of March 2022
and Signed his name in presence




MEMBER SECRETARY,
TAMIL NADU STATE COASTAL ZONE
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BEFORE ME


Forest Range Officer,
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