

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONE , CHENNAI**

Original Application No: 172 of 2020

IN THE MATTER OF

Association of Deep Sea going Artisanal Fishermen
Rep.by its Vice president,
Mr.Selvoriyan. A
Kanyakumari District.

Versus

The Union of India and others ... Respondent(s)

THE TYPESET

Sl.No	Description	Page No
1	Objection to the Report of IRS, Anna University, Chennai filed by the 7 th Respondent	--
2	Copy of GO.Ms.No : 26 Dated : 24.08.2018	1-9
3	Copy of Location map	10
4	Location map Google map dated : 25.03.2002	11
5	Location map (Recent Google map)	12
6	Cross section of Check dam	13
7	Copy of letter from Chief Engineer, Madurai region to District Collector, Kanniyakumari District, Nagercoil. CE PWD Lr.No : TS/DO/III/C974/06/ Dated : 06.07.2006	14-16
8	Copy of Draft CRZ Notification 2011 dated : 15.10.2010	17-32
9	Copy of CRZ Notification 1991 dated : 19.02.1991	33-37
10	Copy of CRZ clearance order for Thenkapattinam fishing harbour	38-39
11	Copy of the judgement order in WP(MD) No : 7069/2019	40-45
12	Copy of Govt. of India, Ministry of Environment and Forestry and Climate change Lr.No : F.No: 12/8/10/18-IA-III	46
13	Copy of CRZ map collected with District coastal management plan authority	47-49
14	Copy of Writ petition WP (MD) No: 27380/19 filed by President Thiru.A.Sesadimai, Artisanal Fisherman, College Road, Thoothoor Post, Kanniyakumari District.	50-72

15	Photos taken during the Inspection	73
16	Photo of the site Execution	74
17	Copies of the paper cutting showing demonstration made by general public	75-96
18	Copy of Office Memorandum F.No.19-27/2015-IA.III Division(CRZ) dated 19.02.2021, issued by Ministry of Enviroment, Forest and Climate Change, Government of India for granting post facto clearance	97-100

Certified as true copies of the original documents dated at Chennai on this .10.th day of January .

10.1.2022
EXECUTIVE ENGINEER, WRD, PWD.
KODAYAR BASIN DIVISION, NAGERCOIL.

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT CHENNAI

Original Application No. 172 of 2020

Between:

Association of Deep Sea Going Artisanal Fishermen
Represented by its Vice President, Mr.Selvoriyan. A
Shark Street, College Road,
Thoothoor – 629 176
Kanyakumari District,
Tamil Nadu

... Applicant

-/And/-

1. The Union of India,
Rep.by its Secretary,
Ministry of Environment and Forest,
Department of Environment, Forest and Wild Life,
Paryavaran Bhavan,
Jor Bagh Road, New Delhi – 110 003
2. The State of Tamil Nadu,
Rep.by its Principal Secretary,
Public Work Department,
Fort St.George, Chennai – 600 009.
3. The State of Tamil Nadu
Rep.by its Principal Secretary
Department of Environment& Forests,
St.George Fort,
Chennai – 600009
4. Engineer in Chief (Water Resources Organisation) and Chief Engineer
(General)
Public Works Department,
Chepauk, Chennai – 600 005
5. District Collector,
Kanyakumari District
Nagercoil – 629 001
6. Member Secretary
State Coastal Zone Management Authority (SCZMA)
No.1, Jeenis Road, Panagal Building
Ground Floor, Saidapet, Chennai – 600 015
7. Executive Engineer,
Public Works Department (WRO),
Kodiyaru Irrigation System
Nagercoil - 629001

... Respondents

Objections to the Report of Institute of Remote Sensing, Anna University, Chennai – 25 dated 10.12.2021 filed by the 7th Respondent.

This 7th respondent hereby raises serious objection to the report submitted by the Institute of Remote Sensing, Anna University, Chennai – 25 as follows:-

1. The Government accorded administrative sanction *of the* construction of the check dam across for 15.37 cores vide GO.Ms.No:26 Dated 24-08-2018. The work is in progress and about 73% of work physically completed and an expenditure of Rs.9.59crores has been incurred so far.
2. Thamirabarani also called Kuzhithuraiyar is a perennial river having flood carrying capacity of 42,700 cusecs in Kanniyakumari District. It runs for about 60km distance and confluences into Arabian Sea near Erayumanthurai. Backwater Kayal that formed at the confluence of the river with Arabian Sea and the sandy mouth has been removed at the confluences of the river due to fishing Harbour works. As a result of this sea water intruded with river water and salty water has been spreaded around more than 48 villages in the upstream side for length 13.00km affecting the population of around 2.00Laks .Along the course of river there are lot of TWAD Board Infiltration wells and the water is being pumped for supplying to nearby villages for drinking purposes from these wells.
3. In order to develop the livelihood of the fishermen the Government of Tamilnadu formulated a new fishing harbor at Thengapatnam . For which the public works department consented vide CE PWD letter no TS/DO.III/C9747/06 dt 4-7-2006 for transfer of poromboke land for the construction fishing harbour subject to the following conditions.
 - The entire length of the bar mouth may be left as it is in order to allow the entire food waters of the Thengapattinam river (Kanniyakumari District) in to the Arabian sea and the proposed infrastructural facilities located at the bar mouth for the fishing Harbour project can be relocated at the right bank of the river.
 - **One check dam across the river well within the distance of 1 km from Thengapattinam in the upstream side of the river shall be provided in order to avoid sea intrusion during high tides.**

During the monsoon season due to littoral effect of the sea the river Mouth (800m width) at the estuary of the river used to get closed by sand sediment and which acted as a natural barrier back water entry prevent the mixing of saline water with river water which had been the natural phenomenon and whenever water comes in the river the sand bar gets opened and the flow of water

got discharged into the sea and when the water recedes the sand bar got formed automatically and preventing the sea water intrusion. Earlier there was a sand bar of length 800m formed in between Thengapattinam (left bank) and Eramanthurai (right bank). Due to construction fishing harbour the river mouth was opened for a length of 75m for vessel movement and the sea water entered into the river. The salinity happened due to harbour works and the sea water is moving towards the upward direction of the river above 13km spoiling the surface water and ground water not fit for domestic and agricultural purposes.

4. In order to overcome this problems and the check dam is being constructed 800 m (aerial distance) away from the river mouth by keeping the crest level of the body wall +1.00m from the mean sea level. The bottom of the body wall is at -5.25m from the mean sea level. Hence the total height of body wall 6.25 m. During high tide the sea water enters the river directly through the opened river mouth which was already opened for fishing harbour works for vessel movement towards the upward direction for more than 13km and spoiling the surface water and ground water
5. The check dam being constructed will act as a grade wall and arrest the sea water entering towards the upward direction and thereby preventing sea water intrusion. The lower and the high tide level varies from 0m to +0.9m with respect to mean sea level. Therefore, even during high tide season the maximum sea water level will rise up to +0.9m, the sea water will not cross the body wall toward the upwards direction of the river since the crest level of check dam is kept at +1.00m level. The body wall will be protruding out 10 cm from the upstream and downstream water levels during high tides.
6. The check dam is mainly constructed for preventing the sea water intrusion and not to impound by any storage. The construction of check dam is made in the river itself within an existing top level only, so there will be no additional inundation and outflanking in the river and no submergence in the adjoining places. There will be only the downward flow of fresh water from upward and downward. The fresh water above check dam would not be blocked which would never ever prevent any upcoming nutrients of water into the sea. The check dam barrier is only meant to restore the earlier existed condition.

7. Further, the need of construction of check dam at this place became essential due to the removal of sand bar for the construction of fishing harbour at the estuary of river so it will only bring the earlier situation before the construction of fishing Harbour.
8. During the normal season the water flows over the crest of the body wall and pushes the sea water towards the seaward direction and confluences with the sea. There will not be any reduction flow due to the construction since the flow is not obstructed and moreover kuzhithuraiar is a perennial river water will be flowing throughout the year. The construction of the check dam will not result any sand deposit in the river mouth. Generally in fishing harbour works the river mouth should be periodically dredged and the responsibility lies on fisheries department.
9. The AVM canal is located at 770 m away the check dam and salinity happened just because of the opening of river mouth and not by the construction of check dam rather the steady flow water in kuzhithriyar will change it as fresh water. The coffer dam is temporary structure to facilitate the day to day construction activities and to divert the water. It will be removed completely from the river once the construction is over. It will not alter the course of the river as stated by the petitioner.
10. The bed of the river is excavated to attain the foundation depth of the check dam. The debris will be removed completely once the construction is over and river bed will be brought back to preexisted condition. The ultimate aim of the project is to bring back the river saline free as it was existed before the construction of the check dam.
11. It is pointed out that the boats of the fishermen cannot go to kuzhithuraiyar if the check dam is constructed. It is stated that fisherman can fish with their traditional fishing using Katumaram and fishnets even in the upstream side of the check dam rather than using steam engine boats.
12. The Draft notification of Coastal Regulation Zone, 2011 was published vide SO No: 229/(E) dated 15th September 2010. The CRZ map demarcating LTL, HTL and classification of variation of CRZ zones etc. was approved on 24-10-2018 by Ministry of Environment and forest, New Delhi vide Lr no 12.8/2018-IA111 dated 24-10-2018. However, the GO (3D) No: 26 public works (W1) department dated 24-08-2018 for the construction of check dam was issued on 24-08-2018 which is prior to the approval of Coastal Zone Management Plan(CZMP) of Tamilnadu as per the provisions of CRZ notification 2011 will not apply and the prior one which the CRZ notification 1991 should be followed. The check dam under construction

is 800m away from HTL, and proposed location does not come under any CRZ zone as per the map available with the District Coastal Management plan authority. It is emphasized that the CRZ 2011 map was issued on 24-10-2018 which is only after the issuance of the GO date (24-08-2018) for the work. Hence obtaining CRZ clearance from the authorities was not arisen.

13. It is submitted that the Fisheries Department has not complied the conditions laid down by the Public Works Department vide its letter No. TS/D.O.III/C.9747/06 Dated 04.07.2006. The applicant did not array the Fisheries Department in this original application. It is highly necessary to array the said Fisheries Department as a party to this application. Because, the check dam is being constructed due to the harbor project which was completed by violating the aforesaid Public Works Department Letter No. TS/D.O.III/C.9747/06 Dated 04.07.2006. It would not be proper and justice without arraying the Fisheries Department in this application.
14. In light of the circumstances explained above it is stated that due to the removal of sand bar from the river mouth and reduction of rive from 800m to 75m at river mouth for Fishing Harbour works caused sea water intrusion. The sea water intruded around 13km along the river in the upward direction and water become salty and also spoiling the adjoining aquifier, openwells, borewells etc. In order to safeguard the livelihood of people on banks of river in the check dam is being constructed and which is the only meant to restore the preexisted condition. Hence there is no violation of environment laws and no damage to environment including river bed and surrounding area due to the construction of check dam
15. One B.Paulraj filed a writ petition bearing W.P(MD) No.7069 of 2019 before the Honourable High Court of Madras Madurai Bench against the principal Secretary, Public works department and others seeking issuance of a Writ of Mandamus directing the respondents in the said writ (W.P(MD) No.7069 of 2019) to take immediate steps to construct a check dam in the Parakani (Erayumanthurai) Area at Vilavancode Taluk in Kanniyakumari District to obstruct the sea water intrusion between Mangadu to Thengapattinam of Thampiraparani (Kuzhithurai) River based on G.O(3D) No.26, P.W(W1) Dept/dated 24.08.2018 issued by the Department of PWD, Tamil Nadu within the time frame fixed by this court. The Honourable Madurai Bench Madras High Court emphasized the importance of construction of check dam and directed the PWD officials/respondents to ensure that the construction of Check dam is completed before the rainy season, so that there will not be any obstruction of the work and further inconvenience to the

public can be prevented. Therefore, the construction of the check dam is under progress and the same will be completed within the stipulated scheduled time.

16. Moreover the general public made so many representations and conducted demonstrations and fasting to speed up the work many occasions. The copy of representations and paper cuttings are enclosed herewith. Agricultural activities and drinking water are highly necessary to the general public in order to maintain good health and atmosphere. A Business of a small community or group cannot be taken any privilege by using the CRZ Zone Clearance as a tool. Article 21 of Indian Constitution provides right to life to every citizen of the country. Law is only for the benefit of the general public but not for the business community. Protection to the life of every citizen shall be given high priority. Considering the necessity, the government has been constructing the check dam in order to protect the agricultural and drinking water from the sea water intrusion.

17. However, as per the order of this Tribunal, the Institute of Remote Sensing, Anna University, Chennai – 25 visited the site and conducted field survey filed its report. This 7th Respondent seriously objected the said report except certain averments contained therein. Meanwhile, the said report confirms in clause 4.2 Conclusions as follows:

“The ecologically sensitive areas like sand dunes, turtle nesting ground and mangrove areas are not present in the vicinity of site”.

The said conclusion itself sufficient to understand that application filed by the applicant is based on false fact.

18. Since it is the duty of the government to protect the life of the general public, the Ministry of Environment, Forest and Climate Change has taken serious efforts to protect various ongoing projects across the country which are for the life, benefit and health of the general public at large. Accordingly, the Government of India through the Ministry of Environment, Forest and Climate Change approved vide its Office Memorandum F.No.19-27/2015-IA – III Division (CRZ) dated 19.02.2021, regarding the procedure for dealing with violations arising due to not obtaining a prior CRZ clearance for permissible activities. Hence, the Government of India through its Environment Department will issue post facto clearance to all projects across India in order to hurdle to those projects which are for the benefit of the general public. Therefore, the 7th respondent will obtain the post facto clearance in respect of the CRZ Zone issue in order to protect the check dam and the fishing harbor if this Honourable Tribunal directs. Hence, the report of the said

Institute of Remote Sensing, Anna University, Chennai – 25 would not give any legal effect or consideration.

It is therefore prayed that this Honourable Tribunal may be pleased to record the objection and dismiss the Original Application and thus render justice.

Solemnly affirmed at Chennai on this
the day of January, 2022 he having

JSky
10.1.2022
**EXECUTIVE ENGINEER, WRD, PWD.
KODAYAR BASIN DIVISION, NAGERCOIL.**

Signed his name in my presence

BEFORE ME
ADVOCATE, CHENNAI

**BEFORE THE NATIONAL GREEN
TRIBUNAL SITTING AT CHENNAI**

O.S.No. 172 of 2020

Between:

Association of Deep Sea Going
Artisanal Fishermen rep.by its Vice
President Mr.Selvoriyan. A,
Shark Street, College Road,
Thoothoor – 629176, Kanyakumari
District, Tamil Nadu.

.... Applicant
-/And/-

The Union of India, rep.by its Secretary,
Ministry of Environment and Forest,
Department of Environment, Forest and
Wild Life, Paryavaran Bhavan, Jor Bah
Road, New Delhi – 110 003 and others.

... Respondents

Objection to the Report of Institute
of Remote Sensing, Anna University,
Chennai – 25 filed by Advocate
Mr._____ for and on behalf of the
7th Respondent.

Counsel for Applicant/7th Respondent



ABSTRACT

Water Resources Department — Construction of 15 numbers of Check Dams in various Districts and 2 numbers of Anicuts in Ramanathapuram District at an estimated cost of Rs.6178.148 lakh with NABARD loan Assistance under RIDF XXIV for the year 2018-19 — Sanction accorded — Orders issued.

Public Works (W1) Department

S.O. (3D) No. 26

Dated: 24.08.2018

விளம்பி, ஆவணி-8,

திருவள்ளூர் ஆண்டு 2049.

Read:

1. From the Chief Engineer, Plan Formulation, Water Resources Department, Chennai Letter No. B/Announcement-2017-18/2017, dated 08.12.2017.
2. From the Deputy General Manager, NABARD letter No. NB. TN. SPD / 126 / RIDF-6 / RIDF XXIV / 2018-19, dated. 19.07.2018.

ORDER:-

The Hon'ble Chief Minister has announced on the floor of the assembly during the Public Works Department's Demand on 28.6.2017 that in order to recharge the ground water and to direct water from rivers to fill up the Tanks, it is planned to construct new Check Dams, sub surface dykes and anicuts at a cost of Rs.1000 Crore in 3 years. During this year, Check Dams and sub surface dykes would be constructed in 75 places and Anicuts in 10 places in the State at a cost of Rs.350 crore.

2. Based on the above announcement of the Hon'ble Chief Minister, the Chief Engineer, Plan Formulation, Water Resources Department, in his letter first mentioned above, has sent a proposal for the above Work as detailed below: -

1. Construction of a Check Dam across Valaiyar near Mamarathuvayal in Boothipuram village in Bodinayakanur Taluk in Theni District

This scheme envisages construction of a Check Dam across Valaiyar near Mamarathuvayal in Boothipuram Village in Bodinayakanur Taluk of Theni District. The length of the proposed Check Dam is 22.00m and height is 1.5m. By implementing this scheme, about 149.00 acres of ayacut will be benefited

through 45 Nos. of wells. The estimated cost works out to Rs.72.00 lakh as per the schedule of rates for the year 2017 - 18.

II. Construction of a Check Dam across Vaigai river near Solaithevanpatti in Vallalnadhi Village in Andipatti Taluk in Theni District.

This scheme envisages construction of a Check Dam across Vaigai river near Solaithevanpatti in Vallalnadhi Village in Andipatti Taluk in Theni District. The length of the proposed Check Dam is 80.00m and height is 1.5m. By implementing this scheme, about 565.65 acres of ayacut will be benefited through 148 Nos. of wells. The estimated cost works out to Rs.289.00 lakh as per the schedule of rates for the year 2017 - 18.

III. Construction of a Check Dam across Pillayaroothu odai in Devaram Village in Uthamapalayam Taluk in Theni District

This scheme envisages construction of a Check Dam across Pillayaroothu odai in Devaram Village in Uthamapalayam Taluk in Theni District. The length of the proposed Check Dam is 16.00 m and height is 1.5 m. By implementing this scheme, about 138.61 acres of ayacut will be benefited through 71 Nos. of wells. The estimated cost works out to Rs.36.00 lakh as per the schedule of rates for the year 2017 - 18.

IV. Construction of a Bed Dam across Elumichaiyar river near Maruthankulam offtake in Therkkukallidaikurichi Village in Ambasamudram Taluk in Tirunelveli District

This scheme envisages construction of a Check Dam across Elumichaiyar river near Maruthankulam offtake in Therkkukallidaikurichi Village in Ambasamudram Taluk in Tirunelveli District. The length of the proposed Check Dam is 60.00m and height is 1m. By implementing this scheme, about 225.00 acres of ayacut will be benefited through 9 Nos. of wells. The estimated cost works out to Rs.174.00 lakhs as per the schedule of rates for the year 2017 - 18.

V. Construction of a Check Dam across Chittar river at Downstream side of Nettur Anicut in Agaram Village in Veerakeralamputhur Taluk in Tirunelveli District

This scheme envisages construction of a Check Dam across Chittar river at downstream side of Nettur Anicut in Agaram Village in Veerakeralamputhur Taluk in Tirunelveli District. The length of the proposed Check Dam is 80.00m and height is 1.5m. By implementing this scheme, about 184.00 acres of ayacut will be benefited through 19 Nos. of wells. The estimated cost works out to Rs.180.00 lakh as per the schedule of rates for the year 2017 - 18.

VI. Construction of a Check Dam across Hanumanadhi near infall point of Chittar river in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District.

This scheme envisages construction of a Check Dam across Hanumanadhi near infall point of Chittar river in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District. The length of the proposed Check Dam is 58.50m and height is 1m. By implementing this scheme, about 125.20 acres of ayacut will be benefited through 78 Nos. of wells. The estimated cost works out to Rs.218.00 lakh as per the schedule of rates for the year 2017 - 18.

VII. Construction of a Check Dam across Hanumanadhi at Downstream side of Arunthavapiratti Anicut in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District

This scheme envisages construction of a Check Dam across Hanumanadhi at downstream side of Arunthavapiratti Anicut in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District. The length of the proposed Check Dam is 58.50m and height is 1m. By implementing this scheme, about 186.80 acres of ayacut will be benefited through 55 Nos. of wells. The estimated cost works out to Rs.302.00 lakh as per the schedule of rates for the year 2017 - 2018.

VIII. Construction of a Bed Dam across Kottamalaiyar river offtake at Achanthikulam Channel in Puliyanakudi Village in Kadayanallur Taluk in Tirunelveli District

This scheme envisages construction of a Bed Dam across Kottamalaiyar river offtake at Achanthikulam Channel in Puliyanakudi Village in Kadayanallur Taluk in Tirunelveli District. The length of the proposed Check Dam is 30.00m and height is 0.9m. By implementing this scheme, about 299.35 acres of ayacut will be benefited through Achanthikulam Channel and by 40 Nos. of wells. The estimated cost works out to Rs.217.00 lakh as per the schedule of rates for the year 2017 - 18.

IX. Construction of a Check Dam across Nichabanadhi in Panaiyur Village in Sankarankovil Taluk in Tirunelveli District

This scheme envisages construction of a Check Dam across Nichabanadhi in Panaiyur Village of Sankarankovil Taluk in Tirunelveli District. The length of the proposed Check Dam is 32.80m and height is 1.5m. By implementing this scheme, about 204.00 acres of ayacut will be benefited through 54 nos. of wells. The estimated cost works out to Rs.113.00 lakh as per the schedule of rates for the year 2017 - 18.

X. Construction of a Check Dam across Uppodai river in Avudaiyammalpuram Village in Kovilpatti Taluk in Thoothukudi District

This scheme envisages construction of a Check Dam across Uppodai river in Avudaiyammalpuram Village in Kovilpatti Taluk in Thoothukudi District. The length of the proposed Check Dam is 36.00m and height is 1.5m. By implementing this scheme, about 231.15 acres of ayacut will be benefited through 10 nos. of wells. The estimated cost works out to Rs.87.00 lakh as per the schedule of rates for the year 2017-18.

XI. Construction of a Check Dam across Uppodai river in Chidampampatti Village in Kovilpatti Taluk in Thoothukudi District

This scheme envisages construction of a Check Dam across Uppodai river in Chidampampatti Village in Kovilpatti Taluk in Thoothukudi District. The length of the proposed Check Dam is 41.00m and height is 1.5m. By implementing this scheme, about 227.94 acres of ayacut will be benefited through 8 nos. of wells. The estimated cost works out to Rs.108.00 lakh as per the schedule of rates for the year 2017-18.

XII. Construction of a Check Dam across Uppodai river in Savalaperi Village in Kovilpatti Taluk in Thoothukudi District

This scheme envisages construction of a Check Dam across Uppodai river in Savalaperi Village in Kovilpatti Taluk in Thoothukudi District. The length of the proposed Check Dam is 40.00m and height is 1.5m. By implementing this scheme, about 564.28 acres of ayacut will be benefited through 15 nos. of wells. The estimated cost works out to Rs.233.00 lakh as per the schedule of rates for the year 2017-18.

XIII. Construction of 2 nos. of Check Dams across the arms of Vembar river near Vembar village and Periyasampuram village in Vilathikulam Taluk in Thoothukudi District.

The proposed Check Dams are located 1.5Km from the sea and lies in the drought prone block of the Vembar Sub basin.

a) Check Dam across the arm of Vembar river near Vembar village :

This scheme envisages construction of a Check Dam across the Vembar river in Vembar Village in Vilathikulam Taluk in Thoothukudi District. The length of the proposed Check Dam is 140.00m and height is 1.8m with 2 nos of scour vents on either side.

b) Check Dam across the arm of Vembar river near Periyasampuram Village :

This scheme envisages construction of Check Dam across the Vembar river in Periyasampuram Village in Vilathikulam Taluk in Thoothukudi District. The length of the proposed Check Dam is 170.00m and height is 1.5m with 2 nos of scour vents on either side.

By implementing this scheme, the Ground water table and water potential in the Vembar and Periyasampuram Village will improve and 572.80 acres of ayacut will be benefited through 52 nos. of wells. Sea water intrusion will be arrested and fresh water can be stored in the upstream of the Check Dam and Tharuvai areas. The estimated cost works out to Rs.1900.00 lakh as per the schedule of rates for the year 2017 - 18.

XIV. Construction of a Check Dam across the Swetha Nadhi in Upstream of Kalliamman Koll in Kudamalai Village in Gangavalli Taluk in Salem District

In this scheme, it is proposed to construct a Check Dam of length 50m and height 1.50m across the Swetha Nadhi in Upstream of Kalliamman Koll in Kudamalai Village at Gangavalli Taluk in Salem District. The construction of the Check Dam will recharge 114 numbers of wells by the way of percolation through which 65.63 acres of ayacut will be benefited. The estimated cost works out to Rs 189.00 lakh as per the schedule of rates for the year 2017 - 18.

XV. Construction of a Check Dam across the Ponniyar River in SF NO:194 of Ernapuram Village in Magudanchavadi Block of Sankari Taluk in Salem district

In this scheme, it is proposed to construct a Check Dam of length 50m and height 1.50m across the Ponniyar River in SF NO: 194 of Ernapuram Village in Magudanchavadi Block in Sankari Taluk in Salem district. This construction of the checkdam will recharge 37 numbers of well by the way of percolation through which 116.25 acres of ayacut will be benefited. The estimated cost works out to Rs.95.00 lakh as per the schedule of rates for the year 2017 - 18

XVI. Construction of a Check Dam across the Swetha Nadhi in Laddhuvadi Village in Gangavalli Taluk in Salem District

This scheme envisages construction a Check Dam of length 55m and height 1.50m across the Swetha Nadhi in Laddhuvadi Village in Gangavalli Taluk in Salem district. The construction of the Check Dam will recharge 69 numbers of wells by the way of percolation through which 43.875 acres of ayacut will be benefited. The estimated cost works out to Rs.245.00 lakh as per the schedule of rates for the year 2017 - 18.

XVII. Construction of a Check Dam across Kuzhithuraiyar near Eraimanthurai in Kanyakumari District

This scheme envisages construction of a Check Dam across Kuzhithuraiyar near Eraimanthurai of Vilavancode Taluk in Kanyakumari District. The length of the proposed Check Dam is 130.00m and height is 4.25m. By implementing this scheme, sea water intrusion will be prevented and there by arresting sea water into the river. The Check Dam will act as a grade wall for rising the bed level of Kulithuraiyar by deposit of sand in future. The ground water quality in the nearby areas will be improved. The estimated cost works out to Rs.1600.00 lakh as per the schedule of rates for the year 2017 - 18.

XVIII. Construction of a Check Dam across Gundar (Malattar) River near Sayalkudi Village in Kadaladi Taluk in Ramanathapuram District

This scheme envisages construction of a Check Dam across Gundar (Malattar) River near Sayalkudi village in Kadaladi Taluk in Ramanathapuram District. The length of the proposed Check Dam is 140.00m and height is 0.9m. By implementing this scheme, about 490.22 acres of ayacut will be benefited through 19 nos. of wells. The estimated cost works out to Rs.333.00 lakh as per the schedule of rates for the year 2017 - 18.

XIX. Construction of an Anicut across Virusuliyar river to feed Mallanur tank and other tanks in TiruvadanaI Taluk in Ramanathapuram District

The scheme envisages construction of an Anicut across Virusuliyar river to feed Mallanur tank and other tanks in Kattiyavayal Village in TiruvadanaI Taluk in Ramanathapuram District. The total length of the proposed body wall is 30m in which the weir length will be 25m and the scour vent portion in each end will be 1.5m and height of the weir will be 0.92m. By implementing this scheme, about 549.06 acres of ayacut will be benefited.

The following provisions are made in the estimate,

- a) Construction of an Anicut with one head sluice
- b) Formation of Flood banks.

The estimated cost works out to Rs 198.00 lakh as per the schedule of rates for the year 2017 - 18.

XX. Construction of an Anicut across Paralayar river to feed Perianaikulam Tank etc in Perianaikulam village in Kamuthi Taluk in Ramanathapuram District

The scheme envisages construction of an Anicut across Paralayar river to feed Perianaikulam Tank etc in Perianaikulam village in Kamuthi Taluk in Ramanathapuram District. The total length of the Anicut is 53.00m and with two scour vents on either side and height of the weir is 1.05m. By implementing this scheme, about 377.75 acres of ayacut will be benefited.

The following provisions are made in the estimate,

- a) Construction of an Anicut with one head sluice
- b) Excavation of a supply channel
- c) Formation of Flood banks.

The estimated cost works out to Rs.296.00 lakh as per the schedule of rates for the year 2017 - 18.

3. The Chief Engineer, Plan Formulation, Water Resources Department has requested the Government to send the above scheme to NABARD for loan assistance.

4. The proposal of the Chief Engineer, Plan Formulation, Water Resources Department was forwarded to NABARD at a cost of Rs.6178.148 lakh. (Restricting the expenditure towards Lumpsum Provision for Petty Supervision and Contingency Charges, excluding the price escalation charges). Subsequently, NABARD has sanctioned a sum of Rs.27875.36 lakh as RIDF loan for 62 Projects including this scheme vide its letter second read above.

5. Accordingly, sanction is accorded for the Work of Construction of 15 nos. of Anicut Check Dams in various Districts and 2 Nos. of Anicuts in Ramnathapuram District at an estimated cost of Rs.6178.148 lakh (Rupees sixty one crore, seventy eight lakh, fourteen thousand and eight hundred only) availing loan assistance from NABARD under RIDF XXIV for the year 2018-2019 as detailed below:-

Sl. No.	Name of work	Total Estimate Amount (Rs. in Lakhs)
1	Construction of a Check Dam across Valaiyar near Mamarathuvayal in Boothipuram village in Bodinayakkanur Taluk of Theni District.	71.7200
2	Construction of a Check Dam across Pillayaroothu odai in Devaram Village of Uthamapalayam Taluk in Theni District	35.9200
3	Construction of a Bed Dam across Elumichaiyar river near Maruthankulam offtake in Therkkukallidai kurichi Villgae in Ambasamudram Taluk in Tirunelveli District.	172.9030
4	Construction of a Check Dam across Chittar river at DownStream side of Nettur Anicut in Agaram Village in Veerakeralamputhur Taluk in Tirunelveli District	178.8515
5	Construction of a Check Dam across Hanumanadhi near infall point of Chittar river in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District.	216.6000

6	Construction of a Check Dam across Hanumanadhi DownStream side of Arunthavapiratti Anicut in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District	300.0500
7	Construction of a Bed Dam across Kottamalaiyar river offtake at Achanthikulam Channel in Puliyankudi Village in Kadayanaillur Taluk in Tirunelveli District	215.6097
8	Construction of a Check Dam across Nichabanadhi in Panaiyur Village in Sankarankovil Taluk in Tirunelveli District	112.8084
9	Construction of a Check Dam across Uppodai river in Avudaiyammalpuram Village in Kovilpatti Taluk in Thoothukudi District	86.4442
10	Construction of a Check Dam across Uppodai river in Savalaperi Village in Kovilpatti Taluk in Thoothukudi District	232.0352
11	Construction of 2 nos of Check Dams across the arms of Vembar river near Vembar village and Periyasamipuram village in Vilathikulam Taluk in Thoothukudi District.	1798.2026
12	Construction of a Check Dam across Swetha Nadhi in Upstream of Kalliamman Koil in Kudamalai Village in Gangavalli Taluk in Salem District.	187.5350
13	Construction of a Check Dam across Swetha Nadhi in Laddhuvadi Village in Gangavalli Taluk in Salem District.	242.8250
14	Construction of a Check Dam across Kuzhithuraiyar near Erainanthurai in Kanyakumari District.	1537.0705
15	Construction of a Check Dam across Gundar(Malattar) River near Sayalkudi village in Kadaladi Taluk in Ramanathapuram District.	317.7096

16	Construction of an Anicut across Virusuliyar river to feed Mallanur tank and other tanks in TiruvadanaI Taluk in Ramanathapuram District	189.6030
17	Construction of an Anicut across Paralayar river to feed Perianaikulam Tank etc in Perianaikulam village in Kamuthi Taluk in Ramanathapuram District	282.2606
	Overall Total	6178.14,800

6. The expenditure sanctioned in para 5 above shall be debited to the following head of account opened under Demand No.40.01:

"4702 --00-- capital outlay on Minor Irrigation 101 Surface Water State's Expenditure -- JV Construction of Check Dam and Anicuts across all River Basins of Tamil Nadu with NABARD Loan 16 Major Works."
(DPC: 4702 00 101 JV 1605)

7. The amount sanctioned in para 5 above will be met from the existing budget provision 2018-2019.

8. This order issues with the concurrence of the Finance Department vide its U.O. No.43522/PW-II/2018, dated 23.08.2018.

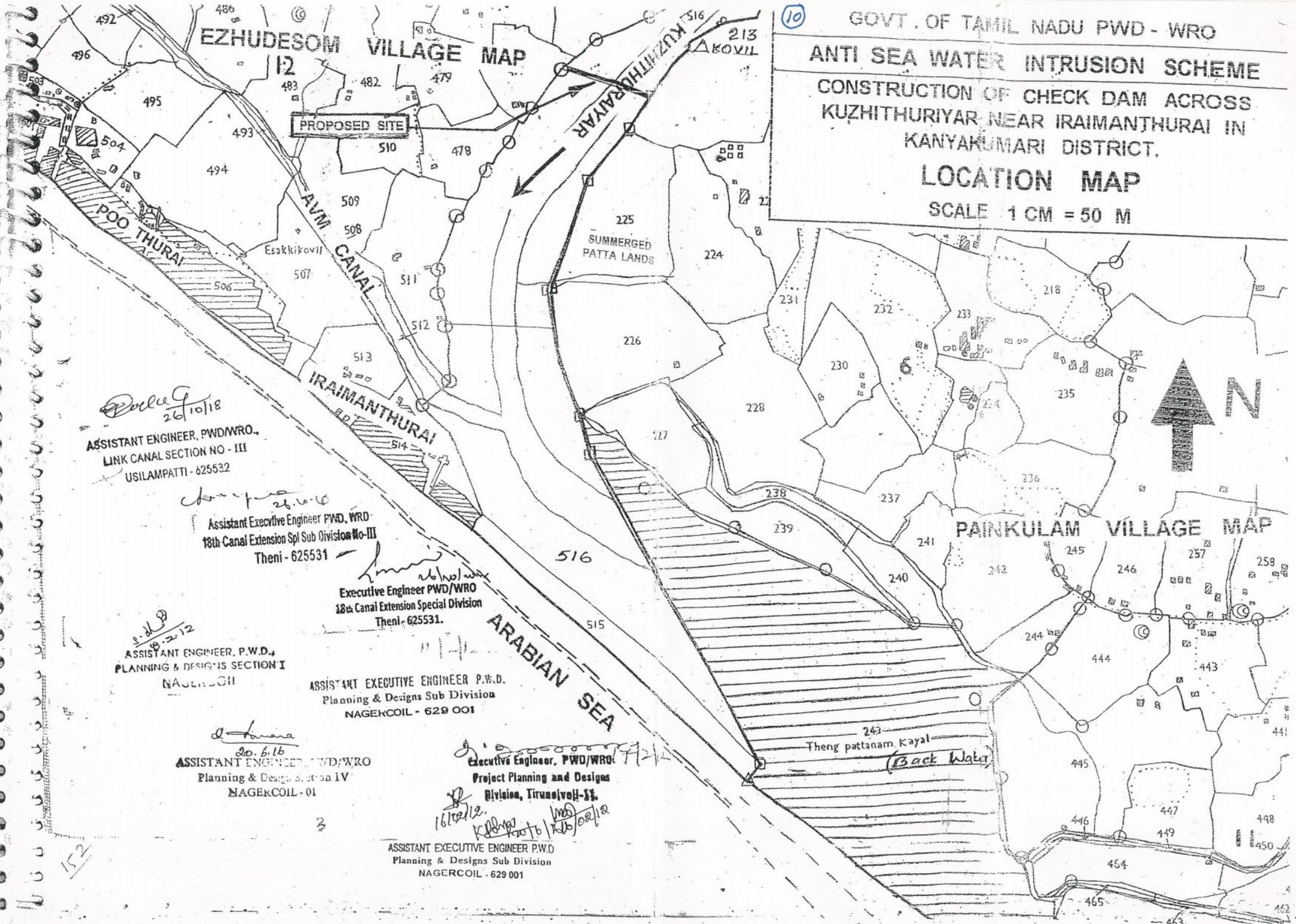
(BY ORDER OF THE GOVERNOR)

S.K.PRABAKAR
PRINCIPAL SECRETARY TO GOVERNMENT

To:

- The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department, Chennai - 5.
- The Chief Engineer, Plan Formulation, Water Resources Department, Chennai - 5.
- ✓ The Chief Engineer, Water Resources Department, Madurai Region, Madurai.
- The Chief Engineer, Water Resources Department, Coimbatore Region, Coimbatore.
- The District Collector, Theni, Thirunelveli
- Thoothukudi, Salem, Kanniyakumari & Ramanathapuram District.
- The Treasury Officer, Theni, Thirunelveli
- Thoothukudi, Salem, Kanniyakumari & Ramanathapuram
- The Principal Accountant General (A&E / Audit - I,E&RSA), Chennai - 18.
- The Resident Audit Officer, O/o. Principal Accountant General (General and Social Sector Audit), TN Secretariat, Chennai-9.

10 GOVT. OF TAMIL NADU PWD - WRO
ANTI SEA WATER INTRUSION SCHEME
CONSTRUCTION OF CHECK DAM ACROSS
KUZHITHURIYAR NEAR IRAIMANTHURAI IN
KANYAKUMARI DISTRICT.
LOCATION MAP
SCALE 1 CM = 50 M



Devi G
 26/10/18
 ASSISTANT ENGINEER, PWD/WRO,
 LINK CANAL SECTION NO - III
 USILAMPATTI - 625532

Chandrasekar
 26.10.18
 Assistant Executive Engineer PWD, WRO
 18th Canal Extension Spl Sub Division No-III
 Theni - 625531

Abhishek
 26/10/18
 Executive Engineer PWD/WRO
 18th Canal Extension Special Division
 Theni - 625531.

S. D. S.
 18-2-12
 ASSISTANT ENGINEER, P.W.D.,
 PLANNING & DESIGN SECTION I
 NAGERCOIL

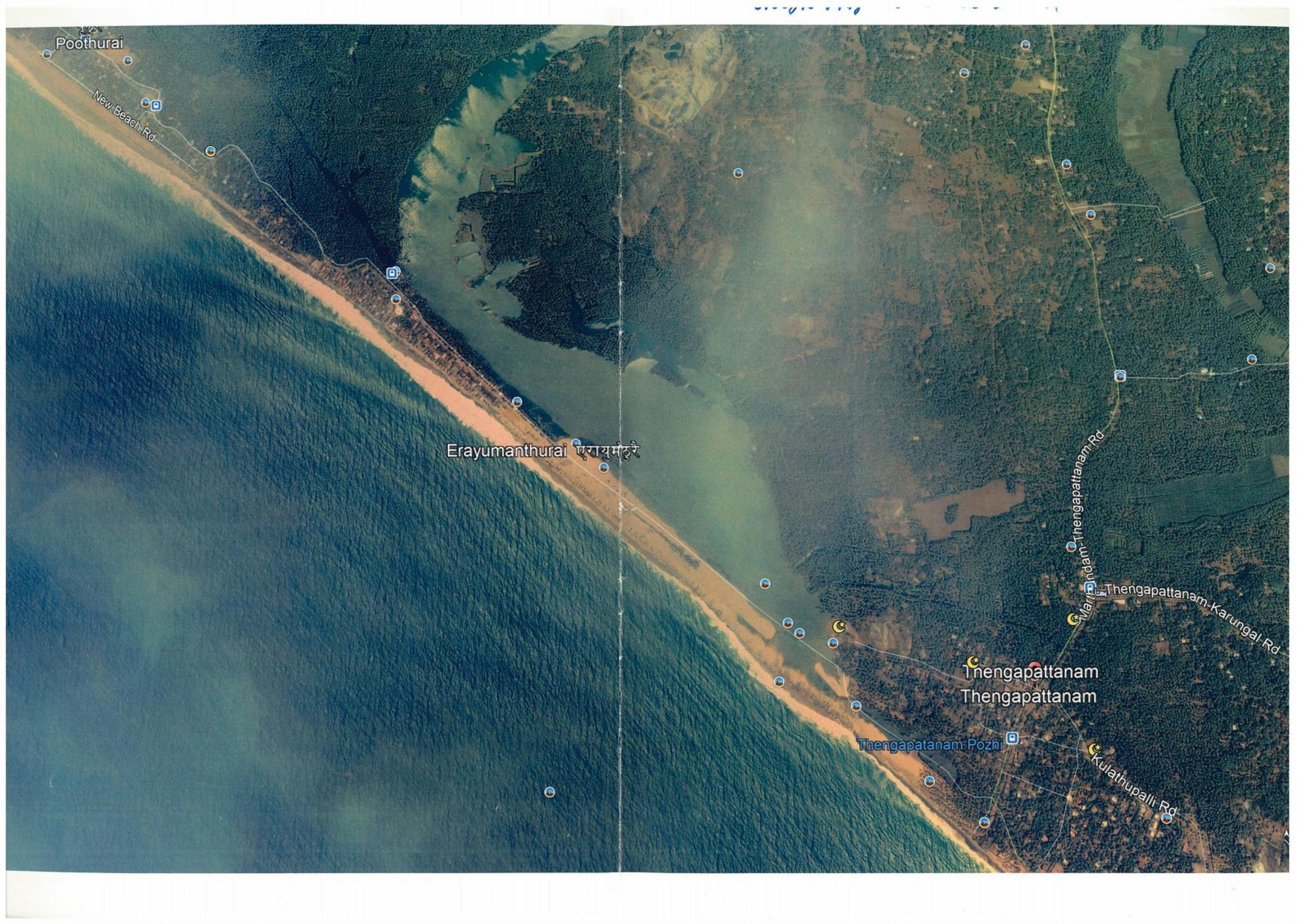
ASSISTANT EXECUTIVE ENGINEER P.W.D.
 Planning & Designs Sub Division
 NAGERCOIL - 629 001

A. Anand
 20.6.16
 ASSISTANT ENGINEER PWD/WRO
 Planning & Design Section IV
 NAGERCOIL - 01

J. Jeyaraj
 17/12/18
 Executive Engineer, PWD/WRO
 Project Planning and Design
 Division, Tirunelveli-11.

K. S. S. S.
 16/12/18
 ASSISTANT EXECUTIVE ENGINEER P.W.D.
 Planning & Designs Sub Division
 NAGERCOIL - 629 001

152



Poothurai

New Beach Rd

Erayumanthurai एरायुमंठुरे

Thengapattanam
Thengapattanam

Thengapattanam Pozhi

Thengapattanam Rd

Thengapattanam-Karungal Rd

Kulathupalli Rd



Poothurai

New Beach Rd

Erayumanthurai

Thengapattanam

Thengapattanam Pozhi

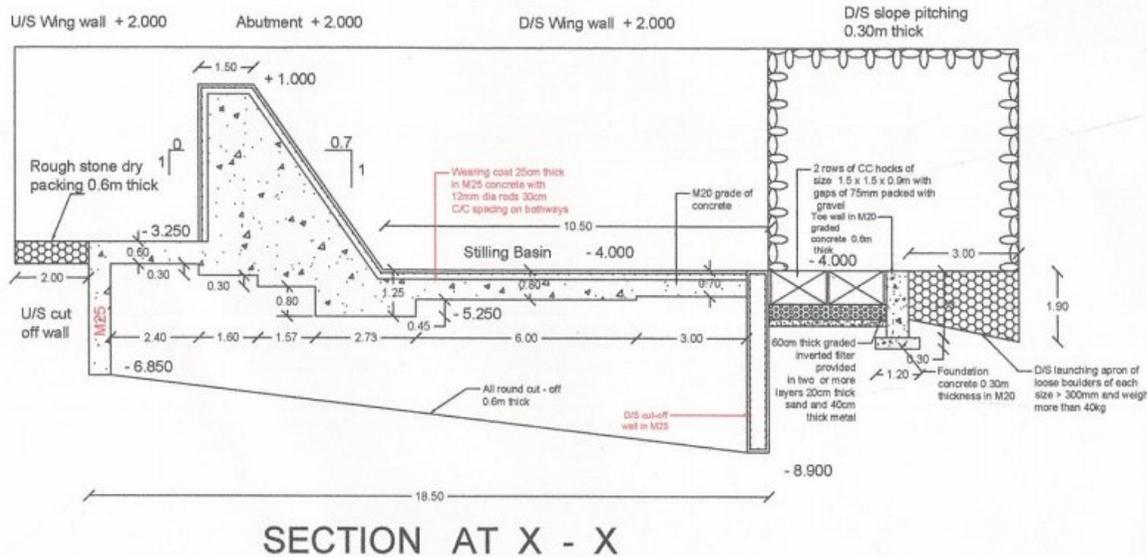
Kulathupalli Rd

Thengapattanam Rd

Thengapattanam-Karungal Rd

CONSTRUCTION OF CHECK DAM ACROSS KUZHITHURAIYAR NEAR ERAIMANTHURAI IN KANYAKUMARI DISTRICT

ESTIMATE AMOUNT - Rs.1537.07 LAKHS



HYDRAULIC PARTICULARS

1) M.F.D	1209.10 cumecs or 42700 cusecs
2) Crest level	+ 1.000 m
3) FMWL	+ 4.950 m
4) RWL	+ 4.500 m
5) Total length of weir	130.00 m
6) U/S bed level	- 3.25 m
7) D/S bed level	- 4.00 m
8) D/S Basin level	- 4.00 m
9) Height of weir	4.25 m
10) Total Floor Length	18.50 m

14.

53

1599

B11

PUBLIC WORKS DEPARTMENT
WATER RESOURCES ORGANISATION

From
Er. R.V.S. Vijayakumar, M.E. M.I.E. M.B.A.,
Chief Engineer, WRO/PWD,
Madurai Region,
Madurai 625 002.

To
The District Collector,
Kanniyakumari District,
Nagercoil.

47212
48927/05

Letter No. TS/D.O.III/C.9747/06/ dated 04.07.2006.

Sub: Land transfer -- Vilavancode taluk-Painkulam village - R.S. No.243,
446, 465 and 467 / 14, - Ezhudesam village - R.S. No. 516 / 1 -
Land required for Thengapattinam Fishing Harbour -- reg.

Ref: 1.G.O.Ms.No. 216, Animal Husbandry, Dairying and Fisheries
(FS-1) Department, Dated:21.12.2005.
2.Your D.O. letter No. M3 / 48927 / 05/ dated:02.06.2006.

With reference to your letter cited, I furnish the details as below.

The Government in their G.O. first cited, have issued orders accepting the proposal of the Director of Fisheries for the "Formation of a New Fishing Harbour - Thengapattinam in Kanniyakumari District". The above Fishing Harbour - Thengapattinam site was inspected by the Executive Engineer, PWD/WRO Kodayar Basin, Division, Nagercoil on 07.03.2006 and the following were observed.

According to the proposal, two break waters (wind ward and the leeward) are to be constructed at the confluence point of the Tambiraparani river (Kuzhithurai river) with the Arabian Sea.

The windward and the leeward back waters are so arranged that an effective opening of 75.00 metre only is available, even though an opening of 180.00 mere has been provided at the Bar Mouth point. The remaining length of Bar Mouth area is proposed to be developed for other infrastructural facilities for the proposed Fishing Harbour project.

The function of Bar Mouth, which has been formed naturally to a length of about 800 metre at the confluence point, will get opened automatically, during heavy discharges due to rain and flood period and the entire flood water will discharge into the sea. When the process of discharge got completed, the Bar Mouth will automatically get closed due to Ocean force, which is a natural phenomenon.

(c.5)

45

48

18

But, as per the project proposal, an effective opening of only 75 metre, which is insufficient to discharge the 4,00,000 cusecs of flood water.

Moreover, the scheme proposal is to elevate the bar mouth to (+)2.00 metre above MSL, which will cause the submerssion of the entire area for Thengapattinam to Kuzhithurai, if the flood water 4,00,000 cusecs is not discharged into sea.

Regarding the request for Land transfer, the required lands are classified as Lake, Odai, Water course and River.

S.No.	Village	R.S.No.	Classification	Extent in Hectares	Extent requested in sq.m.
1	Painkulam	243	Lake	25.74.0	20,123.60
2	Painkulam	446	Odai	0.27.5	309.00
3	Painkulam	465	Water course	0.24.0	591.00
4	Painkulam	467/14	River	0.16.0	1,401.00

The above required lands are classified as Lake, Odai, Water course and River, the Government of Tamilnadu is the competent enough to effect the land transfer, since there is already a ban on transfer of lands, classified as River, River poramboke and Water courses as per Government letter No.712, Revenue, Dated 29.07.1997.

Therefore, action has to be initiated, only by the user department for getting concurrence from the Government in supercession of the ban orders issued in the Government order.

Seawater Intrusion because of providing a permanent opening of 75.00 metre in the Bar Mouth.

In the proposed Fishing Harbour Project, it is proposed to provide a permanent opening between the two Break waters for the venturing of Fishing Trawlers, Launches, Vallams, catamaran in and out of the Sea

As the opening is a permanent one, for each and every tidal rise (which is a natural phenomena of the sea) massive quantum of sea water will enter as the Back water and upstream stretch of the river and in due course of time, the entire stretch of the river and Ground water from Thengapattinam to Kuzhithurai bridge will become saline.

Therefore, a check dam across the river within 1.00 K.M. from Thengapattinam in the upstreamside of the River shall be provided.



- 3 -

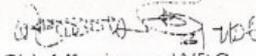
Hence, based on the report submitted by the Executive Engineer, PWD, Kodayar Basin Division, WRO, Nagercoil, after a thorough inspection of the site and concurrence of the Special Chief Engineer, PWD, Tambiraparani Basin Circle, WRO, Tirunelveli and as this project is seem to be an important one which will cater the urgent needs of the coastal public, i recommend for the transfer of poramboke land, which are necessitated by the above project, subject to the following conditions.

i) The entire length of bar mouth may be left as it is inorder to allow the entire flood waters of the Tambiraparani river (Kanniyakumari District) into the Arabian sea and the proposed infrastructural facilities located at the Bar Mouth for the Fishing Harbour Project can be relocated at the right bank of the river.

ii) One check dam across the river, well within the distance of 1.00 K.M. from Thengapattinam in the upstreamside of the river shall be provided in order to avoid sea water intrusion during high tides.

Based on the above, necessary enterupon and the approval for transfer of the above said poramboke lands may be obtained from the Government.

1/3

 1/3
for Chief Engineer, WRO,
Madurai Region, Madurai-2.


6/1/2006

sam (c.5)

(To be published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) of dated the 6th January, 2011)

COASTAL REGULATION ZONE NOTIFICATION
MINISTRY OF ENVIRONMENT AND FORESTS
(Department of Environment, Forests and Wildlife)

S.O.19(E).- WHEREAS a draft notification under sub-section (1) of section and clause (V) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 was issued inviting objections and suggestions for the declaration of coastal stretches as Coastal Regulation Zone and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O.No.2291 (E), dated 15th September, 2010.;

AND WHEREAS, copies of the said Gazette were made available to the public on 15th September, 2010.;

AND WHEREAS, the suggestions and objections received from the public have been considered by the Central Government.;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming, does hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limit, as Coastal Regulation Zone (hereinafter referred to as the CRZ) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid CRZ.; and

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19th February, 1991 except as respects things done or omitted to be done before such supercession, the Central Government hereby declares the following areas as CRZ and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ,-

- (i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front.
- (ii) CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

(iii) the land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.

(iv) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.

(v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2. For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority(s) so authorized by the MoEF in accordance with the general guidelines issued at Annexure-I. HTL shall be demarcated within one year from the date of issue of this notification.

3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

(i) Setting up of new industries and expansion of existing industries except,-

(a) those directly related to waterfront or directly needing foreshore facilities;

Explanation: The expression "foreshore facilities" means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like.;

(b) projects of Department of Atomic Energy;

(c) facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as CRZ-I(i) based on an impact assessment study including social impacts.;

(d) development of green field Airport already permitted only at Navi Mumbai;

(e) reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

(ii) manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966(E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th

December, 1989 except,-

- (a) transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;
- (b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.

Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).

- (iii) Setting up and expansion of fish processing units including warehousing except hatchery and natural fish drying in permitted areas:

- (iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-

- (a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
- (b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies
- (c) maintenance or clearing of waterways, channels and ports, based on EIA studies;
- (d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF.

- (v) Setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-

- (a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (b) storm water drains and ancillary structures for pumping;
- (c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;

- (vi) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements. The concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification.

- (vii) Dumping of city or town wastes including construction debris, industrial solid wastes, fly

ash for the purpose of land filling and the like and the concerned authority shall implement schemes for phasing out any existing practice, if any, shall be phased out within a period of one year from date of commencement of this notification.

Note:-The MoEF will issue a separate instruction to the State Governments and Union territory Administration in respect of preparation of Action Plans and their implementation as also monitoring including the time schedule thereof, in respect of paras (v), (vi) and (vii).

- (viii) Port and harbour projects in high eroding stretches of the coast, except those projects classified as strategic and defence related in terms of EIA notification, 2006 identified by MoEF based on scientific studies and in consultation with the State Government or the Union territory Administration.
- (ix) Reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities.
- (x) Mining of sand, rocks and other sub-strata materials except,-
 - (a) those rare minerals not available outside the CRZ area,
 - (b) exploration and exploitation of Oil and Natural Gas.
- (xi) Drawl of groundwater and construction related thereto, within 200mts of HTL; except the following:-
 - (a) in the areas which are inhabited by the local communities and only for their use.
 - (b) In the area between 200mts-500mts zone the drawl of groundwater shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available.

Note:-Restrictions for such drawl may be imposed by the Authority designated by the State Government and Union territory Administration in the areas affected by sea water intrusion.

- (xi) Construction activities in CRZ-I except those specified in para 8 of this notification.
 - (xiii) Dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation and other such purpose.
 - (xiv) Facilities required for patrolling and vigilance activities of marine/coastal police stations.
4. Regulation of permissible activities in CRZ area.- The following activities shall be regulated except those prohibited in para 3 above,-
- (i)(a) clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities;
 - (b) for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14th September, 2006), for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority (hereinafter referred to as the CZMA).
 - (c) Housing schemes in CRZ as specified in paragraph 8 of this notification;

- (d) Construction involving more than 20,000sq mts built-up area in CRZ-II shall be considered in accordance with EIA notification, 2006 and in case of projects less than 20,000sq mts built-up area shall be approved by the concerned State or Union territory Planning authorities in accordance with this notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concern CZMA shall be essential for considering the grant of environmental clearance under EIA notification, 2006 or grant of approval by the relevant planning authority.
 - (e) MoEF may under a specific or general order specify projects which require prior public hearing of project affected people.
 - (f) construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures;
- (ii) the following activities shall require clearance from MoEF, namely:-
- (a) those activities not listed in the EIA notification, 2006.
 - (b) construction activities relating to projects of Department of Atomic Energy or Defence requirements for which foreshore facilities are essential such as, slipways, jetties, wharves, quays; except for classified operational component of defence projects. Residential buildings, office buildings, hospital complexes, workshops of strategic and defence projects in terms of EIA notification, 2006.;
 - (c) construction, operation of lighthouses;
 - (d) laying of pipelines, conveying systems, transmission line;
 - (e) exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
 - (f) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. MoEF may specify for category of projects such as at (f), (g) and (h) of para 4;
 - (g) Mining of rare minerals as listed by the Department of Atomic Energy;
 - (h) Facilities for generating power by non-conventional energy resources, desalination plants and weather radars;
 - (i) Demolition and reconstruction of (a) buildings of archaeological and historical importance, (ii) heritage buildings; and buildings under public use which means buildings such as for the purposes of worship, education, medical care and cultural activities;

4.2 Procedure for clearance of permissible activities.- All projects attracting this notification shall be considered for CRZ clearance as per the following procedure, namely:-

- (i) The project proponents shall apply with the following documents seeking prior clearance under CRZ notification to the concerned State or the Union territory Coastal Zone Management Authority,-
 - (a) Form-1 (Annexure-IV of the notification);
 - (b) Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d)
 - (c) Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration;
 - (d) Disaster Management Report, Risk Assessment Report and Management Plan;
 - (e) CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2) in 1:4000 scale;
 - (f) Project layout superimposed on the above map indicated at (e) above;

- (g) The CRZ map normally covering 7km radius around the project site.
- (h) The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas;
- (i) No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like.;
- (ii) The concerned CZMA shall examine the above documents in accordance with the approved CZMP and in compliance with CRZ notification and make recommendations within a period of sixty days from date of receipt of complete application,-
 - (a) MoEF or State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) as the case may be for the project attracting EIA notification, 2006;
 - (b) MoEF for the projects not covered in the EIA notification, 2006 but attracting para 4(ii) of the CRZ notification;
- (iii) MoEF or SEIAA shall consider such projects for clearance based on the recommendations of the concerned CZMA within a period of sixty days.
- (vi) The clearance accorded to the projects under the CRZ notification shall be valid for the period of five years from the date of issue of the clearance for commencement of construction and operation.
- (v) For Post clearance monitoring – (a) it shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1st June and 31st December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.
 - (b) the compliance report shall also be displayed on the website of the concerned regulatory authority.
- (vi) To maintain transparency in the working of the CZMAs it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMPs of the respective State Government or Union territory.

5. Preparation of Coastal Zone Management Plans.

- (i) The MoEF may obtain the CZMPs prepared through the respective State Government or Union territory;
- (ii) The CZMPs may be prepared by the coastal State Government or Union territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of MoEF and in consultation with the concerned stakeholders;
- (iii) The hazard line shall be mapped by MoEF through SoI all along the coastline of the country and the hazard line shall be demarcated taking into account, tide, waves, sea level

rise and shoreline changes;

- (iv) For the purpose of depicting the flooding due to tides, waves and sea level rise in the next fifty and hundred years, the contour mapping of the coastline shall be carried out at 0.5m interval normally upto 7km from HTL on the landward side, and the shoreline changes shall be demarcated based on historical data by comparing the previous satellite imageries with the recent satellite imageries;
- (v) Mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for micro level mapping and the hazard line shall be taken into consideration while preparing the land use plan of the coastal areas;
- (vi) The coastal States and Union Territory will prepare within a period of twenty four months from the date of issue this notification, draft CZMPs in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-I of the notification, which involve public consultation;
- (vii) The draft CZMPs shall be submitted by the State Government or Union territory to the concerned CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;
- (viii) The State Government or Union territory CZMA shall submit the draft CZMPs to MoEF alongwith its recommendations on the CZMP within a period of six months after incorporating the suggestions and objections received from the stakeholders;
- (ix) MoEF shall thereafter consider and approve the CZMPs within a period of four months from the date of receipt of the CZMPs complete in all respects;
- (x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;
- (xi) The CZMPs shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking revision of the maps following the above procedures;
- (xii) The CZMPs already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein.

6. Enforcement of the CRZ, notification, 2011-

- (a) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 with the MoEF, State Government or the Union territory Administration NCZMA and SCZMAs;
- (b) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMAs have already been notified by MoEF in terms of Orders of Hon'ble

Supreme Court in Writ Petition 664 of 1993;

- (c) the State Government or the Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned containing atleast three representatives of local traditional coastal communities including from fisherfolk;
- (d) The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-
 - (i) these are not used for any commercial activity
 - (ii) these are not sold or transferred to non-traditional coastal community.

7. Classification of the CRZ – For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely:-

(i) CRZ-I,-

A. The areas that are ecologically sensitive and the geomorphological features which play a role in the maintaining the integrity of the coast,-

- (a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;
- (b) Corals and coral reefs and associated biodiversity;
- (c) Sand Dunes;
- (d) Mudflats which are biologically active;
- (e) 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), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;
- (f) Salt Marshes;
- (g) Turtle nesting grounds;
- (h) Horse shoe crabs habitats;
- (i) Sea grass beds;
- (j) Nesting grounds of birds;
- (k) Areas or structures of archaeological importance and heritage sites.

B. The area between Low Tide Line and High Tide Line;

(ii) CRZ-II,-

The areas that have been developed upto or close to the shoreline.

Explanation.- For the purposes of the expression “developed area” is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;

(iii) CRZ-III,-

Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

(iv.) CRZ-IV,-

- A. the water area from the Low Tide Line to twelve nautical miles on the seaward side;
- B. shall include the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.

(v) Areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities,-

- A. (i) CRZ area falling within municipal limits of Greater Mumbai;
(ii) the CRZ areas of Kerala including the backwaters and backwater islands;
(iii) CRZ areas of Goa.
- B. Critically Vulnerable Coastal Areas (CVCA) such as Sunderbans region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 and managed with the involvement of coastal communities including fisherfolk.

8. Norms for regulation of activities permissible under this notification,-

- (i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

Note:- The word existing use hereinafter in relation to existence of various features or existence of regularisation or norms shall mean existence of these features or regularisation or norms as on 19.2.1991 wherein CRZ notification, was notified.

I. CRZ-I,-

- (i) no new construction shall be permitted in CRZ-I except,-
 - (a) projects relating to Department of Atomic Energy;
 - (b) pipelines, conveying systems including transmission lines;
 - (c) facilities that are essential for activities permissible under CRZ-I;
 - (d) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
 - (e) construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL.
 - (f) development of green field airport already approved at only Navi Mumbai;
- (ii) Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

- (a) exploration and extraction of natural gas;
- (b) construction of dispensaries, schools, public rainshelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.
- (c) necessary safety measure shall be incorporated while permitting such developmental activities in the area falling in the hazard zone;
- (d) salt harvesting by solar evaporation of seawater;
- (e) desalination plants;
- (f) storage of non-hazardous cargo such as edible oil, fertilizers and food grain within notified ports;
- (g) construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water.

II. CRZ-II,-

- (i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio:
Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road;
- (iii) reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;
- (iv) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (v) desalination plants and associated facilities;
- (vi) storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports;
- (vii) facilities for generating power by non-conventional power sources and associated facilities;

III. CRZ-III,-

A. Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-

- (i) the NDZ shall not be applicable in such area falling within any notified port limits;
- (ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities; Construction/reconstruction of dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the State Government or the Union territory in consultation with the traditional coastal

communities including fisherfolk and incorporating the necessary disaster management provision, sanitation and recommended by the concerned State or the Union territory CZMA to NCZMA for approval by MoEF;

(iii) however, the following activities may be permitted in NDZ –

- (a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;
- (b) projects relating to Department of Atomic Energy;
- (c) mining of rare minerals;
- (d) salt manufacture from seawater;
- (e) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (f) facilities for regasification of liquefied natural gas subject to conditions as mentioned in subparagraph (ii) of paragraph 3;
- (g) facilities for generating power by non conventional energy sources;
- (h) Foreshore facilities for desalination plants and associated facilities;
- (i) weather radars;
- (j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;
- (k) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee;
- (l) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
- (m) development of green field airport already permitted only at Navi Mumbai.

B. Area between 200mts to 500mts,-

The following activities shall be permissible in the above areas;

- (i) development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors subject to the conditions as specified in the guidelines at Annexure-III ;
- (ii) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (iii) facilities for regasification of liquefied natural gas subject to conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (iv) storage of non-hazardous cargo such as, edible oil, fertilizers, food grain in notified ports;
- (v) foreshore facilities for desalination plants and associated facilities;
- (vi) facilities for generating power by non-conventional energy sources;
- (vii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor);
- (viii) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges by CZMA who may also permit construction of

- schools and dispensaries for local inhabitants of the area for those panchayats, the major part of which falls within CRZ if no other area is available for construction of such facilities;
- (ix) reconstruction or alteration of existing authorised building subject to sub-paragraph (vii), (viii);
 - (x) development of green field airport already permitted only at Navi Mumbai.

(IV) In CRZ-IV areas,-

The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities as follows:-

- (a) No untreated sewage, effluents, ballast water, ship washes, fly ash or solid waste from all activities including from aquaculture operations shall be let off or dumped. A comprehensive plan for treatment of sewage generating from the coastal towns and cities shall be formulated within a period of one year in consultation with stakeholders including traditional coastal communities, traditional fisherfolk and implemented;
- (b) Pollution from oil and gas exploration and drilling, mining, boat house and shipping;
- (c) There shall be no restriction on the traditional fishing and allied activities undertaken by local communities.

V. Areas requiring special consideration,-

1. CRZ areas falling within municipal limits of the Greater Mumbai.

- (i) Developmental activities in the CRZ area of the Greater Mumbai because of the environmental issues, relating to degradation of mangroves, pollution of creeks and coastal waters, due to discharge of untreated effluents and disposal of solid waste, the need to provide decent housing to the poor section of society and lack of suitable alternatives in the inter connected islands of Greater Mumbai shall be regulated as follows, namely:-

A. Construction of roads - In CRZ-I areas indicated at sub-paragraph (i) of paragraph 7 of the notification the following activities only can be taken up:-

- (a) Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to the following conditions:-
 - (i) All mangrove areas shall be mapped and notified as protected forest and necessary protection and conservation measures for the identified mangrove areas shall be initiated.
 - (ii) Five times the number of mangroves destroyed/cut during the construction process shall be replanted.

B. Solid waste disposal sites shall be identified outside the CRZ area and thereafter within two years the existing conventional solid waste sites shall be relocated outside the CRZ area.

(iii) In CRZ-II areas-

- (a) The development or redevelopment shall continue to be undertaken in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19th February, 1991, unless specified

otherwise in this notification.

(b) SLUM REHABILITATION SCHEMES,-

1. In the Greater Mumbai area there are large slum clusters with lakhs of families residing therein and the living conditions in these slums are deplorable and the civic agencies are not able to provide basic infrastructure such as drinking water, electricity, roads, drainage and the like because the slums come up in an unplanned and congested manner and the slums in the coastal area are at great risk in the event of cyclones, storm surges or tsunamis, in view of the difficulties in providing rescue, relief and evacuation.
2. To provide a safe and decent dwelling to the slum dwellers, the State Government may implement slum redevelopment schemes as identified as on the date of issue of this notification directly or through its parastatal agencies like Maharashtra Housing and Area Development Authority (MHADA), Shivshahi Punarvasan Prakalp Limited (SPPL), Mumbai Metropolitan Region Development Authority (MMRDA) and the like.:

Provided that,-

- (i) such redevelopment schemes shall be undertaken directly or through joint ventures or through public private partnerships or other similar models ensuring that the stake of the State Government or its parastatal entities shall be not less than 51%;
- (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority;
- (iii) it shall be the duty of the project proponent undertaking the redevelopment through conditions (i) (2) above along with the State Government to ensure that all legally regularized tenants are provided houses in situ or as per norms laid down by the State Government in this regard.

(c) REDEVELOPMENT OF DILAPIDATED, CESSSED AND UNSAFE BUILDINGS:

1. In the Greater Mumbai, there are, also a large number of old and dilapidated, cessed and unsafe buildings in the CRZ areas and due to their age these structures are extremely vulnerable and disaster prone and therefore there is an urgent need for the redevelopment or reconstruction of these identified buildings.
2. These projects shall be taken up subject to the following conditions and safeguards:
 - (i) such redevelopment or reconstruction projects as identified on the date of issue of this notification shall be allowed to be taken up involving the owners of these buildings either above or with private developers in accordance with the prevailing Regulation, directly or through joint ventures or through other similar models.
 - (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority

(iii) suitable accommodation to the original tenants of the specified buildings shall be ensured during the course of redevelopment or reconstruction of the buildings by the project proponents, undertaking the redevelopment through condition 2(i) above.

(d) Notwithstanding anything contained in this notification, the developmental activities for slums and for dilapidated, cessed and unsafe buildings as specified at paras (b) and (c) above shall be carried out in an accountable and transparent manner by the project proponents mentioned therein which shall include the following pre-condition measures, wherever applicable;-

1. (i) applicability of the Right to Information Act, 2005 to all redevelopment or reconstruction projects granted clearance by the Competent Authorities;
 - (ii) MoEF shall issue an order constituting the CPIO and the first Appellate Authority of appropriate ranks in consultation with Government of Maharashtra;
 - (iii) details of the Slum Rehabilitation Scheme, including the complete proposal and the names of the eligible slum dwellers will be declared suo-moto as a requirement of Section 4 of compliance of the Right to Information Act, 2005 by the appropriate authority in the Government of Maharashtra in one month before approving it;
 - (iv) the implementing or executing agency at the State Government with regard to projects indicated at sub-item (b) and (c) of item (iii) of sub-paragraph V shall display on a large notice boards at the site and at the office of the implementing or executing agency the names of the eligible builders, total number of tenements being made, names of eligible slum dwellers who are to be provided the dwelling units and the extra area available for free sale.
 - (v) Projects being developed under sub-items (b) and (c) of item (iii) of sub-paragraph V shall be given permission only if the project proponent agree to be covered under the Right to Information Act, 2005.
2. MoEF may appoint statutory auditors, who are empanelled by the Comptroller and auditor General (hereinafter referred to as the C&AG) to undertake performance and fiscal audit in respect of the projects relating to redevelopment of dilapidated, cessed and unsafe buildings and the projects relating to Slum Rehabilitation Scheme shall be audited by C&AG.
 3. A High Level Oversight Committee may be set up by the Government of Maharashtra for periodic review of implementation of V(iii)(b) and (c) which shall include eminent representatives of various Stakeholders, like Architects, Urban Planner, Engineers, and Civil Society, besides the local urban bodies, the State Government and the Central Government.
 4. The individual projects under V(iii)(b) and (c) shall be undertaken only after public consultation in which views of only the legally entitled slum dweller or the legally entitled tenant of the dilapidated or cessed buildings shall be obtained in accordance with the procedures laid down in EIA notification, 2006.
- (e) In order to protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone'.
- (f) the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.

- (g) Koliwada namely, fishing settlement areas as identified in the Development Plan of 1981 or relevant records of the Government of Maharashtra, shall be mapped and declared as CRZ-III so that any development, including construction and reconstruction of dwelling units within these settlements shall be undertaken in accordance with applicable as per local Town and Country Planning Regulations.
- (h) Reconstruction and repair works of the dwelling units, belonging to fisher communities and other local communities identified by the State Government, shall be considered and granted permission by the Competent Authorities on a priority basis, in accordance with the applicable Town and Country Planning Regulations.

2. CRZ for Kerala

In view of the unique coastal systems of backwater and backwater islands alongwith space limitation present in the coastal stretches of the State of Kerala, the following activities in CRZ shall be regulated as follows, namely:-

- (i) all the islands in the backwaters of Kerala shall be covered under the CRZ notification;
- (ii) the islands within the backwaters shall have 50mts width from the High Tide Line on the landward side as the CRZ area;
- (iii) within 50mts from the HTL of these backwater islands existing dwelling units of local communities may be repaired or reconstructed however no new construction shall be permitted;
- (iv) beyond 50mts from the HTL on the landward side of backwater islands, dwelling units of local communities may be constructed with the prior permission of the Gram panchayat;
- (v) foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up within 50mts width from HTL of these backwater islands.

3. CRZ of Goa.-

In view of the peculiar circumstances of the State Goa including past history and other developments, the specific activities shall be regulated and various measures shall be undertaken as follows:-

- (i) the Government of Goa shall notify the fishing villages wherein all foreshore facilities required for fishing and fishery allied activities such as traditional fish processing yards, boat building or repair yards, net mending yards, ice plants, ice storage, auction hall, jetties may be permitted by Grama Panchayat in the CRZ area;
- (ii) reconstruction, repair works of the structures of local communities including fishermen community shall be permissible in CRZ;
- (iii) purely temporary and seasonal structures customarily put up between the months of September to May;
- (iv) the eco sensitive low lying areas which are influenced by tidal action known as khazan lands shall be mapped;
- (v) the mangroves along such as khazan land shall be protected and a management plan for the khazan land prepared and no developmental activities shall be permitted in the khazan land;
- (vi) sand dunes, beach stretches along the bays and creeks shall be surveyed and mapped. No activity shall be permitted on such sand dune areas;
- (vii) the beaches such as Mandrem, Morjim, Galgiba and Agonda has been designated as turtle nesting sites and protected under the Wildlife Protection Act, 1972 and these areas

- shall be surveyed and management plan prepared for protection of these turtle nesting sites;
- (viii) no developmental activities shall be permitted in the turtle breeding areas referred to in sub-paragraph (vii).
4. (a) Critical Vulnerable Coastal Areas (CVCA) which includes Sunderbans and other identified ecological sensitive areas which shall be managed with the involvement of the local coastal communities including the fisher folk;-
- (b) the entire Sunderbans mangrove area and other identified ecologically important areas such as Gulf of Khambat and Gulf of Kutchchh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Orissa, Coringa, East Godavari and Krishna in Andhra Pradesh shall be declared as Critical Vulnerable Coastal Areas (CVCA) through a process of consultation with local fisher and other communities inhabiting the area and depend on its resources for their livelihood with the objective of promoting conservation and sustainable use of coastal resources and habitats;
- (c) the process of identifying planning, notifying and implementing CVCA shall be detailed in the guideline which will be developed and notified by MoEF in consultations with the stakeholders like the State Government, local coastal communities and fisherfolk and the like inhabiting the area;
- (d) the Integrated Management Plans (IMPs) prepared for such CVCA shall interalia keep in view the conservation and management of mangroves, needs of local communities such as, dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the para 5 above for preparation of Coastal Zone Management Plans;
- (e) till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the CZMA with due regards to the views of coastal communities including fisherfolk.

[F.No.11-83/2005-IA-III]
J. M. MAUSKAR, Addl. Secy.

MINISTRY OF ENVIRONMENT & FORESTS

(Department of Environment, Forests & Wildlife)

NOTIFICATION UNDER SECTION 3(1) AND SECTION 3(2)(v) OF THE ENVIRONMENT (PROTECTION) ACT, 1986 AND RULE 5(3)(d) OF ENVIRONMENT (PROTECTION) RULES, 1986; DECLARING COASTAL STRETCHES AS COASTAL REGULATION ZONE (CRZ) AND REGULATING ACTIVITIES IN THE CRZ.

New Delhi, the 19th February, 1991

S.O. 114(E).—Whereas a Notification under Section 3(1) and Section 3(2)(v) of the Environment (Protection) Act, 1986, inviting objections against the declaration of Coastal Stretches as Coastal Regulation Zone (CRZ) and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O. No. 944 (E) dated 15th December, 1990.

And whereas all objections received have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, and all other powers vesting in its behalf, the Central Government hereby declares the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) upto 500 metres from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL as Coastal Regulation Zone; and imposes with effect from the date of this Notification, the following restrictions on the setting up and expansion of industries, operations or processes etc. in the said Coastal Regulation Zone (CRZ). For purposes of this Notification, the High Tide Line (HTL) will be defined as the line upto which the highest high tide reaches at spring tides.

Note.—The distance from the High Tide Line (HTL) to which the proposed regulations will apply in the case of rivers, creeks and backwaters may be modified on a case by case basis for reasons to be recorded while preparing the Coastal Zone Management Plans (referred to below); however, this distance shall not be less than 100 metre or the width of the creek, river or backwater whichever is less.

2. Prohibited Activities :

The following activities are declared as prohibited within the Coastal Regulation Zone, namely :

- (i) setting up of new industries and expansion of existing industries, except those directly related to water front or directly needing foreshore facilities;
- (ii) manufacture or handling or storage or disposal of hazardous substances as specified in the Notifications of the Government of India in the Ministry of Environment & Forests No. S.O. 594(E) dated 28th July, 1989, S.O. 966(E) dated 27th November,

1989 and GSR 1037(E) dated 5th December, 1989;

- (iii) Setting up and expansion of fish processing units including warehousing (excluding hatchery and natural fish drying in permitted areas);
- (iv) setting up and expansion of units/mechanisms for disposal of waste and effluents, except facilities required for discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974; and except for storm water drains;
- (v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements. Schemes shall be implemented by the concerned authorities for phasing out the existing practices, if any, within a reasonable time period not exceeding three years from the date of this notification;
- (vi) dumping of city or town waste for the purposes of landfilling or otherwise; the existing practice, if any, shall be phased out within a reasonable time not exceeding three years from the date of this Notification;
- (vii) dumping of ash or any wastes from thermal power stations;
- (viii) land reclamation, bunding or disturbing the natural course of sea water with similar obstructions, except those required for control of coastal erosion and maintenance or clearing of waterways, channels and ports and for prevention of sandbars and also except for tidal regulators, storm water drains and structures for prevention of salinity ingress and for sweet water recharge;
- (ix) mining of sands, rocks and other substrate materials, except those rare minerals not available outside the CRZ areas;
- (x) harvesting or drawal of ground water and construction of mechanisms therefor within 200 m of HTL; in the 200 m to 500 m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries;
- (xi) construction activities in ecologically sensitive areas as specified in Annexure-I of this Notification;
- (xii) any construction activity between the Low Tide Line and High Tide Line except facilities for carrying treated effluents and waste water discharges into the sea, facilities for carrying sea water for cooling purposes, oil, gas and similar pipelines and facilities essential for activities permitted under this Notification; and
- (xiii) dressing or altering of sand dunes, hills, natural features including landscape changes

for beautification, recreational and other such purpose, except as permissible under this Notification.

3. Regulation of Permissible Activities :

All other activities, except those prohibited in para 2 above, will be regulated as under :

- (1) Clearance shall be given for any activity within the Coastal Regulation Zone only if it requires water front and foreshore facilities.
- (2) The following activities will require environmental clearance from the Ministry of Environment & Forests, Government of India, namely :
 - (i) Construction activities related to Defence requirements for which foreshore facilities are essential (e.g. slipways, jetties etc.); except for classified operational component of defence projects for which a separate procedure shall be followed. (Residential buildings, office buildings, hospital complexes, workshops shall not come within the definition of operational requirements except in very special cases and hence shall not normally be permitted in the CRZ);
 - (ii) Operational constructions for ports and harbours and light houses requiring water frontage; jetties wharves, quays, slipways etc. (Residential buildings & office buildings shall not come within the definition of operational activities except in very special cases and hence shall not normally be permitted in the CRZ);
 - (iii) Thermal power plants (only foreshore facilities for transport of raw materials facilities for in-take of cooling water and out-fall for discharge of treated waste water|cooling water); and
 - (iv) All other activities with investment exceeding rupees five crores.
- (3) (i) The coastal States and Union Territory Administrations shall prepare, within a period of one year from the date of this Notification. Coastal Zone Management Plans identifying and classifying the CRZ areas within their respective territories in accordance with the guidelines given in Annexures-I and II of the Notification and obtain approval (with or without modifications) of the Central Government in the Ministry of Environment & Forests;
- (ii) Within the framework of such approved plans, all development and activities within the CRZ other than those covered in para 2 and para 3(2) above shall be regulated by the State Government, Union Territory Administration or the local authority as the case may be in accordance with the guidelines given in Annexures-I and II of the Notification; and

- (iii) In the interim period till the Coastal Zone Management Plans mentioned in para 3(3)(i) above are prepared and approved, all developments and activities within the CRZ shall not violate the provisions of this Notification. State Governments and Union Territory Administrations shall ensure adherence to these regulations and violations, if any, shall be subject to the provisions of the Environment (Protection) Act, 1986.

4. Procedure for monitoring and enforcement :

The Ministry of Environment & Forests and the Government of State or Union Territory and such other authorities at the State or Union Territory levels, as may be designated for this purpose, shall be responsible for monitoring and enforcement of the provisions of this notification within their respective jurisdictions.

[N. K-15019|1|84-IA-III (Vol. II)]

R. RAJAMANI, Secy.

ANNEXURE-I

COASTAL AREA CLASSIFICATION AND DEVELOPMENT REGULATIONS

Classification of Coastal Regulation Zone :

6(1) For regulating development activities, the coastal stretches within 500 metres of High Tide Line of the landward side are classified into four categories, namely :

Category I (CRZ-I) :

- (i) Areas that are ecologically sensitive and important, such as national parks|marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals|coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty|historical|heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State|Union Territory level from time to time.
- (ii) Area between the Low Tide Line and the High Tide Line.

Category-II (CRZ-II) :

The areas that have already been developed upto or close to the shore-line. For this purpose, "developed area" is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains.

Category-III (CRZ-III) :

Areas that are relatively undisturbed and those which do not belong to either Category-I or II. These

will include coastal zone in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up.

Category-IV (CRZ-IV)

Coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands except those designated as CRZ-I, CRZ-II or CRZ-III.

Norms for Regulation of Activities.

6(2) The development or construction activities in different categories of CRZ areas shall be regulated by the concerned authorities at the State/Union Territory level, in accordance with the following norms :

CRZ-I

No new construction shall be permitted within 500 metres of the High Tide Line. No construction activity, except as listed under 2(xii), will be permitted between the Low Tide Line and the High Tide Line.

CRZ-II

- (i) Buildings shall be permitted neither on the seaward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) nor on seaward side of existing authorised structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorised structures shall be subject to the existing local Town and Country Planning Regulations including the existing norms of FSI/FAR.
- (ii) Reconstruction of the authorised buildings to be permitted subject with the existing FSI/FAR norms and without change in the existing use.
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

CRZ-III

- (i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'. No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density. However, the following uses may be permissible in this zone— agriculture, horticulture, gardens, pastures, parks, playfields, forestry and salt manufacture from sea water.
- (ii) Development of vacant plots between 200 and 500 metres of High Tide Line in designated areas of CRZ-III with prior approval of MEF permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II.

(iii) Construction/reconstruction of dwelling units between 200 and 500 metres of the High Tide Line permitted so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling units shall not be more than twice the number of existing units ; total covered area on all floors shall not exceed 33 per cent of the plot size ; the overall height of construction shall not exceed 9 metres and construction shall not be more than 2 floors (ground floor plus one floor).

(iv) Reconstruction/alterations of an existing authorised building permitted subject to (i) to (iii) above.

CRZ-IV

Andaman & Nicobar Islands :

- (i) No new construction of buildings shall be permitted within 200 metres of the HTL ;
- (ii) The buildings between 200 and 500 metres from the High Tide Line shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceed 9 metres ;
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.
- (iv) Corals and sand from the beaches and coastal waters shall not be used for construction and other purposes ;
- (v) Dredging and underwater blasting in and around coral formations shall not be permitted; and
- (vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, with the prior approval of Ministry of Environment and Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

Lakshadweep and small Islands :

- (i) For permitting construction of buildings, the distance from the High Tide Line shall be decided depending on the size of the islands. This shall be laid down for each island, in consultation with the experts and with approval of the Ministry of Environment & Forests, keeping in view the land use requirements for specific purposes vis-a-vis local conditions including hydrological aspects erosion and ecological sensitivity;
- (ii) The buildings within 500 metres from the HTL shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than

- 50 per cent of the plot size and the total height of construction shall not exceed 9 metres;
- (ii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.
- (iv) Corals and sand from the beaches and coastal waters shall not be used for construction and other purposes;
- (v) Dredging and underwater blasting in and around coral formations shall not be permitted; and
- (vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, with the prior approval of Ministry of Environment & Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

Lakshadweep and small Islands :

- (i) For permitting construction of buildings, the distance from the High Tide Line shall be decided depending on the size of the islands. This shall be laid down for each island, in consultation with the experts and with approval of the Ministry of Environment & Forests, keeping in view the land use requirements for specific purposes vis-a-vis local conditions including hydrological aspects, erosion and ecological sensitivity;
- (ii) The buildings within 500 metres from the HTL shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceed 9 metres;
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.
- (iv) Corals and sand from the beaches and coastal waters, shall not be used for construction and other purposes.
- (v) Dredging and under water blasting in and around lagoons and coral formations shall not be permitted; and
- (vi) However, in some of the Islands, coastal stretches may also be classified into categories CRZ-I or II or III with prior approval of the Ministry of Environment & Forests. In such designated stretches the appropriate regulations given for respective categories shall apply.

ANNEXURE-II

GUIDELINES FOR DEVELOPMENT OF BEACH RESORTS/HOTELS IN THE DESIGNATED AREAS OF CRZ-III FOR TEMPORARY OCCUPATION OF TOURIST/VISITORS, WITH PRIOR APPROVAL OF THE MINISTRY OF ENVIRONMENT & FORESTS

7(1) Construction of beach resorts/hotels with prior approval of MEF in the designated areas of CRZ-III for temporary occupation of tourists/visitors shall be subject to the following conditions :

- (i) The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the landward side) from the High Tide Line and within the area between the Low Tide and High Tide Line;
- (ii) The total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the FSI shall not exceed 0.33. The open area shall be suitably landscaped with appropriate vegetal cover;
- (iii) The construction shall be consistent with the surrounding landscape and local architectural style;
- (iv) The overall height of construction upto the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than 2 floors (ground floor plus one upper floor);
- (v) Ground water shall not be tapped within 200 m of the HTL; within the 200 metre-500 metre zone it can be tapped only with the concurrence of the Central/State Ground Water Board;
- (vi) Extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool shall not

- be permitted within 500 metres of the High Tide Line;
- (vii) The quality of treated effluents, solid wastes, emissions and noise levels etc. from the project area must conform to the standards laid down by the competent authorities including the Central|State Pollution Control Board and under the Environment (Protection) Act, 1986;
- (viii) Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent|solid waste shall be discharged on the beach;
- (ix) To allow public access to the beach, atleast a gap of 20 metres width shall be provided
- between any two hotels|beach resorts; and in no case shall gaps be less than 500 metres apart; and
- (x) If the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation), Act, 1980 shall be obtained. The requirements of other Central and State laws as applicable to the project shall be met with.
- (xi) Approval of the State|Union Territory Tourism Department shall be obtained.
- 7(2) In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other areas as may be notified by the Central|State Government| Union Territories) construction of beach resorts|hotels shall not be permitted.

2/2/06

royal
SE, FIC

No.11-79/2005-IA-III
Government of India
Ministry of Environment & Forests
(IA-III Section)

Paryavaran Bhavan,
CGO Complex, Lodi Road,
New Delhi - 110 003

Dated the 9th May, 2006

at W mine to me
see, AND & D, Dir environment

ch. Sub: Construction of a fishing harbour at Thengapattinam, Villavencode taluk, Kanyakumari District by Fisheries Department, Tamil Nadu Government - Environmental Clearance - regarding.

8
17/5

Reference is invited to letter No.31222/EC.3/2005-1, dated 13.12.2005 and No.4552/EC3/2006-1, dated 6.3.2006 from Environment and Forests Department, Government of Tamil Nadu and letter No.23162/Q4/2004, dated 21.12.2005, No.23162/T1/2004, dated 17.1.2006 and No.T1/23162/2004, dated 21.2.2006 from Department of Fisheries, Tamil Nadu Fisheries Development Corporation Limited on the above subject was also taken into consideration.

The project involves construction of fishing harbour in Sy. Nos.243, 445, 446, 464, 465, 467, 468, 515/2, 514, 516 and sea Poramboke at Thengapattinam, Villavencode Taluk, Kanyakumari District with a coast side quay of length 280 m, land side quay of 140 m, Main Break Water of 580 m and leeward breakwater of 120 m length. The project is proposed to be located in 55 kms West of Kanyakumari at 77°10'30" E and 8°14'N. About 750 mechanized boats, 300 boats and 400 catamarans to be accommodated. The total area envisaged for the project is 5.84 ha. For the formation of a diaphragm wall area also dredging of 2,46,000 m³ sand is proposed. The site is proposed to be prepared by filling 1,60,000 m³ of dredged sand. Apart from the construction of the fishing harbour, other construction in connection with the harbour activities are auction hall, administration block, security room, net mending shed, rest shed, gear shed, canteen, toilet block, workshop building, radio and communication centre, sloping hard and loading area. The estimated cost of the project is around Rs.30 crores.

The wastewater generation will be 3.7m³/day and it is proposed to construct septic tank for the same. The construction of breakwater is likely to block the southward littoral drift. Hence, strengthening the existing sea wall along the shore on the seaside of both breakwaters for a total length of 350 m is proposed with rubble stones to prevent erosion. The maximum water depth at the entrance is 5 mts. The total curve length of the breakwater is 530 mts and the south breakwater is of 150 mts. The landing length is about 400 mts in north-south directions. The draft at the entrance is 5 mts with an entrance width of 60 mts opening at the eastern side.

There are no critical habitats such as coral reefs, mangroves or sea grass beds in the region. The pure water demand of 84 m³/day is proposed to be met from groundwater (10m³/day by digging), rainwater harvesting (8 m³/day) and Municipal Water Supply (100 m³/day).

Environmental clearance under the CRZ Notification, 1991 is hereby accorded to the above project subject to strict implementation of the conditions as given below:

A. SPECIFIC CONDITIONS:

1. All conditions stipulated by Tamil Nadu Coastal Zone Management Authority should be strictly implemented.
2. All conditions should be carried out as per the Coastal Regulation Zone Notification, 1991.
3. No Objection Certificate from the Tamil Nadu State Pollution Control Board should be obtain before initiating the project.

Department of Animal Husbandry, Dairying and Fisheries, New Delhi
 The Superintending Engineer,
 Fishing Harbour Project Circle, Chennai-6.
 The Accountant General, Chennai-18/18 (By Name)
 The Accountant General, Chennai-35/35 (By Name)
 The Treasury Officer, Kanniyakumari District.

Copy to

The Hon'ble Chief Minister's office, Chennai-9.
 The Senior Personal Assistant to Minister (Fisheries), Chennai-9
 Personal Assistant to Principal Secretary to Government,
 Animal Husbandry, Dairying and Fisheries Department, Chennai-9
 The Finance (AH&F) Department, Chennai-9.
 SF/SC

// Forwarded by order //

[Handwritten Signature]
 (V. Rajendran)

[Handwritten Initials]
 Under Secretary to Government

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)NO.7069 OF 2019

B.Paulraj

:Petitioner

.vs.

1.The Principal Secretary,
Public Works Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Office of the District Collector,
Kanyakumari District.

3.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Nagercoil,
Kanyakumari District.

4.The Assistant Executive Engineer,
WRD/PWD.,
Kotaiyar Basin Sub-Division,
Cheruppaloor,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to take immediate steps to construct a Check Dam in the Parakkani(Irayumanthurai) Area at Vilavancode Taluk in Kanyakumari District to obstruct the sea water intrusion between Mangadu to Thengaipattanam of

Thamiraparani(Kuzhithurai) River based on G.o(3D) No.26, P.W(W.1) Dept/dated 24..8.2018 issued by the Department of P.W.D, Tamil Nadu within the time frame fixed by this Court.

For Petitioner :Mr.S.Vanchinathan
For Respondents :Mr.A.Muthukaruppan
Addl. Govt.Pleader

ORDER

[Order of the Court was made by **S.S.SUNDAR.,J.**]

The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to take immediate steps to construct a Check Dam in the Parakkani(Irayumanthurai) Area at Vilavancode Taluk in Kanyakumari District to obstruct the sea water intrusion between Mangadu to Thengaipattanam of Thamirapareani(Kuzhithurai) River based on G.o(3D) No.26, P.W(W.1) Dept/dated 24..8.2018 issued by the Department of P.W.D, Tamil Nadu within the time frame fixed by this Court.

WEB COPY

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Thamiraparani river which flows from Thirparapu-Kuzhithurai-Thengaipattinam, finally ends up in Arabian Sea. It is

stated that from Mangadu to Thengaipattinam, there are seven villages and thousands of families are living on the banks of the river to a stretch of seven kilometers. It is also stated that the said river water is the main source of ground water, agriculture and drinking water, for all the people who are living in that stretch for about seven kilometers.

4. The grievance of the Petitioner is that sea water is mixing with the river water of Tamiraparani and due to intrusion of saline water into the Tamiraparani (Kuzhithurai) river, water is not suitable for drinking or irrigation purpose. It is also stated that increase in salinity in river water is likely to cause other environmental issues and health hazards. It is in these circumstances, the Petitioner has come forward with this Writ Petition for the relief, as stated supra.

5. It is also stated that despite passing of Government Order sanctioning and approving the scheme, construction of check dam has not been commenced.

6. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the construction work namely construction of Check Dam in the appropriate place

has been given to a Contractor, after following the tender process. Further, for construction of Check Dam, a sum of Rs.14,58,76,181/- has been approved and sanctioned by the Government. It is further stated that the work is likely to be commenced. It appears that the Contractor had also deposited the security deposit as per the tender conditions. It is further submitted that after appointment of Contractor and execution of contract, the Contractor has commenced the civil work.

7. The learned Additional Government Pleader appearing for the respondents also submitted that the respondents will ensure that the work is executed within the time stipulated in the agreement, without any delay.

8. Having regard to the nature of work undertaken by the respondents, the official respondents shall ensure that the construction of Check Dam is completed before the rainy season, so that there will not be any obstruction of the work and further inconvenience to the public can be prevented.

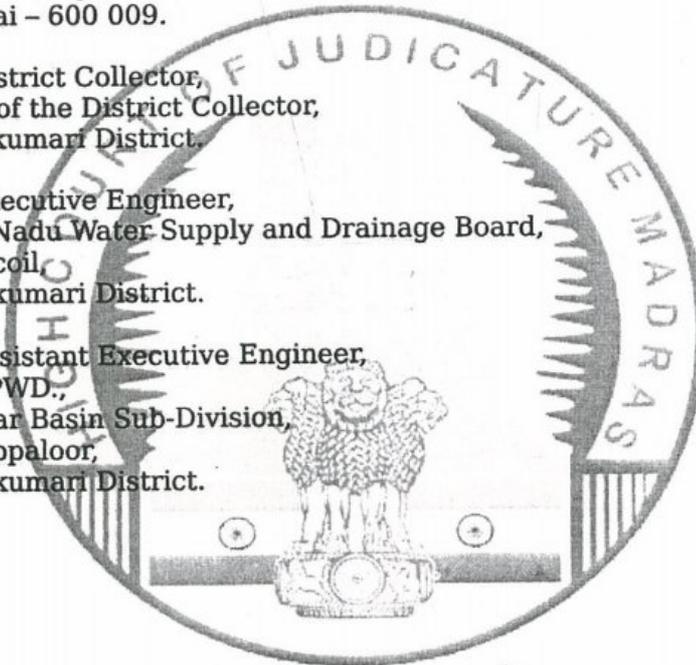
9. With the above direction, the Writ Petition is closed. No costs.

[N.K.K.J.] & [S.S.S.R.J.]
01.04.2019

Index:Yes/No
Internet:Yes/No
vsn

To

- 1.The Principal Secretary,
Public Works Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Office of the District Collector,
Kanyakumari District.
- 3.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Nagercoil,
Kanyakumari District.
- 4.The Assistant Executive Engineer,
WRD/PWD.,
Kotaiyar Basin Sub-Division,
Cheruppaloor,
Kanyakumari District.



सत्यमेव जयते

WEB COPY

45

241

6

N.KIRUBAKARAN, J.
AND
S.S.SUNDAR, J.

vsn



ORDER MADE IN
W.P(MD)No.7069 of 2019

सत्यमेव जयते

WEB COPY

01.04.2019



- 46 -
P1

F. No. 12-8/2018-IA-III
Government of India
Ministry of Environment, Forest & Climate Change



Telefax: 011-24695338
e-mail: w.bharat@nic.in
Indira Paryavaran Bhavan, Jor Bagh,
Lodi Road, New Delhi-110003.
Dated: 24.10.2018

To,

✓ **The Member Secretary,**
Tamil Coastal Zone Management Authority,
& Director (Environment)
Department of Environment & Forest
Government of Tamil Nadu
Ground Floor, Panagal Building
Saidapet, Chennai – 600 015

Sub: Coastal Zone Management Plan of Tamil Nadu - reg.

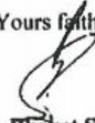
Sir,

This has reference to letter nos. R.C.No.P1/1655/2016, dated 06.07.2018 and No.10243/EC-3/2017-17, dated 30.07.2018 furnishing therein the Coastal Zone Management Plan (CZMP) of Tamil Nadu, drawn as per the provisions of the Coastal Regulation Zone Notification, 2011.

2. In this regard, it is to state that based on the recommendation made by the National Coastal Zone Management Authority in its 35th Meeting held on 24.09.2018, the Ministry of Environment, Forest and Climate Change conveys its approval of the CZMP for the State of Tamil Nadu.

This issues with the approval of the Competent Authority.

Yours faithfully,


(W. Bharat Singh)
Director/ Sc 'F'

Copy to:

1. The Director, National Centre for Sustainable Coastal Management, Anna University Campus, Chennai – 600025, Tamil Nadu.
2. The Additional Principal Chief Conservator of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (SEZ), Ist and IInd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai – 600 034.
3. Guard File.


(W. Bharat Singh)
Director/ Sc 'F'

THOOTHOR FISHING VILLAGE

KALONGRATHIPURAM FISHERMAN COLONY

ERAYAMANTHURAI FISHING VILLAGE

PAIN KULAM

A
R
A
B
I
A
N
S
E
A

Check dam under construction.

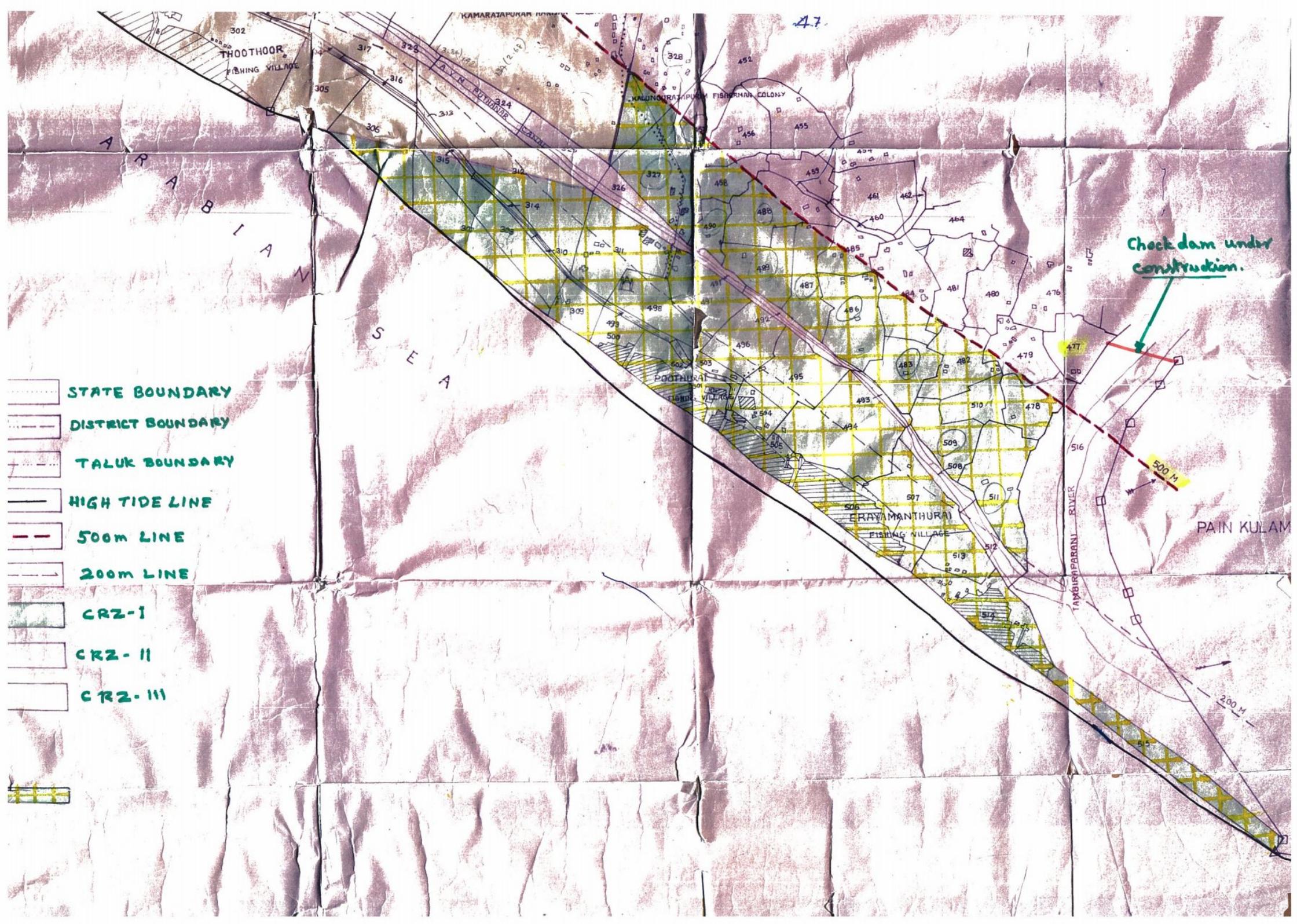
-  STATE BOUNDARY
-  DISTRICT BOUNDARY
-  TALUK BOUNDARY
-  HIGH TIDE LINE
-  500m LINE
-  200m LINE
-  CRZ-I
-  CRZ-II
-  CRZ-III



TAMBUKPARANI RIVER

500 M

200 M



V. No 17 EZHUDESOM VILLAGE
 VILAVANCODE TALUK
 KANNIYAKUMARI DISTRICT
 TAMIL NADU STATE
 SCALE : 1:5000

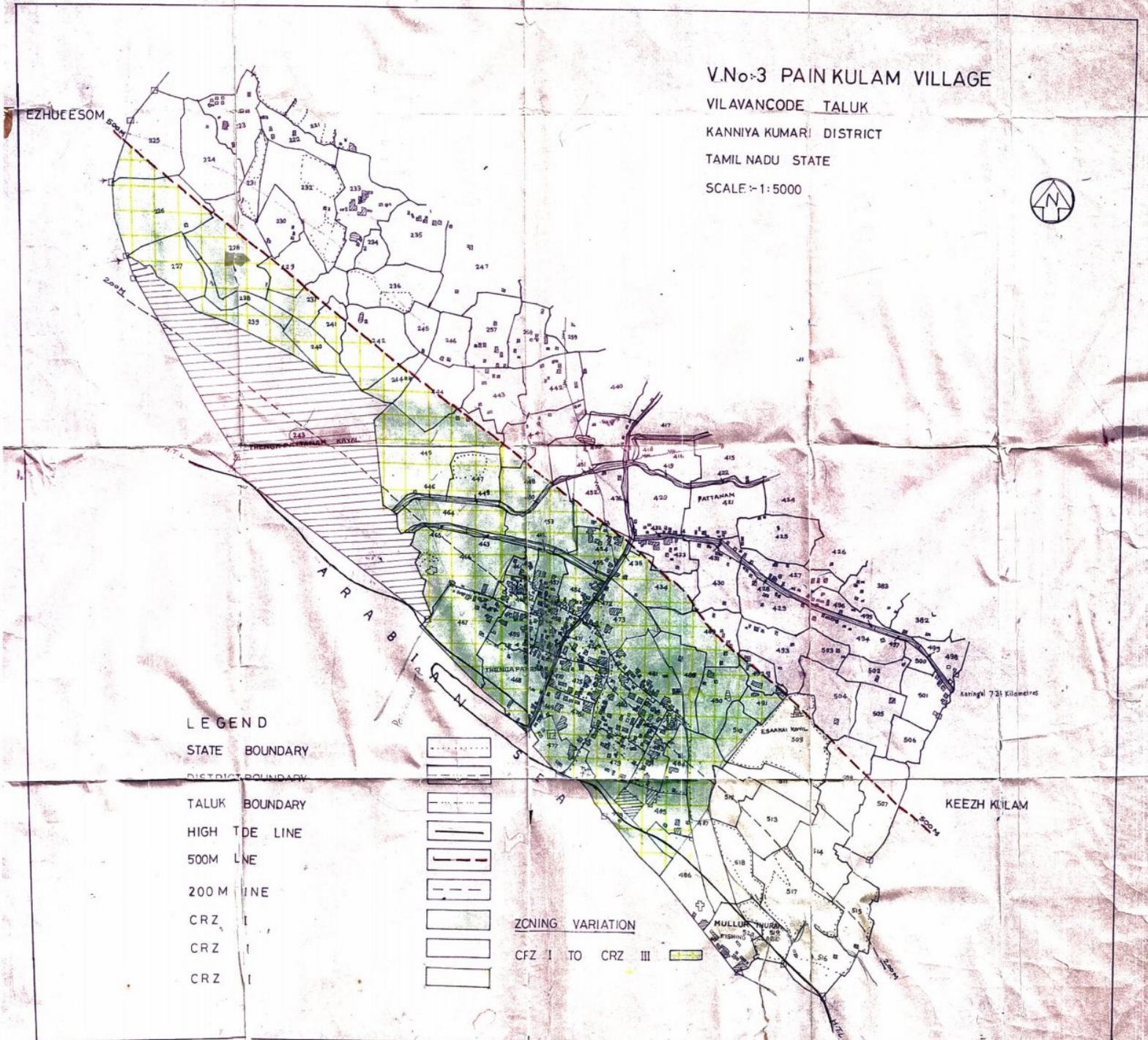


- LEGEND
- STATE BOUNDARY
 - DISTRICT BOUNDARY
 - TALUK BOUNDARY
 - HIGH TIDE LINE
 - 500 M LINE
 - 200 M LINE
 - CRZ - I
 - CRZ - II
 - CRZ - III
 - ZONING VARIATION
 - CRZ - I TO CRZ - III



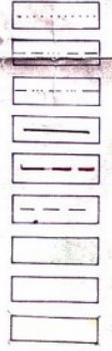
30/11/2015
30/11/2015

V.No-3 PAIN KULAM VILLAGE
VILAVANCODE TALUK
KANNIYA KUMARI DISTRICT
TAMIL NADU STATE
SCALE :- 1:5000



LEGEND

- STATE BOUNDARY
- DISTRICT BOUNDARY
- TALUK BOUNDARY
- HIGH TIDE LINE
- 500M LINE
- 200M LINE
- CRZ I
- CRZ II
- CRZ III



ZONING VARIATION

CFZ I TO CRZ III



Kanagel 7.21 Kilometres

50
IN THE HIGH COURT OF JUDICATURE AT MADRAS

MADURAI BENCH

(SPECIAL ORIGINAL JURISDICTION)

W.B. (MD) No. 257380 of 2019

A. Sesadimai,
President,
Association of Deep Sea Going
Artisanal Fishermen,
Shark Street, College Road,
Thoothoor Post,
Kanyakumari District.

... Petitioner

-Vs-

1. The Union of India,
Rep. by its Secretary,
Ministry of Environment and Forest,
Department of Environment, Forest and Wild Life,
Paryavaran Bhavan,
Jorbag Road, New Delhi.
2. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Public Works Department,
Fort St. George, Chennai.
3. The District Collector,
Kanyakumari District at
Nagercoil.
4. The Director,
Fisheries Department,
Nagercoil.
5. The Joint Director,
Fisheries Department,
Nagercoil.
6. The Executive Engineer,
Public Works Department (WRO),
Planning and Design,
Nagercoil, Kanyakumari District.

S. Sesadimai
PRESIDENT.



57
7. The Assistant Executive Engineer,
Public Works Department (WRO),
Planning and Design,
Nagercoil,
Kanyakumari District.

8. The Executive Engineer,
Fishing Harbour Project,
Nagercoil,
Kanyakumari District.

9. The Executive Engineer,
Water Resource Organization,
Public Works Department,
Kothaiyaru Irrigation System,
Nagercoil,
Kanyakumari District.

10. The Assistant Executive Engineer,
Water Resource Organization,
Public Works Department,
Kothaiyaru Irrigation System,
Nagercoil,
Kanyakumari District.

... Respondents

AFFIDAVIT OF THE PETITIONER

I, A.Sesadimai, S/o. Anthonipillai, Christian, aged about 55 years, residing at No.3-10-235, Stage Vilakom, Thoothoor, Vilavancode Taluk, Kanyakumari District now temporarily come down to Madurai, do hereby solemnly affirm and sincerely state as follows:

1. I am the President of Association of Deep Sea Going Artisanal Fishermen and as such I am well acquainted with the facts and circumstances of the case. I am filing the present Writ Petition as Public Interest Litigation based on my personal knowledge. I have not filed any other similar Writ Petition or any Public

Page No.2

of Corns:

Sesadimai
PRESIDENT



Interest Litigation seeking very same relief. I am a fisherman. I am not an Income Tax assessee. I am not having any exclusive personal interest in filing the present Writ Petition. If this Hon'ble Court finds that the Writ Petition is for any personal gain or motive, I am bound to pay any costs ordered by this Hon'ble Court. I am filing this Writ Petition utilizing my own funds.

2. I respectfully state that, I am filing the present Writ Petition seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in G.O.(3D)No.26, Public Works (W1) Department, dated 24.08.2018 in so far as it relates to construction of a Check Dam across Kuzhithuraiyar near Erimanthurai in Kanyakumari District is concerned, quash the same and consequently forbear the respondents from constructing any structure or construction across Kuzhithuraiyar River.

3. I respectfully state that, I am the President of Deep Sea Going Artisanal Fishermen Association and was elected as such in the year 2016 and the term of office is 3 years. There are 90 members in the society. The members are from boat owners and there is another Boat Union namely St. Thomas Boat Union, which is also supporting the case of the petitioner herein. The said union has got 70 members/boat owners on their role.

4. I respectfully state that, I am a fisherman and the petitioner association/society is a society of Artisanal Traditional Fishermen of Kanyakumari District, who are completely dependent on the Thengaipattinam

S. S. Srinivas
PRESIDENT

Page No.3
No. of Corns:



originates in the southern end of the Western Ghats. It is relevant to note that the Western Ghats have been declared by the UNESCO to be world heritage site and it houses many biodiversity hotspots.

5. I submit that Thengaipattinam Village is a coastal town which is 35 kms away from the Nagercoil, headquarters of the Kanyakumari District and 45 kms away from the Trivandrum, capital city of Kerala. It shares borders with Mullimoodu and Eraimanthurai on the Western side, Panankalmukku and Mullorthurai on the East, Amsi on the North and the Arabian Sea on the South. It is well connected with nearby villages and town by road and waterways. It is a flat, plain land with intermittent rocky hills - Chentapalli Parai on the eastern side and Aartupalli Parai on the western side. The Kovalam - Colachel Canal, popularly known as AVM Canal (Anandha Victoria Martandavarma Canal) which passes through this Town linking up-to Kanyakumari. This water way was operation from Mandaikadu to Poovar 30 years ago. In some places it is filled with coconut trees and suffered encroachment. AVM Canal merges with Kuzhithurai River at Thengaipattinam and known as Valiyar. The development process mooted to revive AVM Canal waterways would link Thengaipattinam with Kanyakumari in the east and Kasargode in the north-west in Kerala, when it becomes operational. The Valiyar, a tributary of Kuzhithurai river known as Thamiraparani flown and merges with Arabian Sea here.

Serajini
PRESIDENT

Page No. 4
No. of Corns:



livelihood for thousands of fishermen from more than 20 coastal villages and hamlets in and around Thoothoor, Chinathurai and Neerodi regions. If the harbour is developed taking into consideration of the revenue to Government, then not only the life of fishermen is saved but also the fishing industry of the Government will be highly developed. There is no proper infrastructure for the fishermen, which made them to go out of State thereby the revenue to the Government of Tamil Nadu also gets reduced and the same gets increased to other states. Fishermen around 15 villages will get affected if the above orders are not quashed by this Hon'ble Court

7. The Kuzhithuraiyar River Originates from the Western Ghats as Chinna Thamiraparani and passing through about 60 kilometers, meets the Arabian Seas by an estuary in Thengaipattinam Village, Kanyakumari District. It is also noted that Kuzhithuraiyar is the only perennial fresh water river that originates in Tamil Nadu and Drains into the Arabian Sea.

8. The Kuzhithuraiyar river has a catchment area in the Western Ghats and also receives water from Kothaiyaru, Mulliyaru and Paralaiyar, which joins the river at Moovattamugam before draining into the sea. As a result of the same, having regard to the fact that it originates from the Western Ghats which is home to unique species and also the fact that various small rivers join into Kuzhithuraiyar, makes it a biodiversity spot for various indigenous fresh water flora and fauna and is a very nutrient rich water which is rich in fish population.

No. 5
Corns:

S. S. Srinivasan
PRESIDENT
Association of Deep-Sea Going Fishermen
ADSGAF

55

Eraimanthurai Villages on either side of _____ respectively. The estuary serves as the confluence point for the fresh water from the river and the saline water of the sea, resulting in formation of a eco tone environment, which provides for high level of Nutrients in both the sediments of the river and the sea, making it a most productive natural habitat.

10. I respectfully state that, due to the above fact the estuary has many rare species of fish and marine life as also aquatic plants. The nutrient rich waters created by the steady confluence of the river water and the sea water, is required for certain marine species for reproduction and for laying eggs which could not undertake the same in the concentrated water of the sea. Further, the natural movement of the river water into the sea through the estuary enriches the continental shelves, contributing to the eco system therein.

11. The livelihood of the fishermen of our village and adjoining villages are dependent on the fishing. The excessive quarrying of the river bed for sand had already had a grave impact on the fragile eco system which was ultimately banned by the District administration after prolong protest.

12. I respectfully state that, after the banning of quarrying of the sand by the State and illegal extractors, the river has been able to redeem itself slowly to an extent. Therefore, the river water moves freely into the estuary and then into the sea.

Page No.6

No. of Corns:

S. S. Arim

PRESIDENT



the place where the Thamiraparani river joins the Arabian Sea, the petitioner's Association sent a representation in October 2017 to the Chief Minister Cell. The Association suggested that if really the respondents want to construct a check dam, the same can be done in the South of Ganapathiyan Kadavu bridge. The representation seems to have been forwarded to the Executive Engineer, Nagercoil who replied by letter dated 24.11.2017 that the said area comes within the jurisdiction of the 9th respondent and therefore petitioner's association was asked to contact him. Thereafter on the representation sent by the petitioner, a reply was sent by the 10th respondent stating that unless the check dam is constructed in the mouth of the river in the place where the river opens, the river water cannot be prevented from becoming salty. The request of the public was considered as such and it was decided constructing the check dam at Parakani..

14. On coming to know about the proposal of construction of check dam, the petitioner's association sent a representation in October 2017, which was replied by the Executive Engineer, Fishing Harbour Project, Nagercoil by his letter dated 24.11.2017 that the jurisdiction comes within 7th respondent and directed the petitioner's association to approach the 4th respondent.

15. Thereafter the petitioner's association sent a representation dated 22.03.2018 to the Joint Director, Fisheries Department, Nagercoil with a copy to all the

S. S. S. S.
PRESIDENT



Page No.7
No. of Corns:

57

Department sanction has been sought for from the Government for construction of check dam at Parakkani at a cost of Rs.16 crores and was waiting for the same. The object of construction of check dam is to avoid sea water entering the river and decided to construct the same across the river. Only if it is constructed at the mouth of the river, the same can be achieved. Further the project is to prevent river water from becoming salty and taking into consideration of long pending demand of the public, the proposal has been sent.

16. By reply dated 09.04.2018 from the 8th respondent, to the representation of the petitioner dated 22.03.2018, it is stated that the same comes within the jurisdiction of the 7th respondent and directed the petitioner to approach the 7th respondent. It is relevant to note that the petitioner received a reply from the very same office from the 6th respondent giving some reasons for construction of check dam. If really they do not have jurisdiction, then how the respondents 6 and 7 defends the project is an issue.

17. Once again the petitioner received a communication dated 10.04.2018 from the 6th respondent stating the object of the construction of check dam.

18. In the meanwhile, the 7th respondent has sent a communication to the 5th respondent regarding the project. Thereafter the impugned order dated 24.08.2018 has been passed.

Page No.8

No. of Corns:



respondents had already sent the proposal for construction of check dam at Parakani, it estimated the cost of Rs.17 crores and awaiting reply from the Government.

20. After passing of the Impugned Order dated 24.08.2018, the petitioner's association sent the representation dated 01.02.2019 to the Chief Minister, requesting not to construct any check dam at Parakani by giving the details of the problems faced by fishermen.

21. The said representation was forwarded to the 9th respondent and he replied on 08.04.2019 that by construction of the check dam at Parakani, the drinking water for 20 villages will be meted out and the area having been chosen on after site inspection, the request of the petitioner cannot be considered. The petitioner's association also received an identical reply dated 08.05.2019 from the 9th respondent.

22. Thereafter the petitioner's association sent a petition under Sec.6 of the Right to Information Act, seeking for a copy of environmental clearance certificate, permission obtained under coastal regulation, Administrative and Technical sanction, Project report and details of the tender. The petitioner was replied on 18.06.2019 stating that there is no environmental clearance certificate and permission of coastal regulation. In respect of other queries, I was asked to make payment to get the details. In respect of payment made by the contractor, the details were not furnished. By letter dated 25.06.2019, I paid the charges for getting the copies. On 20.06.2019 the

S. S. Sharma
PRESIDENT



Thengaipattinam, if the check dam is proceeded at Parakani. By communication dated 12.07.2019, a reply was sent giving some reasons why it was decided to construct a check dam at Parakani. On 19.07.2019 the petitioner's association sent a representation to the 3rd respondent enclosing a report from the Expert why the check dam should not be constructed. Though the Expert had given an opinion, he is afraid of the consequences, as he being a Retired Government Servant.

23. The petitioner's association received the impugned order and the other documents sought for under the RTI Act. Once again the petitioner's association sent a representation on 27.09.2019 and the same was replied by the letter dated October 2019 with the same reasons.

24. On coming to know of the seriousness involved in the matter, all the political parties at Thoothoor Panchayat also sent a representation to the 3rd respondent seeking for his interference.

25. The Right to Life of the fishermen was not given any importance by the respondents and they proceeded to issue the impugned order and the consequential proceeding.

26. By virtue of the impugned G.O, the respondents decided to construct a check dam at Parakkani and if the same is allowed to happen in the place where the respondent has decided, the fishermen will be highly

Sasobini
PRESIDENT

Page No.10
No. of Corns:



Improved
Other Harbours in Karnataka, Kerala, Maharashtra and
Gujarat. Deep Sea fishing is an important talent that is
available only with the fishermen of Kanyakumari
District and they are forced to approach the neighboring
State Kerala and other States as mentioned above and the
talents of deep sea fishermen are highly utilized by the
above said State Governments and are benefited by huge
revenue.

27. In so far as deep sea fishing is concerned, a big
sea shore is very much essential and by virtue of the
construction of the check dam there will be a reduction
in the length of the seashore which ultimately affects
the right to work of the fishermen. X

28. It is also relevant to note that the tides will be
very high during the month of August and several death
had occurred during this period. It is relevant to note
that every June and July of the year that is during
banned period the number of boats will be verified by
the board formed by the respondent. The reduction in the
number of boats can be seen from the records maintained
by the Board. A

29. When the factual matrix stood thus, the 2nd
respondent issued a Government Order in G.O.(3D).No.26,
dated 24.08.2018, deciding to construct a check dam
across the Kuzhithuraiyar River near Eraimanthurai and
Thenkaipattinam across the river of the length of 130
meters and for a height of 5 meters. It is to be noted

S. S. Srinivasan
PRESIDENT



61
same purpose.

30. However, by constructing a dam for 5 meters is only to collect the sedimentation/sand and to facilitate illegal quarrying. By placing an artificial barrier for the free confluence of the fresh water with the sea water, the eco system would be completely destroyed and the proposed action would not be in consonance with the doctrine of public trust and sustainable development.

31. I respectfully state that, it has to be further noted that, the construction of a check dam across the river is a construction larger than 20,000 sq.mtrs and therefore requires a prior environmental clearance as per the Environmental Clearance Regulation, 2006 framed in furtherance of Rule 5 of the Environmental Protection Rules, 1986. It is also to be noted that one of the essential features of an environmental clearance is holding of public hearing/consultation so that the local people who would be affected by the project would be heard before clearance is granted for effecting such development.

32. In the present case, no environmental clearance has been accorded as on today nor has any public hearing conducted in connection therewith. However the respondents are taking active steps to prevent course of the river so as to effect construction. It is also relevant to note that, the coastal regulation zone

Page No.12

No. of Corns:



issued on 08.01.2011, which had been formulated to protect the livelihood of the fishermen communities and protect the coastal structure by promoting sustainable development, declares as coastal regulation zone I to mean any land area between high tide line and 100 meters on the land ward side.

X

The coastal regulation zone also included any land having tidal influence water bodies. A tidal influence water body means and includes an estuary, river and back water. Further regulation 3 of the said notification, prohibits activities of land reclamation, building or disturbing natural course of sea water except when such activities conducted by an agency nominated by the ministry of Environmental and Forest. Therefore, as the construction of the check dam would interfere with the confluence of sea water with natural water being carried on in a tidal influence water body, the construction is prohibited under the said notification.

34. Further it is to be noted that as stated supra, the estuary serves as biological active mud flats providing areas for aquatic breeding, turtle nesting grounds and ecologically sensitive bio spot and the same is categorized as coastal regulation zone I, and no construction of any kind can be made in the same except as provided under regulation 8 of the said notification. As the activity of the construction of the check dam is not enumerated under Rule 8(I)(i) of the said notification, the construction of check dam is in violation of the said notification and is prohibited by the same.

one I

S. S. Srinivas
PRESIDENT

Page No.13
No. of Corns:



drinking water in Mankadu area. It is relevant to note that the distance between Parakani and the place where the check dam is going to be constructed is 6 kms away from the area where the drinking water are drawn by the public namely Mankadu. No drinking water pipes or bore well is available on the south of the Mankadu Bridge. It lies only on the north of the Mankadu Bridge. So far as the check dam is concerned, the same lies on the south of Mankadu Bridge and that too at a distance of 6 kms. Therefore the reason assigned by the respondents to protect the drinking water from being affected by sea water is not correct. The proposal of construction of check dam seems to have been approved even before making any local inspection in so far as the location of the check dam is concerned.

36. The sea and the river are natural resources and the way Thengaipattinam harbour has been formed will in no way affect the river. It is also to be seen that until the river water arises to the level of check dam, there is no flow of river water into the sea. During rainy season, till the river reaches the height of the check dam, the river water will spread over the lands and residence of the fishermen and thereby there is every possibility of danger to human life and their properties.

37. When there was an announcement, in the year 2017 about the construction of check dam, the petitioner association and other fishermen approached the 3rd

Page No.14
No. of Corns:

S. S. Srinivasan
PRESIDENT.
Association of Deep-Sea Going Artisanal Fishermen
ADSGAF
INDIA

the harbour and the space that are required for stacking the boats would not get affected and all endeavors will be taken to safeguard the interest of the fishermen.

38. Even during the visit of the Central Minister to the District, he announced that the check dam will be constructed in Paruthikadavu whereas the check dam is under constructed in Parakani, which is not the place announced by the Minister. Even the cost will be reduced if the check dam is constructed little 4 kms away from the place where now it is commenced. This is by way of suggestion from the fishermen, if the respondents really want to construct the check dam.

39. It was also informed the petitioner by the Minister that the right to life and the property of the petitioner and all other fishermen who are living there sufficiently protected. When this is the factual situation it is quite unfortunate the respondent without following the procedure contemplated under the Act and without obtaining Environmental Clearance, not replying to the representation of the petitioner, silently proceeding with the construction of check dam.

40. Since, the Writ Petition involves public interest, the petitioner sangam also made attempts to get opinion from Expert and the Expert Opinion also annexed along with the representation. The respondents are not even prepared to make a visit to the concerned place particularly when objections are raised by the local public, why they should not be proceeded, The

S. S. Srinivasan
PRESIDENT



65

... has been sanctioned the respondent should not proceed with the construction of check dam. The Residents of the area was not at all enquired. There was no public hearing. The grievance of the requirements of the fishermen was not heard at all before initiating steps for check dam.

41. I respectfully state that, further, it is to be noted that if the check dam is allowed to be constructed, large areas of agricultural lands and other lands adjoining the river bund would be sub merged and the trees will fall down. It is to be noted that, the Hon'ble Supreme Court has in T.N. Godavarman Thirumulpad -Vs- Union of India, prohibited the falling of spontaneous trees for any developmental activities except with the consent and prior permission of the committee constituted by the Supreme Court in respect therefore the apex court itself. However, in the present case, large number of spontaneous trees are sought to be removed for the purpose of the said check dam in violation of the dictum of the Hon'ble Supreme Court.

42. Further, if the check dam is constructed it would also extinguish the livelihood of the fishermen of the area as they would not be in a position to undertake fishing either in the estuary or in the sea with their native traditional boats which would be in violation of their fundamental rights of livelihood under Article 21 of the Constitution of India. Further, by construction of the check dam, the fresh water movement to the sea through estuary would be greatly hampered and would

Page No. 16

No. of Corns:



- 66

result in the sea water (saline hard water) entering
to the estuary and with no or little fresh water, it
ould completely destroy the agricultural activities and
ound water/ drinking water of Thengaipattinam,
Erimanthurai and adjoining villages.

Hence, we preferred a representation to the
respondents on various dates particularly on 21.06.2019
detailing the above. The 10th respondent has rejected
the same, by the order dated 19.07.2019. Further, as the
entire project is undertaken to facilitate to have
captive sedimentation of river sand and silt of the
purpose of the plundering the same for legal quarrying,
the respondents are taking active steps to effect
construction with militant haste. Only in September
2019, I received the copy of the Impugned Order and
other documents. Hence, having no effective and
efficacious alternative remedy, I am constrained to file
the present Writ Petition under Article 226 of the
Constitution of India.

44. The impugned order passed by the 2nd respondent in
G.O.(3D)No.26, Public Works (W1) Department, dated
24.08.2018 in so far as it relates to construction of a
Check Dam across Kuzhithuraiyar near Erimanthurai in
Kanyakumari District is concerned is challenged in the
present Writ Petition on the following among other

GROUNDS

- a) The impugned order is illegal as the same has been
passed without public hearing.

Page No.17

No. of Corns:

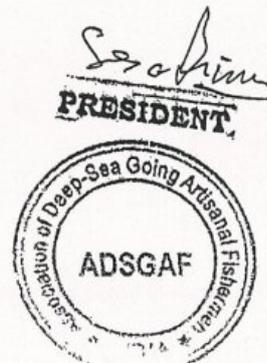


- 31.67
- c) The respondents failed to see that there will be a reduction in the seashore or harbor, which will affect the profession of the petitioner's association.
 - d) There is no nearby public using drinking water or bore well as stated by the respondents as a reason for construction of check dam.
 - e) The impugned order is illegal as the same is without obtaining Environmental Clearance Certificate.
 - f) The impugned order is illegal as the same is against the Costal Regulation Zone.
 - g) The impugned order is liable to be quashed as the same will affect the flora and fauna in the said place.
 - h) The impugned order is direct conflict with the object or purpose sought to be made.

It is prayed that this Hon'ble Court may be pleased to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other appropriate Writ or Order or Direction particularly in the nature of Writ, calling for the records relating to the impugned order passed by the 2nd respondent in

Page No.18

No. of Corns:



68

24.08.2018 in so far as it relates to construction of a Check Dam across Kuzhithuraiyar near Eraimanthurai in Kanyakumari District is concerned, quash the same and consequently forbear the respondents from constructing any structure or construction across Kuzhithuraiyar River, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

45. I submit that if the check dam is constructed, it would also extinguish the livelihood of the fishermen of the area as they would not be in a position to undertake fishing either in the estuary or in the sea with their native traditional boats which would be in violation of their fundamental rights of livelihood under Article 21 of the Constitution of India. Hence an order of injunction has to be granted restraining the respondents from constructing or proceeding with the construction/development of the check dam across the Kuzhithuraiyar River. Otherwise the fishermen in that area will be put to serious hardships and mental agony.

It is therefore prayed that this Hon'ble Court may be pleased to grant an ORDER OF INJUNCTION restraining the respondents from constructing or proceeding with construction/development of the check dam across the Kuzhithuraiyar River in furtherance of the impugned order passed by the 2nd respondent in G.O.(3D)No.26, Public Works (W1) Department, dated 24.08.2018, pending disposal of the above Writ Petition and thus render justice.

S. S. Srinivas
PRESIDENT

Page No.19

No. of Corns:



69

... could not be filed as the same was not served on the petitioner. Hence the production of the original has to be dispensed with.

It is therefore prayed that this Hon'ble Court may be pleased to DISPENSE WITH the production of the original impugned order passed by the 2nd respondent in G.O.(3D)No.26, Public Works (W1) Department, dated 24.08.2018, and thus render justice.

S. S. Srinivas

PRESIDENT



Solemnly affirmed at Madurai on this 1st day of December -2019. The contents of this affidavit was read out & explained to the deponent in Tamil who perfectly understood the same and signed his name in my presence.

Before me

Advocate - Madurai

(UNDER ARTICLE 226 OF CONSTITUTION OF INDIA)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MADURAI BENCH

(SPECIAL ORIGINAL JURISDICTION)

W.P. (MD) No. of 2019

A. Sesadimai,
President,
Association of Deep Sea Going
Artisanal Fishermen,
Shark Street, College Road,
Thoothoor Post,
Kanyakumari District.

... Petitioner

-Vs-

1. The Union of India,
Rep. by its Secretary,
Ministry of Environment and Forest,
Department of Environment, Forest and Wild Life,
Paryavaran Bhavan,
Jorbag Road, New Delhi.
2. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Public Works Department,
Fort St. George, Chennai.
3. The District Collector,
Kanyakumari District at
Nagercoil.
4. The Director,
Fisheries Department,
Nagercoil.
5. The Joint Director,
Fisheries Department,
Nagercoil.
6. The Executive Engineer,
Public Works Department (WRO),
Planning and Design,
Nagercoil,
Kanyakumari District.

Public Works Department (WRO),
Planning and Design,
Tiruchengode,
Tiruchengode District.

Executive Engineer,
Kanyakumari Harbour Project,
Tiruchengode,
Tiruchengode District.

Executive Engineer,
Water Resource Organization,
Public Works Department,
Kothaiyaru Irrigation System,
Tiruchengode,
Tiruchengode District.

Assistant Executive Engineer,
Water Resource Organization,
Public Works Department,
Kothaiyaru Irrigation System,
Tiruchengode,
Tiruchengode District.

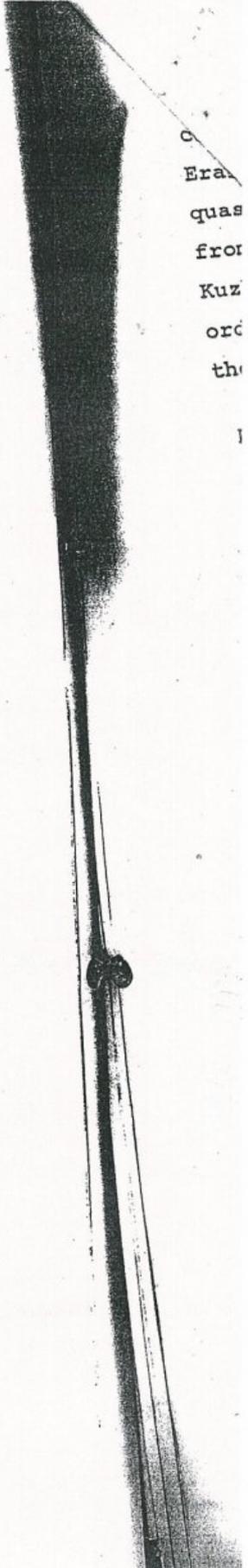
... Respondents

WRIT PETITION

The Address for service of all notices and processes
of the above named petitioner is that of his counsel
J. ANANDHAVALLI, Advocate, at No.85, Lawyers
Chamber, High Court Building, Madurai-23.

The Address for service of all notices and processes
of the respondents are the same as stated above.

For the reasons stated in the accompanying
affidavit it is prayed that this Hon'ble Court be
pleased to issue a WRIT OF CERTIORARI, HABEAS CORPUS or
other appropriate Writ or Order or Direction
particularly in the nature of Writ, calling for the
records relating to the impugned order passed by the 2nd
respondent in G.O. (3D) No.26, Public Works (W1)



Er
quas
fron
Kuz
ord
th

Department, dated 24.08.2018 in so far as it relates to construction of a Check Dam across Kuzhithuraiyar near Erimanthurai in Kanyakumari District is concerned, quash the same and consequently forbear the respondents from constructing any structure or construction across Kuzhithuraiyar River, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Madurai on this the 19th day of December-2019

Counsel for Petitioner



CHECKDAM AT ERAYUMANTHURAI - DURING THE JOINT COMMITTEE INSPECTION



SHOT ON OPPO
Tamil Nadu

CHECKDAM AT ERAYUMANTHURAI - DURING EXECUTION OF WORK

அனுப்புநர்

ஊர் பொதுமக்கள்,

வயக்கல்லூர்.

பெறுநர்

உயர்திரு மாவட்ட ஆட்சித்தலைவர் அவர்கள்,

குமரி மாவட்டம், நாகர்கோவில்.

ஐயா,

பொருள்: குடிதண்ணீரை பாதுகாக்க அரசு மதிப்பீடு செய்த பரக்காணி என்ற இடத்தில் அவசரமாக தடுப்பணை கட்ட நடவடிக்கை கேட்டு.

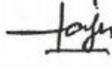
விளவங்கோடு தாலுகா ஏழுதேசம் கிராமம் வயக்கல்லூர் பகுதியில் சுமார் இரண்டாயிரத்திற்கு மேல் குடும்பங்கள் வசித்து வருகிறோம். எங்களை சுற்றி கிழக்கு பக்கம் தாமிரபரணி ஆறும், மேற்கு பக்கம் ஏ.வி. எம் கால்வாயும் சூழ்ந்துள்ளது. தேங்காய் பட்டணம் மீன்பிடித் துறைமுக பணியின் வேலை முடிவடைந்த நிலையில் தற்போது இவ்வாறுகள் கடலில் இணைந்துள்ளது. ஆற்றுத் தண்ணீர் உப்பு தண்ணீராகவே உள்ளது வயக்கல்லூர் பகுதிகளில் உள்ள திறந்த வெளி கிணறுகளிலும், ஆழ்குழாய் கிணறுகளிலும் உப்பு கலந்த தண்ணீராக குடிக்க முடியாத அளவு உள்ளது. தற்போது படகுகள் ஆற்றில் வருவதால் ஆயில் மற்றும் பெயின்ட் கலப்பதால் மேலும் இத்தண்ணீர் மாசுபட்ட தண்ணீராகவே உள்ளது.

எனவே அரசு மதிப்பீடு தயார் செய்த பரக்காணி என்ற இடத்தில் உடனடியாக தடுப்பணை கட்டி சுத்தமான குடிநீர் கிடைக்க ஆவன செய்யும்படி மிகவும் தாழ்மையுடன் வேண்டிக்கொள்கிறோம்.

இடம்: வயக்கல்லூர்,

நாள்: 7/9/2017

இப்படிக்கு,

சஜா 

கணியன்குழி வீடு, வயக்கல்லூர்.

நகல்

காஞ்சாம்புறம் அஞ்சல், குமரிமாவட்டம்.

1. திரு. மீன்வளத்துறை இயக்குநர் அவர்கள், சென்னை. Pin: 629154
2. திரு. மீன்வளத்துறை உதவி இயக்குநர் அவர்கள், (கடல் வளம்) நாகர்கோவில்.
3. திரு. கோட்டாட்சியாளர் அவர்கள். பத்மநாபபுரம்.
4. திரு கோட்டப்பொறியாளர் அவர்கள், பொதுப்பணித்துறை, நாகர்கோவில்.
5. திரு. உதவிப்பொறியாளர் அவர்கள், பொதுப்பணித்துறை, குழித்துறை.
6. திரு. செயல்பொறியாளர் அவர்கள், மீன்வளத்துறை உதவிஇயக்குநர் அலுவலகம், வடசேரி, நாகர்கோவில்.
7. திரு. வட்டாட்சியாளர் அவர்கள், விளவங்கோடு.

1) S. Vijayakumaran
Shehalayam, Vayakkalloor, Kanjampuram Post

2) Ms. S. Meekumar 
C.S. Sadhanam
Kanjampuram - Post

Santha.	<u>Santha.</u>
Crope	<u>Soni</u>
Uofu.	<u>Uofu</u>
S. B. Senthilnath	<u>S. B. Senthilnath</u>
Jayanthi	Jayanthi
B.L. Prajitha	Prajitha
B.L. Divya	Divya
Judha Divya	<u>Judha Divya</u>
<u>Baby</u>	<u>Baby</u>
Thakenn	<u>Thakenn</u>
Anitha	<u>Anitha</u>
A. Archana	A. Archana
A. Ashma	A. Ashma
S. Biju	<u>S. Biju</u>
M.K. Rama	<u>Rama</u>
ANANTHIKA SREE	<u>ANANTHIKA SREE</u>
V. Mohan	<u>V. Mohan</u>
S. Hari Kumar Thampi	<u>S. Hari Kumar Thampi</u>
B. Loka	<u>B. Loka</u>
M. G. O	<u>M. G. O</u>
1	<u>1</u>

...	Capi
Kichu	<u>Kichu</u>
Unni	<u>Unni</u>
Sandeepa	<u>Sandeepa</u>
Lala. M	<u>Lala</u>
S. Aravind	S. Aravind
Sajitha Kumari	<u>Sajitha</u>
Sarath	<u>Sarath</u>
Prema	<u>Prema</u>
Shanya	<u>Shy</u>
Dora Jadh	<u>D</u>
Ajitha	- <u>Ajitha</u>
Monika	- <u>monika</u>
S. Prathap	<u>Prathap</u>
N. Indira	<u>N. Indira</u>
Mam	<u>Mam</u>
Sudhey	<u>Sudhey</u>
Om	<u>Om</u>
Sujar	<u>Sujar</u>

Praveen.s	<u>Praveen</u>
Aswathy.	<u>Asu</u>
Atomal	<u>Atomal</u>
Adithyan	<u>Adithyan</u>
Jreedhavan	<u>NSD</u>
Lachyru	<u>cus</u>
Larvaswathi	<u>is.</u>
<u>Baby</u>	<u>B</u>
K.ASHOKAN	<u>A</u>
G.s. Renjith	- <u>Renjith.</u>
Nandhu	- <u>ms. Nandhu</u>
Manu	- <u>Manu</u>
Greetha	- <u>Greetha</u>
Ashra	- <u>Ashra</u>
Ushu	- <u>ushu</u>
Mechamen	- <u>me</u>
Subi	- <u>Subi</u>
Abilash	ABilash

VINOD

BINUKUMAR

Dyala R

2021

Suma

Nirmala

R. Jagadeesan

T. Nisha

M. Rajesh Kumar

J. Jayakumar

~~m. Rajesh Kumar~~

Ravi

Anchana

Radhika

Babey

A. Baiju

Abishek

Akshaya Baiju

Aruna Devi .V.K

Rajars - T

M. S. S.

VinodBinukumarDyala R

2021

Suma

Nirmala

R. JagadeesanT. NishaM. Rajesh KumarJ. Jayakumar~~m. Rajesh Kumar~~RaviAnchanaRadhikaBabeyA. BaijuAbishekAkshaya BaijuAruna Devi .V.KRajars - TM. S. S.

P

P. Vasanthi - nl m m

R. m/3 ramb

Biju

Rema

Bini

velasini

Ambera

~~R. ARR~~

A. Sreelakshmi

A. stalani

C. Syamala

விஜயலக்ஷ்மி

Sreevidhya

Sumangala

Viswanathan

Sargodha M.D

Sumesh. V

Umaesh. V

Bini sv

~~XXXXXXXX~~

Amibka

~~R. ARR~~

~~Sreelakshmi~~

A. stalani

~~C.~~

~~ve~~

Sreevidhya

Sumangala

~~Sum~~
Sargodha M.D

Sumesh. V.

Umaesh

1, JUNE 5th VAIKALLOOR PANAMOLA VEEDU.

1. Jayasingh ~~the~~ VAIKALLOOR PANAMOLA file-G
see

2. Pransho Thannar. Karuvampuzha Vayakkalloor file

K. M. GOPAN. N. Karuvampuzha Vayakkalloor file

K. Velupillai Nair Vayakkalloor file

K. Bhageerathi Amma KBA Vayakkalloor file

S.P. Srinivasan Vayakkalloor file

B.V. Pradeep Bap Vayakkalloor file

N. Nageswari Nageswari Vayakkalloor file

Valsala - ~~file~~ Sree Bhagawathy Vayakkalloor file

T. Shiba Kumar ~~Shiba~~ Pathinazhi Puthu file

M. B. S. Anand ~~file~~ Vayakkalloor file

S. Mukundan ~~file~~ file

Majith. M. [Kolbamukku Vayakkalloor] file

Latha. P. [Kolbamukku Vayakkalloor] file

S. A. Subhashini " S. A. Subhashini file

Usha " file

Bareethy " file

V. Beem " file

S. B. Gramathani " file

...

plk. G.S	Gadgaonkar
veed-3	plk
plk	plk
1/100 anandhush kumar	1/100 plk
100 Subu raman	100 plk
Dubashi	p-100 plk
Divaraman	Divaraman.
Kannur:	skumari
Ammu	Ammu
Appu .D	159.
yashwanth	plk
N. Seetha	N. Seetha
J. sidharth	sidharth
jithu	jithu
M. Jayan.	plk
ABILASH.G.S.	plk
A. Dhanya	Dhanya
Murugan	plk
Ambi	plk
	Hiran

J. monisha.

M. T. Vikraman Nair,

J. R. Padmashankar

Sukumar

K. Bahuleyanari

Vignesh V. Nair

U. N. M. R.

S. L. Manjusha

Rajam

FF

S. monisha.

vayakkalloor.

vayakkalloor

vayakkalloor

vayakkalloor

vignesh

U. N. M. R.

S. L.

Rajam

FF

M. T. Nair

vayakkalloor

U. N. M. R.

vayakkalloor.

vayakkalloor

Handwritten text at the bottom of the page, possibly a signature or note.

<p>மனு எண் : 2112 -- நாள் : 2.8.2018 கோரிக்கை</p> <p>PLEASE REQ TO TAKE EARLY ACTION TO CONSTRUCT REVERSEING TO PREVENT TAMILNADU STATE WATER MIXED WITH DRINKING WATER</p> <p>அனுப்பியவர் : அலுவலகம் : C</p> <p>தனி அலுவலருக்காக</p>	<p>PPC 600009 30.08.2018 D9F9 557730</p> <p>INDIA POSTAGE விலை 6.00</p> <p>N202365</p> <p>பெறுநர் B. PAULRAT ARM PARTY KIDDIYOKK CONSTITUENCY, NO. 64/10, PULIMARUTALAI, KANJAMPURAM, KANJAKUMARI</p>
---	---



முதலமைச்சரின் தனிப்பிரிவு

தலைமைச்செயலகம், சென்னை - 600 009.

ஒப்புரை கடிதம்

அன்புடையீர்,

தாங்கள் மாண்புமிகு முதலமைச்சர் அவர்களிடம் நேரில் அளித்த மனு / முதலமைச்சரின் தனிப்பிரிவில் அளித்த மனு முதலமைச்சரின் தனிப்பிரிவின் கணினியில் பதிவு செய்யப்பட்டுள்ளது. தங்களது மனு தக்க நடவடிக்கையின் பொருட்டு உரிய அலுவலகத்திற்கு அனுப்பப்பட்டுள்ளது.

விபரங்களுக்கு வின்பக்கம் திருப்புக.



AAM AADMI PARTY KILLIYOOR CONSTITUENCY

6-179, Pulimaruvilai, Kanjampuram - 629154,
Kanyakumari District.

B. Paul Raj
Coordinator
7094867726

D.Ramesh
Co Coordinator
9486069918

A. John Bright Singh
Secretary
8883325005

T. Vinu
Joint Secretary
9585801999

N. Jesudhas
Joint Secretary
9952377150

அனுப்புனர்

B. பால்ராஜ்,
ஆம் ஆத்மி கட்சி,
கிள்ளியூர் சட்டமன்ற தொகுதி,
ஒருங்கிணைப்பாளர்.

பெறுநர்

மாண்புமிகு முதல்வர் அவர்கள்,
முதல் அமைச்சர் அலுவலகம்,
தமிழ்நாடு, சென்னை.

பொருள்:

கிள்ளியூர் குழித்துறை முதல்
தேங்காப்பட்டினம் வரை தாமிரபரணி
ஆற்று நீரில் கடல்புகுந்து உள்ளதை
பலமுறை சம்பந்தப்பட்ட துறைக்கு
தெரியப்படுத்தியும் தடுப்பணை கட்டி குடிநீர்
உற்பாவதை தடுக்காமல் காலம்
தாழ்த்துவது தொடர்பாக.

ஐயா வணக்கம்,

கன்னியாகுமரி மாவட்டம் கிள்ளியூர்
சட்டமன்றத்தொகுதிக்கு உட்பட்ட தாமிரபரணி ஆறானது
சுமார் 10 கிலோமீட்டர் தூரத்திற்கு உப்பு நீரால்
பாதிக்கப்பட்டுள்ளது. ஆற்றின் முடிவு பகுதியானது

Kanyakumari District Office Address : No : 12.G.J. Building, Alexandra Press Road, Nagercoil - 629001

District contact : 9443582287, 9443608182, 9095099983

Coordinator Secretary Joint Secretary

Facebook : Aam Aadmi Party Kanyakumari, www.aapvolunteers.in

கடலுடன் கலக்கும் பகுதியில் மீன்பிடி துறைமுகம் அமைக்கப்பட்டு ஆழப்படுத்தி உள்ளதால் கடல் நீர் ஆற்றுடன் இணைந்து உள்ளது. எனவே கடல் ஆற்றுடன் கலந்து மொத்தமாக உப்பாக மாறி உள்ளது. இதனால் பல்லாயிரம் மக்கள் குடிநீருக்காகவும், விவசாயத்திற்காகவும் வழி இன்றி தவிக்கின்றனர். பல கூட்டுக்குடிநீர் திட்டங்கள் இந்த ஆற்றில் மங்காடு என்னும் பகுதியில் ஆழப்படுத்தி உள்ள கிணறுகள் மூலமே வினியோகிக்க படுகிறது. ஆற்றில் உப்பு அதிகமாக உள்ளதால் அனைத்து குடிநீர் திட்டங்களும் உப்பாகி உள்ளது. நிலத்தடிநீர் உப்பாகியதால் விவசாயம் அழிந்து உள்ளது. இந்த பிரச்சனைக்கு தீர்வு காணவே பரக்காணி அல்லது பருத்திக்கடவு பகுதியில் தடுப்பணை கட்டிட வேண்டும் என்று அனைத்து கட்சியினர், அமைப்புகள், பொதுமக்கள், மற்றும் அனைத்து தரப்பினரும் தொடர்ந்து பல வகையான போராட்டங்கள் நடத்திக்கொண்டுள்ளனர். இதன் அடிப்படையில் தாங்கள் தலைமையிலான அரசாங்கம் 18 கோடி மதிப்பீடு செய்து 16 கோடி ஒதுக்கி உள்ளதாக கடிதம் மூலம் தெரிந்துகொண்டேன் மிக்க மகிழ்ச்சி ஆனால் அரசின் நிர்வாக ஒப்புதல் பெறுவதற்காக 20-03-2018 அன்று அரசிற்கு சமர்ப்பிக்கப்பட்டுள்ளதாகவும் அரசு நிர்வாக ஒப்புதல் அளித்தபின்னரே வேலைகள் முறை கோட்டத்தில் கவனிக்கப்படும் என்றும் தகவல் மூலம் பெறப்பட்டதை கண்டு மனம் வருந்துகிறேன். தாங்கள் தலைமையிலான அம்மாவின் அரசு பல நல்லத்திட்டங்களை கொண்டு வருகிறது. நாட்டின் இயற்கை வளமான ஆறுகளின் பராமரிப்பையும் கவனித்து வருகிறது. ஆனால் எங்களின் வாழ்வாதாரமான தாமிரபரணியில் உப்பு நீர் தாலகலக்கமலிருக்கவும், தண்ணீரை விவசாயத்திற்கு தேக்கிவைக்கவும் தடுப்பணை கட்டிட காலம் தாழ்த்தி வருகிறது. எனவே இந்த கடிதம் கைப்பற்றி குறிகிய காலத்துக்குக்குள் தாங்கள் அலுவலகம் நடவடிக்கை எடுக்காவிட்டால் ஆம் ஆத்மீ கட்சி சார்பில் நானும் பாதிக்கப்பட்ட பொது மக்களும்

திரண்டு காலவரையற்ற உண்ணாவிரத போராட்டம் போன்ற கடுமையான போராட்டங்கள் நடத்துவோம். என்பதை பணிவுடன் தெரிவித்துக்கொள்கிறேன். இந்த கடிதத்திற்கு முறையான நடவடிக்கை எடுத்து-பதில் குறுகிய காலத்தில் வழங்கும் மாறும் கேட்டுக்கொள்கிறேன்.

காஞ்சாம்புறம்

26/07/2018

இவண்
B. பால்ராஜ்

B. PAUL RAJ

Coordinator

AAM AADMI Party

Killiyoor Assembly Constituency

Kanjampuram - 629154

Kanyakumari Dist.

aap party

சென்னை, 15.05.2017

தமிழர்பரணி ஆற்றில்

தடுப்பணை கட்டும் பணியை ஆணை கோங்க வேண்டும்



கிள்ளியூர் சட்டமன்ற தொகுதி ஆம் ஆத்மி கட்சி நிர்வாகிகள் ஆலோசனை கூட்டம் காஞ்சாம்புறத்தில் நடந்தது.

கோடி நிதி ஒதுக்கி உள்ளது. தமிழ்நாடு ஆற்றில் தண்ணீர் குறைவாக உள்ளது எனவே நிரண யிக்கப்பட்ட இடத்தில் தடுப்பணை கட்டும் பணியை உடனடியாக தொடங்க வேண்டும். ஏழு தேசம் பேரூராட்சியில் கூடத்த 20 வருடங்களாக பராமரிப்பு இல்லாமல் காணப்படும் பாளாந

ஆம் ஆத்மி கோரிக்கை

பித்திரிவிளை, ஜன.15: தமிழர்பரணி ஆற்றில் தடுப்பணை கட்டும் பணியை உடனடியாக தொடங்க வேண்டும் என்று ஆம் ஆத்மி கட்சி கோரிக்கை விடுத்துள்ளது.

கிள்ளியூர் சட்டமன்ற தொகுதி ஆம் ஆத்மி கட்சி நிர்வாகிகள் ஆலோசனை கூட்டம், காஞ்சாம்புறத்தில் நடந்தது. தொகுதி ஒருங்கிணைப்பாளர் பால்ராஜ் தலைமை வகித்தார். செயலாளர் பிணு முன்னிலை வகித்தார். கூட்டத்தில் தமிழர்பரணி ஆற்றில் உப்புநீர் கலப்பதால் குடிநீர் பாதிக்கப்படுகிறது.

பல் கிராமங்களில் மக்கள் பாதிக்கப்பட்டு உள்ளனர். எனவே தமிழர்பரணி ஆற்றில் உப்புநீர் கலப்பதை தடுக்கும் வகையில் பரக்காணி திட்டத்தில் ஆற்றின் குறுக்கே தடுப்பணை கட்ட தமிழக அரசு ₹15.37

தோப்பு குளத்தை கிரமைத்து மக்கள் பயன்பாட்டுக்கு கொண்டுவர பொதுப்பணித்துறை நடவடிக்கை எடுக்க வேண்டும். வீரவிளை முதல் கணபதியாள் கடவு வரை உள்ள மேற்கு கடற்கரை சாலையை ஆகலப்படுத்த வேண்டும் என்பது உள்ளிட்ட தீர்மானங்கள் நிறைவேற்றப்பட்டன.

தொடர்ந்து கூட்டத்தில் கிள்ளியூர் சட்டமன்ற தொகுதி ஒருங்கிணைப்பாளர் கரமேஷ் முஞ்சிறை ஒன்றி ஒருங்கிணைப்பாளராக பெனடி யூஸ்திஸராஜ், கிள்ளியூர் தொகுதி மாணவரணி தலைவராக ஜென்மன், கருங்கல் பேரூராட்சி ஒருங்கிணைப்பாளராக ஆன்றனி சேவிய ஏழு தேசம் பேரூர் இணை செயலாளராக பிஜலகுமார் ஆகியோர் தேர் செய்யப்பட்டனர்.

கூட்டத்தில் ஏராளமான உறுப்பினர்கள் கலந்து கொண்டனர்.

தாமிரபரணி ஆற்றில்

தடுப்பணை கட்டும் பணியை உடனே தொடங்க வேண்டும்



கிள்ளியூர் சட்டமன்ற தொகுதி ஆம் ஆத்மி கட்சி நிர்வாகிகள் ஆலோசனை கூட்டம் காஞ்சாம்புறத்தில் நடந்தது.

கோம. நிதி ஒதுக்கி உள்ளது. தற்போது ஆற்றில் தண்ணீர் குறைவாக உள்ளது. எனவே நிர்ணயிக்கப்பட்ட இடத்தில் தடுப்பணை கட்டும் பணியை உடனடியாக தொடங்க வேண்டும். ஏழு தேசம் பேரூராட்சியில் கடந்த 20 வருடங்களாக பராமரிப்பு இல்லாமல் காணப்படும் பானாந்

ஆம் ஆத்மி கோரிக்கை

நித்திரவிளை, ஜன:15: தாமிரபரணி ஆற்றில் தடுப்பணை கட்டும் பணியை உடனடியாக தொடங்க வேண்டும் என்று ஆம் ஆத்மி கட்சி கோரிக்கை விடுத்துள்ளது.

கிள்ளியூர் சட்டமன்ற தொகுதி ஆம் ஆத்மி கட்சி நிர்வாகிகள் ஆலோசனை கூட்டம், காஞ்சாம்புறத்தில் நடந்தது. தொகுதி ஒருங்கிணைப்பாளர் பால்ராஜ் தலைமை வகித்தார். செயலாளர் பிணு முன்னிலை வகித்தார். கூட்டத்தில் தாமிரபரணி ஆற்றில் உப்புநீர் கலப்பதால் குடிநீர் பாதிக்கப்படுகிறது.

பல் கிராமங்களில் மக்கள் பாதிக்கப்பட்டு உள்ளனர். எனவே தாமிரபரணி ஆற்றில் உப்புநீர் கலப்பதை தடுக்கும் வகையில், பரக்காணி தியில் ஆற்றின் குறுக்கே தடுப்பணை கட்ட தமிழக அரசு ரூ.15.37

தொப்பு குளத்தை சீரமைத்து மீட்கள் பயன்பாட்டுக்கு கொண்டு வர பொதுப்பணித்துறை நடவடிக்கை எடுக்க வேண்டும். விர்விளை முதல் கணபதியாள் கடவு வரை உள்ள மேற்கு கடற்கரை சாலையை அகலப்படுத்த வேண்டுமென்பது உள்ளிட்ட தீர்மானங்களை நிறைவேற்றப்பட்டன.

தொடர்ந்து கூட்டத்தில் கிள்ளியூர் சட்டமன்ற தொகுதி ஒருங்கிணைப்பாளராக ரமேஷ், முஞ்சிறை ஒன்றி ஒருங்கிணைப்பாளராக பெனடியூஸ்திஸ்ராஜ், கிள்ளியூர் தொகுதி மாணவரணி தலைவராக ஜெஸ்மன், கருங்கல் பேரூராட்சி ஒருங்கிணைப்பாளராக ஆன்றனி சேவிய ஏழு தேசம் பேரூர் இணை செயலாளராக பிஜலகுமார் ஆகியோர் தேர் செய்யப்பட்டனர்.

கூட்டத்தில் ஏராளமான உறுப்பினர்கள் கலந்து கொண்டனர்.

தினகரன் மாவட்டம்

தாமிரபரணி ஆற்றில்

அரசு நிர்ணயித்த இடத்தில் தடுப்பணை

நித்திர விளை, பிப். 1: தாமிரபரணி ஆற்றில் அரசு நிர்ணயித்த இடத்தில் தடுப்பணை கட்ட வேண்டும் என ஏழு தேசம் பேரூர் திமுக கூட்டத்தில் வலியுறுத்தப்பட்டது.



கலிங்கராஜபுரத்தில் ஏழு தேசம் பேரூர் திமுக கூட்டம் நடந்தது.

ஏழு தேசம் பேரூர் திமுக கூட்டம் கலிங்கராஜபுரத்தில் நடந்தது. பேரூர் பொறுப்பாளர் தாஸ் தலைமை வகித்தார். முன்சிறை ஒன்றிய திமுக துணைச் செயலாளர் கரேஷ்குமார், கலை இலக்கிய பகுத்தறிவு பேரவை மாவட்ட துணை அமைப்பாளர் அப்துல் ரகுமான் ஆகியோர் முன்னிலை வகித்தனர். மாவட்ட தொண்டரணி அமைப்பாளர் மோகன், துணை அமைப்பாளர் ராஜன், முன்சிறை ஒன்றிய இளைஞரணி துணைத்தலைவர் சலீம், கிளை செயலாளர் ராபி உட்பட பலர் கலந்து கொண்டனர்.

தாமிரபரணி ஆற்றின் குறுக்கே பரக்காணி - கணியங்குழி பகுதியில் தடுப்பணை கட்ட அரசு

திமுக வலியுறுத்தல்

15 கோடி ரூபாய் செலவு சம் நிதி ஒதுக்கியுள்ளது ஆனால் சில நில உரிமையாளர்கள் தடுப்பணையை இடமாற்றம் செய்ய முயற்சிக்கின்றனர். இடத்தை மாற்றினால் 10 கிராம உள்நாட்சி மற்றும் 4 பேரூராட்சி பகுதிகளில் விசிப்புவர்களுக்கு உப்புநீர் தாக்குதலாக விநியோகிக்க வேண்டி வரும். எனவே அரசு முடிவு செய்த இடத்தில் தடுப்பணை கட்ட வேண்டும். இது சம்பந்தமாக

அனைத்து கட்சியினர் நடத்தும் போராட்டத்தில் திமுகவும் பங்கேற்பது; பழுதடைந்துள்ள அனைத்து சாலைகளையும் செப்பனிட வேண்டும். ஏழு தேசம் பேரூராட்சியில் உள்ள இலவச வீடுகளுக்கு உடனடியாக சோலார் தகடுகள் பொருத்தி இணைப்பு வழங்க வேண்டும். தடம் எண் 83 டி மார்த்தாண்டம் - காக்கவிளை மற்றும் தடம் எண் 83 எல் அரசு பஸ்களை சீராக இயங்க கோரி சாலை மற்றும் போராட்டம் நடத்துவது என்றும் கூட்டத்தில் தீர்மானிக்கப்பட்டது.

நிலையத்தில்
பாலி செய்ய
பாபாரிகள்
னி இழுத்தடிப்பு

ான டெண்டர் விடப்பட்டு பணி தொடங்கும் நிலையில் உள்ளது. இதற்காக பேருந்து நிலைத்தில் செயல்படும் பணைத்துகடைகளையும் வலி செய்ய கடைகளுக்கு பேரூராட்சி நிர்வாகம் நாட்டில் அனுப்பியது. இதற்கான காலக்கட்டு ஐனவரி 31ம் தேதி ரைஸ் வரை என அறிக்கப்பட்டிருந்தது.

கூட்டாலுமுடு

பத்ரேஸ்வரி தேவஸ்தானம் பள்ளி ஆண்டு விழா



விழாவில் மாணவ மாணவிகளுக்கு மாவட்ட ஆற்றப் பிரிவு துணை காவல் கண்காணிப்பாளர் ராமராஜன்

மேக
அய்
இன்
நாகர்
மனை
வடக்
அய்ய
பதி 7
அம் ப
வாசி
வாக
கடந்த
நடக்கி
மு
பனிவி
தல் து
வாக
சாரத்
விடை
வெளி
திரட்டு
வாசி
அனை
விழ
3 நாள்
விடை
மாலை
பால் நி
திருடு
உட்படி
மணிக்
புறந்து
இன்று
இதை
நிசுழவு
மணிக்
அம்மை
திருக்க
டப்பி
நாளான
மணிக்
இரவு 7
கூட 8.10
8.30க்கு
கச்சேரி
3ம் தேதி
வினாடி
மம் 130க்

முந்திரி
குலசேக
சேர்ந்த
வேலை
செல்ல
ஜெகன்
கேசி. ட
கேட்டு
இடைய
இத
குமார்,
ஜிமியின்
குறித்து



VSDP

வைகண்ட கலை ருமா சிவசாரண சனா சூடார் சங்கம் | புதுவை - 605007

தமிழக அரசு! பொதுப்பணித்துறையே!

கடலோர மற்றும் கரையோர மக்களின் குடிநீர் ஆதாரத்தை (கடல்நீர் உட்புகாமல்) பாதுகாக்கின்ற பரக்காணி தடுப்பணையை உடனே விரைந்து முடித்தீடு! போராட்டத்தை தூண்டாதே !!!

இலண: VSDP முக்சிறை ஒன்றிய கமிட்டி. 9489449433

041 500 600 21

நேற்று முன்தினம் விட்டிள் அரசு மருத்துவமனை, சிவசாரண

தாமிரபரணி ஆற்றில்

தடுப்பணை பணியை விரைந்து முடிக்க வேண்டும்

குடியிருப்போர் நலச்சங்கம் கோரிக்கை

நித்திரவினை, பிப் 3-வைக்கல்தூர் குடியிருப்பு போர் ஐக்கிய முன்னணி நலச்சங்க கட்டம் பகுதிக்கடலில் நடந்தது. பொதுச்செவ்வாளர் லாறு தலைமை வகித்தார். தலைவர் விஜய முன்னிலை வகித்தார். சங்க ஆலோசகர் பாலகிருஷ்ணன், அதிமுக பிரமுகர் பாலராஜ், வக்கீல் பதாயன், தண்டான் சமுதாய தலைவர் மாதவன், நாயர் சமுதாய தலைவர் சசி, ஒய்வொழி தலைமை ஆசிரியர் ஜெயக்குமார், ஆசிரியர் ஜோன் உட்பட பலர் கலந்து கொண்டனர். பகுதிக்கடல் பகுதிகளை சேர்ந்த ஏராளமான பொதுமக்கள் கலந்து கொண்டனர்.

தெய்காப்பட்டினம் மீன் பிடித்துறை மூடும் அமைக்கப்பட்ட பிறகு தாமிரபரணி ஆற்றில் நீர் வரத்து குறைவும் காலவக



பகுதிக்கடல் பகுதிகளில் வைக்கல்தூர் குடியிருப்பு போர் ஐக்கிய முன்னணி நலச்சங்க கட்டம் நடந்தது.

போராட்டம்தான் தலைமை இடம். அரசு தாமிரபரணி ஆற்றில் குடிநீர் தடுப்பணை கட்டி 24 மணி நேரம் குடிநீர் தடுப்பணை கட்டி 24 மணி நேரம் ஒதுக்கீடு செய்தது.

ஆனால் பல்வேறு காரணங்களால் தடுப்பணை பணி தொடங்கக் காலதாமதமானது. இதையடுத்து 15 மணி உத்தரவின்படி தடுப்பணை பணி ஆரம்பிக்கப்பட்டது. முதலில் வேகமாக நடந்த பணி, தற்போது ஆமை வேகத்தில் நடக்கிறது. இதனால் மரத்தரமரம், மரத்தரமரம் கட்டத்த காலங்களில் ஏற்பட்டது போல் கடல்நீர் உட்புகும் அபாயம் ஏற்பட்டுள்ளது. எனவே அரசு அதிகாரிகள் தடுப்பணை பணியை விரைந்து முடிக்க நடவடிக்கை எடுக்க வேண்டும் என தீர்மானிக்கப்பட்டது.

மீன் கடல்நீர் உட்புகுந்து விடுகிறது. இதனால் பல பொதுமக்கள் பெரிதும் பாதிக்கப்பட்டனர். எனவே கடல்நீர் உட்புக

பாக மாறியது. இதனால் பொதுமக்கள் பெரிதும் பாதிக்கப்பட்டனர். எனவே கடல்நீர் உட்புக

கா தவறு தடுப்பணை அமைக்கவேண்டும் என பொதுமக்கள் மற்றும் அரசியல் கட்சியினர்

ISS, Ni. 26/1, Asambu, road, Vadachery, Nagercoil-629001. Editor: R.N. Murugan, Ph: 04652-446767, 490031, Fax: 04652-490032. R.N.I.No. TNTAM/2005/20986



குழித்துறை தாமிரபரணியில் கடல்நீர் உட்புகுவதை தடு

தேங்காப்பட்டணம் அருகே ₹18 கோடியில் நிரந்தர தடுப்பணை குடிநீர் திட்டங்கள் பாதுகாக்கப்படும்

புதுகை



நாகர்கோவில், கடல்கடர்

பிறனாளிகள் நல அலுவலக கட்டிட பகுதியிலும் பிரண்டி ருந்தனர். இதனால் கடல்கடர் அலுவலக வளாகத்தில் பரபரப்பு நிலையி வண்ணம் இருந்தது. ரே-நேரத்தில் மனுக்கள் புளிக்க பெண்கள் முண்டியடித்ததால் பரபரப்பு ஏற்பட்டது. அங்கு பாதுகாப்பு பணியில் நின்றிருந்த போலீசாரும், அரசு அலுவலர்களும் பொதுமக்களிடம் இருந்து மனுக்களை சகரித்தனர்.

நாகர்கோவில், மார்ச் 21: குழித்துறை தாமிரபரணி ஆற்றில் கடல்நீர் உட்புகுவதை தடுக்க தேங்காப்பட்டணம் அருகே பரக்காணியில் ரூ.18 கோடியில் நிரந்தர தடுப்பணை கட்ட திட்டமிடப்பட்டுள்ளது.

குழித்துறை தாமிரபரணி ஆறு குமரி மாவட்ட மக்களின் குடிநீர் தேவையை பூர்த்தி செய்கிறது. ஆற்றில் மங்காடு பகுதியில் சப்பாத்து பாலம் அமைக்கப்பட்டிருந்ததால் கடல்நீர் ஆற்றில் புகுந்தாலும் சுமார் 5 கி.மீ தூரம் வரைக்குமட்டுமே வந்தது. இதனால் பெரிய அளவு பாதிப்பு இல்லாமல் காணப்பட்டது.

கடந்த 1992ம் ஆண்டு ஏற்பட்ட கனமழை மற்றும் வெள்ளப்பெருக்கால் மங்காடு சப்பாத்து பாலம் உடைந்தது. அங்கும், கடலுக்கும் இடையே தடுப்பணை போல் செயல்பட்டு வந்த சப்பாத்து பாலம் இல்லாததால் தற்போது கடல்நீர் குழித்துறை வரை சுமார் 12 கி.மீ தூரத்துக்கு ஆற்றில் கலந்து வர தொடங்கியுள்ளது.

இந்த 12 கி.மீ பகுதிகளில் வருவதால் குடிநீர் திட்டங்கள் மூலம் விநியோகிக்கப்படும் நீர் உட்புகுவதை மாறிவிட்டது. இதனால் குடிநீருக்கு பயன்படுத்த முடியாத நிலை ஏற்பட்டுள்ளது. ஏற்கனவே இருந்த குடிநீர்

திட்ட கிணறுகள் அமைக்கப்பட்டுள்ள பகுதிகள் மணல் கொள்ளையால் அதிகம் பாதிக்கப்பட்டுள்ளன. மணல் திருடியதால் இந்த பகுதிகளில் ஆற்றின் ஆழம் 50 அடிகளும் அதிகமாக உள்ளது. இதனால் ஆற்றில் கலந்த கடல்நீர் மீண்டும் கடலுக்கு செல்வதற்கு பதில் நிலத்தடி நீரோடு கலந்துவிடுகிறது. இதனால் ஆற்றை யொட்டி உள்ள கிணறுகளில் உள்ள நீரும் உப்பு நீராக மாறியுள்ளது.

குழித்துறை தாமிரபரணி ஆறு கடலோடு கலக்கின்ற தேங்காப்பட்டணம் - இரயும்ன் துறை பொழி முகவியிழம்பு பகுதியை தேங்காப்பட்டணம் மீன்பிடி துறை முகப்பணிக்காக ஆழப்படுத்தி வருகின்றனர். இதனால் தாமிரபரணி ஆற்றின் அடிப்பகுதி வரை மணல் அள்ளிய காரணத்தாலும், கடல்நீர் எதிர்வசம்புகுந்து உப்புநீர் ஆற்றில் கலக்க காரணமாகியுள்ளது.

எனவே இதனை குழித்துறை தாமிரபரணி ஆற்றில் கடல்நீர் கலப்பதை தடுக்க நடவடிக்கை எடுக்க வேண்டும் என்று கோரிக்கைகள் எழுந்திருந்தன.

இந்த நிலையில் குழித்துறை தாமிரபரணி ஆற்றில் கடல்நீர் கலப்பதை தடுக்க பொதுப்பணித் துறை மூலம் சிறறார்-1,

சிறறார்-2 மற்றும் பேச்சிப்பாறை அணையில் இருந்து வினாடிக்கு 50 கன அடி தண்ணீர் திறந்துவிட கேட்டு குடிநீர் வடிகால் வாரியம் சார்பில் மாவட்ட கலெக்டருக்கு கடிதம் அனுப்பி வைக்கப்பட்டது. குழித்துறை பாலம் அருகே தடுப்பணை கட்டும் பணிகள் நடைபெற்றதால் தண்ணீர் திறக்கப்படாத நிலை இருந்தது. தடுப்பணை பணிகள் முடிக்கப்பட்டுள்ளதால் இந்த அணைகளில் உள்ள தண்ணீர் வினாடிக்கு 50 கன அடி திறக்கப்பட்டு தாமிரபரணி ஆற்றில் விடப்படுகிறது. வறட்சி நிவாரண திட்டங்களில் மணல் மூட்டைகள் அடுக்குவது உள்ளிட்ட பணிகள் மேற்கொள்ளப்பட்டுள்ளன.

மேலும் தேங்காப்பட்டணம் அருகே பரக்காணி பகுதியில் ரூ.18 கோடி மதிப்பில் பொதுப்பணித் துறை சார்பில் நிரந்தர தடுப்பணை அமைக்க திட்டமிடப்பட்டு செய்யப்பட்டு தமிழக அரசின் ஒப்புதலுக்காக அனுப்பி வைக்கப்பட்டுள்ளதாக கூறப்படுகிறது. அவ்வாறு தடுப்பணை கட்டினால் மட்டுமே தாமிரபரணி ஆறு உப்பாக மாறுவது தடுக்கப்படுதல் குடிநீர் திட்டங்களும் பாதுகாக்கப்படும்.

முக திட்டம்

புணர்வு ஏற்படுத்த



மாநில அரசே!

மாவட்ட நிர்வாகமே!!

பாதியில் நிறுத்திவைக்கப்பட்டுள்ள
தடுப்பணை வேலையை உடனே துவங்கு!

குடிநீர் உப்பு நீராகியுள்ளதை
உடனே தடுத்து நிறுத்து.

போராட்டத்தை தூண்டாதே!

இவன் : CPI(M) பருத்திக்கடவு - வயக்கல்லூர் கிளை

F.No.19-27/2015-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
IA-III Division (CRZ)

Indira Paryavaran Bhawan
Jor Bagh Road,
New Delhi-110003
Dated: 19th February, 2021

OFFICE MEMORANDUM

Subject: Procedure for dealing with violations arising due to not obtaining a prior CRZ clearance for permissible activities –regarding.

For the purpose of protecting and improving the quality of the coastal environment and abating coastal environmental pollution, it is necessary that all entities not complying with Coastal Regulation Zone notifications be brought under compliance of the environmental statutes in an expedient manner. This Ministry has received several requests from the coastal state governments for proposals, under Coastal Regulation Zone (CRZ) Notification, 2011, for considering CRZ clearance in respect of permissible activities which have commenced work without a prior CRZ clearance due to inadequate knowledge of the regulatory regime and other factors. Bringing such projects and activities in compliance with the environmental laws at the earliest point of time is therefore essential, rather than leaving them unregulated and unchecked, which will be more damaging to the environment.

2. Reference is invited to order dated 28th November, 2014 of the Hon'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Versus Union of India, wherein the High Court held that the conditions laid down under Office Memorandum dated 12th December, 2012 in paragraph No. 5 (i) and 5 (ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent. The Hon'ble Court further ruled that the proposal for environment clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws. Also, Hon'ble Supreme Court of India in Civil Appeal No. 1526 of 2016 Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors., in its order dated 1st April, 2020, has mentioned that the closure of the industries are not warranted, however, order for payment of compensation as a facet of preserving the environment in accordance with the precautionary principle has been imposed and proposal for environment clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws.

3. To this effect, it is therefore necessary to establish a process for appraisal of such cases of violation arising due to not obtaining of prior clearance for permissible

activities in CRZ areas and for prescribing adequate environmental safeguards on such entities and provide an enabling process to deter violation of provisions of CRZ Notification, 2011 and the damage to environment is adequately compensated for.

4. The Ministry hereby, prescribes the following procedure for dealing with violation arising due to not obtaining a prior CRZ clearance for permissible activities as under:

- i. All activities, which are otherwise permissible under the provisions of Coastal Regulation Zone Notification, but have commenced construction without prior clearance, would be considered for prospective clearance only in such cases wherein the project proponent applies for such a clearance to the concerned Coastal Zone Management Authority (CZMA) along with required documents as given in para number 4.2 of the said CRZ Notification, 2011 such as: (a) Form-I; (b) CRZ map in 1:4000 scale drawn up by any of the agencies identified by the Ministry of Environment, Forest and Climate Change *vide* its Office Order number J-17011/8/92-IAIII, dated the 8th August, 2019; (c) Marine EIA Report and/or Terrestrial EIA Report, as may be applicable; (d) NOC from SPCB, as may be applicable etc.
- ii. As the project commenced construction and / or operations without a prior CRZ clearance, the CZMA shall assess the environmental damages caused by such an action and shall give **specific recommendation** in respect of activities, corresponding to the environmental or ecological damage assessed, to be taken up by the project proponent **within** a period of three years from the date of clearance, under Compensatory Conservation Plan (CCP) and a Community Resource Augmentation Plan (CRAP). The said plans may comprise of indicative activities as in the **Annexure**. The cost for assessment of environmental damage, if any, may be guided by the Ministry of Environment, Forest and Climate Change *vide* O.M No. 19-125/2019-IA.III, dated 05/03/2020 and / or project specific assessment by the CZMA.
- iii. The CZMA shall also give **specific recommendations** and shall certify that there is no violation / contravention of the CRZ norms, while making such recommendations and that the project is in consonance with the approved CZMP as per CRZ Notification, 2011.
- iv. On fulfilment of the provisions as prescribed above, the project proponent shall apply for consideration of clearance to the Ministry of Environment, Forest and Climate Change, in the 'PARIVESH' online portal, along with all documents as submitted to the concerned CZMA and the specific recommendation of the CZMA.
- v. The project thereafter will be appraised for appropriate recommendation by the Expert Appraisal Committee (CRZ) constituted by the Ministry of Environment, Forest and Climate Change.
- vi. The Expert Appraisal Committee shall examine the adequacy of the Environmental Management Plan, Comprising Compensatory Conservation Plan and Community Resource Augmentation Plan and endorse the specific recommendation of SCZMA in this regard and suggest other suitable remedial measures, if any. The Expert

Appraisal Committee shall also decide the percentage of total project cost required to be utilized for implementation of the above said plans.

- vii. The concerned CZMA / State Environment Department shall oversee implementation and enforcement of the Compensatory Conservation Plan and Community Resource Augmentation Plan.
- viii. Further, action should be taken by the respective State Government or Union Territory Administration or SPCB or UTPCC, as the case may be, under respective provisions of the Environment (Protection) Act, 1986, for violation of not taking prior approval.

This issues with the approval of the Hon'ble Minister (EFCC).



(Dr. Sujit Kumar Bajpayee)

Joint Secretary to the Government of India

To,

1. The Principal Secretaries (Environment) of all Coastal States / UTs.

Copy to:

1. PS to Minister (EFCC)
2. PS to MoS (EFCC)
3. PPS to Secretary (EFCC)
4. PPS to AS (RSP)/AS (RA)/AS(UD)
5. The Member Secretaries, CZMAs
6. The Member Secretaries, IA Division, MoEFCC
7. The Chairman, EAC (CRZ & Misc Projects)
8. Office copy / Guard file.

ANNEXURE**INDICATIVE LIST OF ACTIVITIES:****1. Activities for Compensatory Conservation Plan:**

- (a) Mangrove replantation / regeneration;
- (b) Sea grass replantation / regeneration;
- (c) Protection of sand dunes, mudflats;
- (d) Measures for regeneration of beach sand;
- (e) Soil remediation;
- (f) Setting up of small infrastructure for coastal erosion control measures;
- (g) Construction and maintenance of cyclone shelters;
- (h) Protection measures and maintenance of heritage sites located in coastal areas;
- (i) Setting up of solar and other non-conventional energy source at village or habitations;
- (j) Restoration of water bodies and setting up of rain water harvesting systems;
- (k) Beach cleaning and development of beach amenities etc.

2. Activities for Community Resources Augmentation Plan:

- (a) Adoption of nearby coastal village and providing civic amenities;
- (b) Creation of Self Help Group and Cooperative Society for marketing of local community produce;
- (c) Creation of micro financing for vocation of the local community, in particular fishermen community;
- (d) Identification and training of unemployed youth in the nearby villages for eventual absorption in the company;
- (e) Sustainable community solid waste management strategy and programme;
- (f) Installation and maintenance of organic waste collector;
- (g) Disbursement and disposal of fishing nets with financial incentives;
- (h) Renovation and maintenance of village wells etc.

S/L