

BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHER ZONE)

AT CHENNAI

(Special Original Jurisdiction)

Original Application No.231 of 2020 (SZ) (Suo Motu)

In the Matter of

Tribunal on its own motion - Suo Motu
Based on the News item in the New Indian Express,
Chennai Edition dated 12.10.2020, "Another Cooum in the
making? Illegal landfills take life out of
Muttukadu backwaters"

..... Applicant

Versus

1. The Chief Secretary to Govt. of Tamil Nadu,
Secretariat, Chennai.9
2. The Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai.9
3. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai.9
4. The Secretary to Government,
Department of Environment & Forests,
Secretariat, Chennai.9
5. The Addl. Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.9
6. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy, Chennai.32
7. Tamil Nadu State Coastal Zone Management Authority,
Rep. by its Member-Secretary,
No.1, Jeenis Road, Panagal Building,
Saidapet, Chennai. 15
8. The District Collector,
Kancheepuram District.
Kancheepuram.
9. Block Development Officer,
Thiruporur Block Development Office,
Thandalam - 603 105.


ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o. DIRECTOR OF ENVIRONMENT
PANAGAL MAJIGAI,
SAIDAPET, CHENNAI-600 015.


Director
Department of Environment
Chennai - 15.

10. Muttukadu Village Panchayat,
Rep. by its Secretary,
Muttukadu, Kancheepuram -603 130.

11. Navalur Village Panchayat,
Rep. by its Secretary,
OMR Road, Navalur - 603 130.

12. Padur Village Panchayat,
Rep. by its Secretary,
Padur, Kancheepuram - 603 103.

..... Respondents

REPLY AFFIDAVIT FILED BY THE 7th RESPONDENT

I, K.V. Giridhar, I.F.S, S/o K. Seetharama Rao about 57 years and having office at Ground Floor, Panagal Buildings, Saidapet, Chennai - 600 015 solemnly affirm and sincerely state as follows.

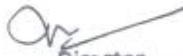
1. I humbly submit that I am the Director, Department of Environment and also the Member Secretary, Tamil Nadu State Coastal Zone Management Authority and I am well acquainted with the facts of the case from the records available and I am filing this reply in my official capacity on behalf of 7th respondent.
2. I humbly submit that I have gone through the averments contained in the affidavit filed by the Applicant and I deny all the averments except those that are specifically admitted herein and the Applicant is put to strict proof of the same.
3. I humbly submit that the National Green Tribunal has registered an Application on the basis of the news paper report published in "the New Indian Express" Chennai edition dated 12.10.2020 under the caption "Another Cooum in the making? Illegal landfills take life out of Muttukadu backwaters" and "No lesson learnt: Authorities 'bury' waste in deep pits on banks of Muttukadu backwaters" published in "the New Indian Express" Chennai edition dated 13.10.2020.
4. I humbly submit that Thiru Maj Gen Jose Manavalan, President, Oceanic Owners Association, Egattur, Chennai.130 has sent a representation dated 29.06.2020 on the above matter and a copy of the representation have been forwarded to the Chairman, DCZMA / District Collector of Chengalpattu district and the Convener, DCZMA / District Environmental Engineer, Maraimalai Nagar, Chengalpattu district with a request to inspect the site and to take further action, if violation noticed, vide this office letters dated 05.08.2020 and subsequently reminded on 20.10.2020.


ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o. DIRECTOR OF ENVIRONMENT
PANAGAL MALIGAI,
SAIDAPET, CHENNAI-600 015.


Director
Department of Environment
Chennai - 15.

5. I humbly submit that the Government of Tamil Nadu constituted District Coastal Zone Management Authorities (DCZMA) for all the Coastal districts in G.O.Ms.No.163, Environment and Forests Department dated 09.06.1998. The District Environmental Engineer of the Tamil Nadu Pollution Control Board is the Convener of the DCZMA and is the appropriate authority to take action in this regard.
6. I humbly submit that the DCZMAs are entrusted with the following responsibilities, in their respective jurisdictions, as per the above G.O.
 - a) to be responsible for monitoring and enforcement / Implementation of the provisions of the Coastal Regulation Zone Notification.
 - b) to ensure that the activities within Coastal Regulation Zone take place as per the approved Management Plan.
 - c) to advise the State Government on any matter relating to protection and control of pollution in Coastal areas.
 - d) to act as an Authority under Sec. 4 of Coastal Regulation Zone Notification, 1991 dated 19.02.1991 for taking action on Coastal Regulation Zone Plan violations.
7. It is necessary to state that to take action on violation under the CRZ Notification, as discussed in the 79th meeting of the TNSCZMA, dt. 18.08.2014, it was resolved that all the District Collectors, DCZMAs, CMDA, Corporation of Chennai are responsible for identification of violations and to take action on the violators, by following the procedures, laid down under the Environment (Protection) Act, 1986, as the CRZ Notification, 2011, permits to engage DCZMAs to assist the task.

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


Director
Department of Environment
Chennai - 15.

Solemnly affirmed at Chennai
This the day of January 2021
and Signed his name in presence

BEFORE ME


Assistant Conservator of Forests
GREEN SQUAD
C/O DIRECTOR OF ENVIRONMENT
PANAGAI MANSI, SAADAPET,
CHENNAI 600 015