

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE)

AT CHENNAI

Application No. 234 of 2017

Meenava thanthai K.R. Selvarajkumar  
Meenavar Nala Sangam,  
Represented by its President,  
M.R. Thiyagarajan,  
Office at 15/8, A.J. Colony,  
Royapuram, Chennai - 13

... Applicant

Versus

1. The Director,  
The Ministry of Environment, Forests & Climate Change,  
Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110 003.

2. The Chairman,  
National Coastal Zone Management Authority, Govt. of India,  
Ministry of Environment, Forests & Climate Change,  
Agni Wings, Fifth Floor, Indira Paryavaran Bhavan,  
Jor Bagh Road, New Delhi - 110 003.

3. The Member Secretary,  
Central Pollution Control Board,  
Parivesh Bhavan, CBD Cum Office Complex,  
East Arjun Nagar, New Delhi - 110 032.

4. The Principal Secretary to Government,  
Government of Tamil Nadu,  
Environment & Forests Department,  
St. George Fort, Chennai - 600 009.

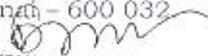
5. The Director, Department of Environment,  
Panagal Building, Saidapet, Chennai - 600 015.

6. The Member Secretary,  
The Tamil Nadu State Coastal Zone Management Authority,  
Panagal Building, Saidapet, Chennai.15

7. The Member-Secretary,  
Tamil Nadu Pollution Control Board,  
No.76, Anna Salai, Guindy, Chennai - 600 032.

8. The Member-Secretary,  
Chennai Metropolitan Development Authority,  
Gandhi Irwin Salai, Egmore, Chennai - 600 008.

9. The Director, Directorate of Industrial Safety and Health,  
T.S.No.47/1, SIDCO Industrial Estate,  
Guindy, Chennai - 600 032

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

  
Director  
Department of Environment  
Chennai - 15.

10. The District Collector,  
Collectorate of Chennai District, Chennai.

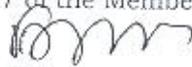
11. The Commissioner, Corporation of Chennai,  
Ripon Buildings, Chennai - 600 003.

12. M/s. St. Peter and Paul Sea Food Export Pvt. Ltd.,  
Represented by its Managing Director,  
No.11A, New Tiruvalluvar Nagar, Royapuram, Chennai.13 ..... Respondents

**ADDITIONAL COUNTER AFFIDAVIT FILED BY THE 5<sup>th</sup> AND 6<sup>th</sup>  
RESPONDENTS**

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 5<sup>th</sup> and 6<sup>th</sup> respondents.
2. I humbly submit that I have gone through the averments contained in the affidavit filed by the Applicant and I deny all the averments except those that are specifically admitted herein and the Applicant is put to strict proof of the same.
3. I humbly submit that the applicant has informed that the 12<sup>th</sup> respondent viz. M/s. St. Peter and Paul Sea Food Export Pvt. Ltd., has engaged in the business in the nature of processing and exporting sea foods mainly octopus, squid and prawns at Royapuram, Chennai district. Further, the applicant has stated that the 12<sup>th</sup> respondent consuming more than 10 KLD water per day in the CRZ area without any valid permission.
4. I humbly submit that the MoEF & CC, Govt. of India have promulgated CRZ Notification 2011 on 06.01.2011 in supersession of CRZ Notification 1991, which imposed with effect from the date of the notification restrictions on the setting up and expansion of industries, operations, processes and the like in the CRZ.
5. I humbly submit that the 12<sup>th</sup> respondent has not submitted any application for clearance under CRZ Notification 2011 to the TNSCZMA for approval.
6. I humbly submit that the applicant has sent a representation against the 12<sup>th</sup> respondent and a copy of the representation has been sent to Corporation of Chennai and Convener, DCZMA for CMDA Areas to take action vide letter dated 11.11.2017 of the Member-Secretary, TNSCZMA.

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

  
Director  
Department of Environment  
Chennai - 15.

7. I humbly submit that the Government of Tamil Nadu have 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 District Coastal Zone Management Authority and is the appropriate authority to take action in this regard.
8. I humbly submit that the DCZMAs are entrusted with the following responsibilities, in their respective jurisdictions, as per the above G.O.
- to be responsible for monitoring and enforcement / Implementation of the provisions of the Coastal Regulation Zone Notification.
  - to ensure that the activities within Coastal Regulation Zone take place as per the approved Management Plan.
  - to assist the State Authority in undertaking the sponsored investigation and research activities in relation to protection and conservation of coastal Environment.
  - to advice the State Government on any matter relating to protection and control of pollution in Coastal areas.
  - 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.
  - to co-ordinate the activities of the Coastal Zone Management Committees of various coastal areas and to provide guidance.
9. I humbly submit that in respect of CMDA areas, the CMDA and the Corporation of Chennai have been made responsible for the enforcement of provisions of CRZ Notification 2011, vide proceedings of the Member-Secretary, TNSCZMA in Proc. No.P1/443/2011 dated 16.02.2012 as resolved by the TNSCZMA in the 65<sup>th</sup> meeting held on 10.02.2012.
10. Further, the matter was discussed in the 79<sup>th</sup> meeting of the TNSCZMA held on 18.08.2014. Accordingly, as resolved all the District Coastal Collectors, District Coastal Zone Management Authorities, CMDA, Corporation of Chennai are responsible for identification of violations and to take action on the violators and accordingly the matter was referred to CMDA and Greater Chennai Corporation for taking further action in letter dated 11.11.2017.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to record the above mentioned facts and pass such further order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

  
**Director**  
**Department of Environment**  
**Chennai - 15.**

BEFORE ME

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

  
**ASSISTANT CONSERVATOR OF FORESTS**  
**GREEN SQUAD,**  
**D/o. DIRECTOR OF ENVIRONMENT**  
**PANAGAL MALIGAI,**