

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
APPLICATION NO. 234 OF 2017**

IN THE MATTER OF:

MEENAVA THANTHAI K.R.SELVARAJ KUMAR

MEENAVAR NALA SANGAM

Represented by its President,
M.R.Thiyagarajan

...Applicant

Versus

UNION OF INDIA & ORS

...Respondents

**SUBMISSIONS AND REJOINDER ON BEHALF OF THE APPLICANT TO
THE COUNTER AFFIDAVIT FILED BY RESPONDENT NO.12**

MOST RESPECTFULLY SHOWETH:-

1. The Applicant had filed the above tilted application in order to highlight about the unauthorised, unscientific and prohibited operation of Sea Food Production, Processing and Preservation, established and run by Respondent No.12 in the CRZ Zone earmarked by the Tamil Nadu Coastal Zone Management Authority. Despite to the above, the Respondent No.12 has constructed the commercial building of two floors in the impugned site of CRZ without obtaining the CRZ Clearance from the Tamil Nadu Coastal Zone Management Authority as well as other statutory permissions from the authorities.
2. The Applicant humbly submits that the Committee appointed by this Hon'ble Tribunal has confirmed all the allegations made by the Applicant in the Application and imposed an Environmental Compensation of Rs.30,00,000/- Lakhs and the same was accepted and paid by the Respondent No.12 herein. Therefore, the rejoinder filed by the respondent No.12 after five years would not stand in the eye of law in so far as all the allegations admitted by the Project proponent in the earlier occasions.

3. At the outset, it is respectfully submitted that the contents of the counter filed by the Respondent No.12 to the above tilted appeal are wholly misleading and the Applicant denies all averments made by the Respondent No.12 therein specifically admitted or are of matter of record. The Applicant herein reserves the right to rebut any specific averment if put on record by Respondent no.12.

4. That in the grounds of original application, the Applicant has primarily taken, inter alia, the following grounds for the consideration of this Hon'ble Tribunal:-

- I. Prohibited activity ie.Sea food processing established and run by the Respondent No.12 in the CRZ Zone.**
- II. CRZ Clearance has not been obtained by the Respondent No.12 for the construction of commercial building ie. two floors in the CRZ Zone.**
- III. No Effluent Treatment plant erected by Respondent No.12 to treat the effluents.**
- IV. Discharge and Dumping of solid and liquid effluents directly into the sea.**
- V. Illegal Drawl of Ground water in the impugned site.**

Para-wise reply to the contentions raised by the Respondent No.12 in the counter- Affidavit

5. That the averment in Para.1 of the counter affidavit of Respondent No.12, is a matter of record and therefore does not require response.
6. That the averments in Para.2 of the counter affidavit of the Respondent No.12 would depict that they have established and carried out the prohibited activity namely Grading, Packing and Loading of Sea food in the

impugned site of CRZ Zone. Thus, the violation has been fairly conceded by the project proponent and hence, no response.

7. That the averments in Para.3 to 5 of the counter affidavit would also reveals that the Respondent No.12 has established and carried out the prohibited activity ie. sea food processing unit in the impugned site of crz zone from the year.1970 and therefore, the applicant humbly request this Hon'ble Tribunal to impose exemplary Environmental Compensation for the degradation of the Costal ecology from the year of Establishment.

In the case of Bajri Lease Loi Holders Welfare Society Vs State of Rajasthan the Hon'ble Apex Court held that:-

"The cost of restoration of environment as well as the cost of ecological services should be part of the compensation. The "Polluter Pays" principle as interpreted by this Court means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of "Sustainable Development" and as such the polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology."

8. That the averments in Para No.6 of the counter affidavit of Respondent No.12 are misleading and denied as false and no documentary evidence have been produced by the project proponent to substantiate the allegations adverted in the counter affidavit. Further, it is to submit that the project proponent has now made a malicious allegation on the applicant in order to avoid an order of demolition and exemplary compensation from this Hon'ble Tribunal for the admitted violations and damages caused to the coastal ecology. In this regard, it is pertinent to state the significant cases filed by the applicant for the consideration of this Hon'ble Tribunal to prove the present applicant has never filed a case

before any court of law for a personal and monetary benefit. The motive of the present applicant is to conserve and protect the environment especially to uphold the fundamental rights of the fishermen community.

- On the issue of Ennore Ship Collide, the Petitioner's Association have filed a case on behalf of the Fishermen Community wherein the Hon'ble Madras High Court have ordered Interim Compensation of 141 Crores to the affected one lakh twenty five thousands fishermen community who belongs to Thiruvallur and Kanchepuram Districts.

- On 2020, during the time of NLC blast, Cuddalore, the Petitioner's association has filed a case before the Hon'ble National Green Tribunal, New Delhi on behalf of the people who lost their lives during the blast. To the aforesaid case, The Hon'ble Tribunal has ordered interim compensation of Rs.30 lakh to each Victim.

- In a case of violation of CRZ notification in O.A.No. 225 of 2016 this Hon'ble NGT, Southern zone has directed the Project proponent to demolish the illegal construction after imposing an environmental compensation of 10 crores.

- Likewise on an issue of illegal construction in CRZ Area, this Hon'ble Tribunal in Appeal No.4 of 2019 has quashed the Crz clearance including demolition of illegal structure and imposed a compensation of 25 lakhs on the Project Proponent.

9. In addition to the above, the applicant association has also involved in several social activities to improve the livelihood of the fishermen community, inter alia , to state that the association provides numerous educational aids to promote low-income students to access and pursue the higher education they deserve for their future. **Photos emphasis the social activities are annexed and marked as Annexure-A/1.**

10. That the averment in Para.7 of the counter affidavit of Respondent No.12 is grossly false and misleading and it is to submit that the prohibited activity of fish processing which involves grading, packing and loading was carried out in the impugned site and the applicant has not filed any case against the sister concern of the project proponent as stated by the project proponent in Para.7.
11. That the Averment in Para.8 would shows that the project proponent has successfully achieved their goal to earn 100 crores in the last two financial years by sacrificing the environment and without having any compassion towards the environment and no compliance to the law laid under the Environmental protection act. This, it is humbly request to impose a huge environmental compensation on the hands of the project proponent.
12. That the contentions and averments raised in Para.9 to 15 of the counter affidavit of Respondent No.12 would not substantiate in the present case in so far as the committee has confirmed the allegations and sought permission from this Hon'ble Tribunal for the demolition of illegal structures. Further, it is to sate that the State PCB has also issued a closure order against the project proponent and thus, the allegations raised in the application has confirmed by the experts in the respective authorities.

In the light of the facts and circumstances stated above, I humbly pray that this Hon'ble Tribunal to pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice



APPLICANT

THROUGH



G.STANLY HEBZON SINGH

Date : 08/03/2022

Place :Chennai













