

BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHER ZONE)

AT CHENNAI

(Special Original Jurisdiction)

Original Application No.248 of 2020 (SZ)

In the matter of:

Tribunal on its own motion,
Suo Motu based on the news item in
The Times of India, Chennai Edition
Dt. 09.11.2020, "Choked Buckingham Canal
May keep streets flooded during heavy rainfall"

... Applicant(s)

Versus

1. The Chief Secretary to Govt. of Tamil Nadu,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
2. The Principal Secretary to Govt.,
Public Works Department,
Govt. Secretariat,
Fort St. George, Chennai,
3. The Additional Chief Secretary to Govt. of Tamil Nadu,
Revenue and Disaster Management Department,
Govt. Secretariat, Fort St. George, Chennai.
4. The Principal Secretary to Govt. of Tamil Nadu,
Health and Family Welfare Department,
Govt. Secretariat, Fort St. George, Chennai.
5. The Secretary to Govt. of Tamil Nadu,
Department of Environment & Forests,
Govt. Secretariat, Fort St. George, Chennai.
6. The Additional Chief Secretary to Govt. of Tamil Nadu,
Municipal Administration and Water Supply Department,
Govt. Secretariat, Fort St. George, Chennai.
7. The Principal Secretary to Govt. of Tamil Nadu,
Highways and Minor Ports Department,
Govt. Secretariat, Fort St. George, Chennai.
8. Engineer in Chief (Water Resources Organization) and
Chief Engineer (General), Public Works Department,
Chepauk, Chennai - 600 005.
9. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy, Chennai.
10. Chennai Metropolitan Water Supply & Sewerage Board,
Rep. by its Managing Director,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 031.


ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o. DIRECTOR OF ENVIRONMENT
PANJALAI MALLAI


Director
Department of Environment
Chennai - 15

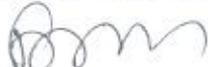
11. The District Collector, Chennai District,
District Collectorate
Office, No.62, Rajaji Salai,
4th Floor, Chennai - 600 001.
12. Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, Chennai - 600 003.
13. Tamil Nadu Coastal Zone Management Authority,
Rep. by its Member Secretary,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet, Chennai - 600 015.

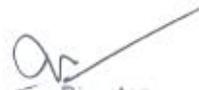
(Suo Motu impleaded as additional 13th respondent as per Order dt.23.11.2020.)
...Respondent(s)

REPLY AFFIDAVIT FILED BY THE 13th 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 13th 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 Hon'ble NGT (SZ) has filed an O.A. No. 248 of 2020 as Suo Motu based on the news item in the New Indian Express, Chennai edition dated 09.11.2020, "Choked Buckingham Canal may keep streets flooded during heavy rainfall". The Hon'ble NGT (SZ) has stated that the Greater Chennai Corporation has finished de-silting more than 90% of the storm water drains in the city, much result could not be found, because at locations such as Mandaveli, Mylapore, Triplicane, and just outside the Chennai Central Railway Station, mounds of garbage especially plastic waste was seen floating impeding the flow of water in the canal.
4. I humbly submit that the Ministry of Environment and Forests, GoI have promulgated CRZ Notification 2011 on 06.01.2011 in supersession of CRZ Notification 1991 in the notification S.O.No.19(E) dated 06.01.2011. In the said notification, classification of different coastal zones are stipulated as follows.


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PANAGAL MALIGAI,
SAIDAPET, CHENNAI-600 015


Director
Department of Environment
Chennai - 15.

- a) **CRZ-I, areas viz.,** Mangroves, Corals and coral reefs and associated biodiversity, Sand Dunes, Mudflats which are biologically active, National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas, Salt Marshes, Turtle nesting grounds, Horse shoe crabs habitats, Sea grass beds, Nesting grounds of birds, areas or structures of archaeological importance and heritage sites and the area between the Low Tide Line and the High Tide Line;
- b) **CRZ-II areas viz.,** the areas that have been developed upto or close to the shoreline.
- c) **CRZ-III areas viz.,** area that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural area (developed and undeveloped) and also area within the municipal limits or in other legally designated urban area, which are not substantially builtup.
- d) **CRZ-IV areas viz.,** the water area from the Low Tide Line to twelve nautical miles on the seaward side and also 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.
5. I humbly submit that as per the CRZ Notification, 2011, among other things, the area upto 500 mts. on the landward from the HTL of sea is falling in CRZ and also the area upto 100mts. or width of the tidal influenced water bodies, whichever is less, is falling in CRZ.
6. I humbly submit that according to the Clauses (vi) & (vii) of Para 3 of the CRZ Notification, 2011 (i) discharge of untreated waste and effluents from industries, cities or towns and other human settlements and (ii) dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling and the like have been declared as prohibited in the CRZ area. The concerned authorities should implemented schemes for phasing out such existing practice if any.
7. I humbly submit that the issues with reference to the discharge of untreated waste and effluents from industries, cities or towns and other human settlements and dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling and the like, are vested with the Tamil Nadu Pollution Control Board, Municipal Administration and Water Supply Department, Revenue Department, Department of Town Panchayats and the local bodies concerned, as they are only the concerned authorities.


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Chennai - 15.

8. 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 District Coastal Zone Management Authority and is the appropriate authority to take action in this regard.
9. I humbly submit that the DCZMAs are entrusted with the following responsibilities, in their respective jurisdictions, as per the said 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 advice 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.
10. 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, District Coastal Zone Management Authorities, 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.

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

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BEFORE ME


ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o. DIRECTOR OF ENVIRONMENT
PANAGAL MALIGAI,
SAIDAPET, CHENNAI-600 016.