

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

**Application No. 278 of 2017**

John Fernandez,  
S/o Soosai, Inayam,  
Inayam Post,  
Kanniyakumari District.

...Applicant

**Vs**

1. The Member Secretary  
Tamilnadu Pollution Control Board  
76, Mount Salai, Guindy  
Chennai – 600 032 & others .

...Respondents

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**Filed by  
Thiru. S. Sai Sathya Jith,  
Advocate, Chennai.**



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**REPORT FILED ON BEHALF OF THE RESPONDENTS**  
**TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Rajamanickam, S/o.P.M. Ramasamy, Hindu, aged about 57 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the Respondent Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble NGT in its order dated 09.09.2021 has directed inter alia as follows:

*"... Para 5: It is seen from the report submitted by the State Coastal Zone Management Authority that they had no power to order for demolition of construction. It may be mentioned here that if there is any violation of CRZ Notification, the authorities are vested with the power to take action for the violation as well and if it is done without permission*

*R. Rajamanickam* 12/11/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD

and if it is an impermissible activity, invoking the power under Section 5 of the Environment (Protection) Act, 1986, they can give necessary direction to the violator, even for demolition of the building and if they did not demolish the same, then they can request the District Administration or other regulators who are responsible for carrying out the demolition work as has been observed by the Hon'ble Apex Court in The Kerala State Coastal Zone Management Authority Vs. The State of Kerala Maradu Municipality & Ors (2018) 2 SCC 203.

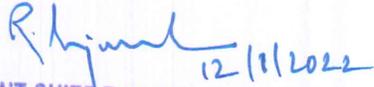
3. It is respectfully submitted that the unit of M/s. Nanjil Sea Foods (fish processing unit and cold storage with Ice Plant) at S.F.No.478/4C, Painkulam Village, Vilavancode Taluk, Kanyakumari District has already been issued with closure order and power supply was disconnected, and the unit remains under closure since 02/11/2020. In order to comply the Hon'ble NGT order dated 09.09.2021, the subject on the demolition of the unit was discussed in the 90<sup>th</sup> DCZMA meeting held on 02.12.2021 and the Committee decided to direct the Assistant Director (Village Panchayat) to take necessary action for demolishing the building, considering the fact that sea food processing is a prohibited activity under CRZ Rules, and report the action taken details within 8 weeks to District Coastal Zone Management Authority.

In this regard, as per the decision of the District Coastal Zone Management Authority, the District Collector vide Letter No. F. CRZ 245/2021/ dated 29/12/2021 has directed the Assistant Director, Village Panchayat, Nagercoil to take necessary action for demolishing the said building, considering the fact that sea food processing is a prohibited

  
12/1/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

activity under CRZ Rules, and report the action taken details within 8 weeks time to ensure the compliance of Hon'ble NGT directions.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

  
12/11/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.  
**BEFORE ME**

### VERIFICATION

I, R. Rajamanickam, son of P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records

  
12/11/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.



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THE RESPONDENTS - TAMIL  
NADU POLLUTION CONTROL  
BOARD.**

**Advocate for Respondent No.  
TNPCB Thiru. S. Sai Sathya Jith,  
Advocate, Chennai.**

**Date:12.01.2022.**

**Date of hearing on: 28.01.2022**

