

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.

APPEAL NO. 55 of 2021 (SZ)

A. Anthony Raj Williams

...Applicant

Versus

Ministry of Environment,
Forest and Climate Change,
Rep.by it's Secretary,
New Delhi and Others

...Respondent(s)

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Filed by
Thiru. Sai Sathyajith
Advocate, Chennai.

JOINT COMMITTEE REPORT SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI, WITH REFERENCE TO ITS ORDER DATED 13.8.2021 IN APPEAL No. 55 of 2021 (SZ).

The Joint Committee nominated by the Hon'ble National Green Tribunal, Southern Zone visited the residential layout site in Marakkanam North village, Marakkanam Taluk, Viluppuram District developed by M/s.D.S.Propertyei, Chennai in terms of the order dated 13.8.2021 in Appeal No.55 of 2021 (SZ).

The direction of the Hon'ble Tribunal for the committee is to go into the following three issues framed by it with reference to the CRZ clearance given by the Tamil Nadu Coastal Zone Management Authority, Chennai.

- i) whether there is any violation of Coastal Regulation Zone Notification
- ii) whether there is any suppression of material fact or misrepresentation made regarding a non- existence road as existing road for the purpose of getting the clearance, as alleged by the appellant and
- iii) if there is any violation what is the action taken by the authorities in this regard.

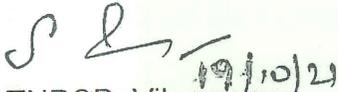
The Joint Committee visited the residential layout site on 19.10.2021. It found it lying within the CRZ-II Zone. Though the plots have been marked on the layout, there has been no construction on any of them. They are all lying vacant. The Committee has also perused the papers pertaining to the recommendation made by the District Coastal Zone Management Authority, Viluppuram District. The recommendation made by this Authority was based on the information that there was a mud road connecting Vasavankuppam village to the burial ground located beyond the northern boundary of the lay out site under reference as reported by the authority concerned. The Committee did not notice any apparent violation of Coastal Regulation Zone Notification, in so far as the recommendation for clearance in the case, as seen from the relevant records.

The Committee inspected the stretch abutting the fenced eastern boundary of the layout. As regards the road claimed to be running on the eastern side of the layout separating it from High Tide Line, the Committee found no such road existing, from the sea front up to the fenced eastern boundary of the layout, it is a seamless sandy stretch. However, the villagers of Vasavankuppam while being enquired, told the Committee that they carry the dead bodies to the burial ground along the eastern boundary of the layout.

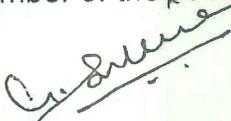
In the absence of a road abutting the eastern boundary of the layout, it cannot be claimed that it has come up on the landward side of an existing road. The most crucial condition that buildings shall be permitted only on the landward side of an existing road as per CRZ Notification, 2011 is not fulfilled in the case.



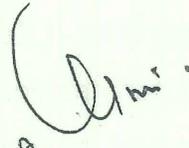
Director, MOEF & CC, Chennai
(Member of the Joint Committee)


19/10/21

DEE, TNPCB, Viluppuram
(Member of the Joint Committee)



Forest Range Officer, TNSCZMA, Chennai
(Member of the Joint Committee)



District Collector, Viluppuram District
(Nodal Agency & Member of the Joint Committee)

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REFERENCE TO ITS ORDER DATED
13.8.2021 IN APPEAL NO.55 OF 2021**

Advocate for the Respondent: TNPCB
Thiru. Sai Sathyajith
Chennai

Date: 26.10.2021

Date of Hearing: 16.11.2021