

**IN THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI
IN
Appeal.No. 55 of 2021 (SZ)**

IN THE MATTER OF:-

A. Anthony Raj Williams

.....Petitioners

-Vs-

The Ministry of Environment,
Forest and Climate Change & Ors.

..... Respondents

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 (MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE)**

CHENNAI

DATED: 21-10-2021

ME.SARASHWATHY
Counsel for MoEF & CC, RI
Mobile No. 9444415523

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SOUTHERN ZONE, CHENNAI
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AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 (MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE)

MOST RESPECTFULLY SHOWETH:

I, Dr. C. Kaliyaperumal S/o Chinnakkannu aged about 60 years, presently working as Scientist (F) in the integrated Regional Office of Ministry of Environment, Forest & Climate Change (MoEF&CC), at Chennai, do hereby solemnly affirm and declare as under:

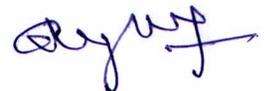
1. That I am acquainted with the facts and circumstances of the instant case and duly competent to swear the present affidavit on behalf of the MoEF & CC on the basis of the official records maintained therein.
2. That in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, Ministry of Environment and Forest had notified the Coastal Regulation Zone (CRZ) Notification, 1991 on 19th February, 1991, which, *inter-alia*, provided classification of Coastal Regulation Zone areas



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(hereinafter referred to as CRZ areas) and norms for regulating developmental activities therein.

3. It is submitted that this notification was subsequently superseded by the Coastal Regulation Zone (CRZ) Notification, 2011 issued vide S. O. No. 19 (E), dated 6th January, 2011. It is also submitted that the extant CRZ Notification was issued with the objective to conserve and protect the coastal stretches by regulation of developmental activities along the coastal stretches and to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas.
4. It is humbly submitted that this said CRZ Notification, 2011 was amended from time to time based on representations received and a need was felt overtime to undertake a comprehensive revision of the notification on the basis of number of representations from various Coastal States and Union territory Administrations, besides other stakeholders.
5. It is humbly submitted that all construction activities/building projects falling within CRZ -II areas shall require prior CRZ clearance from the Competent Authority as per the extant norms of the CRZ Notification, 2011.
6. It is humbly submitted that the construction activities in CRZ-II area involving built-up area more than 20,000 sqm shall attract the provisions of the EIA Notification, 2006 and requires prior composite EC+CRZ clearance from the concerned State Environment Impact Assessment Authority (hereinafter referred to as SEIAA), along with recommendations of the concerned State Coastal Zone Management Authority (hereinafter referred to as SCZMA).
7. It is further humbly submitted that the construction activities in CRZ-II area involving built-up area less than 20,000 sqm shall require prior CRZ



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clearance by concerned Town Planning Authority based on the recommendations of the concerned SCZMA.

8. It is humbly submitted that the project in question falls in CRZ-II area and learnt that the Tamil Nadu State Coastal Zone Management Authority has issued CRZ clearance vide its letter No. Proc No. P1/1721/2019, dated 31.07.2019, subject to specific and general conditions.
9. It is humbly submitted that for the purpose of implementation and enforcement of the provisions the CRZ Notification, 2011 and compliance with the conditions stipulated there under, the powers either original or delegated are available under the Environment (Protection) Act, 1986 with the State Government and the State Coastal Zone Management Authority (SCZMAs). The composition, tenure and mandate of State/UT CZMAs, have been notified from time to time by the Ministry.
10. It is further humbly submitted that the CRZ Regulations are to be implemented and monitored (including violations thereof) by the concerned State Coastal Zone Management Authority in accordance with the approved CZMPs of the respective state.
11. It is respectfully submitted that the answering respondent without prejudice reserves his right to file an additional affidavit at a later stage, if so necessary.
12. It is respectfully submitted that in view of the above mentioned facts, the respondent Ministry humbly submits that the Hon'ble Tribunal may pass such order as may deem fit in the interest of justice.



DEPONENT

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VERIFICATION

I, the above named Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from.

Verified at Chennai on this 21th day of October, 2021


DEPONENT

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