

**IN THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION 172 OF 2020**

IN THE MATTER OF:

ASSOCIATION OF DEEP SEA GOING ARTISANAL

FISHERMEN

.....PETITIONERS

//VERSUS//

UNION OF INDIA & ORS.

..... RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1
(MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE)
AS DIRECTED BY THE HON'BLE NGT (SZ) THROUGH ITS ORDER
DATED 15.03.2021

I, M.T. Karuppiah, S/o KN. Masilamani aged about 50 years, presently working as Scientist – E in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC) do hereby, in my official capacity, solemnly affirm and state on oath as follows-

1. It is submitted that the construction of the check dam within the CRZ area, as alleged in the petition, requires a prior clearance as per the provision of the CRZ Notification 2011.


(Dr. M.T. Karuppiah)
(Dr. M.T. KARUPPIAH)
वैज्ञानिक / Scientist
पर्यावरण, वन, जलवायु परिवर्तन विभाग
Min. of Environment, Forests & Climate Change
भारत सरकार, चेन्नई
Govt. Of India, Chennai

2. It is humbly submitted that as per the report dated 11.01.2021 submitted by the Joint committee which was duly signed by the representative of Tamil Nadu Coastal Zone Management Authority (TNCZMA) and Regional Office of this Ministry at Chennai, finds mention as under:

“Based on the site visit and approved CZMP available, the Joint Committee confirms that the alleged activity for the construction of Check Dam is in the CRZ area and attracts the provisions of the CRZ Notification. However, Project authority commenced the alleged project activity without obtaining requisite CRZ clearance from the Competent Authority and is being continued, which tantamount violation of the provisions of the Environment (Protection) Act, 1986 and CRZ Notification, 2011.

3. It is further submitted that the Joint committee report duly endorsed by the representative of the Tamil Nadu State Coastal Zone Management Authority unanimously agreed /confirmed that the project in question is in violation.

4. It is further submitted that Tamil Nadu State Coastal Zone Management Authority being the implementing and enforcement authority for the provisions of the CRZ Regulations in Tamil Nadu, vide letter R.C. No. P1/1334/ 2007-1 dated 17.012.2020 requested the concerned District Coastal Zone Management Authority for necessary action as per the Joint Committee report.

5. It is further submitted that Tamil Nadu State Coastal Zone Management Authority and the Ministry of Environment, Forest & Climate Change, Regional Office, Chennai are in consensus and that there is no conflicting opinions between the two regulatory authorities.


 (H. Karupiah)
 (H. M.T. KARUPPIAH)
 वैज्ञानिक / scientist
 पर्यावरण तथा वन, जलवायु परिवर्तन विभाग
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 Govt. Of India, Chennai

6. It is most humbly submitted that as per the said CRZ notification, the State Coastal Zone Management Authorities (SCZMAs) are primarily responsible for enforcement and implementation of the provisions of the CRZ Notification and compliance of the conditions stipulated there under, the powers either original or delegated, under the Environment (Protection) Act, 1986. The provisions related to the composition, tenure and mandate of SCZMAs, have been notified from time to time by the Ministry. The main function of these Authorities include amongst others, enquiring into the cases of alleged violation of the provisions of the CRZ Notification, 2011 and take appropriate decision including power to enforce provisions under Section 5, 10 and 19 of the Environment (Protection) Act, 1986.

7. 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.

8. It is respectfully submitted that in view of the above mentioned facts, the respondent humbly prays that the Hon'ble Court may be pleased to pass such order as deemed fit in the interest of the justice.



DEPONENT
 (डा.एम.टी. करुप्पिया)
 (Dr. M.T. KARUPPIAH)
 वैज्ञानिक / scientist
 पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
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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 30th day of May, 2021



DEPONENT
 (डा.एम.टी. करुप्पिया)
 (Dr. M.T. KARUPPIAH)
 वैज्ञानिक / scientist
 पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
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