

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

Original Application No. 251 of 2024 (SZ)
Earlier O.A. No. 777 of 2024 (PB)

IN THE MATTER OF:

Suo Moto matter in respect of news item
appearing in The Times of India dated
14.06.2024 titled **“The great beach robbery:
Chennai’s Coastal Zone marred by
Encroachment, digging of borewells.”**

and

MoEF & CC,
Through Regional Office,
Bangalore and Ors.

...Respondent(s)

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Dated at Chennai this the 20th day of December, 2024.



COUNSEL FOR THE 1ST RESPONDENT

SITE INSPECTION REPORT

A. BACKGROUND OF THE CASE:

The original application is registered Suo-motu on the basis of the news item titled "The great beach robbery Chennai's coastal zone marred by encroachment digging of borewells" published in The Times of India dated 14.06.2024 (**Copy Attached at Annexure 2**).

2. The matter relates to illegal construction and encroachment near Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu). The article alleges that the Chennai Metropolitan Development Authority (CMDA) may be waiting for approval from the Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) to carry out the Rs 100 crore beach redevelopment projects, but encroachers are busy constructing pukka houses and drilling borewells on sands in the area.

3. As per the news item, constant debris and garbage dumping at the beach near the Arudapai Veedu Murugan Temple is blocking a natural flood water channel. Furthermore, 30 pucca houses and four huts encroach the beach sands. Foundations for even more houses have been laid and borewells have been dug. Two unauthorised 'roads' one 150m long and the other 200m —leading to the temple from Thiruvanmiyur Kuppam have also been laid.

4. The news item highlights that such unauthorized construction can disturb fresh water sources, allowing saltwater intrusion into aquifers and wells. It can also impact the Olive Ridley Turtle nesting sites. Soil erosion and floods can be another outcome as beaches act as natural buffers.

5. The above matter indicates violation of the provisions of the Coastal Regulation Zone Notifications 2019 and the Environment Protection Act, 1986.

6. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

7. Order of Original Application No. 777/2024 for News Item titled "The great beach robbery Chennai's coastal zone marred by encroachment digging of borewells" appearing in The Times of India dated 14.06.2024 and Date of hearing: 10.07.2024 stated that based on the Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court. The following were impleaded as respondents:

- i. Ministry of Environment, Forest and Climate Change, Through Regional Office, 1st Floor Additional Office Block for GPOA, Shastri Bhawan, Haddows Road, Nungambakkam, Chennai- 600006
- ii. Chennai Metropolitan Development Authority, Through its Member Secretary Thalamuthu-Natarajan Maaligai & 39; No.1, Gandhi Irwin Road, Egmore, Chennai – 600008
- iii. Tamil Nadu State Coastal Zone Management, Department of Environment, Climate Change and Forests, Government of Tamil Nadu, Through its Principal Secretary Department of Environment and Climate Change No.1, Jeenis Road, Panagal Building, Ground Floor, Saidapet, Chennai- 600015

8. The respondents were issued notice for filing their response before the appropriate bench of the Tribunal at least one week before the next date of hearing. Further, the matter

S. Hanumanth

relates to the Southern Zonal Bench, Chennai, therefore, OA was transferred to the Southern Zonal Bench, Chennai for further action and listed before Southern Zonal Bench at Chennai on 11.09.2024.

9. In the order of the Hon'ble National Green Tribunal, Southern Zone, Chennai, (Through Video Conference), Original Application No.251 of 2024(SZ), Earlier O.A. No. 777 of 2024(PB) heard on 11.09.2024 states that notice to be issued to the respondents through the Tribunal. The learned counsel Mr. Aarti representing Mr. S. Sai Sathya Jith accepts notice on behalf of the Respondent No.3. The learned counsels appearing for the appropriate authorities are directed to take the papers from the Registry and file a report before the next date of hearing which was on 05.11.2024.

10. In the hearing on 05/11/2024 before the Hon'ble National Green Tribunal, Southern Zone, Chennai, (Through Video Conference), Original Application No.251 of 2024(SZ), Earlier O.A. No. 777 of 2024(PB) states that the learned counsel Mrs. Y. Kavitha entered appearance on behalf of Respondent No.1 and the matter was posted on 20.12.2024. Meanwhile, the respondents were directed to file their respective replies.

11. The Advocate Kavitha Y informed to RO Chennai and Ministry (HQ) that the subject case came for hearing before the Hon'ble National Green Tribunal, Southern Zone, Chennai on 05/11/2024 and the same stands adjourned to 20/12/2024. Requested to send the report in the subject matter to file before the Hon'ble NGT.

12. The DDGF(C) of RO Chennai directed the undersigned for site visit on 20/11/2024. Further, a communication on 10/12/2024 was sent from RO Chennai to the concerned division of Ministry (CRZ-Division) and LMC of Ministry for the information and direction in the subject matter.

11. Ministry vide e-mail dated 13/12/2024 directed the RO, Chennai to take Site Visit of the project and file the Report/Affidavit in order to comply with the directions passed by the Hon'ble NGT (SZ) and defend the matter on behalf of the Ministry of Environment, Forest and Climate Change.

12. Accordingly, the undersigned was carried out the site visit on 17/12/2024 at the location near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu).

B. OBSERVATIONS OF RO-CHENNAI, MOEFCC:

The following observations were made based on the site visit conducted by the undersigned on 17/12/2024 with respect to the Original Application No.251 of 2024(SZ), Earlier O.A. No. 777 of 2024(PB) in the matter of News Item titled "The great beach robbery Chennai's coastal zone marred by encroachment digging of borewells" appearing in The Times of India dated 14.06.2024 before the Hon'ble National Green Tribunal, Southern Zone, Chennai:

2. Presently, the construction works as mentioned in the News items dated 14/06/2024 in relation to the subject matter was stopped and seems to be demolished (Photographs attached at Annexuer-1).




3. Three sand roads were laid at the location near to Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu). The first, second and third sand roads which are approximately 247m, 98.11m and 169.78m lengths from Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu) respectively (Photographs attached at Annexuer-1).
4. Construction of dwelling structures were observed near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu) which are of approximately located 58.22m, 103.94m and 195.7m from High Tide Line (HTL) (Photographs attached at Annexuer-1).
5. Boreholes with pumps were installed adjacent to the dwelling places for the withdrawal of Ground water (Photographs attached at Annexuer-1).
6. Natural storm water drain was located near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu) which is connecting the Kalakshetra Colony road and the Thiruvanmiyur sea (Photographs attached at Annexuer-1).
7. Minimal plastic debris were observed in the natural storm water drain (Photographs attached at Annexuer-1).
8. Recently surveillance cameras were installed near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu) (Photographs attached at Annexuer-1).

C. APPLICABILITY OF COASTAL REGULATION ZONE NOTIFICATION 2011:

Ministry of Environment, Forest and Climate Change vide F. No. 12-8/2018-IA-III dated 21/10/2018 stated that the Coastal Zone Management Plan (CZMP) of Tamil Nadu draws as per the provisions of the Costal Regulation Zone Notification 2011 (**Copy attached at Annexure 3**).

2. The location mentioned in the News Item titled "The great beach robbery Chennai's coastal zone marred by encroachment digging of borewells" appearing in The Times of India dated 14.06.2024 seems to fall under the Category CRZ-II of Costal Regulation Zone Notification 2011 (**Approved Map which was downloaded from the TNCZMA website having Number of TN 107 is attached at Annexure-4**).
3. In light of these considerations, it is respectfully requested that the Honourable Tribunal may take the appropriate decision as it sees fit.


(Dr.S.Pradeepkumar)
Scientist 'B'

Dr.S.Pradeepkumar
Scientist 'B'
Government of India
Regional Office
Ministry of Environment, Forest and Climate Change,
Shastri Bhavan, Haddows Road, Nungambakkam,
Chennai - 600 006, Tamilnadu.

SITE PHOTOGRAPHS

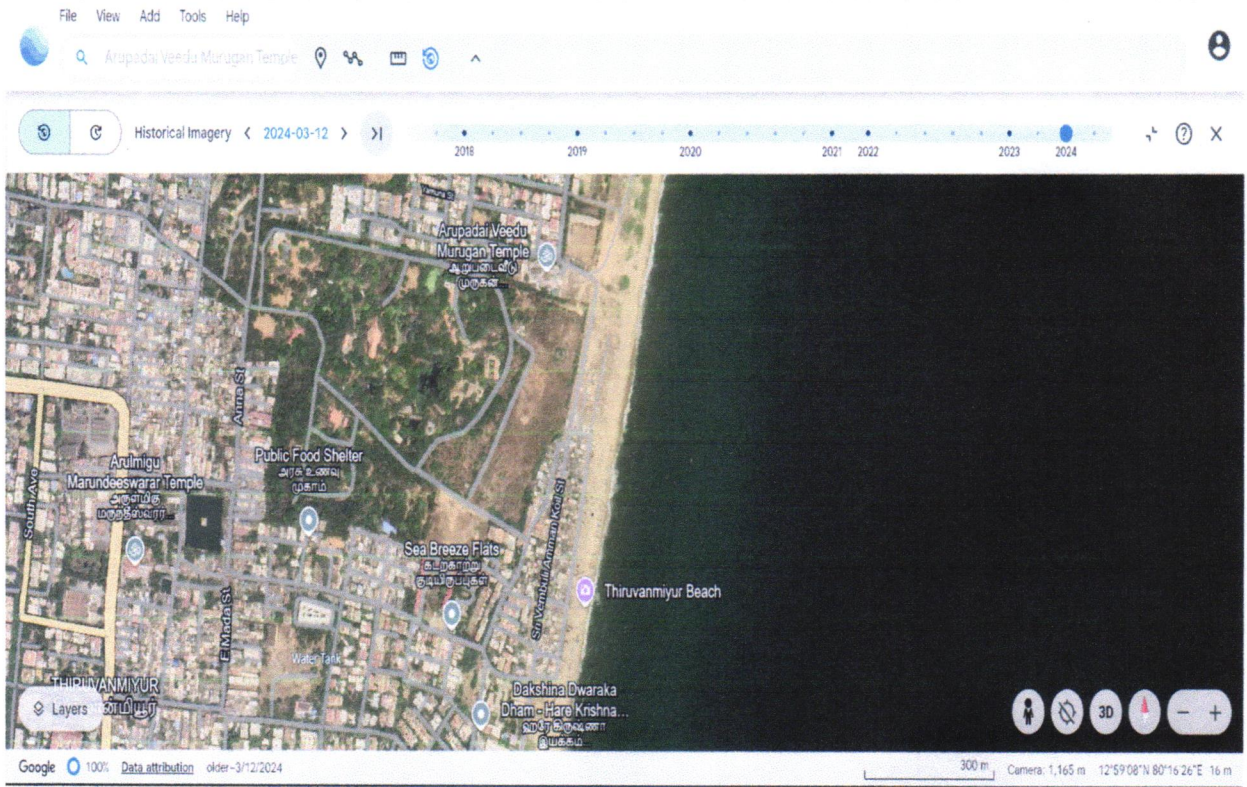


Fig 1. Location near to the Arupadai Veedu Murugan Temple in Besant Nagar’s Kalakshetra Colony in Chennai (Tamil Nadu)

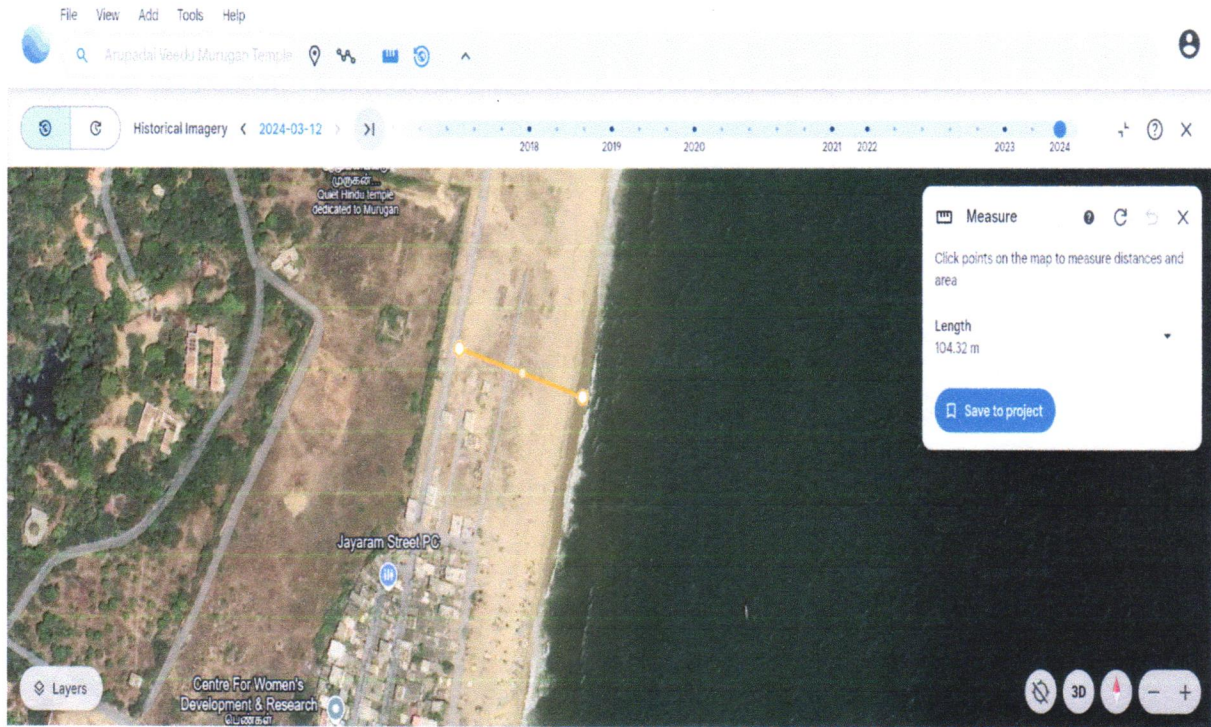


Fig 2. Sand Pathway constructed near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu)

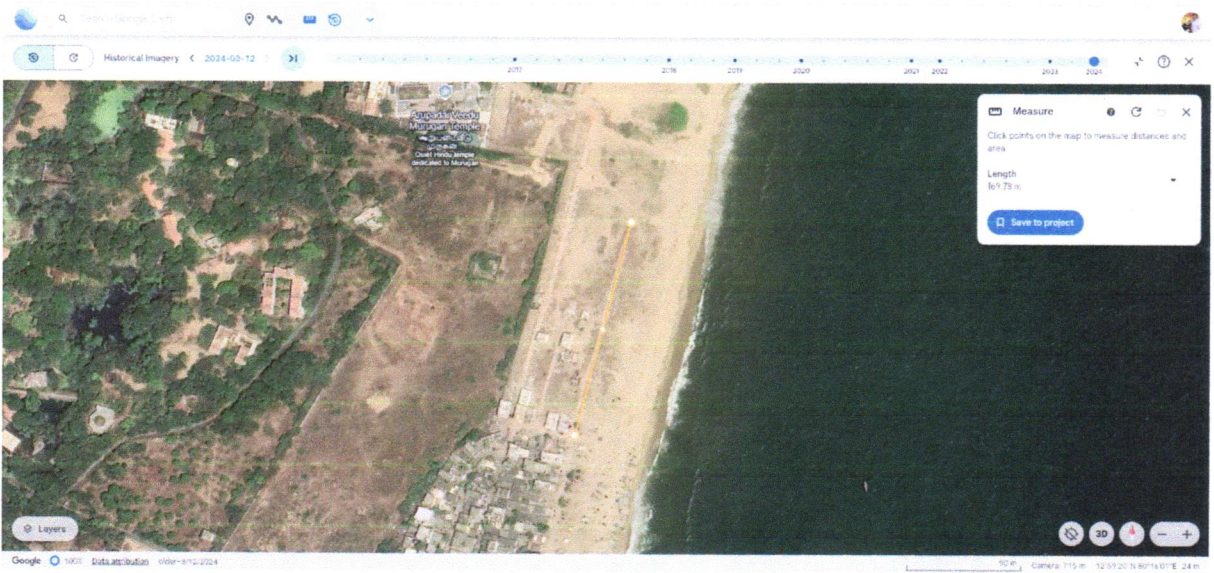
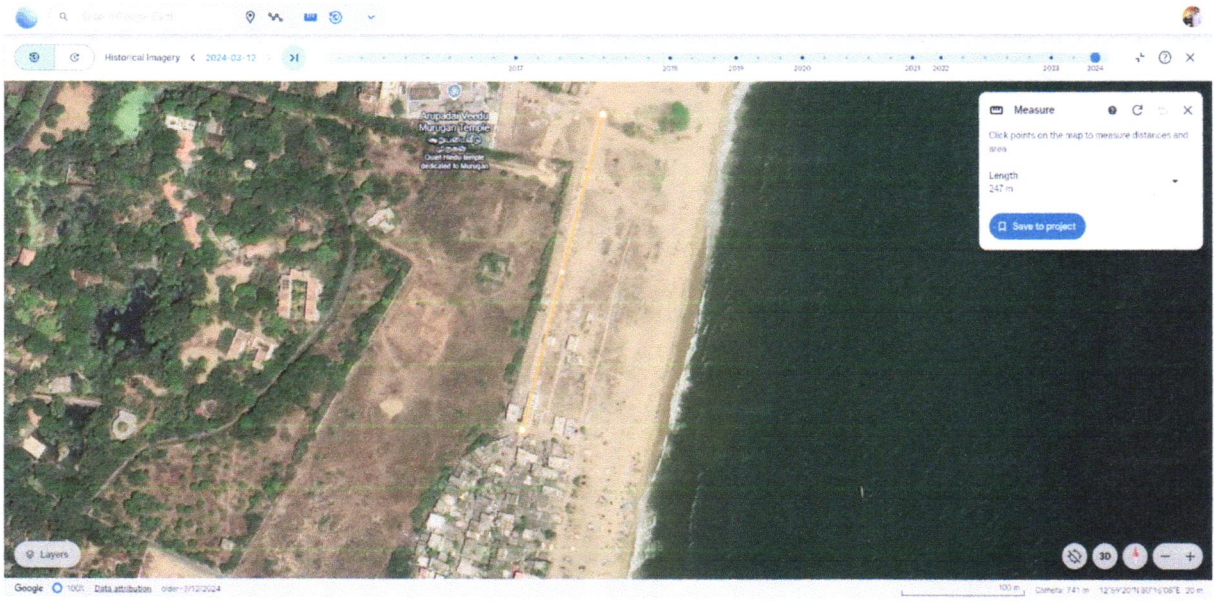




Fig 3. Three sand roads constructed near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu)

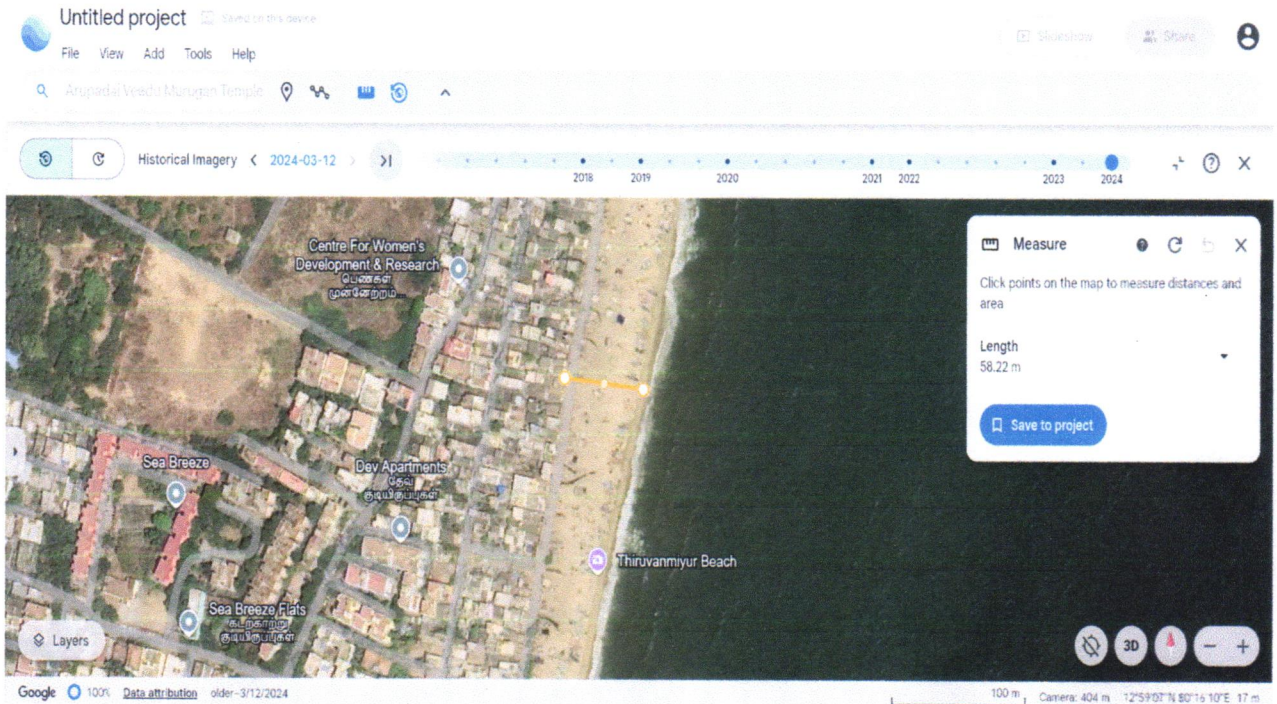


Fig 4. Construction of Dwelling places near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu) which is of approximately 58.22m from High Tide Line (HTL)

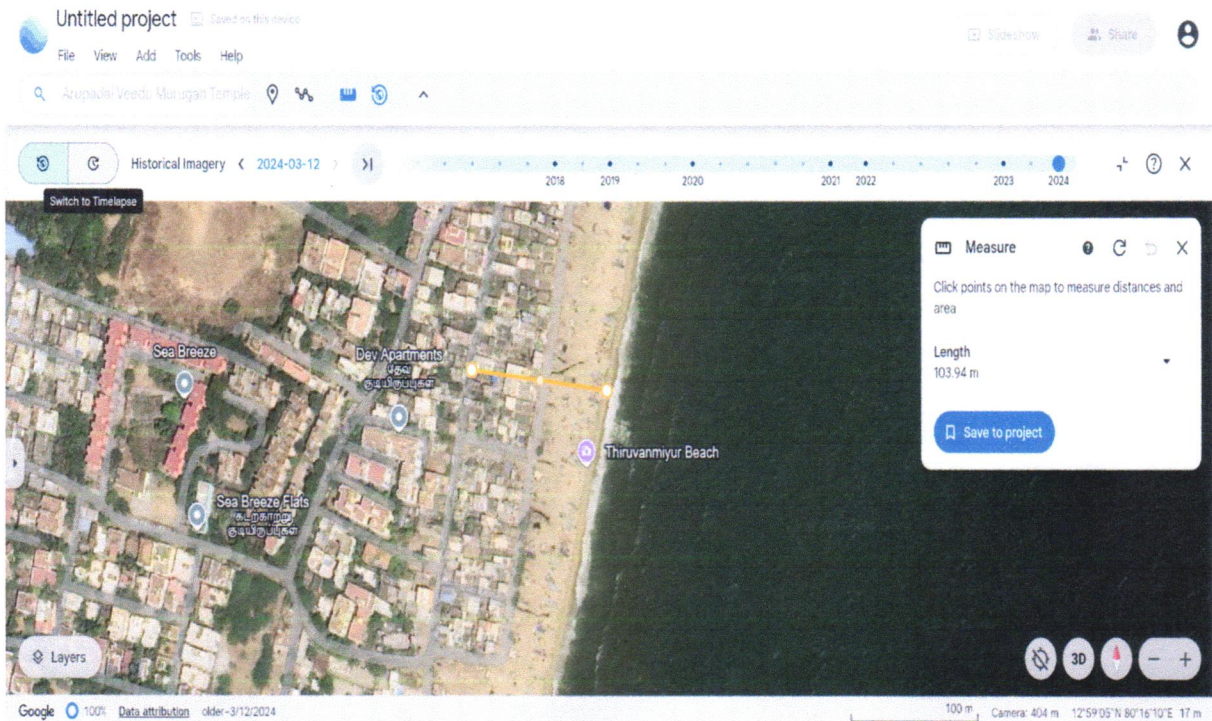


Fig 5. Construction of Dwelling places near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu) which is of approximately 103.94m from High Tide Line (HTL)

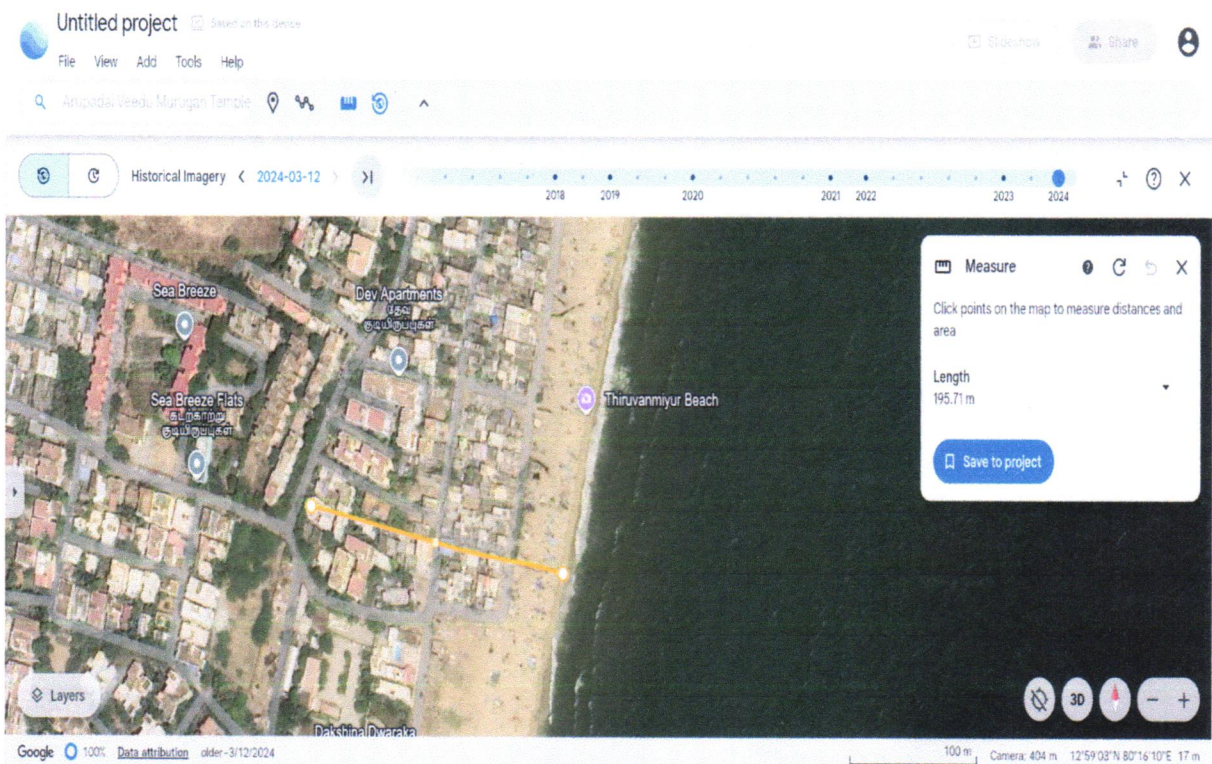


Fig 6. Construction of Dwelling places near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu) which is of approximately 195.71m from High Tide Line (HTL)



Fig 7. Dilapidated Construction near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu)

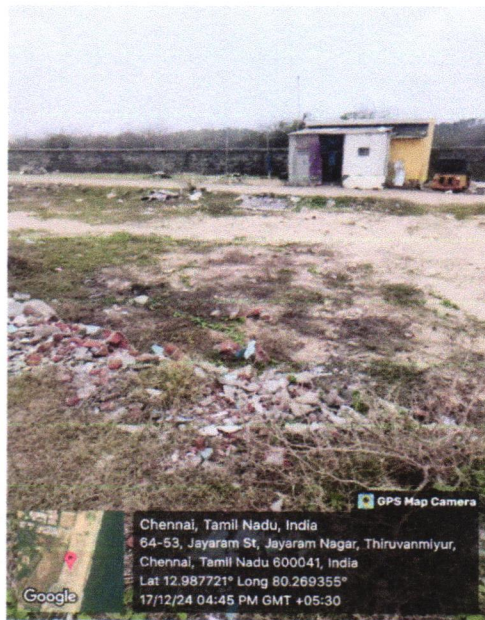




Fig 8. Construction of small sheds, thatched roofs and concrete dwelling places near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu)



Fig 8. Boreholes were constructed in the dwelling houses near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu)



Fig 9. Natural Drian for rain water was observed near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu)



Fig 10. Camera Poles were erected recently to observe the activity near to the Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony in Chennai (Tamil Nadu)

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THE TIMES OF INDIA

Annexure-2

The great beach robbery: Chennai's coastal zone marred by encroachment, digging of borewells

TNN | Jun 14, 2024, 07:47 AM IST



Illegal Construction Violates CRZ Norms; Could Lead To Loss Of Turtle Nesting Sites & Higher Flood Impact

It looks like our beaches are getting stolen, and the authorities are turning a blind eye. The Chennai Metropolitan Development Authority (CMDA) may be waiting for approval from the Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) to carry out the Rs 100 crore beach redevelopment project, but encroachers are busy constructing pukka houses and drilling borewells on sands near Arupadai Veedu Murugan Temple in Besant Nagar's Kalakshetra Colony.

PROFILE OF BEACH NEAR ARUPADAI VEEDU MURUGAN TEMPLE



Location | Kalakshetra Colony, Besant Nagar

Length **200m**

Width **110m**

PROBLEMS AT THE BEACH

- > Constant debris and garbage dumping that is blocking a natural flood water channel. Despite cleanup efforts by GCC, miscreants continue dumping debris every other day
- > 30 pucca houses and four huts encroach the



beach sands. More houses being built now, foundation laid, and borewells have been drilled

- > Two roads have been built from the temple via the beach to Thiruvanmiyur Kuppam and ending at Seaward First Road

DANGERS OF BUILDING HOUSES AND ROADS IN BEACH SANDS

- > Construction can disturb freshwater sources, allowing saltwater intrusion into aquifers and wells



- > Can destroy Olive Ridley turtle nesting sites
- > Causes sand erosion
- > Can exacerbate floods as beaches act as natural buffers



We will verify the construction on the beach and take action

J Radhakrishnan
GCC COMMISSIONER

CRZ - VIOLATION

(Area lying between the Low Tide Line(LTL) and High Tide Line(HTL))

No new constructions shall be permitted within the range of 500 metres of the High tide line (HTL)



On Wednesday, TOI found people going about building houses and sinking borewells on the sands hardly 40m away from the sea. An earthmover was also being used. Red bricks and ballast have been unloaded on the sands, and a borewell has already been sunk. Three sheds of tin sheet walls and thatched roofs have been installed, probably to house workers at the site.

Even though this is a clear case of encroachment on beach sands, ward 179 councillor Kayalvizhi Jayakumar and Greater Chennai Corporation's Adyar zonal officer PV Srinivasan were bewildered when told about the illegal encroachment.

"I was not aware of any construction on the beach now," said the councillor.

Adyar zone's executive engineer Purushottaman said it was illegal construction. "We will issue a notice to halt unauthorised construction on the beach after an inspection."

However, the area has long been plagued by landgrab. When questioned about the existing 30 houses and four huts, Purushottaman said they will stop new constructions, but some older ones might have stay orders.

Two unauthorised 'roads'— one 150m long and the other 200m —leading to the temple from Thiruvanmiyur Kuppam have also been laid. It used to be a sandy pathway for two-wheelers, and ambulances were also being used by the locals of the nearby hamlets, said Kayalvizhi.

However, these roads have now been laid after dumping debris.

“For more than a year, residents have complained about dumping debris on the beach. GCC cleans it, but in vain. We see trucks dump debris again on the pathway. They had even covered a natural flood drain on the beach with debris. If it is completely closed, Kalakshetra Colony will flood,” said Surendran G, a resident near the temple.

“They cannot lay any road on the beach,” said Purushottaman. “But in the fishing hamlet, people nearby use the path for two-wheelers. We have planned to install bollards on the path way to prevent large vehicles from entering. We will call for tenders next month.”

Kayalvizhi said she had asked GCC to install bollards three months ago, but nothing has been done yet due to the polls. Coastal systems researcher Ramasubramanian R from the MS Swaminathan Research Foundation warned of severe ecological consequences.

“Saline water intrusion, loss of turtle nesting sites, and higher flood impact are imminent dangers. Freshwater will

turn salty, turtles will be misled by lights, and hardened debris will reduce water flow during rain," said Ramasubramanian.



P1

F. No. 12-8/2018-IA-III
Government of India
Ministry of Environment, Forest & Climate Change



Telefax: 011-24695338
e-mail: w.bharat@nic.in
Indira Paryavaran Bhavan, Jor Bagh,
Lodi Road, New Delhi-110003.
Dated: 24.10.2018

To,

✓ **The Member Secretary,**
Tamil Coastal Zone Management Authority
& Director (Environment)
Department of Environment & Forest
Government of Tamil Nadu
Ground Floor, Panagal Building
Saidapet, Chennai - 600 015

Sub: Coastal Zone Management Plan of Tamil Nadu - reg.


Sir,

This has reference to letter nos. R.C.No.P1/1655/2016, dated 06.07.2018 and No.10243/EC-3/2017-17, dated 30.07.2018 furnishing therein the Coastal Zone Management Plan (CZMP) of Tamil Nadu, drawn as per the provisions of the Coastal Regulation Zone Notification, 2011.

2. In this regard, it is to state that based on the recommendation made by the National Coastal Zone Management Authority in its 35th Meeting held on 24.09.2018, the Ministry of Environment, Forest and Climate Change conveys its approval of the CZMP for the State of Tamil Nadu.


This issues with the approval of the Competent Authority.

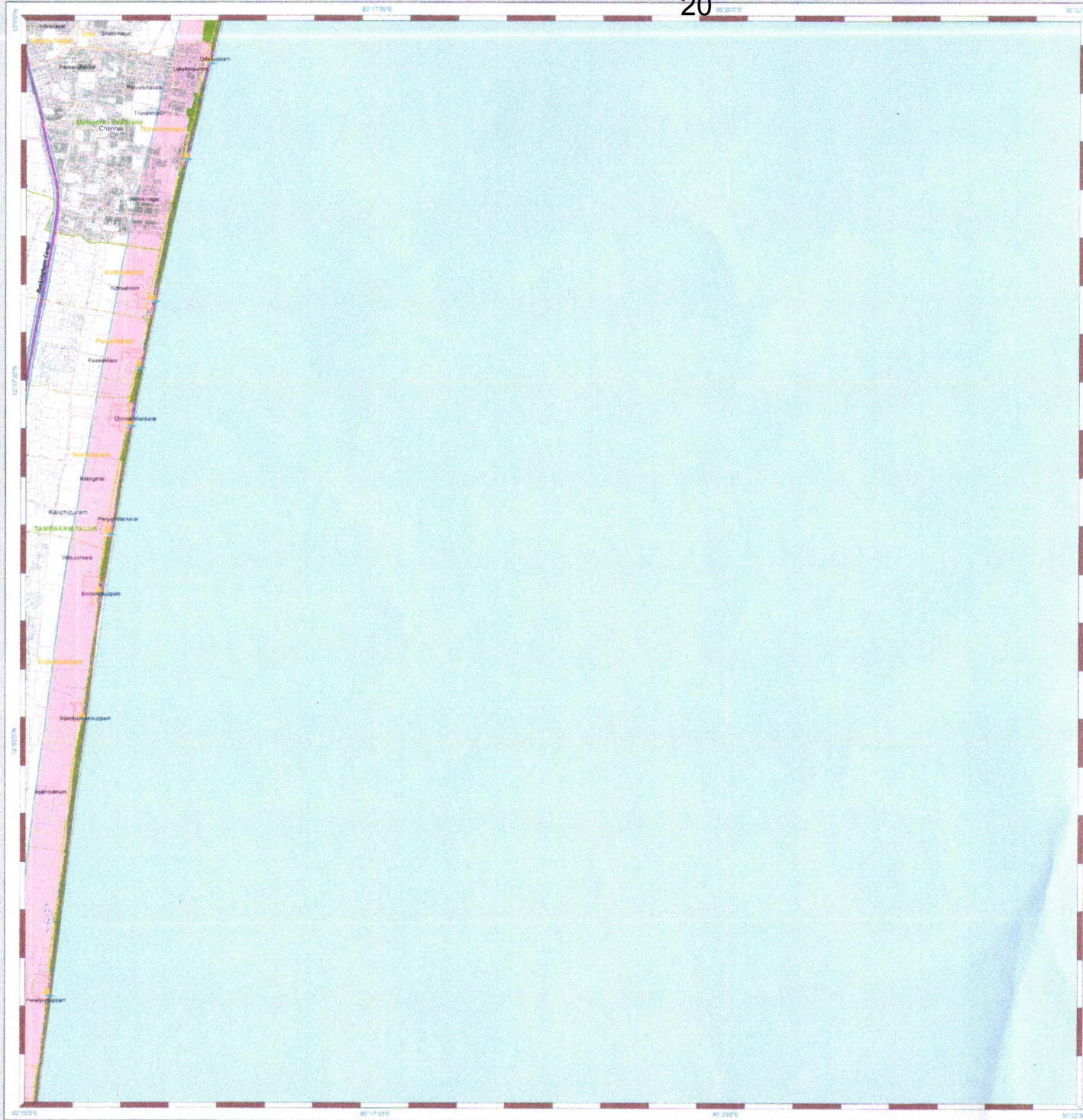
Yours faithfully,


(W. Bharat Singh)
Director/ Sc 'F'

Copy to:

1. The Director, National Centre for Sustainable Coastal Management, Anna University Campus, Chennai - 600025, Tamil Nadu.
2. The Additional Principal Chief Conservator of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (SEZ), 1st and 2nd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai - 600 034.
3. Guard File.


(W. Bharat Singh)
Director/ Sc 'F'



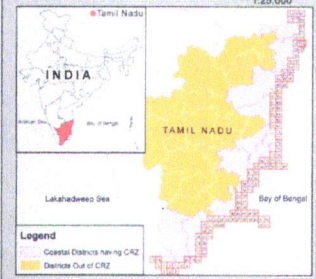
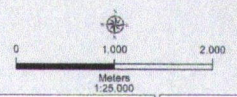
COASTAL ZONE MANAGEMENT PLAN

TAMIL NADU

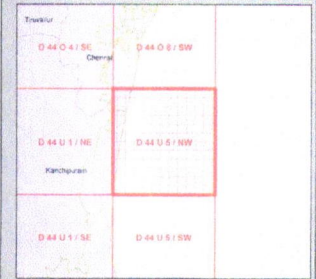
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Projection - UTM Datum - WGS 1984

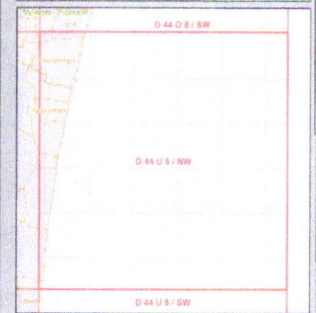
Map No. : TN 107



- Legend**
- Lighthouse
 - Fishing Port
 - Fish Landing Centre
 - Road
 - High Tide Line
 - Low Tide Line
 - Seawall
 - Fishing Wards
 - Chennai Metro City Boundary
 - Municipal/Other Urban Areas
 - Village Boundary
 - Taluk Boundary
 - Breakwater or Jetty
 - 22 Survey Plots
 - Fish Drying or Boat Parking Area
 - Fishing Harbour
 - Fisherman Settlement



- CRZ Lines & Boundary**
- Hazard Line
 - 100 m Line in CRZ III Area
 - 200 m CRZ Line - NDZ
 - CVCA Boundary
 - Sand Dune Beyond CRZ Boundary
 - CRZ Boundary (100m Line, 100m for Bay, 100m or width of the creek, whichever is less along the total influenced water bodies)
- CRZ CATEGORY**
- CRZ - I**
- CRZ - IA
 - 50 m Mangrove Buffer Zone - CRZ IA
 - CRZ - IB
- CRZ - II**
- CRZ - II
- CRZ - III**
- No Development Zone
 - 200 to 500 m from HTL
- CRZ - IV**
- CRZ - IVA
 - CRZ - IVB



- DATA SOURCE**
- (i) National Centre for Sustainable Coastal Management
 - (1) HTL, (2) CVCA
 - (3) CRZ - IA
 - (4) Infrastructure facilities such as lighthouse, break water, seawall, breakwater or jetty
 - (ii) Survey of India
 - (1) Hazard Line
 - (iii) Tamil Nadu State Coastal Zone Management Authority
 - (1) Administrative Boundaries, (2) Infrastructure facilities such as Fish Landing Centre, Fishing Harbour etc.
- ABBREVIATIONS**
- CRZ - Coastal Regulation Zone
 - NDZ - No Development Zone
 - CVCA - Centrally Vulnerable Coastal Areas

Prepared as per Coastal Regulation Zone Notification 2011

Sanitized by	Certified by	Approved by
Technical Director National Centre for Sustainable Coastal Management	Director National Centre for Sustainable Coastal Management Ministry of Environment, Forest & Climate Change	Minister Ministry of Environment, Forest & Climate Change Government of India

Prepared by

NCSCM

National Centre for Sustainable Coastal Management
(Ministry of Environment, Forest & Climate Change)
Chennai - 600 025

Prepared for

Department of Environment
Government of Tamil Nadu

