

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No.124 of 2024 (SZ)

In the matter of:

Aalayam Kaappom,
Rep by its President,
Chennai.

... Applicant(s)

Versus

Joint Commissioner/ Executive Officer,
Arulmigu Subramaniya Swamy Thirukoil,
Thiruchendur, Thoothukkudi and Ors.

... Respondent(s)

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Through

Dr. D. Shanmuganathan
Standing Counsel of Tamil Nadu
National Green Tribunal
Southern Zone, Chennai

DATE: 14.08.2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Special Original Jurisdiction)**

W.P. (MD).No of 2023

B.Ramkumar Adityan,
S/o.Mr.R.Balakrishna Adityan & Ms.Selvarathi,
No.563, Thoothukudi Road, Virapandianpattinam,
Tiruchendur - 628 216,
Thoothukudi District

..... Petitioner.

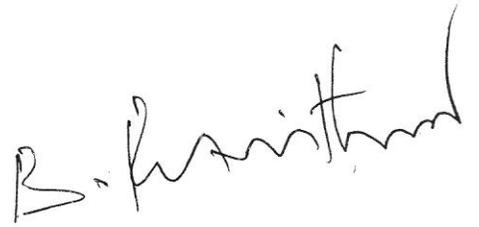
Vs

1. Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi- 110 003.
2. Additional Chief Secretary,
Environment, Climate Change and Forest Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
3. Principal Secretary,
Tourism, Culture and Religious & Charitable Endowments Department,
Government of Tamil Nadu,
St. George Fort, Chennai - 600 009.
4. Member Secretary,
State Level Environment Impact Assessment Authority,
No.3rd Floor, Panagal Maaligai, No.1.Jeenis Road,
Saidapet, Chennai - 600 015.
5. Member Secretary,
Tamil Nadu State Coastal Zone Management Authority
Department of Environment, No.1.Jeenis Road,
Saidapet, Chennai - 600 015.
6. Member Secretary,
Tamil Nadu Pollution Control Board,
72. Mount Road, Guindy,
Chennai - 600 032.

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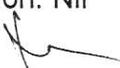
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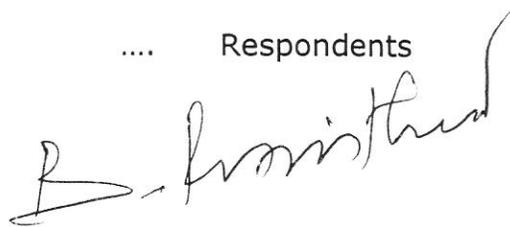


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7. Commissioner
Hindu Religious Endowment Department,
No.119. Uthamar Gandhi Road,
Chennai - 600 034.
8. Superintending Archaeologist,
Trichy Circle- Archaeological Survey of India,
Main Guard Gate, Teppakulam,
Trichy -620 002.
9. District Collector,
Thoothukudi District,
Thoothukudi - 628 101.
10. Chairman,
District Coastal Zone Management Authority,
O/o. District Collector,
Thoothukudi - 628 101.
11. Joint Commissioner/Executive Officer,
Arulmighu Subramainia Swamy Thirukovil,
Hindu Religious Endowment Department,
Tiruchendur -628 215.
12. President of Arangavalar Committee,
Arulmighu Subramainia Swamy Thirukovil,
Hindu Religious Endowment Department,
Tiruchendur -628 215.
13. Commissioner,
Tiruchendur Municipality,
Tiruchendur -628 215 .
14. Managing Director,
Vama Sundari Investments (Delhi) Private Limited,
44, Friends Colony (East)
New Delhi - 110065
15. Managing Director,
Eco Tech Labs Pvt Ltd,
No.48.A.2nd Main Road,
Ram Nagar South Extension,
Pallikaranai, Chennai - 600 100.

.... Respondents

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AFFIDAVIT OF THE PETITIONER

I am B.Ramkumar Adityan, S/o. R. Balakrishna Adityan & Mrs.Selvarathi, Hindu, aged about 50 years residing at No. 563. Thoothukudi Road, Virapandianpattanam, Tiruchendur – 628 216, Thoothukudi District now temporarily come over to Madurai do hereby solemnly affirm and sincerely state as under:

1. I am the Petitioner herein and as such I am well acquainted with the facts and circumstances of the case and as such I am competent to swear this affidavit. I have not filed any other writ anywhere else on the same cause of action seeking for the same relief.
2. I respectfully submit that I am an Advocate by Profession. I am native of Kayamozhi, Tiruchendur Taluk, Thoothukudi District. My Aadhar Card No is 8396 5273 9756. My PAN No is AFCPR6979L. My annual Net Income is Rs.4,25,792/- for the Assessment Year 2022-2023 as per my Income Tax Returns. I am filing this Public Interest Litigation on my own accord based on my information and personal knowledge and at my own cost. I have no personal or private interest and any kind of publicity in the matter. I am ready to bear all other costs that I might have to pay at a later stage. According to my knowledge, no other Public Interest litigation arising on the same issue has been filed anywhere. I have not filed any other writ anywhere else on the same cause of action seeking for the same relief. I am a member of the AIADMK Party. I have already filed some Public Interest Litigations before this Hon'ble Court and the Hon'ble Principal Seat. My efforts in many Public causes have brought suitable relief to the aggrieved persons.
3. I respectfully submit that in Writ Petition filed by me in W.P.(MD).No.13010 of 2017, this Hon'ble Court directed the 9th Respondent herein to take a decision to open a permanent Omni Bus Stand with all facilities at Tiruchendur. In Writ Petition in

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W.P.(MD).No.16537 of 2020, this Hon'ble Court directed the 9th and 11th Respondents herein to conduct Soorasamharam at Tiruchendur Beach on 20.11.2020 during Skanda Sasti festival 2020 without participation of the devotees during COVID -19 first Lock down when the Thoothukudi District Collector took a decision to conduct Soorasamharam festival inside the Beach. In Writ Petition in W.P. (MD).No 7482 of 2023 this Hon'ble Court directed the 11th Respondent and Joint Commissioner of Madurai Arultharum Arulmigu Meenakshi Sundaraswarar Temple, Rameshwaram Arulmigu Ramanathaswamy Temple, Palani Arulmigu Dhandayuthapaniswamy Temple and Srirangam Arulmigu Aranganatha Swamy Temple, to fix a Special Time slot for Darshan to Physically Challenged People and Pregnant Women. In Writ Petition in W.P.(MD).No. 26218 of 2023 to direct the 9th, 11th and 13th Respondents herein to take effective steps to review the Construction Site Plan of the 11th Respondent Temple and to lay a new Two Way Road or Bridge to reach the parking place of the Arulmighu Subramaniya Swamy Thirukovil, Tiruchendur directly from Tiruchendur-Kanyakumari State Highways-SH-176 without entering into the Tiruchendur Town is pending.

4. I respectfully submit that the 11th Respondent Temple, Arulmighu Subramaniya Swamy Thirukovil is situated at Tiruchendur which is one of the six places of worship dedicated to Lord Muruga. The temple, which is built near the seashore, measures 91 m (299 ft) north to south, 65 m (213 ft) east to west, and has a nine-tier gopuram, or tower gate, that is 157 feet (48 meters) high. The principal entrance faces south, and opens into the first of two prakarams, the first of which is lined with rows of yalis. The inner sanctum of the temple is in a cave and the main deity, or mulavar, is Murugan as a saintly child, portrayed in a granite carving. NaliKinaru, a sacred well fed by a freshwater spring, is located 100 m (330 ft) south of the temple. Devotees undergo a ritual cleansing by bathing in water from the well

after bathing in the ocean. It has a holy past dating back to 2,000 years if not earlier. References are available in such texts as Purananuru, Ilangovadigal's Silappadikaram, Nakkirar's Tirumurugatrupadai, Adi Sankara's Sri Subramanya Bhujangam, Kandapuram, Tiruppukazh, Tiruchendur Pillai Tamil, etc. It is one of the shrines of the Vaippu Sthalams sung by Tamil Shaivite Nayanar Appar.

5. I respectfully submit that a lot of festivals are celebrated in the 11th Respondent Temple. Masi (February - March) and Aavani (August-September) Festivals are two principal annual festivals that are undoubtedly the best attractions for thousands of worshippers from near and afar. The Ratha Festival is conducted on the 10th day and the Teppam (Float) festival on the following day. The Temple Brahmotsavams are held and they go on for 12 days. These two principal annual festivals are undoubtedly the best attractions for thousands of worshippers from near and afar. Devotees numbering about two lakh participate. The Vasantha Festival is an annual festival of ten days in the month of Chithirai (April-May). Senthil Nayagar, the Utsavar processional deity of Arulmighu Subramaniya Swamy with his consorts Valli and Theivayannai are taken from their sanctum in the Temple to the Vasanta Mandapam on the Giri Prahara which is suitably decorated with festoons for the occasion and made specially cool with waters filled in the trough which runs around the pedestal on which the deities are placed. It is an enjoyable and pleasant festival, wherein only the blessed who gather there have communion with deity without much of a crowd. Vaikasi Visagam (May-June), a large number of devotees numbering about three lakhs participate in the festival. A procession of Sri Jayanthinathar with Valli and Theivayannai is conducted in the night. Skanda Sasti Festival-7 days (October-November)- Devotees numbering about 12,00,000 will participate in the Kanda Sasti Festival.

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On this festival occasion, devotees fast for all six days. On the sixth day Surasamharam is enacted before a gigantic crowd of more than 5,00,000 devotees on the very beach where Lord Muruga fought Sura Padman. On the 7th day, his Thirukkalyanam (wedding) to Theivayannai is celebrated.

6. I respectfully submit that the events recorded by the French writer of 16th Century, M Rennel, in his book namely "A Description, Historical and Geographical, of India", the 11th Respondent Temple was captured on 09.02.1649 by the Dutch Forces. While vacating the 11th Respondent temple, the Dutch carried the murti of the main deity of Shanmukhar and Śiva Natarajar, as they thought they were made of gold. However, once at sea, there was a wild storm and the vessel shook violently. The Dutch forces, frightened that the murtis had caused the bad weather, the Dutch sailors threw away the murti at sea. Vadamalaiappa Pillaiyyan, the local governor of Tirunelveli for the Madurai Naicker miraculously recovered the original murti from the sea. As stated in the paintings presently available in the 11th Respondent Temple, a dream to Vadamalaiappa Pillaiyyan, revealed that the location where the murti was immersed would be shown by a floating lime, and a kite would be circling the skies. The place was supposed to have been found, and the murtis recovered by divers and installed back at the temple. Our Ancestor Adityan Nadar and another one local Pitchai Fernando of Alanthalai with divers went along with Vadamalaiappa Pillaiyyan to find the spot and brought the deities out.

7. I respectfully submit that our Kayamozhi Adityan Family is closely associated with the 11th Respondent Temple. Even today, every year during Masi Festival and Avani Festival, while Temple Cars are drawn on 10th day of the festival Representatives from our family start pulling the Temple Cars first after doing special Poojas for deities. Our Family sponsors the Thirukalyanam which is held on the 9th day of Kanda Sasti

Festival in the Tamil month Aipassi (October-November). Likewise, our family sponsors programmes on 6th and 7th day of the Masi Festival and 6th and 7th day of the Avani festival. Every Year, I also distribute Kanda Sasti Kavasam Book to devotees during Kanda Sasti Festival and provide Milk to all Devotees those who are carrying milk pot (Palkudam) on the day of Thirukalyaman in a procession organised by Tamil Nadu Murugha Baktha Peravai.

8. I respectfully submit that The Tiruchendur Town Panchayat upgraded to Municipality on 11.09.2021, which is managed by the 14th Respondent. A Government Order in G.O.(Ms).No.22, Municipal Administration and Water Supply (Needhi-1) Department dated 30.01.1997, declared 38 Ancient Cities of Tamil Nadu which includes Tiruchendur. According to the G.O, Buildings constructed within 1 kilometer from the perimeter wall of the ancient temple should not be more than 9 meters (Ground and 1st Floor) and based on this restriction, the concerned local bodies can grant permission to the buildings. But the 11th Respondent never complied with the restriction of the G.O.No.22 while constructing buildings within Temple Campus.
9. I respectfully submit that the 11th Respondent decided to construct additional amenities buildings within Temple Campus. The 3rd Respondent passed an order vide G.O.(Ms.) No.35 dated 25.02.2022 to take a Policy Decision to do Construction of additional amenities building for Rs.171 Crore which is sponsored by the 14th Respondent, one of the Group concerns of Shiv Nadar Foundation. Shiva Nadar is Chairman and Founder of Shiv Nadar Foundation and Hindustan Computers Limited (HCL), a native of Moolaipozhi, Tiruchendur Taluk. The 11th Respondent agreed to construct the additional amenities buildings by the 14th Respondent's own Construction Team. The 15th Respondent who is Consultant for the proposal for which Rs.7,96,52,330/- was paid as fee.

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10. I respectfully submit that the 11th Respondent applied to grant the Environmental Clearance (EC) before the 4th Respondent to construct additional amenities building on 12.04.2022 in Proposal Number in No.SIA/TN/MIS/267656/2022 under Category B2 as per Schedule S.No.8 (a) of the Environmental Impact Assessment Notification'2006 (EIA Notification'2006) as amended. The 11th Respondent applied to grant the Coastal Regulation Zone (CRZ) Clearance on 17.05.2022 before the 5th Respondent in Proposal No. IA/TN/CRZ/288661/2022 along with Local Level CRZ Map for construction of additional amenities buildings from the Institute of Remote Sensing, Anna University, Chennai - 600 025 on 10.05.2022 which classified the buildings mentioned in the Construction Plan into two Categories viz. CRZ-IA and CRZ-II. In Paragraph, 3.0 Results and Conclusions, Table.3 clearly indicates buildings falling in CRZ-1A areas.

Building No.	Building Name	CRZ Classification	Area in Sq.m	Total Area in Sq.m
8	Queue Complex	CRZ-1A (A&H)	1,238.64	1,421.50
		CRZ-II	182.86	
8A	Vallicave-Queue	CRZ-1A (A&H)	231.00	231.00
9	Prasadam Distribution Centre	CRZ-1A (A&H)	39.40	39.40
10	Special Dharshan Area	CRZ-1A (A&H)	983.95	983.95
11	Security Watch Tower	CRZ-1A (A&H)	60.00	60.00
12	Block-D	CRZ-1A (A&H)	330.84	642.04
		CRZ-II	311.20	
21	Soorasamhara Promenadi	CRZ-1A (A&H)	78.71	4,705.00
		CRZ-II	4,626.29	
27	Family Cottage-7	CRZ-1A (A&H)	31.70	1,076.19
		CRZ-II	1,044.49	

CRZ-IA- (A&H) (Archaeological and Heritage Sites)

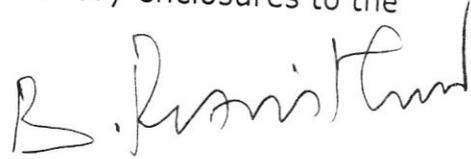
11. I respectfully submit that the 10th Respondent in its 75th meeting held on 27.05.2022 recommended the proposal of the 11th Respondent to consider granting CRZ Clearance to the 5th Respondent with five

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conditions. Of which Condition No.1 reads, "All the provisions of the Coastal Zone Notification, 2011 shall be adhered with." Condition No.2 reads, The Project proponent shall undertake the establishment only after getting the required Clearances from competent authorities such as Environmental Clearance, Planning permission, Plan Approval, etc. including clearance under the Coastal Regulation Zone Notification, 2011 and other statutory clearances.

12. I respectfully submit that the 11th Respondent submitted the Presentation towards Environmental Clearance (EC) before the 4th Respondent on 27.06.2022. Subsequently, the State Expert Appraisal Committee- Tamil Nadu in its 290th Meeting held on 30.06.2022 noted in Paragraph 5, "The project lies in CRZ-IA-Existing Archaeological & Heritage Sites, CRZ-II Existing additional amenities building & Proposed additional amenities building as per CRZ Notification 2011 and recommended the proposal for the grant of Environmental Clearance with specific conditions apart from normal. The 4th Condition reads, "The Project Proponent shall furnish CRZ Clearance from TNCZMA/the 5th Respondent before obtaining CTO from TNPCB/ the 6th Respondent".
13. I respectfully submit that 117th meeting of the 5th Respondent held on 20.07.2022 which placed the proposal before the 4th Respondent for taking suitable action. The 3rd Respondent passed an order vide G.O.(Ms.) No.189 dated 04.08.2022 accorded Administrative Sanction for Rs.133.35 Crore to construct additional amenities buildings through men of the 14th Respondent, the sponsor as agreed by the 11th Respondent.
14. I respectfully submit that the 2nd Respondent vide Letter No.13619/EC.3/2022-1 dated 10.08.2022 forwarded the proposal of the 11th Respondent received from the 5th Respondent for Clearance under Coastal Regulation Zone Notification 2011 for Construction of additional amenities buildings along with all necessary enclosures to the

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National Coastal Zone Management Authority, the 1st Respondent. The 305th Meeting of the State Expert Appraisal Committee (SEAC) held on 23.08.2022 which recommended the proposal for the grant of Environmental Clearance (EC) based on presentation and documents furnished by the 11th Respondent.

15. I respectfully submit that in meanwhile the 1st Respondent sent a Communication in F.No.11/37/2022-IA-III dated 15.09.2022 to the 5th Respondent and informed that as per the 1st Respondent's OM No.IA3.12-1/2022-IA dated 26.04.2022, such category B Projects which also required CRZ Clearance shall be granted EC + CRZ by the concerned State Environment Impact Assessment Authority (SEIAA) based on the recommendation of State Coastal Zone Management Authority (SCZMA) and State Expert Appraisal Committee (SEAC). In this regard based on the information submitted by Project Proponent (PP)/the 11th Respondent, Essential Detail Sought (EDS) has already been intimated on Parivesh Portal on dated 02.09.2022 asking PP/the 11th Respondent to apply as per aforesaid OM and the instant Proposal requires EC + CRZ Clearance from SEIAA, Tamil Nadu/the 4th Respondent herein and enclosed a Copy of the OM No.IAE.12-1/2022-IA dated 26.04.2022.

16. I respectfully submit that the 4th Respondent processed the Proposal Number SIA/TN/MIS/267656/2022 dated 30.06.2022 for the Environment Clearance (EC) under Category B2 and Schedule S.No.8 (a) under the Environmental Impact Assessment Notification'2006 as amended and granted the Environment Clearance (EC) in EC Identification No.EC22B038TN134170 in File No.9203 dated 20.09.2022. While granting Environmental Clearance, the 4th Respondent imposed some conditions. The CRZ conditions imposed by DCZMA/the 10th Respondent and TNSCZMA/the 5th Respondent shall be strictly adhered to and complied with.

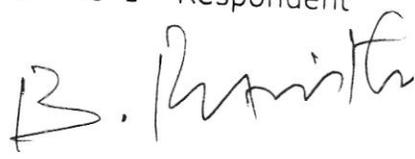


- a. Conditions of DCZMA/the 10th Respondent. Among Conditions No.1 and 2 of the 10th Respondent while recommending the proposal on 27.05.2022 to adhere all the provisions of the Coastal Zone Notification, 2011 and start the construction work only after getting the required Clearances from competent authorities such as Environmental Clearance, Planning permission, Plan Approval, etc. including clearance under the Coastal Regulation Zone Notification, 2011 and other statutory clearances.
- b. SEAC recommended the proposal with a condition the 11th Respondent shall furnish CRZ Clearance from the 5th Respondent before obtaining Consent to Operate (CTO) from the 6th Respondent.
- c. Conditions of TNSCZMA/the 5th Respondent- Soft erosion control structures viz. a bio shield may be proposed for controlling the future erosions. The conditions laid by DCZMA/the 10th Respondent should be followed.

Additional Conditions of TNSCZMA/the 5th Respondent: Construction activity shall be carried out strictly according to the provisions of CRZ Notification, 2011 and the State Coastal Zone Management plan as drawn up by the State Government. No construction works other than those permitted in Coastal regulation Zone Notification shall be carried out in Coastal Regulation Zone area.

- d. Under Part-B-Specific Conditions- Pre Construction Phase held, the project authorities should advertise with basic details at least in two Local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of clearance. The press releases also mention that a copy of the clearance letter is available with the 6th Respondent and also at the website of the 4th Respondent. The copy of the press release should be forwarded to the Regional Office of the 1st Respondent

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24 located at Chennai and the 6th Respondent. A copy of the clearance letter shall be sent by the 11th Respondent to the 13th Respondent. The clearance letter shall also be put on the website of the 11th Respondent.

17. I respectfully submit that without obtaining CRZ Clearance from the 4th Respondent, the Hon'ble Chief Minister of Tamil Nadu inaugurated the Construction of additional amenities building at the 11th Respondent Temple on 28.09.2022. Subsequently, the 3rd Respondent accorded administrative sanction vide two Orders in G.O.No.294 dated 16.12.2022 for Rs.16,60,00,000/- and G.O.No.23 dated 11.01.2023 for Rs.54,77,32,714/- for Construction process. The State Level Expert Committee on Heritage Temple Meeting dated 20.07.2022, 18.10.2022 and 14.07.2023 permitted the 11th Respondent to do the repair work inside the Temple. And also started to repair and reconstruction of Archeological and Heritage structures within the 11th Respondent Temple. Moreover, the 11th Respondent covered the entire construction site Plan for additional amenities buildings by Steel sheets to prevent the Public to access the construction site and started construction work through men of the 15th Respondent, the sponsor as agreed by the 11th Respondent.

18. I respectfully submit that it is an admitted fact that the Construction and Pooja System of the 11th Respondent Temple, Arulmighu Subramaniya Swamy Thirukovil is under Malayalam Thanthirigham. There are two Agamas followed in the Temple, one for Moolavar Thandrasamuchiyam and another for Shanmugar and other deities Kumarathanthiram. The Religious Head of the 11th Respondent Temple is Thanthuri of Muttavilai Madam, Kerala. Recently, the Thanthuri of Muttavilai Madam, Kerala performed Balalayam for Gopuram before starting repair work in the 11th Respondent Temple. The permission to do work inside the Temple granted by the State Level Expert

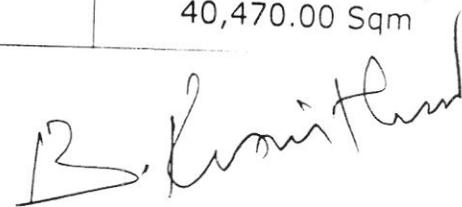


Committee of Heritage Temple and Non Heritage Temple of the 7th Respondent on which has two representatives of Agama Experts of two for Shaivism viz Dr.Sivs Sri.K.Pitchai Gurukkal, Thiru. Chandrasekhara Battar and two for Vaishnavam viz.Thiru Ananda Sayana Bhattachiyar and Thiru.Govindharaja Bhattar. But not Agama Expert of Malayalam Thanthirigham and without getting the opinion of the Religious Head of the Temple, Thanthuri of Muttavilai Madam. Hence permission was granted by an incompetent Committee 20.07.2022, 18.10.2022 and 14.07.2023 to do repair work to determine what has to be done and what has not been done. Power Tool Machines are used to do repair work and remove marbles which cause damage to the age-old Stone structures in the 11th Respondent Temple. .

19. I respectfully submit that according to Project Summary of construction of additional amenities building at the 11th Respondent Temple is,

Details	Area
Total Plot Area	2,71,313.39 Sqm
Land area excluding Heritage Buildings before current Construction	2,52,451.00 Sqm
Total Ground Coverage of Existing Buildings	6,223.90 Sqm
Total Ground Coverage of Proposed Buildings	32,218.05 Sqm
Total Ground Coverage Area of all Buildings (15.22%)	38,441.95 Sqm
Roads and Pavements Area (21.31 %)	53,813.45 Sqm
Surface or open Parking Area (12.15%)	30,632.10 Sqm
STP, Solid Waste Disposal, Scarp yard, UG Sump, OHT, and Utilities	2,370.00 Sqm
Greenbelt development Area (34.35%)	86,723.50 Sqm
Beach area (16%)	40,470.00 Sqm

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20. I respectfully submit that before starting Construction total Vacant Area is 2,52,451 Sqm out of total Plot area 2,71,313 Sqm. After Construction, 2,11,981 Sqm of Total land Area is going to be used. Remaining vacant Area is going to be 59,332 Sqm. Every year during Kanda Sasti Festival First five days 1,00,000 Devotees per day, on the day of Soorasamharam more than 5,00,000 Lakhs Devotees throng in the Seashore to witness the Soorasamharam between 1.00 PM to 5.00 PM and on the day of Thirukalyanam more than 2,00,000 Lakhs devotees have thronged at the 11th Respondent Temple from various parts of Tamil Nadu and neighbouring states. Similarly during Vaikasi Vishagam also. Since my Childhood, a single incident of Stampede has not occurred at the 11th Respondent Temple and the devotees without any difficulty congregated. Now, almost 3/4 of the 11th Respondent Temple premises are going to be occupied by the buildings. It is very difficult to accommodate devotees which leads to tragedy because of stampedes during Vaikasi Vishagam and Kanda Sasti Festival at the 11th Respondent Temple. Moreover Seashore is the venue for Soorasamharam which is located between Bay of Bengal and Moovar Samadhi (Marked as K in the Construction Site Map). But a new structure namely, Soorasamhara Promenade (Building No.21 in the Construction Site Map) is going to be constructed which is located in the CRZ-IA area. No one knows the reason for construction of Soorasamhara Promenade.

21. I respectfully submit that according to Hindu Mythology, temples have a very unique design .The construction of normal houses and constructions related to a Temple are very different. There are many points which are to be taken care of while constructing buildings in the Temple. Valli Cave or Dattatreya's Cave is about 30 meters north of the temple, along the seashore. The cave is carved out of natural sandstone rock that faces east. Two images are installed there; one dedicated to Valli and another to Dattatreya, the God who is an

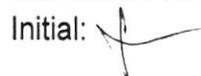


incarnation of the Divine Trinity Lord Brahma, Lord Vishnu, and Lord Shiva. The Project Consultant/the 15th Respondent has prepared a plan to construct near Valli Cave which is not a permissible activity as per the Coastal Regulation Zone Notification 2011.

22. I respectfully submit that in the year 2021, very heavy rain lashed Tuticorin District on 25.11.2021 and a recent flood on 18.12.2023. The 11th Respondent temple also inundated and the East side of the Giriprahara Mandabam facing the sea merged with the sea on both occasions. No plan in the Construction Site Plan to prevent inundation in the 11th Respondent Temple premises.

23. I respectfully submit that Areas or structures of archaeological importance and heritage sites classified as CRZ-IA areas under Paragraph 7 (i) CRZ-I,- A (k) of the Coastal Regulation Zone (CRZ) 2011 Notification. Paragraph 8 (i) I. CRZ-I,- (i) of the Coastal Regulation Zone (CRZ) 2011 Notification no new construction shall be permitted in CRZ-I except (a) projects relating to Department of Atomic Energy; (b) pipelines, conveying systems including transmission lines; (c) facilities that are essential for activities permissible under CRZ-I; (d) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department; (e) construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL. (f) development of green field airport already approved at only Navi Mumbai;

24. I respectfully submit that according to Local Level CRZ Map dated 10.05.2022 prepared by the Institute of Remote Sensing, Building No.8A Vallicave- Queue (231 Sqm), Building No.9 Prasadam Distribution Centre (39.40 Sqm), Building No. 10 Special Dharsan Area (983.95), Building No.11 Security Watch Tower (60 Sqm) are purely falling in CRZ-I A areas. Building No.8 Queue Complex (CRZ-IA 1,238.64 Sqm & CRZ-II 182.66 Sqm), Building No.12 Block-D (CRZ-IA

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330.84 Sqm & CRZ-II 311.20 Sqm), Building No.21 Soorasamhara Promenadi (CRZ-IA 78.71 Sqm & CRZ-II 4,626.29 Sqm) , Building No.27 Family Cottage-7 (CRZ-IA 31.70 Sqm & CRZ-II 1,044.49 Sqm) are falling both CRZ-IA areas and CRZ-II areas. As per the Local Level CRZ Map Buildings measuring 2,984.35 Sqm purely falling CRZ-IA areas. In exercise of the powers conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 the 1st Respondent issued the Coastal Regulation Zone Notification 2011. As per provisions of Paragraph 7 (i) CRZ-I,- A (k) read with Paragraph 8 (i) I. CRZ-I,- (i) of the Coastal Regulation Zone (CRZ) 2011 Notification Any Construction in CRZ-IA areas is not a permitted activity. Construction of additional amenities buildings is not a permissible activity in the CRZ-IA areas under Paragraph 8 of the CRZ Notification 2011. Despite the 11th Respondent presently constructing in CRZ-IA areas in Building Nos.8, 8A and 9. And soon will start construction of other buildings falling in CRZ-IA areas as per the Construction Site Plan.

25. I respectfully submit that the 1st Respondent clearly stated in the above mentioned Communication in F.No.11/37/2022-IA-III dated 15.09.2022 to the 5th Respondent the Construction of the additional amenities buildings at the 11th Respondent Premises requires EC + CRZ Clearance from the 4th Respondent in the light of the 1st Respondent's Office Memorandum in No.IA3.12-1/2022-IA dated 26.04.2022. The 4th Respondent granted the Environment Clearance (EC) in EC Identification No.EC22B038TN134170 dated 20.09.2022 under Category B2 and Schedule S.No.8 (a) under the Environmental Impact Assessment Notification, 2006 as amended in Proposal Number in No.SIA/TN/MIS/267656/2022 submitted on 12.04.2022 by the 11th Respondent before the 4th Respondent. The 4th Respondent yet not granted the Coastal Regulation Zone (CRZ) Clearance for Proposal No. IA/TN/CRZ/288661/2022 was considered in the 75th Meeting of Thoothukudi District Coastal Regulation Zone Management Authority

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and recommended by the 10th Respondent to the 5th Respondent on 27.05.2022. The 5th Respondent considered the proposal in 117th Meeting of Tamil Nadu State Coastal Zone Management Authority and recommended it to the National Coastal Zone Management Authority on 20.07.2022. Subsequently, the proposal was forwarded to National Coastal Zone Management Authority by the 2nd Respondent on 10.08.2022 which was returned by the 1st Respondent on 15.09.2022 in the light of Office Memorandum of the 1st Respondent No.12-1/2022-IA, III dated 26.04.2022. Despite this, the 11th Respondent started construction work in CRZ-IA areas and CRZ-II areas..

26. I respectfully submit that the 11th Respondent before finalizing the Construction Site Plan didn't consult with the local residence. It is not an Industrial project or construction of building or commercial project. Though the Public Consultation is exempted for projects under Category B2 and Schedule S.No. 8 (a) under the Environment Impact Assessment Notification, 2006. But construction of additional amenities buildings related to a Temple where every year more than 50 lakh devotees' throng and day to day life of more than 30,000 local people is affected because of the Devotees Vehicles to the 11th Respondent Temple via narrow Streets of Tiruchendur. That is why I filed above mentioned Writ Petition in W.P.(MD).No. 26218 of 2023 to sort out the Traffic issue in Tiruchendur City by to laying a new Two Way Road or Bridge to reach the parking place of the Arulmighu Subramaniya Swamy Thirukovil, without entering into the Tiruchendur Town. Moreover, it is mandatory to conduct a Public Hearing under the Coastal Regulation Zone Notification, 2011.
27. I respectfully submit that it is clearly stated in the EIA Notification 2006, a Note under Paragraph 9. Factors which should be considered (such as consequential development) which could lead to

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environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality, "The projects involving clearance under Coastal Regulation Zone Notification, 1991 shall submit with the application a C.R.Z. map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C.R.Z. (at the stage of TOR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Simultaneous action shall also be taken to obtain the requisite clearance under the provisions of the C.R.Z. Notification, 1991 for the activities to be located in the CRZ.

28. I respectfully submit that in exercise of Powers conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19th February, 1991, the 1st Respondent declared the Coastal Regulation Zone 2011 Notification. Hence, the 12th Respondent has to obtain the Coastal Regulation Zone Clearance as per provisions of Coastal Regulation Zone 2011 Notification which issued with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming, does hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands up to its territorial limit, as Coastal Regulation Zone (hereinafter referred to as the CRZ) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous

Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid CRZ.;

29. I respectfully submit that the 11th Respondent did not fulfill Condition No.4 of 290th Meeting of State Expert Appraisal Committee held on 30.06.2022. It stated the 11th Respondent shall furnish CRZ Clearance from the 5th Respondent before obtaining Consent to Operate (CTO) from the 6th Respondent. It was stated in the minutes of the 305th Meeting of State Expert Appraisal Committee held on 23.08.2022, the 11th Respondent clarified that there is no demolition and reconstruction of existing Archaeological and Heritage structures involved and only the Existing amenities building & additional buildings are proposed to be modified/constructed which is coming under CRZ-II as under per CRZ Notification 2011. But the 11th Respondent replaced the Stone Floor with the Granite Stone base of Thirupanni mandapam (Noted as B in the Construction Plan) which is an existing heritage structure, and also falls under CRZ-IA category. No construction or developmental activities are allowed. The clearance letter is yet to be put on the website of the 11th Respondent.
30. I respectfully submit that the 11th Respondent started construction without any valid Coastal Regulation Zone Clearance from the 4th Respondent. The 11th Respondent started to construct in the CRZ-IA areas which is not a permitted activity to construct additional amenities buildings for Pilgrims. The 11th Respondent didn't conduct any Public Hearing as per Office Memorandum No.12-1/2022-IA, III dated 19.04.2010 of the 1st Respondent and its subsequent amendment in Office Memorandum No.12-1/2022-IA, III dated 28.09.2011 of the 1st Respondent which is mandatory for Coastal Regulation Zone Projects under the Coastal Regulation Zone Notification 2011. Reconstruction of buildings in CRZ-IA areas. No plan in the Construction Site Plan to prevent inundation in the 11th Respondent

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Temple premises. Permission was granted to repair work inside the Temple premises by an incompetent Committee of the 7th Respondent which doesn't have an Agama Expert of Malayalam Thanthirigham and without getting the opinion of the Religious Head of the Temple, Thanthuri of Muttavilai Madam. Hence, I sent my Representation and Complaint on 13.10.2023, 16.10.2023, 02.11.2023, 27.11.2023, 02.12.2023, 05.12.2023 through Registered Post and 22.12.2023 through E.Mail on the above said subjects. The 4th Respondent forwarded my Complaint dated 16.10.2023 on 02.11.2023 and dated 02.12.2023 and 05.12.2023 on 21.12.2023 to the 5th and 6th Respondents. The Respondents have not acted either way. I have made out a strong prima facie case and the balance of convenience is in favour of interim orders being passed, as prayed for herein. Construction work is going on daily basis at CRZ-IA areas. It is a matter of Urgency, hence immediate interference of this Hon'ble Court is required. Under these circumstances, I left no other alternative efficacious remedy, except knocking the doors of the Hon'ble High Court by invoking Article 226 of the Constitution of India for the reliefs sought for as under.

For the reasons stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to grant an order of **INTERIM INJUNCTION** restraining the 11th Respondent or its Men or Agent to continue Construction as per Construction Site Plan without a valid Coastal Regulation Zone (CRZ) Clearance from the 4th Respondent for Proposal No. IA/TN/CRZ/288661/2022 under the Coastal Regulation Zone (CRZ) Notification, 2011 pending disposal of the main Writ Petition pending on the file of this Hon'ble Court and thus render Justice.

Therefore, it is most respectfully prayed that this Hon'ble Court may graciously pleased to issue a **WRIT OF MANDAMUS**, or any other appropriate Writ or Order or Direction to the 4th, 5th, 9th, 10th and 13th Respondents to take appropriate steps to ensure the 11th Respondent to fulfill restrictions of the Government Order in G.O.(Ms).No.22, Municipal Administration and Water Supply (Nee.dhi-1) Department dated 30.01.1997, conditions of Environment Clearance (EC) in EC Identification No.EC22B038TN134170 in File No.9203 dated 20.09.2022 and remove all the unauthorized constructions in buildings falling in CRZ-IA areas (Archaeological and Heritage Sites) under Coastal Regulation Zone (CRZ) Notification,2011 viz Building Nos. 8, 8A,9,10,11,12,21 and 27 of the Construction Site Plan while constructing existing buildings and proposed new buildings at Arulmigu Subramaniya Swamy Thirukovil, Tiruchendur/the 11th Respondent Temple and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render Justice.

Solemnly affirmed at Madurai
after the contents are explained
to him in Tamil and having understood
the same on this 25th day of December'2023.
and signed his name in my presence

BEFORE ME

ADVOCATE

G.Sureshkumar

(Enroll No.325/2010) Cell:94426 11345.

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