

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI

O.A. No. 124 of 2024 (SZ)

In the matter between:

Applicant:

Aalayam Kaappom
Rep by its president

: APPLICANT

Vs.

Respondents:

The Joint Commissioner/ Executive Officer
Arulmighu Subramaniaswami Thirukoil And 4 others

: RESPONDENTS

REPLY STATEMENT OF THE 1ST RESPONDENT



AKKILESH P
ASSOCIATE

M/S. A. S KAILASAM & ASSOCIATES

R.O.C. No. 128041/2022

COUNSEL FOR 1ST RESPONDENT

No. 86 Additional Law Chambers

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
MEMORANDUM OF APPLICATION
(Under Section 18(1) read with Section 15(1) of The National Green
Tribunal Act, 2010)
Original Application No.124 of 2024 (SZ)**

Applicant:

Aalayam Kaappom,
Rep. by its President
Mr. P.R.Ramanan,
No. 12, Nagarathinam Colony,
Sir P.S.Sivasamy Salai,
Mylapore, Chennai - 600 004.

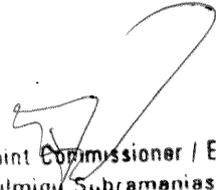
... Applicant

And

Respondents:

1. Joint Commissioner/ Executive Officer,
Arulmigu Subramaniya Swamy Thirukoil,
Payaniyar Maligai Salai,
Tiruchendur,
Thoothukkudi - 628 215.
2. Commissioner,
The Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai, Nungambakkam,
Chennai- 34.
3. The Government Of Tamil Nadu,
Represented by its Additional Chief Secretary, Environment, Climate
Change and Forest Department, Secretariat,
Chennai - 600009.
4. State Level Environment Impact Assessment Authority
(SEIAA),
3rd Floor, Panagal Maaligai,
No. 1, Jeenis Road,
Saidapet, Chennai- 600 015.
5. Ministry Of Environment,
Forest and Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road,
New Delhi-110 003.

... Respondents


Joint Commissioner / Executive Officer
Arulmigu Subramaniaswamy Thirukovil
TIRUCHENDUR - 628 215

REPLY AFFIDAVIT FILED BY THE 1ST RESPONDENT TEMPLE

I, M. Karthick, S/o. Murugesan, Hindu aged about 44 years, working as Joint Commissioner/Executive officer of Arulmigu Subramaniasamy Thirukoil, Thiruchendur, now temporarily come down to Madras do hereby solemnly affirm and sincerely stated as follows.

1. I respectfully submit that I am the Joint Commissioner/Executive Officer of the 1st respondent temple herein namely Arulmigu Subramaniaswamy Thirukoil, Tiruchendur and as such I well acquainted with the facts and circumstances of the present case and I am filing this reply affidavit before this Hon'ble Tribunal from the available records.

2. The 1st respondent temple respectfully submit that the averments made by the applicant in the affidavit filed in support of the original application and the interim prayer as well as the final prayer sought for therein was gone through and read over by me and I deny all the averments and allegations raised therein except those that are specifically admitted hereunder and I also put the applicant to the strict proof of the same.

3. The 1st respondent temple respectfully submit that the prayer sought for by the applicant herein before this Hon'ble Tribunal with regard to seeking for interim prayer as well as the final prayer to declare that the environmental clearance granted in Letter No.SEIAA-TN/F.No.9203/EC/8(a)/867/2022 dated: 19.09.2022 is illegal and in contradiction with the conditions of the Coastal Regulation Zone Notification, 2011 and Environmental Impact Assessment Notification, 2006 and the further direction to forthwith remedy/rectify/demolish the structures which have been built in violation of the conditions of the environmental clearance granted in Letter No.SEIAA-TN/F.No.9203/EC/8(a)/867/2022 dated: 19.09.2022. The above said reliefs sought for by the applicant before this Hon'ble Tribunal is legally not maintainable for the reason that the applicant is challenging the environmental clearance and Coastal Regulation Zone clearance which was granted by the State Level Environment Impact Assessment Authority – Tamilnadu/the 4th Respondent on 19.09.2022, to the 1st Respondent temple for the proposed construction of additional amenities building under category B2 and schedule S.No.8(a) and the environmental clearance granted by the

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TIRUCHENDUR

4th respondent categorically reveals at page 220 of the paper book filed by the applicant before this Hon'ble Tribunal, wherein as against the Letter No.SEIAA-TN/F.No.9203/EC/8(a)/867/2022 dated: 19.09.2022, Appeal shall lie before this Hon'ble Tribunal within a period of thirty days as per section 16 of the National Green Tribunal Act, 2010. The Applicant has filed the present original application after the above said period of limitation as prescribed under section 16 of the Act and the present application is not filed well within a period of thirty days as against the proceedings of the environmental clearance and CRZ Clearance granted by the State Level Environment Impact Assessment Authority (SEIAA), Tamil Nadu/ 4th Respondent herein and the present Original Application is not maintainable before this Hon'ble Tribunal. But, the applicant herein have not ventilated their grievance as contemplated under Section 16 of the above said act and filed the present Original Application before this Hon'ble Tribunal is legally not maintainable and the same is barred by limitation and also even without assigning any reasons for the delay in approaching this Hon'ble Tribunal after a period of more than one year and six months and in order to escape from the period of limitation the applicant herein by invoking Section 15(3) of the National Green Tribunal Act, 2010 and claiming the benefit of limitation as five years which runs counter to Section 16 of the NGT Act. Therefore, the applicant filed the Present Original Application before this Hon'ble Tribunal Under Section 15 (3) of the NGT Act, 2010 which is legally not maintainable, when the statue namely NGT Act, 2010 in particularly Section 16 contemplates any appeal against the Environmental Clearance shall be lie with this Hon'ble Tribunal if it is preferred within a period of thirty days as prescribed under section 16 of the NGT Act and the present Original Application is not filed by the Applicant as per the period of limitation prescribed by section 16 of the NGT Act and the present Original Application filed during the month of March 2024 which is after a period of more than one year and six months. Therefore, on the ground of the period of limitation which is beyond the period of thirty days the original application has been filed by Applicant before this Hon'ble Tribunal and the same is legally not maintainable and the same is barred by limitation and on the only ground of

period of limitation the present original application is liable to be dismissed in limine.

4. The 1st respondent temple respectfully submit that the Fit Person of the 7th respondent temple has passed resolutions on various dates i.e., dated 30.01.2022 and 23.06.2022 to carry out Thiruppani Works and also construction of additional amenities building through the funds of donor namely Vamasundari Investments Pvt. Ltd, New Delhi and the above said resolutions have been sent to the 2nd respondent/Commissioner, for administrative sanction by the 1st respondent temple herein on various dates i.e., on 31.01.2022 and 23.06.2022. The 2nd respondent/Commissioner in turn forwarded the said proposal to the Secretary to Government, Tourism, Culture and Endowments Department on 04.07.2022. The Secretary to Government, Tourism, Culture and Endowments Department passed G.O.(Ms).No.189 dated 04.08.2022, granted administrative sanction for Rs. 171 crores to carry out the Thiruppani Works and also construction of additional amenities building through the funds of donor namely Vamasundari Investment (Delhi Pvt. Ltd) towards a sum of Rs.171 Crores. The proposed works to be carried out through the donor funds namely the proposed construction of additional amenities building which comes within CRZ-1A and CRZ-II which necessitated the 1st respondent temple to submit an application on 12.04.2022, along with Demand Draft of Rs.5 lakhs towards scrutiny fee to the 4th Respondent/Member Secretary, State Environmental Impact Assessment Authority, 3rd Floor, Panagal Building, No.1, Jeenis Road, Saidapet, Chennai – 600 015, for Environmental Clearance, with relevant documents complying with the Environment impact assessment notification, 2011. I further respectfully submit that the above said application uploaded on the portal of the 5th Respondent/Ministry for environmental clearance and for which acknowledgment slip has been granted on 13.04.2022.

5. The 1st respondent temple respectfully submit that the 1st respondent temple has submitted an application on 19.05.2022, for CRZ Clearance, to the District Environmental Engineer, TNPCB, Thoothukudi, and the same was forwarded to the Member Secretary, Tamilnadu State Coastal

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Zone Management authority/Director, Department of Environment and Climate Change (TNSCZMA). The Member Secretary, TNSCZMA and Director, Department of environment and climate change by his proceedings in R.C.No. P1/1265/2022 6 dated 13.06.2022 requested a sum of Rs.10 Lakhs as scrutiny fee by way of demand draft in favour of Director, Department of environment payable at Chennai, obtained from a nationalized bank. In response to the above said proceedings dated 13.06.2022, the 1st respondent temple by letter dated 27.06.2022, submitted a Demand draft for a sum of Rs.10 Lakhs in D.D.No. 933620, Kotak Mahindra Bank and requested the CRZ Committee to consider and process the 1st respondent temple application for CRZ clearance at the earliest.

6. I respectfully submit that thereafter the Additional Chief Secretary received the proposal from the Member Secretary TNSCZMA/ Director, Department of Environment and Climate Change on 29.07.2022 which reveals from the proceedings of the additional Chief Secretary to Government dated 10.08.2022 in letter No.13619/EC.3/2022-1 and the said proposal received by the Additional Chief Secretary to Government forwarded the same to the Chairman, National Coastal Zone Management Authority, Government of India, Ministry of Environment, Forest & Climate Change, Agni Wing, 5th Floor, Indira Paryavaran Bhawan, Jor Bag Road, Aliganij, New Delhi - 110 003. (w.e). In turn, the Government of India, Ministry of Environment, Forest and Climate Change IA-III Section, (CRZ), Indira Paryavaran Bhawan, Jor Bag Road, Aliganij, New Delhi - 110 003, by proceeding in F.No.11/37/2022-IA- 7 III dated 15.09.2022, had communicated to the Member Secretary, Tamilnadu State Coastal Zone Management authority (TNSCZMA) and Director of Environment, Ground Floor, Panangal Building, Saidapet, Chennai - 600 015, Tamilnadu. The above said proceeding is relevant and germane to the facts of the present case and the same is reproduced below for better appreciation of the facts and same is as follows:-

.... *"Please refer your letter No.P1/1265/2022 dated 14/09/2022 on the subject mentioned above.*

2.The above mentioned proposal No.IA/TN/CRZ/288661/2022 was uploaded online on Parivesh Portal and it was noted that it requires EC

under Category B from SEIAA and the project is already recommended by Tamil Nadu State CZMA and State EAC.

3.As per the Ministry's OM No.12-1/2022-IA, III dated 26/04/2022 (Copy enclosed), such category B projects which also required CRZ clearance shall be granted EC+CRZ by the concerned SEIAA based on the recommendation of SCZMA and SEAC. In this regard, based on the information submitted by PP, Essential Detail Sought (EDS) has already been intimated on Parivesh Portal on dated 02/09/2022 asking PP to apply as per aforesaid OM and the instant proposal requires EC+CRZ Clearance from SEIAA, Tamil Nadu.

4.This issues with the approval of Competent Authority."...

7. The 1st respondent temple respectfully submit that the above said proceedings dated 15.09.2022, of the Scientist 'E' (CRZ), the Government of India, Ministry of Environment, Forest and Climate Change, had informed to the Member Secretary, TNSCZMA, Chennai, to the effect that the proposal uploaded in Online on 14.08.2022, on Parivesh Portal, requires Environmental Clearance under category B from SEIAA and the project is already recommended by the Tamilnadu State CZMA and state EAC and further mentioned that such category B projects which also required CRZ clearance shall be granted EC+CRZ by the concerned SEIAA based on the recommendation of SCZMA and SEAC. Therefore, the above said competent authority of the Government of India, directed the 1st respondent temple herein to apply as per the office memorandum dated 26.04.2022 and the instant proposals requires EC+CRZ clearance from SEIAA Tamilnadu. The office memorandum dated 26.04.2022 has also been enclosed along with the proceedings dated 15.09.2022.

8. The 1st respondent temple respectfully submit that pursuant to the proceedings of the competent authority of the Government of India, dated 15.09.2022, the 1st respondent temple herein has submitted online application on Parivesh Portal already on 14.08.2022, to the 4th Respondent/Member Secretary, State Environment Impact Assessment Authority (SEIAA), Tamilnadu. The above said competent authority, after considering the applications for Environmental Clearance and CRZ Clearance

submitted by the 1st respondent temple, granted Environmental Clearance and CRZ clearance by letter No.SEIAATN/F.No.9203/EC/8(a)/867/2022, on 20.09.2022, to the 1st respondent temple herein subject to the conditions as recommended by SEAC, DCZMA and TNSEZMA. Therefore, the proposed construction of additional amenities building come within the purview of category 'B' as per the proceedings of the competent authority of the Government of India dated 15.09.2022, and also as per the Office Memorandum dated 26.04.2022, issued by the Government of India, wherein it is categorically reveals that 8(a) that any project located in Costal Regulation Zone area that required Environmental Clearance under category 'B' and the clearance falls under combined Environmental Clearance and Costal Regulation Zone and the approving authority is 4th Respondent/State Environment Impact Assessment Authority (SEIAA), Tamilnadu.

9. The 1st Respondent temple respectfully submitted that the 1st respondent temple has got Environmental Clearance (EC) as well as Coastal Regulation Zone (CRZ) Clearance by the competent authority on 20.09.2022 namely 4th respondent/SEIAA. The 1st respondent temple after satisfying the above said requirements of Environmental Clearance as well as Coastal Regulation Zone (CRZ) clearance has commenced the work on 28.09.2022, and the same was inaugurated by the Hon'ble Chief Minister of the State of Tamil Nadu and as of now i.e., 08.07.2024, 51% of overall work is carried out and the remaining construction activities is going on in a phased manner. The construction activities is going on for the past more than one year and eight months in the 1st respondent temple which is funded by the donor and by the 1st respondent temple, it is relevant to state that from the side of donor namely Vamasundari Investment Pvt. Ltd., New Delhi, donated a sum of Rs.171 crores + GST and the 1st respondent temple allocated its own funds towards a sum of Rs.99.90 crores +GST. The Applicant has filed the present Original Application after more than one year and six months i.e., after the commencement of the proposed construction and building activities in the 1st respondent temple which was carried through a master plan, wherein a sum of Rs.171 crores + GST through donor funds which comes to Rs.201.35 crores (including GST) and through the 1st respondent temple's own funds a

sum of Rs. 99.90 crores + GST. Therefore, the 1st respondent temple has filed applications for environmental clearance as well as CRZ clearance to the competent authorities and the competent authority namely the 4th Respondent/SEIAA, taking into consideration of all relevant recommendations of the various statutory authorities have granted the environmental clearance and CRZ clearance by the proceedings dated 20.09.2022.

10. The 1st respondent temple respectfully submit that the averments made by the Applicant in Paragraph 7 of the Original Application to effect that the 1st respondent temple authorities have violated the conditions and engineered structures will have a adverse bearing on the environment and the temple authorities have not strictly adhered to the norms and requirements as per the rules and guidelines which are incorrect and untrue and the same is nothing but the deliberate falsehood and without any substance and for which I put the applicant to the strict proof of the same.

11. The applicant has categorically admitted in Paragraph 8 in the Original Application to the effect that the 1st respondent temple proposed project lies in both the CRZ-1A and CRZ-II. But on the other hand, the applicant made averments to the effect that the environmental clearance has been granted on the representation that all constructions are coming within CRZ-II Zone as represented by the 1st respondent temple is run counter to the averments made in the same Paragraphs 8 and 9 and for which I put the Applicant to the strict proof of the same. It is pertinent to state at the stage that the 1st respondent temple has made application for CRZ clearance on 19.05.2022, to the District Environmental Engineer, Tamilnadu Pollution Control Board, Meelavittan, Thoothukudi. Wherein in the said application, the 1st respondent temple categorically submitted that the proposed project lies in CRZ zone i.e., CRZ-1A – Existing Archaeological and Heritage Sites and CRZ-II–Existing Amenities Building and Proposed Additional Amenities Building and the said application has been forwarded for consideration to the District Coastal Zone Management Authority (herein after referred as “DCZMA”) and the said authority stated above was pleased to consider in its minutes of the 75th Meeting held on 27.05.2022 and made recommendations

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to the Tamil Nadu State Coastal Zone Management Authority (herein after referred as "TNSCZMA"). The above said report of "DCZMA" dated 27.05.2022 in Serial No.7 has been considered the Map prepared and submitted by the Institute of Remote Sensing, Anna University, Chennai-25 dated 10.05.2022, through the consultant namely ECO Tech Labs Pvt. Ltd., Chennai. Wherein the Quality Assessment Committee evaluated the CRZ Map and stated the extent of building falling in CRZ-1A (Archaeological and Heritage Sites) and CRZ-II. The above said report submitted by the Institute of Remote Sensing, Anna University, Chennai, was not enclosed by the applicant along with this Original Application and the same is now produced by the 1st respondent temple before this Hon'ble Tribunal for better appreciation of the facts of the present case which categorically reveals that the 1st Respondent temple has not made any representation as stated by the applicant in Paragraph 8 of the Original Application before this Hon'ble National Green Tribunal. I further submit that the documents produced by the applicant along with the Original Application before the Tribunal from Page Nos.155 to 174 categorically reveals the consideration of the competent authority namely "TNSCZMA" with regard to the granting of Coastal Regulation Zone Clearance in the 117th Meeting held on 20.07.2022, to the 1st Respondent temple was pleased to consider the existing building and the proposed buildings and also considered the CRZ classification and the project site at Page No.161 and categorically stated that the site is falls in CRZ-1A (Archaeological and Heritage Sites) and CRZ-II areas.

12. The 1st respondent temple respectfully submit that the Environmental Clearance granted by the 4th respondent dated 19.09.2020, which is enclosed by the applicant from Page Nos.198 to 234, wherein the 4th respondent has considered the recommendations made by the statutory authorities namely State Environment Appraisal Committee (SEAC), "DCZMA", "TNSCZMA" and MoEF&CC & ACS Department and granted the Environmental Clearance and Coastal Regulation Zone Clearance to the 1st Respondent temple. Therefore, the averments made by the applicant to the effect that the constructions are coming within CRZ-II Zone was represented by the 1st respondent temple, even without going through the above said

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material documents and made averments even though the applicant enclosed the above said material documents as stated above before the Hon'ble National Green Tribunal. The conduct of the applicant by making averments as against the above said the material documents for which the 1st Respondent temple put the applicant to disclose the reasons for making the above said averments which runs counter to the statutory documents passed by the above said authorities and for which I put the applicant to the strict proof of the same.

13. The 1st Respondent temple respectfully submit that the averments made by the applicant to the effect that Sri Valli temple Queue Complex, Main Queue Complex, Soora Samhara Promenade lie on the seaward side of the existing structures is incorrect and untrue for the reason that with regard to Valli Cave Queue Complex already an existing construction was constructed for the purpose of Passage/way to worship the goddess Valli and the said existing structure is going to be renovated and with regard to the Main Queue Complex already an existing structure was constructed and later it has been demolished due to the untoward incident took place in the 1st Respondent temple, during the year December 2017, a portion of the construction has been collapsed which necessitated the 1st respondent temple to demolish the outer Giripragarm and now replaced with the Main Queue Complex and 65% of construction works is completed. I further submit that the Soora Samhara promenade which is now under construction is going on in the landward side and almost 65% of construction works are completed.

14. The 1st Respondent respectfully submit that the averments made in (iii) & (iv) with regard to the constructions sites fall within the Archeological and Heritage site necessary permission has to be obtained from the committee constituted by the Hon'ble High Court in Su-Moto W.P. No.574 of 2015. As per the orders passed by the Hon'ble High Court, Principal Seat, Heritage Screening Committee at District Level and State Level has been constituted by the State Government and prior permission has been granted by the State Level Expert Committee on 20.07.2022, 18.10.2022 and 14.07.2023, to the 1st respondent temple to carry out the works mentioned therein by the State Level Expert Committee. Without knowing the above

said facts the Applicant has made the averments in the Original Application is incorrect and untrue for the above said reasons as stated above and the prior permission granted by the State Level Expert Committee on the above said dates is enclosed along with this reply affidavit for better appreciation of the present case.

15. The 1st Respondent temple respectfully submit that the averments made in the Original Application and the grounds are nothing but replica of the averments made before the grounds of the Original Application and I crave leave of this Hon'ble Tribunal to treat the denial and the reasons stated in the preceding paragraphs would be treated as refutation to the grounds raised by the Applicant. It is pertinent to state that the CRZ Mapping Report is a precondition to grant CRZ clearance as per G.S.R.37(E) dated 18.01.2019, concerning the management of Coastal Zone Regulation and the said mandatory report has been submitted by the 1st Respondent temple before the competent authority for grant of CRZ clearance for the above said project. After the environmental clearance and CRZ clearance has been granted by the statutory authority namely the 4th Respondent, the 1st respondent temple has commenced its construction activities. Therefore, the allegations made by the applicant against the 1st respondent temple without going through the statutory documents and making averments and allegations which is legally unsustainable and the said averments are runs counter to the above said orders passed by the statutory authorities.

16. The 1st respondent temple respectfully submit that one Mr.B.Ramkumar Adityan, who is an Advocate by profession has filed public interest litigation in W.P. (MD) No.26218 of 2023, before the Hon'ble Madurai Bench of Madras High Court, seeking for the relief of **WRIT OF MANDAMUS**, Direction to the 3rd, 7th and 9th Respondents therein to take effective steps to review the construction Site plan of the 7th Respondent Temple and to lay a new Two Way Road or Bridge to reach the parking place of the Arulmighu Subramaniya swamy Thirukovil, Tiruchendur directory from Tiruchendur-Kanyakumari state Highways-SH-176 without entering into the Tiruchendur Town. The above said petitioner has also filed two miscellaneous petitions

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namely Interim Injunction and Interim Direction and the respective Interim Prayers which are as follows:

“ It is most respectfully prayed that this Hon'ble Court may be pleased to grant an order of INTERIM INJUNCTION restraining the 2nd, 7th and Bth Respondents or its Men or Agent carrying on Construction in CRZ-IA areas viz. Buildings No.B Queue Complex, No.8A Valli Cave-Queue, No.9 Prasadam Distribution Centre, No.10 Special Dharshan Area, No.11 Security Watch Tower, No.12 Block-D, No,21 Soorasamhara Promenade, No.27 Family Cottage-7 and Construction in CRZ-II areas viz, Buildings No,1 Entrance Arch with Security Cabin, No.2.Entrance Block A, No,3,Entrance Block B, No.4.Toilet Block-1, No.23.Shops-1, No,24.Shops-2, No.25,Laundry, No.29,Family Cottage, No.30,Kalyana Mandapam-I, No.31.Kalyana Mandapam-II, No.32,Toilet Block-5, No.33.Toilet Block-6, No.34 Dormitory Block-1, No,35.Dormitory Block-II, No,36.Toilet Block-7, No.37,Service Block, No. 38.Staff Quarters- 1, No. 39. Staff Quarters-2 and No.40.Cottages as per the Construction Site Plan pending disposal of the main Writ Petition pending on the file of this Hon'ble Court and thus render Justice.”

And

“It is most respectfully prayed that this Hon'ble court may be preased to grant an order of INTERTM DIRECTION to the 4th, 5\$' and 6th Respondents to permit the Traditional Car procession, Chapparam procession, palkudam Procession and Kavadi procession rerated to Tiruchendur Arurmighu Subaramanya Swamy Thirukovir and Sri Sivakorundeeswarar Temple only in Sannathi Theru, East Car Street, South Car Street, West Car Street and North Car Street and reject application of Communal Temples, Local Temples, poriticar parties, NGOs and others if any pending disposal of the main writ petition pending on the fire of this Hon'ble Court and thus render Justice.”

17. The 1st respondent temple respectfully submit that the above writ petition filed in W.P (MD) No.26218 of 2023 listed for admission on 02.11.2023 before the Hon'ble Division Bench and posted the matter on 10.11.2023. The Hon'ble Division Bench have not granted any interim orders in the above said writ petition and the same is pending before the Hon'ble Madurai Bench of Madras High Court.

18. The 1st respondent temple respectfully submit that the above said petitioner in W.P(MD) No.26218 of 2023 namely Mr.B.Ramkumar Adityan, who is an Advocate by profession has also filed another public interest litigation in W.P. (MD) No.1086 of 2024, before the Hon'ble Madurai Bench of Madras High Court, seeking for the relief of **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, BA,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. The above said petitioner has also filed miscellaneous petition namely Interim Injunction and the same is as follows:

"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."

19. The 1st respondent temple respectfully submit that the above writ petition filed in W.P (MD) No.1086 of 2024 listed for admission on 19.01.2024 before the Hon'ble Division Bench. The Hon'ble Division Bench have not granted any interim order in the above said writ petition and the same is pending before the Hon'ble Madurai Bench of Madras High Court.

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20. I respectfully submit that the 1st respondent temple crave leave of this Hon'ble National Green Tribunal and reserve its right to file Additional Reply/Counter Affidavit if and when requires.

Therefore, it is prayed that this Hon'ble Court pleased to accept this reply affidavit filed by the 1st respondent temple herein and dismiss the Original Application filed in O.A. No.124 of 2024 (SZ) with cost and thus render justice.

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Solemnly affirmed at
Madras on this the 31ST
day of July 2024 and
signed his name in my
presence.

Before Me

P:  (Wilson).

M/s No. 2846/2015

No. 86, Law Chamber

MHC, Ch-106.