

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT CHENNAI

(Under Sections 14, 15 read with 18(1) of the National Green Tribunal Act, 2010)

Application No. 136 of 2024

K. Saravanan

...Applicant

v.

The Commissioner of Fisheries and Fishermen
Welfare and Anr.

...Respondents

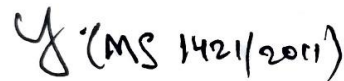
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the Hon'ble High Court of Madras**

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Certified to be true copies of the respective originals.
Dated at Chennai on this the 22nd day of November, 2024.

Through

 (MS 1421/2011)

A Yogeshwaran
Counsel for the Applicant
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Email: yogeshwaranadv@gmail.com

MEMORANDUM OF WRIT PETITION FILED UNDER THE ARTICLE 226 OF THE
CONSTITUTION OF INDIA
IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P. No. of 2023

Fisherman care,
Registered Association,
Bearing S.L. No. 386 of 2010
Rep by its President
L.T.A. Peter Rayan
No. 6, Nagalakshmi Salai,
Tiruchandur Nagar,
Old Pallavaram,
Chennai-600 117

12/10/23

... Petitioner

Vs.

1. The Union of India Rep by its
Secretary to the Govt.
Ministry of Environment, Forest & Climate Change,
(MoEF & CC), Govt. of India,
Indira Paryavaran Bhavan, JorBagh Road,
Aliganj, New Delhi - 110 003.
2. The Chief Secretary of Tamil Nadu,
Secretariat,
Chennai - 600 009.
3. The Principal Secretary of Tamil Nadu
Environment Department,
Secretariat, Chennai - 600 009.
4. The Chairperson
Environmental Department,
Panagal Malaigai, Saidapet
Chennai 600 105.
5. The Chairman,
Coastal Zone Management authority
Paryavaran Bhavan, CGO Complex
Lodhi Road, New Delhi - 110 003.
6. The Director
National Centre for Sustainable Coastal Management

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(NCSCM),
Ministry of Environment, Forest & Climate Change
(MoEF&CC), Govt. of India,
Anna University Campus,
Chennai - 600 025.

7. The State of Tamil Nadu
Represented by its Secretary to Government
Fisheries Department,
Fort St. George,
Chennai - 600 009.
8. The State of Tami Nadu
Represented by its Secretary to Government
Public Works Department,
Fort St. George,
Chennai - 600 009.
9. The Commissioner of Fisheries and Fisherman Welfare,
3rd Floor, Integrated Animal Husbandry and Fisheries Buiding,
Nandanam, Chennai - 600 035.
10. The District Collector,
Collectorate,
Kokkirakulam,
Tirunelveli - 627 009.
11. The Registrar
National Green Tribunal(Southern Zone)
377J, Kalas Mahal, Kamaraj Salai,
PWD Estate, Chepauk
Chennai - 600 005.
12. C.H. Balamohan
7-8, Moovendar Street,
Mullainagar, Puducherry

... Respondents

WRIT PETITION

The Address of the Petitioner for all the service and process is that of their counsel M/s L.P. Maurya, S. Indrajith, Ragesh Bhagavath L, Harish Parvatham Advocates having office at III A High Court Chambers, High Court Campus , Chennai - 600 104. The addresss of service of the Respondent as stated as above.

For the reason stated in the affidavit:-

a) It is therefore prayed before this Hon'ble Court to issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records related to the impugned order made by Special Bench of the National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022 quash the same insofar as it bans the construction of hard structures in the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk and consequently direct respondents 2,3,7,9,10 to erect a bait curve known as "thoondil valivu" or in the alternative construct near shore wedge reef and carryout sand nourishment in the Coastal region of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk expeditiously as possible or any other Writ, Order or Direction, in the nature of Writ directing the Respondents 2,3,7,9,10 within a time frame as fixed by this Hon'ble Court and thus render Justice.

b) Directing the Respondents 2,3,7,9,10 to identify the vulnerable coastal districts in the state of Tamil Nadu and construct near shore wedge reef and carryout sand nourishment as expeditiously as possible within a time frame fixed by the Hon'ble Court and thus render Justice.

Dated at Chennai on 1st May of 2023



COUNSEL FOR PETITIONER

MEMORANDUM OF WRIT MISCELLANEOUS PETITION FILED UNDER THE
ARTICLE 226 OF THE CONSTITUTION OF INDIA
IN THE HIGH COURT OF JUDICATURE AT MADRAS

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(Special Original Jurisdiction)

W.M.P No. 14145 of 2023

In

W.P. No. 14661 of 2023

Fisherman care,
Registered Association,
Bearing S.L. No. 386 of 2010
Rep by its President
L.T.A. Peter Rayan
No. 6, Nagalakshmi Salai,
Tiruchandur Nagar,
Old Pallavaram,
Chennai-600 117

... Petitioner

Vs.

1. The Union of India Rep by its
Secretary to the Govt.
Ministry of Environment, Forest & Climate Change,
(MoEF & CC), Govt. of India,
Indira Paryavaran Bhavan, JorBagh Road,
Aliganj, New Delhi - 110 003.
2. The Chief Secretary of Tamil Nadu,
Secretariat,
Chennai - 600 009.
3. The Principal Secretary of Tamil Nadu
Environment Department,
Secretariat, Chennai - 600 009.
4. The Chairperson
Environmental Department,
Panagal Malaigai, Saidapet
Chennai 600 105.
5. The Chairman,
Coastal Zone Management authority
Paryavaran Bhavan, CGO Complex

(11)
Lodhi Road, New Delhi - 110 003.

6. The Director
National Centre for Sustainable Coastal Management
(NCSCM),
Ministry of Environment, Forest & Climate Change
(MoEF&CC), Govt. of India,
Anna University Campus,
Chennai - 600 025.
7. The State of Tamil Nadu
Represented by its Secretary to Government
Fisheries Department,
Fort St. George,
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8. The State of Tamil Nadu
Represented by its Secretary to Government
Public Works Department,
Fort St. George,
Chennai - 600 009.
9. The Commissioner of Fisheries and Fisherman Welfare,
3rd Floor, Integrated Animal Husbandry and Fisheries Building,
Nandanam, Chennai - 600 035.
10. The District Collector,
Collectorate,
Kokkirakulam,
Tirunelveli - 627 009.
11. The Registrar
National Green Tribunal(Southern Zone)
377J, Kalas Mahal, Kamaraj Salai,
PWD Estate, Chepauk
Chennai - 600 005.
12. C.H. Balamohan
7-8, Mooverdar Street,
Mullainagar, Puducherry

Respyl ... Respondents

INTERIM DIRECTION

For the reasons stated in the affidavit, it is humbly prayed that this Hon'ble Court may be pleased to pass an Order of Interim Direction, directing the respondents 2,3,7,9,10 to erect a bait curve known as "thoondil valivu" or in the alternative construct near shore wedge reef and carryout sand nourishment in the Coastal region of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk expeditiously as possible to prevent loss of life and livelihood of the fisherfolk of the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk pending disposal of the above Writ Petition and thus render Justice.

Dated at Chennai on 1st May of 2023



COUNSEL FOR PETITIONER

**MEMORANDUM OF WRIT MISCELLANEOUS PETITION FILED UNDER THE
ARTICLE 226 OF THE CONSTITUTION OF INDIA
IN THE HIGH COURT OF JUDICATURE AT MADRAS**
(Special Original Jurisdiction)

W.M.P No. *141/keo* of 2023

In

W.P. No. *14661* of 2023

Fisherman care,
Registered Association,
Bearing S.L. No. 386 of 2010
Rep by its President
L.T.A. Peter Rayan
No. 6, Nagalakshmi Salai,
Tiruchandur Nagar,
Old Pallavaram,
Chennai-600 117

... Petitioner *Puraj*

Vs.

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Secretary to the Govt.
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Environmental Department,
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Coastal Zone Management authority
Paryavaran Bhavan, CGO Complex

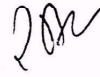
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Lodhi Road, New Delhi - 110 003.

6. The Director
National Centre for Sustainable Coastal Management
(NCSCM),
Ministry of Environment, Forest & Climate Change
(MoEF&CC), Govt. of India,
Anna University Campus,
Chennai - 600 025.
 7. The State of Tamil Nadu
Represented by its Secretary to Government
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Fort St. George,
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 8. The State of Tamil Nadu
Represented by its Secretary to Government
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 9. The Commissioner of Fisheries and Fisherman Welfare,
3rd Floor, Integrated Animal Husbandry and Fisheries Building,
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 10. The District Collector,
Collectorate,
Kokkirakulam,
Tirunelveli - 627 009.
 11. The Registrar
National Green Tribunal(Southern Zone)
377J, Kalas Mahal, Kamaraj Salai,
PWD Estate, Chepauk
Chennai - 600 005.
 12. C.H. Balamohan
7-8, Moovendar Street,
Mullainagar, Puducherry
- P. Balamohan* ... Respondents

STAY PETITION

For the reasons stated in the affidavit, it is therefore prayed before this Hon'ble Court to pass an order of interim stay of the order passed by the National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022 insofar as its bans the raising of the hard structures in the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk pending disposal of the Writ Petition and thus render Justice.

Dated at Chennai on 1st May of 2023



COUNSEL FOR PETITIONER

MEMORANDUM OF WRIT MISCELLANEOUS PETITION FILED UNDER THE
ARTICLE 226 OF THE CONSTITUTION OF INDIA
IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

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W.M.P No. 14134 of 2023
Ir.

W.P. No. 14661 of 2023

Fisherman care,
Registered Association,
Bearing S.L. No. 386 of 2010
Rep by its President
L.T.A. Peter Rayan
No. 6, Nagalakshmi Salai,
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Chennai-600 117

... Petitioner / *per...*

Vs.

1. The Union of India Rep by its
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3. The Principal Secretary of Tamil Nadu
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4. The Chairperson
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5. The Chairman,
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Ministry of Environment, Forest & Climate Change
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7-8, Moovendar Street,
Mullainagar, Puducherry

Regina / ... Respondents

DISPENS WITH PETITION

For the reasons stated in the affidavit, For the aforesaid reasons, it is therefore prayed that this Hon'ble Court pleased to dispense with the production of the certified copy of the Order passed by the National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022.

Dated at Chennai on 1st May of 2023

[Signature]

.COUNSEL FOR PETITIONER

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

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W.P. No. of 2023

Fisherman care,
Registered Association,
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6. The Director
National Centre for Sustainable Coastal Management
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Ministry of Environment, Forest & Climate Change
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7-8, Moovendar Street,
Mullainagar, Puducherry
- ... Respondents

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AFFIDAVIT OF THE PETITIONER

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I, L.T.A. Peter Rayan, son of Mr. Lourdu Pattangettiar, Christian, aged about 74 years, residing at No. 6, Nagalakshmi Salai, Tiruchandur Nagar, Old Pallavaram, Chennai-600 117, do hereby solemnly affirm and sincerely state as follows :

1. I am the President of the Petitioner Association namely, 'FISHERMAN CARE' and I have been authorised by the Association to file this petition. After my retirement as Deputy Secretary to the Government of Tamil Nadu, I formed the Association to promote and protect the interest of the fishermen and I have no personal interest in filing this Writ Petition. Our Association made a survey in the coastal area of Tamil Nadu and studied the problems of the fisher folk in Tamil Nadu and produced a documentary film namely 'Broken promises' portraying the problems of fishermen focusing on the human rights violations committed by the Sri Lankan Navy against the fisher folk of Tamil Nadu. I respectfully submit that our Association very recently conducted a survey in the coastal region of Tamil Nadu regarding the adverse impacts of Coastal erosion in the coastal districts and remedial measures to be undertaken by consulting the local fishermen. In that way, I am well aware of the facts of this case and I have no personal interest in filing the petition.

2. I respectfully submit that I and the members of the Association hail from coastal villages in Tamil Nadu and are interested in the welfare of the Fisherman. I respectfully submit that, to my knowledge, no public interest litigation has been filed anywhere on the same issue. I undertake that I will pay the cost, if any, if the present Petition is found

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to be intended for personal gain or oblique motive. I submit that I am filing the Petition out of my own pension funds and my Aadhar card No. 2025 6626 8424 and Pan number is ALYPP7695R and the same has been filed in the typed set of papers. I respectfully submit that I am drawing a pension of Rs. 57,000/-.

3. I respectfully submit that large parts of Tamil Nadu Coast lines are situated on the east coast of India which has a sandy coastline and is therefore vulnerable to coastal erosion, and is thus ecologically sensitive. The coastal geomorphology and related eco-systems play a large and vital role in the economic development of the region, providing a large number of functions and services, from sustaining ecology, and traditional fishing communities, besides attracting visitors to the Tourism Industry. I further respectfully submit that severe and rapidly worsening coastal line erosion is damaging the subsistence-based, sustainable and lucrative sectors of the local economy, making the affected region increasingly ecologically, socially, and economically vulnerable.

4. I respectfully submit that for the past 2 decades, the coastal erosion along the coastline of Tamil Nadu has been increasing steadily. The rate of such continuous erosion is at a higher rate than in other areas. Such increased erosion has caused severe damage and losses to the local economy in coastal villages which predominantly rely on fishing and related activities. Due to coastal erosion, the sea level has been steadily increasing on a day-to-day basis which has reduced the coastal/beach area posing threat to the livelihood of the fisherfolk in the region.

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5. I respectfully submit that the specific fishermen community of Kooduthalai Village, Tirunelveli District, Thisiyan Villai Taluk, the fishermen community of Thomaiyarpuram coastal village of Radhapuram block, Tirunelveli District and the fisherman community of Kootapuli village of Radhapuram Taluk are the worst affected and they have been facing daily struggles against the tides from the sea, which has been caused by the heavy and continuous coastal erosion around the areas surrounding the village. In fact, due to the increased sea water flowing into the coast, caused by the coastal erosion; many houses, boats and catamarans owned by the local fishermen community have been totally damaged and the local fishermen in Kooduthalai Village have lost their source of livelihood.

6. I respectfully submit that the fisherfolk of the coastal village of Kooduthalai in Radhapuram Block engage in fishing in country boats. For the past twenty years, Kooduthalai coastal village has been affected by sea erosion. In this connection, the Village committee of Kooduthalai village has represented to the concerned authorities for remedial measures. But since no action has been taken on their representation Kooduthalai village is under the threat of sea erosion as in the case of Thomaiyarpuram coastal village of Radhapuram block, Tirunelveli District and Kootapuli village of Radhapuram Taluk. I respectfully submit that it is also necessary to state that in order to protect the Koodankulam Nuclear Power plant sea walls were raised as a result of which sea erosion ravaged the coastal villages of Idunthakarai, Perumanal, Kotthaguli, Uvari and Kottapanai. I respectfully submit that the Government of Tamil Nadu immediately

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addressed the concern of the aforesaid coastal villages by raising Bait Curve i.e Thoondil Vailzivu thus protecting the above said villages from sea erosion.

7. I respectfully submit that in a similar way at the eastern side of Kooduthalai coastal village, rough stones were pooled in the coast for nearly 8 KMs for Udankudi Thermal Power Project as a result of which sea erosion ravaged the coastal villages of Alantahlai, Veerapandiapattinara, Periyathalai and Manapadu. I respectfully submit that the Government of Tamil Nadu in order to protect the aforesaid coastal villages raised bait curve i.e. Thoondil Vailaivu thus protecting the above said villages from sea erosion. But however, when the Government of Tamil Nadu was trying to implement the aforesaid project of laying Bait Curves in the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli village of Radhapuram Taluk, due to the order passed by the National Green Tribunal in OA.No.4/13(SZ) with Appeal No.18/2017(SZ), the project has come to a standstill which is evident from the communication of the Additional Chief Secretary in Letter No.18369/W2/2021 dated 08.06.2022.

8. I respectfully submit that the general public of Kooduthalai Coastal Village has made continuous representations seeking remedial measures to the Respondents ever since 25.03.2016, more specifically, a request was made for the erection of bait curve, i.e., "thoondil valivu" in the coastal village to prevent coastal erosion. I respectfully submit that the Executive engineer attached to the office of Fishing Harbour Project, Tuticorin vide communication dated 29.06.2017 informed the Kooduthalai village head that Rs 35.64 crores has been sanctioned under the Green Climate Fund for raising bait curve i.e Thoondil valaivu in Kooduthalai coastal village. It is further submitted that on 08.09.2021 the Executive Engineer attached to the office of the Fishing Harbour project,

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Tuticorin has informed the head of the village committee that, 40 crores has been sanctioned under NABARD - RIDF XXVII (Phase II) project for the formation of breakwaters and construction of fishing docks under Sagarmala Scheme for Kooduthalai Village.

9. I respectfully submit that following the representation of the general public of Kooduthalai Coastal Village, the Government vide proceedings dated 01.11.2021 also informed one of the members of the Kooduthalai Coastal Village that, the Government of Tamil Nadu has announced in the State Assembly that a decision has been taken to erect Bait Curve "thoondil valaiyu" in Kooduthalai Coastai Village. I further respectfully submit that the members of the village were also informed that the aforesaid work will be undertaken by the Public Works Department. I respectfully submit that however, since no action was taken, the fisherfolk of the Kooduthalai Coastal Village were affected to a great extent and they lost their boats, catamarans, and even some of their houses and even their life is in peril. I further respectfully submit that due to coastal erosion, during the ravages of cyclones and the North-West Monsoon, the fishermen are not in a position to return back safely after fishing due to the high tide caused by the coastal erosion. I further respectfully submit that in the aforesaid circumstances, the fishermen of Kooduthalai village, made representations to the concerned authorities, seeking remedial measures, such as constructing Groynes in their coastal village. It was also emphasised in their representations that due to the ravages caused by coastal erosion, the electrical poles in Kooduthalai village fell into the sea as a result of which the boats were not in a position to return to shore.

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10. I respectfully submit that hearing the pleas of the local fishermen of Kooduthalai Village, the Petitioner Association sent a representation dated 20.03.2023 requesting the 10th Respondent to immediately erect "thoondil palam" (bait bridge) to safeguard the coastal village affected by sea erosion. In the interregnum, a communication has been sent by the Additional Chief Secretary, Government of Tamil Nadu, to the Chief Engineer, Water Resource Development Plan Formulation vide letter No. 18369/W2/2021 dated 08.06.2022, stating that the Government has decided to defer the proposal of construction of hard structures like Groynes in view of the order of the Hon'ble National Green Tribunal, Special Bench, vide Order dated 11.04.2022. I respectfully submit that on reading the aforesaid order, I was able to find that the Hon'ble National Green Tribunal has passed an order dated 11.04.2022 in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ), directing the Chief Secretaries of the Coastal States to finalise the CZMP (Coastal Zone Management Plan) and to get them approved by the Ministry of Environment and Forests within 2 months. The operative portion of the Order has been extracted hereunder:

"Accordingly, we direct the Chief Secretaries of the Coastal State/UT to finalize the CZMP and get them approved by MoEF within 2 months. The approved CZMP shall contain the parameters as listed in the CRZ 2019 Notification including High, Medium and Low erosion stretches for such erosion prone areas. SMF shall be prepared as illustrated by NIOT for such erosion prone areas. We further direct preparation/updation of their SMPs for such identified eroding stretches shown in the CZMPs within six months. Pending preparation/updation of such SMPs by the Coastal States/UTs, no further hard structures for erosion control be raised or constructed. The application is disposed of".

11. I respectfully submit that the Hon'ble National Green Tribunal in its Order dated 11.04.2022 had passed an Order to the effect that no further hard structures for erosion control can be raised or constructed till preparation/updation of SMPs by the Coastal States/UTs. I respectfully submit that the affected coastal villages of Kooduthalai, Thomaiyarpuram and Kootapuli village of Radhapuram Taluk, were not arrayed as parties in the aforesaid application before the National Green Tribunal and their concerns were not placed before the National Green Tribunal. I respectfully submit that though funds were sanctioned by the Government of Tamil Nadu for erecting Bait Curve i.e "thoondil valaivu" in Kooduthalai Coastal Village as early as 29.06.2017 the project of erecting Bait Curve i.e "thoondil valaivu" in Kooduthalai and other Coastal Villages namely Thomaiyarpuram and Kootapuli village of Radhapuram Taluk has been stalled due to the order passed by the National Green Tribunal.

12. I respectfully submit that the fishermen of Kooduthalai Village, Thomaiyarpuram coastal village and Kootapuli Village of Radhapuram Taluk are put to untold misery and agony due to coastal erosion and their lives and livelihoods are at stake due to the blanket ban of the Order of National Green Tribunal dated 11.04.2022 in erecting Bait Curve i.e "thoondil valaivu". I respectfully submit that the order of the National Green Tribunal imposing a blanket ban for raising hard structures for erosion control till the preparation/ updation of SMPs by the coastal states/Uts is per se illegal as the principles of natural justice have been violated by not putting the concerned stakeholders to notice and the same has led to substantial failure of justice since the fishing communities in the said village are left without any safeguards from coastal erosion which threaten their livelihood. The plight of the fisherfolk of the coastal

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villages namely Kooduthalai Village, Thomaiyarpuram coastal village and Kootapuli Village of Radhapuram Taluk has not been considered by the National Green Tribunal thus depriving their valuable right of life and livelihood guaranteed under Article 19(1)(g) and Article 21 of the Constitution of India.

13. I respectfully submit that however, the National Green Tribunal in its order O.A. No. 14/2013(SZ) with appeal no. 18/2013(SZ) dated 11.04.2022 has recognized the Puducherry model SMP based on the report of NIOT submitted in March 2014 wherein the construction of wedge reef on the north end of the town of Puducherry foreshore and construction of offshore reef placed at the southern end, at 300 meter north of the pier and sand nourishment 4,500,000 m³ of sand between the northern and southern reef along the coastal line of Pondicherry Town has been proposed. I respectfully submit that though the National Green Tribunal in the aforesaid order has recognized the Puducherry model of SMP, it has imposed a blanket ban on the construction of hard structures for erosion control pending preparation/ updation of SMPs by coastal states as a result of which the Government of Tamil Nadu is not in a position to address the problems faced by the fisherfolk of coastal villages of Kooduthazai, Thomaiyarpuram, and Kootapuli of Radhapuram District. Thus the construction of offshore reef and beach nourishment which has being carried out in the Puducherry can be adopted in the coastal villages of Tamil Nadu on war footing basis more specifically in the coastal villages of Kooduthazai, Thomaiyarpuram, and Kootapuli of Radhapuram District, since the same has been recognized to be not harmful for the environment in the order passed by the National Green Tribunal O.A. No. 04/2013(SZ) with Appeal No.

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18/2017(SZ) dated 11.04.2022.

14. I respectfully submit that in the aforesaid circumstances, having no other alternative remedy, to the Petitioner Association begs to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India for the following among other grounds:

GROUNDS

A) The Impugned order of the National Green Tribunal in O.A 04/2013(SZ) with Appeal 18/2017(SZ) dated 11.04.2022 imposing a complete ban with respect to the raising of hard structures pending preparation/updation of SMPz by coastal states without putting the consent stake holders namely the fisherfolk of the coastal villages particularly the Villages namely Kooduthazai, Thomaiyarpuram, and Kootapuli of Radhapuram District for whom funds were sanctioned for raising Bait Curve as early as 29.06.2017, is per se illegal violating the principle of natural justice and thus violative of Article 14 of Constitution of India.

B) The Impugned order of the National Green Tribunal in O.A 04/2013(SZ) with Appeal 18/2017(SZ) dated 11.04.2022 imposing a complete ban without considering the plight of the fisherfolk of the coastal villages namely Kooduthalai Village, Thomaiyarpuram coastal village and Kootapuli village of Radhapuram Taluk is per se illegal and has deprived the valuable right of life and livelihood of the fisherfolk guaranteed under Article 19(1)(g) and Article 21 of the Constitution of India.

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C) The Government of Tamil Nadu considering the untold misery faced by the fisherman of Kooduthalai Village caused due to sea erosion, sanctioned funds for the construction of Bait Curve under the Green Climate Fund as early as 29.06.2017 and when the project was about to be implemented in the coastal villages of Kooduthalai Village, Thomaiyarpuram coastal village and Kootapuli village of Radhapuram Taluk the impugned order has been passed by the National Green Tribunal in O.A 04/2013(SZ) with Appeal 18/2017(SZ) dated 11.04.2022 without considering the fact that the life and livelihood of the fisherfolk of fishing villages Kooduthalai Village, Thomaiyarpuram coastal village and Kootapuli village of Radhapuram Taluk is at peril due to ravages caused by the coastal erosion.

D) The Government of Tamil Nadu by considering the plight of the fisherfolk in coastal villages of Idunthakarai, Perumanal, Kotthaguli, Uvari and Kottapanai, Alantahlai, Veerapandiapattinam, Periyathalai and Manapadu raised the Bait Curve to protect the Fisherfolk of the aforesaid villages from the ravages caused due to coastal erosion. But however, when the Government of Tamil Nadu was about to raise the Bait Curve in Kooduthalai Village, Thomaiyarpuram coastal village and Kootapuli village of Radhapuram Taluk the impugned order has been passed by the National Green Tribunal in O.A 04/2013(SZ) with Appeal 18/2017(SZ) dated 11.04.2022 without considering ground realities and the ravages caused by sea erosion in the Villages of Kooduthalai Village, Thomaiyarpuram coastal village and Kootapuli village of Radhapuram Taluk.

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E) In order to protect the Koodankulam Nuclear power plant, sea walls were raised as a result of which sea erosion ravaged the coastal villages of the Idunthakarai, Perumanaal, Kotthaguli, Uvari and Kottapanai and consequently, the Government of Tamil Nadu raised the Bait Curve in the aforesaid villages. Similarly, at the eastern side of Kooduthalai coastal village, rough stones were pooled in the coast for nearly 8 KMs for Udankudi Thermal Power Project as a result of which sea erosion ravaged the coastal villages of Alantahlai, Veerapandiapattinam, Periyathalai and Manapadu. The Government of Tamil Nadu in order to protect the aforesaid coastal villages raised a Bait Curve i.e Thoondil Vailaivu, thus protecting the above said villages from sea erosion. But however, when the Government of Tamilnadu was about to address the issue with respect to the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli village of Radhapuram Taluk, the impugned order have been passed by the National Green Tribunal without considering the fact that the Government of Tamil Nadu is addressing a long pending burning issue of sea erosion with respect to the villages of Kodduthalai, Thomaiyarpuram and Kootapuli village of Radhapuram Taluk.

F) The Impugned Order of the National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022 though proceeds on the footing that there is a need to replace hard structures like sea walls, groynes etc with a soft option such as beach nourishment, sand bypassing, dune planting, offshore submerged reefs by working with nature besides issuing a direction the Chief Secretaries of coastal states/union territories to finalize CZMP get the approval of the Ministry of Environmental and Forest within 2 months failed to consider that grave injustice has been caused to the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli

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villages of Radhapuram Taluk wherein raising of Bait Curve has been stalled due to the aforesaid order.

G) The implementation of the order of the National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022 will take some considerable time by the concerned coastal states and pending implementation of the aforesaid order if there is a complete ban of the raising of Bait Curve "Thoondil Valaivu", the coastal villages namely Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk will be under peril and there is a imminent risk of the fisherfolk of the aforesaid coastal villages in losing the lives and livelihood which cannot be compensated by any means.

H) The National Green Tribunal by imposing a blanket ban for raising hard structures for erosion control, till the preparation/ updation of SMPs by the coastal states/Uts is per se illegal. As the principles of natural justice have been violated by not putting the concerned stakeholders to notice and the same has led to substantial failure of justice since the fishing communities in the said village are left without any safeguards from coastal erosion which threaten their livelihood.

I) The impugned order of the National Green Tribunal in OA is per se arbitrary since the fact that not all coastal villages are similarly situated as in the case of coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk which are located in proximity to Kodunankulam nuclear power which has a preexisting sea wall in the form of groynes, which results in accelerated coastal erosion

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in the neighbouring aforesaid villages which poses an immediate and imminent threat to the life and livelihood of the fisherfolks of the above-mentioned villages.

15. I respectfully submit that the fishing community in Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk are facing life and death problem every day to the ravages caused by the coastal erosion and they have already lost their boats due to coastal erosion. I respectfully submit that the fisherfolk of the aforesaid village have been facing severe difficulties for the past 20 years and when the Government of Tamil Nadu is willing to carry out the remedial measures in the villages of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk by raising Bait Curves, the impugned order of National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022 imposing a complete ban of raising hard structures of erosion control has resulted in untold hardship to the fisherfolk of their aforesaid coastal villages Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk. I respectfully submit that to prevent further loss of life and livelihood of the fishing community in Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk, the respondents 2,3,7,8,9,10 ought to take immediate steps to mitigate the coastal erosion by erecting bait curve known as "thoondil valivu" or in the alternative construct near shore wedge reef and carryout sand nourishment as an interim measure taking into consideration the imminent danger that looms over the Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk.

16. I respectfully submit that in view of the order passed by the Hon'ble National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022 imposing a blanket ban on the construction of hard structures like seawalls,

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groynes etc, the Government of Tamil Nadu is not in a position to execute its decision to erect bait curves in the Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk, which has resulted in sea erosion taking away the life and livelihood of the fisherfolks in the Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk. I respectfully submit that if the order passed by the National Green Tribunal O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022, is not stayed in so far as the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk, the fisherfolk will be put to irreparable loss and their life and livelihood will be at stake. I respectfully submit in the aforesaid circumstances it is therefore prayed that this Hon'ble Court pleased to pass an order of interim stay of the order passed by the National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022 insofar as its bans the raising of the hard structures for erosion control in the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk pending disposal of the Writ Petition and thus render Justice.

17. I respectfully submit that the certified copy of the order passed by the NGT is not available with the petitioner since the petitioner is not a party to the aforesaid application. However, the photocopy of the same is filed and the same may be dispensed, therefore it is prayed that this Hon'ble Court pleased to dispense with the production of the certified of the Order passed by the National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022. I respectfully submit that it is also necessary to state that if immediate remedial measures are not taken by the Respondents 2,3,7,9,10 in raising Bait Curves or construct near shore

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wedge reef and carryout sand nourishment as an alternative in the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk grave prejudice and irreparable injury will be caused to the fisherfolk of the aforesaid villages which cannot be compensated by any means.

For the aforesaid reasons, it is humbly prayed that this Hon'ble Court may be pleased to pass an Order of Interim Direction, directing the respondents 2,3,7,9,10 to erect a bait curve known as "thoondil valivu" or in the alternative construct near shore wedge reef and carryout sand nourishment in the Coastal region of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk expeditiously as possible to prevent loss of life and livelihood of the fisherfolk of the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk pending disposal of the above Writ Petition and thus render Justice.

For the aforesaid reasons, it is therefore prayed before this Hon'ble Court to pass an order of interim stay of the order passed by the National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022 insofar as its bans the raising of the hard structures in the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk pending disposal of the Writ Petition and thus render Justice.

For the aforesaid reasons, it is therefore prayed that this Hon'ble Court pleased to dispense with the production of the certified copy of the Order passed by the National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022 and thus render justice.

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For the aforesaid reason :-

a) It is therefore prayed before this Hon'ble Court to issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records related to the impugned order made by Special Bench of the National Green Tribunal in O.A. No. 4 of 2013(SZ) with Appeal No. 18/2017(SZ) dated 11.04.2022 quash the same insofar as it bans the construction of hard structures in the coastal villages of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk and consequently direct respondents 2,3,7,9,10 to erect a bait curve known as "thoondil valivu" or in the alternative construct near shore wedge reef and carryout sand nourishment in the Coastal region of Kodduthalai, Thomaiyarpuram and Kootapuli villages of Radhapuram Taluk expeditiously as possible or any other Writ, Order or Direction, in the nature of Writ directing the Respondents 2,3,7,9,10 within a time frame as fixed by this Hon'ble Court and thus render Justice.

b) Directing the Respondents 2,3,7,9,10 to identify the vulnerable coastal districts in the state of Tamil Nadu and construct near shore wedge reef and carryout sand nourishment as expeditiously as possible within a time frame fixed by the Hon'ble Court and thus render Justice.

Solemnly affirmed at Chennai on this
the day of May 2023 and
signed his name in my presence

BEFORE ME,

ADVOCATE, CHENNAI

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BEFORE THE HON'BLE HIGH COURT OF MADRAS

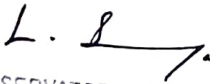
W.P No: 14661 of 2023

Fisherman Care,
Registered Association,
Bearing S.L. No: 386 of 2010,
Rep by its President
L.T.A Peter Rayan,
No.6, Nagalakshmi Salai,
Tiruchandur Nagar,
Old Pallaravam,
Chennai – 600 117.

... Applicants

Versus

1. The Union of India Rep by its Secretary to the Government, Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhavan, JorBagh Road, Aliganj, New Delhi – 110 003.
2. The Chief Secretary of Tamil Nadu, Secretariat, Chennai.
3. The Principal Secretary of Tamil Nadu, Environment Department, Secretariat, Chennai.
4. The Chairperson, Environment Department, Panagal Malaigai, Saidapet, Chennai – 600 015
5. The Chairman, Coastal Zone Management Authority, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi – 110 003.



ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o DIRECTOR OF ENVIRONMENT
PANAGAL MALAIGAI,
SAIDAPET, CHENNAI-600 015.



Director,
Department of Environment and Climate Change,
Chennai - 15

.2.

6. The Director,
National Center for Sustainable Coastal Management (NCSCM),
Ministry of Environment, Forest and Climate Change,
Govt of India, Anna University Campus,
Chennai – 600 025.
7. The State of Tamil Nadu,
Represented by its Secretary to Government,
Fisheries Department,
Fort St. George,
Chennai – 600 009.
8. The State of Tamil Nadu,
Represented by its Secretary to Government,
Public Works Department,
Fort St. George,
Chennai – 600 009.
9. The Commissioner of Fisheries and Fisherman Welfare,
3rd Floor, Integrated Animal Husbandry and Fisheries Building,
Nandanam, Chennai – 600 035.
10. The District Collector,
Collectorate,
Kokkirakulam,
Tirunelveli – 627 009.
11. The Registrar,
National Green Tribunal (Southern zone),
377 J, Kalas Mahal, Kamaraj Salai,
PWD Estate, Chepauk,
Chennai – 600 005.
12. C.H.Balamohan,
7-8. Moovendar Street,
Mullainagar, Puducherry.

L. S. S.

ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o DIRECTOR OF ENVIRONMENT
PALLADI, CHENNAI - 600 015.
SAIDAPET, CHENNAI - 600 015.

K. S. S.
Director,
Department of Environment and Climate Change,
Chennai - 15

.3.

REPLY COUNTER AFFIDAVIT FILED BY THE 3RD, 4TH RESPONDENT

I, Deepak.S.Bilgi, S/o Dr.S.R.Bilgi, aged about 44 years and having office at Ground Floor, Panagal Buildings, Saidapet, Chennai – 600 015 solemnly affirm and sincerely state as follows.

1. I humbly submit that I am the Director, Department of Environment and Climate Change and also the Member Secretary, Tamil Nadu State Coastal Zone Management Authority and I am well acquainted with the facts of the case from the records available and I am filing this reply in my official capacity of 4th respondent and on behalf of 3rd respondents.
2. I humbly submit that I have gone through the averments contained in the affidavit filed by the Applicant and I deny all the averments except those that are specifically admitted herein and the Applicant is put to strict proof of the same.
3. It is humbly submitted that, the grievance made by the Petitioner in the PIL is alleging that the state government has not taken any steps to protect the coasts of Tamil Nadu from erosion and neither has it initiated steps to do so as the Hon'ble NGT (SZ) has fixed the time limit for preparing Shoreline Management Plan within 6 months in O.A. No. 4 of 2013, dated 11.04.2022.
4. It is respectfully submitted that, the Department of Environment has taken necessary action for preparing "Comprehensive Shoreline Management Plan for entire coast of Tamil Nadu" from 2015, based on the order of the Hon'ble NGT (SZ), dated 04.09.2015.



ASSISTANT COMMISSIONER OF FORESTS
CITY FOREST OFFICE,
O/o DIRECTOR OF ENVIRONMENT
PANAGAL BUILDINGS,
SAIDAPET, CHENNAI-600 015.



Director,
Department of Environment and Climate Change,
Chennai - 15

.4.

5. It is respectfully submitted that, an Application No. 4/2013 was filed by Thiru. O. Fernandes before the Hon'ble NGT (SZ) regarding the construction of shoreline protection structures by the PWD and other agencies. The Hon'ble NGT directed the Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) to prepare a Comprehensive Shoreline Protection Management Plan / Scheme for the entire coast of Tamil Nadu engaging a reputed institution and the NGT has also issued direction preventing PWD or any other agency from proceeding with any work on shore protection until further orders till the approval of the said plan / Scheme by Ministry of Environment, Forest & Climate Change, Government of India (MoEF & CC, GoI), vide order dated 04.09.2015.
6. It is respectfully submitted that, furtherance to abide with the orders of the Hon'ble NGT, a draft Comprehensive Shoreline Protection Management Plan was prepared through Dr. V. Sundar, Professor, Department of Ocean Engineering, IIT Madras at a cost of Rs.50.60 lakhs and sent to the Ministry of Environment, Forests & Climate Change, Govt. of India, for approval, vide Government of Tamil Nadu letter dated 09.08.2016, which is the comprehensive plan for protecting the shoreline of Tamil Nadu from sea erosion.
7. Accordingly, the Ministry of Environment, Forests & Climate Change, Govt. of India has constituted an Expert Committee and the Committee recommended the draft Plan and instructed to circulate the Plan to the neighbouring States of Andhra Pradesh, Kerala and UT of Puducherry.

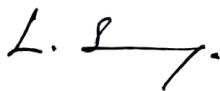
SECRETARY
TAMIL NADU STATE COASTAL ZONE
MANAGEMENT AUTHORITY
P.O. COASTAL ZONE MANAGEMENT
500 001, CHENNAI - 600 015.

DIRECTOR,
DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE
GOVT. OF INDIA


8. It is respectfully submitted that, after several reminders by the Department and the Govt. of Tamil Nadu, the State of Andhra Pradesh, Kerala and U.T of Puducherry have sent their replies to the MoEF & CC, Govt. of India. Accordingly, the proposal on “the Comprehensive Shoreline Protection Management Plan for the entire Coast of Tamil Nadu” has been placed before the 255th meeting of the Expert Appraisal Committee (CRZ) of MoEF & CC, GoI held on 12.02.2021. The EAC has stated the following.

“It is noted that comments of State Governments of Andhra Pradesh, Kerala and UT of Puducherry forwarded to Project Proponent are still not incorporated in the report. The Committee suggested that the same should be incorporated and resubmitted. The Committee also proposed for site visit by the EAC (CRZ) Committee. Accordingly, the proposal was deferred for reconsideration at a later stage once the revised report is submitted and the site visit is carried out by this Ministry”

9. It is respectfully submitted that, the Hon’ble NGT (SZ) also observed the replies and views of the above States and conducted a meeting with the Chief Secretaries of Andhra Pradesh, Kerala, Tamil Nadu, Karnataka and Puducherry UT along with the respective Secretaries for Environment & Forests and also along with the Joint Secretary, MoEF & CC, GoI through Video Conferencing on 11.01.2022.
10. It is respectfully submitted that, in the meantime, the MoEF & CC, GoI constituted the sub-committee with the official from MoEF & CC, GoI and made site inspection from 7-9th April 2022 along the coast of Tamil Nadu for approving the “Shoreline Protection Management Plan”. The Committee inspected the sites from Ennore to Puducherry border coast from 07.04.2022 to 09.04.2022.



ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o. DIRECTOR OF ENVIRONMENT
PANAGAL MALIGAI,
SAIDAPET, CHENNAI-600 015.



Director,
Department of Environment and Climate Change,
Chennai - 15

.6.

11. It is respectfully submitted that, at this juncture, the Hon'ble NGT (SZ) has issued direction in the final orders in O.A No.04 of 2013 on 11.04.2022, stating that Shoreline Management Plan (SMP) shall be prepared as illustrated by NIOT for such erosion prone areas. Pending preparation/ updation of such SMPs by the Coastal States/UTs, no further hard structures for erosion control be raised or constructed.
12. Accordingly, necessary action to prepare and update the Shoreline Management Plan (SMP) has been initiated and M/s National Center for Coastal Research (NCCR) has been allotted the work of preparation of SMP vide G.O (Ms) No. 69, Environment, Climate Change and Forest (E.C.3) Department dated: 29/03/2023.
13. It is respectfully submitted that the work of preparation of Shoreline Management Plan is being carried out by NCCR through scientific study and methodology involving shoreline change analysis, bathymetry survey, sediment characteristics, geomorphology mapping, field survey and stakeholder interactions to arrive at a SMP for the entire coast of Tamil Nadu.
14. It is respectfully submitted that, necessary action will be taken to expedite the preparation of SMP through the resource organization i.e. M/s NCCR and finalization and approval of the same.
15. Hence, with respect to the Tribunal Order, it is brought to the knowledge of the Hon'ble High Court of Madras that no new proposal related to construction of hard structures for coastal erosion are given CRZ recommendation in the intervening period i.e before finalizing SMP.



ASSISTANT COMMISSIONER OF FORESTS
GREEN SQUAD,
O/o DIRECTOR OF ENVIRONMENT
PAHAGAL KALIGAI,
SAIDAPET, CHENNAI-600 015.



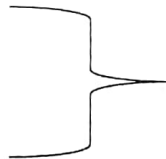
Director,
Department of Environment and Climate Change,
Chennai - 15

16. In addition, it is also respectfully submitted that, no such application was received from line departments Public Work Department and Department of Fisheries for CRZ clearance under CRZ notification, 2011 for the construction of hard structures/ erosion control measures from the villages of Kooduthalai, Thomaiyarpuram, Kootapuli.

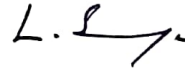
It is therefore humbly prayed that this Hon'ble High Court may be pleased to record the above mentioned facts and pass such further order or orders as this Hon'ble High Court may deem fit and proper in the interest of justice.


Director,
Department of Environment and Climate Change,
Chennai - 15

Solemnly affirmed at Chennai
This the 07th day of August 2023
and Signed his name in presence



BEFORE ME



ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o. DIRECTOR OF ENVIRONMENT
PANAGAL MALIGAI,
SAIDAPET, CHENNAI-600 015.

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

WMP No. 21361 of 2023

In

W.P. No. 14661 of 2023

K.Saravanan,
S/o Kasinathan,
No. 30, Urur Kuppam, Besant Nagar,
Chennai – 600090 ... Petitioner / Proposed respondent

Vs

1. Fisherman Care
Registered Association, Bearing S.L No. 386 of 2010
Represented by its president, L.T.A Peter Rayan,
No.6, Nagalakshmi Salai,
Tiruchandur Nagar, Old Pallavaram ... Respondent / Petitioner

2. Union of India,
Secretary to the Government,
Ministry of Environment, Forest and Climate Change (Moef & CC)
Government of India, Indira Paryavaran Bhavan, Jorbagh Road, Alingan

3. The Chief Secretary of Tamil Nadu,
Secretariat,
Chennai-600 009.

4. The Principal Secretary Of Tamil Nadu,
Environment Department,
Secretariat,
Chennai- 600 009.

5. The Chairperson,
Environment Department,
Panagal Maligai, Saidapet,
Chennai- 600 115.

6. The Chairman,
Coastal Zone Management Authority,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi - 110003,
7. The Director,
National Centre for Sustainable Coastal Management
(NCSCM),
Ministry of Environment, Forest & Climate Change
(MoEF&CC), Govt. of India,
Anna University Campus,
Chennai- 600025,
8. The State of Tamil Nadu
Represented by its secretary to Government
Public Works Department,
Fort St. George,
Chennai-600 009.
9. The State of Tamil Nadu
Represented by its secretary to Government
Fisheries Department,
Fort St. George,
Chennai-600 009.
10. The Commissioner of Fisheries and Fisherman Welfare,
3rd Floor, Integrated Animal Husbandary and Fisheries Building,
Nandanam, Chennai- 600 035.
11. The District Collector,
Collectorate, Kokkirakulam,
Tirunelveli- 627 009.
12. The Registrar,
National Green Tribunal (Southern Zone)
377J, Kalas Mahal, Kamaraj Salai,
PWD Estate, Chepauk,

Chennai- 600 005.
13. C.H. Balamohan
7-8, Moovendar Street, Mullai Nagar,
Puducherry.

... Respondents/ Respondents

AFFIDAVIT OF K. SARAVANAN

I, K. Sravanan Son of Kasinathan aged about... years old residing at No. 30, Urur Kuppam, Besant Nagar, Chennai – 600090 well versed with the facts and circumstances of the case and do solemnly affirm and sincerely states as follows:

1. I am a member of the fishing community and has been working on the protection of the coastal regions of Tamil Nadu for the last decade. I held positions of responsibility in the Fishing Panchayat of Urur Kuppam, and is currently an elected office bearer of the Urur Kuppam Fishermen's Cooperative Society.
2. I submit that I have filed Public Interest litigation before this Hon'ble Court and before the National Green Tribunal for issues concerning protection of the Environment and fishers livelihoods. I have filed W.P No 30292 of 2022 seeking publication of Costal Zone Management Plans in Tamil which was allowed by this court on 19.12.2022. Previously I have filed W.P No. 30237 of 2018 aggrieved by destruction of Mangroves in the Ennore Wetlands, this Hon'ble court vide order dated 19.11.2018 issued interim orders preventing destruction of Mangroves and this Writ Petion was Pending. I have filed W.P 13499 of 2021 and 13266 of 2021 challenging orders of the National Green Tribunal transferring the Original application filed before the Ld' Chennai bench to Delhi bench, this Hon'ble court stayed vide order Dated 29.06.2021 I have filed several Appeals and applications before the Ld' Green Tribunal seeking to inter alia protecting the Ennore Wetlands.

3. I submit that I am seeking impleadment as a party Respondent in the present proceeding in order to bring to the notice of this Hon'ble Court the destruction caused to the coastline by hard structures such as sea walls and groynes.
4. It is submitted that in 2013, OA No. 4 of 2013 was filed by one Mr. Ossie Fernandes and C.H. Balmohan, both representatives of the Coastal Action Network, a coalition of fisher and fishworker unions and organisations. The applicants filed the OA concerned by the rampant construction of seawalls and groynes by Tamilnadu and Pondicherry and the destruction of the shoreline. The Hon'ble NGT adjudicated the matter for almost a decade, called for reports from all coastal states, reviewed management plans submitted by different states and finally recongised that soft-solution like beach nourishment, off shore reefs etc are the best tools to tackle erosion and preserve the shoreline – which is important livelihood space for fishers and an ecologically significant habitat for coastal flora and fauna including endangered species. Both the original applicants before the NGT have passed away and hence I am filing the present petition seeking impleadment, to appraise this Hon'ble Court of the proceedings before the Hon'ble NGT and subsequent developments.
5. It is submitted that it is in the interest of the petitioner that a scientifically designed soft solution – measures like of-shore reefs, beach nourishment etc to combat erosion and stabilise the coast is undertaken instead of dumping rocks and constructing groynes or bait curves. Fishermen depend on the beach – it is a livelihood space and the solution to the problem of erosion must be sustainable, permanent and protect the shoreline. It is therefore necessary to ensure that shoreline management plans are drawn by the state as directed by the Hon'ble NGT. The Hon'ble NGT has passed a detailed judgment

after considering reports filed by the states and has recognised that soft solutions to address erosion will alone sustain the coast. The petitioner has not made out any grounds as to how the judgment of the Hon'ble NGT is flawed.

6. The State has now, in compliance with the orders of the Hon'ble NGT, has issued G.O Ms. No. 69, Environment, Forest and Climate Change Department dated 29.03.2023 and commissioned a study to prepare a shoreline management plan through National Centre for Coastal research (NCCR). This report is awaited.

Proceedings before the NGT

7. In Tamil Nadu, the Public works Department and Fisheries Department have over the last two decades constructed around 251 hard structures across 134 k.m of coast line. This does not include break waters constructed for harbours training walls etc. these groynes and sea walls which were constructed as anti-erosion measures, in reality has caused severe erosion along the coast and as render the coast vulnerable to sea level raise, ingress of sea water into coastal aqua fires and as resulted in the disappearance of sandy beach.
8. The sandy beach front is essential not only required for its ecological purposes but they are livelihood space for fishers who depend on sandy beach who park their boats, dry and mend their fishing nets and various purposes like drying fish etc.
9. Due to short sighted ill-advised and unscientific construction of sea walls and groynes, the coast of Tamil Nadu experiences severe erosion. According to the recent report by National Centre for Coastal Research (NCCR), out of the 991.47 km of Tamil Nadu's mapped coastline, a whopping 422.94 km (42.7%). According to a newsreport in the Indian Express newspaper on this report, NCCR director MV

Ramana Murthy, who is also a member of Expert Appraisal Committee (CRZ) of Union environment ministry, is reported to have said "in recent years, the hard structures due to their negative impacts are discouraged, instead 'soft' alternatives like beach nourishment are becoming favourable."

10. Sea walls are nothing but dumping of rocks or tetrapods along the coast i.e these are horizontal structure build along the coast. Groynes are constructed at a perpendicular angle to the coast. When a coastal structure is erected in the path of the freely moving sand along the coast, the structures prevent the natural flow of sand in the same manner as a dam across the path of river interrupts the flow of water. In such an instance one part of the coast gets an excess of sand and the other side on the down-drift is starved of sediment. The side that is starved of sediment starts and keeps eroding as long as fresh input of sand is not provided.
11. This process is evident of one sees the coastline north of the Chennai port – there is no beach till Ennore.
12. It is submitted that aggrieved by the unscientific and ill-advised construction of seawalls and groynes and the resultant erosion of the coast, application No. 4 of 2013 was filed before the Hon'ble National Green Tribunal, Chennai. During the course of proceedings before the Tribunal, State Governments of Pondicherry, Tamilnadu etc prepared and filed shoreline management plans. The State of Tamilnadu had prepared a report using IIT Chennai's Ocean Engineering Department, which only suggested hard structures like Seawalls and Groynes. It is relevant to note that predominantly, the hard structures were constructed based on IIT Madras's reports. Unfortunately, the shoreline management plan was also prepared by the same institute.

13. Pondicherry also faced severe erosion due to hard structures. The entire beach by the promenade (Gandhi statue) eroded and NIOT prepared a shoreline management plan using soft solutions which do not increase erosion but actually save the beach.
14. The Hon'ble Tribunal passed a detailed judgment on 11.04.2022 after considering all these issues, directing all the respondent states, including Tamilnadu to prepare shoreline management plans following the NIOT model of adopting soft solutions like beach nourishment.
15. It is submitted that the recent NCCR report in 2022 also proves that severe erosion is caused near the hard structures built. The writ petition however, seems to advocate for the construction of seawalls and groynes. The writ petition is nothing but an attempt to once again build disastrous seawalls and groynes – the most affected people by this monumental folly are the fishers.
16. The writ petitioner has obviously failed to appreciate these issues and has filed the writ petition, which is a thinly veiled attempt to defeat the judgment of the NGT in OA No. 4 of 2013.
17. I submit that the respondent authorities ought to prepare a shoreline management plan following the NIOT model as directed by the Hon'ble NGT, which will save coastal villages and the coast from erosion and refrain from constructing any hard structures that will cause further damage to our sensitive coastal environment – affecting both people and the ecology. The state has commissioned a study through NCCR and it is hoped that it will provide sustainable solutions to the man made problem of coastal erosion. No prejudice will be caused to any party if I am impleaded as a party to the present proceedings. I am in possession of documents and information that will aid in the adjudication of the present lis.

It is therefore prayed that this Hon'ble Court may be pleased to implead the petitioner as a party respondent in the present writ petition and thus render justice.

Solemnly affirmed at Chennai

BEFORE ME

On this the day of July 2023

And signed his name in my presence

ADVOCATE : CHENNAI

Panagal Maligai, Saidapet,
Chennai- 600 115.

6. The Chairman,
Coastal Zone Management Authority,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi - 110003,

7. The Director,
National Centre for Sustainable Coastal Management
(NCSCM),
Ministry of Environment, Forest & Climate Change
(MoEF&CC), Govt. of India,
Anna University Campus,
Chennai- 600025,

8. The State of Tamil Nadu
Represented by its secretary to Government
Public Works Department,
Fort St. George,
Chennai-600 009.

9. The State of Tamil Nadu
Represented by its secretary to Government
Fisheries Department,
Fort St. George,
Chennai-600 009.

10. The Commissioner of Fisheries and Fisherman Welfare,
3rd Floor, Integrated Animal Husbandary and Fisheries Building,
Nandanam, Chennai- 600 035.

11. The District Collector,
Collectorate, Kokkirakulam,
Tirunelveli- 627 009.

12. The Registrar,
National Green Tribunal (Southern Zone)

377J, Kalas Mahal, Kamaraj Salai,
PWD Estate, Chepauk,
Chennai- 600 005.

13. C.H. Balamohan
7-8, Moovendar Street, Mullai Nagar,
Puducherry.

... Respondents/ Respondents

IMPLEAD PETITION

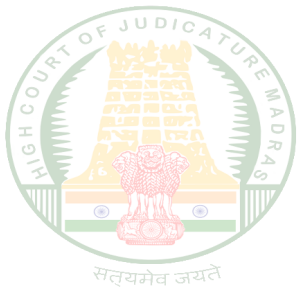
The address for service on the petitioner is that of his Counsel M/s A.Yogeshwaran (Ms1421/2011), Poongkhulali B (Ms 1373/2009), having office at No. 18, Brindavan Street, Mylaore, Chennai.

The address for service on the respondents is as stated above.

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to implead the petitioner as a party respondent in the present writ petition and thus render justice.

Dated this the day of July, 2023 at Chennai

Counsel for the Petitioner



W.P.NO.14661 OF 2023
AND WMP NOS.14138, 14140 & 14145 OF 2023

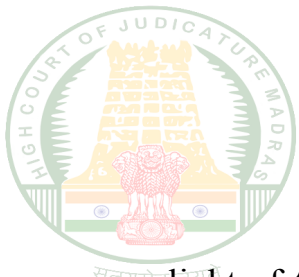
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A.D.JAGADISH CHANDIRA, J.**AND****C. SARAVANAN, J.**

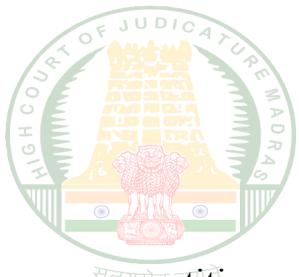
(Order of the Court was made by A.D.JAGADISH CHANDIRA J.)

The case of the petitioner is that after his retirement as Deputy Secretary to the Government of Tamil Nadu, he had formed an Association in the name of “Fisherman Care” to promote and protect the interest of the fishermen. It is his further case that large parts of the Tamil Nadu Coast lines are situated on the East Coast of India, which has a sandy coastline and is vulnerable to coastal erosion and it is, thus, ecologically sensitive. Due to large scale developmental activities, the erosion in the coastal line is increasing, which is affecting the regions ecologically.

2. The further case of the petitioner is that Kooduthalai Village in Radhapuram Block in Tirunelveli District has been very much affected by sea erosion and many houses, boats and catamarans owned by the local fishermen community have been totally damaged and thus, the local fishermen in Kooduthalai Village have lost their source of livelihood.



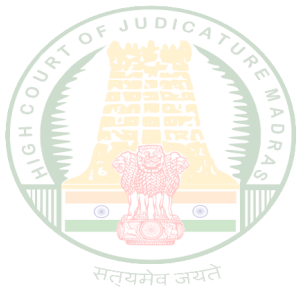
3. The Government of Tamil Nadu, taking into consideration the plight of the fishermen, had decided to raise Bait Curve i.e., Thoondil Valaivu to protect the villages from sea erosion. Pursuant to the same, the Executive Engineer, attached to the Office of the Fishing Harbour Project, Tuticorin, vide communication dated 29.06.2017, had informed the Head of the Kooduthalai Village that a sum of Rs.35.64 Crores has been sanctioned under the Green Climate Fund (GCF) for raising Bait Curve i.e., Thoondil Valaivu, in Kooduthalai Coastal Village. Further, on 08.09.2021, the Executive Engineer attached to the Fishing Harbour Project, Tuticorin, has informed the Head of the Village Committee that a sum of Rs.40 Crores has been sanctioned under NABARD – RIDF XXVII (Phase II) Project for the formation of breakwaters and construction of fishing docks under Sagarmala Scheme for Kooduthalai Village. In the meanwhile, due to continuous sea erosion, several houses in the Villages have been damaged. Subsequently, the Government vide Proceedings dated 01.11.2021 also informed one of the members of the Kooduthalai Coastal Village that the Government of Tamil Nadu has announced in the State Assembly that a decision has been taken to erect Bait Curve i.e., Thoondil Valaivu in Kooduthalai Coastal Village.



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4. Since there was no progress on the part of the Government, the petitioner – Association had sent a representation dated 20.03.2023 to the 10th respondent requesting him to immediately erect the Bait Bridge i.e., Thoondil Paalam to safeguard the coastal villages affected by sea erosion. In the meantime, the petitioner received a communication from the Additional Chief Secretary, Government of Tamil Nadu, addressed to the Chief Engineer, Water Resource Development Plan Formulation vide Letter No.18369/W2/2021 dated 08.06.2022 stating that the Government has decided to defer the proposal of construction of hard structures like Groynes in view of the order of the National Green Tribunal, Special Bench, vide order dated 11.04.2022. The petitioner was able to find that the National Green Tribunal has passed an order dated 11.04.2022 in O.A.No.4 of 2013 (SZ) with Appeal No.18/2017(SZ) directing the Chief Secretaries of the Coastal States to finalize the CZMP (Coastal Zone Management Plan) and to get them approved by the Ministry of Environment and Forests within two months. The operative portion of the order dated 11.04.2022 of the National Green Tribunal reads as under:

“Accordingly, we direct Chief Secretaries of the Coastal State / UT to finalize the CZMP and get them approved by MoEF within 2 months. The approved CZMP shall contain



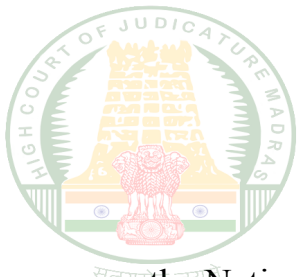
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the parameters as listed in the CRZ 2019 Notification including High, Medium and Low erosion stretches for such erosion prone areas. SMP shall be prepared as illustrated by NIOT for such erosion prone areas. We further direct preparation / updation of their SMPs for such identified eroding stretches shown in the CZMPs within six months. Pending preparation / updation of such SMPs by the Coastal States / UTs, no further hard structures for erosion control be raised or constructed. The application is disposed of.”

5. Thereafter, there is no progress from the Government to put up the Bait Curve in compliance of the orders of the National Green Tribunal. Therefore, the petitioner has come up with the present writ petition seeking to quash the order dated 11.04.2022 passed in O.A.No.4 of 2013 (SZ) with Appeal No.18/2017(SZ) by the National Green Tribunal.

6. Heard Mr.V.T.Balaji, learned Senior Panel Counsel, who takes notice for the first respondent and Mr.S.Silambanan, learned Additional Advocate General assisted by Mr.S.Prabhakaran, learned counsel, who takes notice for respondents 2 to 4 and 7 to 10.



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7. The grievance of the petitioner is that after the order passed by the National Green Tribunal, there is a stale-mate and that due to continuous sea erosion, several houses have been damaged, electric poles have fallen down leaving the fishermen community in lurch. No doubt, the National Green Tribunal has granted interim stay in the matter. However, it has fixed an outer time limit of two month for finalization of CZMP and approval of the same by MoEF and six months for preparation/updation of SMPs. Such order has been passed by the National Green Tribunal on 11.4.2022 and as on date, more than a year has lapsed. Therefore, considering the plight of the poor fishermen community from which they could very well be rescued if some effort is employed, this court enquired as to what are the steps so far taken by the Government after the order passed by the National Green Tribunal.

8. Mr.S.Silambanan, learned Additional Advocate General-II appearing for respondents 2 to 4 and 7 to 10 would submit that the Government of Tamil Nadu has allotted funds to the tune of Rs.35.64 Crores under the Green Climate Fund (GCF) for putting up Bait Curve i.e., Thoondil Valaivu, however, on account of the interim stay granted by the National Green Tribunal, they are unable to proceed further. He seeks time to file a report as to the steps taken by



the Government in this regard.

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9. Mr.V.T.Balaji, learned Senior Panel Counsel appearing for the first respondent – Union would submit that they are ready to co-operate with the State Government in putting up the structures viz., Bait Curve i.e., Thoondil Valaivu.

10. Issue notice to respondents 5, 6, 11 and 12 returnable in the second week of June 2023. Private notice is also permitted.

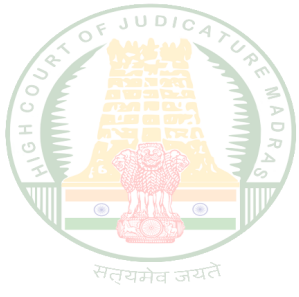
11. Post the matter during the **second week of June 2023**. By then, the respondents/Government/Authorities are directed to file **Status Reports**.

[A.D.J.C., J.]

[C.S.N., J.]

04.05.2023

AV/TK/SSK



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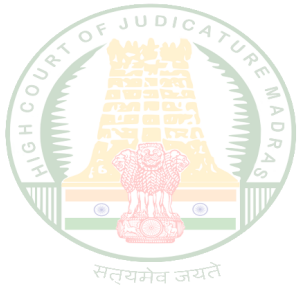
W.P.NO.14661 OF

A.D.JAGADISH CHANDIRA, J.
AND
C. SARAVANAN, J.

AV/TK/SSK

W.P.NO.14661 OF 2023
AND WMP NOS.14138, 14140 & 14145 OF 2023

04.05.2023



WP No.14661 of 2023

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THE HON'BLE CHIEF JUSTICE
and
P.D.AUDIKEVALU, J.

Learned counsel for the petitioner appears through virtual mode. However, he is not audible.

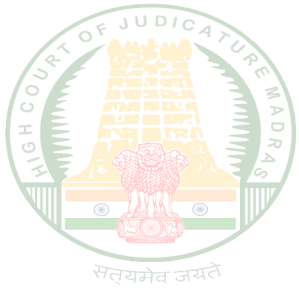
List on 24.07.2023.

(S.V.G., CJ.)

(P.D.A., J.)

17.07.2023

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WP No.14661 of 2023

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THE HON'BLE CHIEF JUSTICE
and
P.D.AUDIKEVALU, J.

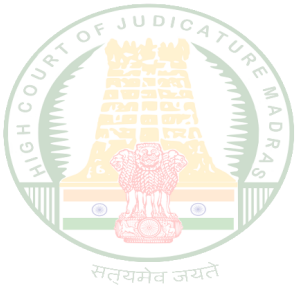
At the request of the learned
counsel for the petitioner, place the
matter along with W.P. No. 30507 of
2022 on 11.10.2023.

(S.V.G., CJ.)

(P.D.A.,
J.)

24.07.2023

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W.P.Nos.14661 of 2023 &
30507 of 2022

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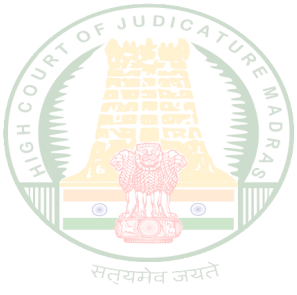
THE HON'BLE CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

Learned counsel for the petitioners
seeks time to place on record the
translation of the relevant documents.

List the matters on 30.11.2023.

(S.V.G., CJ.) (D.B.C., J.)
11.10.2023

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W.P.Nos.14661 of 2023 &
30507 of 2022

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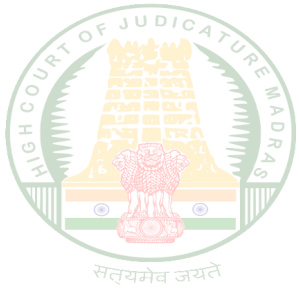
THE HON'BLE CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

Reply counter affidavit is filed by
the respondent Nos.3 and 4. The same
is taken on record.

2. List these matters on
31.01.2024.

(S.V.G., CJ.) (D.B.C., J.)
19.12.2023

grs



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WP Nos.14661 of 2023
and 30507 of 2022

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THE HON'BLE CHIEF JUSTICE
and

D.BHARATHA CHAKRAVARTHY, J.

At the request of learned
Government Pleader, adjourned to
07.03.2024.

(S.V.G., CJ.)

(D.B.C., J.)

31.01.2024

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W.P.Nos.14661 of 2023 and 30507 of
2022

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and
D.BHARATHA CHAKRAVARTHY, J.

At the request of learned State
Government Pleader, adjourned to
19.04.2024.

(S.V.G., CJ.) (D.B.C., J.)
07.03.2024

bbr

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

W.P.No. of 2022

30507

MeenavaThanthaiK.R.Selvaraj Kumar
MeenavarNalaSangam
Represented by its president,
M.R.THIYAGARAJAN ,
Having Office at No.48,
East MathaKoil Street,
Royapuram,
Chennai - 600 013

... Petitioner

VS

1. The Secretary of Govt.
Ministry of Environment, Forest & Climate Change,
(MoEF&CC), Govt. of India,
Indira ParyavaranBhavan, JorBagh Road,
Aliganj, New Delhi - 110003,
2. The Chief Secretary of Tamil Nadu,
Secretariat,
Chennai-600 009.
3. The Principal Secretary Of Tamil Nadu,
Environment Department,
Secretariat,
Chennai- 600 009.
4. The Chair Person,
Environment Department,
PanagalMaligai, Saidapet,
Chennai- 600 115.
5. The Chairman,
National Coastal Zone Management Authority,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi - 110003,

6. The Director,
National Centre for Sustainable Coastal Management
(NCSCM),
Ministry of Environment, Forest & Climate Change
(MoEF&CC), Govt. of India,
Anna University Campus,
Chennai- 600025,
7. The State of Tamil Nadu
Represented by its secretary to Government
Fisheries Department,
Fort St. George,
Chennai-600 009.
8. The State of Tamil Nadu
Represented by its secretary to Government
Public Works Department,
Fort St. George,
Chennai-600 009. ... Respondents

AFFIDAVIT OF M.R.THIYAGARAJAN

I, M.R.Thiyagarajan, (Aadhar No.299725775745) Son of Late Mr.C.RAJALINGAM, aged about 53 Years, President of MEENAVA THANTHAI K.R.SELVARAJ KUMAR MEENAVAR NALA SANGAM having office at No.48, East Madha Church Street, Royapuram, Chennai-600 013, do hereby solemnly affirm and sincerely state as follows:

1. I submit that, I am the President of "MEENAVA THANTHAI K.R.SELVARAJ KUMAR MEENAVAR NALA SANGAM" (Association PAN Number: AAEAM9234H) and it is a registered body under section 10 of the Tamil Nadu Societies Act, 1975 (Tamil Nadu Act 27 of 1975) on the file of the Registrar of Societies, Chennai North in SI.No. 205 of 2015 dated

26.06.2015. I submit that the association named "MEENAVA THANTHAI K.R. SELVARAJKUMAR MEENAVAR NALA SANGAM" has been formed for the welfare of the fishermen community and other communities living along the coastal stretch of Tamil Nadu, as well as for the purpose of protecting and addressing the issues related to Environment, Forest, Ecology and etc.,

2. I further state that the association is not an income tax assessee and had not filed returns. I submit that the petitioner association has constantly striving for the upliftment and improvement of conditions of the life of the fishermen community in the State of Tamil Nadu. The Applicant association has approached this Hon'ble High Court of Madras as well as this Hon'ble Tribunal on several occasions, raising serious concerns regarding the protection of the coastal environment and ecology and illegal construction in the CRZ Area in Tamil Nadu. The Applicant Association on several occasions has involved its activities for the protection of lake and ensure that there will no encroachments or harm to the eco system. Vide resolution dated 26.4.2016, the Applicant Association has authorized its President, M.R. Thiyagarajan to represent the Applicant before this Hon'ble Court.
3. I submit that, I am the petitioner herein and as such I am well aware of the facts and circumstances of this case. I hereby declare that I do not have any personal interest directly or indirectly in the subject matter of the above Writ Petition. I have not filed Public Interest Litigation earlier against the same cause of action. I undertake that I will pay the cost, if any, if the above Writ Petition is found to be intended for gain or oblique motive. I have filed the above Writ Petition out of my own funds. I am filing

the above Writ Petition based on my personal knowledge. Since the issue involved in this Writ Petition is to safeguard the public interest in large, it has become necessary for me to approach this Honourable Court by invoking the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India. I am a business man and my income from business is Rupees Four Lakhs Per Annum. I further state that since I have involved much in the environmental activities and had filed conducted several environmental cases in the National Green bench Tribunal (southern region) against the forcible polluters and environmental exploiters.

4. I further respectfully state that though initially I was an active basic activist against the environmental polluters, Illegals, environmental destroyers, Seawater pollutants, lakes, ponds polluters and environmental exploiters. Subsequently an association was formed in the name of MEENAVA THANTHAI K.R.SELVARAJ KUMAR MEENAVAR NALA SANGAM and I was nominated as the president of the said association and till date I am holding office of the State President of the association and discharging my duties as a president to the best of ability.
5. I further submit that the coastline is subjected to erosion due to various hydrodynamic effects of ocean phenomena such as waves, tides, ocean currents, shortage of sediment and deflation etc. This hydrodynamic effect results in considerable movement of sediment, which ultimately causes changes in the morphology of the coast. The wave is one of the major factors, which causes erosion and accretion along the coast. When the waves approach at an angle to the coast in the vicinity of nearshore region, waves

stir-up the bed material due to breaking action and keep the same in suspension. This suspended material is carried along the shore by the component of wave parallel to shore, while the component perpendicular to the shore moves the material onshore-offshore of the beach. This movement of the material results in change in the near shore bathymetry.

6. I further state that the sea shore erosion of the beaches takes place due to establishment of many factories, housing and tourism along the coast there is exploitation of ocean resources. This has resulted in reclamation of coastal inlets for commercial purpose or removing of beach sand for construction, which has destabilized eco-system of the ocean. Construction of unplanned structures has resulted changes of the adjacent coast leading to increase of erosion. For a country like India having a long coastline, it has been reported that about 1200 km of coastline is under the threat of erosion. In order to mitigate erosion effectively for such a long coast, it is necessary to develop various methodologies for shore protection or anti-sea erosion. It should be such that, it will be economical, easy to construct, makes use of locally available material and can be constructed in minimum period.
7. I further state that the sea shore erosion has badly affected the viability of the fishermen family and occupation. Tidal waves damage their house and boats constantly. With alternative arrangements for parking their boats elsewhere not available, they are forced to pull the boats further inshore to escape the havoc caused by the waves. I further state that Protective Structures (Hard solution) such as Seawalls Relatively massive structures, parallel to the shoreline and Use of Geo-synthetic

Tubes or Bags - Geo-synthetic Tubes or bags filled with sand can be used for beach protection, detached seawalls, anti-sea erosion bunds can be formed using sand-filled Geo-synthetic Tubes or Bags.

8. I further state that the below mentioned coastal stretch is now in a critical situation.

SHORE EROSION PLACES IN TAMIL NADU COASTAL AREA

1. Kokilamedu Village in Chengalpattu District,
2. KadalorePeriyakuppam Village in Chengalpattu District.
3. KadaloreChinnakuppam Village in Chengalpattu District.
4. AlliKuppam Village in Chengalpattu District.
5. PazhayanaduKuppam Village in Chengalpattu District.
6. PudhunaduKuppam Village in Chengalpattu District.
7. AngalammanKuppam Village in Chengalpattu District.
8. Chemmencherry Village in Chengalpattu District.
9. Karikattukuppam Village in Chengalpattu District.
10. Pudhukalpakkam Village in Chengalpattu District.
11. Killai Village in Cuddalore District.
12. Periyakuppam Village in Cuddalore District.
13. Pudhukuppam Village in Cuddalore District.
14. Pillaichavadi Village in Villupuram District.
15. Nemmeli Village in Chengalpattu District.
16. KanathurReddykuppam Village in Chengalpattu District.
17. Nambiyar Nagar Village in Nagapattinam District

- 18.Thirumullaivasal Village in Nagapattinam District
- 19.Puthukuppam Village in Mayiladuthurai District
- 20.Kuttiyandiyur Village in Mayiladuthurai District
- 21.Velankanni Village in Nagapattinam District
- 22.NagoreKeezhapattinachery Village in Nagapattinam District
- 23.Keechanpkuppam Village in Nagapattinam District
- 24.Manapad Village in Thoothukudi District
- 25.Periyathalai Village in Thoothukudi District
- 26.Veerapandyanpattinam Village in Thoothukudi District
- 27.Jeeva Nagar (Tiruchendur) Village in Thoothukudi District
- 28.Amali Nagar Village in Thoothukudi District
- 29.Kulasekarapattinam Village in Thoothukudi District
- 30.Punnakayal Village in Thoothukudi District
- 31.Mandapam North in Ramnathapuram District
- 32.Mandapam South in Ramanathapuram District
- 33.Puthenthurai village in Kanniyakumari District.
- 34.Kesavaputhenthurai village in Kanniyakumari District.
- 35.Keelamanakudy village in Kanniyakumari District.
- 36.Melamanakudy village in Kanniyakumari District.
- 37.Kodimunai village in Kanniyakumari District.
- 38.Simon colony village in Kanniyakumari District.
- 39.Kurumpanai village in Kanniyakumari District.

40. Keelakadiyapattina village in Kanniyakumari District.
41. Melakadiyapattinam village in Kanniyakumari District.
42. Annai Nagar village in Kanniyakumari District.
43. Eraynumanthurai village in Kanniyakumari District.
44. Pozhikarai village in Kanniyakumari District.
45. Singaravelar Colony in Kanniyakumari District.
46. Eraviputhenthurai in Kanniyakumari District.
47. Thoothur and Chinnathurai in Kanniyakumari District.
48. CuddaloreChinnakuppam Village, CheyyarTaluk, Chengalpattu District.
49. CuddalorePeriyakuppam Village, CheyyarTaluk, Chengalpattu District.
50. CuddaloreAlikuppam Village, CheyyarTaluk, Chengalpattu District

where due to the Tidal waves the soil erosion had made life difficult to the fishermen community people. Immediate steps has to be made for controlling the soil erosion in the above mentioned places for the life of thousands of families in and around the coastal area. Subsequently Fishermen Families inthe NTO Village, Chennai District, Thiruvottiyur taluk, Thiruvottiyur village had resided in the coastal area in survey No.166 for many years and due to the raise of sea level the entire Land in survey No.166 was sub merged into the sea. Hence the fishermen community had shifted their house to the land survey No.168. The said lands in Survey No.168 was classified as

Poramboke land and due to the soil erosion and sea waves the fishermen community had been forced to shift their home from survey No.166 to 168. Then now the entire Land in the survey No.168 is submerged due to the raise of sea level. Hence subsequently the same had been shifted to Survey No.169 Belongs to national Highways and due to the plantation proceedings plan the National Highway Department had made steps to recover the land and had taken the possession from the fishermen community. the impact of the raise in sea level and soil erosion had impacted very strongly in the life of fishermen community. It is very much desperate to temporarily invoke the protective structures immediately for the life of fishermen community.

9. I further state that the Coastal Regulation Zone Notification, 2011 was notified on 6 January, 2011 for regulation of developmental activities along the coastal stretches and to ensure the livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches. Subsequently CRZ Notification, 2011, the Coastal Regulation Zone Notification, 2019 was notified on 18th January, 2019 for regulation of developmental activities along the coastal stretches and to ensure the livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, specifically focused on conservation and management plans of Ecologically Sensitive Areas (ESAS) which did not feature in the CRZ Notification, 2011.
10. It is Pertinent to point out that the department of Ocean Engineering Indian Institute of Madras Chennai, an expert

Committee has given an opinion on the instruction of the Fisheries department of government of Tamil Nadu on March, 2021 In which on para 6 a clear ideology with scientific approach was given by the Expert Committee which is reproduced below.

6.0 PROPOSED LAYOUT OF GROINS

A series of 7 groins have been proposed to protect the coastal stretch of Uyyalikuppam. The stretch of transition groins field will cover a length of 750m of the shoreline. The proposed solution is expected not only to serve as coastal protection measure but also is likely to enhance the rebuilding of the lost beach although it may take a few years,

- Two groins (G1, G7) of length 40m,
- Two groins (G2, G6) of length 60m
- Two groins (G3, G5) of length 80m and
- One groin (G4) of length 90m has been proposed.

Fig. 7 shows the layout of the proposed groin field and Plate 2 presents the layout in detail.

The layout comprises of 40m groins (G1) and (G7) extending upto a water depth of 1.0m and 1.5m respectively, 60m groins (G2) and (G6) extending upto a water depth of 1.5m and 2.0m respectively, similarly 80m groins (G3) and (G5) extending upto a water depth of 3.0m and 2.2m respectively. Further, the groin of length 90m (G4) will extend upto a water depth of 2.8m. All the groins will start from the high tide level of about +1.4m towards the seaside. The layout is as per the bathymetry survey conducted during the finalization of proposal. If the work gets

delayed, it is mandatory to conduct atleast one line survey along the alignment of groins to ensure each of the groins reach the design water depth as indicated above. Note that the lengths are likely to change prior to installation as it depends on the water depth and hence, IITM must be informed prior to the commencement of the work.

- 11.** However, this report which is very much relevant for the protection of the Sea erosion was not considered by the Hon'bleNGT. As a consequence, till today no steps had been taken by the respondents to protect the Sea Erosion on the sea shore. This is appropriate and peak time to take action on what putting manner to protect the sea erosion. Further the Hon'ble NGT in its order dated 11.04.2022 in O.A.No.4 of 2013 had fixed the time limit for implementing such scheme within Six months till today no improvement had shown by the respondents. Further I had made a application to the Environmental Department vide RTI questioning the effective steps taken after the said order passed by the Hon'ble NGT, but to the effect the Environmental department had replied vide its letter date 12.09.2022 no effective steps were taken for implementing the soft structure in the coastal stretch.
- 12.** I further submit that I had made representation to the respondents regards the sea erosion in the coastal stretch vide representation dated 28.09.2022And the same was received by the respondents. Further the above writ petition is absolutely public interest litigation to protect the interest of the general public as there about 2000 hectares of land was submerged into the sea and now is the correct stage to take precautionary measures to implement the safe structure for controlling the soil

erosion and I am spending my own money for this purpose. As already submitted I am the President of the above said sangam and I am making every effort to attend to the grievances of the local people and to alleviate their sufferings. Therefore if any favourable order is obtained from the Hon'ble court it will be in the interest of the common public. In case this Hon'ble court comes to the unlikely conclusion that there is some private interest in filing this writ petition then I am ready and willing to bear the cost that may be imposed by the Hon'ble Court. I have not filed any public interest litigation for this matter here and to my knowledge this is the first writ petition that is being filed before his Hon'ble court for the prayers sought for seeking direction from this Hon'ble Court.

13. I Submit that aggrieved under these circumstance and having no other remedy, I plead to invoke the extraordinary jurisdiction of this Honorable Court, under Article 226 of the Constitution of India for the interest of Public.

Therefore I pray that this Hon'ble Court may be pleased to issue a **WRIT OF MANDAMUS** or any other order or direction or any other appropriate writ to directing the respondent to protect the coastal stretch which starts from palaverkadu and ends at Kanyakumari, East coastal zone and pass further order as this Hon'ble Court may deem it fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed and duly signed

BEFORE ME

in my presence at Chennai this the

day of 7th day of November 2022

ADVOCATE-CHENNAI

MEMORANDUM OF WRIT PETITION
(Under Article 226 of the Constitution of India)
IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

W.P.No. 30507 of 2022

MeenavaThanthaiK.R.Selvaraj Kumar
MeenavarNalaSangam
Represented by its president,
M.R.THIYAGARAJAN ,
Having Office at No.48,
East MathaKoil Street,
Royapuram, Chennai - 600 013

... **Petitioner**

VS

1. The Secretary of Govt.
Ministry of Environment, Forest & Climate Change,
(MoEF&CC), Govt. of India,
Indira ParyavaranBhavan, JorBagh Road,
Aliganj, New Delhi - 110003,
2. The Chief Secretary of Tamil Nadu,
Secretariat,
Chennai-600 009.
3. The Principal Secretary Of Tamil Nadu,
Environment Department,
Secretariat,
Chennai- 600 009.
4. The Chair Person,
Environment Department,
PanagalMaligai, Saidapet,
Chennai- 600 115.
5. The Chairman,
National Coastal Zone Management Authority,
ParyavaranBhavan, CGO Complex,
Lodhi Road, New Delhi - 110003,

6. The Director,
National Centre for Sustainable Coastal Management
(NCSCM),
Ministry of Environment, Forest & Climate Change
(MoEF&CC), Govt. of India,
Anna University Campus, Chennai- 600025,
7. The State of Tamil Nadu
Represented by its secretary to Government
Fisheries Department,
Fort St. George, Chennai-600 009.
8. The State of Tamil Nadu
Represented by its secretary to Government
Public Works Department,
Fort St. George, Chennai-600 009. ... Respondents

WRIT PETITION

The address for service of all notices and process on the petitioner is that of his Counsel M/s.A.KALAISELVAN, A.ANILAN, Office at No.155/319, 4th floor, Linghichetty street, parrys, Chennai-1.

The address for service of all notices and process on the respondent is the same as stated above.

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a **WRIT OF MANDAMUS** or any other order or direction or any other appropriate writ to directing the respondent to protect the coastal stretch which starts from palaverkadu and ends at Kanyakumari, East coastal zone and pass further order as this Hon'ble Court may deem it fit and proper in the facts and circumstances of the case and thus render justice.

Dated at Chennai on this the 7th day of November, 2022.

COUNSEL FOR PETITIONER

9

75

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

W.P.No. **30507** of 2022

**MEENAVA THANTHAI
K.R.SELVARAJ KUMAR
MEENAVAR NALA SANGAM**
Represented by its president,
M.R.THIYAGARAJAN ,
... Petitioner

-Vs-

1. Secretary of Govt.
Ministry of Environment,
Forest & Climate Change,
and 4 others.

...Respondents

WRIT PETITION

M/s A.KALAISELVAN
E.NO.702/1987
A.ANILAN E.NO.3121/09
COUNSEL FOR PETITIONER
Contact No. 98941 73870

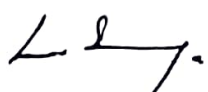
BEFORE THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)
W.P No. 30507 of 2022

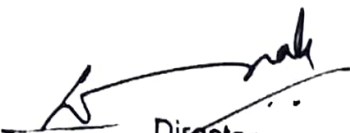
Meenava Thanthai K.R. Selvaraj Kumar
Meenava Nala Sangam
Represented by its president,
M.R. THIYAGARAJAN,
Royapuram, Chennai - 13

... Petitioner

Versus

1. The Secretary of Govt.
Ministry of Environment, Forest & climate Change,
(MoEF&CC), Govt. of India,
Indira Paryavaran Bhavan, JorBagh Road,
Aliganj, New Delhi - 110003,
2. The Chief Secretary of Tamil Nadu,
Secretariat, Chennai - 600 009.
3. The Principal Secretary of Tamil Nadu,
Environment Department,
Secretariat, Chennai - 600 009.
4. The Chairperson,
Environment Department,
Panagal Malagi, Saidapet,
Chennai - 600 115,
5. The Chairman,
National Coastal Zone Management Authority,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi - 110003,
6. The Director,
National Centre for Sustainable Coastal Management,
(NCSCM),
Ministry of Environment, Forest & Climate Change
(MoEF&CC), Govt. of India,
Anna University Campus, Chennai - 600025,
7. The State of Tamil Nadu,
Represented by its secretary to Government
Fisheries Department,
Fort St. George, Chennai - 600 009.


ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o. DIRECTOR OF ENVIRONMENT
PANAGAL MALAGAI,
SAIDAPET, CHENNAI - 600 015


Director,
Department of Environment and Climate Change,
Chennai - 15

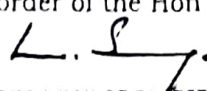
8 The State of Tamil Nadu,
 Represented by its secretary to Government
 Public Works Department,
 Fort St. George,
 Chennai - 600 009.

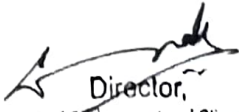
- Respondents

**REPLY AFFIDAVIT FILED BY 4TH RESPONDENT AND ON BEHALF OF
 THE 3RD RESPONDENT**


I, Deepak. S. Bilgi, I.F.S, S/o Siddappa Bilgi about 44 years and having office at Ground Floor, Panagal Buildings, Saidapet, Chennai - 600 015 solemnly affirm and sincerely state as follows.


1. I humbly submit that, I am the Director, Department of Environment and Climate Change and also the Member Secretary, Tamil Nadu State Coastal Zone Management Authority and I am well acquainted with the facts of the case from the records available and I am filing this counter affidavit in my official capacity on behalf of 3rd and 4th respondent.
2. It is humbly submitted that, I have gone through the averments contained in the affidavit filed by the Petitioner and I deny all the averments except those that are specifically admitted herein and the Petitioner is put to strict proof of the same.
3. It is humbly submitted that, the grievance made by the Petitioner in the PIL is alleging the state government that, it has not taken any steps to protect the coasts of Tamil Nadu from erosion and neither is it initiating steps to do so as the Hon'ble NGT (SZ) has fixed the time limit for preparing Shoreline Management Plan within 6 months in O.A. No. 4 of 2013, dated 11.04.2022.
4. It is respectfully submitted that, the Department of Environment has taken necessary action for preparing "Comprehensive Shoreline Management Plan for entire coast of Tamil Nadu" from 2015, based on the order of the Hon'ble NGT (SZ), dated 04.09.2015.


 ASSISTANT CONSERVATOR OF FORESTS
 GREEN SQUAD,
 O/o. DIRECTOR OF ENVIRONMENT
 PANAGAL MALICALI,
 SAIDAPET, CHENNAI-600 015.


 Director,
 Department of Environment and Climate Change,
 Chennai - 15

5. It is respectfully submitted that, an Application No. 4/2013 was filed by Thiru. O. Fernandez before the Hon'ble NGT (SZ) regarding the construction of shoreline protection structures by the PWD and other agencies. The Hon'ble NGT directed the Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) to prepare a Comprehensive Shoreline Protection Management Plan / Scheme for the entire coast of Tamil Nadu engaging a reputed institution and the NGT has also issued direction preventing PWD or any other agency from proceeding with any work on shore protection until further orders till the approval of the said plan / Scheme by Ministry of Environment, Forest & Climate Change, Government of India (MoEF & CC, Gol), vide order dated 04.09.2015.
6. It is respectfully submitted that, furtherance to abide with the orders of the Hon'ble NGT, a draft Comprehensive Shoreline Protection Management Plan was prepared through Dr. V. Sundar, Professor, Department of Ocean Engineering, IIT Madras at a cost of Rs.50.60 lakhs and sent to the Ministry of Environment, Forests & Climate Change, Govt. of India, for approval, vide Government of Tamil Nadu letter dated 09.08.2016, which is the comprehensive plan for protecting the shoreline of Tamil Nadu from sea erosion.
7. Accordingly, the Ministry of Environment, Forests & Climate Change, Govt. of India has constituted an Expert Committee and the Committee recommended the draft Plan and instructed to circulate the Plan to the neighbouring States of Andhra Pradesh, Kerala and UT of Puducherry.
8. It is respectfully submitted that, after several reminders by the Department and the Govt. of Tamil Nadu, the State of Andhra Pradesh, Kerala and U.T of Puducherry have sent their replies to the MoEF & CC, Govt. of India. Accordingly, the proposal on "the Comprehensive Shoreline Protection Management Plan for the entire Coast of Tamil Nadu" has been placed before the 255th


 ASSISTANT CONSERVATOR OF FORESTS
 GREEN SQUAD,
 O/o. DIRECTOR OF ENVIRONMENT
 PANAGAL MALLAI,
 SAIDAPET, CHENNAI 600 015.

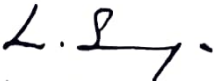

 Director,
 Department of Environment and Climate Change,
 Chennai - 15


meeting of the Expert Appraisal Committee (CRZ) of MoEF & CC, GoI held on 12.02.2021. The EAC has stated the following.

"It is noted that comments of State Governments of Andhra Pradesh, Kerala and UT of Puducherry forwarded to Project Proponent are still not incorporated in the report. The Committee suggested that the same should be incorporated and resubmitted. The Committee also proposed for site visit by the EAC (CRZ) Committee. Accordingly, the proposal was deferred for reconsideration at a later stage once the revised report is submitted and the site visit is carried out by this Ministry"

9. It is respectfully submitted that, the Hon'ble NGT (SZ) also observed the replies and views of the above States and conducted a meeting with the Chief Secretaries of Andhra Pradesh, Kerala, Tamil Nadu, Karnataka and Puducherry UT along with the respective Secretaries for Environment & Forests and also along with the Joint Secretary, MoEF & CC, GoI through Video Conferencing on 11.01.2022.
10. It is respectfully submitted that, in the meantime, the MoEF & CC, GoI constituted the sub. committee with the official from MoEF & CC, GoI and made site inspection from 7-9th April 2022 along the coast of Tamil Nadu for approving the "Shoreline Protection Management Plan". The Committee inspected the sites from Ennore to Puducherry border coast from 07.04.2022 to 09.04.2022.
11. It is respectfully submitted that, at this juncture, the Hon'ble NGT (SZ) has issued final orders in the Application No.04 of 2013 on 11.04.2022, as below.

"Shoreline Management Plan (SMP) shall be prepared as illustrated by NIOT for such erosion prone areas. Pending preparation/updation of such SMPs by the Coastal States/UTs, no further hard structures for erosion control be raised or constructed"


 ASSISTANT COMMISSIONER OF FORESTS
 GREEN SIGNAL,
 O/o. DIRECTOR OF ENVIRONMENT
 PANAGAL MALLIGAI,
 SAIDAPET, CHENNAI-600 015


 Director,
 Department of Environment and Climate Change
 Chennai - 15

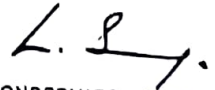
12. Accordingly, it is submitted that, necessary proposals were sought from Dr. Sundar, Professor, Department of Ocean Engineering, IIT Madras and the National Centre for Coastal Research (NCCR) to send the proposal for preparing / updating the Shoreline Management Plan and necessary proposals were received from both the institutions.
13. It is respectfully submitted that, as per the instructions of the Government, the said two proposals have been scrutinized by the Expert Committee. The Expert Committee evaluated the proposals and submitted a report on 07.11.2022. Accordingly, the proposal to issue work order for preparation of Shoreline Management Plan has been sent to Government and the Government has issued orders vide G.O. (Ms) No. 69, Environment, Climate Change & Forest (EC.3) Department, dated 29.03.2023 for preparing the "Shoreline Management Plan" through National Centre for Coastal Research (NCCR).
14. It is respectfully submitted that, the Department of Environment and Climate Change and the Government of Tamil Nadu has been taking arduous efforts to complete the process of preparation of the Shoreline Management Plan. It is submitted that, since the Government Orders for preparation of the plan is issued, the work of completion of preparation of the Shoreline Management Plan shall be expedited and completed at the earliest.

It is therefore humbly prayed that, this Hon'ble High Court may be pleased to record the above-mentioned facts and pass such further order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Solemnly affirmed at Chennai
This the 02nd day of May 2023
and signed his name in presence


Director,
Department of Environment and Climate Change,
Chennai - 15

BEFORE ME


ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o. DIRECTOR OF ENVIRONMENT
PANAGAL MALIGAI,
SAIDAPET, CHENNAI-600 015.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

WMP No. 5707 of 2023

In

W.P. No. 30507 of 2022

K.Saravanan,
S/o Kasinathan,
No. 30, Urur Kuppam, Besant Nagar,
Chennai – 600090 ... Petitioner / Proposed respondent

Vs

1. MeenavaThanthai K. R. Selvaraj Kumar
MeenavarNalaSangam
Represented by its president,
M.R. Thiagarajan ,
Having Office at No.48, East MathaKoil Street,
Royapuram, Chennai - 600 013 ... Respondent / Petitioner

2. The Secretary of Govt.
Ministry of Environment, Forest & Climate Change,
(MoEF&CC), Govt. of India,
Indira ParyiavaranaBhavan, JorBagh Road,
Aliganj, New Delhi - 110003,

3. The Chief Secretary of Tamil Nadu,
Secretariat,
Chennai-600 009.

4. The Principal Secretary Of Tamil Nadu,
Environment Department,
Secretariat,
Chennai- 600 009.

5. The Chairperson,
Environment Department,

Panagal Maligai, Saidapet,
Chennai- 600 115.

6. The Chairman,
National Coastal Zone Management Authority,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi - 110003,

7. The Director,
National Centre for Sustainable Coastal Management
(NCSCM),
Ministry of Environment, Forest & Climate Change
(MoEF&CC), Govt. of India,
Anna University Campus,
Chennai- 600025,

8. The State of Tamil Nadu
Represented by its secretary to Government
Fisheries Department,
Fort St. George,
Chennai-600 009.

9. The State of Tamil Nadu
Represented by its secretary to Government
Public Works Department,
Fort St. George,
Chennai-600 009.

... Respondents/ Respondents

AFFIDAVIT OF K. SARAVANAN

I, K. Sravanan Son of Kasinathan aged about... years old residing at No. 30, Urur Kuppam, Besant Nagar, Chennai – 600090 well versed with the facts and circumstances of the case and do solemnly affirm and sincerely states as follows:

1. I am a member of the fishing community and has been working on the protection of the coastal regions of Tamil Nadu for the last decade. I held positions of responsibility in the Fishing Panchayat of

Urur Kuppam, and is currently an elected office bearer of the Urur Kuppam Fishermen's Cooperative Society.

2. I submit that I have filed Public Interest litigation before this Hon'ble Court and before the National Green Tribunal for issues concerning protection of the Environment and fishers livelihoods. I have filed W.P No 30292 of 2022 seeking publication of Coastal Zone Management Plans in Tamil which was allowed by this court on 19.12.2022. Previously I have filed W.P No. 30237 of 2018 aggrieved by destruction of Mangroves in the Ennore Wetlands, this Hon'ble court vide order dated 19.11.2018 issued interim orders preventing destruction of Mangroves and this Writ Petition was Pending. I have filed W.P 13499 of 2021 and 13266 of 2021 challenging orders of the National Green Tribunal transferring the Original application filed before the Ld' Chennai bench to Delhi bench, this Hon'ble court stayed vide order Dated 29.06.2021 I have filed several Appeals and applications before the Ld' Green Tribunal seeking to inter alia protecting the Ennore Wetlands.
3. I submit that I am seeking impleadment as a party Respondent in the present proceeding in order to bring to the notice of this Hon'ble Court the destruction caused to the coastline by hard structures such as sea walls and groynes.
4. In Tamil Nadu, the Public works Department and Fisheries Department have over the last two decades constructed around 251 hard structures across 134 k.m of coast line. This does not include break waters constructed for harbours training walls etc. these groynes and sea walls which were constructed as anti-erosion measures, in reality has caused severe erosion along the coast and as render the coast vulnerable to sea level raise, ingress of sea

water into coastal aqua fires and as resulted in the disappearance of sandy beach.

5. The sandy beach front is essential not only required for its ecological purposes but they are livelihood space for fishers who depend on sandy beach who park their boats, dry and mend their fishing nets and various purposes like drying fish etc.
6. Due to short sighted ill-advised and unscientific construction of sea walls and groynes, the coast of Tamil Nadu experiences severe erosion. According to the recent report by National Centre for Coastal Research (NCCR), out of the 991.47 km of Tamil Nadu's mapped coastline, a whopping 422.94 km (42.7%). According to a newsreport in the Indian Express newspaper on this report, NCCR director MV Ramana Murthy, who is also a member of Expert Appraisal Committee (CRZ) of Union environment ministry, is reported to have said "in recent years, the hard structures due to their negative impacts are discouraged, instead 'soft' alternatives like beach nourishment are becoming favourable."
7. Sea walls are nothing but dumping of rocks or tetrapods along the coast i.e these are horizontal structure build along the coast. Groynes are constructed at a perpendicular angle to the coast. When a coastal structure is erected in the path of the freely moving sand along the coast, the structures prevent the natural flow of sand in the same manner as a dam across the path of river interrupts the flow of water. In such an instance one part of the coast gets an excess of sand and the other side on the down-drift is starved of sediment. The side that is starved of sediment starts and keeps eroding as long as fresh input of sand is not provided.
8. This process is evident of one sees the coastline north of the Chennai port – there is no beach till Ennore.

9. It is submitted that aggrieved by the unscientific and ill-advised construction of seawalls and groynes and the resultant erosion of the coast, application No. 4 of 2013 was filed before the Hon'ble National Green Tribunal, Chennai. During the course of proceedings before the Tribunal, State Governments of Pondicherry, Tamilnadu etc prepared and filed shoreline management plans. The State of Tamilnadu had prepared a report using IIT Chennai's Ocean Engineering Department, which only suggested hard structures like Seawalls and Groynes. It is relevant to note that predominantly, the hard structures were constructed based on IIT Madras's reports. Unfortunately, the shoreline management plan was also prepared by the same institute.
10. Pondicherry also faced severe erosion due to hard structures. The entire beach by the promenade (Gandhi statue) eroded and NIOT prepared a shoreline management plan using soft solutions which do not increase erosion but actually save the beach.
11. The Hon'ble Tribunal passed a detailed judgment on 11.04.2022 after considering all these issues, directing all the respondent states, including Tamilnadu to prepare shoreline management plans following the NIOT model of adopting soft solutions like beach nourishment.
12. It is submitted that the recent NCCR report in 2022 also proves that severe erosion is caused near the hard structures built. The writ petition however, seems to advocate for the construction of seawalls and groynes. The writ petition is nothing but an attempt to once again build disastrous seawalls and groynes – the most affected people by this monumental folly are the fishers.

13. The writ petitioner has obviously failed to appreciate these issues and has filed the writ petition, which is a thinly veiled attempt to defeat the judgment of the NGT in OA No. 4 of 2013.
14. I submit that the respondent authorities ought to prepare a shoreline management plan following the NIOT model as directed by the Hon'ble NGT, which will save coastal villages and the coast from erosion and refrain from constructing any hard structures that will cause further damage to our sensitive coastal environment – affecting both people and the ecology. No prejudice will be caused to any party if I am impleaded as a party to the present proceedings. I am in possession of documents and information that will aid in the adjudication of the present lis.

It is therefore prayed that this Hon'ble Court may be pleased to implead the petitioner as a party respondent in the present writ petition and thus render justice.

Solemnly affirmed at Chennai

On this the 23rd day of January 2023

And signed his name in my presence

BEFORE ME

ADVOCATE : CHENNAI

5. The Chairperson,
Environment Department,
Panagal Maligai, Saidapet,
Chennai- 600 115.

6. The Chairman,
National Coastal Zone Management Authority,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi - 110003,

7. The Director,
National Centre for Sustainable Coastal Management
(NCSCM),
Ministry of Environment, Forest & Climate Change
(MoEF&CC), Govt. of India,
Anna University Campus,
Chennai- 600025,

8. The State of Tamil Nadu
Represented by its secretary to Government
Fisheries Department,
Fort St. George,
Chennai-600 009.

9. The State of Tamil Nadu
Represented by its secretary to Government
Public Works Department,
Fort St. George,
Chennai-600 009.

... Respondents/ Respondents

IMPLEAD PETITION

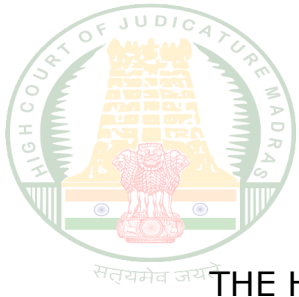
The address for service on the petitioner is that of his Counsel M/s A.Yogeshwaran (Ms1421/2011), Poongkhulali B (Ms 1373/2009), having office at No. 18, Brindavan Street, Mylaore, Chennai.

The address for service on the respondents is as stated above.

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to implead the petitioner as a party respondent in the present writ petition and thus render justice.

Dated this the 23rd day of January, 2023 at Chennai

Counsel for the Petitioner



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W.P.No.30507 of 2022

THE HON'BLE ACTING CHIEF JUSTICE

and

D.KRISHNAKUMAR, J.

Mr.S.Diwakar, learned Central Government Senior Panel Counsel accepts notice on behalf of the Respondent No.1.

Mr.J.Ravindran, learned Additional Advocate General assisted by Dr.T.Seenivasan, learned Special Government Pleader (F) accepts notice on behalf of the Respondent Nos.3 & 4.

Mr.P.Muthukumar, learned State Government Pleader accepts notice on behalf of the Respondent Nos.2, 7 & 8.

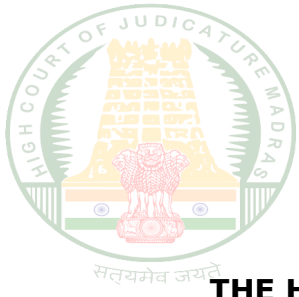
Issue notice to the Respondent Nos.5 & 6 returnable in four weeks. Private notice is also permitted.

Call after four weeks.

(T.R.,A.C.J.) (D.K.K.,J.)

17.11.2022

SS



91



W.P. No.30507 of 2022

THE HON'BLE ACTING CHIEF JUSTICE

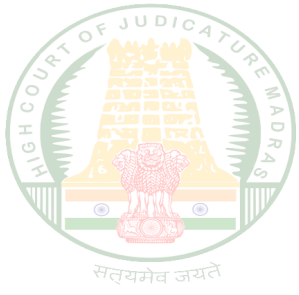
and

D.BHARATHA CHAKRAVARTHY, J.

List the matter on 24.01.2023.

(T.R., ACJ.) (D.B.C., J.)
09.01.2023

tar



92



W.P.No.30507 of 2022

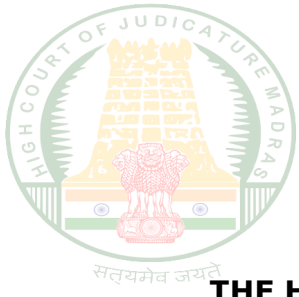
WEB COPY

THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

Post the writ petition on
27.01.2023.

(T.R., ACJ.) (D.B.C., J.)
24.01.2023

tar



93



W.P.No.30507 of 2022

THE HON'BLE ACTING CHIEF JUSTICE

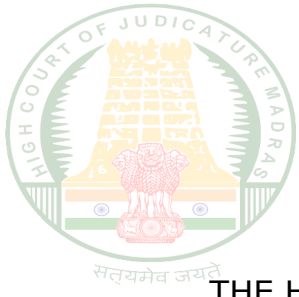
and

D.BHARATHA CHAKRAVARTHY, J.

List the matter on 13.02.2023.

(T.R., ACJ.) (D.B.C., J.)
01.02.2023

kpl



W.P.No.30507 of 2022

THE HON'BLE CHIEF JUSTICE

and

P.D.AUDIKEVALU, J.

Though the matter is listed as per the request of the petitioner, adjournment is sought on behalf of the petitioner.

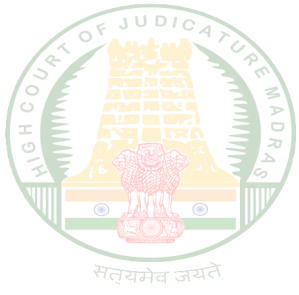
As adjournment is sought on behalf of the petitioner, place the matter on 11.10.2023.

(S.V.G., CJ.)

(P.D.A., J.)

12.07.2023

bbr



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W.P.Nos.14661 of 2023 &
30507 of 2022

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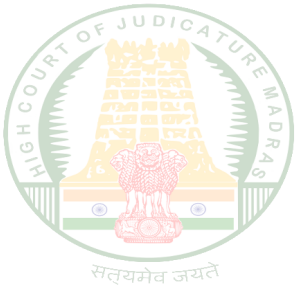
THE HON'BLE CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

Learned counsel for the petitioners
seeks time to place on record the
translation of the relevant documents.

List the matters on 30.11.2023.

(S.V.G., CJ.) (D.B.C., J.)
11.10.2023

kpl



96



W.P.Nos.14661 of 2023 &
30507 of 2022

WEB COPY

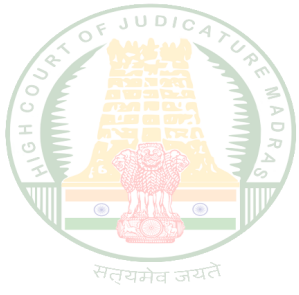
THE HON'BLE CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

Reply counter affidavit is filed by
the respondent Nos.3 and 4. The same
is taken on record.

2. List these matters on
31.01.2024.

(S.V.G., CJ.) (D.B.C., J.)
19.12.2023

grs



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WP Nos.14661 of 2023
and 30507 of 2022

WEB CO

THE HON'BLE CHIEF JUSTICE
and

D.BHARATHA CHAKRAVARTHY, J.

At the request of learned
Government Pleader, adjourned to
07.03.2024.

(S.V.G., CJ.)

(D.B.C., J.)

31.01.2024

tar



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W.P.Nos.14661 of 2023 and 30507 of
2022

WEB COPY THE HON'BLE CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

At the request of learned State
Government Pleader, adjourned to
19.04.2024.

(S.V.G., CJ.) (D.B.C., J.)
07.03.2024

bbr