

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI

O.A. No. 177 of 2025

K.Saravanan

Applicant

-V-

The Tamil Nadu Coastal Zone Management Authority
& 5 Others

Respondents

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Dated at Chennai this the 23rd day of March 2026.



Counsel for Respondent - 4

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BEFORE THE NATIONAL GREEN TRIBUNALSOUTHERN ZONE, CHENNAI

OA NO. 177 OF 2025

IN THE MATTER OF:

K. Saravanan S/o Kasinathan,

Aged about 37 years,

No. 30, Urur Kuppam,

Besant Nagar,

Chennai - 90.

... Applicant

VERSUS

1.The Tamilnadu Coastal Zone Management Authority,
Rep by its Member Secretary,
No.1, Jeenis Road,
Panagal Building,
Ground Floor,
Saidapet,
Chennai-600 015.

2.The District Collector,
Chengalpattu, Collectorate,
GST Road,
Chengalpattu – 603001.

3.The Deputy Director,
Directorate of Town and Country Planning,
District Town and Country Planning Office,
New Collectorate Complex, 4th Floor,
D Block, Vedhanarayanapuram,
Chengalpattu District - 603 111.

4.The Superintending Engineer,
Chengalpattu Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation (TANGEDCO),
No.130, GST Road (opposite to New Bus Stand),
Chengalpattu - 603 001.

5.Padur Panchayat,
Rep by its President,
Padur Panchayat Office,
Thiruporur Taluk,
Chengalpattu District 603 112.

... Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF THE 4TH RESPONDENT,

I, Anbu selvan, son of J.Ramachandran, aged about 59 years, working as the Superintendent Engineer, in the office of the 4th Respondent, having my office at No.130, GST Road, Chengalpattu - 603 001, do hereby solemnly affirm and state as follows:-

1.I am the Superintendent Engineer of the 4th Respondent company and I am duly authorized to file this Counter Affidavit on its behalf. I am well acquainted with the facts and circumstances of the case from the records maintained in the office in the ordinary course of business and I am competent to depose to the contents hereof.

2.I have read the copy of the Original Application filed by the Applicant herein. I deny all the allegations, averments, and contentions contained therein, save and except those that are specifically and expressly admitted hereunder. The averment those that are not specifically denied shall not taken as admission. This Respondent puts the Applicant to strict proof of all allegations made against it.

3.It is submitted that the present Original Application, in so far as it seeks reliefs against this Respondent, is misconceived, devoid of merits, and not maintainable in law or on facts. This Respondent has been unnecessarily impleaded in the present proceedings, as it is not the concerned authority for the enforcement of the Coastal Regulation Zone (CRZ) Notification, 2011, or for the regulation of building constructions.

4.It is submitted that this Respondent, the Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO), is a statutory body constituted under the provisions of the Electricity Act, 2003. It functions as a distribution licensee, and its primary mandate is the distribution of electricity to consumers within its licensed area of supply.


Superintending Engineer
TANGEDCO / CEDC / CHENGALPATTU

5.It is respectfully submitted that under Section 43 of the Electricity Act, 2003, this Respondent has a universal service obligation to provide electricity supply to any owner or occupier of any premises upon receipt of a valid application. The refusal to provide such supply, without valid reasons as stipulated under the Act and the Tamil Nadu Electricity Supply Code, would subject this Respondent to penalties.

6.It is submitted that this Respondent is not the sanctioning or monitoring authority for building constructions. The power to grant planning permission, building permits, and to take enforcement action against illegal or unauthorized constructions vests with other statutory bodies, namely the Directorate of Town and Country Planning (Respondent No. 3), the local body, i.e., Padur Panchayat (Respondent No. 5), and the authorities responsible for CRZ enforcement, i.e., the Tamilnadu Coastal Zone Management Authority (Respondent No. 1) and the District Collector (Respondent No. 2). This Respondent has no jurisdiction, expertise, or machinery to determine whether a particular construction is in violation of the CRZ Notification or any other planning law.

7.With reference to the averments in paragraphs 1 to 11 of the Original Application, which deal with the locus standi of the Applicant, the ecological sensitivity of the coast, and the history and provisions of the CRZ Notifications, this Respondent states that these are matters of law and general policy which do not pertain to the functions and duties of this Respondent. Hence, no specific reply is offered to the same. This Respondent has no knowledge of the specific factual averments made therein.

8.The averments in paragraph 12, which list various survey numbers in Padur village where illegal buildings are allegedly present, are not within the knowledge of this Respondent. This Respondent maintains records based on service connection numbers and consumer details, not on a survey number basis for an entire village. The allegations are vague and omnibus in nature.


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9. With reference to the averments in paragraphs 13 and 14, this Respondent states that it can furnish details of service connections if specific particulars are provided. The allegation that this Respondent has shown a lack of enforcement is vehemently denied. This Respondent is not an enforcement agency for CRZ violations.

10. The contents of paragraphs 15 and 16 are denied for want of knowledge. The issuance of patta and the classification of land are matters that fall within the exclusive domain of the Revenue Department and the District Administration (Respondent No. 2).

11. In reply to the grounds raised in paragraph 17, particularly Ground (J), it is submitted that the allegation that this Respondent failed to prevent the provision of electricity connections is baseless and legally untenable. This Respondent provides electricity connections upon the submission of requisite documentation by the applicant, which typically includes proof of ownership or legal occupancy and, where applicable, a completion certificate or no-objection certificate from the competent local authority. This Respondent acts in good faith upon the prima facie validity of documents issued by other statutory authorities. It is not empowered to go behind such documents and conduct a roving inquiry into the legality of the construction itself.

12. With reference to the Interim Relief and the Final Prayer sought against this Respondent, it is submitted that a blanket direction to disconnect electricity supply to numerous unspecified buildings would be contrary to law and the principles of natural justice. Electricity is an essential service, and its disconnection has severe consequences. Such an order cannot be passed without identifying the specific consumers, impleading them as parties to the proceedings, and affording them an opportunity of being heard. This Respondent, however, undertakes to abide by any specific and lawful direction passed by this Hon'ble Tribunal against any particular service connection after due process of law.


Superintending Engineer
TANGEDCO / CEDC / CHENGALPATTU

13. This Respondent submits that it acts as a service provider and not as a regulator of land use. The procedure for obtaining an electricity connection is governed by the Tamil Nadu Electricity Supply Code. An applicant is required to furnish documents to establish their identity and their right to occupy the premises. When an applicant furnishes documents such as a sale deed, property tax receipt, or a building approval plan issued by a local body, this Respondent is bound to process the application. To expect this Respondent to independently verify CRZ compliance for every one of the lakhs of applications it receives would be to impose an impossible and extra-statutory burden upon it.

14. It is further submitted that the provision of an electricity connection does not, in any manner, confer legality upon an otherwise illegal structure. The connection is always subject to the consumer's compliance with all other applicable laws. The primary illegality, if any, stems from the construction itself, and the responsibility to prevent and demolish such construction lies with Respondents 1, 2, 3, and 5. This Respondent has not committed any act of commission or omission that has caused or contributed to the alleged environmental degradation.

15. This Respondent states that it has acted bona fide and in accordance with the statutory framework governing its operations. There has been no collusion or complicity on the part of any official of this Respondent in the alleged illegal activities. The impleadment of this Respondent is an attempt to use it as a tool to enforce the orders against the principal violators, a role for which it is not designed or empowered. The appropriate course of action for the Applicant is to seek directions against the planning and environmental authorities to first identify and declare the specific structures as illegal.


Superintending Engineer
TANGEDCO / CEDC / CHENGALPATU

16. It is submitted that directing this Respondent to disconnect electricity supply without a conclusive finding of illegality by a competent authority against each specific structure would be premature and would set a dangerous precedent. It would effectively empower the electricity distribution company to act as a judicial or quasi-judicial body, adjudicating on the legality of constructions, which is far beyond its statutory mandate. This Respondent will dutifully comply with any specific orders of disconnection passed by this Hon'ble Tribunal or any other competent authority against identified illegal structures.

In light of the foregoing submissions, it is respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the Original Application as against this 4th Respondent and pass such other or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

Solemnly affirmed at Chennai

This the 3rd day of March 2026

And signed his name in my presence


Superintending Engineer
TANGEDCO / CEDC / CHENNAI

BEFORE ME

G. S. Sh...
ms - (174 5/11)
Advocate : Chennai