

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**Original Application No. 18 of 2024 (SZ)
in
[Earlier Original Application No. 473 of 2022 (PB)]**

Gopal Chinna Mudalyar Chavady

... Applicant

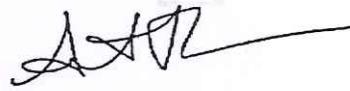
-VS-

State of Tamil Nadu and Others.

... Respondents

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**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

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State of Tamil Nadu and Others. ... Respondents

**ADDITIONAL REPORT FILED ON BEHALF OF THE THIRD
RESPONDENT- TAMIL NADU POLLUTION CONTROL BOARD.**

I, K.Nalini, D/o. K.Krishnasamy, aged about 59 years, having my office at 76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

1. I submit that I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board (hereinafter referred as TNPCB), Chennai - 600 032, and I am authorised to file this Report on behalf of the Third Respondents of the Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case from the available office records.

2. It is respectfully submitted that the Original Application No. 473 of 2022 was registered based on the complaint received through email from the applicant against the violation of Coastal Regulation Zone (CRZ) Notification in their village as so many private beach hotels are running within the area of 10 meters, new building construction is going on and so many lands have been purchased for private hotels and guest houses.

3. It is respectfully submitted that the Hon'ble Principal Bench vide order dated 01.08.2022 constituted a Joint Committee in OA 473 of 2022 to undertake site visit and furnish factual report to the Tribunal. The Joint Committee has submitted the report as follows:

- i. *The resorts/buildings constructed (P1, P2, P3) within 200 m from HTL in CRZ-II area at Chinna Mudalyar Chavday, Kottakuppam, though being permissible activity, has not obtained prior clearance from Ministry of Environment, Forest*

K. Nalini
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUNDIRY,
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and Climate Change, New Delhi as per Coastal Regulation Zone (CRZ) Notification, 2011, which is blatant violation of the said notification.

- ii. *The resort under construction (P4) falls within CRZ-II area, though being permissible activity, has not obtained prior clearance from Ministry of Environment, Forest and Climate Change, New Delhi as per Coastal Regulation Zone (CRZ) Notification, 2011, which is blatant violation of the said notification.*
- iii. *The resort (P5), which is operational, falls within Intertidal area (CRZ-1B). Construction of resorts within CRZ-1B, intertidal area is a prohibited activity and is in violation of the CRZ Notification, 2011.*
- iv. *Further, the resorts are drawing ground water within 200m from HTL through borewell, which is a prohibited activity within CRZ area as per CRZ Notification, 2011.*
- v. *Further, pursuant to the inspection of the Joint Committee, the local fishermen community had submitted representations to District Collector, Villupuram. The Fishermen community in the said representation pleaded to regularize their buildings, which are permissible as per CRZ regulations, as they are dependent on these resorts for livelihood and was unaware of the provisions of the CRZ Notification at the time of construction.*

4. It is respectfully submitted that, the Hon'ble Tribunal Principal Bench vide order dated 15.11.2022 impleaded the answering respondent as 3rd respondent and directed as follows:

"...In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Tamil Nadu through Chief Secretary, Government of Tamil Nadu , (2) Regional Office, Ministry of Environment, Forest and Climate Change, Chennai, Tamil Nadu (3) State PCB , (4) District Collector, Villupuram, (5)

M/s Mermaid Resort-1 (P1), Lease 11°58'40.57 " N 79°50'46.11 "E (6) M/s Mermaid Resort - 2 (P2), Lease 11°58'40.65 " N 79°50'46.72"E (7) M/s L Ambay Cafe Resort -1 (P3) Lease 11°58'42.83 " N 79°50'47.65 "E, (8) New Building under Construction (P4) Lease 11°58'44.27 " N 79°50'48.05 " E and (9) M/s. L-Ambay Café Resort-2, (P5) Lease 11°58'44.73 " N 79°50'48.38 "E, who stand impleaded as respondents No. 1 to 9. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1, 2 and 4 to 9 requiring them to file their reply/response within two months"

5. It is respectfully submitted that the 4th respondent requested the TNPCB to facilitate serving of Show-Cause Notice. Accordingly, Show-Cause Notice dated 06.01.2023 was served to the respondent 5 to 9 by the Chairman (District Collector), District Level Coastal Zone Management Authority, Villupuram under section 5 of the Environment Protection Act, 1986.

6. It is respectfully submitted that the 3rd respondent submitted the detailed report on 21.02.2023 before the Hon'ble Tribunal. After considering the report the Hon'ble Principal Bench on 21.08.2023 disposed the application and directed as follows:

"1. Since the matter relates to the Southern Zone Bench, Chennai, thus, the matter is transferred to Southern Zone Bench, Chennai.

2. Thus, the Registry is directed to transfer and transmit the records of this matter to Southern Zone Bench, Chennai where the Registrar shall register the case and place before the Bench for further proceedings according to Rules.

3. List this matter before NGT Southern Zone Bench, Chennai on the date already fixed.

7. It is respectfully submitted that based on the above said orders this Hon'ble Southern Zone has taken up this Original Application, on 05.09.2024 ordered and directed as follows:

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
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“In the report dated 21.02.2023 of the Tamil Nadu Pollution Control Board (TNPCB), it is stated that Respondents No.5 to 9 constructed the buildings before 2008 and they are all fishermen, who lost their houses during Tsunami in the year 2004.

It is admitted that the said houses are converted into a home stay and used as guest houses. Therefore, the TNPCB has issued a show cause notice dated 06.01.2023 as to why penal action should not be taken which is punishable under Section 5 of the Environment (Protection) Act, 1986. It is also stated that a reply is also given by the recipients of the notice, whether the enquiry is over and the penalty reached is not known. Therefore, we direct the TNPCB to complete the enquiry if not already done and report the outcome of the enquiry.”

8. It is respectfully submitted that the Report filed by the third respondent on 21.2.2023 shall be taken as part and parcel of this additional report.

9. It is respectfully submitted that the Government of Tamil Nadu has reconstituted the District Coastal Zone Management Authorities for monitoring/violation and enforcement of the Coastal Regulation Zone in Tamil Nadu. The roles and responsibilities of District Coastal Zone Management Authority (DCZMAs) were fixed as per present scenario / circumstances. The following has been mentioned as roles and responsibilities of the DCZMAs among others.

- d. The Authority shall enquire or review cases of violations or contraventions of the said notification Suo-moto, or on the basis of a complaint made by any individual or body or organization and shall submit a detailed comprehensive report on the violation to Tamil Nadu State Coastal Zone Management Authority.*
- e. To take action on the cases of confirmed violations as per directions of Tamil Nadu State Coastal Zone Management Authority.*

[Signature]
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

10. It is respectfully submitted that in compliance with the above-mentioned roles and responsibilities of DCZMAs, the 3rd respondent has sent detailed report to the Tamil Nadu State Coastal Zone Management Authority, Chennai vide letter dated 20.11.2024 to take further action (necessary direction/instruction, etc.,) for the above said violation of CRZ notification 2011.

Therefore, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

K. Nalini
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

VERIFICATION

I, K.Nalini,D/o. K.Krishnasamy, working as Joint Chief Environmental Engineer, office at 76, Mount Salai, Guindy, Chennai-600032, do hereby verify that the contents of above report are true to the best of my knowledge through records.

K. Nalini
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
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**Advocate for Respondent: TNPCB
Thiru.Sai Sathya Jith,
Advocate, Chennai.**

Date of filing :29.05.2025

