

Vanur Taluk,
Villupuram District – 605 104.

7. M/s. L-Ambay Cafe Resort -1,

D.No.06, Sengazuneer Amman Kovil Street,
Kottakuppam Village & Town,
Vanur Taluk,
Villupuram District.

8. M/s. New Building,

Kottakuppam,
Vanur Taluk,
Villupuram District.

9. M/s. L-Ambay Cafe Resort - 2,

D.No.06, Sengazuneer Amman Kovil Street,
Kottakuppam Village & Town,
Vanur Taluk,
Villupuram District.

... Respondents

REPLY AFFIDAVIT FILED BY THE 5TH RESPONDENT

I, Erusappan S/o Sellappan, aged about 67 years, residing at 35 A South Street, Chinna Mudaliar Chavadi, Bommaiypalayam, Kottapakkam, Vanur, Villupuram - 605 104, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows;

1. I am living in the property arrayed as 5th Respondent in the above application. I am the owner of the same and as such I am well acquainted with the facts and circumstances of the case.



2. It is humbly submitted that the present Application, under Section 14 of the National Green Tribunal Act, 2010, had been registered based on a letter petition sent by one Mr. Gopal Chinna Mudalyar Chavady, Kottakuppam Vannur talk, District Villupuram, a resident of the village, alleging violation of Coastal Regulation Zone (CRZ) Notification.

3. It is submitted that based on the said letter petition from Mr. Gopal, the Hon'ble Principal Bench of National Green Tribunal registered the Original Application in OA No. 473 of 2022, registering under Section 14 of the National Green Tribunal Act, vide order dt. 01.08.2022. Following which, by order dt. 15.11.2022, the Hon'ble National Green Tribunal was pleased to implead the following parties as party Respondents;

- i. State of Tamil Nadu Through Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- ii. The Regional Office,
Ministry of Environment, Forest and Climate Change,
Chennai, Tamil Nadu,
Regional Office (SEZ), 1st and IIInd Floor,
Handloom Export Promotion Council,
34, Cathedral Garden Road,
Nungambakkam, Chennai - 34
- iii. Tamil Nadu Pollution Control Board,
No. 76, Mount Salai, Guindy, Chennai - 600 032



- iv. District Collector, Villuppuram,
Collector Office Rd, Moovendar Nagar,
Villuppuram, Tamil Nadu - 605 602.
- v. M/s. Mermaid, Resort - 1 (P1)
Lease 11 58'40.57" N 79 50'46.11"E
- vi. M/s. Mermaid, Resort - 2 (P2),
Lease 11 58'40.65" N 79 50'46.72"E
- vii. M/s. L Ambay Cafe Resort - 1(P3)
Lease 11 58'42.83" N 79 50'47.65"E
- viii. M/s. New Building under Constructions on (P4)
Lease 11058'44.27" N 79 50'48.05"E
- ix. M/s. L- Ambay Cafe Resort -2 (P5)
Lease 11 58'44.73" N 79 50'48.38"E

4.It is submitted that the above mentioned parties were deemed necessary to be heard by this Hon'ble Tribunal, based on a report filed by the Joint Committee, which was constituted by the Hon'ble Bench, vide its order dt. 01.08.2022. The said order directed the Joint Committee to meet within four weeks, to undertake site visits, look into the grievances of the applicant, verify the factual position and take requisite action by following due process of law. The State PCB was made as the Nodal agency and the other parties to the said committee is as follows;

- i.Regional Office of MoEF, Chennai,
- ii.Tamil Nadu Coastal Zone Management Authority (TNCZMA),
- iii.State Pollution control Board (PCB) and
- iv.Collector, Villuppuram.



5. Since the matter pertains to the territorial jurisdiction of this Hon'ble Bench, by order dt. 21.08.2023 the case was transferred to this Hon'ble Bench of Hon'ble National Green Tribunal.

6. It is submitted that the answering Respondents had the opportunity to read, the report filed by the Joint Committee, MOEF&CC, TNPCB and the reply of District Collector. The present reply affidavit is filed, only based on the above mentioned reports and reply and the answering Respondent reserves his right to file additional reply affidavit for any additional report or reply filed by any other authority. At the outset the allegations mentioned in the report and reply filed by the authorities are strictly denied. For better appraisal of the case the facts are furnished hereunder;

FACTS IN BRIEF:

7. The Chinna Mudhaliyar Chavadi Kuppam Village is located to the North of Pondicherry Union Territory and East of Auroville. The said place attracts much tourist for the said location. The impugned Village is a coastal village and the major part of the villagers reside within 500m

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attracts only to Resorts and Hotels, as per Annexure III. Wherein the houses of the answering Respondent is only Bed & Breakfast, which was promoted in the year 2023, after obtaining necessary permission from the authorities, as deemed under the guidelines issued by the Tourism Department. For a resort or hotel in CRZ zone, the same is retired to be of minimum 0.4 Ha in size. Hence the allegation that the house of the answering Respondent is a resort is incorrect and the report of the Joint Committee is liable to be set-aside.

16. It is submitted that the house of this Respondent is located in the South of South-street, in RS No. 123/1B of Kottakuppam Village and Town Panchayat, Vanur Taluk, Villupuram District, in a small area of 3220 Sq. ft. Even from the approved CZMP, 2018, it could be clearly seen that the land of the answering Respondent is located well within the fishermen settlement area and there exists an approved, developed Government Road between the house and the coast. Further the building of the answering Respondent is also demarked in the CZMP, falling under the CRZ II classification, surrounded by many other buildings, and due to the existence of a development between the building and the coast, the house of this Respondent cannot be termed to be illegal.

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05.09.2024, 03.10.2024, 19.12.2024 and 14.02.2025. The complainant used this Hon'ble National Green Tribunal as only a tool to threaten residents of the area, as majority of the village is falling under CRZ Zone. Without understanding the law, where the houses in the CRZ II area are permissible, the complainant had made the complaint and now refusing to appear.

20. It is submitted that after registration of the case, the authorities had initiated action and issued show cause notice to the answering Respondent dt. 06.01.2023. The said show cause notice is made only based on the complaint made by Mr. Gopal and for showing compliance to the present litigation. The same shall be co-related with the fact that none of the other houses had been granted permission by the District Coastal Zone Management Authority, Villupuram. The issuance of show cause notice under Section 5 of the Environmental (Protection) Act, 1986 seems to be only a procedure adopted by the authorities without analysing the factual position of the houses in the village. The said show cause notice only has reference to the report of the joint committee, which was constituted by this Hon'ble Tribunal. Though, there are about 700 other buildings located within the CRZ area, in the impugned village, the Authorities had only sent show

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on a false letter petition by a resident of the village, who had made the allegations for blackmailing the private Respondents.

In the above said circumstances, in the interest of Justice, it is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the application as devoid of merits, which was registered based on the wrong allegations contained letter petition, and thus render justice.

S. Sathic

Solemnly affirmed on this the
16th day of September, 2025, and
Signed his name in my presence
and explained in tamil

BEFORE ME

S. Sathic
(Mls- 4351/2023)
(No. 348, Thambu
Street, Chennai)

ADVOCATE: CHENNAI

S. Sathic