

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No. 18 of 2024**

Earlier O.A. No. 473 of 2022 (PB)

**Gopal**

Chinna Mudalyar Chavady,  
Kottakuppam Vannur Taluk,  
Villupuram.

**... Applicant**

**-Versus-**

- 1. State of Tamil Nadu,**  
Through Chief Secretary,  
Government of Tamil Nadu,  
Secretariat, Chennai.
- 2. Regional Office MOEF&CC,**  
Integrated Regional Office,  
Chennai, Tamil Nadu.
- 3. Tamil Nadu Pollution Control Board,**  
Represented by Member Secretary,  
No.76, Mount Salai,  
Guindy, Chennai – 600 0032.
- 4. District Collector,**  
Collector Office Road,  
Moovendar Nagar,  
Villupuram – 605 602.
- 5. M/s. Mermaid Resort -1,**  
No.26, South Street,  
Kottakuppam,  
Vanur Taluk,  
Villupuram District – 605 104.

*P. Loganathan,*

**6. M/s. Mermaid Resort - 2,**

No.26, South Street,  
Kottakuppam,  
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.

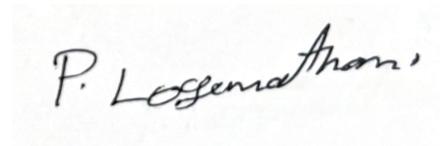
**9. M/s. L-Ambay Cafe Resort - 2,**

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

**... Respondents**

**REPLY AFFIDAVIT FILED BY THE 6<sup>th</sup> RESPONDENT**

I, P. Loganathan S/o Pavadaisamy, aged about 50 years, residing at 18 West Street, Chinna Mudaliar Chavadi, Bommaiypalayam, Kottapakkam, Vannur, Villupuram - 605 104, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows;



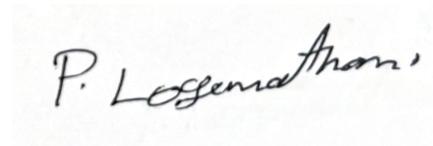
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1. I am the owner of the property which is arrayed as 6<sup>th</sup> Respondent in the above application and as such I am well acquainted with the facts and circumstances of the case.

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.

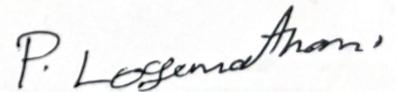
3. It is submitted that based on the said letter petition from Mr. Gopal, the Hon'ble Principal Bench of National Green Tribunal registered the Original Application in OA No. 473 of 2022, registering under Section 14 of the National Green Tribunal Act, vide order dt. 01.08.2022. Following which, by order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



P. Loganathan

- 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

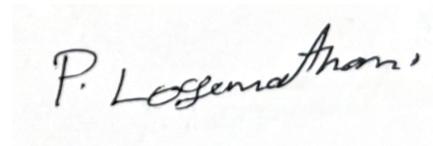


4. It is submitted that the above mentioned parties were deemed necessary to be heard by this Hon'ble Tribunal, based on a report filed by the Joint Committee, which was constituted by the Hon'ble Bench, vide its order dt. 01.08.2022. The said order directed the Joint Committee to meet within four weeks, 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, Villupuram.

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

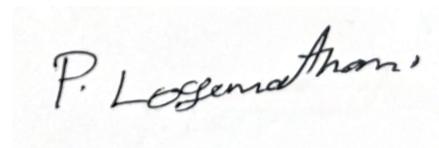


P. Loganathan,

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:**

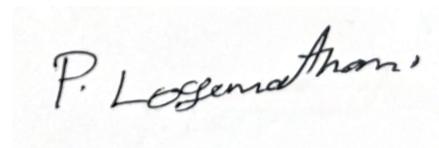
7. The Chinna Mudhaliyar Chavadi Kuppam Village is located to the North of Pondicherry Union Territory and East of Auroville. The said place attracts much tourist for the said location. The impugned Village is a coastal village and the major part of the villagers reside within 500m from the High Tide Line (HTL). The village being a coastal village has major fishermen population and the answering Respondent belongs to one of the fishermen community, who has been residing in the said Village from the time of ancestors.

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8. It is submitted that the impugned area falls in, the approved coastal zone management plan, Map No. 91. The areas within 500m from the High Tide Line (HTL) are demarked as CRZ II. It is submitted that the house of the answering Respondent is misrepresented in the reports as resort. The same is only houses of Fisherman, which are developed within the "Fishermen Settlement area". The houses in the said area are in existence prior to issuance of the CRZ Notification, 1991.

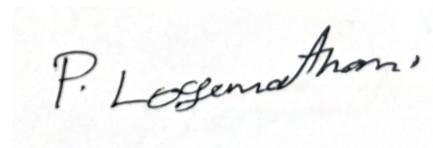
9. It is understood that the allegations contained in the letter by Mr. Gopal is that, within the area of 10 meters so many private beach hotels are being run, new building constructions are going on and so many lands have been purchased for private hotels and guest houses. The said allegations are false and raised with a malafide intention to grab money from the residents of the village. The allegation of houses in CRZ zone is against almost 700 houses in the village. Hence prima-facie the petition by Mr Gopal deserves to be dismissed.

10. It is submitted that the land of the answering Respondent is only 1808 sq. ft. in size and the house is in existence for more than six decades.

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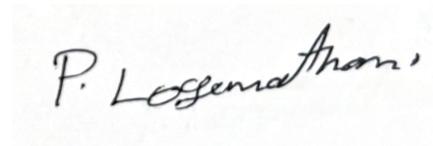
It is submitted that the house of this Respondent is located landward side of the existing road. The impugned area was severely affected due to unscientific construction of hard structures in the Pondicherry coast. As a result of which, for protection of the shore, the Tamilnadu Government had dumped rocks and boulders, setting up hard structures at the shore, in the year 2012. Hence the shore is protected from then, from erosion, and the fishermen folks are saved from further damage.

11. It is submitted that for generations the family of the answering Respondent is involved in the fishing activity and for an upliftment of lifestyle and due to age factor and health reasons, the answering Respondent, on advice by the tourists and other supporters, has converted the house to a "homestay" facility. It is pertinent to mention that the land is classified as "Natham" in the revenue records and the answering Respondent is in occupation of one of the rooms of the house and had let the other rooms on rent for a nominal charge for sustaining livelihood. Further the building of the answering Respondent is surrounded by other houses on the West, North, and South. Since, the house which was built by the ancestor of this

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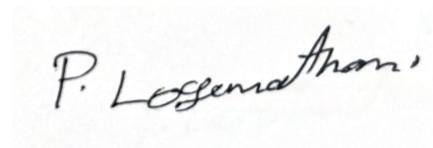
Respondent was affected by tsunami, after obtaining hand loans and help from some supporters, the house was demolished and reconstructed, after obtaining necessary permissions from the local town panchayat, viz., Kottakuppam Panchayat, vide orders in M.M. No. 368/2015, in Ka Vu. No. 16/2016-17, dt. 24.05.2016. It is necessary to state that the house constructed as a result of the above mentioned permission from the Local Body is a small structure, which a reconstruction of an existing house within the Fishermen settlement zone.

12. It is submitted that the house constructed by this Respondent was converted to a "Bed and Breakfast-Homestay", following the guidelines issued by the Ministry of Tourism, Government of India and Department of Tourism, Government of Tamil Nadu. The said ideas were also orally suggested by the 4th Respondent, during a representation made to the official in 2005, post loss of fishing boats in Tsunami. It is submitted that even the Government of India, Ministry of Tourism (H&R Division) on 10.12.2018, had issued common national standards and guidelines for classification of *"Incredible India Bed & Breakfast establishments"* and Incredible

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India Homestay establishments. Apart from that the State Government through its Department of Tourism had also issued guidelines for registration and classification of Bed & Breakfast establishments and homestay establishment in the year 2022. Following the said guidelines the answering Respondent, with help of well-wishers had registered the house under the Bed & Breakfast Homestay under clause 4 of the guidelines. It is submitted that the said guidelines were published by the Government for promotion of tourism, which shall boost the economic growth as a result. The scope of promoting bed & breakfast Home-stays is to give an experience to the tourists on the culture of the town. The same is successful in the impugned area, as majority of the foreigners travel to Pondicherry.

13. It is respectfully submitted that the answering Respondent is from the fisherman community have been engaged in the occupation of fishing for decades and due to age factor and health reasons has converted the house to a "homestay" facility, the answering respondent being not able to read or write, had appointed a care taker Balaji, under the said guidelines and serving the society on a very minimal stay rent

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with the required facilities since 2023, with eco-friendly smooth operations, guest management, and compliance with local regulations. While that being so, some villagers having malefide intentions, who had been causing trouble to these kind of homestays, who are jealous on the financial sustainability of the Homestay owners, in the area, had misrepresented the house of the answering Respondent and others as a resorts and made letter petition to this Hon'ble National Green Tribunal. And as a result of which the present application has been registered.

**WHETHER THE BUILDING IS PERMISSIBLE UNDR LAW OR NOT?:**

14. It is submitted that, as per clause (8) of the CRZ Notification 2011, the activities permissible in CRZ II are;

*"...II. CRZ-II,-*

*(i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;*

*(ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio:*

*Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:*

*P. Loganathan,*

*(iii) reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;..."*

Further, as per SO. 1599 (E) dt. 16.06.2015, the same reads as follows;

*"...Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the said Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the said Environment (Protection) Rules, 1986 the Central Government hereby makes the following further amendments in the Coastal Regulation Zone Notification, 2011, namely:—*

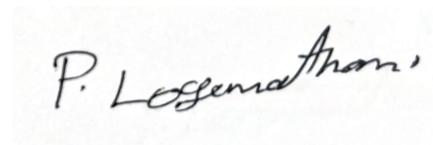
*In the said notification, in paragraph 8, in sub-paragraph (i),-*

*(a) the Note and the entries relating thereto shall be omitted;*

*(b) in clause II relating to CRZ-II, for sub-clause (ii), the following sub- clause shall be substituted, namely:-*

*" (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level:..."*

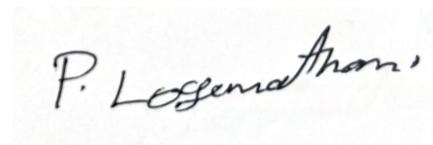
15. It is submitted that the house of this answering Respondent, which was converted as a Bed and Breakfast Homestay, is in a permissible location, even as per the CRZ notification and hence the same cannot be termed to be illegal. It is submitted that, post tsunami 2004, when



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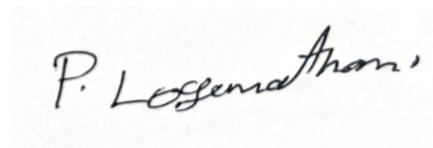
the fishermen made representations before the District Collector, for aid in sustaining the life, it was suggested to promote the houses as small Bed and Breakfast, as the area attracts tourists to the sites at close vicinity. The Home-stays developed in the impugned village are eco-friendly activity, where the rooms in the houses are shared with the tourists and this activity cannot be termed in lines of resorts or Hotel stays. The prior permission required under the CRZ notification 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. 123/1A of Kottakuppam Village and Town Panchayat, Vanur Taluk, Villupuram District, in a very small area of 1808 Sq Ft. Even from the approved CZMP, 2018, it could be

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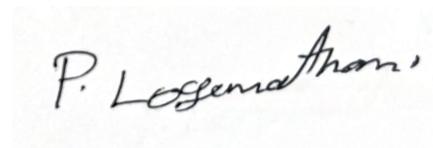
clearly seen that the land of the answering Respondent is located well within the fishermen settlement area and there exists an approved, developed Government Road between the house and the coast. Further the building of the answering Respondent is also demarked in the CZMP, falling under the CRZ II 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.

17. It is submitted that, apart from this Respondent's house, there are more than 700 houses which are located within 500 metres from the High Tide Line (HTL), in the CRZ II area of the impugned village. Though, these buildings are falling within the Coastal Regulation zone, the buildings are constructed only with the permissions from the Local Authorities and not from the Coastal Zone Management Authority. It is submitted that the Tamil Nadu Coastal Zone Management Authority had delegated their powers to the local planning authorities, for granting permissions to small residential constructions, in the year 2012. Hence, the houses falling within 500 metres, i.e., within the CRZ zone from the HTL, in CRZ II cannot be

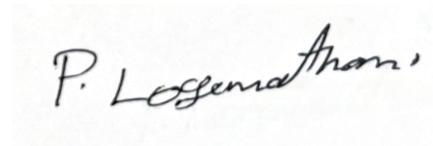
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termed to be illegal. It is submitted that, apart from a small house, the other activities does not fall under the delegated category. The permission obtained by the answering Respondent is well within the delegation, issued in 2012, and the building of the answering Respondent cannot be termed to be illegal. Apart from the said, on oral enquiry, it is understood that none of the houses had been granted permission by the District Coastal Zone Management Authority, Villupuram, in the village. It is necessary to state that the house of this Respondent is in existence for more than 60 years in the present location and it is only a reconstruction work that has happened in 2014, and that too with the prior permission of the local authority. Hence, the house which is in existence prior to the Coastal Regulation Zone Notification, 1991, cannot be termed as an illegal structure. Further, the conversion of legal houses/buildings to a Homestay, with permission of the Tourism Department, of the Government cannot be termed to be illegal.

18. While that being so, based on a false petition by one Mr. Gopal, who had misrepresented the facts with an intention to cause trouble and hardship to other fishermen in the area, the present original

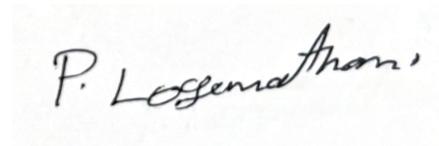
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application had been registered. It is to be noted that the petition which is said to be made, alleging against this answering respondent, is not produced or in hands of this Respondent. The present reply is made in assumption and the non disclosure of the said petition is in violation of principles of natural justice. It is submitted that the committee had picked and chose only five home-stays in the CRZ area, when there are about 150 other similar home-stays within 500m from the HTL. The act of the committee in picking and choosing only 5 houses and terming it to be in violation of law, is arbitrary. The committee had failed to see that these houses are existing even prior to 1991 and the same are within the Fishermen settlement area. But without application of mind, the committee had alleged that the houses, including the answering Respondent's, as illegal. It is submitted that the buildings of the Respondents 5 to 9 are located in RS No. 123 and 121 of Kottakuppam Village and Town Panchayat, Vanur Taluk, Villupuram District. It is necessary to state that the said lands fall under the land classification of "Natham". And the building is surrounded by large number of buildings. It is pertinent to mention that the house buildings of the Respondents 5 to 9 are located within the "Fishermen settlement", owned by fishermen. It is submitted that

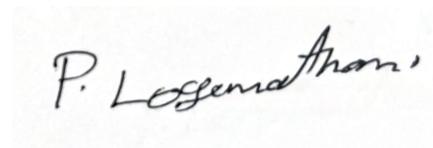
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the said buildings were re-constructed after obtaining necessary permissions from the town planning local authorities.

19. Though the case was registered based on the letter from one Mr. Gopal, and this Hon'ble National Green Tribunal was pleased to mark him as a party in the said case, at no instance the Applicant was present. It is only to threaten the landlords the Applicant made such a complaint with false allegations. The case was listed on 09.02.2024 before this Hon'ble National Green Tribunal, Southern Zone, Chennai after being renumbered as O.A. No.18 of 2024. None of the hearings the Applicant (i.e) the complainant appeared before this Hon'ble National Green Tribunal, including on 16.05.2024, 05.08.2024, 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.

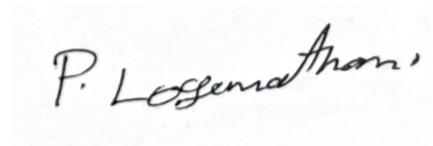
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20. It is submitted that after registration of the case, the authorities had initiated action and issued show cause notice to the answering Respondent dt. 06.01.2023. The said show cause notice is made only based on the complaint made by Mr. Gopal 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 cause notice under Section 5 of the Environmental (Protection) Act, 1986, only to Respondents 5 to 9, even though there are 700 other houses within 500m and that too when none of the Respondents were made party or mentioned in the petition by Mr. Gopal. The said act of the authorities are in violation of principles of natural justice and the said show cause notice dt. 06.01.2023, is an abuse of process of law.

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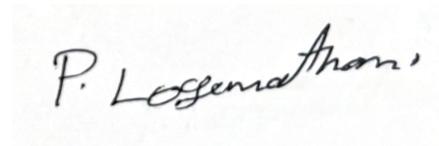
It is submitted that the Vide communication dt. 27.01.2023, the answering Respondent had replied to the above communication, that too which was made on compulsion by the authorities, even without letting to obtain legal advice, as the owner of the lands are illiterates.

21. It is submitted that the Government of Tamilnadu had passed a Government order, through the Tourism, Culture and Religious Endowments Department, in GO Ms No.105, dt. 27.04.2022, framing guidelines for Bed & Breakfast / Homestay. It is to be noted that the difference between the Bed & Breakfast and Homestay is only the supply of food by the owner. In any event, it is only a small tourism promoting move of the Government, in entertaining the house owners to let the rooms inside the house for rent for the tourist. The said G.O is nothing but a consequential move of the State Government following the Government of India, Ministry of Tourism (H & R Division) Guidelines. It is submitted that based on whether breakfast is supplied or not, the certificate under the guidelines is issued. (i.e) If the stay house provides breakfast, then the same is registered under the "Incredible India" or if the house is let for only stay, then the same

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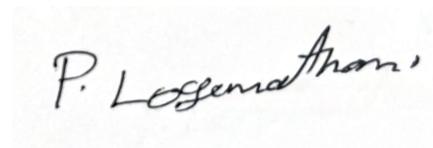
is registered only under the Tamilnadu Public Building licensing Act, 1965.

22. It is submitted that, though there are approximately 700 buildings within the CRZ zone, in the village, the Joint committee had chosen only 5 buildings and reported the same as illegal. The act of the committee is illegal and at base the report is liable to be set-aside for the said reason, which has severe suppression of material facts. The buildings of the Respondent 5,6,7 and 9 are within the fishermen settlement area. And the show cause notice issued by the 4th Respondent based on the said report is liable to be struck down. The said notice is nothing but the depiction of the proceedings of the present case, with a conclusion to show cause why action shall not be initiated. The authority had failed to understand that the building is not illegal as the same is located for the past 60 years in the impugned place, surrounded by buildings on three sides in the Fishermen settlement zone.

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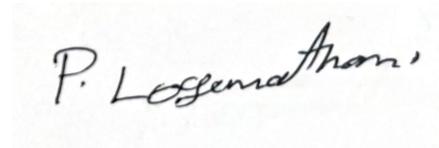
23. It is submitted that the report submitted by the Joint Committee has pick and chosen only 5 buildings, when there are about 700 other buildings within the CRZ area, which has no permission from the District Coastal Zone Management Authority, Villupuram. The said act is in violation of Fundamental Rights guaranteed under the Constitution of India, 1950. The statement made by the committee that there are only four of the private Respondents' buildings in the CRZ II area is wrong. The observation that the same is a "resort" is wrong. It is to be stated that the houses are inhabited site of fishermen community and the houses are in existence for several decades having proof of existence with Electricity bills, standing in the name of Fishermen folks.

24. It is submitted that the houses are used as Home-stays, with the permission of the authorities, including the Guidelines for Registration and Classification of Bed & Breakfast Establishments and Homestay Establishments similar to letting a house on lease/ rent, the houses of the private Respondents are let to tourist based on the guidelines issued by the Tourism, Culture and Religious Endowments Department. It is submitted that the Original Application had been

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registered based 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.



Solemnly affirmed on this the  
16<sup>th</sup> day of September, 2025, and  
Signed his name in my presence

BEFORE ME

*S. Arthi*  
(Mk- 4351/2023)  
(No. 348, Thambu  
Street, Chennai)

ADVOCATE: CHENNAI

