

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE)
AT CHENNAI**

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

Original Application No. 55 of 2025

Ramaniyam Towers Residents Association,

Represented by Mr. Kannan Subbiah,

Authorized Representative

...Applicant

v.

Tamil Nadu Coastal Zone Management Authority

Represented by its Member Secretary and Ors.

...Respondents

MEMO FILED ON BEHALF OF THE APPLICANT

It is submitted as follows:

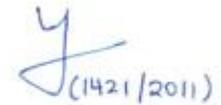
1. The present O.A. was filed challenging the illegal construction of a new road by the 2nd Respondent in violation of the CRZ Notification, 2011.
2. In their counter dated 31.03.2025, the 2nd Respondent produced the minutes of the 7th meeting of the District Green Committee, Chennai. The Applicant came to know that tree felling permission had been granted by the District Green Committee for the subject project. The Applicant therefore filed a writ petition challenging the procedural illegalities that culminated in the grant of such permission, which was numbered as **W.P. No. 12357 of 2025** and listed for admission on 04.04.2025, and thereafter posted to 08.04.2025. The affidavit of the Petitioner in the said W.P. has been annexed with this memo.
3. After the filing of the present Application, the Applicant realised that the approved CZMP prepared under the CRZ Notification, 2011 did not mark

the lush mangroves in the subject area, as a result of which the area has been wrongly marked as CRZ IB and not CRZ IA, entitling it to a lesser level of legal protection. Aggrieved by the same, the Applicant filed an application before this Hon'ble Tribunal, which has been numbered as **O.A. No. 65 of 2025**, and has been listed for admission on 08.04.2025.

4. It is therefore prayed that this Hon'ble Tribunal may be pleased to take this memo on record, and pass such further orders as it may deem proper and necessary in the interest of justice.

Dated at Chennai on this the 7th day of April, 2025

Through



Yogeshwaran A
Counsel for Applicant

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

WP No. 12357 of 2025

Ramaniyam Towers Residents Association,
Represented by Mr. Kannan Subbaih,
Authorized Representative,
Registration No: 353 of 2002,
No. 12, Greenways Road, R.A. Puram,
Chennai – 600 028

.. Petitioner

Vs

1. The District Green Committee, Chennai District
Rep by its Chairperson,
The District Collector
Fourth Floor, M. Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai – 600 001

2. The Divisional Engineer (H),
CMDP Division - III,
Highways Department,
Government of Tamil Nadu,
76/2, Sardar Patel Road, Guindy,
Chennai – 600 025

... Respondents

AFFIDAVIT OF KANNAN SUBBAIH

I, Kannan Subbaih, authorized representative of the petitioner association, Ramaniyam Towers Residents Association (Registration No: 353 of 2002), residing at No. 12, Greenways Road, R.A. Puram, Chennai – 600 028 do hereby solemnly affirm and sincerely state as follows:

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1. I am the authorised representative of the petitioner herein and I am aware of the facts and circumstances of the case and competent to affirm this affidavit.
2. I am filing the present writ petition challenging the permission dated 24.10.2024 issued by the 1st respondent to the 2nd respondent for the felling of 69 trees and the translocation of 12 trees for its ongoing construction of a new highway by the 2nd Respondent to connect Greenways Road (D. G. S. Dinakaran Salai) with Durgabai Deshmukh Road through Tamil Nadu Music College, which passes through CRZ areas in the Adyar River. These trees are located in the vicinity of the petitioner's colony and we are aggrieved by the proposed felling and would be directly affected by the removal of green cover.
3. The impugned proceedings are vitiated by conflict, as the 2nd respondent project proponent is part of the very committee which has cleared its proposal and the proceedings are bereft of any consideration of relevant factors and is absent reasoning.
4. I submit that the petitioner has filed an Original Application before the Hon'ble National Green Tribunal, numbered as OA No.55 of 2025 aggrieved inter alia by the fact that the subject project was being executed without mandatory approvals under the CRZ Notification,2011. The fact that trees were being felled for the project was also raised in the application.
5. On 26.03.2025, the application came up for admission before the Hon'ble NGT and was adjourned to 1.04.2025 for the respondents therein to respond on the status of clearances. Though the 2nd respondent claimed that they had obtained permission from the 1st respondent for tree felling, copy of such permission was not produced.
6. On 01.04.2025, the 2nd respondent filed a status report dated 29.03.2025 along with a typed set of documents, producing the impugned

proceedings dated 24.10.2024. The 2nd respondent justified its ongoing tree felling on the strength of this proceeding.

7. The Hon'ble NGT adjourned the application to 08.04.2025 for the Tamilnadu Coastal Zone Management Authority to respond.
8. I submit that the validity of the impugned proceedings of the 1st respondent cannot be assailed before the Hon'ble NGT as the NGT's jurisdiction is limited to orders passed under 7 statues listed in the schedule to the Act. The 1st respondent was formed by the State Government vide a Government order and its orders are not within the jurisdiction of the NGT and therefore the present writ petition is filed.
9. The impugned proceedings are not communicated to the public and the petitioner became aware of the proceedings only when it was filed by the 2nd respondent before the Hon'ble NGT on 01.04.2025 and the present writ petition is filed immediately.

Impugned proceedings are vitiated

10. I submit that impugned proceedings dated 24.10.2024 of the 1st respondent are arbitrary, illegal and vitiated by conflict. The approval accorded to the 2nd respondent's project is at serial number 16 of the table in the impugned proceedings. It merely provides numbers under different heads and status states "approved".

11. No reasoning – non consideration of relevant factors:

- a. There is a complete lack of reasons stated for the decision to permit the felling of 69 trees and relocation of 12 trees. Reasons are the link between the decision and the mind of the decision maker and the absence of reasoning in the impugned proceedings vitiates it. I am advised to submit that it is settled law that every action of the State or an instrumentality of the State must be informed by reason.

- b. The impugned proceedings do not take into account the value of ecological services provided by the subject trees like carbon sequestration, oxygen generation, shade services, biodiversity services etc, whether alternatives are possible and have been explored and the impact of felling trees in an urban setting, where large trees are fast disappearing and its impacts are already being felt in the form of rising temperatures, heat island effects etc.

12. Conflict – project proponent clears its own proposal

- a. It is seen from the impugned proceedings that the list of members who were present in the meeting on 24.10.2024 includes
 - i. D.Sathya, DE, Highways Department, CMDP, Division III,
 - ii. L.Ravichandran, DE, Highways Department, CMDP, Division 5.
- b. Both these persons are listed as members at serial number 9 of the table in the proceedings.
- c. The 2nd respondent is the project proponent who is executing the project and who has applied for all statutory permissions and recommendations have also been issued to the said respondent.
- d. It is shocking that the project proponent would participate in the 1st respondent's meeting as a member, especially when its project is being considered for approval and they issue approval to themselves for the felling of trees.
- e. This mockery of law is further compounded by the fact that it is the same officer, who has filed the reply before the Hon'ble NGT as well. It is understandable for the project proponent to file replies in Court but it is inexcusable for the project proponent to participate in the process of granting clearance.

13. It is submitted that tree felling has commenced and a total of 7 trees adjacent to the petitioner's colony have been felled and since 14.03.2025, full-fledged activity is going on at the site. The respondent has marked the trees with numbers and is proceeding rapidly with the project work. There is urgency in the matter and the balance of convenience is in favour of grant of interim orders staying the operation of the impugned proceedings and injuncting the respondent from felling any trees or clearing undergrowth on the strength of the impugned proceedings. NO prejudice will be caused to the respondents if they are directed to act in accordance with the law.
14. I have no other alternative remedy except to approach this Hon'ble Court for redressal under Article 226 of the Constitution of India on the following among other

GROUND

- A. The impugned proceedings are vitiated as the 2nd respondent project proponent was part of the committee which granted the permission for felling 69 trees and relocating 12 trees for the 2nd respondent's project.
- B. The impugned proceedings are bereft of any reasoning and the reasons for granting approval for the proposed felling of trees have not even been discussed and the absence of reasons vitiates the proceedings.
- C. The impugned proceedings are liable to be set aside since relevant factors like the value of ecological services provided by the subject trees like carbon sequestration, oxygen generation, shade services, biodiversity services etc, whether alternatives are possible and have been explored and the impact of felling trees in an urban setting have not even been considered.

D. The impugned proceedings are arbitrary, illegal and violative of Article 14 and 21 of the Constitution of India.

15. I am in possession of the photostat copy of the impugned proceeding as filed by the 2nd respondent before the Hon'ble NGT. The original proceeding is not communicated to me or to any member of the public. The non-filing of the original is for the above bonafide reason.

It is therefore prayed that this Hon'ble Court may be pleased to dispense with the production of the original impugned proceedings of the 7th meeting of the 1st respondent committee dated 24.10.2024 and thus render justice.

It is therefore prayed that this Hon'ble Court may be pleased to stay the operation of the impugned proceedings of the 1st respondent in its 7th meeting on 24.10.2024 in so far as it relates to the approval accorded to the 2nd respondent at serial number 16 of the impugned proceedings for the felling of 69 trees and relocation of 12 trees, pending disposal of the present writ petition and thus render justice.

It is therefore prayed that this Hon'ble Court may be pleased to issue an order of injunction restraining the 2nd respondent from felling any trees or clearing undergrowth for its ongoing construction of a new road to connect Greenways Road (D. G. S. Dinakaran Salai) with Durgabai Deshmukh Road through Tamil Nadu Music College, pending disposal of the present writ petition and thus render justice.

It is therefore prayed that this Hon'ble Court may be pleased to issue a writ or order in the nature of a writ of Certiorari calling for the records of the 1st respondent culminating in the minutes of its 7th meeting on 24.10.2024 and quash the same in so far as it relates to the approval accorded to the 2nd respondent at serial number 16 of the impugned proceedings for the felling of 69 trees and relocation of 12 trees, pass such other order or orders as may be fit, proper and necessary in the facts and circumstances of the case and thus render justice.

Solemnly affirmed and signed his name

BEFORE ME

this the 3rd day of April, 2025

at Chennai

ADVOCATE : Chennai