

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

Original Application No. 55 of 2025

Ramaniyam Towers Residents Association .. Applicant

Vs

Tamil Nadu Coastal Zone Management Authority & Ors .. Respondents

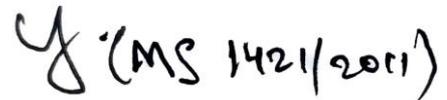
MEMO FILED BY THE APPLICANT

The applicant submits as follows:

1. The applicant had filed a memo dated 07.04.2025 and placed a copy of the affidavit filed in W.P No. 12357 of 2025 on record.
2. W.P No. 12357 of 2025 was allowed on 08.04.2025 and the proceedings of the Green Committee dated 24.10.2024 were quashed and the committee was directed to consider the issue afresh. Copy of the order has not been uploaded till date.
3. The Adyar river has been filled and encroached illegally and mangroves have been destroyed. The area where the road is proposed now was part of the water spread and mangrove area. After illegally clearing trees and mangroves and filling in the area, it is now sought to be contended as though the area has no trees and the project is permissible. Therefore, the Applicant had filed W.P No. 13205 of 2025, which is listed before the Hon'ble High Court today. Copy of the said affidavit is filed along with this memo.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take this memo on record and thus render justice.

Dated this the 15th day of April, 2025 at Chennai



Counsel for the Applicant

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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 aggrieved by the encroachment of the Adyar river by illegal dumping of sand and other materials in the water spread area to the east of the Thiru Vi Ka bridge, along the northern banks of the river for a distance of about 700 metres, the destruction of Mangroves and trees, and the reclamation of the river by the Respondents. The Respondents have illegally encroached into the river. This illegally reclaimed / filled in area is now being used by the 2nd Respondent to construct a road. Even if the Respondents are not the authors of the violation, the 1st Respondent is the custodian of the river and ought to have prevented the encroachment and taken action to restore the area. The facts leading to the present Petition are detailed below.
3. I submit that the Petitioner's apartment complex and the Music college are located on the road branching off the Durgabai Deshmukh road, which is a cul-de-sac. The existing road ends with the Music college and beyond this, the area leading to the Adyar river was undisturbed and free of any construction or other development. The Petitioner's apartment complex is not located within the CRZ area. The existing road is maintained by the Music college and the Petitioner's apartment complex by paying 50% of the cost of maintenance.
4. I submit that in March, 2025, the 2nd Respondent started work on the road and we were shocked to learn that the 2nd Respondent was constructing a road through the Music college, the animal dispensary and

the river to join the road near the Thiru Vi Ka bridge, along the MGR Janaki College. Sporadic work commenced at the site and by 14.03.2025, work was proceeding at full swing. Several trees were felled. I submit that representations submitted to the authorities did not yield any results.

5. I submit that the area at present is a quiet residential locality, without traffic and has numerous trees. The Adyar river / estuary has lush mangroves and the construction of a road through the area is not even a permissible activity under the CRZ Notification, 2011 and the Respondents had marked more than 80 trees for felling on the road leading to the Music college and in the area leading to the river. I submit that the proposed road is a false solution to a real problem and will not aid in addressing the traffic congestion on these roads. Moreover, I learnt that the project is not even permissible in the proposed area and have initiated the following proceedings since to address illegalities:

- a. I submit that on 24.03.2025, the Petitioner herein filed an application before the Hon'ble National Green Tribunal numbered as OA No.55 of 2025 aggrieved inter alia by the fact that trees were being felled and the activity was proceeding without any clearance from the authorities under the CRZ Notification, 2011. The fact that the laying of a road was prohibited in an area with mangroves was also pleaded in the OA. The OA was listed for admission on 26.03.2025 and adjourned to 01.04.2025. On the said date, the 2nd respondent filed a status report along with the permission obtained from the district green committee dated 24.10.2024 for the felling of trees. The OA was adjourned to 08.04.2025 for the coastal zone management authority to respond.
- b. I submit that I was shocked to see that the 2nd respondent participated in the meeting of the District Level Green Committee

on 24.10.2024 as a member and their proposal was also cleared in the same meeting. The minutes of the said meeting contained no reasons whatsoever for approving the felling of trees for the 2nd respondent's project. I was informed that the approval of the District Green Committee cannot be challenged before the Hon'ble NGT since it does not fall within the 7 statutes listed in schedule I of the NGT Act, 2010.

- c. Therefore, I filed a writ petition before this Hon'ble Court numbered as W.P. No. 12357 of 2025, which was listed for admission on 04.04.2025 and adjourned to 08.04.2025.
 - d. I submit that the presence of lush mangroves in the stretch of the Adyar river is well known. However, the approved Coastal Zone Management Plan under CRZ Notification 2011 did not demarcate these mangrove areas and as a result, the protection these mangroves were entitled to as ecologically sensitive areas was denied. The 2nd respondent, taking advantage of this illegality had submitted applications to the Tamil Nadu Coastal Zone Management Authority (TNCZMA) for its project, stating that the classification of the said area inside the river was CRZ IB (Inter tidal area) and CRZ II. To address this illegality and omission in the approved CZMP, another original application has been filed before the Hon'ble NGT on 04.04.2025. This application has been numbered as O.A. No. 65 of 2025, and has not been listed for admission yet.
6. I submit that while preparing the above proceedings, I was shocked to learn that the Respondents have illegally dumped soil, rubble and other materials inside the river, and have encroached into the river along the northern bank of the river. This area is now being used by the 2nd

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respondent for laying the subject road and it is contended that the area does not have any trees or mangroves.

7. I submit that the water spread area of the Adyar estuary used to extend till the compound wall of the MGR Janaki college located to the North of the river. Mangroves were present along the banks and other trees were also present.
8. I submit that an analysis of Google Earth imagery shows that post June 2022, the illegal clearing and encroachment into the river is clearly visible.
 - a. In Google Earth satellite imageries dated 04.02.2022 and 06.06.2022, the northern bank of the river is covered with greenery. The area has mangroves and other trees as well. Water can be seen till the compound wall of the MGR Janaki college.
 - b. In the Google Earth satellite imagery dated 24.11.2023, it can be seen that the area has been cleared of vegetation and soil has been dumped. The width of the encroachment is about 15 metres and the extent of the clearing and filling is about 700 metres.
9. I submit that I have reliably learned that the river was filled in and encroached by dumping dredged sand from the river mouth, and regular soil and JCBs were used to clear the mangroves and trees. I submit that I was not aware of this illegality at that time. I submit that I have, with a lot of difficulty, obtained photographs taken in August and September 2023 when the river was filled in and I have filed these photographs with this writ petition. I have also filed the photographs of the area as it is today. These photos have also been produced in the Hon'ble NGT and in the pending writ petition.

10. I realised the significance of this illegality and its place in the grand design of the 2nd respondent only when I read the proposal for CRZ clearance submitted by the 2nd respondent describing this area along the river as CRZ IB and II and further declaring that there are no trees within the CRZ area. The area was illegally cleared of mangroves and trees and filled in and clearance was sought to be obtained as though no mangroves or trees exist in the area. This subterfuge is inexcusable and unbecoming of the Respondent authorities.
11. I submit that the Respondents have no powers to encroach into the river, even for the purpose of creating a bund, which can only be done on the outer periphery of the river and not inside the river.
12. I submit that the issues raised in the pending proceedings and the present writ petition are distinct. The proceedings in the Hon'ble NGT concern violation of the CRZ Notification, 2011, inter alia whether the 2nd Respondent can proceed without clearance from the Ministry of Environment, Forest and Climate Change since the Tamil Nadu Coastal Zone Management Authority is only empowered to recommend and not accord approvals, and the failure to mark the mangroves in the relevant CZMP sheet i.e. map No. TN 109. The issue pending before this Hon'ble Court in W.P. No. 12357 of 2025 is a challenge to the proceedings of the Green Committee dated 24.10.2024. The issue raised in the present writ petition concerns the illegal encroachment into the Adyar river, which is not the subject matter of the other proceedings and I cannot raise this issue in the other proceedings.
13. I am advised to submit that in WP 30167 of 2008, the 2nd Respondent had informed the Hon'ble Court of the proposal to construct the subject

road, and vide order dated 07.09.2023 the Hon'ble Court directed the Department to comply with the schedule mentioned in the report. This writ petition was filed by the MGR Janaki College against orders for resumption of land and it is seen from orders of this Hon'ble Court that the college had ceded land to the authorities. This writ petition did not concern the legality of the road proposed by the 2nd Respondent.

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 1st Respondent has failed to see that subject area on the northern banks of the Adyar river near the Thiru Vi Ka bridge has been illegally cleared of mangrove and other vegetation and water spread area has been filled in with sand and other materials, in complete violation of the law.
- B. The Respondents have failed to see that the mangroves are protected as ecologically sensitive areas under the CRZ Notification, 2011 and ought not to have been cleared.
- C. The 2nd Respondent has proposed to construct a road through this illegally filled in area, which would cement this illegality.
- D. The Respondents have failed to see that encroachments in the Adyar river exacerbate flooding and the subject illegality ought to be addressed at the earliest.
- E. The 1st Respondent is duty bound to restore the river to its original condition and the encroachment is violative of Articles 14 and 21 of the Constitution of India.

15. I submit that the 2nd Respondent is executing its project despite the subject blatant illegality and there is urgency in the matter. The entire proposal of the 2nd Respondent is premised on the fact that there are no trees in the CRZ areas, suppressing the fact that the mangroves and trees in the area were illegally cleared and the area in reality ought to have been given the fullest protection of the law. The balance of convenience is in favour of granting interim orders in favour of restoration of the river and in favour of the Petitioner. No prejudice will be caused to the respondents if they are directed to comply with the law.

It is therefore prayed that this Hon'ble Court may be pleased to direct the 1st Respondent to ensure that no person or authority, including the 2nd Respondent use the subject area along the northern bank of the Adyar river on the eastern side of the Thiru Vi Ka bridge, pending disposal of the 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 proceeding with any clearing, levelling, construction or road laying activity in the subject area along the northern bank of the Adyar river on the eastern side of the Thiru Vi Ka bridge, pending disposal of the writ petition and thus render justice.

It is therefore prayed that this Hon'ble Court be pleased to issue a writ or order in the nature of a Writ of Mandamus directing the 1st Respondent to forthwith remove the encroachment in the Adyar river by removing the entire quantum of sand and other materials dumped in the Adyar river along its northern banks, on the eastern side of the Thiru Vi Ka bridge, restore the original hydrological regime of the river, the

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mangroves and other vegetation and restore the river to its previous state and pass such further order 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 5th day of April, 2025

at Chennai

ADVOCATE : Chennai