

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

**Original Application No. 18 of 2024 (SZ)**

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 & 8 Others

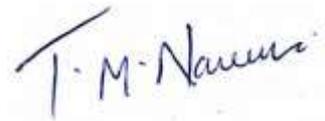
**... Respondents**

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Certified that the above document(s) are true copy of their respective original.

Dated at Chennai on this the 12th day of January, 2026.



**Counsel for 9th Respondent**

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**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.  
Email Id - ro.moefccc@gov.in.  
Phone No - 044-28222325

**3. Tamil Nadu Pollution Control Board,**

Represented by Member Secretary,  
No.76, Mount Salai,  
Guindy, Chennai - 600 0032.  
Email Id - memsec@tnpcb.gov.in  
Phone No - 044 2235 3141

**4. District Collector,**

Collector Office Road,  
Moovendar Nagar,  
Villupuram - 605 602.  
Email Id - collrvpm@nic.in  
Phone No - +91-4146-222450



- 5. M/s. Mermaid Resort -1,  
Represented by its Authorized Person,  
P. Loganathan S/o Pavadaiswamy**  
No.18, West Street,  
Chinna Mudaliyar kuppam,  
Villupuram District – 605 104.
- 6. M/s. Mermaid Resort - 2,  
Represented by its Authorized Person,  
Eruchappan S/o Sellappan**  
No.35A, South Street, Chinna Mudaliyar kuppam  
Bommayarpalayam, Kattukuppam,  
Villupuram District – 605 104.
- 7. M/s. L-Ambay Cafe Resort -1,  
Represented by its Authorized Person,  
Mr. A.Iyyanar S/o Ammavasai**  
5, South Street, Chinna Mudaliyar Chavadi,  
Kattukuppam,  
Villupuram District.
- 8. M/s. New Building,  
Represented by its Authorized Person,  
Suresh S/o Arumugham**  
71 Tsunami Nagar, Chinna Mudaliyar Chavad  
Bommayarpalayam, Kattukuppam,  
Villupuram District – 605 104.
- 9. M/s. L-Ambay Cafe Resort - 2,  
Represented by its Authorized Person,  
Mr. E.Devaraj S/o Elumalai**  
D.No.06, Sengazuneer Amman Kovil Street,  
Kottakuppam Village & Town,  
Vanur Taluk,  
Villupuram District.
- ... Respondents**



**COUNTER AFFIDAVIT FILED BY THE 9<sup>th</sup> RESPONDENT**

I, Devaraj, S/o Elumalai, residing at No. 21, Sengarimman Kovil, Kuppum Chinna Mudaliyar Chavadi, Kattukuppam, Villupuram District- 605 104., now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows;

1. I am owner of the land, which is arrayed as 9<sup>th</sup> Respondent in the above application and as such I am well acquainted with the facts and circumstances of the case.
2. 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, the Applicant herein.
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, under Section 14 of the National Green Tribunal Act, 2010, vide order dt. 01.08.2022. Following



which, by order dt. 15.11.2022, the Hon'ble National Green Tribunal (PB) 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 IInd 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, based on a report filed by the Joint Committee, which was constituted by the Hon'ble Principal 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 Pollution Control Board was made as the Nodal agency and the other parties to the said committee is as follows;

- i. The Regional Office of MoEF, Chennai,
- ii. The Tamil Nadu Coastal Zone Management Authority (TNCZMA),
- iii. The Tamil Nadu Pollution Control Board and
- iv. The District Collector, Villupuram District.

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 reply of the District Collector. The present reply affidavit is filed, only based on the Inspection report of Joint committee dt. **22.09.2022** and



the report of the 3<sup>rd</sup> Respondent (TNPCB) dt. 21.02.2023. The answering Respondent reserves his right to file additional reply affidavit for any additional report or reply filed by any other authority, and denies all the allegations and observations in the reports filled already.

**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 its location, which has easy access to the above mentioned two places. 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 their forefathers. The answering Respondent is living in the impugned building and has let the other rooms on rent to the tourist to generate income for daily living.
8. It is submitted that the impugned area falls in, the approved Coastal Zone Management Plan, Map No. 91. The areas within 500m are demarked as CRZ II. It is submitted that the house of the answering



Respondent is misrepresented in the reports as resort and the buildings are located within the "Fishermen Settlement" of the said map, showing the existence of the buildings prior to 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 house of the answering Respondent is only 633 sq. ft. in size and the house is in existence for more than six decades. The same is located in S. no. 121/6 Part of Chinna Mudaliar Chavady, Kottankuppam Village, Vanur Taluk Viluppuram District. It is submitted that the house of this Respondent is located just West of the existing road. The same was affected due to unscientific construction of hard structures in the Pondicherry coast and the coast all along the east had eroded and now in the last few years, upon the correction in the hard structures in the North, the shore is regaining its coastal nature.
10. 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

A handwritten signature in blue ink, appearing to read 'S. Thang', is located at the bottom right of the page.

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. 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 Respondent was affected by tsunami, after obtaining hand loans and help from some supporters, the house was demolished and reconstructed. It is submitted that the after obtaining necessary permissions from the Thasildar dated 28.02.2023, in Proceedings No. A1/495/2023 including fire safety certificate the house was reconstructed with a small structure, which is only a reconstruction of an existing building within the Fishermen settlement zone, on the landward side of the existing developed road.

11. It is submitted that the house constructed by this Respondent was converted to a "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. It is submitted that even the Government of Indian, Ministry of Tourism (H&R Division) on 10.12.2018, had issued common national standards and guidelines for classification of



"Incredible India Homestay" establishments. Apart from that, the State Government through its Department of Tourism had also issued guidelines for registration and classification of homestay which also includes bread & break-fast establishment in the year 2022. 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 homestays is to give an experience to the tourists on the culture of the town. The same is successful in the impugned area, as major foreign tourists visit the area in South India. While that being so, some villagers having malefic 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.

12. 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:
- (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:..."*



13. It is submitted that the house of this answering Respondent, which was converted as a Homestay, is in a permissible location, even as per the above notification and hence the same cannot be termed to be illegal. It is submitted that, post tsunami 2004, when the fishermen made representations before the District Collector, for aid in sustaining the life, it was suggested to promote the houses as Home Stay, 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.
14. It is submitted that the house of this Respondent is located in Sengazuneer Amman Koil Street, in S.No. 6/9, New S.No. 121/7, of Kottakuppam Village and Town Panchayat, Vanur Taluk, Villupuram District. 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 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

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the existence of a development between the building and the coast, the house of this Respondent cannot be termed to be illegal.

15. 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 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.

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16. 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 2016. 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 Thasildar cannot be termed to be illegal. It is submitted that as per Annexure III of the CRZ Notification 2011, the prior permission is required only for resorts and hotels, and that too which requires minimum of 0.4 Ha. Further there is no restriction or bar on the conversion of the existing authorised fisherfolk house to a Home-stay, when the other Department, viz. the Tourism department encourages the same. The support of the Tourism department is for promoting the economy of the Country in an eco-friendly method. There can be noticed no pollution in any aspects and even there are no bore-wells operated by any of the arrayed Respondents, in the present application.
17. It is submitted that the Mr. Gopal had misrepresented the facts with an intention to cause trouble and hardship to other fishermen in the area, and the present original application had been registered on the

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said petition. 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 even Patta is available for the same. The impugned house is surrounded by large number of other buildings which are located within the "Fishermen settlement", owned by fishermen folks.

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18. 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.
19. It is submitted that after registration of the case, based on the report of the joint committee, the authorities had initiated action and issued show cause notice to the answering Respondent, vide proceedings no. **dt. 06.01.2023**. The said show cause notice is made only based on the present litigation which was initiated on the complaint made by Mr.



Gopal. The same is seem to be only a formality, to show that action had been initiated by District Level Coastal Zone Management Authority, Villupuram. It is submitted that the as per the 2021 Delegation of powers, the District Level Coastal Zone Management Authority had issued permissions to none 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. The said show cause notice dt. 06.01.2023, is an abuse of process of law. Vide communication dt. 27.01.2023, the answering Respondent had replied to the above communication. The said communication is made by the illiterate owners, upon directions by the authorities themselves. The same would be evident from the fact that the signature is made in Tami, wherein the contents are in english and even without the same being attested as translated.

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

21. 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 said buildings are within the fishermen settlement area. Based on the said report, the District Coastal Zone Management Authority, Villupuram had also issued show cause notice on 06.01.2023. 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. The answering Respondent had also sent reply on 27.01.2023.

22. 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.

23. It is submitted that the houses are used as only small Home-stays, with the permission of the authorities, which is 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

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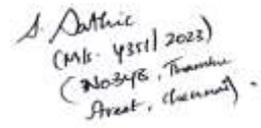
Religious Endowments Department with no kitchen even. It is submitted that the Original Application had been registered based on a false letter petition by a resident of the same village, who had made the allegations for threatening the private Respondents.

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 malafide intent letter petition, and thus render justice.

Solemnly affirmed on this the  
12<sup>th</sup> day of January, 2026, and  
Signed his name in my presence  
and explained in tamil.



BEFORE ME



A. Dattaraj  
(Mk. 4351/2023)  
(No. 3476, Thambur  
Street, Chennai)

Advocate: Chennai



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**COUNTER AFFIDAVIT FILED BY  
9<sup>th</sup> RESPONDENT**

M/s. TM NAVEEN

9884422653

**COUNSEL FOR 9<sup>th</sup> RESPONDENT**