

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No.473 of 2022 (PB)**

GopalChinnaMudalyarChavady

...Applicant

Vs

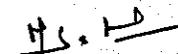
State of Tamil Nadu and Ors.

...Respondents

**REPORT FILED BY THE
DISTRICT COLLECTOR, VILLUPURAM.**

I, C. Palani, S/o. Thiru. T. Chinnathambi, Hindu, aged about 52 years, and discharging the duties of the District Collector and District Magistrate, Villupuram District, do hereby solemnly affirm and sincerely state as follows:-

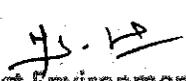
1. I am the District Collector, Villupuram, and filing this Report on behalf of the Respondents District Collector, Villupuram and as such I am well acquainted with the facts of the case from the records.
2. It is respectfully submitted that the present application is registered based on a complaint received by e-mail by one Mr. GopalChinnaMudalyar, Chavady, Villupuram against violation of Coastal Regulation Zone (CRZ) Notification in their village as within the area of 10 metres so many private beach hotels are running, new building construction is going on and so many lands have been purchased for private hotels and guest houses.
3. It is respectfully submitted that vide order dated 15.11.2022, this Hon'ble Tribunal impleaded the answering respondent as 3rd Respondent among the other respondents directing to file reply/response within two months.
4. It is respectfully submitted that this Hon'ble Tribunal also directed notices to be served on Respondent nos. 5 to 9 – Project Proponents


District Environmental Engineer,
Tamilnadu Pollution Control Board
Villupuram - 605 602.


COLLECTOR
VILUPPURAM DISTRICT
VILUPPURAM

through District Collector, Villupuram and for this purpose notices issued to the Project Proponents be sent to the District Collector, Villupuram by e-mail for getting service of the same effected on them and sending his report in that regard.

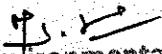
5. It is respectfully submitted that Show Cause Notice dated 6.1.2023 was served on Respondents 5 to 9 by the Chairman/District collector, Villupuram District Level Coastal Zone Management Authority, Villupuram under Section 5 of the Environment Protection Act, 1986.
6. It is respectfully submitted that as per CRZ notifications of 1991, 2011, any activity falling within the CRZ area requires prior clearance of the concerned State or Union Territory Coastal Zone Management Authority. Commencing of any activity without such approval/clearance from the Ministry will be violation of CRZ norms and punishable under Section 15 of Environment (Protection) Act, 1986 which provides penalty for failing to comply with or contravenes any of the provisions of the Act or Rules/Notification, orders, etc.
7. It is respectfully submitted that hence vide Show Cause Notice dated 6.1.2023, the Respondents 5 to 9 were directed to show cause within 15 days from the date of receipt of the notice as to why penal action for offences punishable under Section 5 of the Environment Protection Act, 1986 as amended should not be taken against them as occupier for violating the provisions of Section 15(1) and 16(1) of the above Act and why directions should not be issued for closure of the firm, stoppage of power supply, etc.
8. It is respectfully submitted that, 5th Respondent in his reply dated nil has stated that he is a fisherman and his building was constructed on or before 2008. He states that his concrete house was built by the government since he was one among those affected by Tsunami. The 5th Respondent states that after the visit of the Joint Committee, he applied for CRZ map to Institute of Remote Sensing (Tamil Nadu State Remote sensing Applications Centre), Anna University, Chennai – 600 025, India and received quotation from the same. In furtherance to the same,


District Environmental Engineer,
Tamilnadu Pollution Control Board
Villupuram - 605 602.


COLLECTOR
VILLUPURAM DISTRICT
VILLUPURAM

the 5th Respondent approached the Tamil Nadu Coastal Regulation Zone Management Authority for CRZ clearance. But he is not able to obtain regularisation on account of the stay in force on Office Memorandum F.No.19-27/2015-IA.III vide order passed by the Hon'ble High Court Madurai Bench in WMP(MD) No.6666 of 2021 in WP(MD) No.8866 of 2021. The 5th Respondent has specifically denied usage of ground water since there is no bore well in the guest house. He states that his house is a guest house and not a resort. He further states that he is running his house as per the norms of Incredible India Bed & Breakfast/ Home stay establishments. The 5th Respondent submits that he has obtained fire licence, sanitary certificate, Commercial Water Tax, FSSAI Licence, etc. from concerned government department and has been renewing the same regularly.

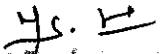
9. It is respectfully submitted that, 6th Respondent in his reply dated nil has stated that he is a fisherman and his building was constructed on or before 2008. He states that his concrete house was built by the government since he was one among those affected by Tsunami. The 6th Respondent states that after the visit of the Joint Committee, he applied for CRZ map to Institute of Remote Sensing (Tamil Nadu State Remote sensing Applications Centre), Anna University, Chennai – 600 025, India and received quotation from the same. In furtherance to the same, the 6th Respondent approached the Tamil Nadu Coastal Regulation Zone Management Authority for CRZ clearance. But he is not able to obtain regularisation on account of the stay in force on Office Memorandum F.No.19-27/2015-IA.III vide order passed by the Hon'ble High Court Madurai Bench in WMP(MD) No.6666 of 2021 in WP(MD) No.8866 of 2021. The 6th Respondent has specifically denied usage of ground water since there is no bore well in the guest house. He states that his house is a guest house and not a resort. He further states that he is running his house as per the norms of Incredible India Bed & Breakfast/ Home stay establishments. The 6th Respondent submits that he has obtained fire licence, sanitary certificate, Commercial Water Tax, FSSAI Licence,


District Environmental Engineer,
Tamilnadu Pollution Control Board
Viluppuram - 605 602.


COLLECTOR
VILUPPURAM DISTRICT
VILUPPURAM

etc. from concerned government department and has been renewing the same regularly.

10. It is respectfully submitted that, 7th Respondent in his reply dated 25.01.2023 stated that he is a fisherman and that he lost his house to Tsunami. He has further stated that he converted his house to a home stay and rents it to tourists to generate additional income out of it. The 7th Respondent approached the government to submit application to obtain CRZ permission to regularize his building. However, on account of the stay in force on the Office Memorandum F.No.19-27/2015-IA.III vide order passed by the Hon'ble High Court, Madurai Bench in WMP (MD) No.6666 of 2021 in WP(MD) No.8866 of 2021, the 7th Respondent could not get his property regularised. He has also submitted that his property is a small house converted into 5 rooms and that it is not a resort.
11. It is respectfully submitted that, 8th Respondent in his reply dated 25.01.2023 stated that he is a fisherman and he started constructing a residential house in his property situated at ChinnaMudialarChavady. He has further stated that due to the issues raised by government officials, he has stopped the construction at the foundation level itself. He has stated that the building proposed is not a resort but an individual house for residential purpose and the same was stopped in January 2022 itself. He has submitted that he will start further construction of his house only after obtaining necessary approvals from the concerned department.
12. It is respectfully submitted that, 9th Respondent in his reply dated 25.01.2023 stated that he is a fisherman and he lost his house during Tsunami in 2004. He has stated that the government supported in reconstruction of his house which was constructed as an RCC building. Later in the year 2008, he converted his house into home stay in order to generate additional income. Subsequently, the 9th Respondent approached the government to submit application to obtain CRZ permission to regularize his building. However, on account of the stay


District Environmental Engineer,
Tamilnadu Pollution Control Board
Viluppuram - 605 602.


COLLECTOR
VILUPPURAM DISTRICT
VILUPPURAM

in force on the Office Memorandum F.No.19-27/2015-IA.III vide order passed by the Hon'ble High Court, Madurai Bench in WMP (MD) No.6666 of 2021 in WP(MD) No.8866 of 2021, the 9th Respondent could not get his property regularised. He has also submitted that his property is a small house converted into 5 rooms and that it is not a resort.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstance of this case and thus render justice.

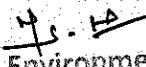
VERIFICATION

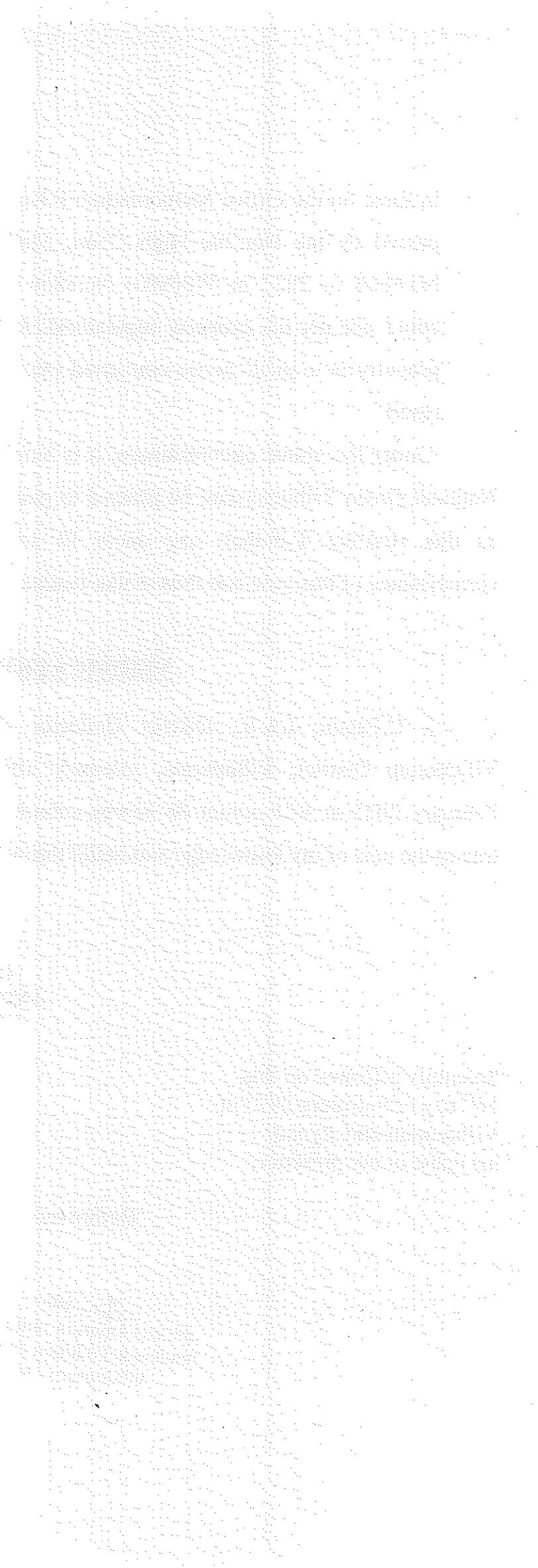
I, C.Palani, I.A.S., District Collector and District Magistrate of Villupuram District, Villupuram, solemnly affirmed on this 16th day of February 2023 at Villupuram do hereby submit that the above contents are true to the best of my knowledge and belief through records.


**DISTRICT COLLECTOR
AND DISTRICT MAGISTRATE,
VILLUPURAM DISTRICT,
VILLUPURAM.**

Solemnly affirmed on this
16th day of February 2023 at
Villupuram and signed
his name in my presence.

Before me.


District Environmental Engineer,
Tamilnadu Pollution Control Board
Villupuram - 605 602.



1/202936/2023



AE (K)
urgent
7/2/2023

From
Thiru.D.Mohan, I.A.S.,
District Collector,
Viluppuram.

District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Viluppuram.

12/E-588520 - 9136/2023. Dated 03-02-2023

Sir,

Sub: Petitions – Petition received from Thiru.A.Suresh and four others – Request for appropriate action – Petitions received – forwarded – Reg.

Ref: Petition received from Thiru.A.Suresh and four others, Chinnamudaliyar chavady kuppam, Vanur taluk, Viluppuram District, Dated: 25.01.2023.

I invite your attention to the reference cited.

The petitions received as per the reference cited is hereby forwarded for necessary action at your end. Further, I instruct you to take necessary action and send the action taken report directly to the petitioners and send the same to this office.

Encl: As above

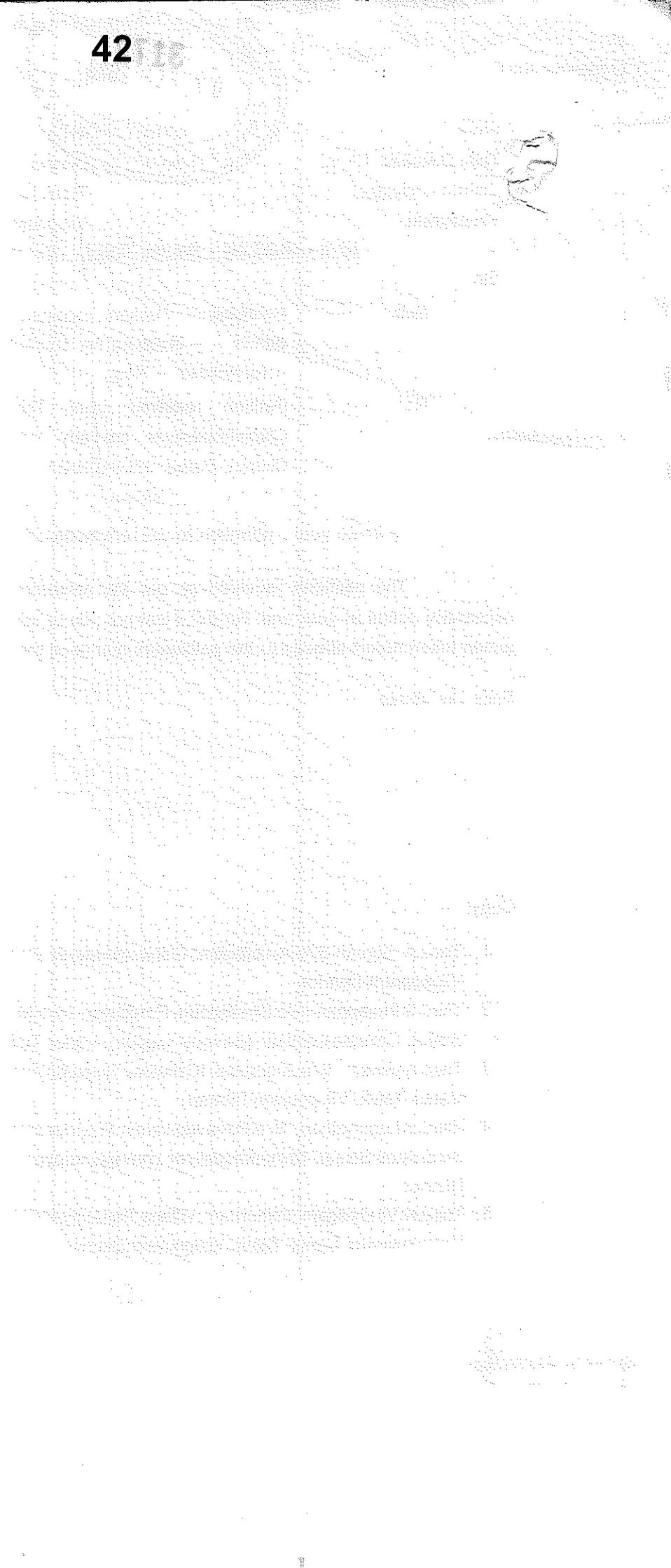
VISWANATHAN.N
for District Collector,
Viluppuram.

Copy:

1. Thiru.A Suresh S/o.Arumugam, Chinnamudaliyar Chavady kuppam, Vanur Taluk, Viluppuram District.
2. Thiru.S.Irusappan S/o.Chellappan, Proprietor–M/s.Mermaid Resort–2, Swamikoil Street, Chinnamudaliyar chavady kuppam, Vanur Taluk, Viluppuram District.
3. Thiru.Iyyanar S/o.Ammasai, Kizhakku Theru, Chinnamudaliyar chavady kuppam, Vanur Taluk, Viluppuram District.
4. Thiru.P.Loganathan S/o.Pavavdaisamy, Proprietor–M/s.Mermaid Resort–1, Swamikoil Street, Chinnamudaliyar chavady kuppam, Vanur Taluk, Viluppuram District.
5. Thiru.K.Vinayagam, Fishermen Village Panchayat, Chinnamudaliyar Chavady Kottakuppam, Vanur Taluk, Viluppuram District.

Signed by Viswanathan.n

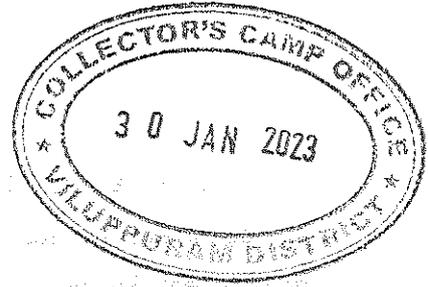
Date: 03-02-2023 15:09:46



E-588647
30/1/23

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ET 202965900141
30.01.23



From

Thiru.P.Loganthan (P1)
S/o.P.Pavavdaisamy
Proprietor - M/s.Mermaid Resorts-1
Swamikoil Street
Chinna Mudalliyar Chavaday Kuppam
Vanur Taluk, Villupuram District - 605104

To

The Chairman
District Level Coastal Zone Management Authority
Villupuram

Respected Sir,

Sub: Reply to your show cause notice - regs.

Ref: Proc.No.F.OA.No.473/2022/NGT(PB)/CRZ Violation/DCZMA.VPM dt.06.01.2023

Refer to your show cause notice dt.06.01.2023 from your office was received on 16.01.2023 and very sad to know the information given in it and denied all the allegations and averments contained in your show cause notice and other than those that are specifically admitted here.

1 The world was known the 2004 Tsunami wave and the lives lost and cannot forget or ignore the suffering of those who have lost their relationships and possessions. It is no exaggeration to say that we are a part of it. At the same time the government and NGO's were also in support of us. Hence we always remember the government and NGO's and what they have done. We all know that the government helped us by converting our houses which were huts into concrete houses with the aid received at that time. As Universal World of Auroville is near our town and the Collector who was the District Collector at that time advised to make houses as rest houses for many travelers from abroad and generate income. The recommendations of the district collector gave light to us who were living in poverty without livelihood.

P. Loganthan

2 It is a fact that after that we were forced into poverty due to the encroachment of sea creatures on our shores and the rains and storms. The government knows it very well. No one can deny that our business has been completely crippled even though we have protected ourselves from sea erosion by building barriers along the coast. During that time some people supported to beautified our house and improved the facilities and created stable income and job opportunities for us. With the income and job opportunities that we have received for the last 8 years, when we are recovering from our past troubles and debts, this show cause notice of yours seems to have put us under the influence of a tsunami wave.

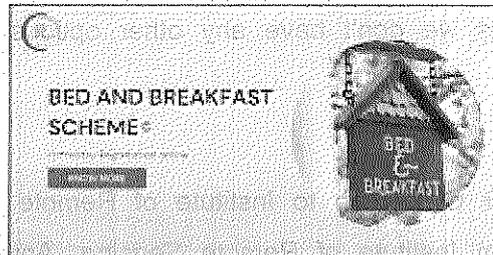
3 My building was constructed on or before 2008. It is this government that built concrete houses for us who were affected by the tsunami. Everyone knows very well that our fishermen community lacks education and security. So there is no legal knowledge about CRZ regulation, 2011, mentioned in their notice. After visited by the Joint Committee in our area and Observation and Conclusion of the Joint Committee is "These resorts/buildings constructed (P1, P2, and P3) in CRZ-II area is a permissible activity as per CRZ notification, 2011 and require prior CRZ clearance from Ministry of Environment, Forest and Climate Change, New Delhi". Hence we have applied for CRZ map to Institute of Remote Sensing (Tamil Nadu State Remote sensing Applications Centre), Anna University, Chennai-600025, India and received quotation from the same authority (Reference: Lr.No.IRS/AU/MN/CZMP/TN/Sept-57 dt.29/09/2022). Thereafter, we approached Tamil Nadu State Coastal Zone Management Authority (TNSZMA-India) for CRZ clearance and submitting our application for obtaining CRZ permission to regularize my building. But we came to know that there was a stay in force for the Office Memorandum F.No. 19-27/2015-IA.III vide order passed by the Hon'ble High Court Madurai Bench in WWP (MD) No. 6666 of 2021 in WP (MD) No. 8866 of 2021. Hence all our possible approach to regularize my building came to an end.

P. Loganathan

4 We specifically denied that usage of ground water. There is no borewell in our guest house and not using ground water. The Local Municipal Authority supplied drinking water regularly and sometime water supplied by private parties. We, who worship the sea as our goddess, would give our lives to protect it and would never pollute it.

5 I strongly denied that we are running resorts in your notice. Resorts mean a place designed to provide recreation, entertainment, and accommodation especially to vacationers. My house runs as a boarding house as guest house. We are having 4 rooms and maximum 6 rooms in house in the 1000 sq.ft, area. We have converted our old houses for the guest stay. We are running our houses as per the norms of Incredible India Bed & Breakfast / Home stay establishments (Government of India Ministry of Tourism - H&R Division).)

What is bed and breakfast scheme?



Bed & Breakfast (B&B) means providing shelter and food services to the guest in an Establishment. It refers to a scheme in which individuals can stay overnight, have breakfast in the morning, and pay the bill. Hence, we have obtained Fire Licence, Sanitary Certificate, Commercial Water Tax, FSSAI Licence and etc from concerned government department and renewing the same regularly.

6 At the same time, it is very painful that their notice mentioned these violations only in Chinna Mudalliyar Chavady Kuppam area. Without any prior clearance / approval from Ministry of Forest and Climate Change, New Delhi as

P. Loganathan.

per CRZ Notification, 2011, there are more than 100 guest houses constructed and operating in the coastal area of Kottakuppam village and more than half of the sea waves are in the state of falling inside the guest houses and also I don't understand why they don't notice that more than 15 guest houses are constructed and operating without any prior clearance / approval from Ministry of Forest and Climate Change, New Delhi as per CRZ Notification, 2011, in Chinna Mudalliyar Chavady Kuppam area. They report that we only alone are a threat to coastal defence management. Many of them are run by politicians and government officials with money power, which is true.

Hence, considering the above, (I hereby request you to kindly withdraw your show cause notice and help us for obtaining necessary approval / permission from the concern Department to regularize our house. Despite of the same if your good office was not satisfied with our reply and proceeding with the penalty or punishment then we don't have any option to end our life inside the said premises as we don't have any other options left.)

Enclosures: (photocopies)

- 1 Application for CRZ map to Institute of Remote Sensing, Chennai.
- 2 Quotation from Institute of Remote Sensing, Anna University, Chennai.
- 3 Hon'ble High Court Madurai Bench order
- 4 Guidelines of Incredible India Bed and Breakfast / Establishments

Sincerely yours,

P. Loganathan.

(P.Loganathan)

From:

Mermaid Beach Resorts
No.26 South Street,
Kottakuppam - 605104 ,
Vanur - TK,
Villupuram Dt..

To,

The Director,
Insitute of Remote Sensitive,
Anna University,
Chennai.

Dear Sir,

Sub : Issue of NOC Certificate From High Tide Line for

My Mermaid Beach Resorts Situated at KottaKuppam Village,
Vanur Taluk, Villupuram Dt - Reg

I request you to Issue 'NOC' Certificate High Tide Line as per CRZ
Guide line for the following

Mermaid Beach Resorts

I am also preferred to pay necessary fees for the same

Thanking You

Your's Faith Fully

For Mermaid Beach Resorts



PROPERTIER



Prof. Dr. D. Thirumalaivasan,
Director

Lr. No. IRS/AU/MN/CZMP/TN/Sept-57

29/09/2022

To

M/s. Mermaid Beach Resorts,
No.26, South Street,
Kottakuppam - 605104
Vanur Taluk, Villupuram District

Sub: Preparation of local level CRZ map and CRZ Report as per CRZ Notification 2011 for the site of Mermaid Beach Resorts in Kottakuppam Village, Vanur Taluk, Villupuram District, Tamil Nadu - Quotation - Reg.

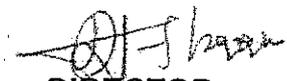
Ref: Your letter for CRZ map requisition dated 28.09.2022

Dear Sir/Madam,

With reference to the above, the quote for the following scope of work is as given below:

Sl. No.	Nature/Type of Work	Amount in Rs.
1.	Preparation of local level CRZ map and CRZ Report as per CRZ Notification 2011 for the site of Mermaid Beach Resorts in Kottakuppam Village, Vanur Taluk, Villupuram District, Tamil Nadu	Rs. 1,00,000/- (Rupees One Lakh only)
2.	GST @ 18 %	Rs. 18,000/- (Rupees Eighteen thousands only)
	Total	Rs. 1,18,000/- (Rupees One Lakh Eighteen Thousands only)

The terms and conditions for carrying out the above work is attached as Annexure-I. On acceptance of the above offer, you are requested to send us the approval letter along with work order in the enclosed format(Annexure-II), addressed to The Director, Institute of Remote Sensing, Anna University, Sardar Patel Road, Chennai 600 025, Tamil Nadu, India and a scanned copy of the same may kindly be sent to the mail id navamcrz@gmail.com.


DIRECTOR
Director
Institute of Remote Sensing
Anna University,
Chennai - 600 025.



49

Institute of Remote Sensing

(Tamil Nadu State Remote Sensing Applications Centre)

Anna University

Chennai - 600 025, India

Prof. Dr. D. Thirumalaivasan,
Director

ANNEXURE - I

Terms and Conditions for preparation of local level CRZ map in 1:4000 scale

1.	Scope of Work:	<p>a. Preparation of local level CRZ map and CRZ Report as per CRZ Notification 2011 for the site of Mermaid Beach Resorts in Kottakuppam Village, Vanur Taluk, Villupuram District, Tamil Nadu</p> <p>b. Superimposition of Proposed Project Details based on georeferenced CAD Drawing given by the client</p> <p>c. Superimposition of HTL/LTL/Coastal Regulation Zones and Ecologically Sensitive Areas as per CRZ 2011 or IIMP 2011 or IPZ 2011, as required</p> <p>d. Deliverables: Two copies of Maps and Report as per CRZ Notification 2011.</p>
2.	Duration	<p>a. Field work: Within a period of one month from the date of receipt of payment at University</p> <p>b. Map, Report Preparation and Submission: Within a period of one month of from the date of completion of Field Work</p>
3.	Payment	100 % advance payment as per University Norms
4.	Travel and Logistics	Airfare, Boarding, Lodging(if required) and vehicle for Field Survey is exclusive of the payment indicated in the quote and is to be arranged by the client for TWO of our Staff from Institute of Remote Sensing, Anna University
5.	Responsibility of Client	<p>a. The CAD drawing for the proposed development at site is to be provided by you for georeferencing and superimposition onto HTL/LTL Map</p> <p>b. Necessary permission if any required is to be obtained from concerned authorities for smooth conduct of Field Survey</p> <p>c. Services of a responsible officer/staff with site knowledge is to be made available during field visit</p> <p>d. The responsible officer/staff, shall identify the Field Survey Team in identifying project location/boundary and proposed project details</p> <p>e. Cadastral / Village / Ward Map from the concerned authority in the state is to be provided by the client.</p> <p>f. Relevant revenue documents supporting the status of site are to be furnished, if required.</p>

DIRECTOR

Director

Institute of Remote Sensing

Anna University,

Chennai - 600 025.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)



Friday, the Thirtieth day of April Two Thousand and Twenty One

PRESENT

THE HON'BLE MR JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MRS JUSTICE S.ANANTHI

WMP(MD) No.6666 of 2021

IN

WP(MD) No.8866 of 2021

FATIMA

... PETITIONER/ PETITIONER

Vs

UNION OF INDIA
REP BY ITS SECRETARY TO THE GOVERNMENT,
MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
PARYAVARAN BHAWAN, JOR BAGH,
NEW DELHI- 110 003.

... RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the operation of the Impugned office memorandum issued by the respondent dated 19.02.2021 bearing number F.No.19-27/2015-IA.III, pending disposal of the Writ Petition.

Prayer in WP(MD) . 8866/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the respondent culminating in Office memorandum dated 19.02.2021 bearing number F.No.19-27/2015-IA.III, quash the same.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.YOGESHWARAN, Advocate for the petitioner and of M/s.L.VICTORIYA GOWRI, Additional Solicitor General of India on behalf of the Respondent, While admitting the Writ Petition, the court made the following order:-

[Order of the Court was made by **T.S.SIVAGNANAM, J.,**]

Heard Mr.A.Yogeshwaran, learned Counsel appearing for the petitioner.

2. This Writ Petition is filed styled as a Public Interest Litigation, challenging the Office Memorandum, dated 14.02.2017, issued by the Ministry of Environment, Forest and Climate Change, New Delhi. The challenge to the impugned Office Memorandum is on several grounds, which were focused before us at the time of admission is on the ground that the Office Memorandum is liable to be quashed due to lack of jurisdiction, as an Office Memorandum cannot override a statutory notification.

3. To support such a contention, the learned counsel appearing for the petitioner has drawn our attention to the order passed by 'The National Green Tribunal' (in short 'the NGT'), in its order dated 07.07.2015, in O.A.Nos.37 etc. of 2015, wherein the validity of an earlier notification on similar lines, dated 14.05.2002, was called in question. The NGT held that the notification to be issued on similar lines as that of the impugned Office Memorandum dated 12.12.2012, which has been subsequently amended by Office Memorandum dated 27.06.2013. These were also held to be without jurisdiction, considering the fact that a statutory notification cannot be superseded, modified, annulled or diluted by an Office Memorandum, the respondent issued a statutory notification dated 14.03.2017. In the preamble of the notification, the decision of the NGT as well as the other decisions of the Hon'ble Supreme Court have been noted and the notification provides a window of six months to enable the persons to apply for environmental clearance by way of a post facto sanction. The validity of this notification was put to challenge before the Hon'ble first Bench of this Court in the case of **Puducherry Environment Protection Association Vs. the Union of India (W.P.No.11189 of 2017)**.

4. In the judgment of this Court dated 13.10.2017, it was held that the said notification is not sustainable for several reasons. However, taking note of the submissions made by the learned Additional Solicitor General that it is a one time measure, the Court left the matter at that. By way of the impugned notification, the respondent has now roll-backed and issued an Office Memorandum providing post facto clearance for such projects and in the impugned Office Memorandum, there is a reference to the decision of the Hon'ble Supreme Court in **Alembic Pharmaceuticals Vs. Rohit Prajapati & Ors, [2020 SCC online SC 347]**, by referring to certain observations made by the Hon'ble Supreme Court as regards closure of industries and consequences thereof.

5. Prima facie, we are of the view that this observation is a selective quoting of the judgment without noting the ratio decidendi, which can be culled out from Paragraph 24 of the judgment. In paragraph 27 of the judgment, it has been held that allowing ex post facto clearance would essentially condone the operation of industrial activities without the grant of an

US

WMP(MD) No.6666 of 2021

environmental clearance. This aspect of the matter has not been referred to in the Impugned Office Memorandum and the procedure adopted by issuing Office Memorandum to override a statutory notification, has already been held to be without jurisdiction.

6. Therefore, we are of the prima facie view that the impugned notification is without jurisdiction. There is one more facet, which we noted when we examined the impugned notification. The notification states that it has prospective effect only in such cases, wherein the project proponent applies for such a clearance to a concerned coastal Zonal Management Authority, this aspect can be considered only after the respondent files their counter affidavit.

7. For the above reasons, we are of the considered view that the petitioner has made out a case for entertaining this Public Interest Litigation and accordingly, this Writ Petition is admitted and there will be a stay of the operation of the impugned order. However, we make it clear that the stay will be operative prospectively from today.

8. Issue notice to the respondent through Court as well as privately, returnable by 25.08.2021.

sd/-

30/04/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE SECRETARY TO THE GOVERNMENT,
UNION OF INDIA,
MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
PARYAVARAN BHAWAN, JOR BAGH,
NEW DELHI- 110 003.

+1. C.C. to M/S.A.YOGESHWARAN, Advocate SR.No.3602

ORDER

IN

WMP(MD) No.6666 of 2021

IN

WP(MD) No.8866 of 2021

Date :30/04/2021

VSM

MS/PN/SAR-3/10.05.2021/3P.3C

**Government of India
Ministry of Tourism
(H & R Division)**

**Guidelines for Approval and Registration of
Incredible India Bed & Breakfast/ Homestay Establishments**

Introduction

1. Hotels and other supplementary accommodation are an integral part of a tourist's visit to a place and the services offered by them can make his/her visit memorable. With the aim of providing comfortable Home Stay Facilities of Standardized World Class Services to the tourists, and to supplement the availability of accommodation in the Metros and tourist destinations, Ministry of Tourism will classify fully operational rooms of Bed & Breakfast/ Home Stay Facilities as "Incredible India Bed & Breakfast/ Homestay Establishments". The basic idea is to provide a clean and affordable place for foreigners and domestic tourists alike including an opportunity for foreign tourists to stay with an Indian family to experience Indian customs and traditions and relish authentic Indian cuisine.
2. The Incredible India Bed & Breakfast/Homestay facilities will be categorized as follows:-
 - (a) Silver
 - (b) Gold
3. The Regional Classification Committee, as specified in the guidelines, will inspect and assess the Bed & Breakfast/Homestay Establishments, based on facilities and services offered. The details of the standards, facilities, services and the documents required for approval of such establishments will be as per these guidelines.
4. The Incredible India Bed & Breakfast/ Homestay Establishments, once approved by Ministry of Tourism, will be duly publicized. A directory of all such approved establishments will also be prepared, so as to enable domestic as well as foreign tourists to live in a homely environment and to take advantage of the scheme. In addition, efforts will be made to organize short term training in hospitality trade to those who would opt for such training.

Detailed Guidelines

1. The classification for Incredible India Bed & Breakfast/ Homestay establishment will be given only in those cases where the owner /promoter of the establishment along with his /her family is physically residing in the same establishment and letting out minimum one room and maximum six rooms (12 beds).
2. The scheme will be on bed and breakfast basis and charges will have to be levied accordingly. The type of breakfast to be offered will have to be specified, the charges will have to be displayed and the visitors will have to be informed in advance so as to avoid unnecessary dispute.
3. Once an establishment applies for classification/ re-classification, it will have to be ready at all times for inspection by the Regional Classification Committee. No requests for deferment of inspection will be entertained.
4. Classification will be valid for two years from the date of issue of orders or in case of reclassification from the date of expiry of the last classification provided that the application has been received within the stipulated time i.e. 3 months before the expiry of the last classification.
5. Incredible India Bed & Breakfast/ Homestay Establishments applying for classification will have to provide all the information supported by required documents as per the following formats:
 - a) Application format as at Annexure -I.
 - b) Checklist of facilities as at Annexure -II.
 - c) Undertaking as at Annexure -III.
6. The application fees payable for classification/reclassification of IIB&B/Homestay will be as follows for the Govt. of India. The demand draft will have to be payable to " Pay & Accounts Officer, Ministry of Tourism, New Delhi ".

Star Category	For Classification/Reclassification
Silver	Rs. 3,000
Gold	Rs. 5,000

7. An IIB&B/ Homestay Establishment will be classified following two stage procedure.

-3-

- a) The presence of facilities and services will be evaluated against the enclosed Checklist. (Checklist will have to be duly filled in and signed on all pages and submitted along with the application).
- b) The quality of facilities and services will be evaluated by the Regional Classification Committee. Due preference will be accorded to the homes, which are able to provide Indian experience by way of Indian décor, authentic and exotic Indian cuisine etc.

8. The Regional Classification Committee will consist of the following:

1. Regional Director, Indiatourism -Chairman.
2. Representative from IATO .
3. Representative from TAAI.
4. Representative from local Indiatourism Office.
5. Representative from State Tourism Department.

9. The Chairman and any 2 members will constitute a quorum. The recommendation of the Committee will be approved by the Chairman Hotel and Restaurant Approval and Classification Committee (HRACC).

10. Any deficiencies/rectifications pointed out by the Regional Classification Committee will have to be complied within the stipulated time which will be allotted in consultation with the representative /representatives of the establishment during inspection. Failure to do so will result in rejection of the application.

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-4-

13. Any changes in the facilities of the IIB&B/Homestay Establishment will have to be informed to the Regional Director, Indiatourism Office, within 30 days. If any violation of this comes to the notice of the Committee then the classification will stand withdrawn/terminated.

14. All cases of classification would be finalised within 30 days of the application being made to the Regional Director concerned complete in all respect.

15. In case of any dissatisfaction with the decision of HRACC, the establishment may appeal to Secretary, Ministry of Tourism, Government of India for review and reconsideration within 30 days of receiving the communication regarding classification/ reclassification. No requests will be entertained beyond this period.

16. Ministry of Tourism, Government of India reserves the right to modify the guidelines/terms and conditions from time to time.

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Note: Items No. 5 (c), 6, 8 and 15 may be suitably amended by the State Govt. /UT.

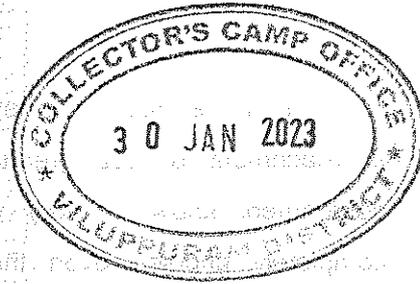
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E-588427

ET 2029658981N
30.01.23

30/01/23

Thiru.S.Irusappan (P2)
S/o.Chellappan
Proprietor - M/s.Mermaid Resort-2
Swamikoil Street
Chinna Mudalliyar Chavady Kuppam
Vanur Taluk, Villupuram District - 605104



To
The Chairman
District Level Coastal Zone Management Authority
Villupuram

Respected Sir,

Sub: Reply to your show cause notice - regs.

Ref: Proc.No.F.OA.No.473/2022/NGT(PB)/CRZ Violation/DCZMA.VPM dt.06.01.2023

Refer to your show cause notice dt.06.01.2023 from your office was received on 16.01.2023 and very sad to know the information given in it and denied all the allegations and averments contained in your show cause notice and other than those that are specifically admitted here.

1 The world was known the 2004 Tsunami wave and the lives lost and cannot forget or ignore the suffering of those who have lost their relationships and possessions. It is no exaggeration to say that we are a part of it. At the same time the government and NGO's were also in support of us. Hence we always remember the government and NGO's and what they have done. We all know that the government helped us by converting our houses which were huts into concrete houses with the aid received at that time. As Universal World of Auroville is near our town and the Collector who was the District Collector at that time advised to make houses as rest houses for many travelers from abroad and generate income. The recommendations of the district collector gave light to us who were living in poverty without livelihood.

Sd/- S. I. IRUSAPPAN

2 It is a fact that after that we were forced into poverty due encroachment of sea creatures on our shores and the rains and storm government knows it very well. No one can deny that our business has completely crippled even though we have protected ourselves from sea erosion by building barriers along the coast. During that time some people supported to beautified our house and improved the facilities and created stable income and job opportunities for us. With the income and job opportunities that we have received for the last 8 years, when we are recovering from our past troubles and debts, this show cause notice of yours seems to have put us under the influence of a tsunami wave.

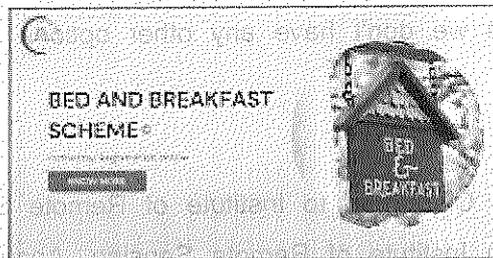
3 (My building was constructed on or before 2008. It is this government that built concrete houses for us who were affected by the tsunami. Everyone knows very well that our fishermen community lacks education and security. So there is no legal knowledge about CRZ regulation, 2011, mentioned in their notice. After visited by the Joint Committee in our area and Observation and Conclusion of the Joint Committee is "These resorts/buildings constructed (P1, P2, and P3) in CRZ-II area is a permissible activity as per CRZ notification, 2011 and require prior CRZ clearance from Ministry of Environment, Forest and Climate Change, New Delhi". Hence we have applied for CRZ map to Institute of Remote Sensing (Tamil Nadu State Remote sensing Applications Centre), Anna University, Chennai-600025, India and received quotation from the same authority (Reference: Lr.No.IRS/AU/MN/CZMP/TN/Sept-57 dt.29/09/2022). Thereafter, we approached Tamil Nadu State Coastal Zone Management Authority (TNSZMA-India) for CRZ clearance and submitting our application for obtaining CRZ permission to regularize my building. But we came to know that there was a stay in force for the Office Memorandum F.No. 19-27/2015-IA.III vide order passed by the Hon'ble High Court Madurai Bench in WWP (MD) No. 6666 of 2021 in WP (MD) No. 8866 of 2021. Hence all our possible approach to regularize my building came to an end.

S. Srinivasan

We specifically denied that usage of ground water. There is no borewell in our guest house and not using ground water. The Local Municipal Authority supplied drinking water regularly and sometime water supplied by private parties. We, who worship the sea as our goddess, would give our lives to protect it and would never pollute it.

5 I strongly denied that we are running resorts in your notice. Resorts mean a place designed to provide recreation, entertainment, and accommodation especially to vacationers. My house runs as a boarding house as guest house. We are having 4 rooms and maximum 6 rooms in house in the 1000 sq.ft, area. We have converted our old houses for the guest stay. We are running our houses as per the norms of Incredible India **Bed & Breakfast / Home stay establishments** (Government of India Ministry of Tourism - H&R Division.)

What is bed and breakfast scheme?



Bed & Breakfast (B&B) means providing shelter and food services to the guest in an Establishment. It refers to a scheme in which individuals can stay overnight, have breakfast in the morning, and pay the bill. Hence, we have obtained Fire Licence, Sanitary Certificate, Commercial Water Tax, FSSAI Licence and etc from concerned government department and renewing the same regularly.

6 At the same time, it is very painful that their notice mentioned these violations only in Chinna Mudalliyar Chavady Kuppam area. Without any prior clearance / approval from Ministry of Forest and Climate Change, New Delhi as

S. Srinivasulu

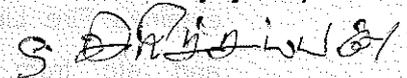
per CRZ Notification, 2011, there are more than 100 guest houses co and operating in the coastal area of Kottakuppam village and more tha the sea waves are in the state of falling inside the guest houses ar don't understand why they don't notice that more than 15 guest houses constructed and operating without any prior clearance / approval from Ministry of Forest and Climate Change, New Delhi as per CRZ Notification, 2011, in Chinna Mudalliyar Chavady Kuppam area. They report that we only alone are a threat to coastal defence management. Many of them are run by politicians and government officials with money power, which is true.

Hence, considering the above, (I hereby request you to kindly withdraw your show cause notice and help us for obtaining necessary approval / permission from the concern Department to regularize our house. Despite of the same if your good office was not satisfied with our reply and proceeding with the penalty or punishment then we don't have any option to end our life inside the said premises as we don't have any other options left.)

Enclosures: (photocopies)

- 1 Application for CRZ map to Institute of Remote Sensing, Chennai.
- 2 Quotation from Institute of Remote Sensing, Anna University, Chennai.
- 3 Hon'ble High Court Madurai Bench order
- 4 Guidelines of Incredible India Bed and Breakfast / Establishments

Sincerely yours,



(S.Irusappan)



Prof. Dr. D. Thirumalaivasan,
Director

Lr. No. IRS/AU/MN/CZMP/TN/Sept-57

29/09/2022

To

M/s. Mermaid Beach Resorts,
No.26, South Street,
Kottakuppam - 605104
Vanur Taluk, Villupuram District

Sub: Preparation of local level CRZ map and CRZ Report as per CRZ Notification 2011 for the site of Mermaid Beach Resorts in Kottakuppam Village, Vanur Taluk, Villupuram District, Tamil Nadu - Quotation - Reg.

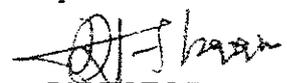
Ref: Your letter for CRZ map requisition dated 28.09.2022

Dear Sir/Madam,

With reference to the above, the quote for the following scope of work is as given below:

Sl. No.	Nature/Type of Work	Amount in Rs.
1.	Preparation of local level CRZ map and CRZ Report as per CRZ Notification 2011 for the site of Mermaid Beach Resorts in Kottakuppam Village, Vanur Taluk, Villupuram District, Tamil Nadu	Rs. 1,00,000/- (Rupees One Lakh only)
2.	GST @ 18 %	Rs. 18,000/- (Rupees Eighteen thousands only)
	Total	Rs. 1,18,000/- (Rupees One Lakh Eighteen Thousands only)

The terms and conditions for carrying out the above work is attached as Annexure-I. On acceptance of the above offer, you are requested to send us the approval letter along with work order in the enclosed format(Annexure-II), addressed to The Director, Institute of Remote Sensing, Anna University, Sardar Patel Road, Chennai 600 025, Tamil Nadu, India and a scanned copy of the same may kindly be sent to the mail id navamcrz@gmail.com.


DIRECTOR
Director
Institute of Remote Sensing
Anna University,
Chennai - 600 025.

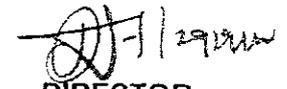


Prof. Dr. D. Thirumalaivasan,
Director

ANNEXURE - I

Terms and Conditions for preparation of local level CRZ map in 1:4000 scale

1.	Scope of Work:	a. Preparation of local level CRZ map and CRZ Report as per CRZ Notification 2011 for the site of Mermaid Beach Resorts in Kottakuppam Village, Vanur Taluk, Villupuram District, Tamil Nadu b. Superimposition of Proposed Project Details based on georeferenced CAD Drawing given by the client c. Superimposition of HTL/LTL/Coastal Regulation Zones and Ecologically Sensitive Areas as per CRZ 2011 or IIMP 2011 or IPZ 2011, as required d. Deliverables: Two copies of Maps and Report as per CRZ Notification 2011.
2.	Duration	a. Field work: Within a period of one month from the date of receipt of payment at University b. Map, Report Preparation and Submission: Within a period of one month of from the date of completion of Field Work
3.	Payment	100 % advance payment as per University Norms
4.	Travel and Logistics	Airfare, Boarding, Lodging(if required) and vehicle for Field Survey is exclusive of the payment indicated in the quote and is to be arranged by the client for TWO of our Staff from Institute of Remote Sensing, Anna University
5.	Responsibility of Client	a. The CAD drawing for the proposed development at site is to be provided by you for georeferencing and superimposition onto HTL/LTL Map b. Necessary permission if any required is to be obtained from concerned authorities for smooth conduct of Field Survey c. Services of a responsible officer/staff with site knowledge is to be made available during field visit d. The responsible officer/staff, shall identify the Field Survey Team in identifying project location/boundary and proposed project details e. Cadastral / Village / Ward Map from the concerned authority in the state is to be provided by the client. f. Relevant revenue documents supporting the status of site are to be furnished, if required.


DIRECTOR
Director
Institute of Remote Sensing
Anna University,
Chennai - 600 025.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Thirtieth day of April Two Thousand and Twenty One

PRESENT

THE HON'BLE MR JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MRS JUSTICE S.ANANTHI

WMP(MD) No.6666 of 2021
IN
WP(MD) No.8866 of 2021

FATIMA

... PETITIONER/ PETITIONER

Vs

UNION OF INDIA
REP BY ITS SECRETARY TO THE GOVERNMENT,
MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
PARYAVARAN BHAWAN, JOR BAGH,
NEW DELHI- 110 003.

... RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the operation of the Impugned office memorandum issued by the respondent dated 19.02.2021 bearing number F.No.19-27/2015-1A.III, pending disposal of the Writ Petition.

Prayer in WP(MD). 8866/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the respondent culminating in Office memorandum dated 19.02.2021 bearing number F.No.19-27/2015-1A.III, quash the same.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.YOGESHWARAN, Advocate for the petitioner and of M/s.L.VICTORIYA COWRI, Additional Solicitor General of India on behalf of the Respondent, while admitting the Writ Petition, the court made the following order:-

[Order of the Court was made by **T.S.SIVAGNANAM, J.,**]

Heard Mr.A.Yogeshwaran, learned Counsel appearing for the petitioner.

2. The writ petition is filed staying the impugned Office Memorandum, issued by the Ministry of Environment, Forest and Climate Change, New Delhi. The challenge to the impugned Office Memorandum is on several grounds, which were focused before us at the time of admission is on the ground that the Office Memorandum is liable to be quashed due to lack of jurisdiction, as an Office Memorandum cannot override a statutory notification.

3. To support such a contention, the learned counsel appearing for the petitioner has drawn our attention to the order passed by 'The National Green Tribunal' (in short 'the NGT'), in its order dated 07.07.2015, in O.A.Nos.37 etc. of 2015, wherein the validity of an earlier notification on similar lines, dated 14.03.2002, was called in question. The NGT held that the notification to be without jurisdiction. Subsequently, another Office Memorandum was issued on similar lines as that of the impugned Office Memorandum dated 12.12.2012, which has been subsequently amended by Office Memorandum dated 27.06.2013. These were also held to be without jurisdiction, considering the fact that a statutory notification cannot be superseded, modified, annulled or diluted by an Office Memorandum, the respondent issued a statutory notification dated 14.03.2017. In the preamble of the notification, the decision of the NGT as well as the other decisions of the Hon'ble Supreme Court have been noted and the notification provides a window of six months to enable the persons to apply for environmental clearance by way of a post facto sanction. The validity of this notification was put to challenge before the Hon'ble first Bench of this Court in the case of **Puducherry Environment Protection Association Vs. the Union of India (W.P.No.11189 of 2017)**.

4. In the judgment of this Court dated 13.10.2017, it was held that the said notification is not sustainable for several reasons. However, taking note of the submissions made by the learned Additional Solicitor General that it is a one time measure, the Court left the matter at that. By way of the impugned notification, the respondent has now roll-backed and issued an Office Memorandum by providing post facto clearance for such projects and in the impugned Office Memorandum, there is a reference to the decision of the Hon'ble Supreme Court in **Alembic Pharmaceuticals Vs. Rohit Prajapati & Ors, [2020 SCC online SC 347]**, by referring to certain observations made by the Hon'ble Supreme Court as regards closure of industries and consequences thereof.

5. Prima facie, we are of the view that this observation is a selective quoting of the judgment without noting the ratio decidendi, which can be culled out from Paragraph 24 of the judgment. In paragraph 27 of the judgment, it has been held that allowing ex post facto clearance would essentially condone the operation of industrial activities without the grant of

(45)
WMP(MD) No.6666 of 2021

environmental clearance. This aspect of the matter has not been referred to in the impugned Office Memorandum and the procedure adopted by issuing Office Memorandum to override a statutory notification, has already been held to be without jurisdiction.

6. Therefore, we are of the prima facie view that the impugned notification is without jurisdiction. There is one more facet, which we noted when we examined the impugned notification. The notification states that it has prospective effect only in such cases, wherein the project proponent applies for such a clearance to a concerned coastal Zonal Management Authority, this aspect can be considered only after the respondent files their counter affidavit.

7. For the above reasons, we are of the considered view that the petitioner has made out a case for entertaining this Public Interest Litigation and accordingly, this Writ Petition is admitted and there will be a stay of the operation of the impugned order. However, we make it clear that the stay will be operative prospectively from today.

8. Issue notice to the respondent through Court as well as privately, returnable by 25.08.2021.

sd/-
30/04/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE SECRETARY TO THE GOVERNMENT,
UNION OF INDIA,
MINISTRY OF ENVIRONMENT,
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30/1/23

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RT 140503065104
30.01.23

From:

Thiru. Iyyanar, (P3)
S/o, Ammasai,
Kizhakku Theru, Chinna Mudaliar Chavady Kuppam,
Vanur Taluk, Villupuram District.



To,

The Chairman,
District Zone Management Authority,
Villupuram.

Sir,

Sub: Reply to your show cause notice under section 5 of
E(P) Act 1986 as amended.

Ref: Proc. No. F.OA. No. 473/2022/NGT (PB)/CRZ
Violation/DCZMA/VPM/2023 dated 06-01-2023

I submit to state that I am 3rd generation fisherman living at the above address and doing fisherman work. In this regard due to the disaster happened in the year 2004 due to Tsunami we have lost our houses and belongings and even our family members which was a sad event witnessed by everyone.

Whereas to recover from the said sufferings, out of the love and affection towards our community the local Government and some good hearted peoples, and NGO helped us to recover from the disaster. The then Government of Tamilnadu rendered their full support which enable us to reconstruct the vanished house by Tsunami and we replaced it with a RCC building and lived with our Family.

Whereas though we were slowly recovering from the disaster, but to due to natural calamities such as rain and storm, we have been often losing our income as fisherman and even some time pushed to avail loan with high interest to run our family. Thus the income generated from our fisherman work is not sufficient, even some time we were not able to provide food for our children.

Though this being the fate of the fisherman community living in our village but in the surrounding villages the local fisherman people were generating additional income from the local and foreign tourist who come to visit Auroville. In this regard in the year 2008 in order to uplift our livelihood the then Respected Collector of Villupuram gave suggestion to generate additional income by converting our house into home stay and to renting out to the tourist who were visiting Auroville and love to enjoy their stay in the local house with sea view.

(Since our village is close to the well-known tourist place of Auroville and due to the flow of local and foreign tourist, and as per the suggestion given by the then Collector of Villupuram, during his visit to village encouraged us to modify our premises as home stay, to generate additional income. As per his advice some of the local fisherman who were suffering daily for their bread and butter converted the our houses into home stay and started generating additional income, such that we were slowly recovering from the poverty and it was helpful for the education and live hood of our family.

Whereas in a view to support our activities the then Collector with the help of the Government have also made cement roads, street lights and filled rocks on the bay as suits for the tourist people. Thus we using the said infrastructures renovated our houses into home stay and rented to the tourist and generated permanent additional income out it.

Whereas out of the additional income generated we have been slowly recovering but suddenly the said show cause notice issued by your office shocked our entire community who were just now started to uplift our livelihood and education of our children. Though it's a hard truth that our community were not well educated and well versed in local rules and regulation, since we are spending most our time at sea, hence we are very sad to hear that we have violated the CRZ rules and regulation.

We the fishermen community are known for worshipping the sea as our God, hence we never pollute or allow to pollute by any means. Since the house is situated after the belt of rocks laid in the sea and the 20 feet cement concrete public road. We through running pillar to post on enquiry came to know that the construction of my house which was used for running home stay "L'Ambay Cafe"- (P3) comes under permissible under the permission of Costal Regulation Zone, notification for which the CRZ permission can be obtained by submitting necessary documents.

In this regard, we also approached the Government Department for submitting our applications for obtaining the CRZ permission and to regularize my building. But we came to know that there was a stay in force for the Office Memorandum F.No. 19-27/2015-IA.III vide order passed by the Hon'ble High Court Madurai Bench in WWP (MD) No. 6666 of 2021 in WP(MD) No. 8866 of 2021. Hence all our possible approach to regularise my building came to an end.)

Whereas on the personal inspection of our village and the surrounding village may reveal that there are more than 100 hotel, restaurants, guest houses and resorts were running. Those are the establishments owned by Politicians, Government officers and rich people who have money power. But they were smoothly running their business without any hassle or disturbances from any one, but the drastic action taken against us for just converting our small fisherman house into a home stay made us to think that the Government was neglecting our community by pushing us to run for our livelihood as slitting the throat of our community.

Moreover the property where the home stays activities are carried on is a small house converted into 5 rooms but in your said show cause notice it is wrongly mentioned as Resort which is not true. And for running the home stay we are not taking any ground water as mentioned in your notice.

Hence considering the above, (I hereby request to withdraw your show cause notice and kindly help us for obtaining necessary permission from the concern Department to regularise our house. Despite of the same if your good office was not satisfied with our reply and proceeding with the penalty or punishment then we don't have any option to end our life inside the said premises as we don't have any other option left.)

Date: 25-01-2023

Place: Chinnamudaliar Chavady

A. Herwanin
(Iyyanar)



ஸ்ரீ சௌங்கமுதூர் ஷம்யன் ஸ்ரீ கௌங்கையம்மன் ஆலயம்
மீனவர் கிராம பஞ்சாயத்து

கௌங்கையம் சாவடி, கோட்டக்குப்பம் - 605 104, ஊஜூர் வட்டம், கிழக்குத் தாயகம்.

FISHERMEN VILLAGE PANCHAYATH

Chinnamudalyar Chavadi, Kottlekuppam - 605 104, Vanur Taluk, Villupuram District.

ஆ. விஜயபகவத்

96189 82176

பெ. வெங்கடேஸ்வரன்

94891 79700

ஆ. சூரன்

37666 02066

ஈ. விமலசேகரன்

83259 61719

க. சந்திரன்

96778 16332

க. நாரசேகர்

77080 87128

மு. முன்புரத்தி

93819 42874

ஏ. நாசன்

63854 82060

சி. பூஜ்யநாயகன்

96265 65851

அனுப்புநர்

சின்னமுதலியார் சாவடி ஊர் பொது மக்கள்

சின்னமுதலியார் சாவடி குப்பம்

கோட்டக்குப்பம்,

விழுப்புரம்

சின்னமுதலியார் சாவடி ஊர் பொது மக்கள் ஆகிய நாங்கள் இதன் மூலம் தெரிவிப்பது என்னவென்றால், எங்கள் ஊரில் தற்சமயம் இயங்கி வரும் மெர்மேய்ட் மற்றும் லே அம்பி கபே மற்றும் அது போல இயங்கி வரும் தங்கும் விடுதிகளால் எங்கள் ஊரில் உள்ள மீனவ குடும்பங்களின் வாழ்வாதாரம் மென்பட்டு வருகிறது.

மேற்படி விடுதிகளில் வந்து தங்கும் விருந்தினர்கள் எங்கள் ஊரில் உள்ள கடைகளில் பொருட்களை வாங்கி செல்வதால் அதன் மூலம் சில குடும்பங்களின் வாழ்வாதாரம் மென்பட்டு வருகிறது. மேற்படி விடுதிகளால் எங்கள் ஊர் மக்களுக்கு பலனை தவிர அவர்களால் எவ்வித இடையூறோ அல்லது இயற்கை மாசுபாடோ ஏற்படவில்லை என்று இதன் மூலம் தெரிவித்துக்கொள்கிறோம்.

We the village people of Chinna Mudialar Chavady Kuppam do hereby inform that are some fisher houses converted to home stay such as Mermaid and L'Ambi Bay were running in our village. Out of the revenue generated by the home stay our livelihood were uplifted.

The guest who were staying in the home stay were also purchasing local items from the local shops in our village, out of that many families were who were depending on that revenue were benefitted. Our village people were not facing any problem or issues due to the running of the home stay neither the guest not making any pollution in our village.

Enclosure: The signatures of local people.

M. Mummam

മുഖ്യ

15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	മുഖ്യമാർഗ്ഗം മൂലം മറ്റൊരു മന്ദിരം 1527	D. P. K.
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	മുഖ്യമാർഗ്ഗം മൂലം മറ്റൊരു മന്ദിരം 1514	K. J. K. 77 08087128
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	മുഖ്യമാർഗ്ഗം മൂലം മറ്റൊരു മന്ദിരം 1522	K. M. 8248570 653
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	മുഖ്യമാർഗ്ഗം മൂലം മറ്റൊരു മന്ദിരം 1562	M. J. 8870070608
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	മുഖ്യമാർഗ്ഗം മൂലം മറ്റൊരു മന്ദിരം 1348	96778/6332
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	4 1534	9944970639, P. Baby
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	4 1542	A. M. K.
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	4 1544	M. K.
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	മുഖ്യമാർഗ്ഗം മൂലം മറ്റൊരു മന്ദിരം 1551	A. M. S.
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	മുഖ്യമാർഗ്ഗം മൂലം മറ്റൊരു മന്ദിരം 1561	D. K.
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	4 1565	B. U. K.
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	മുഖ്യമാർഗ്ഗം മൂലം മറ്റൊരു മന്ദിരം 1577	M. K.
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	മുഖ്യമാർഗ്ഗം മൂലം മറ്റൊരു മന്ദിരം 1581	A. K.
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	4 1582	9626565251
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	മുഖ്യമാർഗ്ഗം മൂലം മറ്റൊരു മന്ദിരം 1583	T. K.
15 നമ്പർ ഗ്രാമ പഞ്ചായത്ത്	മുഖ്യമാർഗ്ഗം മൂലം മറ്റൊരു മന്ദിരം	S. K.



R 105030711N
30-01-23



ஸ்ரீ செங்கமுநீர் அம்மன் ஸ்ரீ கெங்கையம்முள் ஆயைம் மீனவர் கிராம பஞ்சாயத்து

சின்னமுதலியார் சாவடி, கோட்டக்குப்பம் - 605 104. வானூர் வட்டம், விழுப்புரம் மாவட்டம்.

FISHERMEN VILLAGE PANCHAYATH

Chinnamudalyar chavadi, Kottakupam - 605 104. Vanur Taluk, Villupuram District.

கு. விநாயகம்

96299 52170

பெ. வடிவேல்

94891 79700

ஆ. முரளி

97896 02066

ஏ. விமலசேகரன்

85259 61715

சு. சுரேஷ்

96778 16332

க. ராஜசேகர்

77080 87128

மு. மும்முர்த்தி

93619 42874

ஏ. ராஜா

63854 62060

சி. புஷ்பராஜ்

96265 65851

அனுப்புநர்

சின்னமுதலியார் சாவடி ஊர் பொது மக்கள்

சின்னமுதலியார் சாவடி குப்பம்

கோட்டக்குப்பம்,

விழுப்புரம்

E-58872
30/1/23

சின்னமுதலியார் சாவடி ஊர் பொது மக்கள் ஆகிய நாங்கள் இதன் மூலம் தெரிவிப்பது என்னவென்றால், எங்கள் ஊரில் தற்சமயம் இயங்கி வரும் மெர்மேய்ட் மற்றும் லே அம்பி கபே மற்றும் அது போல இயங்கி வரும் தங்கும் விடுதிகளால் எங்கள் ஊரில் உள்ள மீனவ குடும்பங்களின் வாழ்வாதாரம் மென்பட்டு வருகிறது.

மேற்படி விடுதிகளில் வந்து தங்கும் விருந்தினர்கள் எங்கள் ஊரில் உள்ள கடைகளில் பொருட்களை வாங்கி செல்வதால் அதன் மூலம் சில குடும்பங்களின் வாழ்வாதாரம் மென்பட்டு வருகிறது. மேற்படி விடுதிகளால் எங்கள் ஊர் மக்களுக்கு பலனை தவிர அவர்களால் எவ்வித இடையூறோ அல்லது இயற்கை மாசுபாடோ ஏற்படவில்லை என்று இதன் மூலம் தெரிவித்துக்கொள்கிறோம்.

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Enclosure: The signatures of local people.

M. Mummadas

Name	Address	Signature
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 11 അനുഷ്ഠാനം വില 1441	
മുരുകുമാരൻ 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1439	M. Murukumar
പുഴയൻ 9/10 അനുഷ്ഠാനം	no 10 കിരീടം 9/10 അനുഷ്ഠാനം വില 1439	995272642
കിരീടം 9/10 അനുഷ്ഠാനം	no 10 കിരീടം 9/10 അനുഷ്ഠാനം വില 1468	
1504 9/10 മുരുകുമാരൻ	കിരീടം 9/10, no 63, അനുഷ്ഠാനം വില 1470	B. Raju 8754922920
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1425	
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1430	K. Raju
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 93, അനുഷ്ഠാനം വില 1442	K. Raju
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1474	G. Raju
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1478	M. Raju
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1477	A. Raju
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1487	T. Raju 9943913076
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1497	P. Raju
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1506	P. Raju
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1513	A. Raju
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1526	K. Raju
കിരീടം 9/10 അനുഷ്ഠാനം	കിരീടം 9/10, no 10 അനുഷ്ഠാനം വില 1529	E. Raju

വയസ്സ്

പേര്

താമസം

മുരുകുട്ടി കുട്ടി	മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കിരീടം 1529	മു. മുരുകുട്ടി
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കുട്ടി	മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കിരീടം 1514	മു. മുരുകുട്ടി K. മുരുകുട്ടി 77 08087128
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കിരീടം 1350	K. മുരുകുട്ടി 8248570653
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കിരീടം 1362	M. മുരുകുട്ടി 8870070608
മുരുകുട്ടി കുട്ടി കിരീടം	മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കിരീടം 1398	മു. മുരുകുട്ടി 9677816332
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	4 1534	9944970639, P. Baby
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	4 1542	A. മുരുകുട്ടി
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	4 1544	M. മുരുകുട്ടി
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കിരീടം 1551	A. മുരുകുട്ടി
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കിരീടം 1561	D. മുരുകുട്ടി
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	4 1565	B. MUJ -
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കിരീടം 1577	M. മുരുകുട്ടി
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കിരീടം 1581	M. മുരുകുട്ടി
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	4 1582	9626565251
മുരുകുട്ടി കുട്ടി മുരുകുട്ടി	മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കിരീടം 1583	T. മുരുകുട്ടി
മുരുകുട്ടി കുട്ടി കിരീടം	മുരുകുട്ടി കുട്ടി മുരുകുട്ടി കിരീടം 1583	S. മുരുകുട്ടി

പേര്	മേഖല	സംസ്ഥാനം
മുഹമ്മദ് ഹുസൈൻ	മുഹമ്മദ് ഹുസൈൻ	M. D. D.
മുഹമ്മദ് ഹുസൈൻ	4	8385362282
മുഹമ്മദ് ഹുസൈൻ	മുഹമ്മദ് ഹുസൈൻ	9994490746
മുഹമ്മദ് ഹുസൈൻ	No. 99. മുഹമ്മദ് ഹുസൈൻ	8870998423
മുഹമ്മദ് ഹുസൈൻ	മുഹമ്മദ് ഹുസൈൻ	B. D. D.
മുഹമ്മദ് ഹുസൈൻ	4	M. D. D.
മുഹമ്മദ് ഹുസൈൻ	4	A. D. D.
മുഹമ്മദ് ഹുസൈൻ	4	B. D. D.
മുഹമ്മദ് ഹുസൈൻ	മുഹമ്മദ് ഹുസൈൻ	M. D. D.
മുഹമ്മദ് ഹുസൈൻ	4	P. D. D.
മുഹമ്മദ് ഹുസൈൻ	മുഹമ്മദ് ഹുസൈൻ	9797264585
മുഹമ്മദ് ഹുസൈൻ	മുഹമ്മദ് ഹുസൈൻ	S. D. D.
മുഹമ്മദ് ഹുസൈൻ	4	S. D. D.
മുഹമ്മദ് ഹുസൈൻ	മുഹമ്മദ് ഹുസൈൻ	M. D. D.
മുഹമ്മദ് ഹുസൈൻ	മുഹമ്മദ് ഹുസൈൻ	D. D. D.
മുഹമ്മദ് ഹുസൈൻ	മുഹമ്മദ് ഹുസൈൻ	V. D. D.

വടവർ	മുദ്രവാക്യം	മുദ്രവാക്യം.
വിശ്വദേവൻ ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം no. 504 മേയ് 1968	E. Vimalan 8525961715
വ്യാജമുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം മുദ്രവാക്യം 52	E. Vimalan 8098841303
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	4	മുദ്രവാക്യം
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	4	E. Vimalan 8525961715
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം മുദ്രവാക്യം 1968	S. Vimalan 8525960270
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം മുദ്രവാക്യം	M. Vimalan
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം no. 57 മേയ് 1968	V. Vimalan 405
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം no. 92 മേയ് 1968	M. Vimalan
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	4	Devan. M 0152792243
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം no. 28 മേയ് 1968	K. Vimalan
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം no. 28 മേയ് 1968	K. Vimalan 8072268221
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം no. 25 മേയ് 1968	K. Vimalan 9361852703
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം no. 28 മേയ് 1968	M. Vimalan
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം മുദ്രവാക്യം 1968	Manokar 936068161
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം മുദ്രവാക്യം	M. Vimalan
മുദ്രവാക്യം ക്ലബ്ബ് ക്ലബ്ബ്	മുദ്രവാക്യം മൂലം മുദ്രവാക്യം	S. Vimalan

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From:

Thiru. A. Suresh, (P4)
S/o, Arumugam
No. Chinnamudaliar Chavady Kuppam,
Vanur Taluk, Villupuram

To,

The Chairman,
District Zone Management Authority,
Villupuram.

Sir,

Sub: Reply to your show cause notice under section 5 of
E(P) Act 1986 as amended.

Ref: Proc. No. F.O.A. No. 473/2022/NGT (PB)/CRZ
Violation/DCZMA/VPM/2023 dated 06-01-2023



8

I submit to state that I am 3rd generation fisherman living at the above address and doing fisherman work. (In this regard for my personal use I have started constructing a residential house in my property situated at Chinna Mudialar Chavady. But due to certain issues raised by the government officials during their visit in our village, I have stopped my construction at the basic foundation level itself. Meanwhile I have received your show cause notice regarding my explanation.

In this regard I hereby submit that as mentioned in your show cause notice the building proposed to be constructed for new resort under construction-(P4) is not true. The said construction is only started for my individual house for residential purpose and the same was stopped in January -2022 itself. Hence I have not violated any CRZ regulation.

I hereby submit as informed by the government officials I will further start the construction of my house only after obtaining necessary approvals from concern department. Hence considering the above, I hereby request to withdraw your show cause notice and not to take any legal action against me and kindly help me for obtaining necessary permission from the concern Department to regularise my house.)

Date: 25-01-2023

Place: Chinnamudaliar Chavady

f. h. Suresh
(Suresh)

From:

Thiru Devaraj (P5),
S/o, Ezhumalai
Chinnamudaliar Chavady Kuppam,
Vanur Taluk, Villupuram

To,

The Chairman,
District Zone Management Authority,
Villupuram.

Sir,

Sub: Reply to your show cause notice under section 5 of
E(P) Act 1986 as amended.
Ref: Proc. No. F.OA. No. 473/2022/NGT (PB)/CRZ
Violation/DCZMA/VPM/2023 dated 06-01-2023

I submit to state that I am 3rd generation fisherman living at the above address and doing fisherman work. In this regard due to the disaster happened in the year 2004 due to Tsunami we have lost our houses and belongings and even our family members which was a sad event witnessed by everyone.

Whereas to recover from the said sufferings, out of the love and affection towards our community the local Government and some good hearted peoples, and NGO helped us to recover from the disaster. The then Government of Tamilnadu rendered their full support which enable us to reconstruct the vanished house by Tsunami and we replaced it with a RCC building and lived with our Family.

Whereas though we were slowly recovering from the disaster, but to due to natural calamities such as rain and storm, we have been often losing our income as fisherman and even some time pushed to avail loan with high interest to run our family. Thus the income generated from our fisherman work is not sufficient, even some time we were not able to provide food for our children.

Though this being the fate of the fisherman community living in our village but in the surrounding villages the local fisherman people were generating additional income from the local and foreign tourist who come to visit Auroville. In this regard in the year 2008 in order to uplift our livelihood the then Respected Collector of Villupuram gave suggestion to generate additional income by converting our house into home stay and to renting out to the tourist who were visiting Auroville and love to enjoy their stay in the local house with sea view.

Since our village is close to the well-known tourist place of Auroville and due to the flow of local and foreign tourist, and as per the suggestion given by the then Collector of Villupuram, during his visit to village encouraged us to modify our premises as home stay, to generate additional income. As per his advice some of the local fisherman who were suffering daily for their bread and butter converted the our houses into home stay and started generating additional income, such that we were slowly recovering from the poverty and it was helpful for the education and live hood of our family.

Whereas in a view to support our activities the then Collector with the help of the Government have also made cement roads, street lights and filled rocks on the bay as suits for the tourist people. Thus we using the said infrastructures renovated our houses into home stay and rented to the tourist and generated permanent additional income out it.

Whereas out of the additional income generated we have been slowly recovering but suddenly the said show cause notice issued by your office shocked our entire community who were just now started to uplift our livelihood and education of our children. Though it's a hard truth that our community were not well educated and well versed in local rules and regulation, since we are spending most our time at sea, hence we are very sad to hear that we have violated the CRZ rules and regulation.

We the fishermen community are known for worshipping the sea as our God, hence we never pollute or allow to pollute by any means. Since the house is situated after the belt of rocks laid in the sea and the 20 feet cement concrete public road. We through running pillar to post on enquiry came to know that the construction of my house which was used for running home stay "L'Ambay Bay Resto Cafe" (P5) comes under permissible under the permission of Coastal Regulation Zone, notification for which the CRZ permission can be obtained by submitting necessary documents.

In this regard, we also approached the Government Department for submitting our applications for obtaining the CRZ permission and to regularize my building. But we came to know that there was a stay in force for the Office Memorandum F.No. 19-27/2015-IA.III vide order passed by the Hon'ble High Court Madurai Bench in WWP (MD) No. 6666 of 2021 in WP(MD) No. 8866 of 2021. Hence all our possible approach to regularise my building came to an end.

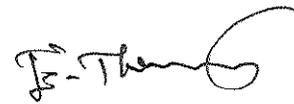
Whereas on the personal inspection of our village and the surrounding village may reveal that there are more than 100 hotel, restaurants, guest houses and resorts were running. Those are the establishments owned by Politicians, Government officers and rich people who have money power. But they were smoothly running their business without any hassle or disturbances from any one, but the drastic action taken against us for just converting our small fisherman house into a home stay made us to think that the Government was neglecting our community by pushing us to run for our livelihood as slitting the throat of our community.

Moreover the property where the home stays activities are carried on is a small house converted into 5 rooms but in your said show cause notice it is wrongly mentioned as Resort which is not true. And for running the home stay we are not taking any ground water as mentioned in your notice.

Hence considering the above, I hereby request to withdraw your show cause notice and kindly help us for obtaining necessary permission from the concern Department to regularise our house. Despite of the same if your good office was not satisfied with our reply and proceeding with the penalty or punishment then we don't have any option to end our life inside the said premises as we don't have any other option left.

Date: 25-01-2023

Place: Chinnamudaliar Chavady



(Devaraj)