

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Original Application No.473 of 2022 (PB)

Gopal Chinna Mudalyar Chavady

...Applicant

Vs

State of Tamil Nadu and Ors.

...Respondents

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Filed by

TAMIL NADU POLLUTION
CONTROL BOARD.

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**REPORT FILED ON BEHALF OF THE 3RD RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Sarasavani, D/o. Thiru.J.Ragavan, Hindu, aged about 57 years, having my office at 76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

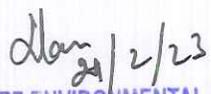
1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB), Chennai -600 032, and filing this Report on behalf of the Respondents Tamil Nadu Pollution Control Board (TNPCB) and as such I am well acquainted with the facts of the case from the records.
2. It is respectfully submitted that the present application is registered based on a complaint received through e-mail from Mr.Gopal Chinna Mudalyar, Chavady, Villupuram against violation of Coastal Regulation Zone (CRZ) Notification in their village as so many private beach hotels are running within the area of 10 metres, 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 the 4th Respondent requested the Respondent TNPCB to facilitate serving of Show Cause Notice. Accordingly, Show Cause Notice dated 6.1.2023 was served on the

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Respondents 5 to 9 by the Chairman, District Level Coastal Zone Management Authority, Villupuram under Section 5 of the Environment Protection Act, 1986.

5. It is respectfully submitted that as per CRZ notifications, 1991 and 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 competent authority 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.
6. It is respectfully submitted that Show Cause Notice vide Proc. dated 06.01.2023 were issued to the Respondents 5 to 9 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.
7. 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, 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


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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.

8. 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, etc. from concerned government department and has been renewing the same regularly.
9. 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

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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.

10. 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 Chinna Mudialar Chavady. 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.
11. 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 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

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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.

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BEFORE ME

VERIFICATION

I, R.Sarasavani, D/o. Thiru.J.Ragavan, working as Joint Chief Environmental Engineer, having office at No. 76, Anna Salai, Guindy, Chennai – 32, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

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TAMIL NADU POLLUTION CONTROL BOARD
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**REPORT FILED ON BEHALF OF THE 3rd
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POLLUTION CONTROL BOARD.**

**Filed by:
Tamil Nadu Pollution Control Board.**

Date:21.02.2023

Date of hearing on:23.02.2023