

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTH ZONE CHENNAI

O.A No. 159 of 2020

K.K.Muhammed Iqbal:

Applicant

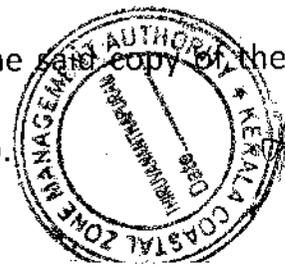
VS

Kerala Coastal Zone Management Authority :
and others

Respondents

REPLY AFFIDAVIT FILED ON BEHALF OF THE 1ST RESPONDENT, KCZMA

1. I, Chandrasekar S I.A.S, S/o Selvakumar N aged of 37 years presently working as the Member Secretary, Kerala Coastal Zone Management Authority residing at Thiruvananthapuram do hereby solemnly affirm and swear to this affidavit on behalf of 1st respondent.
2. It is submitted that the directions that were given to the KCZMA vide order dated 27.01.2021 by the Hon'ble National Green Tribunal (SZ) Chennai to take appropriate action against the violators was placed as agenda item agenda item No.113.03.11 in the 113th meeting of KCZMA held on 15.02.2021 at Thiruvananthapuram. Accordingly the KCZMA as directed by this Hon'ble Tribunal decided to issue notice to the Project Proponent and has also directed the District Collector, Ernakulam to initiate action against the violation. Copy of the Agenda note as stated above is attached to herewith as **Annexure R1(1)**.
3. It is submitted that KCZMA has issued Notice to the Project Proponent dated 09.03.2021 as as per the provisions under Environmental Protection Act, 1986. The said copy of the Notice is attached to herewith as **Annexure R1(2)**.



S. CHANDRASEKAR IAS
Member Secretary
Kerala Coastal Zone
Management Authority
Thiruvananthapuram

4. It is submitted that KCZMA has issued direction to the District Collector, Ernakulam to take action against the violation as per EP Act, 1986 and furnish the action taken report to KCZMA urgently. Copy of the said letter is attached to herewith as **Annexure R1(3)**.
5. It is therefore prayed that the Hon'ble Tribunal may be pleased to record the same and thus render justice.

All the above facts are true to the best of my knowledge, information and belief.

Dated this the 13th day of April, 2021.



Deponent
S. CHANDRASEKAR IAS
 Member Secretary
 Kerala Coastal Zone
 Management Authority
 Thiruvananthapuram

Solemnly affirmed and signed before me by the deponent who is personally known to me, on this the 13th day of April, 2021, in my office, at Thiruvananthapuram




Attesting Officer

Attesting Officer
 Kerala Coastal Zone Management Authority
 4th Floor, TIC Building
 Thampalakam, Thiruvananthapuram-01
 Ph: 0471-2330003

Agenda Item No.113.03.08

File No: 2269/A2/2020/KCZMA

Order dated 18.12.2020 of the Hon'ble High Court in WP(C).No.25621/2020 filed by Sri.T.Ambujakshan Nair -reg

Decision: Deferred.

Agenda Item No.113.03.09

File No: 200/A2/2021/KCZMA

Deputing another Expert Member for Pending Site Inspections in Place of Dr.C.P.Geevan, Member, KCZMA-reg

Decision: Deferred.

Agenda Item No.113.03.10

File No: 1923/A2/2020/KCZMA

OA.No.151/2020 filed by Akhila Kerala Dheevara Sabha-reg

Decision: Noted.

Agenda Item No.113.03.11

File No: 1495/A2/2020/KCZMA

Order dated 27.01.2021 in OA.No.159/2020 filed by K.K. Muhammed Iqbal-reg

Decision: Notice shall be issued to the Project Proponent. The District Collector, Ernakulam shall be directed to take action against the violation.

Agenda Item No.113.03.12

File No: 1957/A2/2020/KCZMA

Complaint made by Sri.N.Ramachandran regarding the Illegal Reclamation and construction in Kochin Backwaters and Violation of CRZ regulation by M/S Cochin Port Trust-reg

Decision: Deferred.

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KERALA COASTAL ZONE MANAGEMENT AUTHORITY
Directorate of Environment & Climate Change

4th Floor, KSRTC Bus Terminal, Thampanoor, Thiruvananthapuram - 01
Ph. 0471-2339696, E-mail: kezmasantd@gmail.com

No: 1495/A2/2021/KCZMA

Date: 09.03.2021

NOTICE

Sub:- KCZMA- Order of the Hon'ble National Green Tribunal (SZ), Chennai dated 27.01.2021 in OA.No.159/2020 filed by K.K. Muhammed Iqbal- Action as per EP Act, 1986-reg.

- Ref: 1. Notification. No. S.O 19 (E) dated 08.01.2011 of Ministry of Environment Forest & Climate Change. Govt. of India.
2. Order of the Hon'ble National Green Tribunal (SZ), Chennai dated 25.08.2020 in OA.No.159/2020 filed by K.K. Muhammed Iqbal
3. Decision No: 110.03.10 of 110th Meeting of KCZMA held on 11.09.2020.
4. Order No.1495/A1/2020/KCZMA dated 09.10.2020.
5. Decision No: 112.04.01 of 112th Meeting of KCZMA held on 22.12.2020.
6. Decision No: 113.03.11 of 113th Meeting of KCZMA held on 15.02.2021.

The Ministry of Environment, Forest & Climate Change, Govt. of India have issued CRZ Notification 2011 to regulate activities in the CRZ areas, that any developmental / construction activities in the CRZ area would require the prior clearance from the state / central authorities concerned.

Sri. K.K. Muhammed Iqbal filed O.A No. 159/2020 before the Hon'ble NGT Southern Zone against the 'Consent to Establish' given by Kerala State Pollution Control Board for setting up a slaughter waste processing industrial unit in Sy.No 57/2, 57/3 and 57/4 of Kadungalloor Grama Panchayat, Ernakulam District.

As per the order read as 2nd paper above, the Hon'ble NGT in its order dated 25.08.2020 directed the 1st respondent, i.e KCZMA to inspect the area in question and ascertain as to whether there was any violation of CRZ Notification 2011 or 2019 which is in force at the time when the unit was established and if there is any violation, then what is the nature of action that is proposed to be taken by the KCZMA and submit a report to Hon'ble NGT.

KCZMA in its 110th meeting held on 11.09.2020 discussed the matter and deputed Dr. Thulasidas P.K, Member (Expert), KCZMA to inspect the site to ascertain the CRZ status.

Dr. Thulasidas P.K, Member, KCZMA conducted the site inspection on 30.11.2020. In the site inspection report it has been concluded that the constructed factory buildings lies in the No Development Zone (CRZ) of CRZ III, violating the provisions of CRZ Notification 2011. And also recommended that KCZMA should initiate proceedings as per applicable legal provisions.

The site inspection report was placed in the 112th meeting of KCZMA & vide decision No. 112.04.01, KCZMA ratified the site inspection report and decided to submit the site inspection report to the Standing Counsel. KCZMA forwarded the site inspection report to the Standing Counsel.

Vide order dated 27.01.2021, the Hon'ble NGT directed KCZMA to file a report regarding the action taken by KCZMA on the basis of the observations made in the site inspection report before the Hon'ble NGT on or before 01.03.2021.

KCZMA in its 113th meeting held on 15.02.2021, discussed the matter in detail and decided to issue Notice to the Project Proponent. KCZMA also decided to direct the District Collector, Ernakulam to take action against the violation.

Hence you are hereby directed to Show Cause **within 30 days of the receipt of this notice** why action as per the provision under EP Act, 1986 shall not be initiated against you. If no reply is received within the time stipulated it, will be presumed that you have nothing to offer as explanation to the cause of the CRZ violation and further action will be proceeded as per Law, without any further notice.

Yours faithfully,

Sd/-

S.Chandrasekar IAS
Member Secretary, KCZMA

Approved for issue


SECTION OFFICER

To

1. Sri. K.K.Abdul Latheef, M/S Alliance Maraine, Products, Industrial Development Area, Edayar, Muppathadam P.O, Kadungalloor-683502

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Copy to:-

1. The District Collector, Ernakulam.
2. The Secretary, Kadungalloor Grama Panchayath, Kadungalloor Rd, Kadungalloor, Aluva, Kerala 683110.
3. The Director, Department Industries & commerce, Thiruvananthapuram
4. The Member Secretary, Kerala State Pollution Control Board, Thiruvananthapuram
5. The Tahasildar, North Paravoor, Ernakulam - 683513
6. SF/QC.

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KERALA COASTAL ZONE MANAGEMENT AUTHORITY
Directorate of Environment & Climate Change

4th Floor, KSRTC Bus Terminal, Thampanoor, Thiruvananthapuram - 01
Ph. 0471-2339696, E-mail: kczmasandika@gmail.com

No: 1495/A2/2021/KCZMA

Date: 09.03.2021

From

The Member Secretary, KCZMA.

To

The District Collector
Ernakulam

Sub:- KCZMA-Order of the Hon'ble National Green Tribunal (SZ), Chennai dated 27.01.2021 in OA.No.159/2020 filed by K.K. Muhammed Iqbal- Action as per EP Act, 1986-reg.

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4. Decision No: 112.04.01 of 112th Meeting of KCZMA held on 22.12.2020.
5. Decision No: 113.03.11 of 113th Meeting of KCZMA held on 15.02.2021.

I am to invite your attention to the references cited and to inform you that Sri. K.K. Muhammed Iqbal filed O.A No. 159/2020 before the Hon'ble NGT Chennai against the 'Consent to Establish' given by Kerala State Pollution Control Board for setting up a slaughter waste processing industrial unit in Sy.No 57/2, 57/3 and 57/4 of Kadungalloor Grama Panchayat, Ernakulam District.

As per the order 1st cited, the Hon'ble NGT directed the 1st respondent i.e, KCZMA to inspect the area in question and ascertain as to whether there was any violation of CRZ Notification 2011 or 2019 which is in force at the time when the unit was established and if there is any violation, then what is the nature of action that is proposed to be taken by the KCZMA and submit a report to Hon'ble NGT.

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KCZMA in its 113th meeting held on 15.02.2021, discussed the matter in detail and vide reference 5th cited, KCZMA decided to issue Notice to the Project Proponent. KCZMA also decided to direct the District Collector, Ernakulam to take action against the violation.

Hence I am to direct you to take action against the violation as per EP Act 1986 and furnish the action taken report to KCZMA urgently.

Yours faithfully,
Sd/-

S.Chandrasekar IAS
Member Secretary, KCZMA

Approved for issue



SECTION OFFICER

Encl:

1. Copy of Hon'ble NGT order dated 27.01.2021.
2. Copy of Notice issued by KCZMA