

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Application No.262 of 2014 (SZ)**

1. Quilon Educational Trust,
S/o A.Abdul Salam
Pattathil, Ayathil
Kollam 691017

Applicant

AND

1. State of Kerala, Rep. by its
Secretary, Kerala State Council
for Science, Technology and
Environment, Sasthra Bhavan,
Pattom, Thiruvananthapuram-695 004
2. Kerala Coastal Zone Management Authority,
Science and Technology (A) Department,
Sasthra Bhavan, Pattom,
Thiruvananthapuram 695 004
Rep by Secretary
3. National Centre for Earth Science Studies, Aakkulam
Thiruvananthapuram – 695 011 Rep. by its Director
4. Adichanellore Grama Panchayat, Rep. by its Secretary
Office of the Adichanallor Grama Panchayat
Adichaallor 691 573
5. Union of India, Rep. by its Director,
Ministry of Environment and Forests
Paryavaran Bhawan, CGO Complex

Lodhi Road, New Delhi 110 003

Respondents

Counsel for Applicant:

M/s. P.B. Sahasranamam
Kamalesh Kannan, Subramanaiam
and Sai Sathya Jith

Counsel for Respondents:

Mrs. Suvitha, A.S. for R-1
Mr. T.N.C. Kaushik for R-2
Mrs. C. Sangamithirai for R-5
M/s. Sedhumadhavan,
K.Aravintha Bharathi and
K. Subbu Ranga Bharathi for R-4

ORDER

PRESENT:

HON'BLE JUSTICE DR.P.JYOTHIMANI, JUDICIAL MEMBER

HON'BLE PROF.DR.R.NAGENDRAN, EXPERT MEMBER

Dated 1st April 2015

1. This application No.262 of 2014 prayed for direction against Respondents 1 to 3 to prepare a new Coastal Zone Management plan in respect of the areas coming under Mundrothuruthu Grama Panchayat including the land in Sy.No.09 to 98 in Block No.29 of Adichanellore Village, Kollam Taluk, Kollam District, Kerala State categorising the submerged land and its areas under CRZ II and send the same to the 5th respondent MoEF for approval. The learned counsel appearing for MoEF submitted in categorical terms that MoEF has not yet received the coastal

zone management plan in respect of the land in question approved by the Kerala Coastal Zone Management Authority. She would add further that as soon as such draft application is received, the MoEF will follow the proceedings laid down under CRZ Notifications which includes the public hearing prior to the issuance of final Notifications.

2. We are of the opinion that in view of the categorical stand taken by the MoEF, no further order is required in this application.
3. However, the counsel appearing for the applicant would submit that the 2nd respondent who is to structure the draft notification is expected to take note of and consider the objections and issues raised in the public hearing which, in fact was conducted by the 2nd respondent where many persons including the applicants have raised various objections. The apprehension of the applicant is that the 2nd respondent has not considered any of the objections raised by the applicant as well as others and there is every possibility of not considering them when the 2nd respondent passes appropriate draft notification.
4. Mr.Kaushik the learned counsel for 2nd respondent would submit that infact the 2nd respondent has followed the procedure and submitted as it was submitted by the counsel for the MoEF that the apprehension of the applicant is unfounded and the application itself is premature. We do not agree with the contention raised by the learned counsel for 2nd and 3rd respondents.
5. Even if the 2nd respondent does not consider the objections raised in the public hearing including the applicant, admittedly what is to be structured by the 2nd respondent is only draft notification and statutory effect to the same will be given

only after the 5th respondent issues notifications in accordance with the CRZ Notifications. Since such act has not occurred so far the application in our view is totally premature.

6. However it is necessary that the 5th respondent before passing appropriate final Notification should protect the interests of the public which is obligatory and consider the objections raised by the public in their appropriate perspectives.
7. We are of the view that as the learned counsel for MoEF has correctly pointed out the MoEF should give proper opportunity to public to raise objections before the statutory Notification is issued.

With the above directions, the ***application stands disposed.***

No Cost.

Justice Dr.P.Jyothimani
(Judicial Member)

Prof. Dr. R. Nagendran
(Expert Member)

