

Item No. 07:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 15 of 2023 (SZ)

(Through Video Conference)

IN THE MATTER OF

1. Kannappan

S/o Theepanjan,
Tsunami Quarters,
Tazhuthali Kuppam, Cheyyur,
Kancheepuram.

2. Panneer

S/o Sengeni,
Tsunami Quarters,
Tazhuthali Kuppam, Cheyyur,
Kancheepuram.

...Applicant(s)

Versus

1. The Tamil Nadu Coastal Zone Management Authority,

Rep by its Member Secretary,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet,
Chennai- 600 015.

2. The District Collector,

Chengalpet District,
GST Road,
Chengalpattu- 603 001.

3. The Tamil Nadu Tourism Development Corporation Ltd,

Rep by its Director,
Tamil Nadu Tourism Complex,
No.2, Wallajah Road,
Chennai- 600002.

...Respondent(s)

Date of hearing: 28.04.2023.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Mr. Yogeshwaran

For Respondent(s):

Dr. D. Shanmuganathan for R1 and R2.

Mr. Edwin Prabhakar, Special Govt. Pleader rep by Mr.

M.R. Gokul Krishnan for R3.

ORDER

1. The above application is filed complaining about the constructions allegedly made in the CRZ-1B or NDZ of CRZ-III zones. According to the applicant the 3rd respondent, which the Tamil Nadu Tourism Development Corporation Ltd, was constructing related structures including toilets, compound wall etc., along the banks of the estuary in the area between the water body and the sea. The said area is in Sy. No. 241, Mudaliyarkuppam Village, Cheyyur Taluk.

2. The objections of the applicant are:
 - (1) The Tazhuthali Kuppam Estuary is near the Odiyur Lagoon. A branch of the Buckingham canal branches from this estuary towards Marakanam. This area is ecologically sensitive as it is important Olive Ridley Turtle nesting area.
 - (2) The estuary is rich in mangroves, seagrass beds etc.
 - (3) In view of the above, the entire area is falling within the CRZ 1B and NDZ and tourism related activities cannot be permitted.
 - (4) The 3rd respondent had also not obtained the required CRZ clearance from the Tamil Nadu Coastal Zone Management Authority.
 - (5) The fishermen community is using a larger fishing net requires the entire beach front for the fishing purpose and it cannot be converted into tourism spot.

3. On the above said grounds, complaining that the shallow coastal aquifer will be contaminated by construction and discharge from toilets and other establishments, the applicant has sought for demolition of construction raised in Sy. No. 241, Mudaliyarkuppam Village, Cheyyur Taluk by the respondent

nos. 1 to 3 and to remove debris, waste materials etc., and restore the area to its original condition.

4. In response, **a reply affidavit is filed by the Tamil Nadu Coastal Zone Management Authority** through the Member Secretary. In the reply it is stated that the District Coastal Zone Management Authorities (DCZMA) are entrusted with the responsibility of monitoring and enforcement/implementation of the provisions of the Coastal Regulation Zone (CRZ) Notification and also to ensure that the activities within the coastal regulation zone take place as per the approved management plan.

5. The 1st respondent has further stated that it has received several representations from the various fishermen association regarding the averments made by the applicant against the 3rd respondent and the same has been forwarded to the Chairman, DCZMA for taking action vide the letter dated 02.02.2023 from the 1st respondent.

6. The 1st respondent has further categorically stated that the 3rd respondent, namely, the Tamil Nadu Tourism Development Corporation Ltd, is constructing various facilities such as toilets, huts with concrete flooring and pilling compound wall etc., without any permission. The 3rd respondent also had not made any application for CRZ clearance under the CRZ Notification, 2011.

7. Learned Counsel, Mr. M.R. Gokul Krishnan, who appeared for **the Tamil Nadu Tourism Development Corporation Ltd** also had submitted that they have not made any application to the Tamil Nadu Coastal Zone Management Authority or made any application in that regard. It was also further admitted

that the alleged construction of toilet and compound wall were put up by them without any proper clearance from the 1st respondent and therefore consented for demolition and removal of the same as per rules and regulations.

8. In view of the above with the consent of all the Learned Counsels, it is ordered as follows:

- (i) The 3rd respondent should remove the construction made by them without any approval or proper clearance such as toilets and the compound wall etc., in Sy. No. 241, Mudaliyarkuppam Village, Cheyyur Taluk as per rules and regulations.
- (ii) The existing thatched huts with concrete flooring can exist but further huts or permanent structures cannot be put up by the 3rd respondent.
- (iii) Any intended construction or activity by the 3rd respondent can be done only after getting the appropriate clearance from the Coastal Zone Management Authority and within the permitted zones as per the CRZ Notification, 2011.

9. With the above directions, the Original Application is disposed of.

.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No.15/2023(SZ)
28th April, 2023. (AM)