

PRESS RELEASE

27 February, 2018. CHENNAI

Fishers Threaten Statewide Stir Demanding Withdrawal of Illegal Coastal Zone Management Plan

Tamil Nadu fishers and civil society groups have threatened statewide action unless the Government of Tamil Nadu withdraws the illegal and incomplete CZMP uploaded by it for public comments. The documents uploaded are in contempt of two orders of the National Green Tribunal directing the Government to conduct public consultation only after publishing complete plans prepared in accordance with the guidelines set out in the Coastal Regulation Zone Notification, 1991. See NGT (South Zone) orders in OA 86/2014 and OA 141/2014.

The maps uploaded by the GoTN do not contain the Hazard Line, a demarcation of areas that are vulnerable to the effects of Sea Level Rise, waves and tides. In areas where the hazard line lies beyond the 500 metres line from High Tide Line, the CRZ Notification restricts development between the HTL and Hazard Line as this zone is considered dangerous and vulnerable to the extreme behaviour of the seas. The notification also requires the state government to provide necessary safeguards for the fishing communities if located within the hazard line. The Notification considers the hazard line to be integral to the plan. Not demarcating the hazard line will provide leeway for unrestricted development in vulnerable and dangerous areas along the coast.

Fisherfolk also pointed out that the maps – that are in an alien English language – do not present any long-term housing plan for fishers as mandated by the Notification. Neither do they highlight their livelihood spaces on coastal commons, or their fishing grounds within rivers and seas. Even after more than 35 villages submitted maps prepared by themselves containing community infrastructure and land-use of coastal commons, the Government has failed to reflect any of these, they complained.

By removing key tidal zones such as mud-flats, salt marshes and salt pans from the purview of the CRZ maps in places like Ennore and Kanyakumari where a port is proposed, the Government has exposed its real intention of parcelling out coastal wetlands to commercial interests.

The fisherfolk and citizen groups that addressed the media today said the government's plans of intensifying development in vulnerable low-lying areas such as coastal wetlands can backfire horribly as it will put critical infrastructure and human populations in harm's way. A 2016 study conducted by the Indo-German Centre for Sustainability, IIT Madras for the Government of Tamil Nadu concluded that in Chennai alone, more than 10 Lakh People and 144 SqKm of land are already in danger of submergence due to Sea Level Rise by 2050.

In 2013, the Government of Tamil Nadu uploaded a similarly incomplete and legally non-compliant document for public consultation. Irate fisherfolk agitated and prevented public hearings from being held. Hearings that were held despite the opposition in five districts were nullified by the National Green Tribunal which directed the state government to prepare complete and legally compliant maps for public consultation.

Organized by : Fisherfolk of Thiruvallur, Chennai, Kanchipuram and Other Districts

For More Information, contact : Saravanan K – 9176331717; Pooja Kumar 9791122180

ஊடக அறிக்கை

27 பெப்ரவரி, 2018. சென்னை

சட்ட விரோத கடற்கரை மண்டல மேலாண்மை திட்டத்தைத் திரும்பப் பெற வேண்டும்! இல்லையென்றால் போராடுவோம்! மீனவர்கள் எச்சரிக்கை!

மக்கள் கருத்து பெறுவதற்கு தமிழக அரசால் இணையத்தளத்தில் பதிவேற்றம் செய்யப்பட்ட முழுமையற்ற சட்டவிரோதமான வரைவு கடற்கரை மண்டல மேலாண்மை திட்டத்தை ரத்து செய்து முழுமையான CRZ-சட்டத்திற்கு ஒத்துப்போகும் திட்டத்தை பதிவேற்றம் செய்யாவிட்டால், மாநில அளவில் கடற்கரைவாழ் சிவில் சமூக அமைப்புகளும் மீனவர்களும் போராட்டத்தில் இறங்குவதாக எச்சரிக்கைவிடுத்துள்ளனர். தென் மண்டலத் தேசியப் பசுமைத் தீர்ப்பாயம் அளித்த இரண்டு உத்தரவுகளுக்கு விரோதமானவையாக பதிவேற்றம் செய்யப்பட்டுள்ள ஆவணங்கள் உள்ளன. கடற்கரை மண்டல ஒழுங்கமைவு அறிவிக்கை 2011 அளித்துள்ள வழிகாட்டுதல்களுக்குப் பொருந்திப்போகும் வகையில் உருவாக்கப்பட்ட முழுமையான திட்டத்தை வெளியிட்ட பின்னர் பொது விசாரணை ஒன்றை நடத்த வேண்டும் என்று OA 86/2014 மற்றும் OA 141/2014 உத்தரவுகள் குறிப்பிட்டிருந்தன.

தமிழ்நாடு அரசாங்கம் வெளியிட்ட வரைபடத்தில் அபாயக் கோடு குறிப்பிடப்படவில்லை. கடல் மட்ட உயர்வு, அலைகள், கடலேற்றம் போன்ற காரணங்களால் பாதிப்புக்கு ஆளாகக் கூடிய பகுதியைப் பிரித்துச் சுட்டிக்காட்டும் கோடுதான் அபாயக் கோடு என்று குறிப்பிடப்படுகிறது. உயரலைக் கோட்டிலிருந்து 500 மீட்டருக்கு மேல் அபாயக்கோடு இருக்கும் என்றால் அப்பகுதி அபாயகரமானது என்று கருதப்படும். கடலின் தீவிரமான செயல்பாடுகள் காரணமாக இப்பகுதிகள் ஆபத்துக்கு இலக்காகும் வாய்ப்பிருக்கிறது. அபாயக் கோட்டுக்குள் வாழும் மீனவ மக்களின் பாதுகாப்புக்கான ஏற்பாடுகளை மேற்கொள்ள வேண்டும் என்றும், இப்பகுதியில் வளர்ச்சி கட்டுப்படுத்தவேண்டும் என்றும் அறிவிக்கை குறிப்பிடுகிறது. அபாயக்கோடு திட்டத்தின் ஒருங்கிணைந்த அம்சம் என்று அறிவிக்கை கருதுகிறது. அபாயக்கோடு குறிப்பிடப்படவில்லை என்றால், கடற்கரையோரத்தில் உள்ள பாதிப்புக்கு ஆளாக வாய்ப்புள்ள மற்றும் ஆபத்தான பகுதிகளில் கட்டுக்கு அடங்காத வளர்ச்சி நடவடிக்கைகள் மேற்கொள்ளப்படுவதற்கு அது கண்மூடித்தனமான வாய்ப்புகள் அளிப்பதாக ஆகிவிடும்.

வரைபடங்கள் ஆங்கிலத்தில் இருப்பதையும் மீனவ மக்கள் சுட்டிக்காட்டினர். அவற்றில் மீனவ மக்களுக்கான நீண்டகால நோக்கிலான வீட்டுமனைத் திட்டங்கள் குறிப்பிடப்படவும் இல்லை. ஆனால், அறிவிக்கையின்படி நீண்டகால வீட்டுமனைத் திட்டங்களைக் குறிப்பிடுவது கட்டாயமான ஒன்றாகும். மேலும், அந்த வரைபடங்களில் கடற்கரையிலுள்ள மீனவ மக்களின் பொதுச் சொத்துகள் பற்றியும், கடல் மற்றும் ஆறுகளின் மீன்பிடிப் பகுதிகள் பற்றியும் எதுவும் குறிப்பிடப்படவில்லை. சமூக அடிக்கட்டுமானச் சொத்துகள், கடற்கரையோரத்தில் உள்ள பொதுச் சொத்துகள் குறித்து 35 கிராமங்கள் தாங்கள் உருவாக்கிய வரைபடங்களை அரசுக்கு அளித்திருக்கின்றனர். ஆனால், அவற்றைக் கருத்தில் எடுத்துக்கொண்டு வரைபடத்தில் அரசு கொண்டுவரத் தவறிவிட்டது என்று அவர்கள் குற்றம் சாட்டுகின்றனர்.

எண்ணூர் மற்றும், கன்னியாகுமரி போன்ற துறைமுகங்கள் அமைக்கும் திட்டம் உள்ள பகுதிகளில் உள்ள கடலையின் பாதிப்புக்கு ஆளாகும் பகுதிகளான சதுப்புப் பரப்புகள், உப்பு சதுப்பு நிலங்கள், உப்பளங்கள் போன்றவற்றை CRZ வரைபடத்திலிருந்து நீக்கியிருக்கிறார்கள். கடற்கரை சதுப்பு நிலங்கள் வணிக நோக்கங்களுக்கு அளித்துவிடுவது என்ற அரசின் நோக்கத்தை இச்செயல் அம்பலப்படுத்துகிறது.

கடற்கரைச் சதுப்பு நிலங்கள் போன்ற, பாதிப்புக்கு ஆளாக வாய்ப்புள்ள தாழ்வான பகுதிகளில் வளர்ச்சி நடவடிக்கைகளைத் தீவிரப்படுத்தும் அரசின் திட்டம், பாதகமான விளைவுகளை ஏற்படுத்தும் என்றும் முக்கியமான அடிக்கட்டுமான வசதிகளையும் மக்களையும் ஆபத்துக்குள் தள்ளும் என்றும் ஊடகத்தினரிடம் பேசிய மீனவ மக்களும் குடிமக்கள் அமைப்புகளும் தெரிவித்தனர். நிலைத்தன்மைக்கான இந்தோ - ஜெர்மன் மையமும் (Indo-German Centre for Sustainability), சென்னை IITயும், 2016ல் தமிழ்நாடு அரசுக்காக ஆய்வு ஒன்றை மேற்கொண்டனர். சென்னையில் மட்டும், 2050க்குள் கடல் மட்ட உயர்வின் காரணமாக 10 லட்சம் மக்களுக்கு அதிகமானவர்களும், 144 சதுர கிலோ மீட்டர் பரப்பும் பாதிப்புக்கு ஆளாகும் வாய்ப்புள்ளதாக அந்த ஆய்வு காட்டியுள்ளது.

2013ல், தற்போது நடந்துள்ளது போலவே, முழுமையற்ற மற்றும் சட்டத்துக்கு ஒத்துப்போகாத ஆவணங்களைப் பதிவேற்றம் செய்த தமிழக அரசு மக்களின் கருத்துரைகளைக் கேட்டது. இதனால், எரிச்சலடைந்த மீனவ மக்கள் எதிர்ப்புத் தெரிவித்தது மட்டுமல்லாமல், நடக்கவிருந்த பொது விசாரணையைத் தடுத்து நிறுத்தினர். எதிர்ப்புத் தெரிவிக்கப்பட்டும் பொதுவிசாரணை நடந்த ஐந்து மாவட்டங்களில் அவற்றை தேசியப் பசுமைத் தீர்ப்பாயம் ஏற்றுக்கொள்ளவில்லை. அந்த பொதுவிசாரணைகளைச் செல்லுபடி ஆகாதவை என்று தீர்ப்பளித்தது. மேலும், முழுமையான, சட்டப்பூர்வமான வரைபடங்களைத் தயார் செய்து பொது விசாரணை நடத்த வேண்டும் என்று மாநில அரசுக்கு, தேசியப் பசுமைத் தீர்ப்பாயம் உத்தரவிட்டது.


**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Application No. 86 of 2014 (SZ)

Applicant(s) Respondent(s)
O. Fernandes, Co-convenor, CAN Vs. The Union of India, Ministry of
Chennai Environment and Forests, New Delhi
and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
Shri. A. Yogeshwaran, Advocate Smt. C. Sangamithirai, Advocate for R-1
and R-2
M/s. M.K. Subramanian and M.R. Gokul
Krishnan, Advocates for
R-3, R-4 and R-6
Smt. H. Yasmeen Ali, Advocate for R-5

Note of the Registry	Orders of the Tribunal
Order No. 2	<p>Date: 6th March 2014</p> <p>When the matter is taken up this day, the counsel for all the parties are present.. Pursuant to the directions given by the Tribunal, the Director, State Level Coastal Zone Management Authority, Chennai is also present along with the file concerned with this matter. The reply is also filed by the respondent Nos. 3 and 4. The counsel for the application pressing for an interim relief of injunction to stop the public hearing scheduled to take place on 07.03.2014 on the ground that in the original plan of the year 1996 certain modifications and alterations have been made and now the public hearing is in respect of a new CRZ Management Plan, that the original plan of the year 1996 was not uploaded in the website and a common man who intends to raise objections at the time of public hearing cannot do so in the absence of the old plan and in the absence of any</p>



justification for making such variation is made known. It is candidly admitted by the respondents that the original plan of the year 1996 was not uploaded in the website though the present plan for Coastal Zone Management is exhibited and hence, as rightly pointed out by the learned counsel for the applicant, the Tribunal has to agree with the contentions put forth by the counsel for the applicant since without the comparison of both the old and new plans and without knowing the reasons and the justification for making the variation in the new plan, no one can make any objection and it might even defeat the purpose for which a public hearing is convened and conducted. Under such circumstances, the Tribunal feels it a fit case for granting the interim injunction restraining the holding of public hearing scheduled to take place on 07.03.2014 in respect of the proposed Coastal Zone Management Plan for Villupuram District. Accordingly, interim injunction is ordered for the proposed public hearing scheduled to take place on 07.03.2014.

The 3rd and 4th respondents are directed to take necessary steps in view of the observations made above and file their report in the next hearing.

The matter is posted to 01.04.2014.

Prof. Dr. R. Nagendran Justice M. Chockalingam
(Expert Member) (Judicial Member)

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

APPLICATION No. 86 of 2014 (SZ)

In the matter of:

Shri O. Fernandes
Co-Convernor, Coastal Action Network
Saidapet, Chennai- 600 015. --

Applicant(s)

and

- 1) The Secretary to Government
Ministry of Environment and Forests
Paryavaran Bhavan, CGO Complex
Lodhi Road, New Delhi - 110 003.
- 2) The National Coastal Zone
Management Authority
Rep. by its Member Secretary
O/o. Ministry of Environment and Forests
Paryavaran Bhavan, CGO Complex
Lodhi Road
New Delhi - 110 003.
- 3) The Director
Department of Environment
Panagal Building, Saidapet
Chennai - 600 015.
- 4) The Member Secretary
Tamil Nadu State Coastal Zone
Management Authority
Panagal Building, Saidapet
Chennai - 600 015.
- 5) The Tamil Nadu Pollution Control Board
Rep. by its Member Secretary
Anna Salai, Chennai - 600 032.
- 6) The Chairman/District Collector
District Coastal Zone Management Authority
District Collectorate, Villupuram.

Respondent(s)

Counsel appearing for:

Applicants: Shri A. Yogeshwaran, Advocate

Respondents: Smt. C. Sangamithirai, Advocate for Respondent No. 1 and 2, M/s. M.K. Subramaniam and M.R. Gokul Krishnan, Advocates for respondent Nos. 3, 4 and 6 and Smt. H. Yasmeen Ali, Advocate for respondent No. 5

ORDER

Present:

1. Hon'ble Shri Justice M. Chockalingam
Judicial Member
2. Hon'ble Prof. Dr. R. Nagendran
Expert Member

Dated: 1st April, 2014

(Hon'ble Shri Justice M. Chockalingam, Judicial Member)

This application is brought forth seeking direction to the respondents and in particular to the 4th respondent, namely the Tamil Nadu Coastal Zone Management Authority (for short 'TNCZMA') to prepare Coastal Zone Management Plans in accordance with the Coastal Zone Management Regulation Notification, 2011 and also to conduct a public hearing in accordance with law after wide publicity and include the views of the stake holders. On admission of the application and notice, the respondents appeared. The TNCZMA was also heard. After looking into the averments in the application and also the replies filed by the 3rd and 4th respondents,

the Tribunal feels that it would be fit and proper to issue a direction as hereunder which would avoid the avoidable delay.

2) A public hearing in respect of the District Coastal Zone Management Authority of Villupuram District was scheduled to take place on 17.02.2014 and at that juncture the instant application was filed by the applicant herein alleging that the respondents had violated CRZ Notification, 2011 dealing with the preparation of Coastal Zone Management Plans as envisaged in Clause 6 of the CRZ Notification, 2011. Since it has not only taken into consideration the exhibition of its original plans of 1996 which were not uploaded in the website, but also had kept the common man in dark from raising objections at the time of public hearing. Being convinced with the case of the applicant, the Tribunal made an interim order on 06.03.2014 whereby the public hearing scheduled to take place on 07.03.2014 was stayed by an interim injunction. Thus, by the said order the original public hearing scheduled to take place on 07.03.2014 could not be held and it was necessarily to be postponed.

3) What is all required by the applicant is the preparation of the Coastal Zone Management Plans and also the conduct of public hearing in accordance with the CRZ Notification, 2011. Needless to say that the authorities shown as 3rd and 4th respondents herein are duty bound to strictly adhere to the CRZ Notification, 2011 while preparing the Coastal Zone Management Plans and also conduct the public hearing and also the mandates stipulated therein. The counsel for the 3rd and 4th respondents would submit that the public hearing would be scheduled in future only after making wide publicity that too after preparation of Coastal Zone Management Plan in accordance with the CRZ Notification, 2011. While doing so, the averments and allegations made by the applicant in the application and other observations made by the Tribunal at the time of granting the interim order should be taken into consideration.

With the above directions the application is disposed of.

No cost.

(Justice M. Chockalingam)
Judicial Member

(Prof. Dr. R. Nagendran)
Expert Member

Chennai,

1st April, 2014

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Application No.141 of 2014 (SZ)

IN THE MATTER OF:

Ossie Fernandes
Co-Convenor,
Coastal Action Network,
54, LDG Road, Little Mount,
Saidapet, Chennai - 600 015.



... Applicant(s)

AND

1. The Union of India
Rep. by its Secretary to Government
Ministry of Environment & Forests
Paryavaran Bhavan, CGO Complex
Lodhi Road, New Delhi.
2. The National Coastal Zone Management Authority
Rep. by its Member Secretary
Office of the Ministry of Environment & Forests
Paryavaran Bhavan, CGO Complex
Lodhi Road, New Delhi.
3. The State of Tamil Nadu
Rep. by its Director
Department of Environment
Fort St. George
Chennai.
4. The Tamil Nadu Coastal Zone Management Authority
Rep. by its Member Secretary
Panagal Building
Saidapet
Chennai - 15.
5. The Tamil Nadu Pollution Control Board
Rep. by its Member Secretary
Annasalai, Chennai.

... Respondent(s)

Counsel appearing for the Applicant:

**M/s. Clifton D Rozario and
Maitreyi Krishnan**

Counsel appearing for the Respondents:

**Smt. C. Sangamithirai for R-1 and R-2
Mr. M.K. Subramanian for R-3 and R-4
Smt. H. Yasmeen Ali for R-5**

ORDER

PRESENT:

HON'BLE SHRI JUSTICE M. CHOCKALINGAM, JUDICIAL MEMBER

HON'BLE SHRI. P.S. RAO, EXPERT MEMBER

Dated 29th September, 2015

The counsel for the parties are present and the submissions put forth by them were heard and considered. The applicant has sought for the following reliefs:

(a) Declaring the public hearings conducted for the preparation of Coastal Zone Management Plans for Kanyakumari, Ramanathapuram, Thoothukudi, Pudukottai and Thirunelveli Districts on 31.10.2013, 21.11.2013, 10.12.2013, 23.11.2013 and 07.11.2013 respectively as invalid;

(b) Directing the respondents to re-conduct the public hearings for the purpose of preparation of Coastal Zone Management Plans for the districts of Kanyakumari, Ramanathapuram, Thoothukudi, Pudukottai and Thirunelveli after preparation of CZMPs in accordance with the CRZ Notification, 2011 and after providing wide publicity to as mandated under the CRZ Notification, 2006.

(c) Directing the respondents to upload CZMP 1996 including Coastal Zone Management Maps as per requirement of CRZ 1991 and the concerned Supreme Court Judgement along with the newly prepared plans on the website of the Appropriate Authorities to enable easy access of information to the public.

2. Claiming to be the Co-Convenor, Coastal Action Network, residing at Saidapet, Chennai, the applicant states that aggrieved by the illegal conduct of the public hearings for the preparation of the Coastal Zone Management Plans with reference to the CRZ Notification, 2011 for the districts of Kanyakumari, Ramanathapuram, Thoothukudi, Pudukottai and Thirunelveli he is filing this application. Public hearings were conducted in a manner contrary to the CRZ Notification, 2011

without preparing the maps and plans in accordance with CRZ Notification, 2011. They were not made available to the public also. No plan was drafted by the respondents, but only a map with Survey Numbers was prepared in English. There was no narration of the plan and there were no reasons mentioned for departure from the earlier plan now in force. The old plan or map was not even made available to the public. The website of the 5th respondent also did not contain the old plan or maps along with the notice of public hearing. Thus, it was impossible for the public to make effective participation in the public hearing process, since no information was made available to them by the respondents. All these documents pertaining to the public hearing were filed as Annexure A-1 with the application. सत्यमेव जयते

3. Pointing to the same, counsel for the applicant would add that the same executive summary was appended to all the maps with the survey numbers making only some minor modifications. The 3rd respondent has proceeded to prepare Coastal Zone Management Plan which is in essence only a CRZ map. Thus, there is a clear violation of clause 5 of the CRZ Notification, 2011 which deals with the preparation of Coastal Zone Management Plans. Since no wide publicity was made as mandated under CRZ notification, the participation of public was practically excluded. The applicant originally made an Application No.86 of 2014 before this bench and on 06.03.2014 an order of injunction was granted restraining the respondents from conducting public hearing based on the maps prepared in respect of Villupuram District. Subsequently the said application was allowed directing the respondents to prepare the CZMPs strictly in accordance with the CRZ Notification, 2011 and conduct public hearings after making wide publicity. The application was finally disposed on 1.4.2014. Copies of the orders made on 06.03.2014 and 01.04.2014 are filed under Annexure A-2 and A-3. The public hearings in respect of Kanyakumari, Ramanathapuram, Thoothukudi, Pudukottai and Thirunelveli Districts were already completed on 31.10.2013, 21.11.2013, 10.12.2013, 23.11.2013 and 07.11.2013 respectively as found in Annexure A-4. All the aforesaid public hearings also suffered from same infirmities pointed out above. Under such circumstances, the entire public hearings for all the aforesaid districts have got to be

set aside with a direction to respondents to strictly comply with the mandate as found under CRZ Notification, 2011.

4. The respondents, on notice, entered appearance and filed their respective reply. The 4th respondent, Tamil Nadu Coastal Zone Management Authority, against whom the allegations are made that the public hearings were not conducted in accordance with law and CRZ maps were prepared not strictly following the mandate and CRZ Notification, 2011, has filed a detailed reply. It would be apt and appropriate to reproduce the reply of the 4th respondent in paragraphs 11 and 12 which reads as follows:

“ 11. I humbly submit that in the meantime the Ministry of Environment, Forests & Climate Change in 1r. No.11-64/2011 - SICOM (Vol.II) date 7th October 2014, issued several new guidelines for the preparation of CZMP's. As per the revised guidelines, the National Centre for Sustainable Coastal Management(NCSCM)., constituted by the MoEF & CCC, shall revalidate the HTL for all the coastal areas. Further the NCSCM has to furnish the mappings of Ecologically Sensitive Areas (ESA)., covering mangroves, coral reefs, sand dunes, mudflats, salt marsh, turtle nesting sites, horse shoe crab habitats, seagrass bed, nesting ground of birds, demarcating of Critically Vulnerable Coastal Areas and the preparation of said documents are under progress at NCSCM, Anna University, Chennai for all the coastal states.

12. I humbly submit that after receiving the above documents from the NCSCM action will be taken for the preparation of CZMPs, afresh, by making suitable alteration, corrections etc., on the draft CZMP Maps already prepared., based on the documents of NCSCM. Then the same shall be made available for public domain for obtaining views, remarks, and suggestions of stakeholders. The Finalization of CZMPs shall be done duly considering all the suggestions, views of stakeholders as per the CRZ Notification 2011. Further action shall not be taken on the basis of existing draft CZMP Maps.”

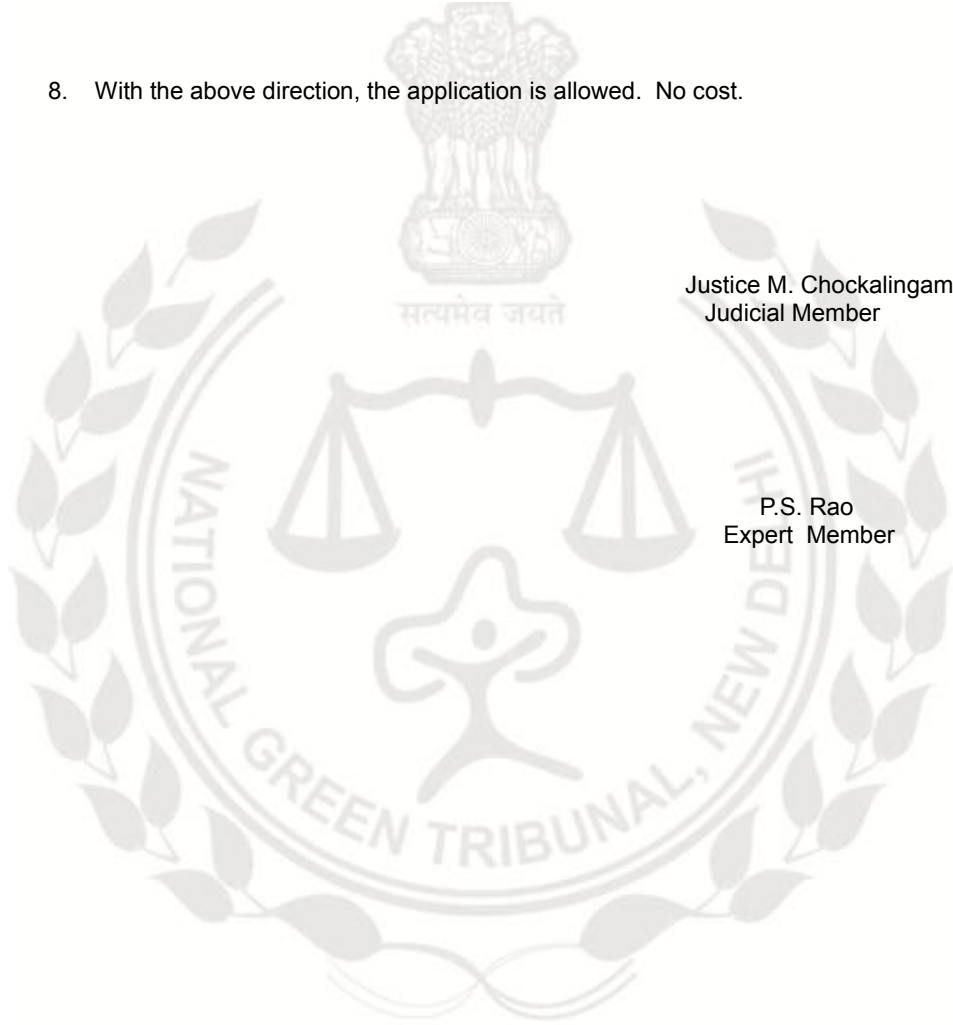
5. From the reading of the above it would clearly indicate that the new guidelines have been given for preparation of CZMPs and also revised guidelines by the National Centre for Sustainable Coastal Management (NCSCM), constituted by the MoEF & CCC should reevaluate HTL for all the coastal areas. Apart from that the NCSCM has to furnish the mappings of Ecologically Sensitive Areas (ESA), covering mangroves, coral reefs, etc., demarcating the Critically Vulnerable Coastal Areas and the preparation of said documents are under progress. For all the coastal areas, it is also made to clear that after receiving the above documents from NCSCM action will be taken for the preparation of CZMPs afresh by making suitable alterations, corrections, etc., on the draft CZMP Maps already prepared and it would also be made available in public domain for obtaining their views, remarks and suggestions and the finalization of CZMPs would be done duly considering all the suggestions, views of stakeholders strictly following the CRZ Notification, 2011.

6. Pointing out the reply, counsel for the applicant would submit that the affidavit is filed by the Ministry of Environment, Forest and Climate Change shown as 1st respondent to the effect that the draft CZMPs were not received from the state of Tamil Nadu for approval. But the public consultation on draft CZMPs for five districts of Tamil Nadu have been done. However, it was not made clear about the finalization of the draft CZMPs by the state and if any application was filed before the Tribunal prior to the finalization of the draft CZMPs, it is nothing premature.

7. In view of the reply, it will be quite clear that the plans originally prepared by the 4th respondent, which are assailed by the applicant herein, cannot be acted upon and after duly following the guidelines issued by the Ministry of Environment, Forests & Climate Change, necessary preparation of CZMPs afresh would be taken. Equally only after the preparation of those plans, they have to be put in public domain and necessary public hearings are convened and conducted to voice their views and suggestions of the stakeholders. Under such circumstances, the public hearings originally conducted in respect of all the above mentioned districts namely Kanyakumari, Ramanathapuram, Thoothukudi, Pudukottai and Thirunelveli and also the maps prepared by the 4th

respondent which are challenged now, are remain set aside. Hence, it is made clear that the 4th respondent has to necessarily follow the notification as mandated and all the guidelines and also the new guidelines which have got to be given by the MoEF in that regard.

8. With the above direction, the application is allowed. No cost.



Justice M. Chockalingam
Judicial Member

P.S. Rao
Expert Member

NGT

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 424 of 2016
(Earlier O.A. No. 169 of 2015)**

And

Original Application No. 11 of 2014

In the matter of :

M/s. Mehdad & Anr.

Vs.

Ministry of Environment, Forests & Climate Change & Ors.

And

Shamsunder Shridhar Dalvi & Ors. Vs. Govt. Of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Original Application No. 11 of 2014:

**Present: Applicant:
Respondent**

**Mr. Pradeep Mishra and Daleep Kr. Dhayani, Adv.
Mr. Rahul Pratap, Adv. for Ministry of
Environment, Forest and Climate Change
Mr. Dilip Poolakat, Adv. for State of Goa
Ms. Hemantika Wahi and Puja Singh, Adv. for State
of Gujarat and GSPCB**

Original Application No. 424 of 2016

Present: Applicant:

**Mr. Raj Panjwani, Sr. Adv. with Mr. Aagnay Sail, Adv.
Mr. Rajesh K. Singh and Mr. Rovins Verma, Adv. for
Ministry of Environment, Forest and Climate Change
Mr. R. Rakesh Sharma, Adv, Mr. V. Mowli, Adv. and
Mr. Naveen Raj, Adv. for State of Tamil Naidu, TNPCB
Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar
and Mr. Prashant and Mr. Gautam Prabhakar, Adv.
for State of Andhra Pradesh
Mr. Rajesh Kumar Das, Adv. for UT Lakshadweep
Administration
Ms. G. Indira and Mr. Bhupesh Narula, Adv. for
Andaman and Nicobar Administration
Mr. Shashank Bajpai, Adv. and Mr. Shakun Sudha
Shukla, advs. for State of Odisha
Mr. Prashant Kenjale, Adv. and Mr. Nishant, Adv. for
State of Maharashtra
Mr. Devraj Ashok, adv.
Mr. Nishe Rajen, adv.
Mr. Raja Chatterjee, Mr. Piyush Sachdev and Ms.
Abhinandini Yadav, Adv. for State of West Bengal
Ganguli and Mr. Piyush Sachdev, Adv. for the State
of West Bengal
Mr. Mukesh Verma, Adv.
Mr. Prashant S. Kenjale and Mr. Nishant, Adv. for
State of Maharashtra
Mr. Nishe Rajen Shonker and Ms. Anu K. Joy, Adv.
for State of Kerala
Ms. Hemantika Wahi and Puja Singh, Adv. for State
of Gujarat and GSPCB
Inspector Rajesh Kumar, Chanakyapuri
Mr. Abhimanyu Garg Adv. for Govt. of Puducherry
Mr. SS Rebello, Mr. Sidarth Arora and Ms. Shivangini
Gupta, Adv. for State of Goa
Mr. Raj Kumar, Adv. and Mr. Bhupender KUMAR, LA
for Central Pollution Control Board
Ms. Nishe Rajen Shonker, Adv., Ms. Anu K. Jy, Adv.
for State of Kerala
Mr. Naginder Benipal, Adv.
Mr. Devraj Ashok, Adv
Mr. Jai A. Dehadrai, Adv Mr. S.S. Rebello, Adv., Ms.
Shivangini Gupta Adv. for State of Goa**

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 07 & 08</p> <p>November 22, 2017</p>	<p><u>Original Application Nos. 11/2014 and 424 of 2016</u></p> <p>Learned counsel appearing for the Ministry of Environment, Forest & Climate Change from instructions from the Officer who is present before the Tribunal submits that the Secretary, Ministry of Environment, Forest & Climate Change had called for the meeting of all the concerned States in relation to the coastal areas on 01st November, 2017. Upon due deliberations the Secretary had directed that all the States must file their draft of CZMPs by 31st March, 2018, however the State Kerala and State of Gujarat had asked for more time before the Secretary for submission of the CZMP by the month of May and June, 2018 respectively.</p> <p>Since the matter was not attaining proper progress and the matter was lingering on one pretext or the other and non - cooperation by the State Governments, the Tribunal had directed all the States that States of Andhra Pradesh, Karnataka, Tamil Nadu, Kerala, Gujarat, Goa, West Bengal, Maharashtra, Pondecherry and Andman and Nicobar all counsel are present. They have also filed their Affidavit - cum- undertaking before the Tribunal where these very States have asked for time to file the CZMP of the respective States and UTs even extending the time upto June, 2018. Learned counsel appearing for the Ministry of Environment, Forest & Climate Change submits that they would be able to approve the draft CZMP and the hazard line within three months from the date of receiving the CZMPs drafts from the respective States. In light of the above and while ensuring that no</p>

		<p>further undue delay should be caused in determination of the hazard line and finalization of the CZMPs for the respective States. As the entire development activity out of prohibited area, regulated area and area permitted to development in accordance with the CZMP would be dependent upon finalization of the above. It is suggested by Ministry of Environment, Forest & Climate Change that the States should not grant Environmental Clearance for development activity which falls within the permissible area/ regulated area as that may result in defeating the entire exercise. As per the statement of Ministry of Environment, Forest & Climate Change we direct accordingly. It is necessary that strict timeline for adherence should be fixed by the Tribunal. We shall issue the following directions:-</p> <ol style="list-style-type: none">1. All the State Governments without default and delay will submit CZMP to Ministry of Environment, Forest & Climate Change by 30th April, 2018. In the event any State Government and UT do not submit the said plan, they shall be liable for exemplary costs of Rs. 5 Lacs which should be recovered from the salary of the defaulting Officer. The non-compliance would invite action for violating the orders of the Tribunal.2. Within three months thereafter that is by 31st July, 2018 the Ministry of Environment, Forest & Climate Change shall issue approval in regard to the fixation of hazard line and CZMP for the respective State covering the entire coastal area. Now if the Officers and Ministry of Environment, Forest & Climate
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		<p>Change commit default they shall also be liable to be proceeded against in accordance with law.</p> <p>3. We also grant liberty to Ministry of Environment, Forest & Climate Change to move the Tribunal well in time if there is default on the part of any of the States. But Ministry of Environment, Forest & Climate Change would not be permitted to contend non-cooperation from States as the reason for delay, if any, in compliance of this deadline in this order. We are putting Ministry of Environment, Forest & Climate Change at Notice.</p> <p>The Applicant would also at liberty to approach the Tribunal if so advised.</p> <p>The interim order dated 05th February, 2018 shall continue till July, 2018.</p> <p>With above directions, Original Application Nos. 11/2014 and 424 of 2016 stand disposed of without any order as to costs.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....JM (Dr. Jawad Rahim)</p> <p>.....EM (Bikram Singh Sajwan)</p>
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