

Item No.5:-

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

(Through Video Conference)

**Original Application No.136 of 2024 (SZ) &
I.A. No.76 of 2024 (SZ)**

IN THE MATTER OF:

K. Saravanan.

...Applicant(s)

Versus

The Commissioner of Fisheries and Fishermen Welfare,
Department of Fisheries and Fishermen Welfare,
Government of Tamil Nadu,
Chennai and Anr.

...Respondent(s)

Date of hearing: 16.07.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. A. Yogeshwaran.

For Respondent(s): Dr. D. Shanmuganathan for R1 & R2.

ORDER

1. Today, the matter was taken up based on the interlocutory application [I.A. No.76 of 2024 (SZ)] filed by the applicant to advance the date of hearing, complaining that despite the original application filed, the constructions and laying of groynes are illegally happening on the shores of Thenpattinam, Vadapattinam, Kadalur, Pudhupattinam, Thiruvidadanthai and Muthukaadu Villages in Chengalpattu District.

2. The site inspection report on the construction of groynes at the Chengalpattu District dated 07.05.2024 is filed by the 2nd Respondent through the Assistant Executive Engineer - Department of Environment & Climate Change. The site inspection was carried out on 26.04.2024 of Thenpattinam, Vadapattinam, Kadalur, Pudhupattinam, Thiruvidadanthai and Muthukaadu. The GPS coordinates, survey numbers and the CRZ classification for these villages are also provided in the report.

3. In the conclusion, it is stated that it is found that the construction of the groynes was being carried out by the Fisheries and Fishermen Welfare Department. This action was in response to the frequent representations from the fishermen of those villages, seeking protection of the seashore and their residential settlements and to provide landside facilities. This information was confirmed via phone call with the Assistant Engineer - Fisheries and Fishermen Welfare Department, Chengalpattu District.

4. Pertinently, the report says that no prior CRZ clearance or recommendations were issued by the Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) for the above-mentioned projects as per the CRZ Notification, 2011.

5. It is surprising that even if the Fisheries and Fishermen Welfare Department is concerned about the representation of the fishermen, they are expected to abide by the law and get appropriate approvals and permissions from the authorities concerned.

6. Since the Fisheries and Fishermen Welfare Department has not yet filed its report, we are not able to say regarding the permissions that they ought to have obtained. However, the TNSCZMA has categorically found that there is no clearance granted to them or recommendations issued to them. The Fisheries and Fishermen Welfare Department ought not to have laid groynes without appropriate approval.

7. Be that as it may, when the TNSCZMA has found that the other department has constructing the groynes without approval, they should have immediately issued the stop work notice, at least considering the Original Application pending before us. It is not only the construction of groynes but also residential houses, as it is seen from the photographs furnished by the applicant. The photographs show that they completed the residential house which is right on the High Tide Line that too in a total prohibition as per the CRZ regulations. If that is so, it is surprising how the TNSCZMA which is the custodian of the shoreline of Tamil Nadu has turned nelson's eye in this regard.

8. Therefore, we direct the TNSCZMA to stop the construction of buildings, construction of groynes or any other activity in the prohibited area without appropriate approvals or permits from the respective authorities forthwith. Not stopping with that, let the TNSCZMA also take appropriate action against illegal constructions and report to this forum before the date of next hearing along with the action taken report against the violators.

9. During the course of the argument, the learned counsel appearing for the State of Tamil Nadu furnished particulars of certain individuals (8 Nos.) who have constructed in violation of the regulations and constructing the groynes.

10. Let him furnish the particulars with the full mailing address and they will be added Suo Motu as parties to this proceeding.

11. The Registry is directed to send notice to them through the Tribunal.

12. Considering the above development, the advance hearing application [I.A. No.76 of 2024 (SZ)] is closed and the hearing will be held on **23.07.2024**.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.136/2024(SZ)
I.A. No.76/2024 (SZ)
16th July, 2024. Mn.