

Item No.15:-

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

(Through Video Conference)

Original Application No.13 of 2024 (SZ)

IN THE MATTER OF:

S. Sivadas
Chennai.

...Applicant(s)

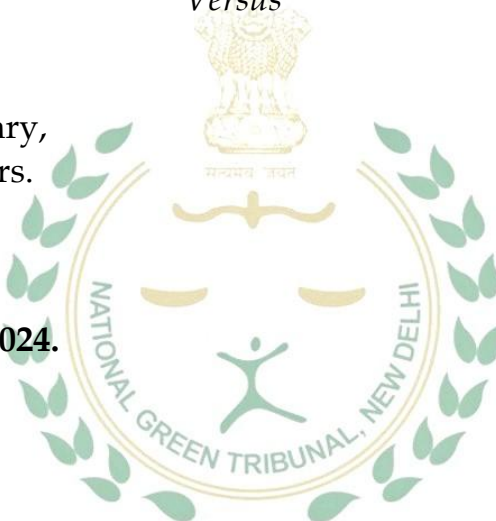
Versus

MoEF&CC,
Rep. by its Secretary,
New Delhi and Ors.

...Respondent(s)

Date of hearing: 05.07.2024.

CORAM:



HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. Mohammed Arshadullah represented
Ms. S. Gayathri Devi.

For Respondent(s): Mr. S. Rajasekar for R1.
Mr. G.M. Syed Nurullah Sheriff for R2.
Dr. D. Shanmuganathan for R3to R6, R9 & R10.
M/s. Sarvabhauman Associates for R11.
Mr. G. Harimahesh for R15 & 16.

ORDER

1. This Original Application refers to the impugned project of the 11th Respondent (M/s. Manju Foundations Private Limited), who is developing it in the prohibited area of the Coastal Regulation Zone (CRZ).
2. The reports were called for from the authorities in this regard.
3. The learned counsel appearing for the 11th Respondent would state that he had purchased the properties from Respondents No.12 to 16 and developed a layout.
4. In the report of the 5th Respondent, who is the Assistant Director – District Town and Country Planning, Villupuram District, it is specifically stated that major portion of the impugned project falls within 500 Meters from the shores of Marakkanam North Village, which is no development zone and CRZ area which was illegally converted into illegal layouts by the 11th Respondent by constructing buildings, laying tar roads, further large tracts of lands are promoted and sold as farm plots measuring 20 cents each.
5. Already, it appears to be an order from the Hon'ble High Court of Madras, which has prohibited encroachment in certain survey numbers which includes that of the 11th Respondent also. Even as per the order of the Hon'ble High Court, the survey and measurement should have been carried out to find out whether

the 11th Respondent is an encroacher or developing the property violating the CRZ Regulations.

6. The SCZMA - Tamil Nadu (Respondent No.3) has not yet filed its report to state whether the 11th Respondent is developing the residential plots within the prohibited area of the Coastal Regulation Zone.
7. As we find that barring a few survey numbers, the 5th Respondent, who is the Assistant Director – District Town and Country Planning, Villupuram District, itself has stated that the development of the project is within the prohibited area.
8. In the said circumstances, we feel that if any third-party interest is created and later, it is found to be in the no development zone or prohibited CRZ area, it would lead to a multiplicity of litigations. Hence, it would be appropriate to stop further creation of third-party interest by the 11th Respondent, till such time the finality is arrived at in the Original Application. Even those plots that are sold by the 11th Respondent already would be subject to the result of this Original Application.
9. Post the matter on **08.08.2024**.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

**O.A. No.13/2024 (SZ),
05th July, 2024. Mn.**