

Item No.11:-

**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: 06.09.2024.

CORAM:



HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

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

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff for R2.
Dr. D. Shanmuganathan for R3 to R6, R9 & R10.
Ms. Hima Rithika represented
Mrs. Shanmugavalli Sekar for R7 & R8.
Mr. Mukunth, Mr. R. Krishna Prasad &
Mr. H. Shabeer Ali
For M/s. Sarvabhauman Associates for R11.
Mr. Ramesh and Mr. G. Harimahesh for R15 & 16.

ORDER

1. Today, a joint inspection report by the Assistant Executive Engineer – Department of Environment & Climate Change, Assistant Director – DTCP, Viluppuram and Tahsildar – Marakkanam is filed.

2. The dispute in the Original Application relates to the impugned project of the 11th Respondent viz., Manju Foundation Private Limited, who was developing projects in the name of Bhinaya Beach, Bhavishya Beach, Barsha Beach, Bhavita Beach and Blue Spot Marakkanam and Blue Spot Bungalow Plots as illegal and also to assess the environmental damages.

3. Excepting the joint inspection report filed, as referred to above, we have not received any other reports from any other authority, including the Tamil Nadu SCZMA (Respondent No.3).

4. Respondents No.15 and 16 are individuals, who are supporting the cause of the applicant.

5. The joint inspection report has given the list of survey numbers which are purchased by the 11th Respondent. The portion of the said survey numbers are falling within the 500 Meters from the High Tide Line (HTL). The report goes on to say that a small shed roofed with asbestos sheet in R.S. No.212/3 and abandoned bathrooms and water tank in dilapidated condition in R.S. No.210/4 are falling within the 500 Meters from the HTL covering an extent of 72.23 Acres. There are also dripping water pipes for watering green trees in Sy. Nos.189/3A, 189/3B, 213/1

(Part), 213/2, 213/3. Further, the description of the land falling under 500 Meters is also given in the report. The details of the lands purchased by the 11th Respondent lie beyond the 500 Meters from the HTL are mentioned in the report.

6. It is also stated that the Manju Foundation got appropriate permission from the authorities concerned viz., Assistant Director – DTCP, Viluppuram and Executive Officer – Town Panchayat, Marakkanam for residential developmental activities. The details of the layout and the approval number of Blue Spot 1 and Blue Spot 2 along with survey numbers are also mentioned in the joint inspection report.

7. Respondents No.15 and 16 have filed an interlocutory application [I.A. No.104 of 2024 (SZ)] seeking for injunction restraining the 11th Respondent from promoting the lands and creating third-party interest. Along with the said injunction application, certain photographs are furnished, which show that the land belongs to the 11th Respondent. For the Blue Spot Beach 2.0, for which the DTCP approval is granted, photographs are furnished with latitude and longitude details.

8. From the photographs, it appears that the road goes even into the 500 Meters of the HTL. In this regard, we direct the 11th Respondent to file every particular with details of the purchase of lands. Let the entire extent of land purchased by them in the area and the extent on which layouts are being developed and also state whether they fall within or outside the prohibited CRZ areas.

9. Similarly, we direct the DTCP, Tamil Nadu SCZMA along with the TNPCB to make a joint inspection once again along with the revenue officer not less than the rank of Revenue Divisional Officer to inspect the property and report whether the layout developed by the 11th Respondent are in violation of the CRZ Notification. Let the report also specifically state whether the 11th Respondent is doing any activities/developments outside the scope of the approval while annexing the lands within 500 Meters HTL.

10. It has also come to our knowledge that similar layouts/developments are being made on the coast of Viluppuram district. If that is so, let the authorities also take appropriate action in that regard and report to us.

11. The District Collector will be the nodal officer for coordination and to file a report.

12. Post the matter on 18.10.2024.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.13/2024 (SZ),
06th September, 2024. Mn.