

C A G

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21st March 2018

1. The Principal Secretary to Government
Department of Environment
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.
2. The Member Secretary
Tamilnadu Coastal Zone Management Authority
Department of Environment, Government of Tamil Nadu
Ground Floor, Panagal Maaligai, #1, Jeensis Road,
Saidapet, Chennai 600 015.
3. The Chief Secretary
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.
4. The Secretary
Ministry of Environment, Forests & Climate Change
Government of India
Indira Paryavaran Bhavan, Jor Bagh Road
New Delhi 110 003.

Sir/Madam,

Subject: Incomplete, non-compliant "Draft Revised Coastal Zone Management Plan"
Uploaded by Department of Environment, GoTN on 19th February 2018 – Contempt of order
of NGT (SZ) in OA 86/2014 and 141/2014

This is with regard to the "Draft Revised Coastal Zone Management Plan" uploaded to the website www.environment.tn.nic.in by the Department of Environment, Government of Tamilnadu on 19th of February 2018 and has sought public comments and objections over the next 45 days.

The below letter is not to be construed as comments or suggestions on the documents purported to be the Draft CZMP. This letter is to demonstrate that the documents uploaded and purported to be the Draft CZMP are not the complete plan, have not been prepared in accordance with the CRZ Notification, 2011 and fall afoul of the orders of the Hon'ble National Green Tribunal (SZ) in OA 86/2014 and 141/2014.

The below letter is presented without prejudice to our right to make representations and comments on the complete and CRZ-compliant Draft CZMP as and when it is made available for public comment.

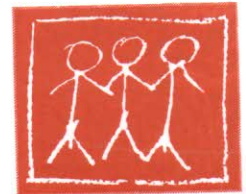
Trustees

Dr. Arjun Rajagopalan (Surgeon)
Dr. George Thomas (Orthopaedic Surgeon)
Dr. R. Hema (Associate Professor)

Dr. C. Rammanohar Reddy (Economist and Editor)
Mr. Sriram Panchu (Senior Advocate)
Dr. Suchitra Ramkumar (Doctor and Teacher)
Mr. Keshav Desiraju (IAS, Retd.)

Advisors

Ms. Tara Murali (Architect)
Mr. N.L. Rajah (Senior Advocate)



We request you to kindly withdraw the above documents within two days of receipt of this letter and return to the public only after a Draft CZMP is prepared in accordance with the law and the orders of the Hon'ble National Green Tribunal. Failing this, we will be constrained to seek appropriate legal remedies for your lapses.

Copies of the orders of the Hon'ble NGT in the two mentioned cases are enclosed.

Our allegations are as follows:

- The maps uploaded are only in English, while the primary stakeholders – the fisherfolk – are Tamil-literate. To offer their informed suggestions, people have to first be able to understand the documents.
- It appears that incomplete and non-compliant documents have been uploaded as Draft CZMP for comments prompted by an order of the Chairperson of the Hon'ble NGT (Principal bench) in OA 424/2016 and OA 11/2014 directing states to submit complete and compliant draft CZMPs for MoEFCC approval by April 30, 2018, failing which action will be taken against errant officials. Officials cannot withdraw the protection intended to be given by a CRZ-compliant CZMP merely to protect themselves against penal action by the NGT.
- The deadline cannot be claimed to have been met by filing an incomplete and non-compliant document and declaring it the Draft CZMP for public comment.
- The maps uploaded by the GOTTN are incomplete. They lack crucial features such as hazard line, land-use and long-term housing plan, and as such, do not present the relevant features of interest to public for comment.
- The planners have failed to follow the guidelines issued in Annexure I of the CRZ Notification 2011.
- Section 5(ii) of the CRZ Notification, 2011, requires planners to consult “concerned stakeholders” for preparation of the CZMPs. Fisherfolk and coastal communities have not been consulted.
- The documents purporting to be the Draft CZMPs fall afoul of orders of the National Green Tribunal (South Zone) in two cases – OA 86/2014 and OA 141/2014.
- The NGT in OA 86/2014 states as follows:
“Needless to say that the authorities shown as 3rd and 4th Respondents are herein 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 Plans in accordance with 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.”
- The interim order granted in OA 86/2014 states:
“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.”

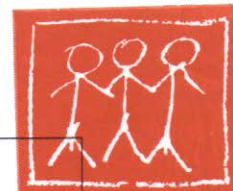


- The NGT in OA 141/2014 reiterates the need for the CZMPs to be prepared in accordance with law, and for public hearings/consultation to be conducted in accordance with law.
- The TNSCZMA subsequently uploaded 30 out of 31 maps to its website. Sheet No. 2 (Ennore Creek, Thiruvallur district) was not uploaded. In response to RTI requests, the Department of Environment first replied that this map was not available with it. But later when confronted with the original 1996 Government of India-approved map that showed the entire Ennore Creek as CRZ 1 on account of its ecologically sensitive features, the Department of Environment/TNSCZMA produced a fraudulent map uploaded in July 2017, that denied the existence of the Creek and had arbitrarily altered the boundaries of the map. The CMDA maps, particularly Map 1 of Chennai, too are similarly of questionable integrity. The issue of fraudulent map of Ennore Creek is subjudice via case OA 23 of 2018 in the Hon'ble National Green Tribunal (Southern Zone).
- Public consultation is required to be conducted as per Environment Protection Act, 1986 as amended thereafter. However, no dates of public hearings have been announced. In any event, public hearings can be held only after publication of complete and compliant draft CZMPs.
- The documents uploaded and purporting to be the draft CZMPs for public comments are in violation of the CRZ Notification, 2011 in the following ways:

Guideline No (As in Annexure I, CRZ 2011)	Guideline	Details of Violation
C 13-21	Guidelines for preparation of Local level CZM Maps	All guidelines between 13-21 have been violated as no local level CZM Maps have been prepared
D-II-1	The CZM Maps shall be prepared in accordance with Para 5 of the CRZ Notification demarcating CRZ I, II, III, IV and V.	Section 5(iii), (iv) and (v) of the CRZ Notification have been ignored
Sec 5(iii) of CRZ 2011	Section 5(iii) of CRZ 2011 requires a hazard line to be drawn by Sol taking into account tide, waves, sea level rise and shoreline changes.	No hazard line presented.
	Section 5(iv) requires contour mapping of coastline at 0.5 m interval normally upto 7 km from HTL on landward side for the purpose of depicting flooding due to tides, waves and sea level rise in the next 50 to 100 years, and the method to be adopted for depicting shoreline changes.	Contour mapping not done. Flooding scenarios not depicted. Prospective shoreline changes not depicted.

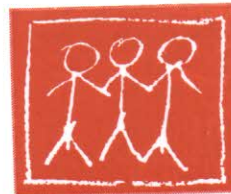


	Section 5(v) of CRZ 2011 states: "Mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for microlevel mapping and the hazard line shall be taken into consideration while preparing the land use plan of the coastal areas."	<ul style="list-style-type: none"> • Hazard line not mapped. • Local land use plan not prepared.
D-II-2	The CZM Maps shall clearly demarcate the land use plan of the area and lists out the CRZ-I areas. All the CRZ-I areas listed under para 7(I)A and B shall be clearly demarcated and colour codes given so that each of the CRZ-I areas can be clearly identified.	No land-use plan presented.
D-II-5	The hazard line to be drawn up by MoEF shall be superimposed on the CZM maps in 1:25,000 scale and also on the cadastral scale maps.	<ul style="list-style-type: none"> • The maps uploaded do not contain the Hazard Line. • Hazard line is essential component of land use planning. • Not considering hazard line can potentially facilitate location of residential, commercial and industrial infrastructure in areas vulnerable to shoreline changes and flooding due to tides, waves and sea level rise.
D-II-7	In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps.	Community infrastructure of fishing communities has not been included in the plan as plans have been prepared without consultation of fisherfolk or any groundtruthing exercise at fishing village level. Some fisher villages are marked, but with no attention to any detail.



	States shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.	<p>Detailed long-term housing plans not presented.</p> <p>Housing plan and the livelihood and cultural use of coastal commons is of utmost importance to fisher communities.</p> <p>CZMP cannot be considered complete and ready for public consultation without these components.</p>
D-II-8	<p>No developmental activities other than those listed above shall be permitted in the areas between the hazard line and 500mts or 100mts or width of the creek on the landward side.</p> <p>The dwelling unit of the local communities including that of the fishers will not be relocated if the dwelling units are located on the seaward side of the hazard line.</p> <p>The State Government will provide necessary safeguards from natural disaster to such dwelling units of local communities.</p>	<p>Hazard line not provided. Therefore, this guideline cannot be complied with.</p> <p>Lack of mapping hazard line directly hampers the state government's responsibility to safeguard dwelling unit of the fishing communities from natural disasters.</p>
D-II-9	The water areas of CRZ IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.	No terminologies from the Naval Hydrographic Offices have been used to demarcate CRZ IV. Many parts of lagoons and estuaries have been shown as CRZ I instead of CRZ IV.
D-II-10	The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.	None of the maps contain any details of fishing zones or fish breeding areas in coastal tidal wetlands or the ocean.

Rangit



D-II-10	The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.	None of the maps contain any details of fishing zones or fish breeding areas in coastal tidal wetlands or the ocean. No physical verification in consultation with fisherfolk have been carried out to identify such areas.
D-II-11	The water area shall be demarcated indicating the pollution levels as per Central Pollution Control Board standards on water quality.	No Information about pollution levels indicated in any map uploaded.
D-II-13	The existing authorized developments on the sea ward side shall be clearly demarcated.	This guideline would clearly help identify construction/developments made in violation of the Government of India-approved maps under CRZ Notification, 1991. However, this clause has been violated. SCZMA has failed to document violations and does not have a list of authorised developments on the seaward side.
D-II-14	The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network may be clearly indicated on the CZM Maps for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.	Some features like rain shelters, helipads and other infrastructure including road network are totally missing from the maps, while cyclone shelters have been shown in some places and not others.
D-III-1	While preparing the CZMPs under CRZ notification, 2011, the CZMPs that have been approved under the CRZ Notification, 1991 shall be compared. A justification shall be provided by the concerned CZMA in case the CZMPs prepared under CRZ notification, 2011 varies with respect to the approved CZMP prepared under CRZ notification, 1991.	<p>No comparison with the CZMP approved under 1991 notification be done. Although in many areas, there is a very stark difference from the old CZMP, the maps contain no justification to show the reasons for the difference/ variation from the approved plan under CRZ 1991.</p> <p>In many instances, the veracity of the approved CZM map itself is in question. For instance, Sheet No. 2 (Ennore Creek, Thiruvallur District) under the 1991 Notification, which was uploaded on TNSCZMA website only in July 2017 denies the existence of the Ennore Creek and is at variance with the CZM map originally approved by GoI in 1996. The fraudulent map is currently under challenge in the National Green Tribunal in OA 23/2018.</p>

Thank You,

Regards,

Om Prakash Singh
Executive Director

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

Application No. 86 of 2014 (SZ)

Applicant(s) O. Fernandes, Co-convenor, CAN Chennai	Vs.	Respondent(s) The Union of India, Ministry of Environment and Forests, New Delhi and others
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Legal Practitioners for Applicant(s) Shri. A. Yogeshwaran, Advocate		Legal practitioners for respondent(s) 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
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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>

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

APPLICATION No. 86 of 2014 (SZ)

In the matter of:

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

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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.

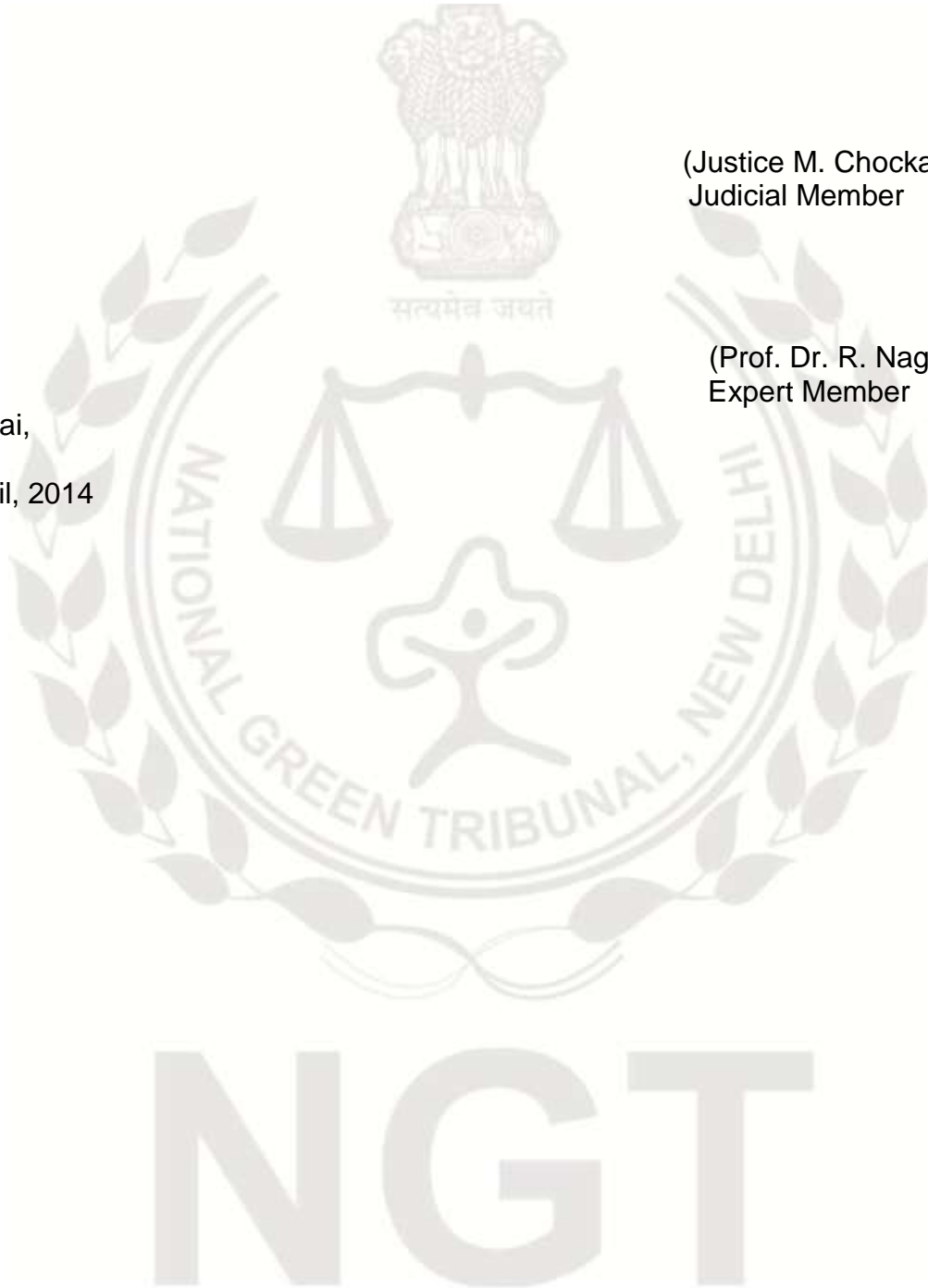
With the above directions the application is disposed of.

No cost.

Chennai,
1st April, 2014

(Justice M. Chockalingam)
Judicial Member

(Prof. Dr. R. Nagendran)
Expert Member



**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.

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.”

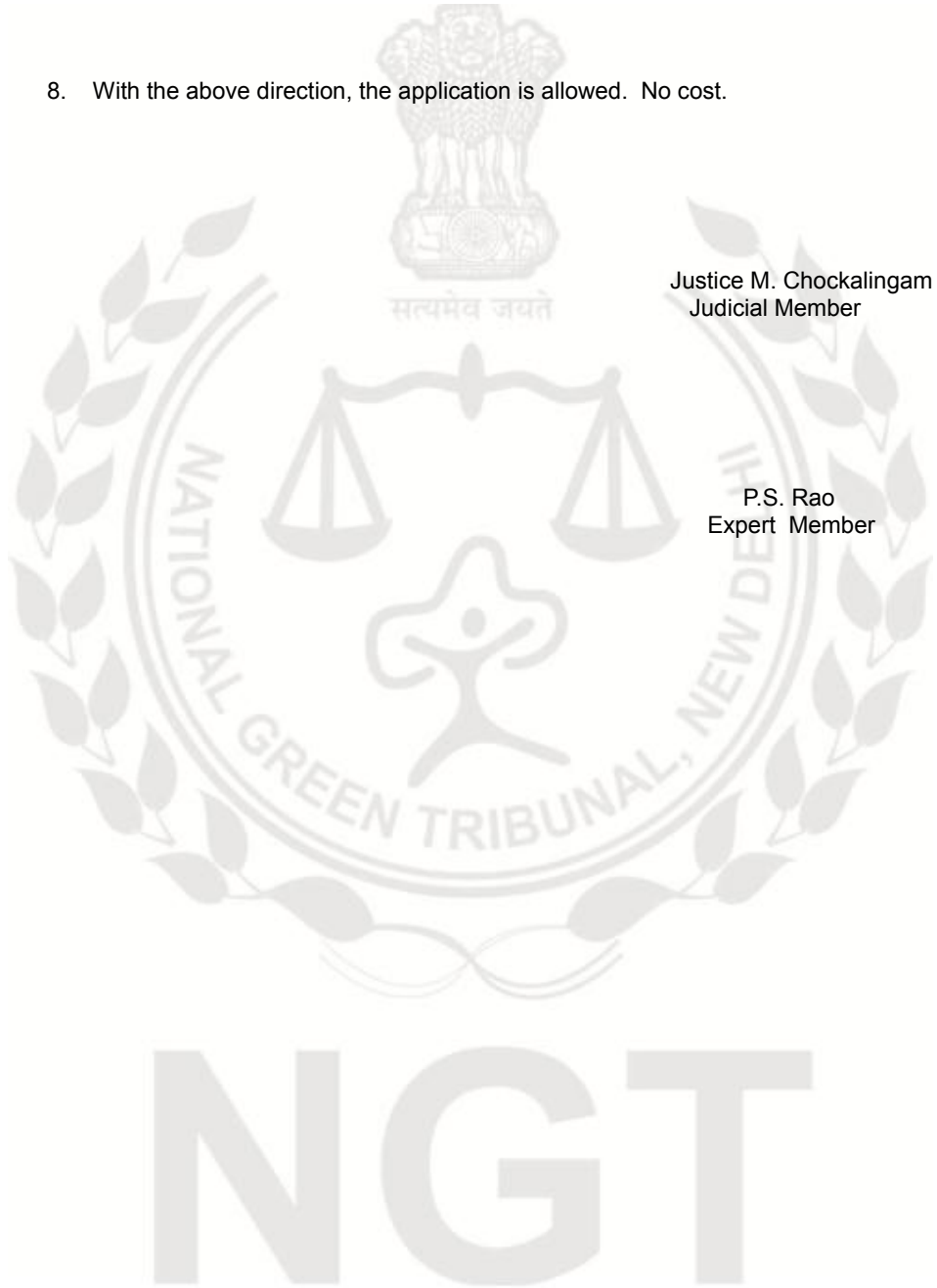
5. From the reading of the above it would clearly indicate that the new guidelines have been given for preparation of CZMPs and also revised guidelines by the National Centre for Sustainable Coastal Management (NCSCM)., constituted by the MoEF & CCC should reevaluate HTL for all the coastal areas. Apart 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.



**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
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	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, Pondicherry 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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