

**Item No.1:-**

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

***Dated this the 17<sup>th</sup> day of October, 2024.***

(Through Video Conference)

**Original Application No.101 of 2023 (SZ)**

IN THE MATTER OF

**1) Jesu Rethinam**

W/o. Late Shri Christy,  
11/1A, Sri Ramakrishna Paramahamsar Street,  
Velippalayam, Nagapattinam – 611 001.

**2) K. Saravanan**

S/o. Kasinathan  
Aged about 37 years,  
No.30, Urur Kuppam,  
Besant Nagar, Chennai – 90.

...Applicant(s)

**Versus**

**1) Tamil Nadu Coastal Zone Management Authority**

Rep. by its Member Secretary,  
No.1, Jeenis Road, Panagal Building,  
Ground Floor, Saidapet,  
Chennai – 600 015.

**2) State of Tamil Nadu**

Rep. by its Principal Secretary to the Government,  
Department of Environment,  
Fort St. George,  
Chennai – 600 009.

**3) Tamil Nadu Pollution Control Board**

Rep. by its Member Secretary,  
No.76, Mount Salai, Guindy,  
Chennai.

**4) National Centre for Sustainable Coastal Management**

Rep. by its Director,  
Anna University Campus,  
Chennai – 600 025.

**5) Department of Fisheries and Fishermen Welfare**

Rep. by its Commissioner,  
3<sup>rd</sup> Floor, Integrated Animal Husbandry and Fisheries Building,  
Nandhanam, Chennai – 600 035.

...Respondent(s)

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

For Respondent(s): Mr. P.S. Raman, Advocate General a/w.  
Mr. S. Sai Sathya Jith for R1.  
Dr. D. Shanmuganathan for R2 & R5.  
Mr. S. Sai Sathya Jith for R3.  
Mr. AR. L. Sundaresan, ASG a/w.  
Mr. S. Janarthanam for R4.

**Judgment Reserved on: 04<sup>th</sup> September, 2024.**

**CORAM:**

**HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

## **J U D G E M E N T**

*Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member*

**1.** The fishermen community represented by the first applicant and the second applicant himself being a member of the fishermen community have challenged the draft Coastal Zone Management Plan (**CZMP**) Maps uploaded by the respondent authority on the website of the Department of Environment.

**2.** It is alleged that the 105 Maps uploaded for the districts of Chengalpattu, Cuddalore, Kanyakumari, Mayiladuthurai, Nagapattinam, Pudukkottai, Ramanathapuram, Thanjavur, Thiruvaur, Thoothukudi, Tirunelveli and Villupuram are incomplete, as they do not even have all the necessary components marked in the maps.

**3.** It is alleged further that the fundamental components like fishing zone in the water bodies and fishing village boundaries, breeding and spawning grounds of fish, common properties of the fishermen community, and detailed plans for long-term housing needs of coastal fishing community are not earmarked on any of the 105 CZMP map sheets uploaded. The map also had not marked the existing authorized developments on the seaward side which would result in frustrating the identification of future violations. The ecologically

sensitive features like sand dunes, turtle nesting grounds, seagrass beds, sanctuaries, and reserve forests have also not been marked.

**4.** It is further alleged that no written plan has been published and only a generic document stating the contents of the CRZ Notification is published. There is also no specific long-term housing plan for coastal fishermen which is an essential component considering the threat of climate change induced sea level rise. The difference between the previous map and the present map is not distinctly marked for easy understanding. Though 1:4000 scale maps have to be uploaded for scrutiny, only 1:25000 scale maps have been prepared and uploaded for comments. Finally, erosion zones have not been marked despite directions from this Tribunal in O.A. No.04 of 2013 (SZ).

**5.** This is not the first occasion of litigation relating to the preparation of the CZMP. There were challenges earlier before this Tribunal as well as before the Hon'ble High Court.

**6.** The Central Government, with a view to ensure the livelihood, and security of the fishermen communities and other local communities living in the coastal areas, to conserve and protect the coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on the scientific principle taking into account the dangerous of the natural hazards in the coastal area, sea level rise due to global warming, issued the CRZ Notification, 1991 vide S.O. 114 (E) dated 19.02.1991. These regulations are issued to strike a balance between economic growth and environmental conservation.

**7.** By implementing these regulations, the countries can safeguard fragile ecosystems. The first CZMP was prepared based on the 1991 Notification in the year 1996 and the same was approved on 27.09.1996. Subsequently, the CRZ Notification, 1991 was superseded by CRZ Notification, 2011 in S.O. No.19 (E) dated 06.01.2011. Clause (5) of the CRZ Notification, 2011 provides for the preparation of the CZMP. Thereafter, the said CRZ Notification, 2011 issued in S.O. 19 (E)

dated 06.01.2011 was superseded, except as respects things done or omitted to be done before such supersession, the Central Government issued the CRZ Notification, 2019 vide G.S.R. 37 (E) dated 18.01.2019.

**8.** After the CRZ Notification, 2011 was issued, the CZMP maps were prepared only in the year 2014 which were incomplete, inchoate, and did not satisfy the requirement of the CRZ Notification. When the respondent attempted to hold the public hearing based on the incomplete plans, the same was challenged before this Tribunal in **Original Application Nos.86 of 2014 and 141 of 2014 (SZ)**. This Tribunal also set aside the draft plans and directed the authorities to prepare the drafts strictly in accordance with the CRZ Notification.

**9.** In O.A. No.86 of 2014 (SZ), by Order dated 01.04.2014, this Tribunal held as follows:-

"3. What is required by the applicant is the preparation of the Coastal Zone Management Plans and also the conduct of the public hearings in accordance with the CRZ Notification, 2011. Needless to say, 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 public hearing and the mandate 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 interim order should be taken into account."

**10.** In O.A. No.141 of 2014, by order dated 29.09.2015, this Tribunal has held as follows:-

"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 guide-lines which have got to be given by the MoEF in that regard.”

**11.** However, without complying with the above orders, the authorities once again attempted to conduct the public hearing based on the incomplete plans, resulting in a challenge before the Hon’ble High Court of Madras in **W.P. No.7019 of 2018**, wherein the Hon’ble High Court, vide Order dated 17.04.2018, held as follows:-

“5. The final order dated 01.04.2014 made in A.No.86 of 2014(SZ) passed by the National Green Tribunal, Southern Zone, Chennai, though pertains to public hearing in respect of Villupuram District, in the considered opinion of the Court, in the light of the observations made in Para 3 of the said order, the concerned respondents are duty bound to strictly adhere to CRZ Notification, 2011 while preparing the Coastal Zone Management Plan and while conducting public hearing also reasonable opportunity should be given to the concerned persons to put forward their views/objections.

7. The learned Additional Advocate General, on instructions, would submit that whatever be the prescriptions made/mandate cast upon the fourth respondent authority, it would be strictly adhered to and complied with and there may not be any lapse on their part and the entire exercise is being done purely in public interest, especially taking into consideration the environmental aspect.”

**12.** Even during the pendency of the above-referred writ petition, without complying with the requirements mentioned in the CRZ Notification, the authorities continued to hold the public hearing once again based on the incomplete and inchoate maps. The authorities had not rectified the mistakes pointed out. Therefore, once again, there was a challenge to the draft notification bearing No. F.No.12-8/2018-1A-III dated 24.10.2018. The above order was challenged once again before the Hon’ble High Court in **W.P. No.29928 of 2019**. The TNCZMA had submitted before the Hon’ble High Court that the process of preparation of maps under CRZ Notification 2019 had already commenced and that they rectified the maps and prepared the plans in full compliance with the law when the plans under Notification 2019 were prepared.

**13.** However, the draft maps under Notification 2019 were uploaded on the website of the Tamil Nadu Coastal Zone Management Authority (**TNCZMA**), which was in English. Therefore, once again, **W.P. No.30292 of 2022** was filed before the Hon'ble High Court, which directed the preparation of the CZMP maps and land use maps in Tamil, in and by its order dated 19.12.2022.

**14.** Hence, the applicants have come before this Tribunal seeking to set aside the Map Nos.TN 01 to TN 105 of the draft CZMP map prepared by the respondent authority and uploaded on the website of the 2<sup>nd</sup> Respondent and to further direct them to prepare the CZMP in strict compliance with the CRZ Notification, 2019 and also the Judgments passed by this Tribunal as well as the Hon'ble High Court of Madras referred to above.

**15.** Heard the learned counsels appearing for the applicant as well as the respondents.

**16.** Whether the TNCZMA has covered all the aspects in the preparation of the maps in strict compliance with the CRZ Notification, 2019.

**17. INCOMPLETE CZMP MAP:-**

***As stated in the pleadings of the applicants, the key components such as fishing zones, village boundaries, fish breeding areas, common properties and long-term housing plans for coastal fishermen communities are not found in the CZMP Maps uploaded.***

**17.1** In this regard, the TNCZMA stated that the key components such as fishermen settlements, fishing village boundaries, and other features, including the common properties of the fishermen community were incorporated in the draft CZMP Map. It is stated that the long-term housing need will be included in the local level map on a 1:4000 scale, as it would be

prepared only upon the approval of the draft CZMP Map.

**17.2** Regarding the claim of missing features in the draft maps compared with the 2011 CZMP, the respondent highlighted the inclusion of additional features like fishing harbours, helipads, health centres, multipurpose evacuation centres, educational institutions, ecologically sensitive zones for CRZ-1A, and 50 Meter to 500 Meter from HTL CRZ – IIIA have been newly added in the draft CZMP compared to the approved CZMP based on the CRZ Notification, 2011.

**17.3** It is further explained that certain features are included only when the authorized data is provided by relevant departments and missing features could be added later even after the final approval of the maps, for the reason that **the draft CZMP is a dynamic document and open to revisions.**

**18. FAILURE TO ADDRESS THE ECOLOGICALLY SENSITIVE FEATURES:-**

***The claim of the applicants that the important environmental features such as sand dunes, turtle nesting grounds, seagrass beds, and mangrove buffer zones have not been marked on the maps which undermines the protection of these ecologically sensitive areas.***

**18.1** The TNCZMA in response has stated that the ecologically sensitive areas have been marked in the CRZ-IA, in 1:25,000 scale. These areas including mangroves, sand dunes, turtle nesting zones, sanctuaries, reserve forests and seagrass beds have been distinctly shown in different colours on a land use maps.

**18.2** Accordingly, the TNCZMA had further contended that the applicants had overlooked these facts and maintained that the draft maps included necessary environmental protection.

**19. NON-COMPLIANCE OF THE JUDICIAL ORDERS:-**

***The applicants state that the impugned draft CZMP maps failed to rectify the deficiencies pointed out in the earlier legal challenges and continue to omit the crucial features despite the orders from the Hon'ble High Court of Madras and the National Green Tribunal.***

**19.1** In reply, the TNCZMA clarified that the orders passed by this Tribunal in O.A. No.86 of 2014 and O.A. No.141 of 2014 are strictly complied with.

**19.2** It is stated that the shoreline management plan is being prepared by the National Centre for Coastal Research (NCCR). This plan will include erosion zones as required by the CRZ Notification, 2019.

**19.3** The TNCZMA emphasize that this Tribunal had directed the inclusion of these zones in final CZMP maps and not in the draft ones, which are currently under public consultation.

**19.4** Regarding the orders passed by the Hon'ble High Court in W.P. No.30292 of 2022, the TNCZMA confirms that the draft CZMP maps were made available in physical format at taluk and nodal offices as required. The maps were published online in Tamil and English on 16.06.2023 and a 45-day public consultation period was provided with printed copies distributed to the relevant local offices and additional locations as per public request.



**20. ABSENCE OF WRITTEN PLAN:-**

***The grievance of the applicant is that there is no detailed written plan published alongside the maps making it difficult for the general public to understand the map's contents. The written plan as provided in the previous CZMP is essential for clarity.***

**20.1** The answer to the above is clarified by the TNCZMA that 1:25000 scale maps and land use maps include all authorized features and zones which serve as a detailed plan required by the Notification, 2019.

**20.2** It is clarified further that the detailed plan is synonymous with the maps as per the CRZ Notification. In addition, the executive summary describes and explains the map contents for the public and states that any further clarification will be provided during the public hearing.

**21. SCALE AND ACCESSIBILITY ISSUES:-**

***In a map of 1:25000 scale, it is inadequate for detailed local level demarcation. According to the applicants, no maps have been provided as mandated in the 1:4000 scale. High-density files and large sizes make the maps inaccessible for the public to download and print easily.***

**21.1** In response to the above contention, the TNCZMA clarified that as per the CRZ Notification, 2019, Annexure – IV (3) which relates to the preparation of the CZMP map, only 1:25000 scale maps are required to be published for public consultation at this stage. As per Clause (4) of Annexure – IV which relates to the local level CZMP maps are only to be prepared at 1:4000 scale map. Therefore, the department has followed the procedure for the draft

maps and it will prepare and distribute the 1:3960 scale maps after the approval.

**22. COMPROMISE OF THE PUBLIC CONSULTATION PROCESS:-**

***The applicants have alleged that the public consultation and hearing timelines are inadequate and that the hearing scheduled before the 45<sup>th</sup> day of the public comment period has concluded. As the scheduling for the public hearing and the public participation is premature, the same shall not be allowed.***

**22.1** According to the TNCZMA, the press note announcing the public hearing must be published on 07.10.2022 in ten of the English and Tamil newspapers along with broadcast in six news channels to ensure wide publicity. Further, the printed copies of the draft CZMP, land use maps and executive summaries were distributed to the relevant coastal districts on 02.11.2022 in preparation for the public hearing.

**22.2** Pursuant to the order passed in W.P. No.30292 of 2022, the department complied with the Court directives by preparing the draft CZMP maps in both Tamil and English and uploading them on 16.06.2023 for publication, allowing the clear 45 days for receiving comments and suggestions. Additionally, the department ensured that the maps were made available in all the relevant public offices and provided extra copies in response to the public request for easier access.

**22.3** The TNCZMA had specifically denied the fact that the public hearings were scheduled before the consultation period ended asserting that the required 30 days notice for the hearing as stipulated in the

EIA Notification, 2006 was followed meticulously alongside the mandate of 45 day consultation period.

**23. FAILURE TO UPLOAD THE CZMP MAPS PROPERLY:-**

***It is the case of the applicants that the maps have not been updated in compliance with the CRZ Notification, 2019. There is no comparison or explanation provided between the current draft and previous maps, making it impossible for the stakeholders to assess the changes and identify the improvements.***

**23.1** In this regard, the respondent clarified that both the approved CZMP under the CRZ Notification, 2011 and the new draft CZMP map under CRZ Notification, 2019 are publicly accessible on the department website. The sheet numbers remain consistent across both sets of maps, making it easier for the stakeholders to compare and access the changes.

**23.2** In addition to online access, printed copies of the maps have been made available in local offices for public viewing, allowing the public to express their concerns during the hearing. Furthermore, the difference between the previous and current maps will be explained in detail during the public hearing to ensure clarity and transparency.

**24.** The **National Centre for Sustainable Coastal Management (NCSCM)/Respondent No.4** has filed their report, wherein it is stated that the CZMP maps are still in draft form and the public hearings are met to gather suggestions and objections, which will be considered for updating the maps. It is stated that a letter has been received from the Commissioner of Fisheries and Fishermen Welfare Department who had instructed all the Assistant Directors of Fisheries, Tamil Nadu to collect the

data of fishing zones, fish breeding areas, village boundaries, spawning grounds and the common properties like fish landing centre, fishing harbour and fishermen settlements. The NCSCM also confirms that once all these data are received, they will be incorporated into the draft CZMP maps and land use maps followed by ground truthing. The NCSCM points out that the applicants have not provided specific objections and details like locations or survey numbers, making it difficult to address the concerns raised. The local-level CZMP maps will be prepared at a cadastral scale to facilitate the implementation by local bodies after approval. These maps will show the fishing villages, common properties, and housing plans for coastal communities. The NCSCM clarifies that the maps were prepared based on the CRZ Notification, 2019 and the MoEF&CC guidelines. Therefore, there is no requirement to show the difference from the previous versions, as requested by the applicants. The NCSCM also agrees to review the mangrove areas along the Adyar River and incorporate the fisheries related data into CZMP once provided by the relevant departments.

**25.** From the above complaints and responses from the applicants and the TNCZMA respectively, it is to be seen whether the draft CZMP maps uploaded on the website are to be set aside and prepare the same in strict compliance with the CRZ Notification, 2019.

**26.** The applicant states that though the hazard line as per Annexure – IV (2) has been mapped, the draft CZMP map has no land use planning whatsoever for the area between the HTL and the hazard line in terms of the impacts of shoreline change and climate change. The above exercise assumes importance, as it would reduce the vulnerability of the coastal communities and ensure the sustainable livelihood. The said hazard line though marked in the map is being used as a disaster management and which includes the mitigation measures, the land use planning has to be prepared.

**27.** In this regard, it would be appropriate to advert to the interim order and final order dated 13.02.2020 passed by the Hon'ble High Court of Madras in W.P. No.29928 of 2019:-

"7. Accordingly, we make the following interim directions:-

... ..

(III) The respondents are called upon to rectify the mistakes or violations in the maps, in accordance with the 2011 Notification first and the same get prepared through NCSCM on the scale of 1:5,000 as early as possible and produce the same before the Court on the next date of hearing. If it is not possible to produce it on the next date of hearing, the date wise steps taken by them for preparing the same with the Affidavit of the Director of Department of Environment and also the Member Secretary of TNSCZMA shall be produced on the next date of hearing before this Court.

(IV) The Affidavit of the Member Secretary shall also include the details of the public hearings which have taken place in this regard, since in the Affidavit filed, it is stated that the public hearings took place in different Districts in the month of April 2018, but the detailed descriptions of such public hearings were not given. The Court may like to know from the respondents that if the scale of map already produced before this Court was the only available map at the time of public hearing, which are not even legible or decipherable, how effective participation of the public at large could have taken place and whether the said maps, not prepared in the vernacular language also, was it suitably explained to the objectors or members of public or not and if any written representations or objections were made by them; how such objections were responded to or disposed by orders in writing by the respondents before finalizing the said maps and the same shall be stated in the fresh Affidavit to be filed before this Court.

(V) The matter is now adjourned by four weeks, with the expectation that all bona fide and sincere efforts will be made by all concerned authorities of the respondent Departments to assist the Court in the proper manner to arrive at the conclusions as to whether the relevant Regulations under the Act and 2011 Notification and 2019 Notification have been followed by the respondents or not, to subserve the cause of Public Safety in Coastal areas in this regard."

**28.** In Para (3) of the above judgment, the counter affidavit filed by the 4<sup>th</sup> Respondent on behalf of the 3<sup>rd</sup> Respondent therein has been quoted which is as follows:-

"a) Superimposition of approved HTL and LTL onto digital Cadastral Maps at 1:5000 scale (village maps in case of rural areas and ward maps in case of city/town) for entire coast of Tamil Nadu and tidal influenced water bodies in Tamil Nadu.

b) Delineation of 200m, 500m buffer lines for HTL of Bay of Bengal and 100m or width of creek buffer lines for Tidal influenced water bodies as per Coastal Regulation Notification, 2011.

c) Superimposition of Ecologically Sensitive Areas like Mangroves, Coral, Coral reefs, Sand dunes, Mud flats, National Parks, Marine Parks, Sanctuaries, reserve forest, wildlife habitats and other protected areas, Salt Marshes, Turtle Nesting grounds, Horse Shoe habitats, Sea Grass beds, Bird Nesting sites, Archeological sites indicated in

approved CZMP within Coastal Regulation Zone on to digital cadastral maps.

d) Generation of 50m buffer zone for mangroves patches with area more than 1000 sq.m. as indicated in approved CZMP prepared as per CRZ Notification, 2011.

e) Demarcation of Coastal Regulation Zones (IA, 1-B, II,III,IV-A and IV-B) for entire cost of Tamil Nadu and 21 Islands within administrative control of Government of Tamil Nadu.

f) Generation of Local Level CRZ Maps at 1:5000 scale as per CRZ Notification, 2011 following standard national color codes, symbols used in Approved CZMP.

g) Collection and Superimposition of cyclone shelters, rain shelters, helipads and other infrastructure including road network in coastal area using GPS based filed survey and ancillary data collected from field departments on cadastral maps at 1:5000 scale.

h) Collection and Superimposition of fishing village boundaries, common properties of the fishermen communities, fishing jetties, ice palants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, fishing zones, fish breeding areas and like using GPS based filed survey on cadastral maps. i) Generation of Local Level Coastal Zone Management Plants at 1:5000 scale for entire coast of Tamil Nadu and Islands within administrative control of Tamil Nadu Government following guidelines provided in CRZ Notification, 2011."

**29.** The TNCZMA has not clarified whether the above directions issued by the Hon'ble High Court have been followed while publishing the impugned CZMP maps. The directions issued by the Hon'ble High Court were to follow the directives issued therein while maps are being prepared by the authorities concerned. The Hon'ble High Court itself has commented that if the original map is not correct as per the CRZ Notification, 2011, the purpose of the fresh public hearing is likely to be frustrated.

**30.** The claims of the applicants are further supported by the report of the Tamil Nadu Pollution Control Board (**TNPCB**), as the Member Secretary – TNCZMA admitted that though it is not possible to publish the CZMP 100% complete in all respects at least when specific omissions are pointed out, the authorities are duty bound to consider the same and publish the CZMP before they go for the public hearing which would enable the public to agree/ modify/ suggest/ object regarding any omissions/ additions.

**31.** The TNPCB also given the district-wise public hearing fixed between 18.08.2023 and 31.08.2023. The said public hearing scheduled between the above-referred dates was stayed by this Tribunal on 18.08.2023.

**32.** The District Collector – Mayiladuthurai was requested to instruct all the departments especially Fisheries Department and Revenue Department in Mayiladuthurai District to go through the draft CZMP and land use map thoroughly and give authentic remarks regarding corrections/omissions/additions in the draft CZMP vide letter dated 29.09.2023. On 08.11.2023, a meeting was convened involving all the line departments in order to collect the missing information and send the same to the Department of Environment. The suggestions regarding corrections/ omissions/ additions in the draft CZMP and land use maps pertaining to Mayiladuthurai District were forwarded to the Member Secretary – TNCZMA and the Department of Environment and Climate Change on 15.11.2023.

**33.** In Thiruvarur District, similar instruction was given to the District Collector - Thiruvarur District and the suggestions regarding the corrections/ omissions/ additions in the draft CZMP and land use maps pertaining to Thiruvarur District were forwarded to the Member Secretary – TNCZMA and the Department of Environment and Climate Change vide letter dated 15.11.2023.

**34.** A similar exercise was carried on for Nagapattinam District also.

**35.** While so, the NCSCM also contended that the ecologically sensitive areas and other features mentioned in the CRZ Notification will be identified only based on the satellite data as per the guidelines contained in Annexure – I of the CRZ Notification, which suggest that all the Ecologically Sensitive Areas (**ESAs**) and boundary delineated by the NCSCM using satellite and there is no requirement of ground truthing prior to the publication of the draft CZMP. The said contention is unacceptable, as such a view does not serve the interest of ecocentrism and also does not fulfil the principle of sustainable development.

**36.** Clause – 7 (i) of Annexure – IV to the CRZ Notification, which provides guidelines for the preparation of CZMP, clearly highlights the need for the NCSCM to verify the

CZMP 'based on the latest satellite imagery and ground truthing' whenever the matter is referred to them.

**37.** From the above, it is clear that the MoEF&CC does recognize the need for ground truthing in addition to the reliance on satellite imagery, whenever the revisions of the CZMP are contemplated.

**38.** In the instant case, the applicant has been knocking on the doors of the Hon'ble High Court of Madras and the National Green Tribunal for the last 1½ decades or so, highlighting that several ESAs have been omitted from being marked in the appropriate CRZ area which is detrimental to the integrity of the Tamil Nadu coast.

**39.** It may not also be out of place to state that the Hon'ble High Court of Madras as well as this Bench has dealt with cases which highlighted omissions of ESAs from being marked appropriately resulting in irreparable damage to some of the ESAs such as sand dunes and mangroves. When such omissions have been pointed out clearly by the applicants and which have been found to be true based on the ground truthing exercise undertaken by the Joint Committee constituted by this Bench, the SCZMA – Tamil Nadu should have referred these matters for ground truthing on their own to the notice of the NCSCM seeking ground truthing and it shall be a bounden duty of the NCSCM as an agency undertaking the responsibility of preparing the CZMP to comply with the request made by the user agency and undertake necessary ground truthing in areas which have been specifically brought to their notice.

**40.** However, we clarify that ground truthing for the entire coast is a roving exercise and is not possible. It can be done in those areas which have been brought to the notice of the authorities specifically.

**41.** It has been held that public consultation is one of the fundamental principles of Environmental Impact Assessment. The views of the affected and interested public play an important role to ensure that the decision-making process results in informed choices and better environmental outcomes. The draft



CZMP placed in the public domain should be as close as possible to the final notification. The real test for the draft CZMP is to leave little or no room for the public to complain that the draft is bereft of required particulars. The authorities of the SCZMA should be responsible for the genuine concerns raised by the public and if they have a doubt about the genuineness of the representations, the concerned agency should undertake the ground truthing exercise. If such exercise brings to light the omissions of the ESAs or any other features meant to be captured in the CZMP, it will be to the benefit of SCZMA to protect the integrity of the coastal areas as contemplated in the notification to address the wider ecocentric concerns as well as anthropocentric concerns. At the same time, the applicants who may agitate in various legal forums as well as the public who participate in the public consultation process shall bring to light genuine issues, backed by evidence, to the notice of the authorities which may require ground truthing and it should not be an exercise for them to make some general observations to derail or delay the process of revision of CZMPs.

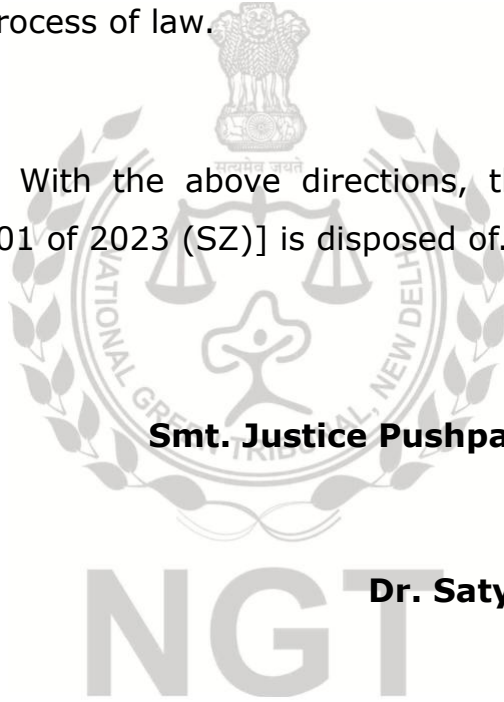
**42. In view of the above,**

- I.** We direct the TNCZMA/NCSCM to do the ground truthing of the ecologically sensitive areas wherever required and wherever it is specifically brought to the notice of the authorities and as directed in the orders of the Hon'ble High Court as well as the National Green Tribunal.
- II.** The TNCZMA is directed to collect all the inputs received from the District Collector of all the coastal districts forwarded to the Member Secretary – TNCZMA and the Director of Environment and Climate Change, Chennai and appropriately correct, add, modify, etc. in the draft CZMP.
- III.** The Member Secretary – TNCZMA is directed to ensure that the addition/ omission/ correction/ suggestion given by these stakeholders are

appropriately incorporated in the draft CZMP map before publishing the same. Once it is ensured that all the shortcomings pointed out by the applicants, suggestions received from the District Collectors and the mandatory provisions in Annexure – IV of the CRZ Notification, 2019 are duly followed, the draft CZMP maps may be published as per the CRZ Notification.

**IV.** After giving the mandatory period required for the stakeholders to go through the CZMP maps and the received suggestions/ additions/ modifications/ corrections/ omissions/ etc., the date of the public hearing may be announced by following the due process of law.

**43.** With the above directions, the Original Application [O.A. No.101 of 2023 (SZ)] is disposed of.



**Sd/-**

**Smt. Justice Pushpa Sathyanarayana, JM**

**Sd/-**

**Dr. Satyagopal Korlapati, EM**

Internet – Yes/No

All India NGT Reporter – Yes/No

**O.A. No.101/2023 (SZ)  
17<sup>th</sup> October, 2024. Mn.**