

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Application No. 8 of 2016 (SZ)**

Applicant(s)

Respondent(s)

R. Ravimaran  
Ennore, Chennai

1. Union of India,  
rep. by its Secretary,  
The Ministry of Environment, Forests  
And Climate Change, New Delhi

2. Tamil Nadu Generation and  
Distribution Corporation, rep. by its  
Chairman cum Managing Director  
Chennai

3. North Chennai Thermal Power  
Station, rep by its Chief Engineer  
Athipattu, Chennai

4. Kamarajar Port Ltd., rep. by its  
Chairman cum Managing Director  
Chennai

5. The Tamil Nadu Pollution Control  
Board, rep. By its Member Secretary  
Chennai

6. The District Environmental Engineer  
Tamilnadu Pollution Control Board  
Ambattur, Chennai

7 The Tamil Nadu Coastal Zone  
Management Authority, rep. by its  
Member Secretary, Chennai

8 The Public Works Department  
Rep. by its Secretary  
Fort St. George, Chennai

Legal Practitioners for Applicant(s)

Legal Practitioners for Respondents

Mr. Yogeshwaran. A

Mr.G.M. Syed Nurullah Sheriff for R1  
Mr.Abdul Saleem for R2, R3 & R8  
Mr.M.T.Arunan for R4  
Mrs.Yasmeen Ali for R5 and R6  
M/s.M.K. Subramanian & P.Velmani for R7

Note of the Registry	Orders of the Tribunal
Item No. 26	<p data-bbox="410 276 764 309">Date:18<sup>th</sup> November, 2016</p> <p data-bbox="410 344 1382 513">We have heard Mr.Yogeshwaran, learned counsel appearing for the applicant as well as Mr.T.Arunan, learned counsel appearing for the Kamarajar Port and the learned counsel appearing for the TANGEDCO.</p> <p data-bbox="410 548 1382 782">It has been explained in detail that the map which is attached to the papers indicating that the places identified as 1 and 2 for the proposed activities envisaged in Port Master Plan Phase III, are situated between High Tide Line (HTL) and Low Tide Line (LTL).</p> <p data-bbox="410 817 1382 1123">We make it clear that not only there shall not be any further dumping in the area at places identified as 1 and 2, but the material which has been dumped by the Port earlier, shall be removed forthwith in any event, within a period of 4 weeks and report the same before this Tribunal on the next date of hearing.</p> <p data-bbox="410 1158 1382 1327">We also make it clear that while removing the dumped material, mangroves existing in the said area shall not be disturbed/ removed. The site shall be made suitable for the purpose of spreading the mangroves.</p> <p data-bbox="410 1362 1382 1661">In so far as it relates to the place identified as No.3 (marked in green), admittedly the said area is away from the Tidel Lines. CRZ area 3 (marked in blue) indicates the identification of site for proposed Coal Stock Yard (CB4) which is within the Port limits and therefore the site can be used by the Port for the purpose of dumping the materials.</p> <p data-bbox="410 1696 1382 1795">In the meantime, learned counsel appearing for the applicant shall be entitled to file rejoinder to the reply dated 14.11.2016 filed by the Port Ltd.</p> <p data-bbox="410 1865 1382 1964">We also make it clear that as a matter of abundant caution, the recommendation of the Tamil Nadu Coastal Zone Management Authority</p>

(TNCZMA) dated 16.12.2014, in so far as it relates to paragraph 6(b)

which is as follows:

- b) Dredged material should be dumped on the landward side and should not be dumped into the sea (CRZ-IV) intertidal area (CRZ-IB) of the Buckingham Canal and also in the salt pan areas as the salt pan areas are declared as CRZ-IB (inter tidal zone) as per the approved Coastal Zone Management Plan of Tamil Nadu.
- c) There should not be any impact of dispersal of dredge material on the adjacent L & T shipyard area especially the navigational channels of that shipyard,

shall be scrupulously followed. This has also been confirmed by MoEF & CC in its order dated 12.03.2015 stating that all the conditions stipulated by the (TNCZMA) vide its letter dated 16.12.2014, shall be complied with. The other conditions mentioned in the Government of India letter dated 12.03.2015 shall also be followed.

In the meantime, the State Pollution Control Board shall make a visit of the spot concerned and analyse the AAQ and file a report. We make it clear that in respect of damages already caused by releasing fly ash, the Pollution Control Board shall also take action against the authorities who are responsible for the same and inform to this Tribunal on the next date of hearing. The Board shall also explain as to the outcome of the Show Cause Notice issued by it to TANGEDCO and appropriate action taken in that regard.

Post this application on 22.12.2016.

....., JM  
(Justice Dr.P.Jyothimani)

.....,EM  
(Shri P.S. Rao)