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W.P.No.30292 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30292 of 2022

K.Saravanan

.. Petitioner

v.

1. The State of Tamil Nadu
rep.by its Principal Secretary to
the Government
Department of Environment
Fort St.George, Chennai

2. The Tamil Nadu Coastal Zone
Management Authority
rep.by its Member Secretary
Panagal Building, Saidapet
Chennai-15

3. The State of Tamil Nadu
rep.by its Secretary
Department of Fisheries
Fort St.George, Chennai

.. Respondents



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Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to forthwith publish the Coastal Zone Management Plans (CZMPs) and land use plans prepared under the Coastal Zone Regulation Notification 2019 in Tamil, provide wide publicity to the publication of the Plans in Tamil through print and electronic media and through the 3rd respondent, make printed copies of the plans including maps in Tamil and English available for inspection at offices of the 3rd respondent and call for objections following the procedure specified under the Coastal Zone Regulation Notification, 2019.

For Petitioner :: Mr.A.Yogeshwaran

For Respondents :: Mr.R.Shunmugasundaram
Advocate General
assisted by Dr.T.Seenivasan
Special Government Pleader
& A.G.Shakeena for R1 to R3

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

Mr.K.Saravanan, Son of Mr.Kasinathan, a resident of Urur Kuppam, Besant Nagar, Chennai has filed this writ petition under Article 226 of the Constitution of India praying for issuance of a mandamus to the respondents



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to forthwith publish the Coastal Zone Management Plans (CZMPs) and land use plans prepared under the Coastal Regulation Zone Notification 2019 in Tamil, provide wide publicity to the publication of the Plans in Tamil through print and electronic media and through the 3rd respondent, make printed copies of the plans including maps in Tamil and English available for inspection at offices of the 3rd respondent and call for objections following the procedure specified under the Coastal Regulation Zone Notification, 2019.

2. Learned counsel appearing for the petitioner submitted that for the purpose of regulating the activities on the coast and also to protect and preserve the coastal environs, the Coastal Regulation Zone Notification, 1991 was issued on 19.02.1991 in S.O.114(E). This notification not only froze the developments in the regulated areas as on 19.02.1991, but also mandated that all future activities should be in strict compliance with the said notification. The learned counsel further submitted that the 1991 notification was superseded by the Coastal Regulation Zone Notification, 2011 in S.O.19(E) issued on 06.01.2011. Once again this 2011 notification was also replaced by



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the Coastal Regulation Zone Notification, 2019 in G.S.R.37(E) dated 18.01.2019, that would take effect when the Coastal Zone Management Plans are prepared and notified. When an area of 500 meters from the High tide line on the coast were covered under the notification, this coastal regulation zone area has been classified into CRZ IA-ecologically sensitive area, CRZ IB-Inter tidal area, CRZ II-areas already developed, CRZ III-undeveloped areas and 12 nautical miles from the Low tide line was classified as CRZ IVA and tidally influenced water bodies were classified as CRZ IVB. In order to implement the notification, the Coastal Zone Management Plans has included a written plan and detailed maps marking different CRZ areas, fishing villages, infrastructure etc., are also prepared. The grievance of the petitioner, it is pleaded, that the Coastal Zone Management Plan (CZMP) shall demarcate the fishermen settlements, community infrastructure, fish drying yards, boat parking yards, cyclone shelters, evacuation routes etc., apart from ecologically sensitive areas like turtle nesting grounds, sand dunes, salt marshes etc. The land use plan is prepared for the area between the High tide line and the hazard line marked on the Coastal Zone Management Plan and



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these land use plans are crucial to determine the sensitive uses and to ensure the area most vulnerable to sea level rise, storms, sea water ingress etc.

3. Continuing his arguments, the learned counsel stated that when clause 6 of Annexure IV mandates public consultation on the draft Coastal Zone Management Plans (CZMPs) prepared by the respondent authorities and the 2013 draft Coastal Zone Management Plan maps were in fact published in Tamil, it is not known why the present maps have not been published in Tamil, as a result the fishermen are unable to know what is the Coastal Zone Management Plan and the land use plan. If the Coastal Zone Management Plan and the land use plan are not published in Tamil, it would cause immense prejudice to the people living on the coastal areas, more particularly, the fishermen as well as the public. Therefore, no prejudice would be caused to the respondents if a mandamus is issued to them to forthwith publish the Coastal Zone Management Plans and the land use plans prepared under the Coastal Zone Regulation Notification 2019 in Tamil by providing wide publicity to the publication of the Plans in Tamil through print



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and electronic media and through the 3rd respondent, as well make the printed copies of the plans including maps in Tamil and English available for inspection at the offices of the 3rd respondent and call for objections following the procedure specified under the Coastal Zone Regulation Notification, 2019. The learned counsel for the petitioner also placed before us a memo dated 15.12.2022 to make his point clear that once the draft Coastal Zone Management Plans and the land use plans are published in Tamil, a time period of 45 days, as is being given after uploading of the CZMPs in English, ought to be given for submission of comments and suggestions, because this period of 45 days is crucial since (a) the draft Coastal Zone Management Plan and the land use plan in Tamil have to be scrutinized and understood by the people; (b) if any mistake is noticed (for example like wrong classification of CRZ area) or if features are missing (for example - like fish, net drying areas, boat parking areas, fishing village boundary etc.) then they need to be identified; (c) evidences in support of the claim have to be collected; (d) suggestions/comments along with evidence in support of such comment are to be submitted to the authorities. Therefore, unless 45 days time is provided



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after publication of the drafts in Tamil, innocent public will not be able to effectively submit their comments/suggestions. Hence, the learned counsel appearing for the petitioner has requested this Court to direct the respondents to publish the Coastal Zone Management Plans and the land use plans in Tamil as well as make the copies available in physical form for inspection at the taluk level and provide the same period of 45 days for submission of the comments and suggestions.

4. A detailed reply has been filed by the respondents. Mr.R.Shunmugasundaram, learned Advocate General assisted by Dr.T.Seenivasan, learned Special Government Pleader & Ms.A.G.Shakeena, submitted that efforts are taken to translate the Coastal Zone Management Plan and the land use maps in Tamil for better understanding, because the Department had already taken proactive steps for disseminating to the public the Executive Summary in Tamil, which is the gist of the entire CRZ notification,2019 and the Coastal Zone Management Plan for understanding the CRZ zonations. Besides, the explanation on each map and the benefit of



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the Coastal Zone Management Plan will be explained in Tamil language while conducting the public hearing in the respective coastal districts for easy understanding of the public. Necessary steps will also be taken to translate the CZMP / land use maps in Tamil in order to enable the common public to understand and to offer their comments. Therefore, suitable extension of time will also be provided for offering the comments on the draft CZMP plan and the land use maps. It is also the submission of the learned Advocate General that the preparation of the Coastal Zone Management Plan as per the Coastal Zone Regulation Notification, 2019 has become mandatory for all the coastal States. The States of Odisha and Maharashtra have already completed the preparation of CZMP and implemented the Coastal Regulation Zone Notification, 2019 in their States. Moreover, the National Coastal Zone Management Authority has also instructed the State of Tamil Nadu to complete the process without any further delay, as the time given stood lapsed. The learned Advocate General also submitted that the Coastal Zone Management Plan and the Executive Summary are published for receiving comments / suggestions from the public/ NGOs / fisherfolk etc., whereas the



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Department would also be conducting public hearing by giving wide publicity with prior notice of 30 days, which will be conducted in the respective districts, wherein all the Coastal Zone Management Plan maps relevant to the respective jurisdiction will be made available in the respective offices in hard copies before conducting the public hearing, as mentioned in paragraph-10, which is reproduced hereunder:-

"10. It is further submitted that, as averred in the affidavit by the petitioner, every sheet/map does not require separate Executive Summary, as the zonation mentioned in the Executive Summary applies for all maps, wherein the pictorial depiction of such zonation are drawn on the maps. Hence, the common Executive Summary is enough for all the maps. Also the CZMPs will be made available for the reference of the public in the following places:-

1. Office of the District Collector
2. Office of the General Manager, District Industries Centre
3. Office of the Municipal Corporation
4. Office of the Town and Country Planning
5. Office of the District Forest Officer



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6. Office of the Joint Director of Municipal Corporation
7. Office of the Joint Director of Fisheries and Fishermen Welfare Department
8. Office of the Regional Director of Municipal Administration
9. Office of all Coastal Block Developments Officer
10. Office of the Coastal Town Panchayats
11. Office of the Tahsildar of all Coastal Taluks
12. Head Office of Tamil Nadu Pollution Control Board
13. Regional Office of Ministry of Environment, Forest and Climate Change
14. Office of the District Environmental Engineer, TNPCB/DCZMA

5. In view thereof, placing on record the submission made by the learned Advocate General appearing for the respondents that the relevant maps will be made available for inspection in physical form at Taluk / District / Nodal departments level and that the draft Coastal Zone Management Plan



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and the Land use maps have been sent to the nodal departments including the Fisheries Department, we dispose of this writ petition making it clear that when the draft Coastal Zone Management Plan and the Land use maps are published in Tamil, as agreed to by the learned Advocate General before this Court, a time period of 45 days shall be given for submission of the comments and suggestions by the common public including fishermen. Consequently, W.M.P.No.29733 of 2022 is closed. In the light of the above, W.M.P.No.31421 of 2022 is closed as unnecessary. There shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

19.12.2022

ss

To

1. The Principal Secretary to Government
Department of Environment
Fort St.George
Chennai 600 009



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2. The Member Secretary
Tamil Nadu Coastal Zone
Management Authority
Panagal Building, Saidapet
Chennai 600 015
3. The Secretary to Government
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