

# S.Velu vs The District Collector on 31 January, 2023

**Author: Satyagopal Korlapati**

**Bench: Satyagopal Korlapati**

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Review Application No. 25 of 2022 (SZ)  
In  
Original Application No. 09 of 2021(SZ)  
and  
Review Application No. 26 of 2022 (SZ)  
a/w  
I.A. No. 197 of 2022(SZ)  
In  
Original Application No. 05 of 2020(SZ)  
(By Chamber Circulation)

IN THE MATTER OF

The Member Secretary  
Coastal Aquaculture Authority,  
5th Floor, Fanepet, Nandanam,  
Chennai- 600035.

...Review Applicant(s)  
(In both the Cases)

Versus

1. The Chief Secretary to Govt. of Tamil Nadu,  
Govt Secretariat,  
Fort St. George,  
Chennai, Tamil Nadu- 600009.
2. The Secretary to Govt. of Tamil Nadu,  
Department of Environment, Climate Change and Forests,  
Govt Secretariat,  
Fort St. George,  
Chennai, Tamil Nadu- 600009.
3. The Chairman,  
Tamil Nadu Pollution Control Board,  
NO. 76, Anna Salai, Guindy,  
Chennai, Tamil nadu- 600032
4. The Member Secretary,

Tamil Nadu Coastal Zone Management Authority,  
Department of Environment and Forests,  
First Floor, Panagal Buidling,  
Saidapet, Chennai- 600015.

5. The Chief Engineer,  
State Ground and Surface Water Resources Data Centre,  
Tharamani,  
Chennai- 600113.

6. The District Collector,  
Chengalpet District,  
Collector Office, GST Road,  
Chengalpattu- 603 001.

7. The District Collector,

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Villupuram District,  
Collector Office road,  
Moovendar Nagar,  
Villuppuram,  
Tamil Nadu- 605602

8. The Block Development Officer,  
Lathur Panchayat,  
Chengalpet District,

9. Pooja Kumar,  
1-A Annapoorna Apartments,  
68, Rukmani Road, Kalakshetra Colony,  
Besant Nagar, Chennai-90.

10. S. Velu,  
Kanathur Village,  
Koovathur Post, Cheyyur Taluk,  
Chengalpet District.

11. The Block Development Officer,  
Kanathur Village,  
Block Panchayat lathur,  
Pavunjur 603 302.

12. The Tahsildar,  
Kanathur Village,

Cheyyur Taluk, Cheyyur 603302  
Chengalpet District,

13. The Village Administrative Officer,  
Village Panchayat,  
Koovathur Gram Panchayat,  
Cheyyur Taluk,  
Chengalpet District.

14. Surej Naik,  
No. 107, Kanathur Village,  
Cheyyur Taluk, Chengalpet District.

15. Manikavel  
No. 107, Kanathur Village,  
Cheyyur Taluk, Chengalpet District.

...Respondent(s)  
(In both the cases)

Date of Order: 31st January, 2023.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER  
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

IN CHAMBER BY CIRCULATION

ORDER

1. The Review Applications are filed by the Coastal Aquaculture Authority to review the Judgement dated 29.09.2022 passed in O.A. No. 05 of 2021 and O.A. No. 09 of 2021.

2. The challenge in the review is regarding the interpretation of this Tribunal of Section 13(8) of the Coastal Aquaculture Authority Act, 2005 to include hatcheries into the ambit of the provisions of the Act contending that the Act exclusively considered regulation of the farming activities in the coastal areas which requires further clarity as it does not intend to include hatcheries. It is further mentioned that the requirement of obtaining CRZ clearance from CZMA apart from obtaining the registration under the Coastal Aquaculture Authority Act, 2005 for coastal aquaculture farms operating beyond 200m from HTL within the CRZ area and for hatcheries operating within the CRZ area does not arise.

3. According to the review applicant, coastal aquaculture or shrimp aquaculture, per se, was neither listed in the prohibited activities nor in the regulated or permissible activities in the CRZ Notification of 1991 and 2011. Yet another ground raised in the review application is that Section 27 of the Coastal Aquaculture Authority Act, 2005 has exempted the coastal aquaculture farms from

the prohibitions imposed by CRZ notifications.

4. According to the review applicant, the CRZ Notification of 1991 and 2011 excluded or exempted hatcheries in particular from the purview of the CRZ Notification. So in fine, it appears that the review applicant seems to be aggrieved by the direction given by this Tribunal that all the aquaculture (shrimp, hatcheries and prawns) which are operating in the CRZ area as defined under the CRZ Notification, 1991 and 2011 should obtain CRZ clearance from CZMA apart from obtaining registration under the Coastal Aquaculture Authority Act, 2005.

5. Under Rule 22 of the National Green Tribunal (Practice and Procedure) Rules, 2011, it is the discretion of the Tribunal to consider the matter in open court if there are materials for detailed hearing and if not the same can be decided on circulation. Since, this Tribunal felt that there is nothing to be argued in detail, the same was decided to be disposed of on circulation as provided under the Rules.

6. Perusal of the records shows that R.A. No. 26 of 2022 which is filed for review against order in O.A. No. 05 of 2021 is filed with an Interlocutory Application No. 197 of 2022 for condonation of delay of 05 days. Rule 22(1) of the National Green Tribunal (Practices and Procedure) Rules, 2011 specifically mandates that "No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed". From the reading of the above provision, it is clear that any application for review should be filed within 30 days from the receipt of copy of the order sought to be reviewed and there is no discretionary power vested with the Tribunal to extend the above said period by condoning the delay on showing sufficient cause.

7. In this case, the order was passed on 29.09.2022 and the Review Application No. 26 of 2022 is filed on 03.11.2022. I.A. No. 197 of 2022 in R.A. No. 26 of 2022 to condone the delay was filed on 22.11.2022. When the provision is very clear that the Review Application cannot be entertained beyond the period prescribed in the statute, the Interlocutory Application filed for condoning the delay is not maintainable and the same is liable to be dismissed. Accordingly, I.A. No. 197 of 2022 in R.A. No. 26 of 2022 is dismissed. Consequently, Review Application No. 26 of 2022 is also rejected.

8. Review Application No. 25 of 2022 which is for review against order in O.A. No. 09 of 2021 is filed within time. Since, the delay application I.A. No. 197 of 2022 in R.A. No. 26 of 2022 against the common order passed on 29.09.2022 is dismissed, the order passed in O.A. Nos. 05 and 09 of 2021 by this Tribunal is confirmed. The said order of dismissal confirming the order passed by this Tribunal would operate as a res judicata in Review No. 25 of 2022. Hence, Review Application No. 25 of 2022 should also be rejected.

9. Even presuming that the said matter has to be reviewed on merits, it is well settled principle that any review could be laid only on an error apparent on the face of the record. Here the review applicant has stated that it is unnecessary to get the CRZ clearance from CZMA and it is sufficient that if the hatcheries are registered only with Coastal Aquaculture Authority Act, 2005. The CRZ Notification, 1991 contain the list of activities that are prohibited in the CRZ area. Any permitted

activity in the CRZ area require clearance from the authority specified in the notification and the notification did not exempt any activity from the ambit of the notification. It is also made clear that no shrimp culture can be constructed or setup within the CRZ as defined in the CRZ Notification. The order sought to be reviewed only directs that all those farms which are operating in the CRZ area as defined under the CRZ Notification, 1991 and 2011 to obtain clearance from the CZMA in addition to the registration under Coastal Aquaculture Authority Act, 2005. It is only the farmers, who are dealing with aquaculture and shrimp should be aggrieved and the Coastal Aquaculture Authority cannot be aggrieved by this as it is only an additional precaution given. Nevertheless, the Coastal Aquaculture Authority cannot challenge the order by way of a Review to reargue the matter in absence of any error apparent on the face of the record.

10. In such circumstances, we feel that there is no case made out for the review and hence the Review applications are dismissed.

.....J.M. (Smt. Justice Pushpa Sathyanarayana)  
.....E.M. (Dr. Satyagopal Korlapati) Internet - Yes/No All India NGT Reporter -  
Yes/No R.A. No. 25/2022(SZ)in O.A No. 09/2021(SZ)& R.A. No. 26/2022(SZ)a/w I.A. No.  
197/2022(SZ) in O.A No. 05/2020(SZ)& 31st January, 2023. (AM) Before the National Green  
Tribunal Southern Zone (Chennai) & The Member Secretary, CAA Vs. The Chief Secretary, Govt of  
Tamil Nadu and Ors.

R.A. No. 25/2022(SZ) in O.A No. 09/2021(SZ)& R.A. No. 26/2022(SZ)a/w I.A.No.197/2022(SZ)in  
O.A No. 05/2021(SZ)& 31st January, 2023. (AM)