

**W.P.No.18829 of 2021**

**THE HON'BLE CHIEF JUSTICE**  
**and**  
**P.D.AUDIKESAVALU, J.**

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

The petition, filed in public interest, challenges an office memorandum of February 19, 2021 issued by the Ministry of Environment, Forests and Climate Change of the Union.

2. The memorandum details the procedure for dealing with violations arising due to not obtaining a prior CRZ clearance for permissible activities. The essential contention of the petitioner is that as of now under the Coastal Regulation Zone Notification, 2011, activities within a regulated coastal area can only be undertaken upon obtaining prior clearance therefor. The petitioner says that if the philosophy of obtaining prior clearance is abandoned, as is evident from the impugned memorandum, there would be wanton degradation and even if the parameters are left unaltered, the activities undertaken before permission is sought to be obtained may cause irreversible change and completely destroy the environment.

3. The petitioner maintains that even if, in course of granting the ex post facto clearance or refusing the same, that part of the project which contravenes norms is required to be undone or the entirety of the project is required to be abandoned and the activities undertaken stopped together with the construction razed, the damage that it would have done may be irreversible or may take decades together before the natural scheme of things is restored.

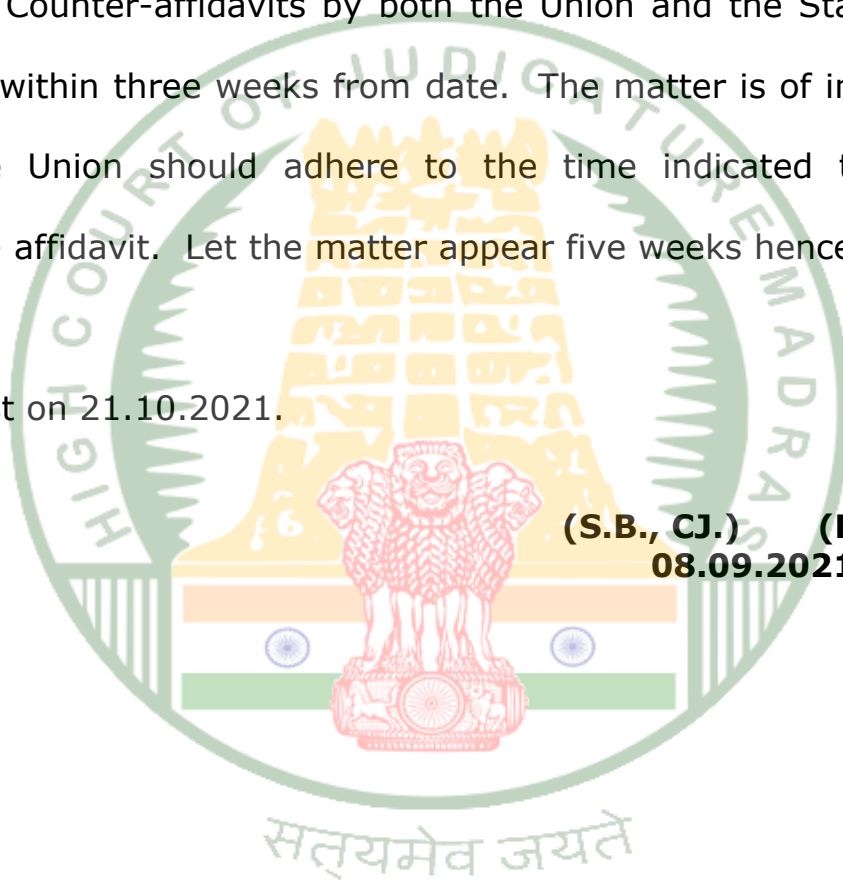
4. There is some substance in the petitioner's assertion and it does not appear that the office memorandum talks of a one-time amnesty scheme or a cut-off date or is limited in its operation. There is sufficient basis to the petitioner's assertion that if the principle of prior clearance is diluted and ex post facto clearance is permitted, it would encourage the wanton degradation of the coastal region and would be completely opposed to the purpose of the Environment Protection Act, 1986 and the ethos of Section 3 thereof.

5. Mr.Babu, learned counsel, takes notice on behalf of the Union of India. Mr.P.Muthukumar, learned State Government Pleader, takes notice on behalf of the State.

6. Counter-affidavits by both the Union and the State should be filed within three weeks from date. The matter is of importance and the Union should adhere to the time indicated to file its counter- affidavit. Let the matter appear five weeks hence.

List on 21.10.2021.

sra/kst



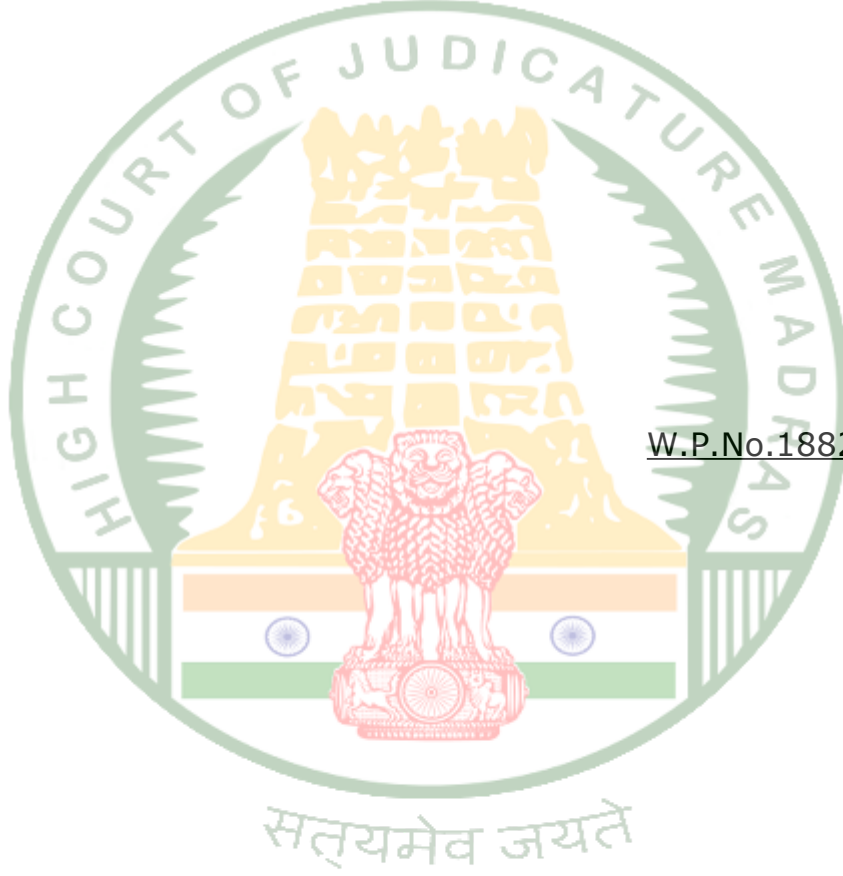
(S.B., C.J.) (P.D.A., J.)  
08.09.2021

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