

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No.476/2022

Arvindbhai Hirabhai Patel & Ors.

...Applicants

Versus

State of Gujarat

...Respondent

Date of hearing: 02.08.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Application is registered based on a complaint received by Post.

ORDER

1. The applicants have sent the present letter petition, which is treated and registered as original application, complaining about encroachments and construction of illegal shrimp farms at a Historical Village Karadi, Taluka Jalalpore, District Navsari, Gujarat and thereby causing of environmental pollution/degradation in the ecologically fragile coastal areas.
2. The applicants have submitted that there exists a brackish land measuring 400 acres having block No. 662 (Old Block No.) at Village Karadi, Taluka Jalalpore, District Navsari which was acquired under Nav Sadhya Scheme. The Ex-Sarpanch (Mukhya) Mr. Kaushik Suresh Patel and other villagers have illegally encroached upon the above-said land and illegally started shrimp farming on the same. In the year 2018, Government had allocated land on lease to 50 persons for shrimp farming without requisite advertisement. The villagers, who were poor, belonged to backward class and

were needy were not granted the lease. The lease holders have illegally occupied the surrounding lands belonging to the Government for Shrimp farming. The lease holders are violating the conditions of lease issued by the office of collector dated 05.01.2019 as the lease holders have not employed local labourers; are using marine water for shrimp farming; have sub-let the land leased out to them; have occupied more land than what was allocated to them and have not obtained licenses from Coastal Aqua Culture for shrimp farming. The applicants have further submitted that the Ex-Sarpanch (Mukhya) Mr. Kaushik Suresh Patel and other opponents have constructed the Shrimp farms by clearing mangrove vegetation in the ecologically fragile coastal areas and thereby caused coastal erosion and badly affected agro-climatic and aquatic zones; have encroached on the crematory land and the land reserved for cattle grazing ; are misusing the power supply obtained from G.E.B. for 4 hectares of land illegally for the Shrimp farming ponds. Villages situated along the sea coast, deltaic regions, and natural saline canals are under threat due to diversion of land to aquaculture farms. Natural saline canals which travel from sea to the mainland are being used for brackish aquaculture farming. The flow of the natural saline canals is being obstructed due to prawn farming activity which has resulted in the spread of brackish water over agricultural farms resulting in loss of agricultural lands, and potable water. Mangrove vegetation in Karadi Village is also facing threat due to the expansion of prawn farming activity.

3. The applicants have referred to Judgment dated 11.12.1969 passed by Hon'ble Supreme Court in case titled as S. Jagannath Vs. Union of India and others and order dated 14.08.2018 passed by Hon'ble High Court of Gujarat and have submitted that the authorities have completely ignored the directions.

4. The applicants have further submitted that complaints were made to the concerned Authorities and have in particular mentioned that complaints were made to Revenue Department, Government of Gujarat, Gandhinagar on 19.12.2021 and to the Collector on 05.03.2022 regarding pollution and destruction of Mangrooves trees for the shrimp farming affecting the ecologically fragile coastal areas and the illegal encroachment and illegal shrimp farming on the brackish land at old block number 662, Village Karadi, Taluka Jalalpore, District Navsari, belonging to the government for taking strict action under the Gujarat Land Grabbing (Prohibition) Act, 2020 but no effective action was taken by the authorities even after carrying out the Inspection.

5. The applicants have *inter alia* prayed for intervention by this Tribunal for issuance of directions that :

(a) A socio-economic assessment of aquaculture in the ecologically fragile coastal areas should be conducted as the cost of ecological and social damage far exceeds the benefits that accrue out of coastal aquaculture activities.

(b) The adverse impacts of aqua-culture farming on the environment and the ecologically fragile coastal zones in the Village of Karadi due to illegal shrimp farming using intensive methods of farming should be stopped.

(c) The illegal encroachment on the government land situated at brackish land admeasuring 400 acres having block No. 662 (Old Block No.) at Village Karadi, Taluka Jalalpore, District Navsari be removed and conversion of surrounding agricultural land into coastal aquaculture units be stopped.

(d) Assessment of all the lease holders, to whom lease is allocated for shrimp farming, be made as to whether the lease conditions are being meticulously complied with and whether the

same has been sub-let and if it has been sub-let, lease be terminated and be allotted to the economically backward and poor people.

(e) The illegal shrimp farms on the land reserved for cremation of dead bodies and grazing of cattle be demolished. Intensive and semi-intensive type of prawn farming in the ecologically fragile coastal areas be stopped and use of brackish/waste/wet lands for Prawn farming be prohibited to safeguard the marine life and coastal areas.

(f) Sustainable Development should be the guiding principle for the Shrimp aquaculture. Environment-friendly technology be adopted with a view to achieve optimal production.

(g) The concerned agriculturists affected by illegal activity be compensated and such compensation be recovered from persons committing illegalities.

(h) Necessary remediation action may be taken by the Collector at the cost of the violators on the 'Polluter Pays' principle.

6. Prima facie, the allegations made in the application raise questions relating to the environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the allegations made in the application, we consider it appropriate that a Joint Committee of the concerned statutory authorities be asked to verify the factual position and take remedial action on the basis thereof. We accordingly constitute Joint Committee of the concerned Statutory Authorities- Regional Office of MoEF & CC at Bhopal, Additional Chief Secretary, Revenue Department, Government of Gujarat, Secretary, Fisheries Department, Government of Gujarat, Gujarat State Coastal Zone Management Authority, Member Secretary, Coastal Aquacultural Authority, Chennai, State PCB, Divisional Forest Officer, Navsari and Collector, Navsari

and direct the same to meet within four weeks, undertake visits to the site, look into the grievances of the applicants, verify the factual position and take remedial action as mandated by the statutory provisions empowering them in accordance with law after notice to the concerned Project Proponents and by following due process of law. State PCB will be the nodal agency for coordination and compliance.

7. Factual and Action Taken Report may be furnished within two month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. Notices along with copies of the application and documents attached therewith be also issued to Respondents (1) Kaushik Sureshbhai Patel (Ex-Sarpanch Mukhiya), Karadi, Taluka Jalalpore, District Navsari and (2) Prakash Morarbhai Patel (Ex-Sarpanch Mukhiya), Karadi, Taluka Jalalpore, District Navsari (3) State of Gujarat through Additional Chief Secretary, Revenue Department, Government of Gujarat, (4) Secretary, Fisheries Department, Government of Gujarat, (5) Gujarat State Coastal Zone Management Authority, (6) State PCB, (7) Divisional Forest Officer and (8) Collector, Navsari requiring them to file their response/ reply to the allegations made in the application within two months by E-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. List the matter for further consideration on 15.11.2022.

10. A copy of this order, along with a copy of the application and document enclosed therewith, be forwarded to the Regional Office of MoEF & CC at Bhopal, Additional Chief Secretary, Revenue Department, Government of Gujarat, Secretary, Fisheries Department, Government of Gujarat, Gujarat State Coastal Zone Management Authority, Member Secretary, Coastal

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Aquacultural Authority, Chennai, State PCB, Divisional Forest Officer,
Navsari and Collector, Navsari by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

August 02, 2022

AG