

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 76 of 2022 (SZ)

&

I.A. Nos. 116, 144 and 146 of 2022(SZ)

(Through Video Conference)

IN THE MATTER OF

Damayanti Subray Mesta

...Applicant(s)

Versus

Department of Public Works, Ports and
Inland Water Transport, Bangalore & ors.

...Respondent(s)

Date of hearing: 22.08.2022.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Ms. Sreeja Chakraborty

For Respondent(s):

Mr. H.K. Vasanth for R3 and R4

Mr. Rajat Jonathan Shaw for Mr. Darpan for R1 and
R8

Ms. Sumathi for R6

Mr. Satish Parasan, Sr. Adv. along with Mr. S.
Raghunathan for R2

ORDER

1. Earlier on 27.07.2022 an interim order was passed that the project proponent will not lay road contra to the conditions mentioned in the Environmental Clearance. In Para-8, it was specifically stated that SEIAA and CZMA the regulatory authorities would consider and take appropriate action against the

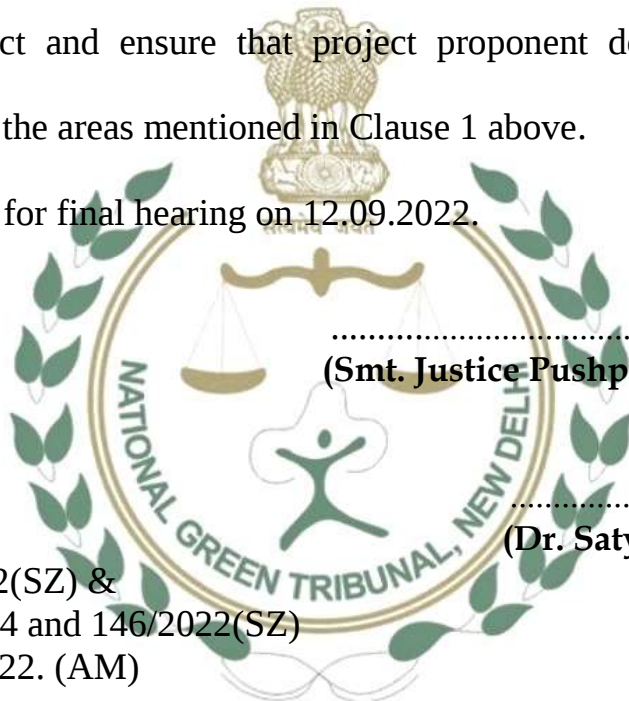
project proponent in case there is any violation including cancellation of the Environmental Clearance. Till such time, we had directed the authorities to ensure that no further construction should be made either as per the Environmental Clearance or in violation of the same in that area mentioned.

2. However, Learned Senior Advocate appearing for the project proponent would contend that it is interpreted as a blanket injunction and the entire activity has come to a grinding halt. Today the respondent nos. 1 and 8 and also the project proponent had filed their responses for which the Learned Counsel appearing for the applicant seeks time to file Rejoinder. She also raises an objection that respondent nos. 1 and 8 cannot sail together as there is a conflict of interest for both the authorities.

3. Be that as it may, as the entire construction of the port work has been stopped by the earlier interim order, clarification for the same was requested as the objection in the application was with respect to the laying of road only. Considering the said request, we clarify the earlier order and pass the following order:

- 3.1. The stay granted is with respect to the ongoing construction of the impugned 4-Lane 4km long, 25-40m wide road on 'No Development Zone' of CRZ II area (within 200m from HTL) and on CRZ-I-A and I-B area on forest land in violation of CRZ Notification, 2011 undertaken by the Port Department.

4. The above clarification is issued as admittedly the CZMA has not authorised for any road construction and the project proponent has also not obtained any separate permission from the CZMA in this regard. Mere grant of Environmental Clearance by SEIAA cannot be treated as permission granted for construction of road in CRZ prohibited area in the absence of separate permission from the above authority.
5. However, we make it clear that the authorities concerned to keep a vigil over the project and ensure that project proponent does not make any construction in the areas mentioned in Clause 1 above.
6. Post the matter for final hearing on 12.09.2022.



.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No. 76/2022(SZ) &
I.A. Nos. 116, 144 and 146/2022(SZ)
22nd August , 2022. (AM)