

Item No. 03:

Court No.2

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 76 of 2022 (SZ)

&

I.A. No. 116 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: 27.07.2022.

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 State of
Karnataka
Ms. Sumathi for MoEF&CC

ORDER

1. Heard the Learned Counsel Ms. Sreeja Chakraborty for the applicant. Mr. H.K. Vasanth, Learned Counsel for respondents 3 and 4, Mr. Rajat Jonathan Shaw, Learned Counsel appearing for the State of Karnataka and Ms. Sumathi, Learned Counsel appearing for MoEF&CC.

2. Learned Counsel appearing for the applicant states that the respondents 1 and 2, who are the project proponent are served with the papers by e-mail on 18.07.2022. But there is no representation for them today.
3. The complaint of the applicant is that there is a construction of road on the CRZ area of Kasarkod Village which is in violation of Environmental Clearance already granted to the project proponent.
4. The Learned Counsel appearing for the SEIAA and Coastal Zone Management Authority (CZMA) categorically stated that they have not authorised the project proponent to construct the road on the route indicated in the map attached which reaches the Honnavar Port.
5. The map produced by the Learned Counsel for the applicant clearly indicates a portion of the road being laid across the forest land and a longer stretch of the same on the coastal area leading to the Honnavar Port at Kasarkod. The port area itself has been clearly demarcated on the northern side of the Kasarkod Village which appear to be a sandy beach and it is classified as CRZ-III “No Development Zone”
6. Learned Counsel appearing for the applicant submits that in the said area there are Olive Ridley Turtle nesting sites and there are instances of the nesting sites being damaged by the port workers earlier also. She also submits that the area earmarked for the port is highly erosive and may not be suitable for the proposed port.

7. Be that as it may, it is elicited from the argument that originally there was a proposal only for an over bridge leading to the port site which is now converted to a road on land that is being laid by the project proponent. The above act of laying road in contra to the conditions laid in the Environmental Clearance and without the approval of the CZMA should deprive the project proponent of his Environmental Clearance.
8. The Learned Counsel appearing for the SEIAA and CZMA also stated that he would advice his authorities to consider this aspect and take appropriate action against the project proponent including the cancellation of the Environmental Clearance.
9. We hope the authorities would follow the procedure for the same in the manner known to law. Till such time, we direct 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.
10. The Learned Counsels appearing for the respondents are directed to file their appropriate replies before the next hearing.
11. Let the matter appear on the list on 22.08.2022.

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

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

O.A. No. 76/2022(SZ) &
I.A. No. 116/2022(SZ)
27th July , 2022. (AM)