

**Item No.3 (i) to (iii):-**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

***Tuesday, the 24<sup>th</sup> day of March 2026.***

[Through Physical Hearing (Hybrid Option)]

**Original Application No. 52 of 2024 (SZ)&  
I.A. No.22 of 2024 (SZ) &  
I.A. No.14 of 2025(SZ)**

**WITH**

**Original Application No. 154 of 2024 (SZ)**  
[Earlier O.A. No.191 of 2024 (PB)]

**WITH**

**Original Application No. 195 of 2024 (SZ)**  
[Earlier O.A. No.387 of 2024 (PB)]

**IN THE MATTER OF:**

O.A. No.52/2024 (SZ):

**National Environment Care Foundation**

Through the General Secretary  
Shashidar Shetty  
Shree Shastha Building  
Ashoknagar, Mangalore - 575 006,  
Dakshin Kannada District, Karnataka.

...Applicant(s)

*Versus*

**1) Mangalore Smart City Limited**

Through the Managing Director  
2<sup>nd</sup> Floor, City Corporation  
M.G. Road, Lalbhagh,  
Mangaluru - 575 003.

**2) Office of Regional Director (Environment) Mangalore**

Through the Regional Director  
Department of Forest Environment & Ecology,  
3<sup>rd</sup> Floor, MUDA Building, Urwastore,  
Mangalore - 6.

**3) Karnataka State Coastal Zone Management Authority**

Through the Member Secretary  
Room No.710, 7<sup>th</sup> Floor, 4<sup>th</sup> Gate,  
M.S building, Dr. B.R. Ambedkar vedhi,  
Bengaluru - 560 001.

**4) Department of Public Works, Ports &  
Inland Water Transport**

Government of Karnataka  
Through the Additional Chief Secretary  
Room No.28, Vikas Soudha,  
Bangalore - 560 001.

**5) State of Karnataka**

C/o Forest, Ecology and Environment Department  
Through the Additional Chief Secretary  
Room No.448, 4<sup>th</sup> Floor, Gate No.2,  
M.S Building, Bangalore – 560 001.

**6) Union of India**

C/o Ministry of Environment, Forest and Climate Change  
Through the Secretary,  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi - 110 003.

**7) National Centre for Coastal Research (NCCR)**

Rep. by its Director,  
NIOT Campus, Velacherry,  
Tambaram Main Road,  
Pallikaranai, Chennai - 600 100.

*(R7 – Suo Motu impleaded as per Order dt.21.10.2024)*

...Respondent(s)

**WITH**

O.A. No.154/2024 (SZ):

Suo Motu matter in respect of news item appearing in Manglorean dated 26.01.2024 titled "**Netravati Waterfront 'Promenade' Project is hurting lives of common people – Stakeholders**".

*And*

**1) Chairman**

National Coastal Zone Management Authority,  
4<sup>th</sup> Floor, Aranya Bhavan, Malleshwaram,  
Bangalore – 560 001.

**2) Principal Secretary**

Forest, Environment & Ecology Department,  
Government of Karnataka,  
Secretariat, Room No.709, 7<sup>th</sup> Floor,  
Gate No.4, M.S. Building,  
Bangalore - 560 001.

**3) Deputy Commissioner & District Magistrate**

Mangaluru District,  
Dakshina Kannada  
Mangalore - 575 001.

**4) Deputy Director General of Forests (C)**

Ministry of Environment, Forest and Climate Change,  
Integrated Regional Office, Kendriya Sadan,  
4<sup>th</sup> Floor, E&F Wings, 17<sup>th</sup> Main Road,  
Koramangala II Block,  
Bangalore (Mangalore) - 560 034.

**5) Managing Director**

Mangaluru Smart City Limited,  
2<sup>nd</sup> Floor, City Corporation, MG Rd,  
Lalbagh, Mangaluru, Karnataka – 575 003.

**6) National Centre for Coastal Research (NCCR)**

Represented by its Director,  
NIOT Campus, Velachery - Tambaram Main Road,  
Pallikaranai, Chennai - 600 100.

*(R6 – Suo Motu impleaded as per Order dt.21.10.2024)*

...Respondent(s)

**WITH**

O.A. No.195/2024 (SZ):

Suo Motu matter in respect of news item  
appearing in The Hindu dated 20.10.2023  
titled "**Linking Mangalureans to their  
rivers**".

*And*

**1. Central Pollution Control Board (CPCB)**

Through its Member Secretary,  
'Parivesh Bhawan', East Arjun Nagar,  
Delhi - 110 032.

**2. Karnataka State Pollution Control Board**

Through its Member Secretary,  
Parisara Bhavan, 49, 4<sup>th</sup> & 5<sup>th</sup> Floor,  
Church Street, Bangalore - 560 001.

**3. Mangaluru Smart City Limited**

Through its Chairman,  
2<sup>nd</sup> Floor, City Corporation M.G. Road,  
Lalbhagh, Mangaluru - 575 003.

**4. National Centre for Sustainable Coastal Management**

Through its Director,  
Anna University Campus,  
Chennai - 600 025, Tamil Nadu.

**5. National Coastal Zone Management Authority**

Through its Chairman,  
Anna University Campus,  
Chennai - 600 025, Tamil Nadu.

**6. The Deputy Commissioner & District Magistrate**

Mangaluru,  
Dakshina Kannada,  
Mangalore - 575 001.

**7. National Centre for Coastal Research (NCCR)**

Rep. by its Director,  
NIOT Campus,  
Velacherry- Tambaram Main Road,  
Pallikaranai, Chennai - 600 100.

*(R7 – Suo Motu impleaded as per Order dt.21.10.2024)*

...Respondent(s)

O.A. No.52/2024 (SZ):-

For Applicant(s): Mr. Ritwick Dutta &  
Mr. G. Stanly Hebzon Singh.

For Respondent(s): Mr. Harish Jayakumar for R1.  
Mr. Rajat Jonathan Shaw represented  
Mr. Darpan K.M. for R2, R4 & R5.  
Mr. H.K. Vasanth for R3.  
Mr. T. Ragavan for R6.  
Mr. S. Janarthanam for R7.

O.A. No.154/2024 (SZ):-

For Applicant(s): Suo Motu.

For Respondent(s): Mr. Rajat Jonathan Shaw represented  
Mr. Darpan K.M. for R2 to R4.  
Mr. Harish Jayakumar for R5.  
Mr. S. Janarthanam for R6.

O.A. No.195/2024 (SZ):-

For Applicant(s): Suo Motu.

For Respondent(s): Mr. R. Thirunavukarasu for R1.  
Mr. Devraj Ashok for R2.  
Mr. Harish Jayakumar for R3.  
Mr. Rajat Jonathan Shaw represented  
Mr. Darpan K.M. for R6.  
Mr. S. Janarthanam for R4 & R7.

**Judgment Reserved on: 11<sup>th</sup> December, 2025.**

**CORAM:**

**HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE Dr. PRASHANT GARGAVA, EXPERT MEMBER**

**COMMON JUDGMENT**

***Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member***

**1)** The Principal Bench of this Tribunal, based on a news item published in *The Mangalorean* dated 26.01.2024 titled "**Netravati Waterfront 'Promenade' Project is hurting lives of common people – Stakeholders**", suo motu registered the matter as *Original Application No.191 of 2024 (PB)*. Subsequently, the matter was transferred to this Bench on the basis of territorial jurisdiction and was renumbered as *Original Application No.154 of 2024 (SZ)*.

**2)** In the news item, it is reported that the Netravati Waterfront Promenade Project in Mangaluru is affecting the local boatyard owners, fishnet makers and workers, who face eviction from long-used riverbank land, threatening their livelihoods.

**3)** Similarly, based on another news item reported in *The Hindu* dated 20.10.2023 titled "**Linking Mangaloreans to their rivers**", the matter was suo motu registered as *Original Application No.387 of 2024 (PB)* and renumbered here, after transfer to this Bench, as *Original Application No.195 of 2024(SZ)*.

**4)** The above news item also refers to the same issue; however, on a different note, stating that the Phalguni River is affected due to poor access, lack of visitor-friendly infrastructure and dominance of industrial activities along the banks.

**5)** The other *Original Application No.52 of 2024 (SZ)* is filed by the National Environment Care Foundation, alleging damage caused by the Mangaluru Smart City Limited (**MSCL**) for non-compliance of conditions in the No Objection Certificate (NOC)/Coastal Regulation Zone (**CRZ**) Clearance dated 07.10.2022 granted by the Karnataka State Coastal Zone Management Authority (**KSCZMA**).

**6)** The *suo motu* cognizance was taken based on two issues:

*Firstly*, the operation of a bulldozer within the Ecologically Sensitive River banks in the area, known for the presence of mangroves and trees, in violation of CRZ Notification, involving unauthorized dumping of some construction debris into the Netravati River at Mulihithlu to acquire 9 meters land for the project. The applicant in O.A. No.52 of 2024 (SZ) also had alleged that approximately 30 and more mangroves and significant trees are no longer present in the area.

*Secondly*, the matter deals with the order of vacating port land for the execution of the promenade project issued to the boatyard owners and fishnet producers who had taken the land between the Netravati Railway Bridge and Bolar Sea Face on lease.

**7)** It also stated that the stretch of the river waterfront is not suitable for such a recreational project, where during heavy monsoon, water overflows into banks and takes back soil along with it, which is dangerous and life-threatening to people. Due to the adverse impact of the project, the boat-building yards and fishnet-making establishments, which have obtained financial loans from the financial institutions, are facing the possibility of closure due to the construction of a wall along the riverside.

**8)** The Principal Bench of this Tribunal also had constituted a Joint Committee comprising of (i) the Member Secretary, Central Pollution Control Board (**CPCB**); (ii) Regional Office, Ministry of Environment, Forests and Climate Change (**MoEF&CC**); (iii) District Magistrate, Dakshina Kannada, Mangalore; and (iv) the Director, National Centre for Coastal Research (**NCCR**) to visit the site, ascertain the factual position and the extent of violation of environmental norms in execution of the project.

**9)** The applicant in *Original Application No.52 of 2024 (SZ)* has also raised several grounds challenging the Mangaluru Smart City Project. It is stated that the Project Proponent had submitted before the District Coastal Zone Management Authority that structures will be avoided with the maximum possible extent while constructing the walking track and cycle track. However, the KSCZMA decided to issue the clearance to the Project Proponent with stricter condition on the use of concrete to state that no permanent structure/concrete structure should be constructed. So, when this condition still stands and no exemption was granted for construction so far as the landward side of the building is concerned, the same is violated by the Project Proponent.

**10)** It is also alleged that excavation was carried out to a depth of approximately 1 meter from the riverbank towards the land, and the excavated area was filled with black stone, crusher powder, and cement for the construction of the promenade revetment.

**11)** The next aspect is regarding the jungle cleaning and levelling has been done in a few places and stone pitching work is also being done. In the absence of any permission or modification of the CRZ Clearance conditions, the Project Proponent constructed a stormwater drain made of concrete.

**12)** The other allegations include the construction of a wall in the CRZ-IB area, the construction of a stormwater drain with concrete, land filling outside the pre-existing revetment and the construction of a wall over the existing revetment, cutting of mangroves, etc.

**13)** Since all three applications relate to the same project and concern the alleged violations by the Project Proponent, namely Mangaluru Smart City Project Limited, they are tagged together and taken up for final disposal.

**14)** The **Mangalore Smart City Limited**, the Project Proponent, is a Special Purpose Vehicle formed to actualize the Smart City Mission. The Waterfront Promenade Project being developed is 2.1 Km long stretch from Netravati Bridge to Bolar Sea Face. The said promenade stretch will also have a biodiversity park, open-air theatre (OAT) plaza, a boat-building yard, ticketing counters, shops/cafe area, toilets, cycle track, pedestrian pathway, flea/weekly markets, hawkers plaza, Bolar cultural market, rain shelters, outdoor gym, pet park, pet store, etc. Since the project falls within the area extending from the High Tide Line up to 500 meters inland, the Project Proponent applied for CRZ Clearance. The KSCZMA granted NOC/CRZ Clearance to the Project Proponent on 07.10.2022.

**15)** In light of the above pleadings, it is necessary to ascertain **whether there are any violations as alleged either in O.A. No.52 of 2024 (SZ) or in the news items based on which O.A. Nos.154 and 195 of 2024 (SZ) were suo motu registered.**

**16)** The **Joint Committee**, which was specifically directed to inspect the site and ascertain the factual position, had submitted the **report dated 20.06.2024**, based on the

inspection dated 11.06.2024. On the date of inspection, no active work or dumping of debris was found and the earlier dumped debris was cleared and reused for back filling. The JCB use was limited to initial landward stages and on 01.01.2024, the Forest Department's census recorded 103 trees in the project area. The Project Proponent constructed a 42-meter bird watching area in CRZ – I near the railway bridge by dumping material contrary to the approved clearance.

**17)** To the said allegation, the Project Proponent has stated that it was mistakenly done and it is being removed by them. The retaining wall constructed in the CRZ – IB area is also dismantled and removed.

**18)** In the remaining stretches, the new retaining wall is constructed on the CRZ – II area and towards the landward side. The Joint Committee also reported that the Project Proponent had cleared all the debris dumped in the river and utilized for back filling. The same is reiterated by the Deputy Commissioner in its report stating that the Project Proponent had increased the height of the existing old boulder revetment by 600 meters above the High Flood Level (HFL) as per the EIA report. The Deputy Commissioner has stated that the retaining wall above the old structure is intended to prevent erosion, stabilize the bank and protect the surrounding environment. The said structure would help to manage the water flow and reduce the risk of flooding, contributing to long-term stability.

#### **Mangroves Status:**

**19)** The applications focused on the widespread destruction of mangroves and the irreversible ecological damage to the Netravati River Bank. It is found that only sporadic mangroves are in a few patches near the project. The approved CZMP and local CRZ Map prepared by the Institute of Remote Sensing, Anna University, before the start of the project, confirm that no large mangrove patches are near the project site and no significant mangrove damage was observed during the physical inspection.

**20)** The Project Proponent also asserted that the allegations were without reference to any pre-existing baseline study, scientific enumeration or contemporaneous evidence establishing the presence of mangroves at the project site prior to the commencement of the work. The historical satellite imagery only showed the loss of bushes/grass due to the project; stone masonry revetment was built over the old structure to accommodate landward filling.

**21)** In this regard, the Joint Committee has reported that the entire list of trees that are all along the project site is numbered and recorded. There are no mangroves present in the list. The finding of the Joint Committee is that the mangroves are present in some patches, but nothing to warrant that there existed large-scale patches of mangrove which were allegedly destroyed. Therefore, the allegation of widespread destruction is not supported by baseline data, comparative analysis or scientific evidence.

**22)** The KSCZMA has stated that the toilet blocks are being constructed on the landward side of the old structures, subject to the condition that no sewage is discharged into the nearby water body. As the project is currently under construction and the toilet blocks are not yet operational, there is, at present, no discharge of sewage into the water body.

**Solid Waste Management:**

**23)** Regarding the dumping of solid waste into the waterbody and scientific disposal of the waste, the KSCZMA has reported that near the premises of the Udupi District Fish Marketing Association, a concrete stormwater drain has been constructed. Additionally, the existing open stormwater drain has been converted into a fully covered drain using concrete.

**24)** Regarding the operation of heavy machinery like a bulldozer within the ecologically sensitive river banks of the river Netravati, it is found that an old dilapidated retaining wall is at various locations and the construction of a retaining wall is underway along the drain to the west. In this regard, the KSCZMA

has reported that the Project Proponent has given an undertaking to remove all the construction debris, which was mistakenly stored.

**25)** The applicant in O.A. No.52 of 2024 (SZ) had filed his objection to the Joint Committee report. It is alleged that the mangroves have been damaged, trees were removed and soil in the intertidal area was dumped. However, the Joint Committee had not recorded any of these observations based on the specific allegations made by the applicant.

**26)** In this regard, the report of the Deputy Commissioner dated 19.11.2024 assumes importance, which states that the project is falling within the CRZ – II area and there were only a few sporadic mangroves in a few patches near to the project area. No large patches of mangroves attract the CRZ requirement. No significant damages were noted with reference to mangroves during physical observation. The EIA Study has been conducted and local level CRZ Map has been prepared. In both the reports, it is mentioned that there is no mangrove within the vicinity of the project site. The Deputy Commissioner also reported that no significant damage was noted with respect to mangroves during the physical observation.

**27)** From the reports of the Joint Committee, the KSCZMA and the Deputy Commissioner, it can be inferred that the authorities have consistently recorded that works in the rivers are located on the landward side of the HTL within the CRZ – II area, subject to limited instances involving retaining structures.

**28)** The learned counsel appearing for the applicant in O.A. No.52 of 2024 (SZ) specifically pointed out that the Project Proponent had admitted that the work in CRZ – IB was done by the contractor by mistake to store the material.

**29)** The learned counsel appearing for the Project Proponent (MSCL) would submit that, as stated in the EIA Report, the environmental parameters contemplate the minimum use of concrete along with locally available stones such as laterite, karkalla granite, brick pitching, which would be utilized for

walkways. It is also demonstrated that the structures are firstly constructed in the stable CRZ – II area, which are beyond 10-meters threshold of the HTL.

**30)** The learned counsel appearing for the Project Proponent also states that being the Government Special Purpose Vehicle, it is bound by the Engineering and Building Codes, governing environment-friendly construction and also taking into the account the terrain topography and weather of the city of Mangaluru. Thus, it is stated that the usage of the concrete is only at the foundation level to ensure the structural integrity and nothing more. The rest of the materials are only temporary structures using steel beams and other durable material in line with the Building Codes.

**31)** The Karnataka SCZMA, while granting NOC to the project on 07.10.2022, has specifically noted that "*The proposed area falls in CRZ – II. All the structures like toilet blocks, buggy shed, food kiosks, facility management office, pavilion ticket counters, outdoor play and equipments will be **constructed on the landward side of existing building***". Further, in its revised alignment, the Project Proponent has stated that the proposed site belonged to the Port & Inland Waterways Department, which has allotted land on lease basis to different users like tile factory, boat building, etc. The lease periods have since expired, but the structures continue to exist and are now considered as encroachments. The project focuses on evicting those encroachments, reclaiming the land and converting it for public utility purposes. Thus, the MSCL submitted that it complied with the CRZ conditions by using alternative materials and bricks to minimise the concrete usage, as mentioned in the CRZ Clearance dated 07.10.2022, which says "*concrete structure will be avoided to the maximum possible extent while constructing the walking track and cycle track*".

**32)** The learned counsel for the Applicant in O.A. No.52 of 2024 (SZ) referred to the judgment of the Hon'ble Supreme Court of India in **(2013) 8 SCC 760 – Vaamika Island (Green Lagoon Resort) vs. Union of India & Ors.**, a landmark case concerning CRZ violations in Kerala. In that case, the Project

Proponent, Kapico Kerala Resorts Private Limited, constructed a luxury resort on an island classified as CRZ - I/IV, where construction is prohibited. The Hon'ble Supreme Court reinforced the principle that ecologically sensitive areas must be protected from commercial development, irrespective of potential economic benefits.

**33)** The same principle was reiterated in **(2020) 3 SCC 18 – Kapico Kerala Resort Private Limited vs. State of Kerala & Ors.**, where a luxury resort was built in a Critically Vulnerable Coastal Area (CVCA), violating the CRZ Notification, 1991, by encroaching upon the Vembanad Lake and adversely affecting local fishing livelihoods. However, in this case, even the Karnataka SCZMA clearance permitted construction only on the landward side of the existing building and prohibited any permanent structures.

**34)** The learned counsel also referred to **(2004) 3 SCC 445 – Piedade Filomena Gonsalves vs. State of Goa & Ors.**, wherein the Hon'ble Supreme Court held that unauthorized constructions in violation of the CRZ Notification cannot be condoned and emphasized that the Coastal Zone Management Plan (CZMP) of an area must be strictly followed.

**35)** The Project Proponent had also violated the conditions by dumping waste, which, though stated to have occurred by mistake, was subsequently removed. The Project Proponent ought to have been aware that the project area falls within both prohibited and permitted coastal zones. Hence, all the proposed structures such as the toilet block, food kiosk, and ticket counter are directed to be aligned on the landward side of the old structure constructed prior to 1991.

**36)** In view of the foregoing, the Project Proponent (MSCL) is directed to strictly adhere to the CRZ Notification, 2011, the conditions imposed in the CRZ Clearance, and all other applicable statutory provisions, particularly as the project is already under the radar of not only this Tribunal but also environmental activists. It would, therefore, be appropriate for the Project Proponent (MSCL) to strictly comply with the applicable

rules, regulations and imposed conditions to ensure the seamless execution of the project.

**37) With the above directions, the Original Applications [O.A. Nos.52, 154 and 195 of 2024 (SZ)] are disposed of accordingly.**

**38) The pending interlocutory applications [I.A. No.22 of 2024 (SZ) & I.A. No.14 of 2025(SZ)] are also closed.**

**Sd/-  
Smt. Justice Pushpa Sathyanarayana, JM**

**Sd/-  
Dr. Prashant Gargava, EM**

Internet – Yes/No

All India NGT Reporter – Yes/No

**O.A. No.52/2024 (SZ) &  
I.A. No.22/2024 (SZ) &  
I.A. No.14/2025(SZ)  
O.A. No.154/2024 (SZ) &  
O.A. No.195/2024 (SZ)  
24<sup>th</sup> March, 2026. Mn.**



**NGT**