

**Report in compliance to the orders of Hon'ble National Green Tribunal (Southern Zone) in O.A No. 208 of 2021 dated 23.09.2021 regarding M/s. Yashaswini Fish Processing Unit in Sy.No. 71/3 & 71/5 of Balakudru village, Udupi.**

It is submitted that, the Regional Director (Environment), Udupi, in his letter No. RD(Env)/NoC/67/2012-13 dt:27.07.2012 has issued NOC to Special Tahasildar Brahmavar, Udupi District for conversion of land for establishment of Ice Plant in Sy. No. 71/3, of Balakudru village (having GPS reading N 13° 26'64.4" E 74° 42' 22.1") as it falls outside the CRZ area as per CRZ notification 2011. However, instead of establishing an Ice Plant, Smt. Umadevi W/o Keshav Kundar has established a fish processing unit in said Sy. No. 71/3 of Balakudru village without obtaining prior CRZ clearance. She has also established an Effluent Treatment Plant (ETP) in Sy. No. 71/5, which falls in CRZ-I, where in the above activity is prohibited as per para 8 I CRZ I (i) of CRZ Notification 2011. As per para 3 (iii) of said notification, setting up and expansion of Fish Processing Units including warehousing in CRZ area is a prohibited activity. Hence there is violation of CRZ notification.

It is submitted that, the subject was placed in the Karnataka State Coastal Zone Management Authority meeting held on 25.07.2017 and as per the decision of the Authority, Notices of Proposed Direction (NPD) under section 5 of Environment (Protection) Act 1986 was issued to Smt. Umadevi W/o Keshav Kundar on 14.09.2017 thereby to providing an opportunity to submit her replies (**Annexure-1**).

Smt Umadevi had submitted a reply to the said notice stating that they have not constructed any new building and only repair works have been carried out to old pump shed and existing well in Sy. No. 71/5.

Accordingly, the Regional Director, Udupi was asked vide letter No. FEE 186 CRZ 2017 dated 22.03.2018 to take up site inspection to verify once again and submit report. The RD has submitted a report that during inspection it was found that fish meal building had been constructed and in the adjacent Sy. No. 71/5, they have constructed an ETP and have also under taken the reconstruction of old building, well and pump shed which is located at 68 mtr from river HTL, which falls in CRZ-I. The Regional Director has also reported that the portion of fish meal and entire ETP falls in CRZ-I, as per approved CZMP 1996.

Based on his report, KSCZMA in its meeting held on 27.04.2018 has taken a decision to confirm direction issued under Environment

(Protection) Act, 1986. Accordingly, section 5 direction has been issued on 12.06.2018 to demolish the portion of the said Fish processing unit in Sy. No. 71/3 and Effluent Treatment Plant in Sy. No. 71/5, of Balkudru Village, which had been constructed in violation of CRZ Notification (Annexure-II).

Against the said direction of KSCZMA, Smt. Umadevi W.o Keshav Kundar has filed a W.P. No. 27462 of 2018 before the Hon'ble High Court of Karnataka at Bengaluru for which statement of objections have been submitted to the Hon'ble High Court on 26.10.2021 (Annexure-III) and the case is pending.

Further, one more Writ Petition has been filed before the Hon'ble High Court by the School Development Committee, Balkudru vide W.P.No. 12005 of 2020 against M/s. Yashaswini Fish Meal & Oil Company on the grounds that a conversion order was given in Sy.No.71/3 for 'industrial purpose' specifically for the purpose of establishment of an Ice Plant, however despite such order of conversion, the concerned Respondent have misused the same for the purposes of establishing a "FISH CUTTING AND FISH WASTE POWDER UNIT" which is clearly in contravention of the conversion order.

It is submitted that as per para 3 of CRZ Notification 2011 certain activities are prohibited in CRZ area. Smt. Umadevi has established an Effluent Treatment Plant (ETP) in sy. No. 71/5, which falls in CRZ-I where in the above activity is prohibited as per para 8 I CRZ I (i) of CRZ Notification 2011.

Action is being taken to appoint Government advocate for the above said case and preparation of parawise remarks is under process.



(R. GOKUL)

Member Secretary

Karnataka State Coastal Zone

Management Authority

Department of Forest, Ecology and  
Environment.

FEE 8 EAA 2021

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**WRIT PETITION NO. 27462 OF 2018**

**BETWEEN:**

Smt. Umadevi,  
Udupi Taluk

**:: PETITIONER**

**AND:**

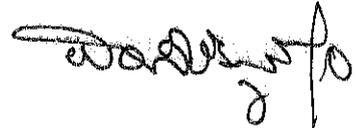
The Secretary to Govt.,  
Ministry of Forest Ecology &  
Environment and others

**:: RESPONDENTS**

**STATEMENT OF OBJECTION FILED ON BEHALF OF**  
**RESPONDENTS - STATE**

Under Rule 21 of the High Court Writ Proceedings Rules, the Respondents respectfully submit as follows:-

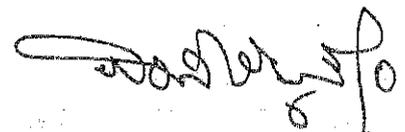
1. In the above Writ Petition, the Petitioner has sought for quashing the directions Annexure A issued by the 2<sup>nd</sup> Respondent under Section 5 of the Environment (Protection) Act 1986 dated 12.06.2018 bearing No.FEE 186 CRZ 2017 and for such other reliefs.



2. At the outset, it is submitted that the Writ Petition filed by the Petitioner is not maintainable either in law or on facts and hence, the same is liable to be dismissed in limine.

3. The Writ Petition is not maintainable for the reason that the Petitioner has prayed challenging the order passed by the Respondent under Section 5 of the Environment Protection Act 1986. However, under Section 5(a) of the Environment Protection Act there is provision for Appeal before the National Green Tribunal, aggrieved by the direction issued under Section 5 of the Environment Protection Act. Therefore, when specific provision providing alternate relief available, the Writ Petition does not survive therefore the petition is liable to be dismissed.

4. It is submitted that the Regional Director (Environment), Udupi, in his letter No.RD(Env)/NoC/67/2012-13, dated 27.07.2012 has issued NOC for conversion of land for establishment of Ice Plant in Sy.No.71/3, of Balakudru Village since this area (having GPS reading N  $13^{\circ} 26' 64.4''$  E  $74^{\circ} 42' 22.1''$ ) falls outside the CRZ area as per CRZ Notification 2011. However the Petitioner has established the fish processing unit in Sy.No.71/3 and

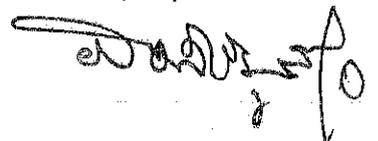


established the Effluent Treatment Plant (ETP) in Sy.No.71/5 which falls in CRZ area where the above activities are prohibited as per para 3(i) & (iii) and 8 I CRZ (i) of CRZ Notification 2011.

5. It is submitted that the Regional Director, Udupi reports vide in his letter dated 25.04.2018 that conducting the site inspection on 25.04.2018 it was found that the Petitioner has taken up the expansion of fish processing unit in Sy.No.71/3 and construction of ETP in Sy.No.71/5 which is in CRZ area, where these activities are prohibited as per the CRZ Notification 2011.

6. It is submitted that the Regional Director, Udupi reported vide in his letter dated 25.04.2018 that after conducting a site inspection on 25.04.2018 it was found that the Petitioner has taken up the expansion of fish processing unit in Sy.No. 71/3 and construction of ETP in Sy.No.71/5 which is in CRZ area, where these activities are prohibited as per the CRZ Notification 2011.

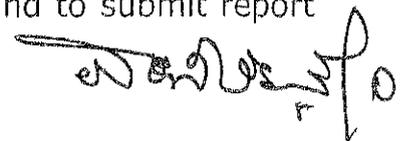
7. It is submitted that the decision of the Karnataka State Coastal Zone Management Authority (KSCZMA) meeting held on 25.07.2017 the Member Secretary, has issued a Notice of proposed



direction under section 5 of the Environment (Protection) Act 1986, as per rule 4 of the Environment (Protection) Rules 1986, in order to provide an opportunity to the occupier to submit her replies. Since her replies were not convincing as per the provisions of the CRZ Notification, the Authority has initiated action in accordance with law.

8. It is submitted that the decision of the KSCZMA meeting held on 27.04.2018, the Member Secretary, KSCZMA has issued Direction to petitioner on 12.06.2018 to demolish the portion of fish processing unit which is constructed within 100 meter from the high tide line and ETP to submit the compliance report.

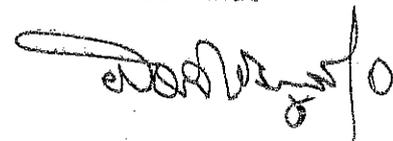
9. It is submitted that the As per the decision of the KSCZMA meeting held on 25.07.2017 the Member Secretary on 25.07.2017 has issued a notice of proposed direction under section 5 of the Environment (Protection) Act 1986, as per Rule 4 of the Environment (Protection) Rules 1986, in order to provide an opportunity to the occupier to submit her replies. After receiving the replies from the petitioner the Regional Director, Udupi was asked to take up site inspection to verify once again and to submit report



vide letter No. FEE 186 CRZ 2017, dated: 22.03.2018. Accordingly, the Regional Director, Udupi has submitted his report vide letter dated 25.04.2018. Based on this report after confirming the correctness of the allegations made against the Petitioner, KSCZMA has taken decision to confirm Section 5 direction under Environment (Protection) Act, 1986.

10. It is submitted that the Notice of proposed direction under Section 5 of Environment (Protection) Act, 1986 issued on 14.09.2017 and the Petitioner has submitted her replies also. The said direction was issued in accordance with law. Section 5 direction was issued to the Petitioner as per the rule 4 of Environment (Protection) Act, 1986 and the Regional Director, Udupi was instructed to demarcate the CRZ area indicating the structures which are constructed in violation of CRZ Notification to enable the occupier to remove the structure.

11. It is submitted that the directions was issued as per the provisions of CRZ Notification 2011. Since there was a violation of said Notification, enforcement has to be done as per the provisions of CRZ Notification 2011 only. Further it is submitted that



Government of India has issued the CRZ Notification 2019 vide G.S.R.37 (E), dated: 18<sup>th</sup> January 2019. But the provisions of CRZ Notification 2019 does not apply in the instant case.

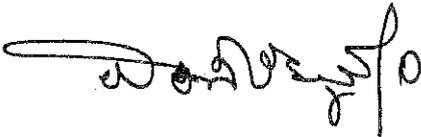
12. All other averments which are not specifically traversed herein are hereby denied as false and baseless.

**WHEREFORE**, it is most humbly prayed that this Hon'ble Court may be pleased to **DISMISS** the above Writ Petition, in the interest of Justice and equity.

BENGALURU  
DATE: 26/10/2024

(VANI .H)  
ADDL. GOVT. ADVOCATE  
AND  
ADVOCATE FOR RESPONDENTS – STATE

VH/SV/SO.WP.27462/2018  
Email Core/Draft/25.10.2021



**Direction under Section 5 of the Environment (Protection) Act, 1986**

1. Whereas, the Ministry of Environment and Forests, Government of India have issued CRZ Notification No. S.O. 19(E) dated 6<sup>th</sup> January 2011 with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, and to conserve and protect coastal stretches, its unique environment and its marine area, under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986.
2. Whereas, all projects attracting this notification require prior CRZ Clearance from the concerned regulatory authority, i.e., Karnataka State Coastal Zone Management Authority.
3. Whereas, certain activities are prohibited within the Coastal Regulation Zone (CRZ) as per para 3(i), 3(iii) & para 8 I CRZ I (i) of the CRZ Notification 2011.
4. Whereas, the Regional Director (Env) Udupi, reported that you have taken up establishment of Fish Processing Unit in Sy. No. 71/3 of Balkudru Village, Udupi Taluk and the construction work of Effluent Treatment Plant in Sy. No. 71/5 of Balkudru Village, Udupi Taluk in CRZ-I area, there by violated the provisions of the CRZ Notification 2011.
5. Whereas, the District Coastal Zone Management Committee in its meeting held on 07.04.2017 has considered it as a violation of the provisions of CRZ Notification 2011. Further, DCZMC had recommended the proposal to KSCZMA for necessary action.
6. Whereas, the Karnataka State Coastal Zone Management Authority has examined this matter during its meeting held on 25.07.2017 and the Authority has decided that it is a clear violation of the provisions of CRZ notification 2011, as per para 3(i), 3(iii) and 8 I CRZ I(i). Hence decided to issue Notice of Proposed Directions (NPD) for the violation under section 5 of Environment (Protection) Act, 1986 read with Rule 4 of the Environment (Protection) Rule, 1986.
7. Whereas, as per the decision of the Authority, the Notice of Proposed Directions under section 5 of the Environment (Protection) Act, 1986 was issued to you on 14.09.2017 with a direction to submit reply within 15 days.
8. Whereas, you have submitted the reply on 09.10.2017 stating that, you have not violated the CRZ Notification 2011.
9. Whereas, the Authority during the meeting held on 27.04.2018 has examined this matter and concluded that you have taken up the construction of Fish Processing

Unit in Sy. No. 71/3 of Balkudru Village, Udupi Taluk and the construction work of Effluent Treatment Plant in Sy. No. 71/5 of Balkudru Village, Udupi Taluk in CRZ area where in such activity is a prohibited activity as per para 3(i) & 3(iii) of CRZ Notification 2011. Hence, the Authority has decided to confirm the proposed directions issued under section 5 of the Environment (Protection) Act, 1986, in exercise of the powers delegated to the Authority vide order no. S.O.679 (E) dated 1<sup>st</sup> March 2017 of MoEF & CC Government of India.

### Direction

Wherefore, you, Smt. Uma Devi W/O. Keshava Kundar, R/o Pandeshwara Village, Sasthana Post, Udupi Taluk & District is hereby directed under the provisions of Section 5 of the Environment (Protection) Act, 1986, to demolish the portion of the said Fish Processing Unit in Sy. No. 71/3 of Balkudru Village and Effluent Treatment Plant in Sy. No. 71/5 of Balkudru Village in CRZ area in violation of para 3(i) & 3(iii) of the CRZ Notification 2011.

Compliance report on the above direction shall be filed before the Authority on or before 30 days from the date of receipt of this direction, failing which the Authority will be constrained to initiate necessary action in accordance with the law. Non compliance to the direction is an offence punishable under section 15 of the Environment (Protection) Act, 1986.

  
(Vijay Kumar)

Member Secretary, KSCZMA,

Forest, Ecology & Environment Department.

To,

Smt. Uma Devi,  
W/O. Keshava Kundar, R/o Pandeshwara Village,  
Sasthana Post, Udupi Taluk & District.

Copy to:-

1. The Deputy Commissioner, Udupi District & Chairman, DCZMC, Udupi for information and necessary action.
2. The Regional Director (Env), Udupi with a direction to serve this direction to the occupier and also to demarcate the CRZ area indicating the structures which are constructed in violation of CRZ Notification to enable the occupier to remove the structure within 15 days time and to file a case in jurisdictional court as per the Section 19 of the Environment (Protection) Act, 1986.

  
ವರದಿ: .....  
ದಿನಾಂಕ: 13/6/18

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ದಿನಾಂಕ: ಅಪರೇ 186 ಸಿಆರ್‌ಝಡ್ 2017

ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಚಿವಾಲಯ,  
ಬಹುಮಹಡಿ ಕಟ್ಟಡ,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 14.09.2017.

ಇಂದ,

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿಗಳು,  
(ಜೀವಿಪರಿಸ್ಥಿತಿ ಮತ್ತು ಪರಿಸರ)  
ಅರಣ್ಯ, ಜೀವಿಪರಿಸ್ಥಿತಿ ಮತ್ತು ಪರಿಸರ ಇಲಾಖೆ.

ಇವರಿಗೆ,

ಶ್ರೀಮತಿ ಉಮಾದೇವಿ ಕೋಂ ಕೇಶವ ಕುಂದರ್,  
ಬಾಳ್ಕುದು ಗ್ರಾಮ,  
ಹಂಗರಕಟ್ಟೆ ಬಂದರು ಮತ್ತು ಅಂಚೆ,  
ಉಡುಪಿ ತಾಲ್ಲೂಕು, ಉಡುಪಿ ಜಿಲ್ಲೆ.

ಮಾನ್ಯರೆ,

ವಿಷಯ: ಉಡುಪಿ ತಾಲ್ಲೂಕಿನ ಬಾಳ್ಕುದು ಗ್ರಾಮದ ಸ.ನಂ. 71/3 ರಲ್ಲಿ ಕರಾವಳಿ ನಿಯಂತ್ರಣ ವಲಯ ಅಧಿಸೂಚನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ಕಟ್ಟಡ ನಿರ್ಮಾಣ ಮಾಡಿರುವುದನ್ನು ತೆರವುಗೊಳಿಸಲು - ಪರಿಸರ (ಸಂರಕ್ಷಣೆ) ಕಾಯ್ದೆ 1986ರ ಸೆಕ್ಷನ್ 5ರಡಿ ನಿರ್ದೇಶನ ನೀಡುವುದಕ್ಕೆ ಸೂಚನೆ ನೀಡುವ ಕುರಿತು.

ಉಲ್ಲೇಖ: 1. ಶ್ರೀ ಡೆನಿಸ್ ಡೆ'ಸೋಜಾ ಬಿನ್ ದಿ.ಪೌಲ್ ಡೆ'ಸೋಜಾ, ಬಾಳ್ಕುದು ಗ್ರಾಮ, ಉಡುಪಿ ಇವರ ದೂರರ್ಜಿ ದಿನಾಂಕ: 20.10.2016.  
2. ದಿನಾಂಕ: 25.07.2017 ರಂದು ನಡೆದ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಡಲ ತೀರ ವಲಯ ನಿರ್ವಹಣಾ ಪ್ರಾಧಿಕಾರ ಸಭೆಯ ನಡವಳಿಗಳು.

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ಕೇಂದ್ರ ಪರಿಸರ ಮತ್ತು ಅರಣ್ಯ ಮಂತ್ರಾಲಯವು ದಿನಾಂಕ: 06.11.2011ರಲ್ಲಿ ಕರಾವಳಿ ನಿಯಂತ್ರಣ ವಲಯ ಅಧಿಸೂಚನೆಯನ್ನು ಹೊರಡಿಸಿರುತ್ತದೆ. ಸದರಿ ಅಧಿಸೂಚನೆಯ ಪ್ಯಾರಾ 8(I) (i) ರಂತೆ CRZ I ರ ವರ್ಗದಲ್ಲಿ ಅನುಮತಿಸಲ್ಪಟ್ಟ ಕೆಲವೊಂದು ಅಗತ್ಯ ಚಟುವಟಿಕೆಗಳನ್ನು ಹೊರತುಪಡಿಸಿ ಯಾವುದೇ ಹೊಸ ನಿರ್ಮಾಣಕ್ಕೆ ಅವಕಾಶ ಇರುವುದಿಲ್ಲ.

ಉಲ್ಲೇಖಿತ(1)ರ ಪತ್ರದಲ್ಲಿ ಶ್ರೀಮತಿ ಉಮಾದೇವಿ ಕೋಂ ಕೇಶವ ಕುಂದರ್, ಬಾಳ್ಕುದು ಗ್ರಾಮ, ಹಂಗರಕಟ್ಟೆ ಬಂದರು ಮತ್ತು ಅಂಚೆ, ಉಡುಪಿ ತಾಲ್ಲೂಕು, ಉಡುಪಿ ಜಿಲ್ಲೆ ಇವರು ಉಡುಪಿ ತಾಲ್ಲೂಕಿನ ಬಾಳ್ಕುದು ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 71/3ರಲ್ಲಿ ಸೀತಾ ನದಿಯಿಂದ 90 ಮೀಟರ್ ದೂರದಲ್ಲಿ ಮೀನು ಕಟ್ಟಿಂಗ್ ಘಟಕ ನಡೆಸುತ್ತಿದ್ದು, ಇದರಿಂದ ಬರುವ ವಾಸನೆಯಿಂದ ಸ್ಥಳೀಯರಿಗೆ ತೊಂದರೆ ಆಗುತ್ತಿರುವ ಬಗ್ಗೆ ಶ್ರೀ ಡೆನಿಸ್ ಡೆ'ಸೋಜಾ ಬಿನ್ ದಿ. ಪೌಲ್ ಡೆ'ಸೋಜಾ, ಬಾಳ್ಕುದು ಗ್ರಾಮ, ಉಡುಪಿ ಇವರು ಉಡುಪಿ ಪ್ರಾದೇಶಿಕ ಕಛೇರಿಗೆ ದೂರರ್ಜಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಸದರಿ ದೂರರ್ಜಿಯನ್ವಯ ಸ್ಥಳ ಪರಿಶೀಲನೆ ನಡೆಸಿದಾಗ ಬಾಳ್ಕುದು ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 71/3ರ ಸಮೀಪ ಇರುವ ಯಶಸ್ವಿನಿ ಎಂಬ ಮೀನು ಕಟ್ಟಿಂಗ್ ಘಟಕದಲ್ಲಿ ಮೀನು ಕಟ್ಟಿಂಗ್ ಕೆಲಸಗಳನ್ನು ನಿರ್ವಹಿಸುತ್ತಿರುವುದು ಹಾಗೂ ಸದರಿ ಸ್ಥಳದ ಪಕ್ಕದಲ್ಲಿ ಹೊಸದಾಗಿ ಮತ್ತೊಂದು ಕಟ್ಟಡ ನಿರ್ಮಿಸಲು ಭೂಮಿ ಅಡಿಪಾಯ ತೆಗೆದಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ ಎಂದು ದಿನಾಂಕ: 02.12.2016ರಂದು ಉಲ್ಲಂಘನೆದಾರರಿಗೆ ನೋಟೀಸ್ ನೀಡಲಾಗಿರುತ್ತದೆ.

ಉಲ್ಲಂಘನೆದಾರರಾದ ಶ್ರೀಮತಿ ಉಮಾದೇವಿ ಕೋಂ ಕೇಶವ ಕುಂದರ್, ಬಾಳ್ಕುದ್ದು ಗ್ರಾಮ, ಉಡುಪಿ ತಾಲ್ಲೂಕು ಇವರು ದಿನಾಂಕ: 29.12.2016ರಂದು ಕರಾವಳಿ ನಿಯಂತ್ರಣ ವಲಯ ಅಧಿಸೂಚನೆ 2011ನ್ನು ಉಲ್ಲಂಘಿಸಿಲ್ಲವೆಂದು ತಿಳಿಸಿದ್ದು, ಉಲ್ಲಂಘನೆದಾರರ ಮೇಲೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳಬಾರದಾಗಿ ಮತ್ತು ತ್ಯಾಜ್ಯ ಶುದ್ಧೀಕರಣ ಘಟಕಕ್ಕೆ ಅನುಮತಿ ನೀಡುವಂತೆ ಕೋರಿರುತ್ತಾರೆ.

ದಿನಾಂಕ: 25.07.2017 ರಂದು ನಡೆದ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಡಲ ತೀರ ವಲಯ ನಿರ್ವಹಣಾ ಪ್ರಾಧಿಕಾರ ಸಭೆಯಲ್ಲಿ ಈ ಬಗ್ಗೆ ಚರ್ಚಿಸಿ, ಕಟ್ಟಡವನ್ನು ನೆಲಸಮಗೊಳಿಸಿ ತೆರವು ಮಾಡುವಂತೆ ಪರಿಸರ ಸಂರಕ್ಷಣೆ ಕಾಯ್ದೆ 1986 ರ ಸೆಕ್ಷನ್ 5 ರಂತೆ, ಉಲ್ಲಂಘನೆದಾರರಾದ ಶ್ರೀಮತಿ ಉಮಾದೇವಿ ಕೋಂ ಕೇಶವ ಕುಂದರ್ ರವರಿಗೆ ನಿರ್ದೇಶನ ನೀಡಲು ತೀರ್ಮಾನಿಸಿರುತ್ತದೆ.

ಕರಾವಳಿ ನಿಯಂತ್ರಣ ವಲಯ - Iರಲ್ಲಿ ಹೊಸ ಉದ್ದಿಮೆ ಸ್ಥಾಪನೆ/ಹಾಲಿ ಇರುವ ಉದ್ದಿಮೆಗಳ ವಿಸ್ತರಣೆ ಹಾಗೂ ಮೀನು ಸಂಸ್ಕರಣಾ ಘಟಕ ಸ್ಥಾಪನೆಯು ನಿಷೇಧಿತ ಚಟುವಟಿಕೆಯಾಗಿರುತ್ತದೆ. ಇದು ಕರಾವಳಿ ನಿಯಂತ್ರಣ ವಲಯ ಅಧಿಸೂಚನೆ 2011ರ ಪ್ಯಾರಾ 3 (iii) & ಪ್ಯಾರಾ 8 I CRZ I (i) ರಂತೆ ಉಲ್ಲಂಘನೆಯಾಗಿರುತ್ತದೆ ಹಾಗೂ ಪರಿಸರ (ಸಂರಕ್ಷಣೆ) ಕಾಯ್ದೆ 1986ರ ಸೆಕ್ಷನ್ 15ರಂತೆ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವಾಗಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ, ಉಡುಪಿ ತಾಲ್ಲೂಕು ಬಾಳ್ಕುದ್ದು ಗ್ರಾಮದ ಸರ್ವೆ.ನಂ. 71/3 ರಲ್ಲಿನ ಅಕ್ರಮ ಕಟ್ಟಡವನ್ನು ತೆರವುಗೊಳಿಸುವಂತೆ ಪರಿಸರ (ಸಂರಕ್ಷಣೆ) ಕಾಯ್ದೆ 1986ರ ಸೆಕ್ಷನ್ 5ರಂತೆ ಏಕೆ ನಿಮಗೆ ನಿರ್ದೇಶನ ನೀಡಬಾರದು ಎಂಬುದಕ್ಕೆ ನಿಮ್ಮ ಸಮಜಾಯಿಷಿಯನ್ನು ಈ ನೋಟೀಸ್ ತಲುಪಿದ 15 ದಿನಗಳೊಳಗಾಗಿ ಈ ಕೆಳಗೆ ಸಹಿ ಮಾಡಿರುವವರಿಗೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು. ತಪ್ಪಿದಲ್ಲಿ ಪರಿಸರ (ಸಂರಕ್ಷಣೆ) ಕಾಯ್ದೆ 1986ರ ಸೆಕ್ಷನ್ 5ರಂತೆ ಮುಂದಿನ ಕ್ರಮವನ್ನು ತೆಗೆದುಕೊಳ್ಳಲಾಗುವುದು.

ಈ ಉದ್ದೇಶಿತ ನಿರ್ದೇಶನವನ್ನು ಪರಿಸರ (ಸಂರಕ್ಷಣೆ) ನಿಯಮಗಳು 1986ರ ನಿಯಮ 4ರ ಅನುಸಾರ ನೀಡಲಾಗಿದೆ.

ತಮ್ಮ ನಂಬುಗೆಯ,

(ವಿಜಯ್ ಕುಮಾರ್)

ವಿಶೇಷ ನಿರ್ದೇಶಕರು (ತಾಂತ್ರಿಕ ಕೋಶ) ಮತ್ತು

ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿ,

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಡಲ ತೀರ ವಲಯ ನಿರ್ವಹಣಾ ಪ್ರಾಧಿಕಾರ,  
ಅರಣ್ಯ, ಜೀವಿಪರಿಸ್ಥಿತಿ ಮತ್ತು ಪರಿಸರ ಇಲಾಖೆ.

ಪ್ರತಿಯನ್ನು:

1. ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು/ಅಧ್ಯಕ್ಷರು, ಉಡುಪಿ ಜಿಲ್ಲಾ ಕರಾವಳಿ ವಲಯ ನಿರ್ವಹಣಾ ಸಮಿತಿ, ಉಡುಪಿ ತಾಲ್ಲೂಕು, ಉಡುಪಿ ಜಿಲ್ಲೆ.
2. ಪ್ರಾದೇಶಿಕ ನಿರ್ದೇಶಕರ ಕಛೇರಿ (ಪರಿಸರ), 1ನೇ ಮಹಡಿ, 'ಸಿ' ಬ್ಲಾಕ್ 'ರಜತಾದ್ರಿ', 'ಜಿಲ್ಲಾ ಆಡಳಿತ ಕಛೇರಿಗಳ ಸಂಕೀರ್ಣ, ಮಣಿಪಾಲ, ಉಡುಪಿ ಜಿಲ್ಲೆ.
3. ಶ್ರೀ ಡೆನಿಸ್ ಡಿ'ಸೋಜಾ S/o ದಿ. ಪೌಲ್ ಡಿ'ಸೋಜಾ, R/o ಡಿ'ಸೋಜಾ ವಿಲ್ಲಾ, ಅಬೇಂದ್ಡರ್ ರಸ್ತೆ, ಬಾಳ್ಕುದ್ದು ಗ್ರಾಮ, ಹಂಗರಕಟ್ಟೆ ಅಂಚೆ, ಉಡುಪಿ ತಾಲ್ಲೂಕು ಮತ್ತು ಜಿಲ್ಲೆ.

GOVERNMENT OF KARNATAKA

No: FEE 186 CRZ 2017

Karnataka Government Secretariat  
M.S. Building,  
Bangalore, Date:14.09.2017

From:

Secretary to Government,  
(Ecology and Environment)  
Forest, Ecology and Environment Department

To:

Smt. Umadevi W/o Keshava Kundar  
Balkudru Village, Hangarakatte Port & Post,  
Udupi Taluk, Udupi District.

Sir,

Sub: - Issue of notices of proposed direction for building constructed in violation of CRZ Notification in Sy. No. 71/3 of Balakudru Village, Udupi Taluk -reg.

Ref: - 1. Compliant by Sri Denis D'soza C/o Late Poul D'Soza, Balakudru Udupi on 20.10.2016  
2. Proceedings of the Karnataka State Coastal Zone Management Authority dated 25.07.2017.

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The Ministry of Environment, Forest and Climate Change has issued Coastal Regulation Zone Notification dated: 06.11.2011. No new construction is permitted in CRZ -I area except those activities permitted as per Para 8 I CRZ I (i).

Sri Denis D'soza has made a compliant vide ref (1) that Smt. Umadevi W/o Keshava Kundar Balkudru Village, Hangarakatte is running a Fish Cutting Unit in Sy. No. 71/3 of Balakudru Village, Udupi Taluk which is 90 mt distance from Seeta river, and local inhabitants are facing problem due to foul smell of the said unit.

The Regional Director reported that during the site inspection as per the compliant received, it is found that fish processing activity is going on at Yashaswini Fish Processing Unit which is near to Sy. No. 71/3 of Balakudru Village and

foundation work for a new building is taken up in the adjacent site for which a notice has been issued to the violator on 02.12.2016.

To the said notice Smt Umadevi had submitted her reply on 29.12.2016 stating that have not constructed any new building and requested to permit to establish ETP. The subject was placed before the Karnataka State Coastal Zone Management Authority in its meeting held on 25.07.2017 the Authority has decided to give Notice under Section 5 of the Environment (Protection) Act, 1986 to Smt. Umadevi W/o Keshava Kundar, Balkudru Village, for violation of CRZ notification.

Since, establishment of new Industry/extension of existing industries and establishment of Fish Processing Unit in CRZ-I area are prohibited activities, it is a violation as per para 3(iii) and 8 I CRZ I (i) of 2011 CRZ Notification and is punishable offence under Section 15 of the Environment (Protection) Act, 1986.

Therefore, you are hereby directed to submit your explanation to the under signed within 15 days of receipt of this notice to show cause why you should not be directed under Section 5 of Environment (Protection) Act, 1986 to demolish the Illegal building in Sy. No. 71/3 of Balakudru Village, Udipi. If you fail to submit the reply action will be taken as per section 5 of the Environment, (Protection) 1986.

This intended direction is issued as per Rule 4 of the Environment (Protection) Rules, 1986.

Your's faithfully

Sd-/  
**(Vijay Kumar)**

Member Secretary, KSCZMA &  
Special Director (Technical Cell)  
(Ecology and Environment)  
Forest, Ecology and Environment Department.