

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ),
CHENNAI**

Application No.208 of 2021

Between

Srikanth Madhyastha,
S/o.Shankaranarayana Madhyastha,
#1-61-(2), Srimatt Road, Balekudru Village,
Hungarcutta, Balkudru,
Udupi, Karnataka – 576 218.

... Applicant

And

The District Collector,
Udupi District,
Rajathadri, Manipal,
Udupi – 576 104,
Karnataka.
and 13 others.

... Respondents

OBJECTIONS FILED BY THE APPLICANT

I, Srikanth Madhyastha, S/o.Shankaranarayana Madhyastha, aged 41 years, residing at #1-61-(2), Srimatt Road, Balekudru Village, Hungarcutta, Balkudru, Udupi, Karnataka – 576 218, the Applicant herein, do hereby solemnly affirm and sincerely state as follows:-

1. I have read the Report filed by Respondents 2 and 3, in compliance of the directions given by this Hon'ble Tribunal. At the outset, it is submitted that the said Report is filed in respect of Survey No.71/3 and 71/5, Balkudru Village, Hangarkatte, Udupi Taluk & District, wherein Unit-II of the 11th Respondent is situated, however, the said Report is conspicuously silent regarding the activities and the physical features of the Fish Processing Unit viz.,Unit-I of the

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11th Respondent, situated in Survey Nos.72/3, 72/21B & 71/6, admeasuring 58 Cents, situated at Balkudru Village, Hangarkatte, Udupi Taluk & District.

2. It is my categoric case that Unit-I of the 11th Respondent is carrying on Fish Processing Activity, which is a prohibited activity as per CRZ Notification S.O.19 (E), dated 06.01.2011, since 2004 and that the said Unit is situated 24 Meters away from River Sita and also the said Unit-I is situated adjacent to Hungarcutta Government School just 2 meters away and only a wall falls between the said two campuses. The fact that Fish Processing Activity is carried out by the 11th Respondent, since 2004 is also admitted, by Respondents 11 and 12 in their objections filed in the present Application. It is necessary to point out here that even as per the said Report filed by Respondents 2 and 3, a portion in Survey No.71/3, where the building of the Fish Processing Unit is situated and Survey No.71/5 in entirety, falls within CRZ-I as per CRZ Notification 2011 and as per para 3 (iii) of the said Notification, setting up and expansion of Fish Processing Units including warehousing in CRZ area is prohibited activity and that there is violation of CRZ Notification. In the circumstances, Unit-I of the 11th Respondent, comprised in Survey Nos.72/3, 72/21B & 71/6, which is situated only 24 Meters away from River Sita, is an obvious violation of the CRZ Notifications, however, there is absolutely no mention regarding the said violations in the Report filed by

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Respondents 2 & 3. Further, it may be noted that the demolition notice issued under Section 5 of the Environment (Protection) Act, 1986 is only to demolish a portion of the Fish Processing Unit in Survey No.71/3 and the Effluent Treatment Plant in Survey No.71/5 and thereafter, the 12th Respondent has approached the Hon'ble High Court, Karnataka in W.P.No.27462 of 2018, challenging the said measure. However, it is to be mentioned here that despite the above blatant violation and that there being no predicament to take legal action against Unit-I of the 11th Respondent, the Official Respondents are dragging their feet on the above issue, constraining the Applicant to approach this Hon'ble Tribunal for redress.

3. It is further submitted that the NOC issued by the Regional Director (Environment), Udupi, vide Letter No.RD(Env)/NoC/67/2012-13, dt:27.07.2012 to the Special Tahsildar Brahmavara, Udupi District for conversion of land to set-up Ice Plant has been obtained by active misrepresentation giving an erroneous GPS reading pertaining to some other Survey Number and the said GPS location does not pertain to Survey No.71/3, Balkudru Village. Infact, the Applicant has already elaborated at Paragraph No.14 of the present Application, the circumstances, under which the conversion order was obtained. The land in Survey No.71/3 clearly falls within the CRZ area. I have already filed the Land Classification Extract in **Annexure-3**, alongwith the present Application, showing the Survey numbers comprised in



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Balkudru Village falling within Costal Regulation Zone-I. It may be clearly seen that as per the said extract, the entire Survey No.72 is falling with CRZ-I and most part of Survey No.71 also falls within CRZ-I and only sub-divisions of Survey No.71 which falls beyond 100 Meters of River Sita are exempted from CRZ. I affirm that almost 95% of 71/3 falls within CRZ-I and the entire Survey Nos.71/5 and 71/6 fully falls within CRZ-I. It may also be seen even as per the said Report of the Respondents 2 & 3, the said Respondents have not denied the contention of the Applicant that Survey No.71/3 is situated within Costal Regulation Zone or given any details regarding the distance between Survey No.71/3 and the River Sita.

4. Evidently, the NOC issued by the Regional Director (Environment), Udipi to the Special Tahsildhar, Bramhavara Taluk, Udipi District to set up an Ice Plant in Survey No.71/3 and the alleged Opinion given by the Zonal Director (Environment), dated 22.07.2015, filed by the 10th Respondent is in violation to CRZ Notifications and the said NOC has been obtained giving active misinformation and collusion with each other. The said NOC is liable to be revoked and no reliance can be placed on the said NOC by the other Respondents to substantiate their actions. Inview of the same factor, the building construction license issued by the Irody Panchayath, Permission issued by the Departments of Pollution Control Board, Electricity Service Connections for Industrial Purpose are all illegal and liable to be revoked forthwith.

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5. Further, the Affidavit filed by the 7th Respondent, Reply filed by the 10th Respondent and Reply cum Statement of Objections filed by the 13th Respondent are vague, non-committal and blame allocating, attempting to shield Respondents 11 and 12. They have not taken any specific stand on the conduct of Respondents 11 and 12, whether, if there is any violation on the part of Respondents 11 and 12 in setting up Units-I and II or the said Units have been set up in accordance with Law. The stand taken by the respective Authorities is of no assistance to the Hon'ble Tribunal and regrettable.

I pray that the present Application be Ordered as prayed for.

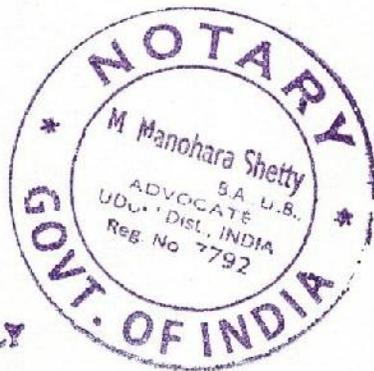
Solemnly affirmed at Udupi on]
this 28th day of February, 2022]
& signed his name in my presence]

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Before Me,

IDENTIFIED BY

3-5
B. SURESH ADIGA
S/o B.R.M. Adiga
Sans Panna Mandira
Post-Hangarathu Udupi



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Notarial Stamp is Not Available

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Advocate, Udupi
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NOTARIAL REGISTER *7792*
SL No. *178* Date *03-03-2022*

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M. Manohara Shetty
Notary, Udupi

MANOHARA SHETTY
B.A., U.L.B.
Advocate & Notary
Old Bus Stand
TRAHMAVAR - 578 213