



KARNATAKA STATE COASTAL ZONE MANAGEMENT AUTHORITY

(Constituted by MoEF & C.C Government of India, under Sub-Section (1) & (3) of E(P) Act 1986)

Before The Hon'ble National Green Tribunal

Southern Zone, Chennai

Original Application No. 208 of 2021 (SZ)

In the Matter of:

Sri. Srikanth Madhyastha.

... Applicant

WITH

District Collector, Udupi and others.

... Respondent (S)

**Status Report Submitted by Respondent No. 6 i.e.,
KSCZMA on Original Application No. 208 of 2021 filed
before the Hon'ble National Green Tribunal
Southern Zone, Chennai**

An O.A. No. 208 of 2021 (SZ) has been filed before Hon'ble NGT, Chennai by Sri Srikanth Madhyastha, Balakudru, Udupi regarding unauthorized running of two Fish Processing Units, by M/s. Yashaswini Fisheries, Unit-I located is in Sy. No 72/3 & 72/21B, 71/6 of Balakudru Village & Unit-II in Sy. No. 71/3, 71/5 of Balakudru Village in Udupi District.



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Earlier, as per the request of Smt. Umadevi W/o Keshava Kundar for issue of NoC for conversion of land & construction of Ice Plant in Sy. No. 71/3 of Balkudru Village, the Regional Director has given NOC on 27.07.2017 since the proposed area is having GPS reading N. 13^o, 26'644 E. 74^o,42'221 which is outside CRZ limit.

It is submitted that, as per the complaint received from Sri Dennis D'souza after due verification the DCZMC had recommended to KSCZMA that Yashaswini Fish Cutting Unit is operating near Sy. No. 71/3 and a new building is coming up adjacent to the said Sy. No. in violation of CRZ notification.

As per the recommendation of DCZMC, the KSCZMA has taken action for violation of CRZ Notification by issuing a direction under section 5 of the Environment (Protection) Act 1986 to Smt. Umadevi W/o Keshav Kundar on 12.06.2018 to demolish the portion of the said Fish Processing Unit in Sy. No. 71/3 of Balkudru Village and an Effluent Treatment Plant in Sy. No. 71/5 of Balakudru Village in CRZ area.

The Hon'ble High Court of Karnataka has given stay for the section 5 direction issued under Environment (Protection) Act 1986 to demolish to demolish the portion of the said Fish Processing Unit in Sy. No. 71/3 of Balkudru Village and an Effluent Treatment Plant in Sy. No. 71/5 of Balakudru Village in W. P. No. 27462 of 2018 (GM-RES). The case is pending in the Hon'ble High Court. The KSCZMA has submitted a status report with respect to W. P. No. 27462 of 2018 (GM-RES) to the Hon'ble NGT.



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It is submitted that, now the Regional Director (Env) Udupi has reported that, M/s. Yashaswini Fisheries had established a Fish Processing Unit in Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District in violation of CRZ notification. This area falls in CRZ zone and as per Para 3 (iii) of CRZ notification 2011, setting up & expansion of fish processing units including warehousing which is a prohibited activity.

As per the recommendation of District Coastal Zone Management Committee (DCZMC) the subject was placed before the KSCZMA Meeting held on 14.03.2022 to initiate action for violation of CRZ Notification 2011, against the M/s. Yashaswini Fisheries for establishment of a Fish Processing Unit in Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District.

After detailed discussion and deliberations, the Authority observed that there is no court directions in regard to this violation in Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District. Hence, KSCZMA decided to issue Notice of Proposed Directions (NPD) under section 5 of Environment (Protection) Act, 1986 to M/s. Yashaswini Fisheries for establishing Fish Processing Unit at Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District in violation of CRZ Notification 2011 (**Annexure-1**).

It is submitted that, as per the extract of Tax revision register for the year 1989-90 given by President 5th Irodi Grama Panchayath, property No. 1-41 of Balkudru village was for a residential house only which was in the name of Smt. Kamala G Fanikar.



सत्यमेव जयते

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Hence the Authority was of the opinion that these Fish Processing Units have been established after 1991 in violation of CRZ Notification.

(R. Gokul I.F.S.,)

Member Secretary, KSCZMA.

**Extract copy of Karnataka State Coastal Zone Management Authority
Meeting held on 14.03.2022**

33.2.1 Establishment of Fish Processing unit by M/s. Yashaswini Fisheries in Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District - (FEE 159 CRZ 2019)

The Regional Director (Env) Udupi has reported that, M/s. Yashaswini Fisheries had established a Fish Processing Unit in Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District. This area falls in CRZ zone and as per Para 3 (iii) of CRZ notification 2011, setting up & expansion of fish processing units including warehousing is a prohibited activity.

Hence, the above mater has been recorded in DCZMC meeting held on the 05.04.2021 as violation under CRZ notification 2011 and has recommended to take appropriate action for CRZ violation.

(a) It was also brought to the notice that there is an O.A. No. 208 of 2021 (SZ) that has been filed before Hon'ble NGT, Chennai by Srikanth Madhyasth, Balakudru, Udupi regarding unauthorized running of two Fish Processing Units, by M/s. Yashaswini Fisheries, Unit-I located is in Sy. No 72/3 & 72/21B, 71/6 of Balakudru Village & Unit-II in Sy. No. 71/3, 71/5 of Balakudru Village in Udupi District.

The KSCZMA has taken action against establishment of Fish Processing Unit in Sy. No. 71/3, 71/5, Balakudru Village, Udupi District in violation of CRZ Notification and issued direction to the violator under section 5 of the Environment (Protection) Act 1986 to demolish the said unit. The Hon'ble High Court of Karnataka has given stay for the said direction in W. P. No. 27462 of 2018 (GM-RES). The case is pending in the Hon'ble High Court. KSCZMA has submitted a status report with respect in W. P. No. 27462 of 2018 (GM-RES) to the Hon'ble NGT. The Authority noted present status of the issue in Sy. No. 71/3 & 71/5.

(b) However, as per the recommendation of DCZMC meeting held on the 05.04.2021, action has to be initiated against the M/s. Yashaswini Fisheries for establishment of a Fish Processing Unit as stated in O.A No. 208/2021 i.e, in Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District for violation of CRZ Notification 2011, for which there is no stay in any court of law.

Hence, the Authority after discussions and deliberations decided to issue Notice of Proposed Directions (NPD) under section 5 of Environment (Protection) Act, 1986 to M/s. Yashaswini Fisheries for establishing of Fish Processing Unit at Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District in violation of CRZ Notification 2011.