



सत्यमेव जयते

भारत सरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
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F.No. EP/12.7/NGT/ 53/ KAR

Dated: 08/12/2020

To

The Registrar  
National Green Tribunal (Southern Zone)  
Kalas Mahal, Kamarajar Salai  
PWD Estate, Chepauk, Triplicane  
Chennai 600005  
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**Subject: Submission of Report as per Order dated 13.02.2020 of Hon'ble NGT (SZ) in the OA No 259 of 2016, filed by Shri Sakeer Vs State of Kerala - Reg.**

Respected Sir,

This has reference to the Order dated 13.02.2020, 02.06.2020, 08.2020 and 19.11.2020 of National Green Tribunal (SZ) in the OA No 259 of 2016, 2017 filed by Shri Sakeer Vs State of Kerala. Wherein Hon'ble NGT has constituted a Joint Committee with this Office as Nodal Agency to inspect the ponani Port, Malapuram, Kerala and efile the report. Accordingly, the Port was inspected by the Joint Committee on 11.11.2020. The report of the Joint Committee is enclosed for kind perusal of the Hon'ble National Green Tribunal (SZ), Chennai. The Representative of the Port Department, Kerala is not in agreement with the Joint Committee report and hence he has submitted his report/ comments separately. Few Members have authorised our Office (Nodal Agency) to file the report as they are not in a position to sign the report. Copy of the Authorisation from Members, to file the report is enclosed.

Yours faithfully

(E.Thirunavukkarasu)  
Scientist 'E'

- Encl: 1) Report of the Joint Committee  
2) Report of the Port Officer, Port Department, Kerala  
3) Authorisation from Members, to Nodal Agency to file the report

**REPORT OF THE JOINT COMMITTEE CONSTITUTED BY HON'BLE NGT ( SZ)  
IN THE OA NO. 259 OF 2016 IN THE MATTER OF SHRI SAKEER VERSUS  
STATE OF KERALA RELATING TO DREDGING CARRIED OUT IN PONNAI  
MINOR PORT SITUATED IN BARATHAPUZHA RIVER, MALAPURAM, KERALA.**

**1.0. PREAMBLE**

In the OA No 259 of 2016, filed by Shri Sakeer Vs State of Kerala , the Hon'ble National Green Tribunal (SZ), issued an Order dated 13.02.2020 with the following directions:

*“15. In order to ascertain theses facts which is required for the purpose of disposal of the matter effectively. So, under these circumstances, we constitute a joint committee, comprising 1) Senior Officer from the MoEF &CC, Regional Office Bengaluru, 2) SEIAA, Kerala, 3) Director of Mines and Geology, 4) Director of Ports Kerala, and 5) Kerala Coastal Zone Management Authority to consider the allegations made in the petition and inspect the area in question and submit a detailed status report and also the action, if there was any violation in doing the dredging, as permitted under the notification and Environment Clearance granted for this purposed to Ponnai Port and if any illegality has been done on account of illegal mining over and above the permitted quantity, in the guise of dredging and if it is put to commercial use, then the committee shall identify those persons and take appropriate action against those persons, including imposing Environment Compensation for illegal mining and submit a factual as well as action taken report to this Tribunal.”*

The Regional Office of Ministry of Environment, Forest and Climate Change (MoEFCC), Bengaluru has been made as Nodal Agency. Accordingly, the nominations have been sought from the concerned department and nominations have been received.

**2.0 PRELIMINARY MEETING**

In compliance of above mentioned order, the Regional Office, Ministry of Environment, Forests and Climate change (MoEF & CC), Bangalore, vide letter No F. No. EP / 12.7 / Misc/ Courtcase/ 2018-19 dated 02.06.2020 has requested the concerned Departments / Authorities to nominate Senior official for the Committee to complete the task as assinged by the Hon'ble NGT. A reminder was also sent on 15.06.2020.

On receipt of the nominations, a brief on the issues raised by the petitioner were prepared, sent to Members on 06.07.2020 and members were requested to provide the relevant details such as dredging carried out in Ponnai minor port situated in Barathapuzha river, details on Environmental Clearance, CRZ details of area and clearance, relevant Government orders, court cases etc.

The tentative visit of the committee was scheduled thrice in the August, 2020 and October, 2020, however, due prevailing COVID lockdown / containment zone restrictions, monsoon conditions etc., the physical inspection could not be conducted. In view of the above, a preliminary meeting was convened through VC on 14.08.2020. The Joint Committee examined the ToRs given by the Hon'ble NGT and suggested the members to provide required documents such as background documents regarding the Ponnai minor port including the details of port establishment, date of commencement of port operation, relevant Environment/CRZ clearances, dredging carried out in so far along the location [section/chainage wise details], relevant Government orders, court cases, details on usage / sale of dredged sand, present status of dredging activities in the port, Ground water quality in the vicinity, salinity intrusion etc., EC for dredging activities, CRZ details of area and clearance accorded if any.

### **3.0 INSPECTION BY JOINT COMMITTEE**

Visit to M/s Ponnani Port was made on 11.11.2020 by the Joint Committee. Following members have attended:

1. Dr. Jayachandran K , Member, SEIAA, Kerala
2. Dr. Manoj, A. K, Geologist, District Office, Mining and Geology, Malapuram
3. Captain Aswini Pratap, Port Officer, Port Department, Kerala
4. Shri. E.Thirunavukkarasu, Scientist 'E' Integrated Regional Office, MoEFCC, Bengaluru.
5. Dr. Prabhu, Scientist 'C' Regional Office, MoEFCC, Bengaluru.

Also Shri Subhesh Thothyil, Assistant Geologist and Smt Amritha V, Assistant Geologist, Mining and Geology Department, Malapuram, Kerala were present.

There was no dredging activity on the day of inspection. The Committee, after inspection of the port, discussion with the officials of Ponnai Port and also examination of the relevant documents, has sought additional documents/ information viz, map showing port boundary and dredging area along with dimensions of length, width and depth, replenishment rate of sand in the port area/ channel and the quantity of sand dredged, details on dredging activity, photograph and video clip on dredging, average number of boats used for dredging, details on ground water quality around the Barathapuzha river, prior and after dredging etc.,

The Port Officer has submitted most of the information and sought about two weeks time for the submission of the remaining documents/information. In view of the above, the Joint Committee has recommended to seek four weeks time from Hon'ble NGT for submission of the report. Hon'ble NGT vide order dated 19.11.2020 granted time till 15.12.2020 for the submission of the Report.

On receipt of the remaining information from the Port, another virtual meeting of the Joint Committee meeting was held on 02.12.2020. Following members have attended:

1. Dr. Jayachandran K , Member, SEIAA, Kerala
2. Dr. Manoj, A. K, Geologist, District Office, Mining and Geology, Malapuram
3. Shri P. Kalaiarasan, Environmental Engineer, Directorate of Environment and Climate Change, Thiruvananthapuram
4. Captain Aswini Pratap, Port Officer, Port Department, Kerala
5. Shri. E.Thirunavukkarasu, Scientist 'E' Integrated Regional Office, MoEFCC, Bengaluru.
6. Dr. Prabhu, Scientist 'C' Regional Office, MoEFCC, Bengaluru.

#### **4.0 ABOUT DREDGING ACTIVITY BY M/S PONNAI PORT, PONNAI**

Ponnai fishing harbour / Ponnani minor port is situated at Lat.10 47'N and Long.75°55' E, in southern side of Barathapuzha river, before the river reaches the Arabian Sea. According to the Port Officer, the port is having a length of 2.41 km and a width of 1.2 km and was established about 50 years ago.



**Fig 1: Ponanaei Port location and boundary**

Maintenance dredging is carried out in Ponnani Port essentially for maintaining the navigability in the basins and channels of the Fishing Harbour. The Bharathapuzha River which meets the Arabian Sea after a long travel carries lot of silt and sand and is deposited in the estuary where the fishing harbour situates. There is a Ferry boat jetty at Padinjarekkara, opposite to the Ponani port/Fishing harbour . Therefore, it is inevitable to upkeep the entire

zone of fishing harbour alive since over 500 boats are cruising to the fishing harbour on daily basis. Government designed manual method in maintenance dredging was to promote the livelihood of the poor coastal community in the coastal area of Ponnani numbering over 700 families. The development of Ponnani Port is flourishing since a container terminal construction is underway by M/s Malabar Ports private limited.

During the years from 2010- 2014, the dredging was given to Co-operative Societies and from 2016 onwards it is being given to Local Self Government Department(SLGD) . The dredged material is being sold through the SLGD. The details are given below:

In 2010, when the manual dredging started, only three co-operative societies participated in the manual dredging, which then steadily rose and in the year 2013 there were more than 50 societies, and majority of them were newly established. The rivalry between the head of the societies in gaining the tender for manual dredging at Ponnani Port led to various litigations and the result was manual dredging could not be carried out because of the interim stay orders of Honourable High Court of Kerala since January 2015.

The Co-operative societies were entrusted with selling rights of dredged materials and hence they dredged the sand from the places where they gain commercial benefits. The Port had warned and fined Co-operative societies number of times for dredging outside the port channel, which they did for their commercial benefits. Various boat accidents were also reported in this period because of collision with sand bars in the navigation channels of Ponnani Port. The above facts and circumstances forced the hands of the Government and it decided to oust the co-operative societies from manual dredging to put an end to all the illegal activities being carried on by these cooperative societies in the name of dredging the port channels.

The Government took a new policy decision on manual dredging in the channels and entrusted the same to the Local Self Government Department instead of the societies, vide the G.O.(Ms) No.26/2016 dated 17.08.2016 The other important change is that the Government is to keep the selling rights of the dredged material and cleaned sand through transparent online system.

This ignited the leaders of the co-op societies to unite against the Government and they moved to the Honble Kerala High court to quash the said Government Order G.O.(Ms) No.26/2016 dated 17.08.2016, which is subject matter of W.P.No.32962 & 34436 of 2016 and a batch of connected cases. After hearing the batch of cases in detail, the Honourable High Court dismissed the batch of writ petitions by its common order dated 2.11.2016 and allowed the Government to go ahead with manual dredging activities through Local Self Government Department.

The erstwhile co-op societies, having failed before the Hon'ble High Court, are obviously opening another front and have set up the Applicant before this Honble Tribunal with false allegations of environmental issues solely to upset the Government policy on manual dredging, and trying to take march over the orders of the Honble High Court. The very prayer in the Application reveals the true intention of the Applicant and his cohorts. The Applicant has sought to set aside the very same G.O.(Ms) No.26/2016 dated 17.08.2016 issued the by the Government, which the Hon' ble High Court had upheld by its common order dated 2.11.2016. This fact is also suppressed by the Applicant.

No mining activities were never allowed and only maintenance dredging in the navigation channels in port limits were allowed and are to be performed.

It is further submitted that the Port had applied for EC on a wrong understanding of an earlier order of the Honble NGT (PB) directing the EC was required for all mining activities. Subsequently, in O.A. 271 & 286 of 2013, by order dated 17.01.2014, Hon'ble NGT(PB) clarified that maintenance dredging in ports are exempted from EC.

## **5.0 DELIBERATIONS OF THE COMMITTEE**

Hon'ble National Green Tribunal in the order dated 19.08.2020 directed the Joint committee to look into the following:

- (i) consider the allegations made in the petition and inspect the area in question and submit a detailed status report*
- (ii) the action, if there was any violation in doing the dredging, as permitted under the notification and Environment Clearance granted for this purposed to Ponnai Port*
- (iii) if any illegality has been done on account of illegal mining over and above the permitted quantity, in the guise of dredging and*
- (iv) if it is put to commercial use, then the committee shall identify those persons and take appropriate action against those persons, including imposing Environment Compensation for illegal mining and submit a factual as well as action taken report to this Tribunal.*

## **5.1 ALLEGATIONS MADE IN THE PETITION**

**5.1.1 Government of Kerala has issued various orders permitting co-operative societies [from 2010-2014] and local authorities [ 2016] to carry out manual dredging within port limit. This has led to illegal sand mining.**

The Bharathapuzha river or Ponnani river as it is called in the lower reaches, is the second longest west flowing river that drains into the Arabian Sea in Kerala State. It rises in the Eastern slopes of Anamalai hills of the Western Ghats at an elevation of 2,250 m above MSL

and flows in the North-Westerly direction in Pollachi taluk of Coimbatore district in Tamil Nadu State. The total length of the river from its origin to out fall is about 209 km and drains a total area of 6,186 sq km. The Bharathapuzha basin receives copious rainfall during the South West monsoon and it lies in the rain shed region of the Western Ghats. The rainfall varies from 2,000 to 2,800mm in the hilly region to 3,000mm in the coastal region. According to the port, the rate of replenishment of sand in the river after every monsoon varies from 50 cm to 150 cm and dredging was carried out in an area of 334276 sqm hence, the average total sand that need to be dredged every year is 637553.39 MT and total for eight years from 2010 comes around 5100427 MT. However, no documentary evidence on the rate of replenishment has been produced, the Committee therefore considered the minimum rate of replenishment of 50 cm and calculated the sand to be dredged. Accordingly, the average total sand that need to be dredged every year is 255721 MT and total for eight years from 2010 comes around 2557210 MT. As per the records, produced, the following are the quantity dredged from the year 2010 to till date. The total sand dredged comes around 1302260 MT only:

**Table 1: Deatailes of Sand dredged till Oct, 2020**

<b>SL. No</b>	<b>Year</b>	<b>Sand dredged, MT</b>
1.	2010	52350
2.	2011	255869
3.	2012	373248
4.	2013	177172
5.	2014	0
6.	2015	0
7.	2016	0
8.	2017	34873
9.	2018	16226
10.	2019	134124
11.	2020	112358
<b>TOTAL</b>		<b>1302260</b>

**In view of the above, the Joint Committee concluded that it was maintenance dredging only and not sand mining.** However, the major port area falls within the Coastal Regulation Zone and Coastal Zone Management Plan (CZMP) 1996 was operative while carrying out the dredging and the site in question was categorised as CRZ I (mud flats) partially. **Eventhough the dredging for port activity is permissible under CRZ Notifications 1991 and 2011, the Port department not submitted any application to obtain the CRZ clearance from Kerala Coastal Zone Management Authority.**

**5.1.2 Port divided in to 20 zones for allotting to various Societies, not in the channel, extreme eastern side of the port boundary, where they can obtain huge deposits of high quality sand under the cover of dredging.**

As regards the contentions of the applicant that dredging carried out not in the channel and in extreme eastern side of the port boundary, the port has informed that there is a Ferry boat jetty at Padinjarekkara, opposite to the Ponani port/Fishing harbour. Therefore, it is inevitable to upkeep the entire zone of fishing harbour alive since over 500 boats are cruising to the fishing harbour on daily basis. Accordingly, the dredging within the port limit as given in the Fig 2. is being carried out. No dredging beyond the port boundary on easternside as alleged by the applicant has been carried out.



**Fig 2: Dredging Zone**

The committee also noted from the Google Earth Imageries of prior dredging [2010] and latest in 2020 that lot of sand bars/ land masses present in the eastern side of the port in the river beyond port boundary and hence it appears to be no dredging beyond the port limit. Google earth maps of 2010 [prior to dredging] and 2020 [latest] are produced below:



**Fig: 3 Google Earth map showing land masses between Port and Chamravaatom Bridge in January,2010.**



**Fig: 4 Google Earth map showing land masses between Port and Chamravaatom Bridge in April,2010.**

**5.1.3 Mining in more than 50 ha, becomes Category A project however, no EC has been taken, only EC taken for maintenance dredging till 15 June, 2014.**

The Committee noted that it was dredging only and not sand mining, and hence the contention of the applicant that that the project requires EC for sand mining is not valid. However, it attract the provision relating port and harbour.

Following are the provisions relating to requirement of EC for port, harbour and dredging activity under the amendment issued vide S O 3067 (E) dated 01.12.2009 to the EIA Notification, 2006:

Sl.No.	Project Activity	Category with Thershold		Conditions if any
		A	B	
7 (e)	"Ports, harbours, break waters, dredging	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	"General Condition shafl apply.  Note: 1. Capital dredging inside and oubide the porb or harbors channels are included;  2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment Management plan (EMp) was prepared and environmental clearance obtained.,

It can be seen according to the above, the maintenance dredging is exempted from the requirement of prior EC provided it formed part of the original proposal for which Environment Management Plan (EMP) was prepared and environmental clearance obtained. However, in this case, since the port has established about 50 years ago, prior to the EIA Notification, 1994 & 2006 and no EC was mandated at that time of establishment and hence no EMP was prepared. The Joint Committee searched for relevant notifications or Office Memorandums issued by the Impact Assessment (Policy ) Division of MoEFCC but could not get specific regulation/ guidelines on the exemption of maintenance dredging/ the requirement of EC for such projects. However, it was noted that Honble NGT (Principal Bench) vide Order dated 14.01.2014 in M.A. No. 803 of 2013 in Original Application No 286

of 2013 in the matter of Hasan M. Vs. State of Kerala & Ors, clarified that maintenance dredging in ports are exempted from EC

The Committee further noted that EC was granted by SEIAA vide No. 229/SEIAA/KL/529/2014 dated 07.05.2014 which was valid till June 2014. The Port officer has informed that the Port had applied for EC on a wrong understanding of an earlier order of the Honble NGT (PB) directing the EC was required for all mining activities. Subsequently, in O.A. 271 & 286 of 2013, by order dated 17.01.2014, the NGT(PB) clarified that dredging being done for the purposes of clearing the channels in the port are exempted from EC. Following are the relevant portion of the Orders:

Order dated 27.09.2013 of Hon'ble NGT (Principal bench) in M.A. No. 803 of 2013 in Original Application No 286 of 2013 in the matter of Hasan M. Vs. State of Kerala & Ors.:

*“ Notice on M.A. No. 803 of 2013 as well for the same date. In the meanwhile, no sand mining activity would be carried on without obtaining Environmental Clearance from Ministry of Environment and Forests (MoEF) and/or SEIAA, as the case may be.”*

Order dated 17.01.2014 of Hon'ble NGT (Principal bench) in the same matter:

*“Learned counsel appearing for the Respondents submits that the Interim Orders passed by the Tribunal dated 27th September, 2013 have affected dredging operations, which they ought not to prohibit dredging for the purposes of clearing ship channels in the Port. Submissions made by the Respondents appear to be correct and reasonable and, therefore, we modify the interim Orders to the extent that they shall not apply to dredging being done for the purposes of clearing the channels and such works shall not be covered by our Interim Orders.”*

Copies of the Orders are enclosed at **Annexure- I & II.**

Further, Ministry issued an amendment to EIA Notification, 2006 vide SO 141 (E) dated 15.01.2016 which also exempts requirement of EC for certain activities including “Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management”. However, this notification was suspended by Hon'ble NGT vide its order dated 11.12.2018 in Executive Application No. 55 of 2018 in OA No. 520 of 2016. Ministry again vide S.O 1224 (E) dated 28.03.2020 has issued another amendment to EIA Notification exempting various activities including maintenance dredging from the purview of EC.

**5.1.4 The area falls in CRZ, but no CRZ clearance has been obtained.**

As per the approved Coastal Zone Management Plans (CZMPs), majority of the Ponnani port [500 m from High Tide line of Sea and 100 m from the High Tide line of River] falls within CRZ area.

According to the clause 2 (viii) of CRZ Notification, 1991 which was in force during the year 2010, the maintenance or clearing of water ways, channels and ports or for prevention of sandbars or for tidal regulators is permissible activity with prior approval.

The CRZ Notification, 1991 was superseded by CRZ Notification, 2011 from 06.01.2011. As per the clause 3(iv)(c) of CRZ Notification, 2011 “maintenance or clearing of waterways, channels and ports, based on EIA studies” is permissible activity. The clause 4.2(i) of the Notification further stated that the project proponents shall apply for prior clearance under CRZ notification to the concerned State or the Union territory Coastal Zone Management Authority.

Ponnani Port area lies in Map No 47 of the CZMP, 1996 and Map No. 49 of CZMP, 2011. The copy of CZMP 2011 is enclosed at **Annexure- III**.

Though the dredging is permissible activity under both CRZ Notification, 1991 and CRZ Notification 2011, **but carried out without clearance from KCZMA/Ministry, it amounts to violation.**

**5.1.5 The mining resulted saline water intrusion, Applicant is residing near Barathpuzha river and his well water become saline.**

The committee wanted to compare the ground water quality in the region prior and after dredging so as to arrive a conclusion whether his well water has become saline only due to dredging activity. However, the data on the ground water quality prior to the commencement of dredging are not available with any of the department like Ground water authority, irrigation department etc. The Committee is of the view that the areas adjacent to such river where tidal influence is present, will be affected by salinity in long run naturally hence the claim of the applicant can not be entertained. **The Port has to periodically monitor the ground water quality in and around the port and submit the report to State Ground Water Authority, Kerala SPCB.**

**5.1.6 Bharathapuzha river which flows from east to west before reaching at the estuary in Ponnani, is having a regulator -cum-bridge at a place called 'Chamravattom', which is further 2 K.M. east of the Ponnani Port. This regulator-cum-bridge was constructed in order to avoid saline water intrusion to the upstream on account of indiscriminate sand mining conducted by the Ponnani Port. Further, because of this regulator – cum-bridge, there is no**

***possibility of the sand being flown from the up steam to the down stream beyond the regulator. In such circumstance, it can be understood that the sand mining activity under the cover of sand mining activity proposed to be conducted by the Ponnai Port through Local Setf Gavemment institutions is only digging of the area resulting sea water intrusion.***

The Committed noted that the Chamravattom regulator cum bridge which is about 6.5 Kms from the estuary, inaugurated in May 2012. The Bharathapuzha basin receives copious rainfall during the South West monsoon and it lies in the rain shed region of the Western Ghats. The rainfall varies from 2,000 to 2,800 mm in the hilly region to 3,000 mm in the coastal region. This project has dual goals of irrigation and reducing the distance by road between Kozhikode and Kochi by 38 km. The bridge is a regulator cum bridge. The shutters of the regulator cum bridge is closed in summer in a bid to maintain water level in the river so as to ensure drinking water consumption as well to prevent the intrusion of sea water to the upstream of the river. But in monsoon the shutters are fully open as heavy flow from the river occurs towards the sea and the sediments are being carried in the flowing water and is deposited in the estuary.

**In view of the above, the contention of the applicant that there is totally no flow from upstream of the river to the sea can not be accepted.**

***Whether there was any violation in doing the dredging, as permitted under the notification and Environment Clearance granted for this purposed to Ponnai Port***

In view of the deliberation at point 5.1.2 above, the Joint Committee opined that the dredging is not in violation of EIA Notification,2006 and its amendments/ Environment Clearance.

**5.2 *Whather any illegality has been done on account of illegal mining over and above the permitted quantity, in the guise of dredging.***

The Committee taking into consideration of the rate of replishment of sand in the river, the quantity dredged so far, concluded that it was maintenance dredging only and not sand mining. However, **the Committee recommends that a third party audit through accredited agency on the sand dredging shall be carried out every year and report be submitted to the Mines and Geology Department.**

**5.3 *Whether the dredged sand has been put to commercial use? then the committee shall identify those persons and take appropriate action against those persons, including imposing Environment Compensation for illegal mining***

Port Officer has informed that the dredged sand is being sold by the SLGD through online as permitted by the Hon'ble High Court of Kerala. The orders produced before the Joint Committee have been examined and noted that Hon'ble NGT in the present matter (OA 259 of 2016) vide order dated 22.05.2017 issued following interim order on sale of dredged sand:

*“ In these circumstances, while permitting the dredging operations for maintenance, we direct the respondents not to sell the dredged sand to any third party until further orders. We also make it clear that the dredged material has to be securely kept in the Port premises duly ensuring that it does not fall back/slide in the dredged area, particularly in the ensuing monsoon.”*

Hon'ble High Court of Kerala in WP 20379 of 2017 vide order dated 13.10.2017 (**Annexure-IV**) has issued following Order:

*“ This Court does not find any statutory mandate or prescriptions , insofar as keeping the sand secure: without sale being effect. IT could only lead to further blocking of the water channel: with the sand sliding back into the water. In such circumstance, this Court finds that Ext. P8 order to the extent it requires the sand to be kept without sale is totally without jurisdiction. This Court having held that portion of the order challenged before this Court being totally without jurisdiction, the writ petition is maintainable and on the same reasoning the order to that extent has to be set aside.”*

In view of the above, the Joint Committee opined that no action is warranted regarding the sale of dredged sand. The only violation noted by the Joint Committee is violation of CRZ Notification. As per the S O 3903 (E) dated 30.10.2019, the Kerala CZMA is responsible for enforcement and monitoring of CRZ Notification in Kerala. Following are the relevant functions of KCZMA:

*“5. The Authority shall, for the purposes of protecting and improving the quality of the coastal environment and preventing, abating and controlling environmental pollution in the Coastal Regulation Zone areas in the State of Kerala, take the following measures, namely:—*

.....

*(v) the Authority shall inquire into cases of alleged violation of the provisions of the said Act or the rules made thereunder; and review the cases involving violations or contraventions of the provisions of the said Act and the rules made thereunder;*

*(vi) the Authority shall inquire or review cases of violations or contraventions of the said notification suo-moto, or on the basis of a complaint made by any individual or body or organisation;*

*(vii) the Authority is authorised to file complaints under section 19 of the said Act;*

*(viii) the Authority shall take such action as may be required under section 10 of the said Act, to verify the facts of the cases before it.;*”

**In view of the above, the Committee felt that for the dredging activity carried out without CRZ clearance, the KZCMA may take suitable action.**

## **6.0 CONCLUSION AND RECOMMENDATIONS**

After detailed deliberation, the Joint Committee has made the following conclusion and Recommendations:

- i. The average total sand that need to be dredged every year is 255721 MT considering the rate of replenishment as 50 cm /year and total quantity to be dredged from 2010 to till date comes around 2557210 MT. As per the records, produced, the total sand dredged comes around 1302260 MT only. It may therefore be concluded that it was maintenance dredging only and not sand mining.**
- ii. The Committee noted that it was dredging only and not sand mining and hence the contention of the applicant that that the project requires EC for sand mining is not valid.**
- iii. The committee also noted from the Google Earth Imageries of prior dredging [2010] and latest in 2020 that lot of sand bars/ land masses present in the eastern side of the port in the river beyond port boundary and hence it appears to be no dredging beyond the port limit.**
- iv. The Since the sale of dredged sand is permitted by Hon’ble High Court of Kerala by setting aside the Order of Hon’ble Tribunal, the committee felt that no action is warrented regarding the sale of dredged sand.**
- v. Though the dredging is permissible activity under both CRZ Notification, 1991 and CRZ Notificaiton 2011, but it was carried out without clearance from KCZMA/Ministry, it amounts to violation. Action need to be taken by KCZMA under CRZ Notificaiton.**

- vi. Ponani Port shall conduct third party audit through accredited agency on the sand dredging every year and report be submitted to the Mines and Geology Department.
- vii. The Port has to periodically monitor the ground water quality in and around the port and submit the report to State Ground Water Authority, Kerala SPCB.

\*\*\*\*\*

**Dr. Jayachandran K**  
Member  
State Environment Impact  
Assessment Authority  
Kerala

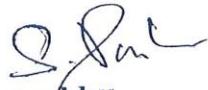
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Regional  
MoEFCC,  
Bengaluru Office

\*\*\*\*\*

No:259/16

Port office, ,Kozhikode, Beypur

Date: 07/12/2020

From

Port Officer  
Kozhikode

To:

Dr: Thirunavukkarasu  
Ministry of environment, forests & Climate change  
Regional office (Southern zone Bengaluru)

Sir,

**Subject: OA 259 of 2016 in NGT Chennai – Sakeer vs State of Kerala.**

Refer: 1) The order No: OA 259/16 dated 13/02/2020 passed by NGT

Chennai

2) Letter No: EP/12.7/53/NGT/KER/17 Dated 02.06.2020 of Deputy  
Director General of Forests (C), MOEF&CC

I have gone through the draft report forwarded by you. In clause No. 6(v) it is stated that though the dredging is permissible activity under both CRZ Notification, 1991 and CRZ, 2011. But it was carried out without clearance from KCZMA Ministry and it amounts to violation. It further says that action need to be taken by KCZMA under CRZ Notification. In fact Kerala Coastal Zone Management Authority was also a party to WP(C) No. 20379/2017 and in paragraph 7 of the judgment dated 13.10.2017 this aspect was also considered by the Hon'ble High Court. For easy reference I am extracting paragraph 7 of the judgment: "The learned Standing Counsel appearing for the 4th respondent Kerala Coastal Zone Management Authority points out clause 4(i)(a) of the CRZ Notification, which mandates that "clearance shall be given for any activity within the CRZ only if it requires water front and foreshore facilities" which is precisely what is intended by the dredging carried out. The respondent also cannot take such a contention in the writ petition filed by the State and there can be no interference to the dredging permitted by the Tribunal. The said ground if at all sustainable cannot also lead to any justification of the order made by the Tribunal as to the status quo ordered of the dredged sand." So in view of the judgment passed by the Hon'ble High Court it cannot be stated that there is violation of CRZ notification and there is no need to take any action by the Kerala Coastal Management Authority. Had the judgment been brought to the notice of the

Tribunal the Tribunal ought not to have passed the order constituting the committee. Further an identical question was considered by the Hon'ble High Court in WP(C) No. 31642/2019 and by judgment dated 18.12.2019 the Hon'ble High Court held as follows:-

"10. From the aforesaid facts, it is rather clear that the WP(C) No.31642/19 application was submitted even before 2019 CRZ notification came into existence and even according to KCZMA, the relevant provision that applies is CRZ Notification of 2011. Therefore, the contentions based on 2019 CRZ notification has no basis. In the 2011 CRZ notification, the KCZMA is entitled to give clearance for any activity within the CRZ if it requires water front and foreshore facilities which includes construction under Regulation 4(i)(f) i.e., construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, break waters, groynes, erosion control measures and salt works are all permissible activities for which MOEF permission is not required. In this case, what we find from the materials placed on record is that CRZ clearance was given for development of Muthalapozhi harbour which was already in existence. The work includes dredging of the approach channel construction of a load out jetty which could later be used for fishery and tourism activity or any other facility, a rock storage area which could also be used for suitable purpose in the future and the dredged material to be deposited on the northern side of the channel facilitating reduction in the erosion on the northern side and construction of WP(C) No.31642/19 a backup yard on the southern side which could also be used for further expansion of the tourism facility.

11. In the light of the above discussion, we do not find that there is any illegality in the work being carried out by the 5 th respondent in so far as CRZ clearance had already been issued by the competent authority. The work that was done prior to grant of clearance was dredging, which was highly required for the harbour activity to prevent danger to the fishermen community. At any rate, entire work was done after submission of the application. That apart, this is a major project of the Government of Kerala and necessary clearance had been obtained for the entire project from the competent authorities and that apart, the entire work had to be completed within a short time frame. That apart, all these works are carried out in larger public interest, which should always be kept in mind by the Courts to ensure that if at all there is some irregularity, taking into consideration the larger public interest, this Court should not interfere in such matters."

Considering the above facts, I am of the view that there is no CRZ violation and hence no permission is required from KCZMA. My disagreement to the clause 6(v) may kindly be noted

Yours faithfully



Port Officer

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**M.A. No. 803 of 2013  
In  
Original Application No 286 of 2013**

**Hasan M. Vs. State of Kerala & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE B. S. REDDY, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

**Present:**                      **Applicant:**                      **Mr. M. Gireesh Kumar, Advocate and Mr. Sriram P, Advocate**  
**Respondents:**                      **None appeared**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 1 September 27, 2013</b>	<p>Heard Learned counsel appearing for the Applicant.</p> <p>Notice be issued to the Respondents/non-Applicants by registered post/acknowledgement due and Dasti as well.</p> <p>Requisites to be filed within three days from today.</p> <p>Notice returnable on 23<sup>rd</sup> October, 2013.</p> <p>Notice on M.A. No. 803 of 2013 as well for the same date. In the meanwhile, no sand mining activity would be carried on without obtaining Environmental Clearance from Ministry of Environment and Forests (MoEF) and/or SEIAA, as the case may be.</p> <p style="text-align: right;">.....,CP (Swatanter Kumar)</p> <p style="text-align: right;">.....,JM (U.D. Salvi)</p> <p style="text-align: right;">.....,JM (B.S. Reddy)</p> <p style="text-align: right;">.....,EM (Dr. D.K. Agrawal)</p> <p style="text-align: right;">.....,EM (Dr. R.C. Trivedi)</p>

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**M.A. No. 803 of 2013  
In  
Original Application No 286 of 2013  
And**

**M.A. No. 744 of 2013  
In  
Original Application 271 of 2013**

**IN THE MATTER OF:**

**Hassan M. Vs. State of Kerala & Ors.  
And  
Muhammed Saleem Vs. State of Kerala & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

**Present: Applicant: Mr. M. Gireesh Kumar, Advocate  
Applicant in M.A. No. 28 of 2014: Mr. Sajith P. Warriar, Adv.  
Respondent No.1to4: Mr. Jogy Scaria and Mr. Arvind, Advocates**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item Nos. 5&amp;6 January 17, 2014</b>	<p style="text-align: center;"><b><u>Original Application No 286 of 2013 &amp; Original Application 271 of 2013</u></b></p> <p>These cases were passed over and directed to be taken up again as nobody was appearing on behalf of the Applicants, when the cases were called out. Still nobody is present on behalf of the Applicant.</p> <p>Learned counsel appearing for the Respondents submits that the Interim Orders passed by the Tribunal dated 27<sup>th</sup> September, 2013 have affected dredging operations, which they ought not to prohibit dredging for the purposes of clearing ship channels in the Port. Submissions made by the Respondents appear to be correct and reasonable and, therefore, we modify the interim Orders to the extent that they shall not apply to dredging being done for the purposes of clearing the channels and such works shall not be covered by our Interim Orders.</p> <p>List these cases on 21<sup>st</sup> February, 2014.</p> <p>After the above Order has been passed, Learned counsel appearing for the Applicant has put in appearance. Let his presence be recorded and the Order passed by the Tribunal be informed to him. He is accordingly informed.</p>

**M.A. No. 28 of 2014 in Original Application 271 of 2013**

This is an Application filed by Ponnani Taluk Manal Marketing & Processing Co. Op. Society for impleadment. According to the Applicant they have the substantial interest in the issues that are likely to be decided in main Application. There is no opposition to the Application.

Consequently the Application is allowed. The Applicant is permitted to be impleaded as Respondent. Necessary amendment be carried out and a copy of the amended Application be furnished to the parties. Reply to the main Application, if any, be filed within two weeks from today with advance copy to the Learned counsel appearing for the Applicant. Rejoinder thereto, if any, be filed within one week thereafter.

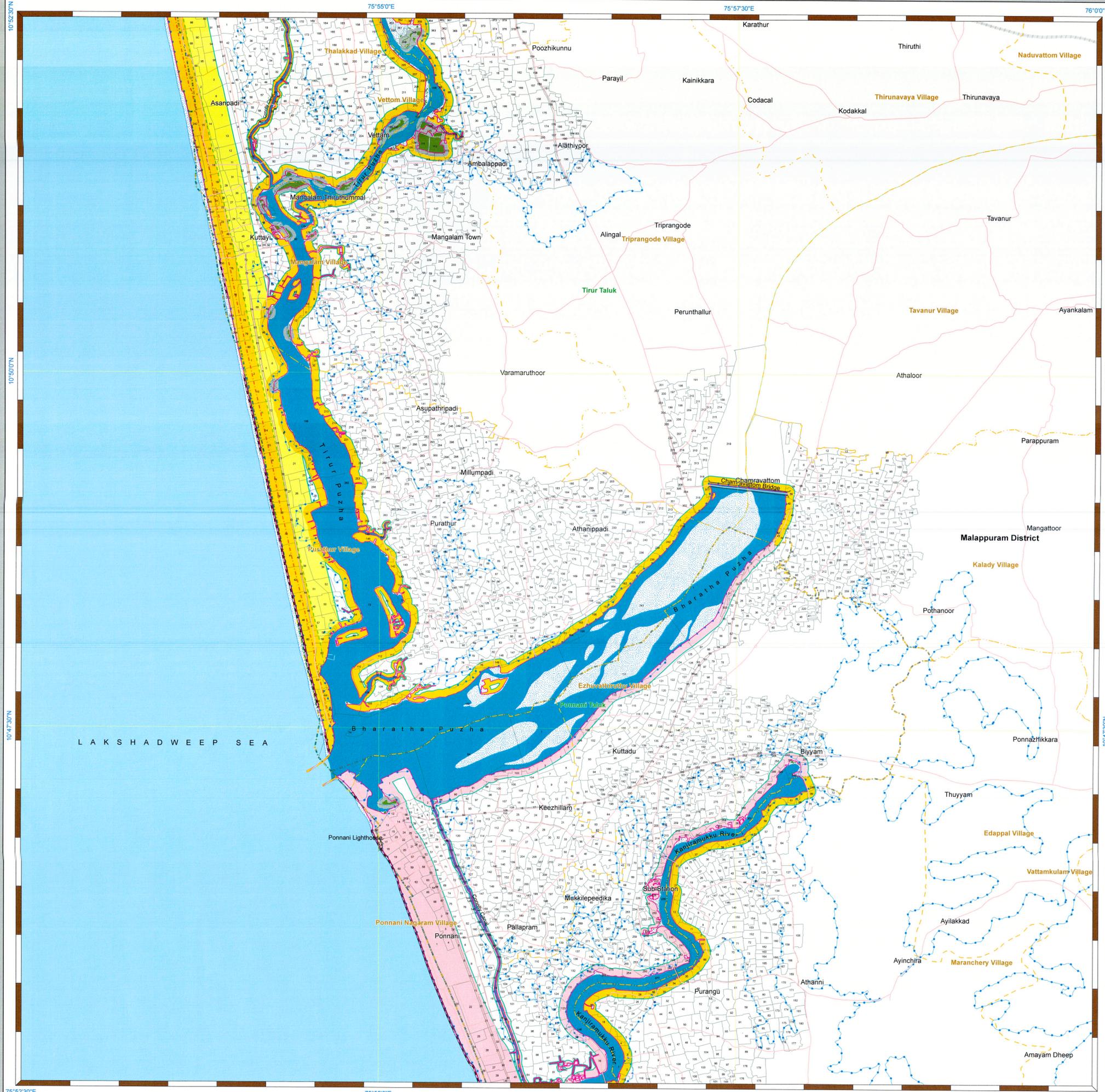
Accordingly, the M.A. No. 28 of 2014 stands disposed of.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(Dr. R.C. Trivedi)

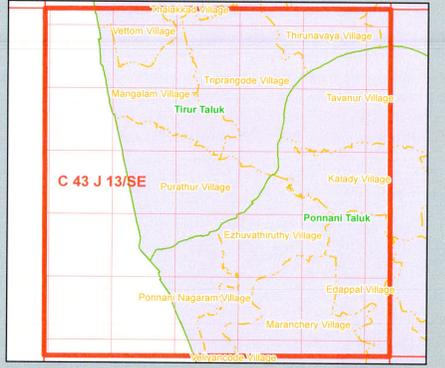
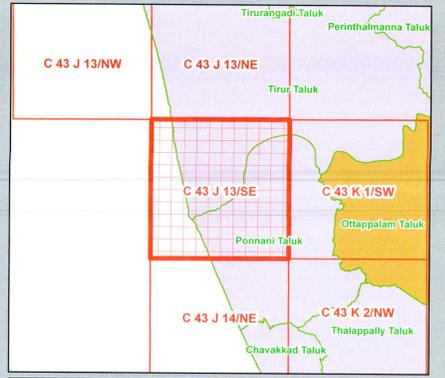
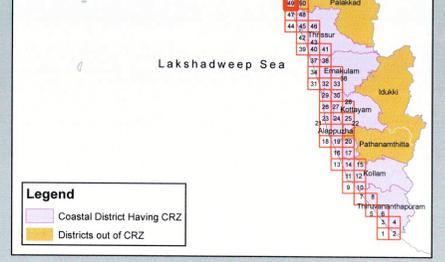
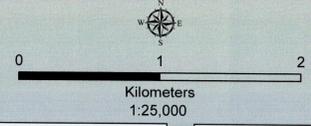


# COASTAL ZONE MANAGEMENT PLAN KERALA

Sheet No: C 43 J 13/SE

Projection :- UTM Datum :- WGS 1984

Map No : KL 49



- Legend**
- Lighthouse
  - Road
  - Railway Line
  - High Tide Line (HTL)
  - Low Tide Line (LTL)
  - Seawall
  - Bund
  - Village Boundary
  - Municipal / Other Urban Areas
  - Taluk Boundary
  - District Boundary
  - Suvey Plots
  - Pier
  - Groins
  - Jetty/Breakwater
  - Community Reserve
- CRZ Lines & Boundary**
- Hazard Line
  - 100m Line in CRZ III Area
  - 200m CRZ Line - NDZ
  - CVCA Boundary
  - CRZ Boundary (500m Line, 100m for Bay, 50m for Backwater Island, 100m or width of the creek whichever is less along the tidal influenced waterbodies)
- CRZ CATEGORY**
- CRZ - I**
- CRZ - IA
  - 50m Mangrove Buffer Zone - CRZ IA
  - CRZ - IB
- CRZ - II**
- CRZ II
- CRZ - III**
- No Development Zone
  - 200m to 500m from HTL
- CRZ - IV**
- CRZ IVA
  - CRZ IVB
- DATA SOURCE**
- I) National Centre for Sustainable Coastal Management
    - 1) HTL, 2) CRZ - IA, 3) CVCA
  - II) Survey of India
    - 1) Hazard Line
  - III) Kerala Coastal Zone Management Authority
    - 1) Administrative Boundaries
  - IV) National Centre for Earth Science Studies
    - 1) CRZ Categories and Lines (except CRZ - IA)
    - 2) Infrastructure facilities such as Lighthouse, Road, Railway Line, Seawall, Breakwater, Jetty etc.
- ABBREVIATIONS**
- CRZ : Coastal Regulation Zone
  - NDZ : No Development Zone
  - CVCA : Critically Vulnerable Coastal Areas
- Mapped During 2017-18*

## PREPARED AS PER COASTAL REGULATION ZONE NOTIFICATION 2011

Scrutinized by	Certified by	Concurred by	Approved by
 Technical Scrutiny Committee National Centre for Sustainable Coastal Management, MoEF & CC	 DIRECTOR National Centre for Sustainable Coastal Management, MoEF & CC	 Dr. VEENI N MADHAVAN IAS DIRECTOR Directorate of Environment & Climate Change Thiruvananthapuram-695 001	 National Coastal Zone Management Authority MoEF & CC, Government of India

Prepared by  
  
National Centre for Earth Science Studies  
Earth System Science Organization (Ministry of Earth Sciences),  
Government of India, Thiruvananthapuram - 695 011

Prepared For  
  
Department of Environment  
Government of Kerala

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K. VINOD CHANDRAN

FRIDAY, THE 13TH DAY OF OCTOBER 2017/21ST ASWINA, 1939

WP(C).No. 20379 of 2017 (V)

ORIGINAL APPLICATION 259/2016 OF NATIONAL GREEN TRIBUNAL, SOUTHERN  
ZONE, CHENNI

PETITIONER(S):

1. STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY,  
FISHERIES AND PORT DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, KERALA STATE PIN 695 001.
2. THE DIRECTOR OF PORTS OFFICE OF THE DIRECTOR OF PORTS,  
VALIYATHURA, VALLAKKADAVU P.O, THIRUVANANTHAPURAM,  
KERALA STATE, PIN 695 008.
3. THE PORT CONSERVATOR, PORT OFFICE,  
PONNANI NAGARAM P.O, PONNANI, MALAPPURAM DISTRICT,  
KERALA STATE PIN 679 583.

BY GOVERNMENT PLEADER SRI M.MANOJ

RESPONDENT(S):

1. SAKEER, AGED 42 YEARS,  
S/O KUNHIMOIDEEN, PUTTUMMANAKATHU HOUSE,  
PONNANI NAGARAM P.O, PONNANI, MALAPPURAM DISTRICT  
KERALA STATE, PIN 679 583.
2. THE MINISTRY OF ENVIRONMENT AND FORESTS,  
REPRESENTED BY ITS DIRECTOR,  
PARYAVARAN BHAVAN, CGO COMPLEX, LODHI ROAD,  
NEW DELHI 110 003.
3. THE KERALA STATE ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY,  
REPRESENTED BY ITS MEMBER SECRETARY, DIRECTORATE OF  
ENVIRONMENT AND CLIMATIC CHANGE,  
PALLIMUKKU, PETTACH PO,  
THIRUVANANTHAPURAM KERALA STATE PIN 695 024.



4. THE KERALA COASTAL ZONE MANAGEMENT AUTHORITY,  
REPRESENTED BY ITS MEMBER SECRETARY,  
SASTHRA BHAVAN, PATTOM P.O,  
THIRUVANANTHAPURAM KERALA STATE PIN 695 004.

R1 BY ADV. SRI.JOBI JOSE KONDODY  
R2 BY ADVS SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL  
SRI.K.SHRI HARI RAO, CGC  
R3,R4 BY ADV.SRI K.R.SUNIL SC  
R4 BY ADV. SRI.M.P.PRAKASH, SC,

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 13-10-2017, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

K.V.

**K. VINOD CHANDRAN, J.**

=====  
**W.P.(C) No.20379 of 2017 - V**

=====  
**Dated this the 13<sup>th</sup> day of October, 2017**

**Judgment**

The writ petition is filed against the interim order passed by the National Green Tribunal (for brevity 'the Tribunal') as is seen at Ext.P8; in an application bearing No.259 of 2016 filed by the 1<sup>st</sup> respondent. By Ext.P8, the prayer of the 1<sup>st</sup> respondent to interdict the respondents 1 to 3; who are the petitioners herein, from carrying on dredging operations, within the Ponnani Port area was declined. However, it was made clear that the dredged material has to be securely kept in the Port premises duly ensuring that it does not fall back/slide into the dredged area particularly in the ensuing

monsoon. The State impugns the order to that extent, on the premise that there is absolutely no legal backing for such a prohibition.

2. The State is before this Court, challenging the interim order, on grounds of absolute lack of jurisdiction. The 1<sup>st</sup> respondent has opposed the maintainability of the writ petition itself, specifically pointing out Ext.R1(e) judgment, wherein, this Court had declined consideration of a writ petition under Article 226 of the Constitution of India, against an order of the Tribunal, relegating the petitioner therein to the appellate remedy or raising the question of fraud alleged therein, before the Tribunal itself. Having heard the writ petition in full, the question of maintainability is the only question since if the order is found to be without jurisdiction, then the writ is maintainable and has to be allowed.

3. The learned Special Government Pleader submits that the Government had been carrying on dredging activities by calling for tenders and in the course of the years, the Government had restricted acceptance of tenders from the labour Co-operative Societies alone, who are formed around the area, the members of which are traditionally engaged in dredging operations. Subsequently finding that the litigations initiated by the various Co-operative Societies, occasion considerable delay in carrying out the dredging, the Government had decided to entrust the dredging operations again by tender to the Local Self Government Institutions. A challenge was made against the said policy decision of the Government, which was addressed and negated by Ext.P2 judgment. The 1<sup>st</sup> respondent had challenged the dredging operations before the Tribunal, despite Ext.P2 judgment of this Court, is the submission.



4. A reading of Ext.P1 application filed before the Tribunal would disclose that the grounds raised are totally different. The petitioner; an owner of a boat, which was drowned in the Ponnani Port area, for reason of the sand bars existing, was before the Tribunal, contending that the dredging carried on illegally; has caused intrusion of saline water into the Bharathappuzha river and has contaminated his well water. On the principle of "polluter pays", the petitioner claimed damages of Rs.1lakh, on the ground of the Circulars issued by the Government, permitting dredging activities, having given a go-by to the requirement of Environmental Clearance (EC) as stipulated under the Environment Impact Assessment Notification, 2006 (for brevity 'the E.I.A Notification 2006'). The second relief was also to set aside the Government Orders issued, permitting such dredging activities, for reason of absence of EC.

5. The Tribunal has passed the impugned order at Ext.P8. Ext.P8 as indicated earlier found that the Government could carry on the dredging activities, on the ground that there is no requirement for an EC but restrained the dredged material being taken away from the premises and from being sold. The learned Counsel for the 1<sup>st</sup> respondent would specifically point to ground No.2 in the application filed, which indicates that the Government had in fact obtained an EC, which was applicable till 2014, with a rider that any dredging operations would be in compliance with CRZ norms and other environmental concerns addressed through E.I.A studies. Reference is also made to the CRZ Notification (SO 19 (E) dated 06.01.2011) issued by the Ministry of Environment and Forest and Climate Change (as it is presently called). Clause 3(iv)(c) of the Coastal Regulation Zone Notification 2011 is specifically pointed out to argue that 'maintenance of

clearance of water ways, channels and ports based on E.I.A studies', though exempted, no such study was conducted and hence is prohibited. In that context, *de hors* the requirement of an EC being taken away, there has to be an E.I.A study, is the specific contention taken.

6. Though a ground was specifically raised as pointed out by the petitioners; of absence of EC, admittedly, the EIA notification has been amended removing the requirement as such. The ground as to violation of stipulations made by the CRZ Notification; is also not ~~seen~~ considered by the Tribunal obviously for reason of it not having been argued before the Tribunal. Pertinent is the fact that the interim order passed by the Tribunal was challenged by the appellant before the Hon'ble Supreme Court, which negated the said challenge.

7. The learned Standing Counsel appearing for the 4<sup>th</sup> respondent; Kerala Coastal Zone Management Authority points out clause 4(i)(a) of the CRZ Notification, which mandates that "*clearance shall be given for any activity within the CRZ only if it requires water front and foreshore facilities*" which is precisely what is intended by the dredging carried out. The respondent also cannot take such a contention in the writ petition filed by the State and there can be no interference to the dredging permitted by the Tribunal. The said ground if at all sustainable cannot also lead to any justification of the order made by the Tribunal as to the *status quo* ordered of the dredged sand.

8. Now the question is of the maintainability of the writ petition, which would in fact decide the writ petition also. Even going by Ext.R1(e) judgment, this Court had noticed the binding precedents of the Hon'ble Supreme Court and held so

in paragraph 6 of the judgment.

6: In such circumstance, definitely the power of judicial review under Article 226 cannot be avoided; but, however, it can be invoked only in the specific instances as pointed out in the afore-cited declaration; when there is (i) a prayer for enforcement of any of the fundamental rights or where there has been (ii) a violation of principle of natural justice or where the order under challenge is (iii) wholly without jurisdiction or the (iv) vires of the statute is under challenge. The right to an alternate remedy in such circumstances alone is not a bar in exercising the extra-ordinary discretionary remedy conferred on this Court under Article 226. None of the above circumstances exist as of now in the present writ petition.

9. In the present case, the Tribunal had permitted the dredging of sand on the ground that there was no requirement for an EC for the activities carried on to clear the channels in a water way. It is also admitted by the petitioners that the E.I.A Notification 2006 has now been amended, taking away the requirement for an EC. In such circumstance, there is absolutely no reason why the Tribunal restricted the sale of the dredged sand. In fact the Government by the order is required

to keep the dredged sand in a safe condition, ensuring that it does not slide back into the dredged area. This also does not come within the scope of the petition filed before the Tribunal. The complaint raised was of illegal dredging causing saline intrusion into the well and consequent damages. It is not comprehensible as to why the petitioner would require the preservation of the sand dredged; without disposing it off. This causes considerable expenditure to the Government and there is no method by which the sand can be disposed of, but, by sale; which the Central Government has not thought fit to prohibit for reason of any anticipated environmental casualty. This Court does not find any statutory mandate or prescriptions, insofar as keeping the sand secure; without sale being effected. It could only lead to further blocking of the water channel; with the sand sliding back into the water. In such circumstance, this Court finds that Ext.P8 order to the

P

W.P.(C) No.20379/2017

extent it requires the sand to be kept without sale is totally without jurisdiction. This Court having held that portion of the order challenged before this Court being totally without jurisdiction, the writ petition is maintainable and on the same reasoning the order to that extent has to be set aside. I do so.

The writ petition is allowed. No costs.

Sd/-  
**K. VINOD CHANDRAN,**  
**JUDGE**

SB/19/10/2017

// true copy //

A

P.A to Judge

B

APPENDIX

PETITIONERS EXHIBITS:

- P1; A TRUE PHOTOCOPY OF ORIGINAL APPLICATION NO 259/2016 BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE), CHENNAI.
- P2: A TRUE PHOTOCOPY OF THE JUDGMENT DATED 2.11.2016 IN WPC NO 32962/2016 AND CONNECTED CASES.
- P3; A TRUE PHOTOCOPY OF REPLY AFFIDAVIT FILED IN ORIGINAL APPLICATION NO 259/2016 BEFORE THE LEARNED NATIONAL GREEN TRIBUNAL, SOUTHERN BENCH CHENNI.
- P4: A TRUE COPY OF THE ORDER DATED 10.9.2013 IN M.A NO 744/13 AND M.A NO 745/13 IN ORIGINAL APPLICATION NO 271/13.
- P5; A TRUE PHOTOCOPY OF THE ORDER DATED 17.1.2014 OF THE LEARNED GREEN TRIBUNAL SOUTHERN BENCH, CHENNAI IN MA NO 803 OF 2013 IN O.A NO 286/2013 AND M.A NO 744 OF 2013 IN O A NO 271/2013.
- P6; A TRUE PHOTOCOPY OF JUDGMENT DATED 1.3.2017 OF THIS HON'BLE COURT IN WPC NO 39018/2016.
- P7: A TRUE PHOTOCOPY OF JUDGMENT DATED 19.5.2017 IN WPC NO 16729/2017.
- P8: A TRUE PHOTOCOPY OF THE ORDER DATED 22.5.2017 OF THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI IN ORIGINAL APPLICATION NO 259/2016.
- P9: A TRUE PHOTOCOPY OF GO (MS) NO 2/2017 F & PD DATED 9.2.2017 TOGETHER WITH A MANUAL DREDGING POLICY 2016.

RESPONDENTS EXHIBITS:

- R1(A) A TRUE COPY OF THE COMMON FINAL ORDER DATED 8.8.2014 PASSED BY THE PRINCIPAL BEN CH THE NATIONAL GREEN TRIBUNAL NEW DELHI IN O A NO 271 OF 2013 AND 286 OF 2013.
- R1(B) A TRUE COPY OF THE INTERIM ORDER DATED 20.6.2017 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WPC 20379 OF 2017.
- R1(C) A TRUE COPY OF THE INTERIM ORDER DATED 11.8.2017 PASSED BY THE HONOURABLE APEX COURT IN SLP 9C) NO 19720 OF 2017.
- R1(D) A TRUE COPY OF THE ORDER DATED 22.9.2017 PASSED BY THE HONOURABLE APEX COURT IN SLP (C) NO 19720 OF 2017.
- R1(E) A TRUE COPY OF THE JUDGMENT DATED 27.7.2015 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WPC NO 2051 OF 2015.

K.V.



/TRUE COPY/

P.S. TO JUDGE



**HIGH COURT OF KERALA  
AT ERNAKULAM**

**Year and Number of Suit or  
other Proceedings** : WPC 20379 / 2017

**Name of Applicant/Advocate** : SRI.V.A.VINOD

**Application Number** : A 73422/2017

**Application Date** : 16-10-2017

**Date of Calling for Stamp** : 26-10-2017

**Date of Production of Stamp** : 26-10-2017

**Date When copy was Ready** : 26-10-2017

**Date Notified for appearance to  
receive the copy** : 02-11-2017

**Date when copy was delivered** : 26/10/17

  
**Examiner**

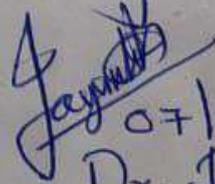
Kottayam  
7<sup>th</sup> December 2020

## AUTHORIZATION LETTER

I hereby authorize Regional office, MoEFCC Bangalore to file the Joint Committee report with the Honourable NGT in respect of O.A No. 259 of 2016 filed by Sri. Sakeer.

The committee report is being prepared after discussion between all the members and I have gone through the same and I am satisfied with the said report. Further, since I am not in a position to personally put my signature of approval on the report due to the prevailing Covid-19 pandemic, I am authorizing you, the nodal agency of the Joint committee to submit the same.

Sincerely



07/12/20  
Dr. Jayachandran K  
Member, SEIAA  
Kerala

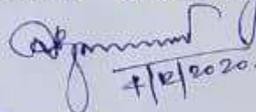
To  
Sri. E. Thirunavakkarasu  
Scientist F, MoEFCC, RO  
Bangalore.

4<sup>th</sup> Dec 2020.  
Thiruvananthapuram

### AUTHORISATION LETTER

I hereby authorise Regional Office, MOEFCC, Bengaluru to file the Joint Committee report with the Hon'ble NCT in respect of O.A. NO 259 of 2016 filed by Sri. Sekees.

The Committee report is prepared after discussions with all the members and I have gone through the same and I am satisfied with the said report. Further since I am not in a position to personally put my signature of approval on the report because of the prevailing Covid-19, I am authorising you, the nodal agency of the Joint Committee.

Yours sincerely  
  
4/12/2020.

P. KALATHARASAN  
Environmental Engineer,  
Dept. Environment &  
Climate Change.

To,

Sri. E. Thirunavuktharasan,  
Scientist F, MOEFCC, R.O,  
Bengaluru.



Palakkad

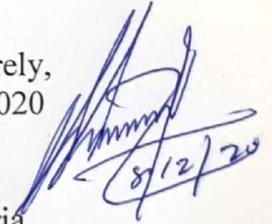
8 December 2020

***AUTHORIZATION LETTER***

I hereby authorize Regional office, MoEFCC Bangalore to file the Joint Committee report with the Honourable NGT in report of O.A No, 259 of 2016 filed by Sri Sakeer.

The committee report is being prepared after discussion between all the members and I have gone through the same and I am satisfied with the said report. Further, since I am not in a position to personally put my signature of approval on the report due to prevailing Covid-19 pandemic, I am authorizing you, the nodal agency of the Joint committee to submit the same.

Sincerely,  
08/12/2020



Dr Richard Scaria  
Member, KCZMA

To,

Sri. E. Thirunavakkarasu,  
Scientist F, MoEFCC, RO,  
Bengaluru.