

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 76 of 2022 (SZ).

IN THE MATTER OF:-

Damayanti Subray Mesta

...Applicant(s)

Versus

**Department of Public Works, Ports and
Inland Water Transport, Bangalore & ors.
(s)**

...Respondent

Next Date. 12 /09/ 2022

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New Delhi

Filled By :-



Date 07/09/2022,

(Mr. DARPAN KM Adv.)
Advocate for the Respondent No.1 & 8
Kar/1053/2009.
Office K-6, LGF, Lajpat Nagar-3,
New Delhi - 110024
Mob. 9968638862

Translated Annexure R-6

Kannada Kayaka Varsha-2020-21

Emblem

Tourism Department
Deputy Commissioner and Chairman, District Tourism
Development Committee,
Uttarakannada District,
Karwar-581301

Phone 08382-221172

email :adtourismkarwar@gmail.com

No.Pra.E/Vu.Ni.Ka/Kaa/2020-21/09

Date 3-4-2021

To

The Assistant Executive Engineer,
Ports Sub Division,
Honnavar and
Nodal Officer, Honnavar

Sir,

Subject : Issuance of Permission letter for the work of Diversion of
0.76 Hectare of forest land in F.Sy.No.233 and 237 of
Kasarkod village, Honnavar Tq. Uttara Kannada District-reg.

Reference : 1. Letter No.Ban.O.Ja.Sa.62/Bhoomi-02/Dt 04-05-2017 of
the Director, Port and Inland Water Transport
Department, Karwar.
2. Letter No.B2/GFL/FC/CR-20/2020-21, Dt 22-10-2020
of the Deputy Conservator of Forests, Honnavar
Division.
3. Sa.Ka.Ni.En/Ban.Vu.Vi.Ho/2020-21/127 Dt 3-11-2020.



4.No.Sa.Ka.Ni.En/Ban.Vu.Vi.Ho/2020-21/265

Dt 18-3-2021.

With reference to the abovesaid subject and as per letter at reference(3), as proposed by the Assistant Executive Engineer Port Department, Sub Division, Honnavar, the NHAI, Bangalore has proposed to construct four lane road on the National Highway-66 under the “Bharathmala Pariyojana(Phase-I) of the Government of India and it passes through Forest Survey No.233 and 237 coming under the Kasarkod village, Honnavar Taluk and some of its area come in Kasarkod beach area and hence request was made to obtain No Objection Certificate from your Department. Regarding Honnavar Port Project this was necessary and in this regard to issue No Objection Certificate was requested in the letter at reference (4) and it was true also requested to furnish information of the co-ordinate that are on both sides along with the length of the said Eco Beach Area.

Hence the information of Co-ordinate on both sides along with the length of the said Eco Beach Area is as hereunder.

1. Name of the Sea Shore, Kasarkod Sea Shore.
2. GPS coordinates of the Beach.

Point A-14°15'43.6'' N, 74° 25'56.3 E

Point B-14°15'25.6''N, 14° 26'01.6''E

And regarding issue of Blue Flag Certification of Kasarkod Sea Shore of Honnavar Taluk, the said Kasarkod Sea Shore has been selected. In the said Kasarkod Sea Shore several development works



have been undertaken and shall take care that no damage is caused to the works (properties) constructed by the said tourism department. In case any damage is caused to any works, the said works are to be undertaken at your expenditure and to take up your project, without intruding on the Blue Flag Area from the boundaries already marked by you for the said project, this department has no objection.

Yours Sincerely

Sd/-

**Member Secretary/
Deputy Director, District Tourism
Development Committee, Karwar,
Uttara Kannada District**

“Certified that this is the True English Translation of Letter in Kannada”

[Signature]
K.V. RENUKA MURTHY
Advocate B.Sc., M.A., U.L.B.,
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**TRANSLATION VERIFIED AND
ATTESTED BY ME**

[Signature]
R.S. VIJAY
NOTARY PUBLIC, GOVT. OF INDIA
Marriage Registrar, Govt. of Karnataka
“Trinity,” 9th Cross, Brindavan Layout,
Horamavu, Bengaluru-560 043



Translated Annexure R-12

Emblem Government of Karnataka

No.Lo.E.50.PSP.2018

Karnataka Government
Secretariat,
Vikasa Soudha,
Bangalore, Dt 19-06-2018

From

The Additional Chief Secretary to the Government,
Public Works, Ports and Inland Water
Transport Department,
Vikasa Soudha, Bangalore

To

The Director,
Ports and Inland Water Transport Department,
Karwar

Sir,

Subject : 2nd Stage Development Works of Honnavar Fisheries Port-reg.

With reference to the abovesaid subject, the proceedings of the meeting held presided over by the Secretary to the Government, Animal Husbandry and Fisheries Department on 16-05-2018 pertaining to the 2nd Stage Development Work of the Honnavar Fisheries Port is enclosed to this. I have been directed to request you to examine the points of the said proceedings and submit a report to the Government with clear opinion.

Yours Truly

Sd/-

(Shivasharanappa Patil)

**Under Secretary to the Government Public Works
Port and Inland Water Transport
Department(Ports)**



Proceedings of the meeting held presided over by the Secretary to the Government, Animal Husbandry and Fisheries Department held on 16-05-2018 to discuss about the 2nd st age Development Works of Honnavar Fisheries Port

Those who were present at the meeting

The Secretary to the Government

The Additional Secretary to the Government
Public Works Department

Fisheries Director, Bangalore

Joint Director of Fisheries (Coastal)

Joint Director of Fisheries, Fisheries Ports, Malpe.

The Executive Engineer, Ports Division, Karwar

The Deputy Secretary to the Government
Animal Husbandry and Fisheries

Under Secretary to the Government
Animal Husbandry and Fisheries (Fisheries)

Assistant Executive Engineer, Ports
Sub Division, Honnavar

The Director of Fisheries welcomed the Secretary to the Government, Animal Husbandry and Fisheries Department who was



present in the meeting and welcomed all the officers who were present in the meeting. He requested the Secretary to the Government to preside over the meeting and to conduct the meeting.

Subject : 1 : 2nd Stage Development Work of the Honnavar Fisheries Port.

The Executive Engineer, Ports Division, Karwar and the Assistant Executive Engineer, Ports Sub Division, Honnavar brought to the notice of the meeting about the following points in respect of the 2nd stage development work of the Honnavar Fisheries Port.

In the Central Government Order No.F.No.33013-4/2002-FY(CH) Dt 27-09-2011, sanction is accorded for the extension of the Honnavar Fisheries Port and construction of Break Water. The said project has been taken up under the Central Sponsored Scheme. For the said work Central Government has approved 75% grant and the State Government 25%.

Under the said scheme there are separate works like ground based work and water based work. Accordingly to take up the ground based work(For Dhakke, Road, Gear shed, Net Mending Shed, Rest Room for Fishermen, Boat, Sloping Hard, Premises Wall etc)Rs1722-00 Lakh and for water based work (construction of Break Water) Rs2752-00 Lakh and thus totally the project estimated amount is Rs4474.00 Lakh.



But the estimate for the said works was submitted to the Central Government by preparing, during the year 2009-10. At the time of according approval to the said works by the Central Government as there was change in schedule of rates for the year 2010-11 and 2011-12, for the proposal to revise the project cost to Rs6605-00 Lakhs, the Central Government has stated that it is not ready to accept and instructed the State Government to incur the additional expenditure of the said works by its State Government itself and accordingly in the orders hereunder, the State Government has accorded its administrative approval to estimate rate list as hereunder for ground based works and water based works.

Ground Based Work : Project Estimate Amount 2697-50 Lakhs

Water Based Work: Project Estimate Cost 2750-00 Lakhs

But in the meeting held on 23-11-2011 presided over by the Principal Secretary to the Government, Public Works Department, the Private Company Honnavar Port Pvt.Ltd has agreed to construct the Commercial Port at Honnavar and Break Water at its own expenditure and provide opportunity for movement of fishery boat 24x7 hours at Honnavar in the confluence and it was observed that by the Public Works Department previously by Government Order Dt Lo.E/119/PSP/2010, Dt 22-09-2010, 8,47,560 Sq Mtr area was reserved for conducting anchoring activities by constructing Jetty besides Kasarkod of Honnavar Port by the M/s North Canara Sea Port, G.V.P.R.E.L, Consult, M.Hyderabad Company and out of that, as a



first stage for developing water area behind the Jetty, permission was given for 40,000 Sq.Mtrs.

The Assistant Executive Engineer Ports Sub Division, Honnavar brought to the notice of the meeting that for these reasons that in the 2nd stage Development works of the Honnavar Fisheries Port, only the Ground based work was commenced on 01-03-2013 and the work was completed on 16-12-2017 (Excluding E.T.P)

Presently for the said works Rs1200-00 Lakhs has been released by the Central Government and Rs1371.64Lakh has been released by the State Government thus Totally Rs2571.64 Lakhs has been released and the said grant has been expended and central share of Rs91.50 Lakh is yet to be released.

The Director of Fisheries brought to the notice of the meeting that as request was made to release the balance of Central share of Grant of Rs91.50 Lakhs, after Project Sanctioning Committee (PSC) meeting was held on 28-02-2018 at New Delhi, the Joint Commissioner (Fisheries) stated that the Water based Works approved by the Central Government has not been taken up and hence to take a decision at the State Government Level and to correspond with the Central Government for concurrence.

The Secretary to the Government sought information regarding present state of affairs regarding the works of construction of



commercial port and break water at Honnavar by Honnavar Port Pvt.Ltd.

The Additional Secretary to the Government, Public Works Department brought to the notice of the meeting that Accordingly, the contractor has already obtained CRZ No Objection, Environment No Objection and the Honnavar Port Pvt. Ltd presently have invited Tender to implement the work and have agreed to complete the said work by September 2019.

Subject 2 Work of excavation of sediment in the confluence of Honnavar Fisheries Port-reg.

The Director of Fisheries brought to the notice of the meeting that as break water work has not been taken up in the Honnavar Fisheries Port, the quantity of sediment in the Honnavar confluence has increased and accidents of fisheries boats have increased and hence in interest of fishing boats and the fishermen, the Government has given administrative approval for the work of desilting at an estimated cost of Rs400-00 Lakh.

As per the said order contractors have been appointed to the said work through E-tender and the work has been commenced. But to enable to take up the said work in the state share of grant under Head of Account 4405-00-103-1-02-139 requested the Government to issue



amended order. But the said proposal has been rejected by the Government by letter 08-03-2018.

The Executive Engineer, Ports Division, Karwar, brought to the notice of the meeting that at present, the said work is completed and the bill of the contractor who got the contract through E-Tender, is pending.

Perusing all these points, the Secretary to the Government decided as hereunder :-

1. Instructed the Additional Secretary to the Government, Public Works Department and the Executive Engineer Ports Division, Karwar to submit a detailed report to the Fisheries Department immediately regarding the time limit for the work of construction of commercial port and break water at Honnavar by Honnavar Port Pvt. Ltd and to furnish the information regarding the progress of the said work to the Fisheries Department from time to time.
2. Further, instructed the Public Works Department that while implementing the work, to give the agreement by said company to the Government, for the free movement of boats of the fisherman, to keep open 24x7 hours.

(Action : Additional Secretary , Public Works and Executive Engineer, Ports Division, Karwar, Joint Director of Fisheries, Fishery, Ports, Malpe)



3. Instructed to explain to the Central Government about the ground realities along with the report to be submitted by the Public Works, Ports and Inland Water Transport Department and the proceedings of the meeting and request to give up water based work and to release Rs91.50 Lakhs due to be released by the Central Government for the ground based work.

(Action : Directorate of Fisheries, Bangalore and the Secretariat, Animal Husbandry and Fisheries Department.

4. Further instructed to take up the balance of E.T.P and construction of Laboratory in the said ground based work immediately, to commence in the first week of December 2018 and take up trial run and take necessary action to handover to the Fisheries Department.

(Action : Executive Engineer, Ports Division, Karwar and the Joint Director of Fisheries, Fisheries Ports, Malpe)

The meeting was concluded with vote of thanks.

Sd/-

(M.Manjunatha Naik)

Secretary

Animal Husbandry and Fisheries Department

“Certified that this is the True English Translation of “Letter and Proceedings of Meeting Dt19-06-2018” in Kannada”



TRANSLATION VERIFIED AND
ATTESTED BY MB

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Translated Annexure R-14

Proceedings of the Government of Karnataka

Subject : Transferring of Port Land required for the 2nd stage of Development Project of the Fishing Port of the Honnavar of Uttarakannada District, to the Fisheries Department-regarding.

Read : 1) D.O.Letter No.Bandaru/24/2010-11, Dt 30-07-2010 of the Director, Fisheries Department, Bangalore.

2) Letter No.Ban.Vo.Ja.Sa.-44/Bhoomi(2)/2010, Dt 06-10-2010 and 27-11-2010 of the Director, Port and Inland Water Transport Department, Karwar.

Preamble

In the letter read at (1) above the Director, Fisheries Department, Bangalore has requested the Director, Ports and Inland Transport Department to transfer 9-00 Acres of Port Land to the Fisheries Department required for the 2nd stage Development of the Honnavar Fisheries Port.

In the past as per order No.LND/CR-87/93-94 dt 13-5-1981 of the Directorate of Ports and Inland Transport, 16-00 Acres of Port Land has been granted to the Fisheries Department for a period of 99 years from 13-5-1981 on lease on the basis of nominal rent of Rs1/ per year per Acre, subject to the other conditions.

In the letter read at (2) above dt 6-10-2010 the Director, Ports and Inland Water Transport Department has stated that the land presently



sought 9 Acres is adjacent to the land that has been granted to the Fisheries Department, in the past and this land is not required for the port activities and has opined that subject to certain condition as per Sl.No.2 of the Schedule F of the Karnataka Ports(fees) Rules by levying ground rent of Rs4/ per month for every 10 Sq.meter, may be granted.

The said proposal has been examined by the Government in detail and issued order as hereunder:-

Government Order No.Lo.E.280 PSP2010, Bangalore Dt07-02-2011

The 9(Nine) Acres of Port land adjacent to the Fisheries port attached to Kasarkod of Honnavar Port of Uttara Kannada District, is granted on lease basis for a period of 30 (Thirty) years to the Fisheries Department under 2nd stage development project of Honnavar Fisheries Port.

As per Sl.No.2 of Schedule F of the Amended Karnataka Ports(fees)Rules as per Government Order No.Lo.E.115 PSP2001, Dt 25-5-2006 it is stipulated a rent at Rs4(Four Rupees only) per month per 10 (Ten) Sq.Mters and other conditions mentioned in the Annexure to this order.

**By Order and in the name of the
Governor of Karnataka
Sd/-
(S.Thippeswamy)
Under Secretary to the Government
Public Works, Port and Inland
Water Transport Department
(Ports)**



To

- 1) The Accountant General, Karnataka (Accounts)(Audit), Karnataka, Bangalore.
- 2) The Director, Ports and Inland Water Transport Department, Karwar.
- 3) The Director, Fisheries Department, Podium Block, Vishwesharaya Tower, Bangalore.
- 4) The Chief Information Officer, Information Cell, Multistoreyed Building, Bangalore.
- 5) Section Guard File/spare copies.

“Certified that this is the True English Translation of “Government Order” in Kannada”


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**TRANSLATION VERIFIED AND
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