

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONAL BENCH, CHENNAI**

(Under Section 18(1) read with Section 14 and 15 of National Green Tribunal Act,
2010)

Original Application No. 76 of 2022

IN THE MATTER OF:

Damayanti Subray Mesta

...Applicants

VERSUS

Department of Public Works, Ports & Inland Water Transport,
Government of Karnataka & Ors.

...Respondents

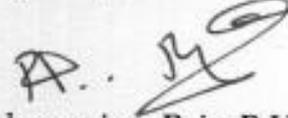
Next date of Hearing: 12/09/2022

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| 2 | Translated Annexure R-20 Translated Copy of the letter No B2/GFL/FC/CR-20/2020-21, Dated: 03.06.2022 from Deputy Conservator of Forest Demand Notice to AEE Port Sub Division Honnavar for making towards tree felling | 3 |
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| | Translated Copy of The letter from Forest Department for payment of tree felling for 0.76 ha by the User Agency Agency | |
| 5 | Proof of Service | |

Dated at Chennai on this the 12th Day of September, 2022.



R. Ramasubramniam Raja, R.Hemavathi,
Arvind A.S, Kannammai M.E
Counsel for 2nd Respondent
ram@ramlawchambers.com
95000 82400

Government of Karnataka

Public Works Port and Inland Water Transport Department

Office of the Assistant Executive Engineer, Port Sub Division,

Honnavar, Uttara Kannada-581334

Email : acepsdh@gmail.com

No. Sa.Ka.Ni.Eng/Ban.Vu.Vi.Ho/2020-2021/10

Dt 17-4-2021

To

The Deputy Conservator of Forest,
Honnavar Division,
Honnavar

Sir,

Subject : Diversion of 0.76 hectare of forest land in F.Sy.No.233 and 237 of Kasarkod village, Honnavar Tq.Uttara Kannada District for Approach road from NH-66 to Kasarkod side of Honnavar Port proposal No.FP/KA/ROAD/41625/2019.

Reference : 1. Your office letter No B2/GFL/FC/CR-20/2020-21

Dt 06-03-2021.

2. Letter No.KFD/HOFF/A52K(GFL)/47/2019-FC

Dt 09-02-2021 (Communication of GOK EDS Query) of the Principal Chief Conservator of Forests(Conservation of Forests) Bangalore.

With reference to the abovesaid subject, for the construction of Honnavar Port in Kasarkod village of Honnavar Taluk of Uttara Kannada

2

District for construction of road from the National Highway-66, a proposal has been submitted to release a Forest land of 0.76 Hectare in Kasarkod village Sy.No.233 and 237. In the said proposal in your office letter at reference(1) have instructed to furnish information about points sought by the Central Government in Letter at reference(2). For the said points a detailed information has been prepared in five sets and submitted for further action.

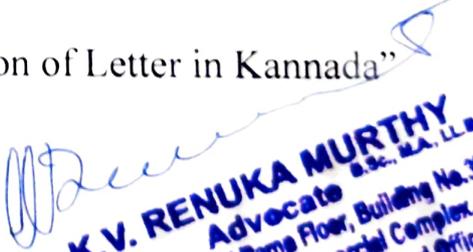
This is submitted to you for kind information.

Yours Sincerely

Sd/-

**Assistant Executive Engineer
Port Sub Division, Honnavar
And Nodal Officer, Honnavar**

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


K.V. RENUKA MURTHY
Advocate B.Sc., M.A., LL.B.
Shop No.19, Ground Ramp Floor, Building No.392,
A.S.V.N.V. Sangha Commercial Complex,
Opp. to State Bank of Mysore Head Office,
Kempagowda Road, Bangalore-560009

Emblem

Office of the Deputy Conservator of Forests, Honnavar Division,

Honnavar-581334

Phone 08387-295236

Email :dcf.honnavar@gmail.com

No.B2 GFL/FC/CR-20/2020-21

Dt 03-06-2022

To

The Assistant Executive Engineer,
Port Sub Division,
Honnavar

Sir,

Subject : Diversion of 0.76 hectare of forest land in F.Sy.No.233 and 237 of Kasarkod village, Honnavar Taluk, Uttara Kannada District for Approach Road from NH66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port Department, Honnavar.

Proposal No.FP/KA/ROAD/41625/2019

- Reference :** 1. Central Government Letter No.F.No.04/KRB/1275/BAN/1298,
Dt 22-01-2022. (Stage 1 Approval)
2. Your Office Letter No.Sa.Ka.Ni.Eng /Ban.Vu.Vi. Ho/ HPPL /
2022 -23/33 Dt 20-05-2022.

For 0.76 Hectare of Forest land for construction of road in F.Sy.No.233 and 237of Kasarkod of Kasarkod village of Honnavar Taluk, Uttara Kannada District the Central Government has given (stage 1)approval in principle. But in a letter at reference(5), you have requested to cut the trees in the said area for commencement of the work. As mentioned in condition of the approval in

principle (Stage-1), if DD from Nationalized Bank for an amount mentioned hereunder is drawn in the designation of the Deputy Conservator of Forest and submitted, further action will be taken.

Condition No.8

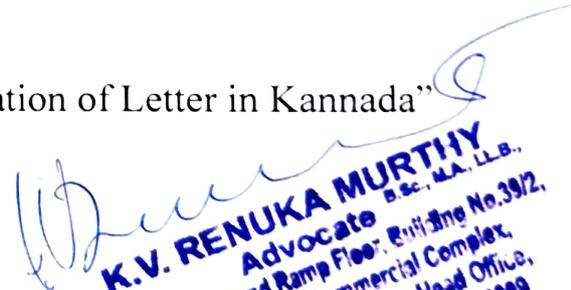
04. Tree felling shall be restricted to the barest minimum possible and under confirmation from the local forest officials.

| Name of the Species | No of Trees | Timber (Cum) | Extraction cost per cum Rs | Amount required to be paid (Rs) | Amount paid already (Rs) | Balance amount required to be paid now(Rs) |
|---------------------|-------------|--------------|----------------------------|---------------------------------|--------------------------|--|
| Casuarina | 522 | 53.725 | 1395.00 | 74946.00 | 0.00 | 74946.00 |
| Acacia | 5 | 0.550 | 1396.00 | 768.00 | 0.00 | 768.00 |
| | | | | | Total | 75714.00 |

Sd/-

**Deputy Conservator of Forests
Honnavar Division, Honnavar**

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K.V. RENUKA MURTHY
Advocate B.Sc., M.A., LL.B.,
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A.S.V.N.V. Sangha Commercial Complex,
Opp. to State Bank of Mysore Head Office,
Kempegowda Road, Bangalore-560009

Government of Karnataka
(Infrastructure Development, Port and
Inland Water Transport Department)

Office of the Assistant Executive
Engineer, Port Sub Division, Honnavar,
Uttara Kannada-581334.
Email aeepsdh@gmail.com

No.Sa.Ka.Ni/In/Bam.Vu.Vi.Ho/HPPL/2022-23/79 Dt 20-07-2022

Sir,

To

The Deputy Conservator of Forests,
Honnavar Division,
Honnavar

Subject : Diversion of 0.76 hectare of forest land in Kasarkod village F.Sy.No.233 & 237 Mankihobali, Honnavar Taluk , Uttara Kannada District (Honnavar Forest Division) for Approach Road from NH-66 to Kasarkod side of Honnavar Port in favour of the Assistant Executive Engineer, Port and Inland Water Transport Department, Port Sub Division, Honnavar -reg.

Reference : 1. Principal Chief Conservator of Forests(Forest Conservation) and Nodal Officer(FCA), Bangalore E-Office File No.KFD /HOFF / AS2K(GFL) /47 /2019-FC Dated 04/05-10-2021.
2. Deputy Conservator of Forest, Honnavar Division, Honnavar letter No.B2/GFL/FC/CR-20/2020-21 Dated 27/10/2021.
3. Assistant Executive Engineer, Port Sub Division& Nodal Officer, Honnavar Letter No.AEE/PSDH/HPPL/2020-21/166 Date 06-11-2021

4. Additional Inspector General of Forests, Bangalore Letter No: FNO-4KRB1275/2021-BAN/1298 Dated 20-01-2022.
5. Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA), Bangalore E-Office file No. KFD/HOFF/A52K(GFL)/47/2019-FC Dated 08-02-2022.
6. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No.AEE/PSDH/HPPL/2021-22/244 Dated 17.02.2022.
7. Deputy Conservator of Forest, Honnavar Division, Honnavar Letter No.B2/GFL/FC/CR-20/2020-21 Dated 16-02-2022 (22.02.2022)
8. Letter No.Ka.Ja.Man/CR-05/Bhoomi-02/2019-20 Dt29-03-2022 of the Director, Port and Inland Water Transport Department, Karwar.
9. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/02 Dt 06-04-2022.
10. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/07 Dt 07-04-2022.
11. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/25 Dt 20-07-2022.
12. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/29 Dt 07-05-2022.
13. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/33 Dt 11-05-2022.
14. Letter No.B2/GFL/FC/CR-20/2020-21, Dt 03-06-2022 of the Deputy Conservator of Forests, Honnavar.

15. This office Letter No.Sa.Ka.Ni/En/Bam.Vu.Vi. Ho.HPPL / 2022-23/43 Dt 06-06-2022.
16. Letter No.Ka.Ja.Man/CR-05/Bhoomi-02/2019-20 Dt 19-07-2022 of the Director, Port and Inland Water Transport Department, Karwar.

With reference to the above subject, the Central Government has accorded stage-1 approval order to give 0.76 Hectare Forest land for construction of road in Kasarkod F.Sy.No.233 and 237 of Kasarkod village, Honnavar Taluk, Uttara Kannada District and have requested to pave way for commencement of work by cutting the trees in the said places. But in your office letter at reference(14), it was informed to draw DD of a Nationalised Bank for Rs75,714-00 amount as mentioned in Stage-1 condition in the Designation of Deputy Conservator of Forests, Honnavar. Accordingly for the said amount DD No.129982 Dt 18-07-2022 has been drawn in the Designation of the Deputy Conservator of Forests, Honnavar and the original DD is enclosed to this letter and submitted requesting for further action. It is requested to issue Acknowledgment for having received the same.

This is submitted for your information and requesting for further suitable action.

Yours Sincerely,
Sd/-
Assistant Executive Engineer,
Port Sub Division, Honnavar

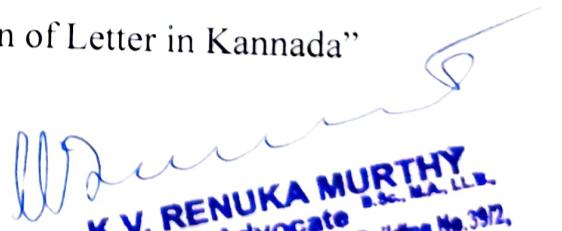
Enclosure : as above

Copy :

1. The Director, Infrastructure Development, Port and Inland Water Transport Department, Karwar-for information.
2. The Port Engineer, Office of the Infrastructure Development, Port and Inland Water Transport Department, Karwar-for information.
3. The Port Officer, Honnavar-for information.
4. Range Forest Officer, Honnavar-for information.
5. The Principal Manager, HPPL, Honnavar-for information and suitable action.

Sd/-
Assistant Executive Engineer,
Port Sub Division, Honnavar

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


K.V. RENUKA MURTHY
Advocate B.Sc., M.A., LL.B.
Shop No.19, Ground Ramp Floor, Building No.39/2,
A.S.V.N.V. Sangha Commercial Complex,
Opp. to State Bank of Mysore Head Office,
Kempeswara Road, Bangalore-560009

Government of Karnataka
(Infrastructure Development, Port and
Inland Water Transport Department)

No.Ka.Ja.Man/CR-05/Bhoomi-2/2019-20
By Registered Post : Acknowledgement
Due

Directorate of Port and
and Inland Water Transport,
Baithakol, Karwar
Date :19-07-2022

To

The Assistant Executive Engineer,
Port Sub Division,
Honnavar

Sir,

Subject : Four laning with paved shoulders of Honnavar Port connectivity road from Km0.00(Kasarkod side of Honnavar Port) to Km2.580(towards NH-66) connecting Honnavar Port with NH-66 at Km 195.986 and to improve NH-66 from Km195.00 to Km 197.00 to integrate port connectivity on EPC mode under Bharatmala Phase-1 Memorandum of Inventory-Appointed date-reg.

Reference : 1. Your Letter No.Sa.Ka.Ni.Eng/Ban.Vu.Vi.Ho/HPPL/2022-23/43
Dt 06-06-2022.
2. This office letter Dt 27-06-2022 of the even number as above.
3.Letter No.HPPL/RD/2022/0030 Dt 28-06-2022 of the
M/s Honnavar Port Pvt.Ltd.
4. This office Account Section Letter No.Ka.Ja.Man-03/ Lekka
patra-1 /2022-23 Dt 18-07-2022.

With reference to the abovesaid subject, to pave way for transportation of materials to the proposed port project of M/s Honnavar Port Pvt. Ltd by them for the work that will be taken up to the port project area from National Highway-66 under the Bharatmala Scheme, for obtaining 2nd and Final approval for 0.76 Hectare land from the Forest Department, as per the request of the Forest Department, regarding Reforestation M/s Honnavar Port Pvt. Ltd has already paid an amount of Rs76,094/- (including DD amount) to the Account of the Karnataka Water Transport Board by DD No.665844 Dt28-06-2022(Copy enclosed).

As the said amount has to be paid to the Forest Department by way of Demand Draft, a DD has been drawn in the Designation of the Deputy Conservator of Forests, Honnavar vide No.129982, Dt 18-07-2022 and the original Demand Draft is enclosed to this letter. Hence you have been instructed to take immediate further action regarding obtaining 2nd stage approval of Forest Land transfer from the Forest Department regarding approach road.

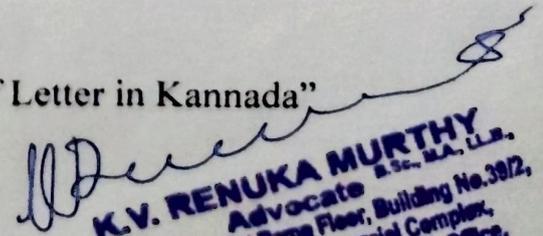
Yours Sincerely
Sd/-
For Director
Infrastructure Development
Port and Inland Water
Transport Department
Karwar

Enclosure as above

Copy:

The Principal Manager, M/s Honnavar Port Pvt. Ltd, Honnavar-For information and further suitable action.

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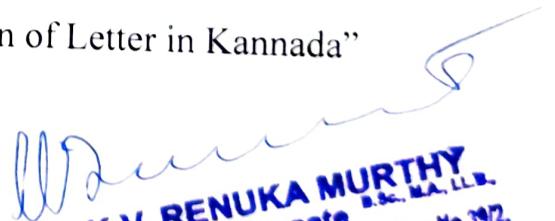
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Government of Karnataka
(Infrastructure Development, Port and
Inland Water Transport Department)

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By Registered Post : Acknowledgement
Due

Directorate of Port and
and Inland Water Transport,
Baithakol, Karwar
Date :19-07-2022

To

The Assistant Executive Engineer,
Port Sub Division,
Honnavar

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Subject : Four laning with paved shoulders of Honnavar Port connectivity road from Km0.00(Kasarkod side of Honnavar Port) to Km2.580(towards NH-66) connecting Honnavar Port with NH-66 at Km 195.986 and to improve NH-66 from Km195.00 to Km 197.00 to integrate port connectivity on EPC mode under Bharatmala Phase-1 Memorandum of Inventory-Appointed date-reg.

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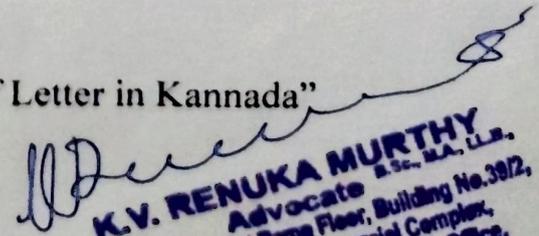
Yours Sincerely
Sd/-
For Director
Infrastructure Development
Port and Inland Water
Transport Department
Karwar

Enclosure as above

Copy:

The Principal Manager, M/s Honnavar Port Pvt. Ltd, Honnavar-For information and further suitable action.

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K.V. RENUKA MURTHY
Advocate B.Sc., B.A., LL.B.
Shop No.18, Ground Ramp Floor, Building No.392,
A.S.V.N.V. Sangha Commercial Complex,
Opp. to State Bank of Mysore Head Office,
Kampegowda Road, Bangalore-560009



Arvind A.S <arvindakaanbu@gmail.com>

Serving Copies : Documents to be filed in OA 76 of 2022 before NGT, Chennai Inbox

2 messages

Arvind A.S <arvindakaanbu@gmail.com> 11 September 2022 at 16:24
To: "vasanthhk72@gmail.com" <vasanthhk72@gmail.com>, "sumathi010672@gmail.com" <sumathi010672@gmail.com>, "darpan.advocate@gmail.com" <darpan.advocate@gmail.com>, idd.prs@gmail.com, pccfkar@gmail.com, ramacharya.63@ka.gov.in, dckarwar@gmail.com, Sreeja Chakraborty <sreejachakraborty@protonmail.com>
Cc: Ramasubramaniam Raja <ram@ramlawchambers.com>

Dear Sir/Madam,

PFA of the Documents to be filed by the 2nd Respondent in the above mentioned matter.

Kindly acknowledge the receipt of the same.

With Regards,
Arvind A.S
Counsel for 2nd Respondent

Arvind A S
7550027796

 **Documents .pdf**
7925K

Ramasubramaniam Raja <ram@ramlawchambers.com> 12 September 2022 at 10:42
To: Sreeja Chakraborty <sreejachakraborty@protonmail.com>, "vasanthhk72@gmail.com" <vasanthhk72@gmail.com>, "sumathi010672@gmail.com" <sumathi010672@gmail.com>, "darpan.advocate@gmail.com" <darpan.advocate@gmail.com>, idd.prs@gmail.com, pccfkar@gmail.com, ramacharya.63@ka.gov.in, dckarwar@gmail.com
Cc: "Arvind A.S" <arvindakaanbu@gmail.com>

Dear Sir/Madam,

Please find attached the translated version of documents of Annexure 12, 20, 21 & 23.

Kindly acknowledge the receipt of the same.

Regards,

Ramasubramaniam Raja
Counsel for R2



DISCLAIMER: This message/e-mail, including the attachments contains confidential and privileged information for the sole use of the intended recipient(s) only, and is protected by law against any unauthorised disclosures. If you are not the intended recipient, please immediately notify the sender and destroy all copies of the original message/e-mail and all the attachments

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[Quoted text hidden]

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