

Before The Hon'ble National Green Tribunal

Southern Zone, Chennai

O.A. No. 71/2017 (SZ)

In the Matter of:

Thomas Rodrigues & Ors

...Applicant(s)

WITH

The Deputy Commissioner,

Revenue Department, Udupi District, Karnataka State & Ors

... Respondent (S)

**Action Taken Report on O.A.No. 71/2017 filed by Thomas
Rodrigues & Ors.**

The Executive Engineer, Public Works, Port & Inland Water Transport, Department, Ports & Fisheries Division, Udupi have submitted application for issue of CRZ clearance for dredging for a length of 160mtr, 120 mtr width in front of Jetty and in the Channel 2960 mtr length, 30 mtr width at Kodi Kanyan Jetty, Udupi District. Due to submission of insufficient documents, the Regional Director has addressed a letter to submit all the relevant documents to process the application. The Executive Engineer has not submitted the document but has already taken up the work without obtaining CRZ clearance. The Assistant Executive Engineer, Minor Irrigation Sub Division, Udupi has taken up the work of formation of road by filling the earth with stone pitching there by destroying the mangroves in these area.

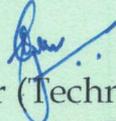
The matter was placed in the DCZMC meeting held on 15.09.2018 and recommended as CRZ violation case to KSCZMA to take necessary action. Accordingly in the meeting held on 03.07.2019 KSCZMA Authority has taken a decision to issue Notices to the violator **(Annexure -1)**. The notice under section 19 of the Environment (Protection) Act, 1986 was issued to the Executive Engineer, Ports & Fisheries Division, Udupi and to the Assistant Executive Engineer, Minor Irrigation, Sub-Division, Udupi vide letter No.FEE/322/CRZ 2018 dtd: 17.08.2019. **(Annexure -II & III)**

The Executive Engineer has submitted his reply on 13.09.2019. The Assistant Executive Engineer has submitted his reply on 04.09.2019. Already a case has been filed before the Hon'ble NGT by Sri Thamus Rodrigues & Ors and it was brought to the notice of KSCZM Authority during the meeting held on 14.02.2020 **(Annexure-IV)**.

Accordingly KSCZMA has directed the Executive Engineer vide letter dated 20.05.2020 to submit a detailed study report along with assessment of environmental damages caused and Financial implications for its rehabilitation and directed to remove the sand deposited on the bank of Kodi Kanyana river and bring it to its original position **(Annexure-V)**.

KSCZMA has also directed the Assistant Executive Engineer vide letter dated 20.05.2020 to submit a detailed study report along with assessment of environmental damages caused due to the degradation of mangroves and Financial implications for its rehabilitation **(Annexure VI)**.

(R. Gokul)


Special Director (Technical Cell), &
Member Secretary, KSCZMA,
Department of Forest, Ecology and
Environment.

Extract of KSCZMA Meeting proceedings held on 03.07.2019.

27.5.1 Encroachment of river by dredging the sand in Kodikanyana river Udupi District in CRZ area by the Executive Engineer, Public Works, Ports and Inland Water Transport Department, Udupi (FEE 322 CRZ 2018).

- The Regional Director, Udupi has reported on 30.11.2018 stating that the Executive Engineer, Ports and Fisheries Division, Udupi has reclaimed the river area by dredging the sand in Kodikanyan river near kodi bridge which fall under eco sensitive area of CRZ - I, CRZ- III and IV, where in this activity is prohibited as per para of 3 (iv) of CRZ Notification, 2011, hence it is a violation.
- The Regional Director has also reported that Assistant Executive Engineer, Minor Irrigation Sub-division, Udupi has taken up the formation of road by filling the earth with stone pitching where in dredged sand is deposited without obtaining the CRZ Clearance.
- The said area is a ecologically sensitive area of CRZ - I, CRZ - III and IV where this activity is prohibited as per para 3 (iv) of CRZ Notification hence it is a CRZ violation.
- This CRZ violation case is placed before the KSCZMA authority. After detailed discussion the authority opined that the Executive Engineer, Ports and Fisheries Division has taken up the dredging of sand near Kodi bridge and deposited the dredged sand on river bank in violation as per para 3 (iv) of CRZ Notification, 2011.

Authority opined that the Assistant Executive Engineer, Minor Irrigation Sub-division, Udupi has also taken up the formation of road by filling the earth with stone pitching which is also a CRZ violation as per para 3 (iv) of CRZ Notification and hence decided as follows :

- 1) To issue a notice to the Executive Engineer, Ports and Fisheries Division, Udupi under section 19 of EP Act 1986 for encroachment of river by dredging the sand in Kodikanyan river.
- 2) To issue a notice to the Assistant Executive Engineer, Minor Irrigation Division, Udupi under section 19 of EP Act 1986 for the formation of road by filling the earth with stone pitching there by destroying the mangroves.

GOVERNMENT OF KARNATAKA

No: FEE 322 CRZ 2018

Karnataka Government Secretariat,
M.S. Building,
Bangalore, Date: 17.08.2019.

From:

Principal Secretary to Government,
(Ecology and Environment)
Forest, Ecology and Environment Department

To:

The Executive Engineer,
PWPIWT Department,
Ports and Fisheries Division,
2nd Floor, Symalini, Ambalapadi,
Udupi - 576103.

Sir,

Sub: Issue of notice under section 19 of E P Act 1986 for encroachment of river by dredging the sand in Kodikanyan river in violation of CRZ notification.**Ref:** 1. Your letter No. Kanie/PFD/Udupi/AE/Hejmadi Kodi/1644/2017-18, dated: 09.01.2018.
2. Proceedings of DCZMC Meeting held on 15.09.2018.
3. Letter No. Pranipa/viva/complaint 12/2017-18/307, dated: 10.10.2018 of Regional Director (Environment), Udupi.
4. Letter No. Pranipa/viva/complaint 12/2017-18/479, dated: 30.11.2018 of Regional Director (Environment), Udupi.
5. Proceedings of KSCZMA 27th Meeting held on 03.07.2019.

With reference to the above, you have submitted application vide ref (1) for issue of CRZ clearance for dredging in front of jetty 160 m x 120m and in the channel 2960m length and 30 m wide at kodi kanyan jetty Udupi District. Due to submission of insufficient documents, the Regional Director addressed a letter asking to submit all the relevant documents. You have not submitted the required documents but have commenced the work without obtaining the CRZ Clearance. This matter was placed before DCZMC meeting held on 15.09.2018, and considering it as a CRZ violation case, committee decided to recommend the issue to KSCZMA for necessary action.

As per the decision of DCZMC, the Regional Director submitted the case to KSCZMA vide ref (3).

Since it is a encroachment of river by dredging the sand and filling near kodi bridge in the area of CRZ - I, CRZ-III & CRZ - IV, which is a prohibited activity as per para 3 (iv) of CRZ notification hence it is a violation.

This issue was placed in the KSCZMA meeting held on 03.07.2019.

After a detailed discussion the authority opined that it is a clear violation as per para 3 (iv) of CRZ notification. Hence decided to issue notice under section 19 of EP Act 1986 for encroachment of river by dredging the sand near kodi bridge.

As per the decision of the authority the notice under section 19 of EP Act 1986 is hereby issued to you for encroachment of river by dredging the sand near kodi bridge. Your reply should be submitted to the Member Secretary, KSCZMA, forest, Ecology and Environment Department, Room No. 711, 7th Flor, 4th Gate, M S Building, Bangalore within 15 days from the date of receipt of this notice.

If failed necessary action will be initiated as per section 19 of EP Act 1986.

Your's faithfully,

Sd/-

Member Secretary

Karnataka State Coastal Zone Management
Authority

Forest, Ecology & Environment Department.

Copy :-

1. District Commissioner / Chairman DCZMC, Udupi.
2. Regional Director (Environment), Forest, Ecology and Environment Department, 1st Dloor, 'C' Block, rajatadri, Manipal, Udupi-576104.

GOVERNMENT OF KARNATAKA

No: FEE 322 CRZ 2018

Karnataka Government Secretariat,
M.S. Building,
Bangalore, Date: 17.08.2019.

From

Principal Secretary to Government,
(Ecology and Environment),
Forest, Ecology and Environment.

To:

The Assistant Executive Engineer,
Minor Irrigation and underground
Water resource development department,
Minor Irrigation sub division,
Shyamili complex, NH-66, Puttur Udupi.

Sir,

Sub: Issue of notice under section 19 of EP Act,1986 for encroachment of river by dredging the sand in Kodi kanyan river in violation of CRZ notification.

Ref: 1. Proceedings of DCZMC meeting held on 15.09.2018
2. Letter No: Pranipa/viva/complaint 12/2017-18/307, date: 10.10.2018 of RD environment Udupi.
3. Letter No: Pranipa/viva/complaint 12/2017-18/479, date: 30.11.2018 of RD environment Udupi.
4. Proceedings of KSCZMA 27th meeting held on 03.07.2019.

With reference to the above the matter of formation of road by filling the earth with stone pitching, there by destroying the mangroves in these area was placed in the DCZMC meeting held on 15.09.2018 and the same was recommended to KSCZMA to take necessary action as it is a CRZ violation case.

As per the decision of DCZMC the RD environment Udupi has submitted this case vide reference (2). The RD has reported vide reference (3), that you have taken up the formation of road by filling the earth with stone pitching, which fall under eco sensitive area of CRZ-I, CRZ-III and CRZ-IV, where this activity is prohibited as per para 3(iv) of CRZ notification, hence it is a CRZ violation.

....2

This matter was placed in the KSCZMA authority meeting held on 03.07.2019. After a detailed discussion, the authority opined that it is a clear violation as per para 3(iv) of CRZ notification. Hence decided to issue notice under section 19 of EP Act, 1986 for formation of road by filling the earth with stone pitching there by destroying the mangroves.

As per the decision of the authority, the notice under section 19 of EP Act is hereby issued to you for formation of road by filling the earth with stone pitching and your reply should be submitted to the member secretary KSCZMA, Forest Ecology and Environment Department, Room No. 711 7th floor 4th gate M.S Building within 15 days from the date of receipt of this notice.

Yours faithfully,

Sd/-

Member Secretary

KSCZMA

Forest, Ecology and Environment Department

Copy:

1. D.C/chairmen DCZMC Udupi.
2. R.D Environment FEE, 1st floor 'C' block, rajatadri manipal, Udupi 576104.

Extract of KSCZMA Meeting proceedings held on 14.02.2020.**29.5.1 Encroachment of river by dredging the sand in Kodikanyan river Udupi district in CRZ area by the Executive Engineer, Public Works, Ports and Inland Water Transport Department, Udupi (F. No. FEE 322 CRZ 2018).**

- The Authority has noted the report submitted by the Regional Director, Udupi 30.11.2018 that the Executive Engineer has reclaimed the river area by dredging the sand in kodikanyan river which fall under ecologically sensitive area of CRZ - I, CRZ - III and CRZ - IV where in this is a prohibited activity as per para 3(iv) of CRZ Notification, 2011.
- The authority has noted the report of the Regional Director (Environment), Udupi, date: 30.11.2018 that the Assistant Executive Engineer has taken up the formation of road by filling the earth with stone pitching where the dredged sand is dumped there by destroying the mangroves in these area.
- The authority noted the report of Regional Director (Environment), Udupi that said area fall under ecologically sensitive area of CRZ - I, CRZ - II and CRZ - IV where in this is a prohibited activity as per para 3 (iv) of CRZ Notification, 2011.
- The matter of CRZ violation by the Executive Engineer, Ports and fisheries division, Udupi and Assistant Executive Engineer, minor Irrigation Sub-division, Udupi was placed before the KSCZMA meeting held on 03.07.2019.
- As per the decision of the authority a notice under section 19 of EP Act has been issued to the Executive Engineer, Ports and Fisheries Division, Udupi and to the Assistant Executive Engineer, Minor Irrigation Sub-division, Udupi.
- The authority noted the reply given by the Executive Engineer on 03.09.2019 as below:
 - 1) This is a centrally sponsored project, and the work of dredging in front of jetty and channel was given on tender basis to M/s. Yojaka India Pvt. Ltd on 14.02.2017 with a time period of 12 months for completion of the project. As per this the contractor has started the work and removed 47155 cum of silt. And as per the request of local fisherman and fisheries co-operative society Kodi, dredged material was dumped in the vacant land instead of dumping in to deep sea. The work was stopped since the Regional Director has objected for dumping of dredged sand Mean while the Irrigation Department has constructed the stone pitching in this area.

- 2) Since the work has been stopped, the local fisherman community has given representation to start work for easy navigation of the fishing boat given the contractor has started the work on 14.02.2019 with the dredger / barge and dredged sand is dumped in to deep sea. Since the work has been started the Regional Director has issued a notice on 16.03.2019 for non obtaining of CRZ clearance then contractor has stopped the work.
- A fresh application is submitted to Regional Director on 28.03.2019 to issue for CRZ clearance for dredging the sand and to dump the dredged sand into deep sea. The Executive Engineer has requested to forgive this issue since this violation is happened without knowing the CRZ norms.
- The Assistant Executive Engineer, Minor Irrigation Sub-division, Udupi has given reply on 04.09.2019 as below :

As there is agricultural land and residential houses are located, to avoid the chances of damages to be happened due to floods, stone pitching work has been taken up in the interest of local public hence requested to drop the violation case.

It was brought to the notice of KSCZMA authority that already a violation case has been filed before Hon'ble NGT, Chennai by Sri. Thomas Rodrigues. After detailed discussion the authority decided as under :

- 1) To issue a notice to the Executive Engineer, Ports and Fisheries Division, Udupi to submit a study report on environmental damages due to deposition of dredged sand on river bank along with the financial implications and also directed to remove the deposited also directed to remove the deposited sand bring to it's original status.
- 2) Directed the Regional Director, Udupi to file a case against the Executive Engineer, Udupi under section 19 of E P Act 1986 for CRZ violation.
- 3) To issue a notice to the Assistant Executive Engineer, Minor Irrigation Sub-division, Udupi to submit a study report on environmental damages. Due to land reclamation along with assessment of environmental damages caused due to degradation of mangrove and financial compensation for it's rehabilitation.
- 4) Directed the Regional Director, Udupi to file a case against the Assistant Executive Engineer, Minor Irrigation Sub-division under section 19 of EP Act 1986 for CRZ violation.

Translated

RPAD

Annexure - V

GOVERNMENT OF KARNATAKA

No: FEE 322 CRZ 2018

Karnataka Government Secretariat,
M.S. Building,
Bangalore, Date: 20.05.2020.

From:

Principal Secretary to Government,
(Ecology and Environment)
Forest, Ecology and Environment Department

To:

The Executive Engineer,
Public Works, Ports and Inland Water Transport Department,
Ports and Fisheries Division,
2nd Floor, Symalini, Ambalapadi,
Udupi - 576103.

Sir,

Sub: Land reclamation by dredging the sand in Kodi Kanyan river
in Udupi District in violation of CRZ notification.

Ref: 1. Regional Director (environment), Udupi letter No.
Pranipa/Viva/complaint 12/2017-18, dated: 30.11.2018.
2. KSCZMA 29th meeting proceedings held on 14.02.2020.

With reference to the above, the authority has noted the report submitted by the Regional Director, Udupi vide ref (1), that you have reclaimed the river area by dredging the sand in Kodi Kanyana river which fall under ecologically sensitive area of CRZ - I, CRZ-III and CRZ - IV, wherein this is a prohibited activity as per para 3 (iv) of CRZ notification, 2011.

This CRZ violation case was placed before the KSCZMA meeting held on 03.07.2019 as per the decision of KSCZMA a notice under section 19 of EP Act 1986 was issued to you. The authority noted your reply given for this notice on 03.09.2019. It was brought to the notice of KSCZMA authority during meeting held on 14.02.2020 that already a violation case has been filed before Hon'ble NGt, Chennai by Sri. Thomas Rodrigues.

As per the decision of the authority it is hereby directed to submit a detailed study report an environment damages due to deposition of dredged sand on river bank along with financial implications and also directed to remove the deposited sand and bring to it's original status.

Your's faithfully,

Sd/-

Special Director (Tech Cell)
(Ecology and Environment)

Forest, Ecology & Environment Department.

Copy :-

District Commissioner / Chairman DCZMC, Udupi.

Translated

RPAD

Annexure - VI

GOVERNMENT OF KARNATAKA

No: FEE 322 CRZ 2018

Karnataka Government Secretariat,
M.S. Building,
Bangalore, Date: 20.05.2020.

From:

Principal Secretary to Government,
(Ecology and Environment)
Forest, Ecology and Environment Department

To:

The Assistant Executive Engineer,
Minor Irrigation and Underground Water Resource Department,
Minor Irrigation Sub-Division,
Shyamili Complex, NH 66,
Puutur, Udupi.

Sir,

Sub: Land reclamation by dredging the sand in Kodi Kanyan river in Udupi District in violation of CRZ notification.

Ref: 1. Regional Director (environment), Udupi letter No. Pranipa/Viva/complaint 12/2017-18, dated: 30.11.2018.
2. KSCZMA 29th meeting proceedings held on 14.02.2020.

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With reference to the above, the authority noted that, you have taken up the formation of by filling the earth with stone pitching where the dredged sand is dumped without obtaining the CRZ Clearance.

This CRZ violation case was placed before the KSCZMA meeting held on 03.07.2019 as per the decision of KSCZMA a notice under section 19 of EP Act 1986 was issued to you. The authority noted your reply given for this notice on 04.09.2019. It was brought to the notice of KSCZMA authority during meeting held on 14.02.2020 that, already a violation case has been filed before Hon'ble NGT(Sz), Chennai by Sri. Thomas Rodrigues.

As per the decision of authority it is hereby directed to submit a detailed study report on environmental damages due to land reclamation along with assessment of environmental damages caused due to degradation of mangroves and financial compensation for it's rehabilitation.

Your's faithfully,

Sd/-

Special Director (Tech Cell)
(Ecology and Environment)

Forest, Ecology & Environment Department.

Copy :-

District Commissioner / Chairman DCZMC, Udupi.