

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI**

APPEAL NO. 74 OF 2025

C. Kandasamy

...Appellant

-Vs-

State Impact Assessment Authority, Puducherry & Anr.

...Respondents

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Dated at Chennai on this the 27th January 2026

Me. Ramaswamy

Ramaswamy Meyyappan,
Government Advocate of Pudhucherry
Counsel for Respondent 1&2

9940188325
MS 1894/2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)
W.P. No.17242 of 2025

C. Kandasamy,
S/o. Chidambaram,
160, Tsunami Nagar,
Karukalachery,
Karaikal-609 604

...Petitioners

Vs

The Executive Engineer,
Irrigation and Public Health Division,
Public Works Department,
Government of Puducherry,
Karaikal 609 602. & 4 Others

...Respondents

**COUNTERAFFIDAVIT FILED BY THE 1ST RESPONDENT ON BEHALF OF
ALL THE RESPONDENTS**

I, J. MAHESH, S/O. V. Jeevarathinam, Hindu, aged about 59 Years, Executive Engineer, Irrigation & Public Health Division, Public Works Department, Karaikal do hereby solemnly affirm and sincerely state as follows: -

2. I respectfully submit that I am the Executive Engineer, Irrigation & Public Health Division, Public Works Department, Karaikal and the 1st respondent herein and in such capacity, I am well acquainted with the facts of the case and swear this affidavit.

3. I respectfully submit that I deny all the allegations and contentions of the petitioner made in the affidavit except those that are specifically admitted hereunder.

4. I submit that the case of the Petitioner is that the respondents called for tenders inviting eligible Contractors for the work of Development of Smart and Integrated Fishing Harbour at Karaikal, Puducherry with Sub Work (A) Infrastructure facilities and opened the same without obtaining the statutory clearances despite their objections. The Petitioner has filed the above Writ petition in the guise of Public Interest Litigation

Page No.1
Corrs.:


**EXECUTIVE ENGINEER - I & P.H.
P.W.D., KARAIKAL**

praying to direct the respondents to cancel the notification inviting tenders for the said work, under an apprehension that if the said project is allowed, dredging would be taken up to greater depth and that the very livelihood of the entire village would be at stake.

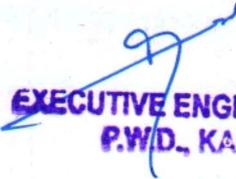
5. I respectfully submit that the Petitioner has filed this W.P. praying the Hon'ble Court to issue appropriate Writs, Orders, directions and more particularly issue a Writ in the nature of MANDAMUS, directing the Respondents 1 to 4 to cancel the e-Tender Notification issued by the 1st Respondent inviting bids for the Development of Smart and Integrated Fishing Harbour at Karaikal, Puducherry with Sub Work (A) Infrastructure facilities, NIT No. 40/I&PH/TN/2024-25 dated 31.03.25 with immediate effect and to pass such other orders or directions as this Hon'ble Court may deem fit and proper in the circumstances of the case, award costs and render justice.

6. I respectfully submit that the existing Fishing Harbour, constructed way back in 2010 is of the capacity to berth only 80 to 90 mechanized boats of length 11 to 15 mts. With the increase both in the number as well as length of the boats, it absolutely became necessary for the respondents to go in for Development of Smart and Integrated Fishing Harbour at Karaikal, which shall have the capacity to accommodate more than 250 boats with all required infrastructure facilities. With a view to making arrangement for the same, as a pre-requisite, Techno-Economic Feasibility Report was sought from CENTRAL INSTITUTE OF COASTAL ENGINEERING FOR FISHERY (CICEF) through Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture & Farmer Welfare, Government of India Krishi Bhawan, New Delhi. In pursuance of the said request, Techno-Economic Feasibility Report was issued by the CENTRAL INSTITUTE OF COASTAL ENGINEERING FOR FISHERY (CICEF) for undertaking the said project. The respondent further submits that in pursuance of the said report, DPR was prepared based on which administrative approval for an amount of Rs.119.94 Crore was granted by the Government of India Department of Animal Husbandry, Dairying and Fisheries, New Delhi under Pradhan Mantri Matsya Sampada

Yojana (PMMSY) Scheme. It is worth mentioning that at National level only three States, namely, Karaikal in the Union territory of Puducherry, Diu-Daman and Gujarat have been selected by Government of India for construction of such Smart and Integrated Fishing Harbour.

7. I submit that the allegation of the petitioner that the respondents had called for and opened the tenders in respect of the above work without first obtaining the statutory clearances despite their objections is basically incorrect and vehemently denied in as much as the Government of India while granting administrative approval had stipulated certain conditions among which one of the conditions is that all technical sanction, design, drawings, scheduling etc. are to be taken care by UT Government with the approval of competent authority as per rule and guidelines and that the statutory and regulatory compliances like environmental clearances, CRZ clearances etc. as per rule shall be obtained by UT Government while executing the project.

8. I submit that the Government of India while granting administrative approval for the said project had stipulated that the Government of Puducherry (UT) shall ensure completion of the project with the period of 18 months, reckoning the said period from 2 months after the date of issue of administrative approval, also ensuring that necessary statutory clearances are obtained within said period of 2 months. The respondent submits that the process of tender starts from calling of tenders, submission of the bid by the contractor, opening of technical bid, opening of financial bid, and approval of tender by the competent authority, all of which would consume considerable time. It is in this view of the matter that tenders were called and date was fixed for duly opening the same, however with a condition that all necessary statutory clearance must be obtained before commencement of work.


EXECUTIVE ENGINEER - I & P.M.
P.W.D., KARAİKAL

9. I submit that with an intention to comply with the requirements of the Government of India, the 4th respondent herein issued G.O.Rt. No.17/Fy dated 30.03.2025 granting administrative approval-cum-Expenditure sanction for payment of consultancy charges towards engagement of consultancy services for obtaining all statutory clearances from respective authorities. Accordingly, M/s. ABC Techno Labs India Private Ltd., Chennai was appointed as consultant for obtaining the said clearances. In consonance with the said administrative approval, work order was issued to the said consultant for commencing the aforesaid work. All these apart, with a view to monitor that the approvals/ clearances are obtained, a Committee has been constituted under the Chairmanship of the 4th respondent herein.

10. I submit that the allegation of the petitioner that the respondents have opened the tenders without first obtaining the statutory clearances is basically incorrect and vehemently denied in as much as the respondents shall before commencing the work, obtain all necessary clearances as per the administrative approval of the Government of India.

11. I submit that the allegation of the petitioner that the respondents had furnished wrong information under the RTI Act that the distance between the petitioner's village and the existing Fishing Harbour is 1.5 km is incorrect and denied in as much as the said information regarding the distance was provided based on measurements taken via road. Also the allegation of the petitioner that there are number of unregistered mechanized fishing vessels operating illegally is incorrect and denied in as much as the same are periodically monitored by the Fisheries Department.

12. I submit that the feasibility report and drawings of the CICEF makes provision for construction and repairing of fishing vessels whereby workshops for the same are situated far off the petitioner's village thus precluding the village from any sort of noise

pollution. The project will be taken up as per the said norms without any deviation and therefore the allegation of the petitioner that the integrated fishing harbour would cause severe noise pollution is prima facie incorrect and vehemently denied.

13. I submit that in so far as the allegation of water pollution is concerned, the feasibility report and drawings of the CICEF makes provision for construction of Sewage Treatment Plant(STP) for treating the waste water generated in the fishing harbour. However, 1 MLD capacity of Effluent Treatment Plant (ETP) which is already available in the existing Harbour, though not in working condition for the present due to non-availability of sufficient effluent, shall be made operational upon commencement of Smart & Integrated Fishing Harbour. Therefore, both STP and ETP shall be made available and be in working condition once the project of Smart & Integrated Fishing Harbour is complete and ultimately the question of water pollution shall not arise as alleged by the petitioner.

14. I submit that also the allegation of the petitioner that if the said project is allowed, dredging would be taken up to greater depth and that the very livelihood of the entire village would be at stake is incorrect and vehemently denied in as much as the said project shall be only in consonance with norms and specifications of CICEF in their Techno-Economic Feasibility Report according to which the standard dredging shall not exceed -3.00m. Therefore, there would not be any intrusion of saline water causing damage to the ground water as alleged by the petitioner herein. However by way of abundant caution the respondents have also addressed the Pondicherry Ground water Authority for issuance of NOC/Clearance for taking up the work. Therefore, viewed at any angle there shall absolutely be no adverse effect from the said proposed project.

15. I submit that the judgement of the Hon'ble Supreme Court in S. Jagannath Vs Union of India and others relied upon by the petitioner herein is totally related only to

Shrimp farming in coastal areas and not to Fishing harbour. However steps have already been initiated for obtaining clearance from the competent authorities concerned.

16. I submit that the entire writ petition revolves around apprehension of the petitioner that the said project will have ill-effects is highly imaginary and devoid of merits and hence on this count itself the writ petition is not maintainable and is liable to be dismissed. I submit that the matter came up for hearing on 12-06-2025 in which this Hon'ble Court was pleased to refuse the ad-interim relief sought by the petitioner while granting two weeks' time to the respondent for filing the counter. There is a delay in filing the counter as we had to coordinate and collect information from the fisheries department and the consultant to file a common counter which has taken an additional week in addition to the time granted by this Hon'ble court. The delay is neither wilful nor wanton and only for the reasons stated above.

17. I submit that on the allegation of non-monitoring of ice plants, no ice plant is maintained by Government in the existing Fishing Harbour. However only Chill plant is available in the existing harbour which is not in operation. There may however be number of ice plants outside the existing fishing harbour belonging to private agencies which are not within the ambit of Fisheries Department. Therefore the contention and allegation of the petitioner that the said ice plants are not being monitored by the Fisheries Department is itself incorrect and vehemently denied.

18. I submit that the allegation of the petitioner that no public hearing was convened and that without such a meeting the respondents proceeded with opening of tenders is factually incorrect in as much as hearing was afforded to the village Panchayatars duly apprising them of the project in detail. As per the Schedule in the Notification issued by the Ministry of Environment, Forest and Climate Change in SO 3194E dt.14.07.2022, obtaining prior Environmental clearance and convening public hearing is required only if

the harbour has 30,000 MT fish handling capacity. As a matter of fact, the proposed integrated fishing harbour is a having lesser capacity of 29,637 MT, hence a public hearing is not mandatory. However, with a view to comply with the principles of natural justice and in public interest, opportunity of hearing was given to the Panchayatars including the petitioner on 21.04.2025 & 03.07.2025. Therefore the action of the Respondents in opening the tenders is legal.

19. I respectfully submit that I seek the leave of this Hon'ble Court to file additional counter affidavit, if necessary, in the interest of justice.

20. I therefore submit that all the contentions and allegations of the Petitioner in the Writ Petition are devoid of any merit and the Writ Petition is not maintainable either in law or on facts and hence is liable to be dismissed with exemplary costs.

In view of the above submissions, I respectfully pray that this Hon'ble Court may be pleased to dismiss the Writ Petition with costs and thus render justice.

Solemnly affirmed at Puducherry

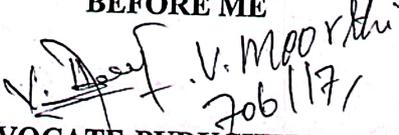
on this the of July, 2025

and signed his name in my presence


EXECUTIVE ENGINEER - I & P.M.
P.W.D., KARAİKAL

1st RESPONDENT

BEFORE ME


ADVOCATE-PUDUCHERRY

160, Thambu Chetty Str,
Madras. 1

**IN THE HIGH COURT OF
JUDICATURE AT MADRAS**

W.P. NO. 17242 OF 2025

COUNTER AFFIDAVIT

**GOVERNMENT PLEADER
FOR PUDUCHERRY**

**COUNSEL FOR
RESPONDENTS**

PH: 988 434 0055

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

W.P. No.17242 of 2025

C. Kandasamy,
S/o. Chidambaram,
160, Tsunami Nagar,
Karukalachery,
Karaikal-609 604

...Petitioner

Vs

1. The Executive Engineer,
Irrigation and Public Health Division,
Public Works Department,
Government of Puducherry,
Karaikal 609 602
2. The Chief Engineer,
Public Works Department,
Government of Puducherry,
Karaikal 609 602.
3. The Secretary,
Public Works Department,
Government of Puducherry,
Puducherry 605 001.
4. The Secretary,
Department of Fisheries,
Government of Puducherry,
Puducherry 605 001.
5. The District Collector,
Karaikal-609 601.

...Respondents

EXECUTIVE ENGINEER
IRRIGATION AND PUBLIC HEALTH DIVISION
PWD, KARAIKAL

EXECUTIVE ENGINEER
IRRIGATION AND PUBLIC HEALTH DIVISION
PWD, KARAIKAL

REPLY OF 1st RESPONDENT ON BEHALF OF
ALL THE RESPONDENTS FOR THE REJOINER AFFIDAVIT

I, J. MAHESH, S/O. V. Jeevarathinam, Hindu, aged about 59 Years, Executive Engineer, Irrigation & Public Health Division, Public Works Department, Karaikal, temporarily came down to Chennai, do hereby solemnly affirm and sincerely state as follows: -

2. I respectfully submit that I am the Executive Engineer, Irrigation & Public Health Division, Public Works Department, Karaikal and the 1st respondent herein and in such capacity, I am well acquainted with the facts of the case and swear this affidavit. The counter affidavit filed earlier may be treated as a part and parcel of this affidavit.

3. At the outset, I deny all the allegations in the Rejoinder and most respectfully submit that the apprehension of the Petitioner is misplaced and unnecessary. As a welfare state, the Union Territory of Puducherry is implementing a Central Government Project which will benefit all the fishermen from various villages in Karaikal. The Petitioner has projected a picture that the extended smart harbor is not required for their village and the entire concern has been only on his village. The present project is for the benefit of all the registered fishermen in Karaikal and also to facilitate registered boats from other states on payment of specific charges. That part, by a communication dated 29.07.2025, the successful bidder was intimated of his successful selection and asked to furnish bank guarantee. After verification of the guarantee, a work order will be

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issued a agreement has to be entered into and all NOC's will be obtained before the commencement of work.

4. I most respectfully submit that in the counter affidavit filed on 14.07.2025, it was undertaken that all the necessary sanctions / NOC's will be obtained before commencement of work. After the applications seeking NOC was submitted, inspection has been conductual by various departments and the appropriate communication is awaited. Similarly, the Sewage Treatment Plant will be installed before the completion of the project. The Sewage Treatment Plant will come into use only after the project is completed. It requires a specialist contractor and appropriate steps are being taken to float the tender as per the fund allocated and mentioned in the project report. The construction of the Sewage Treatment Plant will be done simultaneously and cannot be a precondition as the machinery will rust if it is not put to use after installation. In view of the importance of the project, the Hon'ble Prime Minister is set to lay the foundation stone on 17.09.2025. As started earlier, the work will commence only after other formalities like verification of documents, issuance of work order and signing of the agreement, obtaining NOC's that are necessary and after installation of the Sewage Treatment Plant. There is no necessity to obtain all NOC's even before tender is floated. As per the administrative approval, NOC's are to be obtained before commence of work.

5. The petitioner has in the present writ petition and in the rejoinder made allegations against persons who have set up ice plants. The ice plants are not located in the harbor and is not related to the tender or construction of new fishing harbor. Neither the owners of the ice plants nor the local bodies or the Pondicherry Pollution Control Board are arrayed as a party, as it is they who grant

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necessary licenses/NOC's. The PWD or the Fisheries department has nothing to do with ice plants located outside the harbor.

6. I submit that presently there is one Effluent Treatment Plant (ETP) of capacity of 1 MLT at existing Fishing Harbour, Karaikal, which was installed in 2018 and it was operational till 2021. Due to its continuous running the machineries got struck and needed repair, since then it is dysfunctional which now under process of repairing and rectification which will be done within 2 months. Now in the proposed "Smart and Integrated Fishing Harbour at Karaikal" a Sewage Treatment Plant (STP) is proposed for sewage processing and also for soiled waste recycling facilities to ensure the solid waste management, under the Blue Green Infrastructure. Hence the Writ petition is premature and unwarranted. The petitioner apparently ought to understand that actions are taken in the interest and welfare of the entire community.

7. I submit that initially for the proposed Smart and Integrated Fishing Harbour at Karaikal, a Techno-Economic Feasibility Report has been obtained from the Central Institute of Coastal Engineering for Fishery, Bangalore. Based on the report, Public Works Department, Karaikal has prepared the Detailed Project Report (DPR) and submitted the same to the Ministry of Fisheries, Animal Husbandry and Dairying, Government of India, New Delhi for obtaining approval. After detailed scrutiny and studies, the Government of India has issued the Administrative Approval, vide GO No.j-24001/44/2024-Fy (E-24793), dt.04-09-2024, for an amount of Rs.119.94 crore. It is also mentioned in the Administrative Approval vide, para 4. v, **that the statutory and regulatory compliances like environmental clearances, CRZ clearances, etc., as per rule**

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be obtained by the UT Government while executing the project. Accordingly, the Department has initiated necessary steps to get the said statutory clearances. Thus, there is no restriction to call for the Tender and Opening of the same for the said project. However, the work would be commenced after obtaining of the said statutory clearances, as per Government of India norms. It is most respectfully submitted that there is a difference between commencement of the project and commencement of operation. For instance, the operations cannot commence without pollution clearance. Initially only consent to establish is given. Then after installation, consent to operate is given.

8. I submit that the contention of the petitioner is misplaced, as there is no relevancy between the statutory clearances and calling of tender as the work will not commence without obtaining clearances as it is clearly mentioned in the Administrative Approval vide para 4, v, that the statutory and regulatory compliances like environmental clearances, CRZ clearances, etc., as per rule be obtained by the UT Government **while executing the project.** This is because some clearances are issued for a particular period and it is only justifiable that such clearances are obtained before the operations commence.

9. I submit that all the Mechanized Fishing Boats which are operated from the existing Fishing Harbour, Karaikal are to be registered in national level portal "Real Craft". In Karaikal, all the Mechanised Fishing Boats are registered in national portal. As on date 264 nos. of mechanized fishing Boats are registered and 6 more nos., are to be registered. On receipt of valid documents from the said boat owners the registration will be made in the national portal. However on emergency situations/adverse weather conditions, any Mechanised Fishing Boats

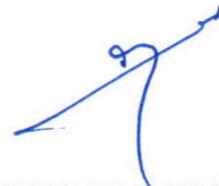
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PWD, KARAIKAL

belonging to other states can be berthed in the nearby Fishing Harbours to avoid the emergency situations/adverse weather conditions by collecting appropriate berth charges.

10. I submit that though the piped municipal water will be used during the project and bore well is not required for the present. However, considering the possible future requirements, the NOC was also sought from the Ground Water Authority, Puducherry. Therefore, the NOC of ground water authority cannot be treated as a pre condition.

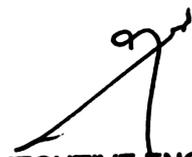
11. I most respectfully reiterate that one Chill Plant building is available without machineries at existing Fishing Harbour, Karaikal. There are many Ice Plants running outside the Fishing Harbour, Karaikal and only the local bodies issue license after NOC from other departments, the fisheries department has no say in that. Therefore, the allegation of the petitioner is unsustainable. Upon request of the Fisheries Department, Karaikal, the Puducherry Pollution Control Committee, Puducherry has forwarded the copies of the NOC/Consent of the said nine numbers of ice plants, which all are mentioned by the petitioner. The Fisheries Department is a member in the PCZMA. If the petitioner is aggrieved, the petitioner has to challenge that, licenses before the National Green Tribunal. In fact, the present Writ petition herein is not maintainable as there is an efficacious alternative remedy.



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IRRIGATION AND PUBLIC HEALTH DIVISION
PWD, KARAICAL**

12. I submit that the Office of the Dy. Director of Fisheries, Karaikal has arranged two meetings with the Karukalacherry Fishing village panchayatars on 21-04-2025 and 03-07-2025 to explain about the proposed project of Smart and Integrated Fishing Harbour at Karaikal. Further, the Deputy Director of Fisheries, Karaikal has also met the fishing village panchayatars of the Karukalacherry on 12-07-2025, in the village panchayatars office to brief about the project. Necessary photographic evidences are enclosed. The contention of the petitioner that no meeting was conducted with the village panchayat is false. Further, it is not mandatory for conducting the public hearing as the project is under 30000 MT fish handling capacity. Further, it is settled law that public interest litigations must not be based on news paper reports. The fact that there are newspaper reports with a fraction of public protesting, when large members of fishermen have welcomed the project, will neither take away the necessity or importance of the public project.

13. I submit that the proposed project does not fall within CRZ-III No Development Zone or CRZ-IA ecologically sensitive area, as stated. As per the CRZ map demarcation prepared by the Institute of Remote Sensing (IRS), Anna University — an agency approved by the MoEF & CC for CRZ mapping - the project area falls under CRZ-IB, CRZ-II, and CRZ-IVB categories. The proposed activities in these categories are permissible in accordance with the Coastal Regulation Zone Notification, 2011. Accordingly, all project components are within the applicable regulatory framework and designated permissible development zones.

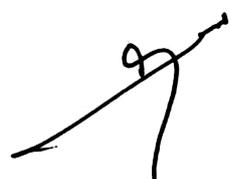

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14. The proposed development of the Smart and Integrated Fishing Harbour has been planned with an environmentally sustainable approach, ensuring that all effluents generated will be fully treated, recycled, and reused within the project premises. The berthing facilities are designed in such a manner that they will not adversely affect the nearby settlements and are located in permissible zones. As per the CRZ map and report prepared by the Institute of Remote Sensing (IRS), Anna University — an MoEF & CC-approved agency - the entire project premises do not fall within CRZ-IA. The project area lies within permissible categories under the Coastal Regulation Zone Notification, 2011, and is being developed in full compliance with applicable regulations. The Petitioner has conveniently failed to mention that the old proposal was modified and shifted to new place falling outside CRZ-1A, which is evident in page 218 of Typed set of papers.

15. I most respectfully submit that there are 10 marine fishing villages in Karaikal wherein this department implements the all the welfare schemes to all the 10 fishing villages without any disparity. Fishing Harbour at Karaikal acts as a source of livelihood for the fishermen of the Karaikal wherein all the fishermen and fisherwomen get benefitted. In addition, the non-fishermen also get benefitted from fisheries related activities from the Fishing Harbour, Karaikal. The proposed fishing Harbour is a mile stone in the Karaikal District for the fishermen of the Karaikal District. Further, the suitable place for the construction of any fishing harbor is river mouth, so as to provide the navigational channel to the mechanized fishing boats. Geographically, in Karaikal, the confluence point of river arasalar and mullaiyar to the sea is the ideal place for the construction of the fishing harbor.

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16. I submit that with regard to the clearances, the proposed Smart and Integrated Fishing Harbour at Karaikal preparation of the CRZ map was entrusted to IRS, Anna University, Chennai. The IRS staff visited the proposed project site during July 2024 and collected satellite image and is under the preparation of the approved CRZ map. The final map is expected to be submitted during the third week of this month to this office. Similarly, all other approvals will be obtained before commencement of work.

17. I most respectfully submit that in so far as the distance between the residential area and the proposed berth areas, the residential area is located at a distance of about 1500 meters from the gate of the harbor, 1350 meters from the new berth for small boats located to the south of Arasalar river and 300 meters from the new berth proposed on the North western side of the Mullaiyar river. There is bridge to cross over from the existing harbor area as the river separates the residential area from the landscape. The boats have to enter through the mouth and travel down to the proposed berth at the North western side of Mullaiyar river and there cannot be any disturbance to the residents or school.

18. I most respectfully submit that the scope of interference in Public infrastructure projects is limited. The action of the authorities is rational with sound reasons and does not suffer from any malice or illegality. I most respectfully that the applicable rules are followed. The petitioner has not raised any grounds against the process of inviting tender or award but rather wants the project to be modified to suit his terms, which ought not to be permitted. The project and its location was approved by an expert committee, which found it to



**EXECUTIVE ENGINEER
IRRIGATION AND PUBLIC HEALTH DIVISION
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be feasible and necessary. The procedures to obtain approval are being followed. The author of the tender is the best person to understand the requirements. The apprehension of the petitioner is unsustainable and unnecessary. Hence, considering the larger public interest, the writ petition is liable to be dismissed.

For the above said reasons, it is prayed that this Hon'ble Court may be pleased to dismiss the writ petition and thus render justice.

Solemnly affirmed at Chennai
on this the 14th of August, 2025
and signed his name in my presence


EXECUTIVE ENGINEER
IRRIGATION AND PUBLIC HEALTH DIVISION
P.W.D., KARAIKAL

B. A. A. A. A.
4473/2024
Thanku periyar megaraj
Padmanabhi Komen's M
Brammami Chennai

ADVOCATE, CHENNAI

IN THE HIGH COURT OF JUDICATURE AT
MADRAS

(SPECIAL ORIGINAL JURISDICTION)

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-Vs-

The Executive Engineer,
Irrigation and Public Health Division,
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Government of Puducherry,
Karaikal 609 602. & 4 Others ... Respondents

REPLY AFFIDAVIT
COUNTER

Received copy.

By
Jemathi
14/8/2025

Counsel for petitioner.

THE GOVERNMENT PLEADER FOR
GOVERNMENT OF PUDUCHERRY
COUNSEL FOR RESPONDENTS



PCZMA Recommendation



No. 292025/DST&EP/PCZMA/CRZ/CLR/SCI/2025/362
 GOVERNMENT OF PUDUCHERRY
 DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT
 PUDUCHERRY COASTAL ZONE MANAGEMENT AUTHORITY
 3rd Floor, PHB Building, Anna Nagar, Puducherry – 605 005.
 Telephone: (0413) 2201256 ; Telefax: (0413) 2203494

Paducherry, the 10 SEP 21

To
 The Member Secretary
 State Environment Impact Assessment Authority
 Puducherry.

Madam,

Sub: PCZMA – CRZ Clearance for proposed Development of Smart and Integrated Fishing Harbour at R.S. No. 199, T.S. No. 15, Ward – I, Block No. 7, Karukalacherry, Odathurai Revenue Village, Karaikal Municipality, Karaikal by the Department of Fisheries and Fishermen Welfare, Government of Puducherry – Reg.

Ref: 1. Parivesh 2.0 Proposal IA/PY/CRZ/549607/2025 dated 28.08.2025.
 2. Project proponent Letter dated 03.09.2025.
 3. Minutes of the 54th Meeting of PCZMA held on 03.09.2025.

With reference to the above mentioned subject, it is informed that the above said proposal was placed in the 54th meeting of the Puducherry Coastal Zone Management Authority (PCZMA) held on 03.09.2025.

The Authority heard the proposal and noted the following:

- (i) The proposed site falls under CRZ-IB, CRZ-II and IV-B as per the existing Coastal Zone Management Plan (CZMP) prepared under Coastal Regulation Zone (CRZ) Notification, 2011.
- (ii) The proposal involves (1) The upgraded facility to accommodate 457 fishing vessels, including 209 FRP motorized crafts, 248 trawlers of varying sizes, and 5 tuna boats (2) Fish handling 29,647 TPA (3) Auction Halls (4) Tuna grading and packing facilities (5) Net mending and Drying areas (6) Ice plant (75T/day) (7) Fish processing units (8) Fuel storage (9) Maintenance dredging 2.32 Lakh Cu.m., (10) Repairing quay (11) Boat repair sheds (12) Fishermen amenities (13) Effluent Treatment Plant (14) Sewage Treatment Plant (15) RC diaphragm wall (16) Communication facilities (17) Roads, Water, Electricity, Drainage, and Sanitation (18) Sea water OHT (19) Fresh Water OHT (20) Gear Head (21) Boat parking (22) Fishermen rest shed (23) Compound wall (24) Radio Communication Centre.
- (iii) The overall total water requirement is expected to be 141 KLD (101 KLD fresh water from local authority and 40 KLD from other sources including sea water). During the operation phase the total water requirement for washing is estimated as 107.2 KLD (Consisting of 25 KLD of fresh water and 82.2 KLD of seawater).

- (iv) Structures (Ice Plant, Fish Processing plant, STP/ETP) proposed in the CRZ I-B as per CRZ Map 1: 4000 scale shall be planned/shifted in the Non-CRZ area for which commitment was given by the project proponent during the meeting.

The Authority after due deliberation recommended the proposal to the State Environment Impact Assessment Authority (SEIAA), subject to the conditions as stipulated by PCZMA.

1. The fish handling capacity of the fishing harbour as per DPR is 29,647 TPA. The project proponent shall obtain the requisite Environmental Clearance in accordance with the provisions of the EIA Notification, 2006, if the capacity exceeds 30,000 TPA.
2. The maintenance dredging of 2.32 lakh m³ carried out in the Mullaiyar and Arasalar Rivers shall be utilized for harbour reclamation (Approx. 1,70,300 m³) and the remaining dredged sand shall be used for beach nourishment / replenishment of the coast. Necessary environmental safeguards as proposed in the National Framework of Sediment Management published by the Ministry of Jal Shakti, and in compliance with the O.M dated 12.07.2023 notified by the MoEP&CC shall be complied with.
3. Dredging shall not be carried out during the fish breeding and turtle nesting seasons.
4. Sensors for real-time water quality monitoring shall be installed in the water body to assess the pollutants and the same shall be connected to PPCC server.
5. The project proponent shall ensure that there shall be no adverse impact on the coastal ecosystem and marine organisms including mangroves. Wherever, mangrove area is likely to be affected minimum 3 times of the area affected shall be taken up for compensatory afforestation after obtaining necessary clearance from the Department of Forest and Wildlife.
6. The Building Plan parameters shall be in conformity with the existing local Town and Country Planning Regulations as modified from time to time, with the existing floor space index or floor area ratio as per 1991 level. The proponent shall obtain necessary Environmental Clearance from the competent authority if there is any increase in the built-up area over and above 20,000 sq.m.
7. The project proponent shall obtain necessary clearance from PCZMA before carrying out any alteration / modification in the project other than those for which CRZ clearance has been obtained.
8. The project proponent shall not construct any tube well for extraction of water in the CRZ area. Extraction of groundwater in the CRZ area is a prohibited activity under CRZ Notification, 2011.

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI**

APPEAL NO. 74 OF 2025

C. Kandasamy

...Appellant

-Vs-

State Impact Assessment Authority,

Puducherry & Anr.

...Respondents

VOLUME – II

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