

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT
CHENNAI**

Appeal No. 74 of 2025

C. Kandasamy

...Appellant

-Vs-

State Impact Assessment Authority, Puducherry & Anr.

...Respondents

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//Certified to be True Copies of the respective originals//

Dated this the 29th day of December, 2025



Through
A.Yogeshwaran
Counsel for the Appellant

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT
CHENNAI**

Appeal No. 74 of 2025

C. Kandasamy

...Appellant

-Vs-

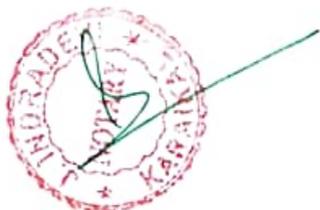
State Impact Assessment Authority, Puducherry & Anr.

...Respondents

AFFIDAVIT FILED BY THE APPLICANT

I, C. Kandasamy, S/o Chidabaram, residing at 160, Tsunami Nagar, Karukalacherry, Karaikal- 609604, do solemnly affirm and sincerely state as follows:

1. I am the Applicant and am aware of the facts and circumstances of the case, and am competent to affirm this affidavit. I am filing the present affidavit to bring into record certain additional information that are necessary for the fair adjudication of the case.
2. I submit that the no information regarding the clearance and necessary permissions relating to the proposed expansion of harbour was communicated or made publicly available. I filed a request under the RTI Act on 15.09.2025 seeking information pertaining to the clearance. A copy of clearance was communicated vide a reply dated 13.10.2025.
3. Since the clearance was not available in public domain, I sent application under RTI Act requesting information on the manner in which the clearance was communicated as required by law, namely publishing it in newspaper, communicating to local bodies and authorities. etc.
4. I received reply dated 26.11.2025 from the District Collectorate stating "no such letter/proceedings available in the Collectorate, Karaikal" for the request of a copy of letter/proceedings from the 2nd Respondent to the Office communicating about the clearance.



C. Kandasamy
X

5. The Taluk Office vide reply dated 24.11.2025 stated that they have received a copy of the clearance from the 2nd Respondent on 15.11.2025 and the same has been put on the notice board on 20.11.2025.
6. The 1st Respondent, PCZMA, vide reply dated 02.12.2025 stated that the requested information (i.e., copy of press release, newspaper advertisement about the clearance) is not available at their office.
7. Therefore, it is evident that the 2nd Respondent has not sent a copy of clearance to the local authorities until 15.11.2025 and has not made it publicly available. The replies of the authorities have been annexed as **Annexure A-11**.
8. It is reiterated that the status of the project on the Parivesh portal remains as "Accepted and referred to SCZMA".
9. During a recent search of the website of the project proponent, it was seen that the clearance was uploaded with the date of upload mentioned as "14.11.2025". Screenshot of the website is annexed as **Annexure A-12**.
10. The General Conditions of CRZ clearance mandate:
 1. The Project Proponent shall make public the CRZ clearance granted for their project by prominently advertising it in at least two-local newspapers of the District, of which one shall be in the vernacular language within seven days and in addition this shall also be displayed in the project proponent's website permanently. The press releases shall mention that the copy of the clearance letter is available in the website of the Project Proponent and PCZMA. The copy of the press release should be forwarded to the PCZMA.
 2. The Project Proponent shall submit a copy of CRZ Clearance to the District Collector's Office, Tehsildar's Office, Office of the concerned Commune Panchayat / Municipality, PCZMA and other relevant offices of the Government, who in turn shall display it at the office for 30



C. Kanakdurga

days. Copy of the CRZ Clearance shall also be submitted to the Regional office of MoEF&CC."

- 11. It is thus evident that the 2nd Respondent has failed to communicate the clearance as required by law.
- 12. I submit that I, the Appellant herein, had in the month of April, 2025 filed a writ petition numbered as W.P. No. 17242/2025 before the Hon'ble High Court, Madras challenging the tender notified by the Respondent for the construction of the subject harbour inter alia on the grounds that necessary permissions were not obtained and relevant aspects were not considered. The Hon'ble Court was pleased to issue notice and the matter remains pending. The impugned CRZ clearance was issued subsequently on 16.09.2025 and an appeal as mandated under Section 16(h) of the NGT Act has been filed before this Hon'ble Tribunal. It is reiterated that the Writ Petition pertains to the notification dated 21.03.2025 issued by the Respondent inviting tenders and it is not connected to the present appeal which impugns the clearance issued under CRZ Notification, 2011. A copy of the writ petition, the affidavit, counters filed by the Respondent, rejoinder and orders of the Hon'ble Court are collectively annexed as **Annexure A13**.

It is humbly prayed that this Hon'ble Tribunal may be pleased to take this affidavit on record and pass such orders as it deems fit, proper and necessary in the interest of the case, and thus render justice.

C. Ramesh X

Solemnly affirmed before me at]
 Karaikal on this 29th day of December, 2025]
 And signed his name in my presence]

BEFORE ME



J. Indradevi
 MS1632/2004
J. INDRADEVI, B.Sc., B.L.
 Advocate & Notary (Govt. of India) X
 No.15, Nehru Street, Karaikal - 609 602



**GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF REVENUE & DISASTER MANAGEMENT
TALUK OFFICE, KARAİKAL**

FORM-3

No.5184/TOK/A3/RTI/2024-25

Karaikal, dt.24/11/2025

To
Thiru. V. Nagendra Mani,
54, Tsunami Nagar,
Karukkalcherry,
Karaikal.

Please refer to your application dated 30/10/2023 for seeking information under RTI Act., 2005.

2. The following information is furnished as sought for:

Sl.No.	Information furnished
01.	The Vide Letter No.30/Fish/KKI/PO/Infra/2025-26/600 dt.14/11/2025 (along with copy of CRZ Clearance issued by the Department of Science, Technology and Environment and State Level Environmental impact Assesment Authority) addressed to the Collector, Karaikal and copy of the CRZ Clearance in the Taluk Office, Notice Board, has been received from the Director, Department of Fisheries and Fisherman Welfare, Puducherry on 15/11/2025. The applicant may approach in office hours on working days to collect the required information by paying per page Rs.2.00 (2x8=16) under Right to Inforamtion (Regulation of fee and cost) Rules,2005.
02.	The applicant may approach in office hours on working days to collect the required information by paying per page Rs.2.00 (2x8=16) under Right to Inforamtion (Regulation of fee and cost) Rules,2005.
03.	Copy of the CRZ clearance has been displayed in the notice board of the office of the Revenue Inspector, Neravy Firka on 20/11/2025.

If not satisfied with the reply, an appeal may be filed to the First Appellate Authority within 30 days of receipt of this reply.

(R.SELLAMUTHU)
PUBLIC INFORMATION OFFICER-CUM-
TAHSILDAR,
TALUK OFFICE
KARAİKAL

Name and address of the First Appellate Authority
The District Collector,
Karaikal.

GOVERNMENT OF PUDUCHERRY
COLLECTORATE, KARAİKAL

No.DCK/RTI/B6/1118-1119/2025/R

Dated: 26.11.2025

To

Thiru. V. Nagendra Mani,
No. 54, Tsunami Nagar,
Karukkalachery,
Karaikal.

Sir,

Sub : Application for getting Information under Right to Information Act, 2005 - Reply furnished - Reg.

- Ref : 1. Your RTI Application vide receipt number 8093 dated 29.10.2025 received by this office on 30.10.2025.
-
2. Your RTI Application vide receipt number 8094 dated 29.10.2025 received by this office on 30.10.2025.

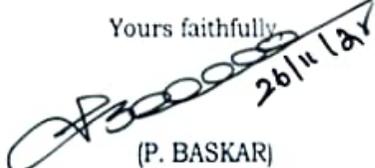
The information sought for in the RTI applications received vide ref (1) & (2) are same content and are seeking copies of the letter quoted by you. The details of furnishing the documents are stated below.

Sl. No.	Question	Information given
1	Copy of letter/proceedings from the Director, Department of fisheries and fisherman welfare, Puducherry addressed to the office of the District Collector, submitting a copy of the CRZ Clearance for the proposed Development of Smart and Integrated Fishing Harbour at R.S.No. 199, T.S. No.15, ward-L, Block No. 7, Karukalachery, Oduthurai Revenue Village, Karaikal Municipality, Karaikal.	No such letter/proceedings available in the Collectorate, Karaikal.
2	Copy of CRZ Clearance issued by the Department of Science, Technology and Environment and State Level Environmental Impact Assessment Authority to the Director, Department of Fisheries and Fisherman Welfare, Puducherry for the proposed Development of Smart and Integrated Fishing Harbour at R.S. No. 199, T.S. No. 15, ward-L, Block No. 7, Karukalachery, Oduthurai Revenue Village, Karaikal Municipality, Karaikal	The copy sought in the RTI application cost around Rs. 8/- (Rupees Eight only) at Rs. 2/page of 4 pages.
3	The location, details and evidence/proof of the notice board in the office of the District Collector/Collectorate where the CRZ Clearance has been displayed.	No separate notice board in the Collectorate, Karaikal for displaying CRZ clearance. All notifications are displayed in the common notice board in front of the Collectorate, Karaikal.

If not satisfied with the information furnished, as per Section 19 of RTI Act, 2005, you may file an appeal to the First Appellate Authority **within 30 days** of the issue of this order whose particulars are given below:

First Appellate Authority:
Thiru. A.S.P.S. Ravi Prakash, I.A.S
DISTRICT COLLECTOR,
KARAİKAL

Yours faithfully


(P. BASKAR)
PUBLIC INFORMATION OFFICER-CUM
SECRETARY TO COLLECTOR
KARAİKAL

FORM - 3
FORM OF SUPPLY OF INFORMATION TO THE APPLICANT UNDER THE
RIGHT TO INFORMATION ACT, 2005

No. 238147 & 238149 /PCZMA/RTI/SCI/2025/ 472

Date: 2 DEC 2025

From

The Public Information Officer
Puducherry Coastal Zone Management Authority
3rd Floor, PHB Building, Anna Nagar
Puducherry - 605 005.

To

Thiru. V. Nagendra Mani
No. 54, Tsunami Nagar
Karukalacherry
Karaikal - 609 602.

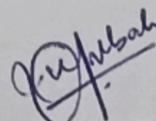
Sir,

Please refer to your RTI application I.D. No. 238147 and 238149 dated 03.11.2025 regarding supply of information as called for in Annexure. The information asked for is enclosed as Annexure.

2. As per the Section 19 of the Right to Information Act, 2005 you may file an appeal to the First Appellate Authority of the Department within 30 days of the issue of this order, whose particulars are given below:-

The Member Secretary
Puducherry Coastal Zone Management Authority
3rd Floor, PHB Building, Anna Nagar,
Puducherry - 605 005.

Yours sincerely,



(P. Vipin Babu)

Public Information Officer (PCZMA)

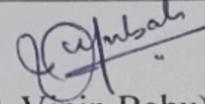
Copy to:
Standing Guard File.

(P.T.O for Annexure)

7

Annexure

Sl. No.	Information Requested	Reply Furnished
1.	Copy of press release, newspaper advertisement in both English and Tamil forwarded to the Pondicherry Coastal Zone Management Authority by the Director, Department of fisheries and fisherman welfare, Puducherry of the CRZ Clearance for the proposed Development of Smart and Integrated Fishing Harbour at R.S. No. 199, T.S. No. 15, ward-L, Block No.7, Karukkalcherry, Oduthurai Revenue Village, Karaikal Municipality, Karaikal.	The requested Information is not available with this Office.
2.	Date and copy of the newspaper where the above press release was published.	



(P. Vipin Babu)

Public Information Officer (PCZMA)

CRZ clearance for the Development of Smart and Integrated Fishing Harbour, Karaikal

fisheries.py.gov.in/crz-clearance-development-smart-and-integrated-fishing-harbour-karaikal

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 **Department of Fisheries and Fishermen Welfare** மீன்வளம் மற்றும் மீனவர் நலத்துறை
Government of Puducherry (India) புதுச்சேரி அரசு (இந்தியா)

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CRZ clearance for the Development of Smart and Integrated Fishing Harbour, Karaikal.

Date	14-11-2025
View / Download	<p>Notice in Tamil -  File size: 48.01 KB</p> <p>File No. 292025/SEIAA/DSTE/PDY/2025/369 -  File size: 503.08 KB</p>

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P.No. of 2025

C. Kandasamy, M/aged 63,

S/o. Chidambaram,

...Petitioner

-vs-

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

And others

...Respondents

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Certified to be the true photo copy of the originals

Dated at Chennai on this the day of April 2025

Counsel for Petitioner

IN THE HIGH COURT OF
JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P. No. of 2025

C.Kandasamy ... Petitioner

Versus

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

and others ... Respondents

TYPED SET OF PAPERS

M/s. P.Meenakshi
K.Baskaran
V.Prem Kumar
V.Revathi
Counsel for Petitioner
9710640971

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P.No. of 2025

C. Kandasamy, M/aged 63,

S/o. Chidambaram,

...Petitioner

-vs-

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

And others

...Respondents

SYNOPSIS

1. The petitioner is the President of Karukalacherry Village Public Welfare Society, Regd. No.117/2020. Karukalacherry village situates on the bank of Mullai River. It is a perennial river having water flow throughout the year. The village has 500 families approximately. Most of them are fresh water fishermen, fishing in the Mullai River using traditional baits and nets and some others are doing fishing related jobs. There is a Government primary school running in the village.
2. The distance between the houses of villagers Karukalacherry and the existing Karaikal Fishing Harbour is less than 300 metres. The existing Karaikal Fishing Harbour is located at the confluence of Mullai River and Arasalar River. It was constructed in the years 2008-2010 to accommodate 120 mechanized fishing vessels having the length of 11 metres and 120 mechanized fishing vessels having the length of 13 metres. But, the mechanized fishing vessels

currently operated in the Harbour are having the length of 18 metres to 24 metres. According to the information furnished by the Dy. Director, Directorate of Fisheries and Fishermen Welfare, Karaikal, the number of mechanized fishing vessels registered with them is around 250. In addition to that, there are number of unregistered mechanized fishing vessels operating illegally and the total number may get enhanced. The quantity of fish catch per day is around 20 to 25 tonnes. The petitioner states that none of the owners of mechanized fishing vessels are belonging to Karukalacherry Village. They are outsiders living 7 to 12 km. away from their hamlet. Construction and repairing works of fishing vessels is done constantly round the clock causing heavy noise pollution affecting the villagers, particularly there is absolute lacking of peaceful sleep in the night hours.

3. For carrying out fishing activities using mechanized fishing vessels in the Karaikal Fishing Harbour, No Objection Certificate from the Pollution Control Committee, Puducherry has to be obtained. The conditions stipulated by the Committee have to be strictly complied with but it was not so in reality. As per the terms of the No Objection Certificate, Sewage Treatment Plant (STP) shall be provided with mandatorily to treat waste water for gardening and other non-contact purpose. But there is no such facility available in the existing Fishing Harbour. Further, as per the conditions stipulated in the NOC, solid wastes and litter shall be collected and handed over to Karaikal Municipality properly. But absolutely, no such procedure is adopted resulting in accumulation of solid wastes including fish wastes in our village which is an annoying problem. Because of the continuous spillage of oil, grease and other effluents from the fishing vessels operating in the Harbour, the ground water is getting polluted. The mixing of air pollutants and toxic gases like Ammonia from the Ice Plants and accumulation of effluents in the surroundings of the village are causing health hazards. If the proposed Project of 'Development of Smart and

Integrated Fishing Harbour at Karaikal, Puducherry Sub work (A) Infrastructure facilities' is allowed to be implemented, it will add fuel into the fire.

4. Since the Karukalacherry village situates on the bank of Mullai River, having water flow throughout the year, the villagers are using only the ground water for drinking purpose. When the existing Karaikal Fishing Harbour was constructed, the Central Government through Central Water and Power Research Station (CWPRS) Department took into consideration that the estuary of Arasalar River should be dredged to a certain depth only, if the depth is increased more than that, the ground water would become more saline in nature and agriculture and drinking water resources will get affected. Considering that and complying with the provisions of National Coastal Zone Management Authority (NCZMA) Report, the Government has designed the Fishing Harbour with a berth to anchor mechanized fishing vessels having 13 metres length. Now, without doing any study from the geographical and environmental aspects, the Respondents 1 to 4 are taking steps for the expansion of Karaikal Fishing Harbour and issued the Notification for e-Tender for 'Construction of Dredging and Diaphragm Wall' violating the provisions of the Report.
5. The villagers of Karukalacherry and authorities of the Government Primary School have made representations in the year 2019 expressing their grievances on the expansion of Karaikal Fishing Harbour. They even sought permission to conduct a protest to that effect on 17.03.2020. But, due to COVID-19 lock down, the protest could not be conducted. However, accepting their representation, the Respondents have abandoned the proposal. At that time, it was assured from their side that there would be Public Feedback Meeting conducted explaining the *pros and cons* of the project, and without conducting such meetings, no step for expansion of the existing Fishing Harbour would be taken. But Respondents 1 to 4 have just thrown all such assurances into the wind and are taking steps to expand the existing Fishing Harbour in full swing for the best reasons known to them.

6. On behalf of our villagers, the petitioner caused a letter dated 06.11.2023 under Right To Information Act, 2005 raising queries about the proposed expansion project. The information furnished by the 1st Respondent through his reply dated 18.11.2023 pointing out the distance between the residences and school of Karukalacherry Village and the proposed expanded Fishing Harbour as 1.5 km. is utter falsehood. The actual distance is less than 300 metres. Hence, the proposed expansion of Karaikal Fishing Harbour is categorically violating the order of the Hon'ble Apex Court in *S. Jagannath -vs- Union of India and others* and the provisions of the Environment (Pollution) Act, 1986.
7. In the month of September 2024, the people of Karukalacherry village came to know that in spite of their agitations, the Respondents 1 to 4 are taking steps to expand the Karaikal Fishing Harbour. On 05.09.2024, a letter on behalf of the villagers was sent under Right To Information Act, 2005 addressed to 5th Respondent mentioning our queries in the expansion project with copies to Respondents 1 to 4. In the reply letter dated 29.11.2024, the Dy. Director, Fisheries Department, Karaikal has admitted that there is no Sewage Water Treatment Plant or Cyclic Activated Sludge Treatment Plant functioning in the existing Karaikal Fishing Harbour. It is a matter of serious concern that in a Fishing Harbour, where more than 250 mechanized fishing vessels having the length of 18 metres to 24 metres are being operated there is no provision for treating the sludge accumulated to the tune of 500 litres approximately per day. When there is no Sewage Water Treatment Plant in operation in the existing Harbour, the proposed expansion of the Fishing Harbour with a view to accommodate more mechanized fishing vessels will make the situation bad to worse.
8. The Dy. Director, Fisheries Department, Karaikal has further in his Reply letter dated 29.11.2024 specified that there is no Ice Plant constructed within the premises of Karaikal Fishing Harbour and only a Chill Plant was constructed by them and that too was not in operation. The petitioner states that there are eight

Ice Plants functioning in our village owned by private parties and the names are listed below:

1. Venkateswara Ice Plant
2. Sri Lakshmi Ice Plant
3. Lalitha Devi Ice Plant
4. MK Ice Plant
5. Madha Ice Plant
6. Archana Ice Plant
7. MS Ice Plant
8. Meena Ice Plant

Strangely, as per the letter of Commissioner cum Public Information Officer, Karaikal Municipality, licence was granted by the Karaikal Municipality to set up only one Ice Plant namely, Meenatchi Ice Plant situated at Tsunami House, Karukalacherry and all other seven Plants did not possess licence to operate. When such is the case, without obtaining necessary licence to operate Ice Plants, how the Plant owners were able to get Approval from the Karaikal Planning Authority for construction of the Plant premises and installation of machineries is a mystery. Even the present eight Ice Plants functioning in the village owned by private owners are poorly maintained and there is absolute failure on the part of the Pollution Control Committee, Puducherry to monitor the temperature and gas levels in storage areas and to identify potential hazards.

9. One Mrs. Madhivani, residing at No.11, Raja Street, Kilinjal Road, Thalatheru Post, Karaikal is making arrangements to set up one more Ice Plant in the name and style of M/s. Cyndhavi Sri Ice Plant in Karukalacherry Village at a distance of less than 100 metres from the residences of villagers. In that connection, the villagers gave a petition to the 5th Respondent herein dated 28.12.2023 requesting him not to grant licence to the proposed Plant. Smelling the objection of the villagers, as a precautionary measure, the said Mrs. Madhivani

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has filed a caveat before the District Munsif Court, Karaikal against the representatives of the villagers.

10. The Dy. Director, Fisheries Department, Karaikal has further mentioned in his Reply letter dated 29.11.2024 that prior to the implementation of the project of 'Development of Smart and Integrated Fishing Harbour at Karaikal' sanctioning and approval would be obtained from all angles. But no such 'Consent to Establish/No Objection Certificate from Pollution Angle' from Puducherry Pollution Control Committee, Department of Science, Technology and Environment was obtained in this project. It is pertinent to note that the Puducherry Pollution Control Committee, Department of Science, Technology and Environment has extended the Validity to the proposed Reconstruction and Modernization of the Fishing Harbour, Karaikal only upto 02.03.2018 by mentioning specific conditions. In their letter dated 23.04.2016 addressed to The Project Director, Project Implementation Agency (PIA), Emergency, Tsunami Reconstruction Project (ETRP) Government of Puducherry, the Puducherry Pollution Control Committee has clearly mentioned in Clause 2 that 'this shall be the last extension and no further extension of the validity of the Consent to Establish / NOC shall be permitted'. Hence, issuing notification inviting e-Tenders for the project without getting 'Consent to Establish/No Objection Certificate from Pollution Angle' from Puducherry Pollution Control Committee itself is a violation and makes the notification invalid.

11. The petitioner states that they came to know through reliable sources that Clearance from the State Ground Water Unit and Soil Conservation, Puducherry has not been obtained for the proposed project of 'Development of Smart and Integrated Fishing Harbour at Karaikal, Puducherry, Sub Work:(A) Infrastructure facilities, NIT No.40/I&PH/TN/2024-25. Similarly, we reliably came to know in addition that 'Report on Compliance of conditions imposed to the Coastal Regulation Zone (CRZ) by the Ministry of Environment, Forest and Climate Change, New Delhi' has also not been obtained for the expansion

project. Without obtaining the essential Clearance/Sanctioning from the above said authorities, the notification inviting e-Tenders was issued by the Respondents 1 to 3 in a half-baked manner for the best reasons known to them.

12. On coming to know about the Notification issued by the 1st Respondent inviting e-tenders for the project of 'Development of Smart and Integrated Fishing Harbour at Karaikal, Puducherry, Sub Work:(A) Infrastructure facilities, NIT No.40/I&PH/TN/2024-25, on behalf of the Karukalacherry Village Public Welfare Society, the petitioner caused a lawyer's notice on the Respondents dated 07.04.2025 requesting them to stop opening of the scheduled e-Tenders on 16.04.2025. The notice was duly served upon the Respondents. In spite of the legal notice, the Respondents 1 to 3 have proceeded with the opening of e-Tenders as scheduled. At present, the villagers are not able to gather the names of the successful bidders and hence, we could not add them as Respondents in this petition.

13. The petitioner states that his forefathers and the ancestors of Karukalacherry villagers are living in that village for centuries. If the expansion project is allowed to be implemented, in order to accommodate more mechanized fishing vessels, dredging will be done to more profound depth and the very livelihood of the entire village would be at dreadful stake. They are under acute apprehension that the whole village will be forced to vacate their native place once for all. The Respondents 1 to 4 never even show any consideration to the request of the villagers to conduct a Public Feedback Meeting to address their grievances. Under these circumstances, we, the villagers of Karukalacherry have no other option except to knock the doors of this Hon'ble Court by way of this Writ Petition.

Dated at Chennai on this the day of April 2025

Counsel for Petitioner

IN THE HIGH COURT OF
JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P. No. of 2025

C.Kandasamy ... Petitioner

Versus

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

and others ... Respondents

SYNOPSIS

M/s. P.Meenakshi
K.Baskaran
V.Prem Kumar
V.Revathi
Counsel for Petitioner
9710640971

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

W.P.No. of 2025

C. Kandasamy, M/aged 63.

S/o. Chidambaram,

...Petitioner

-vs-

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

And others

...Respondents

DATES & EVENTS

Date	Events
04.12.2019	Letter of Secretary, Karukalacherry Village Panchayat
11.03.2020	Letter of the petitioner requesting permission to conduct public protest
01.11.2020	Reply letter sent by Public Information Officer, I&PH, PWD, Karaikal under RTI Act, 2005
18.11.2023	Reply letter sent by Public Information Officer, I&PH, PWD, Karaikal under RTI Act, 2005.
	Blue Print of the Fishery Harbour Layout received under RTI Act.

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	Letter of Extension of Validity of Consent to Establish/NOC of PPCC, obtained through RTI Act.
21.11.2023	Letter of the Member Secretary, Karaikal Planning Authority, Karaikal
28.11.2023	Reply letter of Commissioner-cum-Public Information Officer, Karaikal Municipality
11.12.2023	Caveat filed by Mrs. Madhivani
15.12.2023	Letter of Tahsildar, Grievance Redressal Cell, Collectorate, Karaikal
21.12.2024	Letter of the School Management Committee, Government Primary School, Karukalacherry
05.09.2024	Letter of the petitioner addressed to the 5 th Respondent

Dated at Chennai on this the day of April 2025

Counsel for Petitioner

(Karaikal District, Puducherry)
(Memorandum of Writ Petition)
(Under Article 226 Of The Constitution Of India)
IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P.No. of 2025

C. Kandasamy, M/aged 63,
S/o. Chidambaram,
160, Tsunami Nagar,
Karukalacherry,
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.

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4. The Secretary,
Department of Fisheries,
Government of Puducherry,
Puducherry 605 001.

5. The District Collector,
Karaikal-609 601.

...Respondents

The address for service of all notices and processes on the petitioner is that of his counsel M/s.P.Meenakshi, K.Baskaran V.Prem Kumar, V.Revathi, Advocates, having office at BK Legal Services, No.1A, Ettiamman Koil Street, Thailavaram, Kattankolathur Block, Chengalpattu District-603 203

The address for service of all notices and processes on the Respondents is as stated in the cause title above.

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue appropriate Writs, Orders or Directions and more particularly issue a Writ in the nature of MANDAMUS directing the Respondents 1 to 4 to immediately stop the carrying out of the project 'Development of Smart and Integrated Fishing Harbour at Karaikal, Puducherry, Sub Work:(A) Infrastructure facilities, NIT No.40/I&PH/TN/2024-25 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.

Dated at Chennai on this the 21st day of April, 2025.

Counsel for Petitioner

Affidavit
15-25

(Karaikal District, Puducherry)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

W.P.No. of 2025

C. Kandasamy, M/aged 63,
S/o. Chidambaram,
160, Tsunami Nagar,
Karukalacherry,
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.

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4. The Secretary,
Department of Fisheries,
Government of Puducherry,
Puducherry 605 001.

5. The District Collector,
Karaikal-609 601.

...Respondents

AFFIDAVIT OF PETITIONER C. KANDASAMY

I, C. Kandasamy, aged 63 years, S/o. Chidambaram, residing at 160, Tsunami Nagar, Karukalachery, Karaikal District-609 604, Puducherry do hereby solemnly affirm and sincerely state as follows:

1. I humbly submit that I am the petitioner in this Writ Petition and I am well acquainted with the facts and circumstances of the case.

2. I humbly submit that I am filing this Writ Petition to direct the Respondents to cancel the Notification of e-Tenders inviting eligible contractors/firms for implementing the Project of 'Development of Smart and Integrated Fishing Harbour at Karaikal, Puducherry Sub work (A) Infrastructure facilities [40/PW/IPH/2024-25] [2025_PWDC3_18046_1] including Construction of Dredging and Diaphragm Wall' for the reasons mentioned in this Writ Petition.

3. I humbly submit that I am the President of Karukalacherry Village Public Welfare Society, Regd. No.117/2020 and I am filing this Writ petition as Public Interest Litigation for me and on behalf of the entire villagers. My monthly income is Rs.15,000/- I am an income tax assessee with PAN No. BVYPK0992H and Aadhaar No.5979 1867 9118. I humbly submit that I am

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filing this Writ Petition out of my own income. I humbly submit that I hereby undertake to pay the costs if any ordered by this Hon'ble court. I humbly submit that no other similar Writ Petition is filed or pending before this Court regarding the subject case.

4. I humbly submit that our village is situated on the banks of Mullai River. It is a perennial river having water flow throughout the year. I humbly submit that our village has 500 families approximately, and most of them are fresh water fishermen, fishing in the Mullai River using traditional baits and nets and some others are doing fishing related jobs and there is a Govt. primary school in our village.

5. I humbly submit that the distance between our village and the present Karaikal Fishing Harbour is less than 300 metres. The Fishing Harbour is located at the confluence of Mullai River and Arasalar River. The present dockyard at Karaikal Fishing Harbour was constructed in the year of 2008-2010 to accommodate 120 mechanized fishing vessels having the length of 11 metres and 120 mechanized fishing vessels having the length of 13 metres. But, the mechanized fishing vessels presently operated in the Harbour are having the length of 18 metres to 24 metres. According to the information furnished by the Dy. Director, Directorate of Fisheries and Fishermen Welfare, Karaikal, the number of mechanized fishing vessels registered with them is around 250. I humbly submit that in addition to that, there are number of unregistered mechanized fishing vessels operating illegally and the total number may get enhanced. The quantity of fish catch per day is around 20 to 25 tonnes. I submit that none of the owners of mechanized fishing vessels were belonging to our Village. I humbly submit that, they are outsiders living 7 to 12 km away from our

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hamlet. I humbly submit that Construction and repairing works of fishing vessels were done constantly round the clock, causing heavy noise pollution affecting the villagers, and particularly there is absolute lacking of peaceful sleep in the night hours.

6. I further submit that for carrying out fishing activities using mechanized fishing vessels in the Karaikal Fishing Harbour, a No Objection Certificate from the Pollution Control Committee, Puducherry has to be obtained. I humbly submit that the conditions stipulated by the Committee have to be strictly complied with but it was not so in reality. I humbly submit that, as per the terms of the No Objection Certificate, Sewage Treatment Plant (STP) shall be provided mandatorily to treat waste water for gardening and other non-contact purpose. But there is no such facility available in the present Harbour. Further, as per the conditions stipulated in the NOC, solid wastes and litter shall be collected and handed over to Karaikal Municipality properly. But absolutely, no such procedure been adopted resulting in accumulation of solid wastes including fish wastes in our village which is an annoying problem. I humbly submit that, because of the continuous spillage of oil and grease from the fishing vessels operating in the Harbour, the ground water is getting polluted. The mixing of air pollutants and toxic gases like Ammonia from the Ice Plants and accumulation of sludge in the surroundings of the village are causing health hazards. I humbly submit that if the proposed Project of 'Development of Smart and Integrated Fishing Harbour at Karaikal, Puducherry Sub work (A) Infrastructure facilities' is allowed to be carried out, it will add fuel into the fire.

7. I humbly submit that since our village is situated on the bank of Mullai River, having water flow throughout the year, the villagers are using only the

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ground water for drinking purpose. I submit that when the existing Karaikal Fishing Harbour was constructed, the Central Government through Central Water and Power Research Station (CWPRS) Department took into consideration that the estuary of Arasalar River should be dredged to a certain depth only, if the depth is increased more than that, the ground water would become more saline in nature and agriculture and drinking water resources will get affected. Considering that and complying with the provisions of National Coastal Zone Management Authority (NCZMA) Report, the Government has designed the Fishing Harbour with a berth to anchor mechanized fishing vessels having 13 metres length. I humbly submit that now, without doing any study from the geographical and environmental aspects, the Respondents 1 to 4 are taking steps for the expansion of Karaikal Fishing Harbour and issued the Notification for e-Tender for 'Construction of Dredging and Diaphragm Wall' violating the provisions of the Report

8. I further submit that the villagers of Karukalacherry including the Management of the Primary School have made representations in the year 2019 expressing their grievances on the expansion of Karaikal Fishing Harbour. I humbly submit that, we even sought permission to conduct a rally to that effect on 17.03.2020, but, due to COVID-19 lock down, the rally could not be conducted. However, accepting our representation, the Respondents have abandoned the proposal. I humbly submit that, at that time, it was assured from their side that there would be Public Feedback Meeting conducted explaining the *pros and cons* of the project, and without conducting such meetings, no expansion activity would be carried out. But Respondents 1 to 4 have just thrown all such

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assurances into the wind and are taking steps to expand the existing Fishing Harbour in full swing for the best reasons known to them.

9. I humbly submit that on behalf of our villagers, I caused a letter dated 06.11.2023 under Right To Information Act, 2005 raising queries about the proposed expansion project. I submit that the information rendered by the 1st Respondent through his reply dated 18.11.2023 pointing out the distance between the residences and school of our Karukalacherry Village and the proposed expansion Fishing Harbour as 1.5 km. is utter falsehood. I humbly submit that the actual distance is less than 300 metres. Hence, the proposed expansion of Karaikal Fishing Harbour is categorically violating the order of the Hon'ble Apex Court in *S. Jagannath -vs- Union of India and others* and the provisions of the Environment (Pollution) Act, 1986.

10. I humbly submit that in the month of September 2024, the people of our village came to know that in spite of our agitations, the Respondents 1 to 4 are taking steps to expand the Karaikal Fishing Harbour. On 05.09.2024, on behalf of our villagers, I caused a letter addressed under Right To Information Act, 2005 to 5th Respondent mentioning our grievances in the expansion project with copies to Respondents 1 to 4. In the reply letter dated 29.11.2024, the Dy. Director, Fisheries Department, Karaikal has admitted that there is no Sewage Water Treatment Plant or Cyclic Activated Sludge Treatment Plant functioning in the Harbour at present. I humbly submit that it is a matter of serious concern that in a Fishing Harbour, where more than 250 mechanized fishing vessels having the length of 18 metres to 24 metres are being operated there is no provision for treating the sludge accumulated to the tune of 500 liters approximately per day. I humbly submit that, when there is no Sewage Water Treatment Plant in operation

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presently, the proposed expansion of the Harbour with a view to accommodate more mechanized fishing vessels will make the situation bad to worse.

11. I humbly submit that the Dy. Director, Fisheries Department, Karaikal has further in his Reply letter dated 29.11.2024 specified that there is no Ice Plant constructed within the premises of Karaikal Fishing Harbour and only a Chill Plant was constructed by them and that too was not in operation. I submit that there are eight Ice Plants functioning in our village owned by private parties and the names are listed below:

- i. Venkateswara Ice Plant
- ii. Sri Lakshmi Ice Plant
- iii. Lalitha Devi Ice Plant
- iv. MK Ice Plant
- v. Madha Ice Plant
- vi. Archana Ice Plant
- vii. MS Ice Plant
- viii. Meena Ice Plant

Strangely, as per the letter of Commissioner cum Public Information Officer, Karaikal Municipality, license was granted by the Karaikal Municipality to set up only one Ice Plant namely, Meeṇatchi Ice Plant situated at Tsunami House, Karukalacherry and all other seven Plants did not possess license to operate. When such is the case, without obtaining necessary license to operate Ice Plants, how the Plant owners were able to get Approval from the Karaikal Planning Authority for construction of the Plant premises and installation of machineries is a mystery. I submit that even the present eight Ice Plants functioning in our village owned by private owners are poorly maintained and there is absolute failure on the part of

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the Pollution Control Committee, Puducherry to monitor the temperature and gas levels in storage areas and to identify potential hazards.

12. I further submit that one Mrs. Madhivani, residing at No.11, Raja Street, Kilinjal Road, Thalatheru Post, Karaikal is making arrangements to set up one more Ice Plant in the name and style of M/s. Cyndhavi Sri Ice Plant in our Village at a distance of less than 100 metres from the residences of villagers, against which, our villagers gave a petition to the 5th Respondent herein dated 28.12.2023 requesting not to grant license to the proposed Plant. I humbly submit that smelling the objection of our villagers, as a precautionary measure, the said Mrs. Madhivani has filed a caveat before the District Munsif Court, Karaikal against the representatives of the villagers.

13. I humbly submit that the Dy. Director, Fisheries Department, Karaikal has further revealed in his Reply letter that prior to the implementation of the project of 'Development of Smart and Integrated Fishing Harbour at Karaikal' sanctioning and approval would be obtained from all angles. But no such 'Consent to Establish/No Objection Certificate from Pollution Angle' from Puducherry Pollution Control Committee, Department of Science, Technology and Environment was obtained in this project. It is pertinent to note that the Puducherry Pollution Control Committee, Department of Science, Technology and Environment has extended the Validity to the proposed Reconstruction and Modernization of the Fishing Harbour, Karaikal only upto 02.03.2018 by mentioning specific conditions. In their letter dated 23.04.2016 addressed to The Project Director, Project Implementation Agency (PIA), Emergency, Tsunami Reconstruction Project (ETRP) Government of Puducherry, the Puducherry Pollution Control Committee has clearly mentioned in Clause 2 that 'this shall be

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the last extension and no further extension of the validity of the Consent to Establish / NOC shall be permitted'. Hence, issuing notification inviting e-Tenders for the project without getting 'Consent to Establish/No Objection Certificate from Pollution Angle' from Puducherry Pollution Control Committee itself is a violation and makes the notification invalid.

14. I humbly submit that, further we came to know through reliable sources that Clearance from the State Ground Water Unit and Soil Conservation, Puducherry has not been obtained for the proposed project of 'Development of Smart and Integrated Fishing Harbour at Karaikal, Puducherry, Sub Work:(A) Infrastructure facilities, NIT No.40/I&PH/TN/2024-25. Similarly, we reliably came to know in addition that 'Report on Compliance of conditions imposed to the Coastal Regulation Zone (CRZ) by the Ministry of Environment, Forest and Climate Change, New Delhi' has also not been obtained for the expansion project. Without obtaining the essential Clearance/Sanctioning from the above said authorities, the notification inviting e-Tenders was issued by the Respondents 1 to 3 in a half-baked manner for the best reasons known to them.

15. I humbly submit that on coming to know about the Notification issued by the 1st Respondent inviting e-tenders for the project of 'Development of Smart and Integrated Fishing Harbour at Karaikal, Puducherry, Sub Work:(A) Infrastructure facilities, NIT No.40/I&PH/TN/2024-25, on behalf of the Karukalacherry Village Public Welfare Society, I caused a lawyer's notice on the Respondents dated 07.04.2025 requesting them to stop opening of the scheduled e-Tender on 16.04.2025, and the notice was duly served upon the Respondents. In spite of the legal notice, the Respondents 1 to 3 have proceeded with the opening of e-Tender as scheduled. At present, our villagers are not able to gather

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the names of the successful bidders and hence, we could not add them as Respondents in this petition.

16. I submit that my forefathers and the ancestors of our villagers are living in that village for centuries. The people of the entire village are under acute apprehension that if the expansion project is allowed to be implemented, in order to accommodate more mechanized fishing vessels, dredging will be done to more profound depth and the very livelihood of the entire village would be at dreadful stake and the whole village will be forced to vacate their native place once for all. The Respondents 1 to 4 never even show any consideration to the request of the villagers to conduct a Public Feedback Meeting to address their grievances. Under these circumstances, we, the villagers of Karukalacherry have no other option except to knock the doors of this Hon'ble Court by way of this Writ Petition.

17. I humbly submit that I have not filed any other Writ Petition for the relief sought for in this Writ petition. I have no other effective alternative remedy except to approach this Hon'ble Court under Article 226 of the Constitution of India.

For the reasons aforesaid, it is therefore just and necessary that this Hon'ble Court may be pleased 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, Sub Work:(A) Infrastructure facilities, NIT No.40/I&PH/TN/2024-25 with immediate effect and to pass such other orders or directions as this

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Hon'ble Court may deem fit and proper in the circumstances of the case, award costs and render justice.

Solemnly affirmed at Chennai

On this day of April 2025

And signed his name in my presence

Before Me

Advocate :: Chennai

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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


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

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 Panchayats 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 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


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

on this the of July, 2025
and signed his name in my presence

1stRESPONDENT

BEFORE ME

ADVOCATE-PUDUCHERRY

*affidavit
opening
e-tenders
petitioner*

**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 OF MADRAS
(SPECIAL ORIGINAL JURISDICTION)

W.P No. 17242 of 2025

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

Vs

.....Petitioner

M/s Emjay Constructions
Rep by its Partner
M.Vijayarajan
& 5 Ors

....6th Respondent

COUNTER AFFIDAVIT FILED BY 6th RESPONDENT

I M.VIJAYARAJAN S/o Late K.Murugasan, Hindu aged about 36 years, Partner of M/s Emjay Constructions having office at No.7, Central Street, Kilpauk Garden Colony, Kilpauk, Chennai-600010 do here by solemnly affirm and sincerely state as follows:-

1. I respectfully submit that that I am the sixth respondent and in such capacity. I am well acquainted with the facts of the case and swear this affidavit. The counter affidavit filed may be treated as a part and parcel of this affidavit.
2. 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.

3. I respectfully submit that the case of the Petitioner is that the Respondents have invited tenders from eligible contractors for the execution of the work titled "*Development of Smart and Integrated Fishing Harbour at Karaikal, Puducherry,*" including Sub Work (A) pertaining to infrastructure facilities, and have proceeded to open the said tenders without obtaining the requisite statutory clearances, despite the objections raised by the Petitioner. The Petitioner has, under the guise of a Public Interest Litigation, instituted the present Writ Petition, seeking a direction to the Respondents to cancel the impugned tender notification issued for the aforesaid project. The Petitioner's apprehension, as projected in the Writ Petition, is that if the proposed project is permitted to proceed, dredging activities would be undertaken to a considerable depth, thereby allegedly endangering the livelihood of the residents of the adjoining village and affecting the marine ecology of the area.

4. 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 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 issues by the 1st Respondent inviting bids for the Development of Smart and Integrated Fishing Harbor 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.

5. I respectfully submit that the Union Territory of Puducherry is implementing a Centrally Sponsored Project aimed at the overall development and modernization of the fishing infrastructure, which is intended to benefit all the fishermen belonging to various coastal villages in the Karaikal region. The said project, namely the *Development of Smart and Integrated Fishing Harbour at Karaikal*, has been conceived in the larger public interest to ensure sustainable livelihood opportunities, improved fishing facilities, and enhanced socio-economic conditions for the fishing community at large.

6. It is further submitted that the Petitioner has sought to project as though the proposed extension of the Smart Fishing Harbour is unwarranted and detrimental to the interests of the fishermen of his particular village, thereby portraying a narrow, village-centric concern. It is respectfully submitted that such a contention is misconceived, untenable, and contrary to the larger objectives of the project. The present initiative is designed to benefit all registered fishermen operating in the Karaikal region and also to provide berthing and ancillary facilities to registered fishing vessels from other States, upon payment of prescribed user charges, in accordance with the applicable statutory norms and regulations.

6. I respectfully submit that, pursuant to the communication dated 29.07.2025, I had duly submitted my application in response to the tender notification issued by the competent authority for the work relating to the *Development of Smart and Integrated Fishing Harbour at Karaikal*. After due scrutiny of the tender documents and upon satisfying all the eligibility criteria prescribed therein, I was duly intimated of my successful selection as a qualified bidder for the said component of work. It is further submitted that, vide communication bearing Ref. No. 118/PW/I&PH/D3/2025-26 dated 06.10.2025, I was formally directed by the said authority to furnish the requisite Bank Guarantee within the prescribed period, towards the performance security for the work pertaining to *Infrastructure Facilities*. The said communication clearly evidences that the tender process was carried out in a fair, transparent, and lawful manner, strictly adhering to the applicable norms, procedures, and guidelines issued by the Government.

7. I respectfully submit that, in view of the significance and public importance of the aforesaid project, the Hon'ble Prime Minister of India is scheduled to lay the foundation stone for the *Development of Smart and Integrated Fishing Harbour at Karaikal* on 17.09.2025. It is submitted that the said event underscores the priority and national importance accorded to the project, which is intended to substantially uplift the socio-economic standards of the fishing community in the region.

It is further submitted that the execution of the work shall be undertaken strictly in accordance with law and only upon completion of all mandatory formalities, including verification of documents, finalization and execution of the agreement, and obtaining of all requisite statutory clearances, permissions, and *No Objection Certificates (NOCs)* from the competent authorities. The commencement of physical work at the project site shall take place only after due compliance with the prescribed regulatory framework and after the installation and operationalization of the Sewage Treatment Plant (STP) proposed as part of the environmental safeguard measures.

8.I respectfully submit that the present Writ Petition is premature, misconceived, and wholly unwarranted. The Petitioner ought to appreciate that the actions undertaken by the Respondent authorities are in furtherance of the larger public interest and for the welfare and upliftment of the entire fishing community across the Karaikal region, and not confined to any single village or group. It is further submitted that the Department of Fisheries is duly represented as a member of the Puducherry Coastal Zone Management Authority (PCZMA), which is the competent statutory body entrusted with granting clearances and ensuring compliance with the Coastal Regulation Zone (CRZ) notifications and related environmental safeguards. In the event the Petitioner is genuinely aggrieved by any decision or recommendation of the said Authority, the proper and efficacious remedy available under law is to approach the Hon'ble National Green Tribunal (NGT), and not to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India in the guise of a Public Interest Litigation. It is further submitted that there were no newspaper reports or public demonstrations by individuals, whereas substantial number of registered fishermen and stakeholders have welcomed and supported the proposed project. The developmental project, which is being implemented for the collective benefit of the fishing community and the region at large.

10. I respectfully submit that the existing Fishing Harbour at Karaikal serves as a vital source of livelihood for the fishermen community of the Karaikal region. The said harbour not only benefits the fishermen directly engaged in fishing activities but also provides substantial indirect employment and economic opportunities to non-fishermen who are involved in various allied and ancillary activities such as fish processing, transportation, net mending, marketing, and related services. The proposed Smart and Integrated Fishing Harbour Project thus constitutes a significant developmental milestone for the Karaikal District and is conceived with the objective of augmenting the income, safety, and welfare of the fishing community as a whole. It is further submitted that, from a technical and environmental standpoint, the river mouth represents the most suitable and scientifically viable location for the establishment of a fishing harbour, as it naturally facilitates the formation of a navigational channel essential for the safe operation and movement of mechanized fishing vessels. Accordingly, the proposed site at Karaikal has been identified as the most appropriate and feasible location for the construction of the said harbour.

11. It is further submitted that the project proposal and site selection were duly examined, evaluated, and approved by a panel of experts and competent authorities, who, after conducting detailed technical, environmental, and socio-economic assessments, concluded that the location and design of the project are both feasible and necessary for the long-term development of the fisheries sector in the Union Territory of Puducherry. The project, therefore, stands fully justified, both on technical merit and public interest, and any apprehension to the contrary raised by the Petitioner is wholly unfounded and devoid of substance.

12. I respectfully submit that I may be permitted to file an Additional Counter Affidavit, if so required, at a later stage, in order to place on record any further facts, documents, or clarifications of the present Writ Petition, in the interest of justice and equity.

13. I respectfully submit that all the allegations, averments, and contentions raised by the Petitioner in the present Writ Petition are false, frivolous, baseless, and devoid of any merit whatsoever.

The Writ Petition is not maintainable either in law or on facts, and the same has been filed with an oblique motive, under the guise of a Public Interest Litigation, to stall a project conceived in the larger public interest. It is therefore submitted that the present Writ Petition deserves to be dismissed in limine, as being vexatious, misconceived, and devoid of substance, and this Hon'ble Court may be pleased to dismiss the same with exemplary cost.

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 Chennai

On this the 7th November 2025

And signed his name in my presence

BEFORE ME ,
ADVOCATE, CHENNAI

50

IN THE HIGH COURT OF JUDICATURE AT
MADRAS
(Ordinary Original Civil Jurisdiction)

W.P No. 17242 of 2025

C. Kandasamy,
S/o. Chidambaram,

...Petitioner

Versus

M/s Emjay Constructions
Rep by its Partner
M.Vijayarajan
& 5 Ors

...6th Respondent.

COUNTER AFFIDAVIT FILED BY 6th
RESPONDENT

M/s. E.NARAYANAN,
A.MD.KHALEEL -UL- HUQ
Counsel for 6th Respondent

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P.No. 17242 of 2025

C. Kandasamy, M, aged 63,
S/o. Chidambaram,
160, Tsunami Nagar,
Karukalacherry,
Karaikal-609 604

...Petitioner

-vs-

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

...Respondents

AFFIDAVIT OF REJOINDER FILED BY THE PETITIONER

I, C. Kandasamy, aged 63 years, S/o. Chidambaram, residing at 160, Tsunami Nagar, Karukalachery, Karaikal District-609 604, Puducherry do hereby solemnly affirm and sincerely state as follows:

1. I humbly submit that I am the petitioner in this Writ Petition and humbly submit the following points before this Hon'ble court.
2. I humbly submit that the respondents have admitted in Para No. 6 of the counter that the existing fishing harbour constructed in the year 2010 is of the capacity to berth only 80 to 90 mechanized boats of length 11 to 15 mts. And at present there is increase both in the number as well as length of the boats to more than 250 boats. But the allegation that there is no mechanism to treat effluents and

Page No. 1
Corrs.:

C. Kandasamy

sludge accumulated hundreds of litres per day, by way of Sewage Treatment Plant or Effluent Treatment Plant remains unanswered. The respondents could not point out that there is a plant in functioning condition to treat the sludge. Similarly, they have not whispered anything about present procedure for disposal of solid wastes including fish waste through Karaikal municipality. Hence, I submit that under the present circumstances, if the expansion project is allowed to be implemented, the situation will become bad to worse.

2. I humbly submit that according to the respondents only Techno – Economic Feasibility report was received from CENTRAL INSTITUTE OF COASTAL ENGINEERING FOR FISHERY (CICEF). The report ought to have been placed by the respondents before the Puducherry Pollution Control Committee (PCC), Central Water and Power Research Station (CWPRS) and National Coastal Zone Management Authority for their evaluation and study to issue NOC / sanction / approval / clearance. But the respondents failed to do so before the opening of e-tender on 16.04.2025. It is strange to note that without getting necessary NOC / approval / sanction / clearance from the above said authorities, Detailed Project Report (DPR) was prepared and administrative approval for an amount of Rs.119.94 crore was granted by the Government.

3. I humbly submit that the respondents have mentioned in Para No.8 that 'the process of tender starts from calling of tenders, submission of the bid, and approval of tender by the competent authority, all of which would consume considerable time. Hence the tenders were called and date was fixed for opening them however with a condition that all necessary statutory clearance must be obtained before commencement of work'. I humbly submit that we apprehend that if a deadline is fixed for getting statutory clearance such as 2 months, there could not be enough time

for the authorities to evaluate or study whether the existing fishing harbour is suitable for implementing the expansion project.

4. I humbly submit that according to the respondents, the 4th respondent has issued GO. Rt. No.17/Fy on 30.03.2025 and ABC Techno Labs India Private Limited Chennai was appointed as consultant on 31.03.2025 for obtaining the necessary clearances. According to their contention clearances must have been obtained within 2 months. From 30.03.2025 to till now, already 4 months have been elapsed and apparently none of the Authorities have issued NOC / Approval / Sanction / Clearance till the submission of counter before this Hon'ble Court. From this, it is crystal clear that the respondents are acting in a hurry-bury manner without following the norms and procedures. The contention of the respondents that 'after opening technical bid and financial bid but before commencing the work the respondents will obtain all necessary clearances as per the administrative approval of the Government' is nothing but a cock-bull story.

5. I humbly submit that the distance between our village and the existing fishing harbour is around 300 metres only. Further, the contention that there is no unregistered mechanized fishing vessel operating illegally is utter falsehood. The entire villagers are witnessing the movements of unregistered fishing vessels in the existing harbour. The respondents are trying to hide a pumpkin in a heap of rice.

6. I humbly submit that the contention of the respondents that 'there exists 1 MLD (1 Mega litre = 10 lakhs litres per day) capacity of effluent treatment plant (ETP) is available in the existing harbour but not in working condition due to non-availability of sufficient effluent' is nothing but a concoction. The respondents have admitted in their counter that the number of mechanized boats is increased from

-4-

90 to 250 approximately. When such is the case, the quantity of effluent generated from the spillage of oil and grease from the boats must have been tripled by this time. The contentions of the respondents are contradictory to each other. I humbly submit that by the above said contention the respondents have categorically admitted about the lack of mechanism to treat waste water and sludge in the existing harbour. When such is the case, if the expansion project is allowed to be implemented without getting NOC/clearance from the Puducherry Pollution Control Committee, the river water will become more polluted, and the entire village will lost their livelihood and has to vacate their native place once for all.

7. I humbly submit that the respondents have mentioned in the Para 14 that they have also 'addressed the Pondicherry Ground Water Authority for issuance of NOC / clearance for taking of the work'. The letter was sent on 18.11.2024. But the respondents could not disclose the fact whether the NOC / clearance was obtained till the time of submission of their counter. This also makes clear that the e-tenders are invited by the respondents in a hurry bury manner.

8. I humbly submit that the respondents have admitted in Para 17 that there is a 'Chill Plant available in the existing harbour and it is not in operation'. I humbly submit that the contention of the respondents that 'there are number of ice plants outside the existing fishing harbour belonging to private agencies, and are not within the ambit of Fisheries Department' is reckless and an act of abandoning the responsibility. I humbly submit that the respondents cannot act at their whims and fancies by throwing all statutory responsibilities into the wind.

9. I humbly submit that the e-tenders are opened as early as on 16.04.2025. But, according to the respondents, opportunity of hearing was given to the *Panchayatdars*

Page No. 4

Corrs.:

C. Kandallang

only on 21.04.2025 and 03.07.2025, after opening of the e-tenders. In fact, none of the villagers attended that meeting. The public have made agitations against the proposed project in a mass manner and that was published in local dailies. The newspaper reports are filed along with this Affidavit of Rejoinder.

10. I humbly submit that in the letter (Page No.210 of the typed set) it was clearly mentioned in Para 2 that 'The CRZ map prepared by the Institute of Remote Sensing (IRS), Anna University, Chennai indicates that the proposed berthing facilities earmarked for motorized crafts (beach landing crafts) on the eastern bank of Mullai River falls in the CRZ 1 A which is 'No Development Zone'. I humbly submit that 'No Development Zone' is a designated area where construction and development are prohibited to protect the coastal environment. Particularly, CRZ-1A refers to areas within the Coastal Regulation Zone that are ecologically sensitive and play a crucial role in maintaining the integrity of the coast. It is a highly regulated, vulnerable area close to breeding and spawning grounds of fish and other marine life, playing a vital part in genetic biodiversity. I therefore submit that unless a detailed report of Coastal Regulation Zone (CRZ) by the Ministry of Environment, Forest and Climate Change is received, no further action is allowed to be taken in the expansion project.

11. I humbly submit that the respondents have not relocated the entire project. Only small motorized boats are allowed to berth on the southern bank of Arasalar river. The large mechanized boats are still accommodated only on the northern bank of Mullai River. Our village situates within 100 metres from there. The existing fishing harbour situates at the confluence of Arasalar River and Mullai River. The entire area is categorized as CRZ-1A zone and there cannot be any separation or

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Corrs.:

C. Kandaiah

segregation as eastern bank or southern bank. Hence, the proceedings should be stopped on emergency basis unless and until a complete study is made on this aspect.

C. Kanda Raj

Solemnly affirmed at Chennai

Before me

On this the 6th day of
August, 2025.

Advocate, Chennai

(Karaikal District, Puducherry)
IN THE HIGH COURT OF
JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P.No. 17242 / 2025

C. Kandasamy, M, aged 63,
S/o. Chidambaram

...Petitioner

-vs-

The Executive Engineer and
4 others

...Respondents

AFFIDAVIT OF
REJOINDER FILE BY THE PETITIONER

P. MEENAKSHI
K. BASKARAN
V. PREM KUMAR
V. REVATHI
Counsels for Petitioner

**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

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

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**

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

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.

As to GT, ice plants with
out license are being
operated.

After opening the binder.

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. No 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.

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-IA, which is evident in page 218 of Typed set of papers.

Eastern bank of Mullai River to Southern bank of Arasalar river

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.

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.

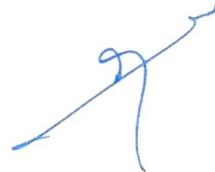
17. I most respectfully submit that in so far as the distance between the residential area and the proposed berth areas, the residential area is located at a distance of about 1500 meters from the gate of the harbor, 1350 meters from the new berth for small boats located to the south of Arasalar river 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

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



BEFORE ME

ADVOCATE, CHENNAI

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-

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

... Respondents

COUNTER



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP NO. 17242 of 2025

C. Kandasamy
S/o.Chidambaram,
160, Tsunami Nagar,
Karukalacherry,
Kariakal 609 604.

Petitioner(s)

Vs

The Executive Engineer,
Irrigation And Public Health Division,
Public Works Department,
Government Of Puducherry,
Kaaraikal 609 602.
and 4 Others

Respondent(s)

For Petitioner(s):

Ms.P. Meenakshi

For Respondents:

Mr.R.Seedhar,
Additional Government Pleader (Puducherry)



WEB COPY

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ORDER

(Order of the Court was
made by the Hon'ble Chief Justice)

Mr.Sreedhar takes notice for respondents and states that respondents
will file counter within two weeks.

2. Counter to be filed and copy served within two weeks.
3. Rejoinder if any, to be filed within two weeks thereafter.
4. Petition be listed on 31.07.2025.
5. Ad-interim relief refused.

(K.R.SHRIRAM, CJ.)

(SUNDER MOHAN, J.)

12.06.2025

TAR



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W.P.No.17242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2025

CORAM

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.No.17242 of 2025

C. Kandasamy
S/o.Chidambaram,
160, Tsunami Nagar,
Karukalacherry, Kariakal 609 604.

Petitioner(s)

Vs

The Executive Engineer,
Irrigation and Public Health Division,
Public Works Department,
Government of Puducherry,
Kaaraikal 609 602 and 4 others

Respondent(s)

For Petitioner(s):

Ms.P. Meenakshi

For Respondent(s):

Mr.S.Raveekumar
Government Pleader(Pondy)



W.P.No.17242 of 2025

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ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Learned counsel for the petitioner prays for short time to file an affidavit.

2. Let the affidavit be filed within a week. Copy be given to the other side in proper form.

List on 11.08.2025.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (SUNDER MOHAN,J)
04.08.2025

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WP No.17242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.No.17242 of 2025

C. Kandasamy
S/o.Chidambaram,
160, Tsunami Nagar,
Karukalacherry, Kariakal 609 604.

Petitioner(s)

Vs

The Executive Engineer,
Irrigation and Public Health Division,
Public Works Department,
Government of Puducherry,
Kaaraikal - 609 602 and 4 others

Respondent(s)

For Petitioner(s):

Ms.P. Meenakshi

For Respondent(s):

Mr.S.Raveekumar
Government Pleader(Pondy)



WP No.17242 of 2025

WEB COPY

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

As learned counsel for the parties brought to the notice of this court that, during the pendency of the writ petition, work order has been issued in favour of a private party, we are of the view that, at this stage, it is necessary to implead the person in whose favour the work order has been issued, as any order passed in favour of the petitioner will adversely affect the rights of the person in whose favour the work order has been issued.

Let necessary application be filed within two days. List the matter on 14.8.2025.

(MANINDRA MOHAN SHRIVASTAVA,CJ) (SUNDER MOHAN,J)
11.08.2025

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W.P.No.17242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2025

CORAM

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.No.17242 of 2025

C. Kandasamy
S/o.Chidambaram,
160, Tsunami Nagar,
Karukulacherry, Kariakal 609 604.

Petitioner

Vs

1.The Executive Engineer,
Irrigation and Public Health Division,
Public Works Department,
Government of Puducherry,
Kaaraikal 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



W.P.No.17242 of 2025

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4.The Secretary,
Department of Fisheries,
Government of Puducherry,
Puducherry-605 001.

5.The District Collector,
Karaikal-609 601.

6.M/s.Emjay Constructions,
No.7, Central Street,
Kilpauk Garden Colony,
Chennai-600 010.

Respondents

[Respondent No.6 impleaded vide order
dated 14.08.2025 made in WMP No.34845 of 2025]

For Petitioner:

Ms.P.Meenakshi

For Respondents:

Mr.S.Raveekumar
Government Pleader (Puducherry)

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The newly impleaded respondent No.6 be noticed on payment
of process fee within three days, returnable in two weeks.



W.P.No.17242 of 2025

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List the matter on 04.09.2025.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (SUNDER MOHAN,J)
14.08.2025

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W.P.No.17242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2025

CORAM

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.17242 of 2025

C. Kandasamy
S/o.Chidambaram
160, Tsunami Nagar
Karukalacherry
Kariakal 609 604.

Petitioner(s)

Vs

The Executive Engineer,
Irrigation And Public Health Division
Public Works Department
Government Of Puducherry
Kaaraikal 609 602
and 5 Others

Respondent(s)

For Petitioner(s):

Ms.P. Meenakshi

For Respondent(s):

Mr.S.Raveekumar
Government Pleader (Pondy)
For Respondents 1 to 6
Mr.E.Narayanan
For Respondent-6



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W.P.No.17242 of 2025ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

Learned counsel for newly impleaded respondent prays for and is granted three weeks' time to file counter-affidavit. One week time is granted for filing rejoinder.

2. List the matter on 09.10.2025 for further orders.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
04.09.2025

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