

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN
ZONE BENCH AT CHENNAI

ORIGINAL APPLICATION No. 27 OF 2019

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{Under Sections 14 & 15 (b) & (c) r/w. Section 18(1) & (2) of the
National Green Tribunal Act, 2010}

IN THE MATTER OF:

KIshore Kumar and Another

Applicant

VERSUS

Union of India and Others

Respondents

COMPILATION I

PAPER BOOKS

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ADVOCATE FOR THE APPLICANTS

KARANAKAR MAHALIK

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH AT CHENNAI
ORIGINAL APPLICATION NO. 27 OF 2019

IN THE MATTER OF:

Shri Kishore Kumar & Anr

Applicants

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Chennai
Date 8-8-2021


Counsel for Applicants

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

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ORIGINAL APPLICATION No. 27 OF 2019

IN THE MATTER OF

Sri Kishore Kumar and another ... Applicants

VERSUS

**Union of India,
& Others** ... Respondents

**REPLY CUM STATEMENT OF OBJCETIONS FILED BY THE
APPLICANTS TO THE FINAL REPORT SUBMITTED BY
THE JOINT COMMITTEE**

The applicants humbly submit as under:

1. That the above original application has been filed by applicants seeking direction to 1 to 9 and 13 to take all necessary actions for immediate closure of the illegal industries run by respondents in prohibited CRZ-1 area among other ancillary reliefs for compensation for victims and penalties against erred respondents in not taking actions etc. It is the applicant that the respondent's 10 to 12 industries are committing /creating serious pollution of water, air and sound in residential area infringing the right to live of people of locality and run industries in violation of The Environment Protection Act 1986.

2. It is also the further case of applicants that the respondents 1-9 and 13 are not taking statutory actions and allowing these illegalities to continue with blind eyes. This could be evident in the averments made in Para 3, 4 and 7 to 24 of original application.
3. The respondent no-13 who said to have conducted the enquiry in pursuance of order of this hon`ble Tribunal is once again attempting to safe guard, protect the illegalities of respondents 10-12 but also attempted to deviate the issue for the best reason known to it.
4. The applicants have submitted a objections cum reply earlier on 23-09-2020 to the earlier report submitted by the committee, and the same are not repeated herein for the sake of brevity which may be treated as part and parcel of this objections cum reply as well.
5. That the joint committee though sought enough time in the above proceedings to submit final report but the committee did not take notice of objections/reply submitted by these applicants nor filed detailed final report as directed.

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6. That in the meantime one Sugandhi Shekar, the resident of same village filed OA 254/2020 who too aggrieved by illegalities of existing fish mills and by raising additional distinct issues, and this hon`ble is pleased to form FRESH JOINT COMMITTEE consisting few distinct members and ALSO PLEASED TO issue a separate directions especially to ascertain the AAQ [Ambient Air Quality] and water quality in the area and if there is any condemnation or pollution caused, and to suggest the remedial measures etc, but the committee appears to have deliberately not inspected and not reported the same by avoiding the same.
7. The inspection and findings on the aforesaid issues are very much essential necessary to effectively adjudicate the dispute including the unbearable smell caused due to using of spoiled fishes by industries contrary to the rules.

- (4)
8. In the entire reports the AIR quality is not checked. Merely because the industries have alleged valid consent from KSPCB under water and Air (Preservation and control of Pollution) Act it cannot be presumed that there is no pollution. Merely because the industries have alleged water pollution potential activities it cannot be said that such potential activities are really exists, whether they are effective and proper and whether they prevent pollution. The applicants approached this hon`ble tribunal since there is inaction on the part of statutory bodies in preventing all sorts of pollutions.
9. Though there is no stay order as such against respondent no-10, and even though the 3rd respondent (KSCZMA) has initiated action under section 5 of Environment Protection Act on admitted violation but the report is totally silent what further action taken by authorities against illegalities.
10. The google maps relied upon by committee which appears in the report at pages 6, 9, 12 Prima facie evidences the pollution exists in the river which clearly corroborates the case of applicants in both the cases. However the committee reported contrary in the case.

11. The various reports of Primary Health Centre's either not properly appreciated or mis-interpreted by the committee for the best reason known to it. Exhibit -A-13 substantiates the above fact. (5)
12. The committee failed to take note of fraud committed by fish mills in obtaining power connection by creating fake documents of Panchayath and the filings of criminal cases by the Panchayath against such illegalities. The committee submitted about the alleged permissions, sanctions, conversions obtained by certain fish mills etc but failed to analyze and report after came into force of CRZ notifications.
13. The remedial measures, environmental compensations suggested by committee is one sided, biased and is endanger to the life of admitted population (para-3 page 6 of report).
14. The level of pollution in river and its usable for bathing etc can even be assessed on necked eye in the photographs produced before this hon'ble Tribunal.

For all the reasons stated above the hon'ble Tribunal may kindly be pleased to take cognizance of all these facts and to pass appropriate orders to meets the ends of Justice and equity.

AND FOR THIS ACT OF KINDNESS THE APPLICANTS, AS IN DUTY BOUND, SHALL EVER PRAY.

CHENNAI

DATE 08.08.2021

Anne
(Kasunakar Mohalik)
Advocate for the Applicants,

VERIFICATION:

I, Kishore Kumar S/o Sanjeev Mendon Aged about 43 years R/o No 9-215, Srikrishna Mudlagudde Udhyavara Pithrodi, Udupi Karnataka 574118 the Applicant No.1 herein, do hereby verify that the contents of Paras 1 to ⁽¹⁾ 3 are true and correct to my personal knowledge and believed to be true on legal advice and that I have not suppressed any material fact.

Kishore
DEPONENT

SIGNED BEFORE ME
8/8/2021
NOTARY
UDUPI

VERIFICATION:

I, Harish Thingalaya S/o Charaputhran Aged about 51 years R/o Srinivasa, Pithrodi Udupi the Applicant No.2 herein, do hereby verify that the contents of Paras 1 to ⁽²⁾ 3 are true and correct to my personal knowledge and believed to be true on legal advice and that I have not suppressed any material fact.

Harish
DEPONENT

SIGNED BEFORE ME
8/8/2021
NOTARY
UDUPI



No. OF CORRECTIONS *2*Only

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BENCH AT CHENNAI

(2)

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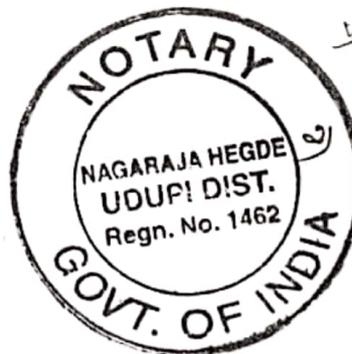
Respondents

AFFIDAVIT

I, Kishore Kumar S/o Sanjeev Mendon Aged about 43 years R/o No 9-215, Srikrishna Mudlagadde Udhavar Pithrodi Udipi Karnataka 574118 do hereby solemnly affirm and state on oath as under:-

1. That I am the Applicant No.1 in the abovementioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear and sign the present Affidavit on my behalf and also on behalf of other Applicant.
2. That the accompanying Reply has been drafted as per my instructions by my counsel and I have read the contents thereof and I understood the same.
3. That the contents of the aforesaid Reply are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed there from.

SIGNED BEFORE ME
8/8/2021
NOTARY
UDUPI



DEPONENT

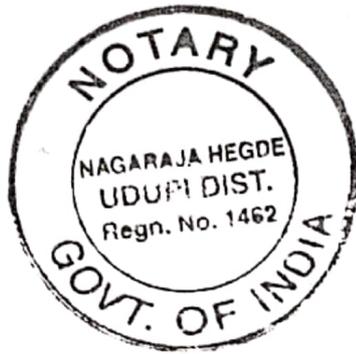
SIGNED BEFORE ME
8/8/2021
NOTARY
UDUPI

NO. OF CORRECTIONS... Only

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VERIFICATION:

Verified at Udupi ^(a) on this the 8th ⁽²⁾ day of AUGUST 2021 that the contents of the above said affidavit are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed there from.



[Signature]
DEPONENT

SIGNED BEFORE ME

[Signature] 8/8/2021
NOTARY
UDUPI

NO OF CORRECTIONS 2 ONLY

NOTARIAL REGISTER

Sl. No. 25 8-8-2021

NAGARAJA HEGDE
B.Com., L.L.B.
ADVOCATE & NOTARY
Room No. 5, Vasuki Towers
UDUPI - 576101
Karnataka State

~~Notary Stamp is not available~~

[Signature] 8/8/2021
NAGARAJ HEGDE, Notary, Udupi

No. OF CORRECTIONS two Only