

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN BENCH, CHENNAI

Original Application No. 52 of 2024 (SZ) &  
I.A. No. 22 of 2024 (SZ) &  
I.A. No. 14 of 2025(SZ)

WITH

Original Application No. 154 of 2024 (SZ)  
[Earlier O.A. No. 191 of 2024(PB)]

WITH

Original Application No. 195 of 2024 (SZ)  
[Earlier O.A. No. 387 of 2024(PB)]

IN THE MATTER OF:

National Environmental Care Foundation

.....Applicant

Vs

Mangalore Smart City Ltd. And Ors.

.....Respondents

WITH

Suo Motu matter in respect of news item  
appearing in Mangloreatan dated 26.01.2024  
titled "Netravati Promenade project is  
hurting lives of common people -  
Stakeholders".

And

Chairman,  
National Coastal Zone Management Authority,  
Bangalore and Ors.

.....Respondents

WITH

Suo Motu matter in respect of news item  
appearing in The Hindu dated 20.10.2023  
titled "Linking Mangaloreans to their  
rivers".

And

CPCB,  
Rep. by its Member Secretary,  
New Delhi and Ors.

.....Respondents

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DATED AT CHENNAI ON THIS THE 30<sup>th</sup> DAY OF MAY 2025

  
COUNSEL FOR RESPONDENT

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**REPORT**  
**IN THE MATTER OF**  
**Original Application No. 52 of 2024 (SZ) & LA No. 22 of**  
**2024 (SZ)**  
**WITH**  
**Original Application No. 154 of 2024 (SZ)**  
[Earlier OA No. 191 of 2024 (PB)]  
**WITH**  
**Original Application No. 195 of 2024 (SZ)**  
[Earlier OA No. 387 of 2024 (PB)]

**IN COMPLIANCE TO HON'BLE NGT**  
**ORDERS DATED 06-09-2024**

**SUBMITTED TO**  
**THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**SOUTHERN ZONAL BENCH, CHENNAI**

**SUBMITTED BY**  
**NATIONAL CENTRE FOR COASTAL RESEARCH, CHENNAI**  
**MINISTRY OF EARTH SCIENCES,**  
**GOVERNMENT OF INDIA**

**DECEMBER 2024**



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**Sec I. Preamble**

National Environment Care Foundation filed a case OA 52/2024 (SZ) on 23-01-2024 in Hon'ble NGT (SZ) against Mangalore Smart City Ltd & Others regarding alleged violations in Water Front Promenade Development on Nethravathi River Bank. In addition, Hon'ble NGT Principal Bench registered Suo moto case OA 191/2024 (PB) based on News item appearing in Manglorean dated 26-01- 2024 titled "Nethravathi Waterfront Promenade project is Hurting Lives of Common People Stakeholders". In the matter of OA 191/2024 (PB), Hon'ble NGT vide order dated 05-03-2024 constituted a committee comprising of representative of (i) Member Secretary, CPCB (ii) RO, MOEF&CC Mangalore (iii) District Magistrate, Dakshina Kannada Mangalore and (iv) Director, National Centre for Coastal Research (NCCR) to visit the site and ascertain the factual position.

In addition, Hon'ble NGT Principal Bench registered Suo moto case OA 387/2024 (PB) based on News item appearing in The Hindu dated 20-10-2023 titled "Linking Mangaloreans to their rivers". OA 387/2024 was transferred to Southern Bench and directed to hear the matter along with OA 52/2024 (SZ).

As per the directions of Hon'ble NGT Southern Bench vide order dated 31-05-2024 the committee visited the site and submitted the report on 20-06-2024. Though NCCR was part of the joint committee constituted by the Principal Bench, an objection made by the applicant that the District Magistrate – Dakshina Kannada Mangalore is also part of the committee who is the director in the Project and cannot act as a Nodal Officer. Therefore, A report from NCCR was sought vide order dated 06-09-2024 and the same has been provided in this report.

**Sec II. Observations on allegations as mentioned in OA 191/2024 dated 05/03/2024**

The allegations (as mentioned in OA 191/2024 dated 05/03/2024) raised by the petitioner were reviewed. On the basis of site inspection, the observations are given below:

No.	Allegations made by the Applicant	Observations
1	Operation of a bulldozer within the ecologically sensitive riverbanks of Netravathi, specifically coordinates (12.842127, 74.851319), an area known for the presence of mangroves and trees	On the day of the inspection (11-06-2024), no construction activities were taking place, and no construction debris was found dumped in the project area. Further, it is observed that JCB was used for excavation and bulldozer for levelling the land in the initial stages of the project on the landward side near the railway bridge.



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No.	Allegations made by the Applicant	Observations
		<p>During the visit, it was also observed that at certain points along the project stretch, debris from pre-existing tile industries and broken tiles have been dumped over the years.</p>
2.	<p>The alleged planning of removal of trees and dumping of soil in the intertidal zone by MSCL, to create a 9-meter-wide space for cycle track and walk path.</p>	<p>Out of the total stretch of 2.1 km, about 1.6 km stretch has been completed in patches as on inspection day (11-06-2024). It was observed that the height of the pre-existing stone masonry revetment has been raised above HFL to reduce the risk of inundation (Fig. 1). The landfilling has been carried out on the landward side of the revetment wall using excavated earth and construction debris except at one location near the railway bridge, and the project proponent has initiated the dismantling of the same. It was noted that the Forest Department, based on the representation received by the applicant, counted the number of trees in the project area on 01-01-2024 and found a total of 133 trees.</p>
3.	<p>Alleged violation of Coastal Regulation Zone (CRZ) involving unauthorized dumping of some construction site debris into the Netravathi River at Mulihithulu to acquire 9 meters of land for the project.</p>	<p>The project proponent constructed a bird-watching area spanning 42 meters, abetting the railway bridge by dumping material into the CRZ IB area, which is contrary to the approved CRZ clearance. During the inspection, it was observed that the project proponent had initiated the dismantling of this unauthorized construction (Fig. 3). It was noted that at other locations stone masonry revetment had been built over the existing masonry revetment, and landfilling was done on the landward side of the wall.</p>
4.	<p>Pre 2022 Google Maps imagery before the commencement of the project and subsequent to its execution, it has been observed</p>	<p>The project is falling under CRZ-II area and there were only few sporadic mangroves in few patches near to project area which does not meet the CRZ</p>



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No.	Allegations made by the Applicant	Observations
	<p>that approximately 30 and more mangroves and significant trees are no longer present in the area</p>	<p>requirement (Fig. 4). It is evident from the approved CZMP map wherein no such large mangrove patches, were recorded. No significant damage was noted w.r.t mangroves during physical observation. Further, on comparison with historical satellite images before &amp; after execution of project, it is observed that there is loss in vegetation. As part of project proposal, removal of bushes/grasses is included by project proponent. (Fig.5). The project proponent has carried out Environment Impact Assessment study before commencement of project through M/s Aditya Environmental Services Pvt Ltd (NABET accredited EIA consultant). Local level CRZ map for the project is prepared by Institute of Remote sensing, Anna University before start of project. In both reports it is mentioned that no mangroves are present in the vicinity of the project site.</p>



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### Sec III. Compliance status of the conditions of CRZ clearance dated 07-10-2022

The compliance status of the conditions imposed by the Karnataka SCZMA in its CRZ clearance on 07-10-2022 was reviewed. On the basis of site inspection, the compliance status of the conditions is given below:

No.	Conditions given in the CRZ clearance	Observations
1)	No permanent/concrete structure should be constructed.	As per EIA report submitted for the project approval, the project proponent has proposed for restoration of old stone masonry along the river to raise up to HFL to protect the area from floods. It was observed that the project proponent has increased the height of the existing old dry boulder revetment wall by 600 mm above HFL as per their EIA report. (Photos of revetment attached). It is opined that increasing height of existing old retaining wall along river bank is intended to prevent erosion, stabilize the bank, and protect the adjacent areas from inundation.
2)	No sewage should be let into nearby water body.	Currently, the project is under construction, and toilet blocks have not yet been constructed. Therefore, no sewage is being generated at this stage
3)	No dumping of solid wastes into water bodies and shall dispose of waste in scientific manner.	On the day of inspection, it was noted that no solid waste had been dumped into water bodies. Additionally, an existing open stormwater drain at one location had been converted into a fully enclosed drain using concrete
4)	The work should be taken up as per the provisions of CRZ notification 2011.	It is observed that the project proponent has erected temporary sheds with steel structures on concrete footings to enhance the river view (Fig. 2). These structures are situated on the landward side of the existing buildings. Apart from minimal concrete footings intended for supporting temporary structures, no additional concrete usage was observed. However, at the location where a view gallery being constructed, it was found concrete footing is on the other side of pre-existing building line.



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**Sec IV. Concern raised by the local stakeholders**

Local stakeholders present during the inspection expressed concern about the livelihoods of individuals involved in shipbuilding activities at three shipyards located adjoining the project area. It was noted that each shipyard employs approximately 50-60 people. As of now, no construction activity has commenced in these locations.



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Sec V. Photos taken during the site visit

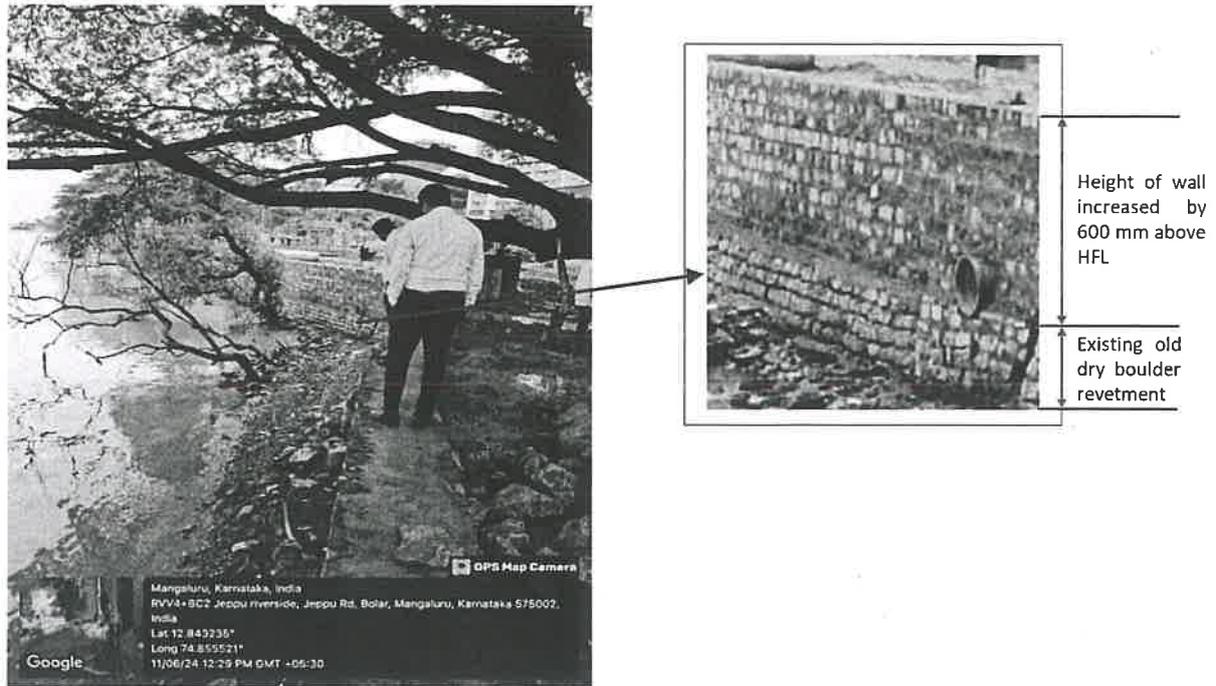


Figure 1 Photo showing increase of height of retaining wall

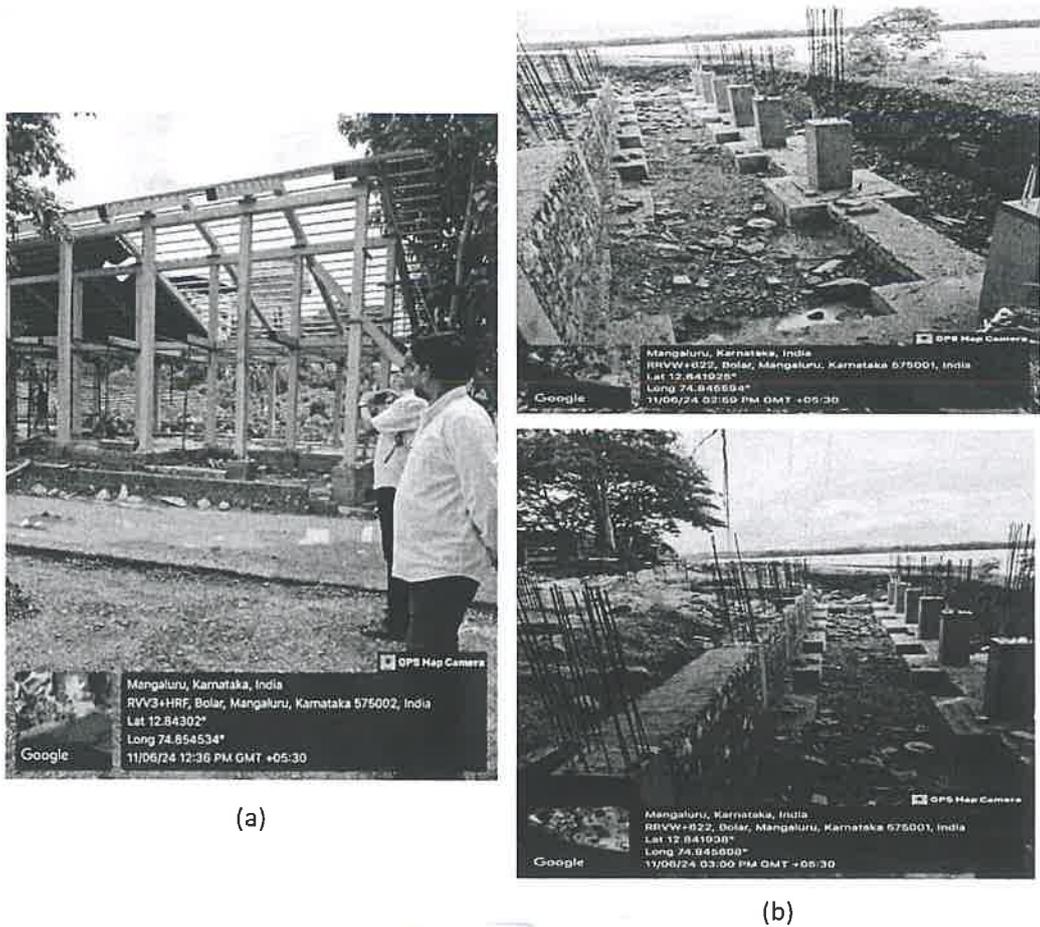
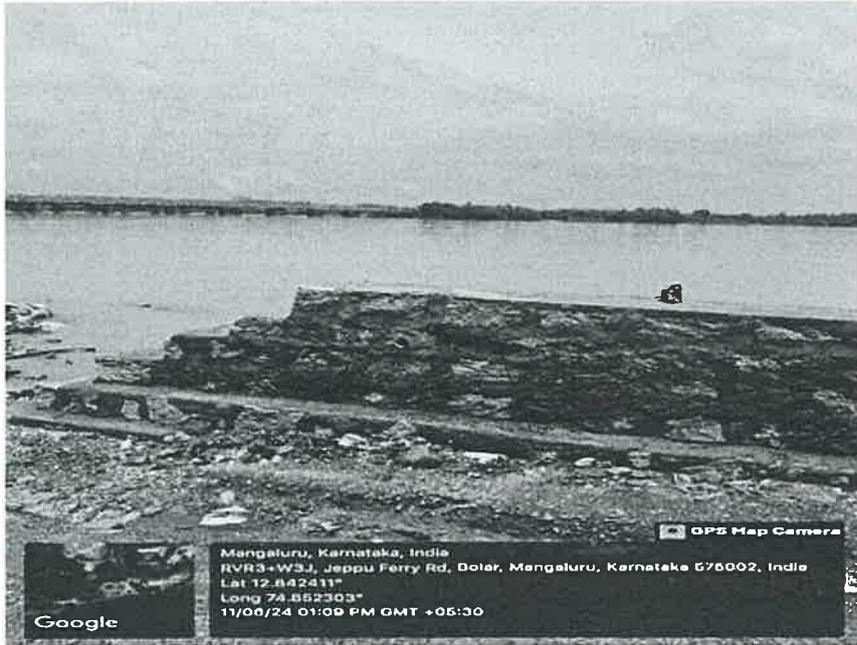


Figure 2 Image showing (a) Temporary shed on concrete footing to facilitate river view and (b) Construction of concrete footing

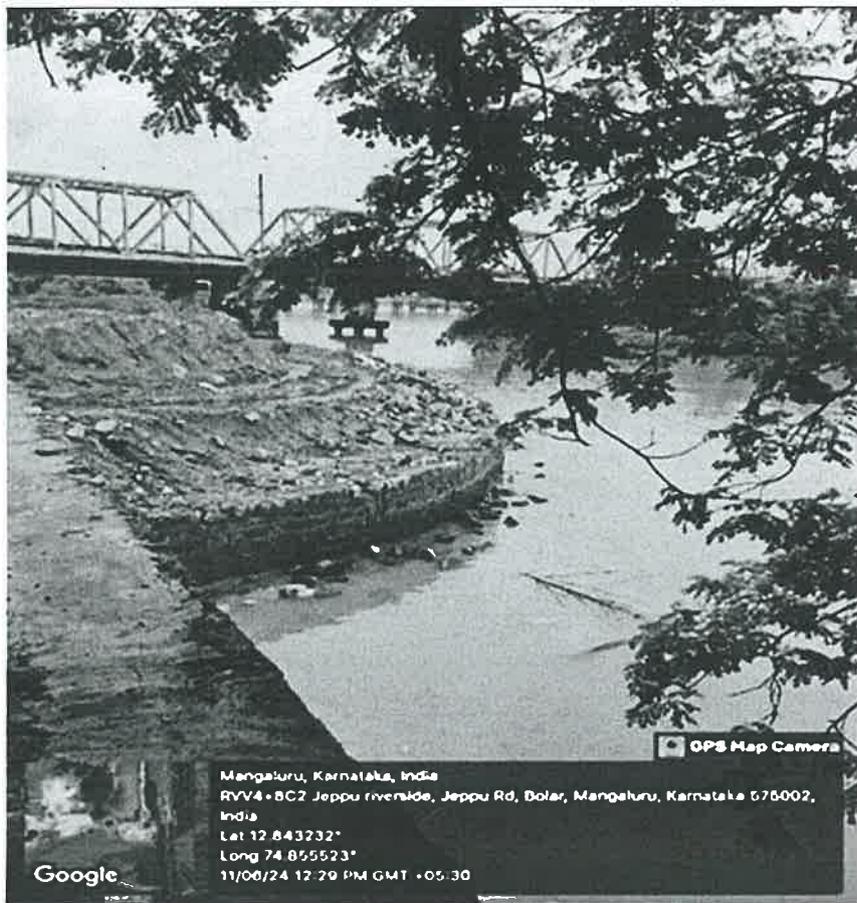


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(a)



(b)

Figure 3 Photo showing (a) removal of unauthorized Construction and (b) removal of unauthorized Construction near railway bridge



*[Handwritten signature]*

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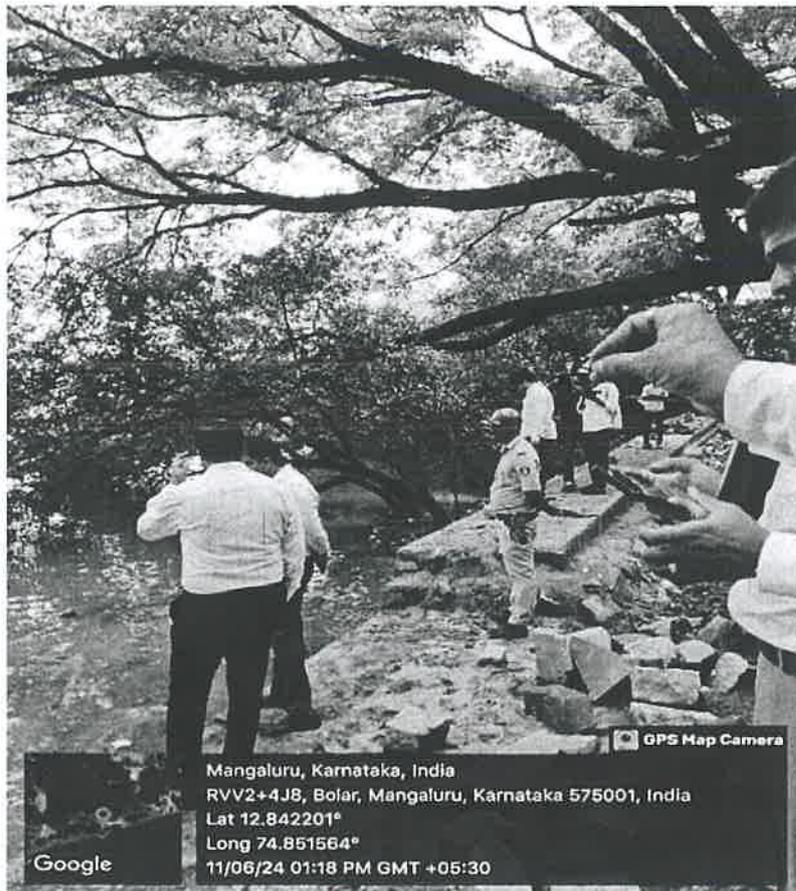
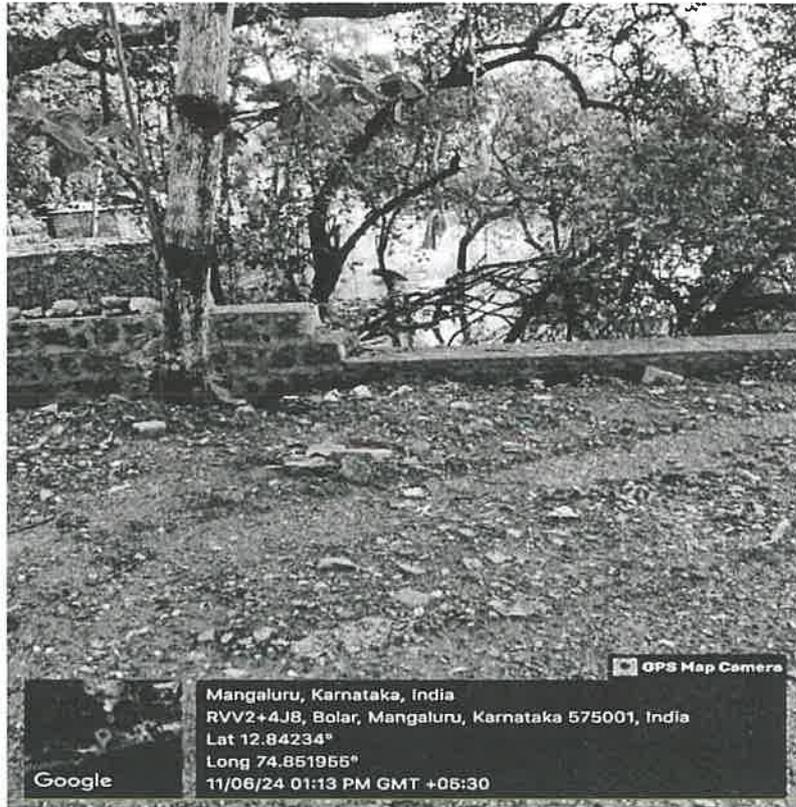


Figure 4 Few mangrove plants on the project site



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(11)

### Sec VI. Satellite images used for analysis

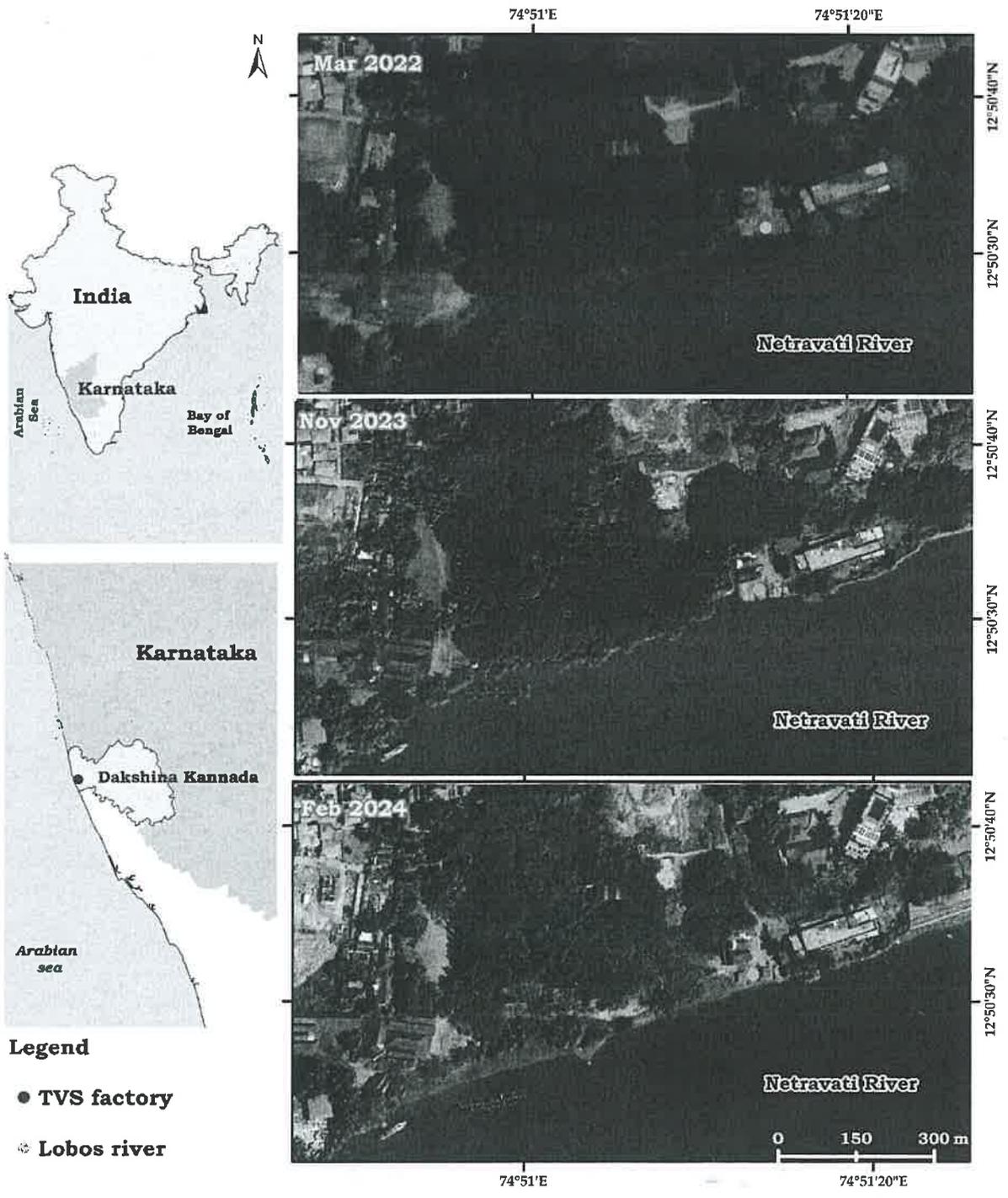


Figure 5 Comparison of satellite imageries -project site

Moes NCCR  
CHENNAI-500 100

IN THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT MADRAS

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REPORT

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