

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN BENCH, PUNE
Original Application No. 89/2020(WZ)

IN THE MATTER OF:

Sama Siddiq Osman

...Applicant

VERSUS

Ministry of Environment, Forest and Climate Change and Ors
..Respondents
NDOH: 31.03.2022

INDEX

SL NO.	PARTICULARS	PAGE NOS
1.	Rejoinder Affidavit To The Affidavit-In Reply On Behalf Of Respondent No. 6- GCZMA	2-9
2.	Annexure A/1 (Colly) True copy of the Google Images and photographs	10-20

Place: Pune
Date:04.12.2023

Filed By:-



(Shilpa Chohan, Shawahiq Siddiqui)
Advocates

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**REJOINDER AFFIDAVIT TO THE AFFIDAVIT-IN REPLY ON
 BEHALF OF RESPONDENT NO. 6**

I, Sama Siddiq Osman, Aged about 54 years, S/o Shri Usman Amad
 R/o R/o Village Cheravadi, Post Shikarpur, Taluka Bhachau, District
 Kachchh, Gujarat do hereby solemnly affirm and state as under: -

3. That I am the applicant in the above-mentioned matter and as such am competent to depose the present rejoinder affidavit.
4. That the contents of the affidavit in reply of R-6 is denied in totality, unless specifically accepted as true and correct.

REJOINDER TO PARAWISE REPLY

1. That the contents of para need no reply and the answering respondent is put to strict proof of the same.

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 K. K. GALA
 NOTARY
 GOVT. OF INDIA

has not taken any action or measure to ascertain the impact of construction of earthen bunds on the flow of the Surajbari creek. The answering respondent is making vague statements without any basis which are in the nature of conjectures.

11. That the contents of the para are denied as wrong and false. The bunds were broken in some areas and not in the entire area and any submission is factually incorrect. The bunds are in existence even today and the same are visible in Google Images and also on ground, though some areas have been affected by flow of the creek and the height has come down. It has come into the knowledge of the applicant that some activity has started in the area. The true copy of the Google Images and photographs are annexed herewith and marked as **Annexure A/1 (Colly)**.
12. That the contents of the para are denied as wrong and false. The bunds were broken in some areas and not in the entire area and any submission is factually incorrect. The bunds are in existence even today and the same are visible in Google Images and also on ground, though some areas have been affected by flow of the creek and the height has come down. It has come into the knowledge of the applicant that some activity has started in the area.
13. That the contents of the para under reply are denied as wrong and false. There were bunds of that height at the time complaint was made. The contentions in the para under reply shows that earthen bunds were constructed but no action has been taken against the lease holders.

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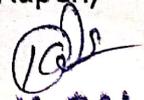

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14. That the contents of the para are denied as wrong and false. The bunds were broken in some areas and not in the entire area and any submission is factually incorrect. The bunds are in existence even today and the same are visible in Google Images and also on ground, though some areas have been affected by flow of the creek and the height has come down. It has come into the knowledge of the applicant that some activity has started in the area and the photographs and google Images shows that they are still in existence and not all the bunds were removed.

15. That the contents of the para under reply are denied as wrong and false. The submissions made by the answering respondent are vague and based upon no study conducted. The use of the words "have not felt to have obstructed" is neither here nor there and such response from GCZMA is not warranted.

16. That the contents of the para under reply are denied as wrong and false. The answering respondent has not stated on what basis such a sweeping statement is being made when admittedly no study has been done to assess the impact of obstruction of creek and construction of earthen bunds on the hydrology and subsequently on the ecology of the area. The answering respondent has not stated that what would be the effect of the activity is permitted in this area. The applicant has specifically stated that this land is like a creek island in the way of network of creeks that carry discharge from rivers as well as heavy monsoon discharge from the villages, towns and cities. The discharge and flow from the rivers Banas, Saraswati, Rupen,

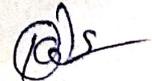
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NOTARY
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Bajana, Phalku, Kankavati, Brahmni, Godhadharoi, Machhu flows into the Gulf of Cambay through the narrow gauge created by the land leased to the R-3&4. The leased land is located in the middle of the Surajbari Creek which carries substantial amount of flood discharge and regular surface runoff into the sea. The bund have been created by R-4&5 along the leased out land in the middle of the Surajbari Creek will act as a wall and is most likely to create severe impacts on the flow and discharge of rivers into the creeks and further into to the Gulf of Cambay. On the other hand, there is tidal influence from the sea/Gulf to the landward side in the Rann of Kutch which makes it a unique landscape that serves as the Sanctuary for wild ass and migratory birds. The bund created by R-4&5 is obstructing the tidal flow into the Rann of Kutch thus threatening the wildlife and biodiversity in the protected area. The precautionary principle is required to be applied in addition to polluters pays principle.

17. That the contents of the para under reply are denied as wrong and false. The It is not fathomable as to why any third party would make earthen bunds over the same area leased to R-4 and 5 as the same reason has been brandied about by both the respondents who have been granted lease in the CRZ IA area and being supported by answering respondent. The answering respondent is shielding the private lease holder and filing of FIR is an afterthought as these complaints have come up after the applicant made complaints to the respondent authorities as regards to the construction of the earthen bunds. The

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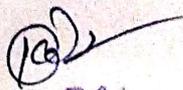
K. K. GALA
NOTARY
GOVT. OF INDIA

subterfuge of encroachment is just a way of deflecting legal action for undertaking activity without any permission and the contention that identify is not revealed is not believable and ought to be discarded.

18. That the contents of the para under reply are denied as wrong and false. The It is not fathomable as to why any third party would make earthen bunds over the same area leased to R-4 and 5 as the same reason has been brandied about by both the respondents who have been granted lease in the CRZ IA area and being supported by answering respondent. The answering respondent is shielding the private lease holder and filing of FIR is an afterthought as these complaints have come up after the applicant made complaints to the respondent authorities as regards to the construction of the earthen bunds. The subterfuge of encroachment is just a way of deflecting legal action for undertaking activity without any permission and the contention that identify is not revealed is not believable and ought to be discarded.
19. In response to the contents of the para under reply it is submitted that salt harvesting is only a regulated activity in CRZ IB area and not in CRZ IB area.
20. That the contents of the para are indicative of the mindset of the answering respondent who is ready with grant of CRZ clearance to the private respondents for an area coming within CRZ 1A area which is not permissible.

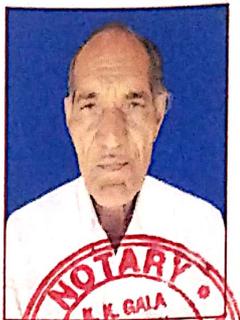
21/11/2021

DEPONENT


K. K. GALA
 NOTARY
 GOVT. OF INDIA

VERIFICATION:

Verified at Bhilad Valsad on _____ day of December, 2023 that the contents of above affidavit is true and correct to the best of my knowledge and understanding and nothing material has been concealed there from.



21-12-2023

DEPONENT

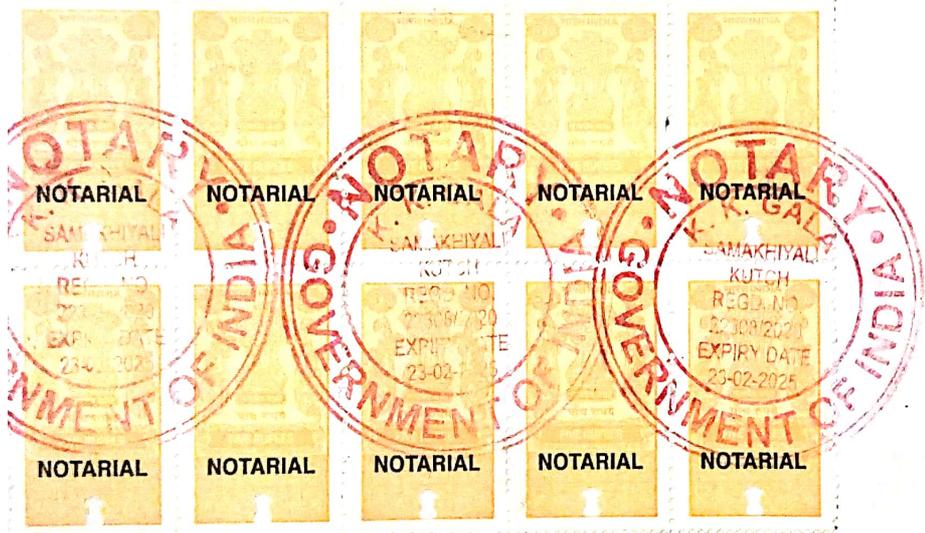
Witness:

1) Sushmi Lakshmi

Mo- 9725357025

2) Anil K. Gala

Mo- 9870068100

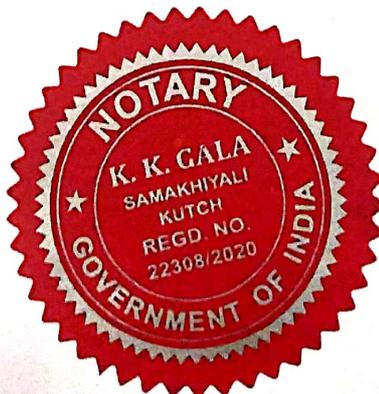


**SOLEMNLY AFFIRMED
BEFORE ME**

K. K. GALA
NOTARY
GOVT. OF INDIA

Sr. No. 3722/23

Date: 04/12/2023



ભારત સરકાર
Government of India

સમા સીદીક
Sama Sidik
જન્મ તારીખ / DOB : 01/01/1961
પુરુષ / Male

8199 8387 0706

આધાર - સામાન્ય માણસનો અધિકાર



સેવા સુધારક ઓ સેવા ઓ

ભારતીય અનન્ય માણસ-પ્રાધિકરણ
Unique Identification Authority of India

આધાર

સરનામું:
નો પુત્ર: ઓસમા, સમા વાસ,
ગામ-સુરજબારી, શિકારપુર, કચ્છ,
સીકાપુર, ગુજરાત. 370150

Address:
S/O: Osman, Sama Vas,
Village-Surajbari, Shikarpur,
Kachchh, Sikarpur, Gujarat,
370150

8199 8387 0706

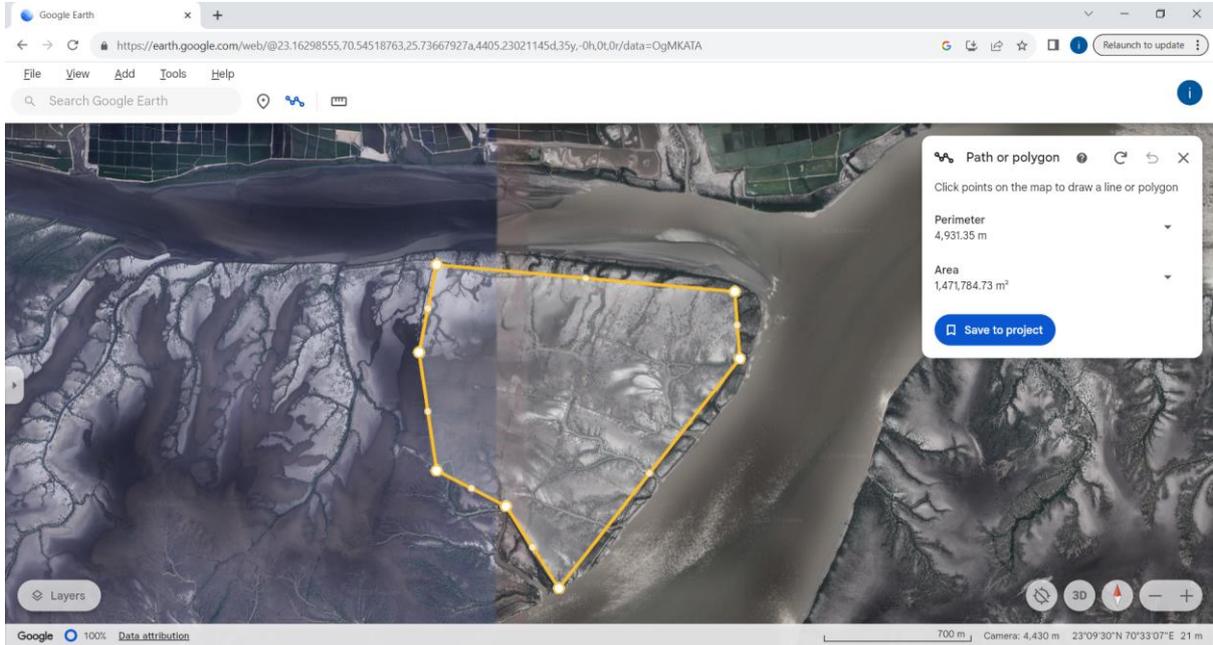
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1800 300 1947

help@uidai.gov.in

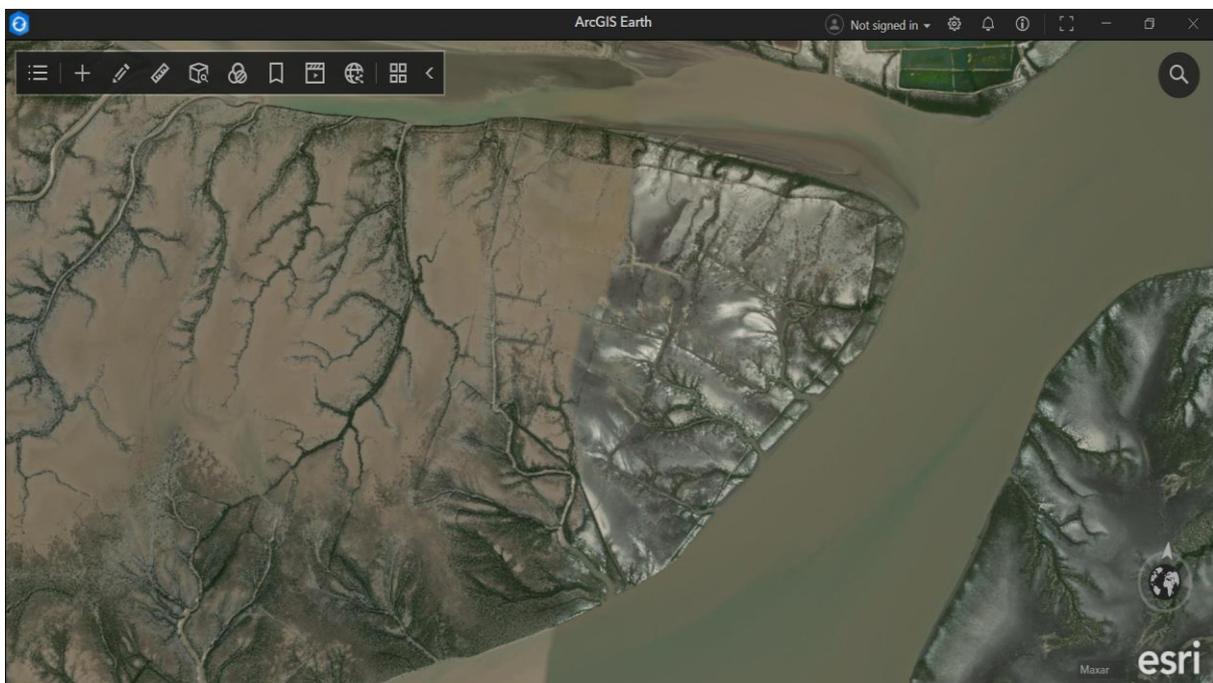
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Annexure A/1 (Colly)

In Northern side of lease there is 4.9 KMS long bund exists which is washed away at some places due to tidal currents.



Google earth image of the northern side of lease area.

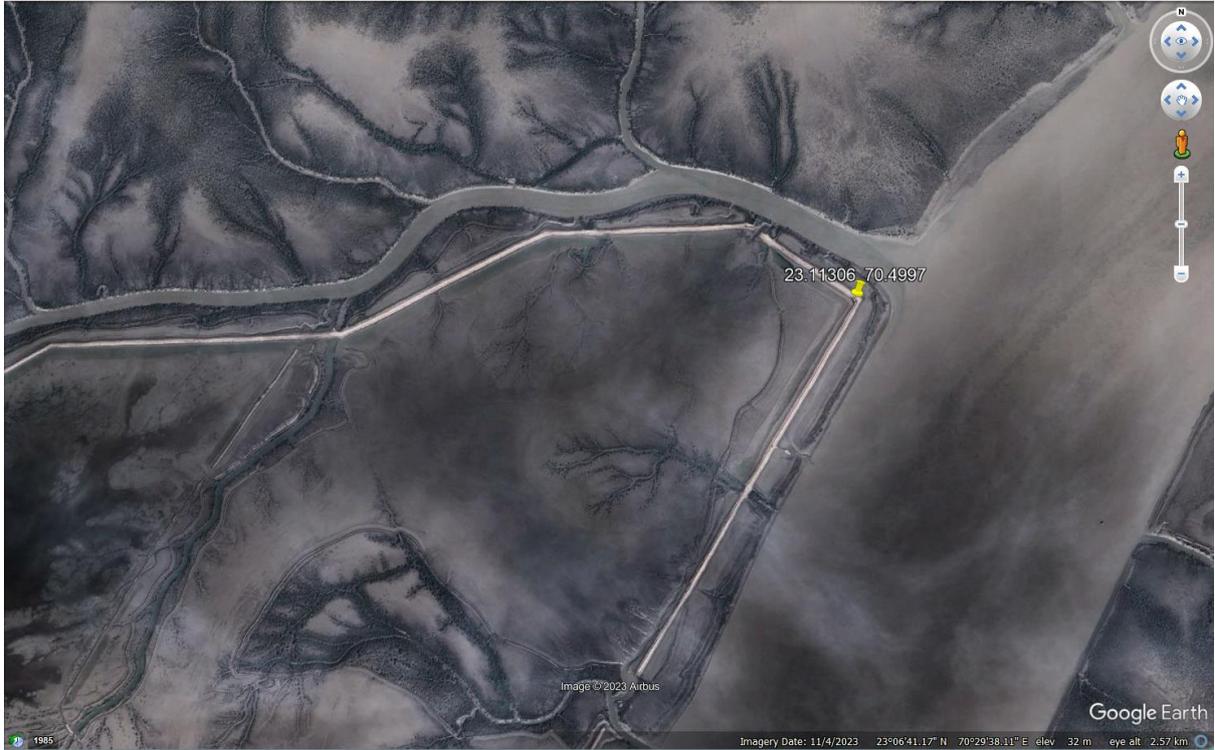


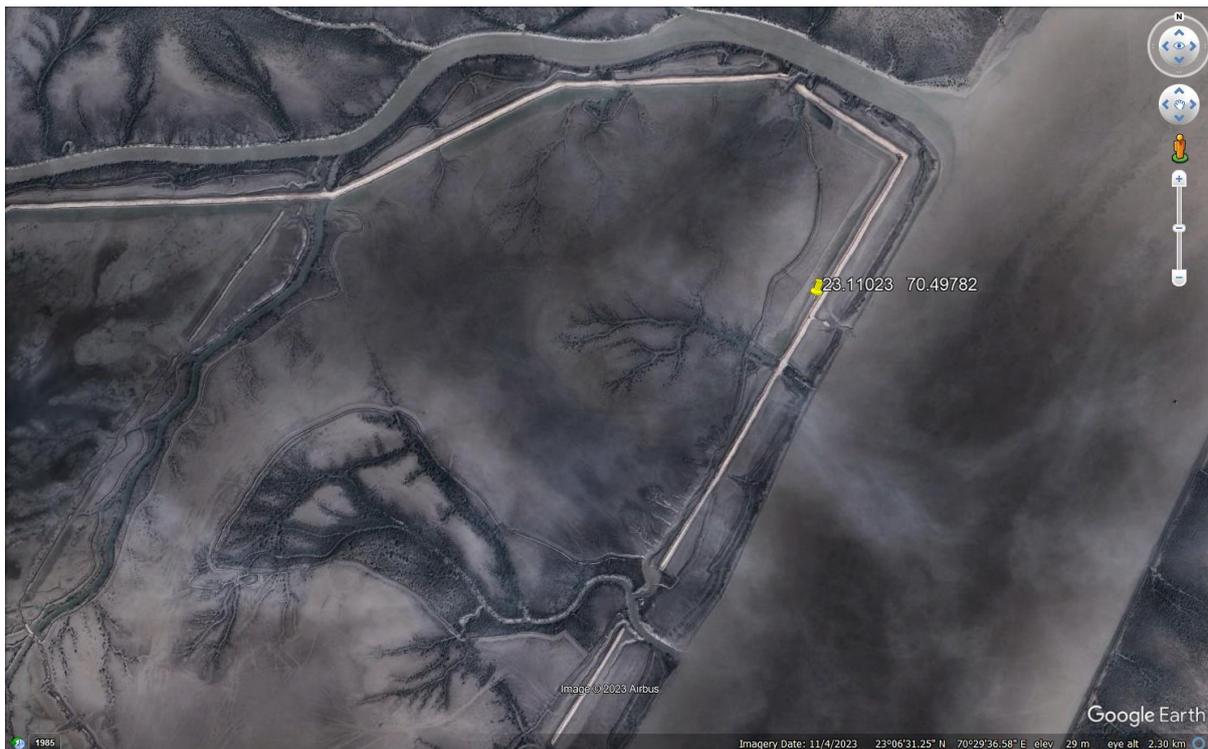
ESRI Image of the island.

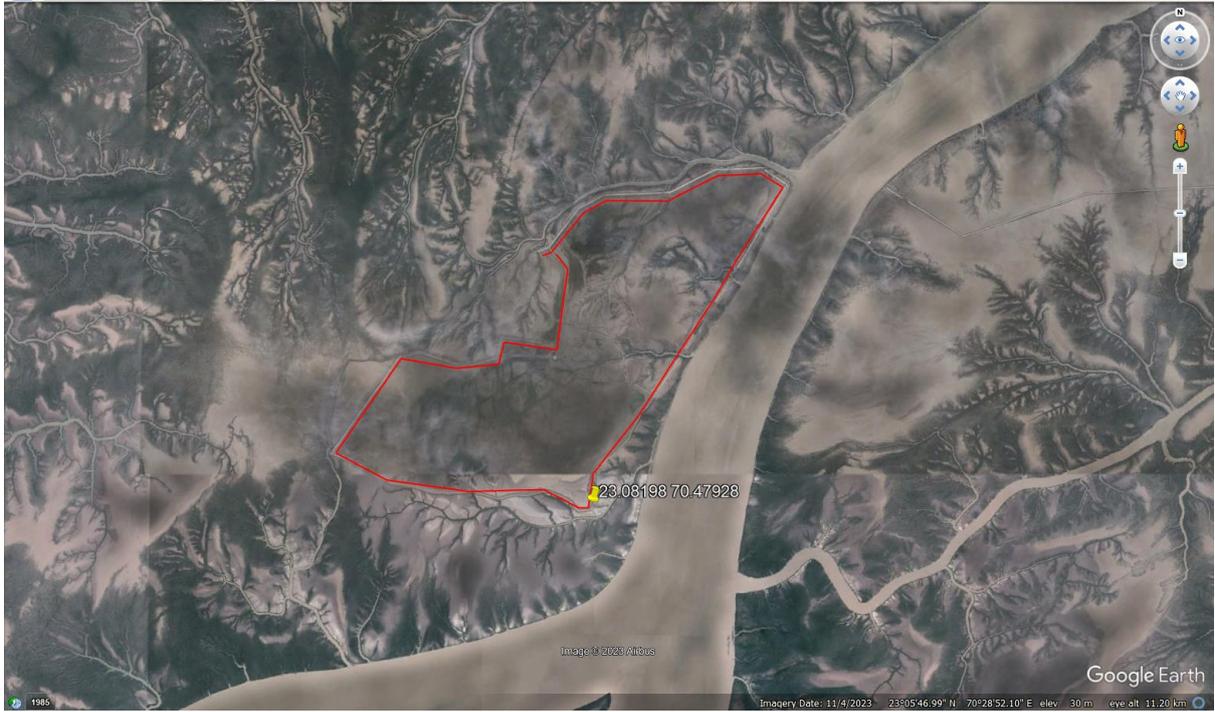


Existing bunds shown in ISRI Images in lease area which is CRZ1A.

In Southern side of lease area there are already the embarkment exists on the island.



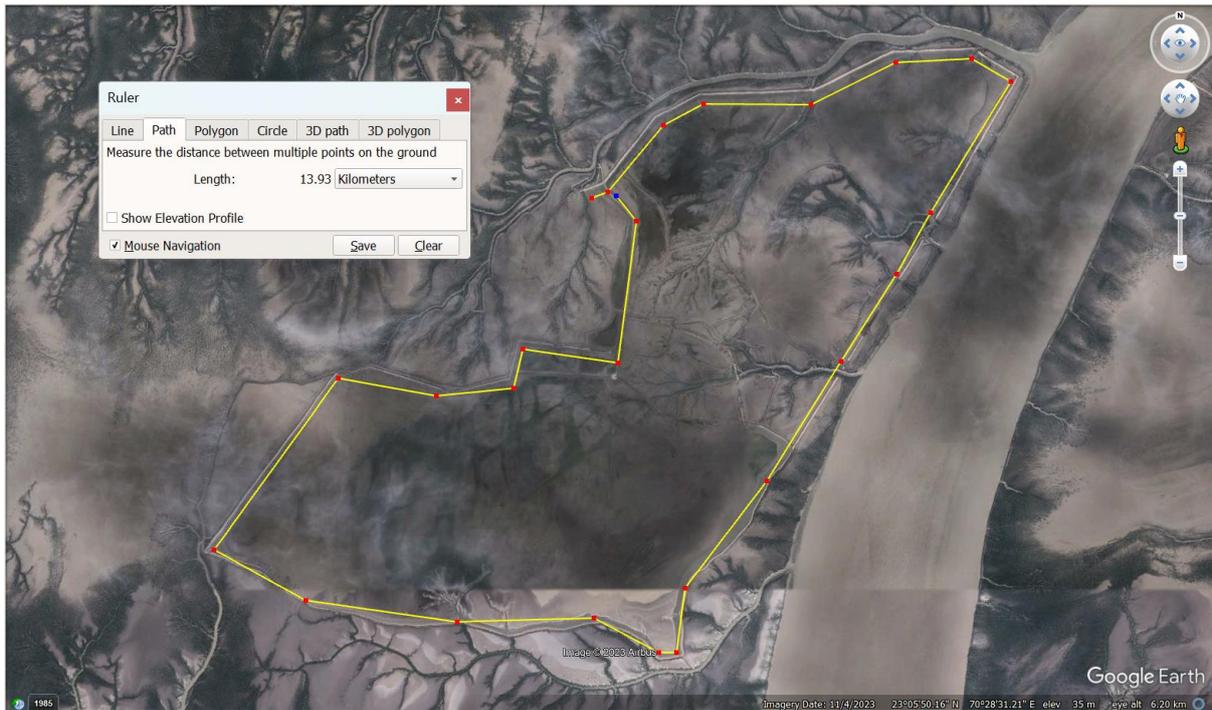




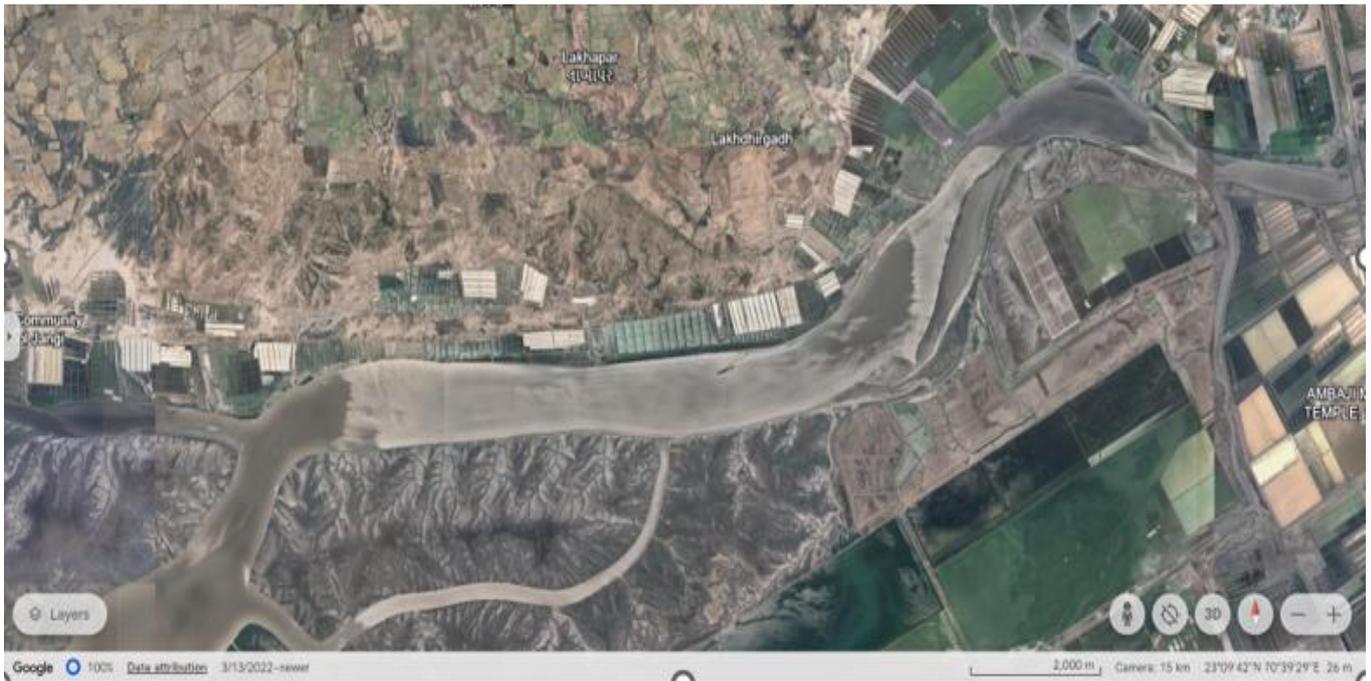








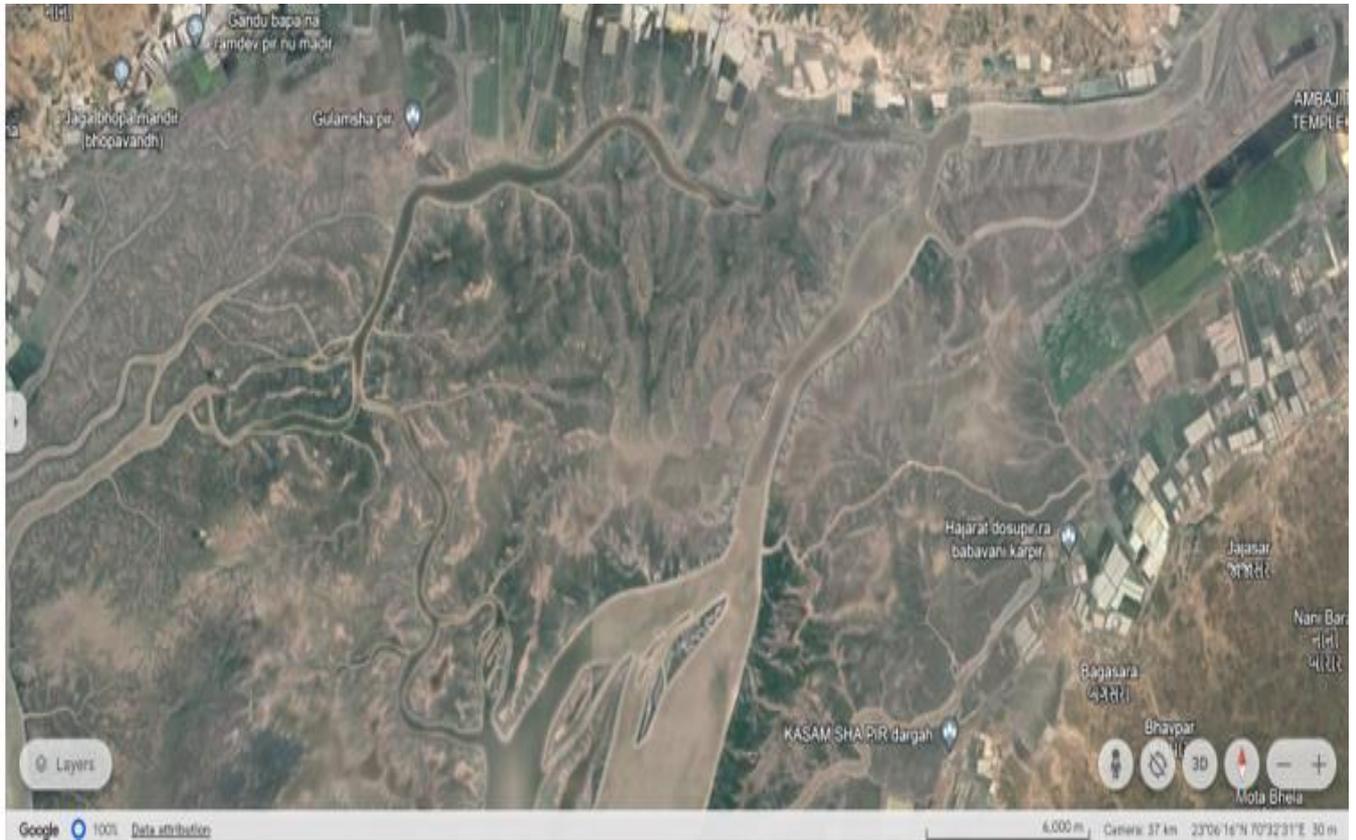
Total 13.93 KMS long bunds exists on periphery in Southern Direction of the island which is CRZ1A area having mangroves



Top: Surajbari Creek

Below: Surajbari creek





Surajbari Creek