

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, AT CHENNAI
ORIGINAL APPLICATION NO. 76 OF 2022 (SZ)
(Under Section 14,15 of the NGT Act, 2010 r/w Section 19 of NGT Act)**

IN THE MATTER OF:

Damayanti Subray Mesta

... Applicant

Versus

Department of Public Works, Ports &
Inland Water Transport Government of Karnataka
And Others

...Respondents

MEMO FILED ON BEHALF OF THE 2ND RESPONDENT

It, it humbly submitted as follows: -

1. The 2nd Respondent submits that the above OA No. 76 of 2022 was filed alleging on-going construction of road in CRZ seeking to restore the CRZ area among other reliefs.
2. The 2nd Respondent sought permission from the Hon'ble NGT to use to Kaccha Road for port development till the Application is finally decided. The Hon'ble NGT vide its order dated 21.10.2022 taking note of the above letter dated 03/10/2022 recorded that the appropriate authority shall take a call on the use of road and pass appropriate order. Liberty was granted to approach the SCMZA for usage of existing kaccha road. Pursuant to the said orders, Port Department has filed application to KSCZMA use of existing kaccha road.
3. The Karnataka State Coastal Zone Management Authority conducted meeting on 06.02.2023 and 27.02.2023. Based on the said meetings the KSCZMA vide letter dated 4.03.2023, discussed and decided to exempt the use of the existing Kacha Road in as is where is basis as the proposed area falls in notified port limits where NDZ is not application in such arears, falling with notified port limits as per provisions in para 4(1)(a) of CRZ Notification, 2011.

4. While this being so, the abovementioned OA was taken up for final hearing. On 15.05.2023, the 2nd Respondent had completed its arguments and it was posted on 24.05.2023 for arguments of the Applicant. On 24.05.2023 the Applicant sought for an adjournment due to bereavement in the Applicant's counsel family and the case was posted on 7.07.2023. On 07.07.2023, there was no sitting of this Hon'ble Tribunal and the matter was reposted to 31.07.2023.
5. The 2nd Respondent submits that the 2nd Respondent is not allowed to use to kaccha road despite getting exemption to use the said road in as is where is basis from the Karnataka State Coastal Zone Management Authority vide letter dated 4.03.2023 on account of the pendency of the above OA. The 2nd Respondent is incurring heavy loss on daily basis.
6. Therefore, in the light of the fact that the matter is part heard and the 2nd Respondent is incurring heavy loss on account, this memo is filed seeking Advance Hearing and taking up the matter on urgent basis. The 2nd Respondent will be put to grave prejudice and hardship if the hearing of the abovementioned OA is advanced. No prejudice will be caused to the Applicant if the hearing is advanced.

In light of above, it is humbly prayed that this Hon'ble Tribunal maybe pleased to take the memo on record and advance the hearing of the OA 76 of 2022 from 31/07/2023 to any other date and hear the matter and thus render justice.

Dated at Chennai on this the 12th day of July, 2023


Counsel for 2nd Respondent