



(ಮೂಲ ಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ)

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| ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರ ಕಛೇರಿ ಬಂದರು ಉಪ ವಿಭಾಗ, ಹೊನ್ನಾವರ ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ-581334 | OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER PORT SUB DIVISION, HONNAVAR UTTAR KANNADA-581334 |
| ಇ-ಮೇಲ್ (e-mail) aeepsdh@gmail.com | |

NO:AEE/PSDH/HPPL/2020-21/166

Date: 06-11-2021

To: ✓

The Deputy Conservator of Forests,
Honnavar Division, Honnavar

Dear Sir,

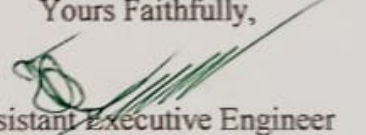
- Sub: Diversion of 0.76 hectare of forest land in Kasarkod Village F.Sy.No.233 & 237 Manki Hobali, Honnavar Taluk Uttara Kannada District (Honnavar Forest Division) for Approach Road from NH -66 to Kasarkod side of Honnavar Port in favour of the Assitant Executive Engineer, Port and Inland Water Transport Department, Port Sub Division, Honnavar-Reg.
- Ref: Principal Chief Conservator of Forests, (Forest Conservation) and Nodal Officer (FCA) Bangalore E- Office File No: KFD/HOFF/A52K(GFL)/47/2019-FC Dated: 04/05.10.2021

With reference to the above, a Writ Petition was filed before the Hon'ble High Court Of Karnataka, Bangalore by the Honnavar Taluk Hasi Meenu Vyaparastara Sangha against the construction of Honnavar Port & the said Writ Petition is pending for disposal. Hence , the present status of the Writ Petition Number 4039 of 2020-21 is enclosed herewith for your kind reference & needful action in the matter.

This is for fovour of information and needful action in the matter.

Yours Faithfully,

Encl: 3 ink-signed sets


Assistant Executive Engineer
Port Sub Division, Honnavar &
Nodal Officer, Honnavar.

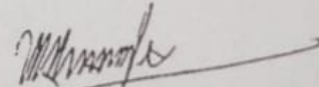
NOTE ON PRESENT STATUS OF WP NO: 4039/2021.

Sub: Writ Petition No: 4039/2021 (PIL) – Honnavar Taluka Hasi Meenu Vyaparasthara Sangha – Vs -- M/s. Honnavar Port Private Limited and others on the file of the High Court of Karnataka, Bengaluru

Ref: 1) Letter No: F. No. 4-KRB-1275/2021-BAN/615, dated: 15.09.2021 from the Deputy Inspector General of Forests (Central), MoEF & Climate Change, Integrated Regional Office, Bengaluru-560 034


2) Government Order No: IDD 87 PSP 2021, dt: 16.03.2021

1. A Writ Petition was filed before the Hon'ble High Court of Karnataka, Bengaluru by the Honnavar Taluka Hasi Meenu Vyaparasthara Sangha challenging the construction of the port on the beaches of Kasarkod by M/s. Honnavar Port Private Limited (HPPL)
2. The above matter had come-up for hearing before Hon'ble High Court of Karnataka on the 26th March, 2021. Upon hearing, the Hon'ble Court directed to issue Notice to the Respondents, returnable on 21st April 2021. On 21st April, 2021, Hon'ble Court directed to list the petition on 4th June, 2021. Further on the 4th June, 2021, Hon'ble Court granted time to all the respondents to file Statement of Objections till 9th July, 2021 and directed to list the petition on 13th July, 2021.
3. The matter was heard again on 19-08-2021 and 01-09-2021. Further hearing is fixed on 08-10-2021.
4. The daily order passed by the Hon'ble court is attached here with. (Annexure-A)


(I.T.S. Phayade)
Port Engineer,

Directorate of Ports and Inland Water Transport
Karwar & Litigation Conducting Officer

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Assistant Executive Engineer
Port Sub-Division, Honavar

Daily Orders for Case WP 4039/2021

| Sl. No | Judge(s) Name | Date of Order | Daily Order |
|--------|---|---------------|---|
| 1 | ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY | 01/03/2021 | Learned counsel appearing for the petitioner seeks time to apply for amendment, as the delay is not explained in the petition. List this petition on 26th March 2021. |
| 2 | ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ | 26/03/2021 | Heard the learned counsel appearing for the petitioner. Issue notice to the respondents, returnable on 21st April 2021. The learned Additional Government Advocate takes notice for the respondent Nos.2, 3, 4 and 5. Shri Gururaj Joshi, the learned counsel takes notice for the seventh respondent. We make it clear that all further work which may be carried out in respect of the subject matter will be subject to further orders which may be passed in this petition. Our attention is invited to paragraph 37 of the petition and the document at Annexure-AD. We make it clear that unless Stage-1 approval under Section 2 of the Forest (Conservation) Act, 1980 is granted in respect of the area of 0.76 hectare in forest survey Nos.233 and 237 which is the subject matter of Annexure-AD, no work shall be carried out on the said lands. ORDER ON I.A No.3 of 2021 As the petition is at the preliminary hearing stage, the amendment is allowed. The amended copy shall be furnished within a period of two weeks from today. For physically carrying out the amendment, we grant time of eight weeks. The amended copy shall be provided by the petitioner to all the concerned respondents. |
| 3 | ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ | 21/04/2021 | The respondents who have been served shall file their respective Statement of Objections within a maximum period of one month from today. For awaiting service of the notice of the unserved respondents, let the petition be listed on 4th June 2021. |
| 4 | ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ | 04/06/2021 | In view of Postal Track Report, notice of the petition shall be deemed to have been served on 6th and 9th respondents. We finally grant time to all the respondents to file statement of objections till 9th of July,2021. List the petition on July 13,2021. |
| 5 | ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ | 13/07/2021 | 1. The challenge in this petition in the nature of a Public Interest Litigation is essentially to the project of Development of Honnavar Port. 2. We have heard the learned counsel appearing for the petitioner at length. 3. The first challenge is to the Environmental Clearance granted on 21st September 2012 by the sixth respondent and the extension of the Environmental Clearance granted on 1st July 2019. The present petition has been filed on 22nd February 2021. The Environmental Clearance granted in the year 2012 shows that a public consultation was conducted on 27th January 2012. The petitioner has not disclosed why he did not participate in the said public consultation and raised an objection. Therefore, it is too late in the day now to challenge the project on the ground that the Environmental Clearance granted in the year 2012 is illegal. At this stage, the learned counsel appearing for the petitioner states that the petitioner participated in the public consultation. If that is so, we fail to understand why the petitioner kept quiet for nine years for challenging the Environmental Clearance. 4. The second ground of challenge is that construction of Port is a prohibited activity near the CRZ-1 area. However, Sub-clause (vii) of Clause (4) of Coastal Regulation Zone (CRZ) Notification dated 18th January 2019 provides that what is prohibited is the activity of Port and harbor projects in high eroding stretches of the Coasts. The learned counsel appearing for the petitioner submits that though he has not stated that the place where project is to be implemented is within high eroding stretches of the Coast, he relies upon Costal Zone Management Plan (CZMP) of 2011. However, the perusal of the CZMP does not show that the place of the project is in high eroding stretches of the Coast. 5. The other contention raised is that there are private revenue lands on which the project is going to come up. He states that some houses were demolished under the police protection for the |

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Assistant Executive Engineer
Port Sub-Division, Honnavar

| Sl. No | Judge(s) Name | Date of Order | Daily Order |
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development of the said project. As far as these two grounds are concerned, the same cannot be entertained in a Public Interest Litigation as the owners of the affected properties can always seek a remedy. 6. Further submission of the learned counsel appearing for the petitioner is that long after the Environmental Clearance was granted, it was revealed that the entire area of 45 hectare on which the project is to come up is a Turtle Nesting Ground. He is relying upon various photographs and other documents on record in support of his contention. He is relying upon a report annexed to the rejoinder submitted by the Environment Management and Policy Research Institute [Annexure-A13]. The report merely mentions the names of the beaches in Honnavar division on which there are several Turtle Nesting Grounds. The report does not indicate that the entire area of 45 hectares provided to the project is a Turtle Nesting Ground. However, considering the serious contentions raised regarding the entire area of 45 hectares being a Turtle Nesting Ground, we propose to appoint National Centre for Sustainable Coastal Management (NCSCM), working under the Ministry of Environment and Forest of the Government of India, having office at Chennai to carry out a survey of the area of 45 hectares covered by the project with a view to ascertain whether any part of the said area is a Turtle Nesting Ground or the entire area is a Turtle Nesting Ground. In fact, in the Statement of objections filed by the State Government, a copy of the final report on Turtle Nesting Ground by NCSCM has been produced. However, the said report is not useful to decide whether any part of the project area is a Turtle Nesting Ground. Therefore, it will be appropriate if the State Government appoints NCSCM to make a study on the issue whether the project area is a Turtle Nesting Ground. For the time being, charges of the said study shall be borne and paid by the State government. However, we will pass appropriate orders regarding the same when we hear the petition further. 7. Another challenge is on the ground that the location of the project as set out in the Environmental Clearance has undergone a change. To avoid any controversy, we direct the Deputy Commissioner of the District to make a site visit, examine the documents and record a conclusion whether the location of the project has undergone any change. Needless to add that the Deputy Commissioner will take the help of the officers of the Survey Department of the State Government and that site visit shall be made after notice to the parties. 8. The State Government shall immediately issue an order directing the NCSCM to make the study as aforesaid and submit a report to the State Government. 9. As regards the area of 0.76 hectares which is a forest land, an interim relief has been granted on 26th March 2021. The said interim relief will continue. We also make it clear that any further work carried out of the project will be subject to further orders which may be passed in the writ petition. List the petition on 19th August 2021.

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| 6 | ABHAY SHREENIWAS OKA (CJ) AND N S SANJAY GOWDA | 19/08/2021 | The State Government has placed on record along with a memo, the copies of the reports submitted by the National Centre for Sustainable Coastal Management as well as the Deputy Commissioner. The copies thereof be supplied to the counsel for the parties. List the petition on 1st September 2021. Interim relief which is operative till today will continue to operate till further orders. |
| 7 | ACTING CHIEF JUSTICE AND SACHIN SHANKAR MAGADUM | 01/09/2021 | A copy of the report filed by the National Centre for Sustainable Coastal Management has been handed over to the learned Counsel for petitioner by the learned Government Advocate today in the Court. The report of the Deputy Commissioner has also been filed and a copy of the same has been served to the learned Counsel for the petitioner today in the Court. Learned Counsel for the petitioner prays for fifteen days time to file objections to the aforesaid reports. List on 08.10.2021. Interim order to continue. |
| 8 | ACTING CHIEF JUSTICE AND SACHIN SHANKAR MAGADUM | 08/10/2021 | Learned Counsel for the petitioner prays for four weeks time to file objection to the report submitted by the National Centre for Sustainable Coastal Management. He is granted four weeks time to do the needful. List on 19.11.2021. Interim order to continue. |

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**Assistant Executive Engineer
Port Sub-Division, Honnavar**