



(ಮೂಲ ಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ)

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನೀಯರ ಕಚೇರಿ 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/ 183

Date: 29-11-2021

To: ✓

The Range Forest Officer,
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: 1. 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
2. Deputy Conservator Of Forest ,Honnavar Division, Honnavar Letter No.B2/GFL/FC/CR-20/2020-21 Dated : 27/10/2021.
3. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No. AEE/PSDH/HPPL/2020-21/166 Date: 06-11-2021.
4. Assistant Executive Engineer, Port Sub Division & Nodal Officer, Honnavar Letter No. AEE/PSDH/HPPL/2020-21/182 Date: 29-11-2021.

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 present status of the Writ Petition Number 4039 of 2020-21 was submitted under reference(3). After submission of this letter, next hearing was conducted by the Hon'ble High Court Of Karnataka, Bangalore on 24-11-2021. Hence the present status of disposed writ petition copy enclosed herewith for your kind reference as required under reference (2) for needful action in the matter.

Encl: 5 ink signed sets

Yours Faithfully,


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

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2021

PRESENT

THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.4039 OF 2021 (GM-POL) PIL

BETWEEN:

HONNAVAR TALUK HASIMEENU
VYPARASTARA SANGHA (REGISTERED)
TONKA-KASARKOD, HONNAVAR
UTTARA KANNADA - 581 342.
REPRESENTED BY ITS PRESIDENT
SRI GANAPATHI ISWAR TANDEL
S/O LATE ISWAR DURGAYYA TANDEL
AGED ABOUT 38 YEARS.

... PETITIONER

(BY SRI MURTHY D. NAIK, ADVOCATE)

AND:

1. M/S. HONNAVAR PORT PVT LTD
REGISTERED OFFICE AT NO.103,
LALEHZAR APARTMENTS,
45/1-2, PALACE ROAD,
BENGALURU - 560 001
PHONE 080-22353670/080-41494960
EMAIL: info@honnavarport.com
REPRESENTED BY ITS
AUTHORIZED REPRESENTATIVE

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

- 2 . THE PORT OFFICER
HONNAVAR PORT,
HONNAVAR - 581 334,
UTTARA KANNADA DISTRICT.
- 3 . THE DIRECTOR OF PORTS, AND INLAND
WATER TRANSPORT,
KARWAR PORT,
BAITHKOL VILLAGE - 581302,
KARWAR TALUK,
UTTARA KANADA DISTRICT.
- 4 . THE DEPUTY COMMISSIONER
UTTARA KANNADA DISTRICT,
MINI VIDHANA SOUDHA,
KARWAR - 581 301.
- 5 . THE PRINCIPAL SECRETARY
PWD, PORTS AND INLAND WATER
TRANSPORT DEPARTMENT,
GOVERNMENT OF KARNATAKA,
ROOM NO.333, 3RD FLOOR,
VIKASA SOUDHA,
BENGALURU - 560 001.
- 6 . THE STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-KARNATAKA,
DEPARTMENT OF
ECOLOGY AND ENVIRONMENT,
IV-GATE,
ROOM NO.709, 7TH FLOOR,
M.S. BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU-560 001
REPRESENTED BY ITS PRINCIPAL SECRETARY.
- 7 . THE KARNATAKA STATE POLLUTION
CONTROL BOARD
REPRESENTED BY ITS
SENIOR ENVIRONMENTAL OFFICER,
REGIONAL OFFICE,
'PARISARA BHAVAN',
LIG-II, B-217, NEAR HARI OM TRUST,
HABBUWADA
KARWAR-581 303.

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Assistant Executive Engineer,
Port Sub-Division, Honavar

- 8 . THE GRAMA PANCHAYAT
KASARKOD
HONNAVAR-581 342
UTTARA KANADA DISTRICT.
- 9 . THE SECRETARY,
MINISTRY OF ENVIRONMEMNT AND FOREST
AND CLIMATE CHANGE
GOVERNMENT OF INDIA,
INDIRA PARYAVARAN BHAVAN,
JOR BAGH ROAD,
NEW DELHI-110 003.

... RESPONDENTS

(BY SRI UDAYA HOLLA, SENIOR ADVOCATE A/W
SMT. MEGHANA, ADVOCATE FOR P1,
SRI RAJASHEKAR S, AGA FOR R2 TO R5,
SRI D. NAGARAJ, ADVOCATE FOR R6,
SRI GURURAJ JOSHI, ADVOCATE FOR R7,
SRI ASHOK N. NAYAK, ADVOCATE FOR R8 &
NOTICE TO R9 IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
MANDAMUS DIRECTING THE RESPONDENT NOS.1 TO 5 NOT TO
CONTINUE WITH THE CONSTRUCTION OF THE PORT ON THE
BEACHES OF KASARKOD, MALUKURVA, PAVINKURVE, KARKI
AND HONNAVAR, IN HONNAVAR TALUKA, OF UTTAR KANNADA
DISTRICT & ETC.

THIS PETITION COMING ON FOR ORDERS THROUGH
VIDEO CONFERENCING THIS DAY, **CHIEF JUSTICE** MADE THE
FOLLOWING:

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

ORDER

Heard Sri Murthy D Naik, learned counsel for the petitioner, Sri Udaya Holla, learned Senior Counsel assisted by Smt. Meghana, learned counsel for respondent No.1, Sri Rajashekar S., learned Additional Government Advocate appearing for respondent Nos.2 to 5, Sri D.Nagoraj, learned counsel for respondent No.6, Sri Gururaj Joshi, learned counsel for respondent No.7 and Sri Ashok N. Nayak, learned counsel for respondent No.8.

2. This Public Interest Litigation has been filed raising the issue of location and construction of the port on the beaches of Kasarkod, Malukurva, Pavinkure, Karki and Honnavar in Honnavar Taluka of Uttara Kannada District. The petitioner has challenged the Environmental Clearance dated 21.09.2012 issued by respondent No.6, the order dated 01.07.2019 issued by respondent No.6 extending the environmental clearance dated 21.09.2012 for a further period of three years. The petitioner has also prayed to quash the lease agreement dated 07.04.2010 entered into between respondent No.3 and M/s. North Canara Sea Ports-GVPREL-Consortium for usage of port land for port related

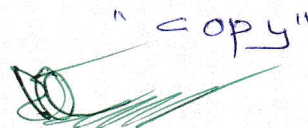
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**Assistant Executive Engineer,
Port Sub-Division, Honnavar**

activities at Honnavar Port, to quash the lease agreement dated 11.10.2010 entered into between respondent No.3 and M/s. North Canara Sea Ports- GVPREL-Consortium for port related activities and ANCHORAGE operations at Honnavar Port and to quash the permission which was accorded by respondent No.5 to transfer the subject matter of lease agreement dated 07.04.2010 and lease agreement dated 11.10.2010 in favour of respondent No.1 without any change. The petitioner has also prayed several consequential reliefs in this regard.

3. Learned counsel for the petitioner submits that there is certain forest land in the said beaches and therefore, approval from the Ministry of Forests should have been obtained prior to commencement of the work. It is submitted that construction is carried out in CRZ-I area. The said beach is a turtle nesting ground. The National Centre for Sustainable Coastal Management (NCSCM) have carried out the survey of 45 hectares area at Kasarkod Tonka in Honnavar taluk and has submitted its report in compliance of this Court's order dated 26.03.2021. It is also submitted that there has been change of coastline village border and also location of the aforesaid

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Port Sub-Division, Honnavar

construction. It is further submitted that there are violations of various constitutional provisions and respondent No.1 has furnished false environmental details regarding the project.

4. Learned Senior Counsel appearing for respondent No.1, on the other hand, submits that the writ petition has been filed on behalf of certain individual persons whose vested interest are involved in the area. They do not want the port to be constructed and as such, the instant writ petition is a proxy petition on behalf of certain fishermen and other persons involved in fishing and other similar activities. It is submitted that all necessary approvals have been obtained from the concerned authorities and it is only after necessary survey and other formalities that decision has been taken to construct the port at the location which is under challenge. It is also submitted that in compliance of the Court's order dated 13.07.2021, the NCSCM has carried out the survey and in its report, it has been stated that no nests, turtles or dead carcass of turtles have been observed in the entire 45 hectares of the proposed site during the survey. It is also submitted that so far as the requirement of approval from

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Port Sub-Division, Honavar

the Ministry of Forests is concerned, as per respondent No.1, there is no such requirement as the forest land is outside the land leased for the project. Moreover, no construction can be carried out without the formalities are concluded.

5. Learned counsel for respondent No.6 submits that the State level environment assessment was carried out by the Department of Ecology and Environment and it is only after the necessary assessment that permission has been granted. It is also submitted that the orders under challenge are applicable and hence, the writ petition, in the first stage, would not be maintainable.

6. We have considered the submissions made by learned counsel for the parties and gone through the records.

7. The question of location of a port depends on various factors including the requirement and necessity of a port. It is for the experts to determine the location of the port and its requirements.

8. So far as the contention of learned counsel for the petitioner that the site which has been leased for

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Port Sub-Division, Honavar

development of the port is a nesting area of turtles is concerned, we have perused the survey report of the NCSCM. As per the survey report which is on record, no nest, turtle or dead characters are found during the survey of the entire 45 hectares area of the proposed site. However, it is for the concerning authority to ensure that no damage is caused to the nesting of turtles and other endangered species found in the area.

9. So far as the requirement of approval from the Ministry of Forests is concerned, we are of the considered view that the respondents shall obtain all necessary approvals, sanctions and permissions from all the concerned authorities while undertaking construction of the port in question.

10. Learned Additional Government Advocate appearing for respondent Nos.4 and 5 submits that a survey was carried out by the Deputy Commissioner, U.K.District on 13.08.2021 and no land in excess of the leased land has been found in use for construction of the port.

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Port Sub-Division, Honavar

11. Considering the entire aspect of the matter, we dispose of this writ petition with liberty to the petitioner to raise its grievance before respondent No.5-The Principal Secretary, PWD, Ports and Inland Water Transport Department, Government of Karnataka, who may consider the grievance of the petitioner and pass appropriate orders in accordance with law.

12. The pending interlocutory applications do not survive for consideration and are accordingly disposed of.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

KPS

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