

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 191/2024

News item titled "**Netravati Waterfront Promenade Project is Hurting Lives of Common people Stakeholders**" appearing in Mangloreaan dated 26.01.2024

Date of hearing: 05.03.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Rajat Jonathan Shaw, Adv. for R - 2 & 3 (Through VC)

**ORDER**

1. This original application is registered *suo motu* on the basis of the news item titled "Netravati Waterfront Promenade Project is hurting lives of common people-Stakeholders" published in 'Mangloreaan' dated 26.01.2024 and letter sent by the National Environment Care Fedaration (NECF) dated 13.12.2023 to the concerned Government department highlighting the issues relating to the violation of the environmental norms in execution of the project. The news item as also the letter reveal that following important issues are involved in the matter:

Issue No.1: As per the letter by NECF, the following environmental violations have been allegedly done for the execution of the Netravathi Waterfront Promenade Project:

- 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.

- 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.
- Alleged violation of Coastal Regulation Zone (CRZ) involving unauthorized dumping of some construction site debris into the Netravathi river at Mulihithulu to acquire 9 meter of land for the project.
- The letter further alleges that after comparison of pre 2022 Google Maps imagery before the commencement of the project and subsequent to its execution, it has been observed that approximately 30 and more mangroves and significant trees are no longer present in the area.

Issue no 2: The second matter deals with the order of vacating port land for the execution of the promenade project issued to the boatyard owners and fishnet producers who had taken the land between Netravathi railway bridge and Bolar sea pace on lease. The news article states that owners of four boatyards and fishnet producers have sought relief from the government due to the abovementioned displacement. The article quotes one of the boatyard owners who has alleged that his yard employs more than 100 workers and vacating the land is equivalent to shutting his livelihood.

The article further states that the said area along the stretch of the river waterfront is not suitable for such a recreational project, where during heavy monsoon water overflows into banks, and takes back soil along with it, which is dangerous and life-threatening to people. The article claims that the Netravathi Riverfront Promenade project of Mangaluru Smart City Ltd, with an allocated budget of Rs 70 crores for a mere 2.1 kilometers, is unscientific and negatively impacts the livelihoods and operations of boat building and fishing enterprises. Due to the Adverse Impact of the Project, boat-building yards and fish net-making

establishments, which have obtained financial loans from MSME, PMSSY, and other financial sources for the establishment of their facilities, are currently facing the possibility of closure due to the construction of a wall like structure along the riverside, which will result in cutting off the access to the river.

As per the article, the MSCL project is posing a threat of eviction to the boat building yards, fishnet making, and other establishments in the area leading to a reduction in the number of boatyard repairers and negatively impacting the local fishing industry in Mangaluru. This potential closure would also lead to significant unemployment among thousands of skilled workers with minimal or no formal education, many of whom are beneficiaries of below-poverty line (BPL) schemes.

2. The above disclosure reveals that substantial issue relating to compliance of the environmental norms is involved in the matter.
3. The Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.
4. Hence, we implead the following as respondents in the matter:
  - i. National Coastal Zone Management Authority through its Chairman.
  - ii. Principal Secretary, Forest Environment and Ecology Department, Karnataka Government
  - iii. Deputy Commissioner/District Magistrate, Dakshina Kannada Mangalore.
  - iv. RO, MoEF&CC, Mangalore.
  - v. Mangaluru Smart City Limited through its Managing Director.

5. Mr. Rajat Jonathan Shaw, Advocate accepts notice on behalf of respondents no. 2 and 3.

6. Let notice be issued to respondents no. 1 and 4 for filing the response before the concerned Bench of the Tribunal.

7. We also constitute a Joint Committee comprising of the representative of (i) Member Secretary, CPCB, (ii) RO, MoEF&CC, Mangalore, (iii) District Magistrate, Dakshina Kannada Mangalore and representative of the Director, National Centre for Coastal Research (NCCR). The District Magistrate, Dakshina Kannada Mangalore will act as the coordinating agency in the Committee.

8. The Committee will visit the site, ascertain the true factual position and the extent of violation of environmental norms in execution of the project and submit the report before the appropriate Bench of the Tribunal atleast one week before the next date of hearing.

9. Counsel appearing for respondents no. 2 and 3 has submitted that a similar issue is involved in O.A. No. 52 of 2024 (SZ) in the matter of National Environment Care Foundation Vs. Mangalore Smart City Ltd. and Ors. and the Southern Zone Bench is examining the said O.A. Hence, we transfer the present O.A. to the Southern Zonal Bench for listing it alongwith the pending O.A. 52 of 2024 (SZ).

10. Let the original record of this O.A. be transferred to the Southern Zonal Bench at Chennai.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

March 05, 2024

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