

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

**M.A. No. 166 of 2013
In
Appeal No. 25(T_{HC}) of 2013**

Smt. Octavia Albuquerque & Ors. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present:

Appellants:	Mr. B.M. Arun, Mr. Andrew Lobo and Ms. Srishti Govil, Advocates
Respondent No.1:	Mr. Vivek Chib and Mr. Asif Ahmed, Advs.
Respondent Nos. 2 to 5:	Mr. V.N. Raghupanthu, Advocate
Respondent No. 7:	Ms. Malaya Chand and Mr. S.P. Mitra, Advocates
Respondent No. 8:	Mr. Vivek Chib and Ms. Ruchira Goel, Advs.
Respondent Nos. 9, 10&12:	Mr. V.N. Raghupathi and Mr. S. Devarajan, Advocates
Respondent Nos. 15 & 16:	Mr. Girjesh Pandey, Advocate
Respondent No. 18:	Mr. Trideep Pais and Mr. Ashutosh Sitaraman, Advs.

Date and Remarks	Orders of the Tribunal
Item No. 9 May 9, 2014	<p>Learned Counsel appearing for the Appellant has placed before us six Google imageries right from the years 2004 to 2014. With reference to these images it is stated by the Appellant that there has been filling of the major part of the Creek as well as some part of the River Gurupur.</p> <p>Learned Counsel appearing for the respective Respondents do not deny these images, however, it is stated that there is a low lying area which was filled by dredged sand and that not much filling has been done.</p> <p>The Learned Counsel appearing for the Contractor submits that some filling has been done but no filling has been done after the order of <i>status quo</i> passed by the Tribunal.</p> <p>A very serious environmental dispute arises from the above. It needs to be clearly brought out before the Tribunal whether there existed a Creek (water body) as reflected in the Google Imagery of the year of 2004 and even of the year of 2012 and if so, whether it has been manually filled to convert the Creek into solid mass of</p>

earth for the purposes of establishing the Fishery Harbour and Processing Unit at the site in question.

It is, however, admitted by the Department that the development made is only for Harbour and not for a Fishery Processing Unit. It also needs to be brought on record as to whether there are any CRZ violations and what is the history of the Creek and its role in the life of the people living around that area.

Learned Counsel appearing for the respective Respondents submit that it will be appropriate to appoint a Commissioner to bring out the correct facts on records.

At this stage, the Learned Counsel appearing for the parties pray for some time to give agreed names of the Inspecting Team to do the work of as a Commissioner for local investigation.

Let the matter be listed on Monday i.e. 12th May, 2014, for further directions.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(B.S. Sajwan)

.....,EM
(Dr. R.C. Trivedi)