

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI**

Application No. 184 of 2017

Sri Sunkara Swamy Naidu Welfare  
Organisation represented by its  
President Sunkara Karthik,  
153D, Near Gopal Nagar,  
Yanam - 533454.

....Applicant

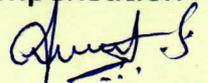
-Vs-

The Union of India represented by  
Chief Secretary to Government of Puducherry,  
Puducherry.  
And 12 others

....Respondents

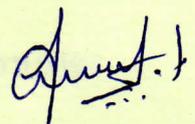
**OBJECTIONS FILED BY THE APPLICANT TO THE JOINT  
INSPECTION REPORT FILED IN O.A. 184 OF 2017**

- 1) It is respectfully submitted that the Applicant has filed the above Original Application praying for direction to the respondents to stop illegal sand mining in the Gowthami and Vurudha Gowthami Godavari River from Yanam to Kotipalli village, Andhra Pradesh its tributaries, rivulets and channels, river mouth and estuary in the Yanam Region of the Union Territory of Puducherry.
- 2) It is respectfully submitted that this Hon'ble Tribunal by order dated 08.01.2020 was pleased to constitute a committee to look into the matter regarding the allegations made and submit a factual and action taken report regarding the illegal mining that is alleged to have been committed in Godhavari River bed especially, whether in stream mining is being done in those areas affecting the flow of River Godavari and if there is any illegal mining whether any action have been taken against the persons who are doing the same and also seizure of vehicle and imposition of Environmental compensation



against those people as has been directed by the decisions of the Hon'ble National Green Tribunal in several cases of this nature in respect of illegal sand mining. It was also directed by this Hon'ble Tribunal that the committee may also indicate as to the number of prosecutions that have been launched against the illegal miners, how many vehicles have been seized and confiscated which are involved in illegal mining and what is the amount of compensation recovered from them in the past and what are all the precautionary methods adopted by the Government of Andhra Pradesh and Government of Puducherry, in respect of regulating the sand mining in river beds especially in Godavari River which is the subject matter in this case.

- 3) It is respectfully submitted that the Committee has made list of matters to be looked into and made the scope of study accordingly, which are as follows;
- a) whether illegal sand mining is committed in Godavari river bed or not?
  - b) whether in-stream mining is being done affecting the flow of river Godavari?
  - c) If there is illegal mining whether any action have been taken against the persons who are doing the same and also seizure of vehicle and imposition of Environmental compensation
  - d) To indicate no. of prosecutions that have been launched against illegal miners, how many vehicles have been seized and confiscated which are involved in illegal mining and what is the amount of compensation recovered from them in the past.



e) To indicate precautionary methods adopted by the Government of Andhra Pradesh and Government of Puducherry, in respect of regulating the sand mining in river beds in Godavari river.

4) It is respectfully submitted that the committee has observed that there was large scale illegal mining taking place in all the places visited; few of the glaring violations are as follows.

a) illegal Mining is taking place beyond the area approved in the mining plan

b) Parts of mining lease area is falling under no development zone of CRZ-III

c) Illegal Mining is taking place in Lanka land, which in local language means island

d) Log books were not maintained

e) No demarcation of the boundaries in the reach

f) Dead fishes were found in the sand loaded from boats to trucks.

g) Permission was accorded by Tehsildar for IV & V river order violating the AP sand mining policy.

h) Sand was loaded from boats to trucks

i) Mining is in progress even though statutory clearances and permissions have expired.

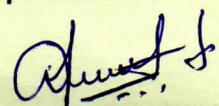
j) Mining is carried out without any permission

k) In-stream mining is taking place

l) Mining is taking place upto bed depth

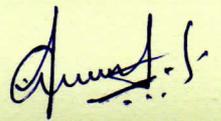
m) Ramp/approach roads were established in such a manner that would obstruct the flow of river.

n) Sand removal has been taking place near to electric poles



o) Mining is carried out using heavy vehicles and JCB machines

- 5) It is respectfully submitted that in all the places the committee visited, boat ramps were there and the sand was loaded from boats to trucks in almost all the locations, which evidences large scale illegal in-stream mining. Even though the report records the said facts in Para VII. a. & b., no action was either taken nor there is any recommendation regarding this grave illegality.
- 6) It is most respectfully submitted that while it was observed by the committee in para VII.a.6 that 20 to 40 CuM of sand is mined per day in Pathinjaram, it was informed by the authorities to the committee that the sand obstructing the boat way was removed by local boat man on special permission from the District sand Committee. This statement is entirely contradicting as the quantum of sand mined is disproportionate to the purpose stated by the authorities.
- 7) It is most respectfully submitted that the committee has observed in para VII.a.8 that, with respect to Yanam Region, illegal in-stream sand mining is occurring for 8 months without permission or clearance from district administrator and 60 to 70 boats each of capacity of 4 cubic meter are used per day, whereas the boats used for illegal sand mining are of specialized shape which could carry sand of 18 cubic metres and a Boat of sand can as such be loaded in 6 Tractors. This sand of 18 cubic metres illegally mined in 65 boats comes approximately to a huge quantity of 1170 Cubic Metres per day. While

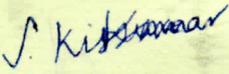


so, no action was taken by the Yanam administration and no information was provided to the committee with respect to the offence booked in last two years. However, The Committee has neither made any recommendation to curb illegal in-stream sand mining in its report nor recommended action against the officer who has permitted the same.

8) It is respectfully submitted that while there were few steps taken by Government of Andhra Pradesh during the past years to curb illegal mining, no action was taken by the Government of Puducherry and the same is evident even in the Joint Committee report. Also, no action was taken by the Yanam Administration post inspection of the committee and also, no precautions were taken by Yanam Administration and the Joint Action committee recommendations are also quiet on the same.

9) Under these circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to record this objection and pass such further or other orders and thus render justice.

Dated at Chennai on this the 4<sup>th</sup> day of January, 2021

  
Counsel for Applicant

  
Applicant

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI**

Application No. 184 of 2017

Sri Sunkara Swamy Naidu Welfare  
Organisation represented by its  
President Sunkara Karthik,  
153D, Near Gopal Nagar,  
Yanam - 533454.

....Applicant

-Vs-

The Union of India represented by  
Chief Secretary to Government of Puducherry,  
Puducherry.  
And 12 others

....Respondents

**OBJECTIONS FILED BY THE APPLICANT TO THE JOINT  
INSPECTION REPORT FILED IN O.A. 184 OF 2017**

**M/s.S.KISHORE KUMAR  
COUNSEL FOR APPLICANT  
Mobile : +91 9444772130**