

**IN THE COURT OF THE NATIONAL GREEN TRIBUNAL  
(SOUTHERN ZONE AT CHENNAI)  
(Memorandum of Application U/s 18 r/w Sec.14 of the NGT Act, 2010)**

O.A. No. 184 of 2017

Sri Sunkara Swamy Naidu Welfare Organization,  
Represented by its President Sunkara Karthik,  
No. 153-A, Near Gopal Nagar,  
Yanam - 533464

... Petitioner

Vs.

The Union Territory of Puducherry,  
Rep. by its Chief Secretary to Govt. Of Puducherry  
And others.

... Respondents

**COUNTER AFFIDAVIT FILED BY THE THIRD RESPONDENT**

I, AMAN SHARMA, S/o Shri Shiv Kumar Sharma, Hindu, aged 33 years, Deputy Collector -cum- Sub Divisional Magistrate, Yanam, Government of Puducherry, having my office at Office of the Regional Administrator -cum - Deputy Collector (Revenue), Govt. Road, Yanam do hereby solemnly affirm and sincerely state as follows:

2. I am Deputy Collector-cum-Sub Divisional Magistrate of Yanam and the THIRD respondent herein and I am well acquainted with the facts of the case.

3. I deny all the averments made by the petitioner in the Petition except those that are specifically admitted herein. I humbly submit that there are no visible sand dunes available within the jurisdiction of Yanam region. Therefore, the allegations, stating that illegal sand mining is carried out in Yanam region does not arise.

4. However, the fishermen community of Yanam region who venture in to sea traditionally de-silt the estuary at Coringa river and Gowthami Godavari River for easy navigation of boats for fishing. Such silts are purchased by the local people for filling up their construction sites as well as low lying area. But, after the Government of Andhra Pradesh's new sand policy in 2016, the de-silting activities are stopped and no permission is being granted to de-silt the sand from river.

  
**AMAN SHARMA**  
REGIONAL ADMINISTRATOR  
YANAM

5. I submit that, this administration is taking various measures to curtail the illegal transportation of sand in Yanam region. Revenue Department in coordination with the Police Department has been conducting frequent raids and seizing vehicles involving in illegal transportation of sand and penalty is been imposed under the Mines and Minerals (Development and Regulation) Act, 1957 read along with the Pondicherry Minor Minerals (Concession) Rules, 1977 and compounding fees were imposed as per the provisions of Section 23(A) of the said Act. An amount of Rs. 3,61,400/- has been collected as compounding penalty over the last four years, the details are enclosed herewith for your kind perusal.

6. I submit that, apart from imposing compounding, prosecution also been initiated against frequenting offenders by referring the same before the Hon'ble Judicial Magistrate, Yanam by way of lodging complaint as in accordance with Section 22 of the Act. The Hon'ble Sub-judge, Yanam was pleased to take up the case under CC Nos. 7/2021 and 8/2021 and the said cases are under trial at present.

7. I submit that, proceedings u/s 107 Cr. P.C. has also been initiated, based on the Information laid down by the Police department, against the persons who are suspected and involved earlier in illegal transportation of sand from adjoining Andrapradesh as it was felt that such activities may cause breach to the Law and order in the Yanam region. Following suspected offenders have been bound under Section 107 of Code of Criminal Procedure, 1974 is furnished hereunder:

- a. Palepu Satyanarayana @ Pottiyya(56), S/o P.Narayana Murthy, Near Kurasampeta, Yanam. Vide case I.R.No. 47/2021 U/s. 107.Cr.P.C.
- b. Pemmadi Lingeswara Rao (38), S/o. P.Murali, Fishermenpeta, Mettacur, Yanam. Vide case I.R.No. 48/2021 U/s. 107.Cr.P.C
- c. Karri Venkateswarulu @ Srinu (45), S/o Venkatareddy, Kurasampeta, Yanam. Vide case I.R.No. 49/2021 U/s. 107.Cr.P.C
- d. Vadrevu Balakrishna (32), S/o V.Dharma Rao, Kurasampeta, Yanam. Vide case I.R.No. 50/2021 U/s. 107.Cr.P.C

8. I submit that considering the geographical location of the Yanam region and to curtail the Illegal Sand mining transportation from Andrapradesh, a communication was also sent to The District Collector, East Godavari District vide Lr No. 2507/DTRY/Illegal Sand/2021-22/283 dated 30.08.2021 stating to take appropriate action against the offenders who store the sand illegally in the

lands pertain to Andrapradesh state which are located within the Yanam region as these storage points posed jurisdictional difficulties to control.

9. Further, in Yanam region, de-silting was done manually since long back by traditional fishermen communities in order to ensure smooth navigation of fishing boats and for livelihood this sand, though unfit for construction, being sold for filling purpose. However, due to new sand policy of Andhra Pradesh state, this manual de-silting was also stopped as river bed comes under the control of Executive Engineer, G.H. Division, Andhra Pradesh. Since then these communities are facing livelihood issues and Yanam region is facing shortage of sand supply for civil works even for Government related works.

10. Hence, the District Level Sand Committee meeting was conducted under the Chairmanship of District Collector, East Godavari District at Kakinada on 06-01-2020, wherein it was decided that to meet the sand requirement of Yanam region (U.T. of Puducherry), the lands with shoals in River Godavari within the jurisdiction of Yanam region can be utilized for removal of sand from sand bars for which Yanam Administration should approach the River Conservator for getting permission and the River Conservator/ Irrigation Department, Government of Andhra Pradesh shall accord necessary permissions/clearances within the framework of APWALTA, River Conservancy ACT and Guidelines of MoEF & CC, Govt. of India.

11. As such, the undersigned has addressed a letter to the Executive Engineer, Godavari Head Works, Irrigation Department, Dowlaiswaram, E.G.Dt., Andhra Pradesh vide this office letter dated 21-01-2020 requesting for permission for sand removal in river Gowthami Godavari in the stretch fall under Jurisdiction of Yanam. In response to this office letter dated 21-01-2020, permission has been accorded towards sand removal by manual method in river bed with non-mechanized boats (Gowthami River) located in ES-12 (Rs.No.40/2) belonging to Yanam region and also informed that all statutory clearances like Environmental Clearance as per NGT orders and other guidelines in force shall be obtained. Copy of letter is submitted herewith for kind perusal.

12. Further, I submit to state that it is observed, in Yanam region traditional communities are involved in removing of sand from sand bars by manual method and selling it for their livelihood. This is a permissible activity under

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CRZ Notification, subject to obtaining necessary Clearance under CRZ Notification, 2011. Further, customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village is exempted under EIA Notification, 2006.

13. In this context, it is pertinent to mention that as stated in the Office Memorandum No.11-83/2005-IA-111(Vol.III) dated 08-11-2011 of Ministry of Environment and Forests, New Delhi, a Seven Member Committee has to be constituted to decide the removal of sand bar in the Coastal Regulation Zone area by traditional coastal communities only by manual method (i.e. sand collection in non-mechanized dinghies or small boats using baskets/buckets by human beings) in various coastal States. The District Collector shall chair the seven-member Committee consisting concerned officials and at least one representative each from a Scientific or Technical Institute, the local communities like fisher folk and the local Civil Society has to be included.

14. In continuation to this, the Government of Puducherry has passed the G.O. No.17 dated 20-11-2020, wherein Seven Member committee as stated above has been constituted and detailed procedure permitting for manual collection/removal of sand from sand bars in River Gowthami Godavari by Traditional community of Yanam region which pose danger to navigation of fishing boats and vessels has been laid out. In this connection, the Public Works Department, Yanam and the Fisheries Department, Yanam has identified the sand bars in river Gowthami Godavari as per the G.O.Ms.No.17 as cited above.

15. As per the conditions laid down in the G.O.No.17, it is instructed that proposal for sand bar removal shall be examined and technical opinion shall be furnished by any of the six institutions which have been identified by the Ministry of Environment and Forest namely (a) Central Water and Power Research station, Pune (b) IIT Chennai, IIT Bombay (c) Department of Erosion Directorate, Ministry of Water Resources (d) ICMAM (e) National Centre for Sustainable Coastal Management, Chennai and (f) NIT, Suratkal.

16. Accordingly, this administration has approached IIT, Madras from the above mentioned list for examining the proposal for removal of sand from sand bars. In this connection, a technical expert from IIT Madras has visited Yanam and conducted volumetric and chemical analysis of the sand bars in River Gowthami Godavari and submitted detailed report.

17. Based on the report received from IIT Madras, the District Collector-cum-Chairman of the Seven Members committee which was constituted as per the G.O.Ms. No. 17 has convened a meeting and decided to send the report

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received from IIT Madras to Puducherry Coastal Zone Management Authority(PCZMA) and State Level Impact Assessment Authority(SEIAA), Puducherry for obtaining necessary final clearance for removal of Sand from sand bars

18. It is submitted before this Hon'ble Tribunal that Yanam Administration has not permitted any sand mining in Gowthami Godavari river and is taking all necessary measures to curtail the illegal sand mining and transportation in Yanam region. Also due procedure is being followed to obtain permission from Statutory Authorities to issue permission to remove sand from sand bars which enable traditional fishermen communities to meet their livelihood needs apart from clearing obstacles for smooth navigation. Duly issued permission to local communities will help in better regulation of sand removal process and to arrest illegal sand mining completely.

19. Therefore, it is prayed before this Hon'ble Tribunal to consider the submissions made above and to dismiss the Original Application with costs and pass such other appropriate orders as may deem fit and necessary in the interest of justice.

RESPONDENT

Solemnly affirmed at <sup>YANAM</sup> Puducherry  
On this the <sup>13<sup>th</sup></sup> day of December  
2021 and signed his name in my  
presence.

  
AMAN SHARMA  
REGISTRAR  
BEFORE ME  
YANAM

  
KAMIDI VIJAYA KUMAR  
ADVOCATE - PUDUCHERRY

**KAMIDI VIJAYA KUMAR**  
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