

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

**MA No 02 OF 2024(SZ)
In
OA No 331 OF 2023 (PB)**

IN THE MATTER OF:

Sri Atluri Srinivasa Rao

..... Applicant

Vs

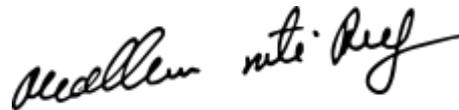
Andhra Pradesh Pollution Control Board

Rep.by. its Member Secretary Vijayawada and Others

.... Respondents

REPORT FILED BY THE APPCB RESPONDENT NO 1

DATE - 22.04.2024



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.

Mobile: 98407 98460 / 63831 21322,
Email: reddymadhuri09@gmail.com

Before the Hon'ble National Green Tribunal South Zone, Chennai

M.A. No.02/2024(SZ) in O.A.No.331 of 2023 (SZ)

Sri Atluri Srinivasa Rao

..... Applicant (S)

Versus

Andhra Pradesh Pollution Control Board

Rep.by. its Member Secretary

Vijayawada and Ors

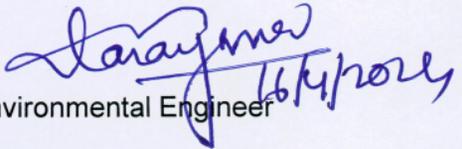
... Respondent (S)

Index

S.No	Particulars	Page Nos
1	Status Report	1 - 6
2	Joint Committee Report	7 - 12
3	Letter Addressed to Commissioner, Mangalagiri - Tadepalli Municipal Corporation	13 - 20
4	Letter Addressed to Tahsildar, Tadepalli	21 - 28
5	Collector & District Magistrate, Guntur letter to APPCB	29 - 34
6	Hon'ble NGT (SZ) Order Dt.22.03.2024	35 - 36
7	Hon'ble NGT (PB) Order Dt.04.10.2023	37 - 38
8	Hon'ble NGT (PB) Order Dt.29.05.2023	39 - 40

Place: Guntur

Date: 16.04.2024


Environmental Engineer
APPCB, RO, Guntur

**ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
REGIONAL OFFICE, GUNTUR.**

Status report on Hon'ble NGT (SZ), Chennai in Miscellaneous Application No.02 of 2024 (SZ) in Original Application No.331 of 2023 (SZ) earlier M.A.no.96/2023 (PB) in the matter of Sri Atluri Srinivasa Rao versus Andhra Pradesh Pollution Control Board Rep.by its Member Secretary, Vijayawada and others.

1. Hon'ble National Green Tribunal (NGT) Principle Bench (PB), New Delhi vide O.A.No.331/2023 issued the following Order dt.29.05.2023 pertaining to Sri Atluri Srinivasa Rao Rtd., Vs State of Andhra Pradesh pertaining to Flower Market at Sy.no.39-1 &40, Tadepalli village, Guntur district: the extract is as follows –

“

4. In our view, this issue can be looked into, at the first instance by the local authorities and for the purpose whereof we constitute a Joint Committee comprising State PCB, District Magistrate, Vijayawada and Irrigation Department, Andhra Pradesh who shall visit the site, collect relevant information and if finds any violation of environmental laws and norms, would take appropriate remedial action in accordance with law within two months. The action taken may take into consideration of permitting trade activities in the river flood plain zone and proper management of waste (solid and liquid) and further preventing any environmental degradation.

5. State PCB, shall be the nodal agency for coordination and compliance of this order.

6. With the above directions, the application is disposed of.

7. A copy of this order be forwarded to State PCB, District Magistrate, Vijayawada and Irrigation Department, Andhra Pradesh by e-mail for compliance. “

2. The Collector & District Magistrate, Guntur has constituted the Joint Committee for Joint inspection of Flower Market, Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road with the following Officials and directed to submit the Inspection report before 15.07.2023.

1. Sub-Collector, Tenali, Guntur district
2. Superintendent Engineer, Irrigation, Guntur.
3. Environmental Engineer, APPCB, Regional Office, Guntur.

3. In this regard, the then Sub Collector, Tenali, the Executive Engineer, River Conservancy, Krishna Central Division, Vijayawada (on behalf of Superintendent Engineer, Irrigation, Guntur) and Executive Engineer, APPCB, Regional Office, Guntur have inspected the Flower Market, Sy.No.39-1 & 40, Tadepalli village on 11.07.2023 and the details are as follows:-

a) **Details of the Site:**

- The Flower Market with 80 Nos. petty shops was constructed on the name of Raithu Mitra whole sale Flower Market at Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road at Krishna River Right Flood bank in the village limits of Tadepalli, Guntur district in 64 cents.
- The Flower Market has not yet started the activity of sale of flowers. Expected to commence the operations in the 3rd week of July, 2023 on the occasion of Sravanamasam.

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ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
REGIONAL OFFICE, GUNTUR.

- The Flower market is surrounded by 'Adventura' go-fasting track is situated in between the below directions:

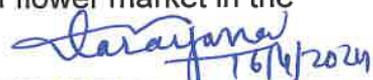
North : One Godown followed by residential houses
 South : Agricultural lands
 East : Repalle Karakatta followed by River Breeze Apartments
 West : Gowthami School

- The latitudes and longitudes of the Flower market are (N16°28'45.97464",E80°37'25.90212"),(N16°28'46.45812",E80°37'25.16412"),(N16°28'49.11624", E80°37'26.904") and (N16°28'48.58212", E80°37'27.70788").
- It is noticed that the subject site located between the Karakatta (River Bed) and river stream and falls under the Sy.No.39, 40 of Tadepalli Village of Tadepalli Mandal. As per the RSR of the Tadepalli Village, the details of the Sy.No.are shown below:

Sy.No	Extent (Ac.cts)	Classification	Remarks
39	1.61	Government – Dry	The subject land is Patta land located between River Bund and River Stream
40-A	1.52	Government – Dry	
40-B	5.00	Government – Dry	

b. Observations of Irrigation Officials:

- The Executive Engineer & River Conservator, Krishna submitted that the said Flower Market Construction works beside the Krishna Right Flood Bank towards River side are being takenup without any permission from the River Conservator, Krishna.
- The Assistant Executive Engineer, River Conservancy (RC) Section, Vallabhapuram issued notice as per River Conservancy Act 1884 to Sri J.V. Krishna Reddy S/o J. Venkateswara Reddy, Tadepalli, instructing to stop the construction and to remove the unauthorized construction part build.
- The unauthorized construction is being continued despite of the notices issued by the Irrigation Department.
- Further, the residents living near Tadepalli Karakatta complained to the Commissioner, Tadepalli Municipal Corporation through Spandana Complaint No.GNT20221212138, dt.12.12.2022.
- In response to the Spandana Complaint the Deputy City Planner replied that there were no permissions given for setting up of flower market in the river bed in Tadepalli Village limits.


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 A.P. POLLUTION CONTROL BOARD
 REGIONAL OFFICE, GUNTUR.

- Further stating that the authorized construction beside Krishna Right Flood Bank on river side is being continued despite of the three notices issued with an intention to establish flower market at the said location.
- As the said construction is objectionable in river conservancy point of view which might obstruct free flow of water, threatens the safety of flood bank and might pollute the river.
- The authorities of Tadepalli - Mangalagiri Municipal Corporation took action on unauthorized construction and dismantled certain ongoing construction works such as partition walls.

c. Observations of the Pollution Control Board:

- The Pollution Control Board, Guntur submitted that the Flower market was constructed without obtaining permission from competent Authorities and the constructed area falling under River Conservancy Zone.
- The Flower market laid 24ft CC road towards Krishna River and also provided drainage towards Krishna River side.
- The Flower market has constructed 4 number of wash rooms with septic tank followed by soak pit for disposal of domestic waste water.
- Disposing of unsold and spoiled flowers in to River would affect the aquatic environment as the unsold and spoiled flowers would contribute organic matter in to the water which results high Bio Chemical Oxygen demand (BOD) which depletes the Dissolved Oxygen (DO) in the river water thus results effect of aquatic environment. Hence, operation of Flower market in the River Conservancy Zone may not be suggested.

d. Observations of Tahsildar, Tadepalli:

- The Tahsildar, Tadepalli submitted that the field inspection reveals that the subject site located between the Karakatta (River Bed) and river stream and falls under the Sy.No.39, 40 of Tadepalli Village of Tadepalli Mandal.
- After verification of the available records, the subject site is patta land and the flower market construction is already completed and trading of flowers is going on in it.
- Based on the information furnished by the flower merchants, they have not paid any land conversion fee as on 13.07.2023, but constructed the flower market in the subject site.


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ENVIRONMENTAL ENGINEER
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REGIONAL OFFICE, GUNTUR.

Writ Petition:

A writ petition was filed in Hon'ble AP High Court in W.P No.5412/2023 by Sri J.V.Krishna Reddy and 79 others keeping the Principal Secretary (Municipal and Urban Development Department), Commissioner (Tadepalli Municipal Corporation), Town Planning Officer (Mangalagiri, Tadepalli Municipal Corporation) as 1st, 2nd, 3rd respondents and Assistant Executive Engineer, RC Section, Vallabhapuram as 4th respondent and prayed the Hon'ble High Court to issue directions not to demolish the temporary sheds of the petitioners constructed at Sy.No.39/1 and 40, abutting to Aventura Sports Club, Vijayawada Club Road, Tadepalli and Sri Chippada Leela Venkata Maruthi Rao S/o Narayana Rao filed a W.P.(PIL) No.35/2023 before the Hon'ble High Court of A.P regarding the same issue. **The case is currently under purview of Hon'ble High Court of Andhra Pradesh.**

In view of the above circumstances, the Joint committee found that:

1. The construction is illegal and has been done without any permission from Mangalagiri Tadepalli Municipal Corporation or River Conservancy Department or CRDA.
 2. No conversion applied from Revenue Department.
 3. Construction is within Krishna River Flood Zone.
 4. As per the farmers of Flower Market case, they are operating 10-15 shops out of 80 currently.
 5. No drainage connection provided for constructed toilets.
 6. Possibility of pollution of the river is there due to dumping of flower waste in the future.
 7. Action will be initiated against the unauthorized construction & Operation of Flower Market subjected to outcome of WP No.5412/2023 of Hon'ble High court of Andhra Pradesh.
 8. As per farmers of the association, the Writ Petition is a motivated WP filed by Vijayawada Flower Market farmers to stop competition.
4. Earlier the Executive Engineer & River Conservator, Krishna addressed a letter vide letter No.173M,dt.16.02.2023 to the Commissioner, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri informing that the said flower market construction works beside the Krishna Right Flood Bank towards River side are being taken up without any permission from the River conservator , Krishna. The unauthorized construction is being continued despite of the notices issued by the Irrigation department. Therefore, the Commissioner, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri was requested to stop the construction and remove the unauthorized construction of Flower market beside Krishna Right Flood Bank.
 5. In response Mangalagiri - Tadepalli Municipal Corporation has initiated action on unauthorized construction and dismantled certain ongoing construction works such as partition walls.

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ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
REGIONAL OFFICE, GUNTUR.

6. APPCB submitted the joint inspection report to the Hon'ble NGT, Principal Bench, New Delhi on 01.08.2023. The copy of Joint Inspection report is attached for favour of kind information.
7. In the meantime, Collector & District Magistrate, Guntur communicated joint inspection report to Member Secretary, AP Pollution Control Board with a copy marked to i) the commissioner, MTMC, Mangalagiri with a direction to file counter in Writ Petition (PIL) No.35 of 2023 which is pending before the Hon'ble High Court of Andhra Pradesh, Amaravati, It is also directed to pass final orders in pursuance of the notices issued to the petitioners and the explanation filed by the petitioners to the said notices in obedience of the Hon'ble High Court order dt.06.03.2023 in I.A No. 1 of 2023 in W.P.No.5412 of 2023 filed by Sri Jakkireddy Venkata Krishna Reddy and 77 others, ii) the Tahsildar, Tadepalli with a direction to file counter in Writ Petition (PIL) No.35 of 2023 which is pending before the Hon'ble High Court of Andhra Pradesh, Amaravati.
8. The Hon'ble NGT, Principal Bench, New Delhi vide order dt.04.10.2023 in M.A. No.96/2023 in Original Application No.331/2023 stated that the matter relates to the Southern Zone Bench of the Tribunal, therefore , it is transferred to Southern Zone Bench for taking further appropriate action. The MA is accordingly disposed of for re-registration at the Southern Zone Bench.
9. Hon'ble National Green Tribunal (NGT), Southern Zone, Chennai issued order in M.A. No.02/2024(SZ) in O.A.No.331 of 2023 (PB), dt: 22.03.2024 in the matter of Atluri Srinivasa Rao Versus Andhra Pradesh Pollution Control Board Rep.by its Member Secretary, Vijayawada and others as follows:

“

1. ***This application is regarding the illegal construction of the flower market within the Krishna River Flood Zone.***
2. ***There is already a direction from the Municipal Corporation to demolish the unauthorized construction which is stayed by the Hon'ble High Court of Andhra Pradesh in W.P. (PIL) No. 35 of 2023.***
3. ***The report of the Joint Committee states that the construction is within the Krishna River Flood Zone and out of 80 shops, 15 shops are already in operation.***
4. ***What is worrisome is there is no drainage connection provided for constructed toilets and there is a possibility of pollution on the river due to the dumping of flower waste in future”***
5. ***So, in such circumstances, we direct the Andhra Pradesh Pollution Control Board (APPCB) to cause an inspection, take appropriate action immediately and file its report before the date of the next hearing. “***
6. ***Post the matter on 18.04.2024.***


16/4/2024

**ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
REGIONAL OFFICE, GUNTUR.**

10. In view of the above, it is to submit that the Hon'ble High Court of Andhra Pradesh in W.P.No.5412/2023 issued interim Order dt.06.03.2023 as follows :

“So, till the final order is passed after considering the explanation of the petitioners, there shall be interim direction to respondents not to take any coercive steps of demolishing the sheds in question till the next date of hearing. The petitioners are also directed not to make any further construction relating to the said sheds or to create any third party interest in respect of the said sheds or the land in question on which the sheds are constructed, till the next date of hearing”.

11. The Hon'ble High Court of Andhra Pradesh in W.P No.5412/2023 issued extension of interim Order dt.04.05.2023 is as follows :

“Interim order granted earlier is extended till the next date of listing”.

The Writ Petition is pending before the Hon'ble High Court of Andhra Pradesh.

12. W.P No.5412/2023 & Writ Petition (PIL) No.35 of 2023 are pending before the Hon'ble High Court of Andhra Pradesh. W.P No.5412/2023 & Writ Petition (PIL) No.35 of 2023 are pertains to local authorities. APPCB is not a respondent in both the petitions. The commissioner, MTMC, Mangalagiri has to file counter in Writ Petition (PIL) No.35 of 2023 which is pending before the Hon'ble High Court of Andhra Pradesh, Amaravati and the Tahsildar, Tadepalli has to file counter in Writ Petition (PIL) No.35 of 2023 which is pending before the Hon'ble High Court of Andhra Pradesh, Amaravati.

13. In view of the above, APPCB, RO, Guntur addressed letters to Commissioner, MTMC and Tahsildar, Tadepalli with a request to take necessary action as the issue comes under the jurisdiction of Commissioner, Mangalagiri Tadepalli Municipal Corporation and Tahsildar, Tadepalli and further requested to communicate the action taken report to APPCB, RO, Guntur. Copies of the letters addressed to Commissioner, Mangalagiri Tadepalli Municipal Corporation and Tahsildar, Tadepalli, Guntur District is herewith attached for favour of kind information.

The APPCB will abide by all such directions as this Hon'ble tribunal may deem fit and appropriate.


 ENVIRONMENTAL ENGINEER
 ENVIRONMENTAL ENGINEER
 A.P. POLLUTION CONTROL BOARD
 REGIONAL OFFICE, GUNTUR.

Joint Inspection of Flower Market at Sy.no.39-1 &40, Tadepalli village, Vijayawada club road at Krishna River Flood bank in the village limit of Tadeplli , Guntur district by the officials of District Magistrate, Guntur, Irrigation Department, Andhra Pradesh and A.P.Pollution Control Board in accordance with the Hon'ble National Green Tribunal, Principal Bench, New Delhi orders on 29.05.2023 on the letter of Petition dated 02.02.2023 sent by Sri Atluri Srinivasa Rao in OA No.331/2023 on 11.07.2023.

- Sub :- Hon'ble National Green Tribunal (NGT), Prinnicipal Bench, New Delhi in O.A.No.331 of 2023 (PB) in the matter of Atluri Srinivasa Rao Rtd., Vs State of Andhra Pradesh pertaining to Flower Market at Sy.no.39-1 &40, Tadepalli village, Guntur district– Hon'ble NGT orders dt.29.05.2023 – Nomination to Joint Committee –Joint Inspection carried out with the officials of District Magistrate, Guntur, Irrigation Department, Andhra Pradesh and A.P.Pollution Control Board - Submission of report – Reg.
- Ref : 1. Hon'ble NGT Principal Bench, New Delhi vide O.A. No.331/2023, dt.29.05.2023.
2. FileNo.REVGNT-CSEC0MIS(MISC)/249/2023-SUP(C)-COLGNT, dt.10.07.2023 of the Collector & District Magistrate, Guntur.

&&&

The Hon'ble National Green Tribunal, Principal Bench, New Delhi vide in OA No.331/2023 , dt.29.05.2023 issued instructions to the District Magistrate, Guntur, Irrigation Department, Andhra Pradesh and A.P.Pollution Control Board to visit the site of Flower Market , collect relevant information and if finds any violation of Environmental Laws and norms, would take appropriate action in accordance with law within two months, vide reference 1st cited..

In the reference 2nd cited, the Collector & District Magistrate, Guntur has informed that the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi vide O.A No.331/2023, dt.29.05.2023 constituted a Committee comprising District Magistrate, Irrigation department and State PCB who shall visit the site (Flower Market, Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road), collect relevant information and finds any violation of environmental laws and norms, would take appropriate remedial action in accordance with law within two months. The action taken may take into consideration of permitting trade activities in the river flood plain

zone and proper management of waste (Solid and Liquid) and further preventing any environmental degradation.

The Collector & District Magistrate, Guntur has constituted the Joint Committee for Joint inspection of Flower Market, Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road with the following Officials and directed to submit the Inspection report before 15.07.2023.

1. Sub-Collector, Tenali, Guntur district
2. Superintendent Engineer, Irrigation, Guntur.
3. Executive Engineer, APPCB, Regional Office, Guntur.

In this regard, I along with the Executive Engineer, River Conservancy, Krishna Central Division, Vijayawada (on behalf of Superintendent Engineer, Irrigation, Guntur) and Executive Engineer, APPCB, Regional Office, Guntur have inspected the Flower Market, Sy.No.39-1 & 40, Tadepalli village on 11.07.2023.

Details of the Site:

- The Flower Market with 80 Nos. petty shops was constructed on the name of Raithu Mitra whole sale Flower Market at Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road at Krishna River Right Flood bank in the village limits of Tadepalli, Guntur district in 64 cents.
- The Flower Market has not yet started the activity of sale of flowers. Expected to commence the operations in the 3rd week of July, 2023 on the occasion of Sravanamasam.
- The Flower market is surrounded by 'Adventura' go-fasting track is situated in between the below directions:
 - North : One Godown followed by residential houses
 - South : Agricultural lands
 - East : Repalle Karakatta followed by River Breeze Apartments
 - West : Gowthami School

- The latitudes and longitudes of the Flower market are (N16°28'45.97464", E80°37'25.90212"),(N16°28'46.45812",E80°37'25.16412"),(N16°28'49.11624", E80°37'26.904") and (N16°28'48.58212", E80°37'27.70788").
- It is noticed that the subject site located between the Karakatta (River Bed) and river stream and falls under the Sy.No.39, 40 of Tadepalli Village of Tadepalli Mandal. As per the RSR of the Tadepalli Village, the details of the Sy.No.are shown below:

Sy.No	Extent (Ac.cts)	Classification	Remarks
39	1.61	Government – Dry	The subject land is Patta land located between River Bund and River Stream
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Observations of Irrigation Officials:

- The Executive Engineer & River Conservator, Krishna submitted that the said Flower Market Construction works beside the Krishna Right Flood Bank towards River side are being takenup without any permission from the River Conservator, Krishna.
- The Assistant Executive Engineer, River Conservancy (RC) Section, Vallabhapuram issued notice as per River Conservancy Act 1884 to Sri J.V. Krishna Reddy S/o J. Venkateswara Reddy, Tadepalli, instructing to stop the construction and to remove the unauthorized construction part build.
- The unauthorized construction is being continued despite of the notices issued by the Irrigation Department.

- Further, the residents living near Tadepalli Karakatta complained to the Commissioner, Tadepalli Municipal Corporation through Spandana Complaint No.GNT20221212138, dt.12.12.2022.
- In response to the Spandana Complaint the Deputy City Planner replied that there were no permissions given for setting up of flower market in the river bed in Tadepalli Village limits.
- Further stating that the authorized construction beside Krishna Right Flood Bank on river side is being continued despite of the three notices issued with an intention to establish flower market at the said location.
- As the said construction is objectionable in river conservancy point of view which might obstruct free flow of water, threatens the safety of flood bank and might pollute the river.
- The authorities of Tadepalli-Mangalagiri Municipal Corporation took action on unauthorized construction and dismantled certain ongoing construction works such as partition walls.

Observations of the Pollution Control Board:

- The Pollution Control Board, Guntur submitted that the Flower market was constructed without obtaining permission from competent Authorities and the constructed area falling under River Conservancy Zone.
- The Flower market laid 24ft CC road towards Krishna River and also provided drainage towards Krishna River side.
- The Flower market has constructed 4 number of wash rooms with septic tank followed by soak pit for disposal of domestic waste water.
- Disposing of unsold and spoiled flowers in to River would affect the aquatic environment as the unsold and spoiled flowers would contribute organic matter in to the water which results high Bio Chemical Oxygen demand (BOD) which depletes the Dissolved Oxygen (DO) in the river water thus results effect of aquatic

environment. Hence, operation of Flower market in the River Conservancy Zone may not be suggested.

Observations of Tahsildar, Tadepalli:

- The Tahsildar, Tadepalli submitted that the field inspection reveals that the subject site located between the Karakatta (River Bed) and river stream and falls under the Sy.No.39, 40 of Tadepalli Village of Tadepalli Mandal.
- After verification of the available records, the subject site is patta land and the flower market construction is already completed and trading of flowers is going on in it.
- Based on the information furnished by the flower merchants, they have not paid any land conversion fee as on 13.07.2023, but constructed the flower market in the subject site.

Writ Petitions:

A writ petition was filed in Hon'ble AP High Court in W.P No.5412/2023 by Sri J.V.Krishna Reddy and 79 others keeping the Principal Secretary (Municipal and Urban Development Department), Commissioner (Tadepalli Municipal Corporation), Town Planning Officer (Mangalagiri, Tadepalli Municipal Corporation) as 1st, 2nd, 3rd respondents and Assistant Executive Engineer, RC Section, Vallabhapuram as 4th respondent and prayed the Hon'ble High Court to issue directions not to demolish the temporary sheds of the petitioners constructed at Sy.No.39/1 and 40, abutting to Aventura Sports Club, Vijayawada Club Road, Tadepalli and Sri Chippada Leela Venkata Maruthi Rao S/o Narayana Rao filed a W.P.(PIL) No.35/2023 before the Hon'ble High Court of A.P regarding the same issue. The case is currently under purview of Hon'ble High Court of Andhra Pradesh. Action will be initiated as per law on the unauthorized construction & Operation of Flower Market subjected to outcome of WP No.5412/2023 of Hon'ble of Andhra Pradesh.

In view of the above circumstances, it is found that:

1. The construction is illegal and has been done without any permission from Mangalagiri Tadepalli Municipal Corporation or River Conservancy Department or CRDA.
2. No conversion applied from Revenue Department.
3. Construction is within Krishna River Flood Zone.
4. As per the farmers of Flower Market case, they are operating 10-15 shops out of 80 currently.
5. No drainage connection provided for constructed toilets.
6. Possibility of pollution of the river is there due to dumping of flower waste in the future.
7. Action will be initiated against the unauthorized construction & Operation of Flower Market subjected to outcome of WP No.5412/2023 of Hon'ble High court of Andhra Pradesh.
8. As per farmers of the association, the Writ Petition is a motivated WP filed by Vijayawada Flower Market farmers to stop competition.


(M.Narayana)

Environmental engineer,
A.P.Pollution Control
Board.Regional Office,
Guntur


(Sri P.V.R. Krishna Rao),
Executive Engineer(FAC)
Krishna Central Division,
Vijayawada -2


(Smt Geetanjali Sharma, IAS)
Sub Collector,
Tenali



ANDHRA PRADESH POLLUTION CONTROL BOARD
REGIONAL OFFICE :: GUNTUR

D.No.135-43, 1st Floor, Upstair of SBI , Lucky Complex,
JKC College Road, Guntur



e-mail: roqtr-ee1@appcb.gov.in

Phone: 0863 - 2215537

Lr No. O.A.No.331 of 2023/PCB/RO-GNT//2024 - 26

Dt:12.04.2024

To
The Commissioner,
Mangalagiri Tadepalli Municipal Corporation ,
Mangalagiri,
Guntur district.

Madam,

Sub:	APPCB-RO, Guntur– Hon'ble National Green Tribunal (NGT), Southern Zone, Chennai Order in M.A. No.02/2024(SZ) in O.A.No.331 of 2023 (PB), dt: 22.03.2024 in the matter of Atluri Srinivasa Rao Rtd., Vs State of Andhra Pradesh pertaining to unauthorized construction of Flower Market at Sy.no.39-1 &40, Tadepalli village, Guntur district within Krishna River Flood Zone – Request to take necessary action - Reg.
Ref:	1. Hon'ble NGT Principal Bench, New Delhi vide O.A. No.331/2023, dt.29.05.2023. 2. FileNo.REVGNT-CSEC0MIS(MISC)/249/2023-SUP(C)-COLGNT, dt.10.07.2023 of the Collector & District Magistrate, Guntur. 3. The Collector & District Magistrate, Guntur submitted joint inspection report to Member Secretary, AP Pollution Control Board on 27.08.2023. 4. Hon'ble NGT order in M.A. No.02/2024(SZ) in O.A.No.331 of 2023 (PB), dt: 22.03.2024.

1. It is inform that the Hon'ble National Green Tribunal, Principal Bench, New Delhi vide in OA No.331/2023, dt.29.05.2023 issued instructions to the District Magistrate, Guntur, Irrigation Department, Andhra Pradesh and A.P. Pollution Control Board to visit the site of Flower Market , collect relevant information and if finds any violation of Environmental Laws and norms, would take appropriate action in accordance with law within two months, vide reference 1st cited.
2. Vide reference 2nd cited, the Collector & District Magistrate, Guntur has informed that the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi vide O.A No.331/2023, dt.29.05.2023 constituted a Committee comprising District

Magistrate, Irrigation department and State PCB who shall visit the site (Flower Market, Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road), collect relevant information and finds any violation of environmental laws and norms, would take appropriate remedial action in accordance with law within two months. The action taken may take into consideration of permitting trade activities in the river flood plain zone and proper management of waste (Solid and Liquid) and further preventing any environmental degradation.

3. The Collector & District Magistrate, Guntur has constituted the Joint Committee for Joint inspection of Flower Market, Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road with the following Officials and directed to submit the Inspection report before 15.07.2023.

1. Sub-Collector, Tenali, Guntur district
2. Superintendent Engineer, Irrigation, Guntur.
3. Environmental Engineer, APPCB, Regional Office, Guntur.

4. In this regard, the then Sub Collector, Tenali, the Executive Engineer, River Conservancy, Krishna Central Division, Vijayawada (on behalf of Superintendent Engineer, Irrigation, Guntur) and Executive Engineer, APPCB, Regional Office, Guntur have inspected the Flower Market, Sy.No.39-1 & 40, Tadepalli village on 11.07.2023 and the details are as follows:-

a) **Details of the Site:**

- The Flower Market with 80 Nos. petty shops was constructed on the name of Raithu Mitra whole sale Flower Market at Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road at Krishna River Right Flood bank in the village limits of Tadepalli, Guntur district in 64 cents.
- The Flower Market has not yet started the activity of sale of flowers. Expected to commence the operations in the 3rd week of July, 2023 on the occasion of Sravanamasam.
- The Flower market is surrounded by 'Adventura' go-fasting track is situated in between the below directions:

North : One Godown followed by residential houses
 South : Agricultural lands
 East : Repalle Karakatta followed by River Breeze Apartments
 West : Gowthami School

- The latitudes and longitudes of the Flower market are (N16°28'45.97464",E80°37'25.90212"),(N16°28'46.45812",E80°37'25.16412"),(N16°28'49.11624", E80°37'26.904") and (N16°28'48.58212", E80°37'27.70788").
- It is noticed that the subject site located between the Karakatta (River Bed) and river stream and falls under the Sy.No.39, 40 of Tadepalli Village of Tadepalli Mandal. As per the RSR of the Tadepalli Village, the details of the Sy.No.are shown below:

Sy.No	Extent (Ac.cts)	Classification	Remarks
39	1.61	Government – Dry	The subject land is Patta land located between River Bund and River Stream
40-A	1.52	Government – Dry	
40-B	5.00	Government – Dry	

b. Observations of Irrigation Officials:

- The Executive Engineer & River Conservator, Krishna submitted that the said Flower Market Construction works beside the Krishna Right Flood Bank towards River side are being takenup without any permission from the River Conservator, Krishna.
- The Assistant Executive Engineer, River Conservancy (RC) Section, Vallabhapuram issued notice as per River Conservancy Act 1884 to Sri J.V. Krishna Reddy S/o J. Venkateswara Reddy, Tadepalli, instructing to stop the construction and to remove the unauthorized construction part build.
- The unauthorized construction is being continued despite of the notices issued by the Irrigation Department.

- Further, the residents living near Tadepalli Karakatta complained to the Commissioner, Tadepalli Municipal Corporation through Spandana Complaint No.GNT20221212138, dt.12.12.2022.
- In response to the Spandana Complaint the Deputy City Planner replied that there were no permissions given for setting up of flower market in the river bed in Tadepalli Village limits.
- Further stating that the authorized construction beside Krishna Right Flood Bank on river side is being continued despite of the three notices issued with an intention to establish flower market at the said location.
- As the said construction is objectionable in river conservancy point of view which might obstruct free flow of water, threatens the safety of flood bank and might pollute the river.
- The authorities of Tadepalli - Mangalagiri Municipal Corporation took action on unauthorized construction and dismantled certain ongoing construction works such as partition walls.

c. Observations of the Pollution Control Board:

- The Pollution Control Board, Guntur submitted that the Flower market was constructed without obtaining permission from competent Authorities and the constructed area falling under River Conservancy Zone.
- The Flower market laid 24ft CC road towards Krishna River and also provided drainage towards Krishna River side.
- The Flower market has constructed 4 number of wash rooms with septic tank followed by soak pit for disposal of domestic waste water.
- Disposing of unsold and spoiled flowers in to River would affect the aquatic environment as the unsold and spoiled flowers would contribute organic matter in to the water which results high Bio Chemical Oxygen demand (BOD) which depletes the Dissolved Oxygen (DO) in the river water thus results effect of aquatic environment. Hence, operation of Flower market in the River Conservancy Zone may not be suggested.

d. Observations of Tahsildar, Tadepalli:

- The Tahsildar, Tadepalli submitted that the field inspection reveals that the subject site located between the Karakatta (River Bed) and river stream and falls under the Sy.No.39, 40 of Tadepalli Village of Tadepalli Mandal.
- After verification of the available records, the subject site is patta land and the flower market construction is already completed and trading of flowers is going on in it.
- Based on the information furnished by the flower merchants, they have not paid any land conversion fee as on 13.07.2023, but constructed the flower market in the subject site.

Writ Petition:

5. A writ petition was filed in Hon'ble AP High Court in W.P No.5412/2023 by Sri J.V.Krishna Reddy and 79 others keeping the Principal Secretary (Municipal and Urban Development Department), Commissioner (Tadepalli Municipal Corporation), Town Planning Officer (Mangalagiri, Tadepalli Municipal Corporation) as 1st, 2nd, 3rd respondents and Assistant Executive Engineer, RC Section, Vallabhapuram as 4th respondent and prayed the Hon'ble High Court to issue directions not to demolish the temporary sheds of the petitioners constructed at Sy.No.39/1 and 40, abutting to Aventura Sports Club, Vijayawada Club Road, Tadepalli and Sri Chippada Leela Venkata Maruthi Rao S/o Narayana Rao filed a W.P.(PIL) No.35/2023 before the Hon'ble High Court of A.P regarding the same issue. **The case is currently under purview of Hon'ble High Court of Andhra Pradesh.**
6. In view of the above circumstances, the Joint committee found that:
 1. The construction is illegal and has been done without any permission from Mangalagiri Tadepalli Municipal Corporation or River Conservancy Department or CRDA.
 2. No conversion applied from Revenue Department.
 3. Construction is within Krishna River Flood Zone.

4. As per the farmers of Flower Market case, they are operating 10-15 shops out of 80 currently.
 5. No drainage connection provided for constructed toilets.
 6. Possibility of pollution of the river is there due to dumping of flower waste in the future.
 7. Action will be initiated against the unauthorized construction & Operation of Flower Market subjected to outcome of WP No.5412/2023 of Hon'ble High court of Andhra Pradesh.
 8. As per farmers of the association, the Writ Petition is a motivated WP filed by Vijayawada Flower Market farmers to stop competition.
7. Earlier the Executive Engineer & River Conservator, Krishna addressed a letter vide letter No.173M,dt.16.02.2023 to the Commissioner, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri informing that the said flower market construction works beside the Krishna Right Flood Bank towards River side are being taken up without any permission from the River conservator , Krishna. The unauthorized construction is being continued despite of the notices issued by the Irrigation department. Therefore, the Commissioner, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri was requested to stop the construction and remove the unauthorized construction of Flower market beside Krishna Right Flood Bank.
8. In response Mangalagiri - Tadepalli Municipal Corporation has initiated action on unauthorized construction and dismantled certain ongoing construction works such as partition walls.
 9. The joint inspection report submitted to the Hon'ble NGT, Principal Bench, New Delhi on 01.08.2023.
 10. Collector & District Magistrate, Guntur communicated joint inspection report to Member Secretary, AP Pollution Control Board with a copy marked to i) the commissioner, MTMC, Mangalagiri with a direction to file counter in Writ Petition (PIL) No.35 of 2023 which is pending before the Hon'ble High Court of Andhra Pradesh, Amaravati, It is also directed to pass final orders in pursuance of the notices issued to the petitioners and the explanation filed by the petitioners to the said notices in obedience of the Hon'ble High Court order dt.06.03.2023 in I.A No. I of 2023 in W.P.No.5412 of 2023 filed by Sri Jakkireddy Venkata Krishna Reddy and 77 others, ii) the Tahsildar, Tadepalli

with a direction to file counter in Writ Petition (PIL) No.35 of 2023 which is pending before the Hon'ble High Court of Andhra Pradesh, Amaravati.

11. The Hon'ble NGT, Principal Bench, New Delhi vide order dt.04.10.2023 in M.A. No.96/2023 in Original Application No.331/2023 stated that the matter relates to the Southern Zone Bench of the Tribunal, therefore , it is transferred to Southern Zone Bench for taking further appropriate action. The MA is accordingly disposed of for re-registration at the Southern Zone Bench.
12. Hon'ble National Green Tribunal (NGT), Southern Zone, Chennai issued order in M.A. No.02/2024(SZ) in O.A.No.331 of 2023 (PB), dt: 22.03.2024 as follows:

“

1. ***This application is regarding the illegal construction of the flower market within the Krishna River Flood Zone.***
2. ***There is already a direction from the Municipal Corporation to demolish the unauthorized construction which is stayed by the Hon'ble High Court of Andhra Pradesh in W.P. (PIL) No. 35 of 2023.***
3. ***The report of the Joint Committee states that the construction is within the Krishna River Flood Zone and out of 80 shops, 15 shops are already in operation.***
4. ***What is worrisome is there is no drainage connection provided for constructed toilets and there is a possibility of pollution on the river due to the dumping of flower waste in future”***
5. ***So, in such circumstances, we direct the Andhra Pradesh Pollution Control Board (APPCB) to cause an inspection, take appropriate action immediately and file its report before the date of the next hearing. “***
6. ***Post the matter on 18.04.2024.***

13. The Hon'ble High Court of Andhra Pradesh in W.P.No.5412/2023 issued interim Order dt.06.03.2023 as follows :

“So, till the final order is passed after considering the explanation of the petitioners, there shall be interim direction to respondents not to take any coercive steps of demolishing the sheds in question till the next date of hearing. The petitioners are also directed not to make any further construction relating to the said sheds or to create any third party interest in respect of the

said sheds or the land in question on which the sheds are constructed, till the next date of hearing”.

14. The Hon’ble High Court of Andhra Pradesh in W.P No.5412/2023 issued extension of interim Order dt.04.05.2023 is as follows :

“Interim order granted earlier is extended till the next date of listing”.

In view of the above, It is humbly requested to take necessary action as the issue comes under the jurisdiction of Commissioner, Mangalagiri Tadepalli Municipal Corporation and communicate the action taken report to this office for further submission to Hon’ble NGT.

Copy of the Hon’ble National Green Tribunal (NGT), Southern Zone, Chennai is herewith communicated for taking necessary action.

Submitted for favor of kind information and necessary action.

Yours faithfully,

MAKANI

NARAYANA

Environmental Engineer,

APPCB,RO, Guntur.

Digitally signed by
MAKANI NARAYANA

Date: 2024.04.12
21:48:45 +05'30'



ANDHRA PRADESH POLLUTION CONTROL BOARD
REGIONAL OFFICE :: GUNTUR

D.No.135-43, 1st Floor, Upstair of SBI , Lucky Complex,
JKC College Road, Guntur



e-mail: roqtr-ee1@appcb.gov.in

Phone: 0863 - 2215537

Lr No. O.A.No.331 of 2023/PCB/RO-GNT//2024 - 27

Dt:12.04.2024

To
The Tahsildar,
Tadepalli,
Guntur district.

Sir,

Sub:	APPCB-RO, Guntur– Hon'ble National Green Tribunal (NGT), Southern Zone, Chennai Order in M.A. No.02/2024(SZ) in O.A.No.331 of 2023 (PB), dt: 22.03.2024 in the matter of Atluri Srinivasa Rao Rtd., Vs State of Andhra Pradesh pertaining to unauthorized construction of Flower Market at Sy.no.39-1 &40, Tadepalli village, Guntur district within Krishna River Flood Zone – Request to take necessary action - Reg.
Ref:	1. Hon'ble NGT Principal Bench, New Delhi vide O.A. No.331/2023, dt.29.05.2023. 2. FileNo.REVGNT-CSEC0MIS(MISC)/249/2023-SUP(C)-COLGNT, dt.10.07.2023 of the Collector & District Magistrate, Guntur. 3. The Collector & District Magistrate, Guntur submitted joint inspection report to Member Secretary, AP Pollution Control Board on 27.08.2023. 4. Hon'ble NGT order in M.A. No.02/2024(SZ) in O.A.No.331 of 2023 (PB), dt: 22.03.2024.

1. It is inform that the Hon'ble National Green Tribunal, Principal Bench, New Delhi vide in OA No.331/2023, dt.29.05.2023 issued instructions to the District Magistrate, Guntur, Irrigation Department, Andhra Pradesh and A.P. Pollution Control Board to visit the site of Flower Market , collect relevant information and if finds any violation of Environmental Laws and norms, would take appropriate action in accordance with law within two months, vide reference 1st cited.
2. Vide reference 2nd cited, the Collector & District Magistrate, Guntur has informed that the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi vide O.A No.331/2023, dt.29.05.2023 constituted a Committee comprising District Magistrate, Irrigation department and State PCB who shall visit the site (Flower

Market, Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road), collect relevant information and finds any violation of environmental laws and norms, would take appropriate remedial action in accordance with law within two months. The action taken may take into consideration of permitting trade activities in the river flood plain zone and proper management of waste (Solid and Liquid) and further preventing any environmental degradation.

3. The Collector & District Magistrate, Guntur has constituted the Joint Committee for Joint inspection of Flower Market, Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road with the following Officials and directed to submit the Inspection report before 15.07.2023.

1. Sub-Collector, Tenali, Guntur district
2. Superintendent Engineer, Irrigation, Guntur.
3. Environmental Engineer, APPCB, Regional Office, Guntur.

4. In this regard, the then Sub Collector, Tenali, the Executive Engineer, River Conservancy, Krishna Central Division, Vijayawada (on behalf of Superintendent Engineer, Irrigation, Guntur) and Executive Engineer, APPCB, Regional Office, Guntur have inspected the Flower Market, Sy.No.39-1 & 40, Tadepalli village on 11.07.2023 and the details are as follows:-

a) **Details of the Site:**

- The Flower Market with 80 Nos. petty shops was constructed on the name of Raithu Mitra whole sale Flower Market at Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road at Krishna River Right Flood bank in the village limits of Tadepalli, Guntur district in 64 cents.
- The Flower Market has not yet started the activity of sale of flowers. Expected to commence the operations in the 3rd week of July, 2023 on the occasion of Sravanamasam.
- The Flower market is surrounded by 'Adventura' go-fasting track is situated in between the below directions:

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- The Executive Engineer & River Conservator, Krishna submitted that the said Flower Market Construction works beside the Krishna Right Flood Bank towards River side are being takenup without any permission from the River Conservator, Krishna.
- The Assistant Executive Engineer, River Conservancy (RC) Section, Vallabhapuram issued notice as per River Conservancy Act 1884 to Sri J.V. Krishna Reddy S/o J. Venkateswara Reddy, Tadepalli, instructing to stop the construction and to remove the unauthorized construction part build.
- The unauthorized construction is being continued despite of the notices issued by the Irrigation Department.

- Further, the residents living near Tadepalli Karakatta complained to the Commissioner, Tadepalli Municipal Corporation through Spandana Complaint No.GNT20221212138, dt.12.12.2022.
- In response to the Spandana Complaint the Deputy City Planner replied that there were no permissions given for setting up of flower market in the river bed in Tadepalli Village limits.
- Further stating that the authorized construction beside Krishna Right Flood Bank on river side is being continued despite of the three notices issued with an intention to establish flower market at the said location.
- As the said construction is objectionable in river conservancy point of view which might obstruct free flow of water, threatens the safety of flood bank and might pollute the river.
- The authorities of Tadepalli - Mangalagiri Municipal Corporation took action on unauthorized construction and dismantled certain ongoing construction works such as partition walls.

c. Observations of the Pollution Control Board:

- The Pollution Control Board, Guntur submitted that the Flower market was constructed without obtaining permission from competent Authorities and the constructed area falling under River Conservancy Zone.
- The Flower market laid 24ft CC road towards Krishna River and also provided drainage towards Krishna River side.
- The Flower market has constructed 4 number of wash rooms with septic tank followed by soak pit for disposal of domestic waste water.
- Disposing of unsold and spoiled flowers in to River would affect the aquatic environment as the unsold and spoiled flowers would contribute organic matter in to the water which results high Bio Chemical Oxygen demand (BOD) which depletes the Dissolved Oxygen (DO) in the river water thus results effect of aquatic environment. Hence, operation of Flower market in the River Conservancy Zone may not be suggested.

d. Observations of Tahsildar, Tadepalli:

- The Tahsildar, Tadepalli submitted that the field inspection reveals that the subject site located between the Karakatta (River Bed) and river stream and falls under the Sy.No.39, 40 of Tadepalli Village of Tadepalli Mandal.
- After verification of the available records, the subject site is patta land and the flower market construction is already completed and trading of flowers is going on in it.
- Based on the information furnished by the flower merchants, they have not paid any land conversion fee as on 13.07.2023, but constructed the flower market in the subject site.

Writ Petition:

5. A writ petition was filed in Hon'ble AP High Court in W.P No.5412/2023 by Sri J.V.Krishna Reddy and 79 others keeping the Principal Secretary (Municipal and Urban Development Department), Commissioner (Tadepalli Municipal Corporation), Town Planning Officer (Mangalagiri, Tadepalli Municipal Corporation) as 1st, 2nd, 3rd respondents and Assistant Executive Engineer, RC Section, Vallabhapuram as 4th respondent and prayed the Hon'ble High Court to issue directions not to demolish the temporary sheds of the petitioners constructed at Sy.No.39/1 and 40, abutting to Aventura Sports Club, Vijayawada Club Road, Tadepalli and Sri Chippada Leela Venkata Maruthi Rao S/o Narayana Rao filed a W.P.(PIL) No.35/2023 before the Hon'ble High Court of A.P regarding the same issue. **The case is currently under purview of Hon'ble High Court of Andhra Pradesh.**
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 5. No drainage connection provided for constructed toilets.
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 7. Action will be initiated against the unauthorized construction & Operation of Flower Market subjected to outcome of WP No.5412/2023 of Hon'ble High court of Andhra Pradesh.
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7. Earlier the Executive Engineer & River Conservator, Krishna addressed a letter vide letter No.173M,dt.16.02.2023 to the Commissioner, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri informing that the said flower market construction works beside the Krishna Right Flood Bank towards River side are being taken up without any permission from the River conservator , Krishna. The unauthorized construction is being continued despite of the notices issued by the Irrigation department. Therefore, the Commissioner, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri was requested to stop the construction and remove the unauthorized construction of Flower market beside Krishna Right Flood Bank.
8. In response Mangalagiri - Tadepalli Municipal Corporation has initiated action on unauthorized construction and dismantled certain ongoing construction works such as partition walls.
 9. The joint inspection report submitted to the Hon'ble NGT, Principal Bench, New Delhi on 01.08.2023.
 10. Collector & District Magistrate, Guntur communicated joint inspection report to Member Secretary, AP Pollution Control Board with a copy marked to i) the commissioner, MTMC, Mangalagiri with a direction to file counter in Writ Petition (PIL) No.35 of 2023 which is pending before the Hon'ble High Court of Andhra Pradesh, Amaravati, It is also directed to pass final orders in pursuance of the notices issued to the petitioners and the explanation filed by the petitioners to the said notices in obedience of the Hon'ble High Court order dt.06.03.2023 in I.A No. I of 2023 in W.P.No.5412 of 2023 filed by Sri Jakkireddy Venkata Krishna Reddy and 77 others, ii) the Tahsildar, Tadepalli

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12. Hon'ble National Green Tribunal (NGT), Southern Zone, Chennai issued order in M.A. No.02/2024(SZ) in O.A.No.331 of 2023 (PB), dt: 22.03.2024 as follows:

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1. ***This application is regarding the illegal construction of the flower market within the Krishna River Flood Zone.***
2. ***There is already a direction from the Municipal Corporation to demolish the unauthorized construction which is stayed by the Hon'ble High Court of Andhra Pradesh in W.P. (PIL) No. 35 of 2023.***
3. ***The report of the Joint Committee states that the construction is within the Krishna River Flood Zone and out of 80 shops, 15 shops are already in operation.***
4. ***What is worrisome is there is no drainage connection provided for constructed toilets and there is a possibility of pollution on the river due to the dumping of flower waste in future”***
5. ***So, in such circumstances, we direct the Andhra Pradesh Pollution Control Board (APPCB) to cause an inspection, take appropriate action immediately and file its report before the date of the next hearing. “***
6. ***Post the matter on 18.04.2024.***

13. The Hon'ble High Court of Andhra Pradesh in W.P.No.5412/2023 issued interim Order dt.06.03.2023 as follows :

“So, till the final order is passed after considering the explanation of the petitioners, there shall be interim direction to respondents not to take any coercive steps of demolishing the sheds in question till the next date of hearing. The petitioners are also directed not to make any further construction relating to the said sheds or to create any third party interest in respect of the

said sheds or the land in question on which the sheds are constructed, till the next date of hearing”.

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“Interim order granted earlier is extended till the next date of listing”.

In view of the above, It is humbly requested to take necessary action as the issue comes under the jurisdiction of Tahsildar, Tadepalli and communicate the action taken report to this office for further submission to Hon'ble NGT.

Copy of the Hon'ble National Green Tribunal (NGT), Southern Zone, Chennai is herewith communicated for taking necessary action.

Submitted for favor of kind information and necessary action.

Yours faithfully,

MAKANI

NARAYANA

Environmental Engineer,

APPCB,RO, Guntur.

Digitally signed by
MAKANI NARAYANA

Date: 2024.04.12
22:05:17 +05'30'

SP
73722/888

//By Speed Post//

From
Sri M.Venu Gopal Reddy, I.A.S.,
Collector & District Magistrate,
GunturTo
The Hon'ble Member
A.P. Pollution Control Board,
Dr. YSR Paryavaran Bhavan,
APIIC Colony Road,
Gurunanak Colony, Auto Nagar,
Vijayawada-5200007**Rc.No.REVGNT-CSECOMIS(MISC)/249/2023-SA(C1)-COLGNT****Dt:27/08/2023**

Sir,

Sub: APPCB-Legal- Hon'ble NGT, New Delhi-O.A No.331 of 2023(PB) in the matter of Atluri Srivaasa Rao Rtd., Vs State of Andhra Pradesh-Tribunal order dt.29.05.2023 - Nomination to Joint Committee-Nomination to conduct Joint Inspection - Joint inspection report submitted-Reg.

- Ref:-
1. Member, A.P. Pollution Control Board, Vijayawada, letter Rc.No.107-OA-331 of 2023/APPCB/Legal/NGT(PB)/2023 dt.16.06.2023.
 2. Hon'ble NGT Order dated 29.05.2023 in OA.331 of 2023.
 3. This office File No.REVGNT-CSECOMIS(MISC)/249/2023-SUP(C)-COLGNT, dt:10.07.2023 addressed to the Hon'ble Member, A.P.Pollution Control Board, Vijayawada.
 4. This office File No.REVGNT-CSECOMIS(MISC)/249/2023-SUP(C)-COLGNT, dt:10.07.2023 addressed to the Sub Collector, Tenali.
 5. Rc.No.1159/2023-E, dt:20.07.2023 of the Sub Collector, Tenali.

@@@

I invite kind attention to the references cited, wherein it is directed to conduct Joint Inspection and submit the inspection report.

It is submitted that, the Sub Collector, Tenali along with the Executive Engineer, River Conservancy & Krishna Central Division, Vijayawada and the Executive Engineer, APPCB, Regional Office, Guntur inspected the Flower Market situated in Sy.No.39-1 & 40, Tadepalli village, Vijayawada club road and submitted their findings as follows.

Re: OMS uploaded / filed
JC - Com. report in PNC
website

SPB
/

EE
/

ACC
MS
08/09/23

JCEE,
Legal

100

"The Sub Collector, Tenali stated that she along with the Executive Engineer, River Conservancy, Krishna Central Division, Vijayawada (on behalf of Superintendent Engineer, Irrigation, Guntur) and Executive Engineer, APPCB, Regional Office, Guntur have inspected the Flower Market, Sy.No.39-1 & 40, Tadepalli village on 11.07.2023.

Details of the Site:

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West : Gowthami School

- The latitudes and longitudes of the Flower market are (N16⁰28'45.97464", E80⁰37'25.90212"), (N16⁰28'46.45812", E80⁰37'25.16412"), (N16⁰28'49.11624", E80⁰37'26.904") and (N16⁰28'48.58212", E80⁰37'27.70788")
- It is noticed that the subject site located between the Karakatta (River Bed) and river stream and falls under the Sy.No.39, 40 of Tadepalli Village of Tadepalli Mandal. As per the RSR of the Tadepalli Village, the details of the Sy.No.are shown below:

Sy.No	Extent (Ac.cts)	Classification	Remarks
39	1.61	Government - Dry	The subject land is Patta land located between River Bund and River Stream
40-A	1.52	Government - Dry	
40-B	5.00	Government - Dry	

Observations of Irrigation Officials:

- The Executive Engineer & River Conservator, Krishna submitted that the said Flower Market Construction works beside the Krishna Right Flood Bank towards River side are being taken up without any permission from the River Conservator, Krishna.
- The Assistant Executive Engineer, River Conservancy (RC) Section, Vallabhapuram issued notice as per River Conservancy Act 1884 to Sri J.V. Krishna Reddy S/o J. Venkateswara Reddy, Tadepalli, instructed to stop the construction and to remove the unauthorized construction part building.
- The unauthorized construction is being continued despite of the notices issued by the Irrigation Department.
- Further, the residents living near Tadepalli Karakatta complained to the Commissioner, Tadepalli Municipal Corporation through Spandana Complaint No.GNT20221212138, dt.12.12.2022.
- In response to the Spandana Complaint the Deputy City Planner replied that there were no permissions given for setting up of flower market in the river bed in Tadepalli Village limits.
- Further stating that the unauthorized construction beside Krishna Right Flood Bank on river side is being continued despite of the three notices issued with an intention to establish flower market at the said location.
- As the said construction is objectionable in river conservancy point of view which might obstruct free flow of water, threatens the safety of flood bank and might pollute the river.
- The authorities of Tadepalli-Mangalagiri Municipal Corporation took action on unauthorized construction and dismantled certain ongoing construction works such as partition walls.

Observations of the Pollution Control Board:

- The Pollution Control Board, Guntur submitted that the Flower market was constructed without obtaining permission from competent Authorities and the constructed area falling under River Conservancy Zone.
- The Flower market laid 24ft CC road towards Krishna River and also provided drainage towards Krishna River side.
- The Flower market has constructed 4 number of wash rooms with septic tank followed by soak pit for disposal of domestic waste water.
- Disposing of unsold and spoiled flowers into River would affect the

aquatic environment as the unsold and spoiled flowers would contribute organic matter in to the water which results high Bio Chemical Oxygen demand (BOD) which depletes the Dissolved Oxygen (DO) in the river water thus results effect of aquatic environment. Hence, operation of Flower market in the River Conservancy Zone may not be suggested.

Observations of Tahsildar, Tadepalli:

- The Tahsildar, Tadepalli submitted that the field inspection reveals that the subject site located between the Karakatta (River Bed) and river stream and falls under the Sy.No.39, 40 of Tadepalli Village of Tadepalli Mandal.
- After verification of the available records, the subject site is patta land and the flower market construction is already completed and trading of flowers is going on in it.
- Based on the information furnished by the flower merchants, they have not paid any land conversion fee as on 13.07.2023, but constructed the flower market in the subject site.

Writ Petitions:

A writ petition was filed in Hon'ble AP High Court in W.P No.5412/2023 by Sri J.V.Krishna Reddy and 77 others keeping the Principal Secretary (Municipal and Urban Development Department), Commissioner (Tadepalli Municipal Corporation), Town Planning Officer (Mangalagiri, Tadepalli Municipal Corporation) as 1st, 2nd, 3rd respondents and Assistant Executive Engineer, RC Section, Vallabhapuram as 4th respondent and prayed the Hon'ble High Court to issue directions not to demolish the temporary sheds of the petitioners constructed at Sy.No.39/1 and 40, abutting to Aventura Sports Club, Vijayawada Club Road, Tadepalli and Sri Chippada Leela Venkata Maruthi Rao S/o Narayana Rao filed a W.P.(PIL) No.35/2023 before the Hon'ble High Court of A.P regarding the same issue.

In view of the above circumstances, it is found that:

1. The construction is illegal and has been done without any permission from Mangalagiri Tadepalli Municipal Corporation or River Conservancy Department or CRDA.
2. No land conversion permission issued from Revenue Department.
3. Construction is within Krishna River Flood Zone.

4. As per the farmers of Flower Market case, they are operating 10-15 shops out of 80 currently.
5. No drainage connection provided for constructed toilets.
6. Possibility of pollution of the river is there due to dumping of flower waste in the future.
7. As per farmers of the association, the Writ Petition is a motivated WP filed by Vijayawada Flower Market farmers to stop competition.”

In this connection it is submitted that the Hon'ble High Court of A.P., Amaravati in I.A No.1 of 2023 in W.P.No.5412 of 2023 filed by Sri Jakkireddy Venkata Krishna Reddy and 77 others while observing that the respondents not yet passed final orders in pursuance of the notices issued to the petitioners and the explanation filed by the petitioners to the said notices, issued interim orders directing the respondents not to take any coercive steps of demolishing the sheds in question till the next date of hearing. The petitioners are also directed not to make any further construction relating to the said sheds or create in 3rd party interest in respect of the said sheds or the land in question on which the sheds are constructed, till the next date of hearing.

The Hon'ble High Court extended interim order till 19.06.2023.

The Hon'ble High Court directed the Principal Secretary, Municipal and Urban Development Authority shall ensure the compliance of the order dated 06.03.2023 passed by the High Court and submit a report by 11.05.2023.

WP(PIL) No.35 of 2023

Sri Chippada Leela Venkata Maruthi Rao R/o Vijayawada filed the above PIL impleading the Principal, MAUD, Commissioner MTMC, Deputy City Planner, MTMC, the District Collector, Guntur and the Tahsildar, Tadepalli praying the Hon'ble High Court to declare the action of the Hon'ble High Court in not preventing and removing the illegal constructions adjacent to Krishna River Bed made in Green Zone in the land in Survey No.39/1 and 40 of Tadepalli Village and Mandal as illegal and consequently directing the

respondents to stop further constructions and remove the illegal constructions made in Sy.No.39/1 and 40 of Tadepalli Village and Mandal.

The Writ Petition(PIL) No.35 of 2023 is pending is pending before the Hon'ble High Court of Andhra Pradesh, Amaravati.

The Joint Inspection report of the Sub Collector, Tenali, the Executive Engineer, River Conservancy, Krishna Central Division, Vijayawada and the Executive Engineer, APPCB, Regional Office, Guntur is herewith submitted for kind perusal.

Yours faithfully,
M.venu Gopal Reddy Ias
Collector & District Magistrate,
Guntur

Copy to the Commissioner, MTMC, Mangalagiri with a direction to file counter in Writ Petition(PIL) No.35 of 2023 which is pending before the Hon'ble High Court of Andhra Pradesh, Amaravati.

It is also directed to pass final orders in pursuance of the notices issued to the petitioners and the explanation filed by the petitioners to the said notices in obedience of the Honble AP High Court order dated 06.03.2023 in I.A No.1 of 2023 in W.P.No.5412 of 2023 filed by Sri Jakkireddy Venkata Krishna Reddy and 77 others

Copy to the Tahsildar, Tadepalli with a direction to file counter in Writ Petition(PIL) No.35 of 2023 which is pending before the Hon'ble High Court of Andhra Pradesh, Amaravati.

Copy to the Executive Engineer, River Conservancy, Krishna Central Division, Vijayawada for necessary action.

Copy to the Executive Engineer, APPCB, Regional Office, Guntur for necessary action.

Signed by M.venu Gopal
Reddy Ias
Date: 27-08-2023 22:31:20
Reason: Approved

Item No.02:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

**Miscellaneous Application No.02 of 2024 in
Original Application No.331 of 2023 (SZ)**

Earlier M.A. No. 96/2023 (PB)

IN THE MATTER OF:

Atluri Srivasa Rao

...Applicant(s)

Versus

Andhra Pradesh Pollution Control Board
Rep. by its Member Secretary
Vijayawada and Ors.

...Respondent(s)

Date of hearing: 22.03.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. ARUN KUMAR VERMA, EXPERT MEMBER

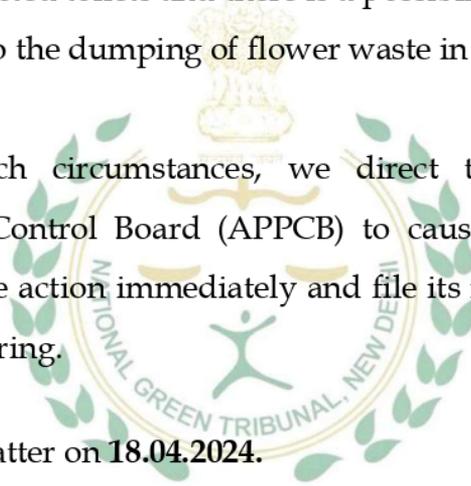
For Applicant(s): None.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 to R3.

ORDER

1. This application is regarding the illegal construction of the flower market within the Krishna River Flood Zone.

2. There is already a direction from the Municipal Corporation to demolish the unauthorized construction which is stayed by the Hon'ble High Court of Andhra Pradesh in **W.P. (PIL) No. 35 of 2023**.
3. The report of the Joint Committee states that the construction is within the Krishna River Flood Zone and out of 80 shops, 15 shops are already in operation.
4. What is worrisome is there is no drainage connection provided for constructed toilets and there is a possibility of pollution on the river due to the dumping of flower waste in future.
5. So, in such circumstances, we direct the Andhra Pradesh Pollution Control Board (APPCB) to cause an inspection, take appropriate action immediately and file its report before the date of next hearing.
6. Post the matter on **18.04.2024**.



Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Arun Kumar Verma, EM

M.A. No.02/2024 (SZ) in
O.A. No.331/2023 (PB),
22nd March, 2024. AD.

Item No. 03

Court No. 1

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

M.A. No. 96/2023

In

Original Application No. 331/2023

Atluri Srivasa Rao Rtd.

Applicant

Versus

State of Andhra Pradesh

Respondent

Date of hearing: 04.10.2023

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

ORDER

1. In the Original Application No. 331/2023, the grievance raised was in respect of setting up of flower market at river front side of RL Gautami River by constructing about 80 shops. Further allegation was that the unsold and spoiled flowers were thrown and treated unscientifically emanating bad odour, causing air pollution etc.

2. The Tribunal vide order dated 29.05.2023 had formed a joint Committee with the specific direction to take into consideration the issue of permitting trade activities in river flood plain zone and proper management of the waste (solid and liquid) and further preventing any environmental degradation. The OA was accordingly disposed of.

3. This M.A. has been registered on the basis of the report dated 28.07.2023 submitted by the joint Committee constituted by the Tribunal. The said report reveals the following situation on the spot:-

"In view of the above circumstances, it is found that:

1. *The construction is illegal and has been done without any permission from Mangalagiri Tadepalli Municipal Corporation or River Conservancy Department or CRDA.*

2. *No conversion applied from Revenue Department.*

3. *Construction is within Krishna River Flood Zone.*

4. *As per the farmers of Flower Market case, they are operating 10-15 shops out of 80 currently.*

5. *No drainage connection provided for constructed toilets.*

6. *Possibility of pollution of the river is there due to dumping of flower waste in the future.*

7. *Action will be initiated against the unauthorized construction & Operation of Flower Market subjected to outcome of WP No.5412/2023 of Hon'ble High court of Andhra Pradesh.*

8. *As per farmers of the association, the Writ Petition is a motivated WP filed by Vijayawada Flower Market farmers to stop competition.”*

4. Report also reveals that some petitions are already pending before the High Court of Andhra Pradesh.

5. Since, the matter relates to the Southern Zone Bench of the Tribunal, therefore, it is being transferred to Southern Zone Bench for taking further appropriate action.

6. The MA is accordingly disposed of for re-registration at the Southern Zone Bench.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 04, 2023
M.A. No. 96/2023
In Original Application No. 331/2023
SN

Item No. 16

Court No. 2

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

Original Application No. 331/2023

Atluri Srivasa Rao Rtd.

Applicant

Versus

State of Andhra Pradesh

Respondent

Date of hearing: 29.05.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Application is registered based on a complaint received by post/e-mail

ORDER

1. The dispute raised in this matter relates to Mangalgi-Tedapalli, Municipal Corporation which is in State of Andhra Pradesh and therefore the cause title of the application shall be corrected and instead of State of Karnataka it shall be registered as State of Andhra Pradesh. The Registry may make necessary correction the cause title.

2. This Original Application has been registered under Section 14 & 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') on a letter petition dated 02.02.2023 sent by Atluri Srivasa Rao.

3. The grievance raised is that a flower market has been raised at river front side of RL Gautami River. About 80 shops have been constructed wherein unsold and spoiled flowers are thrown and treated unscientifically emanating bad odour, causing air pollution etc. The said flowers are also

being thrown in the river causing water pollution. There is also illegal cutting of trees in the nearby area affecting environment, ecology and variety of bio-diversity.

4. In our view, this issue can be looked into, at the first instance by the local authorities and for the purpose whereof we constitute a joint Committee comprising State PCB, District Magistrate, Vijaywada and Irrigation Department, Andhra Pradesh who shall visit the site, collect relevant information and if finds any violation of environmental laws and norms, would take appropriate remedial action in accordance with law within two months. **The action taken may take into consideration of permitting trade activities in the river flood plain zone and proper management of waste (solid and liquid) and further preventing any environmental degradation.**

5. State PCB, shall be the nodal agency for coordination and compliance of this order.

6. With the above directions, the application is disposed of.

7. A copy of this order be forwarded to State PCB, District Magistrate, Vijaywada and Irrigation Department, Andhra Pradesh by e-mail for compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 29, 2023
Original Application No. 331/2023
A