

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

**Original Application No. 3 of 2023(SZ)**

**IN THE MATTER OF:**

|                                  |        |                 |
|----------------------------------|--------|-----------------|
| Dr. Patanjali Sastry             |        | . Applicant(s)  |
|                                  | Versus |                 |
| Union of India and Ors           |        | . Respondent(s) |
|                                  | And    |                 |
| Dr. Patanjali Sastry             |        | . Applicant(s)  |
|                                  | Versus |                 |
| State of Andhra Pradesh and Ors. |        | Respondent(s)   |

**REPORT FILED BY THE 7<sup>TH</sup> RESPONDENT APPCB**



**M/s MADHURI DONTI REDDY  
ADVOCATE**

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

**ORIGINAL APPLICATION NO. 3 OF 2023**

**IN THE MATTER OF  
DR. PATANJALI SASRTY**

**VERSUS**

**...APPLICANT**

**UNION OF INDIA & others**

**..... Respondent**

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It is certified that all the documents contained in the above annexure are true copies.

Date: 01.08.2023.



**REPORT FILED BY THE 7<sup>TH</sup> RESPONDENT PRINCIPAL CHIEF  
CONSERVATOR OF FORESTS & HOFF AND PRINCIPAL CHIEF  
CONSERVATOR OF FORESTS (WL) & CHIEF WILDLIFE WARDEN,  
A.P BEFORE THIS HON'BLE NATIONAL GREEN TRIBUNAL AT  
CHENNAI IN OA NO.03/2023(SZ)**

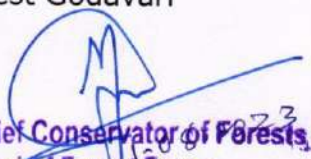
It is submitted that the Suo-moto application was registered by the Hon'ble National Green Tribunal (Principal Bench), New Delhi, based on the application of Dr. T Patanjali Sastry sent to Tribunal by letter petition, which has been treated and registered as Original Application No.598/2022. The National Green Tribunal (Principal Bench), New Delhi in its order dated 16.01.2023 transferred the O.A.No.598 of 2022 to Southern Bench of the Tribunal at Chennai and tagged with O.A.No.03 of 2023 and the above matter has come up before this Hon'ble tribunal on 13-02-2023 to direct to file report as follows;***whether they have obtained necessary clearances if the structures proposed fall in Wetland/Wildlife Sanctuary/CRZ Area or otherwise require clearance under environmental laws.***

**1) THE BRIEF FACTS REGARDING KOLLERU WILDLIFE SANCTUARY  
ARE SUBMITTED HEREUNDER:**

It is respectfully submitted that, Kolleru Lake is one of the largest fresh water ecosystems (Wetland) in India of international importance recognized under Ramsar Convention (Iran 1971) in the year 2002. Out of the total area of the lake which is up to +10 feet MSL contour (Ac. 225250) only up to +5 feet MSL contour (Ac.77138) have been declared as Wildlife sanctuary in the year 1999.

**2) DECLARATION OF KOLLERU WILDLIFE SANCTUARY:**

- i) It is submitted that the Government have issued a preliminary notification declaring Kolleru as a Wildlife Sanctuary vide G.O.Ms.No.76, EFS&T (For.III) Dept, dated 25-9-1995. The Government has issued final notification under section 26-A of Wildlife Protection Act, 1972; vide G.O.Ms.No.120, EFS&T (For.III) Dept., dated 4-10-1999. The Kolleru Wildlife Sanctuary is spread over 9 Mandals, i.e., 8 Mandals in Eluru District and 1 Mandal in West Godavari

  
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District with an extent of 30,855.20 ha or 77,138 acres up to +5 feet contour MSL. Out of this 14861.33 Acres is privately owned Patta lands.

The sanctuary area details are as follows:

| SI. No. | District                                                  | Name of the Mandal | Area in Acres |
|---------|-----------------------------------------------------------|--------------------|---------------|
| 1       | Eluru District<br>(erstwhile West                         | Eluru              | 23900         |
| 2       |                                                           | Unguturu           | 134           |
| 3       |                                                           | Pedapadu           | 789           |
| 4       |                                                           | Denduluru          | 586           |
|         |                                                           | Nldamaru           | 6838          |
| 6       | Godavari and                                              | BhlmadoluKai       | 20323         |
| 7       |                                                           |                    | 10295         |
| 8       |                                                           | mandavalli         |               |
|         | <b>West Godavari district total</b>                       |                    | <b>70224</b>  |
| SI. No. | District                                                  | Name of the Mandal | Area in Acres |
| 9       | West Godavari District (erstwhile West Godavari District) | Akiveedu           | 6914          |
|         | <b>West Godavari District Total</b>                       |                    | <b>6914</b>   |
|         | <b>Total</b>                                              |                    | <b>77138</b>  |

- ii) It is submitted that the lake receives inflow from Budameru, Ramileru, Tammileru, Gunderu, Yerrakalva and is connected to the Krishna and Godavari Irrigation systems by over 67 major and minor notified drains and 46 non notified drains. The river Upputeru serves as the single outlet from the lake that connects it with Bay of Bengal.
- iii) It is submitted that the Kolleru is a wetland with naturally fluctuating hydrological regimes. The Wetlands (Conservation and Management) Rules, 2017 is applicable to the wetlands categorized as "Wetlands of International importance" under Ramsar Convention.

### **3) Directions of the CEC of Hon'ble Supreme Court of India:**

- i) It is submitted that while dealing with a petition in IA No. 1486-1487 in Writ Petition no: 202 of 1995, Dt. 20.3.2006, the Central Empowered Committee appointed by the Hon'ble Supreme Court of India (Copy enclosed), vide Para No.54 of their report; issued the following directions:

***a) Use or transportation of inputs for pisciculture such as chemical fertilizer, farmyard manure, poultry manure, DOB, oil cakes etc. shall not be allowed in the Kolleru Wildlife Sanctuary;***

  
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***b) All fish tanks constructed inside the sanctuary shall be demolished in a time bound manner starting from the big to the smaller ones. The tanks of area of more than 100 acres (cumulative) shall be demolished within a period of 15 days and the remaining tanks shall be demolished by <sup>31st</sup> May, 2006;***

**4) Judgment of Hon'ble Supreme Court of India and action taken by the Govt. of AP:**

- i) It is submitted that aggrieved by the order of the CEC, the Kolleru Food Industries have filed a Writ Petition No.1486 - 1487 in Writ Petition no: 202 of 1995, the Hon'ble Supreme Court of India and the Supreme Court in its judgment Dt:10.04.2006 have upheld the directions issued by the Central Empowered Committee. As per the direction of the Hon'ble Supreme Court of India, under "Operation Kolleru" totally, 1776 tanks (1140 in West Godavari + 636 In Krishna district) covering an area of about 43,724 acres (28,949 acres In West Godavari + 15,775 acres in Krishna) have been demolished in Kolleru Wildlife Sanctuary upto +5'contour. The demolition work has been taken up and completed by 15.6.2006 as per the orders of Hon'ble Supreme Court and CEC. The demolition was carried out by the Revenue Department under the supervision of District Collectors.

**5) POST "OPERATION KOLLERU-2006"**

- i) It is submitted that after the completion of "Operation Kolleru" in 2006, the revenue department from both the districts consolidated the lands falling within +5 Contours and handed over to forest department for management. The Kolleru Wildlife Sanctuary is in the administrative control of Wildlife Management Division, Eluru. Unlike the regular reserve forest blocks, the boundary of the sanctuary is described in terms of +5 feet MSL contour line in the notification. Through G.O no. 144 EFS&T(For.II) deptdt.15.11.2006 Staff were recruited on contract basis under

  
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various categories to effectively manage the sanctuary area. Further additional man power was engaged as Base camp watchers, Strike force watcher, Check post helpers etc., to further strength the protection and management of the sanctuary. There are 7 basecamps, 1 strike force and 6 check posts are currently functioning to monitor the illegal activities in the sanctuary omits.

- ii) It is submitted that there are mainly 3 categories of the lands exist inside the sanctuary area viz., Government, D-Patta and Ziroyati lands. Area of the Ziroyati land i.e. Ac.14861.33 is with individual farmers. The survey did not take place to demarcate the sanctuary boundary and as per the notification the boundary of the sanctuary runs along the +5 feet MSL contour. During "Operation Kolleru-2006" the aquaculture tank bunds inside the Wildlife Sanctuary were only partially demolished and the villagers again resorted to aquaculture activities by strengthening the partially demolished bunds. The encroachments are seasonal in nature, during monsoon season the area within +5 feet contour MSL is generally flooded and once the water level recedes post monsoon, the villagers try to repair the bunds of old tanks and start aquaculture activities. The Ziroyati lands are yet to be acquired by Government from the farmers by paying suitable compensation. Though the D-patta lands were cancelled at the time of notification but the farmers claim that still they have rights over those lands.

**6) Details of private patta lands owned by farmers:**

- i) It is submitted that traditional agriculture In the privately owned lands is permitted as per G.O. Ms. No.120, EFS &T (For.III) Dept., dt.4.10.1999(Copy enclosed). The pattalands owned by private owners having legal rights to practice traditional agriculture within the sanctuary area up to +5' contour Is 14,861.33 acres out of the total sanctuary area of 77,138 acres. The details are given below:

  
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| Sl. No. | Name of the Mandal                                                 | No. of villages | No. of Ryots | Extent of area (in Acres) |
|---------|--------------------------------------------------------------------|-----------------|--------------|---------------------------|
|         | <b>Eluru Dist. (erstwhile West Godavari and Krishna Districts)</b> |                 |              |                           |
| 1.      | Eluru                                                              | 7               | 399          | 823.61                    |
| 2.      | Pedapadu                                                           | 3               | 199          | 496.52                    |
| 3.      | Denduluru                                                          | 2               | 111          | 380.28                    |
| 4.      | Bhimadolu                                                          | 5               | 1167         | 2426.87                   |
| 5.      | Nidamaruru                                                         | 11              | 4126         | 6150.63                   |
| 6.      | Unguturu                                                           | 1               | 30           | 146.46                    |
| 7.      | Kaikaluru                                                          | 10              | 125          | 571.45                    |
| 8.      | Mandavalli                                                         | 5               | 71           | 390.41                    |
|         | <b>Total</b>                                                       | <b>44</b>       | <b>6228</b>  | <b>11386.23</b>           |
|         | <b>West Godavari District (erstwhile West Godavari District)</b>   |                 |              |                           |
| 9.      | Akiveedu                                                           | 10              | 1981         | 3475.10                   |
|         | <b>Total</b>                                                       | <b>10</b>       | <b>1981</b>  | <b>3475.10</b>            |
|         | <b>Grand total</b>                                                 | <b>54</b>       | <b>8209</b>  | <b>14861.33</b>           |

- ii) It is submitted that as per G.O.Ms.No.120, dated.4.10.1999, and the judgment of Hon'ble High Court, dated.30-7-2001 and also as per the Hon'ble Supreme Court of India's orders in April, 2006 the owners of the agriculture lands can practice traditional agriculture without using pesticides and chemicals. But the farmers are agitating to permit them to use chemical fertilizers to get more yields, which is illegal. Otherwise, they are requesting to pay adequate compensation to their own lands.
- iii) It is submitted that the Dist. Collector, of erstwhile West Godavari indicated an amount of Rupees Six Hundred Twenty-Five Crores Forty-Eight Lakhs (Rs.625.48 lakh) and the Dist. Collector, erstwhile Krishna has indicated an amount of Rupees Thirty crores (Rs.30.00 Crores) to acquire an extent of 13,899.47 acres and 961.86 acres respectively.
- iv) It is submitted that accordingly, the Govt. have proposed to pay the total compensation of rupees Six hundred fifty-five crores forty-eight lakh (Rs.655.48 lakh) for paying compensation to the agriculture land owners to an extent of 14,861.33 acres from accumulated Compensatory Afforestation Management & Planning Agency (CAMPA) and requested



Hon'ble Minister for Environment, Forests & Climate Change to consider this proposal. But the Union minister, MoEF& CC, GoI in National Board for Wildlife Meeting held by him on 22-12-2009 has decided and informed that CAMPA funds cannot be used for acquisition of private lands and the question of payment of compensation to the farmers from CAMPA funds cannot be considered.

#### **7) MANAGEMENT OF SANCTUARY AREA:**

It is submitted that the sanctuary area is generally managed based on the prescriptions provided in the approved management plan. Forest department is implementing various activities through State and Central schemes. The important activities being taken by Forest Department in the sanctuary area are Habitat Protection, Habitat Improvement, Research & Monitoring, Ecotourism and Awareness creation.

#### **8) ENCROACHMENT STATUS WITHIN THE KOLLERU SANCTUARY**

##### **(UPTO +5 CONTOUR):**

- i) It is submitted that there is a lot of pressure from local villagers to carry out aquaculture activities and number of complex issues are involved from paying compensation to downsizing the sanctuary boundary.
- ii) It is submitted that the Forest department is taking concerted efforts in protecting the sanctuary area despite all hurdles. So far 633 cases have been registered related to encroachment mainly for aquaculture in all the categories of the land since 2006-07 and the cases are under trial in various courts. The details of cases booked from 2006-07 to 2022-23 (upto 31-03-2023) are given below.

##### **ABSTRACT OF ENCROACHMENT CASES BOOKED FROM 2006-07 TO 2022-23 (up to 31-03-2023) IN KOLLERU WLS**

| Year of Encroachment | No. Cases | Extent of Encroachment |          |        |
|----------------------|-----------|------------------------|----------|--------|
|                      |           | Govt.                  | Ziroyati | Total  |
| 2006-07              | 3         | 0                      | 3.03     | 3.03   |
| 2007-08              | 1         | 0                      | 0        | 0      |
| 2008-09              | 11        | 170.00                 | 258.71   | 428.71 |
| 2009-10              | 23        | 307.95                 | 471.31   | 779.26 |
| 2010-11              | 36        | 321.61                 | 355.24   | 676.85 |
| 2011-12              | 11        | 182.21                 | 40.88    | 223.09 |

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|                |            |                 |                |                 |
|----------------|------------|-----------------|----------------|-----------------|
| 2012-13        | 18         | 237.83          | 122.45         | 360.28          |
| 2013-14        | 5          | 28.62           | 22.53          | 51.15           |
| 2014-15        | 19         | 586.80          | 193.88         | 780.68          |
| 2015-16        | 33         | 361.37          | 33.48          | 394.85          |
| 2016-17        | 74         | 737.83          | 172.51         | 910.34          |
| 2017-18        | 95         | 2329.59         | 244.69         | 2574.28         |
| 2018-19        | 55         | 2428.97         | 25.71          | 2454.68         |
| 2019-20        | 46         | 1665.47         | 95.27          | 1760.74         |
| 2020-21        | 65         | 1305.45         | 1009.33        | 2314.78         |
| 2021-22        | 80         | 1629.27         | 842.24         | 2471.51         |
| 2022-23        | 58         | 1439.25         | 147.7          | 1586.95         |
| <b>TOTAL::</b> | <b>633</b> | <b>13732.22</b> | <b>4038.96</b> | <b>17771.18</b> |

However, in some areas cases were registered multiple times since aquaculture activities were attempted in the same location every year as the offenders continue to encroach the same area repeatedly.

#### **9) DEMARCATON OF PHYSICAL BOUNDARIES:**

It is submitted that the Government vide G.O.Rt.No.101 EFS&T(Sec-II) Dept. dt.25.11.2021 have decided to demarcate the physical boundaries of Kolleru lake on the ground with pillars by using the latest technologies in surveying of land by meeting the expenditure from CAMPA funds and constituted a State Level Steering Committee and District Level Implementation Committee.

#### **10) CONSTRUCTION OF REGULATORS ON UPPUTERU:**

- i) It is submitted that the Government in G.O.Ms.No.63 Water Resource (Projects-II) Department, dt.02.12.2020 has proposed total six projects out of which four projects are proposed on outlets of Kolleru Lake i.e., (i) Cross Regulator cum Bridge cum lock on Upputeru river at km 46.40 (ii) Cross Regulator cum Bridge cum Lock on Upputeru river at km 47.80 (iii) Construction of Regulator at km 1.40 i.e., Padathadika in straight cut portion (iv) Construction of out fall sluice cum DLB on Pedlanka major.
- ii) It is submitted that the other two projects are proposed on Krishna River i.e., (i) Construction of New Barrage at 12 km downstream of Prakasam Barrage (ii) Construction of New Barrage at 62 km downstream of Prakasam Barrage.

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Head of Forest Force,  
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**11)** It is submitted that as ascertained from the Superintending Engineer, Irrigation Circle, Eluru and Vijayawada vide Lr.No.SE/IC/E1r/DB/AT0.1/F-Kolleru/600 SE dt.04.03.2023, Lr.No.SE/IC/E1r/DB/AT0.1/F-Kolleru/691 SE dt.24.03.2023 and Lr.No.SE/IC/VJA/DB/ATO/225m, Dt.24.03.2023 (Copy enclosed) and GPS coordinates furnished by them, it is observed that out of the proposed six regulators one regulator (i.e., Construction of Regulator at km 1.40 Padathadika in straight cut portion) falls in the default Eco-Sensitive Zone of the Kolleru Wildlife Sanctuary and others are outside the Kolleru Wildlife Sanctuary and its default Eco-Sensitive Zone. So far no work has been grounded in the field for the six regulators as informed by Superintendent Engineer, Irrigation Circle, Eluru and Vijayawada. Further, vide Rc.No.245/2022/WLO. dt.28.02.2023 (Copy enclosed) Divisional Forest Officer, Wildlife Management Division, Eluru has requested Superintending Engineer, Irrigation Circle, Eluru to verify the exact location of the regulators and take necessary action under extant rules in order to avoid legal complications.

This report is submitted in pursuance to the orders of the Hon'ble National Green Tribunal in O.A.No. 3 /2023, dt.18.07.2023 for kind perusal of the Hon'ble National Green Tribunal.

Dated at .....on this the 1<sup>st</sup> day August, 2023

  
Principal Chief Conservator of Forests &  
Head of Forest Force,  
Andhra Pradesh, Mangalagiri.



Registered No. HSE/49.

[Price : 0-40 Paise.



ఆంధ్ర ప్రదేశ్ రాజ పత్రము  
**THE ANDHRA PRADESH GAZETTE**  
PART I-EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 407]

HYDERABAD, TUESDAY, OCTOBER 5, 1999

**NOTIFICATIONS BY GOVERNMENT**

\*\*\*\*\*

ENVIRONMENT, FORESTS, SCIENCE AND TECHNOLOGY DEPARTMENT  
(For.-III)

DECLARATION OF AREAS FOR KOLLERU WILDLIFE SANCTUARY  
[G.O.Ms.No. 120, Environment, Forest, Science and Technology  
(For.-III), 4th October, 1999.]

In exercise of the powers conferred by Section 26-A of the Wildlife (Protection) Act, 1972 (Central Act No. 53 of 1972), the Governor of Andhra Pradesh hereby declares the areas specified in the schedule below delineated and marked in the map kept in the office of the Prl. Chief Conservator of Forests, Andhra Pradesh, Hyderabad to be a Wildlife Sanctuary, for the protection of birds and other wildlife in the area, which shall be called "KOLLERU WILDLIFE SANCTUARY".

2. This Notification shall come into force with effect from the date of Publication of this Notification in the Andhra Pradesh Gazette.

G. 548.

[1]



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THE SCHEDULE

- (1) Name of the Districts : West Godavari and Krishna
- (2) Name of the Mandals :
- A) West Godavari District
- i) Eluru
- ii) Unguturu
- iii) Pedapadu
- iv) Denduluru
- v) Akiveedu
- vi) Nidamarra
- vii) Bhimadole
- B) Krishna District
- i) Kaikaluru
- ii) Mandavalli
- (3) Name of the Forest Divisions : I. Eluru, 2. Krishna
- (4) Name of the Forest Ranges : I. Eluru, 2. Vijayawada
- (5) Name of the Wildlife Division : Wildlife Management Division, Eluru
- (6) Name of the Sanctuary : Kolleru Wildlife Sanctuary
- (7) Area of the Sanctuary : 308.55 Sq. Kms. or 30,855.20 Ha.

| Sno. | Mandal       | District      | Area in Ha.     |
|------|--------------|---------------|-----------------|
| 1    | Eluru        | West Godavari | 9560.00         |
| 2    | Unguturu     | --do--        | 53.71           |
| 3    | Pedapadu     | --do--        | 315.72          |
| 4    | Denduluru    | --do--        | 234.23          |
| 5    | Akiveedu     | --do--        | 2765.62         |
| 6    | Nidamarra    | --do--        | 2735.30         |
| 7    | Bhimadole    | --do--        | 8129.00         |
| 8    | Kaikaluru    | Krishna       | 4117.81         |
| 9    | Mandavalli   | --do--        | 2943.81         |
|      | <b>Total</b> |               | <b>30855.20</b> |

**BOUNDARY DESCRIPTION:** The Boundary runs along the contour at +5' MSL as marked in the map kept in the O/o. Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad. The village wise details of area included in the Sanctuary including details of Survey Numbers is kept in the O/o. the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad.



- 1) EAST 'A' TO 'B': The Sanctuary starts at Station 'A' which is a trijunction of R.S.Nos. 1050, 1061 and 1069 of Vaddegudem village H/o. Kaikaram Revenue village of Unguturu Mandal (West Godavari District) as shown on the map at +5' Contour. Then the line traverses generally in Southernly direction along +5' Contour till it reaches point 'B', a point on common village boundary in R.S.Nos. 207 of Mandavalli and 134 of Akiveedu village 500mts north of Kaikaluru- Bhimavaram Railway line as shown in the map. While the line traverses along the +5' contour of the lake it touches the villages Vaddegudem H/o. Kaikaram, Tokalapalli, Binepally, D. Gopavaram, Pedanindrakolanu, Nidamaru, Venkatapuram, Timmaraogudem, Adavikolanu, Chanamilli, Bavayyapalem, Krovvidi (Nidamaru Mandal), Pedakapavaram, Chinakapavaram, Gummuluru, Kollaparru, Siddapuram (Akiveedu Mandal), Kottada (Kaikaluru Mandal) Dharamapuram, Akiveedu and Madivada (Akiveedu Mandal). This line cuts across Tokalapalli drain, Siddapuram drain and Chinakapavaram drain.
- 2) SOUTH 'B' TO 'C': Thence the line from point 'B' traverses generally in Westerly direction along the Southern boundary of the lake along +5' Contour till point 'C' which is south western corner of R.S.No.241 and South East corner of Rs.Nos.152 of Ingilipakalanka village of Mandavalli Mandal in Krishna District located at South West corner of the lake, as shown in the map. The line runs parallel to the road from Akiveedu to Kaikaluru touching the villages of Akiveedu, Dumpagadapa (Akiveedu Mandal), Someswaram, Alapadu, Pallewada, Penchikalamarru (Intrusion as English alphabet Z shape) then to Pallewada, Bhujabalapatnam, Gonepadu, Atapaka, Kaikaluru (Kaikaluru Mandal), Dayyampadu, Chintapadu, Kovvalanka, Chintapadu, Pulaparru, Pillipadu, Nutchimilli, Takkellapadu, Ingilipakalanka (Mandavalli Mandal). This line cuts across Upputeru river, Polaraju drain, Eluru-Kaikaluru road and Moturu Channel.
- 3) WEST 'C' TO 'D': Thence the line from point 'C' traverses generally in North, Northerly and South Westerly directions along +5' Contour of the lake and reaches the point 'D', trijunction of R.S.Nos. 391, 392 and 402 of Satyavolu village of Pedapadu Mandal in West Godavari District where Ramuluru River crosses +5' contour of the lake which is the Eastern limit of Satyavolu village. While the line traverses from point 'C' to 'D', it touches the villages of Ingilipakalanka, Nandigamalanka, Penumakalanka, Manugunuru, Penumakalanka, Nandigamalanka (Mandavalli Mandal), Koniki, Satyavolu (Pedapadu Mandal). This line crosses Gudivada channel, Chandraiah drain, N.S. drain of Nellimali, Dosapadu channel, Budameru river right and left branches.
- 4) NORTH 'D' TO 'A': Then the boundary line runs generally in North-easterly direction upto Sriparru village thence in Southernly direction through Manuru Village limits till it crosses Eluru to Kaikaluru road thence it travels in Northernly direction upto a point where it crosses Thammileru western branch. Thence it runs in North-easterly direction till it touches Gundugolanu-Agadalalanka road and then it runs generally in Southernly direction upto Komatilanka village. Thence it runs in Northernly



direction upto a point where it crosses Escape drain at the junction point of Bhimadolu and Ambarpeta villages. Thence it runs in Easterly direction to reach the starting point at 'A'. The Northern boundary line passes through the villages Satyavolu, Mupparu (Pedapadu Mandal), Manuru, Sriparu, Ponnangi, Kalakurru, Jalipudi, Chitaparu (Eluru Mandal), Kovvali, Dosapadu, Pothanuru (Denduluru Mandal), Agadalalanka, Chettunnepadu, Mallavaram (Bhimadolu Mandal), Kokkirayi lanka, Gudivaka lanka, Komatilanka, Pratikollalanka, Paidichintapadu (Eluru Mandal) and again Mallavaram, Chettunnepadu, Agadalalanka, Ambarpeta and Poola (Bhimadolu Mandal). Kaikaram village (Unguturu Mandal). This line crosses the Pedapadu drain, Vatluru drain, Tammileru western branch, Jalipudi drain, Tammileru eastern branch, Kovvali drain, Agadalalanka channel and No. 3 Escape drain.

#### NAMES OF THE VILLAGES:

##### Krishna District

##### Kaikaluru Mandal:

- |                        |                     |                    |                    |
|------------------------|---------------------|--------------------|--------------------|
| 1) Chinnakottada       | 2) Penchikalamaru   | 3) Yadrakotithippa | 4) Kollatikota     |
| 5) Laxinipuram         | 6) Gummallapadu     | 7) Gokarnapuram    | 8) Srungavarappadu |
| 9) Pandiripallegudem   | 10) Jangampadu      | 11) Allapadu       | 12) Pallevada      |
| 13) Someswaram         | 14) Bhujabalapatnam | 15) Chatakai       | 16) Singapuram     |
| 17) Atapaka            | 18) Gonepadu        | 19) Kaikaluru      | 20) Pedakottada    |
| 21) Pandiripalli gudem |                     |                    |                    |

##### Mandavalli Mandal:

- |                  |                |                   |                    |
|------------------|----------------|-------------------|--------------------|
| 1) Penumakalanka | 2) Manugunuru  | 3) Kovvalalanka   | 4) Chintapadu      |
| 5) Deyyampadu    | 6) Nutchumilli | 7) Nandigamalanka | 8) Ingilipakalanka |

##### West Godavari District

##### Eluru Mandal:

- |                    |                  |                    |                  |
|--------------------|------------------|--------------------|------------------|
| 1) Paidichintapadu | 2) Manuru        | 3) Kalakurru       | 4) Gudivakalanka |
| 5) Komatilanka     | 6) Kokkirailanka | 7) Pratikollalanka | 8) Chataparu     |
| 9) Jalipudi        | 10) Sriparu      | 11) Ponnangi       |                  |

##### Nidamaru Mandal:

- |                     |                  |                  |                |
|---------------------|------------------|------------------|----------------|
| 1) Nidamaru         | 2) Adivikolanu   | 3) Venkatapuram  | 4) Tokalapalli |
| 5) Pedanindrakolanu | 6) Chanamilli    | 7) Bavaipalem    | 8) Binepalli   |
| 9) Krovvidi         | 10) D. Gopavaram | 11) Timmaragudem |                |

##### Akiveedu Mandal:

- |                  |               |                |                   |
|------------------|---------------|----------------|-------------------|
| 1) Akiveedu      | 2) Madivada   | 3) Dharmapuram | 4) Dumpagadapa    |
| 5) Siddapuram    | 6) Kolleru    | 7) Gummuluru   | 8) Chinakapavaram |
| 9) Pedakapavaram | 10) Kolliparu |                |                   |



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October 5, 1999]

ANDHRA PRADESH GAZETTE EXTRAORDINARY

5

Danduluru Mandal:

- |              |            |             |
|--------------|------------|-------------|
| 1) Pothunuru | 2) Kovvali | 3) Dosapadu |
|--------------|------------|-------------|

Paise.

Padanadu Mandal:

- |             |              |           |
|-------------|--------------|-----------|
| 1) Mupparru | 2) Satyavolu | 3) Koniki |
|-------------|--------------|-----------|

Blimadole Mandal:

- |                   |                 |          |               |
|-------------------|-----------------|----------|---------------|
| 1) Blimadole      | 2) Amberpeta    | 3) Pulla | 4) Mallavaram |
| 5) Chettunnappadu | 6) Agadalalanka |          |               |

Inguturu Mandal:

- |             |
|-------------|
| 1) Kaikaram |
|-------------|

The existence, nature and extent of rights as determined by the District Collector, Krishna vide Proceedings No.E6/1236/97, Dated: 01-09-1998 and by the District Collector, West Godavari, Eluru in Rc.No.D6/11717/96, Dated:08-08-1999 are as follows:

1. Right to do fishing with traditional methods using mavis, nets of size (which does not cause damage to seed but catches only fish of harvestable size) which will be specified separately by the Chief Wildlife Warden of Andhra Pradesh.
2. No person shall form any tank for Aquaculture or for any other purposes.
3. Wherever Pisciculture was existing in private lands, as on the date of notification, fishing in traditional methods shall be permitted, without causing environmental hazard, till the Government acquires such private lands.
4. Right to do traditional Agriculture without using pesticides and chemicals.
5. Right to use the ordinary boats without motor for the movement of the people.
6. Right of way with existing Roads connecting main habitations and their maintenance by providing sufficient number of vents for the roads existing at the time of Notification of Kolleru Wildlife Sanctuary U/s. 18 of Wildlife (Protection) Act, 1972 without permitting new roads and culverts.
7. Right to maintain existing water courses and drains necessary to avert submersion of agricultural lands surrounding Kolleru Lake.
8. Other rights and conditions as specified U/s. 27 to 34 and other provisions of the Wildlife (Protection) Act, 1972.
9. Electricity connection shall be given for domestic use only and not for Aquaculture or any activity connected therewith.
10. The 'D' form pattas granted or lease of land allowed in the area in favour of any assignee or lessee as the same may be including three societies viz., Gangaraju Fishermen Cooperative Society, Srungavarappadu; Srungavarappadu Fishermen Cooperative Society; Sanjay Gandhi Fishermen Cooperative Society, Srungavarappadu of Krishna District will be cancelled. The claimants are not entitled to any compensation under Wildlife (Protection) Act, 1972 as they were assigned the lands by the Government on free of land value.

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11. D-Farm pattas to the extent of Ac.2882.00cts issued to the individuals as per G.O.Ms. No. 118 Revenue (Q) Dept., Dated:24-01-1976 in West Godavari District wherein they were permitted to construct fish tanks on the said lands are liable to be cancelled and these lands will be resumed under the provisions of Wildlife (Protection) Act, 1972. These D-Farm patta holders are not entitled for any compensation except exgratia as provided by the Government.
12. The annual Licences which are being issued by the Fisheries Department for fishery purpose indicating the areas allotted are to be discontinued.
13. Encroachments in conditional patta lands of Siddapuram village of Akiveedu Mandal are to be evicted.
14. The village site Poramboke of Siddapuram village of Akiveedu Mandal measuring Ac.16.67cts is hereby excluded from the jurisdiction of the Sanctuary.
15. Any other encroachments/activities which are not permitted specifically are liable to be removed/ stopped forthwith.

V. P. JAUHARI  
PRINCIPAL SECRETARY TO GOVERNMENT



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CASE NO.:

Writ Petition (civil) 202 of 1995

PETITIONER:

T. N. Godavarman Thirumalpad

RESPONDENT:

Union of India & Ors

DATE OF JUDGMENT: 10/04/2006

BENCH:

ARIJIT PASAYAT & S.H. KAPADIA

JUDGMENT:

J U D G M E N T

I.A. Nos.1486-87 in Writ Petition (C) No.202 of 1995  
With  
(I.A. No.1492 in WP(C) No.202/95, I.A. No.1508 in WP(C)  
No.202/95, WP(C) No.95/2006, WP(C) No.111/2006, I.A.  
No.1497-1498 in WP(C) No.202/95, I.A. No.1509-1511 in  
WP(C) No.202/95, I.A. No.1514 in WP (C) No.202/95, I.A.  
No.1515 in WP (C) No.202/95, I.A. No.1523 in WP(C)  
No.202/95, I.A. No.1524 in WP(C) No.202/95, I.A.  
No.1525 in WP(C) No.202/95, I.A. No.1531 in WP(C)  
No.202/1995, WP(C) No.155/2006)

KAPADIA, J.

Development needs of the present without compromising the ability of the future generations to meet their own needs is called 'sustainable development', a concept based on the principle of inter-generational equity.

In this batch of cases the common issue that arises for consideration is the validity of the recommendations made by Central Empowered Committee (for short, 'CEC') in its Report dated 20th March 2006 which concerns implementation of the notification issued by State of Andhra Pradesh dated 04.10.1999 under section 26A of the Wild Life (Protection) Act, 1972 whose validity has been upheld by the decision of the Andhra Pradesh High Court dated 30th July, 2001 in the case of Dr. T. Patanjali Sastry, President, Environment Centre vs. Chairman, Andhra Pradesh Pollution Control Board and ors. reported in 2001 (5) ALT 315. By the impugned recommendations CEC has issued directions for demolition of all fish tanks constructed inside the Kolleru Wild Life Sanctuary in a time bound manner, as indicated therein. CEC has also issued directions prohibiting use or transportation of inputs for pisciculture in the said sanctuary. The details of the inputs are given in the report.

NATURE OF KOLLERU LAKE

Kolleru Lake is one of the largest shallow fresh water lake in Asia located between the delta of Krishna and Godavari rivers in the State of Andhra Pradesh. It serves as a natural flood balancing reservoir for the two rivers. It receives water from 67 inflowing drains and channels. It sustains flora and



fauna and people living around it. The area of the lake at various contour levels is as under:

|                               |  |
|-------------------------------|--|
| Contour level at              |  |
| Mean Sea Level                |  |
| (MSL)                         |  |
| Area                          |  |
| At + 10 MSL                   |  |
| 901 sq. km. (2.25 lakh acres) |  |
| At + 7 feet MSL               |  |
| 675 sq. km. (1.69 lakh acres) |  |
| At + 5 feet MSL               |  |
| 308 sq. km. (0.77 lakh acres) |  |

It is found between the alluvial planes of river Godavari and river Krishna due to natural geological formation covering 2 mandals in West Godavari district and 7 mandals in Krishna district. Ecologically it is a wet land ecosystem. In its mean season, the lake has mean water level of 3 feet above the mean sea level, popularly known as plus 3 contour. The water surface area in the contours of the lake vary, depending upon the seasonal flow of water into the lake. In the normal monsoon, the lake extends from plus 7 contour to plus 10 contour. At plus 3 contour level the lake spreads over 70 sq. miles. At plus 7 contour the capacity of the lake is 30 tmc. At plus 10 contour the capacity of the lake is 54 tmc, covering an area of 348 sq. miles. The peak level inflow into the lake is of the order of 1,10,000 cusecs. 4 rivers, 18 drains and 22 irrigation channels empty out into the lake and the drain Uppteru is the only outlet to the sea. There are 122 villages in the lake area out of which 46 are bed villages and 76 are belt villages. In the belt villages, above plus 5 contour, cultivation is being done both in the patta lands as well as in the government lands on payment of cist. The lake supports bio-diversity and high biomass of fish plankton which constitute the source of food for birds.

Kolleru Lake extends over 901 sq. kms. at plus 10 contour. However, only 308 sq. kms. out of 901 sq. kms. have been declared as wild life sanctuary. This has been done in order to strike a balance between the rights of the people living in and around the lake on one hand and to protect the ecosystem on the other hand.

Government of India is the signatory to 1971 Convention of Ramsar (Iran) where it is declared that Kolleru is a wet land ecosystem of international importance. In the said convention it is decided that encroachments in the lake would not be tolerated. The said convention is also known as Wet Land Convention.

REASONS FOR ISSUANCE OF THE NOTIFICATION  
DATED 4.10.1999

The above notification came to be issued under following circumstances. Submersion of delta facility in the upstream area on account of blockage of free flow of water into the lake caused by encroachers.



Further, thousands of land stood converted into fish tanks resulting in the blockage of the drain system of Krishna and West Godavari districts which chooses the said lake as a natural route to sea. Lakes were formed by the encroachers over areas ranging from 30 to 400 acres by raising bunds upto the height of 20 to 25 feet above the ground levels and thereby diminishing the retention capacity of the lake. Consequently, it has resulted in submergence of upstream mandals causing huge crop losses.

The notification above-mentioned seeks to preserve the lake both for the benefit of the migratory birds and to avoid floods. The total lake area in terms of hectares is one lac hectares out of which an area admeasuring 30,855.20 hectares is constituted as wild life sanctuary.

#### ARGUMENTS

The basic argument advanced on behalf of the objectors is that acquisition is the basis for issuance of notification/official declaration under section 26A of the said 1972 Act. It is submitted that although final notification has been upheld, the terms and conditions of the notification indicate that demolition of bunds can only take place after acquisition by the government of private lands. In this connection, it is urged that apart from government lands the sanctuary also covers private lands; that, the owners of these private lands are entitled to construct bunds in their own lands till the government acquires such lands. It is submitted that from 1976 upto 4th October, 1999 permissions to construct bunds have been given; that huge investments have been made in the business of pisciculture and that thousands of employees are working to earn their livelihood from these activities. It is submitted that the notification covers an entire package and acquisition is a part of that package. Consequently, the government should first acquire the rights of the objectors before ordering demolition of the fish tanks/bunds.

#### FINDINGS

In order to answer the above arguments we may briefly state the relevant provisions of Wild Life (Protection) Act, 1972 which has been enacted to provide for the protection of wild animals, birds, plants and for matters connected therewith. This Act is enacted by Parliament in exercise of its powers under Articles 249 and 250 of the Constitution, pursuant to resolutions passed by Houses of Legislatures of all States including Andhra Pradesh. The Act came into force in the State with effect from 1.3.1973. It may be useful to note the Statement of Objects and Reasons of the said Act:

"The rapid decline of India's wild animals and birds, one of the richest and most varied in the world, has been a cause of grave concern. Some wild animals and birds have already become extinct in this country and others are in the danger of being so. Areas which were once teeming with wild life have become devoid of it and even in Sanctuaries and National Parks the protection afforded to wild life needs to be improved. The Wild Birds and Animals



Protection Act, 1912 (Act 8 of 1912), has become completely outmoded. The existing State laws are not only out-dated but provide punishments which are not commensurate with the offence and the financial benefits which accrue from poaching and trade in wild life produce. Further, such laws mainly relate to control of hunting and do not emphasize the other factors which are also prime reasons for the decline of India's wild life, namely, taxidermy and trade in wild life and products derived therefrom."

Section 2(26) defines "sanctuary" to mean an area declared, whether under section 26A or under section 36, or deemed under sub-section (3) of section 66, as a wild life sanctuary. Section 2(37) defines "wild life" to include any animal, butterflies, fish and aquatic or land vegetation which forms part of any habitat. Chapter IV deals with sanctuaries and national parks. Section 18 deals with 'declaration of sanctuary' by a preliminary notification with definite boundaries where the government intends to constitute any area as a sanctuary, provided it is satisfied that such area is of adequate ecological significance for protecting or developing wild life or its environment. Under section 19 the collector is required to inquire into and determine the existence, nature and extent of the rights of any person in or over the land comprised within the sanctuary. Section 21 deals with proclamation by the collector and under section 22 the collector has to make inquiry after service of the prescribed notices upon the claimants. Sections 24 and 25 deal with acquisition. Under section 26A the State government shall make declaration of an area as a sanctuary. After such declaration, any alteration of the boundaries of sanctuary can be made only by a resolution passed by the State legislature. Section 29 specifically prohibits carrying out of commercial activity as well as diversion, stopping or enhancement of the flow of water into or outside the sanctuary. Section 29 reads as follows:

"29. Destruction, etc., in a sanctuary prohibited without a permit. \026 No person shall destroy, exploit or remove any wild life from a sanctuary or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat within such sanctuary except under and in accordance with a permit granted by Chief Wild Life Warden and no such permit shall be granted unless the State Government being satisfied that such destruction, exploitation, or removal of wild life from the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit\005.."

The government under section 18 issued preliminary notification on 25th September, 1995 declaring the areas specified in the schedule as 'wild life sanctuary' and by reason thereof the collector of



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West Godavari and the collector of Krishna districts took steps in implementation thereof to hear and decide claims and to demarcate the boundary of the lake and the sanctuary. The preliminary notification issued under section 18 and the consequential action taken by the district collectors came up for consideration before a learned single judge of the Andhra Pradesh High Court in the case of Kunapuraju Rangaraju vs. Government of Andhra Pradesh and others reported in 1998 (3) ALT 215. By order dated 5.3.1998, the learned single judge held that no interference with the rights of the petitioners could take place without a notification under section 26A. Accordingly, directions were given to the State government to take steps for issuance of such notification. Pursuant to the said directions, proclamation under section 21 of the said Act was issued by the respective district collectors of the above-mentioned two districts calling for objections. After conducting an inquiry under section 22 and after considering all the objections, final notification as required under section 26A of the Act was issued on 4.10.1999 which was published in government gazette on 5.10.1999 determining the rights of the parties in terms of section 24 in the following terms:

"The existence, nature and extent of rights as determined by District Collector, Krishna vide proceedings No. E6/1236/97, Dated: 01-09-1998 and by the District Collector, West Godavari, Eluru in Rc.No. D6/11717/96, Dated: 08-08-1999 are as follows:

- (1) Right to do fishing with traditional methods using mavus, nets of size (which does not cause damage to seed but catches only fish of harvestable size) which will be specified separately by the Chief Wild Life Warden of Andhra Pradesh.
- (2) No person shall form any tank for Aquaculture or for any other purposes.
- (3) Wherever Pisciculture was existing in private lands, as on the date of notification, fishing in traditional methods shall be permitted, without causing environmental hazard, till the Government acquires such private lands.
- (4) Right to do traditional Agriculture without using pesticides and chemicals.
- (5) Right to use the ordinary boats, without motor for the movement of the people.
- (6) Right of way with existing Roads connecting main habitations and their maintenances by providing sufficient number of vents for the roads existing at the time of Notification of Kolleru Wild Life Sanctuary U/s. 18 of Wild Life (Protection) Act, 1972 without permitting new roads and culverts.
- (7) Right to maintain existing water courses and drains necessary to avert submersion of agricultural lands surrounding Kolleru lake.
- (8) Other rights and conditions as specified U/s. 27 to 34 and other provisions of the Wild Life (Protection) Act, 1972.



(9) Electricity connection shall be given for domestic use only and not for Aquaculture or any activity connected therewith.

(10) The 'D' form pattas granted or lease of land allowed in the area in favour of any assignee or lessee as the case may be including three societies viz., Gangaraju Fishermen Co-operative Society, Srungavarappadu; Srungavarappadu Fishermen Cooperative Society; Sanjaya Gandhi Fishermen Co-operative Society, Srungavarappadu of Krishna District will be cancelled. The claimants are not entitled to any compensation under Wild Life (Protection) Act, 1972 as they were assigned the lands by the Government on free of land value.

(11) D-Farm pattas to the extent of Ac. 2882.00 cts issued to the individuals as per G.O.Ms.No. 118 Revenue (Q) Dept., Dated: 24-01-1976 in West Godavari District wherein they were permitted to construct fish tanks on the said lands are liable to be cancelled and these lands will be resumed under the provisions of Wild Life (Protection) Act, 1972. These D-Farm patta holders are not entitled for any compensation except ex gratia as provided by the Government.

(12) The annual Licences which are being issued by the Fisheries Department for Fishery purpose indicating the areas allotted are to be discontinued.

(13) Encroachments in conditional patta lands of Siddapuram village of Akiveedu Mandal are to be evicted,

(14) The village site Poramboke of Siddapuram village of Akiveedu Mandal measuring Ac. 16.67 cts is hereby excluded from the jurisdiction of the Sanctuary.

(15) Any other encroachments activities, which are not permitted specifically are liable to be removed/stopped forthwith."

From the above, it is clear that the right of the local fishermen to do fishing by traditional methods is not taken away, but aquaculture in the form of any tank is prohibited. Further, wherever pisciculture existed in private land, as on the date of the notification, fishing in traditional method is permitted without causing environmental hazard, till the government acquires such private lands under the said 1972 Act. The right to do traditional agriculture without using pesticides and chemicals is also permitted under the notification. Lastly the encroachment activities are directed to be stopped, forthwith. The final notification, therefore, seeks to regulate, in public interest and in the interest of ecology, activities, such as aquaculture, pisciculture, prawn culture and shrimp culture, basically to preserve the identity of the lake which otherwise is likely to become extinct within 12 years.

We, therefore, are of the opinion that having regard to the larger public interest and in view of the



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fact that the Notification under section 26A has been issued pursuant to the orders of the High Court in the case of Kunapuraju Rangaraju (supra), the Notification issued under section 26A needs to be enforced immediately. We are informed that in the previous year on account of these bunds/fish tanks free flow of water into the sea was blocked for 40 days. In any event, the rights of those fishermen surviving on a traditional method of fishing have not been taken away, they have been duly protected. Only those who had illegally constructed bunds and who were using harmful manures have been prevented from doing so by reason of the said Notification. The State government has fulfilled its obligation by issuing such Notification. When the rights of the fishermen to do fishing by traditional methods have not been taken away, and when the material placed on record before us shows that there is obstruction to the free flow of water in the lake bed area due to raising of bunds whereby the retention capacity of the lake is diminished, the government is right in regulating the rights under the said Notification. If such encroachments are not removed immediately the right of the farmers in the upstream mandals to do cultivation would be in jeopardy, consequently, it is their right to live guaranteed under Article 21 of the Constitution which is violated.

Before us it has been repeatedly urged that the objectors have made huge investments over the years, that they were permitted to put up bunds under permissions given by the collector and that equity demands that a balance be struck between preservation of the lake and the livelihood of persons surviving on aquaculture and pisciculture. It is further argued that mud bunds constituted a part of traditional fishing practice and consequently this Court should not direct demolition of these bunds.

We do not find any merit in the above arguments for the following reasons. Firstly, section 29 specifically prohibits commercial activity inside the Sanctuary. It prohibits commercial activity which diverts, stops or increases the flow of water into or outside the Sanctuary. With the issuance of the final Notification formation of fish tanks for aquaculture or for any other purpose is prohibited as they obstruct free flow of water both into or outside the Sanctuary. Secondly, the Notification dated 4.10.1999 provides a limited right to carry on fishing inasmuch as it permits fishing with traditional methods using mavis and nets. It expressly, however, prohibits the objectors from forming any fish tank(s) for aquaculture or for any other purpose. It also expressly provides that wherever pisciculture was existing on the date of the notification in private lands, fishing in traditional methods shall be permitted, without causing environmental hazard, till the government acquires such private lands. It also cancels the pattas granted in the past. In our view, therefore, the Notification regulates aquaculture, pisciculture, prawn culture, shrimp culture etc. Thirdly, the argument advanced on behalf of the objectors that mud bunds formation is compatible with traditional fishing practice and, therefore,



should be allowed to continue to exist, has no merit. When a bund is formed in a sanctuary or a lake it seeks to encapsulate an area which in turn obstructs free flow of water in the lake bed area. As stated above, formation of bund reduces the retention capacity of the lake. These formations, if allowed, would destroy the lake. In view of the provisions of section 26A read with section 29 all commercial activities which seek to destroy the ecology, stands prohibited. Compatibility of mud bunds with the traditional fishing practice in a lake is a concept different from formation of mud bunds inside the Sanctuary. Notification dated 4.10.1999 does not cover the entire area of the lake. Out of 901 sq. kms. of Kolleru lake, an area of 308 sq. kms. alone is notified as Sanctuary. This indicates that the government has balanced the needs of sustainable development with the livelihood of persons surviving on the resources of this lake. Lastly, the preliminary notification was issued as far back as in 1995 under section 18 of the Act. Therefore, the objectors were put to notice about the future course of action. Therefore, it is not open to the objectors now to say that they have made huge investments which would be lost if the report of the CEC is implemented. As stated hereinabove, in the preceding year free flow of water into the sea was blocked for 40 days. Such blocking of water also affects the livelihood of farmers cultivating lands in the upstream mandals. The oil cakes used as manure also pollute the Sanctuary. It is true that there are other effluents which also pollute the lake. By issuance of the Notification the government has taken a step in the right direction and it is not open to this Court to tell the government as to which of the three effluents in terms of their discharge should be regulated first in point of time. In the present case, as stated above, the blockage is due to discharge of effluents from three sources, namely, fish tanks in and around the lake containing high concentration of nutrients, effluents from municipal drainage and effluents emerging from the industries located in an around the above two districts. Destruction of the fish tanks is one of the steps taken by issuance of the Notification. That has to be done at the earliest point of time, particularly, before the onset of the monsoon.

For the above reasons, we direct the State government and its officers to implement the directions of CEC vide para 54 of its report dated 20th March, 2006. We make it clear that the use or transportation of inputs for pisciculture shall be stopped immediately. We, further, clarify that the demolition of all fish tanks in a time-bound manner shall commence with effect from April 20, 2006, as indicated vide para 54(ii). Accordingly, the interim order granted by this Court in I.A. Nos.1486-1487 in W.P. (C) No.202 of 1995, shall stand vacated.

Accordingly, all I.As/writ petitions/objections filed by various objectors, shall stand disposed of.



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193 245/2022/WLO

GOVERNMENT OF ANDHRA PRADESH  
Water Resources DepartmentFrom  
Sri K. Srinivasa Rao, M.Tech  
Superintending Engineer,  
Irrigation Circle,  
ELURUTo  
The District Forest Officer,  
Wildlife Management Division,  
ELURULr.No. SE/IC/Elr/DB/ATO.1/F- Kolleru/  
Sir,600<sup>SE</sup>

Dt. 14/3/2023

Sub:- WRD- A.P. Krishna Kolleru Salinity Mitigation Scheme –Further  
Information – Submitted- RegRef:- 1) DFO Rc.No. 245/2022/WLO. Dt:-28.02.2023.  
2) G.O.Rt.No.103 Dt:- 23.03.2021.

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With reference to the District Forest Officer, Wildlife Management Division, Eluru vide reference 1<sup>st</sup> cited, I herewith submit the exact location of regulator at km 10.56 near Dumpagadapa(V) in Akividu (M) in W.G. ie., Latitude & Longitude as inspected and identified by the Committee during their site inspection on 30.06.2021 is as follows.

| S.No. | Name of work                                                                            | Latitude & Longitude        |
|-------|-----------------------------------------------------------------------------------------|-----------------------------|
| 1     | Construction of Regulator across at km 10.56 near Dumpagadapa(V) in Akividu (M) in W.G. | 16° 34'40" N & 81° 20'50" E |

This is submitted for favor of information and for taking further necessary action.

Yours faithfully,


Superintending Engineer,  
Irrigation Circle, Eluru

4/3/23



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|                  |                                                                                                                                                                                                                                                                                                                                                                            |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reply:-</b>   | All the three Regulators are falling outside the Kolleru wild life sanctuary.                                                                                                                                                                                                                                                                                              |
| <b>Point 5:-</b> | <b>Whether the project has got any specific approvals under Environment Protection Act 1986, Forest Conservation Act 1980, Wildlife Protection Act 1972, Wetlands (Conservation &amp; Management) Rules 2017, Coastal Regulation Zone notification 2019 or any other relevant acts?</b>                                                                                    |
| <b>Reply:-</b>   | <p>As on today the Project i.e construction of three Regulators have no specific approvals under Environment Protection Act 1986, Forest Conservation Act 1980, Wildlife Protection Act 1972, Wetlands (Conservation &amp; Management) Rules 2017, Coastal Regulation Zone notification 2019.</p> <p>The Approvals are to be obtained before commencement of the work.</p> |

This is submitted for favour of information and necessary action.

Yours faithfully,

  
 20.02.23  
 Superintending Engineer,  
 Irrigation Circle, Eluru  
  
 20/2/23



123

25

238 24/3/2023/ATO

Government of Andhra Pradesh  
Water Resources Department

From  
Sri K.Srinivasa Rao, M.Tech  
Superintending Engineer,  
Irrigation Circle,  
ELURU

To  
The District Forest Officer,  
Wildlife Management Division,  
ELURU



Lr.No. SE/IC/Elr/DB/ATO.1/F- Kolleru/

691<sup>95</sup>

Dt. 24.3.2023

Sir,

Sub:- WRD- A.P.Krishna Kolleru Salinity Mitigation Scheme -Further  
Information -- Submitted- Reg

Ref:- 1) DFO Rc.No. 245/2022/WLO. Dt:-28.02.2023.  
2) G.O.Rt.No.103 Dt:- 23.03.2021.  
3) This office Lr.No. DB/ATO.1/ 600 SE,dt. 4.3.2023  
4) Executive Engineer, Drainage Division, Bhimavaram Lr.No.  
DB/TA.1/ 439 ID,dt. 23.3.2023

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In continuation of this office Lr.No. 3<sup>rd</sup> cited, I submit herewith the exact  
location of following remaining two Regulators ie., Latitude & Longitude as  
submitted by the Executive Engineer, Drainage Division, Bhimavaram in the  
reference 4<sup>th</sup> cited and as follows.

| Sl.<br>No | Name of Work                                                                          | Latitude &<br>Longitude          |
|-----------|---------------------------------------------------------------------------------------|----------------------------------|
| 1.        | Construction of Regulator at Km 1.400 near Padatadika<br>(V) limits of Kruthivenu (M) | 16°22'51.65"N &<br>81°28'45.89"E |
| 2.        | Construction of Regulator at Km 57.95 near Mollaparru<br>(V) limits of Mogalthuru (M) | 16°22'3.44"N &<br>81°33'14.10"E  |

This is submitted for favor of information and for taking further necessary  
action.

Yours faithfully,  
Sd/-K.Srinivasa Rao, 23/3  
Superintending Engineer,  
Irrigation Circle, Eluru

// true copy //

Deputy Superintending Engineer,  
Irrigation Circle, Eluru



GOVERNMENT OF ANDHRA PRADESH  
WATER RESOURCES DEPARTMENT



From,  
Sri S. Tirumala Rao B.E,  
Superintending Engineer (FAC),  
Irrigation Circle,  
Vijayawada.

To,  
The Divisional Forest Officer  
Wild Life management Division,  
Eluru

Letter.No.SE/IC/VJA/DB/ATO/ 225<sup>m</sup> Dated. 24.03.2023

Sir,

Sub :- Water Resources Department- Wildlife Management Division,  
Eluru-Kolleru Wild Life Sanctuary-A.P.Krishna Kolleru Salinity  
Mitigation Scheme- Need scientific approach and comprehensive  
Environmental Impact appraisal before the project is taken  
up- Submission of point wise Information -Reg.

- Ref: 1.Divisional Forest Officer, Eluru vide RC.No.245/2022/WLO,  
Dt:17.03.2023 is communicated through e mail dated  
:18.03.2023.  
2. GO Ms No 63 WRD (Proj.II)Dept. Dt:02.12.2020.  
3. The Executive Engineer, Krishna Central Division, Vijayawada  
Lr.No.EE/KC/VJA/DB/ATO/ 122SE, Dt.23.03.23  
4. The Executive Engineer, Drainage Division, Gudivada  
Lr.No.EE/DGR/GDV/DB/ATO/32SE, Dt.24.03.23.

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With reference to Correspondence cited, it is to submit that the point  
wise information as reported by the Executive Engineers vide ref 3<sup>rd</sup> & 4<sup>th</sup>  
cited, is here with submitted as follows.

**Construction of New Barrages At Km 12.00 & at Km 62.00  
Downstream side of Prakasam Barrage.**

| Point-1:- | What is present status of the project?                                                                                                                                                                                                                                                                                         |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reply     | <p>The projects</p> <p>1.Construction of New Barrage at 12 KM Downstream of<br/>Prakasam Barrage</p> <p>2.Construction of New Barrage at 62 KM Downstream of<br/>Prakasam Barrage</p> <p>Both Barrages proposals of cost estimates were submitted to the<br/>Government and awaiting for stage-II administrative approval.</p> |



|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |               |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------|----------|-----------|---------------|---------------|------------|---------------|---------------|--|-----------|----------|-----------|---------------|--------------|------------|---------------|--------------|
| Point-2:-  | Whether the authorities have called tenders for the construction of regulators on Kolleru Lake?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |               |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Reply      | Not pertains to this division.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |               |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Point-3    | Whether any work has been started on the ground as on today?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |               |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Reply      | Not yet started.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Point-4    | Whether the project/regulators falls inside or outside the kolleru wildlife Sanctuary.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Reply      | The proposed Projects/Barrages are falling outside the Kolleru wildlife Sanctuary.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Point-5    | Whether the project has got any specific approvals under Environment Protection Act 1986, Forest Conservation Act 1980, Wildlife Protection Act 1972, Wetlands (conservation & management) Rules 2017, Coastal regulation zone notification 2019 or any other relevant acts?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |               |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Reply      | As on today the projects for construction of 1.Construction of New Barrage at 12 KM Downstream of Prakasam Barrage<br>2.Construction of New Barrage at 62 KM Downstream of Prakasam Barrage have no specific approvals under Environment Protection Act 1986, Forest Conservation Act 1980, Wildlife Protection Act 1972, Wetlands (conservation & management) Rules 2017, Coastal regulation zone notification 2019.<br>The Approvals are to be obtained before commencement of the work.                                                                                                                                                                                                                                                                                                                              |               |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Point-6    | Furnish the exact GPS Coordinates of the location of proposed project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Reply      | 1. Proposed Barrage - 1 at Chodavaram (v) Penamaluru (M), Krishna (Dt) on left flank and connecting Pedakonduru (v) of Duggirala (M), Guntur (Dt) on right flank of Krishna river.<br><table><tr><td></td><td>Longitude</td><td>Latitude</td></tr><tr><td>Left Bank</td><td>80°40'18.11"E</td><td>16°24'22.84"N</td></tr><tr><td>Right Bank</td><td>80°41'48.39"E</td><td>16°25'42.58"N</td></tr></table><br>2. Proposed Barrage -2 at Bandikollanka (V) of near Bobaralanka (V) Mopidevi (M), Krishna (Dt) and connecting Oleru-Thoorpupalem (v), Battiprolu ( M) Bapatla (Dt) in Andhra Pradesh.<br><table><tr><td></td><td>Longitude</td><td>Latitude</td></tr><tr><td>Left Bank</td><td>80°54'08.42"E</td><td>16°4'11.18"N</td></tr><tr><td>Right Bank</td><td>80°51'59.06"E</td><td>16°3'32.36"N</td></tr></table> |               | Longitude | Latitude | Left Bank | 80°40'18.11"E | 16°24'22.84"N | Right Bank | 80°41'48.39"E | 16°25'42.58"N |  | Longitude | Latitude | Left Bank | 80°54'08.42"E | 16°4'11.18"N | Right Bank | 80°51'59.06"E | 16°3'32.36"N |
|            | Longitude                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Latitude      |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Left Bank  | 80°40'18.11"E                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 16°24'22.84"N |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Right Bank | 80°41'48.39"E                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 16°25'42.58"N |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
|            | Longitude                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Latitude      |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Left Bank  | 80°54'08.42"E                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 16°4'11.18"N  |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |
| Right Bank | 80°51'59.06"E                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 16°3'32.36"N  |           |          |           |               |               |            |               |               |  |           |          |           |               |              |            |               |              |



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**Construction of Out fall sluice Cum DLB on Pedalanka Major Drain**

| SL.No | Question                                                                                                                                                                                                                                                                     | Answer                                                                                                                                                                                                                             |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | What is the present status of the project?                                                                                                                                                                                                                                   | Tender was finalised but agreement is not concluded by the agency                                                                                                                                                                  |
| 2     | Whether the authorities have called tenders for the construction of Regulators on Kolleru Lake?                                                                                                                                                                              | Not Applicable                                                                                                                                                                                                                     |
| 3     | Whether any work has been started on the ground as on today?                                                                                                                                                                                                                 | As on today no work has been grounded                                                                                                                                                                                              |
| 4     | Whether the project/Regulators falls inside or outside the Kolleru Wildlife Sanctuary?                                                                                                                                                                                       | Outside the kolleru wildlife Sanctuary                                                                                                                                                                                             |
| 5     | Whether the project has got any specific approvals under Environment Protection Act 1986, Forest Conservation Act 1980, Wildlife Protection Act 1972, Wetlands (Conservation & Management) Rules 2017, Coastal Regulation Zone notification 2019 or any other relevant acts? | Any Specific approvals are not taken under Environment Protection Act 1986, Forest Conservation Act 1980, Wildlife Protection Act 1972, Wetlands (Conservation & Management) Rules 2017, Coastal Regulation Zone notification 2019 |
| 6     | Furnish the Exact the GPS coordinates of the location of the proposed project                                                                                                                                                                                                | LATTITUDE 16°21'30.73"<br>LONGITUDE 81°24'5.24"                                                                                                                                                                                    |

This is submitted for information and taking further necessary action.

Yours faithfully,  
Sd/-S.Tirumala Rao.  
Superintending Engineer,  
Irrigation Circle, Vijayawada.

//T.C.S//

  
Dy. Superintending Engineer,  
Irrigation Circle, Vijayawada.

  
24/03/23