

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

In

OA No.65 of 2020 (SZ)

IN THE MATTER OF:

SriSatyanarayanaBolisetty

...Applicant(s)

Vs

Union of India and Ors.

...Respondent(s)

And

OA No.74 of 2020 (SZ)

IN THE MATTER OF:

D. Pal and Others

...Applicant(s)

Vs

State of Andhra Pradesh and Ors. ...Respondent(s)

Joint Committee Report

C. Palpandi
(Dr. C. Palpandi)
Scientist 'C'

Integrated Regional Office
Ministry of Environment, Forest & Climate Change, Chennai

Joint Committee Report

In

Application No.65 of 2020(SZ) and 74 of 2020(SZ)

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

In

Application No.65 and 74 of 2020 (SZ)

**Joint Committee Report on OA No.65 and 74 of 2020 (SZ) filed before the Hon'ble
National Green Tribunal, Southern Zone, Chennai.**

1. Introduction

Vide Order dated 30.04.2020 in O.A No. 65 of 2020, the Hon'ble NGT (SZ) has constituted a Joint Committee comprising of (1) Senior Officer from the Regional Office of MoEF & CC, Chennai (2) Senior Officer from Andhra Pradesh Coastal Zone Management Authority (3) Senior Officer nominated by the Principal Chief Conservator of Forest and Head of Forest Forces/Chief Wildlife Warden (4) District Collector, East Godavari District and (5) District Forest Officer, East Godavari District, Kakinada to go into the question as to whether the area in question was a mangrove forest subject to the provisions of Coastal Regulation Zone Notifications 2011 and 2019 requiring any clearance for any project, whether any clearance from MoEF & CC or Forest Department is required under the Forest Conservation Act, 1980 and whether permission from the Chief Wildlife Warden is required for commissioning the project as according to the applicant it is adjacent to Coringa Wildlife Sanctuary. In order to ascertain the anterior position of the area in question, the committee is directed to verify the forest cover map maintained by the Forest Survey of India prepared through satellite images for a period of six months prior to the filing of the application and if any violation is found they are directed to mention the nature of violation and also the nature of damage caused to environment and assess the environmental compensation required for restoration of

damage caused to environment, including restoration of mangroves in that area. The committee shall verify the satellite image of forest cover prepared by the Forest Survey of India for a period of six months prior to the filing of the application and compare the same with the present condition in order to ascertain the extent of damage, if any caused either to forest cover or mangroves and assess environmental compensation. (Copy of the Order dated 30.04.2020 in O.A No. 65 of 2020 is at **Annexure -I**). Thereafter vide order dated 29.05.2020 in O.A. No.74 of 2020, the Hon'ble NGT (SZ) has directed the same committee to submit a consolidated report in both cases. (Copy of the Order dated 29.05.2020 in O.A No. 74 of 2020 is at **Annexure -II**).

As per the above directions of the Hon'ble NGT, Chennai, a Joint Committee was formed duly comprising of the following officers:

- (i) Dr. C. Palpandi, Scientist-C from Ministry of Environmental, Forests and climate change, Chennai
- (ii) Dr. K.G. Prijilal, Research Officer, from Ministry of Environmental, Forests and Climate Change, Chennai
- (iii) Shri. D Muralidhar Reddy, IAS District Collector , East Godavari District
- (iv) N. Nageswara Rao, IFS, Conservator of Forest, Rajahmundry
- (v) Shri B. Sunil Kumar Reddy, IFS, District Forest Officer, East Godavari District
- (vi) Shri A. Ramarao Naidu, Environmental Engineer, APCZMA, Kakinada

Accordingly, the Joint Committee has inspected the site along with the petitioners as well as respondents on 10.12.2020.

2. Observations of the Joint Committee

- (i) During the visit the District Administration presented the reasons for selecting the specific site for housing for poor "Peddalandarik Illu" program, which is at **Annexure-III**.
- (ii) The area in question i.e. the proposed housing site is about 2.92 km away from the Coringa Wild Life Sanctuary and is about 2 Km distance from Kumbabhishekam Fishing Harbour.
- (iii) During the visit, it was observed that the land was leveled with additional soil/gravel taken from outside the area, which has changed the natural texture of mud as seen in the photo taken during the site visit (**Annexure-IV**).
- (iv) It was also observed that mangroves and other trees such as Prosopis plants were started to regenerate at some locations, which indicates that earlier these species may be there.
- (v) It is also noticed that due to leveling/landfill the flow of the stream has been obstructed. Due to this mangroves and other trees got damaged in that location. As requested by the Joint Committee, the district administration has agreed to remove the obstruction.
- (vi) At present no construction was started in the proposed site except leveling.
- (vii) Several Industries like Concor India Ltd, Gujarat State Petroleum Corporation Ltd, Indian Coast Guard and APTIDCO Housing Project are **adjoining** to this Dummulapeta proposed Housing Site.

2.1 Ascertain the anterior position of the area in question with respect to existence of mangroves by analyzing satellite imagery obtained from Forest survey of India for a period of 6 months prior to the filing of the application and compare with present condition and ascertain the extent of damage if any and assess environmental compensation if required.

As per the recent Forest Survey of India Satellite Imagery (available data collected and updated during 2017-2019), Forest Cover map and Forest Type Map along with the distance analysis map were taken and is at **Annexure-V**.

With respect to Forest Cover Map, the area in question falls under Non Forest and Open Forest (All lands with tree cover (Including mangrove cover) of canopy density between 10% and 40%).As per the recent Forest Survey of India Satellite Imagery (available data collected and updated during 2017-2019), with respect to Forest Type Map, the area in question falls under Non Forest. The area in question is 2.92 km away from the Coringa Wild Life Sanctuary as per GIS Based Decision Support System.

For comparing the present condition, the committee used the Google earth image dated 14/02/2020 with 28/10/2019 since data in FSI satellite image was updated during 2017-2019 only **and it is found that some destruction were occurred in the green cover.** The comparative map highlighted with Yellow Square is at **Annexure-VI**. The historical map **from 27/05/2005 to till date is also reveals that there were some green patches was there as evident from Annexure VII.**

2.2 Whether the area in question was a mangrove forest subject to the provisions of Coastal Regulation Zone (CRZ) Notifications 2011 and 2019 requiring any clearance for any project.

As per the CRZ, Map 2011, the area in question is in **CRZ-IA**. The CRZ Map-2011 is at **Annexure-VIII**.

As per CRZ Notification, 2011, **CRZ-IA** areas are ecologically sensitive and the geomorphologic features which play a role in the maintaining the integrity of the coast,- (a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided; (b) Corals and coral reefs and associated biodiversity; (c) Sand Dunes; (d) Mudflats which are biologically active; (e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves; (f) Salt Marshes; (g) Turtle nesting grounds; (h) Horse shoe crabs habitats; (i) Sea grass beds; (j) Nesting grounds of birds; (k) Areas or structures of archaeological importance and heritage sites

As per CRZ Notification, 2011, **no new construction shall be permitted in CRZ-I** except the following:

(a) Projects relating to Department of Atomic Energy;(b) pipelines, conveying systems including transmission lines; (c) facilities that are essential for activities permissible under CRZ-I; (d) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department; (e) construction of trans

harbour sea link and without affecting the tidal flow of water, between LTL and HTL. (f)
Development of green field airport already approved at only Navi Mumbai;

The district administration informed that they have initiated the process of change in the CRZ category of the said land from CRZ IA to CRZ II.

2.3 Whether any clearance from MoEF&CC or Forest Department is required under the Forest Conservation Act, 1980.

As per EIA Notification, 2006, Townships and Area Development projects covering an area of greater than 50 ha will come under Category B projects and required Environmental Clearance from SEIAA. During the site inspection the Joint Collector/member to the committee informed that the area of this project is 47.275 ha only. During the site inspection the District Forest Officer/member to the committee informed that the land is not a Notified Forest land as per the record. **The status of the land as per revenue records is Ayan Porambokhu.**

As per the CRZ, Map 2011, the area in question is in CRZ-IA. If the project was a permissible activity in CRZ-IA, CRZ Clearance was required. But Townships and Area Development projects are not permissible in CRZ-IA area.

2.4 Whether permission from the Chief Wildlife Warden is required for commissioning the project as according to the applicant it is adjacent to Coringa Wildlife Sanctuary.

Prior wildlife clearance will be required by projects located within default ESZ of Coringa National park/wildlife sanctuary, but outside the proposed ESZ for the sanctuary.

According to EIA notification 2006, the list of projects or activities requiring prior environmental clearance is given in sI.no.8 (b) — Townships and Area developing programmes needs prior clearance if it covers an area more than 50 ha. and or built-up area > 150000 sqmts. But, the area in question involves only 116 Acres, thus may not require Environmental clearance. As per the clarification given in File No.6-60/2020 WL Part (1) of GOI, MOEF & CC (Wild life division). dated: 16-07-2020, for projects not requiring EC clearance, Wildlife clearance may not be insisted. **Therefore no wildlife clearance is required for this project.**

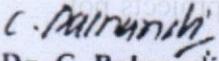
3. Environmental Compensation

As per the Forest Cover Map, the area in question falls under Non Forest land Open Forest (All lands with tree cover (Including mangrove cover) of canopy density between 10% and 40%). Therefore, the Committee was not able to access the exact density of Mangrove prevailed there. Out of 116 Acres, the work has been taken up on 58 Acres. As per the committee's analysis, mangrove cover up to an extent of 30% of the filled-up area may have been affected. In view of this, the committee is recommending that the district administration may take up mangrove plantation in alternate land for an extent of equivalent to the affected area adjacent to Coringa Wildlife Sanctuary.

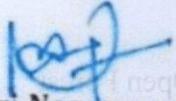
4. Conclusion

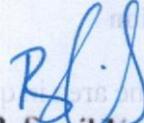
As per the CRZ, Map 2011, the area in question is in CRZ-IA. Townships and Area Development projects are not permissible in CRZ-IA area. The district administration mentioned during the field visit that there is a proposal to change the CRZ category of the said land from CRZ IA to CRZ II. The district administration

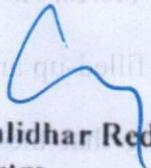
should not proceed with further development of the township in the said area till the necessary permissions from the competent authorities are obtained.

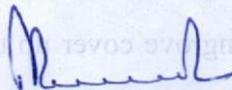

Dr. C. Palpandi
Scientist 'C'
MoEFCC, Chennai


Dr. K.G. Prijilal
Research Officer
MoEFCC, Chennai


Shri Nageswara Rao, IFS
Conservator of Forest
Rajahmundry


Shri B. Sunil Kumar Reddy, IFS
District Forest Officer
East Godavari District


Shri. D Muralidhar Reddy, IAS
District Collector
East Godavari District


Shri A. Ramarao Naidu
Environmental Engineer
APCZMA, Kakinada

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION NO. 65 OF 2020
(Through Vedio Conference)

IN THE MATTER OF:

Satyanarayana Bolisetty
1-54-10/4, Plot-50, HIG, Sector-I,
M V P Colony,
Vishakhapatnam Urban,
Vishakhapatnam,
Andhra Pradesh – 530035

सत्यमेव जयते

Applicant

Vs

1. Union of India
Through the Secretary
Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhawan,
Jorbagh Road,
New Delhi – 110003

2. State of Andhra Pradesh
Through the Chief Secretary
Building #1, 1st Floor
Interim Government Complex, AP Secretariat
Velagapudi, Guntur
Andhra Pradesh – 500022

3. Andhra Pradesh Forest Department
Through the Principal Chief Conservator of Forests and
Head of Forest Forces
Aranya Bhavan, K.M. Munshi Road,
Nagarampalem, Guntur-522004
Andhra Pradesh

4. The District Collector, East Godavari District
Kd-Collectorate, East Godavari District
Andhra Pradesh – 533001

5. District Forest Officer, East Godavari District
Beside Collector's Bungalow, Madhava Nagar,
Kakinada, Andhra Pradesh 533003

6, Andhra Pradesh Coastal Zone Management Authority
Through the Chairman
D.No. 33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre,

Chalamvari Street, Kasturibaipet,
Vijayawada – 520 010

7. Kakinada Seaport Ltd.
Through the Chairman & Managing Director
1st Floor, D No:54-14/8-36
Plot No-17, Road No:2
Bharathi Nagar,
Vijayawada, Krishna District
Andhra Pradesh – 520002
(deleted as per order dated 30.4.2020)

Respondents

Date of hearing: 30.4.2020

Coram: Hon'ble Mr. Justice K. Ramakrishnan, Judicial Member

Hon'ble Mr. Saibal Dasgupta, Expert Member

For applicant

Mr. Sanjay Upadhyay

Mr. Syed Nurullah Sheriff for R1

For respondents

Mrs. Madhuri Donti Reddy for R2 to 6

O R D E R

I.A.No.29 of 2020 is allowed by separate order. Mr. Syed Nurullah Sheriff has entered appearance for first respondent and submitted that he has got instruction that no recommendation from the Andhra Pradesh State Coastal Zone Management Authority has been received by MoEF & CC in respect of granting any CRZ clearance for any project from the Government of Andhra Pradesh. Parties are directed to file their Memo of Appearance and file vakalat, if required later after the Tribunal start functioning regularly.

2. Seventh respondent, Kakinada Seaports Ltd., has sent a letter dated 29.4.2020 stating that Kakinada Seaports Ltd (KSPL) is the Concessionaire of the Kakinada Deep Water Port (KDWP) under a concession agreement with the Government of Andhra Pradesh. KDWP was initially constructed by the Government of Andhra Pradesh and commissioned in 1997. Later the concession to operate

KDWP was awarded to KSPL in the year 1999. Since then KSPL has been developing and operating KDWP. As far as the details/photographs of the lands mentioned by the petitioner, we clarify that the said lands are supposed to be belonging to the Andhra Pradesh Government Port Department (now Andhra Pradesh Maritime Board) and the said lands are not in the vicinity of KDWP and they are very far away from KDWP. These lands were never allotted to KDWP/KSPL and are never under possession or use of KDWP/KSPL. We once again reiterate that we are nowhere concerned with the subject petition. Hence they requested to drop their name from the array of respondents in this application. It is clear from the letter that seventh respondent is not in possession of any of the lands mentioned by the applicant and it is far away from the area of their operation. Under these circumstances, we feel that they are not necessary parties to the proceedings. So seventh respondent is deleted from the party array. Registry is directed to carry out the amendment in the cause title. Registry is directed to communicate this order to M/s. Kakinada Seaports Ltd., through e-mail.

3. If the applicant wants, he is at liberty to implead Andhra Pradesh Maritime Board who is in possession of the disputed land now as additional respondent. They are at liberty to take steps in this regard.

4. Heard Mr. Sanjay Upadhyay, learned counsel appearing for applicant, Mr. Syed Nurullah Sheriff for first respondent and Shrimathi Madhuri Donti Reddy, learned counsel appearing for respondents 2 to 6 through video conference in the presence of Hon'ble Expert Member as well.

5. Learned counsel appearing for applicant submitted that pendency of the case before the Hon'ble High Court of Andhra Pradesh will not take away the jurisdiction

of this Tribunal to go into the question for violation of any environmental laws. He has also submitted that the status quo order said to be passed by the Hon'ble High Court is vague in nature and wanted this Tribunal to pass a specific order restraining respondents 2 to 6 from making any further destruction of mangroves or making any further construction in the property during the pendency of the application. Learned counsel appearing for respondents 2 to 6 opposed this.

6. The grievance in the main application is regarding proceeding with some construction project by the Government of Andhra Pradesh under the name and style of Navaratnalu – Pedalandaraki Illu programme for the purpose of providing houses for homeless under the Pradhan Mantri Awas Yojana (Urban) Mission by destroying the mangroves having an extent of more than 100 acres in violation of the provisions of the Coastal Regulation Zone Notifications 2011 and 2019, Forest Conservation Act, 1980, Wildlife Protection Act, 1972 and other environmental laws. The letter received from the District Collector, West Godavari, Kakinada as well as the District Forest Officer shows that there were no mangroves/forest in this area and it is a vacant land. The applicant has produced certain Google images to show that the area is covered by mangroves. However, the genuineness of these allegations have to be verified by getting a proper report by a committee to be appointed by this Tribunal.

7. It is also seen from the submission made by the learned counsel appearing for respondents 2 to 6 that already a writ petition has been filed as W.P.No.8221 of 2020 by some of the residents in that area against the project and as per order dated 23.4.2020 a status quo order has been passed till 27.4.2020 and thereafter it has been further extended till 4.5.2020. It is also mentioned by the learned counsel appearing for respondents 2 to 6 that another Public Interest Litigation has been filed

as W.P.No.105 of 2020 by the persons who are the beneficiaries of the scheme to direct the Government to grant patta to them at the earliest point of time.

8. Since the Hon'ble High Court has already passed an interim order to maintain status quo it is not necessary for this Tribunal to pass any further interim order in this matter. Further, the status quo order passed by the Hon'ble High Court will prevent the State respondents from making further construction or destruction in the disputed land unless it is modified by the Hon'ble High Court. So the apprehension of the learned counsel for the applicant that it will not serve the interest of the applicant in this matter is without any basis.

9. Since apart from directing demolition of the construction and also seeking for restoration of the area, the applicant also sought for a relief of environmental compensation payable by the State respondents, the writ petition filed before the Hon'ble High Court is only a writ of mandamus directing to set aside the direction issued by the Government for implementation of the project and also the demolition of the construction if any, already made, there is no bar for this Tribunal to proceed with the matter as there is a prayer for environmental compensation as well.

10. In order to ascertain as to whether there was any violation, first of all this Tribunal has to convince itself as to whether there existed any mangroves in that area (status quo ante) and whether it requires any CRZ clearance for the project or clearance under the Forest Conservation Act, 1980 or any permission from the Chief Wildlife Warden as according to the applicant, the area is situated near the Coringa Wildlife Sanctuary. On going through the photographs it appears that large scale levelling has already been done in that area and construction has already been started. So under these circumstances, in order to ascertain the anterior position of

the area it is necessary to get a report from the MoEF & CC and also the Andhra Pradesh Coastal Zone Management Authority in respect of the position of the land six months prior to the filing of this application.

11. So in order to ascertain these facts, we feel it appropriate to appoint a joint committee comprising of (1) Senior Officer from the Regional Office of MoEF & CC, Chennai (2) Senior Officer from Andhra Pradesh Coastal Zone Management Authority (3) Senior Officer nominated by the Principal Chief Conservator of Forest and Head of Forest Forces/Chief Wildlife Warden (4) District Collector, West Godavari District and (5) District Forest Officer, West Godavari District, Kakinada to go into the question as to whether the area in question was a mangrove forest subject to the provisions of Coastal Regulation Zone Notifications 2011 and 2019 requiring any clearance for any project, whether any clearance from MoEF & CC or Forest Department is required under the Forest Conservation Act, 1980 and whether permission from the Chief Wildlife Warden is required for commissioning the project as according to the applicant it is adjacent to Coringa Wildlife Sanctuary. In order to ascertain the anterior position of the area in question, the committee is directed to verify the forest cover map maintained by the Forest Survey of India prepared through satellite images for a period of six months prior to the filing of the application and if any violation is found they are directed to mention the nature of violation and also the nature of damage caused to environment and assess the environmental compensation required for restoration of damage caused to environment, including restoration of mangroves in that area. The committee shall verify the satellite image of forest cover prepared by the Forest Survey of India for a period of six months prior to the filing of the application and compare the same with the present condition in order to ascertain the extent of damage, if any caused either to forest cover or

mangroves and assess environmental compensation. Regional Office of MoEF & CC, Chennai will be the nodal agency for coordination and for providing necessary logistic for this purpose. Three months time is granted to the committee to inspect and submit the report to this Tribunal through e-mail at ngtszfilling@gmail.com with advance copy to the counsel appearing for the parties. Construction if any done will be subject to the result of this application . If ultimately it is found by the committee that there is any violation of any of the environmental laws by the State Government and the officers concerned who were responsible for the destruction then they are liable for the consequences, including demolition of the building and payment of environmental compensation apart from restoration of damage caused to the mangroves. The Registry is directed to communicate this order to the above officers immediately by e-mail in order to enable them to comply with the direction of this Tribunal.

12. We are satisfied that there arises substantial question of environment for consideration. Admit. Issue notice to respondents. Since respondents 1 to 6 entered appearance through counsel, direct notice to respondents is dispensed with. The counsel for applicant is directed to serve copy of the original application and also the amended application to the counsel appearing for respondents. The respondents are directed to file their detailed response to the application before the next hearing date.

13. During the course of hearing the learned counsel appearing for the applicant showed the vedio clippings said to have been taken from the disputed area to show that the status quo order passed by the High Court has not been complied with and the destruction is still going on. This fact was disputed by counsel for respondents 2

to 6. We are not able to rely on this at this stage. Let us wait for the report of the committee.

For consideration of report post on 18.8.2020



सत्यमेव जयते

.....J.M.

(Justice K. Ramakrishnan)

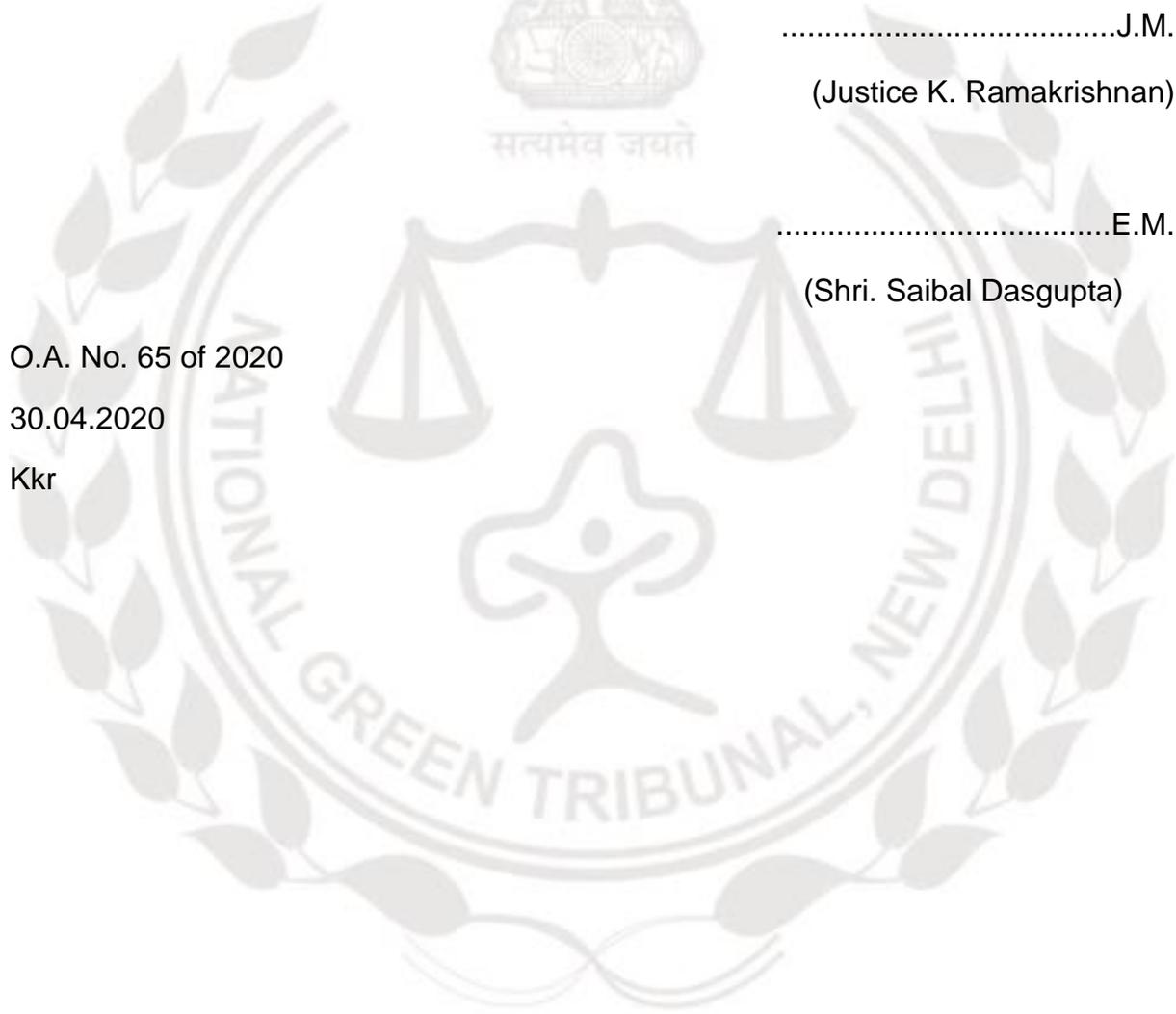
.....E.M.

(Shri. Saibal Dasgupta)

O.A. No. 65 of 2020

30.04.2020

Kkr



NGT

Item No.1

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No.74/2020 (SZ)

IN THE MATTER OF

D. Pal and Others

...Applicant(s)

With

State of Andhra Pradesh and Others.

.....Respondent(s)

Date of hearing: 29.05.2020.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s) : Sri. Ritwick Dutta

For Respondent(s): Smt. Maduri Donti Reddy for R1 to R4

ORDER

Original Application No. 74/2020

1. The grievance in this application is regarding the large scale destruction of mangroves situated in Division Nos.10 and 12 at Dummalapeta, parlopeta, Kakinada, East Godavari District, Andhra Pradesh against the provisions of Coastal Regulation

Zone, Notification 2011 and 2019 where it has been categorized as Coastal Regulation Zone (CRZ) CRZ -1 and CRZ- 1A respectively. According to the applicant, it is a “Deemed Forest” as has been declared by the Hon’ble Supreme Court in **T.M. DODAVARMAN Case (W.P. No. 2020 of 1995 dated 12.12.1996** and other orders of the Bombay High Court as well as the National Green Tribunal, irrespective of the nomenclature provided in the official record. If it is a “Deemed Forest” under the generic sense, then cutting and removal of trees/mangroves from that forest will require permission under the Forest Conservation Act, 1980. The applicant also relied on certain articles on this subject.

2. Same issue has been considered by this Tribunal in Original Application No. 65 of 2020 (**Sathyanarayana Bolisetty Vs Union of India and others**) where we have admitted the matter and constituted a committee and passed the following order:

*‘ So in order to ascertain these facts, we feel it appropriate to appoint a joint committee comprising of (1) Senior Officer from the Regional Office of MoEF& CC, Chennai (2) Senior Officer from Andhra Pradesh Coastal Zone Management Authority (3) Senior Officer nominated by the Principal Chief Conservator of Forest and Head of Forest Forces/Chief Wildlife Warden (4) District Collector, *East Godavari District and (5) District Forest Officer, *East Godavari District, Kakinada to go into the question as to whether the area in question was a mangrove forest subject to the provisions of Coastal Regulation Zone Notifications 2011 and 2019 requiring any clearance for any project, whether any clearance from MoEF& CC or Forest Department is required under the Forest Conservation Act, 1980 and whether permission from the Chief Wildlife Warden is required for commissioning the project as according to the applicant it is adjacent to Coringa Wildlife Sanctuary. In order to ascertain the anterior position of the area in question, the committee is directed to verify the forest cover map maintained by the Forest Survey of India prepared through satellite images for a period of six months prior to the filing of the application and if any violation is found they are directed to mention the nature of violation and also the nature of damage caused to environment and assess the environmental compensation required for restoration of damage caused to environment, including restoration of mangroves in*

that area. The committee shall verify the satellite image of forest cover prepared by the Forest Survey of India for a period of six months prior to the filing of the application and compare the same with the present condition in order to ascertain the extent of damage, if any caused either to forest cover or mangroves and assess environmental compensation. Regional Office of MoEF& CC, Chennai will be the nodal agency for coordination and for providing necessary logistic for this purpose. Three months time is granted to the committee to inspect and submit the report to this Tribunal through e-mail at ngtszfilling@gmail.com with advance copy to the counsel appearing for the parties. Construction if any done will be subject to the result of this application . If ultimately it is found by the committee that there is any violation of any of the environmental laws by the State Government and the officers concerned who were responsible for the destruction then they are liable for the consequences, including demolition of the building and payment of environmental compensation apart from restoration of damage caused to the mangroves. The Registry is directed to communicate this order to the above officers immediately by e-mail in order to enable them to comply with the direction of this Tribunal.

We are satisfied that there arises substantial question of environment for consideration. Admit. Issue notice to respondents. Since respondents 1 to 6 entered appearance through counsel, direct notice to respondents is dispensed with. The counsel for applicant is directed to serve copy of the original application and also the amended application to the counsel appearing for respondents. The respondents are directed to file their detailed response to the application before the next hearing date.

During the course of hearing the learned counsel appearing for the applicant showed the video clippings said to have been taken from the disputed area to show that the status quo order passed by the High Court has not been complied with and the destruction is still going on. This fact was disputed by counsel for respondents 2 to 6. We are not able to rely on this at this stage. Let us wait for the report of the committee.

For consideration of report post on 18.8.2020

3. When the matter was taken up today through Video Conference, Heard the counsel for the applicant Sri. Ritwick Dutta and he

wanted that the order passed by this Tribunal in Original Application 65 of 2020 may be passed in this case also.

4. We have admitted the matter in Original Application No. 65 of 2020 and posted the case to 18.08.2020 for consideration of report and also filing response of the official respondents who entered appearance through standing counsel.
5. Since, same issue has been raised in this case also, we feel it appropriate to admit this matter as well and post this case also along with Original Application No. 65 of 2020. The applicant is directed to supply a copy of the application and documents relied on by them to the above said committee constituted in Original Application No. 65 of 2020 within a period of one week, so that the same committee can go in to the allegations in the case as well and submit a consolidated report in both the cases before the next hearing date.
6. Since, Smt. Maduri Donti Reddy has entered appearance for Respondent 1 to 6 in Original Application 65 of 2020 and the respondents 1 to 4 are same in the above matter also, we feel that her appearance can be noted in this case as well. Since, Smt. Maduri Donti Reddy could not appear through Video Conference, she was contacted over phone and submitted that the Writ Petition which has been referred to in the order in Original Application No. 65 of 2020 is still pending and status quo order has been extended from time to time and now it is posted to 16.06.2020 for filing counter of the official respondents.
7. Since, Smt. Maduri Donti Reddy had entered appearance for respondents 1 to 4, we dispense with notice to those respondents.
8. The applicant is directed to take steps to serve notice on the 5th respondent by e-mail/Registered Post/and also by Dusthi. The applicant is also directed to produce necessary requisite for this purpose before this Tribunal within a period of one week.

9. The applicant is also directed to serve copy of this application and documents produced by him to counsel appearing for respondent1 to 4 within a period of one week
10. The committee is directed to submit the report through e-mail or e-filing at ngtszfilings@gmail.com within the above time before next hearing date.
11. The committee is directed to consider the allegation in this application also and file a consolidated report in both these cases namely in Original Application No. 65 of 2020 and Original Application No. 74 of 2020 before the next hearing date.
12. The Registry is directed to communicate this order to the same committee constituted by this Tribunal in Original Application No. 65 of 2020 immediately through e-mail, so as to enable them to file a consolidated report as directed by this Tribunal in both these cases before the next hearing date .
13. For consideration of report and also for appearance of 5th respondent and filing of response by the official respondents post on 18.08.2020.

.....J.M.

(Justice K. Ramakrishnan)

O.A.No.74/2020 (SZ)
29th May, 2020. Sr.

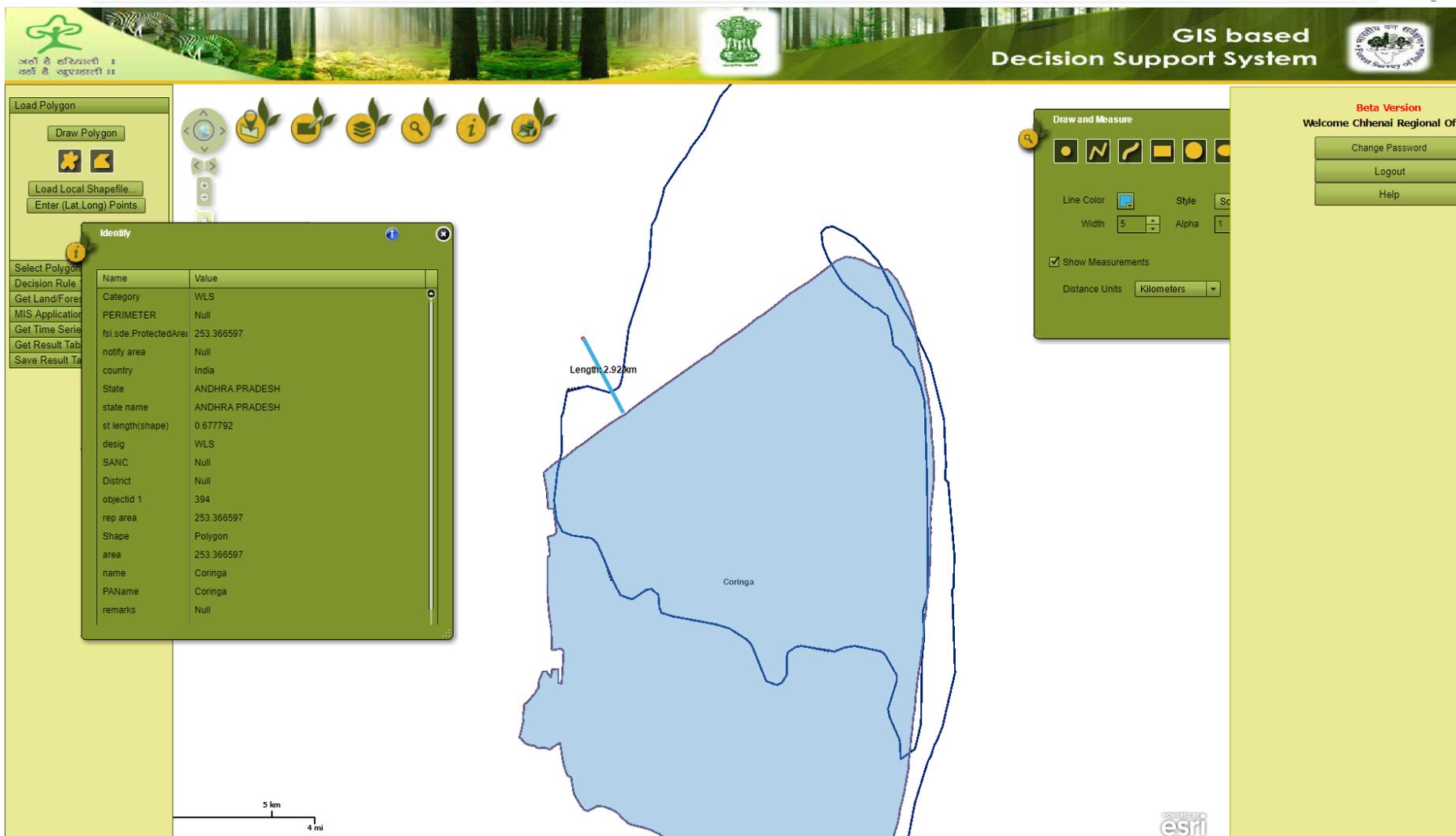
.....E.M.
(Shri. Saibal Dasgupta)

Inputs from District Administration, East Godavari District

- Kakinada is a city with population of 3.25 lakh and it is spread over an area of 31.69 Sq.Km. Kakinada is a district headquarters of East Godavari District is known for the fishing activities. There is a population of more than 32,000 fishermen depending up on Kumbabhishekam Fishing Harbour for their livelihood. More than 600 tons of fish and prawns are being sold at this harbour. There is a housing demand for nearly 5000 houses for the fisherman community in Kakinada. Currently this community is residing in slums (i.e. Dummulpeta and Yetimoga) nearby the Kumbabhishekam Fishing Harbour.
- These areas due face regular water inundation during heavy rains and cyclones. Thus, it becomes moreover important to provide housing facilities to the fisherman community at a better place without affecting their livelihood.
- The proposed housing site at Dummulpeta for an extent of 116.82 Ac, is less than 2 kilometres distance from Kumbabhishekam Fishing Harbour. There are 4,652 beneficiaries proposed at Dummulpeta Housing Site which mainly covers Fishermen Community. With the construction of houses for fishermen at this Dummulpeta site, these communities will be benefited and their livelihood opportunities will be upgraded. There are other sites which are proposed for the housing scheme which are outside Kakinada. If these fishermen communities are shifted to these sites outside Kakinada, it would result in loss of livelihood for the fisherman community and hence no one would shift to such sites outside Kakinada.
- As per G.O.Ms.No.160 dt.2-04-2019 of Municipal Administration and Urban Development Department, master plan was approved by the Government of Andhra Pradesh and earmarked this area as industrial zone. Concor India Ltd, Gujarat State Petroleum Corporation Ltd, Indian Coast Guard and APTIDCO Housing Project are very nearby to this Dummulpeta proposed Housing Site. There is more scope for employment opportunities for industrial labour in SEZ, Industries, nearby godowns, ware houses and also at Kakinada Port area.
- Hence the proposed Dummulpeta Housing site may be considered for construction of houses for urban poor especially Fishermen, industrial workers and Port Labour, in view of non-availability of land for fisherman community people in the other parts of Kakinada Corporation Limits.

Photos taken during the site visit

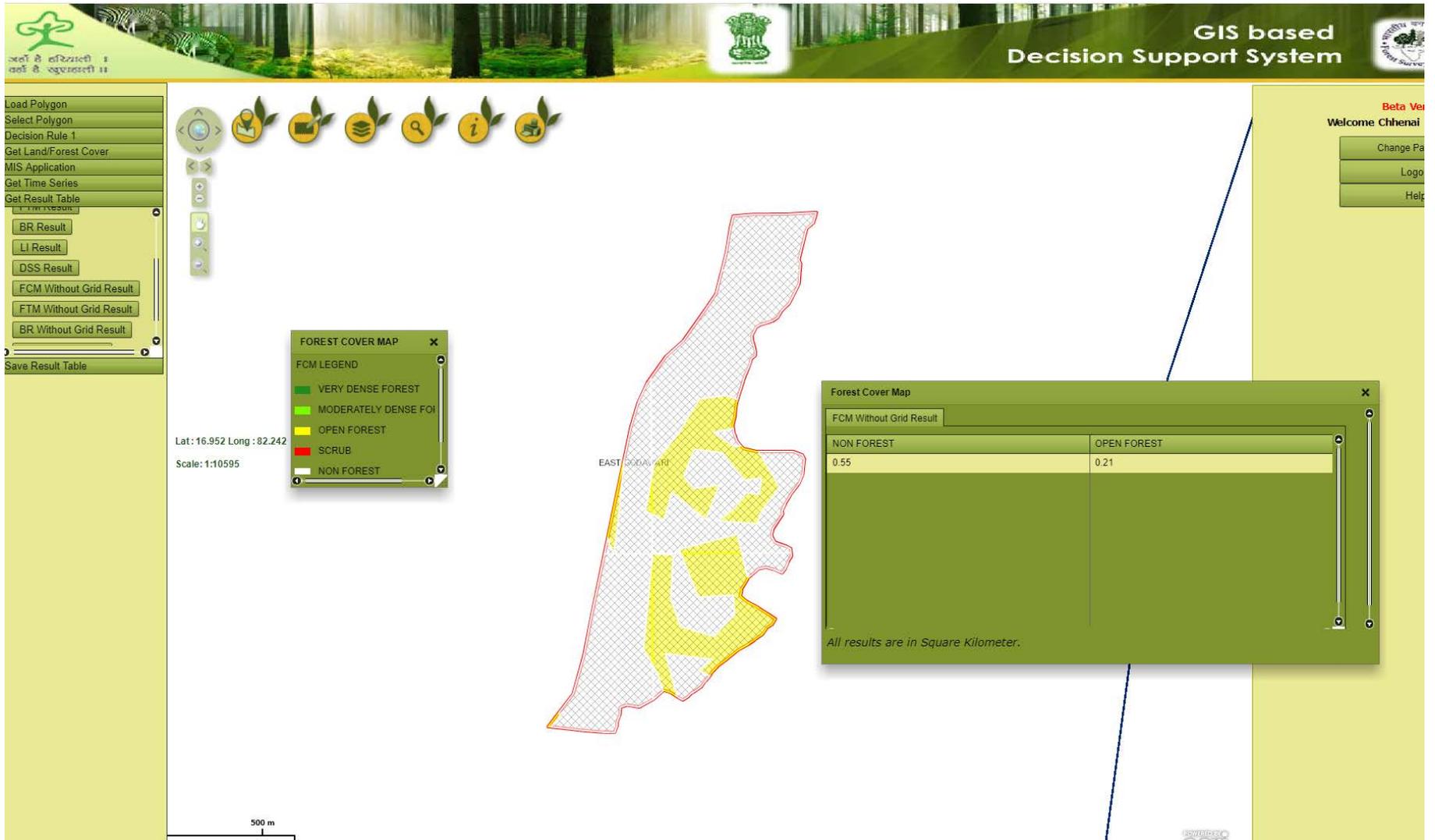




GIS Based Decision Support System through analysis distance between GPS Location and Coringa Wild Life Sanctuary 2.92 km



Forest Cover Map



Forest Survey of India 2017-2019

Forest Type Details

The screenshot displays a GIS application interface for 'Forest Type Details'. The main map shows a region in Andhra Pradesh, India, with a green hatched area representing 'Non Forest'. The map is titled 'FOREST TYPE MAP' and includes a legend with 'Non Forest' indicated by a green square. The map's coordinates are Lat: 16.948 Long: 82.263, and the scale is 1:10595. A scale bar shows 500 m and 2000 ft. The interface includes a toolbar with various GIS tools and a results table on the right side.

FOREST TYPE MAP

FTM LEGEND

- Non Forest

Lat: 16.948 Long: 82.263

Scale: 1:10595

ANDHRA PRADH

EAST

500 m

2000 ft

Forest Type Map

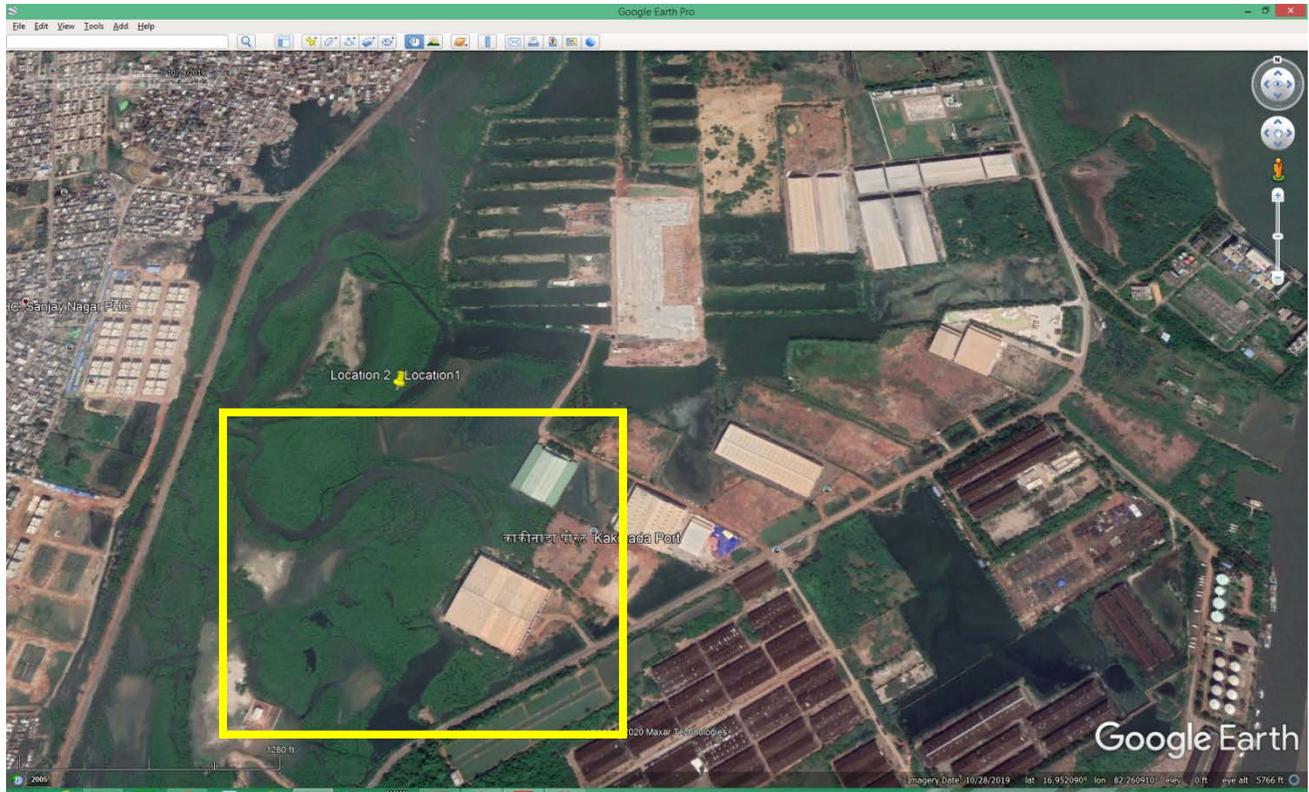
FTM Without Grid Result

Non Forest
0.76

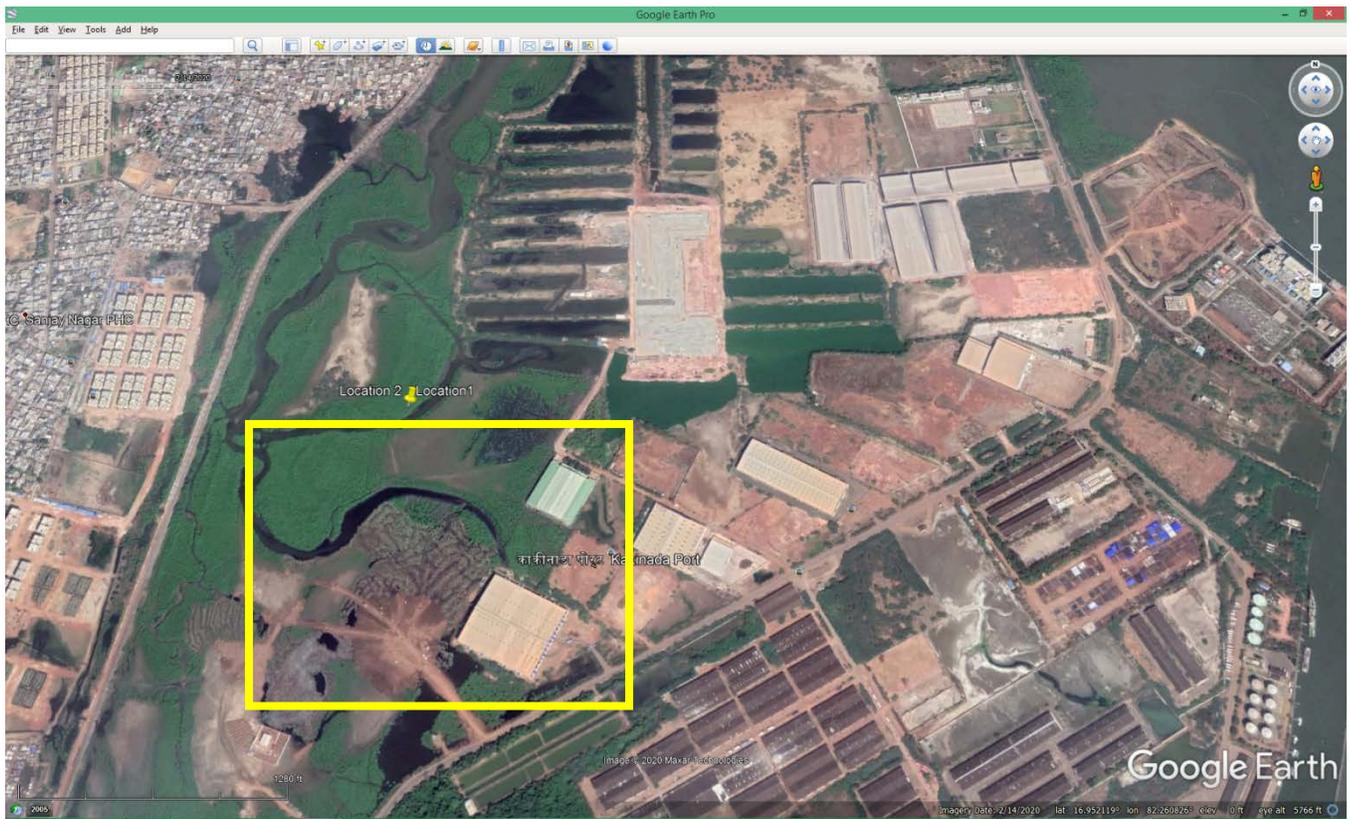
All results are in Square Kilometer.

esri

Google Earth Image Date: 28/10/2019



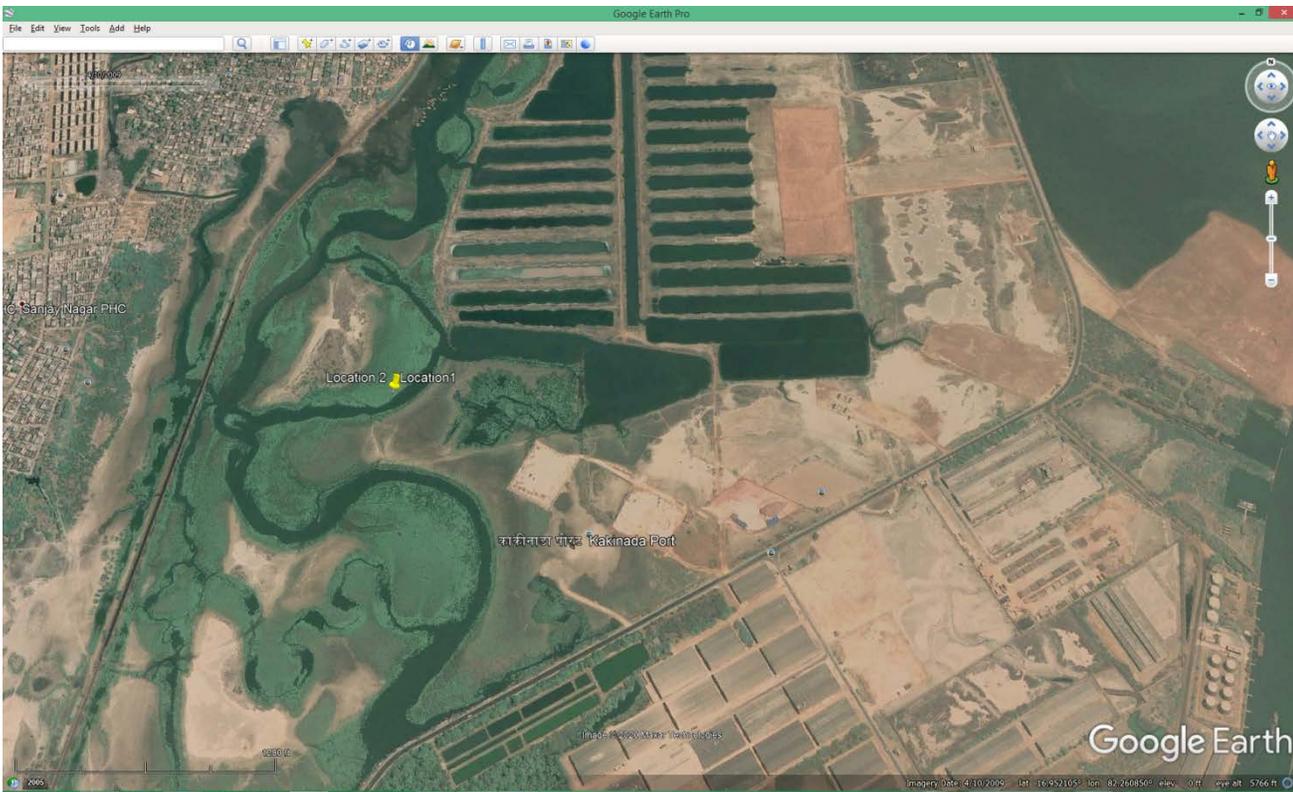
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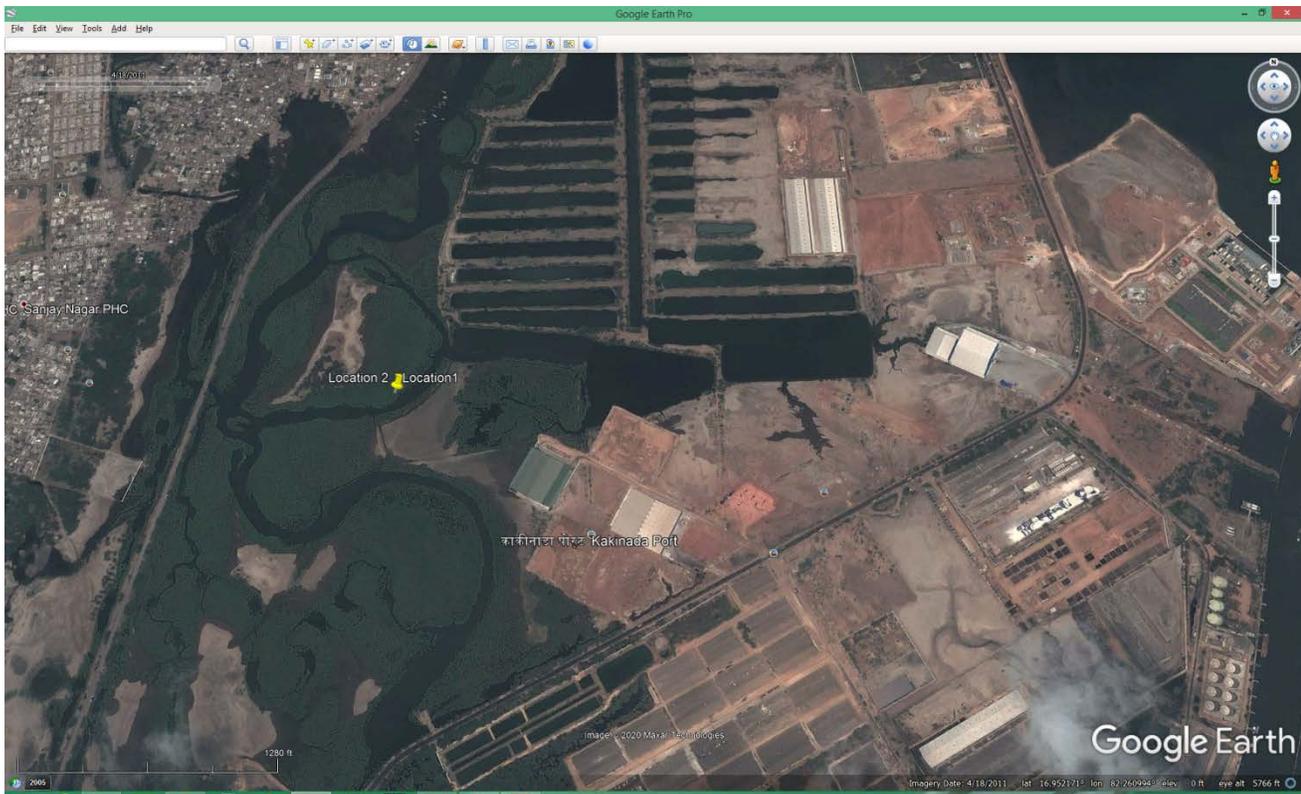
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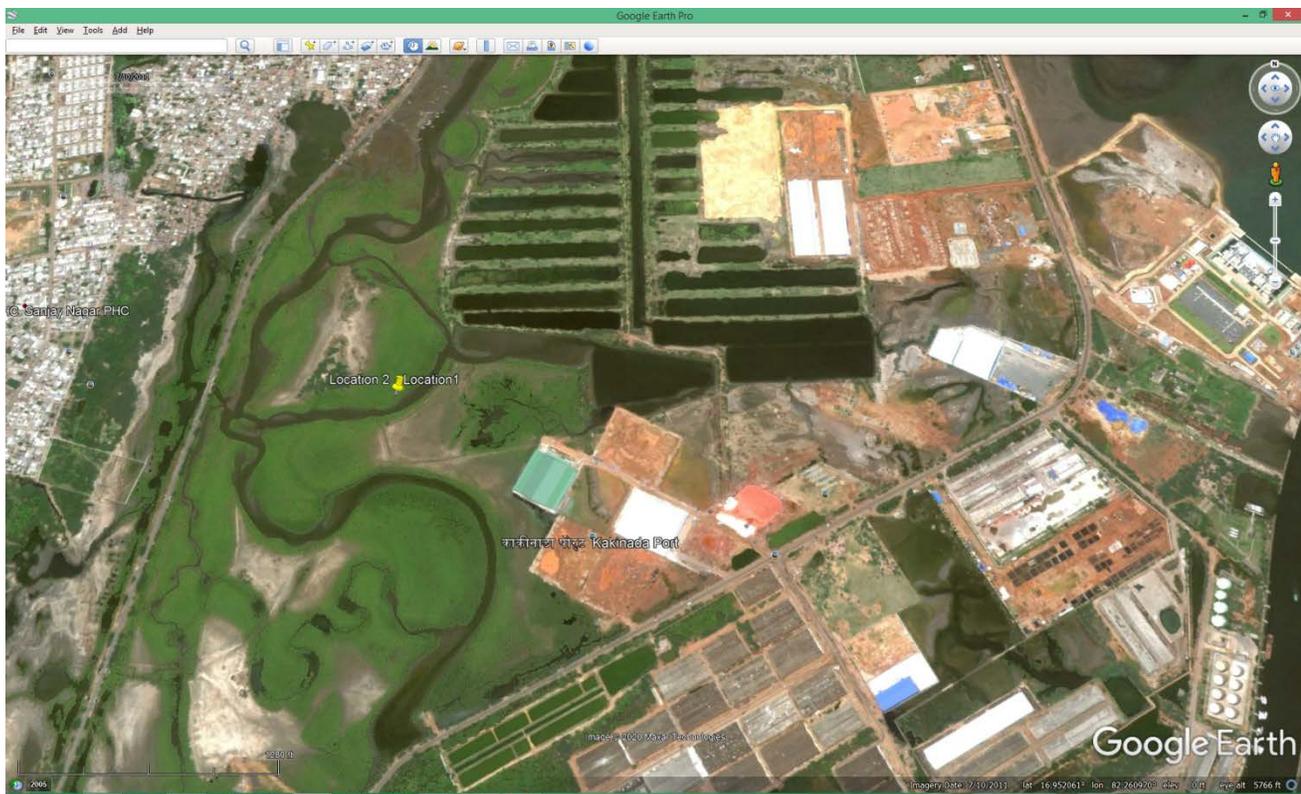
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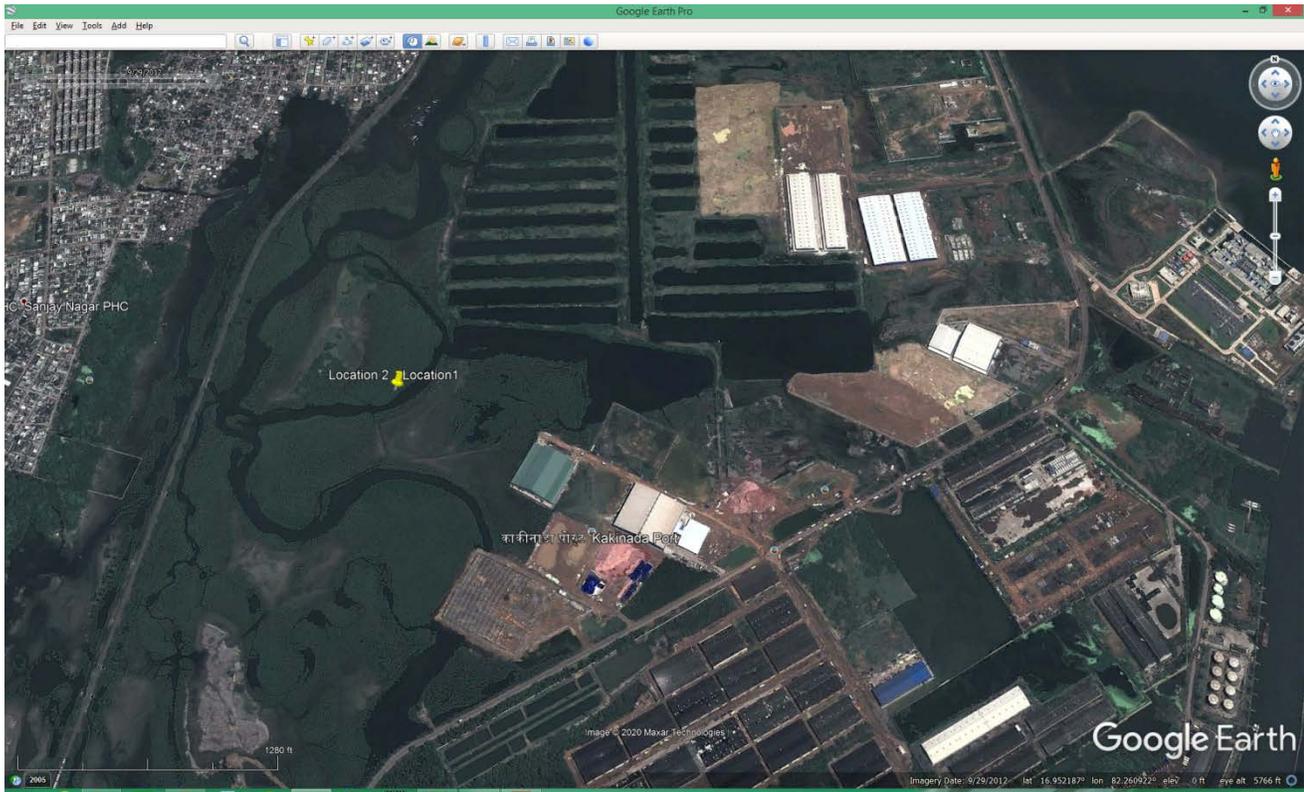
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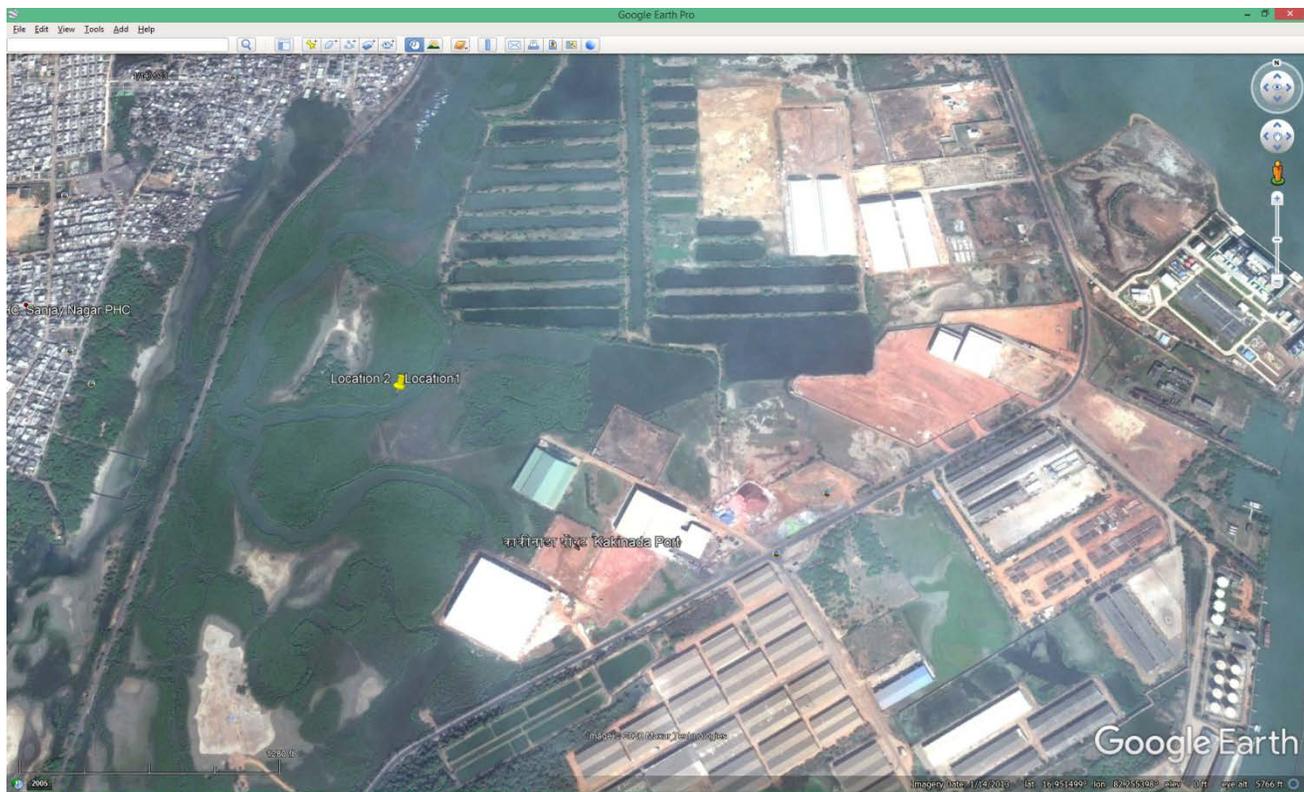
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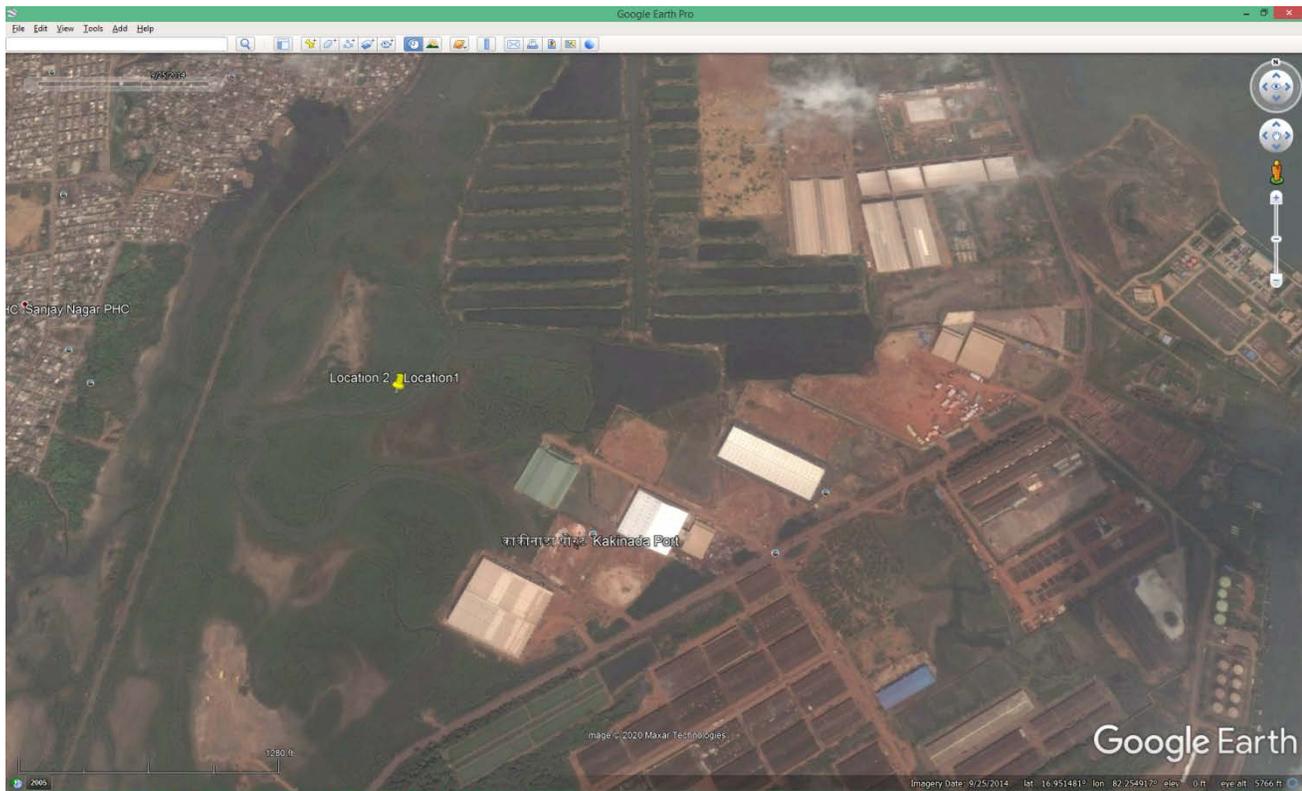
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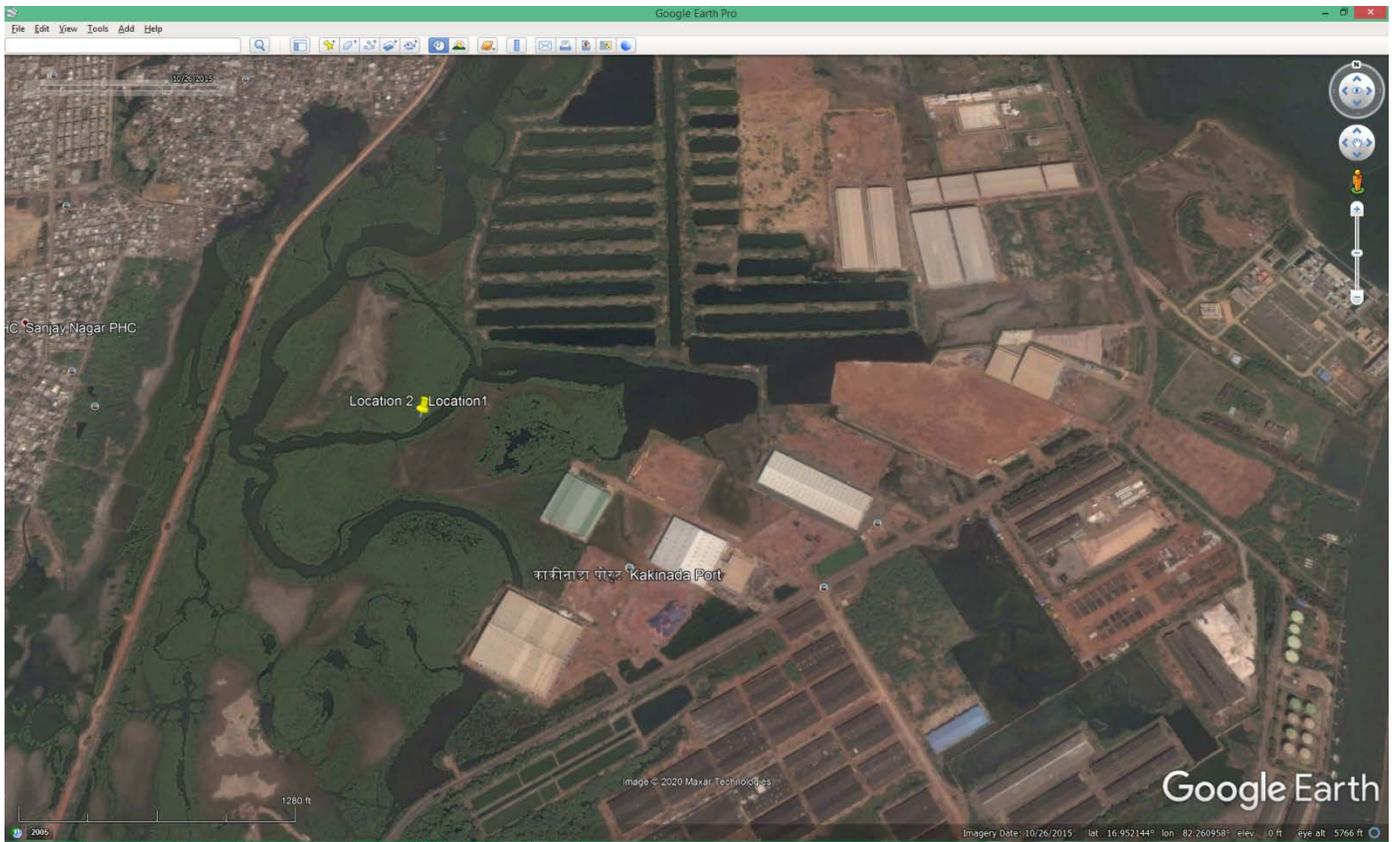
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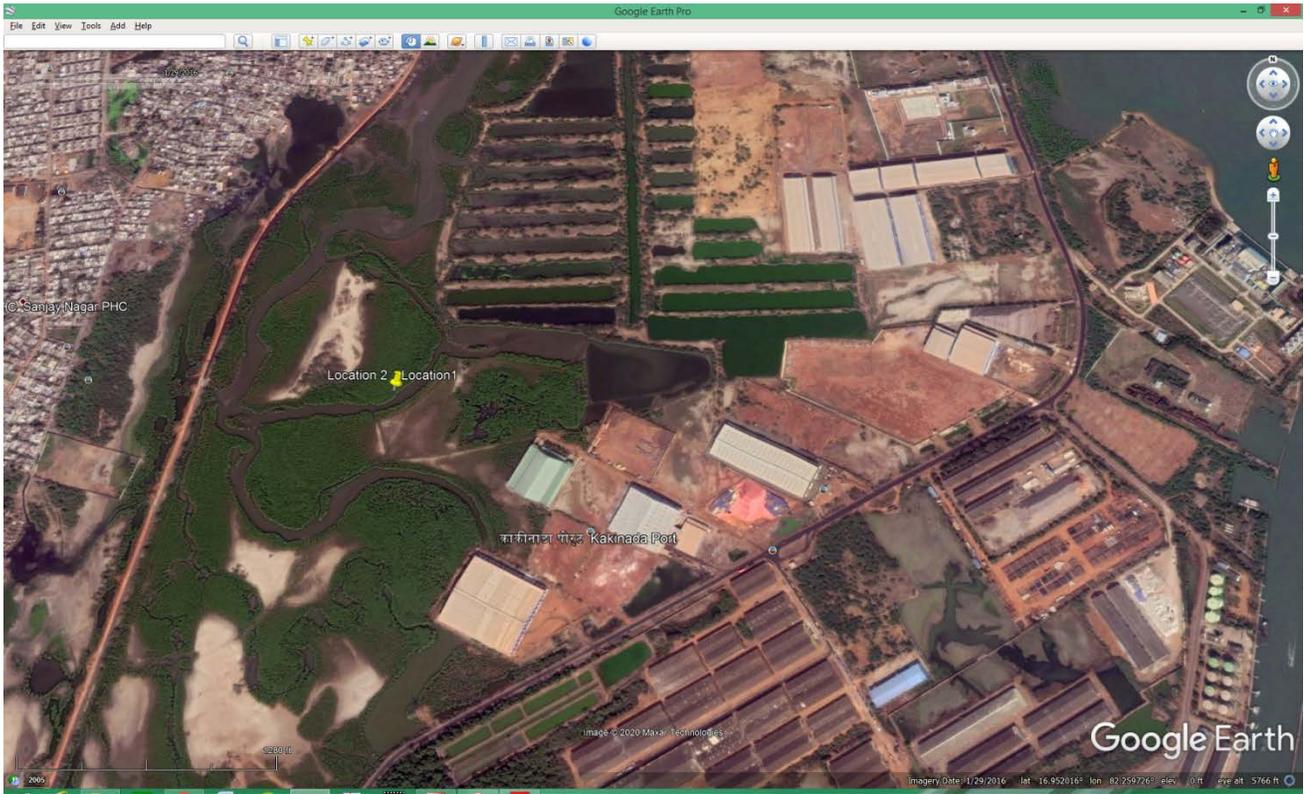
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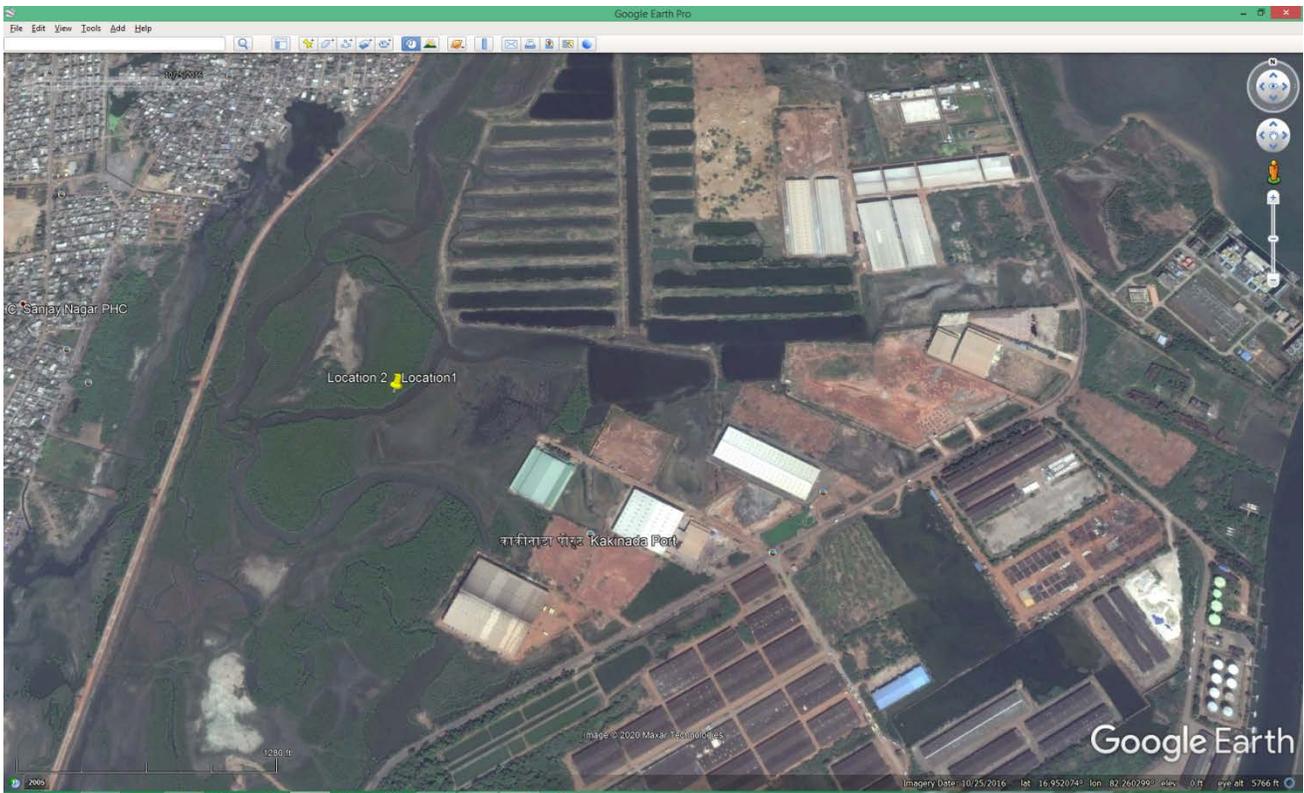
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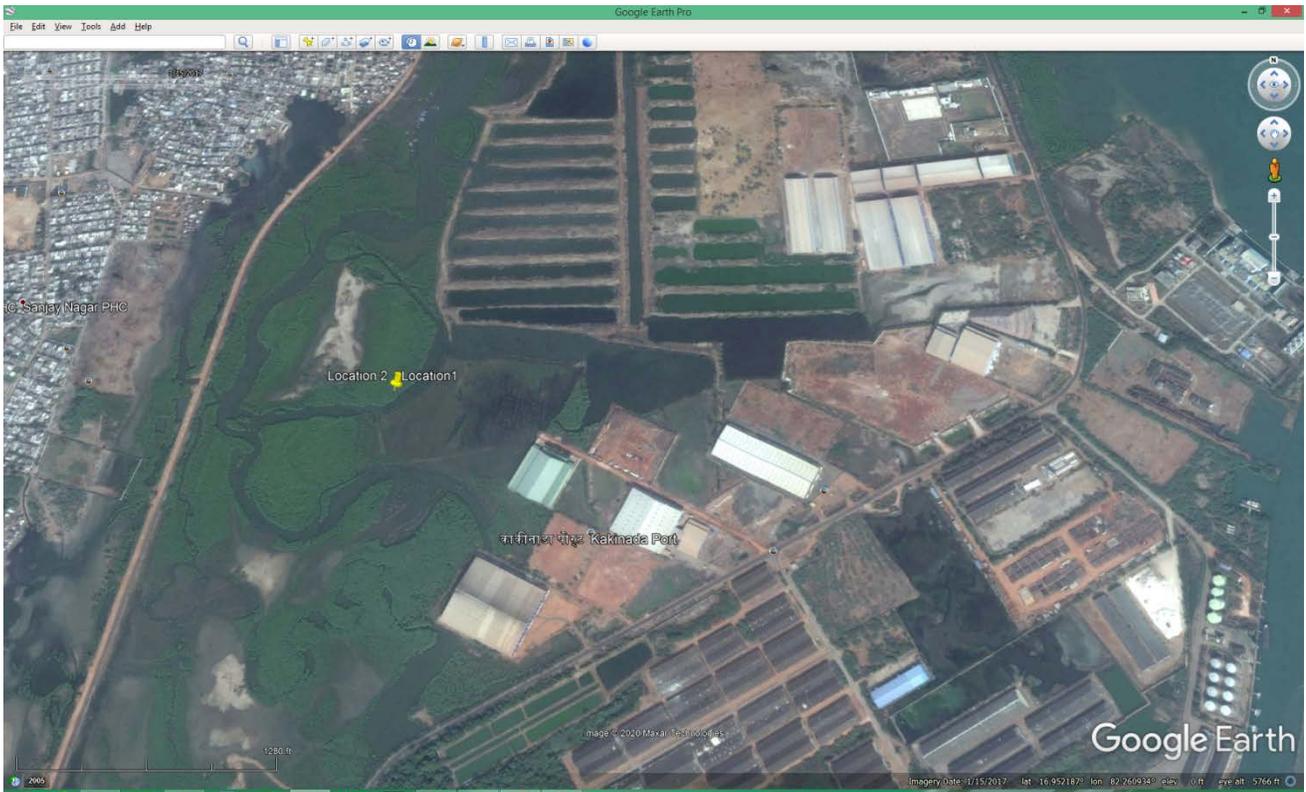
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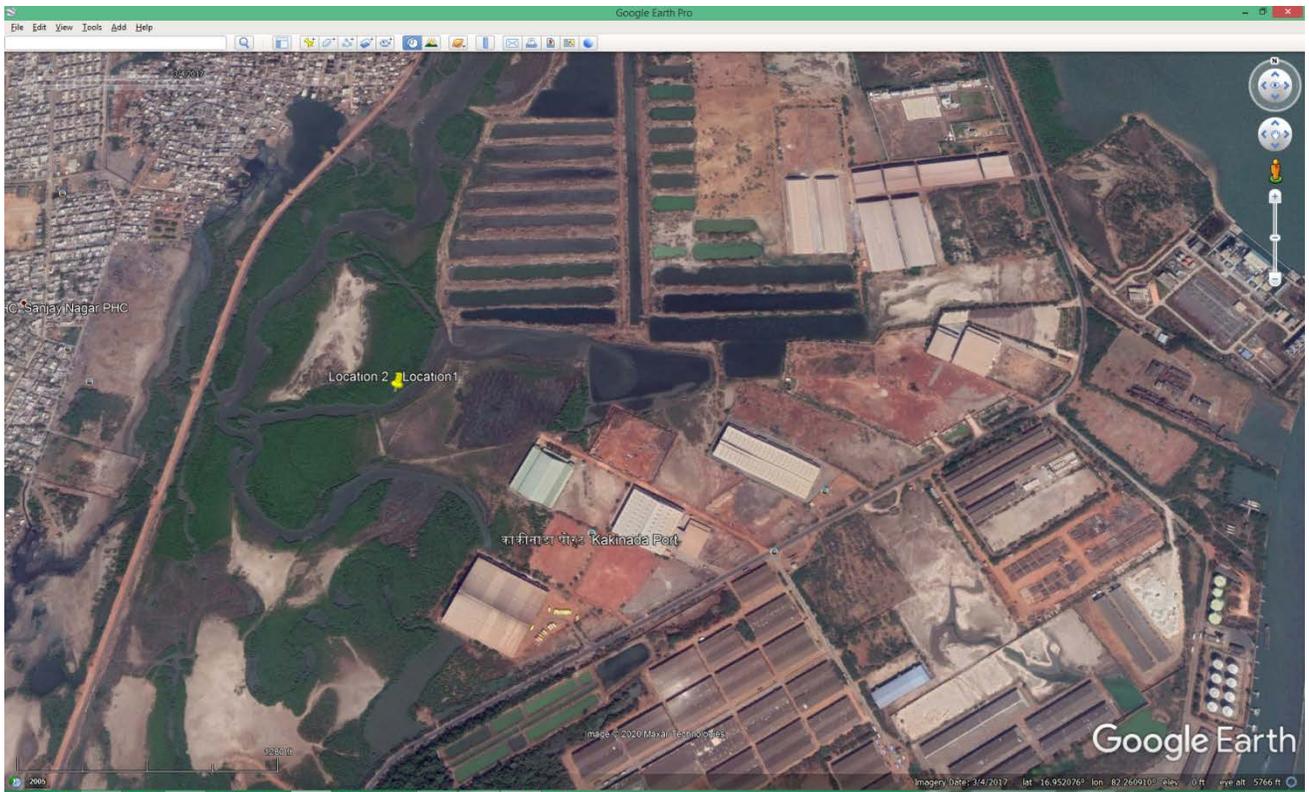
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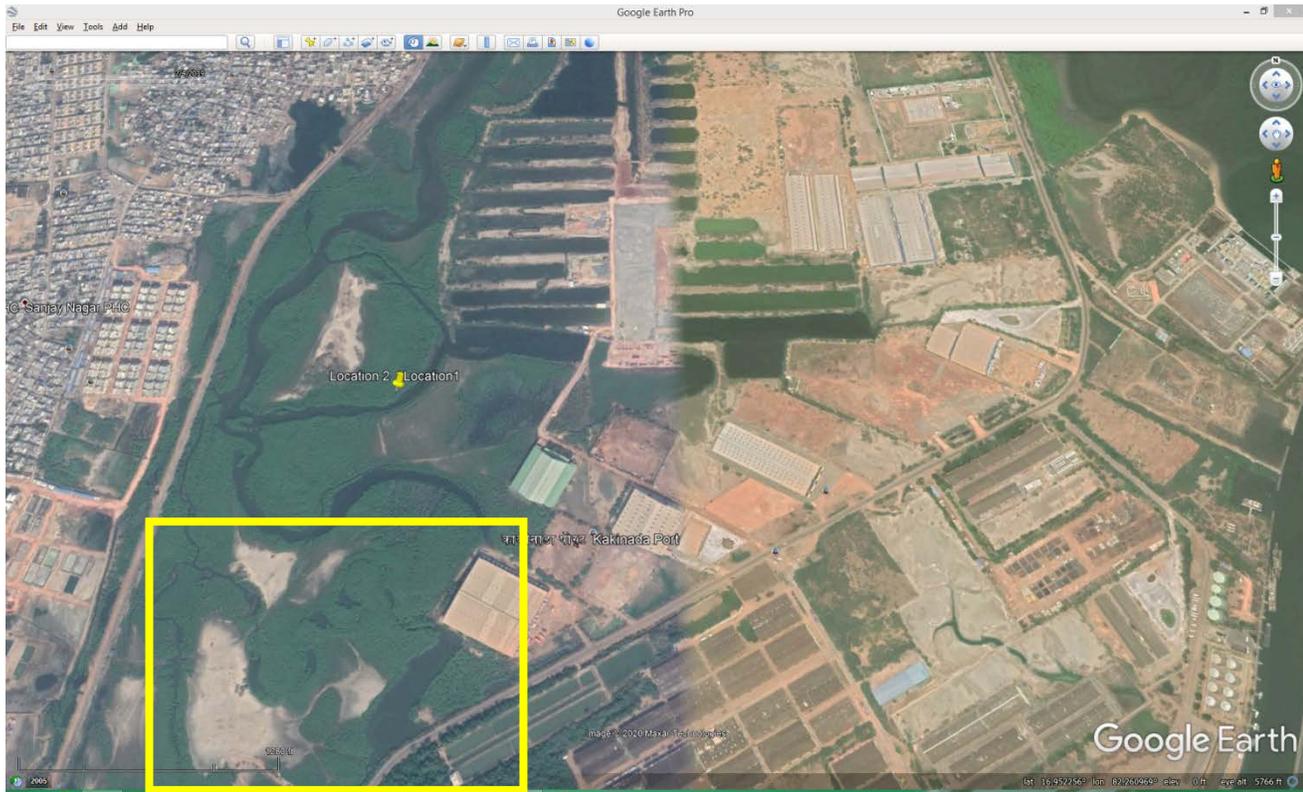
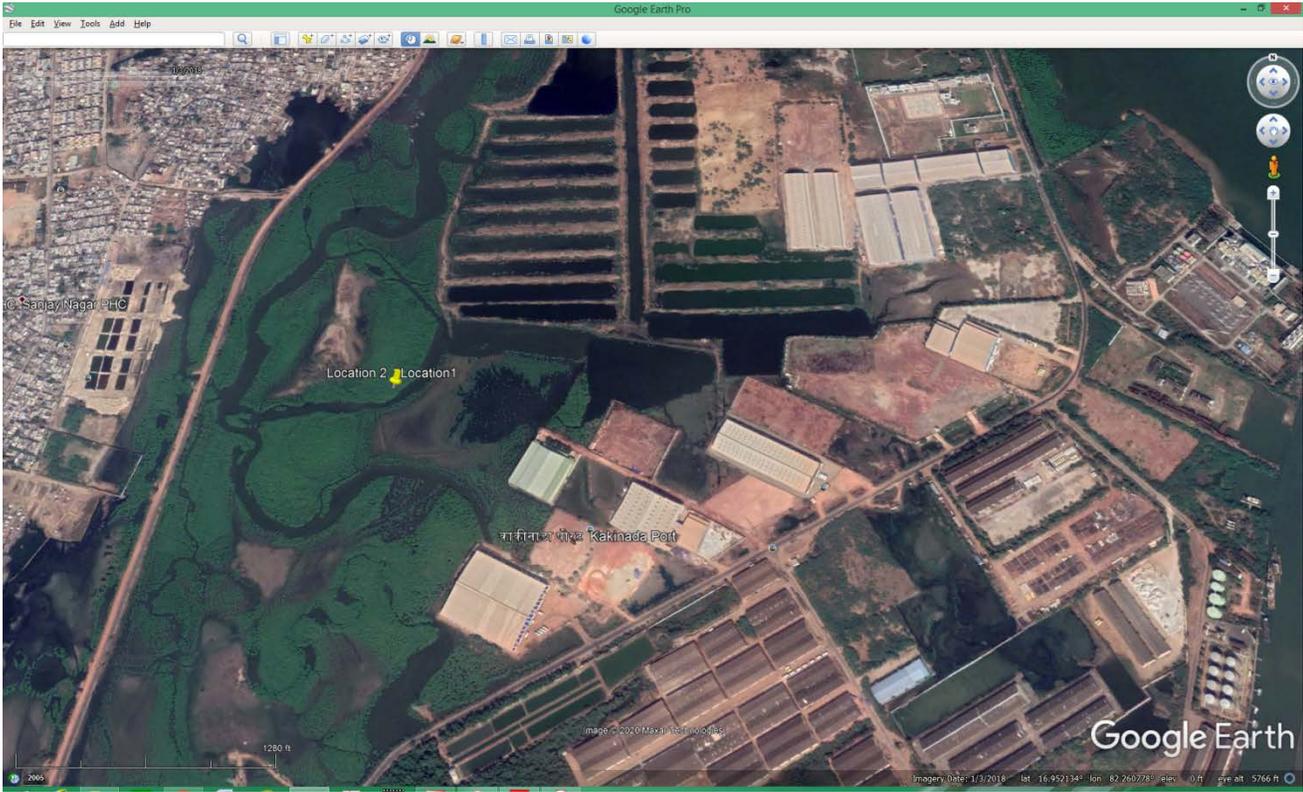
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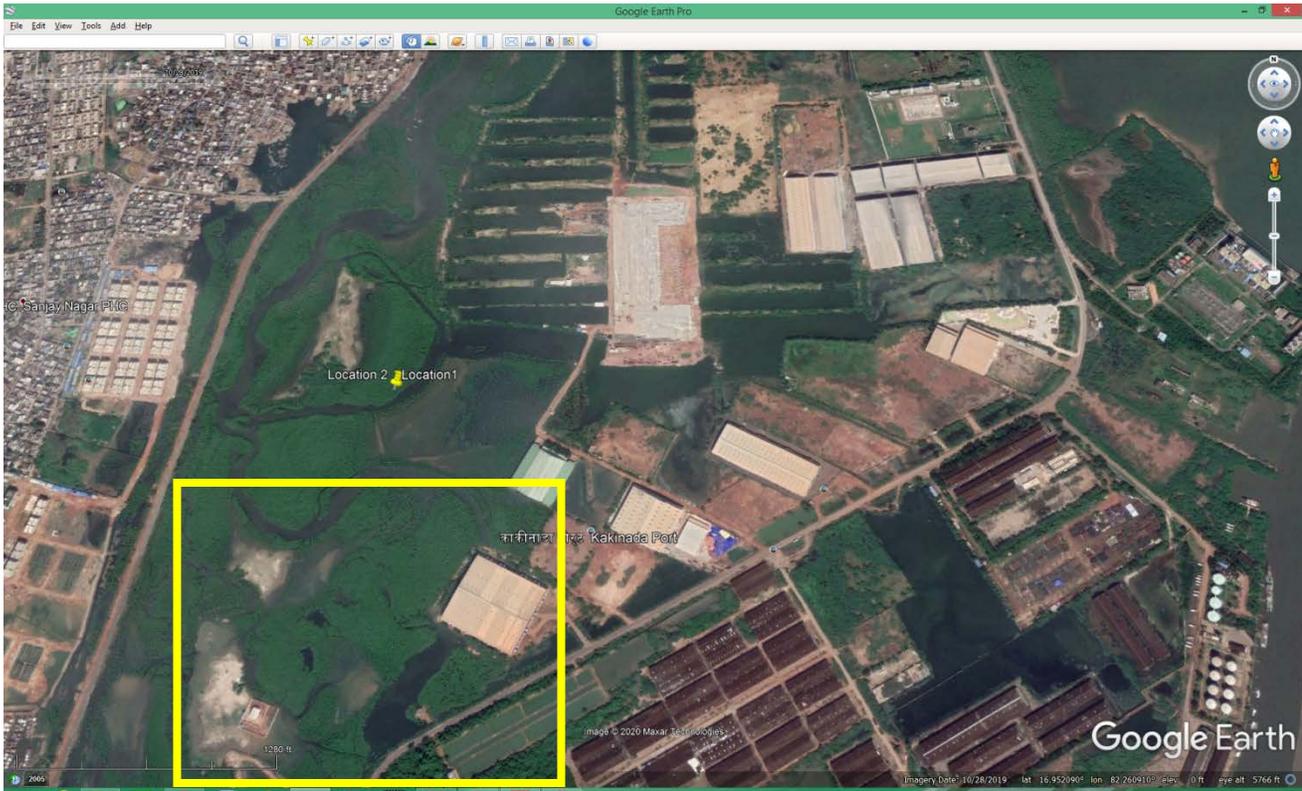
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Google Earth Image Date: 04/03/2017



Google Earth Image Date: 04/02/2019



Google Earth Image Date: 28/10/2019



Google Earth recently updated on Image Date: 14/02/2020



**COASTAL ZONE MANAGEMENT PLAN
ANDHRA PRADESH**

Sheet No: E 44 W 5/NW
Projection :- UTM Datum :- WGS 1984 Map No. :- AP 96

Meters
1:25,000

Legend

- Lighthouse
- Port
- Evacuation or Cyclone Shelter
- Road
- High Tide Line (HTL)
- Low Tide Line (LTL)
- Municipal/Other Urban Areas
- Mandal Boundary
- Village Boundary
- Survey plots
- Jetty or Breakwater
- Fishing Wards
- Fishing Harbour
- Fish Landing or Boat Parking Area

CRZ Lines & Boundary

- Hazard Line
- 100 m Line in CRZ III Area
- 200 m CRZ Line - NDZ
- CVCA Boundary
- Sand Dune Beyond CRZ Boundary
- CRZ Boundary**
(500m Line, 100m for Bay, 100 m or width of the creek whichever is less along the total influenced water bodies)

CRZ CATEGORY

CRZ - I

- CRZ - IA
- 50m Mangrove Buffer Zone - CRZ IA
- CRZ - IB

CRZ - II

- CRZ - II

CRZ - III

- No Development Zone
- 200 m to 500 m from HTL

CRZ - IV

- CRZ - IVA
- CRZ - IVB

DATA SOURCE

- (i) National Center for Sustainable Coastal Management
- (ii) HTL, LTL, CRZ Lines
- (iii) CVCA, 50 CRZ - IA
- (iv) Infrastructure facilities such as Lighthouse, Road, Breakwater or Jetty
- (v) Survey of India
- (vi) Hazard Line
- (vii) Andhra Pradesh Coastal Zone Management Authority
- (viii) Administrative Boundaries, Cyclone Centre
- (ix) Fishing wards etc.

ABBREVIATIONS

CRZ : Coastal Regulation Zone
 NDZ : No Development Zone
 CVCA : Critically Vulnerable Coastal Areas

Mapped During 2017-18

PREPARED AS PER COASTAL REGULATION ZONE NOTIFICATION, 2011

Scrutinized by	Certified by	Concurred by	Approved by
 Technical Scrutiny Committee National Centre for Sustainable Coastal Management, MoEF & CC	 DIRECTOR National Centre for Sustainable Coastal Management, MoEF&CC	 Member Secretary, APCZMA & Secy to Govt., EPS&T Dept., MoEF	 National Coastal Zone Management Authority MoEF & CC, Government of India

Prepared by
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Environment, Forests, Science and Technology Dept.
 Government of Andhra Pradesh