

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHEARN ZONE BENCH AT CHENNAI
OA No. 65/2020**

IN THE MATTER OF:

Satyanaraya Bolisetty

Applicant

Versus

Union of India & Ors

Respondents

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DATE: 27.04.2023
PLACE: CHENNAI



DRAWN & FILED BY:

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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OA No. 65/2020**

IN THE MATTER OF:

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**OBJECTIONS BY THE ORIGINAL APPLICANT TO THE ACTION
TAKEN REPORT FILED BY THE DISTRICT COLLECTOR,
KAKINADA DATED 21.04.2023 ALONGWITH AFFIDAVIT**

MOST RESPECTFULLY SHEWETH:

1. That this Hon'ble Tribunal in the above-mentioned matter had, vide Judgment dated 29.09.2022, allowed the instant Original Application and had passed detailed directions for protecting and conserving the mangrove eco-system in Kakinada, Andhra Pradesh and had inter alia, restrained construction activities in the CRZ- I A area as per the CRZ Notification, 2011 and 2019 and as earmarked in the CZMP prepared on the basis of the CRZ Notification, 2011. This Hon'ble Tribunal had also passed categorical directions to the District Collector for the removal of obstructions caused to the creek which is passing through the proposed project area under dispute so as to ensure free flow of seawater in the creek to enable the sustenance of mangroves in the area.
2. That the Original Applicant through the instant pleading is seeking liberty to file Objections to the Action Taken Report dated 21.04.2023 (served on 25.04.2023) filed by the District Collector, Kakinada District, submitting the progress of the activities allegedly carried out by the District Collector till date.

3. At the outset, the Original Applicant submits that the submissions made by the District Collector in the Report dated 21.04.2023 (served on 25.04.2023) are inherently wrong, false and baseless, save what are expressly admitted. The Original Applicant carried out a site visit as recently as on 24.04.2023 and through the instant Objections is seeking liberty to place on record the factual position of the actions taken by the authorities. Further, to supplement its objections, the Original Applicant herein is placing reliance on the photographs appended herewith as **ANNEXURE A/1**.

I. The Gravel continues to lie on the mangrove land

4. The Original Applicant submits that the averment of the District Collector, Kakinada, whereby it reports that the Kakinada Municipal Corporation has removed the unauthorised gravel dumped at the site and that the site has been restored to its original position is absolutely wrong and the same can be observed from the images marked as ANNEXURE A/1. The pictures clearly depict that the unauthorised gravel continues to lie at the site, unaddressed by the concerned authorities and therefore there has been no action taken by the Authorities pursuant to the Judgment dated 29.09.2022. It is submitted that this Hon'ble Tribunal may take a strong note of this utter dereliction of duty as well as the blatantly false statements made by the District Collector on unverified information.

5. It is also pertinent to mention here that the Joint Committee constituted vide Order dated 24.04.2020 by this Hon'ble Tribunal (filed on 28.02.2021 and considered by this Hon'ble Tribunal vide Order dated 18.03.2021) had also observed that the land was levelled with additional soil/gravel taken from outside the area. The said Committee had also observed that this has changed the natural texture of the mud.

6. That it is humbly submitted that the gravel has been lying in the area since atleast 2020 and no efforts have been made by the authorities to remedy the same, unfortunately to the detriment of the environment and ecology of these pristine mangroves.
7. Infact, the photographs also depict that most of the mangroves have dried up. This Hon'ble Tribunal may take note of the same and pass its directions accordingly.

II. Vehicle movement is continuing unabated on the mangrove land

8. That the Original Applicant submits that it is absolutely incorrect to state that vehicle movement has stopped in the area owing to an alleged trench that has been dug across the approach road.
9. In fact, the Applicant was able to reach the mangrove land by his own vehicle and there was neither a security guard, nor any barriers to prohibit anybody from entering the mangrove lands. The Applicant submits that some tractors and trucks were also seen coming in and out of the areas demarcated for mangrove growth. This Hon'ble Tribunal may take a strict note of the same and Order accordingly.

III. Fresh mangroves have been planted, and the earlier mangrove growth has been allowed to dry

10. That the Applicant submits that while some fresh mangroves have been seen with top soil filled, the existing mangrove plantations have fully decimated and have ceased to exist. It is submitted that this activity of planting fresh mangroves is a mere hogwash and does not serve the ends of conservation of an eco-system as fragile as mangroves if the same is not carried out in a scientific manner along with maintaining and preserving the pre-existing mangroves on site.

11. That the Applicant submits that this Hon'ble Tribunal may direct the authorities to show cause as to why a fully developed mangrove ecosystem was allowed to be destroyed and why have resources from the public exchequer been wasted to plant new mangroves in as an unscientific manner as has been carried out by the State Authorities.
12. To the best of the Applicant's knowledge and understanding, the State Government has already spent amounts to the tune of ten crore rupees for the removal of mangrove plantations and for filling the soil to reclaim the land for its Pedalandarikki Housing Project. In such a scenario, planting fresh mangroves, as is being carried out by the authorities in the instant case i.e. without removal of the filled in soil, is a sheer wastage of public money and is just being done for making submissions before this Hon'ble Tribunal. The Applicant also submits that planting mangroves on top of filled soil, as is being carried out by the State, is a wasteful exercise and may be directed to be stopped forthwith. Further, that fresh plantation be carried out only in a scientific manner that is conducive to the sustained growth of new mangroves.
13. That, insofar as the payment of environmental compensation to the tune of Rs. 5 crores are concerned, it is pertinent to mention that the funds have not yet been released by the State Government since the same have been mired in bureaucracy, as is clear from the submission of the District Collector, Kakinada, in that regard. This is despite the six months having lapsed as stipulated in the Judgment dated 29.09.2022 in the instant OA. It is prayed that this Hon'ble Tribunal may accordingly direct for the amounts to be processed on a priority footing for the protection, conservation and preservation of the existing mangroves that currently lay damaged on site.

14. That the Applicant submits that the State has been absolutely lackadaisical and ignorant with regard to the protection of its mangroves, especially in Kakinada, and has submitted a bald Action Taken Report, which may be dealt with accordingly by this Hon'ble Tribunal.

DATE: 27.04.2023

PLACE: CHENNAI



DRAWN & FILED BY:

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

IA No. of 2023

IN

ORIGINAL APPLICATION NO. 65 OF 2020

IN THE MATTER OF:

Satyanarayan Bolisetty

....Applicants

Versus

Union of India & Ors.

....Respondents

AFFIDAVIT

I, Satyanarayana Bolisetty, S/o Late Shri Sriman Narayana Rao, R/o 1-54-10/4, Plot-50, HIG, Sector-I, M V P Colony, Vishakhapatnam Urban, Vishakhapatnam, Andhra Pradesh - 530035 presently at New Delhi do hereby solemnly affirm and state as under:

1. That I am the Applicant in the present application, familiar with the facts and circumstances of the case and am competent to swear this Affidavit.
2. That I have read and understood the contents of the accompanying Application along with its Annexures and they have been drafted by my counsel on my instructions and nothing material has been concealed there

from

presence.

of the deponent

who has signed in my

presence.

of the deponent

who has signed in my

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who has signed in my

presence.

DEPONENT

VERIFICATION: 26 APR 2023 26 APR 2023 26 APR 2023

Verified at New Delhi on this 26th day of April, 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed there from.



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. Satyanarayana Bolisetty
S/o, W/o, D/o.....
Identified By Sh./Smt. Roop Singh
has Solemnly affirmed me at Delhi
on 26/4/23 at Sl. No. (S)
that the contents of the affidavit which
have been read & explained to him are
true and Correct to his knowledge

ROOP SINGH
Notary Public, Delhi (INDIA)

DEPONENT

26 APR 2023 26 APR 2023 26 APR 2023

ANNEXURE A-1





-TRUE COPY-



Service in Satynarayana Bolisetty OA No. 64 of 2020 (Objection on behalf of the Applicant)

1 message

ELDF <eldflegal@gmail.com>

Thu, Apr 27, 2023 at 9:18 AM

To: reddymadhuri09@gmail.com, sns2358@yahoo.co.in, mailhyd@kakinadaseaports.in, collector-kkd@ap.gov.in

Cc: Eisha Krishn <eisha@eldfindia.com>, "Cc: Sanjay Upadhyay" <sanjay@eldfindia.com>, Gitanjali Sanyal <gitanjali@eldfindia.com>, Admin <admin@eldfindia.com>

Respected Sir/Ma'am

Please find the attached Objection on behalf of the Original Applicant to the Action taken report filed by the District Collector of Kakinada in the caption matter.

Serve to Mr. G.M. Syed Nurullah Sheriff for R1 and Mrs. Madhuri Donti Reddy for R2 to R6 & Kakinada Seaport Ltd for R7, D.C. Kakinada.

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Tilak Singh*Enviro Legal Defence Firm**29, Presidential Estate LGF,**Nizamuddin East New Delhi – 110013**Ph. No. 011-40573181***OBJECTIONS TO ACTION TAKEN REPORT FILED BY THE DC KAKINADA.pdf**

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