

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE BENCH AT  
CHENNAI**

**ORIGINAL APPLICATION No's. 65 & 74 OF 2020**

**IN THE MATTER OF:**

**SATYANARAYANA BOLISETTY,**

1-54-10/4, Plot-50, HIG, Sector-1,  
M V P Colony,  
Vishakapatnam Urban,  
Vishakapatnam,  
Andhra Pradesh-530 035.

Bolisetty satyanarayana@ gmail.com

.....

Applicant

Versus

**UNION OF INDIA**

Through the Secretary,  
Ministry of Environment, Forests and Climate Change,  
Indira Paryavaran Bhawan,  
Jorbagh Road,  
New Delhi-110 003.

[Secy-moef@gmail.in](mailto:Secy-moef@gmail.in): +91 11 24695262

And 6 others

.....

Respondents

**& D.PAL VS STATE OF ANDHRA PRADESH**

**JOINT COMMITTEE REPORT FILED BY APCZMA NODAL  
AGENCY**

**DATE- 05-08-2023**



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**COUNSEL FOR RESPONDENTS 2 to 6**

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

Date: 05.08.2023

**1<sup>st</sup>REPORT OF THE JOINT COMMITTEE CONSTITUTED BY HON'BLE NATIONAL GREEN TRIBUNAL, SOUTH ZONE, CHENNAI VIDE JUDGMENT ORDER DATED 29.09.2022 IN ORIGINAL APPLICATION NO. 65 OF 2020 (SZ) IN THE MATTER OF SATYANARAYANA BOLISSETTY VS UNION OF INDIA & ORS WITH ORIGINAL APPLICATION NO. 74 OF 2020 (SZ) IN THE MATTER OF D.PAL VS STATE OF ANDHRA PRADESH& ORS.**

**1.0. Background:**

The Original Application No.65 of 2020 (SZ) was filed by Shri Satyanarayana Bolisetty alleging destruction of mangroves in Division No. 10 and 11 of Dummulapeta, Parloipeta of Kakinada District (then East Godavari District), State of Andhra Pradesh in violation of the CRZ Notification, 2011 and 2019, where this area has been classified as CRZ – I and CRZ – IA respectively. It is alleged in the application that the State of Andhra Pradesh is doing some illegal destruction of 100 Acres of natural mangroves in Survey Nos. 2004, 1985/3, 1990, 374, 376 and 387 in Dummulapeta, Kakinada Municipal Council, Kakinada District (then East Godavari District) since 14.03.2020, in complete contravention of the Coastal Zone Regulation (CRZ) Notification, 2011 and 2019, and the Environment (Protection) Act, 1986, the Biological Diversity Act, among others, under the guise of the Government Housing scheme of "Pedalandariki Illu" meaning construction of "houses for the poor". The illegal felling of ecologically sensitive mangroves is also in close proximity of the Coringa Wildlife Sanctuary thereby endangering the existence of the sanctuary as well in violation of the Wildlife (Protection) Act, 1972. Further, such destruction of mangroves although in violative itself, is also leading to a complete loss of livelihood for the local fisher folks who are entirely dependent on the fisheries industry based on the breeding of fish, shrimps and crabs sheltered by the pristine mangrove covers in the region.

The Original Application No.74 of 2020 (SZ) was filed by a group of persons who are supposed to be a resident of that area belonging to the fishermen community and engaged in fishing activities for their livelihood. They also raised similar issues raised by the applicant in O.A. No.65 of 2020 (SZ) regarding the nature of importance of mangroves, conservation of which is the necessity of protecting the marine environment and damage caused to the mangrove patch in the disputed area on account of the reclamation activities undertaken by the State of Andhra Pradesh for the purpose of providing land for landless for construction of houses.

After detailed discussions and observations made by Hon'ble NGT, South Zone, Chennai, the above cases were disposed vide judgment order dated 29.09.2022 and constituted the following Joint Committee to assess the environmental compensation and the amount required for restoration of the damage caused to the mangroves:

- a) a Member from the NCZMA,
- b) a Member from the SCZMA – Andhra Pradesh,
- c) a Member from M.S. Swaminathan Research Foundation having expertise in mangrove ecosystem and marine ecosystem,
- d) a Member from the East Godavari Estuarine Ecosystem Foundation who had conducted the study in that area earlier,
- e) a Member from the Salim Ali Centre for Ornithology and Natural History, Coimbatore,
- f) a Member from the National Centre for Sustainable Coastal Management, Chennai.

## **2.0. Constitution of Joint Committee:**

Based on the nomination received from various Organisations, the Andhra Pradesh Coastal Zone Management Authority (APCZMA) vide Letter No. OA No. 65 of 2020 & 74 of 2022/APCZMA/Legal/2022 dated 22.05.2023 has constituted the Joint Committee comprising of following members:

1. Dr. Suresh Babu Pasupuleti, Scientist 'D', Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Vijayawada.
2. Dr. T. Byragi Reddy, Expert Member of APCZMA.
3. Dr. R. Ramasubramanian, Senior Fellow, Coastal Systems Research Programme, M S Swaminathan Research Foundation, Chennai.
4. Sri I K V Raju, District Forest Officer, Kakinada, Forest Department, Govt. of Andhra Pradesh.
5. Dr. Goldin Quadros, Principal Scientist (Sci – E), Division of Wetland Ecology, SACON (South India Centre – WII), Coimbatore, Tamil Nadu.

6. Dr.ManikMahapatra, Scientist 'B', National Centre for Sustainable Coastal Management, Chennai.

The Joint Committee along with Officials of Municipal Authorities, Kakinada has inspected the area on 24.05.2023.

### **3.0. Terms of Reference of the Joint Committee:**

The Joint Committee entrusted with the following Terms of Reference:

- 1.0. *To ascertain the total area of mangroves which was in existence on the basis of the study (if any) earlier conducted by any of the institutions like M.S.Swaminathan Research Foundation or East Godavari Estuarine Eco system Foundation and also on the basis of the Forest Cover Map that has been prepared by the Forest Department in respect of this areas*
- 2.0. *Assess the compensation for the destruction caused to mangroves and its impact on environment taking into account its direct and indirect value base, its significance in protection of environment, role in mitigating impacts of climate change, coastal zone protection and economic growth that is likely to be obtained by its existence and loss of ecological services lost on account of such destruction*
- 3.0. *Identify methodology for restoration of the mangroves to its original position and expenses required for restoration, including the agency under whose supervision the restoration work will have to be carried out and after assessing the amount.*

### **4.0. Observations of the Joint Committee:**

1. As per the interactive meeting held between the Joint Committee, District Collector and Municipal Corporation Commissioner Kakinada District at the Office of District Collector, Kakinada on 24.05.2023, the following measures are being taken:
  - a. The State of Andhra Pradesh is restrained from carrying out the construction of project in CRZ-1A area in the disputed place (already dropped in April, 2020).
  - b. No attempts were made to convert the land use which is likely to affect the existence of mangroves which provides indirect and direct benefits to the environment and mankind.

- c. The State of Andhra Pradesh through its District Collector is directed to remove the obstruction caused to the creek for free flow of tidal water in the creek (action taken & obstruction removed).
  - d. The State of A.P., through concerned officials of Public Works Department & the Kakinada Port Authorities have to provide box type vents in the ADB road so as to provide access to the saline water for the mangroves existing beyond the road on the landward side (direction has been issued to NHAI & work is under progress).
  - e. The State of Andhra Pradesh is directed to pay an interim compensation of Rs. Five Crores only to the APCZMA for the damage caused, subject to the further compensation to be assessed by the committee appointed by the Tribunal.
  - f. The following action has been taken by the District Administration after the direction issued by Hon'ble NGT, SZ vide Order dated 29.09.2022:
    - i. Removal of obstructions in the Creek,
    - ii. Restoration of Creek to its original conditions,
    - iii. Installation and continuous surveillance of site through CC Camera's,
    - iv. Display of Caution Boards at various locations,
    - v. Plantation of Mangrove Species at the site.
2. Since the area has been elevated recently and is not getting tidal water, whatever mangrove saplings are planted recently are not surviving despite manual watering, as the soil characteristics are not suited to the mangrove growth. The soil used for filling the mudflats cannot replace the fertile mudflat soil.
  3. There is also *Prosopis* invasion due to the changed elevation in the area and in due course it will colonise in the entire area that will be difficult to eradicate after a few months.
  4. Some of the mangroves in the area are under stress, since some of the canals supplying tidal waters are choked inside and require to be desilted.

5. The approach road laid for CONCOR site does not have any culvert/vent and is obstructing the free flow of tidal water and connectivity between both the sides of the road.
6. There is dumping of garbage, plastics and other non-biodegradable material in some of the areas of the mangroves habitat.
7. Road expansion has been undertaken by NHAI without taking into consideration of the mangroves and the marine habitat.
8. Mangroves in and around the port area are being neglected.

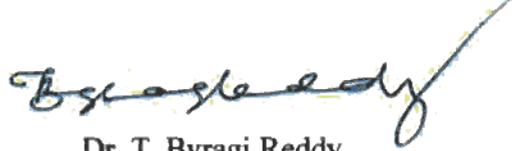
#### **5.0. Recommendations of the Joint Committee:**

1. As the area is under the Port Authority, there is no study on the extent of mangroves in the destructed area except the CZMP map prepared by NCSCM showing the area coming under CRZ-1& CRZ-1A. However, the extent of mangroves may be estimated using the high resolution satellite images (1:4000 Scale) before destruction i.e., 2017-18 by any of the agencies like Andhra Pradesh Space Application Centre (APSAC), Indian Space Science Technology, Space Application Centre and M S Swaminathan Research Foundation.
2. The soil/gravel filled in an area of 58 acres with a height of about 1.2 m needs to be removed to restore proper tidal water flow for the mangroves to grow as well as other marine flora and fauna to re-establish and provide ecosystem services. Hence, it is recommended to remove the dumped soil to restore the ecosystem.
3. The canals supplying tidal waters need to be regularly desilted and monitored.
4. The approach road laid for CONCOR site needs to have several culverts at the level of low tide for free flow of tidal water on either side of the road and maintaining connectivity.
5. The dumping of garbage, plastic and other solid waste needs to be removed and the area should be prohibited from dumping waste in and around the mangrove habitat.
6. Culverts need to be constructed at regular intervals during the road laying process especially in the vicinity of mangroves by all agencies.

7. A proper Mangrove assessment, documentation and management plan should be put in place and executed for Kakinada district by the concerned District and Port authorities.
8. The restoration of mangroves and evaluation plan will be provided along with the budgetary estimates after the removal of the dumped soil/gravel.



Dr. Suresh Babu Pasupuleti,  
Scientist 'D', Ministry of Environment,  
Forest and Climate Change, Integrated  
Regional Office, Vijayawada.



Dr. T. Byragi Reddy,  
Expert Member of APCZMA.



Dr. R. Ramasubramanian,  
Senior Fellow, Coastal Systems Research  
Programme, M S Swaminathan Research  
Foundation, Chennai.



Sri I K V Raju,  
District Forest Officer, Kakinada, Forest  
Department, Govt. of Andhra Pradesh.



Dr. Goldin Quadros,  
Principal Scientist (Sci. - E), Division of  
Wetland Ecology, SACON (South India  
Centre - WII), Coimbatore.



Dr. Manik Mahapatra,  
Scientist 'B', National Centre for Sustainable  
Coastal Management, Chennai.

**Photographs taken during inspection of Joint Committee**



**Garbage disposal in the mangrove area**



The area is protected by watch and ward with CCTV Camera





Dead Mangrove saplings



Partial removal of road for free flow of tidal water (This picture is near CONCORD road)



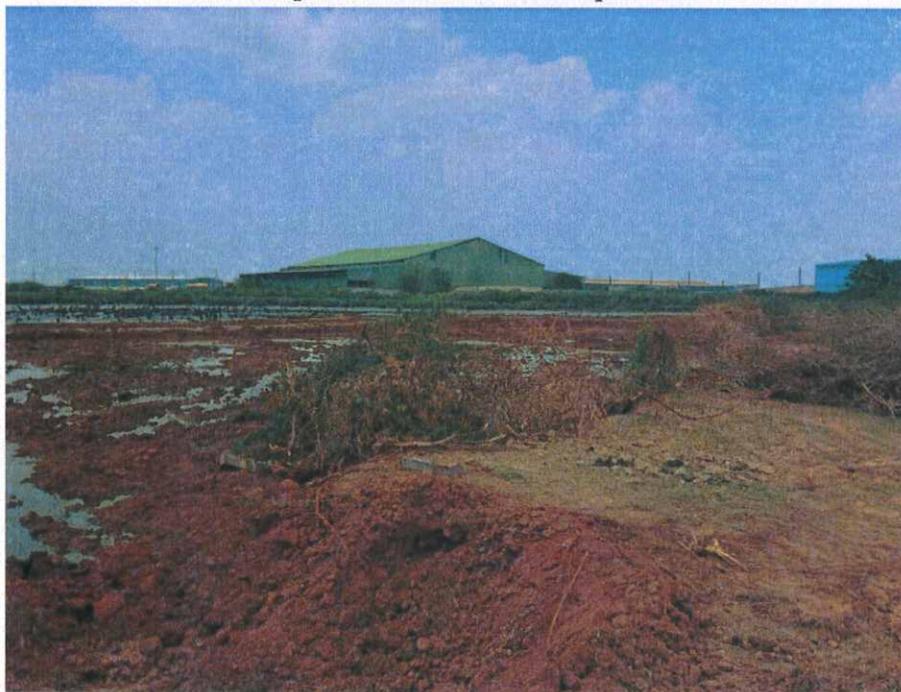
Partial removal of gravel from the site showing more than 1.2 m of soil dumped



*Prosopis* invasion in the dumped soil



*Prosopis* invasion in the dumped soil



Dead Mangroves due to lack of tidal flow (back)



Damage to mangroves in NHAI road expansion