

**BEFORE THE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE) CHENNAI**

ORIGINAL APPLICATION No. 7 OF 2024

In the matter of:

Tandur Citizens Welfare Society

... Applicant(s)

Versus

The Collector of Vikarabad & 5 Ors.

....Respondent(s)

**REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 4, CENTRAL
POLLUTION CONTROL BOARD**

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 55 years currently working as Scientist 'E' in Central Pollution Control Board, Regional Directorate - Chennai, 2nd Floor, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm, declare on oath and sincerely state as under: -

1. That it is humbly submitted that I am presently working as Scientist 'E' & holding charge of Regional Director (Chennai), Central Pollution Control Board (hereafter referred to as "CPCB") have made myself acquainted with the facts and circumstances of the instant case due to the official capacity as mentioned above and on the basis of available records, I am well versed with the facts and circumstances of the matter and as such competent & authorized to submit this reply on behalf of Respondent No.4.
2. That, I have read and understood the averments made by Applicant in synopsis, list of dates, grounds and annexures enclosed with the O.A and at the outset it is respectfully



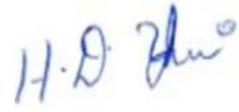
H.D. Varalaxmi
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submitted that the Answering Respondent deny all contents as well as averments, questions of law raised and grounds taken in the Application and reply all together in the following paragraphs.

PRELIMINARY SUBMISSIONS

3. That it is humbly submitted that the grievances made in the application are regarding the pollution of River Kagna and its tributary River Chilukala Vagu due to free inlet of filth & drainage water from Yalal and Tandur Mandals, and illicit sand mining activities by mafias.
4. That CPCB is a Statutory Board which has been constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions assigned to it under The Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as Water Act, 1974), The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as Air Act, 1981) and The Environment (Protection) Act, 1986.
5. That it is humbly submitted that under Section 24 (1) (b) of The Water (Prevention and Control of Pollution) Act, 1974 lays down that “no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences”. Further, Section -25 imposes restrictions on new outlets and new discharges.
6. Further, submitted that the State Pollution Control Boards have been created in all States under the Water Act, 1974 and under the Air Act, 1981, to implement the provisions of these Acts in respect of their territorial Jurisdiction. The State Pollution Control Board has been empowered and conferred to implement the provisions of these



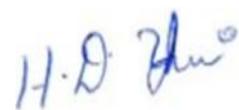

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Acts as stipulated therein. Therefore, Telangana State Pollution Control Board (hereinafter referred to as TSPCB) is empowered to implement the provisions of these Acts and takenecessary action under Water Act, 1974.

PARA-WISE REPLY

7. That the averments made under the heading "Facts in Brief" in Paras 1 to 2 states about the details of the Applicant, Tandur locality, and River Kagna. These being general statements related to the personal capacity of applicant,hence, requires no reply from this Answering Respondent.
8. That the averments made under the heading "Facts in Brief " in Para 3 enumerates about the past condition of River Kagna, and the alleged causes of degradation of the river. The averments made in Para 4 states about the allegations of deterioration of the Check-Dam constructed on River Kagna due to alleged seepage of filthy drainage water and illegal sand mining. Inthis regard, it is humbly submitted that the facts alleged are contentious in nature and needs to be replied by the concerned authorities of the State Government.
9. That the averments made under the heading "Facts in Brief " in Para 5 states about the allegations regarding Encroachment, diversion by land mafias, and contamination due to drainage water to Chilukala Vagu, a tributary river of River Kagna in Yalal and Tandur Mandals. It is humbly submitted that the facts alleged are contentious in nature and needs to be replied by the concerned authorities of the State Government.
10. That the averments made under the heading "Facts in Brief " in Para 6 statesabout the alleged sewage discharges from the village Kokat of Yalal Mandal causing pollution and contamination to River Kagna. It is humbly submitted that the facts alleged are contentious in nature and needs to be replied by theconcerned authorities of the State Government.



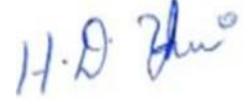

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11. That the averments made under the heading " Facts in Brief" in Paras 7 to 9 state about the news article published in Eenadu Newspaper regarding the pollution and contamination of River Kagna and its tributary river Chilukala Vagu wherein the Applicant had mentioned that no reply was received to the legal notice apart from Respondent No.6. It is humbly submitted that the as per records available with this Answering Respondent, no such notice has been received.
12. That the averments made under the heading "Facts in Brief" in Para 10 states about health hazards to humans and animals due to water pollution are matter of record and hence, no comments are offered from this AnsweringRespondent.
13. That the averments made under the heading "Facts in Brief" in Para 11 states about the legal rights of citizens to access clean water under the Right to Life and Environment Safety under the Environment (Protection) Act,1986 and hence, no comments are offered from this Answering Respondent.
14. That the averments made under the heading "Facts in Brief" in Para 12 relates to the opinion of applicant regarding stepping up of courts on inactions of executive or legislative inactions. These being general statements, hence, requires no reply from this Answering Respondent.
15. That the averments made under the heading "Grounds" in Paras 1 to 7 state the grounds for filing the O.A related to water pollution of River Kagna and its tributary river Chilukala Vagu allegedly caused by the seepage of filthy drainage water, illicit sand mining, and encroachment. In this regard the submissions made by this Answering Respondent in above said Paras are reiterated and may please be considered.
16. That this Respondent further craves leave of this Hon'ble Tribunal, to file further reply, if any required in future.



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17. That in light of the above submission, it is respectfully submitted that this Answering Respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the instant OA.

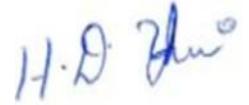


Deponent
H.D. VARALAXMI, M.Tech
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VERIFICATION

It is verified that the contents of this Reply Affidavit is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this the sixth day of April, 2024, at Chennai.



DEPONENT
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COUNSEL FOR THE RESPONDENT 4

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Advocate D. S. Ekambaram

COUNSEL FOR CPCB/ R4