

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONAL BENCH AT CHENNAI
ORIGINAL APPLICATION NO. 74 OF 2020

IN THE MATTER OF:

D. PAL & ORS.

...APPLICANTS

VERSUS

STATE OF ANDHRA PRADESH & ORS.

...RESPONDENTS

**RESPONSE TO THE ACTION TAKEN (COMPLIANCE) REPORT OF
DISTRICT COLLECTOR, KAKINADA DATED 21.04.2023**

MOST RESPECTFULLY SHOWETH

1. That the above titled Application was filed under Section 14 and 15 of the National Green Tribunal Act, 2010 raising substantial questions relating to the environment regarding the blatant violation of the provisions of the CRZ Notification, 2019 as well as CRZ Notification, 2011 by the State of Andhra Pradesh in Kakinada, East Godavari District, Andhra Pradesh whereby large scale clearing of mangrove forests and reclamation of a creek was being carried out for the purpose of a housing project for low income group population as well as container depot for the railways.
2. That the Hon'ble Tribunal disposed of the Original Application vide Order dated 29.09.2022 with the following directions:
 - a. State of Andhra Pradesh restrained from carrying out the construction of project in CRZ – IA area;

- b. No change in land use which is likely to affect the existence of mangroves and its protections;
- c. District Collector directed to remove the obstruction caused to the creek which is passing through the proposed project area to ensure free flow of seawater in the creek;
- d. Public Works Department & the Kakinada Port Authorities directed to provide box type vents to provide access to the saline water for the mangroves;
- e. State of Andhra Pradesh directed to pay an interim compensation of Rs. 5 Crore only for the damage caused to the mangroves in the existing area;
- f. In order to assess the environmental compensation and the amount required for restoration of the damage caused to the mangroves, a Committee was appointed comprising of NCZMA; SCZMA – Andhra Pradesh; a Member from M.S. Swaminathan Research Foundation having expertise in mangrove ecosystem and marine ecosystem, a Member from the East Godavari Estuarine Ecosystem Foundation, a Member from the Salim Ali Centre for Ornithology and Natural History, Coimbatore and a Member from the National Centre for Sustainable Coastal Management, Chennai. State of Andhra Pradesh directed to pay the compensation assessed within a period of 3 months. The Committee was also directed to prepare a plan for conversion of the land into a mangrove forest.

3. That the District Collector filed an Action Taken Report on 21.04.2023 describing the steps taken by them in compliance with the directions of the Hon'ble Tribunal contained in Order dated 29.09.2022.

Objections/ Suggestions of the Applicants to the Action Taken Report of the District Collector

Objections to the Action Taken Report on behalf of the Applicants:

A. Obstructions from the creek have not been removed, in violation of the directions of the Hon'ble Tribunal

4. That the District Collector, in its Action Taken Report dated 21.04.2023 has stated that the Commissioner, Municipal Corporation, Kakinada has taken action and removed the obstruction for free flow of seawater.
5. That the Hon'ble Tribunal had directed vide Order dated 29.09.2022 the following regarding removal of obstruction caused to the creek:

"85. (III) The State of Andhra Pradesh through its District Collector is directed to remove the obstruction caused to the creek which is passing through the proposed project area under dispute so as to ensure the free flow of seawater in the creek to enable the sustenance of mangroves in that area."

6. However, the mud filling at the site is still present in violation with the direction of this Hon'ble Tribunal. The mud filling has created an

obstruction to free flow of seawater into the creek, which is affecting the health of the mangrove forest.

7. That the Applicant visited the site and noticed that the mud filling done on the ground to undertake constructions has not been removed, which is acting as an obstruction to the sea water entering into the creek.

Copy of photographs showing mud filling at the site is annexed herewith as **ANNEXURE A-1**.

B. Underground tunnels at the site are blocked with mud, obstructing free flow of sea water

8. That the tunnels present at the location which provide accessibility to the sea water to pass through are filled with mud, which is acting as a hindrance to sea water.

Copy of the photograph showing the tunnel filled with mud is annexed herewith as **ANNEXURE A-2**.

C. No box vents have been provided for seawater flow to mangroves located on the landward side, as per District Collector's own admission in the Action Taken Report

9. That the District Collector in its Action Taken Report dated 21.04.2023 has admitted to the fact that no box vents have yet been provided. The Action Taken Report clearly states that the Project Director, NHAI, Rajamahendravaram has informed the District Collector vide letter dated 14.03.2023 that it proposes to construct two minor bridges on the road where saline water is crossing. The Action Taken Report also mentions that drawings of the proposed

crossings and formation of vents have been provided by the Project Director, NHAI. However, no action for provision of such box vents has been taken, in clear violation of the directions of this Hon'ble Tribunal.

10. That the Hon'ble Tribunal had directed the State of Andhra Pradesh to provide box vents to ensure that seawater flow is maintained to mangroves located beyond road and landward side. The Hon'ble Tribunal had directed the following:

"85. (IV) The State of Andhra Pradesh through its concerned instrumentalities viz., Public Works Department & the Kakinada Port Authorities are directed to provide as many box type vents as possible in the road that has been constructed by the Port Authorities under ADB funded project between the sea and the land prior to coming into the force of CRZ Notification, 1991 in this area so as to provide access to the saline water for the mangroves that is being in existence beyond the road on the land ward side as seen from the Forest Cover Map prepared by the Forest Department to protect the mangrove forest in that area."

11. That even after more than 7 months since the passing of directions by the Hon'ble Tribunal, no action has yet been taken on provision of box vents. More delay in providing box vents will further endanger the ecology of the area due to an obstruction of seawater to the mangroves on the landward side.

Suggestions on behalf of the Applicants:

D.Representation from the civil society (fishermen community) to the Joint Committee constituted by the Hon'ble Tribunal and provision of adequate compensation to them on account of livelihood loss

12. That the Hon'ble Tribunal had constituted a Joint Committee vide its Order dated 29.09.2022 to assess the environmental compensation and the amount required for restoration of the damage caused to the mangroves (Para 85 (VI)). The Joint Committee was also directed to suggest a plan for the area to be converted into a full-fledged mangrove forest to improve the coastal environment (Para 85 (VIII)).
13. That the Joint Committee presently consists of members of NCZMA; SCZMA – Andhra Pradesh; a Member from M.S. Swaminathan Research Foundation having expertise in mangrove ecosystem and marine ecosystem, a Member from the East Godavari Estuarine Ecosystem Foundation, a Member from the Salim Ali Centre for Ornithology and Natural History, Coimbatore and a Member from the National Centre for Sustainable Coastal Management, Chennai.
14. That it is requested that a member of the civil society, especially from the fishermen community may also form part of the Joint Committee, in order to ensure that the suggestions and recommendations of the people living in that area are also taken into account, when deciding on the compensation for restoration and plan to convert the area into a full-fledged mangrove forest.

15. That while deciding the compensation, the Joint Committee should also keep in mind the loss of livelihood caused to the fishermen community because of the destruction caused to the mangroves and reclamation of creek. The fishermen community are incurring livelihood losses due to mangrove destruction which should be compensated.
16. That the Joint Committee may consider the suggestions of the Applicants and include members of fishermen community in the Joint Committee and also make provision for adequate compensation for them.
17. Therefore, in the interest of justice, the Hon'ble Tribunal may be pleased to consider the objections/ submissions of the Applicants to the Action Taken Report of the District Collector for further adjudication.

THROUGH



RITWICK DUTTA



RAHUL CHOUDHARY



G. STANLY HEBZON SINGH

ADVOCATES

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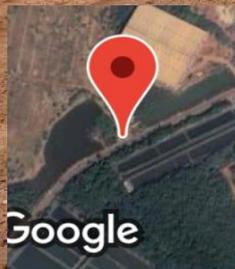
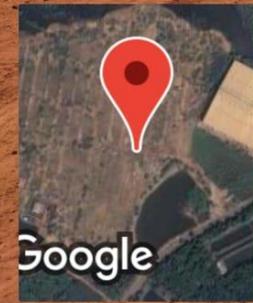
Email:- Litigation.life@gmail.com

Place:- Chennai/Delhi

Dated:- 22.05.2023

Annexure A-1

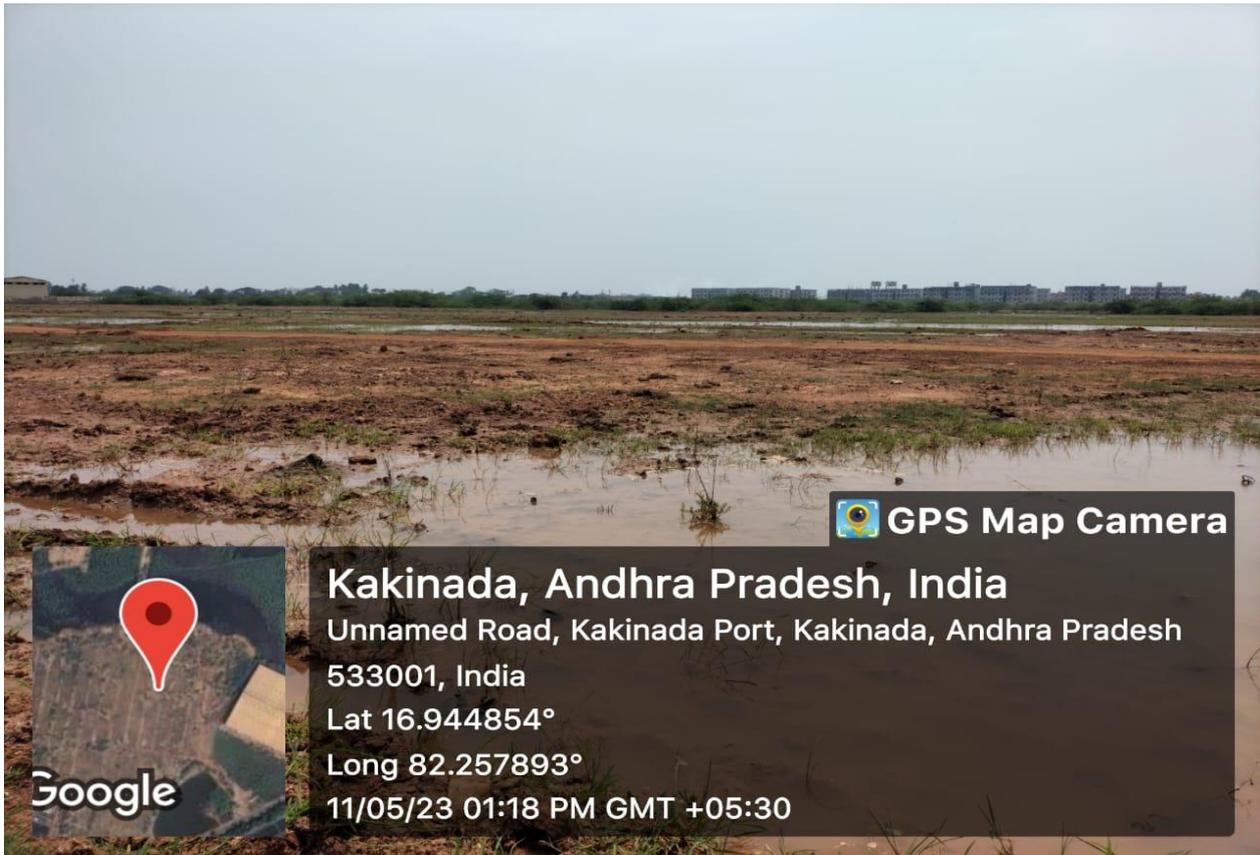
Photos showing mud filling at the creek causing obstruction to free flow of sea water to the mangroves





 **GPS Map Camera**

Kakinada, Andhra Pradesh, India
W7V4+MVG, Kakinada Port, Kakinada, Andhra Pradesh
533001, India
Lat 16.943976°
Long 82.257869°
11/05/23 01:09 PM GMT +05:30



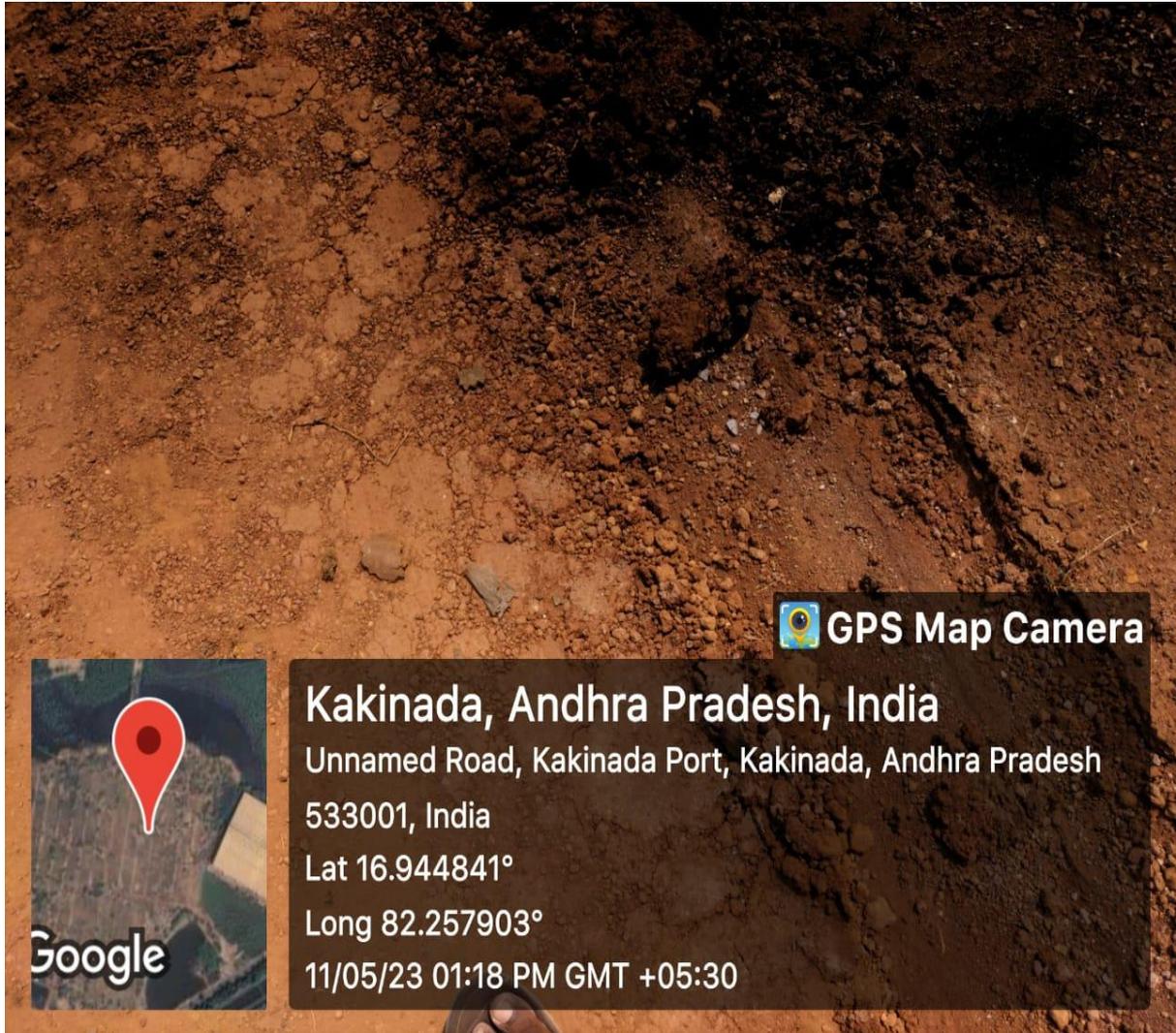
 **GPS Map Camera**

Kakinada, Andhra Pradesh, India
Unnamed Road, Kakinada Port, Kakinada, Andhra Pradesh
533001, India
Lat 16.944854°
Long 82.257893°
11/05/23 01:18 PM GMT +05:30

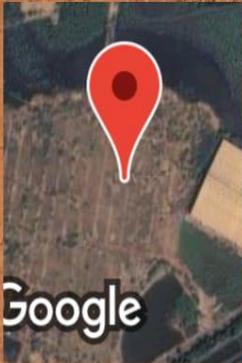


Annexure A-2

Photo showing the tunnel filled with mud



 GPS Map Camera



Kakinada, Andhra Pradesh, India
Unnamed Road, Kakinada Port, Kakinada, Andhra Pradesh
533001, India
Lat 16.944841°
Long 82.257903°
11/05/23 01:18 PM GMT +05:30