

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

**In**

**O.A.No.89 of 2020 (SZ)**

**IN THE MATTER OF:**

**Sri.Sunkara Swamy Naidu  
Welfare Organization**

**.....Applicant(s)**

**with**

**State of Andhra Pradesh  
and Ors.**

**.....Respondent(s)**

**Joint Committee Inspection Report**

*C. Palpandi*

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

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

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

**IN**

**O.A.No. 89 of 2020 (SZ)**

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

**IN**

**O.A.No. 89 of 2020 (SZ)**

**Report of the Joint Committee**

**I Preamble:**

The grievance in this application is regarding illegal closure of Nallah in Sunkarapalem Village of East Godavari District of Andhra Pradesh. According to applicant this Nallah passes through two areas, namely one through Sunkarapalem Village in Thallarev Tehsil in East Godavari District of Andhra Pradesh and Yanam of Puducherry Union Territory. According to the applicant, this Nallah is recorded in the Revenue records and it runs through the village of Sungarapalem passing through Yanam and emptying into the Bay of Bengal. It carries the excess rain water during the monsoons to prevent flooding in monsoon season. If this channel is filled up, it will prevent flowing of excess rain water during monsoon and which is likely to result in flooding and inundation of the entire village and also the adjoining Kanakalapetta village in Yanam. It is alleged in the application that the State of Andhra Pradesh has launched a scheme for providing land to homeless for construction of houses and in the guise of the same they are trying to level the area which contains the disputed nallah as well. In order to ascertain the real state Hon'ble NGT has appointed a Joint Committee.

**II Hon'ble NGT orders:**

*In order to ascertain the real state of affairs and also to find out whether any attempt has been made by the office of the first respondent, we feel it appropriate to appoint a Joint Committee comprising of a Senior Officer of Regional Office, Ministry of Environment, Forests and Climate Change (MoEF&CC), Chennai, a Senior Officer*

*of Central Pollution Control Board, Chennai, District Collector, East Godavari District and Deputy Collector of Government of Pondicherry, Yanam to inspect the area in question and submit a factual and action taken report, if there is any violation found. The committee is also directed to submit a report regarding the existence or otherwise of nallah as per the revenue records and if any act has been done to fill the same, the damage if any, caused to environment on account of such illegal filling up of nallah and assess the environment compensation for the violation found to restore the same to its original position. Copy of the order is enclosed as **Annexure-I.***

### **III Composition of the Committee:**

In compliance to Hon'ble NGT order dated 30.06.2020, the committee comprising of following members was composed:

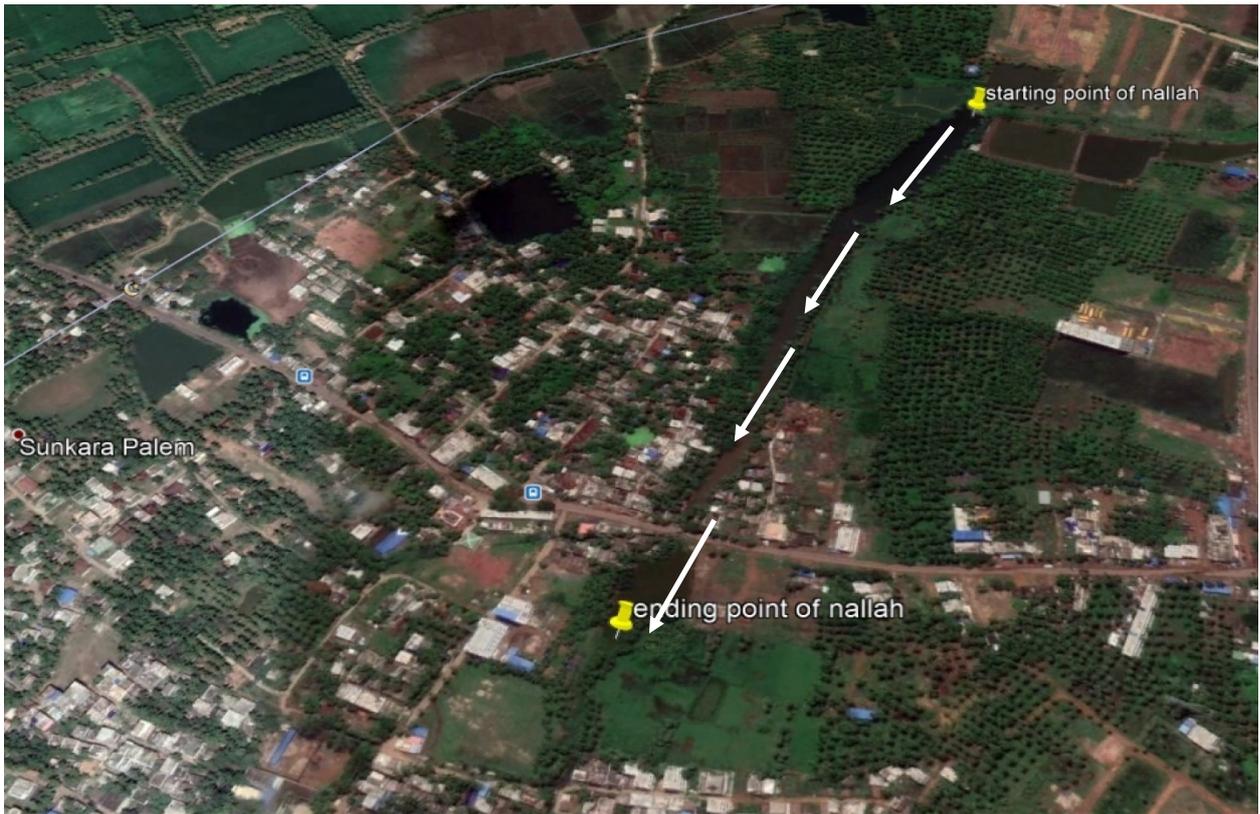
1. Dr. C. Palpandi, Scientist 'C', Ministry of Environment Forest and Climate Change.
2. Dr.K.G.Prijilal, RO, Ministry of Environment Forest and Climate Change.
3. Smt. Mahima T, Scientist-D, CPCB, Regional Directorate-Chennai
4. Shri A.G. Chinni Krishna, RDO, Kakkinada Division, East Godavari District

The committee visited the area on 10-12-2020. During the visit, the representatives from the Revenue Department of State of Andhra Pradesh also participated in the visit. On behalf of Government of Puducherry no member was present.

### **IV About the Nallah:**

A natural drain is existing in Sunkarapalem village in Tallarevu Mandal in the area bordering East Godavari district of A.P and Yanam, Puducherry. It is recorded in the revenue maps of both Yanam, Puducherry and East Godavari district. The nallah runs from Sunkarapalem, Yanam and empties into Godavari River and which

intern empties into Bay of Bengal. As per the revenue records, previously, the width of the drain was 41.4m.



Google earth image of 11/07/2020 which indicates the encroachment of the drain at both East Godavari in A.P and Yanam in Puducherry .Google Earth image of 11/7/2020

#### **V About Andhra Pradesh YSR Navaratnalu Pedalandarikillu Scheme:**

State of Andhra Pradesh has launched Navaratnalu Pedalandarikillu scheme “houses for all poor”. Under this scheme, the revenue department had previously proposed house sites in Sunkarapalem village, TallarevuMandal in East Godavari district in 2.24 acres of land. This proposed land included both nallah and area surrounding it. It was reported by the Revenue Authorities that it was proposed to strengthen the existing nallah by construction of bunds and to utilize the surrounding area for construction of houses. Subsequently, this proposed land is not considered for construction activity and al alternate land is identified by the Revenue and District Authority. Submissions made by revenue department, East Godavari district is placed as **Annexure-II**.

## VI Present status of Nallah:

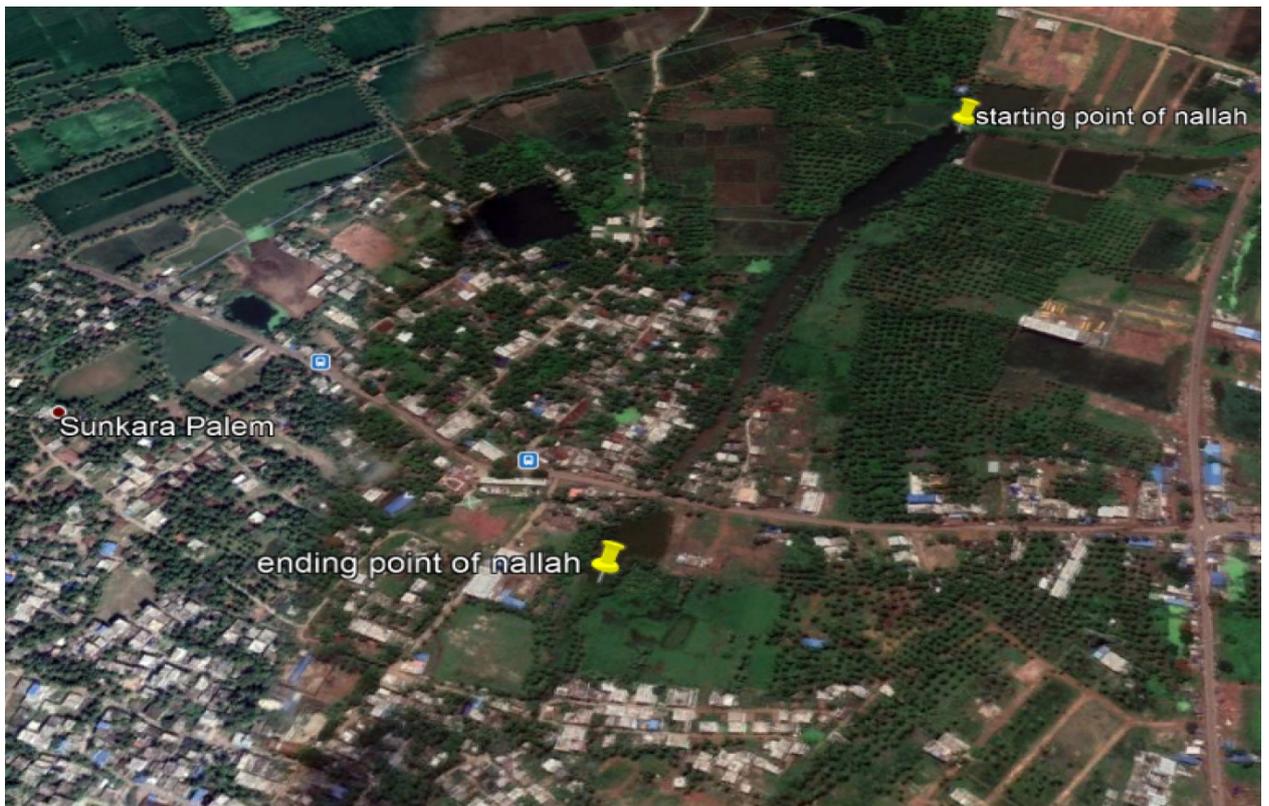
The present width of the nallahs reduced from 41.5m to 12m and remaining area of the nallah is encroached. Out of existing 12m width the active area available for flow is less than 3m. The drain is completely eutrophied, there is no flow. The committee observed that the encroachment comprises of small houses (economically backward class). Historical satellite images of 2002. On the day of inspection it was observed that Regional Administration of Yanam was cleaning the nallah falling in the jurisdiction of Union Territory of Puducherry but the desilted material is stored adjacent to the nallah itself and during monsoon, the desilted material may get into the nallah itself. Garbage and other plastic waste are floating in the nallah.



Google earth image of 19/03/2002 which clearly indicates that there are no encroachments around the drain



Google Earth image of 26-10-2016 indicating that there is no significant encroachment in the area



Google Earth image of 11-07-2020 indicating the encroachments and construction of houses.



**Photo: Nallah**



**Photo: cleaning of nallah by Regional Administrator, Yanam**



**Photos showing the encroachment around the nallah**



**Photo: Desilted material stored adjacent to nallah**

## **VII Conclusions of the Committee:**

1. The nallah in Sunkarapalem village in Tallarevu mandal was previously proposed by Government of Andhra Pradesh for construction of houses under Navaratnalu scheme. Subsequently, District Authorities have identified an alternate site in RS No.14411A, etc., of Ac.11.66 Cts in Neelapalli Village in Tallarevu Mandal, East Godavari for construction of houses under the scheme. Presently, the District Collectorate, East Godavari and Revenue Authorities of East Godavari district have not taken up any construction activity in the land in which the nallah is situated in Sunkarapalem village in Tallarevu Manadal in East Godavari district.
2. The width of the nallah is reduced from 41.5 to 12m and active width of the nallah available for flow is reduced to less than 3m. The nallah is deposited with rags, sediment etc. and clogged. The drain shall be cleaned and strengthened by construction of bunds. The eutrophied portion of the nallah

shall be cleared and Both State of Andhra Pradesh and Puducherry shall take measures to protect the nallah and restore the existing 12m width of the nallah.

3. The existing width of the nallah shall be cleaned, the nallah shall desilted, the bunds shall be constructed jointly by District administration of East Godavari and Regional Administration of Yanam. Proper Safeguard measures shall be taken to prevent dumping of garbage into the nallah.
4. APPCB shall analyse the desilted material and based on its characteristics shall instruct the District Authorities whether the desilted material has to be disposed in TSDF or can be used as manure or suggest any appropriate disposal method. The district Authorities of East Godavari and Yanam shall dispose the desilted material as per suggestions of APPCB.
5. Unauthorized construction in the area shall be cleared by Puducherry and Andhra Pradesh and original width of the drain shall be restored.

*C. Palpandi*  
**Dr. C. Palpandi**

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

*Mahima.T*  
**Mahima T**

Scientist "D"  
Central Pollution Control  
Board, Regional  
Directorate, Chennai



**Dr. K.G. Prijilal**  
Research Officer  
Ministry of Environment,  
Forest & Climate Change  
Integrated Regional Office,  
Chennai



**Shri A.G. Chinni Krishna**  
Revenue Divisional Officer  
Kakinada Division, East  
Godavari District, Andhra  
Pradesh

**Item No.01:**

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

**Original Application No. 89 of 2020 (SZ)**

*(Through Video Conference)*

**IN THE MATTER OF**

Sri. Sunkara Swamy Naidu  
Welfare Organisation

....Applicant(s)

*Versus*

The State of Andhra Pradesh  
and others.

....Respondent(s)

**Date of hearing: 30.06.2020.**

**CORAM:**

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

**HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

**For Applicant(s):** Sri. Govind Chandrasekhar through  
Sri. Sharath Chandran

**For Respondent(s):** Smt. Maduri Donti Reddy for R1,R3 & R4.

**ORDER**

1. The grievance in this application is regarding illegal closure of *Nallah* in Sunkarapalem Village of East Godavari District of Andhra Pradesh. According to applicant this *Nallah* passes through two areas, namely one through Sunkarapalem Village in Thallarev

Tehsil in East Godavari District of Andhra Pradesh and Yanam of Puducherry Union Territory.

2. According to the applicant, this Nallah is recorded in the Revenue records and it runs through the village of Sungarapalem passing through Yanam and emptying into the Bay of Bengal. It carries the excess rain water during the monsoons to prevent flooding in monsoon season. If this channel is filled up, it will prevent flowing of excess rain water during monsoon and which is likely to result in flooding and inundation of the entire village and also the adjoining Kanakalapetta village in Yanam. Infact, during the last cyclone period caused due to Helen, Hud Hud and Phailin cyclones, these areas were inundated in water and huge amount was spent by the respective State Government to provide relief to the persons affected by the flood.
3. It is also alleged in the application that this Tribunal in one of the cases namely *Human Rights and Consumer Protection Cell Trust Vs. State of Telengana and others (Original Application No. 63 of 2016 (SZ) vide order dated 28.11.2016)* restrained the State of Telangana from filling up *Nallahs*, (*Nallah* mentioned in that case)

4. According to the applicant, the State of Andhra Pradesh has launched a scheme for providing land to homeless for construction of houses and in the guise of the same they are trying to level the area which contains the disputed *nallah* as well. So, the applicant filed the application seeking the following reliefs: -

- (i) To direct the 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents to restore the water channel at Sunkarapalem village in the Thallarevu Tehsil in Andhra Pradesh;*
- (ii) To grant an order of perpetual injunction forbearing the 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents from illegally closing the water channel at Sunkarapalem Village in the Thallarevu Tehsil in Andhra Pradesh;*
- (iii) To awards the cost of these proceedings;*
- (iv) And to grant such other reliefs as this Hon'ble Court sees fit impose in the facts and circumstances of the case."*

5. When the matter came up for hearing today through Video Conference, Sri. Govind Chandrasekhar through Sri. Sharath Chandran represented the applicant and Smt. Maduri Donti Reddy represented the respondents 1, 3 and 4. The learned counsel for the applicant reiterated the contentions in the application. The learned counsel appeared for the State of Andhra Pradesh submitted that as per the instructions received from the 4<sup>th</sup> respondent, Tahsildhar for the purpose of providing patta to land less for construction of houses for homeless, initial survey has

been done by village level officials to identify the area and no work has been started as alleged by the applicant.

6. On going through the allegations, we are satisfied that there arises a substantial question of environment for consideration by this Tribunal. *Nallahs* play a role in regulating the excess rain water during monsoon especially when it reaches the sea or culminates in the river which ultimately reaches the sea. If any block has been caused through any portion of such *nallahs*, it is likely to affect the free flow of excess rain water during monsoon and it is likely to cause flood and inundation in those areas. There is only allegation and counter allegation regarding the alleged act of filling up the *nallah* by the officials of the first respondent State.
7. Further it is seen from the allegations in the application that it not only affects a portion of certain villages in East Godavari District of Andhra Pradesh but also affects Yanam in Puducherry Union Territory. Since notice has been taken by the respondents 1, 3 and 4 by the standing counsel, we are dispensing with the notice to those respondents.
8. In order to ascertain the real state of affairs and also to find out whether any attempt has been made by the office of the first respondent, we feel it appropriate to appoint a Joint Committee comprising of a Senior Officer of Regional Office, Ministry of

Environment, Forests and Climate Change (MoEF&CC), Chennai, a Senior Officer of Central Pollution Control Board, Chennai, District Collector, East Godavari District and Deputy Collector of Government of Pondicherry, Yanam to inspect the area in question and submit a factual and action taken report, if there is any violation found.

9. The committee is also directed to submit a report regarding the existence or other wise of *nallah* as per the revenue records and if any act has been done to fill the same, the damage if any, caused to environment on account of such illegal filling up of *nallah* and assess the environment compensation for the violation found to restore the same to its original position.
10. Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai will be act as nodal agency for co-ordination and for providing necessary logistics for this purpose.
11. The applicant is directed to take steps to issue notice to 2<sup>nd</sup> respondent through e-mail /Registered Post and by Dusthi and produce group of service of notice by filing an affidavit required under rules.

12. The applicant is also directed to serve a copy of the application along with the documents to the counsel appearing for the official respondents of State of Andhra Pradesh namely respondents 1, 3 and 4 by e-mail or directly within a week.
13. The applicant is also directed to produce necessary requisites to serve notice on the 2<sup>nd</sup> respondent to this Tribunal within a week.
14. The committee is directed to submit the report to this Tribunal within a period of two months on or before 11.09.2020 through e-mail or e-filing at [ngtszfilings@gmail.com](mailto:ngtszfilings@gmail.com).
15. The Registry is directed to serve a copy of this order along with the application and the documents produced to the members of the committee through e-mail immediately, so as to enable them to comply with the direction.
16. For appearance of parties, filing their response and consideration of report post on 11.09.2020.

.....J.M.  
**(Justice K. Ramakrishnan)**

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

**O.A. No. 89/2020 (SZ)**  
**30th June 2020. Sr.**



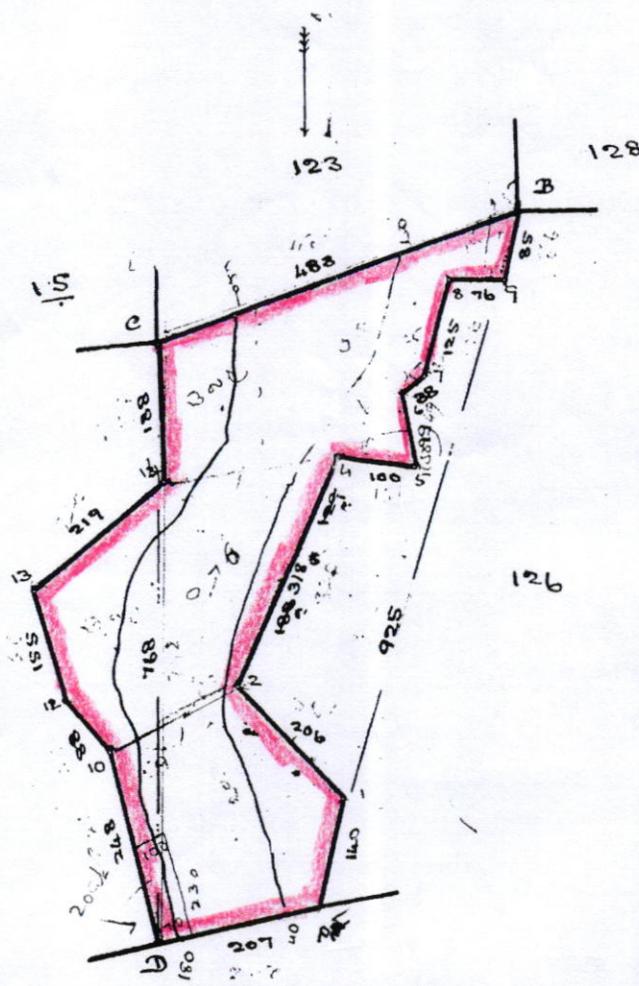
District East Godavari  
Taluk Loolandala

Village { No. 60  
Name Sunkarapalem

Field No. 125

Area 2.24 c Acres.

□ previously proposed house sites in  
Nallaratnalu pedalandaadiki illu  
scheme in Sunkarapalem village  
in 28 x 10.125 - Ac. 2.24 c/A.



		768		
		549	5	14
17	170	646		
2	130	298		
10	65	239		
		D		
		B		
		925		
		840	5	9
	67	815		
	53	688		
	81	662		
	C	894	6	7
		617		
	5	62	6	7
	4	110	5	5
		<del>187</del>	<del>627</del>	
	2	185	2	1
	1	7	1	1
		A		
	D	184	92	Back

Cor. 2  
E. Inspected.

Gauau  
French Territory

MANDAL SURVEYOR  
TALLAREVI.

INSPECTED  
TALLAREVI

Scale 1/2 Inch = One Chain.

Fair a dungle copy of R.S NO. 125 Suntharagalam village & Tallarevu mandal

(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)
125	-	125	20	20	I	3	4	3.50	0.04	0.14	43.2	31.05	2.00	2.24
126-1	126-1P	2	20	20	I	3	4	3.50	0.08	0.28	99.2	36.0	2.00	2.24
3	126-2	2	20	20	I	3	4	3.50	0.11	0.38	77.0	23.4	2.00	2.24
4	126-3	2	20	20	I	3	4	3.50	0.22	0.77	60.0	16.5	2.00	2.24
5	126-4	2	20	20	I	3	4	3.50	1.20	4.20	30.0	8.0	2.00	2.24
6	126-1P	2	20	20	I	3	4	3.50	0.20	0.70	114.0	38.0	2.00	2.24
7	126-5P	2	20	20	I	3	4	3.50	0.17	0.61	115.0	36.0	2.00	2.24

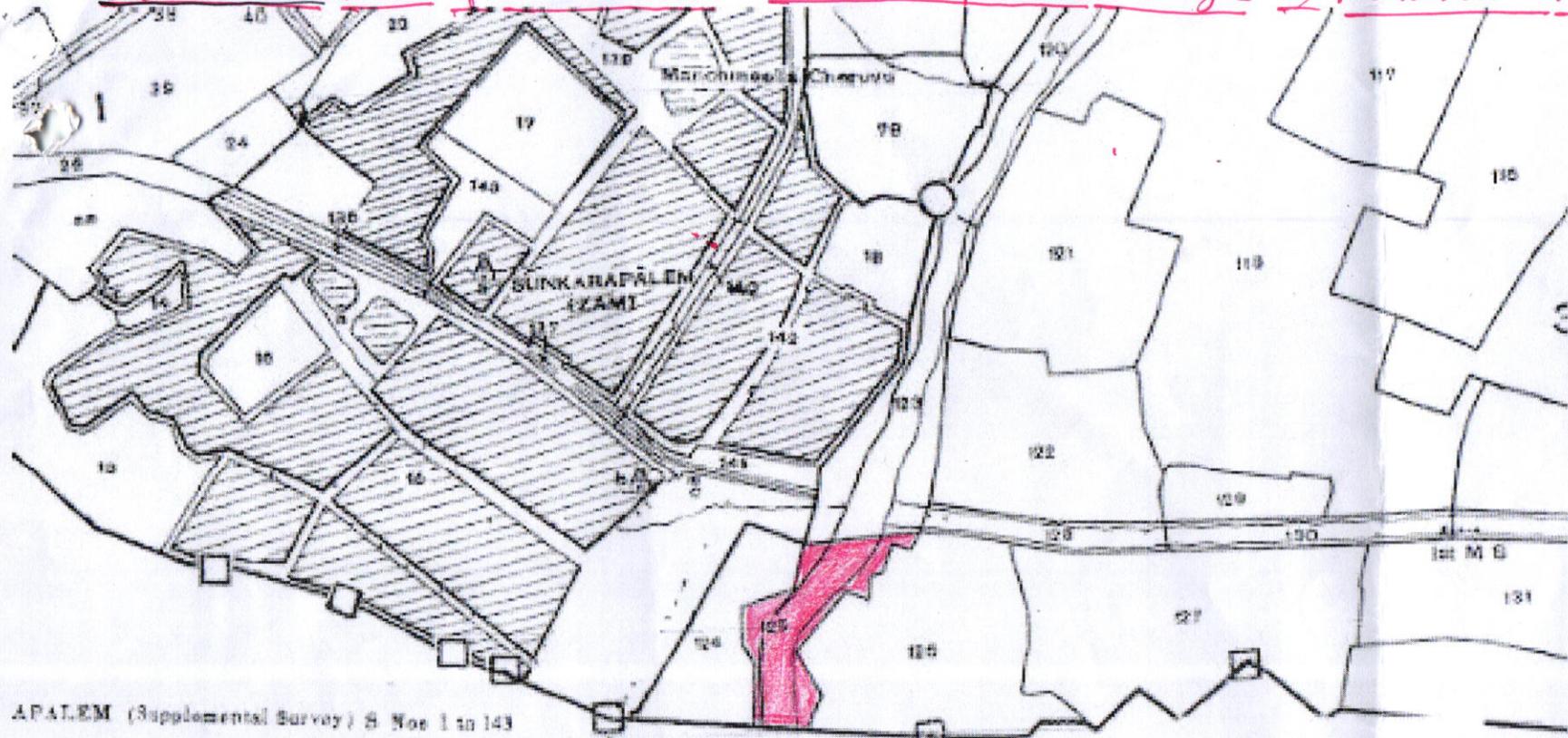
Changes have been incorporated  
 in S. Nos. as per Spl. B.A. No. 3/70  
 D. 13-3-70 of the R.D.O. K. P. dvn  
 Under Splitting up of J. P. Scheme

VIDE sub-division statement (Booklet)  
 Stated for further sub-division created  
 Under Splitting up of J. P. Scheme

**MANDAL SURVEYOR  
TALLAREVU**

**TAHSILDAR  
TALLAREVU**

Combined Plan of R.S. NO. 125 Sunkarapalem village of Tallarevu Mandal



APALEM (Supplemental Survey) S Nos 1 to 143

in superintendence of  
Hon'ble Secy, B. A.,  
& Land Records, A. P.

superintendence of  
M. S. B. S.  
& Land Records, A. P.

Kanakalapeta 1/4 Mile

NO 3  
KANAKALAPET

UNION TERRITORY

previously proposed house site in Navarathna Pedakunduriki illu scheme in Sunkarapalem village in R.S. NO. 125 - A.C. 2.24 etc --

*(Signature)*  
MANDAL SURVEYOR  
TALLAREVU.

*(Signature)*  
TAHSILDAR  
TALLAREVU