

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

OA No 99 OF 2023

IN THE MATTER OF:

Dr. M. SAKAR RAO

..... Applicant

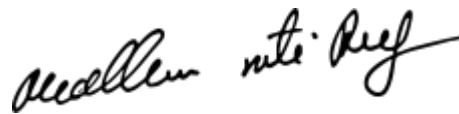
Vs

THE CHIEF SECRETARY, GOVT OF ANDHRA PRADESH & OTHERS

.... Respondents

REPORT FILED BY THE APPCB 4th RESPONDENT

DATE- 27.04.2024



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.

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

**Original Application No. 99/2023 (SZ) [Earlier O.A. No. 311 of
2023(PB)(LP)]**

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

Place: Visakhapatnam
Dt: 25.04.2024


Environmental Engineer
APPCB, Regional Office
Visakhapatnam
Environmental Engineer
A.P. Pollution Control Board
Regional Office, Visakhapatnam

Report in compliance with the Hon'ble NGT, Southern Zone, Chennai vide Order dated 07.03.2024 in Original Application No. 99/2023 (SZ) [Earlier O.A. No. 311 of 2023(PB)(LP)] filed by Dr. M. Sankar Rao, R/o Bheemili, Visakhapatnam, Andhra Pradesh.

It is to submit that Dr. M. Sankar Rao, R/o AMOH-1/(Health Officer-1), Bheemili, Visakhapatnam, Andhra Pradesh has filed a grievance before the Hon'ble National Green Tribunal (NGT), New Delhi in the Original Application (O.A) No. 311 of 2023 (PB) regarding construction raised in prohibited area i.e., CRZ area of Bheemili, Visakhapatnam, Andhra Pradesh, causing environmental degradation thereby violation of provisions of Environment (Protection) Act, 1986 and the Rules framed thereunder.

The Hon'ble NGT, Chennai in its order dated 07.03.2024 in Original Application No. 99/2023 (SZ) [Earlier O.A. No. 311 of 2023(PB)(LP)], stated that "the report of the Andhra Pradesh Pollution Control Board is filed through e-mail, which is yet to be uploaded. The report does not mention what actions they have taken against the violators". Copy of the Hon'ble NGT, New Delhi Order dated 07.03.2024 is submitted as **Annexure-I.**

The Hon'ble NGT, New Delhi in its order dated 26.05.2023 in O.A. No. 311 of 2023 (PB) constituted a Joint Committee comprising (i) Andhra Pradesh CRZ MA, (ii) State PCB and (iii) District Magistrate, Visakhapatnam who shall visit the site, collect relevant information and submit a factual as well as action taken, if any, report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF with the Registrar, Southern Zone Bench, NGT. Copy of the Hon'ble NGT, New Delhi Order dated 26.05.2023 is submitted as **Annexure-II.**

The Hon'ble NGT, Southern Zone, Chennai heard the matter on 30.10.2023 in O.A. No. 99/2023 (SZ) [Earlier O.A. No. 311 of 2023(PB)(LP)] and issued the following directions:

- “1. The learned counsel appearing for the Andhra Pradesh Pollution Control Board and the State Government is directed to furnish the addresses of the violators not only of the application mentioned building but also of the other owners who have constructed in the CRZ area without appropriate permission.
2. Once the addresses are furnished, the Registry is directed to send notices to the said addressees”.

Copy of the Hon'ble NGT, Southern Zone, Chennai Order dated 30.10.2023 is submitted as **Annexure-III**.

In compliance to the Hon'ble NGT Order dated 30.10.2023, the APPCB has requested the Zonal Commissioner, Zone-I, Bheemili Zonal Office, GVMC, Visakhapatnam to furnish the full postal address of the owners who have constructed in the CRZ area without appropriate permission including the building in question mentioned in the petition for onward submission to Hon'ble NGT, Southern Zone, Chennai so as to facilitate the Registry to send notices to the given addresses of the owners/violators.

The Zonal Commissioner, Zone-I, Bheemili Zonal Office, GVMC, Visakhapatnam has submitted the report dt.22.12.2023. The full postal address of the owners furnished by the Zonal Commissioner, Zone-I, Bheemili Zonal Office, GVMC, Visakhapatnam are herewith submitted as below:


Environmental Engineer 2
A.P Pollution Control Board
Regional Office, Visakhapatnam

Sl. No	Name and Address	Postal Address	Latitude	Longitude	Extent in Sqm	Year of Construction	Nature of Construction	Permission details
1	Samudram Guest House, Bheemili Beach Road	Sri B.K.H.S Rama Raju S/o Late Venkata Lakshmi Timmaraju & J.Krishna Chaitanya Varma S/o J.V.Ranga Raju, Samudram Guest house, Opp: Grandhalayam Bheemili Beach Road, Bheemunipatnam (M), Visakhapatnam - 531163. Phone No.9849799799.	17.892273	83.454643	1150	2010	RCC G+1	Approved Vide Proceeding No. BPS.No625/Ward-16,Dt.25-02-2011
2	Kancharla Ravindra nadh S/o Seshaya Naidu near Court building Beach road, Bheemunipatnam (The building in question)	Kancharla Ravindarnath S/o. Seshaiya Naidu T.S.No.442, Bheemili, Beach Road, Near Court Building Beach Road, Bheemunipatnam Visakhapatnam - 531163 G.P. Saipujitha w/o P.Venkatarama Prasanth D.No 1-84/16/1, Plot No. 231, Sector -IV, MVP Colony, Visakhapatnam -	17.89240	83.454349	2290	2015	S+G+1	Applicant applied under BPS vide file No BPS2019/VIS/BHE/BHE/36159 Dt.27.06.2019 further application is rejected due to violation of CRZ Norms

		530017(The building in Question)						
3	Narra Sitha maha Lakshmi	Narra Sitha Maha Lakshmi W/O Narra Loknadh Rao (NL Rao), Near SOS Children Village, Bheemunipatnam Mandal, Visakhapatnam - 531163 Ph.No. 7382928292	17.8 924 25	83.45 3966	143	1994	G+2	BA.No74/94 Dt 18-07-1994
4	Municipal office Store Room	Municipal Office Store Room, Zonal Commissioner, Zone-1, Beach Road, Bheemunipatnam mandal, Visakhapatnam-531163	17.8 929 42	83.45 4311	84	1999	G	-
5	Municipal office old	Municipal Office Old, Zonal Commissioner, Zone-1 Beach Road, Bheemunipatnam mandal Visakhapatnam - 531163	17.8 931 24	83.45 3939	503	1861	G floor Tiled roof extension with RCC building	-
6	Municipal Office new	Municipal Office New, Zonal Commissioner, Zone-1 Beach Road, Bheemunipatnam mandal Visakhapatnam - 531163	17.8 931 8	83.45 3801	193	2011	RCC G+2	-
7	Port office	Operations Office, 2 nd floor, Port Administrative	17.8 932 94	83.45 349	175	1950	M terrace G+1	-

		Building Beach Road Kakinada - 533007					Build ing in Dilap idate d stage	
8	Central excise and Custome office	Office of the Superintendent of Central Tax, Bheemunipatnam GST Range, Visakhapatnam North CGST Division, 10-50-22, 1st floor, Opp: WNS Main Gate Behind Varun Bajaj Showroom, Siripuram, Visakhapatnam - 530003 Ph.No 9494706370	17.8 931 09	83.45 3546	377	1950	Tiled roof	-
9	Dantaluri Janaki Rama Raju	D.Satyanarayana Ravindra Raju, S/o Dantaluri Janaki Rama Raju, D.No 12-26-3, Beside Cambridge School, Near Bheemili Municipal Office Bheemili Beach Road, Bheemunipatnam mandal Visakhapatnam - 531163 Ph.No.99372244 33	17.8 933 51	83.45 3248	331	1994	RCC G+1	BA.No79/94 Dt:27-10-1994


In this connection, it is to submit that the as per EIA Notification-2006 issued by MoEF&CC dated 14.09.2006, the building & construction projects which are having land area more than 50 Ha. (123.553 Acres) and the

project having built-up area of $\geq 20,000$ sq.mts are required to obtain Environmental Clearance from MoEF&CC and Consent from APPCB. As seen from the above data, buildings built-up area is less than 20,000 Sq mts in each case. Hence, APPCB is not initiated any action against the above constructions.

Further, it is to submit that District Level Committee constituted in accordance with the 6 (C) of the CRZ notification, 2011, conducted a meeting on 06.04.2024 at Visakhapatnam Collectorate. The committee issued directions to Greater Visakhapatnam Municipal Corporation(GVMC) & Visakhapatnam Metropolitan Region Development Authority (VMRDA) to ensure that all the projects in CRZ area shall obtain prior approvals from APCZMA before applying for GVMC & VMRDA. The Environmental Engineer, APPCB is member Convenor of the District Level Committee and copies of the letters addressed to GVMC & VMRDA to implement the directions issued by DLC is submitted as **Annexure-IV**.

Submitted.

Place: Visakhapatnam
Dt. 25.04.2024


Environmental Engineer,
APPCB, Regional Office,
Visakhapatnam
Environmental Engineer
A.P Pollution Control Board
Regional Office, Visakhapatnam

Item No.08:-

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

(Through Video Conference)

Original Application No. 99 of 2023 (SZ)
[Earlier O.A. No. 311 of 2023(PB)(LP)]

IN THE MATTER OF:

Dr. M. Sakar Rao.

...Applicant(s)

Versus

The Chief Secretary to Govt. of Andhra Pradesh,
Andhra Pradesh and Ors.

...Respondent(s)

Date of hearing: 07.03.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s): Dr. D. Shanmuganathan represented
Mrs. Madhuri Donti Reddy for R1 to R4.

ORDER

1. Today, there is no representation for the applicant.
2. The report of the 4th Respondent/Andhra Pradesh Pollution Control Board is filed through e-mail, which is yet to be uploaded. The report does not mention what actions they have taken against the violators.
3. At the request of the learned counsel appearing for the State Government, post the matter on **29.04.2024**.



Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No. 99/2023 (SZ)
07th March, 2024. AD.

Annexure-II

Item No. 06

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 311/2023

Dr M. Sakar Rao

Applicant

Versus

State of Andhra Pradesh

Respondent

Date of hearing: 26.05.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Application is registered based on a complaint received by post/e-mail

ORDER

1. This Original Application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') on a letter petition dated 29.01.2023 sent by Dr. M. Sakar Rao R/o AMOH-1/ (Health Officer-1), Bheemili, Visakhapatnam, Andhra Pradesh.

2. Grievance is that there is construction raised in prohibited area i.e., CRZ area of Bheemili, Visakhapatnam, Andhra Pradesh, causing environmental degradation in violation of provisions of Environment (Protection) Act, 1986 and the Rules framed thereunder.

3. In our view, a substantial question relating to environment due to implementation of Scheduled Enactments under NGT Act, 2010 has arisen but before taking any further action in the matter, we find it appropriate

to obtain a factual report for which purpose, we constitute a joint Committee comprising Andhra Pradesh CRZMA, State PCB and District Magistrate, Vishakhapatnam who shall visit the site, collect relevant information and submit a factual as well as action taken, if any, report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF with the Registrar, Southern Zone Bench, NGT.

4. Andhra Pradesh PCB will be nodal agency for coordination and compliance.

5. Registry is directed to transfer record of this matter to Southern Zone Bench, Chennai for further proceedings/directions in the matter.

6. A copy of this order, along with copy of complaint, be forwarded to Andhra Pradesh CRZMA, State PCB and District Magistrate, Vishakhapatnam by e-mail for compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 26, 2023
Original Application No. 311/2023
AB

Item No.02:-

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

(Through Video Conference)

Original Application No. 99 of 2023 (SZ)
[Earlier O.A. No. 311 of 2023(PB)(LP)]

IN THE MATTER OF:

Dr. M. Sakar Rao.

...Applicant(s)

Versus

The Chief Secretary to Govt. of Andhra Pradesh,
Andhra Pradesh and Ors.

...Respondent(s)

Date of hearing: 30.10.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

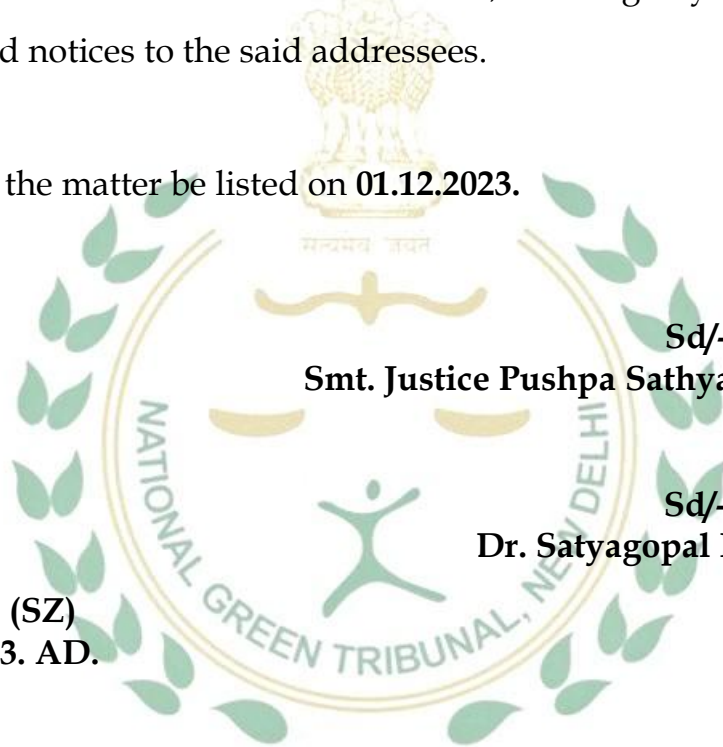
HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 to R4.

ORDER

1. The learned counsel appearing for the Andhra Pradesh Pollution Control Board and the State Government is directed to furnish the addresses of the violators not only of the application mentioned building but also of the other owners who have constructed in the CRZ area without appropriate permission.
2. Once the addresses are furnished, the Registry is directed to send notices to the said addressees.
3. Let the matter be listed on **01.12.2023**.



Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No. 99/2023 (SZ)
30th October, 2023. AD.

GOVERNMENT OF ANDHRA PRADESH

Rc.No.2024/PCB/ROVSP, Dt./04/2024. 182 dt 20-04-2024

From:

**Dr. A. Mallikarjuna, I.A.S.,
Collector & District Magistrate,
Visakhapatnam District**

To:

- 1. The Municipal Commissioner, Greater
Visakhapatnam Municipal Corporation**
- 2. The Metropolitan Commissioner,
Visakhapatnam Metropolitan Region
Development Authority,
Visakhapatnam**

Sir,

Sub: Visakhapatnam District-CRZ Notification 2011 - complaints received
from APCZMA - District Level Committee - Directions issued - Reg.

Ref: District Level Committee meeting held on 06.04.2024.

It is inform thatThe EFS&T (SEC.I) Dept., Govt. of AP. vide G. O. Rt. No. 135, dated 21.12.2022 constituted DLCs, as per the provisions of CRZ Notification 2011. The Collector & District Magistrate is the Chairman. Accordingly, the Collector & District Magistrate, Chairman of the DLC constituted the District Level Committee on 05.05.2023 for Visakhapatnam District in accordance with the CRZ notification, 2011.

The 1st DLC meeting was conducted on 06.04.2024. During the review, the committee noted that in most of the cases, the proponents are started construction in CRZ area without obtaining CRZ clearances. The committee recommended to address a letter to all line departments with a direction to ensure that all the projects in CRZ area shall obtain prior approvals from APCZMA before applying for GVMC & VMRDA.

In view of the above, it is directed to ensure all the projects in CRZ area shall obtain prior approvals from APCZMA before applying for GVMC & VMRDA.



**Collector & District Magistrate,
Visakhapatnam District**