

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

Miscellaneous Application No. 3 of 2023
in
Original Application No.91 of 2020

IN THE MATTER OF:

VENKATAPATHI RAJA YENUMULA

..... Applicant

Vs

UNION OF INDIA & OTHERS

.... Respondents

INSPECTION REPORT FILED BY MINES DEPARTMENT- R5

DATE - 27.09.2024



M/s MADHURI DONTI REDDY
ADVOCATE

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD

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INSPECTION REPORT

As per the instructions of the Collector & District Magistrate, & Chairman, DLSC Dr. B.R. Ambedkar Konaseema District has directed the District Mines and Geology Officer, Dr.B.R.Ambedkar Konaseema District to verify if any illegal sand mining is being carried and to take action in CRZ Jurisdiction in the meeting conducted on MA No.03/2023 in OA No.91/2020. Accordingly, I had proceeded to Mamidikuduru, Malkipuram and Sakhinetipalli mandals which are in CRZ Jurisdiction along with this office Royalty Inspector. At the time of inspection the Revenue Officials of the above mandals are accompanied with us and shown the coastal area. At the time of inspection, there are no excavations in the said areas and no machinery and vehicles are not found around the subject areas. On physical observations, it is noticed that there are aqua culture has been carried out near to the coastal area. On enquiry with the local people no illegal activity ^{is sand} is carried out in coastal belt and banks of river Godavari.

Previously, Sri Venkatapathi Raja Yenumula filed OA No.91/2020 before the National Green Tribunal, Southern Bench at Chennai against Union of India, Government of Andhra Pradesh etc., regarding illegal beach sand mining and aqua farming taking place in 26 Km stretch at certain villages Gollapalem, Kesanapalli, Padamatipalem, Sankaraguptam, Chintalamori of Malkipuram Mandal; Turupupalem, Kesavadasupalem, Antarvedi, Pallipalem of Sakhinetipalli and Gogannamatam of Rajolu Mandals of East Godavari District, Andhra Pradesh and it resulted erosion of the sea and a major disaster in the area, Coastal Regulatory Zone Notification guidelines are blatantly violated by the sand mafia.

Basing on the above, the Technical staff of District Vigilance Squad, East Godavari District has conducted inspections in connection with the Complaint filed by Sri Y.Venkatapathi Raja and News clipping published under the Caption "Chelaregipothunnaru" in Andhra Jyothi District Edition on 03.09.2022 regarding illicit soil activity in coastal zone areas of Mamidikuduru, Sakhinetipalli and Malikipuram Mandals, Dr.BR.AmedhkarKonaseema District. The Technical staff has seized the following vehicles and kept in safe custody of the Station House Officer, Sakhinetipalli.

Sl.No	Name of the Vehicle	Vehicle No	Name of the vehicle owner with address
1	Tractor	AP26TB 7080	A.NarayanaSwamy (A.Ramesh), S/o VenuGopalaRao, 3-71, Battalavariveedhi,
2	JCB	AP05DH6149	Turupupalem, Sivakodu, Malikipuram Mandal, Dr.BR AmbedhkarKonaseema District
3	Tractor	AP05DP6293/ AP39U2140	Y.RatnaSatish, S/o NarasimhaRao, 4-42/2, Moripodu, Near Subbrayudu Temple, Main Road, Sakhinetpalli, Sankaraguptam, Dr.BR AmbedhkarKonaseema District

The DDM&G, Kakinada vide Notice No. 01/DVS/EG, Dated 23.09.2022 has issued notices to Sri A.NarayanaSwamy and Sri Y.RatnaSatish to pay the penalty for the above said vehicles as per APMMC Rules 1966 and deposit 50 % of Market value of the said vehicles in the Form of Bank Guarantee.

Aggrieved to the above notice, Sri Y.RatnaSatish has filed a Writ Petition No. 32058/2022 before the Hon'ble High court of A.P praying for a direction to release the seized vehicles.

Accordingly, the Hon'ble High Court of A.P vide Order Dated 29.09.2022 has issued orders as follows.

“ This writ petition is allowed and the respondents are directed to pass orders in terms of the clause (iii) Sub-Rule(3) of Rule 26 of Andhra Pradesh Minor Mineral Concession Rules 1966 and collect due Seigniorage fee and penalty as per law and release the seized vehicles by the respondent officials to the respective petitioners within a period of one week from the date of copy of the order. No costs. As a sequel interlocutory applications pending if any shall stand closed”.

As per the above orders of the Hon'ble High Court of A.P this office has collected the penalty from the petitioners as follows.

1. CFMS Transaction ID No. 60108041892022, Dated 30.09.2022 of Rs 1700/- towards penalty. (Tractor - AP26TB7080)
2. CFMS Transaction ID No. 60107989472022, Dated 30.09.2022 of Rs 25000/- towards penalty. (JCB - AP05DH6149)
3. CFMS Transaction ID No. 60108033692022, Dated 30.09.2022 of Rs 1700/- towards penalty. (Tractor - AP05DP6293/ AP39U2140)

The DDM&G, Kakinada vide Lr.No. 01/DVS/EG/2022, Dated 30.09.2022 has requested the Station House Officer, Sakhinetipallito release the above said vehicles which were kept under the safe custody in compliance to the orders of the Hon'ble High Court of A.P. Further, it is to inform that this office will issue permission for Sand excavation only after obtaining Environmental Clearance.

Further, it is submitted that, As directed by Hon'ble Supreme Court, all the officers of DLSC shall act as officers of Hon'ble Supreme Court and discharge their duties diligently and transparently so as to curb the illegal sand mining across the State forthwith, The DLSC shall also inspect the complaints forwarded by DMG regarding the illegal sand mining and submit the report to him. The DLSC shall take immediate appropriate actions which may include, photographic/ video graphic evidence along with date, time and geo- coordinate stamped, registration of FIR, seizure of vehicles/ machinery, arrest of the persons/ companies involved etc. in all instances where illegal sand mining is found. Subsequently, the Collector & District Magistrate & Chairman, DLSC has directed line departments to conduct Joint inspections on the sand bearing areas in the Dr. B.R. Ambedkar Konaseema District vide reference 3rd cited. Accordingly, The


line departments have conducted Joint inspection in Sompalli Sand reach in Sompalli Village, Razole Mandal, Dr. B.R. Ambedkar Konaseema District. During the course of inspection the inspection team observed there is no worked out pits are noticed in the Sand Reach, but one TATA HITACHI EX70 at the reach being suspicious and no operator is available at the site. On enquiry it is parked long back and hence, the said machine was seized and handed over to the SHO, Razole for safe custody vide Lr.No,07/vig/2023, Dated:19.05.2023.

Meanwhile, Sri Nagabattula Nageswar Rao,S/o Verriyya the machine owner has filed W.P.No.16833 of 2024 before the Hon'ble High Court of AP.Amaravathi and requested to issue an order writ or direction more particularly in the nature of Writ of Mandamus to direct the respondents no 2nd to release the seizing machinery Tata Hitachi Ex 70 bearing No.KA25B7381 of the petitioner in connection with the inspection of the sand reaches without known to the law under APMMC Rules,1966 and pass such other orders as are deemed fit and proper in the circumstances of the case. Accordingly, the Hon'ble High Court of AP.Amaravathi had disposed off the writ petition duly ordered to collect penalty in terms of clause 16 of G.O.Ms.No.43 Industries & Commerce(Mines-III) Department, dated 08.07.2024 and on payment of such penalty by the petitioner, the respondent shall release the vehicle Tata Hitachi Ex 70 bearing No.KA25B7381 to the petitioner.

Sri Nagabattula Nageswar Rao,S/o Verriyya has submitted a Notarized affidavit to this office and stated that they never do sand excavation illegally and paid Rs. 50,000/- vide ch.no.81214351142024, dated 20.08.2024 towards penalty as per of G.O.Ms.No.43 Industries & Commerce(Mines-III) Department, dated 08.07.2024 and requested to release the machine and this office released the machine vide letter No.32/Sand-DLSC/2023, dated:17.09.2024.

Further it is submitted that this office staff regularly inspecting the illegal prone areas. Now, no sand illegal activity is taking place in the Dr B R Ambedkar Konaseema District and the Department of Mines and Geology will ensure the authority that no illegal excavation of sand in CRZ limit and this office not issued any quarry leases and temporary permits for sand in CRZ limits of the district.

This is submitted for information.


District Mines and Geology Officer,
Dr B R Ambedkar Konaseema District,
Amalapuram.