

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

REPORT FILED BY THE APPCB – R9

DATE - 28.09.2024



M/s MADHURI DONTI REDDY
ADVOCATE

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

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

Miscellaneous Application No. 3 of 2023

in

Original Application No.91 of 2020

IN THE MATTER OF

Sri Venkatapathi Yenumula Raju

....Applicant (s)

Versus

Union of India & Ors

.... Respondent (s)

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Dt: 27.09.2024
Place: Kakinada.

MRS Shankale Raju
Environmental Engineer,
A.P. Pollution Control Board
Regional Office, Kakinada.
ENVIRONMENTAL ENGINEER
A.P.POLLUTION CONTROL BOARD
Regional Office, KAKINADA

**A.P. POLLUTION CONTROL BOARD
REGIONAL OFFICE: KAKINADA**

REPORT IN THE MATTER OF HON'BLE NGT, CHENNAI ORDERS DT. 04.09.2024 IN M.A. NO. 3 OF 2023(SZ) IN O.A. NO. 91 OF 2020(SZ) FILED BY SRI VENKATAPATHI YENUMULA RAJU, S/O Y. TIRUPATHIRAO, DR. B.R. AMBEDKAR KONASEEMA DISTRICT, ANDHRA PRADESH.

1. Preamble

The Original Application (O.A) No. 91 of 2020 (SZ) was filed by Sri Venkatapathi Yenumula Raju, S/o Y. Tirupathirao, Dr. B.R. Ambedkar Konaseema District in the Hon'ble National Green Tribunal (NGT), Chennai against illegal aqua ponds, illegal beach sand mining, damage caused to coastal area and the damage caused to coastal areas flooding adjoining villages of Pallipalem village, Antravedi Devasthanam and other coastal villages in Malkipuram, Sakhinetipalli and Mamidikuduru mandals of Dr. B.R. Ambedkar Konaseema District.

The Hon'ble NGT vide orders dated 18.07.2022 disposed the case with directions to the regulatory authorities. The petitioner in O.A.No.91 of 2020 has filed M.A No. 3 of 2023 (SZ) in O.A.No.91 of 2020 (SZ) to implement the order dated 18.07.2022.

The Andhra Pradesh Pollution Control Board (APPCB) addressed letter to the JD Fisheries, Dr.B.R. Ambedkar Konaseema District and the Deputy Director, Mines & Geology Department, Kakinada on 26.07.2022, 23.11.2022, 21.02.2023 and 29.03.2023 to take necessary action as per the orders of the Hon'ble NGT in O.A.No.91 of 2020, dated 18.07.2022.

Regarding the illegal beach sand mining the DD, Mines & Geology, Kakinada has addressed letter that 3 vehicles were seized (1-JCB & 2-Tractors). Further, the vehicle owners were issued notices to pay the penalty as per APMMC Rules, 1966 and deposit and 50% of the market value of the said vehicles in the form of bank guarantee. Whereas, the aggrieved approached the Hon'ble High Court and it was informed that as per the Hon'ble High Court directions the DD, Mines & Geology, Kakinada after collecting the penalty from the petitioners, has requested the Station House Officer, Sakhinetipalli to release the vehicles.

The Hon'ble NGT vide orders dated 18.07.2022 directed the APPCB to levy environmental compensation to the illegal aqua culture ponds.

The APPCB filed the report in the Hon'ble NGT dated 08.09.2023 in M.A. NO. 3 OF 2023(SZ) IN O.A. NO. 91 OF 2020(SZ) as follows:

"It is to submit that the Coastal Aqua Culture comes under purview of Coastal Aquaculture Authority. The Statement of Objects and Reasons for the Coastal Aquaculture Authority Act, 2005 (Act No 24 of 2005) states among other things as follows:

"The Supreme Court in Writ Petition (Civil) No. 561 of 1994 has held that aquaculture is an industry and hence it is covered by the prohibition imposed by the sub-paragraph (1) of paragraph 2 of the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O. 114(E), dated the 19th February, 1991 issued under sub-sections (1) and (2) of Section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986. The Supreme Court has further directed that an Aquaculture Authority shall be established to regulate aquaculture in coastal areas. The intention of the Government was not to treat coastal aquaculture as a prohibited activity within the meaning of the said notification. The effect of this judgment is to close all aquaculture farms, except traditional and improved traditional, in the coastal areas. The activity mainly utilises saline areas along the coastline, which areas are not suitable for other activities and provides employment to approximately three lakh workers. Larger investment of public and private funds has also been made in the farming activity. If these farms are closed down, it may lead to about three lakh workers being rendered unemployed. Hence, it was considered necessary to save the employment of the workers and also the investment already made in this economic activity and to provide for future growth of aquaculture farming in a manner, which is consistent with the requirement of safeguarding the environment. In order to achieve the above objects and to clear all doubts, it was decided to amend the said notification to clarify that aquaculture was not intended to be a prohibited activity within the meaning of that notification".

It is to submit that the Coastal Aquaculture Authority was established under the Coastal Aquaculture Authority Act, 2005 for regulating activities connected with coastal aquaculture in coastal areas and for matters connected therewith or incidental thereto to ensure that coastal aquaculture does not cause any detriment to the coastal environment and the concept of responsible aquaculture is followed.

The CAA Act, 2005 and its amendment in 2023 has been enacted by the Parliament to provide for the regulation of farms alone empowering Coastal Aquaculture Authority to register and regulate coastal aquaculture farms.

The aquaculture ponds are not under the purview of the consent management of the Pollution Control Board and the existing Central Pollution Control Board (CPCB) guidelines on the levy of Environmental Compensation (as per the directions of the Hon'ble NGT, Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.) is for the industries, HCFs etc.,

In view of the above, it is requested to exempt the APPCB from the responsibility of levy of Environmental Compensation to the aquaculture ponds".

The APPCB vide report dt. 08.09.2023 requested the Hon'ble NGT to exempt the APPCB from the responsibility of levy of Environmental Compensation to the aquaculture ponds.

The matter was heard by the Hon'ble NGT on 04.09.2024 and issued orders granting the time till 30.09.2024 to comply with the order and to file their compliance report, failing which, the MoEF&CC will be directed to cause an inspection and find out the reason for the failure of the authorities for not implementing the order. If the order is not complied with, appropriate action will be taken against the concerned officials under Section 26 of the National Green Tribunal Act, 2010. The Hon'ble NGT posted matter on 30.09.2024.

Furtherance to the Hon'ble NGT order dated 04.09.2024, the Collector and District Magistrate Dr.B.R.Ambedkar Konaseema District along with the Joint Collector and the Additional District Magistrate Dr.B.R.Ambedkar Konaseema District convened the meeting on 06.09.2024 with RDO Amalapuram, RDO Ramachandrapuram, JD Fisheries, EE,APPCB, DTO, Royalty Inspector Mines& Geology , MPDO Malkipuram, Sakhinetipalli, AD, Survey land records, EE, APEPDCL Amalapuram, Tahsildars Razole, Malkipuram, Sakhinetipalli, Mandal surveyors sakhinetipalli, DEE drains, Razole, on the directions of the Hon'ble NGT order dt 04.09.2024.

The Collector and District Magistrate Dr. B. R. Ambedkar Konaseema District issued directions that a 5 member team Village surveyor, VRO, Fisheries Assistant, Energy Assistant and with officials from the irrigation department, shall be constituted to visit the aquaculture farms in the coastal villages of mamidikuduru, malkipuram and sakhinetipalli mandals, to verify the details of illegal aquaculture farms.

The Collector and District Magistrate has enquired the Joint Director, Fisheries Department, about the follow up action after the meeting of the District Level Committee held on 31.08.2023. On 31.08.2023, the JD, Fisheries was directed to conduct resurvey of entire coastal area as alleged in O.A.No.91 of 2020, to be carrying the unauthorised aqua culture farms and to categorize the illegal farms in violation of CRZ and illegal farms in violation of Coastal Aquaculture Act. The JD, fisheries is also directed to implement disconnection of power supply orders to the illegal farms. The JD, Fisheries informed that they have identified 406 no of illegal farms and issued notices in the mandals of Malkipuram, Mamidikuduru and Sakhinetipalli.

Further, the APPCB officials inspected the villages in the application for verification of the illegal beach sand mining and illegal aqua farms and found no illegal beach sand mining. However, aqua culture ponds near to coast within the CRZ were observed.

This report is submitted for kind consideration. The APPCB will abide by all such directions as this Hon'ble Tribunal may deem fit and appropriate.

Date: 27.09.2024
Place: Kakinada

MBS Shankale Raw
Environmental Engineer
A.P. Pollution Control Board
Regional Office: Kakinada
ENVIRONMENTAL ENGINEER
A.P.POLLUTION CONTROL BOARD
Regional Office, KAKINADA

Item No.19:**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Miscellaneous Application No. 03 of 2023(SZ)**IN****Original Application No. 91 of 2020 (SZ)****IN THE MATTER OF:**Venkatapathi Raja Yenumula,
Andhra Pradesh.

...Applicant(s)

*Versus*Union of India,
Rep by its Secretary,
MoEF&CC, New Delhi and Ors.

...Respondent(s)

Date of hearing: 04.09.2024.**CORAM:****HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER****HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff for R1.
Mrs. Madhuri Donti Reddy for R3 to R7, R9 to
R15, R17.

ORDER

1. Though the order was passed as early as on 18.07.2022 and the Miscellaneous Application was filed on 11.03.2023, even after a passage of two years, the State Authorities have not complied with the directions given in the Original Application.
2. The learned counsel appearing for the authorities would request some more time to comply with the orders. Accordingly, the time is granted till 30.09.2024 to comply with the order and to file their compliance report, failing which, the MoEF&CC will be directed to cause an inspection and find out the reason for the failure of the authorities for not implementing the order. If the order is not complied with, appropriate action will be taken against the concerned officials under Section 26 of the National Green Tribunal Act, 2010.
3. Post the matter on 30.09.2024 for final hearing.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

M.A. No. 03/2023(SZ) in
O.A. No. 91/2020(SZ)
04th September, 2024. AD.

Annexure-II

The Collector and District Magistrate Dr.B.R.Ambedkar Konaseema District along with the Joint Collector and the Additional District Magistrate Dr.B.R.Ambedkar Konaseema District convened the meeting with RDO Amalapuram, RDO Ramachandrapuram, JD Fisheries, EE, APPCB, DTO, Royalty Inspector Mines & Geology, MPDO Malkipuram, Sakhinetipalli, AD, Survey land records, EE, APEPDCL Amalapuram, Tahsildars Razole, Malkipuram, Sakhinetipalli, Mandal surveyors sakhinetipalli, DEE drains, Razole, on the directions of the Hon'ble NGT order dt 04.09.2024.

O.A. No. 91 of 2020(SZ) was filed by Sri Venkatapathi Yenumula Raju, Dr. B.R. Ambedkar Konaseema District in the Hon'ble NGT, Chennai against massive illegal aqua ponds, illegal beach sand mining in pallipalem, Gogunnamatam of Mamidikuduru Mandal, padamatipalem, Turpupalem, Gollpalem, Karavaka, Kesinipally, Antravedi Devasthanam and other villages in Malkipuram and Sakhinetipalli mandals of Dr. B.R. Ambedkar Konaseema District.

At the outset, the The Collector and District Magistrate welcomed the officials and informed about the Hon'ble NGT order dated 18.07.2022 and M.A No. 3 of 2023 (SZ) in O.A.No.91 of 2020 (SZ) to implement the order dated 18.07.2022. Also noted the latest orders issued by the Hon'ble NGT vide order dt 04.09.2024.

The Collector and District Magistrate has enquired the Joint Director, Fisheries Department, about the follow up action after the meeting of the District Level Committee held on 31.08.2023. On 31.08.2023, the JD, Fisheries was directed to conduct resurvey of entire coastal area as alleged in O.A.No.91 of 2020, to be carrying the unauthorised aqua culture farms and to categorize the illegal farms in violation of CRZ and illegal farms in violation of Coastal Aquaculture Act. The JD, fisheries is also directed to implement disconnection of power supply orders to the illegal farms. The JD, Fisheries informed that they have identified 406 no of illegal farms and issued notices in the mandals of Malkipuram, Mamidikuduru and Sakhinetipalli.

The Collector and District Magistrate Dr.B.R.Ambedkar Konaseema District issued directions that a 5 member team Village surveyor, VRO, Fisheries Assistant, Energy Assistant and with officials from the irrigation department, shall be constituted to visit the aquaculture farms in the coastal villages of mamidikuduru, malkipuram and sakhinetipalli mandals. The teams shall compile the data in the specified format having the details of extent, valid license or not, within the 200m from CRZ, any encroachments of drains etc., (Survey to be conducted by 20th sept)

The Mines & Geology department was directed to verify if any illegal sand mining is being carried and directed to take action.

The team shall visit at the field levels and gather the data in the specified format in the ensuing two weeks. A teleconference in this regard, on the developments would be conducted for every 3 days and the next review is proposed on 20th September.



Joint Collector &
Additional District Magistrate
Dr.BR.Konaseema District,
Amalapuram.



Collector & District Magistrate
Dr.BR.Konaseema District,
Amalapuram.