

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

**MA No 03 OF 2023
IN
OA No 91 OF 2020**

IN THE MATTER OF:

Venkatapathi Raja Yenumula

..... Applicant

Vs

Union Of India & 16 Ors

.... Respondents

REPORT FILED BY THE APPCB 9TH RESPONDENT

DATE – 18.04.2025



**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 BENCH, CHENNAI

I.A.NO. 31 of 2025 IN M.A. NO. 3 of
2023(SZ) in O.A. No. 91 of 2020 (SZ) in
the Hon'ble NGT
IN THE MATTER OF

Sri Venkatapathi Yenumula Raju

..... Applicant

Versus

Union of India & Ors

.... Respondent (s)

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Dt:17.04.2025

Place: Kakinada.

MBS Shankar Rao
Environmental Engineer,
A.P. Pollution Control Board,
Regional Office, Kakinada.
ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
Regional Office, KAKINADA

REPORT IN THE MATTER OF I.A. NO.31 of 2025 IN M.A. NO.3 OF 2023 (SZ) IN O.A.NO.91 OF 2020 FILED BY SRI VENKATAPATHI YENUMULA RAJU, S/O Y. TIRUPATHIRAO, DR. B.R. AMBEDKAR KONASEEMA DISTRICT, ANDHRA PRADESH IN HON'BLE NATIONAL GREEN TRIBUNAL, SOUTH ZONE, CHENNAI.

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 areas, resulting 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 of the case with directions to the regulatory authorities. The petitioner has filed I.A. No. 31 of 2025 in M.A. No.3 of 2023 (SZ) in O.A.No.91 of 2020 praying for directions to the Ministry of Environment Forest and Climate Change, Government of India (MoEF & CC, Gol) for the implementation of orders of NGT order dated 04.09.2024 in M.A. No.3 of 2023 in the disposed O.A.No.91 of 2020.

The Hon'ble NGT vide order dated 18.07.2022 disposed of the O.A.No.91 of 2020 with directions to the regulatory authorities to take appropriate action against those persons who are operating illegal/unauthorised aqua culture farms in the Coastal Zones or other areas without obtaining necessary permission or license from the respective authorities including removal of those units, disconnection of electricity, if any, given, imposing environmental compensation and initiating prosecution etc., along with other directions. A copy of Hon'ble NGT order dated 18.07.2022 is herewith submitted as **Annexure-I**.

The petitioner in O.A.No.91 of 2020 has filed Miscellaneous Application No.3 of 2023 (SZ) in O.A. No.91 of 2020 (SZ) on 11.03.2023 in the Hon'ble NGT to implement the orders of the Hon'ble NGT dated 18.07.2022. The APPCB has submitted the action taken report in M.A. No.3 of 2023 on 08.09.2023. A copy of the action taken report dated 08.09.2023 is herewith submitted as **Annexure-II**.

The Hon'ble NGT has heard the matter on 04.09.2024 and learned counsel appearing for the authorities (District Collector) requested for 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. The APPCB has again submitted the action taken report in M.A. No.3 of 2023 to the Hon'ble NGT on 27.09.2024. The APPCB vide report dated 08.09.2023 & 27.09.2024 requested for exemption of APPCB from the responsibility of levy of Environmental Compensation to the aquaculture ponds. A copy of the orders of the Hon'ble NGT dated 04.09.2024 and also APPCB action taken report dated 27.09.2024 is herewith submitted as **Annexure-III & IV.**

The Hon'ble NGT heard the matter on 25.02.2025 and issued order that the earlier order dated 04.09.2024 passed by this Tribunal is yet to be complied with and the matter be listed on 22.04.2025. A copy of the Hon'ble NGT order dated 25.02.2025 is herewith submitted as **Annexure-V.**

Meanwhile, the petitioner filed in M.A. No.3 of 2023 (SZ) in O.A.No.91 of 2020 praying for directions to the Ministry of Environment Forest and Climate Change, Government of India (MoEF & CC, Gol) for the implementation of the Hon'ble NGT order dated 04.09.2024 in M.A. No.3 of 2023 in the disposed O.A.No.91 of 2020.

It is submitted that, the EFS&T department, Gol vide memo dated 05.12.2023 communicated authorization issued for taking action against the violation cases in CRZ limits and the details are as follows:

S.No.	Violation in CRZ area	The department that has to take immediate action as per the powers vested with them as per relevant provisions of their Acts and Rules, based on the recommendations of the DLCs.
1	In respective of any kind of construction which are in violation of CRZ Rules	Local bodies as per A.P. Building Rules.
2.	In respective of any forest area, mangrove, eco-sensitive wildlife	Forest and Wildlife Dept.
3.	Industries	APPCB
4.	Heritage Sites	Archaeological Survey of India
5.	Aqua Culture	Revenue Dept.
6.	Illegal Mining including (sand mining and sand bars etc.)	Department of Mines and Geology
7.	Other than above	Collector and District Magistrate (Chairman of DLC)

A copy of the memo is herewith submitted as **Annexure-VI.**

In light of the above, the Andhra Pradesh Pollution Control Board (APPCB) addressed letter to the JD Fisheries, Dr.B.R. Ambedkar Konaseema District and the District Mines & Geology Officer, Dr.B.R. Ambedkar Konaseema District on 26.07.2022, 23.11.2022, 21.02.2023, 29.03.2023 and 02.04.2025 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 illegal beach sand mining, the Deputy Director, Mines & Geology, Kakinada vide letter dated 04.04.2023 stating that they have seized 3 vehicles (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.

With regard to the demolition of illegal fish ponds in CRZ area, the Collector & District Magistrate, Dr. B.R. Ambedkar Konaseema District conducted several meetings with the officials of Revenue, Fisheries and Andhra Pradesh Eastern Power Distribution Corporation Limited (APEPDCL) to conduct survey for identification of unauthorized aqua farms in the subject villages of 3 mandals i.e., Karavaka and Gogannamatam villages in Mamidikuduru mandal, Pallipalem, Antharvedi Devasthanam, Antharvedi Kara and Kesavadasupalem in Sakhinetipalli mandal, Chinthalamori, Gollapalem, Turupupalem, Kesanapalli, Padamatipalem, Shankaraguptam in Malikpuram mandal. it is submitted that the Assistant Director of Fisheries, Razole and Revenue officials concerned have inspected and identified 438 Nos. of unauthorized aquaculture ponds in the above 3 mandals. The demolition process of unauthorized aqua farms was started with abandoned ponds from Turupupalem village of Malikpuram Mandal and continued rest of the 2 Mandals.

As per the information furnished by the District Fisheries Officer, Dr. B.R. Ambedkar Konaseema District on 07.04.2025, out of 193 aqua ponds in Mamidikuduru mandal 80 Nos. of aqua ponds were demolished, out of 39 aqua ponds in Malkipuram mandal 39 aqua ponds were demolished, out of 206 aqua ponds in Sakhinetipalli mandal 19 ponds were demolished. Of the total No. of ponds of 438 Nos., the District administration dismantled 138 Nos. of aqua ponds and there are another 300 Nos. of aqua ponds are to be demolished.

Further, APPCB officials inspected the villages mentioned in the application to verify the illegal beach sand mining and unauthorized aqua farms and found no illegal beach sand mining. However, few aqua farms near to coast were observed in Mamidikuduru mandal and Sakhinetipalli mandal.

In view of the above, it is submitted that the Department of Fisheries, Department of Mines & Geology are taking action on illegal aquaculture ponds and beach sand mining as per APCZMA authorization letter dated 09.10.2023. 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:17.04.2025
Place: Kakinada

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

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

Original Application No. 91 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF

Venkatapathi Raja Yenumula

H.No. 2-232, Kesevadasupalem,
Razolu Taluka, Sakhinetipalli Mandal,
Eastgodavari District,
Andhra Pradesh- 533252

with

1. **Union of India,**
Through its Secretary,
Ministry of Environment, Forest and CC,
Indira Priyadarshini Bhavan,
Jorbagh, New Delhi- 110003
2. **Union of India,**
Through its Secretary,
Ministry of Mines,
Sastry Bhavan,
New Delhi- 110001
3. **National Institute of Oceanography,**
Rep by its Regional Director,
176, Lawsons Bay Colony,
Vishakhapatnam- 530017.
4. **State of Andhra Pradesh**
Rep by its Chief Secretary,
Interim Government Complex,
Velagapudi, Guntur District
Andhra Pradesh- 522503
5. **State of Andhra Pradesh,**
Rep by its Principal Secretary,
Department of Mines and Geology,
Interim Government Complex,
Velagapudi, Guntur District
Andhra Pradesh- 522503
6. **State of Andhra Pradesh,**
Rep by its Principal Secretary,
Department of Agriculture and Animal,
Husbandry, Secretariat, Velagapudi,

Guntur District, Andhra Pradesh- 522503
Chennai, Tamil Nadu 600 001.

7. Andhra Pradesh Coastal Zone Management Authority,

Rep. by its Chairman,
Chalamvari Street, kasturibaipeta,
Vijaywada-520010.

8. Central Pollution Control Board,

Through Member Secretary,
Parivesh Bhawan, CBD-Cum Office Complex,
East Arjun Nagar, Delhi- 110032

9. Andhra Pradesh Pollution Control Board,

Rep by its Member Secretary,
D.No. 33-26-14/D2,
Near Sunrise Hospital, Pusha Hotel Center,
Chalamvari Street, Kasturibaipet,
Vijayawada, Andhra Pradesh- 520010

10. Andhra Pradesh Special Enforcement Bureau (Liquor & Sand)

Rep by its Director General of Police/Ex Officio,
Chief Secretary/Commissioner,
Andhra Pradesh Police Head Quarters,
Mangalagiri, Guntur District, AP-522502

11. Andhra Pradesh State Disaster Management Authority,

Rep by its Managing Director,
Genious JR Towers, D. No. 21/2B, Pathuru Cross,
Road Centre, Kunchanpalli (P.O), Tadepalli Mandal,
Guntur District, Andhra Pradesh- 522501

12. Andhra Pradesh Tourism Development Corporation,

Rep by its Managing Director,
5th Floor, Stalin Corporate Office,
Industrial Estate, Vijayawada- 520007

13. Commissioner of Fisheries/MD of Fisheries of AP,

Rep by its Managing Director,
Bandar Road, Poranki, Vijayawada- 521137

14. District Collector and Magistrate,

Easte Godavari at Kakinada,
Andhra Pradesh- 533001

15. Superintendant Engineer,

Irrigation Circle, Dawalaiswaram,
Rajahmandry, AP- 533125

16. State of Andhra Pradesh,

Rep by its Spl. Chief Secretary,
Department of Environment, Forest,

4th Block, Ground Floor, Room No. 268
AP Secretariat, Velagapudi, Guntur District.

**17. Coastal Aquaculture Authority,
Union Ministry of Fisheries, Animal Husbandry and Dairying,**
Rep by Member Secretary,
5th Floor, Integrated Office Complex for
Animal Husbandry and Fisheries Department,
Nandanam, Chennai- 600035

... Respondent(s)

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): Mr. Ashik Ahamed for Mr. G.M. Syed Nurullah
Sheriff for R1.
Mr. Basu for Mr. Madhuri Donti Reddy for R3
to R7, R9 to R15, R17
Mr. R. Thirunavukarasu for R8

Judgment Reserved on: 8th July.2022

Judgment Pronounced on: 18th July, 2022

CORAM:

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

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

Whether the Judgement is allowed to be published on the Internet – Yes/No

Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

JUDGMENT

Delivered by Justice K. Ramakrishnan, Judicial Member.

1. The grievance in this application is that along the coastal stretch of Bay of Bengal touching the adjoining villages of Pallipalem, Gogunnamatam of Rajole Mandalam, Kesavadasupalem, Chintalamori, Sankaraguptam, Padmatipalem, Turpupalem, Gollapalem, Karavaka, Kesinipally in Malikipuram and Sakhinetipalli mandals of East Godavari District of Andhra Pradesh, there were large scale illegal beach sand mining happening. Apart from this, there were shrimp farms (Aqua farms) being operated along the beach without

getting any necessary permission or clearances from the respective departments.

2. It was also alleged in the application that it is against the directions laid down in the decision reported in **Sri. S. Jagannath Vs Union of India & others**¹ where in the Hon'ble Apex Court had considered the impact of operating commercial aqua farms along the sea coast and its impact on marine ecology and it has been specifically mentioned that there must be a regulation for permitting such activities along the coastal line.

3. Apart from this, several directions were given by the National Green Tribunal regarding the regulation of sand mining but it was not followed by the authorities in the State thereby, allowing the unauthorised miscreants to indulge in illegal mining causing heavy loss to the exchequer.

4. According to the applicant, the sand mounds which are along the beach side were being removed illegally without following proper procedure using heavy machineries for the purpose of filling up other areas with the connivance of the officials of the State machineries as well.

5. Though representations were made to the authorities, no action was taken that prompted the applicant to file this application seeking the following reliefs:

- I. Appoint an independent experts committee consisting of respondent No.1,3,7,8,16 etc to assess the loss, damage caused due to illegal beach sand mining, sand mining in assigned lands in 25 Kms stretch of Bay of Bengal situated in Gollapalem, Turupapalem, Kesanapally, Padamatipalem,

¹ (1997) 2 SCC 87

- Shankaraguptam, Chintalamori, Kesavadasupalem, Antarvedikara, Antarvedi Devastanam, Palliapalem, Gagannamatam, Karavaka Villages of Sakhinetipalli, Malikipuram, Rojole mandals of East Godavari District in Andhra Pradesh to collect environment compensation and to conducting restoration, rejuvenation and remedial measures similar to O.A. No.76 of 2019 (PB).
- II. Direct the respondents No.1,4,7,9 and District Collector of East Godavari districts to remove all illegal and unauthorized Aqua/fish ponds situated in sea coast/CRZ area of Gollapalem, Turupupalem, Kesanapally, Padamatipalem, Shankaraguptam, Chintalamori, Kesavadasupalem, Antarvedikara, Antarvedi Devastanam, Palliapalem, Gagannamatam, Karavaka Villages of Sakhinetipalli, Malikipuram, Rojole mandals of East Godavari District in Andhra Pradesh as it was done in O.A. No.23 of 2019.
 - III. Direct respondent No.1 to 16 to conduct cumulative study on damage caused due to flooding of sea water into agriculture fields of Kesavadasupalem, Chintalamori, Srugavarapupadu etc villages in East Godavari District of Andhra Pradesh for paying compensation to the victims, farmers.
 - IV. Direct the respondent No.10 to investigate and register cases on the persons caused damage to the environment by conducting massive illegal mechanical sand mining in beaches and assigned lands for recovering the money earned through beach sand at Gollapalem, Turupupalem, Kesanapally, Padamatipalem, Shankaraguptam, Chintalamori, Kesavadasupalem, Antarvedikara, Antarvedi Devastanam, Palliapalem, Gagannamatam, Karavaka Villages of Sakhinetipalli, Malikipuram, Rojole mandals of East Godavari District in Andhra Pradesh and also direct the respondent No.10 to submit the status of past FIRs and action taken such as imposing fine, attaching properties etc. including in FIR No.65 of 04.05.2016.
 - V. Direct respondent No.1,4,9,13,14 to submit action taken report on the directions passed by the Hon'ble Supreme Court of India in S. Jagannath Vs. Union of India and Ors. (1997) 2 SCC 87.
 - VI. Direct respondent No.1,4,5,9,14 to indentify the government officials who have allowed the damage to environment, coast and causing disaster for fixing the responsibility including taking criminal and civil action,
 - VII. Direct respondent No.4,6,7,11,14 & 15 to assess the damage caused due to disaster occur on 25.05.2020 in the form of sea water entering through drains into fertile agriculture lands.
 - VIII. Direct respondent No.4,12,14,16 to restore the beach park at Beach nagar, Chintalamori and recover the loss/environment compensation from the persons responsible for occupation and damage.
 - IX. Direct respondent 4, 15 to setup Locks for the Sankaraguptam drain at Chintalamori and other drains in East Godavari district to stop entering sea water into villages and agriculture fields,
 - X. Direct respondent No.4,5,6,12,13,14 to take stringent action on government officials under their jurisdiction for failing to take action illegal sand mining and illegal aqua/fish ponds in East Godavari district,
 - XI. Direct the APPCB and District Collector of East Godavari to submit the compliance report on the directions passed by the Hon'ble Tribunal in Farmer Community Kadali, AP Vs. State of Andhra Pradesh, O.A. No.23 of 2019 dated 13.09.2019,

XII. Pass any such order, as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

6. This Tribunal dispensed with notice to 16th respondent as they were not necessary party to the proceedings and no relief was claimed against them as well. So this Tribunal deleted 16th respondent from the party array.
7. This Tribunal reiterated the various directions issued by the Hon'ble Apex Court, High Courts and the National Green Tribunal expressing displeasure on the part of the State machinery on their failure regarding the regulation of sand mining in the State. Since there were allegations that illegal sand mining was going on without obtaining necessary permissions and clearance and also against the guidelines issued by the MoEF&CC in this regard and the Tribunal was satisfied that there arose a substantial question of environment, this Tribunal admitted the matter and issued notice to the respondents. This Tribunal also appointed a Joint Committee consisting of 1) a Senior Scientist from Regional Office of Ministry of Environment, Forests and Climate Change (MoEF & CC), Chennai, 2) a Senior Scientist from the Regional Office of Central Pollution Control Board, Chennai, 3) a Senior Officer from the Andhra Pradesh State Coastal Zone Management Authority, 4) a Scientist nominated by National Centre for Sustainable Coastal Management (MoEF), Anna University, Chennai, 5) a Senior Officer from Andhra Pradesh State Pollution Control Board and 6) the District Collector of East Godavari District to inspect the places mentioned in the

application along the sea coast in East Godavari District and ascertain the genuineness of the allegations made in the application and submit a factual as well as action taken report if there is any violation is found.

8. The committee was also directed to go into the question as to whether any illegal beach sand mining was being conducted along the coastal area in that place, whether any unlawful commercial or illegal shrimp farm culture (aqua farm) were being operated in that area and if any violations found, the committee was directed to recommend the action to be taken against those persons including launching of prosecution and assessment of environmental compensation for the damage caused to the environment.

9. The committee was also directed to go into the question regarding the allegations of encroachment into beach area by the aqua farms and if so, what was the action taken to remove the same in accordance with law. They were directed to specify the mechanism by which beach sand mining and aqua farms which are carried on along the coastal zone are being regulated in the State of Andhra Pradesh. Was there any prosecution launched or any steps taken against the persons who were committing any illegal beach sand mining and also give the details of the same in the report.

10. The Committee was also directed to consider the allegation as to whether any agricultural land had been converted for the purpose of conducting aqua farms in that area and, if any,

damage has been caused to the environment, assess the environmental compensation and the loss of income caused to the agricultural land and also ascertain whether soil or ground water had been affected, if so, what is the remediation to be taken for that purpose.

11. The Committee was also given the liberty to include any other officials for the purpose of getting the necessary details for preparing the report in compliance with the direction given by this Tribunal.

12. The Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai was designated as nodal agency for co-ordination and for providing necessary logistics for this purpose.

13. 9th respondent filed a reply affidavit contending as follows: They denied the allegations made in the application regarding the connivance of officials in promoting illegal sand mining and aqua cultural activities. The application for registration of fresh aqua culture ponds were being scrutinized and site inspections conducted by Mandal Level Committee comprising of Revenue Department, Irrigation Department, Fisheries Department and Agricultural Department. The Mandal Level Committee along with its remarks shall forward the application to District Level Committee.

14. As per G.O. Ms. No. 7 issued by Animal Husbandry, Dairy Development and Fisheries Department dated 16.03.2013, the District Level Committee is the Competent Authority to permit

fresh water aqua culture evidenced by annexure-I produced along with the counter affidavit. The District Collector is the Chairperson and the District Fisheries Officer is the Member Convener of the District Level Committee. The Environmental Engineer, Andhra Pradesh Pollution Control Board of the District is a member of the Committee.

15. The Government of Andhra Pradesh framed new sand mining policy as per G.O. Ms. No. 70 dated 04.09.2019 evidenced by Annexure-II and issued operational guidelines to implement the same scrupulously by M/s Andhra Pradesh Mineral Development Corporation and District Collectors.

16. The Committee appointed by the Tribunal visited the alleged areas mentioned by the applicant and submitted a detailed report to this Tribunal and the observations made by the Committee regarding the aqua farms and sand mining was sought to be treated as part of this counter affidavit and they prayed for passing appropriate orders accepting their contentions.

17. 8th respondent filed counter affidavit contending as follows: They denied the allegations made in the application. The Government of Andhra Pradesh has framed new sand mining policy as per G.O.Ms.No.70, dated 04.09.2019 and has issued operational guidelines to be implemented by M/s. Andhra Pradesh Mineral Development Corporation and District Collectors. Sand mining in the state has to be carried out in compliance with the A.P Sand Mining Policy and the

Sustainable Sand Mining Guidelines issued by MOEF&CC. The Coastal Aquaculture Authority has published “Guidelines for Regulating Coastal Aquaculture” which are annexed to Coastal Aquaculture Rules, 2005. Aqua/shrimp farms have to be established and operated in compliance with the Coastal Aquaculture Authority guidelines.

18. The leases for sand mining are issued by State Department of Mines and Geology and State Mineral Development Corporation, Environmental Clearance for sand mining is issued by MoEF&CC. The Coastal Aquaculture Authority and State Fisheries Department are empowered for regulating aqua farms, and Consent is issued by State Pollution Control Board (SPCB) so as to prevent water or air pollution. The Department of Mines and Geology & State Mineral Development Corporation and State Pollution Control Board are responsible for ensuring compliance of conditions stipulated in Mining lease and EC/Consent, respectively, and CAA and State Fisheries department are responsible for implementation of Coastal Aquaculture Rules, 2005. The Central Pollution Control Board has no role in issuing the lease or Environmental Clearance for mining lease or license or consent for aqua farms. The above said authorities are expected to take action against those persons.

19. The Joint Committee has inspected the area and submitted a report and the violations of any of the above activity have to be monitored and action to be taken by Department of Mines and

Geology, State Mineral Development Corporation and District Collectors, Coastal Aquaculture Authority and State Fisheries Department for monitoring the implementation of AP Sand Mining Policy and regulating the aqua culture farming respectively. So they prayed for accepting their contention and passing appropriate orders.

20. MoEF&CC, namely, 1st respondent filed the counter affidavit in the form of affidavit wherein they denied the allegations made in the application. They further submitted that invoking the powers under 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, Ministry of Environment and Forest had notified the Coastal Regulation Zone Notification, 1991 on 19th February, 1991, which, inter-alia, provided classification of various zones and permitted, non-permitted and regulated activities in each zone.

21. The CRZ Notification, 1991 was superseded by CRZ Notification, 2011 notified on 06.01.2011 for the same purpose. They have given the details of the zoning regulations, permissible activities, non-permissible activities, procedure to be followed for getting the clearance for permissible/regulated activities under the said notification.

22. They have further submitted that any violations of the same have to be dealt with by State Coastal Zone Management Authority. So they have no role in enforcing the regulations as

they are only the policy makers. They prayed for passing appropriate orders accepting their contentions.

23. The Fisheries Department had filed a detailed counter affidavit contending that the application is not maintainable. They denied the allegations that illegal aqua culture farms are functioning in the coastal area in East Godavari District without getting any permission.

24. Most of the areas mentioned in the application are located at tail end of the coastal villages and there is no scope for supply of irrigated water to all the lands in said villages. There is surge of saline water into these lands due to tidal influence through Rallakalava in Sakhinetipalli Mandal and Shankaraguptam major drain or Uppukaluva in Malkipuram Mandal. Whereas Karvaka Village has tidal influence of Shankaraguptam drain and Gogannamatham Village is under the tidal influence of Uppukaluva. They have also given the salinity rate in these drains. There is no scope of getting fresh water through surface bore wells in these villages since bore well contains minimum salinity of 5 PPT and not suitable for human consumptions. In most of these mandals drinking water is being supplied to the tail end villages through tanker lorries and limited water from Tekisettipalem Irrigation Canal for catering the needs of domestic and cattle purpose. In Malkipuram Mandal, drinking water is being supplied to the villagers through Gudimellanka overhead service balancing reservoir and at Mamidikuru

Mandal drinking water is being supplied through water containers and existing fresh water overhead tanks.

25. Most of the lands were barren/inundated wherein farmers used to depend on naturally available fishery resources. After introduction of Aqua culture, the farming community has started resorting to aquaculture practices for their livelihood. The coastal aqua culture Authority and Department of Fisheries are the licensing authorities for brackish water and fresh water aqua culture as per the prevailing statutes. The Marine Products Export Development Authority is jointly conducting farm audit along with Fisheries Department to ensure that no banned antibiotics are used in Aqua Culture, since the Aqua culture produce is being exported to International market according to European Standards. There is provision for collection of penalties from the hatcheries, aqua farms in case of committing any violation as per the prevailing statutes i.e. Coastal Aquaculture Authority Act, 2005 and Rules and Andhra Pradesh State Aquaculture Development Authority Act, 2020 and Rules framed thereunder.

26. In spite of making sincere efforts by Department of Fisheries through paper publications and conducting village level awareness meeting to the aqua farming community to regulate their unregistered aqua culture farms, unauthorized and abandoned aquaculture farms are still existing and identified among the villages mentioned by the applicant. The details of which is as follows:

Gen Sl. No.	Name of the Mandal	Village Sl. No.	Name of the Village	No. of Unauthorized /Abandoned Farms	Extent in Hectors
1	Sakhinetipalli	1	Antharvedi Pallipalem	28	23.84
		2	Antharvedi Devasthanam	74	50.08
		3	Antharvedi Kara	99	60.33
		4	Kesavadasupalem	216	30.25
2	Mamidikuduru	5	Karavaka	22	78.01
		6	Gogannamatham	57	75.13
3	Malkipuram	7	Turupupalem	4	0.80
		8	Padamatipalem	1	1.20
		9	Gollapalem	19	4.72
		10	Kesanapalli	11	2.04
		11	Chintalamori	54	37.36
		12	Shankaraguptam	3	1.12

27. The details of the unauthorised activity and action taken in each area was described as follows:

5. **At Antharvedi Pallipalem Village of Sakhinetipalli Mandal,** it is submitted that, as mentioned at village Sl.No.1 of above table, there is no Agriculture activity in the Village. There are 28 unauthorized / abandoned Aquaculture farms in an extent of 23.84 Hectors which belong to Community Collective Farming Society (CCF Society) and the same is under the possession of different Members of the CCF Society who belong to SC, BC & Weaker Sections, Small and Marginal Farming community. As per the guidelines of the Coastal Aquaculture Authority / Department of Fisheries the land should be in the name of the applicant and linked to Aadhar card of the individual to make the applicant as eligible for granting License for Aquaculture. Whereas, in the present case the lands are in the names of CCF Society in the web land records of Revenue Department.

6. **At Antharvedi Devasthanam Village of Sakhinetipalli Mandal,** it is submitted that as mentioned at village Sl.No.2 of above table, there is no Agriculture activity in the Village. There are 74 unregistered / abandoned Aquaculture farms in an extent of 50.08 Hectors. Among which, 54 Farms are existing in a total extent of 27.18 Hectors belong to CCF Society, the land of remaining 20 Farms in an extent of 22.90 Hectors are identified as Private Lands.

7. **At Antharvedi Kara Village of Sakhinetipalli Mandal,** it is submitted that as mentioned at village Sl.No.3 of above table, there are 99 unregistered / abandoned Aquaculture farms in an extent of 60.33 Hectors. In which, 35 Farms are existing in a total extent of 12.51 Hectors belong to CCF Society. The lands of remaining 64 Farms in an extent of 47.82 Hectors are identified as Private Lands.

8. **At Kesavadasupalem Village** of Sakhinetipalli Mandal, it is submitted that as mentioned at village Sl.No.4 of above table, there are 216 unregistered / abandoned Aquaculture farms in an extent of 30.25 Hectors. In which, 12 Farms in an extent of 3.98 Hectors belong to Endowment Department. As per the guidelines of the Coastal Aquaculture Authority / Department of Fisheries the land should be in the name of the applicant and linked to Aadhar card of the individual to make the applicant as eligible for granting License for Aquaculture. Whereas, in the present case the lands are in the names of Endowment Department in the web land records of Revenue Department. The lands of remaining 204 Farms in an extent of 26.27 Hectors are identified as Private Lands.

9. **At Karavaka Village of Mamidikuduru Mandal**, it is submitted that, as mentioned at Sl.No.5 of above table is not having any Agriculture activity. There are 22 unregistered / abandoned Aquaculture farms in an extent of 78.01 Hectors in which 8 Farms in an extent of 66.44 Hectors belong to CCF Society and the same is under the possession of different Members of the CCF Society. The lands of remaining 14 Farms in an extent of 11.60 Hectors are identified as Private Lands.

10. **At Gogannamatham Village** of Mamidikuduru Mandal, it is submitted that as mentioned at Sl.No.6 of above table there are 57 unregistered / abandoned Aquaculture farms in an extent of 75.13 Hectors. In which, 3 Farms are existing in a total extent of 39.91 Hectors belong to CCF Society. The land of remaining 54 Farms in an extent of 35.22 Hectors are identified as Private Lands.

11. **At Turupupalem of Malkipuram Mandal**, it is submitted that, as mentioned at village Sl.No.7 of above table there are 4 unregistered / abandoned Aquaculture farms in an extent of 0.80 Hectors CCF Society. Whereas, the total

extent of 0.80 Hectors is under the possession of different Members of the CCF Society. Whereas, in the present case the lands are in the names of CCF Society in the web land records of Revenue Department.

12. **At Padamatipalem** of Malkipuram Mandal, it is submitted that, as mentioned at village Sl.No.8 of above table there is One Aquaculture farm in an extent of 1.20 Hectors which belongs to Endowments Department and the said Farm is in abandoned state.

13. **At Gollapalem** of Malkipuram Mandal, it is submitted that, as mentioned at village Sl.No.8 of above table there are 19 unregistered / abandoned Aquaculture farms in an extent of 4.72 Hectors belong to CCF Society and the same is under the possession of different Members of the CCF Society.

14. **At Kesanapalli of Malkipuram Mandal**, it is submitted that, as mentioned at village Sl.No.10 of above table there are 11 unregistered / abandoned Aquaculture farms in an extent of 2.04 Hectors belong to CCF Society and the same is under the possession of different Members of the CCF Society.

15. **At Chintalamori Village** of Malkipuram Mandal, it is submitted that as mentioned at village Sl.No.12 of above table, there are 54 unregistered / abandoned Aquaculture farms in an extent of 37.36 Hectors. Among which, One Farm in an extent of 1.20 Hectors is in abandoned state in un-surveyed land of Government of Andhra Pradesh. One Farm in an extent of 0.40 is in abandoned state and the lands of remaining 52 Farms in an extent of 35.76 Hectors are identified as Private lands.

16. **At Shankaraguptam Village** of Malkipuram Mandal, it is submitted that as mentioned at village Sl.No.13 of above table, there are 3 unregistered / abandoned Aquaculture farms in an extent of 1.12 Hectors. Among which, 2 Farms in an extent of 0.72 Hectors belong to CCF Society and the same is under the possession of its Members. The remaining One farm in an extent of 0.40 Hectors is identified as Private land.

28. They have also reiterated the various rules dealing with this activity and the awareness and capacity building steps taken from their side. They have also mentioned all the official authorized under the respective Acts and statutes were taking appropriate action against the illegal activities and imposing heavy penalties. Regular inspections were also done and certain unauthorized aqua culture units which were not registered and found in CRZ zones were demolished on 29.02.2021. Prior to demolishing of the tanks, show cause notice dated 07.09.2021 was served by Executive Engineer, River Conservator, Head Works Division, Dowleswaram to various units which are found to be illegal unauthorised without any documents and names of such units were shown below:

Sl. No.	Name of the Pattadhar	Khatha No.	Rs.No.	Extent in Acres
1	Sri. Sasi Vera Venkata Satya Subrahmanya varma	2153	320-1B,320-1B 320-2B	1.33
2	Smt. Sagi padmavathi	2170	320-1B,320-1B1 320-B, 320-3A	0.97
3	Sri. Bhupathiraju Satyanarayanaraju	2179	320-2B,320-2B1 320-3A,320-3A1	1.00
4	Sri. Kothapalli Balaramakrishnam Raju	1166	330-2B	1.39

29. They have also given the activities carried on by the people illegally to augment their income and steps taken by them for removal of the same and regularise the same and they further mentioned that they will further carry out the same in same manner to protect the environment. So they prayed for passing appropriate orders.

30. The Joint Committee filed the report dated nil, e-filed on 23.03.2021 which reads as follows:

Joint Committee Report

V. Status of Aqua farms

It is alleged in the application that unlawful commercial or illegal shrimp farm culture (aqua farm) is taking place in Pallipalem, Antarvedi Devastanam, Antharvedi, Kesavadasupalem, Chintalamori, Sankaraguptam, Padamatipalem, Turpupalem, Gollapalem, Karavaka, Kesinapally in Malkipuram and Sakinetipalli mandals of East Godavari District in Andhra Pradesh. In order to verify the facts, the committee visited these areas during December 08-12, 2020, collected water samples and observed historical satellite images.

Fisheries department of Andhra Pradesh has permitted to carry out Aquaculture in Malkipuram, Sakinetipalli and Mamidikuduru mandals as detailed below:

Table 1: Permitted aqua farms by Fisheries department in alleged villages

S. No	Name of the Mandal	Name of the village	Extent in Ha	No. of farmers involved
1	Malkipuram	Gollapalem	27.2	32
2		Turupupalem	4.86	8
3		Kesanapalli	7.54	9
4		Pedamatapalem	4.84	6
5		Sankaraguptam	64.06	74
6		Chintalamori	68.69	80
7	Sakinetipalli	Kesavadasupalem	76	302
8		Antharvedi	285	436
9		Antharvedi pallipalem	25.46	38
10	Mamidikuduru	Gogannamatam	193.676	144
Total			757.326	1129

In addition to the permitted aqua farms, the committee observed illegal farms in the area for which the Fisheries department informed that they have already taken action against these illegal farms.

VI. Observations of the committee w.r.t Aqua farms in East Godavari district:

1. The aqua farms located within 2KM of high tide line (HTL) or waters of creek, estuarine etc. having salinity of 5 PPT fall under the jurisdiction of Coastal Aquaculture Authority (CAA) and these aqua farms have to be registered with CAA. Aqua farms located outside the jurisdiction of CAA have to be registered with the Andhra Pradesh Fisheries department. It implies that Coastal farms have to be registered with CAA and fresh water aqua culture farms have to be registered with A.P Fisheries department. The

registration has to be renewed once in five years. The farms that are not registered with CAA or Fisheries department or which have not renewed the registration are considered as illegal.

2. Many aqua farms operating in Malkipuram, Sakinetipalli and Mammidikuduru in East Godavari district did not provide registration/ renewal certificate to the committee. Though the Fisheries department informed that the farms operating in Malkipuram, Sakinetipalli and Mamidikuduru mandals are registered with them however during the time of inspection the Fisheries department did not have the updated information on the validity of the registrations.
3. Coastal Aquaculture Authority (CAA) has published "Guidelines for Regulating Coastal Aquaculture" which are annexed to CAA Rules, 2005. Copy of the guidelines is enclosed as Annexure-II. The aqua/ shrimp farms may be established and operated in compliance with these guidelines.
4. The aqua farms are located adjacent to each other. Though numerous farmers may be involved but in a single piece of land the ponds are constructed. There is no spacing between the shrimp/ aqua farms. Each farmer may have less than 5Ha of aqua pond but combined area involved in aqua farming is varying from 27.3 ha to 285 ha. The farmers have obtained permission and then contracted into a single contractor who will be operating most of the ponds.
5. There is no clear demarcation of area for aqua farms. The extent of area permitted by the Fisheries department or other concerned Authorities is not strictly complied with. The committee humbly submits that CAA and Fisheries department shall define the area permitted for construction of aqua farm and same shall be demarcated in the field.
6. Fisheries department and other concerned departments have given separate permissions to all the ponds operating in the same area but the committee suggests that it shall be either treated as a single large farm or cluster of aqua farms and appropriate environmental safeguards shall be implemented.
7. Though the aqua farming in the region is taking place in a full-fledged manner in all 10 villages in an area varying from 27.3 ha to 285 ha, there are no effluent treatment systems for treating the wastewater generated from these farms. Effluent Treatment System (ETS) is mandatory for farms above 5 ha. At least 10 per cent of the total pond area should be earmarked for the effluent treatment systems which may be used for secondary aquaculture projects, particularly for culture of mussels, oysters, seaweed other fin fishes, etc. In this particular case, since cluster of farms are operating, concerned departments shall enforce that the aqua farms shall collectively construct & operate either common effluent treatment systems or individual effluent treatment systems as per CAA Rules 2005. The effluent discharged shall comply with the Standards for treatment of wastewater discharged from the aquaculture farms stipulated by CAA. The aqua farms shall install real time monitoring system at the outlet of the CETP for the parameters notified by CAA and connect the real time monitoring system to APPCB server.
8. The farms are not properly designed and there are no independent intake and outfall points. The committee observed that the wastewater so generated from the farms are directly discharged without any treatment into drains or nearby water

course which ultimately joins sea.

9. The aqua farms are not maintaining any records on the quantity of water used and quantity of effluent generated. CAA/ Fisheries department shall enforce the aqua farms to maintain records on the quantity of water utilized and effluent discharged.
10. Fisheries department, Ground Water department and APPCB shall regularly monitor the water quality.
11. The list of coastal aqua farms that have registered and have renewed the registration in east Godavari district is published in the website of CAA. As per the list, it was observed that very few coastal farms have registered and renewed their registration and are indicated as Active ponds in the list. CAA may take action against the coastal aqua farms that have not registered/ renewed the registration with CAA in accordance with CAA Rules, 2005. Similarly, for fresh water aqua farms, Fisheries department may take action against illegal farms.
12. In Antharvedi and Kesadasupalem many aqua farms are established near to high tide line which fall under the jurisdiction of CAA but only few of these coastal aqua farms are registered with CAA while others are operating without any registration. Hundreds of both coastal and fresh water aqua farms are established in Kesavadasupalem, Atharvedi and Antharvedi Pallipalem without any arrangement of ETS. The cumulative pollution load from these farms may be very high. The committee humbly submits that Hon'ble NGT may direct CAA and Fisheries department, Govt. of AP to carry out carrying capacity and assimilative capacity of receiving water bodies before registration/ renewal of the registration of these farms.
13. The committee submits that CAA, Fisheries department, APPCB, Revenue and District Collector, East Godavari shall permit the operation of these cluster of farms only if common effluent treatment systems are constructed and are put in operation. The effluent generated from these hundreds of farms shall not be directly let out into any drain/ marine water, estuarine/ land etc. The effluent so generated shall be treated in ETS and only after complying with the standards stipulated by CAA, the effluent shall be discharged.
14. The submissions made by Fisheries department is enclosed as Annexure-III. The fisheries department have issued notice to 30 aqua farms operating without permission.
15. The committee also observed that few aqua farms are not complying with the siting guidelines stipulated in CAA Rules, 2005. The farms are located at a distance of less than 200m of HTL which is not permitted as per CAA Rules. Few farms in Karavaka and Chintalamori are located adjacent to a natural drain. The Committee submits to Hon'ble NGT to direct CAA and Andhra Pradesh aqua farms constructed in violation of CAA siting guidelines shall be demolished by CAA/ Fisheries department.
16. The committee had collected samples during the visit and the analysis results are as follows (Copy of the analysis results is enclosed as **Annexure-IV**:

Table 2: Analysis results aqua ponds and drain located in aqua ponds

S.No	Parameters	Coastal marine waters	Creek/estuarine waters	Aquaculture pond near seashore - Chintalamoori (illegal)	Drain near aquaculture pond in Mamidikuduru	Drain near Gogannamattam, Mamidikuduru	Aqua farm sample at Gogannamattam
1.	pH	6.0-8.5	6.0-8.5	7.13	8.32	8.52	8.45
2.	Total Suspended Solids at 105°C	100	100	62	24	18	12
3.	Biochemical Oxygen Demand	50	20	16	14	11	16
4.	Chemical Oxygen Demand	100	75	76	68	52	72
5.	Phosphates	0.4	0.2	0.19	0.17	0.15	0.77
6.	Ammonical Nitrogen			0.14	0.08	0.11	0.09
7.	Total Kjeldhal Nitrogen			0.56	1.1	1.6	1.1

All parameters except pH are in mg/L. The values marked in bold are above acceptable limits

17. From the analysis results, it is observed that COD in Chintalamoori pond is 76mg/L against standard of 75mg/L and pH in Gogannamattam drain is 8.52 against standard of 8.5. The drain samples are slightly varying from the standards.

18. In addition the committee had also collected ground water samples in the area to assess whether there are any impacts on the ground water quality due to aquaculture and the results are as follows:

Table 3: Ground water analysis results in alleged villages

Sl. No.	Parameter	W-148	W-149	W-150	Drinking Water Standards	
					Acceptable Limit	Permissible Limit
1.	pH	8.12	8.24	8.46	6.5-8.5	No relaxation
2.	Total Dissolved Solids at 105°C	240	1328	210	500 mg/l	2000 mg/l
3.	Chlorides (as Cl ⁻)	39.1	406.0	19.5	250 mg/l	1000 mg/l

4.	Total Hardness (as CaCO ₃)	92	536	136	200 mg/l	600 mg/l
5.	Total Alkalinity (as CaCO ₃)	88	244	212	200 mg/l	600 mg/l
6.	Sulphates (as SO ₄ ²⁻)	15.4	173.4	2.0	200 mg/l	400 mg/l
7.	Fluorides (as F ⁻)	BDL	0.03	BDL	1.0 mg/l	1.5 mg/l
8.	Nitrates (as NO ₃)	1.99	68.17	1.46	45 mg/l	No relaxation
9.	Calcium (as Ca ⁺²)	11.2	99.2	22.4	75 mg/l	200 mg/l
10.	Magnesium (as Mg ⁺²)	15.5	69.9	19.4	30 mg/l	100 mg/l
11.	Ammonical Nitrogen(as NH ₃ -N)	0.10	BDL	BDL	0.5 mg/l	No relaxation
12.	Chromium (as Cr)	0.0025	0.0008	0.0002	0.05 mg/l	No relaxation
13.	Manganese (as Mn)	0.0543	0.7397	0.0718	0.1 mg/l	0.3 mg/l
14.	Iron (as Fe)	0.1062	0.1134	0.0596	0.3 mg/l	No relaxation
15.	Cobalt (as Co)	<0.0001	0.0002	0.00001	--	--
16.	Nickel (as Ni)	0.0017	0.0078	0.0016	0.02 mg/l	No relaxation
17.	Copper (as Cu)	0.0147	0.0155	0.0116	0.05 mg/l	1.5 mg/l
18.	Zinc (as Zn)	0.0281	0.04135 5	0.0295	5.0 mg/l	15.0 mg/l
19.	Arsenic (as As)	0.0015	0.0014	0.0208	0.01 mg/l	0.05 mg/l
20.	Cadmium (as Cd)	<0.0001	0.0005	<0.0001	0.003 mg/l	No relaxation
21.	Lead (as Pb)	0.0031	0.0027	0.0018	0.01 mg/l	No relaxation

All parameters are in mg/L except pH. The values marked in orange are above acceptable limits

W-148: Bore well sample collected house of Smt R. Shobana, Chinthalamori (V), Malkipuram(M), East Godavari District

E-149: Bore well sample collected house of Sri K. Subba Rao, Karavaka (V), Mamidikuduru (M), East Godavari District

E-150: Bore well sample collected house of Sri Bhupathi Raju Rambhadra Raju, D.No.2-61/2, Gogannamatam (V), Mamidikuduru (M), East Godavari District

19. From the ground water analysis results it is observed that bore well sample (ground water sample) collected in Mamidikuduru is not complying with drinking water standards w.r.t alkalinity, hardness, calcium, magnesium and nitrates however the increased concentration of these parameters depends on multiple factors.

VII. **Illegal Aqua farming at Chintalamoori:**

The committee observed full-fledged aqua farming operations at two locations in Chintalamoori without obtaining

any permissions from the concerned departments. At one location, it is clear from the satellite images that since 2017 onwards the ponds are established and illegal aqua/ shrimp farming is taking place. The total area of illegal farming is around 4.5 hectares. In other location, from 2018 onwards illegal aqua farming is taking place. The wastewater so generated is discharged into sea. It was informed that Fisheries department has issued notice on 26-10-2020 to stop the activity and have destroyed the bunds. During committee visit no activity was taking place. The District Collectorate/ Fisheries department/ Revenue department have not levied compensation or fine against illegal operation taking place from December, 2017 to October, 2020. The committee also observed that the bunds are not fully destroyed. The activity was carried out in violation of CRZ provisions.

The committee observed that few coastal farms in Antharvedi, Gogunnamatam are Chinthalamori are less than 200m from HTL which is not permitted as per CAA Rules, 2005.

The committee humbly submits to Hon'ble NGT to direct CAA, Fisheries department and District Collectorate, East Godavari to take action against these farms which are operating at a distance less than 200m from HTL as per provisions of CAA Rules, 2005.

VIII. Findings of the Committee regarding Beach Sand Mining

Department of Mines and Geology, Rajamahendravaram informed to the committee that the department has not given permission for beach sand mining. The committee was informed that the Ministry of Mines GOI have issued an order dated 01.03.2019 on premature termination of all mineral concessions of beach sand minerals found in the teri or beach sand held by private companies under the provisions of section 4A(1) of the MMDR Act, 1957. However committee observed sand/ silt was removed from Shankarguppan drain. The committee interacted with local villagers and the villagers informed to the committee that sand is being removed from the drain. The committee enquired with revenue and irrigation departments and it was informed that the Irrigation department has accorded permission for decasting of Shankarguppan drain from 0.2KM to 1.4 KM chainage upto 1m depth. It was reported by Irrigation department, Govt. of A.P that due to siltation in the drain, during monsoon the storm water was not getting drained into sea resulting in water logging/ stagnation of storm water. To prevent stagnation of storm water and to enhance the drainage capacity, decasting of Shankarguppan drain was taken up from 01.05.2020 onwards. During committee visit, there was no activity. The irrigation department and Mines department did not provide any records on the quantity of silt/sand that was removed from the drain and how the decasted sand was utilized.

The department has not given any permission for mining of beach sand and has not taken any measures exclusively for regulating the beach sand mining activity. During the visit, the committee did not observe any illegal beach mining activity. The committee humbly submits to Hon'ble NGT to direct Department of Mines & Geology, Police Department and District Collectorate,

East Godavari to devise a monitoring mechanism to check on illegal beach sand mining.

Though the Government of A.P have not taken any specific measures exclusively to curb illegal beach sand mining, but measures are taken to curb sand mining in general. No. of cases booked by the Inspector of Police in Razole circle from 01-12-2019 to 09-12-2020 are as follows:

Table 4: sand cases information from 01-12-2019 to 09-12-2020 of Razole circle

Sl.	Name of the Police Station	Total no. of sand cases registered	Total no. of vehicles seized				Total no. of accused arrested
			Tractors	Lorries	JCB/Proclaim	Boats	
1	Razole	8	15	0	1	1	19
2	Nagaram	16	17	3	0	0	27
3	Malkipuram	14	31	5	3	0	40
4	SK. Palli	8	12	0	1	1	27
	Total	46	75	8	5	2	113

During the period from 01-12-2019 to 09-12-2020, 46 sand cases are registered in Razole circle that includes 75 tractors, 8 lorries, 5 JCB/ poclainers and 2 boats were seized and 113 accused persons were arrested.

IX. Conclusions

1. The aqua farms located within 2KM of high tide line (HTL) or waters of creek, estuarine etc. having salinity of 5 PPT fall under the jurisdiction of Coastal Aquaculture Authority (CAA) and these aqua farms have to be registered with CAA. Aqua farms located outside the jurisdiction of CAA have to be registered with the Andhra Pradesh Fisheries department. The registration has to be renewed once in five years. The farms that are not registered with CAA or Fisheries department or which have not renewed the registration are considered as illegal.
2. As per the list active ponds mentioned in CAA website and information provided by Fisheries department, the committee is of the view that only few aqua farms operating in the region are registered with CAA/ fisheries department and have timely renewed their registration and remaining farms are operating without proper permissions. The committee humbly submits Hon'ble NGT to direct CAA and the Fisheries department, Government of Andhra Pradesh to take action against the coastal aqua farms/ freshwater aqua farms that have not registered/ renewed the registration with CAA/ Fisheries department in accordance with CAA Rules, 2005.
3. In Antharvedi and Kesadasupalem many aqua farms are established near to high tide line. The aqua farms constructed in violation of the siting criteria (mandatory points) stipulated in CAA

Rules, 2005 like located at a distance of less than 200m of HTL(encroachment of beach area) which is not permitted as per CAA Rules OR located adjacent to a natural drain OR located near to human habitation at a distance of less than 100m OR located at a distance of less than 100m from drinking water source OR other siring criteria; the committee humbly submits Hon'ble NGT to direct CAA & A.P Fisheries department to demolish these aqua farms constructed in violation of CAA Rules, 2005 or to take appropriate action in accordance with CAA Rules, 2005.

4. The aqua/ shrimp farms may be established and operated in compliance with

“Guidelines for Regulating Coastal Aquaculture” which are annexed to CAA Rules, 2005. Fisheries department and other concerned departments may grant permissions to those aqua/ shrimp farms which are complying with the Coastal Aquaculture Authority Rules, 2005.

5. District Collectorate, East Godavari and all concerned departments, East Godavari shall conduct awareness programmes among the farmers operating the aqua farms to sensitize them about CAA Rules, 2005.
6. From the water samples collected from the drains and from bore well samples, the committee observed that there is no significant damage to surface and ground water samples. There was no visual damage to the soil, hence the committee has not calculated Environmental Compensation. The committee humbly submits to Hon'ble NGT to direct CAA and Fisheries Department to levy penalty from illegal aqua farm owners.
7. Hundreds of both coastal and fresh water aqua farms are established in Atharvedi, Antharvedi Pallipalem, Kesavadasupalem, Malkipuram without any arrangement of ETS. The cumulative pollution load from these farms may be very high. The committee observed water logging in several areas in the region. The causes for water logging may be poor drainage in the region and another cause may be due to hundreds of aqua farms operating in the region. The committee humbly submits to Hon'ble NGT to direct Coastal Aquaculture Authority, Fisheries Department, APPCB, Irrigation department, Ground water department and revenue department of State of Andhra Pradesh to jointly study the assimilative and carrying capacity (including surface & ground water quality, ground water depth) of the receiving water body and also drainage capacity before permitting such large number of aqua farms and before renewing the registration of these farms.
8. The aqua farming in the region is taking place in a full-fledged manner in an area varying from 27.3 ha to 285 ha, there are no effluent treatment systems for treating the wastewater generated from these farms. Effluent Treatment System (ETS) is mandatory for farms above 5 ha. As per CAA Rules, 2005 at least 10 per cent of the total pond area should be earmarked for the effluent treatment systems. The committee submits that CAA, Fisheries department, APPCB, Revenue and District Collector in the state of AP shall permit the operation of these cluster of farms only if common effluent treatment systems are constructed and are put in operation. The effluent generated from these hundreds of farms shall not be directly let out into any drain/ marine water, estuarine/ land etc. The effluent so generated shall be treated in ETS and only after complying with the standards stipulated by CAA, the effluent shall be discharged. The aqua farms shall maintain records on the quantity of water used and quantity of effluent generated/ disposed.

20. *The committee humbly submits that CAA and Fisheries department shall define the area permitted for construction of aqua farm and same shall be demarcated in the field. Numerous aqua farms in Malkipuram, Sakinetipalli, antharvedi, kesavadasupalem are located adjacent to each other. Though numerous farmers may be involved but in a single piece of land the ponds are constructed. There is no spacing between the shrimp/ aqua farms. Each farmer may have less than 5Ha of aqua pond but combined area involved in aqua farming is varying from 27 ha to more than 200 hectares. The committee submits that it shall be either treated as cluster of aqua farms and appropriate environmental safeguards shall be implemented.*
9. *As a social responsibility, the aqua farms shall collectively take up construction of pucca roads and sanitation arrangements for workers.*
10. *A.P Fisheries department did not furnish any information to the committee on the measures taken by them to regulate aqua farming and monitoring mechanism to prevent illegal activity.*
11. *The Committee humbly submits to Hon'ble NGT to direct Irrigation department to provide records on the quantity of silt/ sand removed during the decasting of Shankarguppam drain and how the decasted material was utilized.*
12. *The committee observed that though District Collectorate and Irrigation department have taken up desilting of drains with a good intent but there was lack of supervision and monitoring due to which the local villagers have developed apprehensions that they are carrying out beach sand mining. The local bodies shall create awareness and sensitize the native village people that regular decasting/ desilting is essential to ensure proper drainage of storm water into sea or else it will result in water logging in upstream areas.*
13. *The committee humbly submits to Hon'ble NGT to direct Department of Mines & Geology, Police Department and District Collectorate, East Godavari to devise a monitoring mechanism to check on illegal beach sand mining."*

31. The applicant filed objections to the Joint Committee in the form of reply wherein he had pointed out the various irregularities in not carrying out the directions issued by this Tribunal in respect of sand mining and aquaculture activities and also the directions of the Hon'ble Apex Court and wanted this Tribunal to issue further directions as follows:

- A. Direct the Chief Secretary of Andhra Pradesh to make the District Administration accountable for the implementation of the directions passed by this Hon'ble Tribunal in the present case as well as earlier judgments,
- B. Direct the Joint Inspection Committee to assess the damage caused to sand mounds in East Godavari district and its effects on coastal villages in the region.

32. Heard the Learned Counsel for the applicant and Learned Counsels for the respondents.

33. The Learned Counsel for the applicant submitted that though they have mentioned that certain actions have been taken in fact those activities are still undergoing. No environmental Compensation was calculated in respect of the violation noted by them as well. He wanted this Tribunal to pass appropriate order giving appropriate directions.

34. On the other hand, Learned Counsel appearing for MoEF&CC and Central Pollution Control Board submitted that they are only policy makers and it is for the State Government and its instrumentalities under the respective statutes to enforce the provisions of CRZ Notification and Aquaculture Authority Act and Rules and regulate the activities as provided therein.

35. Learned Counsel appearing for the State of Andhra Pradesh and its Departments submitted that on the basis of the Joint Committee inspection, certain unauthorised activities were found and strict action had been taken including demolition of those units which were carrying out their operations in the non-permissible areas and without getting any permission from the authorities. They are following the directions issued by this Tribunal in respect of sand mining and also in respect of regulating the activities of aquaculture farms and will abide by any further direction issued by this Tribunal in this regard.

36. Considered the pleadings and submission made by the Learned Counsel for the parties.

37. The points that arise for consideration are:

- i. Whether the allegation of illegal sand mining and aquaculture farms operating in the coastal zones are true?
- ii. What is the nature of directions to be issued, if the allegations are true?
- iii. What are all further directions, if any, to be issued applying the 'Precautionary Principle' to protect the environment?
- iv. Relief and costs?

Points.

38. The main grievance in this application is along East Godavari coastal stretch illegal sand mining and aquaculture operations were going on and in spite of the same brought to the notice of the authorities, no action was taken. Those allegations were denied by the authorities. As when any illegal activities were found, they were taking appropriate action was the stand taken by the State Authorities.

39. In order to ascertain the genuineness of the allegations made in the application, this Tribunal had appointed a Joint Committee and the Joint Committee had inspected the area and submitted a report and made its findings regarding beach sand mining and aquaculture activities in Para 7 and 8 of the report which was already extracted and in the conclusion portion also they have mentioned about the deficiencies found in regulating these activities.

40. In **Sri. S. Jagannath Vs Union of India & others**² the Hon'ble Apex Court has clearly mentioned about the impact of commercial aquaculture activities in coastal regulation zones and the necessity for regulating the same in a scientific manner to avoid its adverse impact on marine ecology. It is on that basis Coastal Aquaculture Authority Act, 2005 and Rules thereunder were framed. Certain amendments were made in Coastal Regulation Zone Notification as well permitting aquaculture activities in certain zones as a regulated activity. In Coastal zones covered by CRZ Notification, where it is permitted aquaculture activities will have to be regulated by the provisions of Coastal Aquaculture Authority Act and in other areas it has to be regulated by the Fisheries Department.

41. The necessity of such regulations and the implementation of respective departments on this aspect including obtaining CRZ Clearance and apart from the regulated mechanism provided under the Aquaculture Authority Act, 2005 was considered by the Special bench of this Tribunal in **Mr. A. Paramasivan vs. TNPCB, Chennai & Ors.**-O.A. No. 82 of 2016 and connected matters, the directions as to how these activities will have to be regulated and also given directions to the authorities to take appropriate action including removal and imposing compensation and initiating prosecution against such persons.

42. Further as regards the sand mining is concerned, coastal sand mining is strictly prohibited under the CRZ Notification and only certain activities mentioned under Para-3 of the CRZ

² (1997) 2 SCC 87

Notification alone are permissible for which they will have to obtain clearance from the State Coastal Zone Management Authority. Further, certain guidelines were also issued as to how the sand bar removal can be done and how the same will have to be utilised as well. In most of the cases in the guise of desilting and dredging and removal of sand bar illegal mining is also happening and in several cases, this Tribunal has issued several directions as to how this will have to be regulated as well. Further, the use of heavy machinery for these purposes in coastal zone is also prohibited. These aspects were considered by this Tribunal in a Karnataka case and where certain directions have been issued as to how this will have to be regulated, namely, **Janajagriti Samithi vs. Union of India & Ors.**-O.A. No. 26 of 2013 and other connected cases.

43. Further in respect of sand mining and dredging also, this Tribunal has issued several directions even in respect of State of Andhra Pradesh in **Gutha Gunasekhar and Ors. vs. Union of India and Ors.**-O.A. No. 137 of 2021 directing them to strictly comply with the sustainable sand mining guidelines of 2016 and Maintenance Enforcement Guidelines, 2020 issued by MoEF&CC in this regard.

44. Though certain action has been taken for removal of the aquaculture units and also seizure of certain vehicles and registering the cases involved in illegal sand mining in beach area, no environmental compensation was imposed and recovered from them. It is time and again reiterated by this

Tribunal that it is not possible for the Tribunal to monitor the discharge of statutory functioning of the regulators perpetually and it is for them to take appropriate steps to implement the laws.

45. Further, the Hon'ble Apex Court in several decisions have mentioned that non-enacting laws protecting environment will be of much lesser evil than non-implementation of the existing environmental laws to protect environment which will be of higher grade impact and that should not be tolerated. It is for regulators to take pro-active steps to evolve mechanism to check illegal sand mining and illegal aquaculture activities in sea shore which is likely to affect the marine ecology adversely. They are expected to take appropriate action against those who are not strictly adhering to these regulatory mechanisms for conducting the respective permissible activities in a permissible manner. So under such circumstances, this Tribunal feel that the application can be disposed by giving following directions:

- i. Andhra Pradesh Aqua Culture Authority, Fisheries Department and the District Collector of the respective Districts are directed to take appropriate action against those persons who are operating illegal/unauthorised aqua culture farms in the Coastal Zones or other areas without obtaining necessary permission or license from the respective authorities including removal of those units, disconnection of electricity, if any, given, imposing environmental compensation and initiating prosecution as

has been directed by the Special Bench in **Mr. A. Paramasivan vs. TNPCB, Chennai & Ors.**-O.A. No. 82 of 2016 and connected matters.

ii. The Department of Mines and Geology and the Andhra Pradesh Pollution Control Board, State Coastal Zone Authority and the District Collector of the respective districts are directed to monitor illegal sea shore sand mining and take action against those persons who are committing such mischief strictly in accordance with law including imposition of environmental compensation for illegal sand mining conducted in those prohibited areas apart from initiating prosecution and recovery of penalties provided under the respective mining rules.

iii. The Mines and Geology Department and the State Coastal Zone Management Authority are directed to implement the directions issued by this Tribunal in respect of removal of sand bars in various decisions including **Janajagriti Samithi vs. Union of India & Ors.**-O.A. No. 26 of 2013 and connected cases and **Gutha Gunasekhar and Ors. vs. Union of India and Ors.**-O.A. No. 137 of 2021 and strictly adhere to the sustainable sand mining policy of 2016 and Regulation of Maintenance and Enforcement of Guidelines, 2020 issued by MoEF&CC in respect of these aspects.

iv. The Andhra Pradesh Pollution Control Board is also directed to take appropriate action against those persons,

who are responsible for causing pollution to the water, soil and air by conducting such illegal activities by taking action including imposition of environmental compensation and initiating prosecution apart from taking other actions as provided under the respective statutes in accordance with law.

v. The Chief Secretary, State of Andhra Pradesh and Additional Chief Secretary or Principal Secretary for Environment and Forests are directed to issue necessary directions to the implementing authorities to strictly implement the statutory provisions, regulating the aquaculture activities and sand mining in coastal zone areas and other areas strictly in accordance with directions issued by this Tribunal in several matters and also strictly complying with the guidelines issued by the MoEF&CC in this regard.

vi. The Coastal Zone Management Authority and the Fisheries Department, the Aqua Culture Authority and Director of Mines, Andhra Pradesh State Pollution Control Board are directed to take steps to recover the environmental compensation from those persons who are involved in unauthorised aqua culture activity without obtaining permission or license and conducting illegal sea sand mining activities in the coastal zone, apart from initiating prosecution and seizure of vehicles as done by them as huge amount is lost to the Government on

account of such illegal activity and such persons should be dealt with in accordance with law as damage caused to environment including its cost of restoration has to be recovered from them by imposing environmental compensation taking into those aspects as well. When vehicles are seized by the authority, then they are directed to strictly follow the direction given by the Principal Bench to insist for deposit of 50 per cent of market value of the vehicle seized while releasing the vehicle.

The points are answered accordingly.

46. In the result the application is allowed in part and disposed of with following directions:

- I. Andhra Pradesh Aqua Culture Authority, Fisheries Department and the District Collector of the respective Districts are directed to take appropriate action against those persons who are operating illegal/unauthorised aqua culture farms in the Coastal Zones or other areas without obtaining necessary permission or license from the respective authorities including removal of those units, disconnection of electricity, if any, given, imposing environmental compensation and initiating prosecution as has been directed by the Special Bench in **Mr. A. Paramasivan vs. TNPCB, Chennai & Ors.**-O.A. No. 82 of 2016 and connected matters.
- II. The Department of Mines and Geology and the Andhra Pradesh Pollution Control Board, State Coastal Zone

Authority and the District Collector of the respective districts are directed to monitor illegal sea shore sand mining and take action against those persons who are committing such mischief strictly in accordance with law including imposition of environmental compensation for illegal sand mining conducted in those prohibited areas apart from initiating prosecution and recovery of penalties provided under the respective mining rules.

III. The Mines and Geology Department and the State Coastal Zone Management Authority are directed to implement the directions issued by this Tribunal in respect of removal of sand bars in various decisions including **Janajagriti Samithi vs. Union of India & Ors.**-O.A. No. 26 of 2013 and connected cases and **Gutha Gunasekhar and Ors. vs. Union of India and Ors.**-O.A. No. 137 of 2021 and strictly adhere to the sustainable sand mining policy of 2016 and Regulation of Maintenance and Enforcement of Guidelines, 2020 issued by MoEF&CC in respect of these aspects.

IV. The Andhra Pradesh Pollution Control Board is also directed to take appropriate action against those persons, who are responsible for causing pollution to the water, soil and air by conducting such illegal activities by taking action including imposition of environmental compensation and initiating prosecution apart from taking

other actions as provided under the respective statutes in accordance with law.

V. The Chief Secretary, State of Andhra Pradesh and Additional Chief Secretary or Principal Secretary for Environment and Forests are directed to issue necessary directions to the implementing authorities to strictly implement the statutory provisions, regulating the aquaculture activities and sand mining in coastal zone areas and other areas strictly in accordance with directions issued by this Tribunal in several matters and also strictly complying with the guidelines issued by the MoEF&CC in this regard.

VI. The Coastal Zone Management Authority and the Fisheries Department, the Aqua Culture Authority and Director of Mines, Andhra Pradesh State Pollution Control Board are directed to take steps to recover the environmental compensation from those persons who are involved in unauthorised aqua culture activity without obtaining permission or license and conducting illegal sea sand mining activities in the coastal zone, apart from initiating prosecution and seizure of vehicles as done by them as huge amount is lost to the Government on account of such illegal activity and such persons should be dealt with in accordance with law as damage caused to environment including its cost of restoration has to be recovered from them by imposing environmental

compensation taking into those aspects as well. When vehicles are seized by the authority, then they are directed to strictly follow the direction given by the Principal Bench to insist for deposit of 50 per cent of market value of the vehicle seized while releasing the vehicle.

VII. Considering the circumstances the parties are directed to bear their respective costs.

VIII. The Registry is directed to communicate this order to the Director of Mines and Geology, Chairman, Pollution Control Board, Andhra Pradesh Aqua Culture Authority, Fisheries Department, the District Collector, Additional Chief Secretary, Environment and Forests and Chief Secretary, State of Andhra Pradesh for their information and compliance of above directions.

47. With the above directions and observations, the application is disposed of.

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

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No.91 of 2020
18th July, 2022. AM.

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:

Sri Venkatapathi Yenumula Raju

.... Applicant

Versus

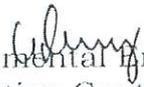
Union of India & Ors

.... Respondent(s)

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Date: 08.09.2023
Place: Kakinada


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

ACTION TAKEN REPORT IN THE MATTER OF HON'BLE NGT, CHENNAI ORDERS DT. 18.07.2022 AND 28.03.2023 IN M.A. NO. 3 OF 2023(SZ) IN O.A. NO. 91 OF 2022(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 aqua ponds, beach sand mining, damage caused to coastal area and resulting flooding adjoining villages of Pallipalem village, Antravedi Devasthanam and other villages in Malkipuram and Sakhinetipalli 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. Whereas, 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.

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.

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 (i) 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.

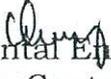
The CAA Act, 2005 and its amendment in 2023 has been enacted by the Parliament to provide for the regulation of farms alone empowering Coastal Aquaculture Authority to register and regulate coastal aquaculture farms.

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.

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: 08.09.2023
Place: Kakinada


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)

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.

**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.

MBS Shankar Reddy
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.

Item No.10:**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

[Through Physical Hearing (Hybrid Option)]

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: 25.02.2025.**CORAM:****HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER****HON'BLE Dr. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff for R1.
Mrs. Madhuri Donti Reddy for R4 to R7, R9 to
R15, R17.
Mr. Thirunavukarasu for R8.

ORDER

1. The earlier order dated 04.09.2024 passed by this Tribunal is yet to be complied with.

2. Let the matter be listed on **22.04.2025**.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Arun Kumar Verma, EM

M.A. No. 03/2023(SZ) in
O.A. No. 91/2020(SZ)
25th February, 2025. AD.



GOVERNMENT OF ANDHRA PRADESH
ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.VI) DEPARTMENT

Memo No.EFS01-ENV/125/2023-SEC.VI (2089460),

Dt: 05.12.2023

Sub:- E.F.S. & T. Dept. - APCZMA – Authorization to the DLCs to take action in case of violation in CRZ areas - Orders issued.

Ref:- 1) G.O.Rt.No.135, E.F.S. & T. (Sec.I) Dept., dated 21.12.2022.
2) G.O.Rt.No.32, E.F.S. & T. (Sec.VI) Dept., dated 22.05.2023.
3) From Member Secretary, APPCB, Lr.No.11/APCZMA/DLCs/2022-546 dated: 09.10.2023.

&&&



The attention of the Member Secretary, APPCB, Vijayawada is invited to the reference 3rd cited wherein he has requested the Government to authorise the District Level Committees (DLCs) to take action in case of violation of CRZ Rules, so as to enable DLCs to take immediate action for CRZ violations.

2. Government after careful examination of the matter and in continuation of the Government Orders issued vide references 1st and 2nd cited, hereby accord approval authorizing the DLCs for immediate action for CRZ violations as under:

a) Appropriate immediate action shall be taken by the DLCs through the concerned department, as in the table below, in respect of any violation of CRZ Rules:

Table: Authorization of various departments to take action against violation cases in CRZ limits

S.No.	Violation in CRZ area	The department that has to take immediate action as per the powers vested with them as per relevant provisions of their Acts and Rules, based on the recommendations of the DLCs
1.	In respect of any kind of construction which are in violation of CRZ rules	Local bodies (as per A.P. Building Rules)
2.	In respect of any forest area, mangrove, eco-sensitive areas, wild life areas	Forest and Wildlife Department.
3.	By Industries	APPCB
4.	Around and In Heritage sites	Archaeological Survey of India / Department of Archaeology and Museums
5.	Aqua culture	Revenue Dept./ Fisheries Department
6.	Illegal mining including sand mining and /or disturbing sand dunes /sand bars etc	Department of Mines and Geology
7.	Other than above	Collector and District Magistrate (Chairman of DLC)

....2/-

EEC/2
11/12/2023
AEC/2
14/12/23

-2-

b) Further, the DLCs can also submit report to the APCZMA for taking further action, under Section 5, 10 & 19 of the Environment (Protection) Act, 1986, in addition to the action initiated by them through the concerned department as per tabular statement above. The APCZMA shall examine the same and issue necessary orders.

3. The MS, APPCB & APCZMA shall take further necessary action in the matter accordingly.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The MS, APPCB, Vijayawada
The MS, APCZMA, Vijayawada
The District Collectors of Coastal Districts
Copy to:
The OSD to Hon'ble Minister (EFS&T, M&G)
The PS to Spl. CS to Govt., EFS&T
The PS to Spl. Secy to Govt., EFS&T
SF/SC (Computer No. 2089460)

// FORWARDED:: BY ORDER //

[Signature]
SECTION OFFICER