

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

**OA No 156 OF 2023**

**IN THE MATTER OF:**

**THOTA GANGA RAJU**

..... Applicant

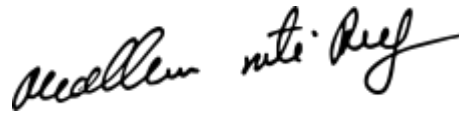
**Vs**

**THE WATER RESOURCE DEPARTMENT AND OTHERS**

.... Respondents

**COUNTER FILED BY THE COLLECTOR 5th RESPONDENT**

**DATE- 24.08.2024**



**M/s MADHURI DONTI REDDY  
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH**

**A.P. POLLUTION CONTROL BOARD**

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

Mobile: 98407 98460 / 63831 21322,

Email: [reddymadhuri09@gmail.com](mailto:reddymadhuri09@gmail.com)

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN BENCH AT CHENNAI  
ORIGINAL APPLICATION NO.156 OF 2023(SZ)**

IN THE MATTER OF:

**Thota Ganga Raju, S/o Ranga Rao, Advocate,**  
R/o Tundurru Village, Bhimavaram Mandal,  
West Godavari District, Andhra Pradesh-534207.  
Mobile No: 9440184799, E-mail id: tgr\_advocate@yahoo.com

**..... APPLICANT**

**VERSUS**

**1.The Government of Andhra Pradesh,**  
Rep. by its Principal Secretary,  
Water Resources (Irrigation) Department,  
Secretariate Buildings, Velagapudi, Amaravati,  
Andhra Pradesh-522237.  
E-mail: splcs-wrd@ap.gov.in, psdwrap15@gmail.com  
Contact No: 0863-2444248

**2.The Government of Andhra Pradesh,**  
Rep. by its Principal Secretary,  
Panchayatiraj&Rural Development Department,  
Secretariat, Velagapudi, Amaravathi,  
Andhra Pradesh-522237.  
e-mail: prisecy\_pr@ap.gov.in  
Contact No: 0863-2445507.

**3.Department of Animal Husbandry,**  
Rep. by its Principal Secretary,  
Diary Development and Fisheries,  
Secretariat, Amaravati,  
Andhra Pradesh-522237.  
E-mail: prlsecy\_ahf@ap.gov.in  
Contact No: 0863-2444539

**4.Andhra Pradesh Pollution Control Board,**  
Rep. by its Member Secretary,  
Paryavaran Bhavan, APIIC Colony Road,  
Gurunanak Colony, Auto Nagar,  
Vijayawada, Andhra Pradesh-520007.  
E-mail:membersecy@appcb.gov.in  
Contact No: 0866-2463204.

**5.The District Magistrate & Collector,**  
Office of Collectorate,

  
**DISTRICT COLLECTOR  
West Godavari District,  
BHIMAVARAM.**

West Godavari District,  
Bhimavaram, Andhra Pradesh-534201.  
E-mail: collector\_wgdgap.gov.in  
Phone No: 8877897789, 08816-299219

**6.The Secretary, Srungavruksham Gram Panchayati,**  
PalakoderuMandal, West Godavari District,  
Andhra Pradesh-534243.  
Mobile: 8247677058,  
E-mail:[gpsrungavruksham9@gmail.com](mailto:gpsrungavruksham9@gmail.com)

..... RESPONDENTS

COUNTER FILED BY THE COLLECTOR 5<sup>th</sup>RESPONDENT

I C.NAGARANI, W/o UMESH CHANDRA, aged about 49 years, Occ: I am the District Magistrate & Collector, Bhimavaram, West Godavari District, Andhra Pradesh-534201, do hereby solemnly affirm and sincerely as state as follows:

1. I am the 5th Respondent herein and as such I am well acquainted with the facts of the case.
2. This respondent denies each and every averment made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein this counter affidavit.
3. The material allegations in the memorandum are all false. The above petition is not maintainable under law and as such it is liable to be dismissed in limini.
4. The material averments in all the Paras of the application filed by the applicant are all not true and correct and are hereby denied and the applicant is put to strict proof thereof.
5. It is submitted that the Tundurru Branch Channel of Adavikodu Channel is flowing in Srungavruksham village. The

  
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sewage of the Srungavruksham Gram Panchayat is joining to Tundurru Branch Channel of Adavikodu Channel through Irrigation Pipe No.10 (agricultural field Bodi) and flows through 7 downstream villages. The sewage of Srungavruksham Gram Panchayat also joining to Tundurru Branch Channel of Adavikodu Channel through other agricultural field Bodi at reverse side of Kanaka Durgamma Temple, Srungavruksham village. It was also observed that Sewage and Toilet pipe line: outlets of Srungavruksham Gram Panchayat are connected to Irrigation Pipe No.10 (agricultural field Bodi). The Sarpanch of Dusanapudi & Matyapuripalem villages have informed that they removed sewage outlets into Tundurru Branch Channel of Adavikodu Channel. The water contamination with sewage is observed from Srungavruksham village and the concerned officials instructed and informed to the Secretary of Srungavruksham Gram Panchayat which the sanitation will comes under Panchayat Raj Department. Meeting was held on 21-08-2021 by the Secretary, Gram Panchayat, Srungavruksham to divert the sewage water in the village through another route and blue print was prepared by the Village Surveyors to isolate the contamination of sewage of the village.

6. It is submitted that the APPCB officials identified some fish/prawn culture ponds either side of the Tundurru Branch Channel of Adavikodu Channel from Srungavruksham Village

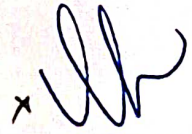


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to Tundurru Village. It was cultivation and the discharges of fish/prawn ponds are joining into Tundurru side Channel of Adavikodu Channel by inserted pipes. The Water Resource Department issued notices to cultivators to remove illegal discharge pipes and removed the discharge pipes and some farmers approached the Hon'ble High Court and get interim orders in W.P.No.4363/2022. The similar complaint was forwarded from the Sub Collector, Narsapur, West Godavari District on 17-11-2021 regarding the water pollution of Adavikodu Channel

\* Remedial measures recommended:

- a) The EE, APPCB, Regional Office, Eluru addressed a letter to Panchayat Secretary, Srungavruksham Village on 30.10.2023 to cover the Srungavruksham Village under Swatch Bharat and Open Defecation Free Schemes of Government of India and Government of Andhra Pradesh. The copy of the letter is enclosed as Annexure- D.
- b) The Panchayat Raj Department is directed to isolate the sewage contamination to drinking water source. The Rural Water Supply (RWS) under Panchayat Raj Department shall provide safe pipeline network for drawl of drinking water to supply public after treatment under Jaljeevam Mission, Govt. of India. Instructed the Panchayat Secretary, Srungavruksham Village shall take necessary action such as stipulating condition that there shall not be allowed discharge of sewage into nearby abutting canals while issuing Panchayat permissions for new construction of houses. The existing sewage discharge pipelines shall be routed to septic tanks as a preventive measure and the sewage of Srungavruksham Village and discharges of fish/prawn ponds shall be reduced or controlled by diverting them

  
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to the nearby notified drains after treatment to avoid water pollution of Tundurru Branch Channel of Adavikodu Channel.

There is no industrial contamination. The water samples were collected and sent to APPCB, Zonal laboratory, Visakhapatnam for analysis:

- a) Water sample collected from Irrigation Bodi No.10 at Railway Track, Srungavruksham Village.
- b) Water Sample collected from Irrigation Bodi backside of Kanakadurgamma Temple, Srungavruksham.
- c) Water Sample collected from Irrigation Bodi No.10, Near Adavikodu Channel. Srungavruksham i.e., (Before joining into Adavikodu Channel).
- d) Water sample collected from Tundurru Branch Channel of Adavikodu Channel. Srungavruksham.

7. It is submitted that, the Adavikodu Channel is an irrigation canal which flows from Vendra Village to Srungavruksham Village and divided into two streams, **one stream** is runs towards Tundurru village called as Tundurru Branch Channel and flows through Srungavruksham, Bantumilli of Palacoderu Mandal and then Dusanapudi, Matsyapuripalem of Veeravasaram Mandal and Tundurru and Jonnalagaruvu and ends at Kamsali Bethapudi in Devarakodu drain, and **another stream** passes through Srungavruksham, Pedagaruvu, Vempa and Srirampuram and ends at Varatippa village in Upputeru drain in West Godavari District of Andhra Pradesh. The Tundurru Branch Channel of Adavikodu Channel and another Muthyamkodu Irrigation Channel is being used as dirking water source to the villages from Srungavruksham itself and downstream villages of their Ayucut.

- a. In this regard, the FACTS IN BRIEF that "the Adavikodu Channel-Tundurru Branch channel and Muthyumkodu Irrigation Channel called as Adavikodu and its connected



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irrigation Channels are being used as drinking water source to about 50,000 population and irrigation source to agriculture fields to about 25,000 acres of Ayucut of land in 15 villages.

- b. The said canals get polluted in two ways: One way is that the said Adavikodu Irrigation Channel is influenced with sewage discharges and toilet outlets of Srungavruksham Major Panchayat and most of the residents are directly connected their toilet pipes into the Adavikodu Irrigation Channel through Irrigation field Bode/Pipe No.10 which is used as drainage and from other places in the village without any fear about public health.
- c. But the irrigation field Bode Pipe No. 10, which is source of irrigation water to about 20 acres of Agriculture Ayucut of land. The farmers of the said Ac.20.00 Cents have been using irrigation water from other side of the Adavikodu irrigation Canal without using the said field Bodi No.10 as this uses as drainage by the villagers.
- d. The sewage and toilet waste released to Adavikodu Channel through Irrigation Field Bodi/Pipe No.10 , which is used as drainage by the Srungavruksham Grama Panchayat. Actually every House hold has Individual Septic Latrine in the village of Srungavruksham of Palacoderu Mandal built by their own or by Government Schemes such as Total Sanitation Programme, Individual Sanitary Latrine Programme, Swatch Bharath Machine and Individual House Hold Latrines Programme.
- e. Recently in order to declare all Villages Open Defecation Free(ODF), under Individual House Hold Latrine Programme (IHHL) by SWACHANDHRA CORPORATION, VIJAYAWADA, Government of the State of Andhra Pradesh a Grama Sabha has been held in Grama Panchayat, Srungavruksham and identified 18 eligible

  
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beneficiaries to construct new Sanitary Latrines by the end of 31<sup>st</sup> of December, 2023 as scheduled by the Government, consequently a Certificate declaring the Srungavruksham as ODF village.

- f. It is also submit that, the farmers in the Ayucut of Tundurru Branch Channel and Mutyamkodu Irrigation Channels of Adavikodu irrigation channel have been cultivating Prawn and Fish culture without drainage and without permissions and there is no separate drainage system to divert the said ponds discharged water and ultimately the discharges of the said Prawn/Fish ponds water by inserted pipes of irrigation canal bunds and directly released into the said Adavikodu canal and Tundurru irrigation Branch Channel and Mutyamkodu irrigation channel, consequently causing polluting water resources and its became salt and green water resulted adverse impact on both the public health and lands of Agricultural fields not only to Srungavruksham Village but also to the downstream villages.
- g. It is submitted that in order to prevent the pollution of water bodies the 6<sup>th</sup> respondent got inquired unauthorized fish/prawn tanks on 16-12-2021 which causing major pollution of Adavikodu channel by the Village Fisheries Assistant and found that there are 45 prawn and 2 fish tanks.
- h. When the respondent No.6 i.e., Secretary, Gram Panchayat, Srungavruksham received Notice No.60 (b) from the Irrigation authority that the Grama Panchayat authority excavated Kacha drain in high depth at No.10 irrigation Bodi/Pipe which resulted contamination of Adavikodu by the drain water of the adjacent houses, this matter was brought to the knowledge of the Grama Panchayat Elected Body and a Resolution No.27, Dt. 20-

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08-2021 was passed to take preventive measures. The drain is purely katcha and nature, hence it was filled with silt and mud soon. During the rainy season, when the drains over flow and entire village drowned with drain water, then with 3.24 lakh rupees estimated cost of work was done for the removal of silt in the drain.

- i. Besides a beat of tom-tom Dt.15-12-2021 was done and Warning Boards and banners were erected alongside of Adavikodu Channel to prevent pollution from households in the premises of Srungavruksham and a compliance report was submitted to the Divisional Panchayat Officer, Narsapur for the orders dated:22-11-2021.
- j. The Panchayat Secretary has been making endless effort to control the pollution of Adavikodu channel since it is also main source of drinking and irrigation purposes to the 6<sup>th</sup> respondent, Grama Panchayat, Srungavruksham a biggest village having 6 Drinking Water Tanks connected to Public Water Supply Schemes having 4.00 Lakhs of liters capacity Over Head Service Reservoir Tanks and 11 other Cattle Tanks including Rajaka and Fishermen Co-operative Society tanks in Palacoderu Mandal.
- k. As the matter stood thus, the Petitioner Mr. Sri Thota Ganga Raju filed a Pre - Litigation case before the Mandal Legal Services committee (Lok Adalat), Bhimavaram as PLC No: 3/2022 to resolve the above canal pollution issue for amicable settlement with local authorities in which the Panchayat Secretary made some remedial measures mentioned hereunder:
  - a) Placed a resolution No.78, dated: 11-02-2022 to prepare Estimations by the Engineering Authority, Rural Water Supply and Sanitation Department as an alternative solution to prevent the pollution of Adavikodu channel since it is not only solution to

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Srungavruksham Village but also downstream villages of Adavikodu Irrigation Channel and since the Divisional Panchayat Officer Instructions, and requisitions of Irrigations Department and Andhra Pradesh Pollution Control Board, Eluru.

b) In order to close the Irrigation, Bode/Pipe No.10 two trucks of Debris dumped but the Sarpanches, Farmers of Dusanapudi, Matsyapuripalem, Tundurru and Srungavruksham disputed and the Debris Removed off, hence matter not settled there and the PLC was closed.

1. Eventually, it is submitted that, the Applicant (Petitioner herein) and others repeatedly requested and made representations to the District Collector, West Godavari District at Bhimavaram on 12-01-2023 and 30-01-2023 with regard not to release sewage and toilets into Adavikodu Channel though filed Bodi/Pipe No.10, but still no action was initiated to prevent the said pollution except an endorsement letter Dt.09-02-2023 from the Secretary of Gram Panchayat with false and untenable allegation, it clearly shows their admissions and accepted their negligence toward prevention of pollution" are not true.

8. It is submitted that the 6<sup>th</sup> Respondent herein has passed a resolution bearing No.78, dated 11-02-22 to prepare Estimations by the Engineering Authority, Rural Water Supply and Sanitation Department as an alternative solution to prevent the pollution of Adavikodu channel, since it is not only solution to Srungavruksham Village, but also downstream villages of Adavikodu Irrigation Channel and since the Divisional Panchayat Officer Instructions and requisitions of Irrigation Department and Andhra Pollution Control Board, Eluru. Subsequently, the Engineering Authority got estimated as per the requirement of the Gram Panchayat and handed over the same with two estimates one for Rs.1.72 Crores and

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another for Rs.0.97 Crores to the Panchayat Authority, the 6<sup>th</sup> respondent, consequently submitted the estimates to the District Panchayat Officer, Bhimavaram, West Godavari for taking necessary action from the Government side since the Gram Panchayat itself is unable to bear such huge amounts.

9. It is submitted that the effluents of fish/prawn ponds are directly releasing into Tundurru Branch Channel of Adavikodu Channel by inserted pipes.

In the above context, list out the fish/prawn tanks extent wise adjoining to the Adavikodu irrigation channel and its connecting branch channels which are discharging the waste water directly. The extents of Fish Tanks in Palacoderu, Veeravasaram and Bhimavaram Mandals are given below:

S.No.	Name of the Village	Extent of Fish Tanks in Ac.Cts.,
1	Srungavruksham (Palacoderu Mandal	142.65
2	Dusanapudi (Veeravasaram Mandal	2.22
3	Tundurru (Bhimavaram Mandal	2.64
	<b>TOTAL</b>	<b>147.51</b>

10. It is submitted that, meanwhile the Fisheries Development Officers, Bhimavaram and Veeravasaram served notices to the 48 aqua farmers to remove illegal outlets and to arrange the alternative drainage to the fish tanks otherwise the action will be initiated as per rules. Based on that above notice The irrigation authorities along with Fisheries Development Officer, Bhimavaram removed some illegal out let pipes in Tundurru village of Bhimavaram Mandal & Srungavruksham Village of Palacoderu Mandal. Out of 48 No. of aqua farmers and the 29 No. of aqua farmers of Srungavruksham Village who was served with notices approached the Hon'ble High Court, Amaravathi and filed W.P.No.4363/2022 and the Hon'ble High Court passed interim order as follows (enclosed in Annexure -D)

  
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*"Learned Government Pleader for Irrigation takes notice on behalf of respondent Nos.1 to 3 and learned Government Pleader for Fisheries takes notice on behalf of respondent Nos.4 and 5.*

*Heard learned counsel for the petitioner and learned Government Pleader for Fisheries. In the circumstances, there shall be an interim direction to the respondents not to demolish any outlet pipes of the petitioners without following the due process of law, until further orders".*

In this connection vacate stay was submitted to the Hon'ble High Court of Amaravathi. Meanwhile remaining 19 Nos. of aqua farmers of common connected outlet pipes are removed and closed and also, they arranged separate drain source for discharge of their waste ( Nakkakontu Drain).The fish tanks adjoining to Mutyamkodu irrigation canal have alternate drain facility as fish tanks are discharging their waste into the drain.

11. It is submitted that the problem has existed for the last 40 years and there have not been constructions taken place for the past 40 years by the Gram Panchayat, Srungavruksham for pollution of Adavikodu channel. It is significant to bring the notice of the authorities that the task should be completed in concurrence and co-ordination with Fisheries, Irrigation (both canals and drains), Revenue, Panchayat Raj and RWS Departments beside the huge financial grants from the Government as estimated by the Engineering Authorities mentioned above.
12. It is submitted that this respondent craves leave of this hon'ble tribunal to raise the additional counter in the course of proceedings, if required.

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above OA No.156 of 2023 and pass such further or other orders, as this Hon'ble Tribunal maybe deem fit and proper in the facts and circumstances of the case and thus render justice.

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Before Me

Solemnly and sincerely affirmed  
 At....., Andhra Pradesh  
 On this the \_\_\_ day of August, 2024  
 and signed his name in my presence.

Advocate

**VERIFICATION**

I C.NAGARANI, W/o UMESH CHANDRA, aged about 49 years, Occ:  
 I am the District Magistrate & Collector, Bhimavaram, West Godavari  
 District, Andhra Pradesh-534201, do hereby verify the contents of this  
 affidavit as true and correct to the best of my knowledge, belief, and  
 information as per records.

Hence, verified on the \_\_\_ day of, August 2024 at .....

x   
 Deponent  
**DISTRICT COLLECTOR**  
**West Godavari District,**  
**BHIMAVARAM.**