

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 156 of 2023 (SZ) I

IN THE MATTER OF:

Thota Ganga Raju,
Andhra Pradesh.

... Applicant

..Versus..

The Govt. of Andhra Pradesh,
Rep. by its Principal Secretary,
Andhra Pradesh and Others.

...Respondent(s)

**REPORT FILED BY
FISHERIES DEPARTMENT - RESPONDENT NO.3**

Date: 04.07.2026



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Enrolment No.889 of 1983

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I N D E X

Sl. No.	Description of documents	Page Nos.
1.	Report of Fisheries Department	1 – 5
2.	ANNEXURE – I : List of fish tanks extent wise village wise discharging effluents into irrigation canal	6 - 8
3.	ANNEXURE – II : Inspection photos of Adavikodu Channel and Removal illegal outlet pipes at Thundurru Village of Bhimavaram Mandal	9 - 13
4.	ANNEXURE – III : High Court Interim order in W.P. No.4363 / 2022	14 – 21
5.	ANNEXURE – IV : High Court Final order in W.P. no.4363 / 2022	22 - 33
6.	ANNEXURE – V : Explanation submitted by the aqua farmers	34 – 39
7.	ANNEXURE – VI : Hon'ble NGT Southern Zone, Chennai order dated 27.04.2026	40- 41

Date : 04.07.2026



K. RAVINDRANATH, ADVOCATE

Enrolment No.889 of 1983

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

**REPORT OF A.P. FISHERIES DEPARTMENT IN THE MATTER OF
O.A.No.156 of 2023 (SZ)**

It is to submit that the Original Application (O.A.) No.156 of 2023 has been registered in Hon'ble National Green Tribunal (NGT), Southern Bench, Chennai filed by the Sri Thota Ganga Raju, Tundurru Village, Bhimavaram Mandal, West Godavari District to direct the respondents authorities to prevent the pollution of water resources i.e. Adavikodu irrigation channel and its connected irrigation channels i.e. Tundurru branch channel and also Mutyamkodu irrigation channel in West Godavari District of Andhra Pradesh. He further stated that the adavikodu irrigation channel and its connecting branch channels are polluting two ways i.e. one way by sewage discharges and toilet outlets of the srungavruksham panchayat residents are directly connected into the adavikodu channel through irrigation field bodhi/pipe no. 10 and another way by discharging the waste water from the fish/prawn tanks adjacent to the irrigation channel into the canal directly and operating without permissions against the rules.

It is to submit that the adavikodu channel is an irrigation canal which starts from Vendra Village, Palakoderu Mandal and runs up to Srungavruksham Village, Palakoderu Mandal where it divides into two streams downwards one runs towards the Tundurru Village, Bhimavaram Mandal i.e. Tundurru Branch channel and other towards Vempa Village i.e. Muthyumkodu branch channel. The Adavikodu irrigation channel and its connected irrigation channels irrigates the various villages such as Vendra, Srungavruksham, Dusanapudi, Matsyapuripalem, Thundurru, Bethapudi, pedagaruvu, Vempa and others.

Earlier the Deputy Director of Fisheries, Bhimavaram received a complaint from the petitioner which was forwarded from the Sub Collector, Narasapuram, West Godavari District on 14.12.2021, regarding pollution of Adavikodu Channel due to sewage, Toilets of upstream villages and waste water discharges of fish/prawn tanks. On receipt of the complaint, the

Fisheries and revenue officials inspected the Adavikodu Irrigation Canal at Srungavruksham Village and its surroundings on 18.12.2021 and 19.12.2021.

In the above context, we identified fish/prawn tanks extent wise adjoining to the adavikodu irrigation channel and its connected irrigation channels from Srungavruksham Village to Thundurru Village. It was observed 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 are as follows. (The farmer wise, extent wise with survey numbers are enclosed. (Annexure –A))

Sl. No	Name of the Village	Extent of Fish Tanks in Ac
1	Srungavruksham (Palakoderu Mandal)	142.65
2	Dusanapudi (Veeravasaram)	2.22
3	Thundurru (Bhimavaram)	2.64
Total		147.51

The same was forwarded to irrigation authorities to take necessary action for removal of those illegal pipes and also same report was submitted to the Sub Collector, Narasapuram, West Godavari District on 22.12.2021. (Enclosed in Annexure –B)

Meanwhile the Fisheries Development Officer 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 Palakoderu Mandal. (removal photos enclosed in Annexure – c)

Out of 48 number of aqua farmers, the 29 number 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 praying that to issue a Writ of Mandamus declaring the highhanded action of Respondent Authorities in creating obstructions pursuant to impugned common order styled as notice Dt 11.01.2022 including partial demolition of Petitioners outlet pipes which are attached to aqua in Various survey numbers situated in Srungavruksham village Palakoderu Mandal West Godavari District as illegal, arbitrary, violative of Principles of Natural Justice apart from fundamental rights guaranteed under Article 14, 19 (1) (g), 21 and 300A of the Constitution of India consequently direct the Respondent Authorities not to interfere with the properties of the Petitioners as stated supra situated in Srungavruksham village Palakoderu Mandal West Godavari District. The Hon'ble High Court passed interim order as follows (enclosed in Annexure – D)

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.

Further the Hon'ble High Court, Andhra Pradesh disposed the above writ petition filed by the notice issued petitioners with orders as follows:

As can be seen from the contents of the notice, in the light of the counter of the second respondent that some persons directly inserted pipe lines and some others otherwise let in polluted water into the channel, there are no separate details mentioned as against each person to whom notice is served. They were not even given any chance to submit explanation or the time within which they have to remove the pipe lines. But the petitioners also have not shown that they have permission to let the water directly into the channel, receipt of the notice, they have not approached the authorities by submitting any explanation showing that they have due permit to let out the water and they have been acting as per the permission. So long as leaving water strictly in accordance with permission, into the channel, any interference by the respondent authorities is illegal. At the same After time, in respect of each individual case, unless there is a permission and acting as per and within parameters of the permission, step taken by the authorities to prevent pollution of the channel cannot be termed as illegal or highhanded, where sufficient opportunity is given to comply the objections. Though notice was given on 11.01.2022, no explanation was given to the authorities till 15.02.2022. It is only after initiation of steps by the authorities, the petitioners filed the writ petition. The certificates given to the petitioners are only to conduct the aqua culture/pisciculture, but not authorizing to let polluted water into the nearby water channel. 10. Under these circumstances, this Court is of the view that the petition can be disposed of giving liberty to the petitioners to submit their explanation, if any, to the third respondent within fifteen (15) days or before 31.07.2024 and thereafter the concerned authorities i.e. on may take appropriate action as per law after hearing the petitioners within two (2) weeks thereafter by fixing a date for hearing. Accordingly, the writ petition is disposed of.

There shall be no order as to costs. As a sequel, miscellaneous petitions, if any pending, shall stand closed.

Further the petitioners in the WP No 4363 of 2022 submitted explanation stating that petitioners do not use the Adavikodu channel, which supplies irrigation water for cultivation and drinking water of other villages in West Godavari District to discharge waste water. They are discharging the waste water of fish tanks yearly once after closing the water canals by the Government in the month of 3rd week of every April, then also releasing the surplus water into Pennade bode which is alternate drain for farmers of waste water outlet. They also stated that the villagers of Srungavruksham, cattle are cleaning and washing the clothes by dhobis in the said Adivi Kodu channel used for all purposes like washing clothes, cleaning cattle's and outlet for village waste water etc., from the times immemorial. Further requested the authorities to prevent first those waste water outlet as stated above in the subject channel, problem will be solved.

Further the 29 aqua farmers who are having the common irrigation bode into Adivi Kodu channel was removed by the irrigation authorities and the same aqua farmers have arranged the facility to discharge waste water into surrounding Pennada Bode by separate channel. Meanwhile remaining 19 Nos of aqua farmers of common connected outlet pipes are removed and closed and also, they arranged separative drain source for discharge of their waste water (Nakamoto Drain). The fish tanks adjoining to Muthyumkodu irrigation canal have alternate drain facility as fish tanks are discharging their waste into the drain.

It is therefore finally submitted the outlets of the fish tanks discharging waste water into the subjected Adivi Kodu irrigation channel was removed and the subjected 48 fish tank owners are discharging the waste water into alternate channels of pennade bode and Nakakonthu drain.


District Fisheries Officer,
West Godavari District
Bhimavaram (FAC)

ANNEXURE-I

S.NO	Village Name	FATHER NAME /HUSBAND NAME	SURVEY NO	EXTENT AC	PERMISSION / NOT	Action Taken
1	Srungavruksham	Pericharla kanaka raju S/o buchhi raju	390/3B,4	2.93	Yes	They approached to high court and get stay order in WP No.4363/2022
2	Srungavruksham	Marothi gangayya S/o chandrayya	279/1B,2,4, 280/5	2.76	No	
3	Srungavruksham	Marothi veera venkata satyanarayana S/o mahalakshmi (late)	280/1,4,6B	1.17	No	
4	Srungavruksham	Ravi ramesh S/o venkata subbaravu	279/5,280/2,7,8,9	2.34	Yes (Provisional permission)	
5	Srungavruksham	Ravi venkata subbaravu S/o venata ramayya	279/3, 280/3	1.66	Yes (Provisional permission)	
6	Srungavruksham	Manthana krishna veni w/o srinivas raju	429/1A,430/5,4,6,7, 8	6.49	Yes	
7	Srungavruksham	Akshintala VSSR Subbaraju S/o Venkata subbaravu	272/1, 273/2A	1.24	Yes (Provisional permission)	
8	Srungavruksham	Akshintala manikya lakshmi W/o ramakrishnam raju	273/2A,3A	0.94	Yes (Provisional permission)	
9	Srungavruksham	Dantuluri Sujana W/o VSSR Subbaraju	273/2A,1A,1C,4A-2, 4B-C,6, 275-4A, 274/1, 2, 5B-1,1B	5.69	No	
10	Srungavruksham	kalidindi naga lakshmi W/o murali krishnam raju	284/2B,3,4A,4B,4C ,2	9	Yes	
11	Srungavruksham	kalidindi pawan kumar raju S/o venugopal raju	286/1,2, 298/1, 289/1A, 290/2A	9.69	Yes (Old permission)	
12	Srungavruksham	Kalidindi gopala krishnam raju S/o tiruthi raju	293/1,2A,2B,3A,3C , 297/5	5.86	Yes	
13	Srungavruksham	kalidindi Annapurna W/o Gopala krishnam raju	293/3B, 297/1,2A,2B,3,4	5.27	Yes	
14	Srungavruksham	Kalidindi rama saraswathi W/o pawan kumar raju	289/2, 298/1,2 3 4	5.75	Yes	
15	Srungavruksham	Kalyanapu lakshmi narayana S/o Seetharamayya	271/3	0.93	No	
16	Srungavruksham	Buddaraju satyavathi W/o neeladri raju	277/1,278/2B	3.92	Yes	
17	Srungavruksham	Nallaparaju subbaraju S/o Sivarama raju	271/4B,271/4C	3.71	Yes	
18	Srungavruksham	kalidindi venkata satya narayana S/o vijaya venkata narasimha raju	465/3C,466/1A	2	Yes	
19	Srungavruksham	mathana lakshmi pathi raju S/o rama raju	465/3	0.6	Yes	

20	Srungavruksham	Kalidindi siva rama krshnam raju S/o venkata raju	279/1A1	0.25	No	
21	Srungavruksham	Chilla veera venkata satyanarayana mariyu others S/o sathi kumar	271/3	0.92	No	
22	Srungavruksham	gunupudi panduranga raju mariyu others S/o jogi raju	406/4	3.05	Yes	
23	Srungavruksham	Gunupudi jogi raju mariyu others S/o appaa	423/1,2	2.07	No	
24	Srungavruksham	Nukala satyanarayana s/o ramanujulu	281/1,4D, 280/4	4.92	Yes	
25	Srungavruksham	Kalidindi lakshmana murthy raju S/o krishnam raju	273/7, 274/3,5A- 2,2A,2B,3A,4B,4C, 9,11,6,7,8,10, 275, 276/1A	10.04	Yes	
26	Srungavruksham	kalidindi seethayamma W/o lakshma murthy raju	275/2B,3B, 276/B,2	4.5	Yes	
27	Srungavruksham	Mantena anasuya W/o Narasimharaju	274/4,5B-2B,6, 275/1A, 278/1,2A	6.07	Yes	
28	Srungavruksham	Kalidindi venkata satya suryavathi W/o ramakrishnam raju	273/4A-1,4B,5B, 274/5A-1	0.98	Yes (Old permission)	
29	Srungavruksham	Kalidindi durga neelima W/o satyanarayana vara prasad	273/1B,5A, 275/2A- 1	1.55	No	
30	Srungavruksham	Sagi Venu Gopala raju ,S/o Rama raju	271/1	3	Yes	
31	Srungavruksham	gunupudi jogiraju S/o appanna	421/1	0.88	NO	
32	Srungavruksham	Nallaparaju subbaraju S/o Sivarama raju	271/4B,271/4C	3.71	Yes	
33	Srungavruksham	Gottumukkala surya narayana araju S/o ramakrishnam raju	272/2, 273/2B,3B	3.28	Yes(Provisional- final is under process)	
34	Srungavruksham	Kalidindi rama ranchra raju S/o venkata raju	279/1A2	0.25	No	
35	Srungavruksham	Sagi annapoorna W/o appalaraju	281/2,3	0.44	No	
36	Srungavruksham	Nukala suryaravu	281/4A	0.08	No	
37	Srungavruksham	Sagi appalaraju S/o suryanarayana raju	285/1	3.24	Yes	
38	Srungavruksham	Dandu kanthayya W/o satheeyanarayana raju	289/1C	2.19	Yes	
39	Srungavruksham	kunadharaju venkata sudha lakshmi W/o jagapathi raju	289/1B, 290/1,2A,291/1C,2, 3	8.01	Yes	
40	Srungavruksham	vatsavayi ramanayya S/o kodamda raju	290/2A	2.92	Yes (Old permission)	

Remove common
Outlet Pipe from
adavicodu channel.
If may possible to
set up drain source
to divert waste
water from his
tank to notified
drian
(nakkakontu drain)

41	Srungavruksham	manthena venkata subbayya S/o venugopal raju	291/1A,1B, 292/1,2	6.35	NO	
42	Srungavruksham	penmatsa venkata narsamma W/o narayana raju	296/2	0.44	Yes	
43	Srungavruksham	Raja sarva mangala kumari W/o veera ganiraju	423/2B	1.5	Yes	
44	Srungavruksham	Penmatssa sridevi W/o srinivas	465/1,3A	1.5	No	Remove outlet pipes by farmers
45	Srungavruksham	kalidindi ramachandra raju S/o mangapathi raju	463/1,468/6,7	1.8	No	
46	Dusanapudi	Savaram abhimanyudu S/o Arjunudu	31/1B,1C	2.22	Yes	Separative drain souce is there for discharge of waste
47	Thundurru	Yerramsetti venkata ratna manikyam	34/3B	1.32	No	Remove Outlet Pipes and they set up Separate tank for traetment of waste water
48	Thundurru	Yerramsetti Kumari	34-3A	1.32	Yes	



Remove outlet pipes in Thundurru Village of Bhimavaram Mandal from Thundurru Branch Channel



అనుమతులు లేకుండా ఆక్వా సాగు చేస్తే చర్యలు

భీమవరం అర్బన్: అనుమతులు లేకుండా సాగు చేస్తున్న ఆక్వా చెరువుల యజమానులపై చర్యలు తీసుకుంటామని భీమవరం మత్స్యశాఖ అభివృద్ధి అధికారులు ఎల్ఎల్ఎన్ రాజు, పి.రావణ్య హెచ్చరించారు. తుండుద్రులో అడవికోడు చానల్ను ఆసుకుని ఉన్న ఆక్వా చెరువుల నుంచి మురుగు నీటి తూరలను మంగళవారం ఎఫ్ డీఓలు రావణ్య ఎల్ఎల్ఎన్ రాజు సిబ్బందితో తొలగింపచేశారు. వారు మాట్లాడుతూ ఆక్వా చెరువుల అవుట్ లెట్లను అడవికోడు చానల్లోకి పెట్టడంతో నీరు కలు



అడవికోడు డ్రైయిన్లోకి ఆక్వా చెరువుల నుంచి అవుట్లెట్ తూరలను తొలగిస్తున్న దృశ్యం

షతమై తీవ్ర ఇబ్బందులు పడుతున్నామని ఈ ప్రాంత రైతులు ఫిర్యాదు చేశారన్నారు. రైతులు యర్రంశెట్టి కృష్ణకుమారి, యర్రంశెట్టి వెంకట మాణిక్యంలకు చెందిన నాలుగు ఎకరాలకు సంబంధించి అవుట్లెట్ చానల్లోకి తూరలు పెట్టడంతో గతంలో నోటీసులు ఇచ్చామని, అయినా స్పందించకపోవడంతో వీటిని తొలగించామన్నారు.

Action to be initiated against unauthorized aqua farming

Bhimavaram Urban: LLN Raju, Assistant Director of Fisheries, Bhimavaram, and P. Lavanya, Fisheries Development Officer stated that action will be taken against owners of unauthorized aqua farms. On Tuesday, LLN Raju and his staff removed the illegal outlets from the aqua farms in the Adavikodu drain (Thundurru drain). They stated that they have taken steps to remove the illegal outlets from the aqua farms in the Adavikodu drain (Thundurru drain). A special mention was made of the Thundurru village. While briefing the issue, officials upon receiving complaints from the farmers regarding the illegal outlets of the aqua farms into adavikodu drain, Despite repeated cautions and notices, Krishnamurthy and Venkata Manikyam had not responded regarding the illegal outlets for their four acre aqua farms, Therefore, these outlets had to be removed.

Paper clip in Sakshi West Godavari District Edition on Dt.16.02.2022

Images:

- *Pictures showing removal of outlet pipes from Thundurru Branch Channel in Thundurru Village of Bhimavaram Mandal.*

నుండి,

A.చంద్రశేఖర్

మత్స్య శాఖ ఉప సంచాలకులు,

భీమవరం.

వరకు,

డిప్యూటీ ఎగ్జిక్యూటివ్ ఇంజినీర్,

ఇరిగేషన్ డిపార్ట్మెంట్,

తణుకు

లేఖ నెం: 20/A1/2021 తేదీ: 22.12.2021

అయ్యా,

విషయం: మత్స్య శాఖ పాలకోడేరు మండలం శృంగవృక్షం గ్రామము, వీరవసరం మండలం-దుససపూడి

గ్రామం మరియు భీమవరం మండల తుండుగు గ్రామము నందు అక్వా సాగు చెరువుల

యొక్క కలుషిత నీటిని అడవికోడు చానల్(తుండుగు చానల్) లోనికి విడుదల చేయుచున్న

రైతులపై చర్యలు తీసుకొనుట గురించి.

సూచిక: సబ్ కలెక్టర్ నర్సాపురం వారి ROC No: 898/2021/A తేదీ : 14.12.2021.

పై సూచికను అనుసరించి మీకు తెలియచేయునది ఏమనగా పాలకోడేరు మండలం శృంగవృక్షం గ్రామము, వీరవసరం మండలం-దుససపూడి గ్రామం మరియు భీమవరం మండల తుండుగు గ్రామము నందు అక్వా సాగు చేయుచు చెరువుల యొక్క కలుషిత నీటిని అడవికోడు చానల్(తుండుగు చానల్) లోనికి విడుదల చేస్తు సదరు చానల్ యొక్క నీటిని కలుషితం చేయుచున్న రైతులపై చర్యలు తీసుకొనవల్సినదిగా కొరియున్నారు . సదరు విషయమై తేదీ 18.12.2021 మరియు 19.12.2021 తేదీలలో మత్స్య శాఖ అభివృద్ధి అధికారులు మరియు రెవెన్యూ డిపార్ట్మెంట్ వారితో కలిసి పై గ్రామములలో క్షేత్ర స్థాయి పరిశీలన చేయగా 48 మంది అక్వా రైతులు (జాబితా జత పరచడమైనది) అక్వా సాగు చేయుచు సదరు చెరువుల యొక్క వృధా నీటిని అడవికోడు చానల్(తుండుగు చానల్) లోనికి విడుదల చేయుట వలన, సదరు చానల్ కలుషితం అగుచున్నదని మా క్షేత్ర స్థాయి విచారణలో తెలియవచ్చినది.

కావున, ప్రభుత్వ నిబంధనలకు విరుద్ధముగా అక్వా చెరువుల యొక్క వృధా నీటిని outlet ద్వారా అడవికోడు చానల్(తుండుగు చానల్) ను కలుషితం చేయుచున్న, 48 అక్వా చెరువుల యొక్క outlet లను తొలగించి సదరు అడవికోడు చానల్(తుండుగు చానల్) కలుషితం కాకుండా చూడవలసినదిగా డిప్యూటీ ఎగ్జిక్యూటివ్ ఇంజినీర్, ఇరిగేషన్ డిపార్ట్మెంట్, తణుకు వారిని కొరడమైనది.

జత : 48 మంది అక్వా రైతుల యొక్క జాబితా

నకలు:

1. సబ్ కలెక్టర్, నర్సాపురం వారికి తగు సమాచారం నిమిత్తం

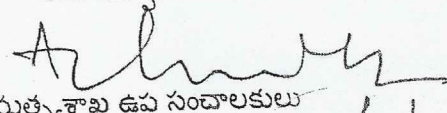
2. సంయుక్త సంచాలకులు, ఏలూరు పశ్చిమ గోదావరి జిల్లా

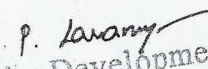
వారికి తగు సమాచారం నిమిత్తం.

3. మత్స్య శాఖ అభివృద్ధి అధికారి భీమవరం మరియు వీరవసరం వారికి తగు చరులు నిమిత్తం

ఇట్లు,

తమ విశ్వాసనీయ,


మత్స్య శాఖ ఉప సంచాలకులు
భీమవరం


Fisheries Development Officer
BHIMAVARAM.

True Translation

From:
A. Chandrasekhar,
Deputy Director of Fisheries,
Bhimavaram.

To:
The Deputy Executive Engineer,
Irrigation Department,
Tanuku.

Letter No: 20/A1/2021 Date: 22.12.2021

Sir,

Sub: Fisheries Department - Regarding taking action against farmers releasing highly polluted wastewater from unauthorized aqua farming into the Adavikota drain (Thundurru drain) in Kunchanapalli village of Palakollu Mandal, Chinnaprantapalli village of Veeravasaram Mandal, and Thundurru village of Bhimavaram Mandal.

Ref: Sub-Collector, Narasapuram, ROC No: 898/2021/A dated: 14.12.2021.

With reference to the above, it is brought to your notice that action is requested against farmers who are involved in unauthorized aqua farming in Srungavruksam village of Palakoderu Mandal, Dusanapudi village of Veeravasaram Mandal, and Thundurru village of Bhimavaram Mandal are releasing highly polluted wastewater into the Adavikodu drain (Thundurru drain), thereby contaminating the drain. In this regard, on 18.12.2021 and 19.12.2021, a field inspection was conducted by Fisheries Department officials along with concerned department staff in these villages. During the inspection, it was observed that 48 aqua farmers (list enclosed herewith) are engaged in aqua farming and releasing highly polluted wastewater into the Adavikodu drain (Thundurru drain), causing contamination.

Therefore, it is requested that the Deputy Executive Engineer, Irrigation Department, Tanuku, to remove the 48 illegal aqua farm outlets that are polluting the Adavikodu drain (Thundurru drain) by releasing highly polluted wastewater, contrary to government regulations, and ensure that the said Adavikodu drain (Thundurru drain) is not contaminated.

Enclosures: List of 48 aqua farmers.

Yours faithfully,
Sd/- A. Chandrasekhar
Deputy Director of Fisheries
Bhimavaram

Copy To:

1. To the Sub - Collector, Narasapuram for kind information.
2. To the Joint Director, Fisheries Department, West Godavari District, for kind information.
3. To Fisheries Development Officers, Bhimavaram and Veeravasaram, for necessary action.

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO: 4363 OF 2022



Between:

1. Pericherla Kanaka Raju, S/o. Buchhiraju, aged 64 years,
2. Marothi Gangaiah, S/o. Chandraiah, aged 83 years,
3. M V V Satyanarayana, S/o. Late Mahalakshmi, aged 66 years,
4. Ravi Ramesh, S/o. Venkata Subba Rao, aged 40 years,
5. Ravi Venkata Subba Rao, S/o. Venkata Ramayya, aged 66 years,
6. Smt Mantena Krishna Veni, W/o. Srinivasa Raju, aged 57 years,
7. A V N Sriranga Subba Rao, S/o. Venkata Subba Rao, age 48 years,
8. Smt A Maniya Lakshmi, W/o. AVNS Subba Rao, age 46 years,
9. Dantuluri Sujani, D/o. Venkata Rama Subba Raju, age 36 years,
10. Smt Kalidindi Naga Lakshmi, W/o. Muralikrishnam Raju, 40 years,
11. Kalidindi Pavan Kumar Raju, S/o. Viswanadha Raju, aged 48 yrs,
12. K. Gopalakrishnam Raju, S/o. Venkata Narasimha Raju, 88 years,
13. Smt K Annapurna Devi, W/o. Gopalakrishnam Raju, aged 86 yrs,
14. Smt K Rama Saraswathi, W/o. Pavan Kumar Raju, aged 45 years,
15. Kalyanapu Laxminarayana, S/o. Seetaramayya, aged 54 years,
16. Smt. Buddaraju Satyavathi, W/o. Neeladri Raju, aged 62 years,
17. Smt. Nallaparaju Satyavathi, W/o. Sitarama Raju, aged 53 years,
18. K V Satyanarayana Raju,, S/o. KVVN Raju, aged 46 years,
19. Mantena Laxmipathi Raju, S/o. M Rama Raju, aged 73 years,
20. Kalidindi Sivarama Krishnam Raju,, S/o. Venkata Raju, age 43 yrs,
21. Ch V V Satyanarayana,, S/o. Shanti Kumar, age 35 years,

- 
22. Gunupudi Panduranga Rao, S/o. Jogiraju, aged 49 years,
 23. Gunupudi Jogiraju, S/o. Appala Swamy, Aged 82 years,
 24. Smt Nukala Baby Sarojini, W/o. Satyanarayana, aged 76 years,
 25. K Lakshmana Murthy Raju, S/o. Krishnam Raju, aged 79 years,
 26. Smt Kalidindi Sitayamma, W/o. Laxmana Murthy Raju, 77 years,
 27. Smt Mantena Anasuya, W/o. Venkata Narasimha Raju, age 73
yrs
 28. Smt K V S Suryavathi, W/o. Rama Krishnam Raju, age 48 years,
 29. Smt Kalidindi Durga Neelima, W/o.KSV Prasada Raju, aged 55
yrs,

(All are R/o. Srungavruksham (v), Palakoderu (M), West Godavari District.)

...PETITIONERS

AND

1. The State of A.P., rep by its Principal Secretary, Irrigation Department, A.P. Secretariat, Velagapudi, Guntur District
2. The Deputy Executive Engineer, Irrigation, Sub Division, Tanuku, West Godavari District.
3. The Assistant Executive Engineer, Irrigation Section, Bhimavaram, West Godavari District
4. The Joint Director, Fisheries, Bhimavaram, W.G.District
5. The Fisheries Development Officer, Bhimavaram, West Godavari District.
6. Thota Ganga Raju, S/o Ranga Rao, aged 41 years, R/o Tunduru Village, Bhimavaram Mandal, West Godavari District.

(R6 is impleaded as per the Court Order dt 30.01.2024 vide order passed in I.A. No 02 of 2022.)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus declaring the highhanded action of

Respondent Authorities in creating obstructions pursuant to impugned common order styled as notice Dt.11-01-2022 including partial demolition of Petitioners outlet pipes which are attached to aqua in respect of Ac.1-30 cts in RS.No.390-B, Ac.3-59 cts in RS.No.279/1,2,4,280/1,4,5,6, Ac.4-07cts in RS.No.279/3,5,280/2,3,7,8, 9, Ac.5-00 in RS.No.429-1A, 430/2,4,5,6, Ac.2-00 in RS.No.272/1, 273/2a,2b, 3a, Ac.4-00 in RS.No.274/1,2,3, 275/1,2A,5A,5B, Ac.5-58 cts in RS.No.286-2, 284-2A,2B,3,4B, Ac.3-11 cts in RS.No.159/1, 162/2A, Ac.2-21 cts in RS.No.162/3A,3B,4,5, Ac.7- 00 in RS.No.285/5C, 297/1, 2A, 2B ,3, 4, 293/1B, 288/1A, 2B, 2C, Ac.3-38 cts in RS.No.159/2A,159/2B,162/ 1,2B, Ac.0-93 cts in RS.No.271/3, Ac.2-73 cts in RS.No.277-1,2,3, Ac.2-56 cts in RS.No.278- 2B, Ac.2-00 in RS.No.466-1A, 465-3C, Ac.0-60 cts in RS.No.465-3C, Ac.0-50 cts in RS.No.279/1, Ac.0-92 cts in RS.No.271/3, Ac.3-05 cts in RS.No.406-4A,4B-1,2, Ac.1-00 in RS.No.423/ 1,2, Ac.4-58 cts in RS.No.281/ 1,4, Ac.4-69 cts in RS.No.295/1A,2A,2B,3A,4B,4C,6-11, Ac.4-20 cts in RS.No.275/2B,3B,5,276/1B,2, Ac.4-70 cts in RS.No.278- 1,274-5B/2,278-2A,274-4,274-6,Ac.3-52 cts in RS.No.273/1B,1C,4A, 5B,5,6,7, 274/1,5A,B,275/1,1A,2A, and Ac.2-28 cts in RS.No.273/2,2b,3b, situated in Srungavruksham village, Palakoderu Mandal, West Godavari District, as illegal, arbitrary, violative of Principles of Natural Justice apart from fundamental rights guaranteed under Article 14, 19(1)(g), 21 and 300-A of the Constitution of India, consequently direct the Respondent Authorities not to interfere with the properties of the Petitioners as stated supra situated in Srungavruksham village, Palakoderu Mandal, West Godavari District, pending disposal of the above Writ Petition.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to directing the Respondent Authorities not to interfere with the possession of the Petitioners properties in respect of Ac.1-30 cts in

RS.No.390-B, Ac.3-59 cts in RS.No.279/1,2,4,280/ 1,4,5,6, Ac.4-07cts in RS.No.279/3,5,280/2,3,7,8, 9, Ac.5-00 in RS.No.429-1A, 430/2,4,5,6, Ac.2-00 in RS.No.272/1, 273/2a,2b, 3a, Ac.4-00 in RS.No.274/1,2,3, 275/1,2A,5A,5B, Ac.5-58 cts in RS.No.286-2, 284-2A,2B,3,4B, Ac.3-11 cts in RS.No.159/1, 162/2A, Ac.2-21 cts in RS.No.162/3A,3B,4,5, Ac.7-00 in RS.No.285/5C, 297/1, 2A, 2B ,3, 4 293/1B, 288/1A, 2B, 2C, Ac.3-38 cts in RS.No.159/2A,159/2B,162/1,2B, Ac.0-93 cts in RS.No.271/3, Ac.2-73 cts in RS.No.277-1,203, Ac.2-56 cts in RS.No.278-2B, Ac.2-00 in RS.No.466-1A, 465-3C Ac.0-60 cts in RS.No.465-3C, Ac.0-50 cts in RS.No.279/1, Ac.0-92 4 cts in RS.No.271/3, Ac.3-05 cts in RS.No.406- 4A,4B-1,2, Ac.1-00 in RS.No.423/ 1,2, Ac.4-58 cts in RS.No.281/ 1,4, Ac.4-69 cts in RS.N .295/1A,2A,2B,3A,4B,4C,6-11, Ac.4-20 cts in RS.No.275/2B,3B,5,276/1B,2, Ac.4-70 cts in RS.No.278-1,274- 51312,278-2A,274-4,274-6,Ac.3-52 cts in RS_No.273/1B,1C,4A,5B, 5,6,7, 274/ 1,5A,B,275/ 1,1A,2A, and Ac.2-28 cts in RS.No.273/2,2b,3b, situated in Srungavruksham village, Palakoderu Mandal, West Godavari District, pending disposal of the above Writ Petition.

IA NO: 3 OF 2022

Between:

The Deputy Executive Engineer, Irrigation, Sub Division, Tanuku, West Godavari District.

...PETITIONER/RESPONDENT No.2

AND

1. Pericherla Kanaka Raju, S/o. Buchhiraju, aged 64 years,
2. Marothl Gangaiah, S/o. Chandraiah, aged 83 years,
3. M V V Satyanarayana, S/o. Late Mahalakshmi, aged 66 years,
4. Ravi Ramesh, S/o. Venkata Subba Rao, aged 40 years,
5. Ravi Venkata Subba Rao, S/o. Venkata Ramayya, aged 66 years,
6. Smt. Mantena Krishna Veni, W/o. Srinivasa Raju, aged 57 years,
7. A V N Sriranga Subba Rao, S/o. Venkata Subba Rao, age 48 years,
8. Smt. A Maniya Lakshmi, W/o. AVNS Subba Rao, age 46 years,

9. Dantuluri Sujani, D/o. Venkata Rama Subba Raju, age 36 years,
10. Smt. Kalidindi Naga Lakshmi, W/o. Muralikrishnam Raju, 40 years,
11. Kalidindi Pavan Kumar Raju, S/o. Viswanadha Raju, aged 48 yrs,
12. K. Gopalakrishnam Raju, S/o. Venkata Narasimha Raju, 88 years,
13. Smt. K Annapurna Devi, W/o. Gopalakrishnam Raju, aged 86 yrs,
14. Smt. K Rama Saraswathi, W/o. Pavan Kumar Raju, aged 45 years,
15. Kalyanapu Laxminarayana, S/o. Seetaramayya, aged 54 years,
16. Smt. Buddaraju Satyavathi, W/o. Neeladri Raju, aged 62 years,
17. Smt. Nallaparaju Satyavathi, W/o. Sitarama Raju, aged 53 years,
18. K V Satyanarayana Raju, S/o. KVVN Raju, aged 46 years,
19. Mantena Laxmipathi Raju, S/o. M Rama Raju, aged 73 years,
20. Kalidindi Sivarama Krishnam Raju, S/o. Venkata Raju, age 43 yrs,
21. Ch V V Satyanarayana, S/o. Shanti Kumar, age 35 years,
22. Gunupudi Panduranga Rao, S/o. Jogiraju, aged 49 years,
23. Gunupudi Jogiraju, S/o. Appala Swamy, Aged 82 years,
24. Smt Nukala Baby Sarojini, W/o. Satyanarayana, aged 76 years,
25. K Lakshmana Murthy Raju, S/o. Krishnam Raju, aged 79 years,
26. Smt Kalidindi Sitayamma, W/o. Laxmana Murthy Raju, 77 years,
27. Smt Mantena Anasuya, W/o. Venkata Narasimha Raju, age 73 yrs
28. Smt K V S Suryavathi, W/o. Rama ICrislinarn Raju, age 48 years,
29. Smt Kalidindi Durga Neelima, W/o. KSVPrasada Raju, aged 55 yrs,

(All are R/o. Srungavruksham (v), Palakoderu (M), West Godavari District.)

...RESPONDENTS/WRIT PETITIONERS

30. The State of A.P., rep by its Principal Secretary, Irrigation Department, A.P. Secretariat, Velagapudi, Guntur District

31. The Assistant Executive Engineer, Irrigation Section,
Bhimavaram, West Godavari District
 32. The Joint Director, Fisheries, Bhimavaram, W.G.District
 33. The Fisheries Development Officer, Bhimavaram, West Godavari
District.
- (Respondents 30 to 33 are formal parties)

...RESPONDENTS/RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to vacate the interim orders dated 18-02-2022 passed in W.P.No.4363/2022 and dismiss the Writ Petition.

IA NO: 1 OF 2024

Between:

1. The Joint Director, Fisheries, Bhimavaram, W.G.District
2. The Fisheries Development Officer, Bhimavaram, West Godavari
District.

...PETITIONERS/RESPONDENTS

AND

1. Pericherla Kanaka Raju, S/o. Buchhiraju, aged 64 years,
2. Marothi Gangaiah, S/o. Chandraiah, aged 83 years,
3. M V V Satyanarayana, S/o. Late Mahalakshmi, aged 66 years,
4. Ravi Ramesh, S/o. Venkata Subba Rao, aged 40 years,
5. Ravi Venkata Subba Rao, S/o. Venkata Ramayya, aged 66 years,
6. Smt. Mantena Krishna Veni, W/o. Srinivasa Raju, aged 57 years,
7. A V N Sriranga Subba Rao, S/o. Venkata Subba Rao, age 48 years,
8. Smt. A Maniya Lakshmi, W/o. AVNS Subba Rao, age 46 years,
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10. Smt. Kalidindi Naga Lakshmi, W/o.Muralikrishnam Raju, 40 years,
11. Kalidindi Pavan Kumar Raju, S/o.Viswanadha Raju, aged 48 yrs,

12. K. Gopalakrishnam Raju, S/o.Venkata Narasimha Raju, 88 years,
13. Smt. K Annapurna Devi, W/o. Gopalakrishnam Raju, aged 86 yrs,
14. Smt. K Rama Saraswathi, W/o. Pavan Kumar Raju, aged 45 years,
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20. Kalidindi Sivarama Krishnam Raju,, S/o. Venkata Raju, age 43 yrs,
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28. Smt K V S Suryavathi, W/o. Rama ICrislinarn Raju, age 48 years,
29. Smt Kalidindi Durga Neelima, W/o.KSVPrasada Raju, aged 55 yrs,

(All are R/o. Srungavruksham (v), Palakoderu (M), West Godavari District.)

...RESPONDENTS/ PETITIONERS

30. The State of A.P., rep by its Principal Secretary, Irrigation Department, A.P. Secretariat, Velagapudi, Guntur District
31. The Deputy Executive Engineer, Irrigation, Sub Division, Tanuku, West Godavari District.
3. The Assistant Executive Engineer, Irrigation Section, Bhimavaram, West Godavari District

(Respondents 30 to 32 are not necessary parties)

...RESPONDENTS/RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order Dated. 18.02.2022 Passed in W.P No. 4363 of 2022 and dismiss of the Writ Petition.

Counsel for the Petitioners: SRI K. K. DURGA PRASAD

Counsel for the Respondent Nos.1 to 3: GP FOR IRRIGATION & CAD

Counsel for the Respondent Nos.4 & 5: GP FOR FISHERIES

Counsel for the Respondent No.6: SRI P. SREE VYAS

Counsel for the Respondent: SRI K.S.MURTHY

The Court made the following: ORDER

APHC010072102022



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3311]

TUESDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO: 4363/2022

Between:

Pericherla Kanaka Raju, and Others

...PETITIONER(S)

AND

The State Of A P and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. K K DURGA PRASAD

Counsel for the Respondent(S):

1. K S MURTHY

2. GP FOR FISHERIES

3. GP FOR IRRIGATION COMM AREA DEV

The Court made the following:

ORDER:

This writ petition is filed under Article 226 of the Constitution of India to issue writ of mandamus declaring the highhanded action of the respondent authorities in creating obstructions pursuant to impugned common order styled as notice dated 11.01.2022 including partial demolition of petitioners outlet pipes which are attached to aqua in respect of Ac.1-30 cts in RS.No.390-B, Ac.3-59 cts in 1RS.No.279/1,2,4,280/1,4,5,6, Ac.4-07cts in RS.No.279/3,5,280/27,8, 9,

Ac.5-00 in RS.No.429-1A, 430/2,4,5,6, Ac.2-00 in RS.No.272/1, 273/2a,2b, 3a; Ac.4-00 in RS.No.274/1,2,3, 275/1,2A,5A,5B, Ac.5-58 cts in RS.No.286-2, 284-2A,2B,3,4B, Ac.3-11 cts in RS.No.159/1, 142/2A, Ac.2-21 cts in RS.No.162/3A,3B,4,5, Ac.7- 00 in RS.No.285/5C, 297/1, 2A, 2B ,3, 4, 293/1B, 288/1A, 213, 2C, Ac.3-38 cts in RS.No.159/2A,159/2B,162/ 1,2B, Ac.0-93 cts in RS.No.271/3, Ac.2-73 cts in RS.No.277-1,2,3, Ac.2-56 cts in RS.No.278- 2B, Ac.2-00 in RS.No.466-1A, 465-3C, Ac.0-60 cts in RS.No.465-3C, Ac.0-50 cts in RS.No.479/1, Ac.0-92 cts in RS.No.271/3, Ac.3-05 cts in RS.No.406-4A,4B-1,2, Ac.1-00 in RS.No.423/ 1,2, Ac.4-58 cts in RS.No.281/ 1,4, Ac.4-69 cts in RS.No.295/1A,2A,2B,3A,4B,4C,6-11, Ac.4-20 cts in RS.No.275/2B,3B,5,276/1B,2, Ac.4-70 cts in RS.No.278- 1,274-5B/2,278-2A,274-4,274-6,Ac.3-52 cts in RS.No.273/113,1C,4A, 513,5,6,7, 274/1,5A,B,275/1,1A,2A, and Ac.2-28 cts in RS.No.273/2,2b,3b, situated in Srungavruksham village, Palakoderu Mandal, West Godavari District, as illegal, arbitrary, violative of Principles of Natural Justice apart from fundamental rights guaranteed under Article 14, 19(1)(g), 21 and 300-A of the Constitution of India, consequently direct the respondent authorities not to interfere with the properties of the petitioners and pass such other orders.

2. The case of the petitioners is briefly as follows:

The petitioners are the owners of land in different extents in different survey numbers shown as Ac.1-30 cts in RS.No.390-B, Ac.3-59 cts in RS.No.279/1,2,4, 280/1,4,5,6, Ac.4-07cts in RS.No.279/3,5,280/27,8, 9, Ac.5-00 in RS.No.429-1A, 430/2,4,5,6, Ac.2-00 in RS.No.272/1, 273/2a,2b, 3a, Ac.4-00 in RS.No.274/1,2,3, 275/1,2A,5A,5B, Ac.5-58 cts in RS.No.286-2, 284-2A,2B,3,4B, Ac.3-11

cts in RS.No.159/1, 142/2A, Ac.2-21 cts in RS.No.162/3A, 3B, 4,5, Ac.7-00 in RS.No.285/5C, 297/1, 2A, 2B ,3, 4, 293/1B, 288/1A, 213, 2C, Ac.3-38 cts in RS.No.159/2A,159/2B,162/ 1,2B, Ac.0-93 cts in RS.No.271/3, Ac.2-73 cts in RS.No.277-1,2,3, Ac.2-56 cts in RS.No.278- 2B, Ac.2-00 in RS.No.466-1A, 465-3C, Ac.0-60 cts in RS.No.465-3C, Ac.0-50 cts in RS.No.479/1, Ac.0-92 cts in RS.No.271/3, Ac.3-05 cts in RS.No.406-4A,4B-1,2, Ac.1-00 in RS.No.423/ 1,2, Ac.4-58 cts in RS.No.281/ 1,4, Ac.4-69 cts in RS.No.295/1A,2A, 2B, 3A, 4B,4C,6-11, Ac.4-20 cts in RS.No.275/2B,3B,5,276/1B,2, Ac.4-70 cts in RS.No.278- 1, 274-5B/2, 278-2A, 274-4, 274-6, Ac.3-52 cts in RS.No.273/113,1C,4A, 513,5,6,7, 274/1,5A,B,275/1,1A,2A, and Ac.2-28 cts in RS.No.273/2,2b,3b, situated in Srungavruksham village, Palakoderu Mandal, West Godavari District. They are doing pisci culture for the last 15 to 20 years without any interruption. They were granted statutory permissions after scrutinizing valid sale deeds etc., vide G.O.Ms.No.7 dated 16.03.2013 and G.O.Ms.No.15 dated 26.05.2015 of Animal Husbandry Dairy Development & Fisheries (Fish-II) Department and the same were extended from time to time.

3. Recently before filing of the petition, they were granted life time permissions in view of A.P.State Aqua Culture Development Authority Rules, 2020. To the utter surprise of the petitioners, the third respondent i.e. the Assistant Executive Engineer, Irrigation Section, Bhimavaram, West Godavari District issued a common order styled as notice dated 11.01.2022 served on 25.01.2022 to the petitioners to immediately remove the pipe line erected allegedly unauthorised, and to erect seepage channel, failing which to take necessary action. The contents of the notice, in translated form from vernacular language, read as below:

"This is to inform to the below persons that, we have received complaints that the water in Adivikodu channel is polluted. In view the complaints, we have inspected the channel and identified some ponds at Srungavruksham village area and found that seepage channel is not erected between the said pond and our channel. In fact, a pipe line has been erected unauthorizedly and the polluted water is left into our channel. The villagers of Srungavruksham, Matyapuripalem, Dusanapudi, Tundurru and Kamsalabhethapudi villages were using the said water derived from the said channel for cultivation and drinking purpose. The Joint Director of Fisheries, Bhimavaram has sent a report to the Deputy Executive Engineer, Irrigation, Tanuku Sub-Division. Hence, we have directed you to immediately remove the pipeline erected unauthorizedly and to erect seepage channel, failing which, we will report to our higher officials for taking necessary action in the matter.

To

- 1) Sri SagiVenugopalaraju, 2) Sri Chilla Veeravenkata Satyanaraya and others, 3) Sri Kalyanapu Lakshminarayana, 4) Sri Nallapuraju Subbaraju, 5) Sri Akshinthalu V.S.S.R Subbaraju, 6) Smt Danthuluru Sujana, 7) Sri Gottumukkala Suryanarayaraju, 8) Smt Kalidindi Durga Neellma, 9) Smt Akshinthala Manikya Lakshmi, 10) Smt Kalidindi Venkata satyasuryavathi, 11) Sri Kalidindi Lakshmanamurthy Raju, 12) Smt Manthena Anasuya, 13) Smt Kalidindi Seethayamma, 14) Smt Uddaraju Satyavathi, 15) Smt

Nallapuraju Anasuya, 16) Sri Kalidindi Sivaramakrishnamraju, 17) Sri Kalidindi Ramachandraraju, 18) Sri Marothi Gangaiah, 19) Sri Ravi Ramesh, 20) Sri Ravi Venkatasubbarao, 21) Sri Marothi Veeravenkatanarayana, 22) Sri Nukala Satyanarayana, 23) Smt Sagi Annapurna, 24) Sri Nukala Suryarao, 25) Sri Sagi Appalaraju, 26) Smt Dandu Kanthaiah, 27) Smt Kalidindi Nagalakshmi 28) Sri Kalidindi Pavan Kumaraju, 29) Smt Uddaraju Venkatasudhalakshmi, 30) Sri Vatsavai Ramanaiah, 31) Smt Kalidindi Ramasaraswathi, 32) Sri Manthena Venkatasubbaiah, 33) Sri Kalidindi Gopala Krishnam Raju, 34) Smt Kalidindi Annapurna, 35) Smt Penumatsa Venkata Narasamma, 36) Sri Pericherla Kanakaraju, 37) Smt Raja Sarvamangalakumari, 38) Smt Manthena Krishnaveni, 39) Sri Manthena Lakshmipathiraju, 40) Sri Kalidindi Venkatasatyanarayana Raju, 41) Sri Gunupudi Pandurangaraju and others. 42) Sri Gunupudi Jogiraju, 43) Sri Gunupudi Jogiraju and others. 44) Smt Panumatsa Sridevi, 45) Sri Kalidindi Ramachandraraju, 46) Sri Savaram Abhimanyudu, S/o. Arjunudu, 47) Sri Yarramsetty Venkataratna Manikyam, 48) Sri Yarramsetty Kumari.”

4. The notice is devoid of the details of the irrigation channel or the report submitted by the JD Fisheries to the Deputy Executive Engineer, Irrigation, Sub-Division, Tanuku. The notice is illegal. The petitioners used their channels for their pisci/aqua culture for the past 15 to 20 years and have never erected any pipes in the government channels unauthorisedly as stated in the impugned notice. In fact, the petitioners erected outlet pipes in their property only as per the permissions.

Without conducting survey of the land, the respondent authorities came to the conclusion that the subject pipes were unauthorisedly erected into the channel. Taking advantage of the vague/ambiguous impugned notice dated 11.01.2022, the respondent authorities are creating obstructions to the petitioners in their day to day activities while doing culture. On 17.02.2022, some men belonging to the third respondent came to the lands of the petitioners and demolished a few pipes without notice, jurisdiction and due procedure of law. Thereby, flow of the water in some of the tanks was obstructed causing damage to the aqua tanks of the petitioners. Thus, the action of the respondent authorities is illegal.

5. The second respondent filed counter with the averments briefly as follows:

The third respondent issued notice to the petitioners on 11.1.2022 for removal of the unauthorized outlet pipes on the Adivikodu channel through which the polluted water was let into the channel and for erection of the seepage bodhi in between the tanks having common bank with the Adivikodu channel. The petitioners were intimated that the matter would be informed to the higher authorities for taking further action if the notice is not complied. The respondents did not create any obstruction to the petitioners in doing pisci culture in their own lands. The Adivikodu channel supplies water for cultivation and drinking water tanks of Srungavruksham, Dusanapudi, Malsyapuripalem, Kamsala Bethapudi, Thundurru, Karukuwada Bethapudi, Vempa, Srirampuram, Pedagaruvu, Varatippa villages of West Godavari District. Complaints were received by the second and third respondents regarding the pollution of the Adivikodu channel. The subject matter is pending before

the Mandal Legal Services Committee, Bhimavaram vide PLC No.3/2022 dated 07.02.2022. The Deputy Director of Fisheries, Bhimavaram also represented to the second respondent on 22.12.2021 stating that 48 aqua tanks have outlets into Adivikodu channel and requested to remove the outlet pipes in order to restrict the release of polluted water into the channel. As such, to control the pollution being caused by the petitioners, notices were served on them to remove the outlet pipes inserted to the channel and to erect the seepage channel. The third respondent, in his field inspection along with the said channel in Srungavruksham village limits has identified a few tanks of the petitioners are without seepage channel and further letting polluted water through outlet pipes into the Adivikodu channel. Hence, the third respondent directed the petitioners to remove the outlet pipes and erect the seepage channel. Although, some of the petitioners kept outlet pipes in their own property, letting out the polluted water from their tanks through bodhies leading through the common outlet pipes into the channel, while some other petitioners are directly letting out polluted water into the channel from their outlet pipes. Hence, attempts were made by the second and third respondents to remove the outlet pipes on the channel, but they did not demolish any of the outlet pipes in the petitioner's own property. While serving the notices to the petitioners, the details of their fish/prawn tanks which are causing pollution to the channel are orally communicated. Though the third respondent dispatched the notices by 25.01.2022, no petitioner gave reply to it. Hence, in view of increasing complaints, the demolition of common outlet pipes on the channel was started on 15.02.2022, without causing any damage to the petitioners' property, only to prevent pollution of channel as it is a source for supply of water to various tanks.

6. The learned counsel for the petitioners submitted that it is settled law that before any action which results in seriously adverse consequences to a person is taken, such person is entitled to notice and that notice directing to remove structures without prior opportunity to show cause why should not be removed is illegal and liable to be quashed. In this regard, he placed reliance on the decision of this High Court in **Shafiya Begum Vs State of Andhra Pradesh and others**¹. Therefore, he contended that the impugned notices in this writ petition are illegal as they were not given any opportunity to show cause why the alleged pipes should not be removed.

7. The learned Assistant Government Pleader representing the respondents submitted that the necessary details of the lands of the petitioners were mentioned in the list and due opportunity was given to the petitioners to give reply, but they failed to respond to the notice, forcing the respondent authorities to proceed with the action to protect the channel against the pollution at large.

8. In **Shafiya Begum (supra)**, at paras 5 to 8, it was held as follows:

“In **Swadeshi Cotton Mills vs. Union of India**, the Supreme Court held:

“Natural Justice, ultra vires, public policy, or any other rule of interpretation must conform, grow and be tailored to serve the public interest and respond to the demands of an evolving society. The principles of natural justice are now considered so fundamental as to be ‘implicit in the concept of ordered liberty’ and, therefore, implicit in every decision-making

¹ 2016(3) ALD 22

function, call it judicial, quasi-judicial or administrative. Where the statute is silent about the observance of the principles of natural justice, such statutory silence is taken to imply compliance with the principles of natural justice.”

In **Manohar vs. State of Maharashtra and another**, the Apex Court held as under:

“The principles of natural justice have to be read into the provisions of Section 20 (2) of the Right to Information Act, 2005. No person can be condemned unheard. ... It will not be permissible to take the view that compliance with principles of natural justice is not a condition precedent to passing of a recommendation under Section 20 (2). Thus, the principle is clear and settled that right of hearing, even if not provided under a specific statute, the principles of natural justice shall so demand, unless by specific law, it is excluded. It is more so when exercise of authority is likely to vest the person with consequences of civil nature.”

In **Uptron India Limited vs. Shammi Bhan and another**, the Supreme Court has reiterated the principle that the principles of natural justice, which have to be read into the offending clause, must be complied with and the employee must be informed of the grounds for which action was proposed to be taken against him for overstaying the leave. In **D.K.Yadav Vs. J.M.A.Industries Limited** and **Punjab National Bank vs. Kunj Behari Misra**, the Supreme Court has affirmed this salutary principle.”

9. As can be seen from the contents of the notice, in the light of the counter of the second respondent that some persons directly inserted pipe lines and some others otherwise let in polluted water into the channel, there are no separate details mentioned as against each person to whom notice is served. They were not even given any chance to submit explanation or the time within which they have to remove the pipe lines. But, the petitioners also have not shown that they have permission to let the water directly into the channel. After receipt of the notice, they have not approached the authorities by submitting any explanation showing that they have due permit to let out the water and they have been acting as per the permission. So long as leaving water strictly in accordance with permission, into the channel, any interference by the respondent authorities is illegal. At the same time, in respect of each individual case, unless there is a permission and acting as per and within parameters of the permission, step taken by the authorities to prevent pollution of the channel cannot be termed as illegal or highhanded, where sufficient opportunity is given to comply the objections. Though notice was given on 11.01.2022, no explanation was given to the authorities till 15.02.2022. It is only after initiation of steps by the authorities, the petitioners filed the writ petition. The certificates given to the petitioners are only to conduct the aqua culture/pisci culture, but not authorizing to let polluted water into the nearby water channel.

10. Under these circumstances, this Court is of the view that the petition can be disposed of giving liberty to the petitioners to submit their explanation, if any, to the third respondent within fifteen (15) days i.e. on or before 31.07.2024 and thereafter the concerned authorities may take

appropriate action as per law after hearing the petitioners within two (2) weeks thereafter by fixing a date for hearing.

11. Accordingly, the writ petition is disposed of.

There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

**SD/- K.J. RAJA BABU
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Irrigation Department, State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Guntur District
2. The Deputy Executive Engineer, Irrigation, Sub Division, Tanuku, West Godavari District.
3. The Assistant Executive Engineer, Irrigation Section, Bhimavaram, West Godavari District
4. The Joint Director, Fisheries, Bhimavaram, W.G.District
5. The Fisheries Development Officer, Bhimavaram, West Godavari District.
6. One CC to Sri K. K. Durga Prasad, Advocate [OPUC]
7. One CC to Sri P. Sree Vyas, Advocate[OPUC]
8. One CC to Sri K.S. Murthy, Advocate[OPUC]
9. Two CCs to GP for Irrigation and CAD, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Fisheries, High Court of Andhra Pradesh. [OUT]
11. Three CD Copies.

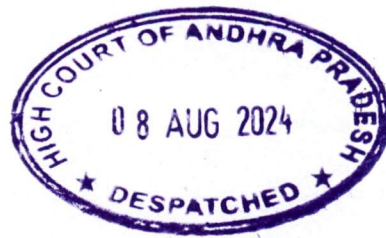
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HIGH COURT

DATED:16/07/2024

ORDER

WP.No.4363 of 2022



DISPOSING OF THE W.P. WITHOUT COSTS

ANNEXURE - V

1

To

Dt.31-07-2024

1. The Deputy Executive Engineer, Irrigation, Sub Division, Tanuku, West Godavari District.
2. The Assistant Executive Engineer, Irrigation Section, Bhimavaram, West Godavari District.
3. The Joint Director, Fisheries, Bhimavaram, W.G. District.
4. The Fisheries Development Officer, Bhimavaram, West Godavari District.

We are submitting the following explanation pursuant to the directions of Hon'ble High Court of AP Amaravati passed in WP.No.4363/2022, Dt.16-07-2024.

We

1. Pericherla Kanaka Raju, S/o. Buchhiraju, aged 64 years,
2. Marothi Gangaiah, S/o. Chandraiah, aged 83 years,
3. M V V Satyanarayana, S/o. Late Mahalakshmi, aged 66 years,
4. Ravi Ramesh, S/o. Venkata Subba Rao, aged 40 years,
5. Ravi Venkata Subba Rao, S/o. Venkata Ramayya, aged 66 yrs,
6. Smt Mantena Krishna Veni, W/o. Srinivasa Raju, aged 57 years,
7. AVN Sriranga Subba Rao. S/o. Venkata Subba Rao, age 48 yrs,
8. Smt A Maniya Lakshmi, W/o. AVNS Subba Rao, age 46 years,
9. Dantuluri Sujani, D/o. Venkata Rama Subba Raju, age 36 yrs,
10. Smt Kalidindi Naga Lakshmi, W/o. Muralikrishnam Raju, 40 yrs,
11. Kalidindi Pavan Kumar Raju, S/o. Viswanadha Raju, 48 years,
12. K. Gopalakrishnam Raju, S/o. Venkata Narasimha Raju, 88 yrs,
13. Smt.K Annapurna Devi, W/o. Gopalakrishnam Raju, 86 years,
14. Smt K Rama Saraswathi, W/o. Pavan Kumar Raju, 45 years,
15. Kalyanapu Laxminarayana, S/o. Sactaramayya, 54 years,
16. Smt. Buddaraju Satyavathi, W/o. Neeladri Raju, 62 years,
17. Smt. Nallaparaju Satyavathi, W/o. Sitarama Raju, 53 years,
18. KVSatyanarayana Raju, S/o. KVVN Raju, aged 46 years,
19. Mantena Laxmipathi Raju, S/o. M Rama Raju, aged 73 years,
20. Kalidindi Sivarama Krishnam Raju, S/o. Venkata Raju, 43 yrs,
21. Ch V V Satyanarayana, S/o. Shanti Kumar, age 35 years,
22. Gunupudi Panduranga Rao, S/o. Jogiraju, aged 49 years,
23. Gunupudi Jogiraju, S/o. Appala Swamy, Aged 82 years,
24. Smt Nukala Baby Sarojini, W/o. Satyanarayana, aged 76 years,
25. K Lakshmana Murthy Raju, S/o. Krishnam Raju, aged 79 years,
26. Smt. Kalidindi Sitayamma, W/o. Lakmana Murthy Raju, 77 yrs,

27. Smt Mantena Anasuya, W/o. Venkata Narasimha Raju, 73 yrs,
 28. Smt K V S Suryavathi, W/o. Rama Krishnam Raju, age 48 yrs,
 29. Smt Kalidindi Durga Neelima, W/o.KSVPrasada Raju, 55 yrs,
 All are R/o. Srungavruksham (v), Palakoderu (M), West Godavari District.

We submit that **No. 1** herein own Ac.1-30 cts in RS.No.390-B; **No. 2&3** herein own Ac.3-59 cts in RS.No.279/1,2,4, 280/1,4,5,6; **No.4, 5** herein own Ac.4-07 cts in RS.No.279/3,5,280/2,3,7,8,9; **No.6** herein own Ac.5-00 in RS.No.429-1A, 430/2,4,5,6; **No. 7 & 8** herein own Ac.2-00 in RS.No.272/1, 273/2a,2b, 3a; **No.9** herein own Ac.4-00 in RS.No.274/1,2,3, 275/1,2A,5A,5B; **No.10** herein own Ac.5-58 cts in RS.No.286-2, 284-2A,2B,3,4B; **No.11** Petitioner own Ac.3-11 cts in RS.No.159/1, 162/2A; **No.12** herein own Ac.2-21 cents in RS.No.162/3A, 3B, 4, 5; **No.13** herein own Ac.7-00 in RS.No.285/5C, 297/1, 2A, 2B ,3, 4, 293/1B, 288/1A, 2B, 2C; **No.14** herein own Ac.3-38 cts in RS.No.159/2A,159/2B,162/1,2B; **No.15** herein own Ac.0-93 cts in RS.No.271/3; **No.16** herein own Ac.2-73 cts in RS.No.277-1,2,3; **No.17** herein own Ac.2-56 cts in RS.No.278-2B; **No.18** herein own Ac.2-00 in RS.No.466-1A, 465-3C; **No.19** herein own Ac.0-60 cts in RS.No.465-3C; **No.20** herein own Ac.0-50 cts in RS.No.279/1; **No.21** herein own Ac.0-92 cts in RS.No.271/3; **No.22** herein own Ac.3-05 cts in RS.No.406-4A,4B-1,2; **No.23** herein own Ac.1-00 in RS.No.423/1,2; **No.24** herein own Ac.4-58 cts in RS.No.281/1,4; **No.25** herein own Ac.4-69 cts in RS.No.295/1A,2A,2B,3A,4B,4C,6-11; **No.26** herein own Ac.4-20 cts in RS.No.275/2B,3B,5,276/1B,2; **No.27** herein own Ac.4-70 cts in RS.No.278-1,274-5B/2,278-2A,274-4,274-6 ; **No.28** herein own Ac.3-52 cts in RS.No.273/1B,1C,4A,5B,5,6,7,274/1,5A,B,275/1,1A,2A; and **No.29** herein own Ac.2-28 cts in RS.No.273/2,2b,3b, situated in Srungavruksham village, Palakoderu Mandal, West Godavari District; are doing pisci culture for the last 18 to 22 years with peaceful possession and enjoyment of the same and without any obstructions

from any quarter. We were granted statutory permissions long back after scrutinize valid sale deeds etc., vide GOMs.No.7, Dt.16.3.2013 and GOMs.No.15, Dt.26.5.2015 of Animal Husbandry Dairy Development & Fisheries (Fish-II) Dept. and which were extended from time to time. Most of us granted life time permissions also in view of AP State Aqua Culture Development Authority Rules, 2020 (SADA Act) and the same are granted your authorities.

Further it is submitted that to our utter surprise your Authorities issued a common notice Dt.11.01.2022 herein is as follows:-

"This is to inform to the below persons that, we have received complaints that the water in Adivikodu Channel is polluted. In view the complaints, we have inspected the channel and identified some ponds at Srungavruksham village area and found that seepage channel is not erected between the said pond and our channel. In fact, a pipe line has been erected unauthorizedly and the polluted water is left into our channel. The villagers of Srungavruksham, Matyapuripalem, Dusanapudi, Tundurru and Kamsalabhethapudi Villages were using the said water derived from the said channel for cultivation and drinking purpose. The Joint Director of Fisheries, Bhimavaram has sent a report to the Deputy Executive Engineer, Irrigation, Tanuku Sub-Division. Hence, we have directed you to immediately remove the pipeline erected unauthorizedly and to erect seepage channel, failing which, we will report to our higher officials for taking necessary action in the matter".

The above notice is not even containing particulars of Govt. Irrigation channel details and also not supplied the Petitioners property details of report submitted by the JD Fisheries to the Deputy Executive Engineer, Irrigation, Sub Division, Tanuku as per notice, and hence it is ex-face illegal and arbitrary and violative of

Fundamental rights guaranteed under Article 14, 19(1)(g), 21 and 300-A of the Constitution of India apart from principles of Natural Justice. Further we are Law abiding citizens and used our own channels for my pisci/aqua culture for the last 18 to 22 years and never erected any pipes into the Government channels unauthorizedly.

Further I submit that if any violations are taken place in respect subject seepage channel of us, the Authorities should have surveyed first and how much encroachments are taken place, how much pipes are erected unauthorizedly into Adivikodu channel must have to furnish particulars by issuing independent notices to us. Otherwise property rights of us are violated under Article 300-A of the Constitution of India.

Further we are not occupied any of the Government channel as stated in your notice. In fact we are erected outlet pipes as per permissions only. Further without conducting survey of the land, how your Authorities come to conclusion that the subject pipes are erected in Govt. channel unauthorizedly, is nothing but arbitrary and illegal. Further we submit that so many disputed questions of facts have to be looked into for determination of unauthorized occupation of subject pipes. Without conducting any proper survey, the Authorities are acting highhandedly on that day is illegal and arbitrary and also noted that the common notice Dt.11.01.2022 lacks property details of affected persons and how much pipes are erected unauthorizedly is not mentioned, is nothing but mislead and highhanded action. Further taking advantage of the said vague/ambiguous impugned notice Dt.11.01.2022, your Authorities are creating obstructions in our day to day activities while doing culture is also against procedure established under Law.

Further it is important note that we does not use the Adivikodu channel, which supplies irrigation water for cultivation and Drinking water tanks of other villages in West Godavari District. In this connection we submit that yearly once after closing the water canals by the Government in the month of 3rd weeks of every April, then yearly once we are all other people who are doing pisci culture in our Ayucutdars release the surplus water into Pennada Bode which is only alternative drain for us of waste water outlet. The present as notice Dt.22.12.2021 is absolutely non-application of mind and without following due procedure established under Law.

It is important to note that an admitted fact that all the villagers of Srungavruksham, cattle's are cleaning and washing the clothes by Dhobis in the said Adivikodu channel. including leaving the waste and drainage water of the said villagers. Also included waste water of neighboring villages of Pennada and Vendra. In fact the said Adivikodu channel used for all purposes like washing clothes, cleaning cattle's and outlet for village waste water etc., from the times immemorial. Further my request to your authorities are to prevent first those waste water outlet as stated above in the subject channel, problem will solved. Due to political equations only complaints against our pisci culture is only local village vengeances.

Hence in view of the above facts and circumstances, the notice Dt.11.1.2022 is to be withdrawn and in the interest of Justice, kindly issue independent notices by taking measurements and give details of how much encroachments were made if really encroached.

Thanking you,

1. . P. Kanaka Rao
2. మునియ్యం గ. శివారెడ్డి
3. . డి.కె. పి.కె. వెంకటేశ్వరం నల్ల నారాయణ

4. . R. Kumar
5. రోవిపెండ్ల సుబ్బారావు వారి
6. . M. Krishnala Veni
7. . A.V.N.S.R. Sankarao
8. . A. మునిక్కిలక్కి
9. . D. Sujani
10. . K. Nagao Lakshmi
11. . K. Pavan Kumar Reddy
12. . K. C. K. Reddy
13. . కంఠం వైద్య దాత్రులు
14. . K. Ramaswathi
15. . కల్పనారావు
16. . B. Sankarathi
17. . N. Sankarathi
18. . K. V. నాగరాజురావు
19. . మునిక్కిలక్కి
20. . K. S. R. Krishnam Reddy
21. . Chuv Sankararao
22. . G. Pondugor Rao
23. . G. Sankar
24. . మాంకట్ల సుబ్బారావు
25. . కల్పనారావు
26. . కల్పనారావు
27. . KVS SURAJI
28. . కల్పనారావు
29. . మంతెనల నారాయణ

Item No.09:-

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

[Through Physical Hearing (Hybrid Option)]

Original Application No. 156 of 2023 (SZ)

IN THE MATTER OF:

Thota Ganga Raju,
Andhra Pradesh

...Applicant(s)

Versus

The Govt of Andhra Pradesh,
Rep. by its Principal Secretary,
Andhra Pradesh and Ors.

...Respondent(s)

Date of hearing: 27.04.2026.



CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. PRASHANT GARGAVA, EXPERT MEMBER

For Applicant(s): Mr. Thota Ganga Raju (*Party-in-Person*).

For Respondent(s): Mrs. Kavitha Renjini represented
Mr. K. Ravindranath for R1 to R6.

ORDER

1. It is stated that the report of the Department of Animal Husbandry, Dairy Development and Fisheries (Respondent No. 3) is ready, but is yet to be signed; the learned counsel is therefore directed to file the same before the next date of hearing.

2. Post the matter on 09.07.2026.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Prashant Gargava, EM



O.A. No.156/2023 (SZ)
27th April, 2026. NS.