

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

OA No 86 OF 2024

IN THE MATTER OF:

JAKKAMSETTI BABU RAO

..... Applicant

Vs

ANDHRA PRADESH POLLUTION CONTROL BOARD & OTHERS

.... Respondents

REPORT FILED BY THE DISTRICT COLLECTOR - R3

DATE - 23.01.2025



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

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Detailed Report Filed by The District Collector In the Matter Of O.A.No.86 Of 2024(SZ) Jakkamsetti Babu Rao Vs Andhra Pradesh Pollution Control Board.

It is submitted that Sri Jakkamsetti Babu Rao, S/o Anjaneyulu, R/o Mogaltur Village & Mandal, West Godavari District has filed an had filed Original Application. No.86 of 2024 before the National Green Tribunal (Southern Zone) on 26.02.2024 regarding illegal operation of Brick Kilns in Mogaltur Village & Mandal, seeking the directions to the District Collector, West Godavari (3rd Respondent) and other 3 official respondents to take necessary action to close down the illegal brick kilns operating in the Mogaltur Village, West Godavari District and seeking directions to unofficial respondents(5 to 19) to immediately close down their illegal brick kilns operating illegally, without proper license/permission/approval in the residential area of Mogaltur Village, West Godavari District which are causing Environmental Pollution and affecting the health of the petitioner. The petitioner finally requested to direct the respondents to close/relocate/shift the Brick Kilns as per the guidelines issued by the State Government for operating Bricks and to pay an amount of Rs.20,00,000/- as compensation to the petitioner for causing physical disabilities, ailments, sufferings, discomfort, inconvenience, troubles, hardship, disappointment, frustration and mental stress in life and financial loss and loss of livelihood and expenses for treatment endured by the petitioner.

It is submitted that the case came up for hearing on 06.07.2024 in the Hon'ble National Green Tribunal (Southern Zone) and the Hon'ble National Green Tribunal has given has given Order as follows:

“ In the event the District Collector finds that there is no proper approval or NOC obtained by these brick kiln owners or operating the same illegally, the District Collector is directed to stop the operations forthwith and file a detailed report before the next date of hearing.”

Further the National Green Tribunal (Southern Zone), Chennai had directed the District Collector, West Godavari(3rd Respondent) to file detailed Report before the next date of hearing.

Before going into the History of the Case the brief description of the operational guidelines in force with respect to the establishment of Brick Kilns in the State of Andhra Pradesh is as follows:

- The Government of Andhra Pradesh has passed G.O.Ms.No. 80. Environment, Forests, Science & Technology (Environment) Department, Dated 22.04.2010 issuing guidelines in respect of establishment of Brick Kilns in the State of Andhra Pradesh. These guidelines are in force presently in the State of Andhra Pradesh.
- This G.O.Ms.No. 80. Environment, Forests, Science & Technology (Environment) Department, Dated 22.04.2010 was passed by the Government of Andhra Pradesh based on the Order passed by the Hon'ble High Court of Andhra Pradesh, Hyderabad in W.P.No.12138/20228 & batch cases.
- The G.O reads that the activity of brick manufacturing is not among the scheduled 66 categories of small scale polluting units as per GOs 1&2 of Environment, Forests, Science & Technology Department, Dated:23.01.1995 and the amendments thereof, for which pollution clearance needs to be obtained. Hence the Pollution Control Board does not issue any clearances to these brick clamps. However, the brick clamp's owner has to obtain an acknowledgement from the General Manager, District Industries Centre (GM. DIC). The acknowledgement serves the purpose of the consent of the Board. As the activity of brick manufacturing is not one of the scheduled industries in the Air(Prevention& Control of Pollution)Act, 1981 of the A.P.Pollution Control Board does not have any direct control over the manufacturers of bricks. The limited control which can be exercised on such industries, is through Tahsildar of the concerned area who can take action under section 133 of Cr.P.C in case of violations.
- The Revenue authorities viz Collector & District Magistrate/R.D.O/Tahsildar shall continue to take action against defaulting units under the provisions of Criminal Procedure Code as upheld by the Hon'ble High Court in the W.P.No.12138/2008 and batch cases.

In this context the brief History of the case is submitted here under :

It is submitted that in the year 2021 one Ponnamanda Yedukondalu sold an extent of 334 Sq.yards in R.S.No.761/2 under Document Number.2309/2021, Dated 15.09.2021 to Jakkamsetti Babu Rao, S/o Anjaneyulu(The Petitioner in the present case). This extent is located in the

brick kiln Manufacturing units. The land in R.S.No.761/2 stands classified as Zeroyith as per Revenue Records.

It is submitted that Sri Jakkamsetti Babu Rao S/o Anjaneyulu obtained permission from the Gram Panchayat Mogaltur and started construction of the house in an extent of 334 Sq.Yards in R.S.no.761/2 which is located between the brick manufacturing units. Meanwhile the terms between Jakkamsetti BabuRao and the neighbouring land owners Ponnappalli Yedukondalu & Ponnappalli Krishna spoiled and Jakkamsetti Babu Rao started complaining about brick kilns units to the concerned government department officials.

It is submitted that in the first instance Sri Jakkamsetti Babu Rao complained to the Gram Panchayat, Mogaltur about Ponnappalli Yedukondalu and Ponnappalli Krishna who are the neighbouring brick kiln unit owners. The then Panchayat Secretary, Mogaltur had issued notices to Ponnappalli Yedukondalu and Ponnappalli Krishna on 02.01.2023 and to the other 13 brick manufacturing units on 15.03.2023 without looking into the authority for issue of notices. These notices were acknowledged by all the 15 brick kiln manufacturing units owners and none offered their explanation to the said notice of the Panchayat Secretary, Mogaltur.

It is submitted that at this juncture the brick kiln owners of Mogaltur Village who received notices from the Gram panchayat, Mogaltur namely Ponnappalli Krishna & others filed W.P.14868 of 2023 before the Hon'ble High Court of Andhra Pradesh and the Hon'ble High Court disposed the case W.P.14868 of 2023 with the following directions on 23.06.2023.

- (a) The notice dated 15.03.2023 issued by the 1st Respondent(Mogaltur Gram Panchayat) shall be treated as Show Cause Notice.
- (b) The petitioners shall file their objections/explanations to the said notice within two weeks.
- (c) The 1st Respondent(Gram Panchayat Mogaltur) on receipt of the objections/explanations shall pass appropriate orders strictly in accordance with law, after giving due opportunity of hearing to the petitioners within a period of 4 weeks from the date of receipt of the objections/explanation.
- (d) Till passing of the appropriate orders as indicted above, the Gram Panchayat shall not interfere with the activities of the petitioners.

Till now the petitioners in W.P.No.14868 of 2023(i.e., Brick kiln owners of Mogaltur Village) did not submit their explanation to the Gram Panchayat

and appropriate orders was not passed by the Gram panchayat, Mogaltur in this regard.

It is submitted that at this juncture, The Tahsildar, Mogaltur had issued notices on **24.06.2023** to the Brick Manufacturing units in Mogaltur Village under Section 133 of Cr.P.C and also with reference to G.O.Ms.No.80 Environment, Forest, Science & Technology(Environment) Dated 22.04.2010 and Section 3 of A.P. Agriculture Land(Conversion for Non Agriculture Purpose) Act 2006 to submit explanation within 7 days from the date of receipt of notice and the Tahsildar, Mogaltur passed eviction orders on **12.07.2023** in pursuance of Section 133 of Cr.P.C and also with reference to G.O.Ms.No.80 Environment, Forest, Science & Technology(Environment) Dated 22.04.2010 and Section 3 of A.P.Agriculture Land(Conversion for Non Agriculture Purpose) Act 2006. The Brick Kiln owners again approached Hon'ble High Court of Andhra Pradesh on the eviction Orders passed by the Tahsildar, Mogaltur and filed W.P. 17382 of 2023 and the Hon'ble High Court has passed IA.No.1 of 2023 in W.P.No.17382 of 2023 on **14.07.2023** as follows:

“Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioners have brought to the notice of this Court that prior to issuance of the impugned proceedings the 3rd Respondent-Gram Panchayat issued notice dated 15.03.2023, which contains certain directions and challenging the said notice, a writ petition is filed vide W.P.No.14868 of 2023 and the same was disposed of vide order dated 23.06.2023, wherein the petitioners were directed to submit their explanation and thereafter, the Gram Panchayat was given liberty to pass appropriate orders, in accordance with Law, after giving due opportunity of hearing to the petitioners.

To petitioners utter surprise, thereafter some notices were issued to them by the 1st Respondent herein and the petitioners have not submitted any explanation as they are under the impression that the Gram Panchayat would have to initiate action in terms of the orders passed in W.P.No.14868 of 2023. He submits that even though the Gram Panchayat has not passed any orders on the explanation submitted by the petitioners, the proceedings have been issued by the 1st Respondent. He also submits that the 1st Respondent herein is a party to the said writ petition and in those circumstances, the proceedings impugned in the present writ petition are not sustainable.

Let appropriate instructions be obtained with regard to the competency of the Tahsildar in issuing the notices and initiating proceedings in the matter, when

an order has already been passed in W.P.No.14868 of 2023 as per which the Gram Panchayat was required to take action in the matter.

List the case after two(2) weeks in the 'Motion List'.

Pending further consideration, no coercive action pursuant to the impugned proceedings shall be resorted to, for a period of eight (8) weeks”.

Meanwhile in the month of June, 2023 Sri Jakkamsetti Babu Rao had filed a complaint to the National Human Rights on the same issue and requested to provide right to information, provide compensation and provide mental health support.

Further It is submitted that Sri Jakkamsetti Babu Rao, S/o Anjaneyulu had also filed a petition before the Mandal Legal Service Authority, Narsapuram on the above issue and the issue was not resolved in the Mandal Legal Service Authority, Narsapuram.

When the matter is pending before the Hon'ble High Court of A.P in W.P. 17382 of 2023 and the Orders of the Hon'ble High Court of A.P to be implemented in W.P.No.14868 of 2023 Sri Jakkamsetti Babu Rao, S/o Anjaneyulu had filed Original Application.No.86 of 2024 before the National Green Tribunal, Southern Zone, Chennai and the Hon'ble National Green Tribunal, Southern Zone, Chennai has given orders on **03.07.2024** and made the following Order.

“In the event the District Collector finds that there is no proper approval or NOC obtained by these brick kiln owners or operating the same illegal, the District Collector is directed to stop the operations forthwith and file a detailed report before the next date of hearing.”

At this juncture when the subject matter is pending before the Hon'ble High Court of A.P in W.P.No.17382 of 2023 and the Orders of the Hon'ble High Court is to be implemented in W.P.No.14868 of 2023 the Hon'ble National Green Tribunal, Southern Zone, Chennai has passed order on 03.07.2024 with a direction to the District Collector, West Godavari to take appropriate action as per the guidelines and procedures, the brick kiln owners of Mogaltur village of Mogaltur Mandal had filed the representation dated 05.08.2024 to the District Collector, West Godavari.

Since the subject matter is pending before the Hon'ble High Court of A.P in W.P.No.17382 of 2023 and the Orders of the Hon'ble High Court is to be implemented in W.P.No.14868 of 2023 and When Sri Jakkamsetti BabuRao,S/o Anjaneyulu **knocked all the possible doors of the legal system** any further action on the subject matter can only be taken after disposal of the case W.P.No.17382 of 2023 in the Hon'ble High Court of Andhra Pradesh and implementation of Hon'ble High Court Orders in W.P.14868 of 2023.

It is further submitted that the 3rd respondent (i.e.,) the District Collector, West Godavari has utmost respect to the Orders of the National Green Tribunal, Southern Zone (Chennai) and the Orders of the National Green Tribunal, Southern Zone (Chennai) will be implemented in consonance with the Orders of the Hon'ble High Court of Andhra Pradesh in W.P.14868 of 2023 and IA.No.1 of 2023 in W.P.No.17382 of 2023.



[Handwritten Signature]
**District Collector,
 West Godavari District,
 Bhimavaram,
 Andhra Pradesh.**

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