

**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

**REPORT FILED BY THE SRUGNAVRUKSHAM GRAM
PANCHAYTI 6th RESPONDENT**

DATE- 08.08.2024



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

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BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN BENCH AT CHENNAI

ORIGINAL APPLICATION NO. 156 OF 2023(sz)

(Application under Section 14, 15 r/w 18 of National Green Tribunal Act,
2010)

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,
Secretariat 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.

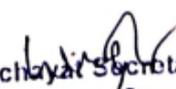
3.Department of Animal Husbandry,
Rep. by its Principal Secretary,
Diary Development and Fisheries,
Secretariat, Amaravati,
Andhra Pradesh-522237.
E-mail: prlsecy_ahf@ap.gov.in
Contact No: 0863-2444539

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,
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

..... RESPONDENTS


Panchayat Secretary Gr.-I
Gram Panchayat, Srungavruksham
Palakoderu Mandal, W.G.Dist.

COUNTER FILED ON BEHALF OF THE 6TH RESPONDENT

I, D.Satyanarayana, S/o Venkanna, aged about 61 years, Occ: I am the Secretary, Srungaviruksham Gram Panchayati, Palakoderu Mandal, West Godavari District, Andhra Pradesh-534243, do hereby solemnly affirm and sincerely state as follows:

1. I am the 6th Respondent herein and as such I am well acquainted with a facts of the case.
2. This respondent denies each and every averment made in the affidavit filed in support of the application is 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 6th respondent states that the Adavikodu Channel is an irrigation canal which flows from Vendra Village to Srungavruksham Village and divided into two streams, **one stream** runs towards Tundurru village called as Tundurru Branch Channel and flows through Srungavruksham, Bantumilli of Palakoderu Mandal and then Dusanapudi, Matsyapuripalem of Veeravasaram Mandal and Tundurru and

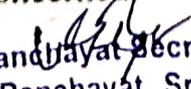

 Panchayat Secretary Gr.-I
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Jonnalapalem (Bhimavaram Mandal) and ends at Kamsali Bethapudi in Devarakodu drain, and another stream passes through Srungavruksham, Pedagaruvu, Vempa and Srirampuram and ends at Varatippa village in Upputeru drain in West Godavari District of Andhra Pradesh.

6. It is submitted that the 6th respondent states that Tundurru Branch channel of Adavikodu Channel and another Muthyamkodu Irrigation Canal is being used as drinking water source to the villages from Srungavruksham itself and downstream villages of its Ayacut.
7. It is submitted that the 6th respondent states that it is not true to say 3rd and 4th paras of FACTS IN BRIEF that “the Adavikodu Channel-Tundurru Branch Channel and Muthyumkodu Irrigation Canal called as Adavikodu and its connected 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 Ayacut of land in 15 villages. 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. But the

irrigation field Bode Pipe No. 10, which is source of irrigation water to about 20 acres of Agriculture Ayacut 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 Bode No.10 as it is used as drainage by the villagers”.

8. It is submitted that the 6th respondent states that it is not true to say that the sewage and toilet waste released to Adavikodu Channel through Irrigation Field Bode/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 Palakoderu Mandal built by their own or by Government Schemes such as Total Sanitation Campaign Programme, Individual Sanitary Latrine Programme, Swatch Bharath Machine and Individual House Hold Latrines Programmes. 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 the Grama Panchayat, Srungavruksham and identified 18 eligible beneficiaries to construct new Sanitary Latrines by the end of 31st of December, 2023 as scheduled by the Government, consequently a Certificate declaring the Srungavruksham as ODF village to the authority concerned


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9. It is submitted that the 6th respondent states that the farmers in the ayacut 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 discharges water by inserted pipes of irrigation canal bunds and directly released into the said Adavikodu canal and Tundurru Irrigation Branch Channel and Muthyumkodu 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.

10. It is submitted that the 6th respondent states that in order to prevent the pollution of water bodies the 6th 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.

11. It is submitted that the 6th respondent states that when the respondent No.6 received Notice No.60 (b) from the Irrigation authority that the Grama Panchayat authority excavated Kutchra drain in high dept at No.10

irrigation Bode/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. 20-08-2021 was passed to take preventive measures. Besides a beat of tom tom Dt.15-12-2021 was done and Warning Boards and banners were erected alongside of Adavaikodu Channel to prevent pollution from households in the premises of Srungavruksham and a compliance report was submitted to the the then Divisional Panchayat Officer, Narsapuram for the orders dated:22-11-2021.

12. The averments made in paras 9 to 11 are not correct. The 6th respondent 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 6th 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 Palakoderu Mandal.

13. It is further submitted that as the matter stands 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

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the above canal pollution issue for amicable settlement with local authorities in which the 6th respondent 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 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 were disputed and the Debris Removed off, hence matter not settled there and the PLC was closed.

14.It is submitted that the 6th respondent states that the averments in para No.

16 that the "Petitioner humbly further submitted that the Applicant 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 to not to release sewage and toilets into Adavikodu Channel though filed Bodhe/Pipe No.10, but still no action was initiated to

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prevent the said pollution except an endorsement letter Dt.09-02-2023 from the Secretary of Gram Panchayat, Srungavruksham with false and untenable allegation, it clearly shows their admissions and accepted their negligence toward prevention of pollution” are not true.

It is humbly submitted that there are possible preventive measures have been taken by the 6th Respondent panchayat.

The Following Actions Taken by the 6th respondent, Srungavruksham Grama Panchayat Authority:

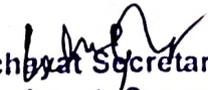
- 1) Dandora by way of beat of Tom Tom has been made in Srungavruksham village on 12-12-2021, warned the people not to let out drainage water, garbage, toilet water, dead bodies of dogs, cat, pigs, and human dead bodies, etc., in Irrigation Channel or Bode No.10 which is main source of drinking water and used for agriculture purpose not only to the Major and Biggest Grama Panchayat, Srungavruksham in Plalakodure Mandal, but also to the downstream villages.
- 2) The warning boards and flexies have been fixed alongside side of Adavikodu channel in in the premises of Srungavruksham Village.
- 3) On 14-12-2021 the Divisional Panchayat Officer, Narsapuram, Assistant Executive Engineer, Irrigation, Bhimavaram, the village elders, Panchayat Secretaries, Engineering Assistants, Survey Assistants of Srungavruksham discussed to take precautionary and necessary steps on 15-12-2021 and made field level inspection and prepared a blue print for resolving the problems.
- 4) The 6th respondent 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 Srungavruksham Village

Panchayat Secretary,
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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.

Subsequently the Engineering Authority got estimated as per the requirement of the Grama Panchayat and handed over the same with two estimates one for Rs.1.72 Crores and another for Rs.0.97 Crores total a tune of Rs.2.69 Crores to the Panchayat Authority, the 6th respondent, consequently the 6th respondent submitted the estimates to the District Panchayat Officer, Bhimavaram, West Godavari for taking necessary action from the Govt. side since the Grama Panchayat itself is unable to bear such huge amounts.

- 5) While the Lok Adalat Proceedings were going on, 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 were disputed and the Debris removed off, hence matter not settled there and the PLC was closed.
- 6) The Village fisheries Assistant and Village Revenue officers together collected the data of prawn and fish tanks in Adavikodu ayacut from 16-12-2021 to 30-12-2021. In the said enquiry they found that there are 45 prawn tanks, two fish tanks. Subsequently a report prepared by Fisheries and Village Revenue Officers has been submitted, Consequently the Panchayat Secretary i.e., 6th respondent has issued a memo to the Village Fisheries Assistant dt.15.12.2023 to take further action in co-ordination and co-operation with the hierarchy for the remedial measures from the side of Fisheries Dept. Accordingly, pursuant to the memo, the Fisheries Assistant replied dt.17.12.2023 that there are no unauthorized prawn and fish tanks detected in the joint inspection conducted by the Fisheries and Irrigation Departments and taken steps to prevent contamination of Adavikodu irrigation Channel and made arrangements of the wastage water of the said fish/prawn tanks/ponds, to join in Payakodu and then to Nakkala drain.
- 7) Besides the 6th respondent conducted a meeting with the encroachers, 21 families living beside the No.10 irrigation Bode/Pipe and given counseling dated 27.12.2023 and issued notices to them for taking necessary action i.e.,


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not letting their garbage, waste water and other domestic wastage into the Irrigation Bode/Pipe No.10, consequently the encroachers in the field/door to door inspection of the Grama Panchayat Authority on 18.01.2024 complied some parameters indicated by the 6th respondent, Grama Panchayat.

The action taken by the encroachers consequential to the notice of the Grama Panchayat mentioned hereunder:

S No.	Name of the Encroacher	Action taken by the Encroachers			
		Dustbin provided	Wall constructed	Soak Pits Dug	Pipe dummies closed
1	Vanguri Satyanarayana	Yes	Yes	Yes	No
2	Vanguri nageswararao	Yes	No	Yes	No
3	Kurella Varalakshmi	Yes	Yes	Yes	Yes
4	Pandranki Anjali	Yes	Yes	Yes	Yes
5	Raja Rajyalakshmi (not residing now)	No	No	No	No
6	Pandranki Krishna	Yes	No	Yes	No
7	Soma Suresh	Yes	Yes	Yes	Yes
8	Karella Nagamani	Yes	Yes	Yes	No
9	Poliseti Subbalakshmi	No	Yes	Yes	No
10	Purella Lakshmi	Yes	Yes	Yes	No
11	Paturi Balaji	Yes	No	Yes	No
12	Turangi Venkata Lakshmi	Yes	Yes	Yes	No
13	Turangi Raju	Yes	Yes	Yes	No
14	Choppala Ramarao	Yes	Yes	Yes	No

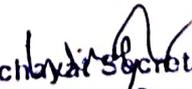
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		Abandoned House	Abandoned House	Abandoned House	Abandoned House
15	Chukka Satyanarayana				
16	Choppala Bhimaraju	Yes	Yes	Yes	Yes
17	Rameswarapu Chandra Shekar	Yes	Yes	Yes	Yes
18	Gundreti Ramalakshmi	Yes	No	Yes	Yes
19	Sirapu Laxminarayana	Yes	Yes	Yes	Yes
20	Bommi Saibaba	Yes	Yes	Yes	No
21	Bokka Vemkateswararao	Yes	No	Yes	Yes

It is not true to say that due to increase the dept of kutchra drain dug by the Grama Panchayat, Srungavruksham as alleged. The drain is purely kucha in nature, hence it was filled with silt and mud soon. During the rainy season when the drains over flown and entire village drowned with drain water, then with 3.24 Lakhs Estimated cost of work was done for the removal of silt in the drains. At the time Some villagers like Dusanapudi and Matsyapuripalem of Veeravasaram Mandal got polluted, the irrigation department, Bhimavaram and Pollution Control Board, Eluru sent letters to the Panchayat Secretary to decrease the depth of kacha drains which have been dug in Srungavruksham village. But later the drain filled with mud and silt naturally.

For about 40 years no construction had been taken place in Srungavruksham village which effects the villages of Veeravasaram and Bhimavaram mandal with the polluted water.

So also, on the complaints of Sarpanches of Veeravasaram Mandal, The Hon'ble M.L.A of Bhimavaram Constituency discussed the matter to find an alternative solution to divert the drains in Srungavaruksham village for the preparation of estimation and assured to financial support.


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The problem has been existed for the last 40 years and there have not been constructions took place for the past 40 years by the Grama 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 cordination with Fisheries, Irrigation (both canals and drains), Revenue, Panchayat Raj and RWS departments besides the huge financial grants from the Govt. as estimated by the Engg. Authorities mentioned above. In other words, the above departments jointly and collectively should complete the task in convergence mode, then only the problem would be resolved.

15.The applicant filed the petitions with false, frivolous and vexatious to his knowledge, and hence the above application is not maintainable under law.

16.The respondent doesn't admit the other averments which are not specifically traversed herein and the applicant is put to strict proof thereof.

17.Therefore, the respondent pray the Hon'ble Cout may be pleased to dismiss the application.

Chennai,

12-03-2024.

be pleased to consider
Parbhaya Secretary Gr.-I
Gram Panchayat, Srungavruksham
Palakoderu Mandal, W.G.Dist.

6th Respondent:

Standing Counsel for 6th respondent.

The facts stated in all the above paras of this Counter are true to the best of my knowledge, Information and belief and such of those that are stated on information are believed to be true.

Chennai,

12-03-2024.

Be pleased to consider
Panchayat Secretary Gr.-I
Gram Panchayat, Srungavruksham
Palakoderu Mandal, W.G.Dist.
6th Respondent:

PHOTOGRAPHS



