

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

ORIGINAL APPLICATION NO. 41 OF 2022

Between:

SRI GOWNIVAARI SRINIVASULU,

Former Member of Legislative Council &
Deputy Opposition Floor Leader in AP Legislative Council,
S/o. Narayanappa, aged 69 years,
R/o. D. No. 1-57, Venkatapalli (V),
Kanemakulapalle, Boyanapalle,
Chittoor District,
Andhra Pradesh-517423.

...Applicant

-VS-

1. THE STATE OF ANDHRA PRADESH,

Represented by its Chief Secretary,
1st Floor, 1st Block, Secretariat Office,
Velagapudi, Guntur District,
Email: cs@ap.gov.in
Phone no. 0863-2441024
Andhra Pradesh - 522023. And 7 others

..... Respondents

REPORT FILED BY THE 8th RESPONDENT APPCB

DATE- 29-06-2023



**M/S MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.
Mobile: 98407 98460 / 63831 21322, Email: reddymadhuri09@gmail.com

COUNSEL FOR 8TH RESPONDENT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION NO. 41 OF 2022 (SZ)**

Action taken report of the APPCB in compliance with Hon'ble NGT Order dt. 10.05.2022 in O.A. No. 41 of 2022 (SZ) filed by Sri Gownivaari Srinivasulu resident of Venkatapalli (V) Santhipuram (M), Chittoor District on illegal mining activities happened at Sy.No. 104 and Sy.No. 213, Muddanapalli (V), Santhipuram (M), Chittoor District.

Sl. No	Particulars	Page Nos
1	Latest status report – Annexure I	3-5
2	Hon'ble NGT order dt. 26.05.2022 – Annexure II	6-10
3	The information furnished by the Dept. of Mines & Geology on the quantities of illegal mining – Annexure III	11-12
4	Letter addressed to the Asst. Director Mines & Geology Palamaner dt. 28.06.2022 – Annexure IV	13-14

Date. 27.06.2023


**Andhra Pradesh Pollution Control Board,
Regional Office : Tirupati**
ENVIRONMENTAL ENGINEER
A.P. Pollution Control Board
Regional Office : TIRUPATI

Annexure-I

Action taken report of the APPCB in compliance with Hon'ble NGT Order dt. 10.05.2022 in O.A. No. 41 of 2022 (SZ) filed by Sri Gownivaari Srinivasulu resident of Venkatapalli (V) Santhipuram (M), Chittoor District on illegal mining activities happened at Sy.No. 104 and Sy.No. 213, Muddanapalli (V), Santhipuram (M), Chittoor District.

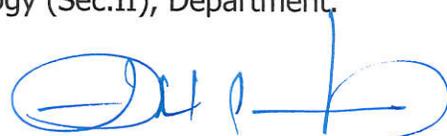
Hon'ble National Green Tribunal (NGT), Southern Zone, Chennai has made the following while issuing an order on 26.05.2022 on O.A. No. 41 of 2022 (SZ) at Para No. 11 & 12 filed by Sri Gownivaari Srinivasulu resident of Venkatapalli (V) Santhipuram (M), Chittoor District. Copy of the order is herewith enclosed as Annexure – II.

"11. Though, the applicant had originally sought for compensation has given up the compensation relief. However, considering the seriousness of the matter, we suo motu implead the Andhra Pradesh Pollution Control Board as respondent no. 8.

12. There is also a direction to the Andhra Pradesh Pollution Control Board to assess the damages caused due to this illegal mining and quantify the Environmental Compensation payable in this regard."

In obedience to the order of the Hon'ble NGT (SZ), officials of AP Pollution Control Board, Regional office, Tirupati have again inspected the locations of illegal quarry operations held at Sy.No. 104 and Sy.No. 213, Muddanapalli (V), Santhipuram (M), Chittoor District on 23.06.2023 and observed the following:

- i. It is submitted that, at present no mining activity is going on in Sy.No. 104 and 213 of Muddanapalle Village, Santhipuram Mandal, Chittoor District.
- ii. As per the records of the Revenue Department available with Muddanapalli Revenue Village, the land in Sy.No. 104 admeasuring an extent of Ac. 408.62 cents and Sy.No. 213 with an extent of Ac. 302.10 cents.
- iii. It is further submitted that, earlier, as per the instructions of Specl. Chief Secretary, The Environment Forest Science & Technology (Sec.II), Department has formed a committee vide Go.Rt.No. 34, Dt. 07.05.2022 comprising (1) Collector and District magistrate, Chittoor District, (2) Divisional Forest Officer, Chittoor west, Chittoor, (3) Regional Officer, A P Pollution Control Board and (4) Asst. Director of Mines & Geology, Palamaner for making spot inspection in the alleged area at Sy.No. 104 & 213 of Muddanapalli (V), Santhipuram (M), Chittoor District.
- iv. In this connection, the following officers have inspected the said alleged area falling Sy.No. 104 & 213 of Muddanapalli (V), Santhipuram (M), Chittoor District on 08.05.2022, 09.05.2022 & 10.05.2022 and submitted a report to Specl. Chief Secretary, The Environment Forest Science & Technology (Sec.II), Department.



**ENVIRONMENTAL ENGINEER
A.P. Pollution Control Board
Regional Office : TIRUPATI**

S.No.	Name of the Officer	Designation	Name of the Department
1.	Sri S.Sivaiah	Revenue Divisional Officer (Nominee of the District Collector, Chittoor)	O/o the Revenue Divisional Officer, Kuppam
2.	Sri S.Ravishankar	Divisional Forest Officer	O/o Divisional Forest Officer, Chittoor West, Chittoor
3.	Sri A.Narendra Babu	Environmental Engineer	O/o A.P Pollution Control Board, Tirupati
4.	Sri P.Venugopal	Asst, Director	O/o Asst Director of Mines and Geology, Palamaner

- v. During the joint inspection held on 08.05.2022, 09.05.2022 & 10.05.2022, it was observed 16 pockets of illegal mining was happened at Sy.No. 104 and 15 pockets of illegal mining was happened at Sy.No.213 at an extent of 5.291 Acres and 2.156 Acres respectively at Muddanapalli (V), Santhipuram (M), Chittoor district.
- vi. It's also submitted that, the total unauthorized excavated area at Sy.No. 104 and 213 is 21414.95 Sq.m and 8726.4 Sq.m respectively. The information furnished in this regard by the Dept. of Mines & Geology is herewith enclosed as Annexure - III.
- vii. It is submitted that, while issuing order on 26.05.2022 Hon'ble NGT was made the following remarks on Para No. 09 & 10 copy herewith enclosed as Annexure - II.

"Para No. 09: There is also a Joint Committee report filed pursuant to the order of this Tribunal, which had observed that there has been unauthorised mining in Sy. 4 Nos. 104 and 213. This report also states that the earlier lease was in the year 2003 with respect to Sy. No. 104 alone. As per the conclusion of the joint inspection team 1) there has been illegal mining activity happening at Sy. Nos. 104 and 213 of Muddanapallee Village, 2) the Director of Mines and Geology Department has seized three of the excavators, one generator so far and is in the process of quantifying the colour granite mined so far and also identifying the violators and 3) finally, it is stated that as on date no such mining is happening in the above said survey numbers.

Para No. 10: From the above report, it is evident that there was no license after 2003 but mining activities have happened as has been complained by the applicant. It is only after this Tribunal had taken note of the said fact the officials concerned have visited and filed the above reports. Though, it is stated that as on date no mining activity is happening, we direct the concerned official, namely, District Collector as well as the Director of Mines and Geology to find out the right names of the violators and bring them to books and also the further action that may be taken for prosecuting them. We want further details of the prosecution that may be taken up for seized vehicles and seized material which has been illegal mined"


ENVIRONMENTAL ENGINEER
A.P. Pollution Control Board
Regional Office : TIRUPATI

- viii. In this connection, this office has addressed a letter to the Asst, Director Mines & Geology on 28.06.2022 for furnishing the details of the names and address of the violators after identifying the violators for imposing Environmental Compensation. Copy of the letter is herewith annexure-IV
- ix. Further, the actual violators could not be identified. Subsequently, the Dept. of Mines & Geology have seized the vehicles working at Sy.no. 104 and 213 viz., Hydraulic excavators and Hitachi belonging to (1) Sri G.Palani, S/o. G. Gopal, resident of D.No. 164/2, Ganesh Nagar, Barugur Village, Krishnagiri District, Tamilnadu and (2) Sri. Jayachandran Jayavel, S/o. Jayavel, resident of D.No. 1/80, Rajapattai, Chettikarai Post, Dharmapuri District, Tamilnadu.
- x. As per the opinion of the experts of the mining field opined that, for excavating a quantity of 21414.95 Sq.m + 8775.4 Sq.m total 30,141.35 Sq.m at an average of 8hr./day may require 60 to 70 days.

In light of the above, an Environmental Compensation of Rs. 22,40,000/- will be levied against the violators after obtaining the details of violators either from the District Administration, Chittoor District or from the Dept. of Mines & Geology duly following the guidelines prescribed by Central Pollution Control Board (CPCB) for levying of Environmental Compensation.

Environmental Compensation (EC) = PI x N x R x S x LF

Sl. No	Period of Non-compliance	Pollution Index (PI)	Scale of Operation (S)	Location Factor (LF)	Factor in Rupees (Rs.)	Number of days of Violation (N)	Environmental Compensation (EC)
1	--	80	1.0	1	400	70 days	Rs. 22,40,000/-

This report is submitted to the Hon'ble NGT in due compliance of the Hon'ble NGT Order dt. 10.05.2022 in O.A. No. 41 of 2022 (SZ). The APPCB will abide by all such directions as this Hon'ble tribunal may deem fit and appropriate.

Date: 27.06.2023


ENVIRONMENTAL ENGINEER
 AP Pollution Control Board,
 Regional office, Tirupati.
ENVIRONMENTAL ENGINEER
 A.P. Pollution Control Board
 Regional Office : TIRUPATI

Annexure-IIItem No. 02:Court No.2

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 41 of 2022 (SZ)

(Through Video Conference)

IN THE MATTER OF

Sri Gownivaari Srinivasulu, Chittoor District, AP

...Applicant(s)

Versus

The State of Andhra Pradesh & ors.

...Respondent(s)

Date of hearing: 26.05.2022.**CORAM:**

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPALKORLAPATI, EXPERT MEMBER

For Applicant(s):

Mr. Adithya Raj

For Respondent(s):

Ms. Madhuri Donti Reddy for R1 to R7

ORDER

1. The allegation in the application is that rampant illegal mining is happening in Sy. No. 104 and 213 of Madanapalle Village which is under the administrative control of the Revenue Department.
2. Earlier a Joint Committee was constituted to inspect and file a detailed report about the illegal mining. Earlier a report of the Director, Mines and

Geology, Andhra Pradesh was also filed which mentions about three types of leases granted for mining i.e. Granite, RM&BS and Dimensional Stone.

3. There is also a report filed by the Chief Conservator of Forests which states that Sy. No. 104 is classified as “Adavi” in the adangal. Similarly, Sy. No. 213 is also classified as “Adavi” which is under control of the Revenue Department.
4. Today, we have received a report of the District Collector, Chittoor dated 24.05.2022. Divisional Revenue Officer has been deputed by the District Collector to inspect the mining area alleged and he has reported that at the time of his visit no mining activity was going on. But the Joint Committee consisting of the officials constituted by this Tribunal had visited the above mentioned survey numbers and found that unauthorised mining operations were happening over an extent of 5.291 acres in Sy. No. 104 and 2.156 acres in Sy. No. 213 of Muddanapalle Village, Santhipuram Mandal.
5. The earlier leases granted in that area was in the year 2003 in Sy. No. 104 alone. The report further states that after the information received about the unauthorised mining activity happening, a special team was constituted which seized the colour granite blocks of the quantity of 3353.514 cubic meters and now the technical staff of the Mining Department is keeping a constant vigil round the clock from the said granites being removed Stealthy.

6. It is also admittedly stated in the report that the above said survey numbers are classified as "Forest Poramboke" however no NOC has been issued of any kind for mining operations. It is also close to the Koundinya Wildlife Sanctuary. It is also stated that no proposal were received by the Board for obtaining any consent for establishment or consent for operation for the above said survey numbers, hence the mining operations are carried out by violating the environmental norms thereby causing air, water and noise pollution.
7. The Joint Committee also seems to have found machinery for mining lying and the quantity as mentioned above of the colour granite lying at the site. Though, it is stated that machinery and the mined granite was seized, the team has expressed difficulty in finding out the names of the persons who indulged in the illegal activity. Even as per the report of the Divisional Revenue Officer on behalf of the District Collector, Chittoor, it has been noticed that there are illegal mining activities happening in Sy. Nos. 104 and 213 of Muddanapalle Village, Santhipuram Mandal, Chittoor District.
8. In view of the above report filed on behalf of the District Collector, we direct him to further file a detailed report after doing spot inspection and also about the action taken in furtherance to the seizure of the machinery and material.
9. There is also a Joint Committee report filed pursuant to the order of this Tribunal, which had observed that there has been unauthorised mining in Sy.

Nos. 104 and 213. This report also states that the earlier lease was in the year 2003 with respect to Sy. No. 104 alone. As per the conclusion of the joint inspection team 1) there has been illegal mining activity happening at Sy. Nos. 104 and 213 of Muddanapallee Village, 2) the Director of Mines and Geology Department has seized three of the excavators, one generator so far and is in the process of quantifying the colour granite mined so far and also identifying the violators and 3) finally, it is stated that as on date no such mining is happening in the above said survey numbers.

10. From the above report, it is evident that there was no license after 2003 but mining activities have happened as has been complained by the applicant. It is only after this Tribunal had taken note of the said fact the officials concerned have visited and filed the above reports. Though, it is stated that as on date no mining activity is happening, we direct the concerned official, namely, District Collector as well as the Director of Mines and Geology to find out the right names of the violators and bring them to books and also the further action that may be taken for prosecuting them. We want further details of the prosecution that may be taken up for seized vehicles and seized material which has been illegal mined.

11. Though, the applicant had originally sought for compensation has given up the compensation relief. However, considering the seriousness of the matter, we suo motu implead the Andhra Pradesh Pollution Control Board as respondent no. 8.

12. There is also a direction to the Andhra Pradesh Pollution Control Board to assess the damages caused due to this illegal mining and quantify the Environmental Compensation payable in this regard.

13. Post the matter on 01.08.2022.

.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

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

O.A. No. 41/2022(SZ)
10th May, 2022. (AM)



Annexure-III

Pit Measurements of alleged area falling in Sy.No-104 & 213 of Muddanapalli (V), Shanthipuram(M) Chittoor District inspected on 08.05.2022, 09.05.2022 and 10.05.2022 in the presence of Joint Team Officials

1. Sy.No 104 of Muddanapalli village

S.No	Sy.No	Village	Mandal	District	Pit Location	Excavated area in Sq.Mts
1	104	Muddanapalli	Shanthipuram	Chittoor	N12°48'59.20" E78°18'52.60"	562.29
2	104	Muddanapalli	Shanthipuram	Chittoor	N12°49'05.10" E78°18'56.00"	781.92
3	104	Muddanapalli	Shanthipuram	Chittoor	N12°48'59.30" E78°19'58.10"	356.54
4	104	Muddanapalli	Shanthipuram	Chittoor	N12°48'59.00" E78°18'59.30"	642.2
5	104	Muddanapalli	Shanthipuram	Chittoor	N12°48'57.40" E78°19'55.70"	2259.8
6	104	Muddanapalli	Shanthipuram	Chittoor	N12°48'53.75" E78°18'58.10"	1073
7	104	Muddanapalli	Shanthipuram	Chittoor	N12°49'06.46" E78°18'39.81"	1258
8	104	Muddanapalli	Shanthipuram	Chittoor	N12°49'09.50" E78°18'43.00"	520
9	104	Muddanapalli	Shanthipuram	Chittoor	N12°49'06.50" E78°18'49.80"	1729
10	104	Muddanapalli	Shanthipuram	Chittoor	N12°49'12.82" E78°18'38.18"	1028
11	104	Muddanapalli	Shanthipuram	Chittoor	N12°48'26.93" E78°18'59.94"	1860
12	104	Muddanapalli	Shanthipuram	Chittoor	N12°48'29.01" E78°18'58.28"	1088.2
13	104	Muddanapalli	Shanthipuram	Chittoor	N12°48'22.08" E78°18'51.80"	1889
14	104	Muddanapalli	Shanthipuram	Chittoor	N12°48'52.15" E78°18'54.33"	1251
15	104	Muddanapalli	Shanthipuram	Chittoor	12°48'29.65"N 78°18'56.67"E	2010
16	104	Muddanapalli	Shanthipuram	Chittoor	12°48'28.50"N 78°18'55.15"E	3106
Total area						21414.95

2. Sy.No 203 of Muddanapalli village

1	213	Muddanapalli	Shanthipuram	Chittoor	N12°49'05.92" E78°19'15.97"	871
2	213	Muddanapalli	Shanthipuram	Chittoor	N12°49'08.31" E78°19'18.66"	977
3	213	Muddanapalli	Shanthipuram	Chittoor	N12°49'00.56" E78°19'34.62"	1104
4	213	Muddanapalli	Shanthipuram	Chittoor	N12°49'00.19" E78°19'35.38"	1404
5	213	Muddanapalli	Shanthipuram	Chittoor	N12°48'55.01" E78°19'37.59"	358
6	213	Muddanapalli	Shanthipuram	Chittoor	N12°48'54.02" E78°19'34.98"	1442
7	213	Muddanapalli	Shanthipuram	Chittoor	N12°48'52.05" E78°19'36.79"	768.4
8	213	Muddanapalli	Shanthipuram	Chittoor	N12°49'54.59" E78°19'31.96"	150
9	213	Muddanapalli	Shanthipuram	Chittoor	N12°48'52.59" E78°19'28.96"	543.8

10	213	Muddanapalli	Shanthipuram	Chittoor	N12°48'49.98" E78°19'31.13"	26
11	213	Muddanapalli	Shanthipuram	Chittoor	N12°48'57.68" E78°19'27.98"	384
12	213	Muddanapalli	Shanthipuram	Chittoor	N12°48'55.77" E78°19'28.27"	141
13	213	Muddanapalli	Shanthipuram	Chittoor	N12°48'52.15" E78°19'23.09"	325
14	213	Muddanapalli	Shanthipuram	Chittoor	N12°48'51.90" E78°19'22.29"	134.2
15	213	Muddanapalli	Shanthipuram	Chittoor	N12°49'05.92" E78°19'13.98"	98
Total						8726.4

~~A. R. W. Reddy~~

A. BHASKAR REDDY
Surveyor
O/o ADM&G, Palamaner

A. Subhashini
A. SUBHASHINI

Surveyor (os)
O/o ADM&G, Palamaner

// True copy //

[Handwritten Signature]

Gezelled Superintendent (C)
Collector's Office,
CHITTOOR.

Annexure - IV

	ANDHRA PRADESH POLLUTION CONTROL BOARD REGIONAL OFFICE : TIRUPATI 1 st floor, APSFC Building, N.T.Road, Tirupathi - 517 501. Phone: 0877-2253981, email: rotpt-eel@appcb.gov.in
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Lr.No.1/APPCB/RO-TPT/ OA.No.271 of 2022/2022-1075

Date: 28.06.2022

To
The Assistant Director,
Department of Mins & Geology,
Palamaneru,
Chittoor District - 517 001.

Sir,

Sub:	APPCB - Regional Office: Tirupati - Hon'ble National Green Tribunal (NGT) Southern Bench, Chennai in O. A. No. 41 of 2022 passed an order dated May 26, 2022 in the matter of rampant illegal mining is happening in Sy.No.104and213 of Madanapalle Village,Chittoor District - Information Requested - Reg.
Ref:	1. Hon'ble NGT (PB) Order dt.26 th May, 2022 in O.A No.41 of 2022. 2. Memo.No.984/Section.II/2022/(1709142), Dt.09.06.2022. 3. REV-CSECOMG(QMSG)/59/2021-MAGL4, dated: 22/06/2022.

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With references to the above cited, the Hon'ble National Green Tribunal (NGT) Southern Bench, Chennai in O. A. No. 41 of 2022 passed an order dated May 26, 2022 in the matter of rampant illegal mining is happening in Sy. No. 104 and 213 of Madanapalle Village which is under the administrative control of the Revenue Department.

The Hon'ble National Green Tribunal Order dt 26.05.2022 in para No. 9 and 10 is read as follows:

There is also a Joint Committee report filed pursuant to the order of this Tribunal, which had observed that there has been unauthorized mining in Sy. 4 Nos. 104 and 213. This report also states that the earlier lease was in the year 2003 with respect to Sy. No. 104 alone. As per the conclusion of the joint inspection team 1) there has been illegal mining activity happening at Sy. Nos. 104 and 213 of Muddanapallee Village, 2) the Director of Mines and Geology Department has seized three of the excavators, one generator so far and is in the process of quantifying the colour granite mined so far and also identifying the violators and 3) finally, it is stated that as on date no such mining is happening in the above said survey numbers.

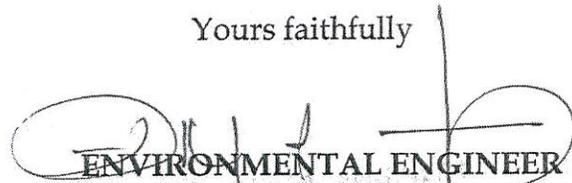
From the above report, it is evident that there was no license after 2003 but mining activities have happened as has been complained by the applicant. It is only after this Tribunal had taken note of the said fact the officials concerned have visited and filed the above reports. Though, it is stated that as on date no mining activity is happening, we direct the concerned official, namely, District Collector as well as the Director of Mines and Geology to find out the right names of the violators and bring them to books and also the further action that may be taken for prosecuting them. We want further details of the prosecution that may be taken up for seized vehicles and seized material which has been illegal mined.

In view of the above, details pertaining to the imposing of Environmental compensation by the APPCB are required:

- a. The status of the mines along with the survey numbers
- b. Classification of the mining activity area.
- c. Names and address of the violators, details of action taken on the violators
- d. Period for which the Mining activity was done and the quantity mined so far

An early reply in this regard is requested for onward filing of the report to Hon'ble National Green Tribunal (NGT) by APPCB.

Yours faithfully


ENVIRONMENTAL ENGINEER
 APPCB
 CHITTOOR

Encl: As above

Copy to the :

1. The Collector and District Magistrate, Chittoor, Chittoor District for favour of kind information
2. The Revenue Divisional Officer, Chittoor, Chittoor District for information.