

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No. 598/2022

Dr. T. Patanjali Sastry

...Applicant

Versus

State of Andhra Pradesh and others

...Respondents

Date of hearing: 20.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Application is registered based on a Letter Petition received by Post.

ORDER

1. Dr. T Patanjali Sastry has sent to this Tribunal by email the present letter petition, which has been treated and registered as original application, complaining that due to nexus of the politicians and vested interests, the precious wetland ecosystem of Kolleru wetland has been wiped out and neither volumes of Environmental legislations nor the orders of the Supreme Court of India could save the lake's degradation.

2. The applicant has *inter alia* submitted that Kolleru wetland is a Ramsar Site and an important Bird Area owing to its fame as a magnificent migratory bird habitat. Successive Governments failed to implement a single order of the Supreme Court of India. For instance since 1999, physical boundary of the lake has not been demarcated by erecting colored pillars as agreed. In comparison Chilka lake in Orissa receives better scientific treatment regularly for conservation. Kolleru has always been managed by the mafia who has made illegal encroachments on the same. The Wetland International experts studied the wetland and submitted an Action plan for restoration of the lake

-2-

and providing alternative livelihoods for the real poor fishermen. The applicant also suggested a number of schemes for the same. The Govt. has not taken effective steps to prevent illegal fish farming. Even sensible ecotourism has not been put in place which would have provided livelihoods to the poor. The AP Government issued two G.Os. intending to construct three Regulator cum roads across the tidal water channel/ upputeru/ the channel, a apart of Kolleru ecosystem and CRZ drains into the sea. The regulators are meant to mitigate salinization of the channel and the lake owing to ingress of sea water. Recently, the project has been approved and provided initial funding.

3. The applicant has strongly objected to the proposal and given the following suggestions to be considered for protection and restoration of Kolleru Lake (Ramsar Site) in Andhra Pradesh:-

- (i) Restraining the AP Govt. immediately from proceeding with the plan of erecting regulator;
- (ii) Forming an expert group of wetlands to study the status of the lake and three main feeder rivers viz Ramileru, Tammilevu and Budameru;
- (iii) Directing the Union Govt. to bring all Ramsar Sites under its purview;
- (iv) Two years ago MoEF&CC took under its purview, a number of wetlands in Gujarat, M.P and Tamil Nadu in view of the threats to its existence, Kolleru could also be handed over to Union Govt; and
- (v) Directing the AP Govt. to immediately remove all the encroachments including Ice making Units.

4. This Tribunal is empowered to ***suo moto*** take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in Schedule I of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC**

-3-

Online SC 897. This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

5. In view of the averments made in the application, we consider it appropriate to have response of (1) State of Andhra Pradesh through Chief Secretary, Government of Andhra Pradesh (2) Chairperson, National Wetlands Committee (NWC), MoEF & CC (3) Principal Secretary, Environment, Government of Andhra Pradesh, (4) Andhra Pradesh State Wetland Committee, (4) Principal Chief Conservator of Forests, Government of Andhra Pradesh, (5) Andhra Pradesh Pollution Control Board (APPCB), (6) District Magistrate, Krishna and (7) District Magistrate, Godavri who stand impleaded as respondents No. 1 to 7. Notice of the application be issued to the respondents No. 1 to 7 requiring them to file their response/ reply to the averments made in the application within two month at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

6. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 7 accordingly.

7. List for further consideration on 16.01.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 20, 2022
AG