

Item No.5

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 763/2023

Geddam Haranadha Rao Achari

...Applicant

Versus

State of Andhra Pradesh & Ors.

...Respondents

Date of hearing: 22.01.2024

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

Applicant: None for the Applicant.

Application is registered based on a complaint received by Email.

ORDER

1. Mr. Geddam Haranadha Rao Achari, Editor, Manneseema, resident of N.N.colony, Deevara (Street), Karlemma (Panchayathi), Kotturu (Mandal), Srikakulam (Dist), Andhra Pradesh (State) has sent by email the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 763/2023.

2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

“Subject: To prevent and take action against Illegal mining sand in Nivagam village Vamsadhara riverbed, Srikakulam District, Kotturu mandal, Andhra Pradesh.

Respected Sir: Jayaprakash Ventures has been mining sand in the vamsadhra riverbed at Nivagam Village for the past few years with the permission of the state government. According to the regulations, ground water is coming up and flowing into the river. Agricultural pump sets are not getting water. Around 50 agricultural pump sets in the river basin have been shut down due to water logging. Families dependent on agriculture were left on the road. Before sand mining, farmers used to irrigation in Rabi and Kharif seasons through the agricultural pump sets, At present not even a single crop is getting water, and underground water is almost gone.

A bridge was constructed in 2003 between the villages of Nivagam and matala over the Vamsadhara river on the border connecting the states Odisha and Andhra Pradesh. After the construction of the bridge, transport system between the two states has improved. Exports and imports of agricultural products, transportation of essential goods and travel facilities have improved a lot. The livelihood of several lakh families of both the states depend on this bridge.

The internal structural pillars of the bridge are exposed and damaged due to sand being dug to a depth of several thousand meters in the Vamsadhra river bed very close to the bridge against. If these Excavations continue, the pillars of the bridge will be damaged and there is a danger of the bridge collapsing.

In 1980 the Vamsadhra River flooded inundating several hundred river basin villages later. The central and state governments took up the construction of dykes (flood banks) on the Vamsadhara river in the surrounding areas of Nivagam village . since then the people of the river basin have been living without fear. To day since the beginning of sand mining, people are continuing to live a miserable life. The embankment (flood bank) built on the river was converted into a sand transport road by the sand transporters. The embankment is getting damaged and shrinking due to the coming and going of hundreds of lorries loaded with sand every day. In the future if the flow of Vamsadhra river increases, the flood water will

cross in the embankment has been completely destroyed due to sand transport.....”

3. *Prima facie* the averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Collector, Srikakulam, Andhra Pradesh State Pollution Control Board and CPCB and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action. The APPCB will be the nodal agency for coordination and compliance.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon’ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal at Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.

6. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 19.04.2024 after obtaining orders from Hon’ble the Chairperson for transfer of the case.

7. Factual and Action taken Report may be submitted before the Southern Zone Bench of this Tribunal at Chennai within two months preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. A copy of this order be forwarded by email to the Collector, Srikakulam, Andhra Pradesh State Pollution Control Board and CPCB for requisite compliance

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 22th, 2024
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