

Item No.4:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Thursday, the 13th day of February 2025.

[Through Physical Hearing (Hybrid Option)]

Original Application No.100 of 2023 (SZ)

[Earlier O.A. No.345 of 2023 (PB)(LP)]

IN THE MATTER OF

Ganagalla Praveen Kumar

Pedda Ganagallapeta,
Mofusbandar,
Srikakulam,
Andhra Pradesh – 532 401.

...Applicant(s)

Versus

1) The Chief Secretary

Govt. of Andhra Pradesh
1st Block, 1st Floor,
Interim Government Complex,
A.P. Secretariat Office, Velagapudi,
Guntur, Andhra Pradesh – 522 237.

2) The Principal Secretary

Govt. of Andhra Pradesh
Department of Animal Husbandry,
Dairy Development & Fisheries,
4th Block, Ground Floor,
A.P. Secretariat Office,
Velagapudi, Guntur,
Andhra Pradesh – 522 237.

3) The Secretary

Govt. of Andhra Pradesh
Water Resources Department,
4th Block, 1st Floor, Room No.216,
A.P. Secretariat Office, Velagapudi,
Guntur, Andhra Pradesh – 522 237.

4) The Member Secretary

Coastal Aquaculture Authority
Ministry of Fisheries, Animal Husbandry & Dairying,
5th Floor, Integrated Office Complex for
Animal Husbandry and Fisheries Department,
Fanepet, Nandanam,
Chennai – 600 035.

5) The Chairman

Andhra Pradesh Pollution Control Board
D.No.33-26-14 D/2,
Near Sunrise Hospital,
Pushpa Hotel, Chalamalavari Street,
Kasturibaipet, Vijayawada – 520 010.

6) The District Collector

Srikakulam District,
District Collectorate,
Helipad, Bahadurlapeta,
Srikakulam,
Andhra Pradesh – 532 001.

7) The Member Secretary

Andhra Pradesh Coastal Zone Management Authority
D.No.33-26-14 D/2,
Near Sunrise Hospital,
Pushpa Hotel,
Chalamalavari Street,
Kasturibaipet,
Vijayawada – 520 010.

...Respondent(s)

For Applicant (s): Mr. Gangalla Praveen Kumar
(None appeared).

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 to R3, R5 to R7.

Judgment Reserved on: 02nd January, 2025.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

NGT
JUDGEMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. The above Original Application has been registered as *O.A. No.345 of 2023 (PB)* under Sections 14 and 15 of the National Green Tribunal Act, 2010, based on the letter petition dated 07.02.2023 sent by the applicant Mr. Pedda Gangalla Praveen Kumar, Pedda Ganagallapeta, Mofusbandar Post, Srikakulam District, Andhra Pradesh.

2. The complainant/applicant has stated that in Pedda Ganagallapeta Village, Mofusbandar Post, Srikakulam District, a large number of shrimp tanks and shrimp bunds have been constructed/raised across the river flow preventing the free flow of river water. The fish ponds are obstructing the free flow of water and even otherwise are causing water pollution. The complainant has also given a list of such aqua culture ponds showing 44 such units working in the area.

3. The matter was considered by the Principal Bench of the National Green Tribunal and it was decided to obtain a factual report, for which, a Joint Committee was constituted comprising the **(i)** Andhra Pradesh Pollution Control Board (**APPCB**), **(ii)** Department of Fisheries, **(iii)** Coastal Aquaculture Authority, Chennai, **(iv)** Department of Irrigation and **(v)** District Magistrate – Srikakulam.

4. Thereafter, the matter was transferred to the Southern Zone Bench, Chennai and renumbered as *O.A. No.100 of 2023 (SZ)*.

5. On 30.10.2023, the Andhra Pradesh Coastal Zone Management Authority (**APCZMA**) was Suo Motu impleaded as Respondent No.7.

6. The reports of the APCZMA and Coastal Aquaculture Authority (**CAA**) reveal the presence of several unauthorized aquaculture ponds and some of them are right inside the riverbed.

7. The District Collector - Srikakulam, in his report dated 17.07.2024, has stated that there are 46 shrimp ponds within the Nagavali Riverbed and the Coastal Aquaculture Authority, Department of Fisheries, Ministry of Fisheries, Animal Husbandry and Dairying in exercise of the powers under Section 14(c) of the Coastal Aquaculture Authority (Amendment) Act 2023, have ordered immediate removal and demolition of the same. They have also estimated the cost for demolition and restoration at Rs.58,00,000/-. For the above-said exercise of demolishing the 46 illegal shrimp ponds and restoring them to their original shape, the District Collector has sought for two months' time.

8. The Joint Committee has filed its inspection report dated 27.07.2023 wherein, it was observed that only six shrimp farmers have registered their shrimp ponds with the Coastal Aquaculture Authority under the CAA Act, 2005. Five shrimp farmers though were registered initially with the CAA, not renewed shrimp farms subsequently and operating without a registration certificate as on the date of inspection. The Joint Committee also found that a total of about 46 Nos. of shrimp ponds have been constructed by encroaching on the land of the Bay of Bengal and resorting to shrimp culture within the riverbed illegally. It was also observed that these illegal and unauthorized (46 No.) shrimp ponds, which are scattered in an extent of 74 Acres are adversely affecting the river by diverting the direction of the river mouth, limiting the river course and depth of the water. It was also observed that the width of the river mouth channel became narrow and the water depth was reduced thereby causing obstruction for the passage of fishing boats of

local fishermen from the river mouth to sea and greatly affecting the livelihood. The said illegal shrimp ponds are also causing flooding in the village during the rainy season.

9. From the analysis of water samples, the Joint Committee found values of groundwater are within the prescribed standards. The Joint Committee has recommended to permit the authorized shrimp farmers to continue their shrimp farming and for demolition of unauthorized and illegal shrimp ponds. It was also recommended that since the cluster of shrimp farms are operating in that area, the aqua farms shall collectively construct and operate either the Common Effluent Treatment System or individual Effluent Treatment System, as per the CAA Rules, 2005.

10. The District Collector, in his report dated 26.11.2024, has stated that a number of writ petitions have been filed before the Hon'ble High Court of Andhra Pradesh, besides the issue being taken up by this Tribunal. The District Collector has further stated that as per the orders of the Hon'ble High Court of Andhra Pradesh, Amaravathi, the recommendations of the Joint Committee, orders of the National Green Tribunal, and instructions of the Coastal Aquaculture Authority, Department of Fisheries, Ministry of Fisheries, Animal Husbandry and Dairying, Government of India, 41 unauthorized shrimp ponds out of 46 for an extent of Acres 66.355 cents (Un Surveyed Lands) were demolished in accordance with law. Out of the remaining 05 shrimp ponds, 02 shrimp ponds (i.e. Tank No.42 and 44) for an extent of Acres 3.57 cents were not demolished due to the orders of the Hon'ble High Court of Andhra Pradesh, Amaravathi

in W.P. No. 14392 of 2023. Further, there is no aquaculture farming in the remaining 03 shrimp ponds (i.e. Tank No.39, 40, 41) for an extent of Acres 4.02 cents and these ponds were not demolished as there is no possibility for approaching said 03 shrimp Ponds due to the high water flow of canal in that way, however, these three (03) shrimp Ponds will be demolished soon after water dried up in the canal.

11. In as much as, 41 No. of unauthorized shrimp ponds have been demolished and the District Collector has stated that in respect of 02 No. of shrimp ponds, action could not be taken due to the orders of the Hon'ble High Court of Andhra Pradesh in **W.P. No.14392 of 2023** and in respect of 03 No. of shrimp ponds, action will be taken for demolition soon after the inundated area is dried up, nothing survives in the matter except in respect of 05 No. of shrimp ponds.

12. Therefore, the Original Application [**O.A. No.100 of 2023 (SZ)**] is closed with the following directions to the District Collector – Srikakulam District:-

- (i) To ensure that either Common Effluent Treatment System or individual Effluent Treatment System are established in the shrimp ponds permitted as per Rules.
- (ii) Take action in respect of 02 No. of shrimp ponds after final orders are passed by the Hon'ble High Court of Andhra Pradesh in **W.P. No.14392 of 2023**.

(iii) Demolish the 03 No. of illegal shrimp ponds once the water level in the canal recedes and ponds become accessible for demolition.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

Internet – Yes/No

All India NGT Reporter – Yes/No

O.A. No.100/2023 (SZ)
13th February, 2025. Mn.

