

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Thursday, the 13th day of February, 2025.

Original Application No. 97 of 2023 (SZ)
(Through Video Conference)

IN THE MATTER OF

Santhan Vellapalem,

Kothapalem Village, Thotapalli, Gudur Mandal,
Nellore District,
Andhra Pradesh- 524346.

...Applicant(s)

Versus

1. The District Collector,

Nellore District,
District Collectorate,
Achari St. VRC Centre, Nellore,
Andhra Pradesh- 524001.

2. Environmental Engineer,

A.P. Pollution Control Board,
Regional Office,
Plot No.1, Prasanthi Road,
Nellore Club, Podalakur Road,
Nellore- 524003.

3. Additional Director of Fisheries,

Matsya Bhavan, Near R.T.O Office,
Bhaktavatasala Nagar,
Nellore 524 004.

4. The Engineer-in-Chief (Irrigation)

Water Resources Department,
Government of Andhra Pradesh,
Irrigation Compound, Governerpeta,
Vijayawada, Krishna District.

...Respondent(s)

For Applicant(s):

M/s. D. Phani Ratnam, M. Narasimha &
Kum. D. Sreeyutha.

For Respondent(s):

Mrs. Madhuri Donti Reddy for R1 to R4.

Judgment Reserved on: 3rd February, 2025.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. The above case has been registered by the Principal Bench of the National Green Tribunal, New Delhi as Original Application No.230 of 2023 (PB) based on the complaint received from one Mr. Santhan Vellapalem, Andhra Pradesh which has been transferred to this Bench and renumbered as Original Application No. 97 of 2023 (SZ).
2. The grievance in the letter petition is that there is an irrigation canal which is source of agriculture to the farmers including the complainant, who are cultivating paddy for the last several decades. The source of water for irrigation is the said canal. However, in the recent times, some persons are drawing water from the canal for aqua agro activities like fisheries, etc. The polluted water drawn from canal is being retransmitted/discharged in the canal, polluting canal water, making it unfit for agriculture and thereby causing huge water pollution including contamination of ground water. The polluted water is also causing damage to farmers crops and yield of the crop has reduced by almost 50%.
3. To assess the grievance, the Tribunal constituted a Joint Committee comprising of State Pollution Control Board, Department of Fisheries, Coastal Aquaculture Authority, Chennai, Department of Irrigation and District Magistrate Nellore and directed the Committee to visit the site and submit a factual report.

4. **The Joint Committee** filed its report dated 09.09.2023. The Joint Committee visited the aquaculture ponds adjacent to paddy fields on 10.08.2023. The observations made by the Joint Committee are as follows:

- (i) The applicant was the first individual to combine excavation and aquaculture on the same land, where he has been cultivating paddy for the past 60 years. Over time, the applicant inspired and encouraged neighbouring farmers to adopt aquaculture practices, leading them to transform their agricultural lands into aquaculture ponds. Recently, the applicant converted his own aquaculture pond back into agricultural land, where he has been successfully cultivating paddy for the past six years only.
- (ii) As per the field surveyors report of the Revenue Department, the canal water source is an existing patta canal owned by the Aqua farmers. The aquaculture farmers have excavated the seepage channel perpendicular to the existing patta canal to discharge the used water from their aqua ponds to avoid the seepage water into the neighbouring paddy fields.
- (iii) All the aquaculture ponds in Kothapalem village of TP Gudur Mandal are located under Aqua zonation as notified as per the guidelines issued G.O. Ms. No. 16, AHDDF (Fish-II) Department dated 20.04.2018.
- (iv) There are 15 aquaculture ponds covering an extent of 15.25 acres, belonging to 09 farmers located adjacent to the applicant's land, out of which only 04 farmers are practising aquaculture in an extent of 7.21 acres and remaining 05 farmers kept their ponds idle. Out of 09 aqua farmers, 05 aqua

farmers have registered their aqua ponds under the Andhra Pradesh State Aquaculture Development Authority Act, 2020.

- (v) All the aquaculture farmers and agriculture farmers including applicant are depending on ground water and drawing the water from bore wells for both aquaculture and agriculture activities.

5. The Joint Committee also made the following recommendations:

- (i) The aquaculture farmers who have a valid license under the Andhra Pradesh State Aquaculture Development Authority Act 2020, fulfil all the eligible criteria as per the G.O Ms. No. 7, AHDDF (Fish-II) Dept. Dated 16-3-2013 for taking up the freshwater aquaculture in their ponds, may be permitted to continue their aquaculture as all the aquaculture ponds are notified and come under aquaculture zone as per the G.O Ms. No.16, AHDDF (Fish-II) Department Dated 20.04.2018.

- (ii) The aquaculture farmers who have no valid license under the Andhra Pradesh State Aquaculture Development Authority (APSADA) Act, 2020 and do not fulfill the eligible criteria as per the G.O Ms. No. 7, AHDDF (Fish-II) Dept. Dated 16-3-2013 and not complying with the present existing Act provisions may not be permitted for practising aquaculture in their aquaculture ponds.

- (iii) However, the eligible aquaculture farmers, who have no valid license under APSADA Act, 2020, may be given an opportunity to file their applications to the Department of Fisheries for obtaining license for carrying out the freshwater aquaculture complying the existing guidelines and Act provisions.

(iv) The authorized aquaculture farmers may be directed to lay an underground pipeline from the endpoint of their seepage channel to the existing patta canal, which was dug in the patta land of aqua farmers, so as to prevent the entry of seepage water into paddy fields.

6. Since, the applicant was not in agreement with the report of the Joint Committee, as he was not given any opportunity to participate in the inspection, the Tribunal on 10.09.2023 directed the Andhra Pradesh Pollution Control Board to do the groundwater analysis of the applicant's land, where he alleges that the seepage and also pumping out of the waste water is being let into his agricultural field. The Tribunal also directed the Revenue Department to verify the Adangal relating to the applicant's land to verify whether the applicant was carrying on only agriculture and not aquaculture.

7. **The Andhra Pradesh Pollution Control Board, which is the 6th respondent,** filed its report dated 23.10.2024 stating that the aquaculture ponds located adjacent to the applicant's land are in operation and there is no seepage even during full scale of operation or waste water is pumped out during harvesting into his agriculture lands.

8. The Pollution Control Board collected the ground water sample in the applicant's land on 08.10.2024. The sample was subsequently analysed and the findings were provided in a detailed report. According to the report, the groundwater on the applicant's land is deemed suitable for both drinking and agricultural purposes.

9. **The 7th respondent, who is the District Collector,** filed his report dated 23.10.2024 stating that during the course of inspection it was noticed that the mother of the applicant raised and harvested paddy crop in the subject lands, no aquaculture in the said lands at present is going on.
10. It is further stated that, according to the revenue records, the applicant's mother owns land in Kothapalem village, Thotapalli Gudur Mandal, Sri Potti Sriramulu Nellore District. Currently, paddy is being harvested on these lands, and there is no aqua culture activity present on the property.
11. According to the report from the District Collector, it is evident that no aquaculture activities are currently taking place, and only paddy is being harvested on the land of the applicant's mother.
12. Additionally, the report from the Andhra Pradesh Pollution Control Board confirms that the groundwater on the applicant's land is suitable for both drinking and agricultural purposes.
13. The applicant had filed his objections to the Joint Committee report stating that the existing aqua culture farmers are not having registrations according to the guidelines of the GOs. As it is now brought to the notice of the authorities, the aqua culture authority is directed to inspect, verify and take action if required.

14. In view of the above reports, nothing survives for consideration as the ground water quality is also fit for drinking and agricultural purpose. Therefore, the Original Application is disposed of.

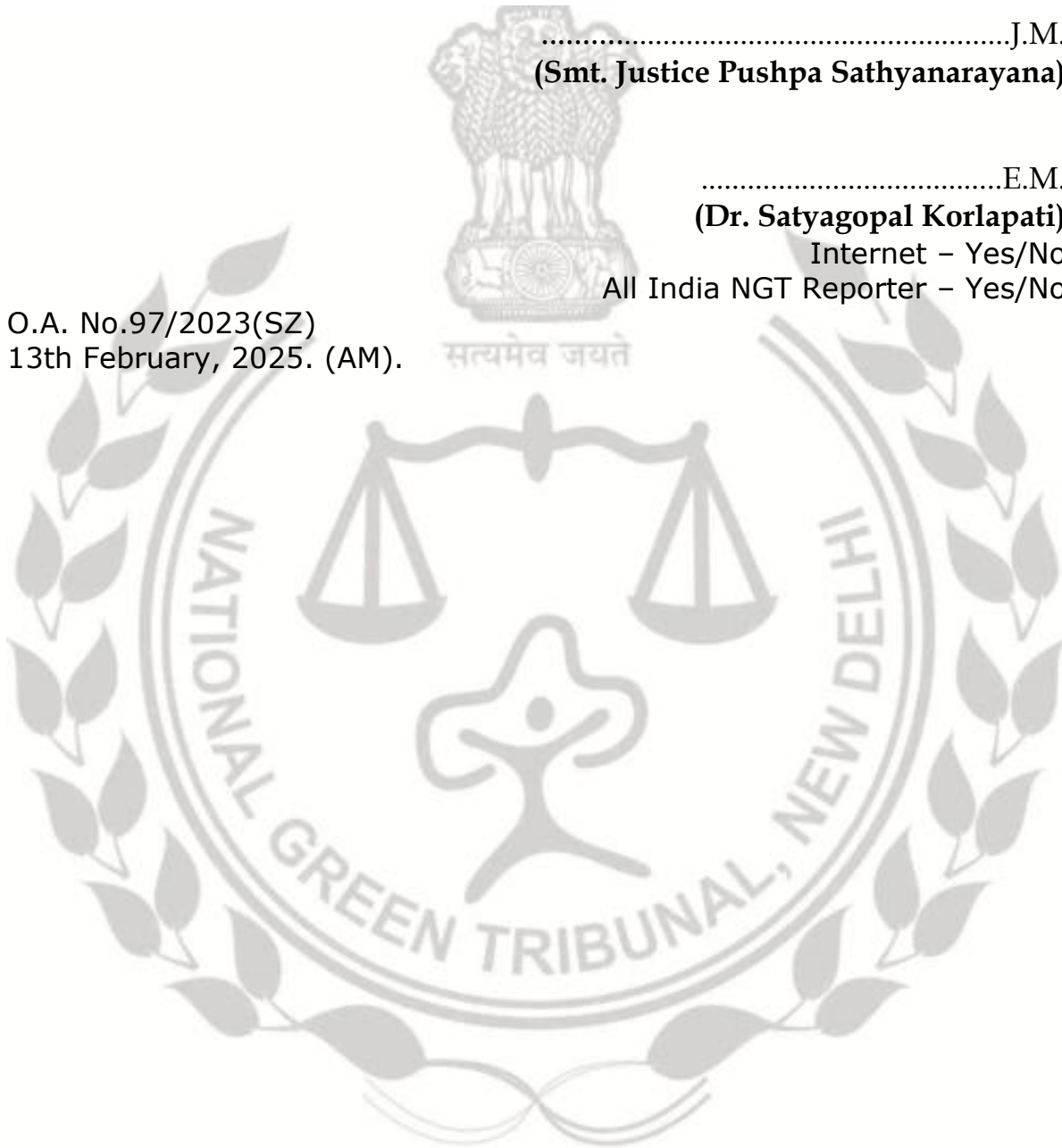
.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

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

Internet – Yes/No

All India NGT Reporter – Yes/No

O.A. No.97/2023(SZ)
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NGT

**Before the National Green
Tribunal
Southern Zone (Chennai)**

O.A. No. 97 of 2023(SZ)



Santhan Vellapalem

Vs.

The District Collector & Ors.

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