

Item No.11:

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

(Through Video Conference)

Original Application No.86 of 2024(SZ)

IN THE MATTER OF:

Jakkamsetti Baburao,
Andhra Pradesh.

...Applicant(s)

Versus

Andhra Pradesh Pollution Control Board,
Andhra Pradesh and Ors.

...Respondent(s)

Date of hearing: 03.07.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. Jakkamsetti Baburao (*Party in Person*)

For Respondent(s): Mr. Laksh Singhvi represented
Mrs. Madhuri Donti Reddy for R1 to R4.
Mr. N. Shanmugam represented
Mr. V. Ramana Reddy for R5 to R19.

ORDER

1. Today, the learned counsel Mr. N. Shanmugam representing Mr. V. Ramana Reddy undertakes to file vakalat on behalf of Respondents No.5 to 19 who are the brick kiln operators.
2. Heard the applicant (party-in-person) as well as the learned counsel appearing for the respondents.
3. The Original Application is questioning the illegal operations of brick kilns in Mogalthur Village, West Godavari District which are causing pollution and adversely affecting the health of the nearby residents. The applicant has enlisted Respondents No.5 to 19 who are the brick kiln operators and alleged about their illegal operations.
4. The applicant has also produced the G.O. Ms. No.80 dated 22.04.2010 of the Environment, Forests, Science and Technology Department, issuing guidelines for the establishment of brick clamps in the State of Andhra Pradesh, as per which, the application for the establishment of brick clamp made to Industries Department shall be accompanied by a no objection/license from the local body (Gram Panchayat, Zilla Parishad, Municipality or Municipal Corporation). It is open to the local body to consider the objections (if any) to make such an application before granting a No Objection Certificate to the applicant.

5. The guideline also further prescribes the distance criteria, siting criteria, mitigating the measures to control pollution, etc. As per the above-referred G.O., the District Collector of the concerned district shall monitor the implementation of the guidelines.
6. Now the allegation of the applicant is that he had obtained information that these brick kilns are operating without any of these approvals or licenses. To support his case, he has produced the letter from the Gram Panchayat Secretary, Mogalthur Village dated 21.04.2023 obtained under the RTI Act. As per the information furnished, these brick kilns have been operating in Mogalthur Village for several decades without any approval. The Tahsildar - Mogalthur Village was requested to take action against the owners of brick kilns that are operating without proper permissions.
7. Above all, the Gram Panchayat which should have given all the approvals, as per the above referred G.O., has not granted any permission to any of the brick kilns operating in Mogalthur Village.
8. As per the RTI information obtained by the applicant, none of these brick kilns seem to have obtained any approval, as the information is obtained from the Gram Panchayat who should have issued the NOC/licenses.
9. The District Collector is the authority to monitor and implement the guidelines stipulated in G.O. Ms. No.80 dated 22.04.2010.

10. In this regard, we direct the District Collector – West Godavari District, who is the 3rd Respondent, to implement the guidelines with respect to Respondents No.5 to 19 herein. **In the event the District Collector finds that there is no proper approval or NOC obtained by these brick kiln owners or operating the same illegally, the District Collector is directed to stop the operations forthwith and file a detailed report before the next date of hearing.**

11. Post the matter on 08.08.2024.



Sd/-

Smt. Justice Pushpa Sathyanarayana, JM



Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.86/2024(SZ)
03rd July, 2024. AD.