

Saguturu Dayaker Reddy vs State Of Andhra Pradesh on 26 February, 2021

Author: K. Ramakrishnan

Bench: K. Ramakrishnan

Item Nos.04 to 12:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

(Through Video Conference)

Original Application No.	114 of 2020 (SZ)
With	
Original Application No.	115 of 2020 (SZ)
With	
Original Application No.	116 of 2020 (SZ)
With	
Original Application No.	117 of 2020 (SZ)
With	
Original Application No.	118 of 2020 (SZ)
With	
Original Application No.	119 of 2020 (SZ)
With	
Original Application No.	120 of 2020 (SZ)
With	
Original Application No.	121 of 2020 (SZ)
With	
Original Application No.	122 of 2020 (SZ)

IN THE MATTER OF:

Mallapu Chengamma	Versus	...Applicant(s)
State of Andhra Pradesh and Ors.		...Respondent(s)
	WITH	
Pantrangam Ramasubbaiah	Versus	...Applicant(s)
State of Andhra Pradesh and Ors.		...Respondent(s)
	WITH	

1

Poluru Murali ...Applicant(s)
Versus

State of Andhra Pradesh and Ors. ...Respondent(s)

WITH

Nalajam Srinivasalu ...Applicant(s)
Versus

State of Andhra Pradesh and Ors. ...Respondent(s)

WITH

Vinnamala Muni Sekhar Reddy ...Applicant(s)
Versus

State of Andhra Pradesh and Ors. ...Respondent(s)

WITH

Saguturu Krishna Reddy ...Applicant(s)
Versus

State of Andhra Pradesh and Ors. ...Respondent(s)

WITH

Pantrangam Subrahmanyam ...Applicant(s)
Versus

State of Andhra Pradesh and Ors. ...Respondent(s)

WITH

Poluru Bhargavi ...Applicant(s)
Versus

State of Andhra Pradesh and Ors. ...Respondent(s)

WITH

2

Saguturu Dayakar Reddy ...Applicant(s)
Versus

State of Andhra Pradesh and Ors. ...Respondent(s)

Date of hearing: 26.02.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): M/s. Stanley Hebzon Singh along with
Sri. K. Mageshwaran.

For Respondent(s): Ms. Kanimozhi represented

Smt. Maduri Donti Reddy For R1 to R5.

Mr. Vijay Gurudass for R8, R11, 12, 16, 24, 25, 27
& R38

ORDER

1. As per order dated 22.07.2020, this Tribunal had considered the common issue raised in all these applications and admitted the matter and appointed a joint committee to go into the question and submit the report.
2. The applicant was also directed to produce the necessary requisites before this Tribunal to send notice and posted the case to 15.10.2020 for that purpose. Thereafter, the matter was adjourned for some time by notification. The matter was taken up on 18.01.2021 and some of the party respondents entered appearance through counsel and for remaining persons, applicant was directed to take notice through Tribunal.
3. Further, the committee as well as the official respondents wanted some time to file the report and the pleadings. So the matter was adjourned to today for that purpose.
4. When the matter came up for hearing for admission for today through Video conference, Sri. Stanley Hebzon Singh along with Sri. K. Mageshwaran represented the applicants in all these cases, Ms. Kanimozhi represented Smt. Maduri Donti Reddy counsel for respondents 1 to 5 in all the cases and Mr. Vijay Gurudass represented respondents 8,11,12,16,24,25,27 and 38.
5. The office informed that no steps have been taken by the applicant to serve notice on other respondents, though, the counsel appearing for the applicants claim to have produced the requisites before this Tribunal for sending notice through Tribunal.

6. When this was pointed out, the learned counsel appearing for the applicant submitted that he will take steps today itself.

7. We have received the joint committee report submitted by the committee. The report is only vague in nature. They have not given the number of such shrimp culture that is being carried out in that area and whether they are authorised or unauthorised, what is the nature of steps taken by them to remove the illegal shrimp farms. The report of the water analysis showed that there was contamination, but they have not mentioned the nature of action taken. It is not clear as to how many units have been closed, how many of them are having necessary permission under law and whether there is any violation of CRZ etc.,

8. They have also not suggested any remedial measures to be taken for the purpose of restoring the damage caused to the environment and also they have not assessed the environmental compensation as directed.

9. The Andhra Pradesh State Pollution Control Board (APPCB) did not file any independent statement as to the nature of action taken by them in respect of the same.

10. We have received an e-mail said to have been sent by the Joint Director of Fisheries to the Government Pleader, representing the State of Andhra Pradesh requesting the Tribunal for time to file their reply statement. If the applicant, take steps to serve notice on the other respondents, then office is directed to send immediately, so as to ensure service on them.

11. The committee as well as official respondents are directed to file a detailed report showing the name of the person who are conducting such shrimp culture, how many of them are unauthorised, what is the nature of action taken against each unit and also to assess the environmental compensation and suggest the remedial measures for restoring the damage caused to the environment and submit a detailed report to this Tribunal.

12. The committee is also directed to assess the individual damage if any caused to the applicants on account of the alleged illegal activities of the party respondents and if so to assess the compensation individually depending upon the level of damage sustained by a particular applicant instead of giving a common finding that there was general damage caused and assessing compensation. They are also directed to show the distance between each unit from the properties of the applicant, so that the proximity of the unit which is likely to cause contamination can be made a yardstick for payment of compensation to the applicant. If there is any damage caused to the property on account of the alleged illegal activities of any of the respondents, this must be specifically mentioned in the report to be submitted by the committee and they must also suggest the remedial measures to rectify the same.

13. The Andhra Pradesh Pollution Control Board (APPCB) as well as the official respondents including the District Collector is directed to file independent statements showing the nature of action taken by them against such units which they are expected to exercise under the provisions of law dealing with the same.

14. The party respondents who entered appearance through counsel are also directed to submit their independent responses before the next hearing date.

15. The committee and the official respondents and other respondents are directed to file the respective reports and written statement as directed on or before 06.04.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.

16. The Registry is directed to communicate this order to the members of the committee and the official respondents including the District Collector immediately through e-mail so as to enable them to comply with the direction.

17. For return of notice of other respondents, for completion of pleadings and also for consideration of further report, post on 06.04.2021.

.....J.M. (Justice K. Ramakrishnan)E.M. (Shri. Saibal Dasgupta) O.A. No.114 of 2020 to O.A. No. 122 of 2020, 26th February, 2021. Sr.