

Tribunal On Its Own Motion Based On The ... vs The Chief Secretary To Government Of ... on 30 September, 2021

Bench: K Ramakrishnan, K. Satyagopal

Item No.16:

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 143 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

Tribunal on its own motion
Suo Motu based on the news item in Eenadu
Newspaper dt.12.06.2021, "Dredging along the
Embankments of Krishna River to be stopped"

...Applicant(s)

Versus

The Chief Secretary to Government of Andhra Pradesh,
Andhra Pradesh and Ors.

...Respondent(s)

Date of hearing: 30.09.2021.

CORAM:

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

HON'BLE Dr. K. SATYAGOPAL, EXPERT MEMBER

For Applicant (s):

Suo Motu by Court.

For Respondent (s):

Mrs. Madhuri Donti Reddy for R1 to R11.

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ORDER

1. The above case has been Suo Motu registered by this Tribunal on the basis of the newspaper report published in Eenadu Edition, dated 12.06.2021, under the caption "

" (Dredging along the embankments of Krishna River to be stopped).

2. It was alleged in the newspaper report that unscientific dredging in the Krishna River and dumping of sand in agricultural lands weakens the embankment and during heavy rains, the embankments may breach and flood the agricultural lands of the capital region, which can affect the river ecology, unless it is stopped at once. Necessary permission should have been obtained from Capital Region Development Authority (CRDA) before the dredging work is undertaken and the dredging work must also be done in a scientific manner without weakening the strength of the embankment.

3. As per order dated 07.07.2021, this Tribunal had admitted the matter and on the basis of the submissions made by the counsel appearing for the State Departments that they will produce all the reports and how it is being undertaken etc., we have not appointed any committee for that purpose.

4. Further, this Tribunal had directed the District Collector, Department of Mines and Geology and Irrigation Department to conduct inspection and find out whether the dredging is being done in accordance with the provisions and also in a scientific manner as required and if not, any damage has been caused on account of the same.

5. The State respondents have filed their reply affidavit through 11th respondent.

6. They have also filed a Joint Inspection report signed by the members on 19.08.2021, e-filed and received today (i.e. 30.09.2021) which reads as follows:-

"JOINT INSPECTION REPORT As per the orders dated 28.07.2021 in OA No.143/2021 of the Hon'ble National Green Tribunal, south zone, Chennai, the officials of Revenue, Irrigation and Mines & Geology Department have inspected on 17.08.2021 the Krishna Right flood bank upstream of Prakasam Barrage in Mandadam village, Thulluru Mandal, Guntur District to file a report as directed by the Hon'ble National Green Tribunal. The following officials have attended for joint inspection.

1. Sri Bhaskar Reddy, RDO, Guntur on behalf of the Collector & Dist. Magistrate, Guntur

2. Sri A. Muralikrishna Reddy, SE, Irrigation (KC Division), Vijayawada

3. Sri A. Raja Swaroop Kumar, EE, KC Division, Vijayawada

4. Sri S.K.V.Satyanarayana, Deputy Director of Mines & Geology, Guntur

5. Sri M.Vishnuvardhana Rao, Asst. Director of Mines & Geology, Guntur

6. Smt. M.Leela Sanjeeva Kumari, Tahsildar, Thulluru Mandal The Hon'ble NGT has made the following orders :

"the District Collector, Mines and Geology Department and also the Irrigation Department are directed to conduct the inspection of the area and then file a report has to whether any person to whom the work was entrusted had carried out the dredging in accordance with the provisions and also in a scientific manner as required and if not, whether any damage has been caused on account of the same, if so, what is the nature of damage caused and what is the action taken against the persons who committed the violation".

The inspection was conducted duly taking the directions of the Hon'ble National Green Tribunal into consideration.

□During the inspection, the SE, Irrigation, Vijayawada has informed that :

1. The heavy shoal formation on upstream side of the Prakasam Barrage besides reducing the capacity of barrage also endangers the safety of Barrage & flood banks and damages the Environment, infrastructure. Hence, to safeguard the Barrage, river flood banks and river ecology, as a part of maintenance, Water Resources Depart has proposed to taken de-silting works on upstream side of Prakasam Barrage by dredging process.
2. The existing flood banks are formed away from the banks of the River course. The width of the margin between the banks of the river to the flood banks (River Margins) varies from a minimum distance of 100 Mts to maximum distance of 500 Mts at certain locations.
3. The Government of Andhra Pradesh Municipal Administration and Urban Development (CRDA) Department allotted Ac. 20.00 Cts land in Mandadam Village to the Water Resources Department for the purpose of dumping the dredged material due to de-silting works on upstream side of Prakasam Barrage, Krishna River vide reference Memo No. 1268811/CRDA/2020, dated 05/08/2021.
4. The Water Resources Department was concluded an agreement with the Agency on 10/08/2021. The agency is having experience in de siltation operations, mobilizing the Men and Machinery at site and not yet started any de-silting work in Guntur District.
5. The material derived from the de-siltation will be utilized depending on the nature and quality of the material, but it is not suitable for strengthening of the banks of the River or bunds of the canal, since the material is not suitable for strengthening of the banks.

6. The Government has sanctioned widening strengthen the Krishna Right flood bank upstream of Prakasam Barrage (upto 15.525 KM) including formation of 2 lane road and work is in progress.

Physical Observations:

□No dredging activity has been carried out by the entrusted agencies till to date and no damage caused to the flood bank. Since, No Damage occurred, Initiation as action does not arise. The allegation raised by the local people was baseless and not tenable.

□The distance between the banks of the river to the flood banks (River Margins) varies from a minimum distance of 100 Mts to maximum distance of 500 Mts at certain locations.

□Islands covered with vegetation are noticed in the River course and the removal of heavy shoal formation on upstream side of the Prakasam Barrage is required, (i). To increase the capacity of the barrage, (ii). For safety of Barrage and flood banks, (iii). To protect the Environment & Infrastructure.

□The SE, Irrigation, Vijayawada has also stated that in compliance of the orders issued by the Hon'ble National Green Tribunal in O.A.No.935 of 2018 on dated:24/08/2020, the Chief Engineer, Krishna Delta System, Vijayawada addressed a letter vide Letter No.CE/KDS/VJA/OT-3/AE-10/F De-silting/ 1107 dated 09-06-2021 to the Senior Environmental Engineer Central Pollution Control Board, Regional Directorate (South), Bangalore, that the proposed dredging operations be overseen during execution by the Expert Committee to ensure that no damage is caused to the environment. The dredging operations will be carried out under the supervision of Engineers of Water Resources Department of Government of Andhra Pradesh and also the experts on dredging operations nomin by the APMDC Ltd. The proposed de-siltation works on upstream side of Prakasam barrage by dredging process be overseen by the expert committee to ensure that no damage is caused to the environment and River ecology as directed by NGT in OA No:935/2018.

In view of the above, the de-siltation of upstream of Prakasam Barrage may not affect the flood banks of Krishna River."

7. When a question was posed to the learned counsel appearing for the State of Andhra Pradesh regarding the area as to where the dredged materials were permitted to be stacked or stored and whether it is an agricultural land or any other land owned by the Government Department, whether any study has been conducted earlier quantifying the quantity of debris or silt that will have to be removed as part of dredging and also certain quantity of dredged materials and manner in which it was disposed of during the previous year mentioned in the counter affidavit filed, then the learned counsel appearing for the respondents wanted time to get clarification

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regarding these aspects.

8. So considering the circumstances, we feel that some time can be granted to the official respondents to clarify those aspects and submit a further report to this Tribunal.

9. They are directed to file the report to this Tribunal on or before 28.10.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

10. The Registry is directed to communicate this order to the official respondents by e-mail so as to enable them to comply with the direction.

11. For consideration of further report, post on 28.10.2021.

Sd/-

.....J.M. (Justice K. Ramakrishnan) Sd/-

.....E.M. (Dr. K. Satyagopal) O.A. No.143/2021 (SZ) 30th September, 2021. Mn.