

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

Original Application No. 91 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF

Venkatapathi Raja Yenumula

H.No. 2-232, Kesevadasupalem,
Razolu Taluka, Sakhinetipallli Mandal,
Eastgodavari District,
Andhra Pradesh- 533252



with

1. Union of India,

Through its Secretary,
Ministry of Environment, Forest and CC,
Indira Priyadarshini Bhavan,
Jorbagh, New Delhi- 110003

2. Union of India,

Through its Secretary,
Ministry of Mines,
Sastry Bhavan,
New Delhi- 110001

3. National Institute of Oceanography,

Rep by its Regional Director,
176, Lawsons Bay Coloney,
Vishakhapatnam- 530017.

4. State of Andhra Pradesh

Rep by its Chief Secretary,
Interim Government Complex,
Velagapudi, Guntur District
Andhra Pradesh- 522503

5. State of Andhra Pradesh,

Rep by its Principal Secretary,
Department of Mines and Geology,
Interim Government Complex,
Velagapudi, Guntur District
Andhra Pradesh- 522503

6. State of Andhra Pradesh,

Rep by its Principal Secretary,
Department of Agriculture and Animal,
Husbandry, Secretariat, Velagapudi,



Guntur District, Andhra Pradesh- 522503
Chennai, Tamil Nadu 600 001.

7. Andhra Pradesh Coastal Zone Management Authority,

Rep. by its Chairman,
Chalamvari Street, kasturibaipeta,
Vijaywada-520010.

8. Central Pollution Control Board,

Through Member Secretary,
Parivesh Bhawan, CBD-Cum Office Complex,
East Arjun Nagar, Delhi- 110032

9. Andhra Pradesh Pollution Control Board,

Rep by its Member Secretary,
D.No. 33-26-14/D2,
Near Sunrise Hospital, Pusha Hotel Center,
Chalamvari Street, Kasturibaipet,
Vijayawada, Andhra Pradesh- 520010

10. Andhra Pradesh Special Enforcement Bureau (Liquor & Sand)

Rep by its Director General of Police/Ex Officio,
Chief Secretary/Commissioner,
Andhra Pradesh Police Head Quarters,
Mangalagiri, Guntur District, AP-522502

11. Andhra Pradesh State Disaster Management Authority,

Rep by its Managing Director,
Genious JR Towers, D. No. 21/2B, Pathuru Cross,
Road Centre, Kunchanpalli (P.O), Tadepalli Mandal,
Guntur District, Andhra Pradesh- 522501

12. Andhra Pradesh Tourism Development Corporation,

Rep by its Managing Director,
5th Floor, Stalin Corporate Office,
Industrial Estate, Vijayawada- 520007

13. Commissioner of Fisheries/MD of Fisheries of AP,

Rep by its Managing Director,
Bandar Road, Poranki, Vijayawada- 521137

14. District Collector and Magistrate,

Easte Godavari at Kakinada,
Andhra Pradesh- 533001

15. Superintendant Engineer,

Irrigation Circle, Dawalaiswaram,
Rajahmandry, AP- 533125

16. State of Andhra Pradesh,

Rep by its Spl. Chief Secretary,
Department of Environment, Forest,

4th Block, Ground Floor, Room No. 268
AP Secretariat, Velagapudi, Guntur District.

**17. Coastal Aquaculture Authority,
Union Ministry of Fisheries, Animal Husbandry and Dairying,**
Rep by Member Secretary,
5th Floor, Integrated Office Complex for
Animal Husbandry and Fisheries Department,
Nandanam, Chennai- 600035

... Respondent(s)

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): Mr. Ashik Ahamed for Mr. G.M. Syed Nurullah
Sheriff for R1.
Mr. Basu for Mr. Madhuri Donti Reddy for R3
to R7, R9 to R15, R17
Mr. R. Thirunavukarasu for R8

Judgment Reserved on: 8th July.2022

Judgment Pronounced on: 18th July, 2022

CORAM:

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

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

Whether the Judgement is allowed to be published on the Internet – Yes/No

Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

JUDGMENT

Delivered by Justice K. Ramakrishnan, Judicial Member.

1. The grievance in this application is that along the coastal stretch of Bay of Bengal touching the adjoining villages of Pallipalem, Gogunnamatam of Rajole Mandalam, Kesavadasupalem, Chintalamori, Sankaraguptam, Padmatipalem, Turpupalem, Gollapalem, Karavaka, Kesinipally in Malikipuram and Sakhinetipalli mandals of East Godavari District of Andhra Pradesh, there were large scale illegal beach sand mining happening. Apart from this, there were shrimp farms (Aqua farms) being operated along the beach without

getting any necessary permission or clearances from the respective departments.

2. It was also alleged in the application that it is against the directions laid down in the decision reported in **Sri. S. Jagannath Vs Union of India & others**¹ where in the Hon'ble Apex Court had considered the impact of operating commercial aqua farms along the sea coast and its impact on marine ecology and it has been specifically mentioned that there must be a regulation for permitting such activities along the coastal line.

3. Apart from this, several directions were given by the National Green Tribunal regarding the regulation of sand mining but it was not followed by the authorities in the State thereby, allowing the unauthorised miscreants to indulge in illegal mining causing heavy loss to the exchequer.

4. According to the applicant, the sand mounds which are along the beach side were being removed illegally without following proper procedure using heavy machineries for the purpose of filling up other areas with the connivance of the officials of the State machineries as well.

5. Though representations were made to the authorities, no action was taken that prompted the applicant to file this application seeking the following reliefs:

- I. Appoint an independent experts committee consisting of respondent No.1,3,7,8,16 etc to assess the loss, damage caused due to illegal beach sand mining, sand mining in assigned lands in 25 Kms stretch of Bay of Bengal situated in Gollapalem, Turupupalem, Kesanapally, Padamatipalem,

¹(1997) 2 SCC 87

- Shankaraguptam, Chintalamori, Kesavadasupalem, Antarvedikara, Antarvedi Devastanam, Palliapalem, Gagannamatam, Karavaka Villages of Sakhinetipalli, Malikipuram, Rojole mandals of East Godavari District in Andhra Pradesh to collect environment compensation and to conducting restoration, rejuvenation and remedial measures similar to O.A. No.76 of 2019 (PB).
- II. Direct the respondents No.1,4,7,9 and District Collector of East Godavari districts to remove all illegal and unauthorized Aqua/fish ponds situated in sea coast/CRZ area of Gollapalem, Turupupalem, Kesanapally, Padamatipalem, Shankaraguptam, Chintalamori, Kesavadasupalem, Antarvedikara, Antarvedi Devastanam, Palliapalem, Gagannamatam, Karavaka Villages of Sakhinetipalli, Malikipuram, Rojole mandals of East Godavari District in Andhra Pradesh as it was done in O.A. No.23 of 2019.
- III. Direct respondent No.1 to 16 to conduct cumulative study on damage caused due to flooding of sea water into agriculture fields of Kesavadasupalem, Chintalmori, Srugavarapupadu etc villages in East Godavari District of Andhra Pradesh for paying compensation to the victims, farmers.
- IV. Direct the respondent No.10 to investigate and register cases on the persons caused damage to the environment by conducting massive illegal mechanical sand mining in beaches and assigned lands for recovering the money earned through beach sand at Gollapalem, Turupupalem, Kesanapally, Padamatipalem, Shankaraguptam, Chintalamori, Kesavadasupalem, Antarvedikara, Antarvedi Devastanam, Palliapalem, Gagannamatam, Karavaka Villages of Sakhinetipalli, Malikipuram, Rojole mandals of East Godavari District in Andhra Pradesh and also direct the respondent No.10 to submit the status of past FIRs and action taken such as imposing fine, attaching properties etc. including in FIR No.65 of 04.05.2016.
- V. Direct respondent No.1,4,9,13,14 to submit action taken report on the directions passed by the Hon'ble Supreme Court of India in S. Jagannath Vs. Union of India and Ors. (1997) 2 SCC 87.
- VI. Direct respondent No.1,4,5,9,14 to indentify the government officials who have allowed the damage to environment, coast and causing disaster for fixing the responsibility including taking criminal and civil action,
- VII. Direct respondent No.4,6,7,11,14 & 15 to assess the damage caused due to disaster occur on 25.05.2020 in the form of sea water entering through drains into fertile agriculture lands.
- VIII. Direct respondent No.4,12,14,16 to restore the beach park at Beach nagar, Chintalamori and recover the loss/environment compensation from the persons responsible for occupation and damage.
- IX. Direct respondent 4, 15 to setup Locks for the Sankaraguptam drain at Chintalamori and other drains in East Godavari district to stop entering sea water into villages and agriculture fields,
- X. Direct respondent No.4,5,6,12,13,14 to take stringent action on government officials under their jurisdiction for failing to take action illegal sand mining and illegal aqua/fish ponds in East Godavari district,
- XI. Direct the APPCB and District Collector of East Godavari to submit the compliance report on the directions passed by the Hon'ble Tribunal in Farmer Community Kadali, AP Vs. State of Andhra Pradesh, O.A. No.23 of 2019 dated 13.09.2019,

XII. Pass any such order, as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

6. This Tribunal dispensed with notice to 16th respondent as they were not necessary party to the proceedings and no relief was claimed against them as well. So this Tribunal deleted 16th respondent from the party array.
7. This Tribunal reiterated the various directions issued by the Hon'ble Apex Court, High Courts and the National Green Tribunal expressing displeasure on the part of the State machinery on their failure regarding the regulation of sand mining in the State. Since there were allegations that illegal sand mining was going on without obtaining necessary permissions and clearance and also against the guidelines issued by the MoEF&CC in this regard and the Tribunal was satisfied that there arose a substantial question of environment, this Tribunal admitted the matter and issued notice to the respondents. This Tribunal also appointed a Joint Committee consisting of 1) a Senior Scientist from Regional Office of Ministry of Environment, Forests and Climate Change (MoEF & CC), Chennai, 2) a Senior Scientist from the Regional Office of Central Pollution Control Board, Chennai, 3) a Senior Officer from the Andhra Pradesh State Coastal Zone Management Authority, 4) a Scientist nominated by National Centre for Sustainable Coastal Management (MoEF), Anna University, Chennai, 5) a Senior Officer from Andhra Pradesh State Pollution Control Board and 6) the District Collector of East Godavari District to inspect the places mentioned in the

application along the sea coast in East Godavari District and ascertain the genuineness of the allegations made in the application and submit a factual as well as action taken report if there is any violation is found.

8. The committee was also directed to go into the question as to whether any illegal beach sand mining was being conducted along the coastal area in that place, whether any unlawful commercial or illegal shrimp farm culture (aqua farm) were being operated in that area and if any violations found, the committee was directed to recommend the action to be taken against those persons including launching of prosecution and assessment of environmental compensation for the damage caused to the environment.
9. The committee was also directed to go into the question regarding the allegations of encroachment into beach area by the aqua farms and if so, what was the action taken to remove the same in accordance with law. They were directed to specify the mechanism by which beach sand mining and aqua farms which are carried on along the coastal zone are being regulated in the State of Andhra Pradesh. Was there any prosecution launched or any steps taken against the persons who were committing any illegal beach sand mining and also gave the details of the same in the report.
10. The Committee was also directed to consider the allegation as to whether any agricultural land had been converted for the purpose of conducting aqua farms in that area and, if any,

damage has been caused to the environment, assess the environmental compensation and the loss of income caused to the agricultural land and also ascertain whether soil or ground water had been affected, if so, what is the remediation to be taken for that purpose.

11. The Committee was also given the liberty to include any other officials for the purpose of getting the necessary details for preparing the report in compliance with the direction given by this Tribunal.

12. The Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai was designated as nodal agency for co-ordination and for providing necessary logistics for this purpose.

13. 9th respondent filed a reply affidavit contending as follows: They denied the allegations made in the application regarding the connivance of officials in promoting illegal sand mining and aqua cultural activities. The application for registration of fresh aqua culture ponds were being scrutinized and site inspections conducted by Mandal Level Committee comprising of Revenue Department, Irrigation Department, Fisheries Department and Agricultural Department. The Mandal Level Committee along with its remarks shall forward the application to District Level Committee.

14. As per G.O. Ms. No. 7 issued by Animal Husbandry, Dairy Development and Fisheries Department dated 16.03.2013, the District Level Committee is the Competent Authority to permit

fresh water aqua culture evidenced by annexure-I produced along with the counter affidavit. The District Collector is the Chairperson and the District Fisheries Officer is the Member Convener of the District Level Committee. The Environmental Engineer, Andhra Pradesh Pollution Control Board of the District is a member of the Committee.

15. The Government of Andhra Pradesh framed new sand mining policy as per G.O. Ms. No. 70 dated 04.09.2019 evidenced by Annexure-II and issued operational guidelines to implement the same scrupulously by M/s Andhra Pradesh Mineral Development Corporation and District Collectors.

16. The Committee appointed by the Tribunal visited the alleged areas mentioned by the applicant and submitted a detailed report to this Tribunal and the observations made by the Committee regarding the aqua farms and sand mining was sought to be treated as part of this counter affidavit and they prayed for passing appropriate orders accepting their contentions.

17. 8th respondent filed counter affidavit contending as follows: They denied the allegations made in the application. The Government of Andhra Pradesh has framed new sand mining policy as per G.O.Ms.No.70, dated 04.09.2019 and has issued operational guidelines to be implemented by M/s. Andhra Pradesh Mineral Development Corporation and District Collectors. Sand mining in the state has to be carried out in compliance with the A.P Sand Mining Policy and the

Sustainable Sand Mining Guidelines issued by MOEF&CC. The Coastal Aquaculture Authority has published “Guidelines for Regulating Coastal Aquaculture” which are annexed to Coastal Aquaculture Rules, 2005. Aqua/shrimp farms have to be established and operated in compliance with the Coastal Aquaculture Authority guidelines.

18. The leases for sand mining are issued by State Department of Mines and Geology and State Mineral Development Corporation, Environmental Clearance for sand mining is issued by MoEF&CC. The Coastal Aquaculture Authority and State Fisheries Department are empowered for regulating aqua farms, and Consent is issued by State Pollution Control Board (SPCB) so as to prevent water or air pollution. The Department of Mines and Geology & State Mineral Development Corporation and State Pollution Control Board are responsible for ensuring compliance of conditions stipulated in Mining lease and EC/Consent, respectively, and CAA and State Fisheries department are responsible for implementation of Coastal Aquaculture Rules, 2005. The Central Pollution Control Board has no role in issuing the lease or Environmental Clearance for mining lease or license or consent for aqua farms. The above said authorities are expected to take action against those persons.

19. The Joint Committee has inspected the area and submitted a report and the violations of any of the above activity have to be monitored and action to be taken by Department of Mines and

Geology, State Mineral Development Corporation and District Collectors, Coastal Aquaculture Authority and State Fisheries Department for monitoring the implementation of AP Sand Mining Policy and regulating the aqua culture farming respectively. So they prayed for accepting their contention and passing appropriate orders.

20. MoEF&CC, namely, 1st respondent filed the counter affidavit in the form of affidavit wherein they denied the allegations made in the application. They further submitted that invoking the powers under section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment(Protection) Rules, 1986, Ministry of Environment and Forest had notified the Coastal Regulation Zone Notification, 1991 on 19th February, 1991, which, inter-alia, provided classification of various zones and permitted, non-permitted and regulated activities in each zone.

21. The CRZ Notification, 1991 was superseded by CRZ Notification, 2011 notified on 06.01.2011 for the same purpose. They have given the details of the zoning regulations, permissible activities, non-permissible activities, procedure to be followed for getting the clearance for permissible/regulated activities under the said notification.

22. They have further submitted that any violations of the same have to be dealt with by State Coastal Zone Management Authority. So they have no role in enforcing the regulations as

they are only the policy makers. They prayed for passing appropriate orders accepting their contentions.

23. The Fisheries Department had filed a detailed counter affidavit contending that the application is not maintainable. They denied the allegations that illegal aqua culture farms are functioning in the coastal area in East Godavari District without getting any permission.

24. Most of the areas mentioned in the application are located at tail end of the coastal villages and there is no scope for supply of irrigated water to all the lands in said villages. There is surge of saline water into these lands due to tidal influence through Rallakalava in Sakhinetipalli Mandal and Shankaraguptam major drain or Uppukaluva in Malkipuram Mandal. Whereas Karvaka Village has tidal influence of Shankaraguptam drain and Gogannamatham Village is under the tidal influence of Uppukaluva. They have also given the salinity rate in these drains. There is no scope of getting fresh water through surface bore wells in these villages since bore well contains minimum salinity of 5 PPT and not suitable for human consumptions. In most of these mandals drinking water is being supplied to the tail end villages through tanker lorries and limited water from Tekisettipalem Irrigation Canal for catering the needs of domestic and cattle purpose. In Malkipuram Mandal, drinking water is being supplied to the villagers through Gudimellanka overhead service balancing reservoir and at Mamidikuru

Mandal drinking water is being supplied through water containers and existing fresh water overhead tanks.

25. Most of the lands were barren/inundated wherein farmers used to depend on naturally available fishery resources. After introduction of Aqua culture, the farming community has started resorting to aquaculture practices for their livelihood. The coastal aqua culture Authority and Department of Fisheries are the licensing authorities for brackish water and fresh water aqua culture as per the prevailing statutes. The Marine Products Export Development Authority is jointly conducting farm audit along with Fisheries Department to ensure that no banned antibiotics are used in Aqua Culture, since the Aqua culture produce is being exported to International market according to European Standards. There is provision for collection of penalties from the hatcheries, aqua farms in case of committing any violation as per the prevailing statutes i.e. Coastal Aquaculture Authority Act, 2005 and Rules and Andhra Pradesh State Aquaculture Development Authority Act, 2020 and Rules framed thereunder.

26. In spite of making sincere efforts by Department of Fisheries through paper publications and conducting village level awareness meeting to the aqua farming community to regulate their unregistered aqua culture farms, unauthorized and abandoned aquaculture farms are still existing and identified among the villages mentioned by the applicant. The details of which is as follows:

Gen Sl. No.	Name of the Mandal	Village Sl. No.	Name of the Village	No. of Unauthorized /Abandoned Farms	Extent in Hectors
1	Sakhinetipalli	1	Antharvedi Pallipalem	28	23.84
		2	Antharvedi Devasthanam	74	50.08
		3	Antharvedi Kara	99	60.33
		4	Kesavadasupalem	216	30.25
2	Mamidikuduru	5	Karavaka	22	78.01
		6	Gogannamatham	57	75.13
3	Malkipuram	7	Turupupalem	4	0.80
		8	Padamatipalem	1	1.20
		9	Gollapalem	19	4.72
		10	Kesanapalli	11	2.04
		11	Chintalamori	54	37.36
		12	Shankaraguptam	3	1.12

27. The details of the unauthorised activity and action taken in each area was described as follows:

5. **At Antharvedi Pallipalem Village of Sakhinetipalli Mandal,** it is submitted that, as mentioned at village Sl.No.1 of above table, there is no Agriculture activity in the Village. There are 28 unauthorized / abandoned Aquaculture farms in an extent of 23.84 Hectors which belong to Community Collective Farming Society (CCF Society) and the same is under the possession of different Members of the CCF Society who belong to SC, BC & Weaker Sections, Small and Marginal Farming community. As per the guidelines of the Coastal Aquaculture Authority / Department of Fisheries the land should be in the name of the applicant and linked to Aadhar card of the individual to make the applicant as eligible for granting License for Aquaculture. Whereas, in the present case the lands are in the names of CCF Society in the web land records of Revenue Department.

6. **At Antharvedi Devasthanam Village of Sakhinetipalli Mandal,** it is submitted that as mentioned at village Sl.No.2 of above table, there is no Agriculture activity in the Village. There are 74 unregistered / abandoned Aquaculture farms in an extent of 50.08 Hectors. Among which, 54 Farms are existing in a total extent of 27.18 Hectors belong to CCF Society, the land of remaining 20 Farms in an extent of 22.90 Hectors are identified as Private Lands.

7. **At Antharvedi Kara Village of Sakhinetipalli Mandal,** it is submitted that as mentioned at village Sl.No.3 of above table, there are 99 unregistered / abandoned Aquaculture farms in an extent of 60.33 Hectors. In which, 35 Farms are existing in a total extent of 12.51 Hectors belong to CCF Society. The lands of remaining 64 Farms in an extent of 47.82 Hectors are identified as Private Lands.

8. **At Kesavadasupalem Village** of Sakhinetipalli Mandal, it is submitted that as mentioned at village Sl.No.4 of above table, there are 216 unregistered / abandoned Aquaculture farms in an extent of 30.25 Hectors. In which, 12 Farms in an extent of 3.98 Hectors belong to Endowment Department. As per the guidelines of the Coastal Aquaculture Authority / Department of Fisheries the land should be in the name of the applicant and linked to Aadhar card of the individual to make the applicant as eligible for granting License for Aquaculture. Whereas, in the present case the lands are in the names of Endowment Department in the web land records of Revenue Department. The lands of remaining 204 Farms in an extent of 26.27 Hectors are identified as Private Lands.

9. **At Karavaka Village of Mamidikuduru Mandal**, it is submitted that, as mentioned at Sl.No.5 of above table is not having any Agriculture activity. There are 22 unregistered / abandoned Aquaculture farms in an extent of 78.01 Hectors in which 8 Farms in an extent of 66.44 Hectors belong to CCF Society and the same is under the possession of different Members of the CCF Society. The lands of remaining 14 Farms in an extent of 11.60 Hectors are identified as Private Lands.

10. **At Gogannamatham Village** of Mamidikuduru Mandal, it is submitted that as mentioned at Sl.No.6 of above table there are 57 unregistered / abandoned Aquaculture farms in an extent of 75.13 Hectors. In which, 3 Farms are existing in a total extent of 39.91 Hectors belong to CCF Society. The land of remaining 54 Farms in an extent of 35.22 Hectors are identified as Private Lands.

11. **At Turupupalem of Malkipuram Mandal**, it is submitted that, as mentioned at village Sl.No.7 of above table there are 4 unregistered / abandoned Aquaculture farms in an extent of 0.80 Hectors CCF Society. Whereas, the total

extent of 0.80 Hectors is under the possession of different Members of the CCF Society. Whereas, in the present case the lands are in the names of CCF Society in the web land records of Revenue Department.

12. **At Padamatipalem** of Malkipuram Mandal, it is submitted that, as mentioned at village Sl.No.8 of above table there is One Aquaculture farm in an extent of 1.20 Hectors which belongs to Endowments Department and the said Farm is in abandoned state.

13. **At Gollapalem** of Malkipuram Mandal, it is submitted that, as mentioned at village Sl.No.8 of above table there are 19 unregistered / abandoned Aquaculture farms in an extent of 4.72 Hectors belong to CCF Society and the same is under the possession of different Members of the CCF Society.

14. **At Kesanapalli of Malkipuram Mandal**, it is submitted that, as mentioned at village Sl.No.10 of above table there are 11 unregistered / abandoned Aquaculture farms in an extent of 2.04 Hectors belong to CCF Society and the same is under the possession of different Members of the CCF Society.

15. **At Chintalamori Village** of Malkipuram Mandal, it is submitted that as mentioned at village Sl.No.12 of above table, there are 54 unregistered / abandoned Aquaculture farms in an extent of 37.36 Hectors. Among which, One Farm in an extent of 1.20 Hectors is in abandoned state in un-surveyed land of Government of Andhra Pradesh. One Farm in an extent of 0.40 is in abandoned state and the lands of remaining 52 Farms in an extent of 35.76 Hectors are identified as Private lands.

16. **At Shankaraguptam Village** of Malkipuram Mandal, it is submitted that as mentioned at village Sl.No.13 of above table, there are 3 unregistered / abandoned Aquaculture farms in an extent of 1.12 Hectors. Among which, 2 Farms

in an extent of 0.72 Hectors belong to CCF Society and the same is under the possession of its Members. The reaming One farm in an extent of 0.40 Hectors is identified as Private land.

28. They have also reiterated the various rules dealing with this activity and the awareness and capacity building steps taken from their side. They have also mentioned all the official authorized under the respective Acts and statutes were taking appropriate action against the illegal activities and imposing heavy penalties. Regular inspections were also done and certain unauthorized aqua culture units which were not registered and found in CRZ zones were demolished on 29.02.2021. Prior to demolishing of the tanks, show cause notice dated 07.09.2021 was served by Executive Engineer, River Conservator, Head Works Division, Dowleswaram to various units which are found to be illegal unauthorised without any documents and names of such units were shown below:

Sl. No.	Name of the Pattadhar	Khatha No.	Rs.No.	Extent in Acres
1	Sri. Sasi Vera Venkata Satya Subrahmany varma	2153	320-1B,320-1B 320-2B	1.33
2	Smt. Sagi padmavathi	2170	320-1B,320-1B1 320-B, 320-3A	0.97
3	Sri. Bhupathiraju Satyanarayananaraju	2179	320-2B,320-2B1 320-3A,320-3A1	1.00
4	Sri. Kothapalli Balaramakrishnam Raju	1166	330-2B	1.39

29. They have also given the activities carried on by the people illegally to augment their income and steps taken by them for removal of the same and regularise the same and they further mentioned that they will further carry out the same in same manner to protect the environment. So they prayed for passing appropriate orders.

30. The Joint Committee filed the report dated nil, e-filed on 23.03.2021 which reads as follows:

Joint Committee Report

V. Status of Aqua farms

It is alleged in the application that unlawful commercial or illegal shrimp farm culture (aqua farm) is taking place in Pallipalem, Antarvedi Devastanam, Antharvedi, Kesavadasupalem, Chintalamori, Sankaraguptam, Padamatipalem, Turpupalem, Gollapalem, Karavaka, Kesinapally in Malkipuram and Sakinetipalli mandals of East Godavari District in Andhra Pradesh. In order to verify the facts, the committee visited these areas during December 08-12, 2020, collected water samples and observed historical satellite images.

Fisheries department of Andhra Pradesh has permitted to carry out Aquaculture in Malkipuram, Sakinetipalli and Mamidikuduru mandals as detailed below:

Table 1: Permitted aqua farms by Fisheries department in alleged villages

S. No	Name of the Mandal	Name of the village	Extent in Ha	No. of farmers involved
1	Malkipuram	Gollapalem	27.2	32
2		Turupupalem	4.86	8
3		Kesanapalli	7.54	9
4		Pedamatapalem	4.84	6
5		Sankaraguptam	64.06	74
6		Chintalamori	68.69	80
7	Sakinetipalli	Kesavadasupalem	76	302
8		Antharvedi	285	436
9		Antharvedi pallipalem	25.46	38
10	Mamidikuduru	Gogannamatam	193.676	144
Total			757.326	1129

In addition to the permitted aqua farms, the committee observed illegal farms in the area for which the Fisheries department informed that they have already taken action against these illegal farms.

VI. Observations of the committee w.r.t Aqua farms in East Godavari district:

1. The aqua farms located within 2KM of high tide line (HTL) or waters of creek, estuarine etc. having salinity of 5 PPT fall under the jurisdiction of Coastal Aquaculture Authority (CAA) and these aqua farms have to be registered with CAA. Aqua farms located outside the jurisdiction of CAA have to be registered with the Andhra Pradesh Fisheries department. It implies that Coastal farms have to be registered with CAA and fresh water aqua culture farms have to be registered with A.P Fisheries department. The

registration has to be renewed once in five years. The farms that are not registered with CAA or Fisheries department or which have not renewed the registration are considered as illegal.

2. *Many aqua farms operating in Malkipuram, Sakinetipalli and Mammidikuduru in East Godavari district did not provide registration/ renewal certificate to the committee. Though the Fisheries department informed that the farms operating in Malkipuram, Sakinetipalli and Mamidikuduru mandals are registered with them however during the time of inspection the Fisheries department did not have the updated information on the validity of the registrations.*
3. *Coastal Aquaculture Authority (CAA) has published “Guidelines for Regulating Coastal Aquaculture” which are annexed to CAA Rules, 2005. Copy of the guidelines is enclosed as Annexure-II. The aqua/ shrimp farms may be established and operated in compliance with these guidelines.*
4. *The aqua farms are located adjacent to each other. Though numerous farmers may be involved but in a single piece of land the ponds are constructed. There is no spacing between the shrimp/ aqua farms. Each farmer may have less than 5Ha of aqua pond but combined area involved in aqua farming is varying from 27.3 ha to 285 ha. The farmers have obtained permission and then contracted into a single contractor who will be operating most of the ponds.*
5. *There is no clear demarcation of area for aqua farms. The extent of area permitted by the Fisheries department or other concerned Authorities is not strictly complied with. The committee humbly submits that CAA and Fisheries department shall define the area permitted for construction of aqua farm and same shall be demarcated in the field.*
6. *Fisheries department and other concerned departments have given separate permissions to all the ponds operating in the same area but the committee suggests that it shall be either treated as a single large farm or cluster of aqua farms and appropriate environmental safeguards shall be implemented.*
7. *Though the aqua farming in the region is taking place in a full-fledged manner in all 10 villages in an area varying from 27.3 ha to 285 ha, there are no effluent treatment systems for treating the wastewater generated from these farms. Effluent Treatment System (ETS) is mandatory for farms above 5 ha. At least 10 per cent of the total pond area should be earmarked for the effluent treatment systems which may be used for secondary aquaculture projects, particularly for culture of mussels, oysters, seaweed other fin fishes, etc. In this particular case, since cluster of farms are operating, concerned departments shall enforce that the aqua farms shall collectively construct & operate either common effluent treatment systems or individual effluent treatment systems as per CAA Rules 2005. The effluent discharged shall comply with the Standards for treatment of wastewater discharged from the aquaculture farms stipulated by CAA. The aqua farms shall install real time monitoring system at the outlet of the CETP for the parameters notified by CAA and connect the real time monitoring system to APPCB server.*
8. *The farms are not properly designed and there are no independent intake and outfall points. The committee observed that the wastewater so generated from the farms are directly discharged without any treatment into drains or nearby water*

course which ultimately joins sea.

9. The aqua farms are not maintaining any records on the quantity of water used and quantity of effluent generated. CAA/ Fisheries department shall enforce the aqua farms to maintain records on the quantity of water utilized and effluent discharged.
10. Fisheries department, Ground Water department and APPCB shall regularly monitor the water quality.
11. The list of coastal aqua farms that have registered and have renewed the registration in east Godavari district is published in the website of CAA. As per the list, it was observed that very few coastal farms have registered and renewed their registration and are indicated as Active ponds in the list. CAA may take action against the coastal aqua farms that have not registered/renewed the registration with CAA in accordance with CAA Rules, 2005. Similarly, for fresh water aqua farms, Fisheries department may take action against illegal farms.
12. In Antharvedi and Kesadasupalem many aqua farms are established near to high tide line which fall under the jurisdiction of CAA but only few of these coastal aqua farms are registered with CAA while others are operating without any registration. Hundreds of both coastal and fresh water aqua farms are established in Kesavadasupalem, Atharvedi and Antharvedi Pallipalem without any arrangement of ETS. The cumulative pollution load from these farms may be very high. The committee humbly submits that Hon'ble NGT may direct CAA and Fisheries department, Govt. of AP to carry out carrying capacity and assimilative capacity of receiving water bodies before registration/ renewal of the registration of these farms.
13. The committee submits that CAA, Fisheries department, APPCB, Revenue and District Collector, East Godavari shall permit the operation of these cluster of farms only if common effluent treatment systems are constructed and are put in operation. The effluent generated from these hundreds of farms shall not be directly let out into any drain/ marine water, estuarine/ land etc. The effluent so generated shall be treated in ETS and only after complying with the standards stipulated by CAA, the effluent shall be discharged.
14. The submissions made by Fisheries department is enclosed as Annexure-III. The fisheries department have issued notice to 30 aqua farms operating without permission.
15. The committee also observed that few aqua farms are not complying with the siting guidelines stipulated in CAA Rules, 2005. The farms are located at a distance of less than 200m of HTL which is not permitted as per CAA Rules. Few farms in Karavaka and Chintalamori are located adjacent to a natural drain. The Committee submits to Hon'ble NGT to direct CAA and Andhra Pradesh aqua farms constructed in violation of CAA siting guidelines shall be demolished by CAA/ Fisheries department.
16. The committee had collected samples during the visit and the analysis results are as follows (Copy of the analysis results is enclosed as **Annexure-IV**:

Table 2: Analysis results aqua ponds and drain located in aqua ponds

S.N o	Paramet ers	Coastal mari en waters	Creek/ estuarine waters	Aquaculture pond near seashore - Chintalamoori (illegal)	Drain near aquaculture pond in Mamidikuduru	Drain near Gogannamattam, Mamidikuduru	Aqua farm sample at Gogannamattam
1.	pH	6.0- 8.5	6.0-8.5	7.13	8.32	8.52	8.45
2.	Total	100	100	62	24	18	12
	Suspended Solids at 105°C						
3.	Biochemical Oxygen Demand	50	20	16	14	11	16
4.	Chemical Oxygen Demand	100	75	76	68	52	72
5.	Phosphates	0.4	0.2	0.19	0.17	0.15	0.77
6.	Ammoniacal Nitrogen			0.14	0.08	0.11	0.09
7.	Total Kjeldhal Nitrogen			0.56	1.1	1.6	1.1

All parameters except pH are in mg/L. The values marked in bold are above acceptable limits

17. From the analysis results, it is observed that COD in Chintalamoori pond is 76mg/L against standard of 75mg/L and pH in Gogannamattam drain is 8.52 against standard of 8.5. The drain samples are slightly varying from the standards.

18. In addition the committee had also collected ground water samples in the area to assess whether there are any impacts on the ground water quality due to aquaculture and the results are as follows:

Table 3: Ground water analysis results in alleged villages

Sl. No.	Parameter	W-148	W-149	W-150	Drinking Water Standards	
					Acceptable Limit	Permissible Limit
1.	pH	8.12	8.24	8.46	6.5-8.5	No relaxation
2.	Total Dissolved Solids at 105°C	240	1328	210	500 mg/l	2000 mg/l
3.	Chlorides (as Cl-)	39.1	406.0	19.5	250 mg/l	1000 mg/l

4.	Total Hardness (as CaCO ₃)	92	536	136	200 mg/l	600 mg/l
5.	Total Alkalinity (as CaCO ₃)	88	244	212	200 mg/l	600 mg/l
6.	Sulphates (as SO ₄ ²⁻)	15.4	173.4	2.0	200 mg/l	400 mg/l
7.	Fluorides (as F)	BDL	0.03	BDL	1.0 mg/l	1.5 mg/l
8.	Nitrates (as NO ₃)	1.99	68.17	1.46	45 mg/l	No relaxation
9.	Calcium (as Ca ⁺²)	11.2	99.2	22.4	75 mg/l	200 mg/l
10.	Magnesium (as Mg ⁺²)	15.5	69.9	19.4	30 mg/l	100 mg/l
11.	Ammonical Nitrogen(as NH ₃ -N)	0.10	BDL	BDL	0.5 mg/l	No relaxation
12.	Chromium (as Cr)	0.0025	0.0008	0.0002	0.05 mg/l	No relaxation
13.	Manganese (as Mn)	0.0543	0.7397	0.0718	0.1 mg/l	0.3 mg/l
14.	Iron (as Fe)	0.1062	0.1134	0.0596	0.3 mg/l	No relaxation
15.	Cobalt (as Co)	<0.0001	0.0002	0.00001	--	--
16.	Nickel (as Ni)	0.0017	0.0078	0.0016	0.02 mg/l	No relaxation
17.	Copper (as Cu)	0.0147	0.0155	0.0116	0.05 mg/l	1.5 mg/l
18.	Zinc (as Zn)	0.0281	0.04135 5	0.0295	5.0 mg/l	15.0 mg/l
19.	Arsenic (as As)	0.0015	0.0014	0.0208	0.01 mg/l	0.05 mg/l
20.	Cadmium (as Cd)	<0.0001	0.0005	<0.0001	0.003 mg/l	No relaxation
21.	Lead (as Pb)	0.0031	0.0027	0.0018	0.01 mg/l	No relaxation

All parameters are in mg/L except pH. The values marked in orange are above acceptable limits

W-148: Bore well sample collected house of Smt R. Shobana, Chinthalamoori (V), Malkipurm(M), East Godavari District

E-149: Bore well sample collected house of Sri K. Subba Rao, Karavaka (V), Mamidikuduru (M), East Godavari District

E-150: Bore well sample collected house of Sri Bhupathi Raju Rambhadra Raju, D.No.2-61/2, Gogannamatam (V), Mamidikuduru (M), East Godavari District

19. From the ground water analysis results it is observed that bore well sample (ground water sample) collected in Mamidukuduru is not complying with drinking water standards w.r.t alkalinity, hardness, calcium, magnesium and nitrates however the increased concentration of these parameters depends on multiple factors.

VII. **Illegal Aqua farming at Chintalamoori:**

The committee observed full-fledged aqua farming operations at two locations in Chintalamoori without obtaining

any permissions from the concerned departments. At one location, it is clear from the satellite images that since 2017 onwards the ponds are established and illegal aqua/ shrimp farming is taking place. The total area of illegal farming is around 4.5 hectares. In other location, from 2018 onwards illegal aqua farming is taking place. The wastewater so generated is discharged into sea. It was informed that Fisheries department has issued notice on 26-10-2020 to stop the activity and have destroyed the bunds. During committee visit no activity was taking place. The District Collectorate/ Fisheries department/ Revenue department have not levied compensation or fine against illegal operation taking place from December, 2017 to October, 2020. The committee also observed that the bunds are not fully destroyed. The activity was carried out in violation of CRZ provisions.

The committee observed that few coastal farms in Antharvedi, Gogunnamatam are Chinthalamori are less than 200m from HTL which is not permitted as per CAA Rules, 2005.

The committee humbly submits to Hon'ble NGT to direct CAA, Fisheries department and District Collectorate, East Godavari to take action against these farms which are operating at a distance less than 200m from HTL as per provisions of CAA Rules, 2005.

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VIII. Findings of the Committee regarding Beach Sand Mining

Department of Mines and Geology, Rajamahendravaram informed to the committee that the department has not given permission for beach sand mining. The committee was informed that the Ministry of Mines GOI have issued an order dated 01.03.2019 on premature termination of all mineral concessions of beach sand minerals found in the teri or beach sand held by private companies under the provisions of section 4A(1) of the MMDR Act, 1957. However committee observed sand/ silt was removed from Shankarguppan drain. The committee interacted with local villagers and the villagers informed to the committee that sand is being removed from the drain. The committee enquired with revenue and irrigation departments and it was informed that the Irrigation department has accorded permission for decasting of Shankarguppam drain from 0.2KM to 1.4 KM chainage upto 1m depth. It was reported by Irrigation department, Govt. of A.P that due to siltation in the drain, during monsoon the storm water was not getting drained into sea resulting in water logging/ stagnation of storm water. To prevent stagnation of storm water and to enhance the drainage capacity, decasting of Shankarguppam drain was taken up from 01.05.2020 onwards. During committee visit, there was no activity. The irrigation department and Mines department did not provide any records on the quantity of silt/sand that was removed from the drain and how the decasted sand was utilized.

The department has not given any permission for mining of beach sand and has not taken any measures exclusively for regulating the beach sand mining activity. During the visit, the committee did not observe any illegal beach mining activity. The committee humbly submits to Hon'ble NGT to direct Department of Mines & Geology, Police Department and District Collectorate,

East Godavari to devise a monitoring mechanism to check on illegal beach sand mining.

Though the Government of A.P have not taken any specific measures exclusively to curb illegal beach sand mining, but measures are taken to curb sand mining in general. No. of cases booked by the Inspector of Police in Razole circle from 01-12-2019 to 09-12-2020 are as follows:

Table 4: sand cases information from 01-12-2019 to 09-12-2020 of Razole circle

Sl. No	Name of the Police Station	Total no. of sand cases registered	Total no. of vehicles seized				Total no. of accused arrested
			Tractors	Lorries	JCB/Proclaim	Boats	
1	Razole	8	15	0	1	1	19
2	Nagaram	16	17	3	0	0	27
3	Malkipuram	14	31	5	3	0	40
4	SK. Palli	8	12	0	1	1	27
	Total	46	75	8	5	2	113

During the period from 01-12-2019 to 09-12-2020, 46 sand cases are registered in Razole circle that includes 75 tractors, 8 lorries, 5 JCB/ proclaimers and 2 boats were seized and 113 accused persons were arrested.

IX. Conclusions

1. The aqua farms located within 2KM of high tide line (HTL) or waters of creek, estuarine etc. having salinity of 5 PPT fall under the jurisdiction of Coastal Aquaculture Authority (CAA) and these aqua farms have to be registered with CAA. Aqua farms located outside the jurisdiction of CAA have to be registered with the Andhra Pradesh Fisheries department. The registration has to be renewed once in five years. The farms that are not registered with CAA or Fisheries department or which have not renewed the registration are considered as illegal.
2. As per the list active ponds mentioned in CAA website and information provided by Fisheries department, the committee is of the view that only few aqua farms operating in the region are registered with CAA/ fisheries department and have timely renewed their registration and remaining farms are operating without proper permissions. The committee humbly submits Hon'ble NGT to direct CAA and the Fisheries department, Government of Andhra Pradesh to take action against the coastal aqua farms/ freshwater aqua farms that have not registered/ renewed the registration with CAA/ Fisheries department in accordance with CAA Rules, 2005.
3. In Antharvedi and Kesadasupalem many aqua farms are established near to high tide line. The aqua farms constructed in violation of the siting criteria (mandatory points) stipulated in CAA

Rules, 2005 like located at a distance of less than 200m of HTL(encroachment of beach area) which is not permitted as per CAA Rules OR located adjacent to a natural drain OR located near to human habitation at a distance of less than 100m OR located at a distance of less than 100m from drinking water source OR other siring criteria; the committee humbly submits Hon'ble NGT to direct CAA & A.P Fisheries department to demolish these aqua farms constructed in violation of CAA Rules, 2005 or to take appropriate action in accordance with CAA Rules, 2005.

4. *The aqua/ shrimp farms may be established and operated in compliance with*

"Guidelines for Regulating Coastal Aquaculture" which are annexed to CAA Rules, 2005. Fisheries department and other concerned departments may grant permissions to those aqua/ shrimp farms which are complying with the Coastal Aquaculture AuthorityRules, 2005.

5. *District Collectorate, East Godavari and all concerned departments, East Godavari shall conduct awareness programmes among the farmers operating the aqua farms to sensitize them about CAA Rules, 2005.*
6. *From the water samples collected from the drains and from bore well samples, the committee observed that there is no significant damage to surface and ground water samples. There was no visual damage to the soil, hence the committee has not calculated Environmental Compensation. The committee humbly submits to Hon'ble NGT to direct CAA and Fisheries Department to levy penalty from illegal aqua farm owners.*
7. *Hundreds of both coastal and fresh water aqua farms are established in Atharvedi, Antharvedi Pallipalem, Kesavadasupalem, Malkipuram without any arrangement of ETS. The cumulative pollution load from these farms may be very high. The committee observed water logging in several areas in the region. The causes for water logging may be poor drainage in the region and another cause may be due to hundreds of aqua farms operating in the region. The committee humbly submits to Hon'ble NGT to direct Coastal Aquaculture Authority, Fisheries Department, APPCB, Irrigation department, Ground water department and revenue department of State of Andhra Pradesh to jointly study the assimilative and carrying capacity (including surface & ground water quality, ground water depth) of the receiving water body and also drainage capacity before permitting such large number of aqua farms and before renewing the registration of these farms.*
8. *The aqua farming in the region is taking place in a full-fledged manner in an area varying from 27.3 ha to 285 ha, there are no effluent treatment systems for treating the wastewater generated from these farms. Effluent Treatment System (ETS) is mandatory for farms above 5 ha. As per CAA Rules, 2005 at least 10 per cent of the total pond area should be earmarked for the effluent treatment systems. The committee submits that CAA, Fisheries department, APPCB, Revenue and District Collector in the state of AP shall permit the operation of these cluster of farms only if common effluent treatment systems are constructed and are put in operation. The effluent generated from these hundreds of farms shall not be directly let out into any drain/ marine water, estuarine/ land etc. The effluent so generated shall be treated in ETS and only after complying with the standards stipulated by CAA, the effluent shall be discharged. The aqua farms shall maintain records on the quantity of water used and quantity of effluent generated/ disposed.*

20. The committee humbly submits that CAA and Fisheries department shall define the area permitted for construction of aqua farm and same shall be demarcated in the field. Numerous aqua farms in Malkipuram, Sakinetipalli, antharvedi, kesavadasupalem are located adjacent to each other. Though numerous farmers may be involved but in a single piece of land the ponds are constructed. There is no spacing between the shrimp/ aqua farms. Each farmer may have less than 5Ha of aqua pond but combined area involved in aqua farming is varying from 27 ha to more than 200 hectares. The committee submits that it shall be either treated as cluster of aqua farms and appropriate environmental safeguards shall be implemented.
9. As a social responsibility, the aqua farms shall collectively take up construction of pucca roads and sanitation arrangements for workers.
10. A.P Fisheries department did not furnish any information to the committee on the measures taken by them to regulate aqua farming and monitoring mechanism to prevent illegal activity.
11. The Committee humbly submits to Hon'ble NGT to direct Irrigation department to provide records on the quantity of silt/ sand removed during the decasting of Shankarguppam drain and how the decasted material was utilized.
12. The committee observed that though District Collectorate and Irrigation department have taken up desilting of drains with a good intent but there was lack of supervision and monitoring due to which the local villagers have developed apprehensions that they are carrying out beach sand mining. The local bodies shall create awareness and sensitize the native village people that regular decasting/ desilting is essential to ensure proper drainage of storm water into sea or else it will result in water logging in upstream areas.
13. The committee humbly submits to Hon'ble NGT to direct Department of Mines & Geology, Police Department and District Collectorate, East Godavari to devise a monitoring mechanism to check on illegal beach sand mining."

31. The applicant filed objections to the Joint Committee in the form of reply wherein he had pointed out the various irregularities in not carrying out the directions issued by this Tribunal in respect of sand mining and aquaculture activities and also the directions of the Hon'ble Apex Court and wanted this Tribunal to issue further directions as follows:

- A. Direct the Chief Secretary of Andhra Pradesh to make the District Administration accountable for the implementation of the directions passed by this Hon'ble Tribunal in the present case as well as earlier judgments,
- B. Direct the Joint Inspection Committee to assess the damage caused to sand mounds in East Godavari district and its effects on coastal villages in the region.

32. Heard the Learned Counsel for the applicant and Learned Counsels for the respondents.

33. The Learned Counsel for the applicant submitted that though they have mentioned that certain actions have been taken in fact those activities are still undergoing. No environmental Compensation was calculated in respect of the violation noted by them as well. He wanted this Tribunal to pass appropriate order giving appropriate directions.

34. On the other hand, Learned Counsel appearing for MoEF&CC and Central Pollution Control Board submitted that they are only policy makers and it is for the State Government and its instrumentalities under the respective statutes to enforce the provisions of CRZ Notification and Aquaculture Authority Act and Rules and regulate the activities as provided therein.

35. Learned Counsel appearing for the State of Andhra Pradesh and its Departments submitted that on the basis of the Joint Committee inspection, certain unauthorised activities were found and strict action had been taken including demolition of those units which were carrying out their operations in the non-permissible areas and without getting any permission from the authorities. They are following the directions issued by this Tribunal in respect of sand mining and also in respect of regulating the activities of aquaculture farms and will abide by any further direction issued by this Tribunal in this regard.

36. Considered the pleadings and submission made by the Learned Counsel for the parties.

37. The points that arise for consideration are:

- i. Whether the allegation of illegal sand mining and aquaculture farms operating in the coastal zones are true?
- ii. What is the nature of directions to be issued, if the allegations are true?
- iii. What are all further directions, if any, to be issued applying the 'Precautionary Principle' to protect the environment?
- iv. Relief and costs?

Points.

38. The main grievance in this application is along East Godavari coastal stretch illegal sand mining and aquaculture operations were going on and in spite of the same brought to the notice of the authorities, no action was taken. Those allegations were denied by the authorities. As and when any illegal activities were found, they were taking appropriate action was the stand taken by the State Authorities.

39. In order to ascertain the genuineness of the allegations made in the application, this Tribunal had appointed a Joint Committee and the Joint Committee had inspected the area and submitted a report and made its findings regarding beach sand mining and aquaculture activities in Para 7 and 8 of the report which was already extracted and in the conclusion portion also they have mentioned about the deficiencies found in regulating these activities.

40. In **Sri. S. Jagannath Vs Union of India & others**² the Hon'ble Apex Court has clearly mentioned about the impact of commercial aquaculture activities in coastal regulation zones and the necessity for regulating the same in a scientific manner to avoid its adverse impact on marine ecology. It is on that basis Coastal Aquaculture Authority Act, 2005 and Rules thereunder were framed. Certain amendments were made in Coastal Regulation Zone Notification as well permitting aquaculture activities in certain zones as a regulated activity. In Coastal zones covered by CRZ Notification, where it is permitted aquaculture activities will have to be regulated by the provisions of Coastal Aquaculture Authority Act and in other areas it has to be regulated by the Fisheries Department.

41. The necessity of such regulations and the implementation of respective departments on this aspect including obtaining CRZ Clearance and apart from the regulated mechanism provided under the Aquaculture Authority Act, 2005 was considered by the Special bench of this Tribunal in **Mr. A. Paramasivan vs. TNPCB, Chennai & Ors.**-O.A. No. 82 of 2016 and connected matters, the directions as to how these activities will have to be regulated and also given directions to the authorities to take appropriate action including removal and imposing compensation and initiating prosecution against such persons.

42. Further as regards the sand mining is concerned, coastal sand mining is strictly prohibited under the CRZ Notification and only certain activities mentioned under Para-3 of the CRZ

²(1997) 2 SCC 87

Notification alone are permissible for which they will have to obtain clearance from the State Coastal Zone Management Authority. Further, certain guidelines were also issued as to how the sand bar removal can be done and how the same will have to be utilised as well. In most of the cases in the guise of desilting and dredging and removal of sand bar illegal mining is also happening and in several cases, this Tribunal has issued several directions as to how this will have to be regulated as well. Further, the use of heavy machinery for these purposes in coastal zone is also prohibited. These aspects were considered by this Tribunal in a Karnataka case and where certain directions have been issued as to how this will have to be regulated, namely, **Janajagriti Samithi vs. Union of India & Ors.**-O.A. No. 26 of 2013 and other connected cases.

43. Further in respect of sand mining and dredging also, this Tribunal has issued several directions even in respect of State of Andhra Pradesh in **Gutha Gunasekhar and Ors. vs. Union of India and Ors.**-O.A. No. 137 of 2021 directing them to strictly comply with the sustainable sand mining guidelines of 2016 and Maintenance Enforcement Guidelines, 2020 issued by MoEF&CC in this regard.

44. Though certain action has been taken for removal of the aquaculture units and also seizure of certain vehicles and registering the cases involved in illegal sand mining in beach area, no environmental compensation was imposed and recovered from them. It is time and again reiterated by this

Tribunal that it is not possible for the Tribunal to monitor the discharge of statutory functioning of the regulators perpetually and it is for them to take appropriate steps to implement the laws.

45. Further, the Hon'ble Apex Court in several decisions have mentioned that non-enacting laws protecting environment will be of much lesser evil than non- implementation of the existing environmental laws to protect environment which will be of higher grade impact and that should not be tolerated. It is for regulators to take pro-active steps to evolve mechanism to check illegal sand mining and illegal aquaculture activities in sea shore which is likely to affect the marine ecology adversely. They are expected to take appropriate action against those who are not strictly adhering to these regulatory mechanisms for conducting the respective permissible activities in a permissible manner. So under such circumstances, this Tribunal feel that the application can be disposed by giving following directions:

- i. Andhra Pradesh Aqua Culture Authority, Fisheries Department and the District Collector of the respective Districts are directed to take appropriate action against those persons who are operating illegal/unauthorised aqua culture farms in the Coastal Zones or other areas without obtaining necessary permission or license from the respective authorities including removal of those units, disconnection of electricity, if any, given, imposing environmental compensation and initiating prosecution as

has been directed by the Special Bench in **Mr. A. Paramasivan vs. TNPCB, Chennai & Ors.**-O.A. No. 82 of 2016 and connected matters.

- ii. The Department of Mines and Geology and the Andhra Pradesh Pollution Control Board, State Coastal Zone Authority and the District Collector of the respective districts are directed to monitor illegal sea shore sand mining and take action against those persons who are committing such mischief strictly in accordance with law including imposition of environmental compensation for illegal sand mining conducted in those prohibited areas apart from initiating prosecution and recovery of penalties provided under the respective mining rules.
- iii. The Mines and Geology Department and the State Coastal Zone Management Authority are directed to implement the directions issued by this Tribunal in respect of removal of sand bars in various decisions including **Janajagriti Samithi vs. Union of India & Ors.**-O.A. No. 26 of 2013 and connected cases and **Gutha Gunasekhar and Ors. vs. Union of India and Ors.**-O.A. No. 137 of 2021 and strictly adhere to the sustainable sand mining policy of 2016 and Regulation of Maintenance and Enforcement of Guidelines, 2020 issued by MoEF&CC in respect of these aspects.
- iv. The Andhra Pradesh Pollution Control Board is also directed to take appropriate action against those persons,

who are responsible for causing pollution to the water, soil and air by conducting such illegal activities by taking action including imposition of environmental compensation and initiating prosecution apart from taking other actions as provided under the respective statutes in accordance with law.

- v. The Chief Secretary, State of Andhra Pradesh and Additional Chief Secretary or Principal Secretary for Environment and Forests are directed to issue necessary directions to the implementing authorities to strictly implement the statutory provisions, regulating the aquaculture activities and sand mining in coastal zone areas and other areas strictly in accordance with directions issued by this Tribunal in several matters and also strictly complying with the guidelines issued by the MoEF&CC in this regard.
- vi. The Coastal Zone Management Authority and the Fisheries Department, the Aqua Culture Authority and Director of Mines, Andhra Pradesh State Pollution Control Board are directed to take steps to recover the environmental compensation from those persons who are involved in unauthorised aqua culture activity without obtaining permission or license and conducting illegal sea sand mining activities in the coastal zone, apart from initiating prosecution and seizure of vehicles as done by them as huge amount is lost to the Government on

account of such illegal activity and such persons should be dealt with in accordance with law as damage caused to environment including its cost of restoration has to be recovered from them by imposing environmental compensation taking into those aspects as well. When vehicles are seized by the authority, then they are directed to strictly follow the direction given by the Principal Bench to insist for deposit of 50 per cent of market value of the vehicle seized while releasing the vehicle.

The points are answered accordingly.

46. In the result the application is allowed in part and disposed of with following directions:

- I. Andhra Pradesh Aqua Culture Authority, Fisheries Department and the District Collector of the respective Districts are directed to take appropriate action against those persons who are operating illegal/unauthorised aqua culture farms in the Coastal Zones or other areas without obtaining necessary permission or license from the respective authorities including removal of those units, disconnection of electricity, if any, given, imposing environmental compensation and initiating prosecution as has been directed by the Special Bench in **Mr. A. Paramasivan vs. TNPCB, Chennai & Ors.**-O.A. No. 82 of 2016 and connected matters.

- II. The Department of Mines and Geology and the Andhra Pradesh Pollution Control Board, State Coastal Zone

Authority and the District Collector of the respective districts are directed to monitor illegal sea shore sand mining and take action against those persons who are committing such mischief strictly in accordance with law including imposition of environmental compensation for illegal sand mining conducted in those prohibited areas apart from initiating prosecution and recovery of penalties provided under the respective mining rules.

III. The Mines and Geology Department and the State Coastal Zone Management Authority are directed to implement the directions issued by this Tribunal in respect of removal of sand bars in various decisions including **Janajagriti Samithi vs. Union of India & Ors.-O.A. No. 26 of 2013** and connected cases and **Gutha Gunasekhar and Ors. vs. Union of India and Ors.**-O.A. No. 137 of 2021 and strictly adhere to the sustainable sand mining policy of 2016 and Regulation of Maintenance and Enforcement of Guidelines, 2020 issued by MoEF&CC in respect of these aspects.

IV. The Andhra Pradesh Pollution Control Board is also directed to take appropriate action against those persons, who are responsible for causing pollution to the water, soil and air by conducting such illegal activities by taking action including imposition of environmental compensation and initiating prosecution apart from taking

other actions as provided under the respective statutes in accordance with law.

V. The Chief Secretary, State of Andhra Pradesh and Additional Chief Secretary or Principal Secretary for Environment and Forests are directed to issue necessary directions to the implementing authorities to strictly implement the statutory provisions, regulating the aquaculture activities and sand mining in coastal zone areas and other areas strictly in accordance with directions issued by this Tribunal in several matters and also strictly complying with the guidelines issued by the MoEF&CC in this regard.

VI. The Coastal Zone Management Authority and the Fisheries Department, the Aqua Culture Authority and Director of Mines, Andhra Pradesh State Pollution Control Board are directed to take steps to recover the environmental compensation from those persons who are involved in unauthorised aqua culture activity without obtaining permission or license and conducting illegal sea sand mining activities in the coastal zone, apart from initiating prosecution and seizure of vehicles as done by them as huge amount is lost to the Government on account of such illegal activity and such persons should be dealt with in accordance with law as damage caused to environment including its cost of restoration has to be recovered from them by imposing environmental

compensation taking into those aspects as well. When vehicles are seized by the authority, then they are directed to strictly follow the direction given by the Principal Bench to insist for deposit of 50 per cent of market value of the vehicle seized while releasing the vehicle.

VII. Considering the circumstances the parties are directed to bear their respective costs.

VIII. The Registry is directed to communicate this order to the Director of Mines and Geology, Chairman, Pollution Control Board, Andhra Pradesh Aqua Culture Authority, Fisheries Department, the District Collector, Additional Chief Secretary, Environment and Forests and Chief Secretary, State of Andhra Pradesh for their information and compliance of above directions.

47. With the above directions and observations, the application is disposed of.

.....J.M.
(Justice K. Ramakrishnan)

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

O.A. No.91 of 2020
18th July, 2022. AM.