

(2023) 05 NGT CK 0037

National Green Tribunal Principal Bench, New Delhi

Case No: Original Application No. 235 Of 2023

Adapa Srinivas

APPELLANT

Vs

State of Andhra Pradesh

RESPONDENT

Date of Decision: May 25, 2023

Acts Referred:

- National Green Tribunal Act, 2010 - Section 14, 15

Hon'ble Judges: Sudhir Agarwal, JM; Dr. A. Senthil Vel, EM

Bench: Division Bench

Final Decision: Disposed Of

Judgement

1. Heard applicant in person in virtual mode.

2. This Original Application has been registered under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') on a letter petition dated 11.01.2023 received from Shri Adapa Srinivas S/o Veerashdra Prasad Rao, Resident of 2/37, Burugupudi, Korukonda Mandal, East Godavari District State to Andhra Pradesh.

3. The grievance is that there is a low lying area near Burugupudi Village in Korukonda Mandal which is locally called "Ava Bhumi". It remains flooded during July to October and has acquired a different ecosystem over a period of time with presence of diverse species of birds, insects, fish and other animals frequenting the area. Government has acquired this land for the purpose of development of a housing project for poor people. If housing project is developed, it would cause damage to the ecosystem developed at the said land.

4. Our attention is drawn to a letter dated 09.03.2020 sent by Shri K. Ananda Babu, Deputy Executive Engineer, Irrigation Sub Division, Rajamahendravaram stating that

the land in question is a private land, situated at village Kolamuru and is very close to Jella Kalvan from Km. 3.50 to 4.50. The land is flood prone during Godavari flood due to the outfall sluice of Jella Kalva, existing on Akhanda Godavari Left Bank.

5. A report on the land in question submitted by Jawaharlal Nehru Technological University Kakinada vide letter dated 08.06.2020 has also been placed on record where in the findings are given as under:

“Findings:

1. The flood flow in Torrigedda drain is the influencing variable for determining the inundation in the study area of 586.96 Acre. The flood In Torrigedda occurs due to moderate to heavy rainfall in its catchment area of 1158.528.Sq Km.

2. The flood flow In Torrigedda drain and flood flow level arc dependent on the status of closing/opening of Outfall Sluice at the confluence point of Torrigedda drain with Godavari River at Bobbirianka.

3. The Outfall Sluice closes automatically when the flow in Godavari river is 10,00,000 cusecs and above, This Is critical scenario for Torrigedda drain to overflow its banks when the Outfall Sluice at Bobbirlanka closes automatically.

4. The general ground level of study area varies from + 17m on the side of drain to + 24m on the far away part of study area. The area prone to inundation is 3.42% to 27.86% when the Maximum Flood Level varies between +17m and +19m In the Torrigedda drain, based on Probable Maximum Flood In the drain resulting from Probable Maximum Precipitation in the catchment.

5. The study area is prone to inundation during rainy season of July-October.

6. The Completion of Polavaram project reduces the flood occurrence in Godavari at the confluence policy of Torrigedda drain with the Godavari. This in turn will reduce the risk of inundation of the study area.”

6. The document however, placed on record do not show conclusively as to whether under revenue records, the land in question is a wetland or there actually exists some kind of flora and fauna which may get disturbed or damaged due to development of the housing project in question.

7. Looking into the facts and circumstances, we find it appropriate to dispose of the matter by directing District Magistrate, East Godavari, State PCB and State Wetland Authority to look into the complaint and if they find any activity likely to be carried out at the site in question which may affect the environment adversely, they would take appropriate remedial and preventive action, in accordance with law, within three months.

8. District Magistrate, East Godavari shall be the nodal agency for coordination and compliance of this order.
9. With the above direction/observation the applicant is disposed of.
10. A copy of this order be forwarded to District Magistrate East Godavari, State PCB and State Wetland Authority by e-mail for compliance.