

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT PETITION No.14031 of 2009

Date: 11.6.2016

Between:

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K Janaki Ramu S/o Adinarayana Murthy
R/o D No. 29-23-9 Tadepallivari Street,
Devichowk Samalkot, E G District

..... Petitioner(s)

And

Govt of A.P.,
Rep by its Principal Secretary,
Irrigation Department,
Hyderabad and others

.....Respondents

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT PETITION No.14031 of 2009

PC: (*Per the Hon'ble Sri Justice P.Naveen Rao*)

Resident of Samalkot, East Godavari district instituted writ petition No. 14031 of 2009 praying to direct respondents 1 to 4 to take action against respondents 5 to 8 for not preventing flow of sewerage/ drain water to the drinking water canal.

2. Kakinada canal originates at Sir Aurthur Cotton Barrage, Dawaleswaram and terminates at Kakinada town. Through this canal water from river Godavari is diverted to irrigate about two lakh acres of land and to

provide drinking water to Kakinada corporation, Samalkot and Peddapuram towns and many other villages. The canal passes through several villages on the way to Kakinada town. It also caters to the various needs of the villagers, such as washing of cloths, washing of cattle and as drinking water to cattle and domestic animals. Petitioner alleges that sewerage and drainage lines are directly opened into Kakinada canal. In addition, the industries located on the banks of the canal also discharge polluted water into the canal. In addition, washing of cloths and cattle is also causing pollution. Due to contamination of the water, poor people who are dependant on this canal water for the purpose of drinking and for irrigation of agricultural fields are adversely affected, affecting their health and the health of the cattle and domestic animals.

3. In the earlier counter affidavits and report filed, respondents admit contamination of water in this canal. Fresh action taken report is filed by the District Collector, East Godavari district. The report would disclose that joint inspection was conducted on 5.7.2016 along with officials of Gram Panchayats abutting the canal and municipal areas of Samalkot and Kakinada town. The team comprises of District Collector, District Panchayat Officer, officers from Irrigation Department, Pollution Control Board, Panchayat Secretaries and Commissioners of local bodies. The committee has identified the drainage points where the polluted water is diverted into the canals, collected samples to be analysed by the Zonal laboratory of Pollution Control board. Though, the report suggests that the Pollution Control Board has been closely monitoring the pollution levels and has not noticed abnormality in canal water quality and that drinking water reaches the municipalities and panchayats only after its treatment, the report admits contamination of water. The report suggests steps being proposed to remove the contamination, such as door to door collection and segregation of garbage from the surrounding villages, construction of individual household latrines and make these villages and municipal bodies as 'Open Defecation Free'. Targets are fixed and work is being taken up. Proposals are moved for construction of sewerage treatment plants and other measures. Report filed on behalf of Pollution Control Board also suggests measures required to

remove pollutants.

4. Admittedly, the canal water is contaminated on account of release of various pollutants into the canal. It is an admitted fact that this water is used for irrigating the agricultural fields and also acts as a source of drinking water to various villages and local bodies. Though the reports suggest that measures are being taken to treat the water before water is being used for drinking purposes, authorities ought to have taken steps to divert drainage, sewerage water, water from industries from being discharged into the subject canal and measures as now proposed ought to have been taken long back. This writ petition is filed in the year 2009 and even after seven years, no serious effort was made to avoid contamination of water in this canal.

5. The reports of the District Collector and reports of Pollution Control Board are taken on record. In view of the categorical statement made by the District Collector in his report, the Writ Petition is disposed of with the following directions:

1. The District Collector, East Godavari is directed to take immediate steps to implement the measures suggested in the report filed in this Court within a fixed time frame and to ensure that no contamination takes place in the subject canal.
2. As fairly submitted by learned standing counsel for Pollution Control Board, there are several industrial units located on the banks of the subject canal, which discharge water into the canal. Though learned standing counsel stated that those industries are closely monitored and that water is being treated properly and discharged only after it is treated, learned standing counsel is unable to explain as to how these industrial units were allowed to discharge the water into the subject canal. The District Collector, is directed to ensure that no industrial/manufacturing unit should discharge water into the subject canal, even if such

water is treated. A time frame should be fixed to ensure that no such discharge takes place from the industrial /manufacturing units located on the banks of this canal and should be diverted away from these canals and there should never be any such discharge by any industry/manufacturing units into subject canal.

3. The District Collector shall be the nodal authority to ensure compliance of various measures suggested in the report filed in this Court and as directed above.

6. The Writ Petition is accordingly disposed of. Miscellaneous petitions if any pending shall stand closed. No costs.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO, J

Date:11.7.2016
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