

**BEFORE THE NATIONAL GREEN TRIBUNAL, SITTING
AT CHENNAI
INDEX**

S.No.	Particulars	Page No.
1.	Objections against the Final Report, dated: 16.04.2023 (Filed on 26.04.2023) by the Respondent No. 2	1-6
2.	<u>ANNEXURE A-1</u> Final Report, dated: 16.04.2023 (filed on 26.04.2023) by the R-2	7-17
3.	<u>ANNEXURE A-2</u> Certificate by Surveyor, dated: 31.03.2023	18
4.	<u>ANNEXURE A-3</u> Report of Respondent No. 2, dated: 07.04.2023	19-26
5.	<u>ANNEXURE A-4</u> Survey Report, dated: 31.03.2023	27
6.	<u>ANNEXURE A-5</u> Statement of Villagers, dated: 23.02.2023	28-29
7.	<u>ANNEXURE A-6</u> Report of Applicant, dated: 23.02.2023	30
8.	<u>ANNEXURE A-7</u> Proceedings of Respondent No. 2, dated: 21.02.2023	31-32
9.	<u>ANNEXURE A-8</u> FIR 8 of 2023, dated: 31.01.2023	33-35

Handwritten signature

*Self-attested
J. Srinivas
(K V SRINIVAS)*

— | —

**BEFORE THE NATIONAL GREEN TRIBUNAL, SITTING
AT CHENNAI**

ORIGINAL APPLICATION NO. 9 OF 2023

(Under Section 18(1) r/w Section 19(1) of the National Green Tribunal Act, 2010)

IN THE MATTER OF:

Forum for Social Justice & Anti-Corruption (NGO) Rep. by its General Secretary, Door No. 58-14-87/2B, Mairipalem, Vuda Colony, Visakhapatnam - 530018, Phone: 8688181116, E-Mail: a.mallibabu@gmail.com

.....APPLICANT

VERSUS

1. State of Andhra Pradesh Rep. by its Chief Secretary to Govt, Department of General Administration, Building No. 1, I Floor, Interim Government Complex, Secretariat, Velagapudi, Guntur, Andhra Pradesh. Phone: N.A., E-Mail: cs@ap.gov.in

2. Collector, Srikakulam District, O/O Collectorate, Srikakulam. Phone: 08942-222565, E-Mail: Collector.skln@gmail.com

.....RESPONDENTS

**OBJECTIONS OF THE APPLICANT ABOVENAMED
AGAINST THE FINAL REPORT, DATED: 16.04.2023
(FILED ON 26.04.2023) BY THE RESPONDENT NO. 2**

1. It is respectfully submitted that as per the report vide RC No. 396/2022, dated: 26.12.2022 of Tahasildar, Saravakota (M), Srikakulam (D) and I-B record, the land admeasuring Ac. 123.47 in Sy. No 360 of Kummarigunta (V) and Ac. 2.73 in Sy. No 452/2 of Thogiri Revenue (V) of Saravakota (M), Srikakulam (D) in the state of Andhra Pradesh is classified as "Ralla Gutta" i.e Hill Lock / Corridor.

[Handwritten signature]

*Self-attested
Office for
(C K V SRINIVAS)*

2

2. It is respectfully submitted that the following facts are noticed in the report vide RC No. 396/2022, dated: 26.12.2022:

i. It is noticed that an extent of Ac. 2.73 cents in Sy. No. 452-2 of Thogiri Revenue Village is classified as Ralla Gutta (Hill Lock / Corridor Area).

ii. However, the proposed Anganwadi Building is also in Sy. No. 452-2 of Thogiri Revenue Village in the Ralla Gutta (Hill Lock / Corridor Area) and very adjacent to the said old house.

iii. Since there is no other suitable place for construction of Anganwadi Building in Aludu Village, except at the proposed Ac. 0.03 cents area in Sy. No. 452-2 of Thogiri Revenue Village, i.e Ralla Gutta (Hill Lock / Corridor Area)

iv. On 26.12.2022, the Village Revenue Officer, Aludu, Mandal Revenue Inspector again visited the land in Sy. No. 452-2 of Thogiri Revenue Village i.e Ralla Gutta (Hill Lock / Corridor Area) and warned the complainant through this Endorsement, as not to disturb the construction work of Anganwadi Building.

3. It is respectfully submitted that 10 trees more than the age of 150 years etc in Ralla Gutta (Hill Lock / Corridor Area) in Saravakota (M), Srikakulam (D) the state of Andhra Pradesh cut down in the name of construction of Anganwadi Building.

4. It is respectfully submitted that as per Para 3(a)(ii) of the G.O. Ms No. 571, Revenue (Assignment-I). Dept., Dated: 14.09.2012, only waste and dry lands should be proposed for alienation and wet, irrigated lands should not normally be considered for such as, tank beds, river beds,

Handwritten signature

*Self-attested
CKV SRINIVAS*

hillocks with afforestation etc shall not be alienated or allotted. Further, as per Para 3(c) (viii), the ban on change of classification of tank bed lands shall be strictly enforced.

5. It is respectfully submitted that in view of the aforesaid facts and condition, the applicant filed OA 9 of 2023.

6. It is respectfully submitted that the order, dated: 03.02.2023 of the NGT passed in OA 9 of 2023 is as follow:

"The learned counsel Mrs. Madhuri Donti Reddy accepts notice on behalf of Respondent No. 1 & 2. Admittedly, the 10 number of trees have already been cut and removed from the said survey numbers and the photographs also revealed that some constructions are already been made. The only objection is that they should not have cut the trees and should not have allowed the private buildings to come up in the hillock area viz., 'Ralla Gutta'.

In this regard, we direct the 2nd respondent namely, the District Collector - Srikakulam to enquire into the matter after affording an opportunity of hearing to the applicant herein and pass appropriate orders, considering the above said issue of cutting of trees.

Let this exercise be completed within 4 (Four) weeks time and the compliance report may be filed by the District Collector - Srikakulam on 06.03.2023."

7. It is respectfully submitted that Respondent No. 2 appointed a joint committee through Rc No. 2176/2022/E1, dated: 21.02.2023. All the members except the Joint Collector participated in the inspection, dated: 23.02.2023 and the applicant submitted his report, dated: 23.02.2023 to the Respondent No. 2. But either the official members of the Joint Committee appointed by the Respondent No. 2 through his proceedings vide Rc No. 2176/2022/E1, dated: 21.02.2023 or the Respondent No. 2

Handwritten signature

*Self attested
Officer in Charge
(K.V. SAINIVAS)*

— 4 —

did not consider the report, dated: 23.02.2023 of the applicant.

8. It is respectfully submitted that the Respondent No. 2 did not execute the order, dated: 03.02.2023 of this Tribunal. Hence, the Applicant filed EA 2 of 2023 which is pending before this Tribunal.

9. It is respectfully submitted that the Respondent No. 2 made false submissions through the report/order vide Rc No. 2176/2022/E1, dated: 07.04.2023.

10. In view of the aforesaid facts and condition, the applicant filed these objections against the final report, dated: 16.04.2023 (filed on 26.04.2023) by the Respondent No. 2 which the applicant may take at the time of hearing after craving leave of this Hon'ble Tribunal:

OBJECTIONS

Objection No-1: When there is allegation against the Tahsildar, Saravakota (M), she can't take shelter under joint committee.

Objection No-2: FIR 8 of 2023, dated: 31.01.2023 registered U/s 286 IPC at Saravakota PS against the Tahsildar, Saravakota in connection with the Sy No. 452/2 of Thogiri (R) and Sy No. 360 of Kummarigunta (V) **(Copy of FIR 8 of 2023, dated: 31.01.2023 enclosed)**

Objection No-3: Many of the grabbers made illegal constructions including Granite Polishing Unit and without any construction permission from the gram panchayat in Hill Lock / Ralla Gutta Sy No. 360 of Kummarigunta (V). But the official members of the joint committee did not inspect that area in Sy No. 360 of Kummarigunta (V).

Objection No-4: As per the survey report & certificate by the surveyor, dated: 31.03.2023, a private building (i.e granite polishing unit) constructed illegally by grabbing Hillock i.e Sy No. 360, Kummarigunta (V), Saravakota (M) **(survey report & certificate by the surveyor, dated: 31.03.2023 enclosed).**

Handwritten signature

*Self-attested
G. Srinivas
CK V SRINIVAS*

→ 5 →

Objection No-5: As per the villagers, the trees aged more than 150 years cutdown in the first week of January' 2023 in Sy No. 452/2, Thogiri (R) in the presence of the Tahsildar, Saravakota (M) (**statement of villagers, dated: 23.02.2023 enclosed**)

Objection No-6: Either the official members of the joint committee or the Respondent No. 2 did not consider the report, dated: 23.02.2023 of the applicant (**Copy of Report, dated: 23.02.2023 of the applicant enclosed**)

Objection No-7: The Apex Court observed that the tendering of affidavits and undertakings containing false statements would amount to contempt of court. However, there are sufficient and reasonable grounds for setting the machinery of criminal laws in motion for the offence of perjury and as per the Hon'ble High Court of Andhra Pradesh, the Andhra Pradesh High Court has the highest number of contempt cases because of the casual approach of officials towards court orders.

Objection No-8: The official members of the Joint Committee appointed by the Respondent No. 2 through his proceedings vide Rc No. 2176/2022/E1, dated: 21.02.2023 acted in the interest of the owner of the unauthorized building constructed in Sy No. 360 of Kummarigunta ® of Saravakota (M) and also acted to protect the Tahsildar of Saravakota (M).

Objection No-9: As per the Herald daily, dated: 03.05.2017, in a similar case (**Application No.125 of 2015**), NGT (PUNE) directed its registrar to initiate prosecution against the Respondent for providing false and misleading information to the NGT.

Objection No-10: The Respondent No. 2 issued notice vide Rc No. 2176/2022/E1, dated: 28.03.2023. But the hearing, dated: 01.04.2023 was cancelled by Respondent No. 2 as well as Respondent No. 2 issued another notice vide Rc No. 2176/2022/E1, dated: 04.04.2023. But Respondent No. 2 did not participate in the hearing, dated: 07.04.2023.

[Handwritten signature]

Self-attested
Ghanta Prasad
(K V SRINIVAS)

PRAYER

a. It is hereby prayed that the Hon'ble Tribunal may be pleased to consider the objections against the final report, dated: 16.04.2023 (filed on 26.04.2023) by the Respondent No. 2 and may be pleased to take action against the Respondent No. 2 for the offence of perjury i.e false and misleading information provided by Respondent No. 2 to this Tribunal through his final report, dated: 16.04.2023 (filed on 26.04.2023)

b. Pass any such other or further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

Self-attested
g Srinivas for
(CK V SRINIVAS)
APPLICANT

VERIFICATION

I K.V. Srinivas, S/O (Late) Jagannatha Rao, Age: 56 Yrs, Occ: Doctor, O/O Door No. 58-14-87/2B, Marripalem, Vuda Colony, Visakhapatnam - 530018 do hereby verify that the contents of paras 1 to 9 believe to be true on legal advice and that I have not suppressed any material fact.

Date: 26/4/2023
Place: Hyderabad

g Srinivas

Self-attested
g Srinivas for
(CK V SRINIVAS)
APPLICANT

**FINAL REPORT FILED BY THE 2ND RESPONDENT THE DISTRICT
COLLECTOR SRIKAKULAM IN O.A NO. 9 OF 2023**

1. It is submitted that the applicant Forum for Social Justice & Anti-Corruption (NGO) Rep. by its General Secretary, Door No.58-14-87/2B, Mairipalem, Vuda Colony, Visakhapatnam-530018 has filed an application O.A No. 9 of 2023 before the Hon'ble National Green Tribunal (SZ) Chennai and it is alleging that, since this Respondent is acting in the interest of grabbers by allowing constructions like private buildings in Sy.No.360 of Kummarigunta Village, Anganwadi building in Sy.No.452-2 of Thogiri Revenue Village, cutting down 10 trees more than the age of 150 years etc, in Ralla Gutta (Hill Lock/ Corridor Area) in Saravakota Mandal, Srikakulam District in the state of Andhra Pradesh in the name of construction of Anganwadi building is adversely affecting the ecosystem and the overall ecology of the area, and thus there is substantial question relating to environment, wherein the community at large is affected by the environmental consequences, which needs to be decided by this Hon'ble Tribunal.

2. It is submitted that this Hon'ble NGT on 03.02.2023 has passed the following order in Para No's 3 to 6 read as follows ;

3, Admittedly, the 10 number of trees have already been cut and removed from the said survey numbers and the photographs also revealed that some constructions are already been made.

4, The only objection is that they should not have cut the trees and should not have allowed the private buildings to come up in the hillock area viz., 'Ralla Gutta.

5, In this regard, we direct the 2nd respondent namely, the District Collector - Srikakulam to enquire into the matter after



**COLLECTOR
SRIKAKULAM**

affording an opportunity of hearing to the applicant herein and pass appropriate orders, considering the above said issue of cutting of trees.

6, Let this exercise be completed within 4 (Four) weeks time and the compliance report may be filed by the District Collector – Srikakulam on 06.03.2023.” (ANNEXURE-1)

3. In view of the above circumstances, it is submitted that a Joint Committee has been constituted on 21.02.2023 with the following officers and the applicant in this O.A, with a direction to conduct the joint inspection in this matter and submit the detailed report in this matter.

1. The Joint Collector, Srikakulam
2. The Sub-Collector, Tekkali
3. The Superintending Engineer, Panchayat Raj, Srikakulam
4. The Tahsildar, Saravakota
5. The applicant, i.e., Forum for Social Justice & Anti-Corruption (NGO)
Rep. by its General Secretary, Door No.58-14-87/2B, Marrisipalem,
Vuda Colony, Visakhapatnam-530018 (**Annexure-2**)

4. It is submitted that the Sub-Collector, Tekkali has conducted the Joint Inspection along with the Superintending Engineer, Panchayat Raj, Srikakulam, the Tahsildar, Saravakota, and the Applicant, i.e., Forum for Social Justice & Anti-Corruption (NGO) Rep. by it's General Secretary, Dr.No.58-14-87/2B, Marrisipalem, Vuda Colony, Visakhapatnam, 530018 on dt.23.02.2023. The Joint Collector, Srikakulam has gone through the report of the joint committee meticulously and arrived the following observations regarding the claims made by the applicant.

**COLLECTOR
SRIKAKULAM**

Claim No.1: Constructions of Private Building in Sy.No.360 of Kummarigunta Revenue Village of Saravakota Mandal

Observation: With the help of Revenue Records, i.e., SLR, RVM and FMBs, it has been observed that, the private building which has been claimed to have been constructed in Sy.No.360 of Kummarigunta Revenue Village of Saravakota Mandal is actually situated in Sy.No.353. The Mandal Surveyor along with Village Surveyor has conducted survey to identify the boundaries of Sy.No.360, which is classified as Konda Poramboke as per SFA with an extent of Ac. 123.47.

It is submitted that, the applicant stated that, the Cutting and polishing unit is situated in Sy.No.360 and it is a Government land which was encroached. But during the inspection, it is revealed that, the Cutting and Polishing unit is in Sy.No.353 precisely in Sub Division 353-3, 4 of Kummarigunta Revenue Village of Saravakota Mandal. The Sub Division Sketch and FMB of Sy.No.360 & 353 are enclosed as **(Annexure-3)**. Hence it is clearly established that, the contested land i.e., Sy.No.353 is purely a Zeroyat land, and the owner Sri Varudu Devi Prasad is having Pattadar passbook for that land and he got the NALA conversion proceedings vide D.Dis.No.528/2014, KRC, Dt.15.09.2014 of the Revenue Divisional Officer, Palakonda for that land.

Claim No.2: Cutting of 10 tamarind trees aged about 150 years to construct Anganwadi Building

Observation: During the field inspection, it has been observed that, four (04) tamarind trees were cut down. The trees were of old age and the branches are about to fall due to damages during cyclone and



**COLLECTOR
SRIKAKULAM**

thunderstorms. The trees were situated in the premises adjacent to the site where Anganwadi Center is proposed. It is observed that, **the foundations were laid down for the above said Anganwadi building leaving a clear space of 4 feet from the outside columns to the nearest tree.** Further, it is observed that, the Eighteen (18) Tree Tax Pattas were given to four members of Aludu Village of Saravakota Mandal vide Rc.No.33/88/B, Dt.28.03.88 of the then Mandal Revenue Officer, Saravakota. The trees have thin canopy and foliage as they were damaged during cyclone & thunderstorms and the trees were cut down by the local Villagers without any permission to facilitate the way or path with the consent of tree patta holders. It is observed that only four (4) trees were cut down for which no permission was given by the local authorities.

5. It is submitted that the Joint Collector, Srikakulam has enclosed the report of the Sub-Collector, Tekkali, report of the Superintending Engineer, Panchayat Raj, Srikakulam, report of the Tahsildar, Saravakota, copies of Pattadar Passbook of Sri Varudu Devi Prasad, FMB of Sy.No.452 of Thogiri Village, extract of SFA of Thogiri Village, FMB of Sy.No.353 of Kummarigunta Village, Rc.No.33/88/B, Dt.28.03.88 of the then Mandal Revenue Officer, Saravakota, photographs prior and after the construction of Anganwadi building, statement of the Village elders, D.Dis.No.528/2014, KRC, Dt.15.09.2014 **(Annexure-4)** of the then Revenue Divisional Officer, Palakonda, entrepreneurs memorandum given by the General Manager, DIC, Srikakulam, GST registration certificate, VAT registration certificate,



**COLLECTOR
SRIKAKULAM**

certificate of registration, license to work factory given by Inspector of Factories, Srikakulam for M/s Devi Granites, Aludu Village, Saravakota Mandal, Srikakulam District. **(Annexure-5)**

6. It is submitted that, soon after the joint field inspection by the joint committee constituted in this case on Dt.23.02.2023, Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Door No.58-14-87/2B, Mairipalem, Vuda Colony, Visakhapatnam-530018 has submitted an objection petition **(Annexure-6)** and also made unwarranted allegations on the members of the joint committee and requested the District Collector, Srikakulam to consider the present status of the illegal and un-authorized constructions in Sy.No.360 of Kummarigunta (R) & Sy.No.452/2 of Thogiri (R), Saravakota (M) and to instruct the concerned officials to take immediate action against the illegal and un-authorized constructions in Sy.No.360 of Kummarigunta (R) & Sy.No.452/2 of Thogiri (R), Saravakota (M) and the persons/officials who cut down 10 trees having age of more than 150 years in Sy.No.452/2 of Thogiri (R), Saravakota (M).

7. It is submitted that, in view of the orders dt.03.02.2023 of the Hon'ble National Green Tribunal, Chennai in I.A. No.13 of 2023(SZ), in O.A.No.09 of 2023(SZ), an hearing has been conducted in this case with the members of the joint committee constituted in this case and the applicant in this case on **Dt.07.04.2023 @11:00 AM** at the Collector's Office, Srikakulam and the following members have attended the hearing.

- a. Sri T.Rahul Kumar Reddy, I.A.S., Sub-Collector, Tekkali
- b. Sri V.Satyanarayana Murthy, Superintending Engineer, Panchayat Raj, Srikakulam

**COLLECTOR
SRIKAKULAM**

c. Smt. K.Pravallika Priya, Tahsildar, Saravakota

d. Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam

8. It is submitted that, at the outset of the hearing, the applicant has been requested to submit his arguments in this case, but Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam has informed that, he is not willing to offer any arguments in this case, as the District Collector, Srikakulam is not conducting this hearing, but the Joint Collector, Srikakulam, is conducting this hearing, who is a member of the committee constituted in this case and also not attended the field inspection on 23.02.2023.
9. In this connection, the District Collector, Srikakulam (Incharge) has informed the applicant that, in the capacity of the District Collector, he is conducting the hearing and requested the applicant to offer his arguments, if any, but the applicant has denied for offering any remarks other than what he has already submitted in writing.
10. It is submitted that, during the hearing, the Sub-Collector, Tekkali, the Superintendent Engineer, Panchayat Raj, Srikakulam and the Tahsildar, Saravakota have been requested to offer remarks and they have informed the following
- Joint field inspection has been done at the subject lands in Kummarigunta and Thogiri Villages of Saravakota Mandal, Srikakulam District on 23.02.2023 in presence of the applicant, Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam and the following have been observed.

**COLLECTOR
SRIKAKULAM**

- The Sy.No.452-2 with an extent of Ac.2.73 of Thogiri Village of Saravakota Mandal, Srikakulam District is classified as Taram Kattani (unassessed waste) and “Ralla Gutta”, which is a Government Poramboke land and the Sy.No.360 with an extent of Ac.123.47 of Kummarigunta Village of Saravakota Mandal is classified as Poramboke Konda.
- An extent of Ac.0.03 covered by Sy.No.452-2 of Thogiri Village of Saravakota Mandal has been allotted for construction of Angawadi building for Aludu Village of Saravakota Mandal which is vacant on ground and no trees are existing in the proposed site and that no trees were cut down during the construction of the Anganwadi building. The proposed site is an hillock site without afforestation and hence, it is an unobjectionable Government land.
- Eighteen (18) Tree Tax Pattas were given to four members of Aludu Village of Saravakota Mandal vide Rc.No.33/88/B, Dt.28.03.88 of the then Mandal Revenue Officer, Saravakota. Out of 18 trees, 7 trees were already fallen down during the Titli and Hud-Hud cyclones and 7 trees are standing and in lively condition but the remaining 4 trees situated in the premises adjacent to the proposed Anganwadi Center and had thin canopy and foliage as they were damaged during the cyclone & thunderstorms and that the four trees were cut down by the local Villagers, so as to facilitate the pathway for themselves with the consent of tree patta holders. No permission was given by the local authorities concerned to cut down the trees.
- With the help of field functionaries, i.e., Mandal Surveyor, Village Surveyor, Village Revenue Officer, Kummarigunta Village, the boundaries of the Sy.No.360 of Kummarigunta Village of Saravakota



**COLLECTOR
SRIKAKULAM**

Mandal have been demarcated and found that, the alleged private building, i.e., Cutting and Polishing unit is situated in Sy.No.353 precisely in Sub Division 353-3, 353-4 of Kummarigunta Revenue Village of Saravakota Mandal and the contested land i.e., Sy.No.353 is purely a Zeroyat land and the owner Sri Varudu Devi Prasad is having Pattadar passbook for that land and he got the NALA (Non Agricultural and Land Assessment) conversion proceedings vide D.Dis.No.528/2014, KRC, Dt.15.09.2014 of the Revenue Divisional Officer, Palakonda and got permission from the General Manager, District industries Center, Srikakulam.

11. The Superintendent Engineer, Panchayat Raj, Srikakulam has informed that, no trees were existed in the allotted land for construction of Anganwadi center at Sy.No.452-2 in an extent of Ac.0.03 of Thogiri Village of Saravakota Mandal, but the local villages have cut down the 4 trees those are damaged by the Hud-Hud and Titli cyclones and are on the side of pathway to the nearest SC colony and may cause of apprehend danger to fall at any time on the villagers passing through the pathway.

12. It is submitted that, in view of the above circumstances, the following have been observed with respect to the claims made by the applicant.

1) Claim of the applicant: As per the Revenue Records, a hill named Aludhu Konda is extended in Sy.No.360 of Kummarigunta (R) & Sy.No.452/2 of Thogiri (R), Saravakota (M)

Finding: The Sy.No.452-2 with an extent of Ac.2.73 of Thogiri Village of Saravakota Mandal is classified as Taram Kattani (unassessed waste)


**COLLECTOR
SRKAKULAM**

and "Ralla Gutta", which is a Government Poramboke land and the Sy.No.360 with an extent of Ac.123.47 of Kummarigunta Village of Saravakota Mandal is classified as Poramboke Konda.

2) Claim of the applicant: As per the FMB, Granite Cutting & Polishing (Private) Building is in Sy.No.360 of Kummarigunta (R), Saravakota (M).

Finding: The Cutting and Polishing unit is situated in Sy.No.353 precisely in Sub Division 353-3 and 353-4 of Kummarigunta Revenue Village of Saravakota Mandal and the Tahsildar, Saravakota has submitted the FMB of Sy.No.353 duly marking the area of the said Cutting and Polishing unit.

3) Claim of the applicant: The Owner of the said Granite Cutting & Polishing (Private) Building in Sy.No.360 of Kummarigunta (R), Saravakota (M) said that he has obtained construction permission from the Asst Director (Mines), Srikakulam. But the fact is the Asst Director (Mines), Srikakulam is not competent authority to grant construction permission for Granite Cutting & Polishing (Private) Building. It is clear that the said Granite Cutting & Polishing (Private) Building in Sy.No.360 of Kummarigunta (R), Saravakota (M) has no construction permission from the respective Gram Panchayat.

Finding: The owner of the cutting and polishing unit, i.e., Sri Varudu Devi Prasad is having Pattadar passbook for that land and he got the NALA conversion proceedings vide D.Dis.No.528/2014, KRC, Dt.15.09.2014 of the Revenue Divisional Officer, Palakonda and entrepreneurs memorandum given by the General Manager, DIC, Srikakulam, GST registration certificate, VAT registration certificate, certificate of registration, license to work factory given by Inspector of


**COLLECTOR
SRIKAKULAM**

Factories, Srikakulam for M/s Devi Granites, Aludu Village, Saravakota Mandal, Srikakulam District.

4) Claim of the applicant: 10 trees having age of more than 150 years were cut down in Sy.No.452/2 of Thogiri (R), Saravakota (M).

Finding: Eighteen (18) Tree Tax Pattas were given to four members of Aludu Village of Saravakota Mandal vide Rc.No.33/88/B, Dt.28.03.88 of the then Mandal Revenue Officer, Saravakota. There is no proof to establish the fact that the trees are of 150 years of age old. Out of 18 trees, 7 trees fell down during the Titli and Hud-Hud cyclones, 7 trees are standing on ground but the remaining 4 trees situated in the premises adjacent to the proposed Anganwadi building were cut down by the local Villagers with the consent of tree patta holders, as the 4 trees are damaged due to cyclones and thunderstorms and caused apprehend danger to the passengers on that pathway. No permission was given by the local authorities concerned to cut down the trees.

5) Claim of the applicant: As per Para 3(a)(ii) of the G.O.Ms.No.571, Revenue (Assignment-I). Dept., Dated: 14.09.2012, only waste and dry lands should be proposed for alienation and wet, irrigated lands should not normally be considered for such as, tank beds, river beds, hillocks with afforestation etc shall not be alienated or allotted. Further, as per Para 3(c) (viii), the ban on change of classification of tank bed lands shall be strictly enforced. Hence, it is illegal to construct Anganwadi Building in Sy.No.452/2 of Thogiri (R), Saravakota (M).

Finding: The Sy.No.452-2 with an extent of Ac.2.73 of Thogiri Village of Saravakota Mandal is classified as Taram Kattani (unassessed waste) and "Ralla Gutta", which is a Government Poramboke land. Out of which, an extent of Ac.0.03 is proposed for construction of Anganwadi



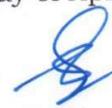
**COLLECTOR
SRIKAKULAM**

center for Aludu Village of Saravakota Mandal and no trees are existed in the proposed site and no afforestation as alleged by the applicant and hence it is an unobjectionable Government land.

13. Accordingly, proceedings are drawn and issued to the applicant in O.A. No.9 of 2023 of the Hon'ble National Green Tribunal, Chennai and to the Tahsildar, Saravakota vide in this office proceedings Rc.No.2176/2022/E1; Dt.07.04.2023. Hence, the orders Dt.03.02.2023 of the Hon'ble National Green Tribunal, Chennai in the I.A. No.13 of 2023(SZ), in O.A.No.09 of 2023(SZ) are complied with.
14. It is submitted that, in view of the above position, it is learnt that, the allegations made by the applicant, i.e., Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam, are absolutely false, baseless and found not genuine and therefore, the above said compliant petition deserves no consideration.
15. It is submitted that, orders have been issued directing the Tahsildar, Saravakota to take necessary action to create awareness in the people on the implementation of A.P. Water, Land and Trees Act, 2002 (APWALTA, 2002) and rules of APWLATA, 2002 for planting the trees for ecological balance. **(Annexure-7)**

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to record this report and dismiss the above **O.A. No.9 of 2023** and pass such further or other orders, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Dated at **Srikakulam** on this the 16th day of April 2023.



**District Collector,
Srikakulam
COLLECTOR
SRIKAKULAM**

3D SPACEX SURVEY SOLUTIONS

(VMRDA LICENCED SURVEYOR REGD No.70/22-23)

D.No.25-65-8, LAKSHMI NAGAR, GOPALAPATNAM

VISAKHAPATNAM-27, Phone No.8522074628

[E-Mail:-3dspacex@gmail.com](mailto:-3dspacex@gmail.com)

SURVEY REPORT

As per the Satellite picture produced to me, I do here by give a report stating that the said Granite polishing unit said to been constructed in survey number 353 of Kummarikunta of Sarvakota mandalam of Srikakulam District is observed to have occupied survey number 360 also to an extent of approximately 8 to 10 feet

S. P. Rajesh Kumar
SRI PUJARI RAJESH KUMAR 70/22-23
S/o. P. Jagga Rao
VUDA LICENCED SURVEYOR
Lakshminagar, Gopalapatnam
Visakhapatnam- 531 027

Rc.No.2176/2022/E1, Dt.07.04.2023Collector's Office, Srikakulam**PROCEEDINGS OF THE DISTRICT COLLECTOR, SRIKAKULAM (I/c)****PRESENT:: SRI M.NAVEEN, I.A.S.,**

Sub: Suits – Srikakulam District – O.A. No.9 of 2023 of the Hon'ble National Green Tribunal, Chennai – Tekkali Revenue Division, Saravakota Mandal – Sy.No.452-2 of Thogiri Village & Sy.No.360 of Kummari Gunta Village – Hearing conducted on 07.04.2023 at @11:00 AM at Collector's Office, Srikakulam – Orders - issued.

Read: 1. O.A. No.9 of 2023 of the Hon'ble National Green Tribunal, Chennai filed by the Forum for Social Justice & Anti-Corruption (NGO) Rep. by it's General Secretary, Door No.58-14-87/2B, Mairipalem, Vuda Colony, Visakhapatnam-530018.
 2. Orders Dt.03.02.2023 of the Hon'ble National Green Tribunal, Chennai in I.A. No.13 of 2023(SZ), in O.A. No.9 of 2023(SZ).
 3. This Office Proceedings in Rc.No.2176/2022/E1, Dt.21.02.2023.
 4. Rc.No.211/2023/A, Dt.23.02.2023 of the Sub-Collector, Tekkali.
 5. Representation Dt.23.02.2023 of Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Door No.58-14-87/2B, Mairipalem, Vuda Colony, Visakhapatnam-530018.
 6. Rc.No.2176/2022/E1, Dt.10.03.2023 of the Joint Collector, Srikakulam.
 7. This office Notice in Rc.No.2176/2022/E1, Dt.21.02.2023 to the members of the joint committee and applicant.

@@@

ORDER:

In the reference 1st read above, the Forum for Social Justice & Anti-Corruption (NGO) Rep. by it's General Secretary, Door No.58-14-87/2B, Mairipalem, Vuda Colony, Visakhapatnam-530018 has filed an application before the Hon'ble National Green Tribunal, Chennai impleading the following as respondents

1. State of Andhra Pradesh Rep. by its Chief Secretary to Government, Department of General Administration, Building No.1, I Floor, Interim Government Complex, A.P.Secretariat, Velagapudi, Guntur, A.P.
2. District Collector, Srikakulam.

The petitioner in the above application has stated that, since the Respondent No.2 is acting in the interest of grabbers by allowing constructions like private buildings in Sy.No.360 of Kummari Gunta Village, Anganwadi building in Sy.No.452-2 of Thogiri Revenue Village, cutting down 10 trees more than the age of 150 years etc, in Ralla Gutta (Hill Lock/ Corridor Area) in Saravakota Mandal, Srikakulam District in the state of Andhra Pradesh in the name of construction of Anganwadi building is adversely affecting the ecosystem and the overall ecology of the area, and thus there is substantial question relating to environment, wherein the community at large is affected by the environmental consequences, which needs to be decided by this Hon'ble Tribunal.

The petitioner has prayed the Hon'ble National Green Tribunal, Chennai that

- a. Pending final decision on the application, the Hon'ble Tribunal may be pleased to direct the Respondent No.1 or appoint joint committee to submit the detailed report on all illegal constructions like private buildings in Sy.No.360

of Kummarigunta Village, Anganwadi building etc, in Sy.No.452-2 of Thogiri Revenue Village i.e., Ralla Gutta (Hill Lock/ Corridor Area) in Saravakota Mandal, Srikakulam District in the state of Andhra Pradesh and details of authorities who are acting in the interest of grabbers, cutting down 10 trees more than the age of 150 years in the name of construction of Anganwadi Building etc, and action taken report etc.,

- b. Pass any such other or further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

In the reference 2nd read above, the Hon'ble National Green Tribunal, Chennai has passed the following order on 03.02.2023 in I.A. No.13 of 2023(SZ), in O.A.No.09 of 2023(SZ).

"The learned counsel Mrs. Madhuri Donti Reddy accepts notice on behalf of Respondent No.1 & 2.

Admittedly, the 10 number of trees have already been cut and removed from the said survey numbers and the photographs also revealed that some constructions are already been made.

The only objection is that they should not have cut the trees and should not have allowed the private buildings to come up in the hillock area viz., 'Ralla Gutta.

In this regard, we direct the 2nd respondent namely, the District Collector - Srikakulam to enquire into the matter after affording an opportunity of hearing to the applicant herein and pass appropriate orders, considering the above said issue of cutting of trees.

Let this exercise be completed within 4 (Four) weeks time and the compliance report may be filed by the District Collector – Srikakulam on 06.03.2023."

In the references 3rd and 4th read above, the District Collector, Srikakulam has been pleased and issued orders constituting a Joint Committee with the following officers and the applicant in this O.A. with a direction to conduct the joint inspection in this matter and submit the detailed report to the undersigned by 23.02.2023.

1. The Joint Collector, Srikakulam
2. The Sub-Collector, Tekkali
3. The Superintending Engineer, Panchayat Raj, Srikakulam
4. The Tahsildar, Saravakota
5. The applicant, i.e., Forum for Social Justice & Anti-Corruption (NGO) Rep. by its General Secretary, Door No.58-14-87/2B, Marrisipalem, Vuda Colony, Visakhapatnam-530018

In the reference 6th read above, the Joint Collector, Srikakulam has reported that, the Sub-Collector, Tekkali has conducted the Joint Inspection along with the Superintending Engineer, Panchayat Raj, Srikakulam, the Tahsildar, Saravakota, and the Applicant, i.e., Forum for Social Justice & Anti-Corruption (NGO) Rep. by its General Secretary, Dr.No.58-14-87/2B, Marrisipalem, Vuda Colony, Visakhapatnam, 530018 on dt.23.02.2023 and submitted the detailed report with the observations of

the committee regarding the claims made by the applicant. The Joint Collector, Srikakulam has also informed that, he has gone through the report of the Joint Committee meticulously and arrived the following observations.

Claim No.1: Constructions of Private Building in Sy.No.360 of Kummarigunta Revenue Village of Saravakota Mandal

Observation: With the help of Revenue Records, i.e., SLR, RVM and FMBs, it has been observed that, the private building which has been claimed to have been constructed in Sy.No.360 of Kummarigunta Revenue Village of Saravakota Mandal is actually situated in Sy.No.353. The Mandal Surveyor along with Village Surveyor has conducted survey to identify the boundaries of Sy.No.360, which is classified as Konda Poramboke as per SFA with an extent of Ac. 123.47.

It is submitted that, the applicant stated that, the Cutting and polishing unit is situated in Sy.No.360 and it is a Government land which was encroached. But during the inspection, it is revealed that, the Cutting and Polishing unit is in Sy.No.353 precisely in Sub Division 353-3, 4 of Kummarigunta Revenue Village of Saravakota Mandal. The Sub Division Sketch and FMB of Sy.No.360 & 353 are enclosed. Hence it is clearly established that, the contested land i.e., Sy.No.353 is purely a Zeroyat land, and the owner Sri Varudu Devi Prasad is having Pattadar passbook for that land and he got the NALA conversion proceedings vide D.Dis.No.528/2014, KRC, Dt.15.09.2014 of the Revenue Divisional Officer, Palakonda for that land.

Claim No.2: Cutting of 10 tamarind trees aged about 150 years to construct Anganwadi Building

Observation: During the field inspection, it has been observed that, four (04) tamarind trees were cut down. The trees were of old age and the branches are about to fall due to damages during cyclone and thunderstorms. The trees were situated in the premises adjacent to the site where Anganwadi Center is proposed. It is observed that, **the foundations were laid down for the above said Anganwadi building leaving a clear space of 4 feet from the outside columns to the nearest tree.** Further, it is observed that, the Eighteen (18) Tree Tax Pattas were given to four members of Aludu Village of Saravakota Mandal vide Rc.No.33/88/B, Dt.28.03.88 of the then Mandal Revenue Officer, Saravakota. The trees have thin canopy and foliage as they were damaged during cyclone & thunderstorms and the trees were cut down by the local Villagers without any permission to facilitate the way or path with the consent of tree patta holders. **It is observed that, only 4 trees were cut down for which No permission was given by the local authorities.**

The Joint Collector, Srikakulam has finally reported that, the above said compliant petition deserves no consideration.

However, in the reference 5th read above, Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Door No.58-14-87/2B, Mairipalem, Vuda Colony, Visakhapatnam-530018 has submitted a report stating that,

- a. As per the Revenue Records, a hill named Aludhu Konda is extended in Sy.No.360 of Kummarigunta (R) & Sy.No.452/2 of Thogiri (R), Saravakota (M)
- b. As per the FMB, Granite Cutting & Polishing (Private) Building is in Sy.No.360 of Kummarigunta (R), Saravakota (M).
- c. The Owner of the said Granite Cutting & Polishing (Private) Building in Sy.No.360 of Kummarigunta (R), Saravakota (M) said that he has obtained construction permission from the Asst Director (Mines), Srikakulam. But the fact is the Asst Director (Mines), Srikakulam is not competent authority to grant construction permission for Granite Cutting & Polishing (Private) Building.
- d. It is clear that the said Granite Cutting & Polishing (Private) Building in Sy.No.360 of Kummarigunta (R), Saravakota (M) has no construction permission from the respective Gram Panchayat.
- e. 10 trees having age of more than 150 years were cut down in Sy.No.452/2 of Thogiri (R), Saravakota (M)
- f. As per Para 3(a)(ii) of the G.O.Ms.No.571, Revenue (Assignment-I). Dept., Dated: 14.09.2012, only waste and dry lands should be proposed for alienation and wet, irrigated lands should not normally be considered for such as, tank beds, river beds, hillocks with afforestation etc shall not be alienated or allotted. Further, as per Para 3(c) (viii), the ban on change of classification of tank bed lands shall be strictly enforced. Hence, it is illegal to construct Anganwadi Building in Sy.No.452/2 of Thogiri (R), Saravakota (M).

The applicant has also made unwarranted allegations on the members of the joint committee and requested the District Collector, Srikakulam to consider the present status of the illegal and un-authorized constructions in Sy.No.360 of Kummarigunta (R) & Sy.No.452/2 of Thogiri (R), Saravakota (M) and to instruct the concerned officials to take immediate action against the illegal and un-authorized constructions in Sy.No.360 of Kummarigunta (R) & Sy.No.452/2 of Thogiri (R), Saravakota (M) and the persons/officials who cut down 10 trees having age of more than 150 years in Sy.No.452/2 of Thogiri (R), Saravakota (M).

In view of the orders dt.03.02.2023 of the Hon'ble National Green Tribunal, Chennai in I.A. No.13 of 2023(SZ), in O.A.No.09 of 2023(SZ), a notice has been issued to the members of the Joint Committee constituted in this matter and with the petitioner in this case, i.e., Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam to attend before the District Collector, Srikakulam on **Dt.07.04.2023 @11:00 AM** at the Collector's Office, Srikakulam for hearing in this case.

Accordingly, the following members have attended the hearing on **Dt.07.04.2023 @11:00 AM** at the Collector's Office, Srikakulam.

1. Sri T.Rahul Kumar Reddy, I.A.S., Sub-Collector, Tekkali
2. Sri V.Satyanarayana Murthy, Superintending Engineer, Panchayat Raj, Srikakulam
3. Smt. K.Pravallika Priya, Tahsildar, Saravakota
4. Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam

At the outset of the hearing, the applicant has been requested to submit his arguments in this case.

Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam has informed that, he is not willing to offer arguments in this case, as the District Collector, Srikakulam is not conducting this hearing, but the Joint Collector, Srikakulam, is conducting this hearing, who is a member of the committee constituted in this case and also not attended the field inspection on 23.02.2023.

In this connection, the District Collector, Srikakulam (Incharge) has informed the applicant that, in the capacity of the District Collector, he is conducting the hearing and requested the applicant to offer his arguments, if any, but the applicant has denied for offering any remarks other than what he has already submitted in writing.

The Sub-Collector, Tekkali, the Superintendent Engineer, Panchayat Raj, Srikakulam and the Tahsildar, Saravakota have been requested to offer remarks and they have informed the following,

- Joint field inspection has been done at the subject lands in Kummarigunta and Thogiri Villages of Saravakota Mandal, Srikakulam District on 23.02.2023 in presence of the applicant, Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam and the following have been observed.
- The Sy.No.452-2 with an extent of Ac.2.73 of Thogiri Village of Saravakota Mandal, Srikakulam District is classified as Taram Kattani (unassessed waste) and "Ralla Gutta", which is a Government Poramboke land and the Sy.No.360 with an extent of Ac.123.47 of Kummarigunta Village of Saravakota Mandal is classified as Poramboke Konda.
- An extent of Ac.0.03 covered by Sy.No.452-2 of Thogiri Village of Saravakota Mandal has been allotted for construction of Angawadi building for Aludu Village of Saravakota Mandal which is vacant on ground and no trees are existing in the proposed site and that no trees were cut down during the construction of the Anganwadi building. The proposed site is an hillock site without afforestation and hence, it is an unobjectionable Government land.
- Eighteen (18) Tree Tax Pattas were given to four members of Aludu Village of Saravakota Mandal vide Rc.No.33/88/B, Dt.28.03.88 of the then Mandal Revenue Officer, Saravakota. Out of 18 trees, 7 trees were already fallen down during the Titli and Hud-Hud cyclones and 7 trees are standing and in

lively condition but the remaining 4 trees situated in the premises adjacent to the proposed Anganwadi Center and had thin canopy and foliage as they were damaged during the cyclone & thunderstorms and that the four trees were cut down by the local Villagers, so as to facilitate the pathway for themselves with the consent of tree patta holders. No permission was given by the local authorities concerned to cut down the trees.

- With the help of field functionaries, i.e., Mandal Surveyor, Village Surveyor, Village Revenue Officer, Kummarigunta Village, the boundaries of the Sy.No.360 of Kummarigunta Village of Saravkota Mandal have been demarcated and found that, the alleged private building, i.e., Cutting and Polishing unit is situated in Sy.No.353 precisely in Sub Division 353-3, 353-4 of Kummarigunta Revenue Village of Saravakota Mandal and the contested land i.e., Sy.No.353 is purely a Zeroyat land and the owner Sri Varudu Devi Prasad is having Pattadar passbook for that land and he got the NALA (Non Agricultural and Land Assessment) conversion proceedings vide D.Dis.No.528/2014, KRC, Dt.15.09.2014 of the Revenue Divisional Officer, Palakonda and got permission from the General Manager, District industries Center, Srikakulam.

The Superintendent Engineer, Panchayat Raj, Srikakulam has informed that, no trees were existed in the allotted land for construction of Anganwadi center at Sy.No.452-2 in an extent of Ac.0.03 of Thogiri Village of Saravakota Mandal, but the local villages have cut down the 4 trees those are damaged by the Hud-Hud and Titli cyclones and are on the side of pathway to the nearest SC colony and may cause of apprehend danger to fall at any time on the villagers passing through the pathway.

In view of the above circumstances, the following have been observed with respect to the claims made by the applicant.

- 1) Claim of the applicant: As per the Revenue Records, a hill named Aludhu Konda is extended in Sy.No.360 of Kummarigunta (R) & Sy.No.452/2 of Thogiri (R), Saravakota (M)

Finding: The Sy.No.452-2 with an extent of Ac.2.73 of Thogiri Village of Sarvakota Mandal is classified as Taram Kattani (unassessed waste) and "Ralla Gutta", which is a Government Poramboke land and the Sy.No.360 with an extent of Ac.123.47 of Kummarigunta Village of Saravakota Mandal is classified as Poramboke Konda.

- 2) Claim of the applicant: As per the FMB, Granite Cutting & Polishing (Private) Building is in Sy.No.360 of Kummarigunta (R), Saravakota (M).

Finding: The Cutting and Polishing unit is situated in Sy.No.353 precisely in Sub Division 353-3 and 353-4 of Kummarigunta Revenue Village of Saravakota Mandal and the Tahsildar, Saravakota has submitted the FMB of Sy.No.353 duly marking the area of the said Cutting and Polishing unit.

- 3) Claim of the applicant: The Owner of the said Granite Cutting & Polishing (Private) Building in Sy.No.360 of Kummarigunta (R), Saravakota (M) said that

he has obtained construction permission from the Asst Director (Mines), Srikakulam. But the fact is the Asst Director (Mines), Srikakulam is not competent authority to grant construction permission for Granite Cutting & Polishing (Private) Building. It is clear that the said Granite Cutting & Polishing (Private) Building in Sy.No.360 of Kummarigunta (R), Saravakota (M) has no construction permission from the respective Gram Panchayat.

Finding: The owner of the cutting and polishing unit, i.e., Sri Varudu Devi Prasad is having .Pattadar passbook for that land and he got the NALA conversion proceedings vide D.Dis.No.528/2014, KRC, Dt.15.09.2014 of the Revenue Divisional Officer, Palakonda and entrepreneurs memorandum given by the General Manager, DIC, Srikakulam, GST registration certificate, VAT registration certificate, certificate of registration, license to work factory given by Inspector of Factories, Srikakulam for M/s Devi Granites, Aludu Village, Saravakota Mandal, Srikakulam District.

4) Claim of the applicant: 10 trees having age of more than 150 years were cut down in Sy.No.452/2 of Thogiri (R), Saravakota (M).

Finding: Eighteen (18) Tree Tax Pattas were given to four members of Aludu Village of Saravakota Mandal vide Rc.No.33/88/B, Dt.28.03.88 of the then Mandal Revenue Officer, Saravakota. There is no proof to establish the fact that the trees are of 150 years of age old. Out of 18 trees, 7 trees fell down during the Titli and Hud-Hud cyclones, 7 trees are standing on ground but the remaining 4 trees situated in the premises adjacent to the proposed Anganwadi building were cut down by the local Villagers with the consent of tree patta holders, as the 4 trees are damaged due to cyclones and thunderstorms and caused apprehend danger to the passengers on that pathway. No permission was given by the local authorities concerned to cut down the trees.

5) Claim of the applicant: As per Para 3(a)(ii) of the G.O.Ms.No.571, Revenue (Assignment-I). Dept., Dated: 14.09.2012, only waste and dry lands should be proposed for alienation and wet, irrigated lands should not normally be considered for such as, tank beds, river beds, hillocks with afforestation etc shall not be alienated or allotted. Further, as per Para 3(c) (viii), the ban on change of classification of tank bed lands shall be strictly enforced. Hence, it is illegal to construct Anganwadi Building in Sy.No.452/2 of Thogiri (R), Saravakota (M).

Finding: The Sy.No.452-2 with an extent of Ac.2.73 of Thogiri Village of Saravakota Mandal is classified as Taram Kattani (unassessed waste) and "Ralla Gutta", which is a Government Poramboke land. Out of which, an extent of Ac.0.03 is proposed for construction of Anganwadi center for Aludu Village of Saravakota Mandal and no trees are existed in the proposed site and no afforestation as alleged by the applicant and hence it is an unobjectionable Government land.

In view of the above position, it is learnt that, the allegations made by the applicant are absolutely false, baseless and found not genuine. The applicant, i.e., Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam has no respect towards the institution and therefore, the above said compliant petition deserves no consideration.

The Tahsildar, Saravakota is directed to take necessary action to create awareness in the people on the implementation of A.P. Water, Land and Trees Act, 2002 (APWALTA, 2002) and rules of APWLATA, 2002 for planting the trees for ecological balance.


District Collector (I/c),
Srikakulam


7/4/2023
Supd E

To

Sri K.V.Srinivas, General Secretary,
Forum for Social Justice & Anti-Corruption (NGO),
Door No.58-14-87/2B, Mairipalem, Vuda Colony,
Visakhapatnam-530018.

Copy to the Tahsildar, Saravakota.

Copy to the Sub-Collector, Tekkali for information.

Copy to the Superintending Engineer, Panchayat Raj, Srikakulam for information

COMBINED FIEL SKETCH OF S.No.260,262,352&353 IN SARAVAKOTA(M), KUMMARIKUNTA(M), SRIKAKULAM Dist

2



4

TRUE TRANSLATION / NEAT COPY

To

The Collector, Srikakulam District

We, the undersigned belong to Aludhu (V), Saravakota (M), Srikakulam (D).

As per the Revenue Records, the land admeasuring Ac. 2.73 Cents in Sy No. 452/2, Thogiri (R), Saravakota (M) classified as Hill Lock / Ralla Gutta. Nearly 11 trees (more than the age of 150 years) were in the said Hill Lock.

In the first week of January' 2023, in the presence of the Tahsildar, Saravakota (M) the trees (which are more than 150 years of age) cut down in the name of Anganwadi building.

However, we are requesting you on this 23rd day of Feb' 2023, please take action against the unauthorized building in Sy No. 360 of Kummarigunta (R), Saravakota (M), constructed without permission of the Grampanchayat.

Sd/-

28 Villagers of Aludhu

Self-attested
Srinivas
(K V SRINIVAS)

Report of the General Secretary, Forum for Social Justice & Anti-Corruption (Member of Joint Committee) in the matter of OA 9 of 2023 titled as "Forum for Social Justice & Anti-Corruption Vs State of Andhra Pradesh" in compliance of Hon'ble NGT Order, dated: 03.02.2023 as well as the Proceedings, dated: 21.02.2023 vide RC No. 2176/2022/E1 of the Collector & District Magistrate, Srikakulam District.

It is Respectfully Submitted that

1. The Proceedings, dated: 21.02.2023 vide RC No. 2176/2022/E1 of the Collector & District Magistrate, Srikakulam District communicated to the the General Secretary, Forum for Social Justice & Anti-Corruption on 22.02.2023, 7.15 PM.
2. As per the Proceedings, dated: 21.02.2023 vide RC No. 2176/2022/E1 of the Collector & District Magistrate, Srikakulam District, a Joint Committee consisting of the Joint Collector, Srikakulam, The Sub-Collector, Tekkali, Superintendent Engineer, PRD, Srikakulam, Tahsildar, Saravakota and the General Secretary, Forum for Social Justice & Anti-Corruption is appointed and directed by the Collector & District Magistrate, Srikakulam District to conduct the joint inspection in the matter of OA 9 of 2023 and to submit the detailed report by 23.02.2023 to the Collector & District Magistrate, Srikakulam District.
3. **Attendance:** The Joint Collector, Srikakulam (**Absent**), The Sub-Collector, Tekkali (**Present at 11.30am**), Superintendent Engineer, PRD, Srikakulam (**Present at 11.15 am**), Tahsildar, Saravakota (**Present at 10.45 am**) and the General Secretary, Forum for Social Justice & Anti-Corruption (**Present at 10.30 am**) on **23.02.2023 at Sy No. 360 of Kummarigunta (R), Saravakota (M)**
4. **Action:** Four Member Joint Committee observed the following facts:
 - a. As per the Revenue Records, a hill named Aludhu Konda is extended in Sy No. 360 of Kummarigunta (R) & Sy No. 452/2 of Thogiri (R), Saravakota (M)
 - b. As per the FMB, **Granite Cutting & Polishing (Private) Building is in Sy No. 360 of Kummarigunta (R), Saravakota (M).**
 - c. The Owner of the said Granite Cutting & Polishing (Private) Building in Sy No. 360 of Kummarigunta (R), Saravakota (M) said that he has obtained construction permission from the Asst Director (Mines), Srikakulam. But **the fact is the Asst Director (Mines), Srikakulam is not competent authority to grant construction permission for Granite Cutting & Polishing (Private) Building.**
 - d. It is clear that **the said Granite Cutting & Polishing (Private) Building in Sy No. 360 of Kummarigunta (R), Saravakota (M) has no construction permission from the respective Gram Panchayat.**
 - e. **10 trees having age of more than 150 years were cut down in Sy No. 452/2 of Thogiri (R), Saravakota (M)**
 - f. As per Para 3(a)(ii) of the G.O. Ms No. 571, Revenue (Assignment-I). Dept., Dated: 14.09.2012, only waste and dry lands should be proposed for alienation and wet, irrigated lands should not normally be considered for such as, tank beds, river beds, hillocks with afforestation etc shall not be alienated or allotted. Further, as per Para 3(c) (viii), the ban on change of classification of tank bed lands shall be strictly enforced. **Hence, it is illegal to construct Anganwadi Building in Sy No. 452/2 of Thogiri (R), Saravakota (M).**
5. **Special Observations by the General Secretary, Forum for Social Justice & Anti-Corruption:**
 - a. The Sub-Collector, Tekkali & The Superintendent Engineer, PRD, Srikakulam acted in the interest of the Owner of the said Granite Cutting & Polishing (Private) Building in Sy No. 360 of Kummarigunta (R), Saravakota (M).
 - b. The Sub-Collector, Tekkali & The Superintendent Engineer, PRD, Srikakulam acted to protect the Tahsildar, Saravakota.
 - c. The Sub-Collector, Tekkali & The Superintendent Engineer, PRD, Srikakulam left the inspection in the middle at 1 PM. Hence, this inspection remains incomplete.
 - d. The Sub-Collector, Tekkali & The Superintendent Engineer, PRD, Srikakulam refused to record the observations of the General Secretary, Forum for Social Justice & Anti-Corruption.
6. **Conclusion: In view of the above position, the Collector & District Magistrate, Srikakulam District may consider the present status of the illegal and un-authorized constructions in Sy No. 360 of Kummarigunta (R) & Sy No. 452/2 of Thogiri (R), Saravakota (M). However, 10 trees having age of more than 150 years were cut down in Sy No. 452/2 of Thogiri (R), Saravakota (M). Hence, the Collector & District Magistrate, Srikakulam District may instruct the concerned officials to take immediate action against the illegal and un-authorized constructions in Sy No. 360 of Kummarigunta (R) & Sy No. 452/2 of Thogiri (R), Saravakota (M) and the persons/officials who cut down 10 trees having age of more than 150 years in Sy No. 452/2 of Thogiri (R), Saravakota (M).**

Report submitted to the Collector & District Magistrate, Srikakulam District on 23.02.2023 at 10 PM through Electronic Mode.

[Handwritten Signature]
General Secretary, Forum for Social Justice & Anti-Corruption
K.V. SRINIVAS

PROCEEDINGS OF THE DISTRICT COLLECTOR, SRIKAKULAM
PRESENT:: SRI SHRIKESH LATHKAR, I.A.S.,

Sub: Suits – Srikakulam District – O.A. No.9 of 2023 of the Hon'ble National Green Tribunal, Chennai – Tekkali Revenue Division, Saravakota Mandal, Thogiri Village – Sy.No.452-2 of Thogiri Village – Appointment of Joint Committee – Orders issued.

Read: 1. O.A. No.9 of 2023 of the Hon'ble National Green Tribunal, Chennai filed by the Forum for Social Justice & Anti-Corruption (NGO) Rep. by its General Secretary, Door No.58-14-87/2B, Mairipalem, Vuda Colony, Visakhapatnam-530018
2. Orders Dt.03.02.2023 of the Hon'ble National Green Tribunal, Chennai in I.A. No.13 of 2023(SZ), in O.A. No.9 of 2023(SZ)

@@@

ORDER:

In the reference 1st read above, the Forum for Social Justice & Anti-Corruption (NGO) Rep. by its General Secretary, Door No.58-14-87/2B, Mairipalem, Vuda Colony, Visakhapatnam-530018 has filed an application before the Hon'ble National Green Tribunal, Chennai impleading the following as respondents

1. State of Andhra Pradesh Rep. by its Chief Secretary to Government, Department of General Administration, Building No.1, I Floor, Interim Government Complex, A.P.Secretariat, Velagapudi, Guntur, A.P.
2. District Collector, Srikakulam.

The petitioner in the above application has stated that, since the Respondent No.2 is acting in the interest of grabbers by allowing constructions like private buildings in Sy.No.360 of Kummarigunta Village, Anganwadi building in Sy.No.452-2 of Thogiri Revenue Village, cutting down 10 trees more than the age of 150 years etc, in Ralla Gutta (Hill Lock/ Corridor Area) in Saravakota Mandal, Srikakulam District in the State of Andhra Pradesh in the name of construction of Anganwadi building is adversely affecting the ecosystem and the overall ecology of the area, and thus there is substantial question relating to environment, wherein the community at large is affected by the environmental consequences, which needs to be decided by this Hon'ble Tribunal.

The petitioner has prayed the Hon'ble National Green Tribunal, Chennai that

- a. Pending final decision on the application, the Hon'ble Tribunal may be pleased to direct the Respondent No. 1 or appoint joint committee to submit the detailed report on all illegal constructions like private buildings in Sy.No.360 of Kummarigunta Village, Anganwadi building etc, in Sy.No.452-2 of Thogiri Revenue Village i.e., Ralla Gutta (Hill Lock/ Corridor Area) in Saravakota Mandal, Srikakulam District in the state of Andhra Pradesh and details of authorities who are acting in the interest of grabbers, cutting down 10 trees more than the age of 150 years in the name of construction of Anganwadi Building etc, and action taken report etc.,
- b. Pass any such other or further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

In the reference 2nd cited, the Hon'ble National Green Tribunal, Chennai has passed the following order on 03.02.2023 in I.A. No.13 of 2023(SZ), in O.A.No.09 of 2023(SZ).

"The learned counsel Mrs. Madhuri Donti Reddy accepts notice on behalf of Respondent No. 1 & 2.

Admittedly, the 10 number of trees have already been cut and removed from the said survey numbers and the photographs also revealed that some constructions are already been made.

The only objection is that they should not have cut the trees and should not have allowed the private buildings to come up in the hillock area viz., 'Ralla Gutta'.

In this regard, we direct the 2nd respondent namely, the District Collector - Srikakulam to enquire into the matter after affording an opportunity of hearing to the applicant herein and pass appropriate orders, considering the above said issue of cutting of trees.

Let this exercise be completed within 4 (Four) weeks time and the compliance report may be filed by the District Collector - Srikakulam on 06.03.2023."

In view of the above circumstances, a Joint Committee consisting with the following officers and the applicant in this O.A. is appointed.

1. The Joint Collector, Srikakulam
2. The Sub-Collector, Tekkali
3. The Superintending Engineer, Panchayat Raj, Srikakulam
4. The Tahsildar, Saravakota
5. The applicant, i.e., Forum for Social Justice & Anti-Corruption (NGO) Rep. by its General Secretary, Door No.58-14-87/2B, Marrisipalem, Vuda Colony, Visakhapatnam-530018

The Joint Committee is hereby directed to conduct the joint inspection in this matter and submit the detailed report to the undersigned by 23.02.2023.

**Sd/- SHRIKESH LATHKAR
District Collector,
Srikakulam**

//t.c.f.b.o//

Superintendent-E

(Handwritten signature)
21/02/2023

TO

The Joint Collector, Srikakulam.
The Sub-Collector, Tekkali.
The Superintending Engineer, Panchayat Raj, Srikakulam.
The Tahsildar, Saravakota.
The General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Door No.58-14-87/2B, Marrisipalem, Vuda Colony, Visakhapatnam-530018
The District Head-Housing, Srikakulam



FIRST INFORMATION REPORT
(Under Section 154 and 157 Cr.P.C)

A.P.P.M. Orders 470,500

1. District Srikakulam P.S. Saravakota Year 2023 FIR No. 8/2023 Date 31/01/2023
2. Acts & Section(s) : 286 IPC
3. a) Occurrence of Offence : Day Sunday Date & Time From 08/01/2023 10:00
Date & Time To _____ Prior To _____ Time Period 0
- b) Information Received at P.S.: Date & Time 31/01/2023 11:00
- c) General Diary Reference: Entry No 12 Date & Time 31/01/2023 11:00
4. Type of Information: _____
5. Place of Occurrence:
- a) Distance and Direction From P.S. 0, Beat No. _____
- b) Address Place _____ Area/Mandal _____ Street/Village _____
- City/District Srikakulam State Andhra Pradesh PIN _____
- c) In case , outside the limit of this Police Station, then
Name of P.S. _____ District _____
6. Complainant / Informant :
- a) Name AAKETI APPANNA
- b) Father's /Husband's Name _____
- c) Date/Year of Birth _____ Age 50
- d) Nationality Indian e) Caste Neyyala
- f) Passport No _____ Date of Issue _____ Place of Issue _____
- g) Occupation _____ Mobile No : _____
- h) Address House No _____ Area/Mandal _____ Street/Village _____
SARAVAKOTA No Ward
- City/District Srikakulam State Andhra Pradesh PIN 0
7. Details of known/suspected/unknown accused with full particulars:

Serial No : _____ 1 _____

a) Name TAHSILDAR SARAVAKOTA AND SOME OTHERS

b) Father's/Husband's Name _____ c) Occupation _____

d) Caste _____ e) Gender _____ f) Age 0 _____ Nationality Indiang) Address House _____ Street/Village _____ Area/Mandal _____

City/District _____ State _____ PIN 0 _____

h) Phone(Off) 0 _____ Phone(Resi) 0 _____ Cell No 0 _____

i) Email _____

Physical features, deformities and other details of the Suspect:

Sl. No.	Sex	Date/Year of Birth	Build	Height (cms)	Complexion	Identification Marks(s)
1	2	3	4	5	6	7
1				0		

Deformalities/ Peculiarities	Teeth	Hair	Eyes	Habbit(s)	Dress Habit(s)	Languages/ Dialect
8	9	10	11	12	13	14

Place Of				
Burn Mark	Leucoderma	Mole	Scar	Tattoo
15	16	17	18	19
	0	0	0	0

8. **Reasons for delay in reporting by the complainant / informant :**

9. **Particulars of properties stolen/involved (Attach separate sheet, if necessary) :**

10. Total value of property stolen :

0

11. Inquest Report/ U.D. Case No. _____

12. Contents of the complaint / statement of the complainant or informant :

Occurred on 08.01.2023 at 10.00 hours, at Aludu village, Saravakota Mandal and reported on 31.01.2023 at 11.00 hrs by the complainant A Aketi Appanna S/o It Latchayya, age 50 years, Neyyala by caste, Aludu village, Saravakota mandal reported that Tahsildar Saravakota mandal, Asst engineer (PRD) and some others conducted illegal blasting of compound wall and other construction by explosive substance in negligent manner nearby his house in the name of constructing Anganwadi building and caused severe damages to their houses and other residences.

13. Action taken:

Since The above information reveals commission of offence(s) U/s as mentioned at item No

2

1) Registered the case and took up the investigation or

Name of SHO-SKOTA-SKL

2) Directed to take up the Investigation or

Rank: Sub-Inspector

No. _____

3) Refused investigation due to _____

4) Transferred to P.S _____

District _____

on point of jurisdiction.

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and

a copy given to the complainant / informant, free of cost.

R.O.A.C

14. Signature / Thumb impression of the complainant / informant.

Signature of Officer in charge, Police Station

Name SHO-SKOTA-SKL

Rank Sub-Inspector

No _____

15. Date and time of dispatch to the court : _____