

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI**

**ORIGINAL APPLICATION No. 143 of 2021
IN THE MATTER OF**

Tribunal on its own motion-SUO MOTU
Based on the News item in Eenadu
Newspaper Edition Dated: 12.06.2021,
"Dredging along the embankments of
Krishna River to be stopped".

... APPLICANT

-VS-

The Chief Secretary to Government of Andhra Pradesh
& 10 others

... RESPONDENTS

**REPORT FILED BY THE FILED BY THE 10TH
RESPONDENT IRREGATION DEPARTMENT**

DATE- 30-04-2023



**M/s MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

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COUNSEL FOR 10TH Respondents

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It is certified that all the documents contained in the above annexure are true copies.

Date: 30-04-2023

**REPORT FILED BY THE EXECUTIVE ENGINEER, KRISHNA CENTRAL DIVISION,
VIJAYAWADA IN O.A NO 143 OF 2021 PENDING BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL(SZ)CHENNAI ITS ORDER DATED 14-02-2023**

1. It is submitted that this Hon'ble Tribunal its order dated 14-02-2023 directed the irrigation department to file the report regarding ***letter petition on 03.02.2023 requesting to stop illegal and unauthorized construction activities on the Krishna River bund near Tadepalle.***
2. It is submitted that the residents living near Tadepalli Karakatta in the village limits of Tadepalli complained to the Commissioner, Tadepalli Municipal Corporation through spandana complaint number :GNT202212121386 dated:12.12.2022 regarding the construction activity for establishing a flower market with 80 Nos petty shops in a vacant place beside Adventure and Good News Public School and opposite River Breeze Apartments on Vijayawada Club Road at Krishna River Right Flood Bank in the Village limits of Tadepalli, Guntur District.
3. It is submitted that the spandana complaint number :GNT202212121386 dated:12.12.2022 the Deputy City Planner replied that there were no permissions given for setting up of flower market in the river bed in Tadepalli Village limits.
4. It is submitted that the the residents living near Tadepalli Karakatta filed a complaint in National Green Tribunal explaining the consequences that arise due to establishment of flower market in Green belt Area and requested to prevent the development of flower market / construction of structure activity and also to direct the respective departments for conserving and developing the green belt environment in the above location of river bank area for the safety and security of public.
5. It is submitted that during the field visit by the Assistant Executive Engineer, RC section, Vallabhapuram on 29-12-2022 along with field staff it is observed that in between km 2.500 to km 2.700 of Krishna Right Flood Bank some construction activities were going on. And after enquiry it was known that Sri. Jakkireddy Venkata Krishna Reddy is carrying out illegal construction activities in his patta land in Sy.No.39-1 & 40 of Tadepalli village at Vijayawada Club road without obtain permission from competent authorities like River Conservancy and Municipal authorities etc., and the said area is falling under River Conservancy Zone.
6. It is submitted that after field visit this office Immediately, Notice was served by the Assistant Executive Engineer concerned to Sri. Jakkireddy Venkata Krishna Reddy S/o J.vekateswara Reddy resident of Tadepalli, Guntur District

to stop the illegal construction activity vide Assistant Executive Engineer, RC Section, Vallabhapuram notice No: 55VLB dated:29.12.2022.

7. It is submitted that the Tadepalli 2nd ward people has submitted their representation to the Chief Engineer, Krishna Delta System, Water Resources Department, Vijayawada stated in their representation, that if the flower market is established in Adventure and Good News Public School and opposite River Breeze Apartments on Vijayawada Club Road area then, they will face much troubles like traffic jam and safety of school children lives and pollution of Krishna River due to wastage and garbage produced by the Flower market and the same as joined into Krishna River.
8. It is submitted that again, after giving notice met the concerned persons who are going to do so and oral instructions were given to stop the construction activities until appropriate permissions were obtained. As the construction activity is being going on even after serving notice, 2nd notice was issued by the the concerned Assistant Executive Engineer issued notice vide Notice No.3VLB Dt.28-01-2023.
9. Meanwhile, the construction is going on and the activities were observed time to time by the Tadepalli-Mangalagiri Municipal Corporation authorities. The Commissioner, Tadepalli-Mangalagiri Municipal Corporation, Mangalagiri has dropped a letter to the Engineer-in-Chief, Water Resources Department, Vijayawada vide Letter No.Roc.No.281/2023/G1 Dt.04.02.2023 for take necessary action may please be taken.
10. It is submitted that the Executive Engineer, KC Division, Vijayawada has reported in his report to the superintending Engineer, Irrigation, Circle, Vijayawada vide letter No. CB/Supdt/MC/ 34SE dated. 21-1-2023 in turn, the Superintending Engineer, has also submit the report on above subject to the Engineer-in-Chief (Irrigation), Vijayawada vied letter No. SE/IC/VJA/NTPA/Supdt/MC/6ENC dated. 27-1-2023.
11. It is submitted that the Deputy Executive Engineer, RC Sub Division, Vijayawada has requested the Municipal Commissioner, Vijayawada to take necessary action to stop the illegal construction activity for setting up the Flower market by Sri. Jakkireddy Venkata Krishna Reddy vide letter no: DEE/RC/VJA /05 ^M dated: 14.02.2023 as the powers are vested with Municipal Corporations Authorities in preventing the encroachments in Water bodies.
12. It is submitted that the Executive Engineer, K.C Division, Vijayawada addressed the Municipal Commissioner, Vijayawada to take necessary action to stop the illegal construction activity for setting up the Flower market by Sri.

Jakkireddy Venkata Krishna Reddy vide letter No.CB/Sup/MC/173 M dated:16.02.2023.

13. It is submitted that the Commissioner, Tadepalli-Mangalagiri Municipal Corporation, Mangalagiri authorities took action and dismantled the ongoing construction works such as partition walls.
14. It is submitted that the Sri. Jakkireddy Venkata Krishna Reddy & 79 others filed a Writ Petition in the Hon'ble High court of Andhra Pradesh vide WP.No.5412/2023 keeping the Principal Secretary(Municipal and Urban Development Department), Commissioner (Tadepalli Municipal corporation), Town Planning Officer(Mangalagiri , Tadepalli Municipal corporation) as 1st , 2nd , 3rd respondents and Assistant Executive Engineer, RC Section, Vallabhapuram of this department as the 4th respondent and prayed the Hon'ble High Court to issue directions not to demolish the temporary sheds of the petitioners constructed at Sy.No.39/1 and 40, abutting to Aventura Sports Club Vijayawada Club Road , Tadepalli, Guntur District .
15. It is submitted that the instructions were submitted by the Assistant Executive Engineer concerned to the Government Pleader, Irrigation & CAD Department, High court of Andhra Pradesh, Amaravathi, Guntur District vide this office letter No:AEE/RC/VLB/14VLB dated:05.03.2023 and prayed the Hon'ble High Court of Andhra Pradesh, to dismiss the writ petition and pass such orders not to take up any construction activities by Sri. Jakkireddy Venkata Krishna Reddy & 79 others in Sy.No.39-1 & 40 of Tadepalli village for establishing a flower market without obtaining prior permission from line departments.
16. It is submitted that the Case was pending at Hon'ble High court of Andhra Pradesh and no directions were issued by the Hon'ble High court of Andhra Pradesh.
17. It is submitted that the as per Hon'ble High Court orders the action will be taken on illegal construction in Sy.No.39/1 and 40, abutting to Aventura Sports Club Vijayawada Club Road , Tadepalli, Guntur District by Sri. Jakkireddy Venkata Krishna Reddy and others.

This is submitted for favor of information and necessary action.

DATE-26-4-2023

Yours faithfully,



Executive Engineer,
KC Division, Vijayawada

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MEMORANDUM OF WRIT PETITION
(SPECIAL ORIGINAL JURISDICTION)
(UNDER ART. 226 OF THE CONSTITUTION OF INDIA)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P. NO. 5412 OF 2023

Between:

1. Jakkireddy Venkata Krishna Reddy, S/o. Venkateswara Reddy, aged 45 years, R/o. H. No. 12-464/1-1, Sri Rajarajeswari Nagar, Tadepalli Mandal, Guntur District, Andhra Pradesh.
2. Marella Perreddy, S/o. Venkateswara Reddy, aged 49 years, R/o. H. No. 12/202/A, Christianpeta, TadepalliMandal, Guntur District, Andhra Pradesh.
3. Karri Rajesh, S/o. Mariyadasu, aged 24 years, R/o. H. No. 6-182, Nidamaru Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.
4. EediJyothi, W/o. Pothanna, aged 33 years, R/o. H. No. 9-35-13B, Illipillivari Street, Near Ganganamma Temple, Vijayawada City, NTR District, Andhra Pradesh.
5. Chonga Devadas, S/o. Narasimha Rao, aged 65 years, R/o. H. No. 54-19-34/1, Plot No. S-6, R.P. Towers, Near AmmaKalyana Mandapam, Jayaprakash Nagar, Vijayawada City, NTR District, Andhra Pradesh.
6. Devara Rajeswari, W/o. Yedukondalu, aged 31 years, R/o. H. No. 9-35-13A, Yillipilli Narasimha Rao Street, Chitti Nagar, Vijayawada City, NTR District, Andhra Pradesh.
7. Matta Ramalakshmi, W/o. Seshi Reddy, aged 58 years, R/o. Plot No. 101, Door No. 21-8-90/3, Shirisha Residency, Ganganamma Temple Street, Near Government Press, Muthyalampadu, Vijayawada City, NTR District, Andhra Pradesh.
8. Kaparapu Ashok, S/o. Sambasiva Rao, aged 28 years, R/o. Door No. 4-71, Pedavadlapudi Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.
9. Annapureddy Srivani, S/o. Srinivasa Reddy, aged 52 years, R/o. H. No 4-395, Near Kalyana Mandapam, Nuthakki Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.
10. Nallagangula Venkatarathnam, S/o. Venkata Reddy, aged 33 years, R/o. H. No. 3-30/A, Rajuladevarlapadu, Mamunuru, Errupalem, Khammam District, State of Telangana.

11. Meka Sudharani, W/o. NageswaraRao, aged 54 years, R/o. H. No. 36-8-50, Ex-MLA Jayaraju Street, Mogalrajapuram, Near Chaitanya School, Vijayawada, NTR District, Andhra Pradesh.
12. BandaruLikhitha, W/o. Venkalah, aged 20 years, R/o. Door No. 21-1-23, A.S. Raju Street, R.C.M. Church, Mulhyalampadu, Vijayawada, NTR District, Andhra Pradesh.
13. Shaik Anwar Basha, S/o. Hafiz, aged 36 years, R/o. H. No. 9-55-4, Rallavari Street, Behind Krishnaveni Market, Mahanthipuram, Vijayawada City, NTR District, Andhra Pradesh.
14. Shaik Karimoon, W/o. Mohammad Ali, aged 44 year, R/o. H. No. 8-9-27, Mahalakshmi Temple Street, Vinchipeta, Vijayawada City, NTR District, Andhra Pradesh.
15. Bandaru Suresh, S/o. Yedukondalu, aged 31 years, R/o. Black No. 47, T.F-2, XL Plant, Chetta Factory, Ajithsingh Nagar, Vijayawada City, NTR District, Andhra Pradesh.
16. Lakkireddy Lakshmi, W/o. Venkatrami Reddy, aged 38 years, R/o. H. No. 76-17-128, Beside of Park, Urmila Nagar, Vidyadarapuram, Vijayawada City, NTR District, Andhra Pradesh.
17. Lakkireddy Bhavani, W/o. Venkatrami Reddy, aged 22 years, R/o. H. No. 76-17-128, Beside of Park, Urmila Nagar, Vidyadarapuram, Vijayawada City, NTR District, Andhra Pradesh.
18. Katuri Narendra Kumar, S/o. Nagendra Babu, aged 39 years, R/o. H. No. 12-1327, Road No. 14, Mahanadu, Tadepalli Mandal, Guntur District, Andhra Pradesh.
19. Panga Venkateswara Rao, S/o. Nageswara Rao, aged 37 years, R/o. H. No. 41-26/1-9, Ananda Bhavan Street, Vijayawada Town, NTR District, Andhra Pradesh.
20. Panga Mahesh, S/o. Nageswara Rao, aged 36 years, R/o. H. No. 41-26/1-9, Ananda Bhavan Street, Vijayawada Town, NTR District, Andhra Pradesh.
21. Chilukuri Gali Reddy, S/o. Venkateswara Reddy, aged 56 years, R/o. H. No. 12-464/2/1, Rajarajeswari Nagar, Near YSR Nursery, Tadepalli Municipality, Guntur District, Andhra Pradesh.
22. Marella Parvathi, S/o. Satyama Reddy, aged 36 years, R/o. H. No. 12-202/A, Near Church, Christianpeta, Tadepalli Mandal, Guntur District, Andhra Pradesh.

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23. Marella Annapurna, S/o. Sanjeeva Reddy, aged 40 years, R/o. H. No. H. No. 12-202/A, Near Church, Christianpeta, Tadepalli Mandal, Guntur District, Andhra Pradesh.
24. Marella Vijaya Durga, W/o. Perreddy, aged 44 years, R/o. H. No. 12-202/A, Near Church, Christianpeta, Tadepalli Mandal, Guntur District, Andhra Pradesh.
25. Marella Rami Reddy, S/o. Venkateswara Reddy, aged 50 years, R/o. H. No. 1-4-256/A, RTC Work Shop Road, Near T.T.A.I. School, Bhavanipuram, Vijaywada City, NTR District, Andhra Pradesh.
26. Jakkireddy Venkata Krishna Reddy, S/o. Late Venkateswara Reddy, aged 45 years, R/o. Plot No. 206, Garudadri Block, Capital Towers, Tadepalli, Guntur District, Andhra Pradesh.
27. Borra Susheela, W/o. Srinivasa Rao, aged 45 years, R/o. H. No. 9-3-74/, BrahmanaVeedhi, Kothapeta, Vijayawada City, NTR District, Andhra Pradesh.
28. Gajarao Lakshmi Devi, w/o. Lakshmi Nagesh, aged 38 years, R/o. H. No. 16-490/23, Valandapalem, Opp: Z.P. Office, Machilipatnam, NTR District, Andhra Pradesh.
29. Marella Seshi Reddy, S/o. Sambl Reddy, aged 36 years, R/o. H. No. 4-152, Karellavaripalem, Nujendla Mandal, Guntur District, Andhra Pradesh.
30. Marella Renuka, W/o. Seshi Reddy, aged 30 years, R/o. H. No. 12-202, Tadepalli Village and Mandal, Guntur District, Andhra Pradesh.
31. Mukku Venkateswara Reddy, S/o. Sreerami Reddy, aged 48 years, R/o. H. No. 41-1/20-18 G.F. 102, Fernesbandra Heights, Balaji Nagar, Krishna Lanka, Vijayawada City, NTR District, Andhra Pradesh.
32. Dinnuru Sudarshan, S/o. Late Venkata Reddy, aged 38 years, R/o. Plot No. 411, 4th Floor RL Guthamis River Breez Apartment, Opposite Adventura, Vijaywada Club Road, Tadepalli, Guntur District, Andhra Pradesh.
33. AnnapureddyVenkata Reddy, S/o. Subba Reddy, aged 41 years, R/o. H. No. 41-13-23B, PalaparthivariVeedhi, Krishna Lanka, Vijayawada City, NTR District, Andhra Pradesh.
34. Marella Satyanarayana Reddy, S/o. Late Veera Reddy, aged 39 years, R/o. H. No. 76-11-13/2, Bhavanipuram, Vijayawada City, NTR District, Andhra Pradesh.
35. Ammishetti Vinay Kumar, S/o. Ramesh, aged 29 years, R/o. H. No. 3-625/30/F.F1, Surya Residency, Undavalli Village, TadepalliMandal, Guntur District, Andhra Pradesh.

36. Gantha Bala Sudhakar, S/o. Nageswara Rao, aged 53 years, R/o. Moturu Village, Gudivada Mandal, Krishna District, Andhra Pradesh.
37. Munnangi Chenchi Reddy, S/o. Punna Reddy, aged 43 years, R/o. H. No. 12-2020, Christianpeta, Tadepallai Village and Mandal, Guntur District, Andhra Pradesh.
38. Yakkala Naga Venkata Durga Sri Harsha, S/o. Srinivasa Rao, aged 31 years, R/o. H. No. 3-74, Kanchi, Gachibowli Road, Near Vista High School, Vattinagulapalli Village, Rajendranagar, Mandal, Ranga Reddy District, State of Telangana.
39. Karnati Rajeswari, W/o. Srinivasa Rao, aged 46 years, R/o. H. No. 5-81, Bethapudi Village Mangalagiri Mandal, Guntur District, Andhra Pradesh.
40. Karnati Venkata Bhavani, S/o. Siva Shankara Rao, aged 44 years, R/o. H. No. 2-81, Near Ravi Chettu Centre, Bethapudi Village Mangalagiri Mandal, Guntur District, Andhra Pradesh.
41. Thokala Venkata Suresh, S/o. Subba Rao, aged 41 years, R/o. H. No. 21-9/6-11, Pushpathota, 7th Line, Near Anjaneyaswamy Temple, Madhuranagar, Vijayawada City, NTR District, Andhra Pradesh.
42. JangaKoti Reddy, S/o. Venkateswara Reddy, aged 51 years, R/o. H. No. 2-133A, 4th Ward, High School Centre, Nidamaru Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.
43. Jagan Mohan Reddy, S/o. Pulla Reddy, aged 40 years, R/o. H. No. Plot No. 1, Information Colony, Near Vasundara Enclave, Hayatnagar, Ranga Reddy District, State of Telangana.
44. ShaikKasim, S/o. NabiSaheb, aged 53 years, R/o. H. No. 3-78, Main Road, Near Sivalayam, Pedavadlapudi Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.
45. Gali Venkateswara Rao, S/o. Venkalah, aged 53 years, R/o. H. No. 9-67, Bethapudi Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.
46. Guntamukkala Parameswara Rao, S/o. Subba Rao, aged 46 years, R/o. H. No. 26-55-1, Venkatakrishnapuram Village, Pedakakani Mandal, Guntur District, Andhra Pradesh.
47. Vemireddy Krishna Veni, W/o. Pedapichi Reddy, aged 41 years, R/o. H. No. 3-56, Bethapudi Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.
48. Kosuru Raja Ramesh, S/o. Krishna, aged 45 years, R/o. H. No. 5-272, Bethapudi Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.

49. Thota Venkataramana, W/o. Srinivasa Rao, aged 47 years, R/o. H. No. 8-88, Goudapalem, Pedakakani Village and Mandal, Guntur District, Andhra Pradesh.
50. Salla Hemanth Kumar, S/o. SallaKalyan Raju, aged 59 years, R/o. H. No. 3-144, Beside of HP Filling Station, Thiruvuru, Nuziveedu Road, Lakshimpuram, Krishna District, Andhra Pradesh.
51. Yalamanchili Vijayalakshmi, W/o. Dillip Kumar, aged 31 years, R/o. H. No. 4-98, Indiranagar-1, Yanamalakuduru, Penamaluru Mandal, Krishna District, Andhra Pradesh.
52. Patnala Deepak Kumar, S/o. Narasimha Rao, aged 34 years, R/o. H. No. 21-17-7, Madhuranagar, Vijayawada, NTR District, Andhra Pradesh.
53. Duddukuri Thirupathi Rao, S/o. VenkataRamalah, aged 30 years, R/o. H. No. 3-170/A, Rajuladevarapadu, Errupalem, Mamunuru, Khammam District, State of Telangana.
54. PashamPullalah, S/o. Venkaiah, aged 48 years, R/o. H. No. 3-179, Rajula Devarapadu, Errupalem, Mamunuru, Khammam District, State of Telangana.
55. Jakkireddy Venkata Ramireddy, S/o. Yalamanda Reddy, aged 37 years, R/o. H. No. 41-16-30A, KaturiVari Veedhi, Krishnalanka, Vijayawada, NTR District, Andhra Pradesh.
56. Malluvalasa Naveen Kumar, S/o. Naga AppaRao, aged 28 years, R/o. H. No. 16-14-28, Harjana Doctor Veedhi, Near Vivekananda Statue, Bheemavaram Municipality, West Godavari District, Andhra Pradesh.
57. Gunja Vijay Raj, S/o. Koteswara Rao, aged 38 years, R/o. H. No. 1-3/4-186, Vidyadharapuram, Vijayawada, NTR District, Andhra Pradesh.
58. Neellma Swaroop, S/o. Anand Swaroop, aged 51 years, R/o. H. No. 7-1-636/38, Model Colony, S.R. Nagar, Hyderabad, State of Telangana.
59. Jakkireddy Nagi Reddy, S/o. Subba Reddy, aged 43 years, R/o. H. No. 41-1-139, Feeder Road, Krishnalanka, Vijayawada, NTR District, Andhra Pradesh.
60. Bannarapu Srinivasa Rao, S/o. Venkateswarlu, aged 47 years, R/o. H. No. 4-87, Pedavadiapudi Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.
61. MallavarapuJhitha, W/o. Satyanrayana, aged 23 years, R/o. H. No. 41-1/5-72B, Indira Colony, Krishnalanka, Vijayawada, NTR District, Andhra Pradesh.

62. Uppu Veera Venkata Raju, S/o. Raghavulu, aged 59 years, R/o. H. No. 50-117-17/9/6-7, Flat No. 402, Alluri Mansion, S.R. Nagar, Seethamma Dhara, Visakhapatnam, Visakhapatnam District, Andhra Pradesh.
63. Boppana Rajasekhar, S/o. Chandrasekhar Azad, aged 50 years, R/o. H. No. 48-18-7C. Sri Nilayam, Near Park, Nagarjuna Nagar, Vijayawada, NTR District, Andhra Pradesh.
64. Gummadi Venkata Suresh, S/o. Venkata Ramalah, aged 47 years, R/o. Plot No. 114, Opp: Sai Colony, Samrak Apartment, Ramachandrapuram, Medak, Medak District, State of Telangana.
65. Adusumilli Sujatha, W/o. Srinivas, aged 46 years, R/o. Door No. 2-61, Chandrala Village, Gudlavalleru Mandal, Krishna District, Andhra Pradesh.
66. Jakkireddy Koti Reddy, S/o. Subba Reddy, aged 29 years, R/o. Door No. 4-38, Datlavariipalem, Nujendla Mandal, Guntur District. Now residing at Plot 311, The Land Mark Apartment, Tadepalli Village and Mandal, Guntur District, Andhra Pradesh.
67. JakkireddySunita, W/o. Ramanjaneya Reddy, aged 30 years, R/o. Door No. 4-38C, Datlavariipalem, NujendlaMandal, Guntur District. Now residing at Plot 207, The Land Mark Apartment, Tadepalli Village and Mandal, Guntur District, Andhra Pradesh.
68. Mali Veeranjanyulu, S/o. Raghavalah, aged 24years, R/o. H. No. H. No. 3-145, Uppara Bazar, Bethapudi Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.
69. Bandaru Yedukondalu, S/o. China Venkateswara Rao, aged 58 years, R/o. H. No. 42-2/1-32, Devinagar, Vijayawada, NTR District, Andhra Pradesh.
70. Vallamkonda Pitchalah, S/o. Narasimharao, aged 65 years, R/o. H. No. 3-50, Pedavadiapudi Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.
71. Mall Shalini, W/o. Veeranjanyulu, aged 24 years, R/o. H. No. 3-145, Bethapudi Village, Mangalagiri Mandal, Guntur District, Andhra Pradesh.
72. Lakkireddy Venkatrami Reddy, S/o. Pulla Reddy, aged 41 years, R/o. H. No. 76-17-128, Urmila Nagar, Vijayawada, NTR District, Andhra Pradesh.
73. Vemireddy PeddaPitchi Reddy, S/o. Rami Reddy, aged 44 years, R/o. H. No. 3-56, Rajuladevarlapadu, Mamunuru, Yerrupalem, Khammam District, Andhra Pradesh.
74. Motu Krupavaram, S/o. Lakshmalah, aged 62 years, R/o. H. No. 74-12/5-8/3, New RTC Colony, Patamata, Vijayawada, NTR District, Andhra Pradesh.

75. Matta Padma Sai, W/o. Seshi Reddy, aged 33 years, R/o. H. No. 21-8-90/3, Plot No. 101, Sirisha Residency, Ganganamma Temple Street, Near Government Press, Muthyalampadu, Vijayawada, NTR District, Andhra Pradesh.

76. Gajarao Rama Rao, S/o. Gajrao Nagabhushanam, aged 55 years, R/o. H. No. 1-482, Opp: YSR Complex, Kothapeta, Mangalagiri, Guntur District, Andhra Pradesh.

77. Borra Susheela, W/o. SrinivasaRao, aged 35 years, R/o. H. No. 5-113/B, Jendachettu Center, Dwarakanagar, Mangalagiri, Guntur District, Andhra Pradesh.

78. Raithu Mithra Whole Sale Flower Merchant Welfare Association, 12-457/2/1, Revenue Ward No. 12, Bypass Road, Tadepalli, Guntur District, Andhra Pradesh. Represented by its President, Bandaru Yedukondalu, S/o. China Venkateswara Rao, aged 58 years, R/o. H. No. 42-2/1-32, Devinagar, Vijayawada, NTR District, Andhra Pradesh.

..Petitioner/s

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary [Municipal and Urban Development Department], Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh.
2. The Mangalagiri Tadepalli Municipal Corporation, Mangalagiri, Guntur District, Andhra Pradesh. Represented by its Commissioner.
3. The Town Planning Officer, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri, Guntur District, Andhra Pradesh.
4. The Water Resources Department, River Conservancy Section, Vallabhapuram, Munnangi, Represented by its Assistant Executive Engineer.

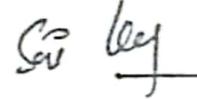
..Respondent/s

The address for service on the above named Petitioners is that of their counsel V SAI KUMAR [10604], Advocate, Flat No. 201, Guptha Towers, Near Superbazar Bus Stand, Main Road, Malakpet, Hyderabad. Ph: 9391304019, Email: highcourtadvocate7@gmail.com

For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No. 2 herein in making efforts to demolish the temporary sheds of the petitioners (Farmers Wholesale Flower Market) constructed at Sy. No.

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39/1 and 40, abetting to Aventura Sports Club, Vijayawada Club Road, Tadepalli, Guntur District without passing any reasoned order on the reply made by the petitioners to the notice in UCP No. 04/2023/TDPL/WPRS-01 dated 13.02.2023 as well as notice dated 01.02.2023 In Proceedings No. UCP No. 03/2023/TDPL/WPRS-01 as illegal, arbitrary and also oppose to Article 14, 19 (1)(g) and 300-A of the Constitution of India as well as oppose to principles of natural justice consequentially, direct the respondents 2 to 4 herein not to interfere with the date to day activity of the petitioners Wholesale Flower Market as well as the construction at Sy. No. 39/1 and 40, abetting to Aventura Sports Club, Vijayawada Club Road, Tadepalli, Guntur District by suspending the operation of the notices in Proceedings No. UCP No. 04/2023/TDPL/WPRS-01 dated 13.02.2023 and 01.02.2023, and pass such other order or orders may deem fit and proper in the circumstances of the case.



Counsel for the Petitioner

AMARAVATI
DATE: 21.02.2023

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1. I submit that I am the 1st Petitioner herein and as such I am well acquainted with the facts of the case. I am filing this affidavit on behalf of other petitioners as well.

2. This present writ petition is filed questioning the action of the respondent No. 2 herein in making efforts to demolish the temporary sheds of the petitioners (Farmers Wholesale Flower Market) constructed at Sy. No. 39/1 and 40, abetting to Adventura Sports Club, Vijayawada Club Road, Tadepalli, Guntur District without passing any reasoned order on the reply made by the petitioners to the notice in UCP No. 04/2023/TDPL/WPRS-01 dated 13.02.2023 as well as notice dated 01.02.2023 in Proceedings No. UCP No. 03/2023/TDPL/WPRS-01 as illegal, arbitrary and also oppose to Article 14, 19 (1)(g) and 300-A of the Constitution of India as well as oppose to principles of natural justice. Brief factual matrix leading to this present application is as under.

3. I submit that, I along with the other petitioners herein are the farmers and we engaged in floriculture a branch of ornamental horticulture concerned with growing and marketing flowers and ornamental plants in and around the villages of Tadepalli, Guntur District and we are petty farmers having meager agricultural lands and we have no other avocation except the above said floriculture activity and we are eking our livelihood by depending upon the same. I further submit that, we the petitioners formed into an association in the month of January 2023 for our welfare and registered the same with the authorities concern and the same is party to the proceedings as petitioner no. 78 herein. I further submit that, the above said association is consists of farmers who engaged in floriculture as its members and it is establish for their welfare. Moreover the said association was formed prior to January 2023 i.e., in the month of August 2022 however, It was registered in the month of January 2023.

4. I submit that, though we are raising floriculture and harvesting the same but we are facing lot of troubles in marketing moreover, since from the past



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years we are depending upon the agents to market our produce and paying 20% of our earnings to them and sometimes we are subjected to loss and the truth remains that our produce is a perishable and it would not be stored for a day for which have no other option depending on the agents who making profits from our brawn and sweat.

5. I further submit that, the flowers are highly perishable product- quality, and, the life of flowers declines with every passing day. We the petitioners who involved in the floral culture are interdependent. Wherein a broken link in the supply chain disturbing the entire operation, resulting in the delayed supply and impact of the quality and availability of flowers for which we are sustaining loss.

6. I submit that, in and around the Tadepalli, Guntur District area there is no flower market and we used to transport our flowers to Guntur Market which is nearly 30 to 40 km far away from Tadepalli Region moreover, we have to pay 20 % of our profits to the agents of the above said market and further, another market is situated at Vijayawada which is nearly 10 km far away from our farm lands and hence, we constructed the present construction for the market use and it is not out of the place to submit that, not only loosing 20% of profit and also investing on the transport to transport our produce to the Guntur as well as to the Vijayawada market to market and to sell our produce.

7. I submit that, we constructed a shed in the above said place to cater the marketing needs of the farmers of various villages i.e., Nidamarru, Bethapudi, Pedavadlapudi, Mellapudi, Nuthakki, Tadepalli, Kunchanapalli, Vaddeswaram, Ippatam, Kolanukonda, Pathuru, Chirravuru, Veerlapalem, Ramacherlapalem, Undavalli and Penumaka etc., further, we are cultivating the floriculture in and around 3000 acres in the above said villages of Guntur District and the place where we constructed the sheds are very near to our agriculture fields and feasible to market the same.

8. I submit that, to overcome with the losses as submitted above we all gathered as an Association and took a step to setup an independent wholesale

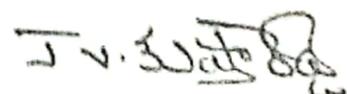
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market without depending upon the agents for which we purchased the land in Sy. No. 39/1 and 40 in an extent of 38 square yards each total to an extent of 3071 square yards from its vendors and we registered our documents with the Sub-Registrar, Mangalagiri under various document numbers [the documents are herewith filed along with this writ petition as exhibits] and the land we purchased is abetting to Adventura Sports Club, Maruthi Apartments, Vijayawada Club and Good News Public School etc., at Tadepalli, Guntur District as a matter of fact the land which we purchased is classified as Residential Zone and it is not under the purview of the 4th respondent however, they also got issued notice on 28.01.2023 for which we made a suitable reply and now they are not interfering with the construction or with our day to day activities and moreover, on advice I submit that the 4th respondent is nothing to do with our construction and he has no jurisdiction. I submit that, the land is situated far away from the water Stream of Krishna River and situated within the residential zone.

9. I submit that, though we purchased the land in an extent of 38 square yards each we are not divided our respective portions and the land is intact consisting of 3071 square yards in Sy. No. 39/1 and 40 of Tadepalli, Guntur District i.e., each petitioner having undivided share in the above said land having separate registered sale deeds. Further, we constructed a common shed for all of us for the purpose of market. I further submit that, since from the month of October we got registered the land in our name and prior to that we entered into an agreement with our vendor.

10. I submit that, as a matter of fact abetting to our temporary sheds there are permanent structures such as Vijayawada Club, Maruthi Apartments and Good News Public School etc., and they are allowed to continue but, however in a biased manner interfering with our activity by mentioning unsustainable reasons which is nothing but oppose to Article 14 as well as oppose to Article 19(1)(g) of the Constitution of India.



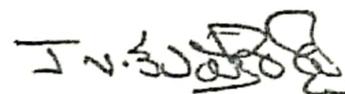
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11. I submit that, from the time immemorial the farmers are in the 1st row to sustain huge losses and it is not out of the place to submit that though we raise food but, put to starvation and the acts of the respondents is a classic example for the same.

12. I submit that, prior to making construction of the temporary sheds for the purpose of market we made an application along with a plan to the 2nd respondent on 28.11.2022 but till to date no action has been initiated on the same or taken any action and after making the application on the above said date we waited for 2 months for their response for construction and thereafter, having no information from the 2nd respondent we started construction of temporary sheds for the purpose of market on 24.01.2023 and completed by 5th February 2023 the entire construction work took hardly 10 days and at the time of construction also no one come to the place and when we started our marketing activity the respondents 2 to 4 herein started interference by making all false and baseless allegations which is highly illegal and improper.

13. I submit that, on 28.11.2022 we made application for permission physically to the 2nd respondent as the application is not uploaded from the Gramsachivalayam or Mee Seva Portal. I submit that, after receipt of the plan submitted by us is not processed till to date.

14. I submit that, all of a sudden on 06.02.2023 the 2nd respondent got issued a notice under the provisions of Andhra Pradesh Municipal Corporation Act, 1955 by mentioning the date as 01.02.2023 alleging that without having permissions we are constructing sheds with RCC Pillars and sheet roof without mentioning about our intimation of the above said construction to the 2nd respondent herein for which we made our response to the said notice and after receipt of the response from us no order has been passed however, again the 2nd respondent issued notice on dated 13.02.2023 again with the same allegations upon which through the respondent No. 78 we made our reply which is pending consideration.



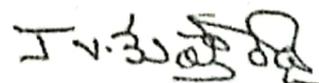
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requirement to act justly and fairly and not arbitrarily or capriciously. The procedures which are considered inherent in the exercise of a quasi-judicial or administrative power are those which facilitate if not ensure a just and fair decision. What particular rule of natural justice should apply to a given case must depend to a great extent on the facts and circumstances of that case, the frame work of law under which the enquiry is held and the constitution of the body of persons or tribunal appointed for that purpose. When a complaint is made that a principle of natural justice has been contravened, the court must decide whether the observance of that rule was necessary for a just decision in the facts of the case.

18. I submit that, in the present case the interference of the respondent authority is nothing but in a biased manner wherein without issuing any notices to the other constructions made abetting to the land in question issuance of notice and interference with our construction and day to day activities is nothing but bias in nature and also oppose to Article 14 of the Constitution of India and hence, having no other go I am filing this present writ petition for the following prayers. Further, I reserve my right to file additional affidavit if required while adjudicating the matter with the leave of this Honorable Court.

19. In the circumstances stated above, the petitioner has no efficacious alternative remedy, except to seek the redressal before this Hon'ble Court seeking indulgence of this Hon'ble Court to exercise the extraordinary original jurisdiction vested in this Hon'ble Court by virtue of Article 226 of the Constitution of India. The petitioner has not filed any writ petition, suit or other proceedings for the relief or relieves sought herein.

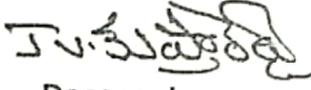
20. It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No. 2 herein in making efforts to demolish the temporary sheds of the petitioners (Farmers Wholesale Flower Market) constructed at Sy. No. 39/1 and 40, abetting to Adventura Sports Club, Vijayawada Club Road, Tadepalli, Guntur District without passing



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any reasoned order on the reply made by the petitioners to the notice in UCP No. 04/2023/TDPL/WPRS-01 dated 13.02.2023 as well as notice dated 01.02.2023 in Proceedings No. UCP No. 03/2023/TDPL/WPRS-01 as illegal, arbitrary and also oppose to Article 14, 19 (1)(g) and 300-A of the Constitution of India as well as oppose to principles of natural justice consequentially, direct the respondents 2 to 4 herein not to interfere with the date to day activity of the petitioners Wholesale Flower Market as well as the construction at Sy. No. 39/1 and 40, abetting to Adventura Sports Club, Vijayawada Club Road, Tadepalli, Guntur District by suspending the operation of the notices in Proceedings No. UCP No. 04/2023/TDPL/WPRS-01 dated 13.02.2023 and 01.02.2023, and pass such other order or orders may deem fit and proper in the circumstances of the case.

21. It is also just and necessary that this Hon'ble Court may be pleased to direct the respondents 2 to 4 herein not to interfere with the date to day activity of the petitioners Wholesale Flower Market as well as the construction at Sy. No. 39/1 and 40, abetting to Adventura Sports Club, Vijayawada Club Road, Tadepalli, Guntur District by suspending the operation of the notices in Proceedings No. UCP No. 04/2023/TDPL/WPRS-01 dated 13.02.2023 and 01.02.2023 pending disposal of the above writ petition and pass such other order or orders may deem fit and proper in the circumstances of the case.


Deponent

last page corrs.
Solemnly and sincerely affirm this
the day of 01.03.2023
and signed his name in my presence.

BEFORE ME



ADVOCATE: AMARAVATI

Government of Andhra Pradesh
Water Resources Department

From
Sri A. Vijaya Raju,
Assistant Executive Engineer,
R.C.Section,
Vallabhapuram.

To
The Government Pleader,
Irrigation & CAD Department,
High Court of Andhra Pradesh,
Amaravathi, Guntur District.

Lr.No.AEE/RC/VLB/ 14^{VLB} Dt: 05.03.2023.

Sub:- HIGH COURT - W.P.No.5412/2023, filed by Sri J.V. Krishna Reddy & others Tadepalli Mandal, Guntur District- Instructions called for - Submission of Report- Regarding.

Ref : Arising.

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Sri. A. Vijaya Raju, S/o. Raja Rao aged about 47 Years Occ: Assistant Executive Engineer, R.C. Section, Vallabhapuram, Guntur District, R/o. Vijayawada do hereby solemnly affirm and sincerely state on oath as follows.

I am the 4th respondent herein and as such, I am well acquainted with the facts of the case. I am filing this counter affidavit on behalf of myself as such I am authorized to do so. I have gone through the affidavit filed in support of the Writ petition and I deny all the allegations made in the affidavit except those that are specifically admitted herein.

It is respectfully submitted that Sri. Jakkireddy Venkata Krishna Reddy & 79 others have trying to construct 80 sheds in an extent of 3071 Sq. yards in Sy.No.39-1 & 40 of Tadepalli village for establishing of flower market at Vijayawada Club road as the said area is falling under River Conservancy Zone.

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The Tadepalli 2nd ward people has submitted their representation to the Chief Engineer, Krishna Delta System, Water Resources Department, Vijayawada. The same was communicated vide Executive Engineer, K.C. Division, Vijayawada Endt.No.CB/S/MC/186^{RC} Dt.27-12-2022. In their representation, they stated that their problems if the flower market will established in the above mentioned area then, they will face much troubles like traffic jam and safety of school childrens lives and pollution of Krishna River due to wastage and garbage produced by the Flower market and the same as joined into Krishna River. I had noticed the above subject while inspection of field observations personally on 29-12-2022. Then, immediately met the concerned persons who are going to do so and oral instructions were given to stop the construction activities until appropriate permissions were obtained. Then, the 1st notice was issued to stop the construction activity vide Notice No.55^{VLB} Dt.29-12-2022, the same construction is going on, then 2nd notice was issued vide Notice No.3^{VLB} Dt.28-01-2023. Even though, the construction is going on. The activities were observing time to time by the Tadepalli-Mangalagiri Muncipal Corporation authorities. The Commissioner, Tadepalli-Mangalagiri Muncipal Corporation, Mangalagiri has drop a letter to the Engineer-in-Chief, Water Resources Department, Vijayawada vide Letter No.Roc.No.281/2023/G1 Dt.04.02.2023 for take necessary action may please be taken. The same was communicated through Whatsapp message by the Executive Engineer, K.C. Division, Vijayawada. Based on the message received on Whatsapp, the Deputy Executive Engineer, R.C. Sub division, Vijayawada has given reply to the Commissioner, Tadepalli-Mangalagiri Muncipal Corporation; Mangalagiri authorities vide Letter No.05M Dt.14.02.2023 regarding the above subject.

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. After receiving the reply of Deputy Executive Engineer, R.C. Sub division, Vijayawada, The Commissioner, Tadepalli-Mangalagiri Municipal Corporation, Mangalagiri authorities was taken action while dismantling the ongoing construction works such as partition walls.

For the reasons stated above, It is therefore prayed that this Hon'ble Court may be pleased to dismiss the writ petition and pass such other order or orders as may be just and proper in the circumstances of the case.

Yours faithfully,


Assistant Executive Engineer,
R.C. Section, Vallabhapuram.