

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

Original Application No. 155 of 2021

IN THE MATTER OF:

KONDRU MARDIYYA

S.C. Colony,
Gunupudi Village, Nathavaram Mandal,
Vishakapatnam District – 53115
Email: litigation.life@gmail.com Ph: +91 9312407881

...APPLICANT

VERSUS

1. State of Andhra Pradesh

Through the Chief Secretary
Building No. 1, 1st Floor, Interim Government Complex,
A.P Secretariat, Velagapudi Guntur
Email: cs@ap.gov.in Phone : 0863-2441024
And 7 others

REPORT FILED BY THE 4TH RESPONDENT FOREST DEPARTMENT

Date: 02-09-2023



**M/S MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD**

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.
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[Counsel For 4TH Respondent](#)

**INDEPENDENT REPORT FILED BY 4TH RESPONDENT, PRINCIPAL CHIEF
CONSERVATOR OF FORESTS & HEAD OF FOREST FORCE, ANDHRA
PRADESH BEFORE THIS HON'BLE NATIONAL GREEN TRIBUNAL IN**

O.A. NO.155/2021 (SZ)

It is respectfully submitted that, in continuation to the earlier independent reports submitted on 07.11.2021 and 17.12.2021 in compliance to the directions of the Hon'ble NGT in its orders dt: 26.07.2021 and 30.11.2021 respectively and in pursuance of the orders of Hon'ble NGT in its order dt.24.07.2023, independent report of PCCF & HoFF, AP along with field inspection notes is herewith submitted

Site:

| | |
|-----------------|----------------|
| Village | Bomidikaloddi |
| Mandal | Nathavaram |
| District | Anakapalli |
| Forest Division | Anakapalli |
| State | Andhra Pradesh |

I inspected the site on 22.08.2023 and submit the following report.

The mining area over an extent of 121 ha is located in Bhamidikaloddi Village, Hamlet of Sarugudu Gram Panchayath, Nathavaram Mandal, erstwhile Visakhapatnam District and presently Anakapalli district. It is a Un-surveyed Hill Poramboke (USHP) land located about 2 Km away from the nearest notified Sarugudu RF-II, Compt no.1252 in K.D.Peta Range of erstwhile Narsipatnam division (presently in Anakapalli forest division) . The mining lease is adjoining to East Godavari district boundary which is also the boundary of Lododdi RF of East Godavari district.

Cause of Inspection:

One Sri Kondru Maridiyya, has filed OA No. 155/2021 before the Hon'ble National Green Tribunal, Southern Zonal Bench at Chennai questioning Mining lease granted in favour of one Sri J. Lakshmana Rao over 121 Ha. in USHP of Bhamidika Village, H/o. Sarugudu Panchayat of Nathavaram Mandal of erstwhile Visakhapatnam district. The Prl. Chief Conservator of Forests & HOFF, Andhra Pradesh is the 4th respondent.

The Hon'ble NGT has made the following order in I.A.No. 101 of 2021 (SZ) in OA No.155 of 2021 (SZ) dated 17-05-2023.

"Therefore, we once again direct the Prl. Chief Conservator of Forests & HoFF to inspect the area, assess the green cover and file a report as to whether it satisfies the parameters prescribed in T.N.Godavaran Thirumulpad's case and how the said area is to be categorized i.e whether as a deemed forest or not".

The Hon'ble NGT has made the following order in I.A.No. 101 of 2021 (SZ) in OA No.155 of 2021 (SZ) dated 24-07-2023.

"The Prl. Chief Conservator of Forests & HoFF is directed to file an independent report as indicated above failing which, the officials of Prl. Chief Conservator of Forests & HOFF has to appear personally before this Tribunal".

"The joint committee as well as the Prl. Chief Conservator of Forests & HoFF report also furnish the date of inspection and photographs taken during the inspection in this regard."

In the above context, I have taken up inspection of the area in question on 22-08-2023. Sri Saravanan, IFS, Chief Conservator of Forests, Rajahmundry, Sri S. Srikanta Natha Reddy, IFS, Chief Conservator of Forests, Visakhapatnam, Divisional Forest Officers Rampachodavaram, Kakinada, Anakapalli, Divisional Forest Officers, Flying Squad Division, Rajahmundry and other field staff concerned were present.

Observations:

The area in discussions is located on top of a hillock. There is a sign board at the entrance of the site and a temporary road leading to a portion of already quarried land. There were some abandoned earth moving equipment and a container probably serving as an office or a temporary shelter.

I have perambulated the area and observed that there is mostly secondary growth of plants which normally comes up after removal of the original growth, interspersed with weeds. As can be seen from the tree stumps and the old roots in patches, it appears that there used to be trees in the area in the near past which have been clear felled and as a result, the present status of scrub jungle. However, there are some patches or some standing trees here and there with isolated trees.

The adjoining areas on the South of the quarried portion which is in the reserved forests of Rampachodavaram Forest Division (which was earlier part of the Kakinada Forest Division). The nature of the crop in the adjoining the area is of moderate dense forest. It can be inferred based on the nature of the trees existing in the adjoining area to the land in question and based on the occurrence of the tree stumps and roots in the area, the area must have supported reasonable tree growth akin to the one existing all around.

As per the information with the forest department, the land which has been approved for the quarry is not Reserved Forest and is falling between the Lododdi RF of (erstwhile East Godavari) present Rampachodavaram Forest Division and Sarugudu RF of (erstwhile Narsipatnam Division) present Anakapalli Forest Division of Visakhapatnam District.

As regards the implications of T.N. Godavarman Thirumalpad's case and how it is applicable to this case, it is submitted that the Hon'ble Supreme Court has issued directions to the States to form Committees to come up with definition of Deemed Forest in respect of lands outside the Government

Forests. Report was submitted by the State of Andhra Pradesh in the year 1997, and the matter is pending in Apex Court.

It is further respectfully submitted that, the Government of India in F.No.11-98/2019-FC, dt.14.11.2019 directed the States to identify their own deemed forests and should frame criteria applicable to deemed forests in their State as India being a vast country with varied geophysical units and soil, climatic conditions that has given rise to a number of forest types and as far as developing criteria for deemed forests is concerned there cannot be any uniform criteria applicable to all forest types or all States. The criteria for deemed forest for identification and notification in respect of Government as well as private lands as per the orders of Hon'ble Apex court has not yet been finalized in the State of Andhra Pradesh.

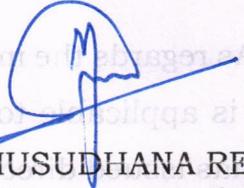
Since the definition has not been finalized in the State of Andhra Pradesh, there is no such class or category of Deemed Forests. The land in question is also not figured in the revenue record as "Forest" and is listed as un-surveyed hill portion. Thus the land is not classified as Forest.

I respectfully submit that in another case in OA.No. 09/2017 this Hon'ble Tribunal issued orders that provisions of Forest Conservation Act are applicable as the land was recorded as Forest in Revenue / Government records.

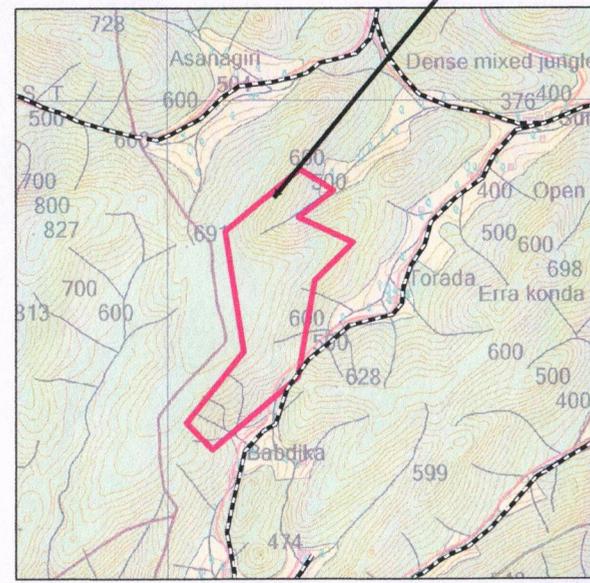
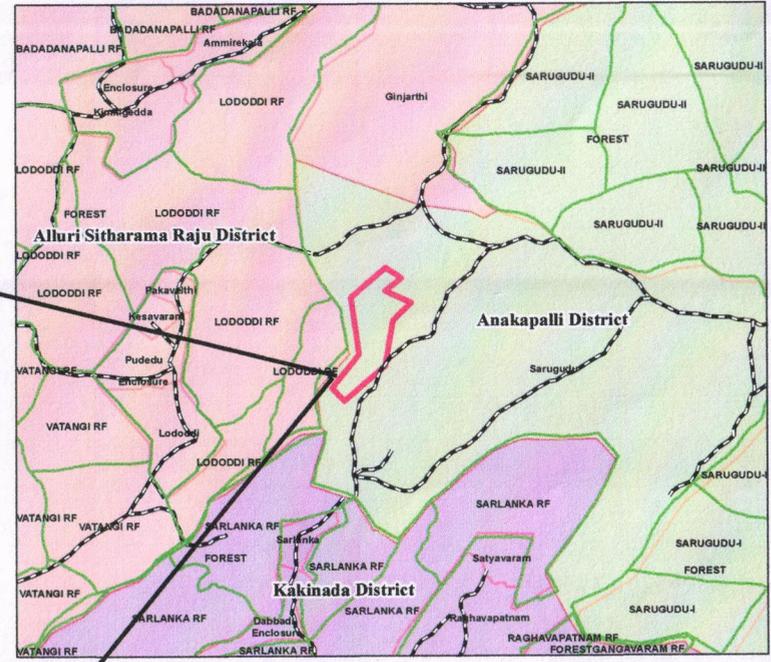
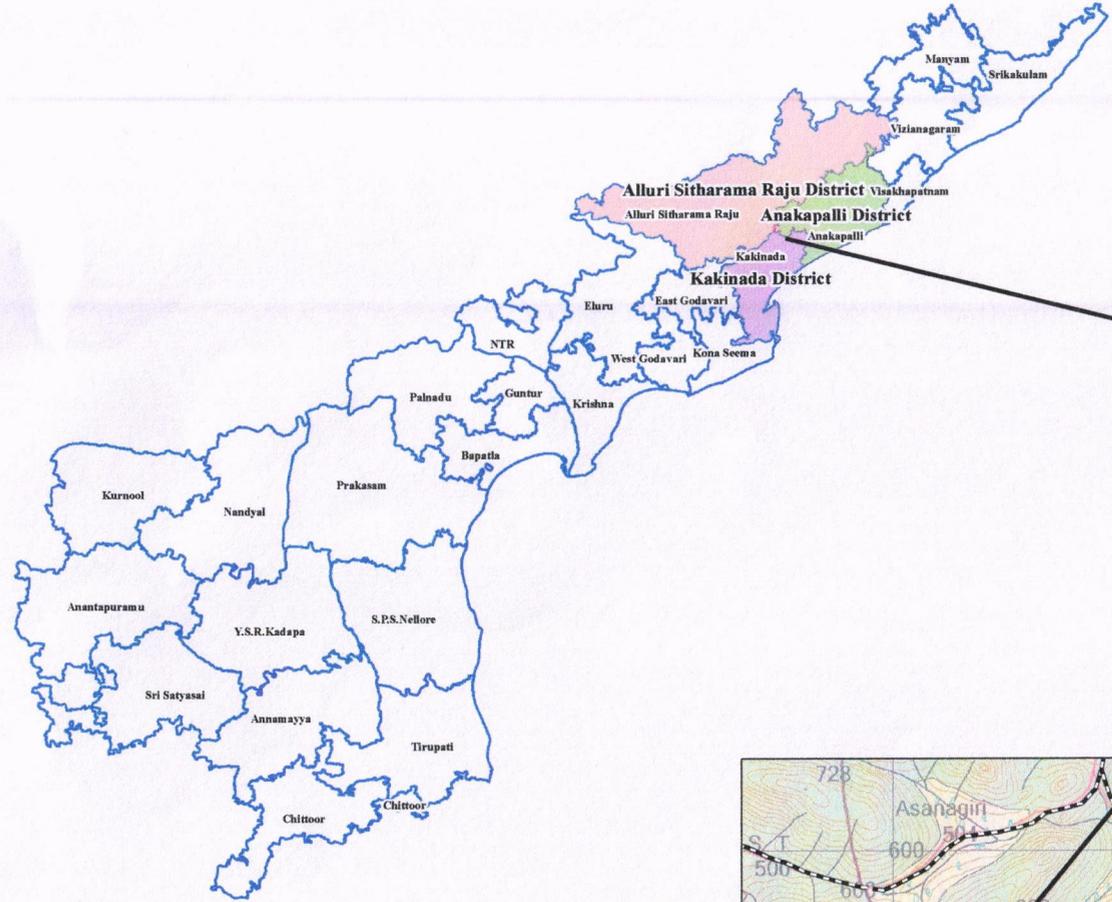
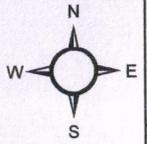
In the present case the land in question is not included in any Forest Block, it is not recorded as Forest in Revenue Records.

The photographs taken during the inspection of the above land are enclosed herewith for perusal and information.

Encl: Photographs

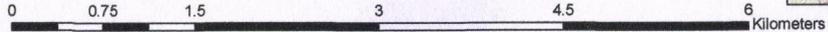

(Y. MADHUSUDHANA REDDY)
Prl. Chief Conservator of Forests
& Head of Forest Force

Index Map Showing the Co-ordinates of Mining Area Near Bhamidika Village, Nathavaram Mdl, Balaram Beat, Golugonda Section of K.D Peta Range of Anakapalli District of Andhra Pradesh.



Legend

- Roads
- Mining Boundary
- Forest Boundary
- Anakapalli District Boundary
- Andhra Pradesh District Boundary



77°00'E 78°00'E 79°00'E 80°00'E 81°00'E 82°00'E 83°00'E 84°00'E 85°00'E 86°00'E 87°00'E 88°00'E 89°00'E 90°00'E 91°00'E





Latitude: 17.522506
Longitude: 82.336028
Elevation: 695.1±9 m
Accuracy: 8.2 m
Time: 08-22-2023 11:19
Note: sarugudu mining

Powered by NoteCam



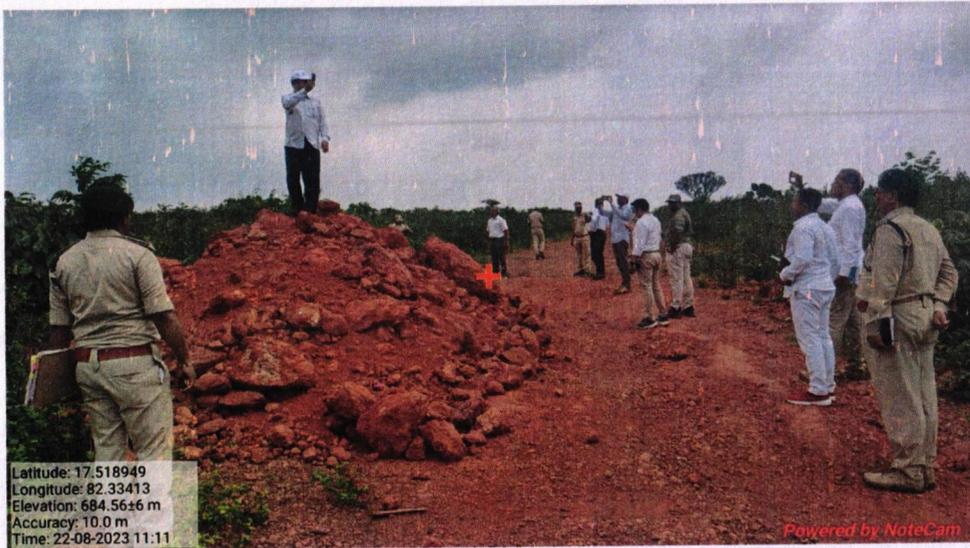
Latitude: 17.522584
Longitude: 82.335978
Elevation: 693.0±8 m
Accuracy: 5.5 m
Time: 08-22-2023 11:20
Note: sarugudu mining

Powered by NoteCam



Latitude: 17.522548
Longitude: 82.336042
Elevation: 694.3±8 m
Accuracy: 6.4 m
Time: 08-22-2023 11:21
Note: sarugudu mining

Powered by NoteCam



Latitude: 17.518949
Longitude: 82.33413
Elevation: 684.56±6 m
Accuracy: 10.0 m
Time: 22-08-2023 11:11

Powered by NoteCam



Latitude: 17.52243
Longitude: 82.335954
Elevation: 773.4±13 m
Accuracy: 3.9 m
Time: 22-08-2023 11:49:27 AM
Note: mains

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