

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**IN**

**O.A. No. 156 OF 2020 (SZ)**

**IN THE MATTER OF**

**Avilala Cheruvu Parirakshana  
Samiti and another**

**... Applicant(s)**

**Versus**

**The state of Andhra Pradesh  
Rep. by the Chief Secretary  
and Others**

**... Respondents(s)**

**JOINT COMMITTEE REPORT**



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Scientist 'C'

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Ministry of Environment, Forest & Climate Change, Chennai

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**O.A. No. 156 OF 2020 (SZ)**

**REPORT OF THE JOINT COMMITTEE**

**Brief Background - Avilala Cheruvu**

The Avilala Cheruvu (hereinafter also referred as Avilala tank) is a water body located at about 1.20 Km Southwest of Avilala Village, Tirupathi Rural Mandal, Chittoor District, Andhra Pradesh. It is spread in survey Nos. 17/4, 18/1, 18/2 and 19 of Avilala village. The Hydraulic particulars of the water body are as follows:

FTL	:	+508.19'
MWL	:	+510.69'
TBL	:	+515.69'
Top Width of bund	:	6', 5' and 4'
Side slopes	:	1 <sup>1/2</sup> to 1 and 2 to 1
Height of revetment above FTL	:	2 <sup>1/2</sup> ft.
Area of water spread at FTL	:	201.60 Acres
Capacity of the tank at FTL	:	43.80 mcft.
Ayacut	:	279.00 Acres
Length of Bund	:	2720 mtrs.
Combined catchment area	:	5.38 sq. miles

In the year 1994 Avilala Tank was alienated to Tirupathi Urban Development Authority (TUDA) and Andhra Pradesh, Housing Board vide G.O.Ms.No.84 (Revenue), dated: 28.01.1994. Challenging the said Govt. orders a writ petition No.8650 of 1994 was preferred in Hon'ble High Court, Hyderabad by a registered society called "The Intellectual Form". Upon dismissal of the said writ petition Special Leave Petition was preferred against the orders the Hon'ble High Court. Subsequently, Civil Appeal no. 1251 of 2006 (Arising out of SLP(Civil) Nos. 7196-7197 of 2001) was decided on 23.02.2006, wherein the Hon'ble Apex court was pleased to dispose the appeal with directions as given below (**hereinafter also referred to the orders of Hon'ble Supreme Court**).

- 1) *No further construction to be allowed in the area.*
- 2) *Each house already constructed by the APHB/TUDA may provide for roof top rain water harvesting. All the storm water in the already built colonies to be recharged to ground water. Structures for such purposes to be designed in consultation with CGWB.*
- 3) *No bore well/tube well for any purpose to be allowed in the area.*

- 4) *An area of 40 acres presently reserved for the Government should not be developed in any way that may lead to concretization of the ground surface. Recharge structures to be constructed for rain waterharvesting.*
- 5) *Piezometers to be set up at selected locations in consultation with the CGWB to observe the impact of rain water harvesting in the area ground waterregime.*

From 2006 to 2015 no activity was taken up in the Avilala tank and it remained as a Tank only.

On 26.12.2015 during a discussions held on the developmental activities of Tirupathi Town, the Tirumala Tirupathi Devasthanams (TTD) authorities have shown interest for development and beautification of Avilala Tank as part of keeping Tirupathi town greenery and ecological balance.

The then Superintending Engineer, Irrigation Circle, Chittoor vide Lr.No.DB/SO.2/W-25, 506 M, dated 26.12.2015 had given permission to TTD for development and beautification of Avilala Cheruvu (tank),duly keeping in view the supreme court orders, by not changing the morphology of the tank (**Annexure- I**).

The TTD, vide Lr.No. LOC No.2287/D12/CEM/TTD/TPT/2017, dt.30.05.2017 anddt. 21.07.2017 requested the Government of Andhra Pradesh to accord permission for the work of "Development of Avilala tank at Tirupathi" with a cost of Rs.18.50 crores and to include the same in the revised budget of 2017-18. The TTD proposed to develop Spiritual Park, Aesthetic Park, walking park, develop eco-system and percolation tank etc. to improve ground water availability to improve pilgrims' amenities etc. The Government of Andhra Pradesh also accorded permission to TTD to take up the proposed works of development of the above mentioned amenities for pilgrims and public, vide G.O.Rt.No.947, dated 11.09.2017 and included the same in the revised budget of 2017-18(**Annexure-II**).

The then Executive Engineer, Irrigation Division, Tirupathi vide Letter No. DB/JTO.IV/TPT/ 128 M Dt. 03-03-2018 has intimated the Chief Engineer, T.T.D., Tirupathi about the Hon'ble Supreme court orders, and requested not to take up any construction in the foreshore area of tank and also requested to stoplaying of roads in the foreshore area of the tank. (**Annexure-III**). Further, the then Executive Engineer, Irrigation Division, Tirupathi vide Lr.No.603 SE, dated 27.10.2018 has reported to the Superintending Engineer, Irrigation circle, Chittoor that the foreshore area of Avilala tank was excavated by deploying six (6) excavators, eight (8) tippers and about thirty (30) tractors for forming hillock type structures on western side of the tank.

The Joint Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi, vide Lr.No.ROC No.2287/D12/CG/TTD/TPT/2017, dt.01.08.2018, has stated that as per the orders of Govt., in G.O.Rt.No. 947 dt. 11-09-2017, theAndhra Pradesh Urban Greenery and Beautification Corporation Ltd.(APUG & BCL) has entered into an MOUwith the TTD and have furnished the proposals for development of Avilala Ecological Park with an estimated cost of Rs.181.13 crores in two phases i.e. **Phase-1 for 80.14 crores and Phase-II for Rs100.99 crores**. Further,as per the minutes communicated by the Managing Director, APUG & BCL, the Chief Minister, Govt. of Andhra Pradeshhas conducted a review meeting on 04.07.2018 and gave his consent to proceed with the works as proposed in Phase-1 above.Accordingly, the Government hasaccorded permission to take up the development of Avilala Tank at Tirupathi with a revised project cost of Rs.80.14 crores under Phase-1, vide G.O.Rt.No.1775, dated13.12.2018, duly stipulating compliance to the orders of Hon'ble Supreme Court.(**Annexure-IV**).

As the matter stood thus, the petitioners, Sri Akula Sathish Kumar and Sri B. Mohan Krishna, Tirupathi jointly submitted their representation vide letter dated 22.7.2019 to the following authorities.

- (i) The Chief Secretary to Govt., A.P. Secretariat, Vijayawada
- (ii) The Executive Officer, TTD, Tirupathi
- (iii) The District Collector, Chittoor
- (iv) Superintending Engineer, Irrigation Circle, Chittoor

In their representation the petitioners have stated that the developmental works are being taken up by the TTD in Avilala Cheruvu, i.e., construction works of Sri Venkateswara Spiritual theme park, by flouting the orders of Hon'ble Supreme Court and requested the authorities to ensure that the activities are in conformity with the above orders of Hon'ble Supreme court of India, otherwise, they cautioned that, they will have no alternative except to file an application before the Hon'ble National Green Tribunal against the authorities.

The Superintending Engineer, Irrigation Circle, Chittoor vide Lr.No.SE/IC/CTR/DB/T4/ATO/W.25/739 M, dated 07.08.2019 requested the TTD authorities not to take up any permanent structure in the Avilala Tank and restore the tank to its original morphology. Violation of the condition/ changing the morphology of the tank leads to legal complications to be faced by all the concerned departments **(Annexure-V)**. The Superintending Engineer, Irrigation Circle, Chittoor also addressed the District Collector, Chittoor, with a request to address the TTD authorities not to take up any permanent structure in the foreshore of the tank by changing the morphology of the tank and instructed the Executive Engineer, Irrigation Division, Tirupathi to submit a detailed status report.

The then Executive Engineer, Irrigation Division, Tirupathi along with Deputy Executive Engineer, Irrigation Sub-Division, Tirupathi and Assistant Engineer, Tirupathi Rural have inspected the Avilala tank on 04.09.2019 and found that the following structures were constructed by the TTD in Avilala Tank.

- 1) Compound wall: 90% of compound wall, all along the tank, was completed by demolishing the tank bund.
- 2) WMM Road: Metal layers were laid without blacktopping.
- 3) CM&CD works: Two culverts with pipes were constructed.
- 4) Shed: 5 Nos of iron pillars with trusses without roof covering are erected.
- 5) Buildings: Columns up to plinth level was constructed.
- 6) Earthen mounds and bund: Earthen mounds and bund are formed in the foreshore area.
- 7) Temporary shed: one temporary shed was constructed.

The TTD authorities had changed the morphology of the tank in violation of the conditions stipulated by the Irrigation department while permitting the development works as mentioned above. The same was intimated to the Superintending Engineer, Irrigation Circle, Chittoor vide Lr.No.DB/JTO.IV/Avilala/513 SE, Dt.18.09.2019.

The Executive Engineer has further submitted that the southern side of Avilala tank is being used by the M/s AFCON Company for fabrication and storage of materials required for construction of Garuda Varadhi fly over in Tirupathi city, a project taken up by TUDA, Tirupathi. On enquiry, the M/s AFCON have furnished records of permission accorded to them vide the proceedings of the Vice Chairman, TUDA, Tirupathi, which in turn have given reference of the GOMs.No. 408, Municipal Administration and Urban Development (UBS) Department Dt. 18-12-2018, in pursuance of which the said

proceedings were issued. The above GOMs. No.408 reads as under:

*“The land falling in alignment and belonging to TTD/TUDA/MCT/APSRTC and any other Government properties shall be handed over to TSCCL for project execution”.*

In accordance with the above Govt. Orders, the TUDA has permitted M/s AFCON to utilize the land in Sy.No. 19 of Avilala village on a nominal rent of Rs. 2.00 Lakh (Rupees two lakhs only) per month for setting up of casting yard of Garuda Varadhi project with a condition to the effect that they should vacate the land after Garuda Varadhi project work is over or as and when this authority requires the land whichever is earlier. Further, the agency should adhere to the following conditions.

- The company is permitted to utilize the land purely for casting/storage of materials relating to the Garuda Varadhi project and should not cause any damages or obstruct natural watercourse.
- They should not raise any permanent constructions.
- They should not change any physical features of the land.

The then Executive Engineer, Irrigation Division, Tirupathi has requested the Superintending Engineer, Irrigation Circle, Chittoor to address the TUDA authority seeking the grounds based on which it issued the above proceedings, permitting M/s AFCON to utilize the Avilala tank bed for the purpose of casting yard.

The Superintending Engineer, Irrigation Division, Chittoor vide Lr.No.SE/IC/CTR/DB/T4/ATO/W.25/921 M, dated 09.10.2019 (**Annexure-VI**) has once again requested the TTD authorities not to take up any permanent structures in the foreshore area of the Avilala tank and regain the tank to its original morphology as per the aforementioned orders of Hon'ble Supreme Court..The Superintending Engineer, Irrigation Circle, Chittoor submitted the copy to the District Collector, Chittoor with a request to address the TTD authorities not to take up any permanent structures in the tank thereby changing the morphology of the tank. The Superintending Engineer, Irrigation Circle, Chittoor also instructed the Executive Engineer, Irrigation Division, Tirupathi to address the TUDA, Tirupathi regarding allotment of land to M/s AFCON company for setting up the casting yard for Garuda Varadhi Project and evict the encroachment by the company immediately with the support of revenue authorities.

On 24.06.2020, AvilalaCheruvu Parirakshana Samiti represented by its convener Sri.Akula Satish Kumar, Tirupathi and Swarnamukhi Bachavo Andolan Samiti represented by its president Sri.B. Mohan Krishna have approached the Hon'ble National Green Tribunal, (SZ), at Chennai and filed an application No.156 of 2020 (SZ),challenging the permission given by Irrigation Department for taking up development and beautification works in the Avilala Cheruvu and requested the Hon'ble Tribunal to inter alia direct the concerned authorities to refrain from taking up any development works in the catchment area of the Avilala Cheruvu and restore the water body to its original position, without reducing the capacity of the tank, besides awarding cost to the respondents.

The Executive Engineer, Irrigation division, Tirupathi vide Lr. No. DB/JTO-4/ Encroachments/ 603 M dt. 31-08-2020, has requested the Vice Chairman, TUDA, Tirupathi for cancellation of permission given to the M/s AFCONS Company by the TUDA authorities for utilizing the part of Avilala tank bed. The Executive Engineer, Irrigation division, Tirupathi vide, Lr.No. DB/JTO-4/ Encroachments/ 604 M Dt. 31-08-2020, has also requested the Executive Officer, T.T.D, Tirupathi for regaining the morphology of Avilala tank and restoring the bunds of the Avilala tank to comply with the said orders of Hon'ble Supreme court.

On 23.09.2020, the Executive Engineer, Irrigation Division, Tirupathi Sri.J.Venkata Siva Reddy, S/o.J.Reddeppa Reddy has submitted counter affidavit to the Hon'ble National Green Tribunal, Chennai.

### **Joint Committee – O.A. No. 156 of 2020 dated 05.11.2020**

The Hon'ble NGT, Chennai in its order dated 05.11.2020, considering the prevailing circumstances and submissions made by both the parties and also considering the allegations made, appointed a Joint Committee comprising of the following members, to inspect and ascertain the present status of the area i.e. the Avilala Tank.

1. Senior Officer from Ministry of Environmental, Forests and Climate change, Integrated Regional Office (IRO), Chennai.
2. The District Collector, Chittoor District.
3. Superintending Engineer, Irrigation Department.
4. An officer from the office of the principal Chief Conservator of Forests & Head of Forest Force (HOFF) not below the rank of Chief Conservator of Forests to be deputed by the Principal Chief Conservator of Forest & Head of Forest Force (HOFF).

The committee was directed to ascertain the extent of water body as per the revenue records, the present extent available, number and nature of encroachment and what is the proposed action to be taken to restore the water body to its original position in tune with the directions given by the Hon'ble Apex Court and any damage has been caused to environment, what is the nature of damage caused and assess environmental compensation and submit a factual as well as action taken report to the Tribunal on or before 12.01.2021.

As per the above directions of the Hon'ble NGT, Chennai, a Joint Committee was formed duly comprising of the following officers:

1. Dr. C. Palpandi, Scientist-C from Ministry of Environmental, Forests and climate change will act as a Nodal Officer (EP/12.7/NGT(SZ)/070/2020/AP dated 01.12.2020)
2. Dr. N. Bharat Gupta, IAS, The District Collector, Chittoor
3. Sri. M. Surendra Reddy, Superintending Engineer, Irrigation Circle, Chittoor.
4. Sri. R.K. Suman, IFS, Additional Principal Chief Conservator of Forests, Government of Andhra Pradesh, Guntur. (PCCF & HoFF Rc. No. 7864/2020/Admn.1/20/11/2020)

The exhaustive mandate of the committee is as under:

1. To ascertain the extent of water body as per the revenue records,
2. To ascertain present extent of the Avilala Tank available,
3. To ascertain the number and nature of encroachments
4. To propose the action to be taken to restore the water body to its original position in tune with the directions given by the Hon'ble Apex Court.
5. To ascertain the extent of damage, if any, caused to the environment,
6. To ascertain the nature of damage caused to the environment.
7. To assess environmental compensation and
8. To submit a factual as well as action taken report to the Tribunal
9. To submit the report on or before 12.01.2021.

The Joint Committee has inspected the Avilala tank on 18.12.2020 along with the designated representatives of various stake holder departments/agencies such as Tirumala Tirupathi Devasthanams, Tirupathi, Tirupathi Urban Development Authority, Tirupathi, Revenue Department, Tirupathi, M/s AFCON representatives etc.

With reference to the mandate given by Hon'ble National Green Tribunal, the Joint Committee submits the following for favour of information and kind consideration of the Hon'ble Tribunal.

## 1. The extent of the water body as per the revenue records:

As per the Resurvey and Resettlement register of 49, Avilala village in the Chandragiri Taluka of Chittoor District, the extent of the Avilala tank is as follows.

<u>(Acres)</u>	<u>Sy. No.</u>	<u>Extent</u>
Tank	18/1	187.0318
	/2	<u>0.19</u>
	17/4	0.53
	<b>Total</b>	<b><u>187.75</u></b>
<b>Cheruvu Thottu</b> <u>(Area reserved for excavation of earth to meet the requirement of bund in emergency conditions)</u>		
	19	<u>13.87</u>
	<b>Total</b>	<b><u>13.87</u></b>

**GrandTotal : 201.62**

Thus total extent of water body of the Avilala Tank as per revenue records is **201.62** Acres.

## 2. Present extent available:

The areas utilized for various purposes are as under:

<b>Part</b>	<b>Description of land</b>	<b>Extent (Acres)</b>	<b>Status</b>	<b>Remarks</b>
Part-I	Available tank bed area on Northern side of NH 205	144.48	Available	--
Part-II	Available tank bed area on Southern side of NH-205	21.19	Available	--
Part-III	Available tank bed area land in Sy. No. 17/4 on Western side the tank.	0.53	Available	Available after Hon'ble Supreme Court of India

				Judgment.
Part-IV	Cheruvu Thottu on the south side of the NH 205 which is being used by M/s AFCON for sand dumping yard.	13.87	Available	Available after Hon'ble Supreme Court of India Judgment.
<b>Total ( available)</b>		<b>180.07</b>		
Part-III	Tank bed area given for sub-station (permanent structure)	1.12	Not Available	Vide G.O.Ms.No. 84 Dt. 28-01-1994
Part-IV	Tank bed area given for NH 205 (Permanent structure)	10.20	Not Available	As per discrete enquiry it is found that it is formed prior 2006 (Supreme court judgment)
Part-V	Metal road is passing on western side of foreshore of tank from NH 205 to Vaikuthapuram of Tirupathi town (Permanent structure)	9.90	Not Available	Permission was not given by the Government for this road. On discrete enquiry it is found that it was formed after supreme court Judgment.
Part-VI	Land given for road from Tirupathi to Pachikapallam (Permanent Structure)	0.33	Not Available	Permission was not given by the Government for this road. On discrete enquiry it is found that it was formed after supreme court Judgment.
<b>Total (Not Available)</b>		<b>21.55</b>		
<b>Grand Total</b>	<b>Available + not available</b>	<b>201.62</b>		

The total extent of the erstwhile tank is 201.62 acres, consisting of tank bed of 187.75 acres and Cheruvu Thottu (Area reserved for excavation of earth to meet the requirement of bund in emergency conditions) of 13.87 acres. Out of this tank bed area, an extent of 10.20 acres of land was given for formation of NH 205 road (National Highway) which is running east-west and is passing through the foreshore/tank bed area of Avilala tank there by dividing the tank into two parts in north and south of it, which are both interconnected by an RCC Bridge. Further, on the northern side of the NH 205, an area of 1.12 acres of land was allotted for sub-station vide a Govt. order which predates the Instant orders of Hon'ble Supreme Court. Besides, an area of 9.90 acres of tank bed was utilized for construction of a metal road from NH 205 to Vaikuthapuram of Tirupathi town passing through the western side of foreshore of tank. This metallic road was constructed without any supporting Govt. Order. Further, another area of 0.33 acres of land was also utilized as part of road from Tirupathi to Pachikapallem. As regards the tank bed area of the southern side of the NH 205, out of an available area of 21.19 acre, about 18 acres of land is being used temporarily by M/s AFCON for fabrication of concrete structures for Garuda Varadhi flyover Project as per proceedings of TUDA, as stated earlier in the report. The M/s AFCON will vacate the land and remove all its temporary structures soon after completion of their project, which is to be over by the end of the year 2021. Thus different parts of the Avilala tank at present are as under:

<b>I. Total extent of land given for various purposes</b>	<b>:21.55 acres.</b>
<b>II. a) Total extent of the tank bed area available</b>	<b>: 165.67 acres.</b>
<b>b) Cheruvu Thottu area</b>	<b>: 13.87 acres</b>
<b>c) Land available</b>	<b>: 0.53 acres</b>
<b>d) Total extent available</b>	<b>: 180.07 acres</b>
<b>III. Total extent of Avilala Tank area (180.07+21.55)</b>	<b>: 201.62 acres</b>

Thus total extent of the tank Avilala Cheruvu clearly available at present is **180.07** acres including Cheruvu Thottu and land allotted for various purposes is **21.55** acres.

### **3. Number and Nature of the encroachments:**

There are no encroachments either in the form of buildings or in the form of land other than the ones mentioned above in point No. 2 "Present Extent Available". However TTD, in coordination with TUDA has planned certain developmental and beautification works in the Avilala Cheruvu tank bed area. A copy of the plan was presented before the committee by TUDA representatives during the inspection. A copy of the sketch plan is enclosed herewith for ready reference (**Annexure-VII**).

The proposed works for developments as per the above plan are as under:

**A. On Northern side of NH 205:**

S. No.	Name of the segment	Extent/area (Acres)	Purpose
1	Formation of Mounds	27.97	For planting of all the indigenous species of Seshachalam forest
2	Formation of walkway/ carriage way, pathway, cycle way	10.64	For movement of vehicles
3	Sheds (5 no.)	0.10	For amenities
4	Internal pathways	10.60	For movement of vehicles.
5	Formation of Lake	10.82	Acts as a major water body in the proposed Ecological Park
6	Formation of Internal swale	5.27	Acts as secondary water body. It stores excess water from the garden area.
7	Formation of ponds	1.17 Ac	To maintain water constantly round the year for percolation.
8	Development of different types of theme gardens	65.00	For enhancing urban environment, promoting eco-tourism,
9	Untackled area	12.91	Proposed for future development
10.	In Sy. No. 17/4	0.53	Proposed for future development
	<b>Total Area</b>	<b>145.01</b>	

**B. On Southern side of NH 205:**

S.No.	Name of segment	Extent/area(A cres)	Purpose
1.	M/s AFCON casting yard	18	Casting yard
2.	M/s AFCON's sand dumping area	3.19	Sand dumping/storage
3.	Cheruvu Thottu	13.87	Untackled area
	<b>Total</b>	<b>35.06</b>	

**C. Encroachments in Tank:**

S.No.	Name of the segment	Extent/area (Acres)	Purpose
1	Sub station	1.12	Construction of Substation
2	Land for NH-205	10.20	Formation of National Highway 205.
3	Metal Road	9.90	Road is formed on western side of foreshore of tank from NH 205 to Vaikuntapuram of Tirupathi town.
4	Land for road from Tirupathi to Pachikapallam	0.33	Formation of road to Pachikapallam
	<b>Total Area</b>	<b>21.55</b>	

**Grand Total Area of Tank [A(145.01) + B(35.06) +C(21.55)] = 201.62 Acres**

Further, as per the above plan the following developmental activities were observed to have been taken up in the tank bed area.

- a) A compound wall for a length of about 3.00 Kms. was constructed all along the periphery of the tank bed by removing the bund of tank. **(Fig.1).**
- b) Whereas on two sides i.e., North and East, the compound wall is constructed, along the boundary of the tank, on southern side the compound wall is constructed on Northern side of the existing NH 205 road which is not on the periphery of the tank. On western side, the compound wall is constructed within the foreshore area of the tank. A road for a length of about 800 Mts. and with a width of about 5.00 Mts. was laid on western side of tank from NH 205 to Vaikuntapuram of Tirupathi town.
- c) As regards the tank bed area on Southern side of the NH 205 there is no fencing/boundary wall.
- d) The tank bed area of about 18.00 Ac, located on the southern side of NH 205, is being used as casting yard for fabrication of concrete beams, girders etc., by M/s AFCONS Company for use in Garuda Varadhifly overproject **(Fig.2).**
- e) There is a sand dumping yard on the south west corner of the tank bed area.
- f) Formation of internal roads/pathways with metal layers, overlaid with a gravel top layer has been done within the tank bed area. These pathways are about 7.50 Mts., 6 Mts. and 3 Mts. wide in different stretches, covering a total area of about 10.60 Acre of tank bed. **(Fig.3).**
- g) **26** nos. of pipe culverts are constructed across the above internal roads/pathways **(Fig.4).**
- h) An area of about 5.00 acres on the southern portion of the tank bed adjacent to the northern side of the NH 205 has been levelled and a spacious vehicle parking space for about 1000 nos. of vehicles has been created/developed. **(Fig.5).**

- i) Peripheral road of width about 6.0 Mts around the tank bed area of about 2.80 Km length has been completed. The said road lies within the tank bed area.
- j) Seven mounds/hills of varying heights ranging from 4.00 Mts. to 5.00 Mts. have been formed on south - western and western part of the tank bed to represent the seven hills of Sheshachalam hill ranges. The total area of the mounds/hills is about 28.00 Ac. The mounds/hills were formed by excavating the earth from the bed of the tank. Water has impounded at certain places in the excavated portions of the bed. **(Fig.6).**
- k) Five (5) steel framed structures are erected on concrete blocks for creating basic amenities for facilitating the future visitors of the proposed theme park. Each structure is about 100 to 200 Sq.Mts plinth area. The proposed amenities include cafeteria, shelters from sun and rains, toilets etc. **(Fig.7).**
- l) Protective barbed wire fencing over the compound wall is provided.

Thus it was observed that the following types and extent of encroachments and damages have been done to the erstwhile Avilala Cheruvu tank:

S. No.	Structure name	Extent (Acres)	Prior to SC order (Yes/No)	Type (permanent / semi-permanent/ temporary)	Agency/department responsible	Remarks
1.	Sub station	1.12	Yes	Permanent	AP state Electricity Board	
2.	NH-205	10.20	Yes	Permanent	National Highways Authority of India.	
3.	Metal Road on western side of foreshore tank from NH-205 to Vekuntapuram	9.90	No	Semi-permanent	TTD/TUDA	
4.	Land for road from Tirupathi to pachikapallam	0.33	No	Semi-permanent	TTD/TUDA	
5.	Formation of mounds/hills	27.97	No	Temporary	TTD/TUDA	
6.	Formation of walkway/ carriage way, pathway, cycle way	10.64	No	Temporary	TTD/TUDA	

7.	Foundation for sheds (5 no.)	0.10	No	Temporary	TTD/TUDA	
8.	Internal pathways	10.60	No	Temporary	TTD/TUDA	
9.	Vehicle Parking area	5.00	No	Temporary	TTD/TUDA	
10.	Structure casting yard	18.00	No	Temporary	TTD/TUDA/AFC ON	
11.	Sand dumping yard	13.87	No	Temporary	TTD/TUDA/AFC ON	
12.	Boundary wall around the tank	3.0 Km	No	Permanent	TTD/TUDA	Protects the tank area from any land grabbing.

**Abstract of encroachment/damages to the tank**

			<b>% age</b>	<b>Remarks</b>
1.	Encroachments of tank by permanent/semi-permanent structure	<b>21.55</b>	10.69	--
2.	Other Damages by temporary structures	<b>86.18</b>	42.74	--
3.	Total of encroachments & damages by way of developmental works.	<b>107.73</b>	53.43	More than half the erstwhile tank area has been subjected to some kind of encroachment or damages by way of taking up some developmental works or the other.
4.	Tank area without any damage/encroachment	<b>93.89</b>	46.56	--
	Total Tank area	201.62 acres.	100.00	

Thus it is observed that an extent of 21.55 acres of tank bed area has been encroached by permanent and semi-permanent structures such as roads and highways. In

the balance area some development works have been taken up by way of certain temporary structures, which can be removed for regaining the water body of the tank. Further, balance part of about 46 % of the tank is left untouched having water impounded at certain places.

Thus a total area of 180.07 acres out of the total area of 201.62 acres of the erstwhile tank can be readily worked upon to restore it as a water body. For the balance area certain remedial measures are being suggested in conformity with the ecology of the area besides awarding suitable costs to the departments/agencies.

#### **4. Proposed action to be taken to restore the water body to its Original Position.**

It is observed that though the Avilala Tank was traditionally a designated tank with defined hydrological parameters, the proposals consequent to the abovementioned discussion on taking up development and beautification work of the Avilala tank, were not specifically intended to maintain it as a water body, by way of strengthening the tank bed and desilting & deepening of the tank bed and other related activities. It is amply clear that the proposed work of development and beautification of the erstwhile Avilala tank, which was subjected to siltation in the past, was never intended to restore the tank to its original glory. Instead it was proposed to be developed as a city park area with variety of landscapes and public amenities within the tank bed area viz. earthen mounds, arterial/internal roads, peripheral roads, plantations, vehicle parking, cafe etc. A small area of about 12.00 Acres only was proposed to be retained as a water body. Thus instead of developing and restoring it as a water tank to its original position, the development of the area took a different turn towards development of a green city park from eco-tourism point of view. It is pertinent to mention that the permission granted to TTD was accompanied with a pre-condition to scrupulously follow the orders of Hon'ble Supreme court and not to alter the morphology of the tank. This essentially implies taking up works of greening and beautification on the tank bunds and around the tank only and not ensuring sufficient water impounding within the tank bed area, even if it has dried up and silted over the years. By no stretch of imagination it can imply permitting creation of earthen mounds/hillocks, internal roads, culverts, peripheral roads, vehicle parking area, public conveniences, transformer, pedestals, pre-stressed concrete structure fabrication yard, plantations and greening, spiritual park, walking park, etc. **within the tank bed**, which if allowed would not only lead to gross tampering with the morphology of the tank it would amount to killing the very tank itself as a water body, which in turn goes against the very spirit of the orders of the Hon'ble Supreme court.

It is pertinent to mention here that TUDA had earlier taken up the work of development and beautification of Tiruchannur tank, where in the components of works included strengthening of tank bund, desilting of tank bed, landscaping of tank bunds and plantation on the tank bund. However, the components of works proposed in the same name of "development and beautification" of Avilala tank was at stark variance with the ones proposed for Tiruchannur tank. Thus the development and beautification of Avilala Cheruvu (Tank) was construed as developing it as an urban park for the growing township with all amenities, which the petitioners have all along been objecting to in courts of law.

In view of the above and keeping in view the orders of Hon'ble Supreme Court in this regard and also for maintaining the water body with adequate water storage in the low rainfall water scarce area like Tirupathi, restoration of Avilala tank is essential. Since a part of the Avilala tank has already lost to certain permanent structures, at least the remaining area of **180.07** acres of tank area may be restored as a water body.

Restoration of Avilala Tank to its original position consists of the key components of works as follows.

1. Stopping of any further development works in any portion of the 201 acres of area of the erstwhile Avilala tank immediately.
2. Restoration and formation of earthen bunds to its original position.
3. Removal of all the structures from the tank bed area, except the Sub-station and NH- 205, which were constructed prior to the orders of the Hon'ble Supreme Court.
4. Restoration of inflow channels to their original position.
5. Restoration of surplus course channels to drain the designed discharge.
6. Deepening/desilting of the entire tank bed area to restore the full bed area and to regain the full storage capacity of the tank.
7. Construction of surplus weir to discharge flood water.

The Hon'ble NGT may direct The Government of Andhra Pradesh to get a detailed Project Report (DPR) prepared through an independent agency viz. Water and Power Consulting Services (India) Ltd. (WAPCOS), CWC or any other independent agency and submit the same to the Government of Andhra Pradesh for approval. Further Govt. of Andhra Pradesh may be directed to examine the DPR and accord its approval and budgetary support for implementation by the Irrigation Department, Govt. of AP. A time frame of a maximum of twelve months may be fixed for the Government for approval of the DPR. Further the entire work of restoration of tank as a water body may be completed within a period of three years. All this has to be done under the close monitoring of the Hon'ble National Green Tribunal. Further, since the development of the Avilala tank was given a wrong direction against the orders of the Hon'ble Court, primarily by TTD and TUDA, the Govt. may be at liberty to fund the entire project or may secure part or whole of the funding from TTD and TUDA.

## **5. Extent of damage caused to the Environment, assessing the compensation and action to be taken thereon.**

Due to the lack of proper guidelines, the Joint committee was not able to ascertain the exact magnitude of damage caused to the Environment. However, the committee observed that out of an area of 201.62 acres of the tank, an area of 21.55 Acres (10.69%) have been lost to permanent/semi-permanent structures and hence not available for restoration as water holding area. Thus whereas an area of 180.07 will be proposed in the aforesaid DPR, the lost area of 21.55 acres cannot be retrieved. Hence, the committee is of the opinion that a proportion amount of 10.69% ( $21.55/201.62 \times 100$ ) of the DPR cost may be imposed as environmental compensation to be charged from the TTD and TUDA. This amount may be deposited with the Hon'ble NGT which may be at liberty to use it suitably for furthering the cause of environment. This environmental compensation shall be in addition to the work of restoration of the Avilala tank that shall be funded as per DPR.

## **6. Factual as well as Action Taken Report by the Joint Committee**

In the opinion of the Joint Committee it is clearly given in the SLP 7196 - 7197 in appeal (Civil) No.1251 of 2006 that no further construction is allowed in the Avilala tank. But as per observations of the committee on 18.12.2020 there are gross violations of the Judgment of Hon'ble Supreme Court by the TTD/TUDA, who have taken up construction of various items as mentioned in point no. (3) above ("**Number and nature of encroachments**"). There was no record to show that

TTD/TUDA had the prior approval of the Hon'ble Apex court for taking up the aforementioned constructions. The permission given by the Irrigation Department to TTD is only for beautification of the tank bund without affecting the morphology of the tank. All the constructions made in the tank bed area affect the morphology of the tank. The compound wall constructed all along the three sides of the tank will restrain the people from encroaching and occupying the tank bed area. But the works which were taken up in the tank bed viz. construction of Earthen mounds, Iron pillars, formation of roads, culvert etc., have affected the morphology of the tank against the pre-condition imposed by the irrigation department in view of the orders of Hon'ble Supreme court.

The joint committee further opines that the NH-205 may be reconstructed by raising the national highway road on concrete pillars and by removing the existing road, such that the bifurcated tank area is unified and restored as one water body with restoration of 10.20 acres of area, presently encroached by the national highway. Hence, it is proposed to issue directions to NHAI to construct elevated flyovers to cross the Avilala tank. Govt. of Andhra Pradesh/TTD/TUDA may also be instructed to restore the tank to its original position by removing all tank bed constructions except the sub-station (1.12 acres), 9.90 acres of Vaikuntapuram road, 10.20 acres of NH-205 and 0.33 acres of Pachikapallam road, totaling 21.55 acres and the compound wall should be retained.

The Joint Committee constituted by the Hon'ble NGT, Chennai finally recommends for restoration of all the components of the erstwhile Avilala tank to its original morphology and to its original storage capacity in a total area of 180.07 acres.

**Dr. C. Palpandi**  
Scientist 'C'  
Ministry of Environment,  
Forests & climate change  
Integrated Regional Office, Chennai

**Sri. M. Surendra Reddy**  
Superintending Engineer,  
Irrigation Circle, Chittoor,  
Andhra Pradesh

**Sri. R.K. Suman, IFS**  
Additional Principal Chief Conservator of  
Forests, Government of Andhra Pradesh,  
Guntur.

**BEFORE THE HONOURABLE NATIONAL GREEN  
TRIBUNAL SOUTHERN ZONE, CHENNAI**

**IN O.A. No. 156 OF 2020 (SZ)**

I Sri. N. Bharath Gupta, District Collector, Chittoor and Member in the Joint committee formed by the honourable NGT, on aavilala tank do hereby submit that I differ from the opinion of the other members of the committee on the following items and suggest the modifications as listed below.

1. It is essential to include in the scope of the agency going to be appointed ( such as WAPCOS or C W C) to prepare the D P R for restoration of the aavilala tank

- A. To examine the possibility of including the theme of formation of biological theme park while restoring the Avilala tank.
- B. It is essential to examine the scope of retaining the NH 205 road (with minor modifications) while preparing the DPR for restoration of the tank. It is to be noted that NH 205 is one of the crucial connectivity links in states of Andhra Pradesh and Karnataka. Replacement of the existing embankment formation of the road by a flyover should be the last choice while preparing the DPR. This road is formed prior to the Honourable Supreme Court judgment on this tank.
- C. It is advisable to recommend for designing the DPR in such a way, to retain most of the features existing on the area and then provide way for restoration of the water pondage in the Avilala tank.
- D. I submit that various departments that have worked on this project with a view of beautification and to the glory of the temple city considering the fact that the tank had already abandoned and it was not getting sufficient inflows for the last several decades.
- E. It is essential to examine by a committee well versed in the issues of hydrology, irrigation as to whether there is any scope to get adequate water inflow into the tank in full capacity before undertaking any restoration of the tank keeping in view the modified inhabitation patterns in the catchment area.

*N. Bharath*  
**DISTRICT COLLECTOR  
CHITTOOR.**

Annexure - 4

GOVERNMENT OF ANDHRA PRADESH  
WATER RESOURCES (CAD) DEPARTMENT

From

To

Sri R. Sriramakrishna, B.Tech,  
Superintending Engineer,  
Irrigation Circle,  
CHITTOOR.

The Executive Officer.,  
Tirumala Tirupathi Devasthanam,  
TIRUPATHI.

Lr.No: DB/SO 2/W-25/1506 M

Dated: 26-12-2015.

Sir,

Sub: Minor Irrigation - Chittoor District - Permission for  
beautification of Avilala tank in Tirupathi town - Reg.  
*avilala*

As per the discussions held on the developmental activities of Tirupathi town, the Tirumala Tirupathi Authorities have shown interest for development and beautification of Avilala tank near Avilala (V) in Tirupathi mandal as part of keeping Tirupathi town greenery and ecological balance.

As the Tirumala Tirupathi Devasthanam authorities were already permitted 9 Nos. of tanks for beautification, the Tirumala Tirupathi Devasthanam authorities may also develop Avilala tank near Avilala (V) in Tirupathi mandal duly keeping in view of the Supreme Court order by not changing the morphology of the tank.

Hence the Tirumala Tirupathi authorities are herewith permitted to take up the Avilala tank for the beautification and other temporary works for maintenance of greenery.

Yours faithfully,  
Sd/-R.Sriramakrishna,  
Superintending Engineer,  
Irrigation circle, Chittoor.

// TRUE COPY //

For Superintending Engineer  
Irrigation Circle, Chittoor - 517001

22/12/15



GOVERNMENT OF ANDHRA PRADESH  
WATER RESOURCES DEPARTMENT

సంఖ్య: 200 M  
తేదీ: 6/3/18

From  
Sri.S.V.Nagabhushanam, M.Tech.,  
Executive Engineer,  
Irrigation Division,  
Tirupati

To  
The Chief Engineer,  
Tirumala Tirupati Devasthanam,  
Tirupati.

Letter.No.DB/JTO.IV/TPT/ 128<sup>M</sup> /Dt: 03 -03-2018.

Sir,

Sub:- Minor Irrigation – Chittoor District – Irrigation Section, Tirupati Rural  
Mandal – Unauthorized laying of road in Avilala tank foreshore area – Report  
submitted – Regarding.

Ref:- 1.Lr.from the Assistant Executive Engineer, Irrigation Section, Tirupati Rural  
vide Lr.No.156TR, Dt:09.02.2018.  
2.D.E.E., I.S.D., Tirupati Lr.No.42 E, Dt:12.02.2018.

6-3-18

6/3

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With reference to the 1<sup>st</sup> cited, it is to submit that the Assistant Executive Engineer,  
Irrigation Section, Tirupati Rural stated that, laying of road in foreshore area of Avilala tank  
by the Tirumala Tirupati Devasthanam authorities under beautification of Avila tank.

15/3

The Assistant Executive Engineer, Irrigation Section, Tirupati Rural has spoken to  
the Assistant Engineer, T.T.D over mobile and intimated about the Hon'ble Supreme Court  
orders not to take up any constructions in the foreshore area of the tank and also  
requested to stop the work.

Hence, it is requested to stop the laying of road in foreshore area of Avilala tank.  
This is submitted for favour of information and taking necessary action.

E-18

Yours faithfully,

Sd/-S.V.Nagabhushanam  
Executive Engineer,  
Irrigation Division, Tirupati

✓ Copy to the Deputy Executive Engineer, Irrigation Sub-Division, Tirupati with  
reference to his letter No.42 E, Dt:12.02.2018 for information.

Executive Engineer,  
Irrigation Division, Tirupati

01/3/18



**GOVERNMENT OF ANDHRA PRADESH  
WATER RESOURCES DEPARTMENT**

From	To
Sri P.Nagul Meera Saheb, B.E., Superintending Engineer, W.R.Dept., Irrigation Circle, Chittoor.	The Executive Officer, Tirumala Tirupathi Devasthanams, TTD Administrative Building, K.T.Road, Tirupathi.

**Letter No.SE/IC/CTR/DB/T.4/ATO/W.25/ 739M      Date:07-08-2019.**

Sir,

Sub:- Water Resources Department – Minor Irrigation – Chittoor District – Developmental activities taken up in the foreshore area of Avilala tank by the TTD authorities – Requested to stop the developmental activities - Regarding.

- Ref :- 1.) Superintending Engineer, Irrigation Circle, Chittoor Lr.No.DB/ SO-2/W.25/1506M Dt:26-12-2015.
- 2.) Representation made by Sri A.Sathish Kumar, Gandhi road, Tirupathi Dt:22-07-2019.
- 3.) Representation made by Sri B.Mohana Krishna, L.S.Nagar, Tirupathi Dt:22-07-2019.

\*\*\*\*\*

It is to submit that, as per the request made by the TTD authorities, in the reference 1<sup>st</sup> cited, the Avilala tank in Tirupathi town was handed over to the TTD authorities for beautification and other temporary works such as maintenance of greenery with a pre-condition that “the morphology of the tank should not be changed under any circumstances” based on the Hon’ble supreme court of India directions vide S.L.Petition No.007196-007197 of 2001 dt:23-2-2006.

At present, the residents of Tirupathi town 1. Sri A.Sathish Kumar, Gandhi road, Tirupathi and 2.Sri B.Mohana Krishna, L.S.Nagar, Tirupathi has submitted representations to this office and stated that, “A socially fraternity called intellectual forum, Tirupathi has filed a S.L.Petition No.7196-797 of 2001 in Hon’ble Supreme Court of India on developmental activities taken up

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by the Govt of A.P in the Avilala tank adding the Govt of A.P as one of the respondents in the petition and further on dt:23-2-2006 the Apex court of India has ordered in its judgment not to undertake any construction activities in the Avilala tank but to construct the recharge structures for rain water harvesting”.

In view of the above, I here with enclose the representations of the above two individuals and request the TTD authority not to take up any permanent structures in the Avilala tank and regain the tank to its original morphology. Violation of the condition/changing the morphology of the tank leads to the legal complications to be faced by the all concerned departments. Hence, it is once again requested not to proceed further i.e., do not construct any permanent structures on the vicinity of the tank.

Accordingly, necessary instructions may please be issued to the field staff in this regard.

Encl : Copy of reference 2<sup>nd</sup>  
and 3<sup>rd</sup> cited

Yours Faithfully,  
SD/-P.Nagul Meera Saheb.  
Superintending Engineer, W.R.Dept.,  
Irrigation Circle, Chittoor.

**|| TRUE COPY ||**

**V. Dhan Reddy**  
Technical Officer, W.R.D. 19/8/2020  
Irrigation Circle,  
Chittoor - 517 001. (A.P.)

**19/8/2020**

**GOVERNMENT OF ANDHRA PRADESH**  
**WATER RESOURCES DEPARTMENT**

From  
Sri M.Surendra Reddy, M.E.,M.I.E,  
Superintending Engineer, W.R.Dept.,  
Irrigation Circle,  
Chittoor.

To  
The Executive Officer,  
Tirumala Tirupathi  
Devasthanams,  
TTD Administrative Building,  
K.T.Road, Tirupathi.

**Letter No.SE/IC/CTR/DB/T.4/ATO/W.25/ 921M      Date: 09-10-2019.**

Sir,

Sub:- Water Resources Department – Minor Irrigation – Chittoor District – Developmental activities taken up in the foreshore area of Avilala tank by the TTD authorities – Requested to stop the developmental activities and regain the tank to its original morphology - Regarding.

Ref :- 1.) Superintending Engineer, Irrigation Circle, Chittoor Lr.No.DB/ SO-2/W.25/1506M Dt:26-12-2015.

2.) Superintending Engineer, Irrigation Circle, Chittoor Lr.No.SE/ IC/CTR/DB/T.4/ATO/W.25/739M Dt:07-08-2019.

3.) Executive Engineer, Irrigation Division, Tirupathi letter No. DB/JTO/IV/TPT/513SE Dt:18-09-2019.

\*\*\*\*\*

It is to submit that, as per the request made by the TTD authorities, in the reference 1<sup>st</sup> cited, the Avilala tank in Tirupathi town was handed over to the TTD authorities for beautification and other temporary works such as maintenance of greenery with a pre-condition that “the morphology of the tank should not be changed under any circumstances” based on the Hon’ble supreme court of India directions vide S.L.Petition No.007196-007197 of 2001 dt:23-2-2006.

In this regard, the residents of Tirupathi town 1. Sri A.Sathish Kumar, Gandhi road, Tirupathi and 2.Sri B.Mohana Krishna, L.S.Nagar, Tirupathi has submitted representations to this office and stated that, “A socially fraternity called intellectual forum, Tirupathi has filed a S.L.Petition No.7196-797 of 2001 in Hon’ble Supreme Court of India on developmental activities taken up

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by the Govt of A.P in the Avilala tank adding the Govt of A.P as one of the respondents in the petition and further on dt:23-2-2006 the Apex court of India has ordered in its judgment not to undertake any construction activities in the Avilala tank but to construct the recharge structures for rain water harvesting”.

In this subject matter, in the reference 2<sup>nd</sup> cited, the representations of the above two individuals was submitted to the TTD authorities and requested not to take up any permanent structures in the Avilala tank and regain the tank to its original morphology.

In the reference 3<sup>rd</sup> cited, the Executive Engineer has submitted as report on Avilala tank to this office stating that, the following construction activities has been taken up in the foreshore area of the Avilala tank:

1. **Compound wall** : 90 % of the compound wall all along the boundary of the tank was constructed by demolishing the existing tank bund.
2. **W.M.M.Road**: Metal layers were laid without black topping.
3. **CM & CD Works** : Two pipe culverts were constructed.
4. **Shed** : 5 no.s of Iron Pillars with trusses without roof covering are erected.
5. **Buildings** : Columns up to plinth level were constructed.
6. **Earthen mounds and bund** : Earthen mounds and bunds are formed in the foreshore area.
7. **Temporary Shed** : One temporary shed was constructed.

In view of the above, it is once again requested the TTD authority not to take up any permanent structures in the foreshore area of the avilala tank and regain the tank to its original morphology as per the judgment pronounced by Hon'ble Supreme Court of India in S.L.Petition No.7196-797 of 2001 on dt:23-02-2006. Violation of the conditions/ changing the morphology of the tank leads to the legal complications to be faced by all concerned departments.

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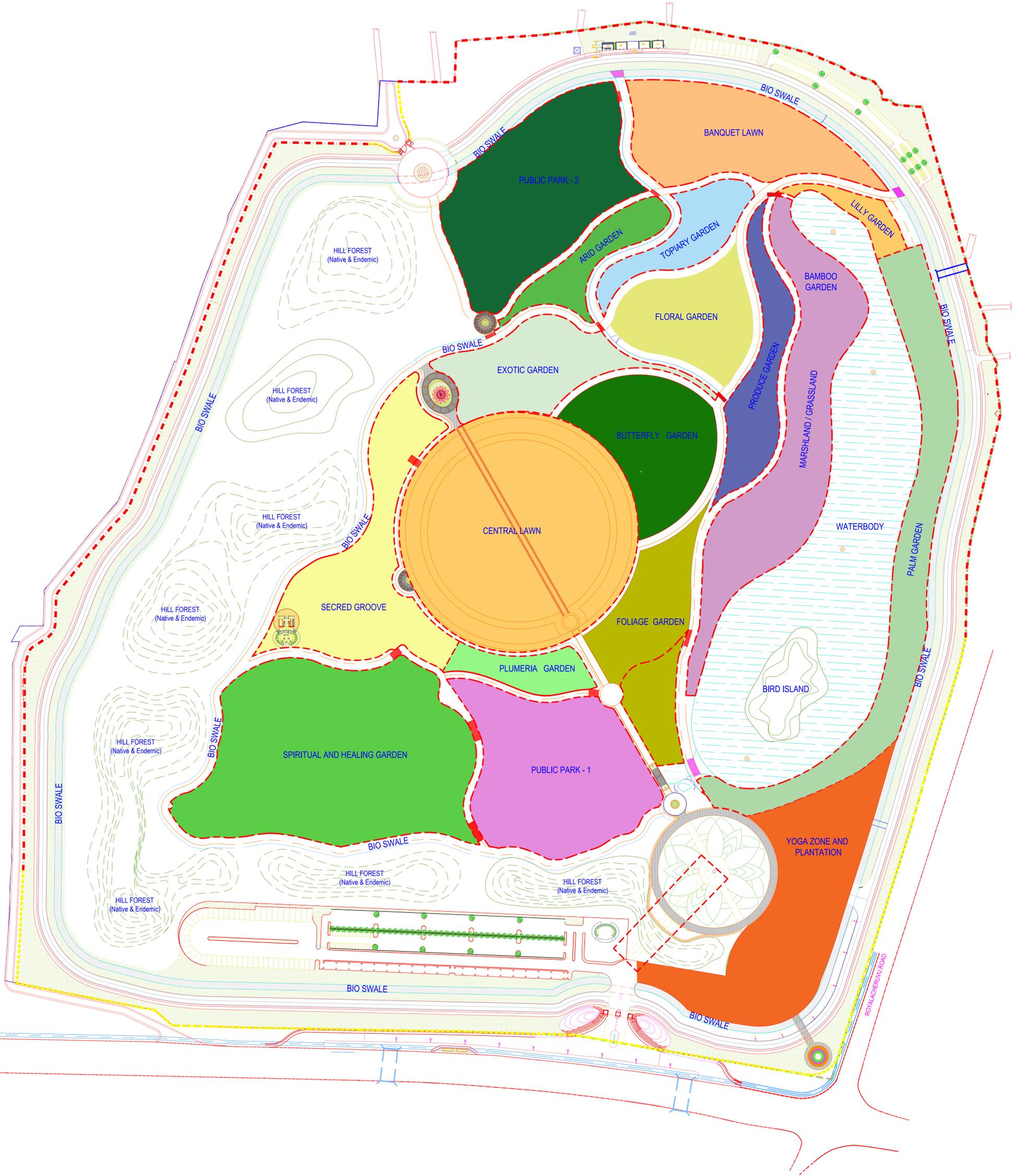
Accordingly, necessary instructions may please be issued to the field staff in this regard.

Yours Faithfully,  
SD/- M.Surendra Reddy  
Superintending Engineer, W.R.Dept.,  
Irrigation Circle, Chittoor.

**|| TRUE COPY ||**

*V. Dam Reddy*  
Technical Officer, W.R.D. 19/8/2020  
Irrigation Circle,  
Chittoor - 517 001. (A.P.)

*my*  
19/8/2020



**Item No.03:**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Original Application No. 156 of 2020 (SZ)**

(Through Video Conference)

**IN THE MATTER OF**

Avilala Cheruvu Parirakshana  
Samiti and another.

*Versus*

The State of Andhra Pradesh  
Rep. by the Chief Secretary and others.

....Applicant(s) *11.11.2020*

**Date of hearing: 05.11.2020.**

**CORAM:**

**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER**

**HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

**For Applicant(s):** Kamalesh Kannan.

**For Respondent(s):** Smt. Maduri Donti Reddy for R1 to R9

**ORDER**

1. As per order dated 20.08.2020, this Tribunal had posted the case to today after considering the pleadings and also the dictum laid out by the Hon'ble Apex Court in respect of this water body in **Civil Appeal No. 1251 of 2006 Intellectuals Forum Tirupathi Vs.**

*7864/2020 (Adm) E-na?*

*11 NOV 2020*

*Admin. Rep.  
APCCF(P) may  
be nominated  
11.11.2020*

*CF  
13/11/2020*

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***State of Andhra Pradesh & Ors, reported in 2006 (3) SCC 549,***

and directed the official respondents to submit their statement. We did not appoint any committee to ascertain the present status on the basis of the undertaking given by the learned counsel appearing for the State of Andhra Pradesh that they have no intention to proceed with the construction in the disputed area as such. But they did not mention even at that time whether there was any construction already made and what is the present status and it was posted to 01.10.2020 originally for submission of their response. Thereafter on 01.10.2020, the case was adjourned to today by notifications.

2. When the matter came up for hearing today through Video Conference, Sri. Kamalesh Kannan represented the applicant. Smt. Maduri Donti Reddy represented all the respondents, namely respondents 1 to 9. So, service is complete.
3. The learned counsel appearing for the respondents submitted that the counter is ready and if some time is granted they may be able to submit the counter statement with details.
4. The learned counsel also submitted that they have no intention to do anything at present in that area. The learned counsel appearing for the applicant submitted that whether some constructions have been done and there was an encroachment into the water body, etc., will have to be ascertained by appointing a committee.

5. However considering the circumstances and also the submissions made by both the counsels and also considering the allegations made in the application and also to ascertain the present status of the area in dispute namely, Avilala Cheruvu located in Avilala Village, Tirupati Rural Mandal, Andhra Pradesh, we feel it appropriate to appoint a joint committee comprising of 1) Senior Officer from Ministry of Environmental, Forests and Climate Change, Integrated Regional Office, (IRO) Chennai, 2) The District Collector, Chittoor District 3) Superintending Engineer, Irrigation Department of the particular area and 4) an Officer from the Office of the Principal Chief Conservator of Forests & Head of Forest Force (HoFF) not below the rank of Chief Conservator of Forests to be deputed by the Principal Chief Conservator of Forests & Head of Forest Force (HoFF) to inspect the area in question and submit a factual and as well as action taken report, if there is any violation found.
6. The committee is directed to ascertain the extent of the water body as per the revenue records, the present extent available, number and nature of encroachment and what is the proposed action to be taken to restore the water body to its original position in tune with the directions given by the Hon'ble Apex Court in the case mentioned above, if any damage has been caused environment, what is the nature of damage caused and assess environmental compensation and submit

a factual as well as action taken report to this Tribunal on or before 12.01.2021.

7. Ministry of Environment, Forests and Climate Change (MoEF & CC), Integrated Regional Office, (IRO) Chennai is designated as the nodal agency for co-ordination and for providing all necessary logistics for this purpose.
8. The applicant is also directed to submit a set of papers to the members of the committee within a week, so as to avoid the delay in submitting the report. In the meant time the party respondents are at liberty to submit their independent response regarding the allegations made in the application.
9. The State of Andhra Pradesh is directed to provide all necessary logistics and support for the committee members to carry out the inspection and for preparation of reports to submit the same to this Tribunal within the time frame.
10. The committee is also directed to submit the report to this Tribunal on or before 12.01.2021 by e-filing along with required hard copies to be produced as per rules.
11. The Registry is directed to communicate this order to the members of the committee and also to the official respondents through e-mail immediately, so as to enable them to comply with the direction of this Tribunal.

12. For completion of pleadings and also for consideration of report, post on 12.01.2021.

.....J.M.  
**(Justice K. Ramakrishnan)**

.....E.M.  
**(Shri. Saibal Dasgupta)**

**O.A. No. 156/2020 (SZ)**  
**05th November 2020. Sr.**





**Fig. 1 Compound wall**



**Fig. 2. Stockyard of AFCONS**



**Fig. 3 Internal roads**



**Fig. 4. Culverts across the internal roads**



**Fig. 5 Vehicle parking**



**Fig. 6. Earthen mounts**



**Fig. 7. Temporary shed with trusses**