

DETAILED REPORT SUBMITTED ON THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTH ZONE), CHENNAI, ORDERS DATED 1ST SEPTEMBER, 2021 ON THE APPLICATION NO.193 OF 2021 FILED BY SRI D.RAJAVARDHAN REDDY & OTHERS OF KURNOOL

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Preamble

Sri D.Rajavardhan Reddy and others of Kurnool have filed an O.A. No.193/2021 (South Zone) before the Hon'ble National Green Tribunal (SZ) on encroachments of Gangamma Cheruvu (Tank) especially areas falling in Sy.No.81-1, 299, etc., of B.Thandrapadu Village of Kurnool Rural Mandal, Kurnool District.

Orders of the Hon'ble National Green Tribunal, Dated:01.09.2021

The Hon'ble National Green Tribunal (SZ) has passed order dated 01-09-2021 in **Para No. 6 & 7** appointing a Joint Committee comprising the District Collector, Kurnool and the Superintending Engineer, (Medium & Minor) Irrigation Circle, Kurnool and ordered to inspect the area in question and submit a factual as well as action taken report, if there is any violation found and directed the Committee to ascertain:

6. In order to ascertain the genuineness of the allegations made and also to find out the alleged violations, encroachments and reducing capacity of the water tank granting of illegal patta and making construction in the Buffer Zone and within the Full Tank Level of the Tank, causing obstructions to the water bodies, we feel it appropriate to appoint a joint committee consisting of (1) The District Collector, Kurnool District and (2) the Superintending Engineer, Irrigation (Medium & Minor) Circle, Kurnool District to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

7. The committee is directed to ascertain

- i. The total extent of the Cheruvu (Tank) in question as per the original revenue records (prior to 1940).***
- ii. Whether any Full Tank Level has been fixed as directed by the Hon'ble APEX Court in several cases of this nature.***
- iii. Any encroachment has been made any person into the water body and caused any obstruction to the free flow of water in the Cheruvu and if so, what is the nature of action taken by the authorities to remove the encroachment and to protect the water bodies.***

- iv. Whether any damage has been caused to environment on account of such encroachment and what is the quantum of compensation to be assessed against the persons who are responsible for the same, including the expenses for restoration caused to the damage caused to the environment.*
- v. Whether any illegal pattas have been granted in the water bodies and if so what is the nature of action in respect of the same.*

In compliance with the Hon'ble NGT orders, the following officers, attended for inspection on 05.10.2021.

Sl. No.	Name & Designation
1	Sri P.Koteswara Rao, IAS, Collector & District Magistrate, Kurnool
2	Sri P.Sree Ramachandra Murthy, Superintending Engineer, Irrigation Circle, Kurnool
3	Sri C.Hari Prasad, Revenue Divisional Officer, Kurnool
4	Sri D.Venkatesh Naik, Tahsildar, Kurnool Rural Mandal

The point wise information is submitted here-under as called for.

POINT	ACTION TAKEN / STATUS												
i. The total extent of the Cheruvu (Tank) in question as per the original revenue records (prior to 1940).	<p>The Tahsildar, Kurnool Rural Mandal has submitted report that, as per Revenue Record i.e., RSR of B.Thandrapadu Village of Kurnool Rural Mandal, there is no extent for the Cheruvu (Tank) in question.</p> <p>Whereas water is being stored in rainy season in the following Survey Numbers of B.Thandrapadu Village of Kurnool Rural Mandal and as per RSR the details of the Survey Numbers are as follows.</p> <table border="1"> <thead> <tr> <th>Sl. No.</th> <th>Sy. No.</th> <th>Extent</th> <th>Name of the Pattadar as per RSR</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>76</td> <td>20.25</td> <td>Hussain Khan & 7 others</td> </tr> <tr> <td>2</td> <td>77</td> <td>0.53</td> <td>L.Krishtarow and Jafar saheb</td> </tr> </tbody> </table>	Sl. No.	Sy. No.	Extent	Name of the Pattadar as per RSR	1	76	20.25	Hussain Khan & 7 others	2	77	0.53	L.Krishtarow and Jafar saheb
Sl. No.	Sy. No.	Extent	Name of the Pattadar as per RSR										
1	76	20.25	Hussain Khan & 7 others										
2	77	0.53	L.Krishtarow and Jafar saheb										

3	78	0.83	
4	79	7.32	L.Krishtarow and Jafar saheb
5	80	3.45	Yelukuri Padmanna
6	81	9.04	Karim Khatubibi
7	299	2.38	Karim Khatubibi
8	309	1.32	Yelukuri Padmanna
9	310	3.72	L.Krishtarow and Jafar saheb

Hence, there is no mention of Cheruvu (Tank) in the above survey numbers in the RSR of B.Thandrapadu Village of Kurnool Rural Mandal. (RSR copy enclosed).

ii. Whether any Full Tank Level has been fixed as directed by the Hon'ble APEX Court in several cases of this nature.

The Superintending Engineer, Irrigation Circle, Kurnool has submitted report that,

- The Government of Andhra Pradesh in G.O.Ms.No.216, Panchayat Raj & Rural Development (PROGS-1) Department, Dated:13.06.2005 has issued orders that all minor irrigation tanks under the control of Panchayat Raj Department shall be transferred to the Irrigation Department.
- The Executive Engineer, Panchayat Raj Division, Kurnool addressed a letter to the Executive Engineer, Minor Irrigation, Kurnool vide Lr.No.AEE1/ MI Sources/Handing over /05, Dated:23.08.2005 to take over and handing over the tanks for further necessary action.
- Accordingly the AEE, Panchayat Raj, Kurnool (M) has handed over the Gangamma Cheruvu of B.Thandrapadu Village with an ayacut of 25.22 Ha with condition of the tank as satisfactory. No FTL of tank was mentioned in the handing over report.
- The Government of Andhra Pradesh in G.O.Rt.No.479 Water Resources (MIR) Department, Dated:21.07.2015 has accorded Administrative sanction for the work of "Investigation and Preparation of Detailed Project Report to provide Drinking Water and Irrigation Facilities to upland areas in the jurisdiction of Minor Irrigation (W) Division, Kurnool through HNSS Project" for Rs.90.00 Lakhs.

	<p>Accordingly, 106 number of tanks in the jurisdiction of MI (W) Division, Kurnool were surveyed and arrived the Hydraulic particulars (memoirs) like capacity of the tank, Full Tank Level, Sill Level of sluices, tank bund length, weir length and water spread area etc., and the same were submitted to the Irrigation Department for further action. As per the above survey, the Full Tank Level of the said Gangamma Cheruvu in B.Thandrapadu was arrived at +310.180 metres.</p> <p>Copies of the G.O.Ms.No.216, Dated:13.06.2005 and letter of the EE, PRI Division, Kurnool to the Executive Engineer, Minor Irrigation, Kurnool on handing over of tank are herewith enclosed.</p>
<p>iii. Any encroachment has been made any person into the water body and caused any obstruction to the free flow of water in the Cheruvu and if so, what is the nature of action taken by the authorities to remove the encroachment and to protect the water bodies.</p>	<p>The Tahsildar, Kurnool Rural Mandal has submitted report that, on inspection of the land, it is observed that, the land in Sy.No.81/1 and 299 of B.Thandrapadu Village of Kurnool Rural Mandal is being levelled by filling it with murrum / spoil. During enquiry, Sri D.Kiran Kumar, S/o.Venkateswarlu has stated that, he and his four partners i.e. 1) D.Venkata Rao, S/o.D.Veeraiah, 2) D.Koti Swamy, S/o.D.Veeraiah, 3) A.Arati Babaiah, S/o.A.Subbaiah, 4) S.Rajsekhar, S/o.S.Kumarappa have purchased the land in Sy.No.81/1, Extent:8.90 acres and Sy.No.299, Extent:2.00 acres of B.Thandrapadu Village vide Registered Documents 12426/2018, 14035/2018 & 1136/2020 and they have obtained PPB/TDs vide Khata No.989, 991, 992 & 993 and their names have also been entered in online Adangal and they have paid land conversion fee in terms of G.O.Ms.No.98, Revenue (DA & LR) Department, Dated:19.02.2018 in respect of the above lands in the month of March, 2020. He has also stated that, water is being stored in rainy season in their fields and some of the villagers are creating problems stating that, the land is not patta land and it is Cheruvu land. They have availed the murrum /spoil on cost basis from the Executive Engineer, AVR HNSS Division-2 and filled the pits.</p>
<p>iv. Whether any damage has been caused to environment on account of such encroachment and what is the quantum of compensation to be assessed against the persons who are responsible for the same, including the expenses for restoration caused to the damage caused to the environment.</p>	<p>The Tahsildar, Kurnool Rural Mandal has submitted that, during his inspection, it was ascertained that, every year water is being stored in the above said survey numbers of B.Thandrapadu Village of Kurnool Rural Mandal during rainy season and during other seasons, the pattadars are cultivating the land. Recently, the pattadars of Sy.No.81/1 (Extent:8.12 acres) and Sy.No.299 (Extent:2.00 acres) of B.Thandrapadu Village of Kurnool Rural Mandal have levelled the land by filling it with murrum/spoil.</p>
<p>v. Whether any illegal pattas have been granted in the water bodies and if so what is the nature of action in respect of the same.</p>	<p>The Tahsildar, Kurnool Rural Mandal has submitted that, all the specified lands in question are patta lands except the land in Sy.No.78, Extent:0.83 acres as per RSR of B.Thandrapadu Village of Kurnool Rural Mandal and no assignment has been made in respect of the above said survey numbers as they are patta lands.</p>

Copies of reports of Superintending Engineer, Irrigation Circle, Kurnool, Revenue Divisional Officer, Kurnool, Tahsildar, Kurnool Rural Mandal and copies of RSR pertaining to above survey numbers of B.Thandrapadu Village of Kurnool Rural Mandal are herewith furnished for kind perusal.

Dated at Kurnool on this the 06th day of December 2021.



Superintending Engineer,
Irrigation (Medium & Minor) Circle, Kurnool



Collector & District Magistrate,
Kurnool