

REPORT SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTH ZONE), CHENNAI, AS PER ORDERS DATED 28-10-2021 IN ORIGINAL APPLICATION NO.195 OF 2020

Preamble

Sri Putta Sudhakar Yadav, Ex-Chairman, TTD Board filed OÄ No.195 of 2020 in Hon'ble NGT, Southern Zone, Chennai, regarding encroachments of forest lands in Sy.Nos. 506/B & 507 of Nandyalampet Village, Mydukur Mandal, YSR District.

Orders of the Hon'ble National Green Tribunal.

The Hon'ble National Green Tribunal (SZ) has passed order dated **28-10-2021** in **Para No. 10 and 11** as follows;

“Since there is a dispute regarding the status of the land and also the applicability of the Forest (Conservation) Act, 1980 and there is opposition from the then Principal Chief Conservator of Forest to declassify the same, as it will amount to violation of the directions of the Hon'ble Supreme Court in T.N. Godavaram Thirunalpod case, we feel that it is better to direct the Chief Secretary, State of Andhra Pradesh to look into the issue and resolve the same and take appropriate steps in this regard taking into account the adjacent reserve forest and the Tiger Corridor and if any permission has to be obtained under the Forest (Conservation) Act, 1980, they can do any activity in this area after complying with the provisions of the Forest (Conservation) Act, 1980.”

The Chief Secretary, State of Andhra Pradesh is directed to file the report in this regard on or before 30.11.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

In compliance with the Hon'ble NGT directions, a meeting was conducted with the concerned departments. The following officers were present in the VC Meeting: -

- 1) Sri Sanjay Gupta, IFS., Additional PCCF
- 2) Smt. Usha Rani, IAS, Principal Secretary, Revenue Department
- 3) Sri Vijay Kumar, G.SRKR, IAS, Secretary, EFS&T Department
- 4) Sri Vijaya Rama Raju, IAS, District Collector, Kadapa.

Averment of Principal chief Conservator of Forests and HoFF, AP

The Principal Chief Conservator of Forest, Hyderabad in RC.No.15116/2012-J1, dated 10.05.2012 has clarified that land in question is not reserve forest land but any land notified in revenue record as forest shall not be disturbed as per the Hon'ble Supreme Court Orders in Godhavarman Case. It is also mentioned there was a survey conducted across state to identify such lands which are environmentally sensitive. However Government is yet to notify the lands.

Averments of Principal Secretary, EFS&T Department

The lands in Survey No.506-B & 507 situated at Nandyalampet Village are mentioned as "Forests" as per RSR of Nandyalampet Village and as per Adangal downloaded from Meebhoomi portal, the above lands are not notified "Reserve Forest". Hence, these lands are not under the control of Forest Department for their protection and conservation.

Averment of the District Collector, YSR District

The land in Survey No. 506/B with an extent of 38.94 acres and Survey No. 507 with an extent of 267.56 acres of Nandyalampet Village of Mydukur Mandal is not Reserve forest area, but recorded as "Forest", being cultivated since long time by the SC/ST/BC land less poor and displaced persons due to formation of **Brahmamsagar Reservoir** and, in the year 2004 temporary DKT Pattas were issued to Sivaijamadars. The Forest Officials have conducted joint inspection of the said land on 07.08.2021 along with the Revenue Officials and also accepted that the said land is not notified as Forest area. Compensatory afforestation proposals are also in progress.

Further, the subject lands are recorded as "Forest" in **RSR**, which is basic record to determine the classification of the land and the Petitioner's claim basing upon the wrong entry in online Revenue Record (Webland Adangal) that the subject land is Reserve Forest, which is not so under law as per revenue and forest records. The Forest Department also accepted that the subject lands are not notified as Reserve Forest. There are no violation of any environmental laws and norms as stated by the Petitioner.

Averment of Principal Secretary, Revenue Department

As per the above status, there are no violations of any environmental laws and norms as stated by the Petitioner. The lands are under the control of Revenue Department. Further, the **Joint Inspection** report consisting of the Revenue Divisional Officer, Jammalamadugu, the Divisional Forest Officer, Proddatur (WL) Division, the Assistant Director of Survey and Land Records, Kadapa and the Tahsildar, Mydukur, **dated 07.08.2021** gave finding that the subject lands are not notified as “Reserve Forest” and also not part of Lankamalla Reserve Forest or part of Tiger Corridor.

After hearing all the above views, it is determined that the lands in Survey No.506/B Extent 38.94 acres and Survey No.507 with an extent of 267.56 acres (Total Extent of 306.50 acres) of Nandyalampet Village, Mydukur Mandal is “Forest” and not Reserve Forest lands as per the RSR of the Village. The Forest Officials also agreed that the same was not notified as Reserve Forest. The Revenue Officials gave only temporary DKT pattas with an intention that the land less and poor cultivation should not suffer as they are in possession and enjoyment of the land since a long time. The lands are recorded as “Forest” in **RSR**, which is basic record to determine the classification of the land and the Petitioner’s claim basing upon the wrong entry in online Revenue Record (Webland Adangal) that the subject land is Reserve Forest, which is not so under law as per revenue and forest records. The Forest Department also accepted that the subject lands are not notified as Reserve Forest. There are no violation of any environmental laws and norms as stated by the Petitioner. This was confirmed by both the Departments.

Accordingly, it is submitted that the land is not under the control of Forest Department and it is under the control of the Revenue Department.

It is therefore prayed that this Hon’ble Tribunal may be pleased to record the report and pass appropriate orders in the matter.


(Sameer Sharma)
Chief Secretary
Govt. of Andhra Pradesh