

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
AT CHENNAI

O.A.No.177 of 2023

In the matter of

Tribunal on its own SUO MOTU
Based on the News Item in Eenadu
Newspaper, dt : 23.11.2023, "Illegal
Quartz Mining in Temple Lands".

And

1. The Chairman
Andhra Pradesh Pollution
Control Board,
1st, APSFC Building, Narasimhatheertham Road,
Near Life Insurance Corporation of India, Balaji Colony,
Tirupati, Andhra Pradesh 517502

2. The District Collector
Palnadu,
Guntur District,
Andhra Pradesh

3. The Department of Mines and Geology
Represented by its Director
Sri Anjaneya Towers, D.No. 7-104,
B-Block, 5th & 6th Floors, Vijayawada,
Ibrahimpattanam, Andhra Pradesh 521456

4. The Executive Officer,
Sri Singarutla
Lakshmi Narasimha Swami Temple
Petasannegandla, Karempudi Mandal,
Guntur Dist, Andhra Pradesh- 522614

5. The Commissioner
Department of Hindu Religious
And Charitable Endowments
Gollapudi, Vijayawada - 521225

....Respondents

**REPLY STATEMENT FILED ON BEHALF OF
THE 4TH RESPONDENT**

1. The 4th respondent submits as follows:-
2. The 4th respondent submits that Sri Singarutla Lakshmi NarasimhaSwamyVariDevastanam, Petasannigandla Village, Karampudi Mandal, Palnadu District (previously Guntur District) is the absolute owner of an extent of Ac.3157.20 cents in Block No.28 in SinguratlaAgraharam Village consisting of hillock


EXECUTIVE OFFICER
SRI SINGARUTLA LAKSHMI
NARASIMHA SWAMY TEMPLE
PETASANNI GANDLA (V)
Karempudi (M) Palnadu (D)

wherein the main deity is situated and the surrounding area wherein the present subject land of Ac.25-00 cents in Block No.28 in Singuratla Agraharam Village is situated. In the said extent of land most of the land comprising of forest, hills, rock heaps etc., and also agricultural lands.

3. The 4th respondent submits that the temple conducted public auction of Lease Hold Rights on 15-11-2006 for this extent of Ac.25-00 cents in Block No.28 belongs to the Sri Lakshmi Narasimha Swamy Temple, Petasannigandla Village, Karampudi Mandal, Palnadu District, for the purpose of mining i.e., for excavation of Quartz stone (Palugurayi) and one Sri A. Satya Hanumantha Rao, S/o. Nagaiah, became highest bidder for a period of 3 years i.e., from 2006-07 to 2008-09 on an annual rent of Rs.61,500/-. The said lease period expired by 2008-09 and thereafter there is no extension of lease in his favour.

4. The 4th respondent submits that during the tenure of the said lease the said highest bidder A. Satya Hanumantha Rao obtained mining License Rights from the A.P. Mines and Geology Department and the Government granted Mining License for a period of 20 years vide G.O.Ms.No.18, Industries and Commerce (M-II) Department, dated 11-01-2008, clearly mentioning that the said Lease is being granted subject to condition that consent has to be given by the Endowments Department for the extended period, failing which the lease will get expired as soon as the Endowment Lease period expires.

5. The 4th respondent submits that the stipulated obligatory on the part of the Lessee to secure the consent of the Endowments Department well in advance for the remaining mining lease period otherwise the Mining Lease Life would be premature and get expired automatically. Since the term of the Lease hold rights towards quarrying purposes in the land of Ac.25-00 cents in Block No.28 expired by 2008-09, the highest bidder has no manner of right to entertain the quarrying purpose beyond the lease period.



EXECUTIVE OFFICER
SRI SINGARUTLA LAKSHMI
NARASIMHA SWAMY TEMPLE
PETASANNI GANDLA (V)
Karempudi (M) Palnadu (D)

6. The 4th respondent submits that the wife of the said highest bidder submitted a representation to the Commissioner, Endowments Department, A.P., stating that her husband expired and therefore, she has requested to continue her in the said lease by fixing the reasonable rent for a period of 11 years from the date of expiry of the earlier term of lease from 2009-2010.

7. The 4th respondent submits that, the Commissioner, Endowments Department, A.P., called for the report of the Deputy Commissioner, Endowments Department, Guntur. In pursuance of the same, the Deputy Commissioner, Endowments Department, Guntur, submitted a report in Rc.No.A6/9093/2012, dated 03-12-2013 stating that it is not feasible to consider the request for extension of lease in her favour and it is only feasible to lease out the land in public auction as per the Rules framed U/s.82 of Endowments Act.30/87 while making wide publicity and finally requested to issue necessary orders for putting the Lease Hold Rights of the land in public auction duly rejecting the request her.

8. The 4th respondent submits that the Commissioner, Endowments Department, A.P., Hyderabad, passed orders in Rc.No.N2/45113/2013, dated 31-12-2013 mentioning that as per rule 3(1) of A.P.C. & H.R.I. and Endowments Immovable Properties and other Rights Leases and License Rules, 2003, all leases or licenses shall be made by way of public auction and thereby the request of the said applicant for grant of lease by way extension of lease in her favour is rejected with a liberty to her to participate in public auction if she so desires.

9. The 4th respondent submits that the Commissioner, Endowments Dept., A.P., Hyderabad, issued instructions to the Executive Officer to put the land in public auction for lease hold rights of the subject temple immediately and report compliance vide memo No. N2/45113/2013, dated 31-12-2013.



EXECUTIVE OFFICER
SRI SINGARITLA LAKSHMI
NARASIMHA SWAMY TEMPLE
PETASANNI GADDLA (V)
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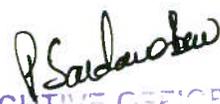
10. The 4th respondent submits that in pursuance of the said directions, the Executive Officer of the temple proposed to conduct public auction of lease hold rights for the said land on 18-01-2014 and made wide publicity. The Deputy Commissioner, Endowments Department, Guntur, who is the controlling the authority over the said temple, deputed the Inspector, Endowments Department, Sattenapalli for supervising the said auction to be conducted in the temple premises.

11. The 4th respondent submits that, the said applicant i.e., the wife of previous Lessee Satya Hanumantha Rao was also participated along with others in the public auction and even signed on the public auction lease conditions. But the auction was postponed since the said applicant influenced several other bidders and as a result several bidders went away and created an unhealthy atmosphere that the persons who paid the auction caution deposits also should not come forward to make their highest bids.

12. In those circumstances the said auction was postponed so as to conduct public auction again if need be by taking prior permission of the authorities to conduct the same in the Endowments Office at Guntur, in the interest of the temple so as to get maximum return to the temple.

13. It is submitted that since the representation made by the said applicant was disposed by the Commissioner, Endowments Department, A.P., while rejecting her request for extension of lease, with a liberty to her to participate in public auction and she also participated in public auction for lease hold rights conducted on 18-01-2014, which was postponed as mentioned above.

14. The 4th respondent submits that, subsequently the temple conducted public auction of lease hold rights on 17-03-2021 while dividing the said land into two bits of Ac.12-50 cents each and one


EXECUTIVE OFFICER
SRI SINGHATEA LAKSHMI
NARASIMHA SWAMY TEMPLE
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BudidaSrinivasa Rao S/o. Venkateswarlu became highest bidder on a lease amount of Rs.1,07,500/- for 1st bit and one BudidaSaidulu, S/o. Venkateswarlu became highest bidder on a lease amount of Rs. 1,10,000/- for 2nd bit for a period of 3 years from 17-03-2021 to 16-03-2024 and the said leases were approved by the Deputy Commissioner, Endowments Department, Guntur vide D.Dis.No.A6/894/2021, Dated 03-05-2021 and accordingly the said lessees are continuing in the land and their lease period is subsisting up to 16-03-2024.

15. The 4th respondent submits that while so, there is a publication in Eenadu Daily Newspaper on 23-11-2023, to the effect that, with caption **“Quartz Kollagottaru (Quartz looted)”** publishing that, without paying any royalty to the Government excavated quartz and exported from the temple lands to a tune of 50,000 tonnes etc., by the above mentioned lessees.

16. The 4th respondent submits that, it was clearly mentioned in the auction condition No.10 that, the highest bidder/ lessee has to obtain the permission from the Mining and other concerned departments on his own accord and then only he has to excavate the land and to remove the said stone and if violated, he will be liable for punishment from the concerned departments. After accepting the said auction conditions and after making their signatures in auction conditions in token of their acceptance, the above said persons participated in the above mentioned public auction and became highest bidders.

17. The 4th respondent submits that Budida Saidulu, S/o. Venkateswarlu has sent a letter dated 02.10.2023 stating that he has paid a sum of Rs.1,07,500/- towards annual lease amount for the period from 17.03.2021 to 16.03.2022, and due to financial difficulty and on personal reasons no quartz mining excavations were done by him. Similarly Budida Srinivasa Rao S/o. Venkateswarlu sent a letter dated 02.10.2023 stating that he has paid a sum of Rs.1,07,500/- towards lease amount for the period from 17.03.2021 to 16.03.2022 and due to financial difficulty and personal reasons no quartz mining excavations were done.


EXECUTIVE OFFICER
SRI SINGARUTLA LAKSHMI
NARASIMHA SWAMY TEMPLE
PETASANNI GANDLA (V)
Karempudi (M) Painadu (D)

18. The 4th respondent submits that vide letter dated 18.08.2023 this respondent has demanded the lease amount for the years 2022-2023 and 2023-2024. In the said communication, the Budida Srinivasa Rao was directed to furnish the copy of permission granted by the mining department as per lease conditions, even though he has promised to furnish the same but not furnished for the reasons best known to him only. The said Budida Srinivasa Rao has to pay the arrears of lease amount of Rs.2,15,000/- for a period of 2 years, for which the department is contemplating to initiate recovery proceeding as contemplated under A.P.C. & H.R.I. and Endowments Act 30/87 and Rules made thereunder.

19. The 4th respondent submits that vide letter dated 20.08.2022 this respondent has demanded the lease amount for the year 2022-2023. In the said communication, the Budida Saidulu was directed to furnish the copy of permission granted by the mining department as per lease conditions, even though he has promised to furnish the same but not furnished for the reasons best known to him only. The said Budida Saidulu has to pay the arrears of lease amount of Rs.1,10,000/- for a period of 1 year, for which the department is contemplating to initiate recovery proceeding as contemplated under A.P.C. & H.R.I. and Endowments Act 30/87 and Rules made thereunder. That on 18.08.2023 this respondent has sent a communication to Budida Saidulu and demanded a sum of Rs.2,20,000/- outstanding lease amount arrears for the period 2022-2023 and 2023-2024 and also directed to furnish the permission granted by the mining department as per lease conditions.

20. The 4th respondent submits that pursuant to Suo-motu notice received from this Hon'ble Tribunal, the Executive Officer of the temple along with officials visited the leased site / land and taken photographs on 05.01.2024 which clearly shows that there is no mining activities in the leased land as on date, the photographs are separately filed in the typed set of papers.


EXECUTIVE OFFICER
SRI SINGARUTLA LAKSHMI
NARASIMHA SWAMY TEMPLE
PETASANTA SANGOLA (V)
Karempudi (M) Palnadu (D)

21. The 4th respondent submits that the said respondent reserves their right to file additional reply statement if necessary with leave of this Hon'ble Tribunal.

In these circumstances, the 4th respondent therefore prays that this Hon'ble Tribunal may be pleased to record the above reply statement and close the Suo-moto case as initiated and pass such further or other orders as this Hon'ble Tribunal may deem fit proper and thus render justice.

Dated at Petasannegandla on this the 05th day of January 2024


Counsel for 4th Respondent

VERIFICATION


EXECUTIVE OFFICER
4th Respondent
SRI SINGARUTLA LAKSHMI
NARASIMHA SWAMY TEMPLE
PETASANNEGANDLA (V)
Karempudi (M) Palnadu (D)

I, Patulavatu Saidamma Bai, W/o. Lakshma Naik, the Executive Officer, Sri Singarutla Lakshmi Narasimha Swami Temple, Petasannegandla, Karempudi Mandal, Guntur Dist, Andhra Pradesh- 522614, do hereby verify that what are all stated in the foregoing paragraphs (1 to 21) are true and correct to the best of our knowledge, belief and information.

Verified at Petasannegandla on this the 05th day of January 2024


EXECUTIVE OFFICER
4th Respondent
SRI SINGARUTLA LAKSHMI
NARASIMHA SWAMY TEMPLE
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M/s. S. Udayakumar 436/81
S.A. Udayakumari 289/97
S.H.S. Manian 1416/2009
P.V. Lakshmi 3135/201

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