

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

ORIGINAL APPLICATION NO. 215 OF 2016

Between

1. Guntu Boyina Kumar,
S/o. G. Chandraiah,
Aged 31 years, Occ: Business,
R/o.D.No.1-89, Block No.1-8,
Ramalayam Street, Kommadi,
Visakhapatnam-48. and 3 others Applicants

Versus

1. The State of Andhra Pradesh
Rep. by its Secretary,
Revenue Department,
Secretariat, Hyderabad-22. and 3 others Respondents

MEMO FILED BY THE 2ND RESPONDENT

DATE-11-02-2022

M/S P.SUBASH

Counsel for Respondent 1 to 4

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

ORIGINAL APPLICATION NO.215 OF 2016

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S/o. G.Chandraiah,
Aged 31 years, Occ: Business,
R/o.D.No.1-89, Block No.1-8,
Ramalayam Street, Kommadi,
Visakhapatnam-48.
2. Golagani Ram Babu
S/o late Pydithalli,
D.No.1-68/1, Kommadi Village,
Visakhapatnam.
3. Karrai Bhogi Raju
S/o late Chinnodu
D.No.1-60, Kommadi Village,
Visakhapatnam.
4. Golagana Venkataramana
S/o late Bangari
D.No.8-17/1, Thotagaruva, Arilova,
Visakhapatnam.

..... Applicants

Versus

1. The State of Andhra Pradesh
Rep., by its Secretary,
Revenue Department,
Secretariat, Hyderabad-22.
2. The District Collector,
Visakhapatnam District.
3. The Vice Chairman & Housing Commissioner,
A.P.Housing Board, JN Road,
Abids, Hyderabad,
Telangana-500 001.
4. Greater Visakhapatnam Municipal Corporation
Rep., by its Commissioner, Jail Road, Ram Nagar,
Visakhapatnam, Andhra Pradesh-530 002

..... Respondents


COLLECTOR
VISAKHAPATNAM

MEMO FILED BY THE 2ND RESPONDENT

I, A.Mallikarjuna, I.A.S., S/o A.Mallaiah, aged about 42 years, Occ: District Collector, Visakhapatnam, Andhra Pradesh do hereby solemnly and sincerely affirm and make oath and state as follows:

1. I am the 2nd Respondent herein and as such I am well acquainted with the facts of the case.
2. It is submitted that for implementing the order dated.30.11.2021 of this Hon'ble National Green Tribunal (sz), Chennai in OA No.215/2016 (SZ), a meeting has been convened by the District Collector, Visakhapatnam with all the officers concerned viz., 1) the Commissioner, GVMC, 2) The Revenue Divisional Officers, Visakhapatnam, Anakapalli, Narsipatnam, 3) The Superintending Engineer, Irrigation Department, Visakhapatnam 4) The Executive Engineers, Irrigation Department, Visakhapatnam 5) The Environmental Engineer, Pollution Control Board, Visakhapatnam on 10.01.2022 for identification of Government land measuring Ac.15.00 cts for creating new water body in the Visakhapatnam District and also steps to explore the possibility of restoring the existing water body (i.e., Sy.No.83 of Kommadi Village) to the extent available to its original position.
3. It is submitted that in proceeding & MINUTES OF THE MEETING Rc.No.522/2015/E2 dated 12.01.2021 (**annexure-I**) has been issued duly constituting three teams consisting of Revenue & Irrigation officials for identification of suitable Government Land measuring Ac.15.00cts in their jurisdiction for forming a new water body as ordered by the Hon'ble National Green Tribunal and to submit proposals within four (4) weeks. After identifying such Government land parcels by the teams, a suitable


COLLECTOR
VISAKHAPATNAM

Government land parcel will be chosen among the identified land parcels for formation of new water body based on the suitability of the land.

4. It is therefore submitted that this Hon'ble Tribunal may kindly grant time for a period of two (2) months so as to submit further report on identification of alternative land for formation of a new water body.

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to pass an appropriate order in **ORIGINAL APPLICATION NO.215 OF 2016** and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed

Andhra Pradesh on

This the 8th day of February, 2022

And signed his name in my presence

BEFORE ME

Advocate


COLLECTOR
VISAKHAPATNAM

VERIFICATION

I, A.Mallikarjuna, I.A.S., S/o A.Mallaiah, aged about 42 years, Occ: District Collector, Visakhapatnam, Andhra Pradesh do hereby verify that the contents of Para's of Memo are based on record and information are true to the best of my knowledge and belief.

Hence, verified on the 8th day of February 2021 at visakhapatnam


DEPONENT
COLLECTOR
VISAKHAPATNAM

Rc.No.522/2015/E2, dt. .01.2022

Collector's Office,
Visakhapatnam.**PROCEEDINGS OF THE DISTRICT COLLECTOR, VISAKHAPATNAM**
PRESENT: Dr A. Mallikarjuna, I.A.S.,

Sub: Orders of the National Green Tribunal, Chennai - Visakhapatnam District - Identification of land to an extent of Ac.13.48Cts (nearly Ac.15.00Cts) for creating a new water body - Meeting held on 10.01.2022 at 06.00PM at Collector's Office, Visakhapatnam - Teams constituted for identification of suitable land for formation of a new water body as per the orders of NGT - Orders - Issued.

Read: 1. Original Application No.215/2016 filed by Sri Guntu Boyina Kumar S/o Chandraiah before the National Green Tribunal.
2. Orders dt.30.11.2021 of the NGT in OA No.215/2016(SZ).
3. Govt Memo No.REV01-LANA0MISC/227/J2021-LANDS-I, dt.04.01.2022.

ORDER:

Whereas, in pursuance to the orders dt.30.11.2021 of the Hon'ble National Green Tribunal, Chennai in OA No.215/2016(SZ), a meeting was convened with all the Officers concerned (viz., 1) the Commissioner, GVMC, 2) The Sub Collector, Paderu 3) The Revenue Divisional Officers, Visakhapatnam, Anakapalli, Narsipatnam 4) The Superintending Engineer, Irrigation Department, Visakhapatnam 5) The Executive Engineers, Irrigation Department, Visakhapatnam 6) The Environmental Engineer, Pollution Control Board, Visakhapatnam) on 10.01.2022 at 6:00PM for identification of Government land measuring Ac.15.00Cts for creating new water body in the Visakhapatnam District.

For the above purpose, the following teams are hereby constituted for identification of suitable lands with an extent of Ac.15.00Cts in the Visakhapatnam/Anakapalli/Narsipatnam Divisions for formation of a new water body for protection of environment as ordered by the Hon'ble National Green Tribunal, Chennai.

Team No.	Name of the Officers	Designation	Phone Number
1	Sri K.Penchala Kishore	Revenue Divisional Officer, Visakhapatnam.	9849903825
	Sri P.Sri Charan	Deputy Executive Engineer, Irrigation, Head Quarter Sub-Division, Vsp.	9440168643
2	Sri J. Seetarama Rao	Revenue Divisional Officer, Anakapalli.	8978281888
	Smt E.Sujatha	Deputy Executive Engineer, Irrigation, Yelamanchilli Sub- Division.	9441389377
3	Sri R. Govinda Rao	Revenue Divisional Officer, Narsipatnam.	9100064954
	Sri J.Swami Naidu	Deputy Executive Engineer, Irrigation, Narsipatnam Sub-Division.	8919023173

All the above mentioned officers shall immediately identify a suitable government land measuring Ac.15.00Cts in their jurisdictions for forming a new water body as ordered by the Hon'ble National Green Tribunal and should submit proposals to this office within four (4) weeks.

10/10/22
SR

To
12/11/22
S M-E

All the concerned.

DR 12/1/2022

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Jt. Collector
(R3 & R)

Amky 1/2
District Collector,
Visakhapatnam.

**MINUTES OF THE MEETING HELD BY THE DISTRICT COLLECTOR,
VISAKHAPATNAM ON 10.01.2022 AT 6:00PM
ON IDENTIFICATION OF ALTERNATE LAND FOR FORMATION OF A NEW
WATER BODY AS PER THE ORDERS OF THE HON'BLE NATIONAL GREEN
TRIBUNAL IN O.A.NO.215/2016**

Officers Present:

1. Sri M.Venugopal Reddy, I.A.S., Joint Collector (RB&R), Visakhapatnam.
2. Sri S.Sreenivasa Murthy, District Revenue Officer, Visakhapatnam.
3. Sri K.Penchela Kishore, Revenue Divisional Officer, Visakhapatnam.
4. Smt.R.J.Vidyullatha, Chief City Planner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
5. Sri K. Venugopalarao, Superintending Engineer, GVMC, Visakhapatnam.
6. Sri A.Trinadham, Dy. Superintending Engineer, Irrigation Circle, Visakhapatnam.
7. Sri M.Pramod Kumar Reddy, Environmental Engineer, AP Pollution Control Board, Visakhapatnam.
8. Sri PSVV Prasad, Dy. Executive Engineer, GVMC, Visakhapatnam.
9. Sri P.Sri Charan, Dy. Executive Engineer, Irrigation, Visakhapatnam.
- 10.Sri L.Rama Rao, Tahsildar, Visakhapatnam Rural Mandal.

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At the outset, the District Collector, Visakhapatnam has read and explained the orders of the Hon'ble National Green Tribunal in O.A.No.215/2016 dt.30.11.2021 and emphasized the very need of compliance of the following two directions of the Hon'ble National Green Tribunal issued vide orders dt.30.11.2021 and directed the Revenue and Irrigation officials to explore the possibilities to implement the Hon'ble NGT orders strictly and requested all the offices to put forth their views on the below two aspects:

1. Necessary steps to be taken for the purpose of restoring the inlet and outlet of the existing water body where atleast some portion is being retained as water body now to explore the possibility of restoring the existing water body to the extent available to its original position.
2. To identify an alternate place having double the extent of this water body for the purpose of creating a new water body for protecting environment.

First Aspect: (Necessary steps to be taken for the purpose of restoring the inlet and outlet of the existing water body where atleast some portion is being retained as water body now to explore the possibility of restoring the existing water body to the extent available to its original position)

For this aspect,

(i) The Revenue Divisional Officer, Visakhapatnam has informed that no portion is left in this tank area measuring an extent of Ac.6.74Cts in Sy.No.83 of Kommadi Village and the entire area is developed except inlets and outlets channels.

(ii) Further the Deputy Superintending Engineer, Irrigation Circle, Visakhapatnam has informed that inlet and outlet and corresponding channels of the abandoned tank in Sy.No.83 of Kommadi Village were developed for free flow of rain water and outlet channel has been properly streamed to the Pedda Tank which is situated in Sy.No.46 of Kommadi.

Second Aspect: (To identify an alternate place having double the extent of this water body for the purpose of creating a new water body for protecting environment)

For this aspect,

The Deputy Superintending Engineer, Irrigation Circle, Visakhapatnam further informed that formation of a new water body with Ac.13.48Cts of water spread area, approximate cost will be of Rs.5.00 crores. This may vary depending on the profile of the land.

The Joint Collector (RB&R), Visakhapatnam has suggested to form three teams for the three divisions with the RDOs and Engineers of Irrigation Department to identify Government lands measuring Ac.13.48Cts (nearly Ac.15.00Cts) feasible for formation of new water body so as to comply the orders dt.30.11.2021 of the NGT, Chennai in O.A.No.215/2016.

On considering the above opinions/suggestions, the District Collector, Visakhapatnam has decided to constitute three teams with the RDOs and respective Irrigation Engineers for identification of suitable Government lands @ Ac.15.00Cts in each division within four weeks. Further the District Collector, Visakhapatnam has stated that after identifying such Government land parcels by the teams, a suitable Government land parcel will be chosen for formation of new water body among the identified Government land parcels so as to comply the orders of the NGT dt.30.11.2021.

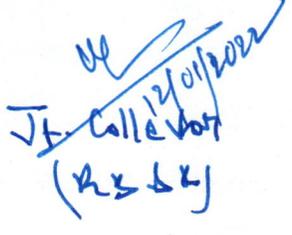
Finally, the District Collector, Visakhapatnam requested the officers to adhere to the time line fixed for identifying the Government land parcel without any deviation and directed the District Revenue Officer, Visakhapatnam to process the file for forming teams immediately.


District Collector,
Visakhapatnam.



To:

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1. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
2. The Revenue Divisional Officer, Visakhapatnam.
3. The Revenue Divisional Officer, Anakapalli.
4. The Revenue Divisional Officer, Narsipatnam.
5. The Superintending Engineer, GVMC, Visakhapatnam.
6. The Deputy Superintending Engineer, Irrigation Circle, Visakhapatnam.
7. The Environmental Engineer, AP Pollution Control Board, Visakhapatnam.
8. The Deputy Executive Engineer, GVMC, Visakhapatnam.
9. The Deputy Executive Engineer, Irrigation, Visakhapatnam.

Copy to the CC to Joint Collector (RB&R), Visakhapatnam.

Copy to the CC to District Collector, Visakhapatnam.