

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

ORIGINAL APPLICATION No 215 OF 2016

IN THE MATTER OF:

Guntu Boyina Kumar Kommadi Applicant

Versus

The State of Andhra Pradesh Hyderabad

and Ors. Respondent(s) Respondents

**COMPLIANCE REPORT FILED BY THE DISTRICT REVENUE
OFFICE**

DATE- 28-10-2023



**M/s MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD**

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[Counsel for 1st Respondent](#)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application OA No.215/2016 (SZ)**

IN THE MATTER OF

Sri. Guntu Boyina Kumar,
Kommadi,
Visakhapatnam District

...Applicant(s)

Versus

The State of Andhra Pradesh, Hyderabad and Ors.

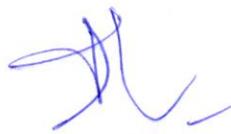
... Respondent(s)

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Place: Anakapalli
Date: 29-10-2013




Revenue Divisional Officer,
Anakapalli
Revenue Divisional Officer
ANAKAPALLE

Latest Status Report in compliance to the orders of Hon'ble National Green Tribunal, Chennai in OA No.215/2016 (SZ)

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It is submitted that, Sri. Guntu Boyina Kumar, Kommadi, Visakhapatnam District filed an application before the Hon'ble National Green Tribunal, Chennai in O.A. No. 215 of 2016 against damage to the water body because of construction activity taken place in survey no. 83 of Kommadi Village, Visakhapatnam District.

The Hon'ble National Green tribunal has disposed the case and issued the following directions in its order dt.14.02.2022:

"We have heard learned Counsels for the parties and considered the matter. Learned Counsel for the State of Andhra Pradesh fairly stated that in the facts and circumstances while the situation is irreversible as far as the pond in question is concerned but the State is willing to provide alternative of double area for a new water body to restore the inlet and outlet of the existing water body.

Accordingly, we direct that the above proposal be complied with within three months which will be the responsibility of the District Magistrate, Visakhapatnam. The suitability of the alternative pond will be determined by the District Magistrate, Visakhapatnam in coordination with SEIAA, Andhra Pradesh and the State PCB. The said Committee will also be at liberty to co-opt any other Expert/Institution.

We also note that construction project has proceeded without requisite EC. In that view of the matter without disturbing the construction already raised, we direct that no further construction be made till requisite EC/statutory clearances are obtained in accordance with law. This aspect be enforced strictly by the State PCB and District Magistrate, Visakhapatnam. The said statutory Authorities may also examine whether any other compensation is required to be recovered for past violations on 'Polluter Pays' principle.

Compliance report may be filed with the Registrar of the Southern Bench, NGT on or before 30.06.2022. If any further direction becomes necessary, the matter be placed before the Bench.

Subject to above, the application is disposed of."

Accordingly, the District Collector, Anakapalli has submitted a Compliance report dt.29.06.2022 to the Hon'ble National Green Tribunal, Chennai reporting that *"the estimates of the excavation work for formation of New water tank/pond from the PD, DWAMA is yet to be received. The proposed land measuring Ac.14.00cts in Sy.No.20p of Devarapalli village in Devarapalli mandal was sub-divided and denoted as Sy.No.686 and the same was handed over to the Irrigation Department by the Tashildar, Devarapalli vide Delivery receipt Rc.No.34/2022/SA dt.2-6-2022. The Environmental Impact Assessment also completed and proposed preliminary work i.e., bush clearance etc., by NREGS is under progress. The Irrigation Department has been instructed to take up further action for formation of water body as per the directions of the Hon'ble National Green Tribunal duly obtaining necessary approvals and funds from the Government."*

In this regard, the District Collector, Anakapalli has directed to submit the status report on implementation of the orders of the Hon'ble National Green Tribunal vide e-office No.5008/2023/L1, dt.01.06.2023.

On that, I have addressed a letter to the Superintendent Engineer, Irrigation Circle, Visakhapatnam to submit status report on implementation of the orders of the Hon'ble National Green Tribunal.

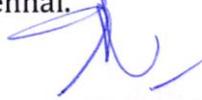
Accordingly, the Dy. Executive Engineer, R.R.P. Sub Engineer, Devarapalli has reported that the Project Director, DWMA, Anakapalli has submitted the estimates for Rs.38,18,615/- for technical approval to execute the work for formation of a new water body as per the orders of the Hon'ble National Green Tribunal in Sy.No.20P of Devarapalli Village and Mandal under the programme "Amrit Sarovar" and the same was approved vide Lr. No. 524 M/ DB/AEE4/ MGREGS / PM / SP dated 04/06/2022.

Further, the Project Director, DWAMA has reported that, Out of the sanctioned amount Rs. 38,18,615/- , an amount of Rs. 14, 87,280/- was paid under wages up to 16-5-2023 for Jingle Clearance work done - 5264M, Bench cutting work done -750RMT, and the Earth work done- 4960QM and due to rainy season the progress of the work is slowly going on and the entire work will be completed with in a period of 10 (Ten) months.

In view of the above, it is submitted that, I have personally monitoring the execution of entire work as I am appointed as a nodal officer for the above work by the District Collector, Anakapalli. Further , the report of the PD, DWAMA and Dy. Executive Engineer, R.R.P. Sub Engineer, Devarapalli for kind perusal.

Hence, it is submitted that the above status report may kindly be apprised to the Hon'ble National Green Tribunal, Southern Zone Bench, Chennai.




Revenue Divisional Officer,
Anakapalli

Revenue Divisional Officer
ANAKAPALLE

From
G Satyam Naidu, B.Tech
Dy. Executive Engineer,
R.R.P Sub Division,
Devarapalli.

To
The Revenue Divisional Officer,
Anakapalli Revenue Division,
Anakapalli.

Letter No Camp-1 Date: 29 - 10-2023.

Sir

Sub:- Orders of the National Green Tribunal, Chennai in OA No. 215/2016-Visakhapatnam District -Feasibility Report and Joint inspection Report furnished by the RDO, Anakapalli and SE/IC/SP for Land measuring Acres 14.00 Cents in Survey No. 20P, Devarapalli (V & M) for formation of new water body as per the orders of NGT-Further necessary action for implementation of the orders of the Hon'ble NGT- Report Submitting - Regarding.

- Ref:- 1) OA No. 215/2016 find by Sri Guntu Boyina Kumar S/o Chandrayya before the National Green Tribunal
2) Orders dated: 30/11/2021 of the NGT in OA No. 215/2016(SZ)
3) Orders dated: 14/02/2022 in OA No. 215/2016(SZ) the Hon'ble NGT.
4) Letter RC. No. 176/2022/B/Dt. 14/02/2022 of R.D.O Anakapalli addressed the District Collector, Visakhapatnam.
5) Memo. No. 353 VSP /SE/IC/SP/ DEE(T) / AEE-2/ L/10 / LA / Dt.04/06/2022.
6) This office Lr No: 65E dated: 22-06-2022,
7) EE/VSP. Division/VSP Lr.No.265SE/DB/AEE2/R/23file/ Dt.01.07.2022,
8) RDO-Anakapalli vide Lr.no. Rc.No.176/2022/B/Dt.06.06.2023.

X-X-X-

With reference to Lr No's 6th and 7th cited above, the detailed report was already submitted earlier, in that as permemo 5th cited, the Hon'ble NGT vide orders dated 14/02/2022 in OA. No. 215/2016(SZ) has ordered to identify an alternate land measuring nearly 15 Acres for the purpose of to create a new water body in order to protect environment in lieu of the land measuring an extent of Acres 6.74 Cts in Survey No. 83 of Kommadi village in Visakhapatnam rural mandal which has utilised for Hud-Hud housing.

In the 4th reference cited R.D.O, Anakapalli has submitted the report to District Collector, Visakhapatnam, that the land Survey No. 20P admeasuring Acs 14.00Cts in Devarapalli (V & M) in Visakhapatnam District is feasible for formation of new water body for protection of environment on orders by the Hon'ble NGT.

In this connection as per SE/IC/SP Memo No. 165/SP Dated 21/03/2022 we have submitted site condition report vide Lr.No. 20M Dt. 22/03/2022. Subsequently the

District Collector, Visakhapatnam Vide RC. No.522/2015 Dated. 29/03/2022 has requested to submit joint inspection report with revenue authorities that is R.D.O Anakapalli, MRO Devarapalli and SE, Irrigation, Visakhapatnam for formation of new water body.

In the above circumstances vide this office Lr. No. 22E dt. 30/03/2022 has submitted the joint inspection report with specific recommendations.

I further submit that in the District Collector, Visakhapatnam Proceedings RC No.522/2015 dated 01/04/2022 District Collector, Visakhapatnam has instructed the SE/IC/VSP, R.D.O Anakapalli and MRO Devarapalli as follows.

- I. The SE, Irrigation, Visakhapatnam is directed to take possession of the subject land and initiate necessary action for the formation of new water body as per rules and vogue.
- II. The R.D.O Anakapalli is appointed as Nodal Officer to oversee the compliance of the orders of the Hon'ble NGT with in time to time.
- III. The MRO Devarapalli was directed to hand over the advance position of land measuring an Acres 14.00 Cts in Survey No.20P of Devarapalli (V& M).

In this connection as per Letter No. 24M Dated. 11/04/2022 addressed to the MRO Devarapalli and our Assistant Executive Engineers approached to office of the Tahsildar, Devarapalli several times to obtain the FMB sketches and RVM's demarcation of site and the basic information of proposed site of new water body onward submission of survey and levelling (S & L) operation estimate.

I further submitted vide this office letter no. 38 E Dt. 04/05/2022 S&L operation estimate for an amount of 12.75 Lakhs to obtain an administrative approval from Competent authority. As per the instructions of SE, Irrigation, Visakhapatnam the same was returned and asked to resubmit after incorporating the environmental assessment study report vide Lr. No.306/SP/SE/C/SP/AEE4/W/333/dated 12/05/2022.

In the mean while the District Collector, Visakhapatnam Proceedings RC. No 522/2015 Dt.01/04/2022 the District Collector, Visakhapatnam has addressed to Executive Engineer, APPCB for suitable suggestions by visiting subject project necessary with regards to the environmental impact / Pollution impact to the engineering officials while forming the new water body as per the direction of NGT.

In this connection Executive Engineer, APPCB addressed the District Collector, Visakhapatnam vide Lr.No. 1278/ APPCB/RO/SP/2022 Dated 21/04/2022. Executive Engineer, APPCB was directed to Irrigation Department to take up the formation of new water body after conducting environmental impact study covering 10Km radius of the site through the reputed environmental organisations i.e., EPTRI, NEERI and A.U Visakhapatnam. In the above direction we have directly approached to the Principal Investigator, Visakhapatnam Port Trust Project, Professor, Environmental Sciences, A.U, Visakhapatnam. He has raised invoice for an amount of Rs. 14,79,360/-. The same was incorporated in the S & L operation estimate the total amount of estimate for Rs. 28Lakhs is submitted to competent authorities to obtain necessary administrative

approval vide this office Lr. No. 42E dated. 20/05/2022. But the SE, Irrigation, Visakhapatnam has instructed to obtain the detailed investigation on environmental impact assessment study for formation of newwaterbody.

In this connection Executive Engineer, Visakhapatnam vide Lr. No.456 M dated 23/05/2022 addressed to the Principal Investigator, Visakhapatnam Port Trust Project, Professor, Environmental Sciences, A.U, Visakhapatnam to submit the detailed environmental impact study estimate.

In the above circumstances Principal Investigator, Visakhapatnam Port Trust Project, Professor, Environmental Sciences, A.U, Visakhapatnam submitted an estimate for environmental impact study to an amount Rs.32,33,340/- the same was incorporated in the previous estimate which is in the SE, Irrigation, Visakhapatnam worked out from 45.50 Lakhs for obtain administrative approval from competent authority.

I further submitted subsequently the District Collector, Anakapalli Proceedings RC.No.176/2022/B/ Date.13/05/2022 constituted the following team for preparing action plan and executed the work for formation of new water body for protection of environmental as ordered by Hon'ble NGT, Chennai.

1. The Superintending Engineer, Irrigation, Visakhapatnam
2. Project Director, DWAMA
3. Assistant Director, Survey and Land Records
4. Executive Engineer, APPCB
5. R.D.O Anakapalli

In this connection I submit that vide this office Lr. No. 59E Dt.31/05/2022 we have submitted the action plan to construct the new water body.

The District Collector, Anakapalli conducted a review meeting in the Collector's Chamber, Anakapalli 01/06/2022. In the review meeting Collector has to instructed to R.D.OAnakapalli handed over the land to Irrigation authorities immediately.

In view of the above, in presence of R.D.O Anakapalli, Executive Engineer, District Water Resources Officer, Anakapall, MRO Devarapalli has handed over the site to AEE, Section No-2, RRP Sub Division, Devarapali Sy. No. 686 (Carved out from old survey no. 20). The MRO Devarapalli requested to give necessary directions to incorporate the above changes in revenue records vide RC. No. 176/2022/B dt.01/06/2022 in the Collector office Anakapalli. The same was submitted to the Executive Engineer, Visakhapatnam vide this office Lr. No. 61 E Dt. 06/06/2022.

The District Collector, Anakapalli was also instructed the DWAMA Project Director and Executive Engineer, APPCB to prepare the estimate for the work formation of new water body and submit immediately under the programme mission Amruth Sarovar and the Executive Engineer, APPCB to obtain report from Principal Investigator, Visakhapatnam Port Trust Project, Professor, Environmental Sciences, A.U, Visakhapatnam and he obeyed the District Collector's order.

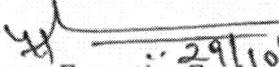
In this Connection the Project Director, DWAMA was submitted the estimate for above said work for Technical Approval for Rs. 38,18,615/- under the programme of Amruth Sarovar. The same was technically approved and resubmitted to Project Director, DWAMA vide Lr. No. 524 M/ DB/AEE4/ MGREGS / PM / SP dated 04/06/2022, for execution of the above said work through DWAMA.

Further it is submitted that, as per the sanctioned estimate the DWAMA officials were to commence the work as per the instructions of the PD, DWAMA, Anakapalli.

Further it is submitted that, during the execution of the work, if the DWAMA officials needs any technical clarification w.r.t to sanctioned estimate, the irrigation officials are ready to clarify and supervise the said work being executed by DWAMA officials.

This is submitted for necessary information.

Yours sincerely,


Deputy Executive Engineer,
RRP Subdivision, Devarapalli.

A BRIEF REPORT ON WORK ON IN NGT BEILALA METTA TANK

MANDAL NAME	DEVARAPALLI
GP NAME	DEVARAPALLI
WORK NAME	BEILALA METTA TANK NGT
W I D	0203007004/WC/19185020022393
TECHNICAL SANCTION DATE	08-06-2022
TECHNICAL SANCTION NUMBER	0203007004/2022-2023/652135/TS dated: 08-06-2022,
ADMINISTRATIVE/FINANCIAL SANCTION DATE	09-06-2022
ADMINISTRATIVE/FINANCIAL SANCTION NUMBER	0203007004/2022-2023/652135/AS Dt: 09-06-2022.
Sanction Amount (lakh.Rs)	38,18,615.00
Expenditure paid (lakh.Rs)	14,87,280.00
NUMBER OF PURSON DAYS GENERATED	5560
Wage Paid (lakh.Rs)	14,87,280.00
Wage Seekers Attend the Work	410
Work Started Date	26-05-2023
Working Last date (Due to Rain)	27-08-2023
Jingle Clearance Work Done	5264 M
Bench Cutting Work Don	750 RMT
Earth Work Don	4960 QM


**Project Director,
DWMA, Anakapalli**