

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI

Original Application No: 42 of 2020

S.Maheshwari

....Applicant

Vs.

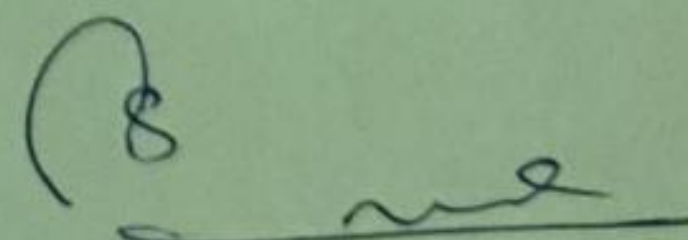
The District Collector &
4 Others

....Repondents

OBJECTIONS OF APPLICANT TO THE JOINT INSPECTION REPORT

The applicant is S.Maheswari W/o G.Ramesh Babu ,Hindu aged 55 years residing 1-208 at Kuntrapakam Village ,Tirupathi Rural ,Chitoor district Andra Pradesh 517002 .

1. The Applicant submits that she had perused the Joint Inspection Report in support of the Original Application and in reply deny each and every averment contained therein save those specifically admitted herein and put the Respondents to strict proof of the same.
2. The Applicant submits that the subject land is situated in Survey No.612 covering an extent of 131.45 cents, further sub-divided as Survey No. 612/2 and Survey No. 612/3 as per proceedings Roc.D/ Roc.D/866/2007 dated 06-09-2007 of Kuntrapakam village of Tirupati Rural Mandal of Chittoor District, is classified as Gayalu land as per revenue records in the Joint Inspection Report, and not unassessed waste land as per the report .
3. The Applicant submits that the averments in paragraph 2 are true to an extent , and the subject land is vested with the Revenue Department and locally it is called Etterigutta. I state that the state government vide its order



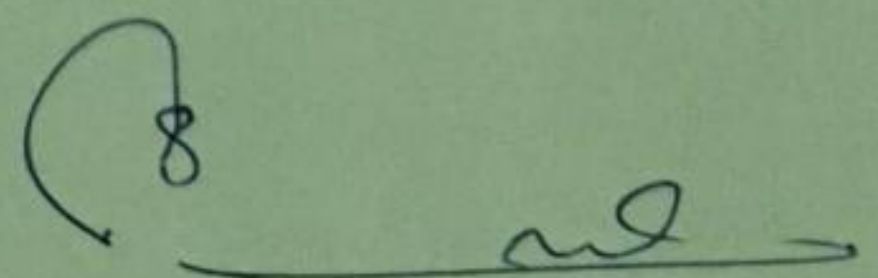
G.O.Ms.No. 571, Revenue/Assn.I) department dated 14-09-2012, gave directions as per which, the right to alienate the land for House sites as the land is classified as Hillocks are barred. (Hillock means Gutta in Telugu Lanaguage)

4. The Applicant denies the averments made in paragraph 3 of the report and puts the Respondent to the strict proof of the same. It is submitted that it has been wrongly misconceived by the Respondent that the subject land is UnAssessed waste dry land, and therefore the same cannot be alienated for any other purpose. It is further submitted in the Joint inspection report have themselves recorded that the area is Hillock hence as per Hon'ble Suprem court Direction in

"Hinch Lal Tiwari vs Kamala Devi And Ors (2001 Supp(1) SCR 23) has observed

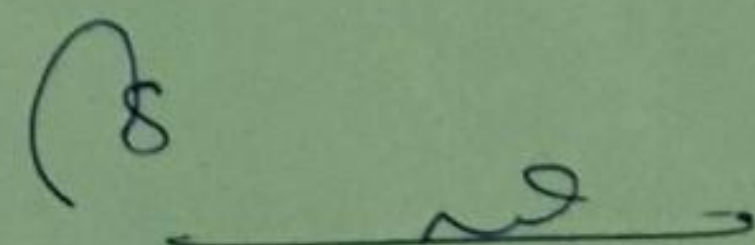
"That forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution. The Government, including the Revenue Authorities i.e. Respondents 11 to 13, having noticed that a pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites" the land in Survey No.612 squarely falls in this category."

Though photographs annexed in the original application would prove that the attempt is made to destroy entire Hillock.



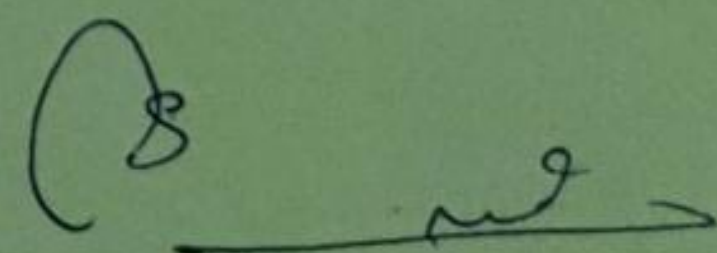
5. The Applicant submits that the Respondent concurred to the fact that, out of Acres 131.45 cents in Survey No. 612, the land to an extent of Ac 10.00 cents was levelled by clearing boulders and bushes to provide free house pattas for the poor people under the scheme "Pedalandariki Indlu". This act of the Respondent raises serious doubts since the Government of Andhra Pradesh is distributing House site pattas to 30lakh people even by purchasing suitable lands with a cost of Rs. 7000 Crores and 15,000 layouts are made ready. Hence the Government can protect this small extent of Acres 10.00 to the habitation of Wild animals as it is a fragile area of Hill poramboke. The Applicant and other residents of adjoining villagers are depending on this material resource of the community as this hillock contains lot of Trees and rich in Bio-Diversity. On this hillock the Flora and Fauna maintain the delicate Ecological balance. This is the only area available for grazing of cattle and sheeo of three villages namely Kuntrapakam, K.C. Peta , C. Ramaapuram.

6. The applicant denies the averments made in para 5 of the Inspection Report that there are no trees. It is submitted that the subject land is covered with trees. The fact being all the trees have also been uprooted which is not reported and photographs of the same have been submitted in the typed set of the original application. By the time the team went for inspection in the month of May, 2020, all the trees were uprooted in the subject land were taken away by Timber Merchants and Firewood Sellers. It is further submitted that there are tree plantation drives carried out by the government itself on the subjected land. The applicant submits that the revenue divisional officer under the order from the 1st respondent had issued order is in Favour of TUDA for plantation of trees Decade ago which was also carried out by MGNREGS (The Mahatma Gandhi National Rural Employment Guranteee Scheme) and the proof of which is also attached in the typed set of papers in the original application.



7. The applicant submits that the averments made in paragraph 6 and 7 are partially true. The tanks i.e. Diguvacheruvu (Lower Tank) and Eguvacheruvu (Upper Tank) are adjoining to the subject land. It is submitted that on date the tank is filled with water and all the adjacent lands are harvested. It is further submitted that once people settle and start their livelihood they will encroach these tanks, and it is respectfully submitted that there were 22 tanks around Tirupati which are now extinct by given such housing pattas near the Temple town Tirupathi. The applicant submits that she fears due to these incidents, similar events might happen to the remaining two tanks if a Housing colony is built on the subject land which is rich in bio-diversity. The applicant further submits that this area falls within in **SESHACHALAM BIOSPHERE RESERVE** Transition zone within 5 kms. aerial distance from the Border of the Biosphere reserve in which 8000 square Kilometers are notified in 2001 as it is an important Genetic Reservoir. Because this area is nearer to the Seshachalam Biosphere Reserve which is the first Biosphere Reserve of the state of Andhra Pradesh. This type of hillocks adjacent to the Biosphere Reserves should be preserved as Corridors for entry and going back of wild animals particularly Elephants , Tigers and Cheetahs.

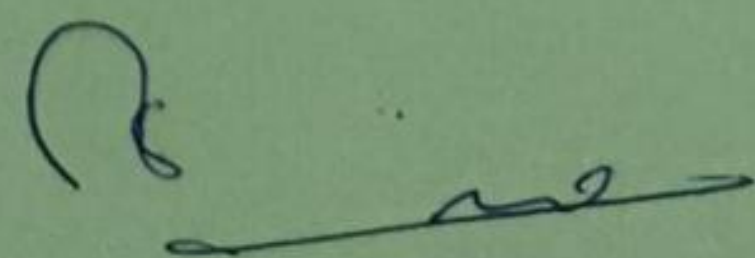
Because this is an Elephant Corridor since ages as Elephants are using this hillock as their corridor while entering Seshachalam forest from the adjoining states of Tamil Nadu and Karnataka which should be preserved. A study report published in Hindu dated March 17, 2018 proves that the Elephants are using hillocks as Corridor for it's Movement from Seshachalam Biosphere reserve to the states of Tamil Nadu and Karnataka. Allotment of Housing sites in this area will destroy the corridor as this Hillock is near to Biosphere Reserve and it will also result in poaching of these Elephants by the settlers. This will result in the same fate for the elephants similar to that of what is happening in srilanka were mass death of elephants are caused by venturing into human settlements and



eating garbage. The Gayalu land which is Hill poramboke cannot be alienated for Housing purpose as it is Community reserve. It is further submitted that the opinion of expert member of Wild life from the Wild Life Institute, Dehradun may be taken, as these Corridors are existing since centuries.

8. The Applicant denies the averments made in paragraph 9 of the Inspection Report. It is respectfully submitted that Respondent has wrongly misconceived that the idols have been erected by some miscreants and puts the Respondent to the strict proof of the same. The applicant submits that the idols which pertain to the 9th and 10th centuries were found on this hillock some of the idols are preserved in Sri Venkateswara Museum, Tirumala, Sri Govinda Raja Swamy Temple, Tirupathi, Some are present in Sri Krishna Geetha Mandiram and in Etteramma Temple in Etteri Gutta and in Salarjung Museum, Hyderabad which speaks about the ancient history of the Hillock and it is a evident proof of the sanctity of the hillock. It is further stated that in the report by the government dated 30-08-2007 itself annexed in the typed set of papers in the original application it is well established about the presence of idols and the religious structures hence the joint inspection stating that they are put up by miscreants is false and it is put to strict proof of the same. The applicant submits that the committee must assess the relative importance of the Land and classify that land as a protected area because there is a wealth of unearthed statues in the area and it is the duty of the Government to protect the same.

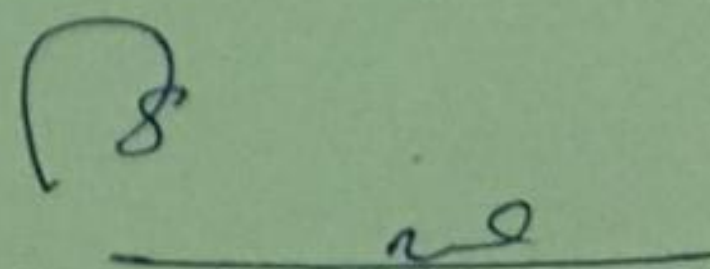
9. The applicant denies the averments made in paragraphs 10 and 11 of the report. The applicant submits that the committee has failed to assess and report on the damage caused to the environment due to the huge blasting by engaging heavy machinery on the land. Once a Housing colony comes into the existence, these tanks will not get sufficient water and the entire Bio-Diversity of this area will be uprooted and exposed to erosion.



10. The applicant denies and objects the averments paragraph 12 and she further states that these religious idols belong to the 10 th century and they are time immemorial. The Idols found in the Hillock are preserved in Sri Krishna Geetha Mandiram, Etteramma Temple on this Hillock and in Sri Venkateswara Museum, Tirumala, Salarjung Museum, Hyderabad which speaks about the ancient history of the Hillock.

11. It is humbly submitted that the committee has falsely promised that a buffer area will be maintained between these water bodies, channels, and Housing colony. In fact some portion of Diguvacheruvu Survey No. 575 is filled with the boulders of earth excavated from Hillock and Eguvacheruvu (Upper Tank) in Survey No. 599 is also filled with boulders and earth close to the weir of the Tank which damaged the structure creating obstruction to the flow of the water. I further state that the committee's statement that they will take action to protect the Tanks in the interest of public is also untrue because they have only reported that the subject area Survey number is adjacent to the Survey numbers of these tanks without specifying measures that will be taken to protect the tanks and the fate of the 22 water tanks which are now extinct due to similar circumstances would prove to this fact.

12. It is humbly submitted that the idols unearthed from the hillock are reinstated in the Sri Krishna Geetha Mandiram also prove that there is abundance of unearthed sculptures and evidenced by **Archeological Survey report..** Any sort of Involvement with the Earth in the surrounding areas should be prohibited because it may cause irreparable damage to the statues. The Hillock called Etteri Gutta locally It is because the Etteri Amma Alayam (The Temple of Etteri Goddess exists in top of the Hillock, which is the how the name of the whole area derived, the temple is in existence for centuries and The ChitlaGuvva which is an annual cattle festival during Kanuma is celebrated in a



versatile and huge manner with hundreds of cattle from surrounding Villages from times immemorial.

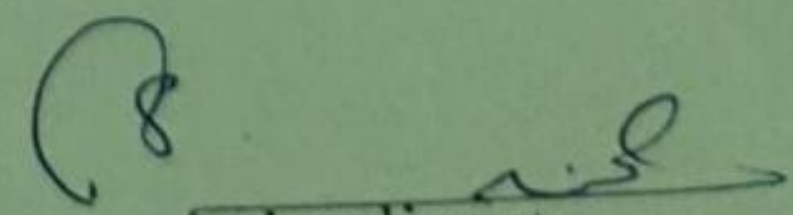
13. It is further stated that in the Joint inspection report no independent person nor any Farmers surrounding the Hillock, local person's objection or opinion as to existence of trees and other allegation regarding the violations were inquired, the google images in 2019 November and 2020 March would prove the extent of greenery destroyed in that place.

14. It is submitted that the area is rich in biodiversity. After a hiatus of two centuries, the species of the Asian elephant reappeared in the tri-State Kuppam junction in Chittoor district in the early 1980s, according to the State Forest Department. Criss-crossing A.P., Karnataka and Tamil Nadu, the wild elephants, split into over a dozen herds, started ruling the roost, damaging crops, keeping human habitations on the edge as they marched along the mighty corridor from Kolar through Kuppam, Krishnagiri, Seshachalam Reserve.

15. Hence this act of the respondent is destroying the biosphere, water bodies, trees in hillocks is unwarranted as would cause irreparable damage.

Therefore for the reasons and objections above mentioned it is humbly prayed that this Hon'ble Tribunal be pleased to set aside the Joint Inspection Report filed in OA 42 of 2020 on the file of this Hon'ble Tribunal and pass such further or other orders as this Hon'ble court deem fit to protect the Hillock and Water Bodies and proper in facts and circumstances of the case and thus render justice.

Dated at Tirupati on this the 13th day of October 2020.


Applicant













