

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

O.A No. 50 of 2023

RAMISETTY SURESH KUMAR,
R/o H.No 1-169/1, Behind CPM Office,
Thotamula Village, Gampalagudem Mandal
NTR District, Andhra Pradesh-521403 APPLICANT

-VS-

STATE OF ANDHRA PRADESH
Rep. by its Chief Secretary
Secretariat, Velagapudi, Guntur District
Andhra Pradesh-522503 and 12 others Respondents

COUNTER FILED BY THE 2ND RESPONDENT

Date-4-09-2023



**M/s MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

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Counsel for 2nd Respondent

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It is certified that all the documents contained in the above annexure are true copies.

Date: 28-06-2023

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O.A No. 50 of 2023

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NTR District, Andhra Pradesh-521403

..... APPLICANT

-VS-

1 STATE OF ANDHRA PRADESH

Rep. by its Chief Secretary
Secretariat, Velagapudi, Guntur District
Andhra Pradesh-522503

2 STATE OF ANDHRA PRADESH

Rep. by its Principal Secretary
Department of Mines and Geology
Secretariat, Velagapudi, Guntur District
Andhra Pradesh-522503

**3 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY OF AP**

Rep. by its Member Secretary
D.No. 33-26-14 D/2, Near Sunrise Hospital Hospital
Pushpa Hotel Centre, Chalamavari street
Kasturibaipet, Vijayawada, AP-520010.

4 ANDHRA PRADESH POLLUTION CONTROL

Board, Rep. by its Member Secretary
D.No. 33-26-14/D2, Near Sunrise Hospital,
Pushpa Hotel Center, Chalamvari
Street, Kasturibaipet
Vijayawada, Andhra Pradesh-520010.

5 ANDHRA PRADESH SPECIAL ENFORCEMENT

Bureau (Liquor & Sand) Rep. its Director General of
Police/Ex Officio,
Chief Secretary/Commissioner,
Andhra Pradesh Police Head Quarters,
Mangalagiri, Guntur District, AP-522502.

6 DISTRICT COLLECTOR AND MAGISTRATE, NTR

Krishna District, Vijayawada.
Andhra Pradesh-521366.

7 MANDAL REVENUE OFFICER (MRO),

Gampalagudem (M)
NTR District, Andhra Pradesh-521403.

8 BATTULA ANJALIAH

S/o Battula Jamulaiah,

R/o Turpu Bazar, Vinagadapa(V), Gampalagudem (M)

Director of Mines and Geology
Govt. of Andhra Pradesh
Ibrahimpatnam, Vijayawada.
Krishna District

NTR District, Andhra Pradesh-521403.

9 BATHULA JAMALIAH

S/o Bathula Gopalu
R/o Turpu Bazar, Vinagadapa(V), Gampalagudem (M),
NTR District, Andhra Pradesh-521403.

10 I. BATTULA RAMAIAH

S/o Battula Jamulaiah
R/o Turpu Bazar, Vinagadapa(V), Gampalagudem (M),
NTR District, Andhra Pradesh-521403.

11 B. VENTAIAH,

R/o Turpu Bazar,
Vinagadapa(V), Gampalagudem (M),
NTR District, Andhra Pradesh-521403

12 LINGAMARLA ADINARAYANA

S/o Lingamarla Ramarao,
R/o Vinagadapa(V), Gampalagudem(M),
NTR District, Andhra Pradesh-521403

13 VUTUKURU LAKSHMI

W/o Vutukuru Srinivasrao,
R/o Vinagadapa(V), Gampalagudem(M)
NTR District, Andhra Pradesh-521403

COUNTER FILED BY THE 2ND RESPONDENT

I, Sri V.G.Venkata Reddy, S/o. Subba Reddy, Aged about 56 Years,
Working as Director of Mines & Geology, Ibrahimpatnam, Krishna
District, do here by 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. This respondent denies each averment made in the affidavit filed in support of the appeal as false and incorrect except those that are specifically admitted herein in this counter affidavit.
3. With regard averments made in paragraph 1& 2 of the affidavit is denied as false. It is submitted that the Assistant Director of Mines and Geology, District Vigilance Squad along with the Technical Staff of District Vigilance Squad, Mandal Revenue Inspector of

Gampalagudem Mandal and Village Revenue Officer, Vinagadapa, Gampalagudem Mandal have inspected the area on 17-05-2023 and 04-07-2023. It was observed that at the time of inspection the alleged brick kiln located in Sy.No.469 over an extent of 10.21 acres reported by the petitioner, the brick kiln is not in operation and they vacated brick kiln butti premises. Further, no responsible person was available at the site premises. The alleged tank is completely water logged and no possibility to excavate the soil/silt from the tank. The lands surrounded by the alleged brick kiln is cultivated and crops are sowing. There were no marks or imprints showing the excavation of soil in an around the alleged brick kiln. Further, with all due respect, Assistant Director of Mines and Geology, District Vigilance Squad, Vijayawada has contacted the Applicant Sri Ramiseti Suresh Babu over telephone to attend for field inspection of the alleged areas, but the Applicant was reluctant to attend the inspection. Moreover, the alleged illegal mining areas are water bodies which comes under the control of the minor irrigation department and that Department is the custodian of the alleged areas. The Detailed inspection reports, photographs taken at the time of inspection and the written statement obtained from the revenue Department officials of the Gamapalagudem Mandal are herewith enclosed as

Annexure-1.

4. With regard to the averments made in paragraphs 3,4, 5,6 & 7 of the Affidavit is not related to this respondent and hence there are no remarks.
5. With regard averments made in paragraph 1& 2 of the affidavit is denied as false. It is submitted that the Tahsildar of the Gampalagudem has informed vide counter affidavit forwarded

through mail to this office in lieu of the above case he has taken stringent action against the alleged brick kiln owner duly stopping the manufacturing of bricks, issued notices to the alleged brick kiln owner vide R.C. No.17/2023 dated 12-01-2023 to submit proper explanation for not following guidelines framed for conducting the brick kiln operations as per G.O.Ms 80 dated 22-04-2010 and why action should not be initiated. Further, the Tahsildar, Gampalagudem Mandal has informed that, basing on 17-12-2022 report of Village Revenue Officer, Vinagadapa Village and Mandal Revenue Officer, Gampalagudem Mandal, notices were issued vide R.C,CA 17/2023 dated 17-01-2023 to the Brick Owners as well as the land owners to submit proper explanation for not following the guidelines framed for conducting operations of the brick kilns as per GO.Ms.80 dated 22-10-2010. As the brick Kiln Owner Sri B.Anjaiah failed to submit his explanation, the Tahsildar of Gampalagudem Mandal has issued seizure orders vide Proc.No. Rc.B 17/2023 dated 30-01-2023 for not following the guidelines of GO.Ms.80 dated 22-10-2010 of Environment, Forests, Science & Technology (Environment) Department.

6. It is further submitted that the Tahsildar of the Gampalagudem Mandal addressed letters to the General Manager, District Industries Center, Vijayawada and Assiatant Executive Engineer, Minor Irrigation of Gampalagudme Mandal vide Letter No. Rc.B.17/2023 dated 01-02-2023 with a request to take necessary action for prevention of illegal transportation of soil from the water bodies viz Kattaleru Vagu and Durga Devi Cheruvu located of Vinagadapa Village of Gampalagudem Mandal. Further, it is submitted that the other brick kilns located at Vinagadapa Village of Gampalagudem Mandal have been issued notices by the Tahsildar of Gampalagudem Mandal

with a direction to stop brick Kiln related work without obtaining proper license from the concerned Departments. Further, the Mandal Revenue Officer, Gampalagudem informed that the conductors and Owners of the said brick kiln has been binded over by the Police Department by filing FIR in the Gampalagudem Police Station if they breach seizure orders issued by the Revenue Department.

7. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional counter in the course of proceedings, if required.

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the abovethe O.A No. 50 of 2023 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 Vijayawada
Andhra Pradesh on
this the 28th day of June 2023
and signed his name in my presence

}

I, Sri V.G.Venkata Reddy, S/o. Subba Reddy, Aged about 56 Years, Working as Director of Mines & Geology, Ibrahimpatnam, Krishna District Andhra Pradesh do hereby verify that the contents of Para's of Counter Affidavit are based on record and information are true to the best of my knowledge and belief.

Hence, verified on the 28th day of June 2023 at Vijayawada.


Deponent
Director of Mines and Geology
Govt. of Andhra Pradesh
Ibrahimpatnam, Vijayawada.
Krishna District.

INSPECTION REPORT

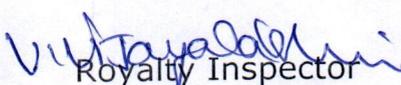
It is submitted that as per the instructions of the District Mines & Geology Officer, NTR District in connection with orders of the Collector and District Magistrate, NTR District vide Rc.No.Co.Ordn-3/983/2023, Dt. 26.06.2023, the Assistant Director of Mines & Geology, and Royalty Inspector, District Vigilance Squad, Vijayawada on 04-07-2023 have proceeded to inspect the complaint area Vinagadapa(V), Gampalagudem(M), NTR District, filed by Sri Rami Setti Suresh Babu on illegal Mining of Soil in his fertile agricultural lands as well as in adjoining irrigated agricultural lands in Vinagadapa(V), Gampalagudem(M), NTR District and filed a petition before the Hon'ble Green Tribunal, Southern Bench, Chennai.

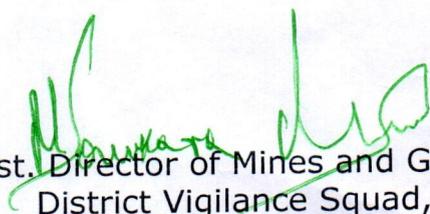
In this connection, the team has approached Tahsildhar, Gampalagudem(M), NTR District and enquired the matter and requested to depute Village Revenue Officer and Village Revenue Inspector to accompanied the team. Accordingly, the VRO & RI of the concerned Mandal have attended for the inspection of the alleged area on 04.07.2023.

During the day of inspection it is observed as follows:

- It is observed that at the time of inspection the alleged brick kiln located in Sy.No. 469 over an extent of 10.21 acres reported by the petitioner is not in operation.
- No responsible person is available at Kiln premises.
- In the alleged tank, no excavations for soil/silt has been noticed at the time of inspection.
- The lands surrounded by alleged Brick Kiln is cultivated and crops are sowing.
- There are no Marks/ imprints showing the excavation of the Soil in and around the alleged Brick kiln.

In view of the above, the contents of the petition filed by the petitioner is far away from the Truth and I herewith enclose the photographs of the alleged Brick Kiln and Tank etc., for kind perusal and requested to necessary action.


Royalty Inspector
District Vigilance Squad,
Erstwhile Krishna District


Asst. Director of Mines and Geology,
District Vigilance Squad,
Erstwhile Krishna District.



04-07-2023 - Photograph showing the lands surrounded by the alleged Brick Kehn (Batti)
in S. No. 469 of Vinayadala (W), Gampala Gudem (W), NTR Dist, A.P.



At 04.07.2023 - Photograph showing the dismantled brick kiln (Batti) land
in S.No 8469 of Vinayadapa (Vg), Grampalagudam (M), NTR Dist, A.P.



04-07-2023 - Photograph showing the ^{no} marks/imprints showing the ^{no} Excavation
of soil/silt noticed at alleged water body called Aurgadevi Tank.



Photograph showing the
at 04.07.2023 [^] Growing / Sowing of crops at surrounded lands at
alleged brick kiln (Batti)



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