

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

ORIGINAL APPLICATION NO. 62 OF 2022

Between:

ChidipiNakula Suresh (M/30 yrs)
S/o Abbulu
R/o D.No. 3-32, Chenakondepudi Village,
SethanagaramMandal, East Godavari District
Ph: +91-98669 68835
E-mail ID: chidipinakulasuresh@gmail.com

...Applicant

-VS-

1. The Mandal Revenue Officer
O/o TheMandal Revenue Office
Sethanagaram Village and Mandal
East Godavari District - 533 287
Ph: +91-80088 03192
E-mail ID: egostng@nic.in and others

... **RESPONDENTS**

COUNTER FILED BY THE 6TH RESPONDENT

Date: 8.03.2023



**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**

#S2, Royal Castle, 26, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.
Mobile: 98407 98460 / 63831 21322, Email: rednymadhuri09@gmail.com

COUNSEL FOR 6TH RESPONDENT

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O/o TheMandal Revenue Office
Sethanagaram Village and Mandal
East Godavari District - 533 287
Ph: +91-80088 03192
E-mail ID: egostng@nic.in.


2. The Mandal District Officer / TheMandalParishath Development Officer
O/o TheMandal District Office
Seethanagaram Village and Mandal
East Godavari District - 533 287
Ph: +91 96520 77133
E-mail ID: mpdoseethanagarameg@yahoo.co.in

3. The Secretary
GramaPanchayat
Katavaram Village, SeethanagaramMandal,
East Godavari District 533 287
Ph: +91-70138 07163
E-mail ID: katavaramgp@gmail.com

4. The Secretary
GramaPanchayat
Nagampalle Village,
SeethanagaramMandal
East Godavari District 587 211
Ph: +91-9490396896
E-mail ID: nagampallisachivalayam@gmail.com

5. The Secretary
GramaPanchayat
Kunavaram Village, SeethanagaramMandal
East Godavari District
Ph: +91-8179115480
E-mail ID: kunavaramgp123@gmail.com

6. The Assistant Director of Mining and Geology
O/o Department of Mining and Geology
Rajamahendravaram - 533 287
Ph: +91-9100688824
E-mail ID: admgrajahmundry@gmail.com


Asst. Director of Mines and Geology
Rajamahendravaram

7. The Station House Officer
 Ph: +91-94409 04832
 Seethanagaram, Rajamahendravaram
 Urban District- 533 287
 E-mail ID: seethanagaram4832@gmail.com Respondents

COUNTER AFFIDAVIT FILED BY 6th THE RESPONDENT

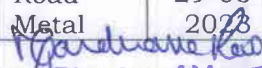
I, M.Vishnuvardhana Rao S/o Adishesu(Late), Aged about 59 years, Occ: Assistant Director of Mines & Geology, Rajamahendravaram, East Godavari District, Andhra Pradesh do hereby solemnly and sincerely affirm and make oath and state as follows:

1.I am the 6th Respondent herein and as such I am well acquainted with the facts of the case I am competent and authorized to swear to this affidavit both on my behalf and also on behalf of the respondent.

2.This respondent denies each and every averment made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein in this counter affidavit.

3.With regard to averments made in paragraphs 1 of the affidavit is denied as false. It is submitted that as per the records of this respondent office the following leases are granted in Seethanagaram Mandal, East Godavari District, Andhra Pradesh State.

| Sl. No | Lease Id | Name of the Lease Holder | Village | Sy.No | Extent in Ha | Mineral | Lease period upto | Status |
|--------|-----------|--------------------------|----------------|-------|--------------|------------|-------------------|---------|
| 1 | 411060138 | Sri M.V.V.Satyanarayana | Chinakondepudi | 122 | 1.21 | Road Metal | 31-03-2023 | working |
| 2 | 411060139 | Sri M.V.V.Satyanarayana | Chinakondepudi | 67 | 2.821 | Road Metal | 31-03-2023 | working |
| 3 | 411060137 | Sri M.Ramakrishna | Nagampalle | 241 | 1 | Road Metal | 16-03-2026 | working |
| 4 | 411070132 | Smt N.Kasi Annapurna | Nagampalle | 241 | 1.21 | Road Metal | 10-04-2025 | working |
| 5 | 411070133 | Smt.N.Jeevendra | Nagampalle | 241 | 0.785 | Road Metal | 10-04-2025 | working |
| 6 | 411140362 | M.SRHARI REDDY | Nagampalle | 241 | 1 | Road Metal | 29-06-2023 | working |


 Assl. Director of Mines and Geology
 Rajamahendravaram

| | | | | | | | | |
|----|-----------|---|--------------------|--------|-------|-------------------|------------|---------------|
| 7 | 411210686 | M HARIBABU | Nagampalle | 209/1 | 3.75 | Road Metal | 06-04-2031 | working |
| 8 | 411210691 | K.CHAKRAVARTHY | Nagampalle | 209/1A | 2.93 | Gravel,Road Metal | 06-04-2031 | working |
| 9 | 411050135 | M/s Sri Gowri Shankara metals | Nagampalle | 241 | 1 | Road Metal | 01-09-2025 | Renewal filed |
| 10 | 411100146 | Sri Gowri Sankara Metals | Nagampalle | 241 | 1 | Road Metal | 21-10-2020 | Renewal filed |
| 11 | 411140363 | M.SURYAKANTHAM | Nagampalle | 241 | 0.5 | Road Metal | 21-03-2024 | Non working |
| 12 | 411150422 | M/S CHAMUNDESWARI MINERALS | Nagampalle | 241 | 1.619 | Road Metal | 20-12-2023 | Non working |
| 13 | 411060140 | Smt D.Padma | Purushothapattanam | 327 | 2 | Gravel,Road Metal | 12-04-2016 | Renewal filed |
| 14 | 411050136 | M/s Balatripura Sundari Metal Suppliers | NAGAMPALLE | 241 | 1 | Road Metal | 27-11-2015 | Renewal filed |

Out of the above 14 leases, the following leases are having Environmental Clearance issued by the State Environment Impact Assessment Authority, CFE & CFO issued by the Andhra Pradesh Pollution Control Board, Kakinada.

| Sl. No | Lease Id | Name of the Lease Holder | EC Order No. | CFE No. & Date | CFO No. & Date |
|--------|-----------|--------------------------|---|--|--|
| 1 | 411060138 | Sri M.V.V.Satyanarayana | SEIAA/AP/EG/MIN/09/2020/2162/154.07/149.07-87, dt.14-06-2021 for a period of 4.44 years | 6565/APPCB/ZO-VSP/KKD/CFE/2021, dt. 22/09/2021 valid upto 30/09/2025 | 6565/APPCB/ZO-VSP/KKD/CFO/2021, dt. 12/11/2021 valid upto 30/09/2022 |
| 2 | 411060139 | Sri M.V.V.Satyanarayana | SEIAA/AP/EG/MIN/09/2020/2163/154.08/149.08-88, dt.14-06-2021 for a period of 4.51 years | 6564/APPCB/ZO-VSP/KKD/CFE/2021, dt. 08/11/2021 valid upto 07/11/2028 | 6564/APPCB/ZO-VSP/KKD/CFO/2022, dt. 18/01/2022 valid upto 31/10/2022 |
| 3 | 411060137 | Sri M.Ramakrishna | SEIAA/AP/EG/MIN/8/2021/3453, dt.26-01-2022 valid upto 25-01-2028 | 6599/APPCB/ZO-VSP/KKD/CFE/2022, dt. 15/02/2022 valid upto 14/02/2028 | 6599/APPCB/ZO-VSP/KKD/CFO/2022, dt. 16/03/2022 valid upto 31/01/2023 |
| 4 | 411070132 | Smt N.Kasi Annapurna | SEIAA/AP/VZM/MIN/7/2021/3347, dt.26-01-2022 valid 25-07-2031 | 6598/APPCB/ZO-VSP/KKD/CFE/2022, dt. 15/02/2022 valid upto 14/02/2029 | 6598/APPCB/ZO-VSP/KKD/CFO/2022, dt.16/03/2022 valid upto 31/01/2023 |
| 5 | 411070133 | Smt.N.Jeevendra | SEIAA/AP/EG/MIN/7/2021/3347, dt.26-01-2022 valid upto 25-01-2033 | 6600/APPCB/ZO-VSP/KKD/CFE/2022, dt. 15/02/2022 valid upto 14/02/2029 | 6600/APPCB/ZO-VSP/KKD/CFO/2022, dt. 16/03/2022 valid upto 31/01/2023 |
| 6 | 411140362 | M.SRHARI REDDY | SEIAA/AP/EG/MIN/12/2659/2020, dt.06-01-2022 valid upto 05-01-2042 | 6601/APPCB/ZO-VSP/KKD/CFE/2022, dt. 15/02/2022 valid upto 14/02/2029 | 6601/APPCB/ZO-VSP/KKD/CFO/2022, dt. 16/03/2022 valid upto 31/01/2023 |
| 7 | 411210686 | M HARIBABU | SEIAA/AP/EG/MIN/11/2019/1449, dt.11-02-2020, valid upto 06-04- | 6472/APPCB/ZO-VSP/VSP/CFE/2020, dt. 13/05/2020 valid | 6472/APPCB/ZO-VSP/KKD/CFO/2021, dt. 26/10/2021 |

| | | | | | |
|---|-----------|----------------|---|--|--|
| | | | 2031 | upto 12/05/2027 | valid upto 30/06/2022 |
| 8 | 411210691 | K.CHAKRAVARTHY | SEIAA/AP/EG/MIN/09/2019/1287, dt.18-12-2019 valid upto 06-04-2031 | 6496/APPCB/ZO-VSP/KKD/CFE/2020, dt. 21/08/2020 valid upto 20/08/2027 | 6496/APPCB/ZO-VSP/KKD/CFE/2021, dt. 26/10/2021 valid upto 31/08/2022 |

It is submitted that the remaining leases are not working since two leases are not having ECs and remaining 04 leases are pending for grant of Renewal which require ECs.

4. With regard averments made in paragraphs 2 & 3of the affidavit is denied as flash. It is respectfully submitted that the following Reaches are granted for extraction of Sand in Seethanagaram Mandal after obtaining prior AMP, Environmental Clearance, CFE & CFO.

| Sl. No. | Name of the Reach | Extent in Ha & Permitted Qty in cum | Validity period upto | Geo-coordinates | AMP No. and Date: | EC Order No. and Date | CFE, CFO No. and Date |
|---------|-------------------|-------------------------------------|----------------------|--|---|--|--|
| 1 | Katavaram | 4.78 Ha & 47800 cum | 13.06.2022 | 17° 6'44.44"N 81°43'24.42"E 17° 6'38.74"N 81°43'29.16"E 17° 6'41.75"N 81°43'38.53"E 17° 6'45.72"N 81°43'32.30"E | 1381-21/New Sand Policy/2020, Dt.09.12.2020 | SIA/AP/EG/MIN/1/2021/2812-35, dt 14.06.2021 EC Amendment Order for Semi-Mechanized Method vide No.SEIAA/AP/EG/MIN/Sand Amendment/2020/, dt. 08.11.2021 | CFE & CFO Order No.6488/APP CB/ZO-VSP/KKD/CFE &CFO/RED/2021 ; dt.14.12.2021 |
| 2 | Vangalapudi-I | 4.87 Ha & 48700 cum | 13.06.2022 | 17°11'55.23"N 81°39'44.89"E 17°11'52.21"N 81°39'39.57"E 17°11'45.50"N 81°39'44.83"E 17°11'48.48"N 81°39'50.46"E | 1381-19/New Sand Policy/2020, Dt.09.12.2020 | SEIAA/AP/EG/MIN/1/2021/2818-29, dt 14.06.2021 EC Amendment Order for Semi-Mechanized Method vide No.SEIAA/AP/EG/MIN/Sand Amendment/2020/, dt. 08.11.2021 | CFE & CFO Order No.6488/APP CB/ZO-VSP/KKD/CFE &CFO/RED/2021 ; dt.14.12.2021 |
| 3 | Vangalapudi-II | 4.69 Ha & 46900 cum | 13.06.2022 | 17°11'39.75"N 81°39'24.80"E 17°11'36.17"N 81°39'22.69"E 17°11'27.36"N 81°39'32.48"E 17°11'30.18"N 81°39'34.63"E | 1381-20/New Sand Policy/2020, Dt.09.12.2020 | SEIAA/AP/EG/MIN/1/2021/2819-28, dt 14.06.2021 EC Amendment Order for Semi-Mechanized Method vide No.SEIAA/AP/EG/MIN/Sand Amendment/2020/, dt. 08.11.2021 | CFE & CFO Order No.6488/APP CB/ZO-VSP/KKD/CFE &CFO/RED/2021 ; dt.14.12.2021 |

Gandhaneke
Asst Director of Mines and Geology
Rajamahendravaram

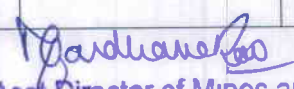
Further it is submitted that the EC period was expired on 13.06.2022 and the sand excavations were stopped w.e.f., 14.06.2022.

5. With regard averments made in paragraphs 4 to 8 of the affidavit is denied as flash. It is submitted that the officials of Mines & Geology Department is regularly conducting Route Checks and imposing penalties on illegal transportation of minerals. The Department of Mines & Geology has collected the following penalties.

| Sl. No. | Minerals | 2021-22 | | 2022-23 (upto 30.06.2022) | |
|---------|----------------|-----------------|-----------------|------------------------------|-----------------|
| | | No. of Vehicles | Amount in Lakhs | No. of Vehicles | Amount in Lakhs |
| 1 | Road Metal | 301 | 30.09 | 49 | 5.61 |
| 2 | Building Stone | 1 | 0.03 | 0 | 0 |
| 3 | Earth/Gravel | 362 | 26.12 | 59 | 5.46 |
| 4 | Bricks | 110 | 8.80 | 18 | 1.44 |
| 5 | Sand | 80 | 12.61 | 2 | 0.15 |
| 6 | Colour Granite | 1 | 2.82 | 0 | 0 |
| 7 | Fire Clay | 0 | 0 | 1 | 0.14 |
| 8 | Shingle | 7 | 0.33 | 0 | 0 |
| | Total | 862 | 80.80 | 129 | 12.80 |

6. It is submitted that the Station House Officer, Seethanagaram has seized Sand transporting vehicles and filed FIRs in Seethanagaram Mandal, East Godavari District. After the issue of Orders by the Hon'ble High Court, the defaulters made the payments and accordingly this respondent office released the vehicles. The details of the seized vehicles from 01.04.2021 to till date are hereunder.

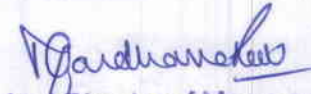
| FIR No of SHO, Seethanagaram | Seized Sand Vehicle No | WP No | Hon'ble High Court Orders dt. | Penalty amount | Challan No. | Date |
|------------------------------|--------------------------------|-----------|-------------------------------|----------------|----------------|------------|
| 112/2021 | AP05TC2448 | 8463/2021 | 16.04.2021 | 25000 | 55001209542021 | 20.04.2021 |
| 113/2021 | AP05TB9196 | 8464/2021 | 16.04.2021 | 25000 | | |
| 150/2021 | AP31TW2133 | 8369/2021 | 15.04.2021 | 25000 | 51029152542021 | 23.04.2021 |
| -- | EX200-LC Hydr -aulic Excavator | 8416/2021 | 27.04.2021 | 50000 | 51041652252021 | 03.05.2021 |
| 151/2021 | AP05CD7173 & AP05TB6843 | 9291/2021 | 03.05.2021 | 10000 | 51054007212021 | 19.05.2021 |
| 160/2021 | AP05CX1894 & AP27X2211 | 9575/2021 | 05.05.2021 | 20000 | 50065679212021 | 05.08.2021 |


Asst Director of Mines and Geology
Rajamahendravaram


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|--------------|------------------------------|------------|------------|---------------|----------------|------------|
| 170/2021 | AP39TP0033 | 10032/2021 | 17.05.2021 | 25000 | 51057761012021 | 24.05.2021 |
| 406/2021 | AP37DE5423 & AP05W7486 | 17579/2021 | 19.08.2021 | 10000 | 50078118332021 | 27.08.2021 |
| 406/2021 | AP05YETR AP39K8745 | 18314/2021 | 26.08.2021 | 10000 | 50081808362021 | 02.09.2021 |
| 424/2021 | AP05TM2358 | 20632/2021 | 22.09.2021 | 25000 | 51210932662021 | 25.09.2021 |
| 424/2021 | AP05TN1197 | 20712/2021 | 24.09.2021 | 25000 | 51210975802021 | 25.09.2021 |
| 159/2021 | AP05CB4521 | 9782/2021 | 07.05.2021 | 20000 | 50106074672021 | 14.10.2021 |
| 1/2022 | AP31AZ3011 AP05TF1190 | 2067/2022 | 01.01.2022 | 10000 | 50177640082021 | 07.02.2022 |
| Total | | | | 280000 | | |

7.It is submitted that the Vigilance & Enforcement officials along with the officials of Revenue and Mines & Geology Depts. have conducted joint inspection on the site filled area pertains Sri Mallina Srihari & 28 other farmers in Sy.No.337-3B, 3C, 336/1,2, 343/1A, 326/6, 337/4, 337-3E, 336/2, 337/3D, 311-7,8,9, 337/4, 330, 337/3A, 336/2, 329-1, 332, 335, 333-2, 326-1, 329-2, 326-4,5,8, 336/2, 326-7B, 311-7 over an extent of Ac.37.62 cts in Torredu Village, Rajamahendravaram Rural Mandal on 11.06.2020 and noticed that the land was filled with 105046 cum of Gravel and not produced any documents for the consumed quantity of Gravel. On enquiry with Managing Partner Sri Mallina Srihari that the farmers have jointly proposed to develop the layout and obtained gravel from Suddakonda of Muggalla Village, Seethanagaram Mandal.

8.It is submitted that this respondent office has issued Demand Notice No. 1970/V&E-Civil/2022, Dated: 27-05-2022 to Sri Mallina Srihari and 28 others to pay Normal Seig. Fee along with other taxes totalling to a tune of Rs.3,46,02,152/- to the Government head of accounts for utilization of 105046 cum of Gravel for filling in Sy.No.337-3B, 3C, 336/1,2, 343/1A, 326/6, 337/4, 337-3E, 336/2, 337/3D, 311-7,8,9, 337/4, 330, 337/3A, 336/2, 329-1, 332, 335, 333-2, 326-1, 329-2, 326-4,5,8, 336/2, 326-7B, 311-7 over an extent of Ac.37.62 cts in Torredu Village, Rajamahendravaram Rural Mandal, East Godavari District.

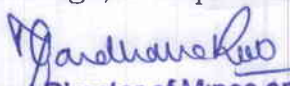

 Asst. Director of Mines and Geology
 Rajamahendravaram

- 9.It is submitted that as per the information obtained, the Tahsildar, Seethanagaram vide Ref.C/03/2022, dt.01.02.2022 has issued orders to Village Revenue Officers and Village Revenue Assistants of Seethanagaram Mandal to control illegal mining in Katavaram Village of Seethanagaram Mandal.
- 10.It is submitted that the contention of the petitioner that the respondents are not taking any action to control illicit quarrying Gravel and Sand in Seethanagaram Mandal is not correct.
- 11.With regard averments made in paragraphs 9 of the affidavit is denied as flash. It is submitted that as seen the Annexure-II, the Petitioner has not addressed the Representation to this Respondent office.
- 12.With regard averments made in paragraphs 9 of the affidavit is denied as flash. It is submitted that the petitioner has filed application seeking information under RTI Act and as per the Item No.1 of application; the petitioner has requested to furnish the permissions given for excavation of hill in Sy.No.231/1 of Katavaram Village, Seethanagaram Mandal.
- 13.It is submitted that as per this office records, no permission for excavation was given in Sy.No.231/1 of Katavaram Village, Seethanagaram Mandal and hence the same was informed to the petitioner under RTI vide this office Lr.No.92/RTI/2005, dt.16.04.2022.
- 14.It is submitted that this respondent vide letter dated 16.04.2022 has not given reply stating that no illegal mining done.
- 15.It is submitted that the Hon'ble National Green Tribunal vide order dated cited in para 5 read as follows.


Asst. Director of Mines and Geology
Rajamahendravaram

“The 6th Respondent (Assistant Director of Mines and Geology, Rajamahendravaram) and the concerned District Collector is specifically directed to inspect the area in dispute and file an appropriate report specifically mentioned about any permission or license granted to any one for quarrying, if not, the action taken so far and to be taken in future to be reported”.

16. It is submitted that that in the applicant Affidavit, it is mentioned that illegal excavation was done in Sy.No.231/1 of Katavaram Village. As per the Adangal, the Sy.No.231-1 covered an extent of 5.08 Acres is a cultivated land, the category of land is Zeriothy land of Smt. Kothapalli Bulli Rani and others. Further, the alleged area is in Sy.No.239/1 of Katavaram and I have inspected the area on 25.07.2022 accompanied by the Tahsildar, Seethanagaram. The area is covered by hill surrounded by agriculture lands. As per the revenue records, the Sy.No.239/1 covered an extent of 94.00 Acres and classified as Konda Poramboku.
17. It is submitted that at the time of inspection, no workings are going on. Further noticed that old illegal excavation of gravel is noticed in the hill along the foot hills. As per the records, no permissions were given for excavation of Gravel in Sy.No.239/1 of Katavaram Village.
18. It is submitted that Report to the Collector & District Magistrate, East Godavari District, Rajamahendravaram vide Lr.No.3747/NGT/2022, Date: 28-07-2022 stating that a team may be constituted with the officials of Revenue, Mines & Geology and Police Department to prevent illegal excavation of Gravel in Sy.No.239/1 of Katavaram Village and also other areas of Seethanagaram Mandal, East Godavari District in future.
19. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional counter in the course of proceedings, if required.


Asst Director of Mines and Geology
Rajamahendravaram

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above original application No. 62 of 2022 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 Rajamahendravaram
Andhra Pradesh on
this the 30th day of July , 2022
and signed his name in my presence Advocate

BEFORE ME

VERIFICATION

I, M.Vishnuvardhana Rao, S/o Adishesu (Late), Aged about 59 years, Occ: Assistant Director of Mines & Geology, Rajamahendravaram, East Godavari 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 30th day of July 2022 at Rajamahendravaram


DEPONENT

Asst. Director of Mines and Geology
RAJAMAHENDRAVARAM