

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT CHENNAI**

**MEMORANDUM OF APPLICATION**  
(Under Section 18(1) r/w.14 oh the NGT Act 2010)  
Application No. 65 of 2020 (sz)

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BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT CHENNAI

MEMORANDUM OF APPLICATION

(Under Section 18(1) r/w.14 of the NGT Act 2010)

Application No. 65 of 2020 (sz)

IN THE MATTER OF

Mr. Satyanarayana Bolisethy  
1-54-10/4, Plot-50, HIG, Sector-1,  
M.V.P Colony,  
Visakhapatnam Urban, Visakhapatnam,  
Andhra Pradesh-520007  
Bolisetty satyanarayana@ gmail.com

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Applicant

Vs

1. Union of India

Through the Secretary,  
Ministry of Environment, Forests and Climate Change  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi-110003.  
[Secy-moef@gmail.in](mailto:Secy-moef@gmail.in): +91 11 24695262

2. State of Andhra Pradesh,

Through the Chief Secretary,  
Building #1, 1<sup>st</sup> floor  
Interim Government Complex, AP Secretariat,  
Velagapudi, Guntur, Andhra Pradesh-500022.  
[cs@ap.gov.in](mailto:cs@ap.gov.in): 0863 2446637.

3. Andhra Pradesh Forest Department,

Through the Principal Chief Conservator of Forest and  
Head of Forest Forces, Aranya Bhavan, K.M.Munishi Road,  
Nagarampalem, Guntur-522004. Andhra Pradesh  
[Prlccf hf apfd@ap.gov.in](mailto:Prlccf hf apfd@ap.gov.in): 0863-2377511.

4. The District Collector, East Godavari District,

Kd-Collectorate, East Godavari District,  
Andhra Pradesh-533 001.  
[rdoredm@nic.in](mailto:rdoredm@nic.in): 0884-2365424.

5. The District Forest Officer, East Godavari District,

Madhava Nagar, Kakinada, Andhra Pradesh-533003  
[dfokknd@gmail.com](mailto:dfokknd@gmail.com): 0884-2343339.

6. Andhra Pradesh Coastal Zone Management Authority,

Through the Chairman,  
D.No.33-26-14 D/2, Near Sunrise Hospital,  
Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet,  
Vijayawada-520 010.  
[Apczma2016@gmail.com](mailto:Apczma2016@gmail.com); 0866-2463200.

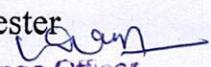
7. Kakinada Seaport Ltd.

Through the Chairman & Managing Director,  
1<sup>st</sup> Floor, D.No.54-14/8-36, Plot No-17, Road No.2,  
Bharathi Nagar, Vijayawada, Krishna District,  
Andhra Pradesh-520002.  
[mailhyd@kakinadaseaports.in](mailto:mailhyd@kakinadaseaports.in): 0866 2473747

... Respondents

1<sup>st</sup> page corrections

Attester

  
Forest Range Officer  
Kakinada Range, Kakinada

  
Deponent

District Forest Officer  
Kakinada Division, Kakinada

**COUNTER AFFIDAVIT FILED BY THE 5<sup>TH</sup> RESPONDENT**

I, B. Sunil Kumar Reddy, Son of Sagar Reddy, Hindu, aged about 31 years, holding charge as District Forest Officer, Kakinada Division, do hereby solemnly affirm and sincerely state as follows;

1. I am the deponent herein and as such I am well acquainted with the facts of the case and competent to swear to this counter affidavit. I have been authorized to file this counter affidavit on behalf of the 3<sup>rd</sup> and 5<sup>th</sup> respondents.

2. This respondent denies various averments 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.

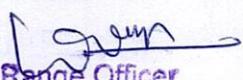
3. With regard to the averments made in paragraphs 1 and 2 of the affidavit is denied as false. It is submitted that the subject of construction of housing colony for the poor "Pedalandariki Illu" and permission for such constructions and others, if any, does not pertain to the Forest Department, especially the 5<sup>th</sup> respondent.

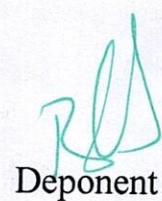
4. With regard to the averment made in paragraph 3 of the affidavit, it is submitted that as contended by the petitioner the land situated in Kakinada Urban Mandal is not a notified forest land and is not under direct administrative control of the Forest Department. Therefore, no interference of the Forest Department is sought for and no activity has been taken by the 5<sup>th</sup> respondent during the period as mentioned by the applicant.

5. With regard to the averment made in paragraph 4 of the affidavit is denied as false. It is submitted that the Forest Department never encouraged the cutting of mangrove trees as contended by the petitioner and has been always protecting and conserving the forest area including mangroves in reserve/protected forest areas under various schemes like APDRP and UNDP, etc. For the last 5 years, Mangroves have been raised in an extent of 159.00 ha. And 1,00,000 Nos. of Mangrove seedlings have been raised in the division.

2<sup>nd</sup> page corrections

Attester

  
Forest Range Officer  
Kakinada Range, Kakinada



Deponent  
District Forest Officer  
Kakinada Division, Kakinada

6. With regard to the averment made in paragraph 5 of the affidavit is denied as false. It is submitted that the Forest Range Officer, Kakinada in his Rc.No.01/2019, dated 27.04.2020 has reported that the land which was mentioned in the application, situated in Dummulapeta, Kakinada Urban Mandal and it is not a notified reserve/protected forest land and also it is not in the direct administrative control of Forest Department. Thus, that the above said land is not notified reserve/protected forest land and is not in the direct administrative control of the 5<sup>th</sup> respondent i.e. the District Forest Officer, Kakinada.

7. With regard to the averment made in paragraph 6 of the affidavit is denied as false. It is submitted that the said land is not a notified reserve/protected forests and is not in the direct administrative control of the Kakinada Forest Ranger of Kakinada Division. The allotment of the said lands to the poor and conservation as residential plots is not within the purview of the Forest Department.

8. With regard to the averment made in paragraph 7 of the affidavit, it is submitted that the contention raised by the applicant does not come under the purview of this respondent and hence there is no comment.

9. With regard to the averment made in paragraph 8 of the affidavit is denied as false. The remarks are furnished in the earlier paragraphs.

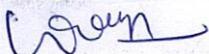
10. With regard to the averment made in paragraph 9 of the affidavit is denied as false. It is submitted that as reported by the Divisional Forest Officer, Wildlife Management, Rajahmundry the said area is at appropriate distance of 02.76 kms. from the boundary of Coringa Wildlife Sanctuary.

11. With regard to the averment made in paragraph 10 of the affidavit, it is submitted that the remarks are furnished in the earlier paragraphs.

12. With regard to the averment made in paragraph 11 of the affidavit is denied as false. It is submitted that the representation of the petitioners was received in this office and it was entrusted to the Forest Range Officer, Kakinada to enquire and report. The Forest Ranger Officer, Kakinada has further reported that the said representation was forwarded to the Tahsildar, Kakinada (Rural) vide FRO, Kakinada Rc.No.01/2018 dated 04.04.2020 for taking necessary action at their end as the subject matter pertains to the Revenue Department and the same was acknowledged by the Tahsildar, Kakinada Rural on 07.04.2020.

3<sup>rd</sup> page corrections

Attester



**Forest Range Officer  
Kakinada Range, Kakinada**

Deponent



**District Forest Officer  
Kakinada Division, Kakinada**

13. With regard to the averment made in paragraph 12 of the affidavit is denied as false. It is submitted that the Forest Range Officer, Kakinada has reported that the mangrove forests in the notified reserve/protected areas which are under the control of the Forest Department are well protected and no destruction of mangroves is noticed recently in the notified reserve/protected forest areas which are under the administrative control of the Forest Department.

14. With regard to the averment made in paragraph 13 of the affidavit, it is submitted that the representations which were received in this office are cleared by issuing replies and remarks and instructed the concerned authorities of the Kakinada Division to take appropriate action on the representations filed in this office.

15. With regard to the averment made in paragraph 15 of the affidavit is denied as false. It is submitted that the Forest Department never encouraged the cutting of Mangrove and always protecting and conserving the forest areas including mangroves in reserve/protected forest areas implementing various schemes APDRP etc. During the year 2019-2020 an amount of Rs.78.00 lakhs has been incurred in these areas for raising and maintenance of mangrove and casuarina species in these sea coast areas through various schemes and NGO Forums, etc.

16. 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 said circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above Original Application No.65 of 2020 and pass such further or other order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed at East Godavari,  
Kakinada on this the      day of March  
2021 and signed his name in my  
presence.

BEFORE ME

ADVOCATE, EAST GODAVARI.

4<sup>th</sup> and last page corrections.

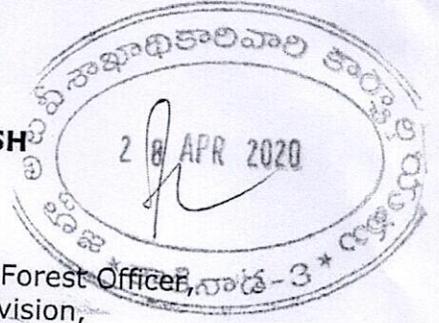
Attester

Forest Range Officer  
Kakinada Range, Kakinada

Deponent

District Forest Officer  
Kakinada Division, Kakinada

5  
GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT



From,  
L. Dhanaraju  
Forest Range Officer,  
Kakinada Range,  
Kakinada.

To,  
The District Forest Officer,  
Kakinada Division,  
Kakinada.

**Rc.no. 01/2018, dt.27.04.2020.**

Respected Madam,

**Sub:** A.P. Forest Department - Wildlife - To protect Mangrove under destruction by Government of Andhra Pradesh in Kakinada area - Instructions issued by the DFO to visit the area - report submission - Regarding

**Ref:** 1. Affidavit in W.P. No. of 2020 filed by Sri Chodipilli Sathish and And three others dt. 21. 04.2020 in the Hon'ble High Court of Judicature at Amaravathi received from DFO, Kakinada Rc.no. 1450/2020 - D1, dt.21.04.2020.

2. This Office Rc.No.01/2018, dt.22.04.2020.

3. PCCF, A.P, Guntur Rc.No.EFS02-21037/14/2020 - Deputy CF-WL- PCCF, dt.24.04.2020 communicated in CF, Rajahmundry Rc. no.578/2020- D1, dt.25.04.2020 & DFO, Kakinada Rc.No.1450/2020- D1, dt.27.04.2020.

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In compliance to the instructions issued vide reference 3<sup>rd</sup> cited it is submitted that, I submit that I have personally inspected the area Sy.Nos.374, 376, 387, 1985/3, 1990 and 2004 of Durnmulapeta, Kakinada Urban Mandal along with section staff on 27.04.2020. As verified, it is submitted that, the Survey numbers mentioned in the petition i.e. 374, 376, 387, 1985/3, 1990 and 2004 of Durnmulapeta, Kakinada Urban Mandal are not a notified reserved/protected forest area and thus, it is not in the direct administrative control of Kakinada Range of Kakinada Division. So, the representation of the petitioner of this case, i.e. Sri Chodipilli Sathish S/o. Satyanarayana, Dummulapeta, Kakinada etc., was forwarded to the Tahasildar, Kakinada urban for taking necessary action at their end as reported in the reference 2<sup>nd</sup> cited.

This is submitted for favor of kind information.

Yours faithfully,

*[Signature]*  
27/04/2020  
Forest Range Officer  
Kakinada

*[Signature]*  
Forest Range Officer  
Kakinada Range, Kakinada



**Government of Andhra Pradesh  
Forest Department**

Rc.no. 249/2020/DM,  
Dated: 28-04-2020.

Office of the Divisional Forest Officer,  
Wildlife Management, Rajamahendravaram.

From,  
Sri Anant Shankar, I.F.S.,  
Divisional Forest Officer,  
WLM., Rajamahendravaram.

To,  
The Conservator of Forests  
Rajahmundry Circle.  
Rajamahendravaram.

Sir,

Sub:- A.P. Forest Department - Wildlife - To protect Mangrove under  
destruction by Government of Andhra Pradesh in Kakinada area -  
Instructions received - Report submission of - Regarding

- Ref: 1) Scientist - C F. No. 08-22/2016-CS.1, MoEF & CC, GoI, New  
Delhi Dt.21.04.2020  
2) Prl.CCF(HoFF), A.P., Guntur Rc.no. EFS02-21037/14/2020,  
dt. 24.04.2020 communicated through CF, Rajahmundry on  
dt. 24.04.2020.  
3) Report of the Forest Range Officer, Wildlife Management, Kakinada  
Rc.no. 11/2019, dt.28.04.2020.

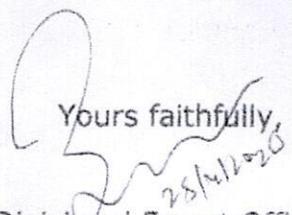
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In compliance to the reference 2<sup>nd</sup> cited above, it is submitted that  
instructions were issued to the Forest Range officer, Wildlife Management,  
Kakinada to go through the contents of the references. The Forest Range Officer  
and his staff inspected the proposed house sites at Dummulapeta area in Kakinada  
Urban Mandal on 28.04.2020 and submitted a report to this office stating that the  
area proposed for house sites by the Revenue Authorities is outside the Coringa  
Wildlife Sanctuary and not within the territorial jurisdiction of Wildlife Management  
Range, Kakinada. Photographs are enclosed herewith.

Hence, it is submitted that the area proposed for house sites at Dummulapeta  
area in Kakinada Urban Mandal in question lies outside the Coringa Wildlife  
Sanctuary. It is learnt that Divisional Forest Officer, Territorial Division, Kakinada  
is dealing with this issue.

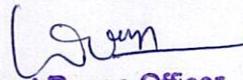
This is submitted for your kind information.

Yours faithfully,

  
28/4/2020  
Divisional Forest Officer,  
Wildlife Management,  
Rajamahendravaram.

Copy to District Forest Officer, Kakinada for information.

Jvs\*

  
Forest Range Officer  
Kakinada Range, Kakinada



- Legend**
- 16.947962, 82.25789
  - 2.76 km from CWLS
  - 2.76 kms
  - Coringa Sanctuary
  - Dadaab Refugee Camp
  - Feature 1
  - Feature 2
  - Mosque
  - Port Police Station
  - Sanjay Nagar PHC

*B. S. Rao*  
 28/1/2020  
 Forest Range Officer  
 Wild Life Management  
 KAKINADA

*V. S. Rao*  
 Forest Range Officer  
 Kakinada Range, Kakinada

**GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT**

From,  
L. Dhanaraju  
Forest Range Officer,  
Kakinada Range,  
Kakinada.

To,  
The Tahasildar,  
Kakinada Rural,  
Kakinada.

Rc.no. 01/2018, dt.04.04.2020.

Sir,

Sub: Fisherman Yuvajana welfare society, Kakinada - Allotment of houses in the port area - destruction of Mangrove - representation received - Not pertaining to forest area - forward the representation - take action at his level - Report - Reg.

Ref: Representation of Sri Chodipalli Sathish, Fisherman community association dt.16.03.2020 communicated in DFO, Kakinada dt.04.04.2020.

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With reference to the above, it is submitted that, Sri Chodipalli Sathish, Fisherman community association has submitted a representation to the District Forest Officer, Kakinada stated that they are depending on fishing and the Government has allotted port area about 126 acres to the landless poor for construction of houses which contains Mangrove. They stated that the Mangrove is useful for their fishing and biological diversity and save from Cyclone and requested for allotment of another land to the landless poor. In this connection, the representation is herewith transmitted for taking necessary action at his level as allotment of lands/ construction of houses in non forest land is not pertaining to this department and its pertaining to revenue/housing departments.

This is submitted for favor of information and necessary action

Yours faithfully,

Encl: As above

*[Signature]*  
Forest Range Officer  
Kakinada.

Copy submitted to the District Forest Officer, Kakinada for kind information.

*[Signature]*  
Forest Range Officer  
Kakinada

DISPATCHED  
6-4-2020

*[Signature]*  
Forest Range Officer  
Kakinada Range, Kakinada

