

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

O.A.No. 84 of 2020

Between:

Shaik Nooman Basha,
Advocate

S/o Shaik Abdul Jaleel,

Aged about 48years,

R/o. Flat No. 101, SMN Apartment, Sanjeevnagar,
Nandyal, Kurnool District.

... Applicant.

A N D

1. The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department,
A.P. Secretariat, Velagapudi,
Guntur District.

Phone No.0863 2444558

Email id: ps_prlsecyendow@ap.gov.in

and 4others ... Respondents.

COUNTER AFFIDAVIT FILED BY THE 5th RESPONDENT

DATE- 21-02-2022



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 RESPONDENTS 1 TO 5

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

O.A.No. 84 of 2020

Between:

Shaik Nooman Basha,
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Rep. by its Principal Secretary,
Revenue Department,
A.P. Secretariat, Velagapudi,
Guntur District.
Phone No.0863 2444558
Email id: ps_prlsecyendow@ap.gov.in
2. The District Collector,
Kurnool District,
Phone No.08518231877
Email id: collector_krnl@ap.gov.in
3. The Engineer-in-chief,
Irrigation Department,
Vijayawada,
Phone: 9440908000
Email id: encirrigationap@gmail.com
4. The Revenue Divisional Officer,
Nandyal Division, Kurnool District,
Phone No.8333989000
Email id: rdonandyal@gmail.com
5. The Tahsildar,
Nandyal Mandal (Urban),
Kurnool District,
Phone No.9849904176.
Email id: nandyaltahsildar@gmail.com

... Respondents.

COUNTER AFFIDAVIT FILED BY THE 5th RESPONDENT

I, D.Ravi Kumar, Son of D.Maddanna, Hindu, aged about 39 years, working as Tahsildar, Nandyal Mandal, Kurnool District, do hereby solemnly affirm and sincerely state on oath as follows:-

1. I am the 5th respondent herein and as such, I am well acquainted with the facts of the case. I am filing this counter affidavit on my behalf and on behalf of the 2nd and 4th respondents also.


Deputy Tahsildar
O/o. The Tahsildar
NANDYAL


TAHSILDAR
NANDYAL MANDAL
Kurnool(Dist)

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.

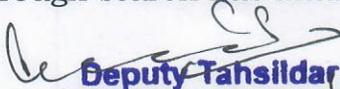
3. The Brief history of the case is as follows:-

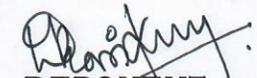
(i) It is submitted that as per revenue records in particular RSR of Moolasagaram village of Nandyal Mandal the lands covered in the applicant affidavit all are private Patta lands and they were acquired and paid compensation to the land owners vide award proceedings passed by the 4th respondents in Award No. 01/2013-2014, dt: 27.05.2013.

(ii) It is submitted that on receipt of requisition from the concerned Irrigation Authorities an extent of acres 209.05 in Sy.No. 141/1B and etc., of Moolasagaram village of Nandyal Mandal including the lands noted in the Affidavit were acquired by the LAO/Revenue Divisional officer, Nandyal for the purpose of widening and deepening of Kundu river in connection with Nandyal flood protection works after observing all required formalities laid down under L.A. Act 1894 above duly fixing market value of the lands under acquisition at Rs. 5,00,000/- per acre allowing all the statutory benefits allowable under the said L.A. Act. On completion of Award Proceedings and on payment of land compensation to the awardees /land owners, possession of the acquired lands has vested with Government.

(iii) It is further submitted that that some part of the acquired land was utilized by the requisition department leaving balance of land as unutilized. In this regard the Technical experts Committee consisting of three retired Chief Engineers have opined on 16/12/2015 that at present there is no need either to widen the river bed width or lower the bed levels of the Kundu River. All obstructions within the existing river margins on either side of the river shall be removed. Thus the said lands are unutilized for the purpose for which they were acquired by the Government since from its acquisition and now some of the unutilized lands were proposed for providing houses for the homeless poor persons by the Government.

(iv) It is further submitted that the Government of Andhra Pradesh has announced/launched a special programme under flagship of "NAVARATNALU ". One of its is providing "Pedaliandariki Illu". Accordingly, the District Administration directed all the Tahsildars in Kurnool District to identify suitable Government land for providing house sites to all the eligible beneficiaries. After thorough search has made for available of government lands and there are no


Deputy Tahsildar
Att. of the Tahsildar
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other suitable Government lands available within the Nandyal Municipal limits. The Government lands which were previously acquired and which were lying waste have been selected and action has been initiated for providing house sites to the selected beneficiaries under flag ship programme " NAVARATNALU Pedalandariki Illu"

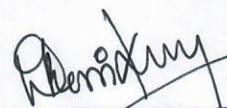
(v) It is further submitted that regarding identification of government lands, government has issued G.O.Ms.No. 510 dt: 30.12.2019 wherein the Government have authorized in para (5) that the District Collector to resume the unutilized Government lands on the grounds of violation of conditions or non-utilization of the allotted land which was earlier alienated in favour of private individuals / private organizations / Government organizations / Government departments ./ public section undertakings / State Government Corporations / Urban Development Authorities & urban local bodies on the grounds of violation of conditions or non-utalization of alienated lands in terms of G.O.Ms. No. 57, Revenue (Assn.I) dt: 16.02.2015 and they are further authorized to utilize the lands acquired by various government departments/ organizations for any public purpose but not put into use for the same purpose. These lands shall be utilized for providing house sites to eligible beneficiaries under the flagship programme " NAVARATNALU PEDALANDARIKI ILLU".

(vi) It is further submitted that the Commissioner of Land Revenue A.P. Hyderabad has issued an amendment to B.S.O- 90 para (32) in G.O.MS.No.783, dt:09-10-1998 in which the following paragraph substituted, namely PARA 32 Utilization of acquired land for any other public purposes:-

"The land acquired for a public purpose under the Land Acquisition Act, 1894 shall be utilized for the same purpose for which it was acquired as far as possible. In case, the land is not required for the purpose for which it is acquired due to any reason, the land shall be utilized for any other public purpose, as deemed fit, including afforestation".

(vii) It is further submitted that the Technical Expert Committee of Projects Works in Kurnool District for Kundu River Protection works in Nandyal Town visited on 16.12.2015 six locations of the flood affected areas of the Nandyal Town and the observations made by the Committee during the inspection time are reiterated as follows:-


Deputy Tahsildar
Attested
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- (a) There are encroachments all along the lengths of the streams on either side and there are many permanent constructions.
- (b) The two villages Nandamuru Nagar and YSR Nagar also lie within the high flood levels.
- (c) Between the highway bridge and the railway bridge are encroachments blocking the river course.
- (d) An agency prepared the DPRs for the proposed protection works but there is no contour plan available marking the villages levels, ground levels and the features obstructing the flow. It is not clear on what basis the DPR was prepared.**
- (e) The flood levels obtaining in the town are influenced by the downstream flow conditions. Therefore it would be proper to assess the flood levels taking into account the downstream river cross sections. Fixing hydraulic particulars with reference to a short stretch of the river in the town would serve no purpose. Mere widening and lowering the bed of the river will offer only temporary relief that too to a diminutive extent as there works will not alter the status of the water levels downstream of the town. In no time the bed levels will again revert back to the pre rehabilitation stage.
- (f) It is necessary to plan protection works taking into account the ground situation such as the impracticability of removing the encroachments entry of effluents, debris into the stream course etc.,**
- (g) It is not necessary to plan the protection works for a 100 year return flood. It is enough for they are planned for a 50 year return flood.
- (h) The protection works could be limited to the area populated by the residents and at other places as the inundation is for a few hours precautionary measures would have to be followed to prevent human loss.**
- (i) The floods in the year 2009 are due to the Srisailem Reservoir water entering the Kundu basin at Pothireddipadu than due to rains in the catchment upstream of Nandyal town. As the occurrence of 2009 is not possible to be repeated it is enough if the protection works are planed with reference to the flood levels of 2007. It is observed that the flood levels recorded in 2007 were higher than those in the year 2009.**

Deputy Tahsildar (Electon)
 Attested
 O/o. The Tahsildar
 NANDYAL

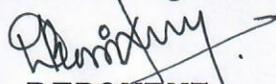
DEPONENT
 NANDYAL MANDAL
 Kurnool(Dist)

- (j) It is possible to obtain some relief by way of lower flood levels upstream of the road bridge at Km. 6.995, if the obstruction and encroachments in the bed of the Kundu River upstream of the railway bridge are removed.

The committee makes the following recommendations.

- i. It is necessary that a contour plan covering the portions coming within the flooded zone of the town and its surrounding areas be prepared duly making the areas of habitation, farming fields and other important land marks. On the plan the area of inundation as per field verification has to be marked so that protection works could be planned appropriately and at places where damages to residential areas could be avoided.
- ii. The Central Designs Organization has to be furnished existing cross sections of the streams right up to distance of 2 kilometers downstream of the railway bridge duly marking the 2007 flood levels observed. With the help of the cross sections the ODO should be able to arrive at the flood levels downstream of the bridge for difference discharges. The 2007 flood levels have to be correlated and the flood levels for a return period of 50 years extrapolated.
- iii. The protection works then have to be planned and executed based on the study of the plans prepared and the field data of flood levels recorded in the year 2007. The Committee is of the opinion that the protection works are to be planned with reference to the existing ground realities rather than trying to plan widening the river bed at the railway bridge and lowering the bed levels. The status of the be will be a quick changing scenario and any modification will yield only a passing relief.
- iv. *As the above is likely to take time, meanwhile the bed of the Kundu River from the confluence of the Maddileru at km. 6.850 to the railway bridge at Km. 7.900 may be cleared of all obstructions within the flow area so that increased areas will be available for flood flows. This measure is likely to provide relief on the upstream areas with lower flood levels because of the downstream free flow conditions.*
- v. ***There is no need at present to either widen the bed width or lower the bed levels at the railway bridge or in other areas. All obstructions within the existing river margins on, the bed and the bed levels will be possible after the field surveys are made available and a study made.***


At Deputy Tahsildar (Election)
O/o. The Tahsildar
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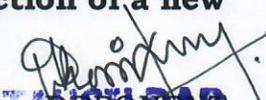
In this connection, as per the recommendations made by the Technical Expert Committee in para-iv & para-v in connection with Kundu River Protection Works in Nandyal Town, the District Collector, Kurnool is approved and administrative sanctioned for Removal of deposited mounds and clear all obstructions in Kundu River portion from Km 2.000 to 7.9000 of Kundu Protection works to Nandyal Town costing to a tune of Rs. 825.40 Lakhs (Eight Hundred Twenty Five Lakhs) under Neeru Chettu Programme vide Proceedings No. Neeru Chettu/SRBC.1/NDL/TW/ATO/NC, Dt.23-06-2017 and the said work was also executed.

4. With regard to the averment made in paragraph 1 of the affidavit, it is submitted that whatever the applicant stated in the applicant's affidavit is false since it is fact that the Revenue Divisional Officer, Nandyal has acquired lands for the purpose of deepening and widening work in connection with Kundu Flood protection work and after the Technical Experts Committee recommendation that at present there is no need either to widen the river bed width or lower the bed levels of the Kundu River, all obstructions within the existing margins on either side of the river shall be removed, the District Collector, Kurnool is approved and accorded administrative sanction of an amount Rs.825.40 Lakhs under Neeru Chettu Programme for removal of deposited mounds and clear all obstructions in Kundu River portion from Km 2.000 to 7.9000 of Kundu Protection works to Nandyal Town. After clearing the all obstructions within the river margins of the either side of the Kundu River the acquired land fell unutilized. Hence the unutilized acquired lands which are faraway to river margins were proposed for providing house sites to the eligible beneficiaries under the Government flagship programme "NAVARATNALU PEDALANDARIKI ILLU".

Further keeping in view of 2019 floods in Nandyal Town due to over flow from the Pothireddypadu Head Regulator, the Government has issued G.O.Rt No.388 Water Resources(Projects.III) Department Dated:15-07-2020 and accorded administrative sanction for the work "**Improvement to Escape Channel, Nippulavagu, Galeru River and Kundu River from Km 0.000 to Km 189.200 and Re-gradation of Vagu, flood protectionworks and providing high level Bridges to en-route villages for improving the carrying capacity to 35000 cusecs**" for an amount of Rs.1415,00,00,000/- (Rupees One Thousand Four Hundred and Fifteen Crores only).

Further the State Government has already taken up measures for construction of two reservoirs i.e., 1. Joladorasi Reservoir 2. Rajoli Reservoir on the Kundu River and Tenders are also invited for **Construction of a new**


Atty **Deputy Tahsildar** (Election)
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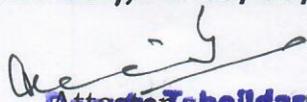
reservoir across Kundu river to a capacity of 0.80 TMC near Joladarasi (V) of Koilkuntla (M) of Kurnool (Dt) vide CE/KNL/ICD32-TW/DEE/AEE2/349/2021(1411021),Dt: 18/05/2021 e-procurement TENDER NOTICE No, 02/2020-21, Dated: 21-10--2020. Hence there is no chances of affecting of floods by Nandyal Town people.

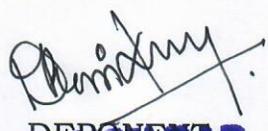
Further there is no changes are carried out in the original structure of Kundu River, in this case the adjacent lands of Kundu River were acquired for an extent of Ac. 209.05 Cts in Sy.No. 141/1B and etc., of Moolasagaram village of Nandyal Mandal and at present the Government is going to providing house sites for an extent of A.145.61 Cts only out of Ac.209.05Cts and remaining extent Ac.63.44Cts were left out for buffer area which is located adjacent to Kundu River.

In view of the above the apprehensions made by the applicant that without considering the severity of the floods in the town of Nandyal, the State Government is proposing to assign the lands for house sites, which would be detrimental to the ecology and also to the whole population of Nandyal Town is completely false.

5. With regard to the averment made in paragraph 2 of the affidavit, it is submitted that as per the recommendation of the Technical Experts Committee in connection with protection of flood works in Nandyal Town, it was implemented as all the obstructions within the existing margins on either side of the river were removed under Neeru - Chettu Programme. Further the lands proposed for providing house sites is somehow far away to the river margins. The Mandal Surveyor, Nandyal was prepared layout by leaving buffer zone of the Kundu River that is at present the Government is going to providing house sites for an extent of A.145.61 Cts only out of Ac.209.05Cts and remaining extent Ac.63.44Cts were left out for buffer area which is located adjacent to Kundu River.

Further I submit that as stated by the applicant in the affidavit that instead of taking measures for flood protection works the State Government is taking steps to allot the lands for assignment of house sites which is detrimental to the ecosystem is completely false why because the State Government has already taken up measures for construction of two reservoirs i.e., 1. Joladorasi Reservoir 2. Rajoli Reservoir on the Kundu River and Tenders are also invited and completed for **Construction of a new reservoir across Kundu river to a capacity of 0.80 TMC near Joladarasi (V) of Koilkuntla (M) of Kurnool (Dt) vide CE/KNL/ICD32-TW/DEE/AEE2/349/2021 (1411021),Dt: 18/05/2021.**


Attas Tahsildar (Electon)
 O/o. The Tahsildar
 NANDYAL


DEPUTY TAHSILDAR
NANDYAL MANDAL
Kurnool(Dist)

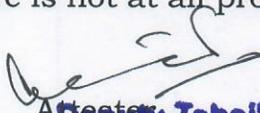
e-procurement TENDER NOTICE No, 02/2020-21, Dated: 21-10--2020. Hence there will be no chances of affected of floods by Nandyal Town people.

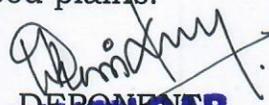
Further the Government has also issued G.O.Rt No.388 Water Resources(Projects.III) Department Dated:15-07-2020 and accorded administrative sanction for the work "**Improvement to Escape Channel, Nippulavagu, Galeru River and Kundu River from Km 0.000 to Km 189.200 and Re-gradation of Vagu, flood protectionworks and providing high level Bridges to en-route villages for improving the carrying capacity to 35000 cusecs**" for an amount of **Rs.1415,00,00,000/- (Rupees One Thousand Four Hundred and Fifteen Crores only.**

6. With regard to the averment made in paragraph 3 of the affidavit, it is submitted that the proposed lands for providing house sites were not fell under any category i.e., forests, tanks, ponds, hillock, mountain etc., of mentioned in the affidavit in para-3 by the applicant. Because as per the revenue records of Moolasagaram village, the lands which were acquired covered by nature Private patta lands and they were classified as Government Irrigable Dry, Inam Irrigable lands and which are plain lands and which are raising commercial crops before passing award. Hence these lands were not attracted by the Hon'ble Supreme Court Hich Lal Tiwari Vs. Kamala Devi and Ors.(2001 Supp (1) SCR 23 as stated by the applicant in affidavit.

7. With regard to the averments made in paragraphs 4 and 5 of the affidavit, it is submitted that there is no change carried out in the original structure of Kundu River, in this case the adjacent lands of Kundu River were acquired for an extent of Ac. 209.05 Cts in Sy.No. 141/1B and etc., of Moolasagaram village of Nandyal Mandal land at present the Government is going to providing house sites for an extent of A.145.61 Cts only out of Ac.209.05Cts and remaining extent Ac.63.44Cts were left out for buffer area which is located adjacent to Kundu River. Moreover there is no flood plain lands were utilizing for the purpose of providing house sites and there is no harm to the riverine ecosystem, lessens groundwater recharge capacity as afraid by the applicant since there are no flood plain lands located in Kundu River since high flow of flood water flows very occasionally.

In view of the above there is no question of flood plains raised in connection with construction of permanent structures of in flood plains and there is not at all problem to the ecological significance of flood plains.


Deputy Tahsildar (Electin)
O/o. The Tahsildar
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8. With regard to the averment made in paragraph 6 of the affidavit, it is submitted that the proposed lands for providing house sites in Nandyal Town does not fall under the category of Flood bank of River Kundu. Since as per revenue records of Moolasagaram village, the lands recorded as Private patta lands, classified as Government Irrigable Dry, Inam Irrigable lands and which are plain lands and which are raising commercial crops before passing award. Hence it is not attracted with clause (k) of BSO 15(4).

9. With regard to the averment made in paragraph 7 of the affidavit, it is submitted that the petitioners in W.P.8542 of 2020 with malicious intention that to get back their acquired land from the Government as there is good hike in market valued i.e. nearly 10 Crores per acre, they have file petition before the Honble High Court, Andhra Pradesh to re-conveyance. In this regard it is submitted that the petitioners' lands were acquired by the LAO/ Revenue Divisional Officer, Nandyal in the year, 2013. Some part of the acquired land was utilized by the requisition department leaving balance of land as un-utilized including Writ applicant lands. Further "**the Technical experts Committee consisting of three retired Chief Engineers have opined on 16/12/2015 that at present there is no need either to widen thr river bed width or lower the bed levels of the Kundu River. All obstructions within the existing river margins on either side of the river shall be removed.** In the year 2017 the Dist collector, Kurnool has sanctioned an Amount of Rs.8,25,40,000/- (Eight crore twenty five lakh forty thousand rupees) under NEERU -CHETTU program vide Proceedings no Neeru Chettu/SRBC/1/NDL/TW/ATO/NC, dt:23.06.2017 for Removal of deposited mounds and clear all obstructions in Kundu River portion for Kundu protection works. **Thus the said lands are un-utilized for the purpose for which they were acquired by the Government.** Further the applicant in W.P. No. 8542/2020 challenging the action of the State Government in allotting the subject land to house site pattas contrary to the proposed purpose is not correct. Since the law is well settled that once the land is vested with Government it can be utilized for any other public purpose, it is most appropriate to mention the following orders and judgments of High Courts and Supreme Court on this issue that the lands acquired for public purpose which were not utilized for the acquired purpose can be utilized for any other bonafide public purpose as deemed fit, including aforestation.

The Commissioner of Land Revenue A.P. Hyderabad has issued an amendment to B.S.O- 90 para (32) in G.O.MS.No.783, dt: 09-10-1998 in which


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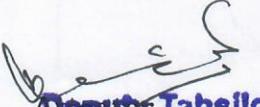
the following paragraph substituted, namely PARA 32 Utilization of acquired land for any other public purposes:- ***“The land acquired for a public purpose under the Land Acquisition Act, 1894 shall be utilized for the same purpose for which it was acquired as far as possible. In case, the land is not required for the purpose for which it is acquired due to any reason, the land shall be utilized for any other public purpose, as deemed fit, including afforestation”.***

Once the land is acquired and compensation paid to its owner, it absolutely vests in the state free from all encumbrances-Government can utilize such land for any other public purpose-applicant-land owner has no legally enforceable right on acquired land. it is held in case law – Surada Tata Rao Vs The Collector & District Magistrate, Visakhapatnam and others, the Writ petition No.34483 of 2012 filed by the applicant the Judge C.V. Nagarjuna Reddy has dismissed the case as follows: The land upon acquisition vests in the state are agency on whose behalf land is acquired – Land can be utilized for any public purpose other than that for which it was acquired- land owners not entitled to claim reconveyance on the ground that land was not utilized for the purpose for which it was required.

The law is well settled that it once the land is acquired and compensation is paid to its owner, it absolutely vests in the State free from all encumbrances. The Supreme Court in V. CHANDRASEKARAN vs ADMINISTRATIVE OFFICER1 held as under:

“The said land, once acquired, cannot be restored to the tenure holders/persons-interested, even if it is not used for the purpose for which it was so acquired, or for any other purpose either. The proceedings cannot be withdrawn / abandoned under the provisions of Section 48 of the Act, or under Section 21 of the General Clauses Act, once the possession of the land has been taken and the land vests in the State, free from all encumbrances.

The Government has issued G.O.Ms.No. 510 dt: 30.12.2019 wherein the Government have authorized in para (5) **that the District Collector to resume the unutilized Government lands on the grounds of violation of conditions or non-utilization of the allotted land which was earlier alienated infavour of private individuals / private organizations / Government**


Deputy Tahsildar (Electoral)
O/o. The Tahsildar
NANDYAL


TAHSILDAR
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organizations / Government departments ./ public section undertakings / State Government Corporations / Urban Development Authorities & urban local bodies on the grounds of violation of conditions or non-utalization of alienated lands in terms of G.O.Ms.No. 57, Revenue (Assn.I) dt: 16.02.2015 and they are further authorized to utilize the lands acquired by various government departments/ organizations for any public purpose but not put into use for the same purpose. These lands shall be utilized for providing house sites to eligible beneficiaries under the flagship programme " NAVARATNALU PEDALANDARIKI ILLU". After thorough search has made for available of government lands and there are no other suitable Government lands available within the Nandyal Municipal limits. The Government lands which were previously acquired from the applicant along with other land owner and which were lying waste have been selected and action has been initiated for providing house sites to the selected beneficiaries under flag ship programme " NAVARATNALU Pedalandariki Illu". Further it is submitted that it is not at all defeating the purpose because it is also very bonafide purposes by providing shelter to the many homeless poor people.

Further, the State Government has already taken up measures for protection of floods and to cater to the drinking and irrigation water needs of hundreds of surrounding villages by construction of two reservoirs i.e., 1. Joladorasi Reservoir 2. Rajoli Reservoir on the Kundu River and Tenders are also invited for **Construction of a new reservoir across Kundu river to a capacity of 0.80 TMC near Joladarasi (V) of Koilkuntla (M) of Kurnool (Dt) vide CE/KNL/ICD32-TW/DEE/AEE2/349/2021(1411021),Dt: 18/05/2021 e-procurement TENDER NOTICE No, 02/2020-21, Dated: 21-10--2020.**

Further keeping in view of the 2019 floods in Kundu River, the Government has issued G.O. Rt No.388 Water Resources(Projects.III) Department Dated:15-07-2020 and accorded administrative sanction for the work "**Improvement to Escape Channel, Nippulavagu, Galeru River and Kundu River from Km 0.000 to Km 189.200 and Re-gradation of Vagu, flood protection works and providing high level Bridges to en-route villages for improving the carrying capacity to 35000 cusecs**" for an amount of Rs.1415,00,00,000/- (Rupees One Thousand Four Hundred and Fifteen Crores only.

10. With regard to the averment made in paragraph 8 of the affidavit, no remark is submitted, since it is completely absurd with this case.


Deputy Tahsildar (Electun)
O/o. The Tahsildar
NANDYAL

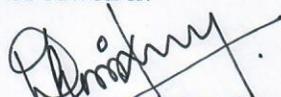

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DEPARTMENT
NANDYAL MANDAL
Kurnool(Dist)

11. With regard to the averment made in paragraph 9 of the affidavit, it is submitted that the applicant version is not correct that as per revenue records of Moolasagaram village that the lands covered in Petition by nature Private patta lands, lands classified as Government Irrigable Dry, Inam Irrigable Dry and raising crops paddy etc., before passing of Award. The lands covered in petition are plain lands. Hence the applicantsaid lands are not at all forest, tanks, ponds, hillock, mountains etc.. to attract the Hon'ble Supreme court order in between judgement i.e. M.C Mehta vs. Kamal nath & ors (1997) 1 SCC 388. The lands covered in the petition which were acquired and belongs to the Water resources Department SRBC, Nandyal and which are not being utilized for the acquisition. At present it can be utilized for provision of House sites to the identified eligible beneficiaries under Navaratnalu -Pedalandiriki Illu interms of G.O. Ms. No. 510, Revenue (Lands-I) Department, dt: 30.12.2019. **The Government has taken up the unutilized lands for good cause of providing shelter to the many homeless poor people.**

12. With regard to the averment made in paragraph 10 of the affidavit, it is submitted that the applicant without mentioning the role of the 4th respondent as per the Environment (Protection) Act, 1986, how he taken steps to ensure safety to the surrounding lands and to the plant life over the place stated just whatever he want. Further it is submitted as per available records the applicant never brought any notice to this office and he putting false information before the Hon'ble Tribunal which is highly illegal and arbitrary.

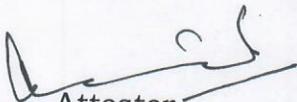
13. With regard to the averment made in paragraph 11 of the affidavit, it is submitted that providing house sites in the unutilized acquired lands by the Water Resources Department SRBC, Nandyal may causes to imbalance to the ecological system and problem in grazing of cattle are not at all true. Because there are no changes are carried out in the original structure of Kundu River, in this case the adjacent lands of Kundu River were acquired for an extent of Ac. 209.05 Cts in Sy.No. 141/1B and etc., of Moolasagaram village of Nandyal Mandal and at present the Government is going to providing house sites for an extent of A.145.61 Cts only out of Ac.209.05Cts and remaining extent Ac.63.44Cts were left out for buffer area which abutting Kundu River. Moreover these acquired lands were private patta lands and not for grazing lands for cattle and these lands classified as Government Irrigable Dry, Inam Irrigable Dry and raising commercial crops paddy etc., before passing of Award.

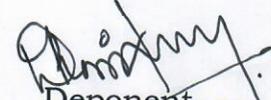

Attester
Deputy Tahsildar (Electoral)
O/o. The Tahsildar
NANDYAL


TAHSILDAR
NANDYAL MANDAL
Kurnool(Dist)

14. 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.84 of 2020 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.


Attester
Deputy Tahsildar (Attester)
O/o. The Tahsildar
NANDYAL


Deponent
TAHSILDAR
NANDYAL MANDAL
Kurnool(Dist)

Solemnly affirmed at Nandyal Mandal,
on this the 12TH DAY JAN 2022 ___
and signed his name in my presence.

} BEFORE ME
} ADVOCATE, NANDYAL MANDAL