

**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 4 others

.... Respondents

INDEX

Sl.No.	Date	Description of the Document	Page No.
1.	6-05-2020	W.P.No. 8542 of 2020 AFFIDAVIT & ORDER COPY	1-17

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

Date: 04.08.2022



**M/S MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNCIL 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 / 6383121322

COUNSEL FOR 3rd Respondent

MEMORANDUM OF WRIT PETITION
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No. 8542 OF 2020

Between:

1. Patan Rasool Khan, S/o.Patan Jamal Khan,
Aged about 63 years, R/o.D.No.25/419-B,
Saleemnagar, Nandyal, Kurnool District
2. Authu Uma Maheswar Reddy, S/o.Authu Koti Reddy,
Aged about 60 years, R/o.Deva Nagar, Nandyal
3. Authu Tulasamma, W/o.Authu Koti Reddy,
Aged about 80 years, R/o.Deva Nagar, Nandyal
4. Vanga Saradha, W/o.Vanga Seshi Reddy,
Aged about 43 years, R/o.Kranthi Nagar, Nandyal
5. Vanga Seshi Reddy, S/o.Vanga Venkata Rami Reddy,
Aged about 47 years, R/o.Kranthi Nagar, Nandyal
6. Atmakur Vijay Kumar, S/o.A.Nagabhushanam Shetty,
Aged about 67 years, R/o.Rangaraju Street, Nandyal
7. Myneni Purnachandra Rao, S/o.M.Subbaiah,
Aged about 86 years, R/o.Royal Compound,
R.S.Road, Nandyal, Kurnool District
8. Vanga Radha Rani, W/o.V.Deva Karunakar Reddy,
Aged about 45 years, R/o.Haneef Nagar, Nandyal
9. Mery Prasanna Lakshmi, W/o.M.Uma Maheswar Reddy,
Aged about 46 years, R/o.Deva Nagar, Nandyal
10. Konda Sadguna Devi, W/o.Konda Nagi Reddy,
Aged about 55 years, R/o.Priyanka Nagar, Nandyal
11. Konda Deva Kurpakar, S/o.Konda Nagi Reddy,
Aged about 42 years, R/o.Haneef Nagar, Nandyal
12. Konda Mahanandeeswar Reddy, S/o.K.Nagi Reddy,
Aged about 40 years, R/o.Priyanka Nagar, Nandyal
13. Vanga Chandrasekhar Reddy, S/o.V.Venkata Rami Reddy,
Aged about 48 years, Kranthi Nagar, Nandyal

AND

... Petitioners

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

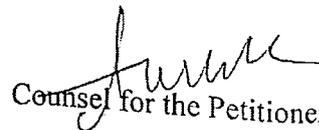
- A*
2. The District Collector,
Kurnool District
 3. The Revenue Divisional Officer,
Nandyal Division, Kurnool District
 4. The Tahsildar,
Nandyal Mandal (Urban),
Kurnool District
 5. The Superintendent Engineer,
Circle-I, Srisailam Right Bank Canal,
Nandyal, Kurnool District

... Respondents

The address for service on the above named Petitioner is that of his Counsels, M/s. SODUM ANVESHYA (17805), D.S.R. MYTHREYI (21299) & S. DILIP JAYA RAM (17444), Advocates, Plot No.139, Road No.4, RTC Colony, Patamata, Vijayawada - 520 008.

For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, order or direction mostly one which is in the nature of a Writ of mandamus, declaring the action of Respondents in taking steps for utilization of the lands acquired in survey numbers with a total extent of 56.88 acres situated on the Eastern Side of Kundu River flowing from North to South under Nandyal Flood Protection Work for eventual assignment as house site pattas to houseless poor person under the programme of "Navaratnalu - Pedalandariki Illu" as illegal, irregular, arbitrary, unconstitutional, unreasonable, unjustified and unsustainable and consequently direct the Respondents to utilize the lands acquired under Nandyal Flood Protection Works only for widening and deepening the Kundu River and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Amaravati
Date: 6.5.2020


Counsel for the Petitioners

KURNOOL :: DISTRICT

IN THE HIGH COURT OF
ANDHRA PRADESH AT AMARAVATI

W.P.No. OF 2020

Patan Rasool Khan and others
... Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary and others
... Respondents

WRIT PETITION

Filed By:

M/s. SODUM ANVESHA (17805)
D.S.R. MYTHREYI (21299)
S. DILIP JAYA RAM (17444)

Advocates

Cell: 9701833244, 8121209472

Counsels for Petitioners

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No.

OF 2020

Between:

Patan Rasool Khan and others

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary and others

... Petitioners

... Respondents

LIST OF EVENTSAnnexure - I

S. No.	Date	Description of the Events	Page Nos. in Affidavit	Para No. in Affidavit
1	24.1.2009 20.12.2011	The State Government acquired a total extent of Ac.209.05 cents in various survey numbers of Moolassagaram Village, which are located abutting to Kundu River flowing from North to South. The lands are located on either side of the river. The State Government initiated land acquisition proceedings for acquisition in pursuance of GRC No.F.No.TW/JT031794, dt.24.1.2009 of the Executive Engineer, I & CAD, KC Canal, Nandyal for the purpose of widening and deepening of Kundu River in connection with Nandyal Flood Protection Works. The proposal lapsed by 20.12.2011 due to non-availability of funds. But once again on the request made by the 2 nd Respondent, the same proposals and request was reiterated by the concerned Executive Engineer	10	3
2		The lands narrated in Para 2 above belonging to the Petitioners were also subjected to such acquisition. The Government had acquired those lands. But however, after having acquired the lands as long back as in the year 2013, the 5 th Respondent and Irrigation Department Officials have neither expended and widened nor deepened the Kundu River	10	4

-6-

3		The Government had proposed the distribution of large number of Pattas in the State. Under the guise of issuance of house site pattas to innumerable number of beneficiaries, the Revenue Authorities are proposing to distribute house site pattas at all and every part of the Government lands ignoring their nature, classification, usage and the purpose of utilization till now.	11	5
4		Even though the Environment (Protection) Act, 1986 envisages preventive and other safety measures to be put in place, the 4 th Respondent has not taken any steps till date to ensure safety to the surrounding lands and to the plant life over the place. The inaction of the Respondents in not taking any action even though the matter has been brought to their notice	12	8

ANNEXURE-II

Under Article 226 of Constitution of India

Amaravati

Date 6-5-20.



Counsel for Petitioners

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No.

OF 2020

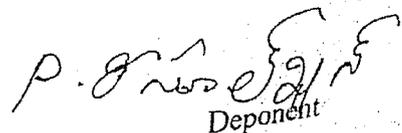
Between:

1. Patan Rasool Khan, S/o.Patan Jamal Khan,
Aged about 63 years, R/o.D.No.25/419-B,
Saleemnagar, Nandyal, Kurnool District
2. Authu Uma Maheswar Reddy, S/o.Authu Koti Reddy,
Aged about 60 years, R/o.Deva Nagar, Nandyal
3. Authu Tulasamma, W/o.Authu Koti Reddy,
Aged about 80 years, R/o.Deva Nagar, Nandyal
4. Vanga Saradha, W/o.Vanga Seshi Reddy,
Aged about 43 years, R/o.Kranthi Nagar, Nandyal
5. Vanga Seshi Reddy, S/o.Vanga Venkata Rami Reddy,
Aged about 47 years, R/o.Kranthi Nagar, Nandyal
6. Atmakur Vijay Kumar, S/o.A.Nagabhushanam Shetty,
Aged about 67 years, R/o.Rangaraju Street, Nandyal
7. Myneni Purnachandra Rao, S/o.M.Subbaiah,
Aged about 86 years, R/o.Royal Compound,
R.S.Road, Nandyal, Kurnool District
8. Vanga Radha Rani, W/o.V.Deva Karunakar Reddy,
Aged about 45 years, R/o.Haneef Nagar, Nandyal
9. Mery Prasanna Lakshmi, W/o.M.Uma Maheswar Reddy,
Aged about 46 years, R/o.Deva Nagar, Nandyal
10. Konda Sadguna Devi, W/o.Konda Nagi Reddy,
Aged about 55 years, R/o.Priyanka Nagar, Nandyal
11. Konda Deva Kurpakar, S/o.Konda Nagi Reddy,
Aged about 42 years, R/o.Haneef Nagar, Nandyal
12. Konda Mahanandeeswar Reddy, S/o.K.Nagi Reddy,
Aged about 40 years, R/o.Priyanka Nagar, Nandyal
13. Vanga Chandrasekhar Reddy, S/o.V.Venkata Rami Reddy,
Aged about 48 years, Kranthi Nagar, Nandyal

AND

1st Page
Corrs...

... Petitioners


Deponent

1. The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department,
A.P. Secretariat at Velagapudi,
Amaravati, Guntur District
2. The District Collector,
Kurnool District
3. The Revenue Divisional Officer,
Nandyal Division, Kurnool District
4. The Tahsildar,
Nandyal Mandal (Urban),
Kurnool District
5. The Superintendent Engineer,
Circle-I, Srisailam Right Bank Canal,
Nandyal, Kurnool District

... Respondents

AFFIDAVIT OF THE 1ST PETITIONER

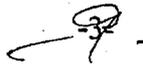
I, Patan Rasool Khan, S/o.Patan Jamal Khan, aged about 63 years, R/o.D.No.25/419-B, Saleemnagar, Nandyal Town, Kurnool District, now having temporarily come down to Amaravati, do hereby solemnly and sincerely affirm and state as follows:

1. I submit that I am the 1st Petitioner herein and as such I am well acquainted with the facts of the case. I am filing this affidavit on behalf of other Petitioners also and I am authorized to do so.
2. It is submitted that I was owning Ac.3.64 cents in Sy.No.415, Ac.3.97 cents in Sy.No.432, Ac.2.50 cents in Sy.No.508 and Ac.0.78 cents in Sy.No.509, totally Ac.10.89 cents, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District. Similarly the 2nd Petitioner owning Ac.3.27 cents in

2nd Page
Corrs...

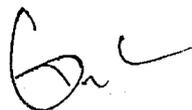
BL

P. Rasool Khan
Deponent



Sy.No.462, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District. The 3rd Petitioner owning Ac.3.18 cents in Sy.No.462 & Ac.0.45 cents in Sy.No.507, totaling to Ac.3.63 cents, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District. The 4th Petitioner owning Ac.4.14 cents in Sy.No.507, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District. The 5th Petitioner owning Ac.4.14 cents in Sy.No.507, Ac.0.97 cents in Sy.No.510/2A and Ac.0.85 cents in Sy.No.512/2A, totally Ac.5.96 cents, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District. The 6th Petitioner owning Ac.16.00 cents in Sy.No.506, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District. The 7th Petitioner owning Ac.1.50 cents in Sy.No.512/2A and Ac.1.00 cents in Sy.No.512/2A, totally Ac.2.50 cents, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District. The 8th Petitioner owning Ac.1.68 cents in Sy.No.509, Ac.0.98 cents in Sy.No.510/2A and Ac.0.85 cents in Sy.No.512/2A, totaling to Ac.3.51 cents, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District. The 9th Petitioner owning Ac.0.15 cents in Sy.No.510/1A, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District. The 10th Petitioner owning Ac.0.97 cents in Sy.No.510/2A, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District. The 11th Petitioner owning Ac.2.35 cents in Sy.No.510/2A, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District. The 12th Petitioner owning Ac.2.20 cents in Sy.No.510/2A, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District and the 13th Petitioner also owning Ac.0.85 cents in Sy.No.512/2A and Ac.0.46 cents in Sy.No.460, totaling to Ac.1.31 cents, situated in Moolasagaram Village, Nandyal Mandal, Kurnool District.

3rd Page
Corrs...



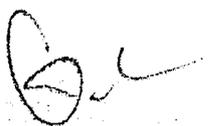

Deponent

40

3. It is submitted that, the State Government acquired a total extent of Ac.209.05 cents in various survey numbers of Moolassagaram Village, which are located abutting to Kundu River flowing from North to South. The lands are located on either side of the river. The State Government initiated land acquisition proceedings for acquisition in pursuance of GRC No.F.No.TW/JT031794, dt.24.1.2009 of the Executive Engineer, I & CAD, KC Canal, Nandyal for the purpose of widening and deepening of Kundu River in connection with Nandyal Flood Protection Works. The proposal lapsed by 20.12.2011 due to non-availability of funds. But once again on the request made by the 2nd Respondent, the same proposals and request was reiterated by the concerned Executive Engineer. Thereafter, the entire procedures under the provision of Land Acquisition Act were conducted. The Draft Award in Re.G/1064/2012, sr.27.5.2013 was prepared by the 3rd Respondent who is also the Land Acquisition Officer. The compensation in terms of the Award was also paid to those whose lands are acquired.

4. It is submitted that the lands narrated in Para 2 above belonging to the Petitioners were also subjected to such acquisition. The Government had acquired those lands. But however, after having acquired the lands as long back as in the year 2013, the 5th Respondent and Irrigation Department Officials have neither expended and widened the Kundu River nor deepened the Kundu River. Except the clearance of some shrubs and jungle located within the existing Kundu River, practically they did not do anything with regard to the flood protection works. The lands were intended for providing free flow of Kundu River. But without utilization for that purpose, the Respondents are now taking steps for

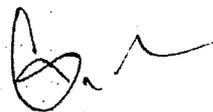
4th Page
Corrs...



P. Srinivas
Deponent

conversion of these lands into house sites for eventual assignment of house site pattas to houseless poor persons. Though there are number of other government lands situated on the plains and on the outskirts of Nandyal Town, the Respondents are peculiarly proposing the grant of the house site pattas in the lands acquired from us defeating the purpose for which they are acquired. Hence this Writ Petition.

5. It is submitted that the Government had proposed the distribution of large number of Pattas in the State. Under the guise of issuance of house site pattas to innumerable number of beneficiaries, the Revenue Authorities are proposing to distribute house site pattas at all and every part of the Government lands ignoring their nature, classification, usage and the purpose of utilization till now. They are converting the riverbeds, vagu & vanka porambokes, hillocks, grazing lands etc. were granting house sites. They are not leaving the environment also and proposing to change the existing features. Now, the Respondents had taken-up the cause of conversion of the above said land for distribution for house site pattas. There are number of other government lands for distribution of house site pattas, but it is only because the local politicians wanted to grant the house site pattas on the Riverbed place by changing the nature of Riverbed, the Respondents are proposing to grant the house site pattas there. This action of the Respondents is totally illegal, irregular, arbitrary, unjustified, unreasonable and unsustainable.



P. S. Srinivas
Deponent

← -6-2 -

6. It is submitted that from the above, it is clear that the maintaining the ecological balance of the land is of utmost importance, there are hundreds of families in the surrounding village who graze their cattle there, the Government instead of strengthening the hillock have turned deaf ear to the illegal activities.

7. It is submitted that the Hon'ble Supreme Court Hich 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 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 subject land squarely falls in this category.

8. It is submitted that even though the Environment (Protection) Act, 1986 envisages preventive and other safety measures to be put in place, the 4th Respondent has not taken any steps till date to ensure safety to the surrounding lands and to the plant life over the place. The inaction of the Respondents in not taking any action even though the matter has been brought to their notice is highly illegal and arbitrary and as such is liable to be interfered with by this Hon'ble Court.

6th Page
Corrs...




Deponent

13 -

9. For the reasons stated above, it is submitted that we do not have any other effective alternative remedy except to approach this Hon'ble Court by way of filing a Writ Petition under Article 226 of the Constitution of India. We have not filed any writ or other proceedings before this Hon'ble Court on the present set of facts and cause of action.

10. For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, order or direction mostly one which is in the nature of a Writ of Mandamus, declaring the action of Respondents in taking steps for utilization of the lands acquired in survey numbers with a total extent of 56.88 acres situated on the Eastern Side of Kundu River flowing from North to South under Nandyal Flood Protection Work for eventual assignment as house site pattas to houseless poor person under the programme of "Navaratnalu - Pedalandariki Illu" as illegal, irregular, arbitrary, unconstitutional, unreasonable, unjustified and unsustainable and consequently direct the Respondents to utilize the lands acquired under Nandyal Flood Protection Works only for widening and deepening the Kundu River and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

11. For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to direct the Respondents not to alter / change an extent of 56.88 acres situated on the Eastern Side of Kundu River flowing from North to South under Nandyal Flood Protection Work for eventual assignment as house site pattas to houseless poor person under the programme of "Navaratnalu - Pedalandariki Illu" and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

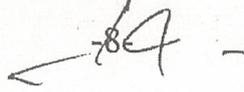
Solemnly and sincerely affirm this
the 6th day of May, 2020,
and signed his name in my presence

BEFORE ME

Deponent

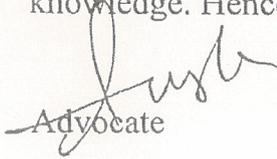
ADVOCATE :: AMARAVATI

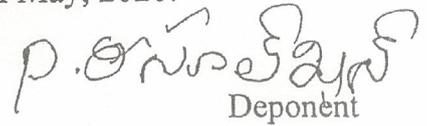
(H. Sita Ram)



VERIFICATION STATEMENT

I, Patan Rasool Khan, S/o.Patan Jamal Khan, aged about 63 years, R/o.D.No.25/419-B, Saleemnagar, Nandyal Town, Kurnool District, being the 1st Petitioner / person acquainted with the facts, do hereby verify and state that the contents of the above paras of the Affidavit are true and correct to the best of my knowledge. Hence verified at Amravati on this the 6th day of May, 2020.


Advocate


Deponent

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY

: PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH
WRIT PETITION NO: 8542 OF 2020

Between:

1. Patan Rasool Khan, S/o. Patan Jamal Khan.
2. Authu Uma Maheswar Reddy, S/o. Authu Koti Reddy.
3. Authu Tulasamma, W/o. Authu Koti Reddy.
4. Vanga Saradha, W/o. Vanga Seshi Reddy.
5. Vanga Seshi Reddy, S/o. Vanga Venkata Rami Reddy.
6. Atmakur Vijay Kumar, S/o. A. Nagabhushanam Shetty.
7. Myneni Purnachandra Rao, S/o. M. Subbaiah.
8. Vanga Radha Rani, W/o. V. Deva Karunakar Reddy.
9. Mery Prasanna Lakshmi, W/o. M. Uma Maheswar Reddy.
10. Konda Sadguna Devi, W/o. Konda Nagi Reddy.
11. Konda Deva Kurpakar, S/o. Konda Nagi Reddy.
12. Konda Mahanandeeswar Reddy, S/o. K. Nagi Reddy.
13. Vanga Chandrasekhar Reddy, S/o. V. Venkata Rami Reddy.

..... Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, A.P. Secretariat at Velagapudi, Amaravati, Guntur District
2. The District Collector, Kurnool District
3. The Revenue Divisional Officer, Nandyal Division, Kurnool District.
4. The Tahsildar, Nandyal Mandal (Urban), Kurnool District.
5. The Superintendent Engineer, Circle-I, Srisailem Right Bank Canal, Nandyal, Kurnool District.

.... Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction mostly one which is in the nature of a Writ of mandamus, declaring the action of Respondents in taking steps for utilization of the lands acquired in survey numbers with a total extent of 56.88 acres situated on the Eastern Side of Kundu River flowing from North to South under Nandyal Flood Protection Work for eventual assignment as house site pattas to houseless poor person under the programme of Navaratnalu - Pedalandariki illu is illegal, irregular, arbitrary, unconstitutional, unreasonable, unjustified and unsustainable and consequently direct the Respondents to utilize the lands acquired under Nandyal Flood Protection Works only for widening and deepening the Kundu River.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents not to alter / change an extent of 56.88 acres situated on the Eastern Side of Kundu River flowing from North to South under Nandyal Flood Protection Work for eventual assignment as house site pattas to houseless poor person under the programme of "Navaratnalu — Pedalandariki Illu", Pending disposal of WP 8542 of 2020, on the file of the High Court.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased, to treat the matter as urgent and post the Writ Petition for admission and direct the Respondents not to alter / change the nature of an extent of Ac.56.88 cents situated in Moolasagaram Village, Nandyal Mandal, Kurnool District for conversion into house site pattas under the program of "Navaratnalu - Pedalandariki illu", pending disposal of WP 8542 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and Order of the High Court dated 21-07-2020 made herein and

upon hearing the arguments of Sri Sodum Anvesha Advocate for the Petitioners, and of GP for Revenue for the Respondents and the Court made the following.

ORDER:

"Interim order granted on earlier occasion, is extended by eight(8) weeks.
Post on 28.12.2020."

Sd/- Ch. V. Subrahmanya Sarma
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. One CC to Sri. Sodum Anvesha Advocate [OPUC]
2. Two CCs to GP for Revenue ,High Court Of Andhra Pradesh. [OUT]
3. One spare copy

SP

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY



:PRESENT:
THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI
WRIT PETITION NO: 8542 OF 2020

Between:

1. Patan Rasool Khan, S/o. Patan Jamal Khan.
2. Authu Uma Maheswar Reddy, S/o. Authu Koti Reddy.
3. Authu Tulasamma, W/o. Authu Koti Reddy.
4. Vanga Saradha, W/o. Vanga Seshi Reddy.
5. Vanga Seshi Reddy, S/o. Vanga Venkata Rami Reddy.
6. Atmakur Vijay Kumar, S/o. A. Nagabhushanam Shetty.
7. Myneni Purnachandra Rao, S/o. M. Subbaiah.
8. Vanga Radha Rani, W/o. V. Deva Karunakar Reddy.
9. Mery Prasanna Lakshmi, W/o. M. Uma Maheswar Reddy.
10. Konda Sadguna Devi, W/o. Konda Nagi Reddy.
11. Konda Deva Kurpakar, S/o. Konda Nagi Reddy.
12. Konda Mahanandeeswar Reddy, S/o. K. Nagi Reddy.
13. Vanga Chandrasekhar Reddy, S/o. V. Venkata Rami Reddy.

..... **Petitioners**

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, A.P. Secretariat at Velagapudi, Amaravati, Guntur District
2. The District Collector, Kurnool District
3. The Revenue Divisional Officer, Nandyal Division, Kurnool District.
4. The Tahsildar, Nandyal Mandal (Urban), Kurnool District.
5. The Superintendent Engineer, Circle-I, Srisailem Right Bank Canal, Nandyal, Kurnool District.

.... **Respondents**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction mostly one which is in the nature of a Writ of mandamus, declaring the action of Respondents in taking steps for utilization of the lands acquired in survey numbers with a total extent of 56.88 acres situated on the Eastern Side of Kundu River flowing from North to South under Nandyal Flood Protection Work for eventual assignment as house site pattas to houseless poor person under the programme of Navaratnalu - Pedalandariki illu is illegal, irregular, arbitrary, unconstitutional, unreasonable, unjustified and unsustainable and consequently direct the Respondents to utilize the lands acquired under Nandyal Flood Protection Works only for widening and deepening the Kundu River.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to alter / change an extent of 56.88 acres situated on the Eastern Side of Kundu River flowing from North to South under Nandyal Flood Protection Work for eventual assignment as house site pattas to houseless poor person under the programme of "Navaratnalu — Pedalandariki Illu", Pending disposal of WP 8542 of 2020, on the file of the High Court.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased, to treat the matter as

urgent and post the Writ Petition for admission and direct the Respondents not to alter / change the nature of an extent of Ac.56.88 cents situated in Moolasagaram Village, Nandyal Mandal, Kurnool District for conversion into house site pattas under the program of "Navaratnalu - Pedalandariki illu", pending disposal of WP 8542 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Sodum Anvesha Advocate for the Petitioners, and of GP for Revenue for the Respondents and the Court made the following.

ORDER:

(Taken up through video conferencing)

"Ms. Sodum Anvesha, learned counsel for the petitioners.

Learned Government Pleader for Revenue for the respondents.

Despite granting time, counter-affidavit has not been filed by respondents 1, 2, 3 and 5. Let it be filed within four weeks.

After considering the order passed by the National Green Tribunal dated 30.06.2020, it is clear that in respect of the land on the bank of Kundu river, which was stated to be acquired for the purpose of widening the river, a Committee of Experts has been appointed to find out that by implementation of 'Navaratnalu-Pedalandariki Illu' scheme, how far it will affect the flow of excess water during monsoon season and also to consider the ecological hazards and adverse impact, and submit a report. In addition thereto, as per the A.P. Board of Revenue Standing Orders, the land on the bank of river is prohibited from assignment.

In that view of the matter, by way of interim relief, it is directed that no house site pattas shall be granted by the Government in respect of the subject lands, which are situated on the bank of Kundu river, under the scheme Navaratnalu- Pedalandariki Illu' and status quo as it exists today shall be maintained in respect of the said lands, until the next date of listing. It is further directed that if any report is produced before the National Green Tribunal by the Expert Committee, it be produced by the learned counsel for the petitioners within fifteen days from the date of filing of the same before the Tribunal, for perusal of this Court.

List after four weeks."

//TRUE COPY//

SD/- E. KAMESWARA RAO
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Revenue Department, A.P. Secretariat at Velagapudi, Amaravati, State of Andhra Pradesh, Guntur District
2. The District Collector, Kurnool District
3. The Revenue Divisional Officer, Nandyal Division, Kurnool District.
4. The Tahsildar, Nandyal Mandal (Urban), Kurnool District.
5. The Superintendent Engineer, Circle-I, Srisailem Right Bank Canal, Nandyal, Kurnool District.(Addresses for 1 to 5 by RPAD)
6. One CC to Sri. Sodum Anvesha Advocate [OPUC]
7. Two CCs to GP for Revenue ,High Court Of Andhra Pradesh. [OUT]
8. One spare copy

PR