

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

ORIGINAL APPLICATION No 09 OF 2017

IN THE MATTER OF:

Y.V. PRATAP REDDY

.....

APPLICANTS

VS

THE UNION OF INDIA, REP BY ITS

SECRETARY MINISTRY OF ENVIRONMENT

AND FORESTS, NEW DELHI

..... Respondents

**COMPLAINANCE AFFIDAVIT FILED BY THE DISTRICT
COLLECTOR KAKINADA 3RD RESPONDENT**

DATE- 28-10-2023



**M/s MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD**

#26, S2, Royal Castle, 26, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.
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[Counsel for 3RD Respondent](#)

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

Date: 14 -10-2023

IN THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI

Original Application No. 09 of 2017

Between:

Mr. Y.V. Pratap Reddy
S/o Y.V. Naga Reddy
No. 1-137, Reddyvari Street, Thondur, Cuddapah
Andhra Pradesh- 516 401. ...

Applicant

AND

Union of India
Rep by its Secretary
Ministry of Environment and Forests, New Delhi and Others.

.....Respondents

AFFIDAVIT FILED BY THE RESPONDENT NO.3

I, V. Vijay Rama Raju S/o V. Jayakrishna Vara Prasada Raju, aged about 37 years, working as District Collector, YSR District, Kadapa do hereby solemnly affirm and sincerely state on oath as follows:-

1. I submit that I am the 3rd respondent herein in this original application and as such I am well acquainted with the facts of the case.
2. It is submitted that, after adjudication, the Hon'ble National Green Tribunal, Chennai has disposed the case bearing O.A.No.09/2017 vide its orders, dated 19.04.2022 and the operative part of the said order relevant to the District Collector (Specially), YSR District are reads thus :

VS
DEPONENT
DISTRICT COLLECTOR
Y.S.R. Dist.

- (i) **The State of Andhra Pradesh is directed to notify the entire area in S.No.1036/1 of Mallela Village as Reserve Forest and hand over the same to the Forest Department under their management within a period of 4 (four) months, as decided by them in the High Power Committee appointed by this Tribunal for considering these aspects.**
- (ii) The Rock Afforestation programme is directed to be monitored by the **District Green Committee headed by District Collector and District Forest Officer as a member Secretary** along with the experts in the field. A nominee of the project proponent also may be included in the Committee. The state of Andhra Pradesh is directed to endeavour to promote rock afforestation in S.No.1036/1 Mallela Village as far as possible at the rate of atleast 50 acres per year and necessary fund for this purpose be provided to forest Department over and the above the regular budgetary provision.
- (iii) Half yearly periodical report on this aspect be filed by the Principal Chief Conservator of Forests (CAMPA) and the District Collector to this Tribunal.

3. In this connection, it is humbly submitted that in compliance to the aforementioned orders of the Hon'ble Tribunal, concerned Revenue and Survey authorities have been directed to submit joint inspection report along with relevant documents with specific recommendations duly following the directions issued by the Hon'ble National Green Tribunal in O.A. No.09 of 2017, dated 19.04.2022 to notify the land as Reserve Forest as decided in the high power committee appointed by the Tribunal. Accordingly, the Revenue Divisional Officer, Pulivendula has conducted joint inspection along with concerned Forest and Survey Officials and reported that, it is feasible and no objections were received for notifying the subject land as Reserve Forest.

2/5
DEPONENT
DISTRICT COLLECTOR
Y.S.R. Dist.

4. Further it is submitted that, the land in Sy.No.1036/1 has been demarcated with the Rover survey conducted by the Revenue and Survey authorities along with the Forest Department staff and fixed the boundaries as per the FMB and Khandam/Boundary stones which were there in the field and records available and perambulated the boundary of the subject land for reservation and found to be correct with sketches, boundary description and the statements. (Copy enclosed for kind perusal).

5. Further, it is submitted that, the Tahsildar, Thondur has handedover the land in Sy.No.1036/1, extent 1567.52 acres of Mallela Village, Thondur Mandal to the Forest Department (Muddanur Range of YSR (T) Division, Kadapa) vide his office Ref.No.B/193/2022, dated 24.02.2023. (Copy enclosed for kind perusal).

6. Further, it is submitted that, the notification proposals u/s 4 of A.P., Forest Act, 1967 has been submitted to the Government through the Chief Conservator of Forests, Kurnool Circle, Kurnool for notifying the entire area to an extent of 1567.52 acres in Sy.No.1036/1 of Mallela Village, Thondur Mandal, YSR District as per the orders of the Hon'ble National Green Tribunal (SZ), Chennai. (Copy enclosed for kind perusal).

3/5
DEPONENT
DISTRICT COLLECTOR
Y.S.R. Dist.

7. Further, it is submitted that, in pursuance of the directions issued by the Hon'ble National Green Tribunal (SZ), Chennai in O.A No. 09/2017, dated 19-04-2022 at point No.88 (vi), the "District Green Committee" was constituted for monitoring the Rock Afforestation programme to be implemented at the rate of at least 50 Acres per year in Sy.No1036/1 of Mallela Village with the funds to be provided by the Andhra Pradesh State Government through the District Forest Officer, YSR(T) Division, Kadapa. (Copy enclosed for kind perusal).

8. Further, it is submitted that, a letter was addressed to the Divisional Forest Officer, Proddatur vide this Office Ref.No.E6/2847/2016, dated 12-07-2022 requesting to submit half yearly periodical report as directed by the Hon'ble National Green Tribunal (SZ), Chennai, for inturn submission to the Hon'ble NGT. The report is awaited.

For the reasons stated above, it is therefore prayed that this Hon'ble Tribunal may be pleased to consider the compliance report and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed before me
on this the 14 day of October, 2023
and signed his name in my presence.

4/5
DEPONENT
DISTRICT COLLECTOR
Y.S.R. Dist.

VERIFICATION STATEMENT

I, V. Vijay Rama Raju S/o V. Jaya Krishna Vara Prasada Raju, aged about 37 years, working as District Collector, YSR District, Kadapa, the 3rd Respondent herein do hereby verify that the contents of above paras are true to the best of my knowledge, belief, information and as per records. Hence, verified on this the 14 day of October, 2023.

DEPONENT
DISTRICT COLLECTOR
Y.S.R. Dist.

PERAMBULATION CERTIFICATE

I hereby certify that the Survey No.1036/1 has been demarcated with the Rover Survey conducted by the Revenue authorities along with the forest department staff and fixed the boundaries as per the FMB and khandam/ boundary stones which was there in the field and records available and I have perambulated the boundary of proposed Survey No.1036/1 for reservation and found to be correct with sketches, boundary description and the statements that are submitted herewith.


Forest Range Officer,
Muddanur Range.


T A H S I L D A R,
Thondur Mandal.

Tahsildar's Office,
Thondur

Ref. B / 193 /2022

Dated :24/02/2023

HANDING OVER OF POSSESSION CERTIFICATE

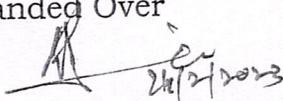
This is to certify that, the following Survey No.1036/1 of Mallela village of Thondur Mandal to an extent of 1567.52 Acres which were transferred to the Forest Department as per the Judgement passed by the Hon'ble National Green Tribunal (SZ) Chennai in O.A. No. 09/2017 dated 19.04.2022 and instructions issued by the Hon'ble District Collector, YSR District, Kadapa in his Ref. No. E6/2847/2016 dt. 12.07.2022, The Tahsildar, Thondur in his Proceedings Ref. No. B/193/2022 dt. 24/02/2023 are handed over to the Forest Department (Muddanur Range of YSR (T) Division, Kadapa .

The details of Survey No.1036/1 land are furnished below.

Sl. No.	Name of the Mandal	Name of the village	Survey No.	Extent of land	Classification	Remarks
1	Thondur	Mallela	1036/1	1537.52 Acres	Forest Reserve	
			1174 to 1185	30.00 Acres		Area is Lease to M/S Esteem Energy Private Ltd, Hyderabad
Total				1567.52		

The above-mentioned Survey No.1036/1 extent of 1537.52 acres and 1174 to 1185 extent of 30 acres total extent 1567.52 acres land is handed over to Forest Department.

Handed Over


TAHSILDAR
Thondur Mandal

Taken Over


FOREST RANGE OFFICER
MUDDANUR RANGE

**GOVERNMENT OF ANDHRRA PRADESH
FOREST DEPARTMENT**

From
Sri P.V. Sandeep Reddy, IFS.,
District Forest Officer,
YSR (T) Division, Kadapa.

To
✓ The Collector & District Collector,
YSR District,
Kadapa.

Rc. No.563/2015/A14, dated: -08-2023.

Sir,

Sub:- APFD-NGT Case –Orders of the Hon'ble National Green Tribunal, Southern Zone, Chennai in OA No.09/2017 dt:19-04-2022 in the matter of M/s Y.V.Pratap Reddy Vs the Union of India and Others – Notification proposals under Section 4 of AP Forest Act, 1967 for the proposed area in Sy.No.1036/1 of Mallela Village, Thondur Mandal, YSR District – Submission of – Regarding.

Ref:- 1)Direction of the Hon'ble NGT(SZ), Chennai issued in O.A No.09/2017 dated:19-04-2022.
2)PCCF,AP, Mangalagiri Rc.No.22022/38/2022-WLR-2,dt:23-03-2023 & 26-05-2023.
3)CCF, Kumool D.O.Rc.No.4590/2015-TO, dated:06-07-2023.

% % %

It is submitted that as per the directions issued by the Hon'ble National Green Tribunal(SZ), Chennai at point No.88(iv) in O.A.No.09 of 2017 dt:19-04-2022 the Principal Chief Conservator of Forests(HoFF), A.P.Mangalagiri has issued instructions vide reference 2nd cited to submit proposals for notifying the entire area in Sy.No.1036/1 of Mallela Village as early as possible.

In this connection, the notification proposals under section 4 of A.P.Forest Act 1967 have been prepared for notifying the entire area to an extent of 1567.52 acres in Sy.No.1036/1 of Mallela Village of Thondur Mandal of YSR District and submitted herewith in (13) sets along with relevant documents with a request to forward the proposals to the Chief Conservator of Forests, Kumool Circle, Kumool for onward submission to the Government through Principal Chief Conservator of Forests(HoFF), A.P.Mangalagiri at the earliest. (5 Sets Signed & 8 Sets Unsigned)

This is submitted for favour of kind information and necessary action.

Encl: Proposals in (13) sets

Yours faithfully

Sandeep
District Forest Officer,
YSR(T) Division, Kadapa

Copy submitted to the Chief Conservator of Forests, Kumool Circle, Kumool for favour of information.

Copy to the Sub-Divisional Forest Officer, Proddatur for information and necessary action.

Copy to the Forest Range Officer, Muddanur for information and necessary action.

REVENUE DEPARTMENT

From
Sri Vijay Rama Raju V, I.A.S.,
District Collector,
YSR District.

To
The Chief Conservator of Forests,
Kurnool Circle,
Kurnool.

Ref.No. E4/2847/2016, dated: 25.09.2023

Sir,

Sub:- Forests- NGT case - Orders of the Hon'ble National Green Tribunal(SZ), Chennai in O.A.No.09/2017, dated.19.04.2017 filed by Sri Y.V.Pratap Reddy - Notification proposals under section 4 of AP Forest Act, 1967 for the proposed area in Sy.No.1036/1 of Mallela Village, Thondur Mandal, YSR District received - Proposals submitted with a request for Transfer of lands for Compensatory Afforestation - Regarding.

Ref:- District Forest Officer, YSR (T) Division, Kadapa Rc.No.563/2015/A14,
Dated. 18-08-2023.

&&&

I invite attention to the reference cited, wherein the District Forest Officer, YSR (T) Division, Kadapa has reported that, as per the directions issued by the Hon'ble National Green Tribunal (SZ), Chennai in O.A No.09 of 2017, dated 19.04.2022, the Principal Chief Conservator of Forests (HoFF), A.P., Mangalagiri has issued instructions to submit proposals for notifying the entire area in Sy.No.1036/1 of Mallela Village. Therefore, the District Forest Officer, YSR (T) Division, Kadapa has submitted the notification proposals under section 4 of A.P., Forest Act 1967 for notifying the entire area to an extent of 1567.52 acres in Sy.No.1036/1 of Mallela Village, Thondur Mandal, YSR District with a request to forward the proposals to the Chief Conservator of Forests, Kurnool Circle, Kurnool for onward submission to the Government through the Principal Chief Conservator of Forests (HoFF), A.P., Mangalagiri.

I send herewith the notification proposals under section 4 of A.P., Forest Act, 1967 and request that the proposals may be submitted to the Government for approval, subject to the condition that the windmill project activities are not to be affected in an extent of 30.00 acres in Sy.No.1036/1 of Mallela Village, Thondur Mandal as per the orders of the Hon'ble National Green Tribunal (SZ), Chennai and with a request to give consent for transfer of the land in Sy.No.1036/1, Extent 1567.52 acres of Mallela Village, Thondur Mandal, YSR District for Compensatory Afforestation in order to cater the pending requisitions of diversion of Forest land for various important projects in the District.

The notification proposals in 13 sets (5 sets signed and 8 sets unsigned) received from the District Forest Officer, YSR (T) Division, Kadapa in the reference cited are enclosed herewith.

(Under the orders of the District Collector, YSR District)

dc

Yours faithfully

For Collector
YSR District

BY RP
DISPATCHED
30/9/23
Dispatching Asst.

25/9/23
Supdt-E

25/9/23
EY

Copy to the District Forest Officer, YSR (T) Division, Kadapa for information.

Proceedings of the District Collector & Magistrate, YSR District, Kadapa

Present: **Sri Vijayarama Raju V, I.A.S.,**

Rc.No.406/1998/A14

Dated: 01-04-2023



Sub :- APFD – NGT Case – Orders of the Hon'ble National Green Tribunal, Southern Zone, Chennai in OA no.09/2017 dt:19-04-2022 in the matter of M/s Y.V.Pratap Reddy Vs the Union of India and Others – Instructions issued – Constitution of District Green Committee for monitoring Rock Afforestation programme – Orders – issued ▲ Regarding.

Ref :- Hon'ble NGT directions in OA No.09/2017 Order dated:19-04-2022.

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ORDER:

In pursuance of the directions issued by the Hon'ble National Green Tribunal (SZ), Chennai, in OA No.09/2017 dt:19-04-2022 at Point No.88(vi) the "**District Green Committee**" is constituted with the following members for monitoring the Rock Afforestation programme to be implemented at the rate of at least 50 Acres per year in Sy.No.1036/1 of Mallela Village with the funds to be provided by the Andhra Pradesh State Government through the District Forest Officer, YSR(T) Division, Kadapa.

1.	District Collector & Magistrate, YSR District, Kadapa	Chairman
2.	District Forest Officer, YSR(T) Division, Kadapa	Member Secretary
3.	Divisional Forest Officer, Social Forestry Division, Kadapa	Member
4.	Sub-Divisional Forest Officer, Proddatur of YSR(T) Division, Kadapa	Member
5.	Forest Range Officer, Muddanur of YSR(T) Division, Kadapa	Member
6.	Vice-President, M/s Atria Wind Power Private Limited, Bangalore.	Member

District Collector & Magistrate,
Y.S.R. District, Kadapa

To
All the Committee members.

(735)

Revenue Department

From
Sri B.K.Venkatesulu, M.Sc, M.A., M.L.I.Sc, B.P.R, D.C.P.,
Revenue Divisional Officer,
Pulivendula.

To
The District Collector,
YSR District,
Kadapa

Ref.No. A/ 689 /2022 dated: 30.11.2022

Sir,

Sub:- Hon'ble National Green Tribunal(SZ) Chennai- OA No. 9 of 2017 filed by Sri.Y.V Prathap Reddy of Thondur Mandal - Judgement passed by Hon'ble National Green Tribunal, Chennai on 19.04.2022 - Divisional Forest officer, Proddutur(WL) Division to request for notification of lands in Sy.No.1036/1 of Mallela village of Thondur Mandal as Reserved Forest - Report Submitted - Regarding.

- E S Reddy*
- Ref:-1.Divisional Forest Officer, Proddutur(WL) Division RC No. 563/2015-P9,Dt:17.06.2022.
2.District Collector, Kadapa Ref.No.E1/134/2015,Dt:21.06.2015.
3.Hon'ble National Green Tribunal(SZ) Chennai OA No.9/2017, Dated:19.04.2022.
4. District Collector, YSR District Ref.No. E6?2847/2016 dated: 24.11.2022.
5. Report of the Tahsildar, Thondur Ref.No. A/193/2022 dated: 26.11.2022.
@@@@@

6/12/2022
DBA

I invite kind attention to the references cited and submit that in the reference 5th cited, the Tahsildar, Thondur has reported that according to the RSR, the land in Survey No.1036/1 extent 1567.52 acres of Mallela Village, Thondur Mandal is recorded as Forest Reserve. New sub-divisions from 1174 to 1185 (Each Sub-division extent is 2.50 acres) were done in the above survey number and a total extent of 30.00 acres was handed over to the District Manager, APNREDCAP, Kadapa by the then Tahsildar, Thondur for setting up of Wind Mills.

But, Sri.Y.V.Prathap Reddy had filed a case vide Original Application No. 09/2015 in the Hon'ble National Green Tribunal, Chennai Court stating that the land handed over for setting of Wind mills comes under Forest reserve and allotting such Forest Reserve land for setting Wind Mills is illegal.

The Tahsildar, Thondur has further reported that as per the Judgement passed by the Hon'ble National Green Tribunal, Chennai Court Case No. 9/2015, Dated: 19.04.2022, in the reference 1st cited, the Divisional Forest Officer, Proddutur requested the District Collector to submit the land in Sy No. 1036/1 of Mallela Village, Thondur Mandal to the Forest Department and change the records accordingly. As per the request from Divisional Forest Officer, Proddutur, Mandal Surveyor, Thondur Mandal along with Forest Department surveyed the Sy.No.1036/1 and gave co-ordinates. The Divisional Forest Officer, Proddutur had requested the below mentioned documents in RC no.563/2018 P9, Dated:17.06.2022.

- 1.Area Detailed certificate adjacent to un-notified Forest Block.
- 2.Adangal/Phahani of proposed Forest Block.
- 3.Ayacut Statement
- 4.Extract of register A&B
- 5.Copy of R.S.R with change in land classification status.
6. Mutation Certificate issued by Revenue Authorities EC Possession and Transfer Certificate issued by the Tahsildar for Non Forest land.

In this connection, I submit that I have also jointly inspected the above land in Sy No. 1036/1 of Mallela Village, Thondur Mandal along with the representative of the District Forest Officer, Kadapa and the Deputy Inspector of Survey, O/o the Revenue Divisional Officer, Pulivendula on 25.11.2022. It is feasible and no objections were received for notifying this land as Reserve Forest.

Accordingly, the Tahsildar, Thondur has submitted the above requested documents 1,2,3,4,5 & 6 and the Handed Over certificate to the Forest Department. The classification of the subject land in Sy.No. 1036/1 of Mallela Village is not changed from "Forest Reserve" to "Reserve Forest". Hence, the Forest Department officials did not sign on the taken over side as the changes are not completed in respect of mutation and classification of the land. But, Mutation and Classification changes should be done in the Joint Collector Sir login. In this regard a report has already been submitted to the Joint Collector, YSR District. This is submitted herewith for favour of information.

A copy of the report of the Tahsildar, Thondur Mandal along with the connected documents are submitted herewith for favour of kind perusal and taking further action in this matter.

Yours Faithfully,

23. 3023.

Revenue Divisional Officer
Pulivendula

[Handwritten signature]

Copy submitted to the Joint Collector, YSR District for favour of information.

Copy to the Divisional Forest Officer (WL), Proddatur for information.