

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI**

In

Original Application No. 92 of 2020 (SZ) &
I.A. No. 45 of 2020 (SZ)

IN THE MATTER OF

Gareeb Guide (NGO)

...Applicant (s)

Versus

State of Andhra Pradesh,
Through its Chief Secretary and others.

---Respondents

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Date: 1-2-2021


(Dr.R.Sridhar)
Scientist 'D'

MoEF&CC, Regional Office, Chennai

Final Report of the Joint Committee in the matter of Original Application No. 92 of 2020 (SZ) & I.A. No. 45 of 2020 (SZ) Titled as Gareeb Guide (NGO) Vs State of Andhra Pradesh, through its Chief Secretary and Others in compliance of Hon’ble NGT order dated 2-7-2020 and 4-1-2021

1. Background

The Hon'ble NGT, Southern Bench in the matter of OA No. 92 of 2020 (SZ) & I.A. No. 45 of 2020 (SZ) vide order dated 2-07-2020 (**ANNEXURE-1**) has constituted a Joint Committee to inspect the unit in question and submit a factual and action taken report, if there is any violation found. The directions of NGT are reproduced below:

“16. In order to ascertain the present status, we feel it appropriate to appoint a Joint Committee comprising of a Senior Officer of Ministry of Environment, Forests and Climate Change (MoEF& CC), Regional Office, Chennai, a Senior Officer of Lake Protection Committee, Hyderabad and the District Collector, Srikakulam to inspect the area in question and submit a factual and action taken report, if there is any violation found.”

“17. The committee is also directed to examine the revenue records of this area to find out as to whether there existed any pond in that area earlier and what is the nature of the pond and its use at that time and when the encroachments started and what are the steps taken by the state authorities to remove the encroachment to protect the water body.”

“18. They may also suggest and give recommendation as to what are all the steps to be taken to protect the water bodies.”

“19. The District Collector who has been made as the member of the committee is directed to cooperate with the committee in carrying out the directions of this Tribunal for the purpose of inspection and preparation of the report as directed.”

“20. Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai will act as nodal agency for co-ordination and for providing necessary logistics for this purpose.”

“21. The committee is directed to submit the report to this Tribunal within a period of two months i.e., on or before 15.09.2020 through e-mail or e-filing at ngtszfiling@gmail.com.”

The Hon’ble NGT vide order dated 4-1-2021 has given directions to the committee as well as the respondents to submit the report as well as the independent responses on or before 03.02.2021 (**ANNEXURE-2**)

2. Joint Committee

The MoEF&CC, Regional Office, Chennai, as the nodal agency, vide letter dated 13-7-2020 requested the Lake Protection Committee (Hyderabad) and the District Collector (Srikakulam) for the nomination of a senior officer for the joint committee and site inspection. The Lake Protection Committee (Hyderabad) so far, has not nominated any senior officer from their office and no response was received from the Lake Protection Committee (LPC) upon reminders sent on 20-7-2020 & 3-8-2020. A copy of the MoEF&CC's letter dated 13-7-2020 issued to the Chairman, Lake Protection Committee (LPC) Hyderabad and remainder email dated 20-7-2020 and 3-8-2020 are at **ANNEXURE-3**. The District Collector (Srikakulam) nominated the Environmental Engineer (EE), AP Pollution Control Board, Regional Office, Srikakulam as Nodal Officer to co-ordinate for conducting site inspection. In view of the above, the joint committee consists of the following members:

1.	Shri J. Nivas, I.A.S. District Collector, Srikakulam
2.	Dr. R. Sridhar, Scientist 'D', MoEF&CC, Regional Office, Chennai
3.	Lake Protection Committee, Hyderabad (Nomination of senior officer has not been received)

3. Joint Committee's observation

(1) The Joint Committee inspected the site 'Kakarla pond' in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal on 20-1-2021. Revenue department officials also joined the inspection. Copy of the Attendance sheet given at **ANNEXURE-4**. Photos taken during the site inspection are given at **ANNEXURE-5**.

(2) The Subject tank was locally called as "Kakarla Vani tank". The nature of the subject alleged tank was verified with Settlement Fair Adangal, FMB and VAno.3 of Chinnadugam Village and it is revealed that the total extent of the tank is covering an extent of Ac.12.75 cents with Permanent Structures and encroachments covered with 39 members of Agricultural occupations.

(3) During the inspection it was revealed by Revenue Dept Officials that, there are 89 families residing by construction of houses in Sy.No.59, and that house site pattas were issued from 1988 onwards. Out of 89 families, only 32 families are having house site pattas and the remaining 57 families said to have been misplaced and house site patta register is not available in the office of the Tahsildar, Jalumuru, but in accordance with the “Potti Adangal” available, 24 individuals only covered as house site pattas beneficiaries.

(4) The details of construction/occupation by way of encroachments, extent covered and year of occupation in the area of Kakarla pond are given at **ANNEXURE-6**.

(5) List of Beneficiaries/encroachers in S.No.59 of Chinnadugam Village of Jalumuru Mandal is given at **ANNEXURE-7**

(6) List of agriculture occupations in Sy.No.59 of Chinnadugam Village of Jalumuru Mandal is given at **ANNEXURE-8**

(7) The Executive Engineer, Water Resource Department has stated that, the subject tank was an abandoned tank and it was not covered in the list of tanks handed over by the Panchayat Raj Department to Water Resource Department in the year 2005 and there was no ayacut covered under this tank and after formation of Narasannapeta Branch canal (NBC) under Vamsadhara Project in the year, 1978, the tank was remained as abandoned and that the tank was not useful for recharging the drinking water and it was not a percolation tank. The Environmental Engineer, Pollution Control Board, Srikakulam has stated that, there are no remarks from their side on the alleged tank as there is no pollution aspects involved in the subject tank.

(8) The following are the observations made by the team of officials comprising from Pollution Control Board, Survey & Land Records, Revenue Divisional Officer (Tekkali), Irrigation Division (Narasannapeta) and Tahsildar, Jalumuru about Kakarla Pond in Sy.No.59 of Chinnadugam (V), Jalumuru (M) in Srikakulam District:

(i) The tank known as “Kakarla Pond” which is covered in Sy.No.59 is an abandoned Tank. There is no ayacut covered under this tank. After formation of Narasannapeta Branch Cannel (NBC) under Vamsadhara Project in the year 1978, the tank was remained as abandoned.

(ii) The tank was not useful for recharging the drinking water and it was not a percolation tank.

(iii) There was no tank appearance on ground.

- (iv) There were permanent structures located on the subject land i.e., MPP School Building, Housing Colony, Panchayat Office, Temple Stage. Regarding House Site Pattas issued from the year 1988 onwards, house site pattas are available with 32 beneficiaries and the remaining 57 families have been residing there and said to be misplaced their house site pattas. Therefore, it is obtained as per MRI, Jalumuru Mandal and VRO Chinnadugam reports, there are total of 89 individual / families are residing in the Sy.No.59 for an extent of Ac.4.02 and that Ac.7.24 of agricultural land was occupied by the 39 individuals of Chinnadugam Village in Jalumuru Mandal.
- (v) There were encroachments noticed on the subject tank occupied by some persons covered by cultivation.
- (vi) It is revealed that the Survey Number 59 is in chinadugam village, as per revenue records, it is classified as Government poramboke (Kakarla vani tank). But after formation of Narasannapeta Branch canal, the tank gradually encroached and housing colony was constructed, school and Gram Panchayat office buildings were also constructed and CC road was formed from Narasannapeta R&B road to Chinadugam village. 32 house site pattas were issued to 32 beneficiaries and the remaining 57 families have been residing there, but house site pattas were misplaced and no tank exists on ground.
- (vii) A copy of map of Kakarla Pond with explanatory sketch prepared by the District Revenue Department is given at **ANNEXURE -9**.

(9) It was informed to the Committee that, the Government in their Memo No.65961/Assn.I(1) 97-11, Revenue Department, Dt 08/02/1999, has issued instructions to all the Collectors that, the Government have been very rarely relaxing the ban orders where the tank bed lands are required for a public purpose like construction of houses for weaker sections and provision of lands for public weaker sections and provision of land for public institutions/ organizations, when no tank exist on ground due to silting, breached bund and no ayacut exists since a long time or when the catchments area as well as the ayacut itself were converted by the land owners into a built up area and tanks are not receiving water and have ceased to serve the purpose or when tanks were abandoned or have been defunct due to non - receipt of water or due to formation of channel system. A copy of the above- mentioned Govt Memo dated 8-2-1999 is given at **ANNEXURE - 10**

In view of the above position, the Hon'ble NGT may consider the present status of the pond and kindly issue necessary instructions regarding the house sites that are existing in the said abandoned tank land from a long time. Regarding the agricultural encroachments made in the tank bed land, the Tahsildar, Jalumuru, the Sub-Collector, Tekkali and the local Panchayat officials are being instructed to take necessary action for eviction of encroachments as per the Government norms in force. A letter dated 21-1-2021 in this regard issued by the District Collector (Srikakulam) is given at **ANNEXURE -11**



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Regional Office,
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Shri J. Nivas, I.A.S.
District Collector
Srikakulam

Lake Protection Committee-LPC
Hyderabad
*(Nomination has not
been received from LPC)*
