

**FURTHER ACTION TAKEN REPORT FILED BY THE DISTRICT
COLLECTOR, SRIKAKULAM IN OA 92 OF 2020 BEFORE THIS
HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI AS PER THE
DIRECTION, DATED: 24.05.2022.**

1. It is respectfully submitted that, M/s Gareeb Guide (Voluntary Organization) has stated that, the Organization has filed a representation dt.26.12.2017 to the Chief Commissioner of Land Administration, Vijayawada and the District Collector, Srikakulam (the said representation was not received in this office) requesting to alienate the land to an extent of Ac.10.00 in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) for construction of Gareeb Guide's Heaven (Old age home & orphans home) for public purpose at Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) as per the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012.
2. It is respectfully submitted that, the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 says that, environmentally sensitive and fragile areas such as, tank beds, riverbeds, hillocks with afforestation etc., shall not be alienated or allotted. It is also submitted that, the required land in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) is classified as "Kakarla Pond" i.e., an objectionable Govt.Poramboke, which cannot be alienated or allotted to anybody, as per the orders of the Hon'ble Courts and as well as instructions of the Govt.
3. It is respectfully submitted that, the Applicant herein has filed a Writ Petition No.8493 of 2020 in the Hon'ble High Court of Andhra Pradesh at Amaravathi praying the Hon'ble Court to issue a Writ, Order or direction declaring the action of the Respondent Nos.4 & 5 (i.e., the Chief Commissioner of Land Administration, Vijayawada and the District Collector, Srikakulam respectively) in not allotting land to the petitioner for public purpose as illegal, violation of G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 and also direct the Respondent No.5 (District Collector, Srikakulam) to allow the Petitioner for temporary constructions for

public purpose in the said premises until further orders of this Hon'ble High Court as deem fit and proper in the circumstances of the case and that a detailed counter affidavit in this Writ Petition was also filed before the Hon'ble High Court of Judicature at Amaravathi and it is pending adjudication. **(Copy of Counter Affidavit is enclosed for kind perusal of the Hon'ble Tribunal) ANNEXURE-I.**

4. It is respectfully submitted that, as the matter stood thus, the applicant herein has filed an OA No.92 of 2020 (SZ) at Chennai, challenging the action by Respondent No.2 (District Collector, Srikakulam) in acting in the interest of grabbers by allowing constructions like School, Panchayat Office, Temporary houses, unauthorized cultivation etc., in "Kakarla Pond" in Sy.No.59 in Chinnadugam (V) in Srikakulam District in the State of Andhra Pradesh as adversely affecting the ecosystem and the overall ecology of the area and thus there is substantial question relating to environment, where the community at large is affected by the environmental consequences and it is a continuing violation of the provisions of enactment specified in Schedule 1 of the National Green Tribunal Act, 2010.
5. It is respectfully submitted that, the Hon'ble National Green Tribunal, South Zone, Chennai has appointed a Joint Committee comprising the following Officers to inspect the area in question and submit a factual and action taken report, if there is any violation found.
 - i) A Senior Officer of Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai.
 - ii) A Senior Officer of Lake Protection Committee, Hyderabad
 - iii) The District Collector, Srikakulam.
6. In this connection, it is respectfully submitted that, among the 3 Joint Committee Members, one Dr.R. Sridhar, Scientist 'D', MoEF&CC, Regional Officer, Chennai and the Executive Engineer, A.P.Pollution Board, Regional Office, Srikakulam on behalf of the District Collector, Srikakulam have jointly inspected the scheduled land with the local revenue officials on 20.01.2021 and submitted the detailed Joint Inspection report to the Hon'ble National Green Tribunal for kind perusal.

7. It is respectfully submitted that, as per the directions of the Hon'ble Tribunal issued on 12.02.2021 in O.A.No.92 of 2020 (SZ) & I.A.No.15 of 2021 (SZ) & I.A.No.15 of 2021 (SZ), a detailed proceedings in Rc.No.943/2020-E3, Dt.16.03.2021 have been issued to the Applicant herein on the objections dated 12.02.2021 filed by him. **(Copy of the Proceedings is enclosed for kind perusal of the Hon'ble Tribunal) ANNEXURE-II.**
8. It is respectfully submitted that, as per the directions of the Hon'ble Tribunal issued on 12.11.2021 in O.A.No.92 of 2020 (SZ) & I.A.No.90 of 2022 (SZ), detailed remarks on the objections dated 13.11.2021 filed by the Applicant herein are now submitted separately to the Hon'ble Tribunal for kind perusal. **(Detailed remarks enclosed for kind perusal of the Hon'ble Tribunal) ANNEXURE-III.**
9. It is respectfully submitted that, as per the revenue records, the Survey Number 59 with an extent of Ac.12.75 is classified as tank poramboke namely "Kakarla Pond" and the present ground status of the Survey Number 59 is detailed below,

Sl.No.	NATURE OF CONSTRUCTION/STRUCTURE	EXTENT COVERED (IN ACS.)	DURATION OF OCCUPATION/CONSTRUCTION
1	MPP School	0.12	27 years
2	Panchayat Office (Now converted as RyothuBharosaKendram)	0.05	10 years
3	Covered by houses constructed by BPL families	4.02	27 years
4	Black top road formed from Narasannapeta-Pathapatnam road to Chinnadugam Village	0.55	32 years
5	Field Channel	0.44	42 years
6	Occupations by 40 individuals for agricultural operations	7.24	17-32 years
7	Vacant land for Sri LaxmiNarasimhaSwamyYatra purpose	0.44	42 years
8	Stage for Sri LaxmiNarasimhaSwamyatra	0.01	42 years
9	NagadevetaTample	0.02	20 years
	Total	12.75	

10. It is respectfully submitted that, the encroachments to an extent of Ac.7.68 (i.e., Sl.No.6 & 7 of the above table) covered by agricultural fields, have been evicted recently and a caution board stating that the land belongs to Government and the tress passers are punishable under law, has been erected on the land.
11. It is respectfully submitted that, the Tahsildar, Jalumuru has reported vide in Rc.No.204/2020-A, Dt.02.07.2022, stating that, the new compound wall constructed by one Smt.G. Kumari, Anganwadi worker in the Sy.No.59 i.e., "Kakarla Pond" has been demolished and also issued a warning to the Anganwadi Worker stating that further any unauthorized constructions in the tank area will be viewed seriously. **(Copy of the report of the Tahsildar, Jalumuru is enclosed for kind perusal of the Hon'ble Tribunal) ANNEXURE-IV.**

In view of the circumstances explained above, it is respectfully submitted that, with regard to the other age old encroachments i.e., MPP School, Ryothu Bharosa Kendram, Houses of 89 BPL families, Black top road to facilitate the public at large of Chinnadugam Village, Field channel, stage and Nagadevata temple which are existing from long back in the scheduled land, the Government through the Chief Commissioner of Land Administration vide this office Rc.No.943/2020-E3, Dt.05.07.2022, has been requested to examine the case and to issue necessary instructions to proceed further action taken with due process of law in this matter, in order to avoid law and order problem **(Copy of the letter is enclosed for kind perusal of the Hon'ble Tribunal) ANNEXURE-V.**

This is submitted for kind information

Dated at Srikakulam on this the 5th day of July 2022.



**DISTRICT COLLECTOR,
SRIKAKULAM.**

**IN THE HIGH COURT OF JUDICATURE: ANDHRA
PRADESH AT AMARAVATHI**

W.P.No. 8493 of 2020

Between:

Gareeb Guide Voluntary Organization,
accredited by the Telangana State Legal Services
Authority, Rep. by its President
Ms.G. Bhargavi, Mansoorabad, LB Nagar
Hyderabad, Regional Office Sri Sri Sri Naga
Manasa Devi Temple Compound Chinnadugam
Main Road, Tilaru Jn, Jalumuru Mandal,
Srikakulam District.

... Petitioner.

AND

1. The Union of India, Rep. by Pri Secretary,
Ministry of Home Affairs, New Delhi
and others.

... Respondents.

COUNTER AFFIDAVIT FILED BY THE RESPONDENT NO.5

I, J.Nivas, Son of R.Janardhanan, aged about 37 years,
R/o.Srikakulam, Occ: District Collector, Srikakulam, do hereby solemnly
affirm and sincerely state on oath as follows:

1. I submit that I am the 5th respondent herein and as such, I am well
acquainted with the facts of the case. I have read the affidavit filed in
support of the Writ Petition and I deny all the allegations made in the
affidavit except those that are specifically admitted herein.

2. In reply to Para 6 of the affidavit, it is submitted that the contention
of the petitioner that, he became an absolute owner of the lands and
properties belongs to late N. Mohanarao since 2017 and enjoying the
possession is not correct.

It is respectfully submitted that the petitioner did not mention the
Survey Number claimed for alienation in this case. However, the matter

Attestor


Deponent
COLLECTOR
SRIKAKULAM

has been got enquired into by the Tahsildar, Jalumuru and during the enquiry it is revealed that, the land asked for by the petitioner for alienation is classified as "Kakarla Tank" which is in Survey No.59 of Chinnadugam Village in Jalumuru Mandal of Srikakulam District which is prohibited for assignment or alienation as per the rules in force.

3. In reply to Paras 7 and 8 of the affidavit, it is submitted that the contention of the petitioner that he brought the temple viz., Sri Sri Sri Nagadevatha Manasa Devi Ammavarla Temple at Chinnadugam Village in Jalumuru Mandal of Srikakulam District under his management and paying salaries to the staff the temple and taken over maintenance and administration and conducting annual celebrations since 2017 upto 2020 by investing a total amount of 9.68 lakhs, is not true.

In this connection, it is respectfully submitted that on local enquiry conducted by the Tahsildar, Jalumuru, the villagers have categorically stated that the maintenance of the temple is being attended by the villagers and paying the salaries to the Archakas from the collection of hundies of the temple and that the villagers do not know about the Petitioner, Gareeb Guide (Voluntary Organization) and hence, the contention of the petitioner deserves no consideration.

4. In reply to Paras 9 and 10 of the affidavit, it is submitted that the land in question is classified tank bed poramboke and there are specific instructions from the Government and the Chief Commissioner of Land Administration & Spl.Chief Secretary about restriction on allotment of water body / tank poramboke lands in his reference No.B1/1543/2012, Dt.18.03.2013 and hence, the allotment of land of Ac.10.00 as requested by the petitioner is not feasible.

5. In reply to Paras 11 and 12 of the affidavit, it is submitted that the contention of the petitioner that he filed an application on 27.12.2017 to the

Attestor


Deponent
**COLLECTOR
SRIKAKULAM**

Respondents 4 and 5 as per the procedure in G.O.Ms.No.571, Dt.14.09.2012 Revenue Department and requested to assign Ac.10.00 of land for the public purpose is not correct.

It is respectfully submitted that Para 3(a)(ii) of the G.O.Ms.No.571 Revenue (Assignment.I) Dept., Dt.14.09.2012 3(a)(ii) says that, "only waste and dry lands should be proposed for alienation and wet, irrigated lands should not normally be considered for such purpose. Further, environmentally sensitive and fragile areas such as, tank beds, river beds, hillocks with afforestation etc., shall not be alienated or allotted."

In view of the above position, allotment Ac.10.00 of land as requested by the petitioner cannot be considered as the land in question is Tank bed poramboke which is strictly prohibited either for assignment or for alienation.

6. In reply to Paras 13 to 15 of the affidavit, it is submitted that the land in question is classified as Tank bed Poramboke which is highly objectionable and strictly prohibited either for assignment or for alienation.

7. In reply to Paras 16 to 19 of the affidavit, it is submitted that in view of the averments of the above paras, the request of the Petitioner for allotment of land of Ac.10.00 in Sy.No.59 of Chinnadugam Village in Jalumuru Mandal of Srikakulam District cannot be considered, since the land in question is classified as Tank bed Poramboke and hence, the Writ Petition deserves no consideration and liable for dismissal.

For the reasons stated above, it is therefore prayed that this Hon'ble Court may be pleased to dismiss the writ petition and pass such other

Attestor



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order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed
On this the day of June,
2020 and signed his name in my
Presence.



Deponent
COLLECTOR
SRIKAKULAM

Before me

Attestor

VERIFICATION

I, J.Nivas, Son of R.Janardhanan, aged about 37 years, R/o.Srikakulam, Occ: District Collector, Srikakulam, do hereby verify that the contents of paras 1 to 7 are true to the best of my knowledge, belief, information and as per records. Hence, verified on this the ... day of June, 2020.

Counsel for Respondents 2 to 5.



Deponent
COLLECTOR
SRIKAKULAM

Rc.No.943/2020-E3, Dt. 16.03.2021.Collector's Office, Srikakulam.**Proceedings of the District Collector, Srikakulam.****Present:- Sri J. Nivas, I.A.S.,**

Sub:- Suits – Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (Voluntary Organization) Rep.by its President Ms. G. Bhargavi, Bahar, Sahara States, LB Nagar, Hyderabad, in the Hon'ble National Green Tribunal, Sitting at Chennai – Objections on the Joint Inspection Report – Orders - Issued.

Read:- 1.Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (NGO) Rep.by its President, 7/41, Bahar, Sahara States, Mansoorabad, Hyderabad before the Hon'ble National Green Tribunal, Sitting at Chennai.
 2.This office brief instructions/facts in Rc.No.943/2020-E1, Dt.01.07.2020.
 3.Orders dated 02.07.2020 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
 4.EP/12.7/NGT(SZ)/26/2020/AP, Dt.13.07.2020 of the Deputy Director General of Forests (C), Ministry of Environment, Forests and Climate Change, Regional Office (South Easterns Zone), Chennai.
 5.This office Progs. Rc.No.943/2020-E3, Dt.31.07.2020.
 6.Orders dated 04.01.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
 7.Joint Committee report dated 01.02.2021.
 8.Objections dated 12.02.2021 filed the Gareeb Guide (NGO).Rep.its President, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad.
 9.Orders dated 12.02.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.15 of 2021 (SZ) & I.A.No.16 of 2021 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.

ORDER:-

One Gareeb Guide (Voluntary Organization) Rep. by its President Ms. G. Bhargavi, Bahar, Sahara States, LB Nagar, Hyderabad, filed an Original Application No.92 of 2020 (SZ) in the Hon'ble National Green Tribunal, Southern Zone, Chennai by alleging on the encroachments in "Kakarla Pond" in Chinadugam Village, Jalumuru Mandal of Srikakulam District, as adversely affecting the ecosystem and the overall ecology of the area, and thus there is substantial question relating to environment, wherein the community at large is affected by the environmental consequences, it is a continuing violation of the provisions of enactment specified in Schedule 1 of the National Green Tribunal Act, 2010.

Facts of the case have been submitted to the Hon'ble Green Tribunal at Chennai, vide this office Rc.No.943/2020-E3, Dt.01.07.2020 and the Hon'ble Tribunal has made the following order in the above Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) on 02.07.2020.

".....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, Forest 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.

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.

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

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.

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.

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.

Further, a detailed Joint Committee report dated 01.02.2021 has been submitted to the National Green Tribunal, Chennai, after due inspection of the subjected land that the Hon'ble National Green Tribunal 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 and that regarding agricultural encroachments made in the tank bed lands, 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 Govt. norms in force.

Aggrieved by the above Joint Committee report, the applicant filed an objection petition before the Hon'ble National Green Tribunal, Chennai on 12.02.2021 and the

Hon'ble National Green Tribunal has been pleased to pass orders on 12.02.2021 that the applicant is not entitled to the relief claimed in the application, but the Hon'ble NGT is not expressing any opinion regarding the merits of the proceedings initiated and it is for the authority to consider those things and pass appropriate orders in accordance with law and accordingly the application is dismissed.

1. The applicant has contended in her objection petition, that the team of officials comprising Pollution Control Board, Survey & Land Records, Revenue Divisional Officer, Tekkali, Irrigation Division, Narasannapeta and the Tahsildar, Jalumuru wrongly informed the Committee that, the Matha Manasa Devi Temple was constructed in 0.02 cents instead of 0.70 cents and intentionally they did not mentioned the office of the petitioner in the list of 89 beneficiaries (many of these 89 beneficiaries are fake and also intentionally they did not inform about M/s.Sarat Slippers Industries, Floor Mill etc., which are permitted by the Labour Commissioner, Srikakulam to operating Sy.No.59.

In the Committee report it is specially mentioned that, the Temple is under the occupation of Ac.0.02, out of total extent of Ac.12.75 of Karkala Pond for the last 18 years and there are no mention of office of the petitioner and M/s.Sarat Slippers Industries, Floor Mill etc., and on verification of the ground also, there are no such structures on the subjected land and hence, the objection in this regard is not sustainable.

2. The petitioner has stated that, Gareeb Guide (Voluntary organization) is registered under A.P. Societies Registration Act, 2001 vide No.1122/2007 and this organization is accredited by the Telangana State Legal Services Authority vide No:01/TSLSA/ACRDT/RR/2015, dated: 12.03.2015, approved U/s 80 G(5)(vi) of the Income Tax act 1961 vide F.No.CIT(E)/Hyd/118(12)/80(G)/2014-15, Dated 30.06.2015 and also registered under Foreign Contribution (Regulation) Act, 1976 vide No. 368140007 under social nature.

In this regard, the above details do not confer any right over the subjected land and it is not a conclusive proof that the organization is under continuous occupation in the tank bed land.

3. The Petitioner stated that, she brought the temple i.e., Sri Sri Sri Naga Devatha Manasa Devi Ammavarla Temple at Chindadugam (V), Jalumuru (M), Srikakulam (D) in Sy.No.59 which was constructed in 0.70 cents under the management of the Petitioner and paying the salaries to the staff of the Temple, taking care of maintenance and administration and conducting annual celebrations since 2016 (All evidences will be submitted at the time of hearing, if the Hon'ble Tribunal directs)

As per the local enquiry it is revealed that, there is no such Voluntary Organization paying the salary to the staff of the temple and taking care of the maintenance, administration and conducting annual celebrations, hence, the contention of the petitioner is fabricated and not reliable.

4. The petitioner has stated that, M/s Gareeb Guide (NGO) has spent Rs. 24.43 lakhs for dais, annual celebrations of Sri Mata Mansa Devi Temple, public Toilets, Staff Salaries, Staff Quarters, Temple, Administrative Office, home Kundam, Prasadam Counter, Plantation, Mandapam for Sri Naga Devatha, New Marble Statues, CC cameras, other Misc., constructions etc., between 2016-21 in Sy.No.59. However, Police Bandobust had been providing at Shri Mata Mansa Devi Temple, Chinnadugam (V) on call of M/s Gareeb Guide since 2017.

In this aspect, all the above contents are made for the purpose of filing this objection petition and there are no evidences about spent of such a huge amounts to the temple.

5. The petitioner has stated that, as per the requirements of the Villagers, the petitioner expressed its interest to construct Gareeb Guide Heaven (Old Age Home, orphans Home etc) in the said village near by the temple. If the Respondents allotted 10 acres of land to the Petitioner at the above mentioned place, more than 2,000 citizens will be benefited through its proposed project either directly or indirectly.

In this regard, as per the local enquiry there is no such Voluntary Organization in the village. Moreover, the land in question is classified as tank bed objectionable poramboke and prohibited for alienation, so that, the request of the petitioner for allotment of 10 acres of land in the tank bed area is not feasible as per the Govt. instructions in force.

6. The petitioner has stated that, M/s Gareeb Guide filed an application, dated: 27.12.2017 before the District Collector, Srikakulam as per the procedure in G.O.571, dated: 14.09.2012, Revenue (Assignment-II) Dept and requested him to assign 10 acres of land for the public purpose and for the development of Sri Mata Mansa Devi Temple in Sy.No.59 and collected acknowledgement for the same.
7. The petitioner has also stated that, the District Collector, Srikakulam replied in his proceedings vide No.SR No.42/2020/LC, dt.17.06.2020 as follow:

"In this connection it is to inform you that there are specific instructions from the Government and the Chief Commissioner of Land Administration & Special Chief Secretary about restriction on allotment of water body/tank poramboke lands in his reference No.B1/1543/2012, Dt. 18.03.2013."

"As per para (g) of the above reference, Govt. Memo No.33571/Assn,I(2), Revenue (Assn.I) Dept., Dt.14.09.2012, as per para – 3 (a) (ii) at page No.6 says that, only waste and dry lands should be proposed for alienation and wet, irrigated lands should not normally be considered for such as, tank beds, river beds, hillocks with afforestation etc., shall not be alienated or allotted. Further, as per para 3(c) (viii) at page-8, the ban non change of classification of tank bed lands shall be strictly enforced."

For the objections 6 & 7, as per the existing norms, alienation of tank bed lands is prohibited and hence, it is not feasible to alienate the land, as requested by the petitioner.

8. The petitioner has stated that, as per a leading News Paper, dated: 01.12.2020, the same District Collector of Srikakulam assured Tridandi Chinna Jeeyar Swamy of handing over a site for construction of a Vedic University at Tarlikonda of Kotabommali (M). The Collector said that 209.84 acres of Hill/Government Poramboke in Sy.No.36 (1 to 11, 15) and 1B-1 at Tarlipeta (V), Kotabommali (M) would be physically handed over to the university authorities very soon after a survey.

In this regard, the land proposed for construction of a "Vedic University" at Tarlipeta Village of Kotabommali Mandal is classified as "Konda Poramboke" which is an un-objectionable poramboke, moreover the Govt. Issued orders for allotment of land to the Vedic University.

9. The petitioner has also stated that, the same District Collector of Srikakulam likely to be allotted 17.59 acres of Hill/Government Poramboke land in Sy.No.156 in Kothaddapanasa @ Kotturu (V), Saravakota (M) for the construction/development of Shri Ayyappa Temple. Because, the construction of the said temple has started and 25% is already completed and there is no action by the District Collector.

The contention of the petitioner is not correct, as there is no such proposal in this office.

10. The petitioner has stated that, the Joint Committee did not observe (even under Sumoto) that as per I-B Record the Kakarla pond is extended in 22 acres (Approx) and there are many agricultural encroachments in Sy.No.48 also apart from 12.75 acres in Sy.No.59 and the office of the Petitioner which is in Sy.No.59 is intentionally not included in the list of 89 beneficiaries even though electricity bills, Panchayat House tax etc., are in the name of the petitioner (Many of the 89 beneficiaries are fake/bogus).

The Joint Committee has been appointed for the purpose of verification of ground reality of Sy.No.59 of Chinadugam (V), Jalumuru Mandal, on the application filed by the applicant and hence, there is no need to verify remaining Survey Numbers by the Committee. Hence, the objection in this regard deserves no consideration.

It is pertinent to mention that, the petitioner said to have filed a representation on 27.12.2017 requesting the Chief Commissioner of Land Administration, A.P., Vijayawada and the District Collector, Srikakulam to allot an extent of Ac.10.00 in Sy.No.59 classified "Kakarla Pond", which is an objectionable tank poramboke of Chinagudam Village, Jalumuru Mandal in Srikakulam District.

It is an irony that is under the disguise of protecting the tank from encroachment, the applicant raised before the esteemed Hon'ble National Green Tribunal which has been mandated with a noble task of protecting our environment for our future generations.

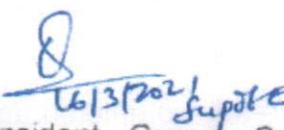
Thus, the applicant has the courage to seek the Hon'ble National Green Tribunal's help in destroying ecosystem further of the Kakarla Pond by asking for the allotment of land is appalling. It is clearly wasting the precious time of the Hon'ble National Green Tribunal and misguiding through continuous propaganda of tank protection, while actually aiming tank destruction.

In view of the circumstances explained above, the objection petition filed by the petitioner deserves no consideration and liable for dismissal. Accordingly, the objection petition is hereby dismissed.

 16/3/21

Collector, Srikakulam.

To

 16/3/2021
Ms. G. Bhargavi, President, Gareeb Guide (NGO), 7.41, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad (ByRPAD).

Copy submitted to the Hon'ble National Green Tribunal at Chennai through the Standing Counsel for the Hon'ble National Green Tribunal.

Copy to the Standing Counsel for the Hon'ble National Green Tribunal at Chennai for information and necessary action. She has also requested to serve the above orders on the petitioner and file the same before the Hon'ble NGT, Chennai.

Copy to Dr.R. Sridar, Scientist "C", Regional Office, Ministry of Environment, Forests and Climate Change, 1st & 2nd Floor, HEPC building, No.34, Cathedral Garden Road, Nungambakkam, Chennai-600 034 (E-mail: sridhar.79@gov.in)

Copy to the Sub Collector, Tekkali for information.

Copy to the Tahsildar, Jalumuru for information.

**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: 05.07.2022



(Dr. Suresh Babu Pasupuleti)
Scientist ‘D’

Ministry of Environment, Forest and Climate Change,
Integrated Regional Office, Vijayawada

Report of the Joint Committee in the matter of Original Application No. 92 of 2020 (SZ) & I.A. No. 90 of 2022 (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 12.11.2021 and 24.05.2022.

1. Preamble

The Gareeb Guide (NGO) filled an application regarding unauthorised encroachment into "Kakarla Pond" in Sy. No. 59 in Chinnadugam Village in Jalumuru Mandal of Srikakulam District (D) in the State of Andhra Pradesh. The Hon'ble NGT, Southern Bench, Chennai in the matter of Original Application No. 92 of 2020 (SZ) & I.A. No. 45 of 2020 (SZ) vide order dated 02.07.2020 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.

In view of the above, the joint committee consists of the following members:

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

The Joint Committee inspected the site Kakarla Pond in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal on 20.01.2021 and submitted the Joint Committee report in front of Hon'ble NGT, Southern Bench, Chennai on 01.02.2021 (Copy Enclosed as **Annexure – I**)

In response to the Joint Committee report, the petitioner has filed objections vide affidavit dated 12.11.2021. The Hon'ble NGT vide Order dated 12.11.2021 (Copy Enclosed as **Annexure – II**) and 24.05.2022 (Copy Enclosed as **Annexure – III**) has issued the following directions:

“ 9. The District Collector, Srikakulam District and the Joint Committee are directed to file the further action taken reports as directed by this Tribunal as per order dated 12.11.2021 on or before 07.07.2022 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.”

In this regard, the Ministry of Environment, Forest and Climate Change (MoEF&CC), Integrated Regional Office (IRO), Vijayawada vide letters dated 15.06.2022, 23.06.2022 and 04.07.2022 has requested the Lake Protection Committee, Hyderabad for nomination of a senior officer for the Joint Committee and filing of action taken report against objections raised by the petitioner. The Lake Protection Committee (Hyderabad) so far, has not nominated any senior officer from their Office.

As the Ministry of Environment, Forest and Climate Change vide Gazette of India Notification No. 1-5/2013-ROHQ dated 13.08.2020 has established the Integrated Regional Office (IRO), Vijayawada with the jurisdiction of Andhra Pradesh State, it is humbly submitted that the following Joint Committee is submitting the Action Taken Report against the objections raised by the Petitioner:

1. Shri Shrikesh B Lathkar, I.A.S., District Collector, Srikakulam District.
2. Dr.Suresh Babu Pasupuleti, Scientist 'D', MoEF&CC, Integrated Regional Office, Vijayawada.
3. Senior Officer of Lake Protection Committee, Hyderabad (Nomination of senior officer has not received)

2. Action Taken by the Joint Committee

- i. The Petitioner i.e. Gareeb Guide (Voluntary organization) is registered under A.P. Societies Registration Act, 2001 vide No: 1122/2007. This organization is accredited by the Telangana State Legal Services Authority vide No: 01/ TSLSA /ACRDT /RR / 2015, Dated: 12.03.2015, approved U/s 80 G (5)(vi) of the Income Tax act 1961 vide F.No: CIT(E)/Hyd/118(12)/80(G)/2014-15, Dated: 30.06.2015 and also registered under Foreign Contribution (Regulation) Act, 1976 vide No: 368140007 under social nature. (Registration Certificate enclosed, other documents will also be submitted if the Hon'ble NGT directs)
- ii. In the last week of September 2016, the then Panchayat Secretary named Mr N Mohana Rao approached the management of M/s Gareeb Guide (NGO) and he informed the following to its management that –
 - A. He constructed a holy temple of Sri Naga Devatha in Sy. No 59 of Chinnadugam (V), Jalumuru (M), Srikakulam (D) and consecration ceremony for the holy idol was held on 05.05.2003 as well as he has constructed a house for the utilization of temple administration.
 - B. But, due to his ill health as well as he has no children, it become very difficult to him to take care of the maintenance of the said temple
 - C. He further said that he is willing to handover the said temple and the said house to the management of M/s Gareeb Guide (NGO).
- iii. The Management of M/s Gareeb Guide informed him that the legal head of M/s Gareeb Guide will visit the temple premises immediately and then the management of M/s Gareeb Guide will take a decision.
- iv. On 30.09.2016 & 01.10.2016, the Legal Team of M/s Gareeb Guide visited the Temple Premises in Sy No. 59 of Chinnadugam (V), Jalumuru (M), Srikakulam (D) as well as enquired with the then local officer local elders etc along with founder of the said temple Sri N Mohana Rao.
- v. As per the said local revenue officers, house site pattas were issued to many people including Sri N Mohana Rao in Sy No. 59 of Chinnadugam (V), Jalumuru (M), Srikakulam (D) in 1988. However, the said local revenue officers further informed that many of the houses were constructed 25 years back and MPPE School was constructed 25 years back as well as Sri Naga Devatha Temple and the said house was constructed by Sri N Mohana Rao 18 years back in Sy No. 59 of Chinnadugam (V), Jalumuru (M), Srikakulam (D).

- vi. On 01.10.2016, Sri N Maohana Rao handed over the said temple and the said house in Sy. No 59 of Chinnadugam (V), Jalumuru (M), Srikakulam (D) to the management of M/s Gareeb Guide through the will, dated: 01.10.2016 in the presence of witness. *(Copy of will, dated: 01.10.2016 will be submitted if the Hon'ble NGT directs)*
- vii. Unfortunately, Sri N Mohana Rao died with ill health on 24.10.2016.
- viii. Then the management of M/s Gareeb Guide brought the said temple under its management immediately as per the said will, dated: 01.10.2016 and had been paying the salaries to the staff of the temple, taking care of maintenance and administration, and conducting annual celebrations since 2016-17 (Electricity Bills in the name of Gareeb Guide, Bank Statements of Gareeb Guide enclosed, and more evidence will be submitted, if the Hon'ble Tribunal directs)

Reply to Paras:i- viii:

In reply to the objections at paras i to viii, it is respectfully submitted that, these paras relates to the personal topics of the Applicant herein. Hence, no remarks.

- ix. In the month of Oct' 2017, the local revenue authorities brought it to the notice of the management of M/s Gareeb Guide through its representative that the Govt of AP is willing to allot land for the public purpose to the NGOs in view of G.O.571, dated: 14.09.2012.
- x. Hence M/s Gareeb Guide filed an application, dated: 27.12.2017 as per the procedure in G.O 571, dated: 14.09.2012 seeking allotment of 10 acres to construct Gareeb Guide Heaven in the interest of public and collected acknowledgement for the same.

Reply to Paras: ix - x:

In reply to the objections at paras ix - x, it is respectfully submitted that, the Applicant herein has requested to alienate the land to an extent of Ac.10.00 in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District which is classified as "Kakarla Pond". But, the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 says that, environmentally sensitive and fragile areas such as, tank beds, river beds, hillocks with aforestation etc., shall not be alienated or allotted. Hence, the allegations are not correct.

- xi. The Govt of AP allotted 11 acres to NandamuriBasavaTarakam Foundation, 12.5 Acres to LV Prasad Hospital, 20 acres to BR Ambedkar SmrithiVanam, 40 acres to KIMS Hospital, 30 acres to Xaviewrs School, 12 acres to Gopiochand academy since 2017 but did not take any decision on the application, dated: 27.12.2017 filed by the Gareeb Guide (NGO).

Reply to Para: xi:

In reply to the objection at Para xi, it is respectfully submitted that, the Govt.of A.P. might have been alienated the above mentioned lands in unobjectionable poramboke lands, whereas, in this case, the Gareeb Guide (NGO) i.e., the applicant herein has

requested to alienate the land in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District which is classified as "Kakarla Ponda" and an objectionable land for alienation. If the applicant choose any unobjectionable land at anywhere in Srikakulam District, the administration shall examine with reference to the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 and submit the proposals to the Government for consideration. Hence, the allegations are not maintainable.

- xii. M/s Gareeb Guide (NGO) has spent Rs 24.43 lakhs for dais, annual celebrations of Sri Mata Mansa Devi Temple, Public Toilets, Staff Salaries, Staff Quarters, Temple, Administrative Office, HomaKundam, Prasadam Counter, Plantation, Mandapam for Sri Naga Devatha, New Marble Statues, CC cameras, Other Misc constructions etc between 2016-20 in Sy. No. 59. However, Police Bandhouast had been providing at Shri Mata Mansa Devi Temple, Chinnadugam (V) on call of M/s Gareeb Guide since 2017. (Mee Seva Receipts etc enclosed)

Reply to Para: xii:

In reply to objection at Para xii, It is respectfully submitted that, this para relates to the personal topics of the Applicant herein. Hence, no remarks.

- xiii. However, M/s Gareeb Guide (NGO) paid House Tax to the Panchayat Secretary of Chinnadugam (P) vide Receipt No. 88, dated: 02.03.2020 for the year 2020 and vide Receipt No. 38, dated: 31.03.2021 for the year 2021. But, intentionally not included in the list of beneficiaries in the final report, dated: 01.02.2021.
- xiv. The Local Revenue Officer informed the management of M/s Gareeb Guide through its representative that allotment of land shall be possible only on payment of bribe to the higher officials of Srikakulam District. But, the management of M/s Gareeb Guide refused to do so.

Reply to Paras: xiii & xiv:

In reply to the objections at Paras xiii & xiv, it is respectfully submitted that, the allegations are baseless and the petitioner should have to put strict proof of his allegations against the revenue officials.

- xv. M/s Gareeb Guide filed WP vide 8493 of 2020 before the Hon'ble High Court with the following Main Prayer –

It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos 4 & 5 in not allotting land to the Petitioner for public purpose as illegal, arbitrary, violation of GO Ms 571, dated: 14.09.2012, Revenue (Assignments-I) Dept and this Hon'ble High Court order, dated: 21.01.2014 passed in WP 31764 of 2013 and article 21 of Constitution of India and pass such other order or orders may deem fit and

proper in the circumstances of the case

However, with the following interim Prayer –

Pending disposal of the above writ petition, it is also just and necessary that this Hon'ble Court may be pleased to direct the Respondent No 5 to allow the petitioner for temporary constructions for public purpose in the said premises until further orders of this Hon'ble Court and pass such other order or orders may deem fit and proper in the circumstances of the case.

- xvi. The Hon'ble High Court passed the interim order, dated: 07.05.2020 to get the instructions from the government as well as recorded in its order that learned counsel for the Petitioner further submits that in the event of the concerned authorities are not inclined to grant assignment in terms of GO 571, they would remove the temporary structures immediately without making any claim, what so ever, after the purpose of providing service to the needy people in the light of the pandemic situation is accomplished. (Copy of Order, dated: 07.05.2020 is enclosed)

Reply to Paras: xv& xvi:

In reply to the objections at Paras xv & xvi, it is respectfully submitted that, in compliance to the orders of the Hon'ble High Court and Hon'ble NGT, the occupations by way of agricultural encroachments have been got evicted from the scheduled land and a caution board stating that the land belongs to Govt. and the occupants are liable for punishment has also been erected on the said land. Further, there are 89 age old residential houses of BPL category people, one MPP School, Rythu Bharosa Kendram (Panchayat Office), CC road from Narasannapeta-Pathapatnam road to Chinadugam Village, Field channel, Nagadevata temple etc., are existing in the scheduled land and hence, the Govt. through the Chief Commissioner of Land Administration, Mangalagiri has requested to examine the present ground reality and to issue suitable instructions to proceed further in this matter. (copy enclosed as Annexure - IV).

- xvii. Then the local revenue officer i.e Tahsildar submitted his report vide RC No. 197/2020, dated: 07.05.2020 (Copy of Report enclosed) as that presently, there is no tank in Sy. No. 59. Details are as follow:

Total Land in Sy. No. 59 which is classified as Tank Poramboke (In Acres)	12.75
SriSriNagadevatha Temple constructed 15 Yrs ago (In Acres)	0.40
Govt School (In Acres)	0.30
Gram Panchayat Office (In Acres)	0.10
Houses for Poor constructed by Govt (In Acres)	6.05
Grabbed for shops (In Acres)	0.50
Grabbed by Others for unauthorized cultivation (In Acres)	5.40
Total (In Acres)	12.75

- xviii. The District Collector, Srikakulam submitted the following before the Hon'ble High Court in WP 8493 of 2020 in his instructions vide Rc No. 943/2020-E-1, dated: 13.05.2020:
- A. The matter has got enquired by the Tahsildar, Jalumuru and it is revealed that the land requested by the Petitioner is Kakarla Pond in Sy No. 59 which is classified as Tank Poramboke of Chinnadugam (V) in Jalumuru (M), Srikakulam (D) which is prohibited for assignment / alienation as rules in force.
- B. In this connection it is to inform you that there are specific instructions from the Government and the Chief Commissioner of Land Administration & Special Chief Secretary about restriction on allotment of water body/ tank poramboke lands in his reference No. B1/1543/2012, Dt: 18.03.2013.
- C. As per para (g) of the above reference, Govt. Memo No. 33571/Assn,I(2), Revenue (Assn.I) Dept., Dt: 14.09.2012, as per para - 3(a) (ii) at page No.6 says that, only waste and dry lands should be proposed for alienation and wet, irrigated lands should not normally be considered for such as, tank beds, river beds, hillocks with afforestation etc., shall not be alienated or allotted. Further, as per para 3(c)(viii) at page-8, the ban non change of classification of tank bed lands shall be strictly enforced.
- xix. Hence, M/s Gareeb Guide filed OA 92 of 2020 before the Hon'ble NGT on 25.06.2020 even though M/s Gareeb Guide (NGO) has spent Rs 24.43 lakhs for various activities in Sy. No. 59 of Chinnadugam (V) and Hon'ble NGT appointed the Joint Committee to file the Final Report.
- xx. All the members have not inspected the area and only one of the members has inspected the area and other(s) have clandestinely signed the final report and submitted the final report, dated: 01.02.2021 before the Hon'ble NGT.

Reply to Paras: xvii- xx:

In reply to the objections at Para Nos.xvii to xx, it is respectfully submitted that, as per the orders dated 02.07.2020 in O.A.No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ), among the 3 Joint Committee Members, one Dr.R. Sridhar, Scientist 'D', MoEF&CC, Regional Officer, Chennai and the Executive Engineer, A.P.Pollution Board, Regional Office, Srikakulam on behalf of the District Collector, Srikakulam have jointly inspected the scheduled land with the local revenue officials on 20.01.2021 and submitted the detailed Joint Inspection report on 01.02.2021 in front of Hon'ble National Green Tribunal, Chennai.

- xxi. On one hand –
- A. The District Collector, Srikakulam in his proceedings vide Rc No. 1035/2020/E4, dated: 28.05.2020 directed the Tahsildar, Jalumuru to take necessary action for eviction of encroachments in Sy. No. 59 of Chinnadugam (V), Jalumuru (M),

Srikakulam (D) and issued a memo to the VRO concerned for his failure in preventing the encroachments. (Copy of Proceedings enclosed)

- B. The District Collector, Srikakulam in his proceedings vide Rc No. 943/2020/E3, dated: 21.01.2021 directed the Tahsildar, Jalumuru to take necessary action for eviction of encroachments in Sy. No. 59 of Chinnadugam (V), Jalumuru (M), Srikakulam (D) and to submit the same to Hon'ble NGT. (Copy enclosed)

Reply to Paras: xxi A & B:

In reply to the objections at Paras xxi A & B, it is respectfully submitted that, as per the directions of the District Administration, the Tahsildar, Jalumuru has carried out the eviction of encroachments which are made by way of agricultural fields in Sy.No.59 of Chinadugam Village, Jalumuru Mandal, Srikakulam District, except the other age old buildings/structures, which needs specific orders from the Govt. The Govt.has also been requested to examine matter and to issue suitable instructions in the matter in order to avoid law and order problem.

xxii. On the other hand –

- A. As per a leading News Paper, dated: 01.12.2020, the same District Collector of Srikakulam assured TridandiChinnaJeeyar Swamy of handing over a site for construction of a Vedic university at Tarlikonda of Kotabommali (M). The Collector said that 209.84 acres of Hill/Government Poramboke in Sy. No. 36 (1 to 11, 15) and 1B-1 at Tarlipeta (V)), Kotabommali (M) would be physically handed over to the university authorities very soon after a survey.

Reply to Paras: xxii A:

In reply to the objections at Para xxii A, it is respectfully submitted that, the Government of Andhra Pradesh vide G.O.Ms.No.446 Revenue (Assignment-I) Department, Dt.14.10.2016 has alienated an extent of Ac.209.84 in Sy.No.36/1 which is classified as “Konda Poramboke” in Tarlipeta Village, Kotabommali Mandal, Srikakulam District in favour of “Srimath Ubhaya Vedantacharya Peetham” for establishment of “Vedic University” on payment of market value, since the land in question is an unobjectionable poramboke.

- B. However, the same District Collector of Srikakulam likely to be allotted 17.59 acres of Hill/Government Poramboke land in Sy. No. 156 in Kothaddapanasa @ Kotturu (V), Saravakota (M) for the construction/development of Shri Ayyappa Temple. Because, the construction of the said temple has started and 25% is already completed and there is no action by the District Collector.

Reply to Paras: xxii A:

In reply to the objections at Para xxii B, it is respectfully submitted that, no land was allotted for construction of Shri Ayyappa Temple in Kothaddapanasa @ Kotturu (V), Saravakota Mandal, Srikakulam District, hence the allegations are baseless.

- xxiii. However, the District collector in his proceedings vide RC No. 943/2020-E3, dated: 16.03.2021 defamed M/s Gareeb Guide (NGO). However, he did not look into the facts and did not conduct proper enquiry and did not apply his mind as well as did not follow the procedure as per the law. (Copy of the Proceedings enclosed)
- xxiv. Even at the above circumstances, the same District Collector sanctioned compound wall for MPPE School etc in Sy No. 59 of Chinnadugam (V) on 13.08.2020 and the construction work started and completed in December' 2020 (Sanction order enclosed). Due to his action is willful disobedience of Order of Hon'ble NGT, M/s Gareeb Guide issued notice, dated: 21.05.2021 before filing contempt to him through its counsel. (Copy of the Notice enclosed).

Reply to Paras: xxiii & xxiv:

In reply to the objections at Paras xxiii & xxiv, it is respectfully submitted that, the District Administration submitted that, even now itself, it is open to the applicant to file a requisition for alienation of un-objectionable Govt.land at anywhere in Srikakulam District for the purpose of which they are intended to, will be examined as per the G.O.Ms.No.571 Revenue (Assignment-I) Department, Dt.14.09.2012.

3. Prayer

It is respectfully submitted that, the District Administration has taken necessary action for eviction of agricultural encroachments made in the tank and in process of taking necessary action against permanent structures as per the Government norms in force. It is humbly requested that the Hon'ble NGT may consider the present status of the pond and kindly issue necessary instructions.



Dr. Suresh Babu Pasupuleti,
Scientist 'D',
MoEF&CC, Integrated Regional
Office, Vijayawada.



Shri Shrikesh B Lathkar, I.A.S.,
District Collector,
Srikakulam District.

Senior Officer of Lake Protection
Committee, Hyderabad
(Nomination of senior officer has
not received)

Rc.No.204/2020/A/dt.02.07.2022.

From
Sri B.Satyam, M.A.
Tahsildar,
Jalumuru Mandal.

Tahsildar's Office, Jalumuru Mandal
To
The District Collector,
Srikakulam.

Sir,

Sub:- Encroachment Eviction - Srikakulam District & Division - Jalumuru Mandal
- Chinadhugam(V) – Complaint filed by Sri Dr.D.V.Rao Advocate ,Superme
Court of India resident of Hyderabad – Sri G.Kumari, Anganwadi Worker-
Illegally Doing Construction In Kakarlavani Tank -- Enquiry report -
Submitted – Regarding.



- Ref:-1) Petition Received from Sri Dr.D.V.Rao Advocate ,Superme Court of India
resident of Hyderabad
2) The Village Revenue Officer, Chinadhugam Enquiry Report,Dt:Nil
3) The Mandal Revenue Inspector-I, Jalumuru Enquiry Report,Dt:Nil
4) The Mandal Surveyour Report,Dt:Nil

I invite kind attention to the references cited.

In the reference 1st cited, Sri Dr.D.V.Rao Advocate ,Hon'ble Superme Court of India
resident of Hyderabad was filed the petition against the Smt G.Kumari, Anganwadi Worker
has illegally constructed the Compound wall in Water Tank covered in Sy.No.59,
Chinnadhugam Revenue Village, Jalumuru Mandal.

I submitted that, the Complainant Petition has got enquired by the Mandal Surveyor,
Mandal Revenue Inspector-1 and concerned Village Revenue Officer, Chinadhugam village
and reveals that the land situated in Sy.No.59 which is classified as tank poramboke and
locally called as Kakarlavani Cheruvu as per village revenue records out of an extent of
Ac.12.75 cents.I further submit that Smt G.Kumari, Anganwadi Worker resident of
chinnadhugam village has constructed the Compound wall in Water Tank covered in
Sy.No.59.Therefore the above illegally constructed compound wall was removed by using
JCB and no one should encroached the said land and if any deviation found in this matter will
be punishable. Therefore the present ground status is a vacant land.

This is submitted for kind information and takes further action in this matter.

Yours faithfully,

[Signature]
TAHSILDAR
Jalumuru Mandal
Srikakulam Dist.

Copy submitted to the Revenue Divisional Officer, Srikakulam for favour of information.

Rc.No.943/2020-E3, Dt.07.07.2022.Collector's Office, Srikakulam.

From
Sri Shrikesh Lathkar, I.A.S.,
District Collector,
Srikakulam.

To
The Principal Secretary to Government,
Revenue Department,
A.P.Secretariat, Velagapudi, Amaravathi,
Guntur District.

(Through the Chief Commissioner of Land Administration, A.P., Mangalagiri)

Madam,

Sub:- Suits – Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (Voluntary Organization) Rep.by its President Ms. G. Bhargavi, Bahar, Sahara States, LB Nagar, Hyderabad, in the Hon'ble National Green Tribunal, Sitting at Chennai – Instructions sought for – Request – Reg.

- Ref:- 1 W.P.No.8493/2020 filed by Gareeb Guide (Voluntary Organization) accredited by the Telangana State Legal Services Authority vide No. 01/TLSA/ACRDT/RR/2015, Dated 12.03.2015 Rep.by its President Ms. G. Bhargavi, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad in the Hon'ble High Court of A.P. at Amaravathi.
- 2 This office Rc.No.943/2020-E1, Dt.07.05.2020.
- 3 Hon'ble High Court orders dated 07.05.2020 in IA No.1/2020 in W.P.No. 8493/2020.
- 4 This office Rc.No.943/2020-E1, Dt.13.05.2020.
- 5 This office Rc.No.943/2020-E1, Dt.18.05.2020.
- 6 Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (NGO) Rep.by its President Ms. G. Bhargavi, Hyderabad before the Hon'ble NGT, Sitting at Chennai.
- 7 This office brief instructions / facts in Rc.No.943/2020-E1, Dt.01.07.2020 sent to the Government Pleader, NGT, Chennai.
- 8 Orders dated 02.07.2020 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 9 EP/12.7/NGT(SZ)/26/2020/AP, Dt.13.07.2020 of the Deputy Director General of Forests (C), Ministry of Environment, Forests and Climate Change, Regional Office (South Easterns Zone), Chennai.
- 10 This office Progs. Rc.No.943/2020-E3, Dt.31.07.2020.
- 11 Rc.No.636/2020/A/Dt.12.09.2020 of the Joint Inspection Committee.
- 12 Rc.No.636/2020/A/Dt.12.09.2020 of the Joint Inspection Committee (revised report received in office on 05.10.2020).
- 13 Orders dated 04.01.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 14 Joint Inspection Report received on 28.01.2021 from Dr.R.Sridhar, Nodal Officer.
- 15 Objections dated 12.02.2021 filed the Gareeb Guide (NGO) Rep.its Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad.
- 16 Orders dated 12.02.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.15 of 2021 (SZ) & I.A.No.16 of 2021 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 17 This office Progs.Rc.No.943/2020-E3, Dt.16.03.2021.
- 18 Orders dated 12.11.2021 in Original Application No.92 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 19 Fresh objections dt.13.11.2021 filed by the Applicant on the direction dt.12.11.2021 of Hon'ble Tribunal in O.A.92 of 2020.
- 20 Orders dated 24.05.2022 in Original Application No.92 of 2020 (SZ) & I.A.No.90 of 2022 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 21 Memo.No.1357/Section.II/2022(1747726), Environment, Forest, Science and Technology (Section-II) Department, Dt.08.06.2022.

I invite kind attention to the references cited.

It is submitted that, M/s. Gareeb Guide (Voluntary Organization) Rep.by its President Ms. G. Bhargavi, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad stated that, the Organization has filed a representation dt.26.12.2017 to the Chief Commissioner of Land Administration, Vijayawada and the District Collector, Srikakulam (the said representation was not received in this office) requesting to alienate the land to an extent of Ac.10.00 in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) for construction of Gareeb Guide's Heaven (Old age home & orphans home) for public purpose at Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) as per the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012.

In this connection, it is submitted that, the land applied for in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) is classified as "Kakarla Pond" i.e., an objectionable Govt. Poramboke, which cannot be alienated or allotted to anybody, as per the orders of the Hon'ble Courts and as well as instructions of the Govt.

Aggrieved by the above, the applicant has filed a W.P.No. 8493/2020 in the Hon'ble High Court of A.P. at Amaravathi, impleading the following as Respondents and prayed the Hon'ble Court to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.4 & 5 is not allotting land to the petitioner for public purpose as illegal, arbitrary, violation of G.O.Ms.No.571, dated 14.09.2012, Revenue (Assignments-I) Dept., and this Hon'ble Court order dated 21.01.2014 passed in W.P.No.31764 of 2013 and article 21 of Constitution of India and pass such other order or orders may deem fit and proper in the circumstances of the case and also prayed the Hon'ble Court that pending disposal of the above Writ Petition, it is also just and necessary that this Hon'ble Court may be pleased to direct the Respondent No.5 to allow the Petitioner for temporary constructions for public purpose in the said premises until further orders of this Hon'ble Court and pass such other order or orders may deem fit and proper in the circumstances of the case.

1. Union of India Rep.by Prl.Secretary, Ministry of Home Affairs, New Delhi.
2. State of Andhra Pradesh Rep.by its Chief Secretary to Govt., Department of General Administration, Secretariat, Amaravathi.
3. Government of Andhra Pradesh, Rep.by its Prl.Secretary to Govt., Dept of Revenue, Secretariat, Amaravathi.
4. The Chief Commissioner of Land Administration (APLMA), D.No.22-19, Floor-II, Block-A, Jasthi Tower, Saipuram Colony Road, Gollapudi, Vijayawada.
5. Collector, Srikakulam District, Srikakulam.

In this connection, it is submitted that, fair counter affidavits have been submitted to the Hon'ble High Court of A.P. at Amaravathi, in the above Writ Petition and the case is still pending for adjudication.

As the matter stood thus, the same petitioner has filed Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) in the Hon'ble National Green Tribunal, Southern Zone, Chennai impleading the Chief Secretary to Govt, AP Secretariat and the District Collector, Srikakulam as the Respondents 1 and 2 respectively, challenging the action by Respondent No.2 in acting in the interest of grabbers by allowing constructions like School, Panchayat Office, Temporary houses, unauthorized cultivation etc., in "Kakarla Pond" in Sy.No.59 in Chinnadugam (V) in Srikakulam District in the State of Andhra Pradesh as adversely affecting the ecosystem and the overall ecology of the area and thus there is substantial question relating to environment, where the community at large is affected by the environmental consequences and it is a continuing violation of the provisions of enactment specified in Schedule 1 of the National Green Tribunal Act, 2010.

In this connection, the Hon'ble National Green Tribunal, South Zone, Chennai has appointed a Joint Committee comprising 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.

It is also submitted that, among the 3 Joint Committee Members, one Dr.R. Sridhar, Scientist 'D', MoEF&CC, Regional Officer, Chennai and the Executive Engineer, A.P.Pollution Board, Regional Office, Srikakulam on behalf of the District Collector, Srikakulam have jointly inspected the scheduled land with the local revenue officials on 20.01.2021 and submitted the detailed Joint Inspection report to the Hon'ble National Green Tribunal for kind perusal.

It is also submitted that, as per the revenue records, the Survey Number 59 covering an extent of Ac.12.75 is classified as tank poramboke namely "Kakarla Pond" (Abandoned tank) and the present ground reality of the Survey Number 59 is detailed below:

Sl. No.	Nature of construction/structure	Extent covered (in Acs.)	Duration of occupation/ construction	Remarks
1	MPP School	0.12	27 years	
2	Panchayat Office (Now converted as Ryothu Bharosa Kendram)	0.05	10 years	
3	Covered by houses constructed by 89 BPL families	4.02	27 years	
4	Black top road formed from Narasannapeta-Pathapatnam road to Chinnadugam Village	0.55	32 years	
5	Field Channel	0.44	42 years	
6	Occupations by 40 individuals for agricultural operations	7.24	17-32 years	Evictions carried out recently
7	Vacant land for Sri Laxmi Narasimha Swamy Yatra purpose	0.44	42 years	
8	Stage for Sri Laxmi Narasimha Swamy yatra	0.01	42 years	
9	Nagadeveta Temple	0.02	20 years	
	Total	12.75		

It is further submitted that, the encroachments to an extent of Ac.7.68 (i.e., Sl.No.6 & 7 of the above table) covered by agricultural fields, have been evicted recently and a caution board stating that the land belongs to Government and the tress passers are punishable under law, has been erected on the land. In the remaining land, there are age old permanent structures by way of dwelling houses of 89 BPL families, one MPP School, RBK etc., existed in the remaining extent of Ac.5.07 in the abandoned tank "Kakarla pond" of Chinnadugam Village, Jalumuru Mandal, Srikakulam District.

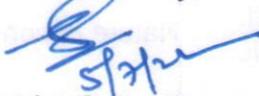
It is submitted that, on the series of complaints filed by the above organization, so far, the occupations for an extent of Ac.7.68, which are feasible for eviction have been get evicted and the age old structures were not evicted so far on the reason to avoid law and order problem. The Hon'ble National Green Tribunal, Chennai is asking to submit further report on each of the objection filed by the organization about the occupations/remaining structures in the tank bed land.

Reports of Joint Committee which are submitted to the Hon'ble National Green Tribunal, Chennai are enclosed for kind perusal.

In view of the circumstances explained above, it is requested that, necessary instructions may be issued regarding the age old permanent constructions i.e., MPP School, Ryothu Bharosa Kendram, Houses of 89 BPL families, Black top road to Chinnadugam Village, Field channel, one stage and Nagadevata temple which are existing from long back in the scheduled land, at an early date.

Copies of interim orders passed by the Hon'ble National Green Tribunal in the references 8th, 13th, 16th, 18th and 20th cited are enclosed for kind perusal and further instructions in this matter.

Yours faithfully,


District Collector,
Srikakulam.

Copy to the Principal Secretary to Government, Revenue Department, A.P.Secretariat, Velagapudi, Amaravathi, Guntur District.