

**BEFORE THE NATIONAL GREEN TRIBUNAL, SITTING
AT CHENNAI**

ORIGINAL APPLICATION NO. 92 OF 2020

(Under Section 18(1) r/w Section 19(1) of the National
Green Tribunal Act, 2010)

IN THE MATTER OF:

Gareeb Guide (NGO) Rep. by its President, 7/41, Bahar,
Sahara States, Mansoorabad, Hyderabad-500068, Phone:
8688122222, E-Mail: gareebguide@gmail.co,

.....APPLICANT

VERSUS

1. State of Andhra Pradesh Rep. by its Chief Secretary to
Govt, Department of General Administration, Building No.
1, I Floor, Interim Government Complex, Secretariat,
Velagapudi, Guntur, Andhra Pradesh. Phone: N.A., E-
Mail: cs@ap.gov.in

2. Collector, Srikakulam District, O/O Collectorate,
Srikakulam. Phone: 08942-222565, E-Mail:
Collector.sklm@gmail.com

.....RESPONDENTS

THE OBJECTIONS OF THE APPLICANT AGAINST THE
REPORT OF JOINT COMMITTEE, DATED: 01.02.2021

MOST RESPECTFULLY SHOWETH:

1. It is respectfully submitted that as per the report vide
RC No. 197/2020, dated: 07.05.2020 of Tahasildar,
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
Sri Sri Nagadevatha 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

2. As per the Joint Committee Report, dated: 01.02.2021:

- i. 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.
- ii. The team of officials comprising from Pollution Control Board, Survey & Land Records, Revenue Divisional Officer (Tekkali), Irrigation Division (Narasannapeta) and Tahsildar, Jalumuru were 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.

iii. 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.

iv. The Recommendations/Observations of the Joint Committee in its Final Report, dated: 01.02.2021 is as follow:

“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”.

3. The team of officials comprising from Pollution Control Board, Survey & Land Records, Revenue Divisional Officer (Tekkali), Irrigation Division (Narasannapeta) and Tahsildar, Jalumuru were wrongly informed to the Committee that Sri Mata Mansa Devi Temple was constructed in 0.02 cents instead of 0.70 cents.

4. 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/TLSA/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.

5. The Petitioner 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)
6. 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, Homa 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 Bandhouast had been providing at Shri Mata Mansa Devi Temple, Chinnadugam (V) on call of M/s Gareeb Guide since 2017.
7. 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.
8. 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.
9. But, 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.”

10. As per a leading News Paper, dated: 01.12.2020 etc, 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 (including 29.82 Acres of land in Sy. No. 1B-1 at Tarlipeta (V)) would be physically handed over to the university authorities very soon after a survey.

11. However, the same District Collector of Srikakulam 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.

12. The Joint Committee did not observe (under Sumoto) that as per I-B Record the Kakarla Pond is extended as 22 acres in Sy. No. 48 apart from 12.75 acres in Sy. No. 59.

Hence, the Recommendations/Observations of the Joint Committee in its Final Report, dated: 01.02.2021 are illegal, irresponsible, partial, and unfair and with an intention of not to allot 10 acres of land to the Petitioner for the public purpose etc

In view of the above facts, pending action taken before 17.03.2021 by the Respondents based on the illegal, unfair, partial final Report, dated: 01.02.2021 of the Joint Committee which is prepared with an intention of not to

allot 10 acres of land to the Petitioner for the public purpose etc, the Hon'ble Tribunal may be pleased to take up this matter immediately (as per the immediate convenience date of the Hon'ble Tribunal) to submit more objections/other grounds (if any) against the final Report, dated: 01.02.2021 of the Joint Committee at the time of hearing.

a. Pass any such other or further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

For GAREEB GUIDE
G. Bhargavi
President

APPLICANT

VERIFICATION

I Bhargavi Gundeti, President, Gareeb Guide (NGO), 7/41, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad-500068 do hereby verify that the contents of paras 1 to 9 believe to be true on legal advice and that I have not suppressed any material fact.

Date: 03.02.2021

Place: Hyderabad



CDR DV (Kao)

For GAREEB GUIDE
G. Bhargavi
President

APPLICANT