

AS PER THE DIRECTION, DATED: 14.07.2022 PASSED BY THE HON'BLE NGT(SZ) CHENNAI IN O.A.No. 92 of 2020, THE DETAILED COMPLIANCE REPORT IS SUBMITTED ON THE FOLLOWING FRESH OBJECTIONS, DATED: 26.07.2022 FILED BY THE APPLICANT

MOST RESPECTFULLY SHOWETH AS FOLLOW:

It is respectfully submitted that, the contention of the Applicant is:

(A) On one hand it was mentioned in the said reports 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, riverbeds, hillocks with afforestation etc., shall not alienated or allotted.

On the other hand

- (i) 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 Chinnadugam Village, Field Channel, Nagadevata temple etc., are existing in the scheduled land.
- (ii) The District Collector, Srikakulam 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.

Paras (A) i & ii : In reply to the objections at Paras (A) i & ii, 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" and it is an objectionable tank poramboke. 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 afforestation etc., shall not be alienated or allotted.

Regarding the age old constructions existing in an extent of Ac.5.07 (out of the total extent of Ac.12.75) in Sy.No.59 classified as "Kakarla Pond", it is respectfully submitted that, the Govt. through the Chief Commissioner of Land Administration, Mangaligi has been requested vide in this office Rc.No.943/2020-E3, Dt.05.07.2022 to examine the present ground reality and to issue suitable instructions to proceed further in this matter, in order to avoid law and order problem.

Regarding construction of compound wall to MPPE School, Chinnadugam Village, Jalumuru Mandal, Srikakulam District, it is respectfully submitted that, the construction work was already stopped by the revenue authorities in the year 2020 and after that no construction work for the MPPE School was happened till to date. Hence, the allegations are not correct.

(B) On one hand it was mentioned in the said reports that as per para (g) of the Govt.Memo.No.33571/Assn.1(2), Revenue (Assn.1) 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., should not be alienated or allotted. Further, as per para 3(c)(viii) at page-8, the ban on change of classification of tank bed lands shall be strictly enforced.

However, 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 Chinnadugam Village, Jalumuru Mandal, Srikakulam District, except the other age old buildings/structures, which needs specific orders from the Govt.

Para- (B): In reply to the objections at **Para (B)** , it is respectfully submitted that, in compliance to the orders of the Hon'ble High Court and the National Green Tribunal (SZ), the occupations by way of agricultural encroachments in an extent of Ac.7.68 (out of the total extent of Ac.12.75) in Sy.No.59 classified as "Kakarla Pond" of Chinnadugam Village, Jalumuru Mandal, Srikakulam have been got evicted 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, Ryothu Bharosa Kendram (Panchayat Office), CC road from Narasannapeta-Pathapatnam 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, Mangaligi vide in this office Rc.No.943/2020-E3, Dt.05.07.2022 has been requested to examine the present ground reality and to issue suitable instructions to proceed further in this matter (copy enclosed as Annexure-I).

On the other hand

- i. The Government of Andhra Pradesh vide G.O.Ms.No.446, Revenue (Assignment) Department, Dt.14.10.2016 has alienated an extent of Ac.209.84 in Sy.No.36/1 which is classified as "Konda Poramboke/Hillock" in Tarlipeta Village, Kotabommali Mandal, Srikakulam District in favour of "Srimath Ubhaya Vedantacharya Peetham" for establishment of "Vedic University" on payment of marked value.

Para (B) i: In reply to the objections at **Para (B) i**, It is respectfully submitted that, the Government of Andhra Pradesh vide G.O.Ms.No.446 Revenue (Assignment-I) Dept., 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. (Copy of the G.O. enclosed as Annexure-II)

- ii. As per the revenue records and the survey reports the Kakarla Pond extended in Sy.No.48 (In Acres 22.20) & in Sy.No.59 (In Acres 12.75) in Chinnadugam Village, Jalumuru Mandal, Srikakulam District. There are two Inlets to Kakarla Pond i.e., one is from Koneru Pond (grabbed by Mr.Gondu Simmanna & Others) and there is only one Outlet to Peddadugam Tank (grabbed by Mr.Peesa Srinivasa Rao & Others). But there is no action by the Respondents to protect the inlets and outlet of Kakarla Pond with an intention to do favour to the above grabbers.

Para (B) ii: In reply to the objections at Para (B) ii, It is respectfully submitted that, as per the revenue records, the Survey No.59 of Chinnadugam Village, Jalumuru Mandal is classified as “Kakarlavani Cheruvu” with an extent of Ac.12.75 and the Survey No.48/1 of Chinnadugam Village, Jalumuru Mandal is also classified as “Kakarlavani Cheruvu” with an extent of Ac.21.08, but both the tanks are not the same and after formation of Narasannapeta Branch Canal (NBC) under Vamsadhara Project in the year of 1978, the Narasannapeta Branch Canal (NBC) was formed in north part of “Kakarlavani Cheruvu” Tank bund in Sy.No.48/1 of Chinnadugam Revenue Village, Jalumuru Mandal, Srikakulam District and at present there was no tank appearance on ground and at present there was no inlet and outlet canals occurred in Kakarlavani Cheruvu, but the outlets are north side of Narasannapeta Branch Canal (NBC) which is formed north side of Kakarlavani Tank bund

and the outlets are formed in Zeroyathi lands of ryots which are presently irrigating and the said outlets are not encroached by any one.

Prayer

It is respectfully submitted that, there are age old encroachments in the Kakarla Pond which cannot be evicted now. Further there is a law and order problem in the village in respect of the subject land. Now the petitioner is requesting for alienation of land in the tank and the same is not feasible in view of the Hon'ble Supreme Court Orders on alienation of objectionable porambokes in C.A.No.4787/2001 dt.25.07.2001 and hence the petitioner is frequently approaching the Hon'ble NGT with different pleas. It is humbly prayed that the Hon'ble NGT may consider the present status of the pond and kindly drop further action in this matter.

This is submitted for kind information

Dated at Srikakulam on this the 1st day of August, 2022.



**DISTRICT COLLECTOR,
SRIKAKULAM,**

*Santhosh
02/08/2022*

*2/8/2022
Supdt-E*

Rc.No.943/2020-E3, Dt.05.07.2022.

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 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 Tample	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 trespassers 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.

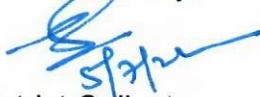
It is submitted that, on the series of complaints filed by the above organization, so far, the occupations for an extent of Ac.7.68, which are feasible for eviction have been get evicted and the age old structures were not evicted so far on the reason to avoid law and order problem. The Hon'ble National 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.

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Lands - Srikakulam District - Alienation of Government land to an extent of Ac.209.84 cents in Sy.No.36/1 in Tarlipeta Village of Kotabommali Mandal in favour of Srimath Ubhaya Vedantacharya Peetham for establishment of Vedic University on payment Market Value @ Rs.1.50 Lakhs per acre for Ac.50.00 cents and @ Rs.0.50 Lakh per acre for remaining Ac.159.84 cents, subject to certain conditions - Orders - Issued.

REVENUE (ASSIGNMENT.I) DEPARTMENT

G.O.Ms.No.446

Dated 14-10-2016.
Read the following:

1. From the District Collector, Srikakulam, Letter Rc.No.158/2014-E3, dated 26.12.2015.
2. From the Spl. C.S. & Chief Commissioner of Land Administration, A.P., Letter Ref.No.Assn.I(2)1478/2015, dated 09-05-2016.

-:-

ORDER:

The District Collector, Srikakulam in his letter 1st read above has submitted proposals for alienation of Government land to an extent of Ac.209.84 cents classified as Poramboke Konda i.e., Tarlikonda of Tarlipeta Village in Kotabommali Mandal on payment of Market Value @ Rs.3.00 lakhs per acre for Ac.50.00 cents and Rs.1.00 lakh per acre for the remaining Hill Top Poramboke with permission to handover advance possession to enable to establishment of Vedic University in favour of "Srimath Ubhaya Vedantacharya Peetham".

2. The Special C.S. & Chief Commissioner of Land Administration in his letter 2nd read above has stated that the proposal of the District Collector, Srikakulam has been placed before the APLMA in its meeting held on 05.05.2016 and the APLMA has resolved that "Recommended as proposed by the District Collector and as per the justification given by the Principal Secretary, Endowments for alienation of land to an extent of Ac.209.84 cents in Sy.No.36-1 of Tarlipeta Village of Kotabommali Mandal, Srikakulam District in favour of Srimath Ubhaya Vedanthacharya Peetham Trust for establishment of Vedic University", subject to certain conditions.

3. Government after careful examination, hereby order for alienation of the Government land to an extent of Ac.209.84 cents in Sy.No.36/1 in Tarlipeta Village of Kotabommali Mandal in favour of Srimath Ubhaya Vedantacharya Peetham for establishment of Vedic University on payment of Market Value @ Rs.1.50 Lakhs per acre for Ac.50.00 cents and @ Rs.0.50 Lakh per acre for remaining Ac.159.84 cents with a condition that the alienee will invest Rs.350.00 crores within a period of 5 years for the institutions connected with the Vedic University, subject to the following conditions in addition to the conditions under BSO-24 and G.O.Ms.No.571, Revenue (Assn.I) Dept., dt.14.09.2012:

- i. The land shall be utilized for the purpose for which it is allotted within three years of the orders of alienation.
- ii. The alienee shall submit an annual report before 31st March on the progress of utilization to the District Collector.
- iii. The District Collector, Srikakulam shall be the authority to cancel and resume the land from the allottee for violation of conditions as well as for non-utilization of land.

P.T.O. ...

- iv. The water bodies if any existing in the land should not be disturbed and should be allowed to continue their natural course.
- v. The Trust has to construct and make the campus operational in 2 years time.
- vi. The hilly areas have to be fully planted with trees and a rich forest environment should be created within the campus thereby becoming a role model for all other institutions.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C. SHARMA,
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To

The Special C.S. & Chief Commissioner of Land Administration, A.P.,
2nd Floor, Jasthi Towers, D.No.22-19, Saipuram Colony Road,
Gollapalli Village, VIJAYAWADA-521225.

The District Collector, Srikakulam.

Copy to:

The Higher Education Department.

The PS to Spl.Chief Secretary to Hon'ble C.M.

The OSD to Hon'ble Deputy Chief Minister (Revenue)

The PS to Hon'ble Minister for Endowments.

The P.S. to Chief Secretary.

The PS to Spl. Chief Secretary to Govt., Revenue (Lands)

The PS to Principal Secretary (Endowments)

The Secretary,

Srimath Ubhaya Vedanthacharya Peetham (Trust), Sitanagaram,

Tadepalli-522501, Guntur District

SF/SC.

// Forwarded :: By order //

SECTION OFFICER.