

**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.sk1m@gmail.com

.....RESPONDENTS

**AFFIDAVIT, DATED: 19.09.2022 FILED BY THE APPLICANT
AGAINST THE REPORT, DATED: 02.08.2022 FILED BY
RESPONDENTS ON 12.09.2022**

1. 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) i.e Petitioner 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



For GAREEB GUIDE
G. Mohana Rao
President

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).

a. 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.

b. 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 officers, local elders etc along with founder of the said temple Sri N Mohana Rao.

c. 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).

d. 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.

For GAREEB GUIDE
 G. Mohana Rao
 President

- e. Unfortunately, Sri N Mohana Rao died with ill health on 24.10.2016.
- f. 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
- g. 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 GO 571, dated: 14.09.2012.
- h. Hence M/s Gareeb Guide filed an application, dated: 27.12.2017 as per the procedure in GO 571, dated: 14.09.2012 and Order of Hon'ble High Court of Andhra Pradesh passed in WP 31764 of 2013 seeking allotment of 10 acres to construct Gareeb Guide Heaven in the interest of public and collected acknowledgement for the same but not exclusively in Sy No. 59 of Chinnadugam (V). **(Copies of Representation, dated: 27.12.2007 and Order in WP 31764 of 2013 are enclosed)**
- i. The Govt of AP allotted 11 acres to Nandamuri Basava Tarakam Foundation, 12.5 Acres to LV Prasad Hospital, 20 acres to BR Ambedkar Smrithi Vanam, 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).
- j. 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

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For GAREEB GUIDE
[Handwritten signature]
 President

Quarters, Temple, Administrative Office, Homa Kundam, Prasadam Counter, Plantation, Mandapam for Sri Naga Devatha, New Marble Statues, CC cameras, Other Misc constructions etc between 2016-20 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.

k. 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.

l. 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.

m. 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: L4.09.2012, 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”

n. However, with the following interim Prayer –



For GAREEB GUIDE
 G. M. M.
 President

“..... 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”

- o. 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.
- p. Then the local revenue officer i.e Tahsildar submitted his report vide RC No. 197/2020, dated: 07.05.2020 as that presently, there is no tank in Sy. No. 59. Details are as that total Land in Sy. No. 59 which is classified as Tank Poramboke admeasuring Ac. 12.75 out of that Sri Sri Nagadevatha Temple constructed 15 Yrs ago in Ac. 0.40, Govt School in Ac. 0.30, Gram Panchayat Office in Ac. 0.10, Houses for Poor constructed by Govt in Ac. 6.05 and area grabbed for shops is Ac. 0.50 and area grabbed by others for unauthorized cultivation is Ac. 5.40.
- q. The Respondent No. 2 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:



For GAREEB GUIDE
 G. M. ...
 President

- 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.
- r. 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.
- s. 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.
- t. On one hand -



For GAREEB GUIDE
 G. R. ...
 President

The Respondent No. 2 in his proceedings vide Rc No. 1035/2020/E4, dated: 28.05.2020 and 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.

u. On the other hand –

The Govt of Andhra Pradesh vide G.O Ms No. 446 Revenue (Assignments I) Dept, Dated: 14.10.2016 has alienated an extent of Ac 209.84 in Sy No. 36/1 which is classified as Konda Poramboke / Hill Lock in Tarlipeta V, Kotabommali M, Srikakulam D for establishment of Vedic University. 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 Respondent No. 2 till date.

v. On 09.04.2022, the Petitioner filed a representation before the Respondent No. 2 seeking permission to conduct 19th annual celebrations & re-consecration of holy idol (marble) at Shri Mata Mansa Devi Temple, Chinnadugam (V), Jalumuru (M), Srikakulam (D). But the Respondent No. 2 rejected the application of the Petitioner seeking permission to conduct 19th annual celebrations & consecration of holy idol (marble) at Shri Mata Mansa Devi Temple, Chinnadugam (V), Jalumuru (M), Srikakulam (D) on the ground that mere the case(s) are pending before the court(s), even though there is neither injunction nor status quo.

For GAREEB GUIDE
 G. Manoj
 President

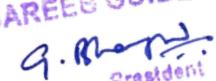
- w. The same Respondent No. 2 i.e District Collector, Srikakulam District allowed others to construct temple in Ac 6.3 in Sy No. 21(7) of Karavanja (V), Jalumuru (M), Srikakulam (D) which is classified as Tank/Govt Land and also allowed them to conduct 2nd annual celebrations. As well as the same Respondent No. 2 sanctioned the compound wall for MPP school with 11 lakhs and did not take any action against one Anganwadi Worker who constructed compound wall for her personal house in Sy. No. 59 of Chinnadugam (V). This partial action is with personal grudge against the applicant.
- x. As per the revenue records and the survey reports the Kakarla Pond extended in Sy No. 48 (In Acres 22.2) & 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 the Second one is from Pulivani Pond (grabbed by Mr Peesa Srinivasa Rao & 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. But the Respondent No. 2 filed false information to mislead this Hon'ble Tribunal.

6. It is respectfully submitted that the petitioners filed this writ petition among the other following

GROUNDNS

- A. In a similar case i.e WP 31764 of 2013 Hon'ble High Court of Andhra Pradesh directed the Respondent No. 2 to re-consider the application



For GAREEB GUIDE

 President

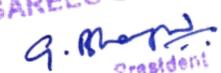
of the petitioners in the light of the reasons contained in this order and the contents of G.O.Ms.No.571, dated 14.09.2012, read with Annexure IX thereof and communicate the decision to the petitioners within a period of one month from the date of receipt of this order

- B. Recently NGT, Delhi allowed Idol immersion on conditions that (i) only of the idols which are made from biodegradable material and not plastic or plaster of Paris and (ii) only colors should be used on the idols that are environment friendly.
- C. Since 6 moths, there is no FIR under section 107 of CrPC at Jalumuru PS related to villagers of Chinnadugam (V)
- D. A new compound wall constructed for the government school in Sy. No. 59 in Chinnadugam (V) under MGNREGA vide ID No: 017632338051150001) between Nov'-Dec' 2020.
- E. The Hon'ble Supreme Court in Sarika Vs Shri Mahakaleshwar Mandir Committee (2018) 17 SCC 112 held that there is a constitutional obligation to preserve the religious practices of all religion. When there is a large gathering of persons during festival times, the state has the obligation to provide the basic amenities to the pilgrims.

PRAYER

It is therefore prayed that, pending disposal of the above Original Application, the Hon'ble Tribunal may be pleased to consider the facts mentioned in the affidavit, dated: 19.09.2022 filed by the applicant against the Report, dated: 02.08.2022 (filed on 12.09.2022) by the Respondents and take suitable action against the



For GAREEB GUIDE

 President

Respondents for misuse of powers in alienating lands of water bodies / Hill Locks etc, filing false information before this Hon'ble Tribunal to mislead the Hon'ble Tribunal, partial action, making false allegations against the applicant with personal grudge etc and 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. M. M. M.
 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 6 believe to be true on legal advice and that I have not suppressed any material fact.

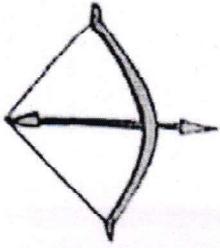
Date: 19.09.2022

Place: Hyderabad



For GAREEB GUIDE
 G. M. M. M.
 President
APPLICANT





GAREEB GUIDE

(THE VOLUNTARY ORGANIZATION)

(Registered under Foreign Contribution (Regulation) Act, 1976 vide Regn. No.: 368140007)

Hyderabad,
26.12.2017.

To

1. The Chief Commissioner Land Administration (A.P.L.M.A), D. No: 22-19, Floor -II, Block-A, Jasthi Tower, Saipuram Colony Road, Gollapudi, Vijayawada-521225 &
- 2✓ The Collector & District Magistrate, Srikakulam Dist, Srikakulam.

Sub: Requisition - In Duplicate - Allotment of land to Gareeb Guide, NGO - Public Purpose - @ Chinna Dugam Colony Road, Jalumuru Mandal, Srikakulam District

Ref: G.O.Ms. No. 571, dated: 14.09.2012, Revenue (Assignment-I) Dept - Reg

Dear Sir(s),

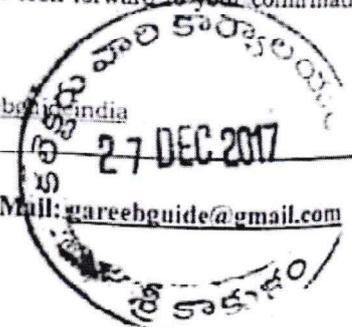
It gives me immense pleasure to introduce you about the **Gareeb Guide's Heaven** which is a dream project of the founder of Gareeb Guide (Voluntary Organization). However, Gareeb Guide (Voluntary Organization) is established in 2007 and registered under **A.P. Societies Registration Act, 2001** vide No: 1122/2007 and accredited by the **Telangana State Legal Services Authority** vide No: 01/TLSA/ACRDT/RR/2015. our organization got approval U/s 80G(5)(vi) of the **Income Tax Act, 1961** vide F No: CIT(E)/Hyd/118(12)/80G/2014-15 and registered under sec (6) (1) (a) of **Foreign Contribution (Regulation) Act, 1976** vide registration number 368140007 under social nature. The main aims and objects of our organization are - 1. In purview of Education: Promoting fundamental principles and humanitarian values develop in a better understanding internally and influencing behaviour in the community 2. In field of Medical: Protection of life, health and human dignity 3. In purview of General Public Utility: Guide the people for their well wish and guide the people for legal and economical equality. Conduct the Tennis Tournaments in the name of Indian Open Tennis. Some welfare activities in the interest of Tennis and Tennis Players etc. Since inception, our organization has been very sincere and working hard on its aim. Our organization filed many public interest litigations and conducted many free legal aid, health camps and many public welfare activities i.e blood donation camps, awareness camps, scholarships to poor students etc. Our organization conducted many welfare activities i.e conducted legal awareness camps through paada yatra (walk a thon), free legal aid camps at 23 districts and 375 KMS, filed many public interest litigations, conducted representation programme on establishment of the circuit bench of the supreme court at every high court and conducted Indian Open Tennis Tournament-2014 etc.

As per the will written by (Late) N. Mohana Rao, Founder of Sri Sri Sri Naga Devatha & Manasa Devi Ammavarla Aalayam, **Gareeb Guide (NGO)** has become as an absolute owner of the lands belong to (Late) N Mohana Rao @ Chinna Dugam Colony Road, Near Tilaru Jn, Jalumuru Mandal, Srikakulam District and enjoying the possession. Now, **Gareeb Guide (NGO)** proposed to construct **Gareeb Guide's Heaven** (Old age home & orphans home) for public purpose @ Chinna Dugam Colony Road, Near Tilaru Jn, Jalumuru Mandal, Srikakulam District. This project i.e **Gareeb Guide's Heaven** will be covered in the area of 10 acres and more than 2,000 citizens will be benefited through this project. For this project, land admeasuring 10 acres at one place is required. There is an extent of 10 acres of Govt. waste land (poramboke land) is around our land. Hence, I shall remain deeply indebted in case you could accede to our humble request and allot an extent of 10 acres of Govt. waste land (poramboke land) which is around our land @ Chinna Dugam Colony Road, Near Tilaru Jn, Jalumuru Mandal, Srikakulam District to Gareeb Guide (NGO) for public purpose. I look forward to your confirmation or appointment, so that the preparations for this project can be taken up timely.

Regards

Sd/- (G. Bhargavi), President. For more details, please click: www.facebook.com/gareebguideindia

7/36, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad - 500068. E-Mail: gareebguide@gmail.com



***THE HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY**

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+WRIT PETITION No.31764 of 2013

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% Dated 21.01.2014

Between:

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Sanjeevani Prakruthi Arogya Seva Samstha,
Regd.No.789/2010, H.No.2-10-1394/A,
Jyothinagar, Karimnagar, rep., by its
President Dr.G.N.Sugunakar Rao and another

.. Petitioners

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And

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\$ The State of Andhra Pradesh, represented
By its Secretary, Revenue Department,
Secretariat, Andhra Pradesh,
Hyderabad and others

.. Respondents

! Counsel for Petitioners : Mr. Kasa Jaganmohan Reddy

^Counsel for Respondents : AGP for Revenue

<Gist:

>Head Note:

? Citation:

ORDER:

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This writ petition is filed for a mandamus to set aside letter No.E1/1503/2012, dated 08.10.2013, of respondent No.2, whereby he has rejected the petitioners' request for allotment of Acs.1.10 guntas of Government land for construction of Nature Cure Hospital.

Though the case was adjourned on two occasions for filing counter affidavit, no counter affidavit has been filed by the respondents.

Respondent No.1 has issued G.O.Ms.No.571, Revenue (Assignment.I) Department, dated 14.09.2012, laying town Assignment Policy relating to Government lands and framing uniform guidelines in that regard. Paragraph No.6 of the G.O., reads as under:

“6. The Government have examined the matter in the light of the existing orders/instructions on allotment of Government land to various Institutions/Organisations and after careful consideration of the recommendations of the concerned Departments/Representatives of Political Parties hereby approve the “Government Land Allotment Policy” annexed to this Order duly prescribing the Uniform guidelines with regard to the extent of land to be allotted for various purposes to different Government departments and private organisations.”

The G.O. contains several Annexures department-wise.

Annexure IX pertains to Health, Medical and Family Welfare (M1) Department. This Annexure prescribed the extents of land requirement, depending upon the purpose for which the assignment of land is sought. Sl.No.'c' reads "A primary health centre together with co-located facility either Allopathy or Ayush". The requirement of land is mentioned as Ac.1.00. In the impugned order, respondent No.2 has reasoned that allotment of Government land to a Non-Government Organisation (NGO) is not contemplated as per the Land Allotment Policy envisaged in G.O.Ms.No.571, dated 14.09.2012.

In my opinion, this reasoning is patently contrary to the said G.O. As can be seen from Paragraph No.6 of the G.O., as reproduced hereinbefore, the allotment of land is envisaged in favour of the institutions/organisations. NGO, thus, falls under the phrase 'Organisations'. Annexure IX, as noted above, pertains to the Health, Medical and Family Welfare Department and one of the purposes for which the land can be allotted relates to establishment of Primary Health Centre in Allopathy or Ayush or with both. The pleadings of the petitioners reveal that the petitioners want to establish the Nature Cure Hospital, which undoubtedly falls under Sl.No.'c' of Annexure IX of the G.O.

In the light of the above discussed facts, the impugned rejection order cannot be sustained and the same is accordingly set aside. Respondent No.2 is directed to re-consider the application of the petitioners in the light of the reasons contained in this order and the contents of G.O.Ms.No.571, dated 14.09.2012, read with Annexure IX thereof and communicate the decision to the petitioners within a period of

one month from the date of receipt of this order.

The writ petition is accordingly allowed.

As a sequel, W.P.M.P.No.39465 of 2013 is disposed of as infructuous.

C.V. NAGARJUNA REDDY, J.

21.01.2014

Note:- L.R. Copies.

(B/o)

KH