

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

ORIGINAL APPLICATION NO. 9 OF 2023

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

IN THE MATTER OF:

Forum for Social Justice & Anti-Corruption (NGO) Rep. by
its General Secretary, Door No. 58-14-87/2B, Marripalem,
Vuda Colony, Visakhapatnam - 530018, Phone:
8688181116, E-Mail: a.mallibabu@gmail.com

.....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.skml@gmail.com

.....RESPONDENTS

THE HUMBLE MEMO OF THE APPLICANT ABOVENAMED
For the reasons stated in the memo, the Hon'ble Tribunal
may be pleased to observe the fact that the Respondent No.
2 through his proceedings vide Rc No. 2176/2022/E1, dated:
21.02.2023 appointed the Tahsildar of Saravakota (M) as one of
the member in the joint committee, two official members of the
Joint Committee appointed by the Respondent No. 2 did not
consider the observations of the applicant-member, acted in
the interest of the owner of the unauthorized building
constructed in Sy No. 360 of Kummarigunta (R) of Saravakota
(M) and acted to protect the Tahsildar of Saravakota (M) who is
accused in FIR 8 of 2023 registered U/s 286 IPC at Saravakota
PS. Hence, this Memo.

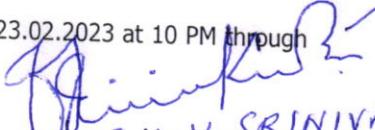

APPLICANT
(C.K.V. SRINIVAS)
General Secretary,
Forum for Social Justice
Anti-corruption.

Report of the General Secretary, Forum for Social Justice & Anti-Corruption (Member of Joint Committee) in the matter of OA 9 of 2023 titled as "Forum for Social Justice & Anti-Corruption Vs State of Andhra Pradesh" in compliance of Hon'ble NGT Order, dated: 03.02.2023 as well as the Proceedings, dated: 21.02.2023 vide RC No. 2176/2022/E1 of the Collector & District Magistrate, Srikakulam District.

It is Respectfully Submitted that

1. The Proceedings, dated: 21.02.2023 vide RC No. 2176/2022/E1 of the Collector & District Magistrate, Srikakulam District communicated to the the General Secretary, Forum for Social Justice & Anti-Corruption on 22.02.2023, 7.15 PM.
2. As per the Proceedings, dated: 21.02.2023 vide RC No. 2176/2022/E1 of the Collector & District Magistrate, Srikakulam District, a Joint Committee consisting of the Joint Collector, Srikakulam, The Sub-Collector, Tekkali, Superintendent Engineer, PRD, Srikakulam, Tahsildar, Saravakota and the General Secretary, Forum for Social Justice & Anti-Corruption is appointed and directed by the Collector & District Magistrate, Srikakulam District to conduct the joint inspection in the matter of OA 9 of 2023 and to submit the detailed report by 23.02.2023 to the Collector & District Magistrate, Srikakulam District.
3. **Attendance:** The Joint Collector, Srikakulam (**Absent**), The Sub-Collector, Tekkali (**Present at 11.30am**), Superintendent Engineer, PRD, Srikakulam (**Present at 11.15 am**), Tahsildar, Saravakota (**Present at 10.45 am**) and the General Secretary, Forum for Social Justice & Anti-Corruption (**Present at 10.30 am**) on **23.02.2023 at Sy No. 360 of Kummarigunta (R), Saravakota (M)**
4. **Action:** Four Member Joint Committee observed the following facts:
 - a. As per the Revenue Records, a hill named Aludhu Konda is extended in Sy No. 360 of Kummarigunta (R) & Sy No. 452/2 of Thogiri (R), Saravakota (M)
 - b. As per the FMB, **Granite Cutting & Polishing (Private) Building is in Sy No. 360 of Kummarigunta (R), Saravakota (M).**
 - c. The Owner of the said Granite Cutting & Polishing (Private) Building in Sy No. 360 of Kummarigunta (R), Saravakota (M) said that he has obtained construction permission from the Asst Director (Mines), Srikakulam. But **the fact is the Asst Director (Mines), Srikakulam is not competent authority to grant construction permission for Granite Cutting & Polishing (Private) Building.**
 - d. It is clear that **the said Granite Cutting & Polishing (Private) Building in Sy No. 360 of Kummarigunta (R), Saravakota (M) has no construction permission from the respective Gram Panchayat.**
 - e. **10 trees having age of more than 150 years were cut down in Sy No. 452/2 of Thogiri (R), Saravakota (M)**
 - f. As per Para 3(a)(ii) of the G.O. Ms No. 571, Revenue (Assignment-I). Dept., Dated: 14.09.2012, 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), the ban on change of classification of tank bed lands shall be strictly enforced. **Hence, it is illegal to construct Anganwadi Building in Sy No. 452/2 of Thogiri (R), Saravakota (M).**
5. **Special Observations by the General Secretary, Forum for Social Justice & Anti-Corruption:**
 - a. The Sub-Collector, Tekkali & The Superintendent Engineer, PRD, Srikakulam acted in the interest of the Owner of the said Granite Cutting & Polishing (Private) Building in Sy No. 360 of Kummarigunta (R), Saravakota (M).
 - b. The Sub-Collector, Tekkali & The Superintendent Engineer, PRD, Srikakulam acted to protect the Tahsildar, Saravakota.
 - c. The Sub-Collector, Tekkali & The Superintendent Engineer, PRD, Srikakulam left the inspection in the middle at 1 PM. Hence, this inspection remains incomplete.
 - d. The Sub-Collector, Tekkali & The Superintendent Engineer, PRD, Srikakulam refused to record the observations of the General Secretary, Forum for Social Justice & Anti-Corruption.
6. **Conclusion:** In view of the above position, the Collector & District Magistrate, Srikakulam District may consider the present status of the illegal and un-authorized constructions in Sy No. 360 of Kummarigunta (R) & Sy No. 452/2 of Thogiri (R), Saravakota (M). However, 10 trees having age of more than 150 years were cut down in Sy No. 452/2 of Thogiri (R), Saravakota (M). Hence, the Collector & District Magistrate, Srikakulam District may instruct the concerned officials to take immediate action against the illegal and un-authorized constructions in Sy No. 360 of Kummarigunta (R) & Sy No. 452/2 of Thogiri (R), Saravakota (M) and the persons/officials who cut down 10 trees having age of more than 150 years in Sy No. 452/2 of Thogiri (R), Saravakota (M).

Report submitted to the Collector & District Magistrate, Srikakulam District on 23.02.2023 at 10 PM through Electronic Mode.


General Secretary, Forum for Social Justice & Anti-Corruption
K. V. SRINIVAS

**PROCEEDINGS OF THE DISTRICT COLLECTOR, SRIKAKULAM
PRESENT:: SRI SHRIKESH LATHKAR, I.A.S.,**

Sub: Suits – Srikakulam District – O.A. No.9 of 2023 of the Hon'ble National Green Tribunal, Chennai – Tekkali Revenue Division, Saravakota Mandal, Thogiri Village – Sy.No.452-2 of Thogiri Village – Appointment of Joint Committee – Orders issued.

Read: 1. O.A. No.9 of 2023 of the Hon'ble National Green Tribunal, Chennai filed by the Forum for Social Justice & Anti-Corruption (NGO) Rep. by its General Secretary, Door No.58-14-87/2B, Marrisalem, Vuda Colony, Visakhapatnam-530018
2. Orders Dt.03.02.2023 of the Hon'ble National Green Tribunal, Chennai in I.A. No.13 of 2023(SZ), in O.A. No.9 of 2023(SZ)

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ORDER:

In the reference 1st read above, the Forum for Social Justice & Anti-Corruption (NGO) Rep. by its General Secretary, Door No.58-14-87/2B, Marrisalem, Vuda Colony, Visakhapatnam-530018 has filed an application before the Hon'ble National Green Tribunal, Chennai impleading the following as respondents

1. State of Andhra Pradesh Rep. by its Chief Secretary to Government, Department of General Administration, Building No.1, I Floor, Interim Government Complex, A.P.Secretariat, Velagapudi, Guntur, A.P.
2. District Collector, Srikakulam.

The petitioner in the above application has stated that, since the Respondent No.2 is acting in the interest of grabbers by allowing constructions like private buildings in Sy.No.360 of Kummarigunta Village, Anganwadi building in Sy.No.452-2 of Thogiri Revenue Village, cutting down 10 trees more than the age of 150 years etc, in Ralla Gutta (Hill Lock/ Corridor Area) in Saravakota Mandal, Srikakulam District in the State of Andhra Pradesh in the name of construction of Anganwadi building is 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, which needs to be decided by this Hon'ble Tribunal.

The petitioner has prayed the Hon'ble National Green Tribunal, Chennai that

- a. Pending final decision on the application, the Hon'ble Tribunal may be pleased to direct the Respondent No. 1 or appoint joint committee to submit the detailed report on all illegal constructions like private buildings in Sy.No.360 of Kummarigunta Village, Anganwadi building etc, in Sy.No.452-2 of Thogiri Revenue Village i.e., Ralla Gutta (Hill Lock/ Corridor Area) in Saravakota Mandal, Srikakulam District in the state of Andhra Pradesh and details of authorities who are acting in the interest of grabbers, cutting down 10 trees more than the age of 150 years in the name of construction of Anganwadi Building etc, and action taken report etc.,
- b. 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.

In the reference 2nd cited, the Hon'ble National Green Tribunal, Chennai has passed the following order on 03.02.2023 in I.A. No.13 of 2023(SZ), in O.A.No.09 of 2023(SZ).

"The learned counsel Mrs. Madhuri Donti Reddy accepts notice on behalf of Respondent No. 1 & 2.

Admittedly, the 10 number of trees have already been cut and removed from the said survey numbers and the photographs also revealed that some constructions are already been made.

The only objection is that they should not have cut the trees and should not have allowed the private buildings to come up in the hillock area viz., 'Ralla Gutta'.

In this regard, we direct the 2nd respondent namely, the District Collector - Srikakulam to enquire into the matter after affording an opportunity of hearing to the applicant herein and pass appropriate orders, considering the above said issue of cutting of trees.

Let this exercise be completed within 4 (Four) weeks time and the compliance report may be filed by the District Collector - Srikakulam on 06.03.2023."

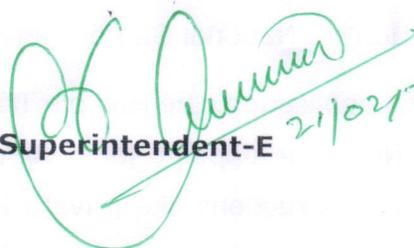
In view of the above circumstances, a Joint Committee consisting with the following officers and the applicant in this O.A. is appointed.

1. The Joint Collector, Srikakulam
2. The Sub-Collector, Tekkali
3. The Superintending Engineer, Panchayat Raj, Srikakulam
4. The Tahsildar, Saravakota
5. The applicant, i.e., Forum for Social Justice & Anti-Corruption (NGO) Rep. by its General Secretary, Door No.58-14-87/2B, Marripalem, Vuda Colony, Visakhapatnam-530018

The Joint Committee is hereby directed to conduct the joint inspection in this matter and submit the detailed report to the undersigned by 23.02.2023.

**Sd/- SHRIKESH LATHKAR
District Collector,
Srikakulam**

//t.c.f.b.o//


Superintendent-E 21/02/2023

TO

The Joint Collector, Srikakulam.

The Sub-Collector, Tekkali.

The Superintending Engineer, Panchayat Raj, Srikakulam.

The Tahsildar, Saravakota.

The General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Door No.58-14-87/2B, Marripalem, Vuda Colony, Visakhapatnam-530018

The District Head-Housing, Srikakulam



FIRST INFORMATION REPORT
(Under Section 154 and 157 Cr.P.C)

A.P.P.M. Orders 470,500

1. District Srikakulam P.S. Saravakota Year 2023 FIR No. 8/2023 Date 31/01/2023
2. Acts & Section(s) : 286 IPC
3. a) Occurrence of Offence : Day Sunday Date & Time From 08/01/2023 10:00
Date & Time To _____ Prior To _____ Time Period 0
- b) Information Received at P.S.: Date & Time 31/01/2023 11:00
- c) General Diary Reference: Entry No 12 Date & Time 31/01/2023 11:00
4. Type of Information: _____
5. Place of Occurrence:
- a) Distance and Direction From P.S. 0, Beat No. _____
- b) Address Place _____ Area/Mandal _____ Street/Village _____
- City/District Srikakulam State Andhra Pradesh PIN _____
- c) In case , outside the limit of this Police Station, then
Name of P.S. _____ District _____
6. Complainant / Informant :
- a) Name AAKETI APPANNA
- b) Father's /Husband's Name _____
- c) Date/Year of Birth _____ Age 50
- d) Nationality Indian e) Caste Neyyala
- f) Passport No _____ Date of Issue _____ Place of Issue _____
- g) Occupation _____ Mobile No : _____
- h) Address House No _____ Area/Mandal _____ Street/Village _____
SARAVAKOTA No Ward
- City/District Srikakulam State Andhra Pradesh PIN 0
7. Details of known/suspected/unknown accused with full particulars:

Serial No : _____ 1 _____

a) Name TAHSILDAR SARAVAKOTA AND SOME OTHERS

b) Father's /Husband's Name _____ c) Occupation _____

d) Caste _____ e) Gender _____ f) Age 0 Nationality Indian

g) Address House _____ Street/Village _____ Area/Mandal _____

City/District _____ State _____ PIN 0

h) Phone(Off) 0 Phone(Resi) 0 Cell No 0

i) Email _____

Physical features, deformities and other details of the Suspect:

Sl. No.	Sex	Date/Year of Birth	Build	Height (cms)	Complexion	Identification Marks(s)
1	2	3	4	5	6	7
1				0		

Deformalities/ Peculiarities	Teeth	Hair	Eyes	Habbit(s)	Dress Habit(s)	Languages/ Dialect
8	9	10	11	12	13	14

Place Of				
Burn Mark	Leucoderma	Mole	Scar	Tattoo
15	16	17	18	19
	0	0	0	0

8. Reasons for delay in reporting by the complainant / informant :

9. Particulars of properties stolen/involved (Attach separate sheet, if necessary) :

10. Total value of property stolen :

0

11. Inquest Report/ U.D. Case No. -----

12. Contents of the complaint / statement of the complainant or informant :

Occurred on 08.01.2023 at 10.00 hours, at Aludu village, Saravakota Mandal and reported on 31.01.2023 at 11.00 hrs by the complainant A Aketi Appanna S/o It Latchayya, age 50 years, Neyyala by caste, Aludu village, Saravakota mandal reported that Tahsildar Saravakota mandal, Asst engineer (PRD) and some others conducted illegal blasting of compound wall and other construction by explosive substance in negligent manner nearby his house in the name of constructing Anganwadi building and caused severe damages to their houses and other residences.

13. Action taken:

Since The above information reveals commission of offence(s) U/s as mentioned at item No

2

1) Registered the case and took up the investigation or

Name of SHO-SKOTA-SKL

2) Directed to take up the Investigation or

Rank: Sub-Inspector

No. -----

3) Refused investigation due to -----

4) Transferred to P.S

----- District -----

----- on point of jurisdiction.

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and

a copy given to the complainant / informant, free of cost.

R.O.A.C

14. Signature / Thumb impression of the complainant / informant.

Signature of Officer in charge, Police Station

Name SHO-SKOTA-SKL

Rank Sub-Inspector

No. -----

15. Date and time of dispatch to the court : -----