

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI**

ORIGINAL APPLICATION NO.09 OF 2023(SZ)

IN THE MATTER OF:

FORUM OF SOCIAL JUSTICE & ANTI CORRUPTION (NGO)

Rep. by its General Secretary Door No.58-14-87/2B,
Marripalem, Vuda Colony,
Visakhapatnam – 530 01.

.....Applicant

VS

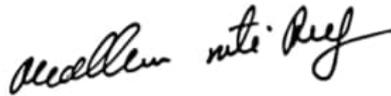
1. STATE OF ANDHRA PRADESH

Rep. by its Chief Secretary to Government,
Department of General Administration,
Building No.1, I Floor, Interim Government Complex,
Secretariat, Velagapudi,
Guntur, Andhra Pradesh and others

... Respondents

**FINAL REPORT FILED BY THE 2ND RESPONDENT THE
DISTRICT COLLECTOR SRIKAKULAM IN O.A NO. 9 OF 2023**

Date- 06-05-2023



M/S MADHURI DONTI REDDY

ADVOCATE

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

T.T.D. SUPREME COURT OF INDIA

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.

Mobile: 98407 98460 / 63831 21322, Email: rednymadhuri09@gmail.com

[Counsel for 2nd respondent](#)

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI**

ORIGINAL APPLICATION NO.9 OF 2023 (SZ)

IN THE MATTER OF:

FORUM OF SOCIAL JUSTICE & ANTI CORRUPTION (NGO)

Rep. by its General Secretary Door No.58-14-87/2B,
Marripalem, Vuda Colony,
Visakhapatnam – 530 001.

... Applicant

VS

1.STATE OF ANDHRA PRADESH

Rep.by its Chief Secretary to Government,
Department of General Administration,
Building No.1, IFloor, Interim Government Complex,
Secretariat, Velagapudi,
Guntur, Andhra Pradesh and others.

... Respondents

INDEX

Sl.No.	Date	Description of the document	Page No.
1.	06.05.2023	2 nd Respondent report on the orders dated 27.04.2023	1-4
2.	03.02.2023	Annexure - 1 Hon'ble Tribunal orders dated 03.02.2023 in O.A.No.09 of 2023	5-7
3.	16.04.2023	Annexure - 2 Final report dated 16.04.2023 of the 2 nd Respondent	8-18
4.	27.04.2023	Annexure - 3 Orders dated 27.04.2023 in EA No.02 of 2023 (SZ) in O.A.No.09 of 2023 (SZ)	19-20
5.	06.05.2023	Annexure - 4 Report in Rc.No.68/2023/A, Dt.06.05.2023 of the Tahsildar, Saravakota.	21-25
6.	06.05.2023	Annexure - 5 Challan particulars remitted for an amount of Rs.20,000/- towards fine (CFMS ID :70034375912023, Dt.06.05.2023)	26
7.		Annexure - 6 Photos showing the planting of trees	27-31

It is certified that all the documents contained in the above annexure are true copies.

Date:06.05.2023.

-+-

FURTHER REPORT FILED BY THE 2ND RESPONDENT THE DISTRICT COLLECTOR ON THE ORDERS DATED 27.04.2023 IN EXECUTION APPLICATION NO.02 OF 2023 (SZ) IN ORIGINAL APPLICATION NO.09 OF 2023 (SZ) OF THE HON'BLE NATIONAL GREEN TRIBUNAL, CHENNAI

1. It is submitted that, the application Forum for Social Justice & Anti Corruption (NGO) Rep.by its General Secretary, Door No.58-14-87/2B, Mairipalem, Vuda Colony, Visakhapatnam-530018 has filed an application O.A.No.9 of 2023 before the Hon'ble National Green Tribunal (SZ) Chennai and it is alleging that, since this Respondent 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.
2. It is submitted that, this Hon'ble Tribunal on 03.02.2023 has passed the following order in Para Nos.3 to 6 read as follows:
 - 3, 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.
 - 4, 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'.
 - 5, 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.

6. 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.” **(ANNEXURE-1)**

3. It is submitted that, after affording an opportunity of hearing to the applicant herein, appropriate orders have been passed and final report dated 16.04.2023 has been submitted to the Hon'ble Tribunal for kind perusal. **(ANNEXURE-2)**

4. The Hon'ble Tribunal has passed the following order on 27.04.2023 in the Execution Application No.02 of 2023 (SZ) in Original Application No.09 of 2023 (SZ). **(ANNEXURE-3)**

1. In the main application (O.A.No.09 of 2023 (SZ), the report of the 2nd respondent dated 26.04.2023 is filed. The applicant has also filed his objections to the above report.

2. At the request of the learned counsel appearing for respondents, post the matter on 08.05.2023.

5. In this connection, it is submitted that, pursuant to the above orders, the Tahsildar, Saravakota, who has been directed to enquire into the objections of the applicant, has reported vide in her report Rc.No.68/2023/A, Dt.06.05.2023 **(ANNEXURE-4)**, stating that,

(i) as per the directions issued by the District Collector (i/c), Srikakulam vide progs.Rc.No.2176/2022-E1/Dt.07.04.2023, awareness programme and Rally on APWALTA ACT-2002 (AP WATER, LAND AND TREES ACT) was conducted in Aludu village of Saravakota Mandal and created the awareness among the people about the above said Act.

(ii) as per the APWALTA ACT-2002 (AP WATER, LAND AND TREES ACT), she has given a notice in Rc.No.68/2023/A/dt.28.04.2023 to the MRI, Saravakota and VRO, Aludu to identify the persons who involved in cutting of four Tamarind trees near by the site which is allotted for construction of Anganwadi Building in Sy.No.452-2 classified as “Ralla

-3-

Gutta" in Aludu village, Thogiri revenue of Saravakota Mandal. And accordingly, they have given the enquiry report stating that, one Sri Kalingapatnam Gopal S/o Gurayya has cut down the four Tamarind trees near by the site which is allotted for construction of Anganwadi Building in Sy.No.452-2 classified as "Ralla Gutta" in Aludu village, Thogiri revenue of Saravakota Mandal. And hence, a notice has been issued to Sri Kalingapatnam Gopal S/o Gurayya vide in this office Rc.No.68/2023/A/dt.01.05.2023 calling his explanation.

(iii) Sri Kalingapatnam Gopal S/o Gurayya has given his explanation stating that, Govt sanctioned tree tax pattas for 9 Trees to his father Gurayya and for 3 Trees to him in the year 1988 vide Rc.No.33/88-B, Dt.28.3.1988 and these trees having thin canopy and foliage as they were damaged during Titli cyclone occurred previously and these four trees having old age and its branches are falling down across the way to SC street to Neyyala street and the trees touching the electrical line and giving obstruction to people to walk in that pathway and on the request of the Villagers and Village elders he cut down those four Tamarind trees without taking any permission from the Tahsildar or from Forest department and also said that, he cut down those trees for the public purpose, but not for his selfishness and he said that, he is not having awareness regarding AP WALTA ACT, 2002 and also cutting of trees is a punishable offence and also he said that, it is his first mistake and he never repeat it again and forgive him as he doesn't have awareness or idea regarding this.

(iv) after receiving the explanation from Sri.Kalingapatnam Gopal S/o Gurayya, the Tahsildar, Saravakota issued a notice in Rc.No.68/2023/A/dt.06.05.2023 to him stating that cutting of trees by violating the APWALTA ACT-2002 (AP WATER, LAND AND TREES ACT is an offence and for this he has to remit the fine (penalty) to a tune of 20,000/- (for each tree @ Rs.5000/-) and that he remitted an

-4-

amount of Rs.20,000/- vide CFMS Transaction ID: 70034375912023
(Challan), dated 06.05.2023. **(ANNEXURE-5)**

(v) as per this office directions, the above individual has planted 40
plants in the vacant place of Sy.No.452-2 of Aludu village of Saravakota
Mandal, Srikakulam District. (Photos of planting trees **ANNEXURE-6)**

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal
may be pleased to record this report and dismiss the **O.A.No.9 of 2023** and
pass such further or other orders, as this Hon'ble Tribunal may deem fit and
proper in the facts and circumstances of the case and thus render justice.

Dated at **Srikakulam** on this the 6th day of May, 2023.

26

Handwritten signature in blue ink, followed by the date 6/5/23.

**District Collector,
Srikakulam.**

Item No.01:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Friday, the 03rd day of February 2023.

(Through Video Conference)

Original Application No.09 of 2023(SZ) &
I.A. No.13 of 2023 (SZ)



IN THE MATTER OF:

Forum of Social Justice & Anti Corruption (NGO)
Rep. by its General Secretary मन्त्यमेव जयते
Door No.58-14-87/2B,
Marripalem, Vuda Colony, Visakhapatnam - 530 018.

...Applicant(s)

Versus

- 1) **State of Andhra Pradesh**
Rep. by its Chief Secretary to Government,
Department of General Administration,
Building No.1, I Floor,
Interim Government Complex,
Secretariat, Velagapudi,
Guntur, Andhra Pradesh.

- 2) **The Collector**
Srikakulam District
O/o. Collectorate, Srikakulam.

...Respondent(s)

For Applicant(s): Mr. D.V. Rao.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 & R2.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

E1
Q
07/02/2023
Supt E

117
- 6 -

ORDER

1. The prayer in this Original Application is to direct the 1st Respondent who is the Chief Secretary to Government, Department of General Administration to take legal action against the concerned authorities who are allowing constructions like private buildings in Survey No. 360 of Kummarigunta Village, and Anganwadi building in Survey No. 452/2 of Thogiri Revenue Village, Saravakota Mandal, Srikakulam District by cutting down 10 trees aged about 150 years old in 'Ralla Gutta' and also to remove all the illegal constructions like private buildings, etc. in the above said survey numbers. The applicant seems to have added the 2nd respondent who is the District Collector - Srikakulam District as a party.
2. The learned counsel Mrs. Madhuri Donti Reddy accepts notice on behalf of Respondent No. 1 & 2.
3. 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.
4. 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'.

- 7 -
5. 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.
6. 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.

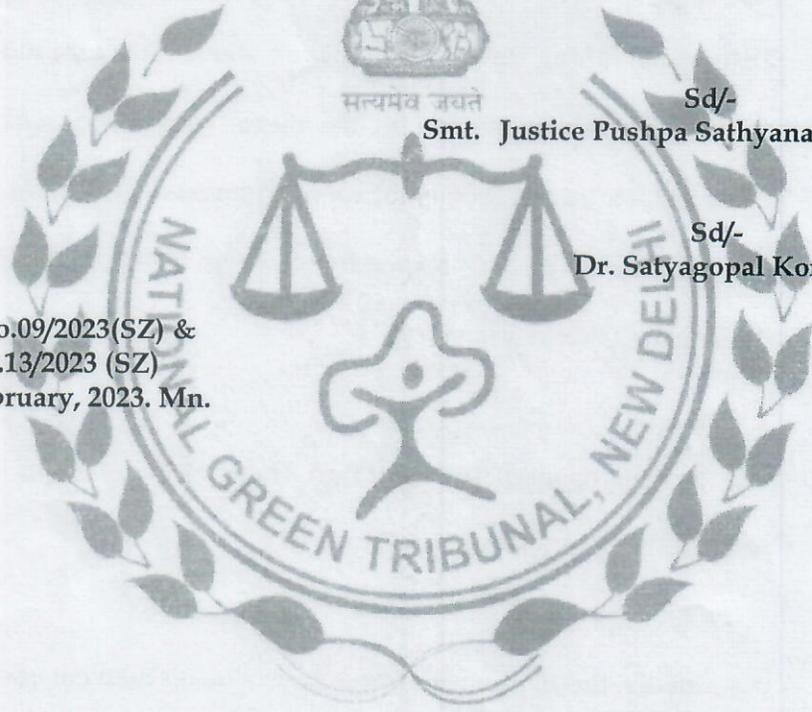


सत्यमेव जयते

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.09/2023(SZ) &
I.A. No.13/2023 (SZ)
03rd February, 2023. Mn.



NGT

E8.

**FINAL REPORT FILED BY THE 2ND RESPONDENT THE DISTRICT
COLLECTOR SRIKAKULAM IN O.A NO. 9 OF 2023**

1. It is submitted that the applicant Forum for Social Justice & Anti-Corruption (NGO) Rep. by its General Secretary, Door No.58-14-87/2B, Mairipalem, Vuda Colony, Visakhapatnam-530018 has filed an application O.A No. 9 of 2023 before the Hon'ble National Green Tribunal (SZ) Chennai and it is alleging that, since this Respondent 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.

2. It is submitted that this Hon'ble NGT on 03.02.2023 has passed the following order in Para No's 3 to 6 read as follows ;
 - 3, 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.**

 - 4, 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.**

 - 5, In this regard, we direct the 2nd respondent namely, the District Collector - Srikakulam to enquire into the matter after**

~~9~~

affording an opportunity of hearing to the applicant herein and pass appropriate orders, considering the above said issue of cutting of trees.

6, 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." (ANNEXURE-1)

3. In view of the above circumstances, it is submitted that a Joint Committee has been constituted on 21.02.2023 with the following officers and the applicant in this O.A, with a direction to conduct the joint inspection in this matter and submit the detailed report in this matter.
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, Marrisalem,
Vuda Colony, Visakhapatnam-530018 (**Annexure-2**)
4. It is submitted that the Sub-Collector, Tekkali has conducted the Joint Inspection along with the Superintending Engineer, Panchayat Raj, Srikakulam, the Tahsildar, Saravakota, and the Applicant, i.e., Forum for Social Justice & Anti-Corruption (NGO) Rep. by it's General Secretary, Dr.No.58-14-87/2B, Marrisalem, Vuda Colony, Visakhapatnam, 530018 on dt.23.02.2023. The Joint Collector, Srikakulam has gone through the report of the joint committee meticulously and arrived the following observations regarding the claims made by the applicant.

-10-

Claim No.1: Constructions of Private Building in Sy.No.360 of Kummarigunta Revenue Village of Saravakota Mandal

Observation: With the help of Revenue Records, i.e., SLR, RVM and FMBs, it has been observed that, the private building which has been claimed to have been constructed in Sy.No.360 of Kummarigunta Revenue Village of Saravakota Mandal is actually situated in Sy.No.353. The Mandal Surveyor along with Village Surveyor has conducted survey to identify the boundaries of Sy.No.360, which is classified as Konda Poramboke as per SFA with an extent of Ac. 123.47.

It is submitted that, the applicant stated that, the Cutting and polishing unit is situated in Sy.No.360 and it is a Government land which was encroached. But during the inspection, it is revealed that, the Cutting and Polishing unit is in Sy.No.353 precisely in Sub Division 353-3, 4 of Kummarigunta Revenue Village of Saravakota Mandal. The Sub Division Sketch and FMB of Sy.No.360 & 353 are enclosed as **(Annexure-3)**. Hence it is clearly established that, the contested land i.e., Sy.No.353 is purely a Zeroyat land, and the owner Sri Varudu Devi Prasad is having Pattadar passbook for that land and he got the NALA conversion proceedings vide D.Dis.No.528/2014, KRC, Dt.15.09.2014 of the Revenue Divisional Officer, Palakonda for that land.

Claim No.2: Cutting of 10 tamarind trees aged about 150 years to construct Anganwadi Building

Observation: During the field inspection, it has been observed that, four (04) tamarind trees were cut down. The trees were of old age and the branches are about to fall due to damages during cyclone and

4-11-

thunderstorms. The trees were situated in the premises adjacent to the site where Anganwadi Center is proposed. It is observed that, **the foundations were laid down for the above said Anganwadi building leaving a clear space of 4 feet from the outside columns to the nearest tree.** Further, it is observed that, the Eighteen (18) Tree Tax Pattas were given to four members of Aludu Village of Saravakota Mandal vide Rc.No.33/88/B, Dt.28.03.88 of the then Mandal Revenue Officer, Saravakota. The trees have thin canopy and foliage as they were damaged during cyclone & thunderstorms and the trees were cut down by the local Villagers without any permission to facilitate the way or path with the consent of tree patta holders. It is observed that only four (4) trees were cut down for which no permission was given by the local authorities.

5. It is submitted that the Joint Collector, Srikakulam has enclosed the report of the Sub-Collector, Tekkali, report of the Superintending Engineer, Panchayat Raj, Srikakulam, report of the Tahsildar, Saravakota, copies of Pattadar Passbook of Sri Varudu Devi Prasad, FMB of Sy.No.452 of Thogiri Village, extract of SFA of Thogiri Village, FMB of Sy.No.353 of Kummarigunta Village, Rc.No.33/88/B, Dt.28.03.88 of the then Mandal Revenue Officer, Saravakota, photographs prior and after the construction of Anganwadi building, statement of the Village elders, D.Dis.No.528/2014, KRC, Dt.15.09.2014 **(Annexure-4)** of the then Revenue Divisional Officer, Palakonda, entrepreneurs memorandum given by the General Manager, DIC, Srikakulam, GST registration certificate, VAT registration certificate,

12-

certificate of registration, license to work factory given by Inspector of Factories, Srikakulam for M/s Devi Granites, Aludu Village, Saravakota Mandal, Srikakulam District. **(Annexure-5)**

6. It is submitted that, soon after the joint field inspection by the joint committee constituted in this case on Dt.23.02.2023, Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Door No.58-14-87/2B, Marrisipalem, Vuda Colony, Visakhapatnam-530018 has submitted an objection petition **(Annexure-6)** and also made unwarranted allegations on the members of the joint committee and requested the District Collector, Srikakulam to 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) and to 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).
7. It is submitted that, in view of the 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.09 of 2023(SZ), an hearing has been conducted in this case with the members of the joint committee constituted in this case and the applicant in this case on **Dt.07.04.2023 @11:00 AM** at the Collector's Office, Srikakulam and the following members have attended the hearing.
- a. Sri T.Rahul Kumar Reddy, I.A.S., Sub-Collector, Tekkali
 - b. Sri V.Satyanarayana Murthy, Superintending Engineer, Panchayat Raj, Srikakulam

9-13-

- c. Smt. K.Pravallika Priya, Tahsildar, Saravakota
- d. Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam
8. It is submitted that, at the outset of the hearing, the applicant has been requested to submit his arguments in this case, but Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam has informed that, he is not willing to offer any arguments in this case, as the District Collector, Srikakulam is not conducting this hearing, but the Joint Collector, Srikakulam, is conducting this hearing, who is a member of the committee constituted in this case and also not attended the field inspection on 23.02.2023.
9. In this connection, the District Collector, Srikakulam (Incharge) has informed the applicant that, in the capacity of the District Collector, he is conducting the hearing and requested the applicant to offer his arguments, if any, but the applicant has denied for offering any remarks other than what he has already submitted in writing.
10. It is submitted that, during the hearing, the Sub-Collector, Tekkali, the Superintendent Engineer, Panchayat Raj, Srikakulam and the Tahsildar, Saravakota have been requested to offer remarks and they have informed the following
- Joint field inspection has been done at the subject lands in Kummarigunta and Thogiri Villages of Saravakota Mandal, Srikakulam District on 23.02.2023 in presence of the applicant, Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam and the following have been observed.

1A

- The Sy.No.452-2 with an extent of Ac.2.73 of Thogiri Village of Saravakota Mandal, Srikakulam District is classified as Taram Kattani (unassessed waste) and "Ralla Gutta", which is a Government Poramboke land and the Sy.No.360 with an extent of Ac.123.47 of Kummarigunta Village of Saravakota Mandal is classified as Poramboke Konda.
- An extent of Ac.0.03 covered by Sy.No.452-2 of Thogiri Village of Saravakota Mandal has been allotted for construction of Angawadi building for Aludu Village of Saravakota Mandal which is vacant on ground and no trees are existing in the proposed site and that no trees were cut down during the construction of the Anganwadi building. The proposed site is an hillock site without afforestation and hence, it is an unobjectionable Government land.
- Eighteen (18) Tree Tax Pattas were given to four members of Aludu Village of Saravakota Mandal vide Rc.No.33/88/B, Dt.28.03.88 of the then Mandal Revenue Officer, Saravakota. Out of 18 trees, 7 trees were already fallen down during the Titli and Hud-Hud cyclones and 7 trees are standing and in lively condition but the remaining 4 trees situated in the premises adjacent to the proposed Anganwadi Center and had thin canopy and foliage as they were damaged during the cyclone & thunderstorms and that the four trees were cut down by the local Villagers, so as to facilitate the pathway for themselves with the consent of tree patta holders. No permission was given by the local authorities concerned to cut down the trees.
- With the help of field functionaries, i.e., Mandal Surveyor, Village Surveyor, Village Revenue Officer, Kummarigunta Village, the boundaries of the Sy.No.360 of Kummarigunta Village of Saravakota

85

Mandal have been demarcated and found that, the alleged private building, i.e., Cutting and Polishing unit is situated in Sy.No.353 precisely in Sub Division 353-3, 353-4 of Kummarigunta Revenue Village of Saravakota Mandal and the contested land i.e., Sy.No.353 is purely a Zeroyat land and the owner Sri Varudu Devi Prasad is having Pattadar passbook for that land and he got the NALA (Non Agricultural and Land Assessment) conversion proceedings vide D.Dis.No.528/2014, KRC, Dt.15.09.2014 of the Revenue Divisional Officer, Palakonda and got permission from the General Manager, District industries Center, Srikakulam.

11. The Superintendent Engineer, Panchayat Raj, Srikakulam has informed that, no trees were existed in the allotted land for construction of Anganwadi center at Sy.No.452-2 in an extent of Ac.0.03 of Thogiri Village of Saravakota Mandal, but the local villages have cut down the 4 trees those are damaged by the Hud-Hud and Titli cyclones and are on the side of pathway to the nearest SC colony and may cause of apprehend danger to fall at any time on the villagers passing through the pathway.
12. It is submitted that, in view of the above circumstances, the following have been observed with respect to the claims made by the applicant.
 - 1) Claim of the applicant: 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)

Finding: The Sy.No.452-2 with an extent of Ac.2.73 of Thogiri Village of Saravakota Mandal is classified as Taram Kattani (unassessed waste)

96

and "Ralla Gutta", which is a Government Poramboke land and the Sy.No.360 with an extent of Ac.123.47 of Kummarigunta Village of Saravakota Mandal is classified as Poramboke Konda.

2) Claim of the applicant: As per the FMB, Granite Cutting & Polishing (Private) Building is in Sy.No.360 of Kummarigunta (R), Saravakota (M).

Finding: The Cutting and Polishing unit is situated in Sy.No.353 precisely in Sub Division 353-3 and 353-4 of Kummarigunta Revenue Village of Saravakota Mandal and the Tahsildar, Saravakota has submitted the FMB of Sy.No.353 duly marking the area of the said Cutting and Polishing unit.

3) Claim of the applicant: 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. 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.

Finding: The owner of the cutting and polishing unit, i.e., Sri Varudu Devi Prasad is having Pattadar passbook for that land and he got the NALA conversion proceedings vide D.Dis.No.528/2014, KRC, Dt.15.09.2014 of the Revenue Divisional Officer, Palakonda and entrepreneurs memorandum given by the General Manager, DIC, Srikakulam, GST registration certificate, VAT registration certificate, certificate of registration, license to work factory given by Inspector of

18-17-

Factories, Srikakulam for M/s Devi Granites, Aludu Village, Saravakota Mandal, Srikakulam District.

4) Claim of the applicant: 10 trees having age of more than 150 years were cut down in Sy.No.452/2 of Thogiri (R), Saravakota (M).

Finding: Eighteen (18) Tree Tax Pattas were given to four members of Aludu Village of Saravakota Mandal vide Rc.No.33/88/B, Dt.28.03.88 of the then Mandal Revenue Officer, Saravakota. There is no proof to establish the fact that the trees are of 150 years of age old. Out of 18 trees, 7 trees fell down during the Titli and Hud-Hud cyclones, 7 trees are standing on ground but the remaining 4 trees situated in the premises adjacent to the proposed Anganwadi building were cut down by the local Villagers with the consent of tree patta holders, as the 4 trees are damaged due to cyclones and thunderstorms and caused apprehend danger to the passengers on that pathway. No permission was given by the local authorities concerned to cut down the trees.

5) Claim of the applicant: 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).

Finding: The Sy.No.452-2 with an extent of Ac.2.73 of Thogiri Village of Saravakota Mandal is classified as Taram Kattani (unassessed waste) and "Ralla Gutta", which is a Government Poramboke land. Out of which, an extent of Ac.0.03 is proposed for construction of Anganwadi

center for Aludu Village of Saravakota Mandal and no trees are existed in the proposed site and no afforestation as alleged by the applicant and hence it is an unobjectionable Government land.

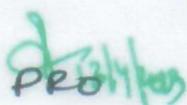
13. Accordingly, proceedings are drawn and issued to the applicant in O.A. No.9 of 2023 of the Hon'ble National Green Tribunal, Chennai and to the Tahsildar, Saravakota vide in this office proceedings Rc.No.2176/2022/E1, Dt.07.04.2023. Hence, the orders Dt.03.02.2023 of the Hon'ble National Green Tribunal, Chennai in the I.A. No.13 of 2023(SZ), in O.A.No.09 of 2023(SZ) are complied with.
14. It is submitted that, in view of the above position, it is learnt that, the allegations made by the applicant, i.e., Sri K.V.Srinivas, General Secretary, Forum for Social Justice & Anti-Corruption (NGO), Visakhapatnam, are absolutely false, baseless and found not genuine and therefore, the above said compliant petition deserves no consideration.
15. It is submitted that, orders have been issued directing the Tahsildar, Saravakota to take necessary action to create awareness in the people on the implementation of A.P. Water, Land and Trees Act, 2002 (APWALTA, 2002) and rules of APWLATA, 2002 for planting the trees for ecological balance. **(Annexure-7)**

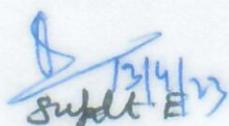
In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to record this report and dismiss the above **O.A. No.9 of 2023** and pass such further or other orders, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Dated at **Srikakulam** on this the 16th day of April 2023.


16/4/23
District Collector,
Srikakulam


16/4/23
JC


PRO


13/4/23
Suptt E


16/4

ANNEXURE-3

Item No.6 & 7:-

-19-

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

(Through Video Conference)

Execution Application No.02 of 2023 (SZ) in
Original Application No.09 of 2023(SZ)

AND

Original Application No.09 of 2023(SZ)

IN THE MATTER OF:

Forum of Social Justice & Anti Corruption (NGO)
Rep. by its General Secretary
Door No.58-14-87/2B,
Marripalem, Vuda Colony, Visakhapatnam - 530 018.

...Applicant(s)

Versus

State of Andhra Pradesh
Rep. by its Chief Secretary to Government,
Andhra Pradesh and Anr.

...Respondent(s)

Date of hearing: 27.04.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Dr. D.V. Rao.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 & R2.

-20-

ORDER

1. In the main application [O.A. No.09 of 2023 (SZ)], the report of the 2nd respondent dated 26.04.2023 is filed. The applicant has also filed his objections to the above report.
2. At the request of the learned counsel appearing for respondents, post the matter on 08.05.2023.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

E.A. No.02/2023 (SZ) &
O.A. No.09/2023 (SZ)
27th April 2023. Mn.

-26-

Rc. No. 68/2023/A, dt.06.05.2023Tahsildar's Office, Saravakota.

From
Smt. K. Pravallika Priya,
Tahsildar,
Saravakota.

To
The District Collector,
Srikakulam.

Sir,

Sub:- Suits – Srikakulam District – O.A.No.9 of 2023 of the Hon'ble National Green Tribunal, Chennai –Tekkali Revenue Division- Saravakota Mandal – Sy.No.452-2 of Thogiri Village & Sy.No.360 of Kummarigunta village – Further report submitted – Reg.

Sub:- 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 it's General Secretary, Door No.58-14-87/2B, Marrisipalem, Vuda Colony, Visakhapatnam – 530018.
2.Orders dated 03.02.2023 in I.A. No.13 of 2023(SZ), in O.A.No.09 of 2023(SZ) of the Hon'ble NGT.
3.Proceedings in Rc.No.2176/2022/E1, Dt.21.02.2023 of the District Collector, Srikakulam.
4.Rc.No.211/2023/A, Dt.23.02.2023 of the Sub-Collector, Tekkali.
5.Pros.Rc.No.2176 /2022/E1, dt. 07.04.2023 of the District Collector (I/c), Srikakulam.
6.Orders dated 27.04.2023 in E.A.No.02/2023 (SZ) & O.A.No. 09/2023 (SZ) of the Hon'ble NGT, Chennai.

I invite kind attention to the references cited.

I submit that, in the reference 1st cited, the Forum for Social Justice & Anti-Corruption (NGO) Rep. by it's General Secretary, Door No.58-14-87/2B, Marrisipalem, Vuda Colony, Visakhapatnam-530018 has filed an Application No.9

-22-

of 2023 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.

In the reference 2nd read 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

-1823-

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 the references 3rd cited, the District Collector, Srikakulam has been pleased and issued orders constituting a Joint Committee with the following officers and the applicant in this O.A. with a direction to conduct the joint inspection in this matter and submit the detailed report to the undersigned by 23.02.2023.

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

And in the reference 4th cited, the Sub Collector, Tekkali has submitted the joint committee report to the District Collector, Srikakulam.

I submit that, as per the directions issued in the reference 5th cited, awareness programme and Rally on APWALTA ACT-2002 (AP WATER, LAND AND TREES ACT) was conducted in Aludu village of Saravakota Mandal and created the awareness among the people about the above said Act.

I submit that, as per the APWALTA ACT-2002 (AP WATER, LAND AND TREES ACT), I have given a notice in Rc.No.68/2023/A/dt.28.04.2023 to the MRI, Saravakota and VRO, Aludu to identify the persons who involved in cutting of four Tamarind trees near by the site which is allotted for construction of Anganwadi Building in Sy.No.452-2 classified as “Ralla Gutta” in Aludu village, Thogiri revenue of Saravakota Mandal. And accordingly, they have

-29-

given the enquiry report stating that, one Sri Kalingapatnam Gopal S/o Gurayya has cut down the four Tamarind trees near by the site which is allotted for construction of Anganwadi Building in Sy.No.452-2 classified as "Ralla Gutta" in Aludu village, Thogiri revenue of Saravakota Mandal. And hence, a notice has been issued to Sri Kalingapatnam Gopal S/o Gurayya vide in this office Rc.No.68/2023/A/dt.01.05.2023.calling his explanation.

It is submitted that, Sri Kalingapatnam Gopal S/o Gurayya has given his explanation stating that, Govt sanctioned tree tax pattas for 9 Tree to his father Gurayya and for 3 Trees to him in the year 1988 vide Rc.No.33/88-B, Dt.28.3.1988 and these trees having thin canopy and foliage as they were damaged during Titli cyclone occurred previously and these four trees having old age and its branches are falling down across the way to SC street to Neyyala street and the trees touching the electrical line and giving obstruction to people to walk in that pathway and on the request of the Villagers and Village elders he cut down those four Tamarind trees without taking any permission from the Tahsildar or from Forest department. He also said that, he cut down those trees for the public purpose, but not for his selfishness. He said that, he is not having awareness regarding AP WALTA ACT, 2002 and also cutting of trees is a punishable offence and also he said that, it is his first mistake and he never repeat it again and forgive him as he doesn't have awareness or idea regarding this.

I also submit that, after receiving the explanation from Sri. Kalingapatnam Gopal S/o Gurayya, I have issued a notice in Rc.No.68/2023/A/dt.06.05.2023 to him stating that cutting of trees by violating the APWALTA ACT-2002 (AP WATER, LAND AND TREES ACT is an offence and for this he has to remit the fine (penalty) to a tune of 20,000/- (for each tree @ Rs.5000/-) and that he remitted an amount of Rs.20,000/- vide CFMS Transaction ID: 70034375912023 (Challan), dated 06.05.2023.

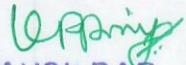
-25-

I also submit that, as per this office directions, the above individual has planted 40 plants in the vacant place of Sy.No.452-2 of Aludu village of Saravakota Mandal, Srikakulam District.

A copy of the Challan, Dt.06.05.2023 and photos showing the newly planted trees are enclosed for kind perusal and taking further action in this matter.

Encls:- As stated above.

Yours faithfully,


TAHSILDAR
SARAVAKOTA MANDAL
SRIKAKULAM DIST (A.P)
Saravakota

Copy submitted to the Sub Collector, Tekkali for favour of kind information.



Challan Reference Form

GOVERNMENT OF ANDHRA PRADESH

CI MS Transaction ID: 70034375912023 Valid Upto: 19.05.2023

Treasury/PAO Code: 6109 STO: STO-Pathapatnam

Service : 6410-Other Receipts

Major Head: 0070 Other Administrative Services

Sub-Major Head: 60 Other Services

Minor Head: 800 Other Receipts

Group Sub-Head: 00 Not Applicable

Sub-Head: 81 Other Receipts

Detailed Head: 000 Not Applicable

Sub-Detailed Head: 000 Not Applicable

Charged/Voted: V

Non-Contingency/Contingency: N

Amount Rs: 20000.00

Amount In words Rs: Twenty thousand only

Purpose: Fine imposed on tree cutting without permission in National Green Tribunal Case as per A'

Remitter's Name & Address: Kalingapatnam Gopal
Aludu village, Thogiri Revenue, Saravakota
mandal

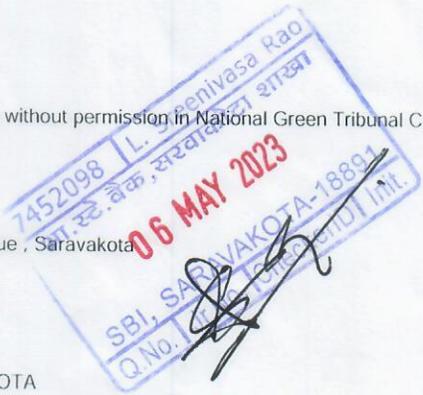
Remitter's Mobile Number : 8978531002

DDO Code: 01092302003

O/o TAHSILDAR SARAVAKOTA

Status: Payment Pending

Bank Ref No : CPACSNUY1



'Branch Teller: Use SCR 008765 Deposit > Fee Collection > State Bank Collect'

$$\begin{array}{r}
 100 \times 100 = 10,000/- \\
 500 \times 16 = 8,000/- \\
 2000 \times 1 = 2,000/- \\
 \hline
 20,000/-
 \end{array}$$

27



Attested

(Handwritten signature)

TAHSILDAR
SARAVAKOTA MANDAL
SRIKAKULAM Dist. (A.P)

-28-



Attested

[Handwritten signature]

TAHSILDAR
SARAVAKOTA MANDAL
SRIKAKULAM Dist. (A.P.)

-29-



Attested

TAHSILDAR
SARAVAKOTA MANDAL
SRIKAKULAM Dist. (A.P.)

-25-
30-



Attested

Oppanip

TAHSILDAR
SARAVAKOTA MANDAL
SRIKAKULAM Dist (A.P.)

~~26~~
31



Attested

Uppan

TAHSILDAR
SARAVAKOTA MANDA
SRIKAKULAM Dist. (A.)